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**AN BILLE RIALTAIS AITIUIL (SEIRBHISI SLAINTIOCHTA),  
1964  
LOCAL GOVERNMENT (SANITARY SERVICES) BILL, 1964**

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*Mar a ritheadh ag dhá Theach an Oireachtais  
As passed by both Houses of the Oireachtas*

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**ARRANGEMENT OF SECTIONS**

**Section**

1. Definitions.
2. Powers of sanitary authorities in relation to dangerous places.
3. Powers of sanitary authorities in relation to dangerous structures.
4. Abstraction of water by sanitary authorities from reservoirs of the Electricity Supply Board.
5. Application to District Court to annul notice under section 2.
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**SCHEDULE**





AN BILLE RIALTAIS AITIUIL (SEIRBHISI SLAINTIOCHTA),  
1964  
LOCAL GOVERNMENT (SANITARY SERVICES) BILL, 1964

# BILL

*entitled*

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AN ACT TO AMEND AND EXTEND THE LOCAL GOVERNMENT (SANITARY SERVICES) ACTS, 1878 TO 1962.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

**Definitions.**

1.—In this Act—

“dangerous place” means an excavation, quarry, pit, well, 10  
reservoir, pond, stream, dam, bank, dump, shaft or land that, in  
the opinion of the sanitary authority in whose sanitary district it  
is situate, is or is likely to be dangerous to any person;

“dangerous structure” means—

(a) any building, wall or other structure of any kind, or 15

(b) any part of, or anything attached to, a building, wall or  
other structure of any kind,

that, in the opinion of the sanitary authority in whose sanitary  
district it is situate, is or is likely to be dangerous to any person or  
property; 20

“the Minister” means the Minister for Local Government.

**Powers of  
sanitary  
authorities in  
relation to  
dangerous places.**

2.—(1) A sanitary authority may, if they so think fit, as respects  
any dangerous place situate in their sanitary district—

(a) carry out, by their servants or agents, such works as will,  
in the opinion of the authority, prevent the place from 25  
being a dangerous place, or

(b) at the request of the owner (which word means, in this  
section and in sections 3, 7 to 10 and 18 of this Act,  
any person (other than a mortgagee not in possession) 30  
who is for the time being entitled to sell or otherwise  
dispose of the fee simple of the land in relation to  
which the word is used or any term of years for the  
time being subsisting in respect of the land of which  
the unexpired residue exceeds one year) who occupies  
or is entitled to occupy the place or from whom it is 35  
held by a person who is not the owner, either—

(i) carry out, by their servants or agents, the works  
aforesaid, and require such owner to make a  
payment towards the cost of the works of such  
amount as the authority may consider proper, or 40

(ii) contribute such amount as the authority may con-  
sider proper towards the cost of the carrying out  
of the works aforesaid by such owner,



and for such purposes may, by their servants or agents, enter on any land.

5 (2) Before proceeding under this section in relation to a place, a sanitary authority shall give a notice to the owner aforesaid of the place stating that the place is a dangerous place and that the authority intend to proceed under this section in relation thereto, specifying the works that, in the opinion of the authority, require to be carried out in relation to the place to prevent it from being a dangerous place and giving an estimate of the cost of such works.

10 (3) Whenever a sanitary authority give a notice under this section to any person, the authority shall, within seven days after giving the notice to the person, post a copy of the notice at or near the place to which it relates.

15 (4) Where a sanitary authority give a notice under this section in relation to any place—

(a) in case the notice is annulled by the District Court, under *section 5* of this Act, the authority shall not proceed under this section in relation to the place,

20 (b) in case of any other determination of an application to the District Court under *section 5* of this Act in relation to the notice, the sanitary authority shall not proceed under this section in relation to the place until the expiration of fourteen days, or such period as may be specified by the Court after the date of the determination, and

25 (c) in any other case, the authority shall not proceed under this section in relation to the place until the expiration of twenty-one days after the date of the giving of the notice.

30 (5) Subject to *subsection (7)* of this section, a sanitary authority may claim from the owner aforesaid of a place in respect of which they have carried out works pursuant to *subparagraph (i)* of *paragraph (b)* of *subsection (1)* of this section by demand in writing given to such owner, payment of such amount as may be determined by them under that subparagraph.

40 (6) Subject to *subsection (7)* of this section, where a demand is given to a person pursuant to *subsection (5)* of this section, the amount claimed in the demand together with interest, at the rate of five per cent per annum, from the date when the demand is given until payment shall, without prejudice to any other method of recovery, be recoverable by the sanitary authority from the person to whom it is given as a simple contract debt in any court of competent jurisdiction.

