



**AN BILLE RIALTAIS AITIUIIL (ACHTACHAIN A
AISGHAIRM), 1964.
LOCAL GOVERNMENT (REPEAL OF ENACTMENTS) BILL,
1964.**

EXPLANATORY MEMORANDUM.

1. This Bill provides for the repeal, consequent on the enactment of the Local Government (No. 2) Act, 1960, of an extensive range of enactments, related mainly to the borrowing of money by local authorities. Prior to the passing of the 1960 Act, local authorities derived their powers of borrowing money from provisions for the purpose contained in numerous enactments on a variety of subjects. These powers were replaced by section 4 of the 1960 Act, which confers a general power of borrowing subject to the sanction of the appropriate Minister in each case. Section 9 of the 1960 Act precluded any further borrowing by local authorities save pursuant to that Act, and the present Bill provides for the formal repeal of older borrowing powers rendered ineffective by section 9 and of some other obsolete provisions which fall to be repealed incidentally.

2. The reasons for repealing the provisions listed in the Schedule to the Bill are set out hereunder in greater detail:—

Municipal Corporation Mortgages, &c., Act, 1860.

Obsolete. Provides for attaching to the mortgaging of municipal corporation property conditions as to repaying the loan raised and as to the charging of repayments. These matters are now governed by section 4 of 1960 Act.

Section 1.

Spent. Provided for formulating schemes for payment by municipal corporations of borough mortgage debt then existing, i.e., in 1860.

Section 10.

Spent. Authorised consolidation of sundry debts then existing (i.e., in 1860) for securing them and for repayment.

Section 11.

Registration of Births and Deaths (Ireland) Act, 1863.

Borrowing power. Obsolete.

Section 21.

Public Parks (Ireland) Act, 1869.

Borrowing power. Obsolete.

Section 8.

Public Works Loans Act, 1875.

Borrowing powers. Obsolete.

Section 40.

Public Libraries (Ireland) Amendment Act, 1877.

Borrowing power. Obsolete.

Section 5.

Public Health (Ireland) Act, 1878.

Borrowing power. Obsolete.

Section 215
—in part.

Obsolete. Provides for the raising of expenses of burial boards, and for the securing of borrowing by those bodies.

Section 234.

Borrowing power. Obsolete.

Section 237.

Obsolete. Prescribes conditions for exercise of the borrowing powers "conferred by this Act".

Section 238.

Borrowing power. Obsolete.

Section 239.

Obsolete. Prescribes form for mortgage made "under this Act".

Section 240.

- Section 241. Obsolete. Requires a register of mortgages to be kept. This is now covered by Article 12 of the Public Bodies Order, 1946, and section 4 of the 1960 Act.
- Section 242. Obsolete. Authorises transfers of mortgages " under this Act ", and provides for consequences of such transfer, including registration.
- Section 244. Obsolete. Provides for sanitary authority granting a charge on premises on which they have carried out certain works, whose cost is recoverable, to the lender of the money expended. The procedure is based on the " private improvement rate ", which is obsolete since the Local Government Act, 1946 abolished all urban rates other than the municipal rate.
- Section 245. Obsolete. Provides for register of rent charges granted under section 244, on the same lines as the register of mortgages provided for under section 241.
- Section 246. Obsolete. Authorises lending by Commissioners of Public Works to sanitary authority in pursuance of borrowing powers " conferred by this Act ". Replaced by section 7 of 1960 Act.
- Section 247. Obsolete. Borrowing power, and corresponding power of lending by Commissioners of Public Works in Ireland.
- Section 276
—in part. Obsolete. Provides for consent of Local Government Board to the exercise of a borrowing power which has been repealed.
- Schedule B. Obsolete. Comprises forms related to sections 240, 242 and 244, which are listed for repeal under the Bill.

Public Health (Ireland) Amendment Act, 1879.

- Section 5. Borrowing power. Obsolete.

