



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

BILL

entitled

AN ACT TO REPEAL CERTAIN ENACTMENTS OR PARTS OF ENACTMENTS WHICH HAVE BEEN RENDERED INEFFECTIVE BY, OR HAVE BECOME UNNECESSARY BY REASON OF, THE PASSING OF PART II OF THE LOCAL GOVERNMENT (No. 2) ACT, 1960, AND ALSO TO REPEAL CERTAIN OTHER RELATED ENACTMENTS OR PARTS OF SUCH ENACTMENTS WHICH MAY BE REGARDED AS SPENT OR HAVE BECOME UNNECESSARY.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Repeals. 1.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent specified in the third column to that Schedule.

Short title. 2.—This Act may be cited as the Local Government (Repeal of Enactments) Act, 1964.

SCHEDULE.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
23 & 24 Vict., c. 16.	Municipal Corporation Mortgages, &c., Act, 1860.	Sections 1, 10 and 11.
26 & 27 Vict., c. 11.	Registration of Births and Deaths (Ireland) Act, 1863.	Section 21.
32 & 33 Vict., c. 28.	Public Parks (Ireland) Act, 1869.	Section 8.
38 & 39 Vict., c. 89.	Public Works Loans Act, 1875.	Section 40.
40 & 41 Vict., c. 15.	Public Libraries (Ireland) Amendment Act, 1877.	Section 5.
41 & 42 Vict., c. 52.	Public Health (Ireland) Act, 1878.	Section 215, from the words "and if thought expedient" to the end of the section. Sections 234, 237 to 242 and 244 to 247. In Section 276, the second paragraph. Schedule B.

SCHEDULE—*continued.*

Session and Chapter or Number and Year	Short Title	Extent of Repeal
42 & 43 Vict., c. 57.	Public Health (Ireland) Amendment Act, 1879.	Section 5.
43 Vict., c. 4.	Relief of Distress (Ireland) Act, 1880.	Sections 4 to 7 and 9 to 16.
43 & 44 Vict., c. 14.	Relief of Distress (Ireland) Amendment Act, 1880.	Section 7.
45 & 46 Vict., c. 62.	Public Works Loans Act, 1882.	Sections 7 and 8.
47 & 48 Vict., c. 77.	Public Health (Ireland) Amendment Act, 1884.	The whole Act.
53 & 54 Vict., c. 70.	Housing of the Working Classes Act, 1890.	In subsection (2) of section 24, the words "in pursuance of this Act". Sections 25, 43, 66 and 83. In the First Schedule, from the words "Note. In any case in the United Kingdom" to the end of the Schedule.
54 & 55 Vict., c. 22.	Museums and Gymnasiums Act, 1891.	Subsection (3) of section 10. Subsection (2) of section 15, from the words "and a reference to sections two hundred and thirty three" to the end of the subsection.
56 & 57 Vict., c. 33.	Housing of the Working Classes Act, 1893.	Subsection (1) of section 1, in so far as it relates to the application to certain local authorities of sections 237 to 242 and section 246 of the Public Health (Ireland) Act, 1878, and of section 83 of the Housing of the Working Classes Act, 1890. In subsection (2) of section 1, the words "All expenses incurred by town commissioners in the execution of Part III of the principal Act shall be defrayed out of the local rate, and".
57 & 58 Vict., c. 57.	Diseases of Animals Act, 1894.	Section 42. Subsection (3) of section 67.
59 & 60 Vict., c. 54.	Public Health (Ireland) Act, 1896.	Section 16.
61 & 62 Vict., c. 37.	Local Government (Ireland) Act, 1898.	Section 60.
(S.R. and O. 1898, No. 1120.)	Local Government (Application of Enactments) Order, 1898.	Article 22 of the Schedule. Subarticle (4) of article 30 of the Schedule, from the words "and if it is a capital sum" to the end of the subarticle.
62 & 63 Vict., c. 44.	Small Dwellings Acquisition Act, 1899.	Subsections (5), (6) and (7) of section 9. In section 14, subsection (7) from the words "and in particular" to the end of the subsection and subsections (8), (9) and (10).
2 Edw. 7, c. 38.	Local Government (Ireland) Act, 1902.	Subsection (2) of section 8.
6 Edw. 7, c. 25.	Open Spaces Act, 1906.	Section 18.
8 Edw. 7, c. 48.	Post Office Act, 1908.	Subsection (7) of section 49.