45 (7) Where the amount claimed in a demand given pursuant to *subsection (5)* of this section exceeds the amount of the estimate of the cost of the works to which the demand relates contained in a notice given under this section, the amount of the excess shall not be recoverable by the sanitary authority under this section.

50 3.—(1) A sanitary authority may, if they so think fit, give a notice to the owner who occupies or is entitled to occupy a dangerous structure situate in their functional area or from whom it is held by a person who is not the owner and, if he can be ascertained by reasonable inquiry, to the occupier of the structure, requiring such owner, within such period specified in the notice as the authority may consider appropriate—

Powers of  
sanitary  
authorities in  
relation to  
dangerous  
structures.

(a) to carry out such works (including the demolition of the structure or any part of it and the clearing and levelling of the site thereof) specified in the notice as will,



in the opinion of the authority, prevent the structure from being a dangerous structure, to remove any debris and to erect a wall or barrier between any open area created by the works and any road, street or public place, and

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(b) to terminate or modify any use of the structure or any part thereof,

and such owner, his servants or agents may carry out the works specified in the notice and may, for that purpose, enter on any land.

(2) (a) If, in the opinion of a sanitary authority, it is necessary to do so in the interests of the safety of any person, the authority may, by their servants or agents carry out on a dangerous structure situate in their sanitary district such works (including the demolition of the structure or any part of it and the clearing and leveling of the site thereof) as will, in the opinion of the authority, prevent the structure from being a dangerous structure and for that purpose, the authority may, by their servants or agents, enter on any land.

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(b) Where a sanitary authority enter or propose to enter on any land pursuant to *paragraph (a)* of this subsection for the purpose of carrying out works on a dangerous structure, they shall, as soon as may be, give to the owner aforesaid and, if he can be ascertained by reasonable inquiry, to the occupier, of the structure a notice stating that they have entered or propose to enter the land and specifying the works that they have carried out or propose to carry out thereon.

25

(3) A notice given by a sanitary authority under *subsection (1)* of this section may require that the carrying out of the works specified in the notice be commenced forthwith and that they be carried out in accordance with such conditions (if any) specified in the notice as the authority think appropriate and in such manner as may be specified in the notice.

30

(4) A person who having been served with a notice under *subsection (1)* of this section, does not comply with the terms of the notice shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

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(5) Where a person upon whom a notice under *subsection (1)* of this section in relation to a dangerous structure has been served does not comply with the terms of the notice, the District Court may, on the application of the sanitary authority by whom the notice was given, by order—

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(a) (i) direct the person to carry out, within such time as the Court may consider reasonable and may specify in the order and in accordance with the terms of the notice, the works specified in the notice and authorise the sanitary authority to carry out the works aforesaid if the person does not comply with the provisions of the order, or

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(ii) authorise the sanitary authority to carry out the works specified in the notice,

and

(b) prohibit the use of the structure or any part of it or prohibit the use of the structure or any part of it for such purpose or purposes as may be specified in the order.

55

(6) Where a person does not comply with an order of the



District Court under *subsection (5)* of this section, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

- 5 (7) (a) Where any expenses or costs (including costs in relation to proceedings in the District Court under this section) incurred by a sanitary authority under this section in relation to a dangerous structure are not paid by the owner aforesaid of the structure within fourteen days after a demand in writing therefor has been given to him, the amount claimed in the demand together with interest, at the rate of five per cent per annum, from the date when the demand is given until payment may, without prejudice to any other method of recovery, be recovered from him—
- 10 (i) by the sale by the authority of any materials resulting from the works carried out by the authority in relation to the structure and the retention by them of so much of the proceeds of the sale as is equal to the amount of such expenses, or
- 15 (ii) as a simple contract debt in any court of competent jurisdiction.
- 20 (b) Any surplus moneys arising on a sale pursuant to *subparagraph (i)* of *paragraph (a)* of this subsection shall be paid by the authority holding the moneys to the owner of the structure, or, if there is more than one owner, to each owner in such proportions as the owners may agree, or (in default of agreement) as the District Court may, on the application of any such owner, determine.
- 25 (c) In making a determination under this subsection, the District Court shall have regard to the respective interests, obligations and liabilities in relation to the structure concerned of its owners.
- 30 (8) (a) Where any costs or expenses incurred by a sanitary authority under this section in relation to a structure have not been paid, the District Court may, on the application of the authority, by order prohibit the repair or letting of the structure or the carrying out of any works on the site on which the structure stood, as the case may be, until payment to the authority of the amount due to the authority in respect of the expenses aforesaid and the costs of the application, and upon payment of the amount aforesaid, the order shall cease to be in force.
- 35 (b) A person who does not comply with an order of the District Court under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.
- 40 (c) A sanitary authority shall keep a register containing particulars of all orders from time to time made under this subsection in relation to structures in their sanitary district and shall keep the register open for inspection at all reasonable times and, if particulars of an order under this subsection are not entered in the appropriate register, within ten days after the date of the making of the order, the order shall cease to be of any force or effect.
- 45 (9) (a) If, in the opinion of a sanitary authority, it is necessary to do so in the interests of the safety of any person, the authority may require the occupier of, or any person in, a dangerous structure or its curtilage or any struc-
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- 55
- 60