- Relief of Distress (Ireland) Act, 1880.*
- Section 4. Borrowing power. Obsolete.
- Section 5. Spent. Authorised lending by Commissioners of Public Works for the purposes of section 4 which is listed for repeal.
- Section 6. Spent. Provided for securing the repayment of certain moneys lent to boards of guardians by the Commissioners of Public Works in Ireland before the passing of the Act.
- Section 7. Spent. Provided means for dealing with default by boards of guardians in loan payments to the Commissioners under the Act.
- Section 9. Spent. Provided for validating certain loans to sanitary authorities, *inter alia*, made by the Commissioners, or pending, for the purpose of affording employment.
- Section 10. Spent. Provided for validation of certain presentments of baronial presentment sessions in connection with the relief of distress, and of works done, and of advances of public moneys by the Commissioners.
- Section 11. Spent. Provided for possible further extraordinary presentment sessions for baronies up to the end of 1880, and for the making of certain loans and advances by the Commissioners.
- Section 12. Spent. Provided for a minimum tenure of six months for those entitled to attend at these extraordinary presentment sessions.
- Section 13. Spent. Provided for charging, and terms, of advances by the Commissioners for these presentments.
- Section 14. Spent. Provided for deductions from rent in respect of premises charged with such repayments.
- Section 15. Spent. Authorised advance by the Commissioners of grand jury officials' expenses; provided for expenses of collecting assessments under the Act for compensation to land-owners in respect of road works, and for the making of loans by the Commissioners for the purpose of the section.
- Section 16. Spent. Required accounts of extraordinary presentment sessions to be audited.

Relief of Distress (Ireland) Amendment Act, 1880.

Obsolete. Provided for special terms for loans under the last-mentioned Act, and conferred a power of re-borrowing. Section 7.

Public Works Loans Act, 1882.

Spent. Enabled an urban authority to assist certain harbour works by charging a fund or rate, or by borrowing and advancing money. Such assistance can no longer arise as the 1861 Act governing such works and the 1882 Act, have ceased to apply, pursuant to section 191 of the Harbours Act, 1946, in relation to any harbour authority. Section 7.

Obsolete. Prescribes accounting procedure for loan raised from Public Works Loan Commissioners on the security of a rate. Section 8.

Public Health (Ireland) Amendment Act, 1884.

Borrowing powers. Obsolete. Only section 1 (short title) and section 4 (borrowing powers) remain. Sections 2, 3, 5 and 6 already repealed. The whole Act.

Housing of the Working Classes Act, 1890.

Provides for supplying certain funds, *inter alia*, "out of moneys borrowed in pursuance of this Act". The phrase "in pursuance of this Act" is listed for repeal as obsolete. Section 24—in part.

Borrowing power. Obsolete. Section 25.

Obsolete. Borrowing power and corresponding power of lending by the Public Works Loan Commissioners. Section 43.

Borrowing power. Obsolete. Section 66.

Obsolete. Provides for applying a minimum rate of interest for certain loans. Superseded by section 12 of the Local Loans Fund Act, 1935. Section 83.

Provides for meeting certain expenses under the Act by certain borrowing and rating. Obsolete as to borrowing because of section 9 of the 1960 Act, and as to rating, because of section 19 of the Local Government Act, 1946. First Schedule—in part.

Museums and Gymnasiums Act, 1891.

Borrowing power. Obsolete. Section 10—in part.

Application of Act to Ireland, in so far as relevant to borrowing power. Obsolete. Section 15—in part.

Housing of the Working Classes Act, 1893.

Obsolete. Provided for regulation of certain borrowing by local authorities, for power of lending by Commissioners of Public Works in Ireland, and for defraying of certain expenses of town commissioners—the last-mentioned matter is now governed by section 26 of the Local Government Act, 1946. Section 1—in part.

Diseases of Animals Act, 1894.

Obsolete. Borrowing power, and power of lending by the Public Works Loan Commissioners. Section 42.

Obsolete. Adaptation of Act for Ireland, as to borrowing power. Section 67—in part.

Public Health (Ireland) Act, 1896.