SCHEDULE—continued.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
8 Edw. 7, c. 61.	Housing of the Working Classes (Ireland) Act, 1908.	Sections 1, 2, 3, 7 and 14.
8 Edw. 7, c. 67.	Children Act, 1908.	Subsection (14) of section 74. Subsection (19) of section 133, from the words "and the borrowing powers" to the end of the subsection.
4 & 5 Geo. 5, c. 55.	River Navigation Improvement (Ireland) Act, 1914.	In section 3, the words "and may borrow money under article twenty-two of the schedule to the Local Government (Application of Enactments) Order, 1898," and from the words "and article respectively" to the end of the section.
6 & 7 Geo. 5, c. 69.	Public Authorities and Bodies (Loans) Act, 1916.	The whole Act.
8 & 9 Geo. 5, c. 35.	Public Health (Borrowing Powers) (Ireland) Act, 1918.	The whole Act.
9 & 10 Geo. 5, c. 45.	Housing (Ireland) Act, 1919.	Subsection (2) of section 3, from the words "and the payment of the sum so payable" to the end of the subsection. Subsection (3) of section 14, from the words "and the raising of money" to the end of the subsection. Subsection (3) of section 18.
9 & 10 Geo. 5, c. 75.	Ferries (Acquisition by Local Authorities) Act, 1919.	Subsection (8) of section 1. Subsection (3) of section 5, in so far as it relates to the construction of the reference to section 69 of the Local Government Act, 1888.
9 & 10 Geo. 5, c. 99.	Housing (Additional Powers) Act, 1919.	Subsection (2) of section 3. Sections 7 and 8. Subsection (3) of section 10, from the words "and shall have power to borrow" to the end of the subsection. Subsection (3) of section 14. The Schedule.
10 & 11 Geo. 5, c. 49.	Blind Persons Act, 1920.	Subsection (3) of section 2. In subsection (4) of section 2, the words "or of borrowing money". In paragraph (b) of subsection (2) of section 4, the words "and a council may borrow for the purposes of this Act under Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898".
11 & 12 Geo. 5, c. 19.	Housing Act, 1921.	Paragraph (b) of subsection (1) and subsection (2) of section 3. Section 4.
11 & 12 Geo. 5, c. 67.	Local Authorities (Financial Provisions) Act, 1921.	Sections 4 and 5. Paragraph (a) of subsection (2) of section 8, from the words "and a reference" to the end of the paragraph.