ture or its curtilage in the vicinity to vacate the structure or its curtilage and to remove his property (if any) therefrom.

(b) If a person does not comply with a requisition of a sanitary authority under *paragraph (a)* of this subsection, the District Court may, on the application of the authority, by order direct the person to comply with the requisition within such period specified in the order as the Court may think reasonable. 5

(c) A person who does not comply with an order of the District Court under this subsection shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds. 10

(d) If, upon the making of an order under this subsection directing a person to comply with a requisition of a sanitary authority, the person does not comply with the requisition within the period specified in the order, officers of the authority may, using such force as may be necessary in the circumstances, enter the structure to which the requisition relates and remove the person and his property (if any) therefrom. 15 20

(e) A sanitary authority may request a member of the Garda Síochána to assist them in the exercise of their powers under *paragraph (d)* of this subsection and the member shall comply with the request. 25

(10) A sanitary authority may, if they so think fit—

(a) provide other living accommodation for an occupier of a dwelling who has left a dwelling in pursuance of a requisition under *subsection (9)* of this section,

(b) make a grant of such amount as they think proper to such occupier for the purpose of enabling him to obtain other living accommodation. 30

(11) (a) A sanitary authority may, if they so think fit, make a grant of such amount as they think proper to any person who— 35

(i) on or after the 1st day of June, 1963, has left or leaves a dangerous structure at the request of the authority or in pursuance of a requisition under *subsection (1)* of this section,

(ii) immediately before such leaving carried on a trade or business in the structure, and 40

(iii) in the opinion of the authority, by reason of such leaving, has suffered or will suffer hardship.

(b) In determining the amount of a grant to a person under this subsection, a sanitary authority shall have regard to the length of the period during which the person carried on a trade or business in the structure in relation to which the grant is proposed to be made. 45

1878, c. 52.

(12) Section 274 of the Public Health (Ireland) Act, 1878, shall not apply in relation to the exercise by a sanitary authority of any powers conferred on them by this section. 50

Abstraction of water by sanitary authorities from reservoirs of the Electricity Supply Board.

4.—(1) A sanitary authority and the Board may enter into an agreement (in this section referred to as a water agreement) whereby the sanitary authority may abstract and the Board may permit the authority to abstract from a reservoir, upon such terms and subject to such conditions as may be specified in the agreement, water impounded by the Board in the reservoir. 55

(2) Whenever the Minister, upon the request of a sanitary authority and after consultation with the Minister for Transport and Power and the Minister for Lands, so thinks fit and so directs,



the sanitary authority and the Board shall enter into a water agreement containing such terms and conditions as may be determined by the Minister after consultation with the Minister for Transport and Power and the Minister for Lands.

5 (3) A water agreement shall be deemed, for the purposes of the  
Public Health (Ireland) Act, 1878, to be a contract for the supply  
of water made by the sanitary authority concerned with the Board  
under section 61 of that Act and, accordingly, the provisions of  
that Act (other than sections 35 and 36) relating to the supply  
10 of water by a sanitary authority and the purchase of land by a sani-  
tary authority shall apply and have effect (subject to the modifica-  
tions mentioned in this section) in relation to the execution of the  
necessary waterworks and the carrying out of the agreement by  
the sanitary authority.

15 (4) For the purposes of the application of the provisions afore-  
said of the Public Health (Ireland) Act, 1878, to the execution of  
the waterworks required for the carrying out of a water agreement  
and to the carrying out in other respects of the agreement, the  
following modifications of the said provisions shall have effect,  
20 that is to say :

(a) the period of one month shall be substituted for the period  
of two months mentioned in section 63 of the said Act,  
and

25 (b) " water mains " shall be construed in section 64 of the  
said Act as including aqueducts, conduits, culverts and  
tunnels for conveying water for the purposes of a  
water supply.