Obsolete. Relates to division of rates, and mortgages of rates of town commissioners. Since the enactment of the Local Government Act, 1946, town commissioners have no power to levy rates. Under section 27(3) of that Act, old loans of town commissioners stand charged on the county rate. Section 16.

Local Government (Ireland) Act, 1898.

Obsolete. Regulates repayment period for borrowing by county council. This matter is now governed by section 4 of the 1960 Act. Section 60.

- Local Government (Application of Enactments) Order, 1898.*
- Article 22 of Schedule. Obsolete. Conferred borrowing powers on county councils and provided for regulating the exercise of these powers.
- Article 30 of Schedule—in part. Borrowing power. Obsolete.
- Small Dwellings Acquisition Act, 1899.*
- Section 9—in part. Borrowing power and power of lending by Commissioners of Public Works in Ireland. Obsolete.
- Section 14—in part. Application of Act to Ireland—in relation to borrowing power. Obsolete.
- Local Government (Ireland) Act, 1902.*
- Section 8—in part. Obsolete. Freed certain borrowing from statutory limitations on borrowing. Under the 1960 Act, any limitation would fall to regulations or administrative action.
- Open Spaces Act, 1906.*
- Section 18. Borrowing power. Obsolete.
- Post Office Act, 1908.*
- Section 49—in part. Borrowing power. Obsolete.
- Housing of the Working Classes (Ireland) Act, 1908.*
- Section 1. Obsolete. Prescribed a maximum repayment period for housing loans and from when reckonable.
- Section 2. Obsolete. Removed a statutory limit on borrowing.
- Section 3. Re-borrowing power. Obsolete.
- Section 7. Obsolete. Has ceased to have effect per section 29 of Housing (Amendment) Act, 1952. Included a borrowing power.
- Section 14. Obsolete. Provided for minimum rate of interest for housing loans made by the Commissioners of Public Works, irrespective of length of repayment period. Superseded by section 12 of Local Loans Fund Act, 1935.
- Children Act, 1908.*
- Section 74—in part. Borrowing power. Obsolete.
- Section 133—in part. Obsolete. Application of Act to Ireland, in so far as relevant to borrowing power.
- River Navigation Improvement (Ireland) Act, 1914.*
- Section 3—in part. Borrowing power. Obsolete.
- Public Authorities and Bodies (Loans) Act, 1916.*
- The whole Act. Borrowing powers. Obsolete.
- Public Health (Borrowing Powers) (Ireland) Act, 1918.*
- The whole Act. Borrowing powers. Obsolete.
- Housing (Ireland) Act, 1919.*
- Section 3—in part. Borrowing powers. Obsolete.
- Section 14—in part. Borrowing powers. Obsolete.
- Section 18—in part. Borrowing powers. Obsolete.
- Ferries (Acquisition by Local Authorities) Act, 1919.*
- Section 1—in part. Borrowing power. Obsolete.
- Section 5—in part. Obsolete. Application of Act to Ireland, in so far as relevant to borrowing power.
- Housing (Additional Powers) Act, 1919.*
- Section 3—in part. Borrowing power. Obsolete.
- Section 7. Borrowing power, and power of county council to lend to other local authority—both obsolete because of section 9 of the 1960 Act.