SCHEDULE—continued.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
No. 14 of 1924.	Housing (Building Facilities) Act, 1924.	Subsection (2) of section 6.
No. 46 of 1924.	Drainage Maintenance Act, 1924.	Section 5.
No. 5 of 1925.	Local Government Act, 1925.	Section 11. Subsection (7) of section 44.
No. 12 of 1925.	Housing Act, 1925.	Subsection (3) of section 6.
No. 33 of 1925.	Arterial Drainage Act, 1925.	Subsection (2) of section 22.
No. 19 of 1927.	Land Act, 1927.	Subsection (5) of section 38.
No. 27 of 1927.	Electricity (Supply) Act, 1927.	Subsections (2) and (3) of section 71. Sections 72 and 78. In section 81, the words "raise loans for the purpose of providing such fund or may with such approval".
No. 23 of 1928.	Arterial Drainage (Minor Schemes) Act, 1928.	The words "under this Act" where they occur in subsections (1) and (2) of section 13 and in subsection (2) of section 15. Subsections (2) and (3) of section 21.
(S.R. and O. No. 70.)	Housing (Ireland) Act, 1919 (Application of Enactments) Order, 1928.	The whole Order.
No. 12 of 1929.	Housing Act, 1929.	Subsection (3) of section 5.
No. 27 of 1930.	Local Government (Dublin) Act, 1930.	Section 75.
No. 29 of 1930.	Vocational Education Act, 1930.	In subsections (1) and (2) of section 51, the words "for Local Government and Public Health". Subsections (4) and (5) of section 51.
No. 8 of 1931.	Agriculture Act, 1931.	Subsection (1) of section 37.
No. 50 of 1931.	Housing (Miscellaneous Provisions) Act, 1931.	In subsection (1) of section 43, the words "of borrowing and".
No. 19 of 1932.	Housing (Financial and Miscellaneous Provisions) Act, 1932.	Subsection (2) of section 9, in so far as it confers power to borrow money. Subsection (3) of section 18, from the words "and the payment of the sum so payable" to the end of the subsection. Subsection (4) of section 18.
No. 18 of 1935.	Courthouses (Provision and Maintenance) Act, 1935.	Section 11.
No. 40 of 1936.	Air Navigation and Transport Act, 1936.	Section 49.
No. 54 of 1936.	Liffey Reservoir Act, 1936.	Section 24.
No. 55 of 1936.	Local Authorities (Miscellaneous Provisions) Act, 1936.	Subsection (2) of section 6. Section 9.
No. 42 of 1937.	Housing and Labourers Act, 1937.	In subsection (7) of section 5, the words "and of borrowing money".
No. 21 of 1939.	Air-raid Precautions Act, 1939.	Subsections (5) and (6) of section 34.

SCHEDULE—continued.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
No. 25 of 1939.	Waterford City Management Act, 1939.	Subsection (5) of section 37.
No. 27 of 1939.	Public Assistance Act, 1939.	Section 57.
No. 7 of 1940.	Fire Brigades Act, 1940.	Section 15.
No. 34 of 1940.	Unemployment (Relief Works) Act, 1940.	Section 6.
No. 18 of 1941.	Housing (Amendment) Act 1941.	Subsection (2) of section 3.
No. 23 of 1941.	Local Government Act, 1941.	Sections 63 and 66. Subsections (6) and (7) (inserted by section 54 of the Local Government Act, 1955) of section 73.
No. 24 of 1941.	Neutrality (War Damage to Property) Act, 1941.	Subsection (6) of section 17. Subsection (4) of section 20.
No. 1 of 1942.	Water Supplies Act, 1942.	Section 22.
No. 3 of 1945.	Arterial Drainage Act, 1945.	Subparagraph (a) of paragraph 10 of the Second Schedule, from the words "or may, with the consent of the Minister for Local Government" to the end of the subparagraph and subparagraph (b) of that paragraph.
No. 2 of 1946.	Housing (Amendment) Act, 1946.	In subsection (7) of section 3, the words "or borrow" and from the words "and any sum" to the end of the subsection.
No. 24 of 1946.	Local Government Act, 1946.	Subsection (1) of section 27. Section 61. Subsections (3) to (5) of section 71. Sections 85 to 87.
No. 28 of 1947.	Health Act, 1947.	Section 103.
No. 34 of 1947.	Harbours Act, 1947.	Subsection (5) of section 7.
No. 1 of 1948.	Housing (Amendment) Act, 1948.	Subsection (3) of section 21. Section 37.
No. 25 of 1950.	Housing (Amendment) Act, 1950.	In section 23, the words "and shall have the like powers of borrowing as are conferred on them by section 37 of the Act of 1948".
No. 16 of 1952.	Housing (Amendment) Act, 1952.	Section 12. In subsection (1) of section 33, the words "and the purposes of that section shall be deemed to be purposes for which a council of a county may borrow under section 37 of the Act of 1948".
No. 26 of 1953.	Health Act, 1953.	Section 42. Subsections (6) and (7) of section 45.
No. 9 of 1955.	Local Government Act, 1955.	Sections 42 to 44. Subsections (8) and (9) of section 47. Subsections (6) and (7) of section 52. Subsections (3) and (4) of section 55.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
No. 19 of 1956.	Seeds and Fertilisers Supply Act, 1956.	Section 6.
No. 17 of 1958	Agriculture (Amendment) Act, 1958.	Subsection (4) of section 8.
No. 27 of 1958.	Housing (Amendment) Act, 1958.	Subsection (3) of section 7.
No. 23 of 1960.	Local Government Act, 1960.	Section 3.
No. 46 of 1960.	Health (Fluoridation of Water Supplies) Act, 1960.	Paragraph (d) of subsection (1) of section 4.