(5) (a) A sanitary authority shall not enter into a water agree-  
ment without the consent of the Minister.

30 (b) Before deciding whether to grant or withhold his con-  
sent to the entry by a sanitary authority into a water  
agreement, the Minister shall consult with the Minister  
for Lands, and in so deciding, the Minister shall have  
regard to any liability of the Board to discharge water  
35 from the reservoir to which the agreement relates into  
the river on which the reservoir stands down stream of  
the reservoir.

(6) Where a sanitary authority propose to enter into a water  
agreement, the authority shall, at least one month before doing so,  
40 publish in a newspaper circulating in their sanitary district and  
in a newspaper circulating in the sanitary district in which is  
situate the reservoir to which the proposed agreement relates a  
notice stating—

(a) their intention to enter into the agreement,

45 (b) the place at which it is proposed to abstract water from  
the reservoir,

(c) the maximum amount of water which it is proposed to  
abstract in a day,

50 (d) the purpose for which it is proposed to abstract water,  
and

(e) the nature of any works proposed to be carried out in  
pursuance of the agreement.

(7) Where a water agreement has been entered into, section 13  
of the Water Supplies Act, 1942, in so far as it enables a sanitary  
55 authority to take in accordance with a proposal under section 2 of  
that Act a supply of water from the source of water to which the  
proposal relates, section 14 (other than subsections (2) and (3)) and  
sections 15 and 16 of that Act shall apply and have effect as if  
the water agreement were a proposal under the said section 2  
60 subject to the modifications that an application under the said  
section 14 shall not be made after the expiration of two years from



the date on which the water agreement comes into force and that compensation for damage shall not be paid by a sanitary authority under that Act if compensation for such damage has been paid by the Board.

1942, No. 1.

(8) Compensation for damage shall not be paid by the Board 5 if compensation for such damage has been paid by a sanitary authority under the Water Supplies Act, 1942.

1942, No. 1.

(9) Subject to *subsection* (7) of this section, the Water Supplies Act, 1942, shall not apply in relation to the abstraction by a sanitary authority of water impounded in a reservoir by the Board. 10

(10) In this section "the Board" means the Electricity Supply Board.

Application to District Court to annul notice under *section* 2.

5.—(1) Any person aggrieved by a notice under *section* 2 of this Act may, not later than twenty-one days after the date of the giving of the notice, apply to the District Court for the annulment of the notice and— 15

(a) in case the Court is of opinion that no part of the place to which the notice relates is an excavation, quarry, pit, well, reservoir, pond, stream, dam, bank, dump, shaft or land that is or is likely to be dangerous to any 20 person, it shall by order annul the notice,

(b) in case the Court is of opinion that part only of the place is an excavation, quarry, pit, well, reservoir, pond, stream, dam, bank, dump, shaft or land that is or is likely to be dangerous to any person, it shall, by order, 25 either annul the notice, or, with the consent of the sanitary authority by whom the notice was given, amend the notice by restricting its application to the part of the place that is, in the opinion of the Court, an excavation, quarry, pit, well, reservoir, pond, 30 stream, dam, bank, dump, shaft or land that is or is likely to be dangerous to any person, and thereupon the notice as so amended shall be deemed, for the purposes of this Act, to be the notice under the said *section* 2, and 35

(c) in any other case, the Court shall dismiss the application.

(2) If an application under this section is withdrawn, the withdrawal shall be deemed to be the determination of the application and the application shall be deemed, for the purposes of this Act, to have been dismissed. 40

(3) A decision of the District Court under this section shall be final and unappealable.

Power to acquire land which is or was a dangerous place.

6.—A sanitary authority may acquire by agreement or compulsorily any land situate in their sanitary district that is a dangerous place or that has ceased, by reason of the carrying out of works 45 under this Act by the authority, to be a dangerous place.

Notice of intention to acquire land compulsorily under *section* 6.

7.—(1) A sanitary authority intending to acquire any land compulsorily under *section* 6 of this Act shall—

(a) deposit in their offices a map or plan of the land and keep the map or plan open for inspection at reasonable 50 times,

(b) publish a notice stating their intention to acquire the land compulsorily under this Act in a newspaper circulating in the district in which the land is situate,

(c) post a notice stating their intention to acquire the land 55 compulsorily on or near the land, and

(d) give a copy of the notice referred to in *paragraph* (c) of this subsection to—

(i) every (if any) occupier of the land, and



(ii) every (if any) owner of the land, whose name and the address at which he ordinarily resides can be ascertained by the sanitary authority by reasonable inquiries.