<i>Housing (Additional Powers) Act, 1919—continued.</i>	
Borrowing power. Obsolete.	Section 8.
Borrowing power. Obsolete.	Section 10—in part.
Obsolete. Application of Act for Ireland, as to borrowing power.	Section 14—in part.
Obsolete. Contains rules as to local bonds—related to section 7 which is listed for repeal.	Schedule.
<i>Blind Persons Act, 1920.</i>	
Obsolete. Borrowing power, and reference to borrowing.	Section 2—in part.
Obsolete. Application of Act to Ireland, in relation to borrowing power.	Section 4—in part.
<i>Housing Act, 1921.</i>	
Borrowing powers. Obsolete.	Section 3—in part.
Obsolete. Provided for the regulation of certain borrowing powers.	Section 4.
<i>Local Authorities (Financial Provisions) Act, 1921.</i>	
Obsolete. Empowers limited deferring of loan repayment on revenue-producing works. This matter would now be governed by the 1960 Act.	Section 4.
Obsolete. Empowered mitigation of difficulties on loan repayment arising from the war.	Section 5.
Obsolete. Application of Act for Ireland, as to borrowing power.	Section 8—in part.
<i>Housing (Building Facilities) Act, 1924.</i>	
Borrowing power. Obsolete.	Section 6—in part.
<i>Drainage Maintenance Act, 1924.</i>	
Borrowing power, and fixing area of charge. Obsolete.	Section 5.
<i>Local Government Act, 1925.</i>	
Obsolete. Excludes certain borrowing from statutory limitation.	Section 11.
Borrowing power. Obsolete.	Section 44—in part.
<i>Housing Act, 1925.</i>	
Borrowing power. Obsolete.	Section 6—in part.
<i>Arterial Drainage Act, 1925.</i>	
Borrowing power. Obsolete.	Section 22—in part.
<i>Land Act, 1927.</i>	
Borrowing power. Obsolete.	Section 33—in part.
<i>Electricity (Supply) Act, 1927.</i>	
Obsolete. Provides for securing and repayment of advances by the E.S.B. to a local authority.	Section 71—in part.
Borrowing power. Obsolete.	Section 72.
Obsolete. Borrowing power explained.	Section 78.
Borrowing power. Obsolete.	Section 81—in part.
<i>Arterial Drainage (Minor Schemes) Act, 1928.</i>	
Obsolete. References to borrowing "under this Act".	Section 13—in part.
Obsolete. Reference to borrowing "under this Act".	Section 15—in part.
Obsolete. Borrowing power, and power of issue from Local Loans Fund.	Section 21—in part.

- Housing (Ireland) Act, 1919 (Application of Enactments) Order, 1928.*
The whole Order. Entire order is obsolete. Its effect included conferring a borrowing power. (Also applied powers ancillary to housing, which have been superseded by section 40 of Housing (Miscellaneous Provisions) Act, 1931.)
- Housing Act, 1929.*
Section 5—in part. Borrowing power. Obsolete.
- Local Government (Dublin) Act, 1930.*
Section 75. Borrowing power. Obsolete.
- Vocational Education Act, 1930.*
Section 51—in part. Proposed repeals will transfer to Minister for Education from Minister for Local Government authority to consent to a local authority grant to a vocational education committee—this transfer is desirable since the 1960 Act made the Minister for Education the sanctioning Minister for the relevant borrowing—and will terminate an obsolete borrowing power and power of issue from Local Loans Fund.
- Agriculture Act, 1931.*
Section 37—in part. Borrowing power. Obsolete.
- Housing (Miscellaneous Provisions) Act, 1931.*
Section 43—in part. Borrowing power. Obsolete.
- Housing (Financial and Miscellaneous Provisions) Act, 1932.*
Section 9—in part. Borrowing power. Obsolete.
Section 18—in part. Borrowing power—obsolete. Dispensing with consent of county council to certain borrowing—spent.
- Courthouses (Provision and Maintenance) Act, 1935.*
Section 11. Borrowing power. Obsolete.
- Air Navigation and Transport Act, 1936.*
Section 49. Borrowing power, and power of issue from the Local Loans Fund. Obsolete.
- Liffey Reservoir Act, 1936.*
Section 24. Borrowing power. Obsolete.
- Local Authorities (Miscellaneous Provisions) Act, 1936.*
Section 6—in part. Borrowing power. Obsolete.
Section 9. Interpretation of section 238 of the Public Health (Ireland) Act, 1878, which is for repeal under this Bill. Obsolete.
- Housing and Labourers Act, 1937.*
Section 5—in part. Borrowing power. Obsolete.
- Air-Raid Precautions Act, 1939.*
Section 34—in part. Borrowing powers. Obsolete.
- Waterford City Management Act, 1939.*
Section 37—in part. Borrowing power. Obsolete.
- Public Assistance Act, 1939.*
Section 57. Limitation on borrowing. Obsolete. Would now fall to be regulated under 1960 Act.
- Fire Brigades Act, 1940.*
Section 15. Borrowing power. Obsolete.
- Unemployment (Relief Works) Act, 1940.*
Section 6. Borrowing power. Obsolete.