The Bill is intended to repeal certain enactments or parts of enactments which have become unnecessary by reason of the provisions of the Local Government Act, 1960, and also to repeal certain other related enactments or parts of such enactments which may be regarded as spent or have become unnecessary.

Section 36 of the Public Health Act, 1907, Section 1. empowers local authorities for dealing with dangerous places which adjoin public roads. The new definition of "dangerous place" in section 1 is intended to cover quarries and similar places not directly accessible from public roads but nevertheless hazardous to children and others who may gain access to them through private property. Section 2 empowers a local authority themselves to carry out such work as are necessary to make a dangerous place safe or, at the request of the owner carry out such work and obtain a contribution from the owner towards the cost. Alternatively, where the owner carries out the work the sanitary authority may contribute towards the cost.

Section 25 of the Town and Country Planning Act, 1947, empowers a local authority to acquire land for the purposes of the Act. The procedure in regard to the acquisition, development or disposal of land acquired under section 25 is substantially the same as that provided for in sections 7 to 16 of the Development Sites Act, 1951. Compulsory acquisition, as under that Act, will be effected by vesting order. Notice of intention to acquire must be given to the owner and occupier, who may object to the proposal within a month from a date specified in the notice. Where objection is made and not withdrawn, the local authority may acquire compulsorily.

Dangerous Structures

Section 5 of the Public Health Act, 1907, empowers a local authority to demolish any building which is in a state of disrepair or is otherwise dangerous. The procedure in regard to the demolition of such buildings is substantially the same as that provided for in sections 17 to 20 of the Development Sites Act, 1951. Compulsory acquisition, as under that Act, will be effected by vesting order. Notice of intention to acquire must be given to the owner and occupier, who may object to the proposal within a month from a date specified in the notice. Where objection is made and not withdrawn, the local authority may acquire compulsorily.

Session and Extent of Repeal Number and Year	Short Title	Session and Extent of Repeal Number and Year
No. 19 of 1955	Section 8 of Act, 1955	No. 19 of 1955
No. 17 of 1952	Section 15 of Act, 1952	No. 17 of 1952
No. 7 of 1949	Section 7 of Act, 1949	No. 7 of 1949
No. 23 of 1960	Section 3 of Act, 1960	No. 23 of 1960
No. 48 of 1960	Section 1 of Act, 1960	No. 48 of 1960

BILLE

BILL

dá ngairtear

entitled

Acht do dhéanamh aisghairme ar achtacháin áirithe nó codanna d'achtacháin áirithe a cuireadh ó éifeacht trí Chuid II den Acht Rialtais Áitiúil (Uimh. 2), 1960, a rith, nó atá neamhriachtanach de chionn a rite, agus fairis sin do dhéanamh aisghairme ar achtacháin ghaolmhara áirithe eile nó codanna de na hachtacháin sin is inmheasta a bheith ó fheidhm nó atá neamhriachtanach.

An Act to repeal certain enactments or parts of enactments which have been rendered ineffective by, or have become unnecessary by reason of, the passing of Part II of the Local Government (No. 2) Act, 1960, and also to repeal certain other related enactments or parts of such enactments which may be regarded as spent or have become unnecessary.

*Rite ag dhá Theach an Oireachtais,
25 Samhain, 1964*

*Passed by both Houses of the Oireachtas,
25th November, 1964*

**BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.**

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

Cló-bhuailte ag CAHILL & Co., LTD.

[*Luach : Naoi bPingin Glan.*]

**DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE,**

To be purchased through any bookseller, or directly from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Printed by CAHILL & Co., LTD

[*Price : Ninepence Net.*]