<i>Housing (Amendment) Act, 1941.</i>		
Borrowing power. Obsolete.		Section 3—in part.
<i>Local Government Act, 1941.</i>		
Extended borrowing limits. Obsolete.		Section 63.
Borrowing power, and power of issue from Local Loans Fund. Obsolete.		Section 66.
Borrowing power, and power of issue from Local Loans Fund. Obsolete.		Section 73—in part.
<i>Neutrality (War Damage to Property) Act, 1941.</i>		
Borrowing power. Obsolete.		Section 17—in part.
Borrowing power. Obsolete.		Section 20—in part.
<i>Water Supplies Act, 1942.</i>		
Borrowing power. Obsolete.		Section 22.
<i>Arterial Drainage Act, 1945.</i>		
Obsolete. Borrowing power, and exclusion of borrowing from statutory limitation.		Paragraph 10 of Second Schedule—in part.
<i>Housing (Amendment) Act, 1946.</i>		
Borrowing power. Obsolete.		Section 3—in part.
<i>Local Government Act, 1946.</i>		
Borrowing power. Obsolete.		Section 27—in part.
Exclusion of certain borrowing from statutory limitations. Obsolete.		Section 61.
Obsolete. Borrowing power, and power of issue from Local Loans Fund.		Section 71—in part.
Obsolete. Borrowing power, and power of issue from Local Loans Fund.		Section 85.
Exclusion of certain borrowing from statutory limitation. Obsolete.		Section 86.
Borrowing power—issue of stock. Obsolete.		Section 87.
<i>Health Act, 1947.</i>		
Borrowing power. Obsolete.		Section 103.
<i>Harbours Act, 1947.</i>		
Borrowing power. Obsolete.		Section 7—in part.
<i>Housing (Amendment) Act, 1948.</i>		
Borrowing power. Obsolete.		Section 21—in part.
Borrowing power. Obsolete.		Section 37.
<i>Housing (Amendment) Act, 1950.</i>		
Borrowing power. Obsolete.		Section 23—in part.
<i>Housing (Amendment) Act, 1952.</i>		
Borrowing power. Obsolete.		Section 12.
Borrowing power. Obsolete.		Section 33—in part.
<i>Health Act, 1953.</i>		
Amended section 103 of Health Act, 1947, which is listed for repeal under this Bill.		Section 42.
Obsolete. Relates to application to joint board of section 103 of the Health Act, 1947—which is listed for repeal under this Bill.		Section 45—in part.
<i>Local Government Act, 1955.</i>		
Borrowing power. Obsolete.		Section 42.
Obsolete. Excluded certain borrowing from statutory limitation.		Section 43.

Local Government Act, 1955—continued.

- Section 44. Extended a borrowing power. Obsolete.
- Section 47—in part. Borrowing powers. Obsolete.
- Section 52—in part. Obsolete. Borrowing power, and power of issue from Local Loans Fund.
- Section 55—in part. Obsolete. Borrowing power, and power of issue from Local Loans Fund.

Seeds and Fertilisers Supply Act, 1956.

- Section 6. Borrowing power. Obsolete.

Agriculture (Amendment) Act, 1958.

- Section 8—in part. Precluded further borrowing under section 37 of Agriculture Act, 1931. Said borrowing powers are listed for outright repeal under this Bill.

Housing (Amendment) Act, 1958.

- Section 7—in part. Borrowing power. Obsolete.

Local Government Act, 1960.

- Section 3. Obsolete. Borrowing power, and power of issue from the Local Loans Fund.

Health (Fluoridation of Water Supplies) Act, 1960.

- Section 4—in part. Borrowing power. Obsolete.

*An Roinn Rialtais Aitiúil,
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