5 (2) The notices referred to in *subsection (1)* of this section—

- (a) shall be in such form as may be prescribed by the Minister by regulations under *section 19* of this Act,
- (b) shall, if they do not contain a map or plan of the land to which they refer, state that a map or plan of the land is deposited in the offices of the sanitary authority and is made available for inspection at reasonable times,
- (c) shall state that an objection by any occupier or owner of the land to the acquisition of the land may be submitted to the sanitary authority, and
- 15 (d) shall state the time within which an objection aforesaid may be submitted to the sanitary authority.

8.—(1) The occupier or any owner of land in respect of which a notice under *paragraph (b)* of *subsection (1)* of *section 7* of this Act has been published by a sanitary authority may, within one month after the date of the publication of the notice, submit to the authority an objection to the proposed compulsory acquisition referred to in the notice.

Objection to compulsory acquisition.

(2) An objection to the proposed compulsory acquisition of any land may be withdrawn by the person who submitted it by notice in writing sent to the sanitary authority or to the Minister.

(3) Where in relation to the proposed compulsory acquisition of any land by a sanitary authority an objection is submitted to the authority in accordance with *subsection (1)* of this section and is not withdrawn, the land shall not be acquired compulsorily by the authority without the consent of the Minister.

(4) An application by a sanitary authority for the consent of the Minister to the compulsory acquisition of any land under this Act shall be accompanied by—

- 35 (a) a copy of the newspaper containing the notice referred to in *paragraph (b)* of *subsection (1)* of *section 7* of this Act,
- (b) a copy of the notice referred to in *paragraph (c)* of the said *subsection (1)*,
- (c) a copy of the map or plan of the land deposited in pursuance of the said *subsection (1)*, and
- 40 (d) a copy of any objection submitted to the sanitary authority in pursuance of this section in relation to the compulsory acquisition and not subsequently withdrawn,

45 and the authority shall furnish to the Minister such other information in relation to the compulsory acquisition of the land as the Minister may require.

(5) On an application under *subsection (4)* of this section in relation to any land referred to in a notice published by a sanitary authority under *paragraph (b)* of *subsection (1)* of *section 7* of this Act—

- 55 (a) if the Minister is of opinion that no part of the land consists of an excavation, quarry, pit, well, reservoir, pond, stream, dam, bank, dump, shaft or land that is or is likely to be dangerous to any person or that has ceased, by reason of work carried out by the sanitary authority under *paragraph (a)* of *subsection (1)* of *section 2* of this Act, to be or to be likely to be dangerous to any person, he shall refuse to grant his consent to the compulsory acquisition of the land by the authority,
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(b) if the Minister is of opinion that the whole of the land consists of an excavation, quarry, pit, well, reservoir, pond, stream, dam, bank, dump, shaft or land that is or is likely to be dangerous to any person or that has ceased, by reason of work carried out by the sanitary authority under *paragraph (a) of subsection (1) of section 2* of this Act, to be or to be likely to be dangerous to any person, he may grant his consent to the compulsory acquisition of the land by the sanitary authority, and 10

(c) if the Minister is of opinion that part only of the land consists of an excavation, quarry, pit, well, reservoir, pond, stream, dam, bank, dump, shaft or land that is or is likely to be dangerous to any person or that has ceased, by reason of work carried out by the sanitary authority under *paragraph (a) of subsection (1) of section 2* of this Act, to be or to be likely to be dangerous to any person, he may grant his consent to the compulsory acquisition of that part of the land by the sanitary authority and he shall refuse to grant his consent to the compulsory acquisition of the remainder of the land by the authority, 20

(d) notwithstanding anything contained in the preceding part of this subsection, if the Minister is of opinion that the provisions of *section 7* of this Act have not been complied with by the sanitary authority in relation to the land or any part thereof, he shall refuse to grant his consent to the compulsory acquisition of the land or the part, as the case may be, by the sanitary authority. 25

**Vesting order.**

9.—(1) Where, in relation to any land in respect of which the provisions of *section 7* of this Act have been complied with by a sanitary authority— 30

(a) no objection is submitted to the authority in accordance with *section 8* of this Act,

(b) any objection which is submitted as aforesaid is subsequently withdrawn, 35

(c) the Minister gives his consent to the compulsory acquisition thereof by the authority, or

(d) at any time, not being less than three months after—

(i) the making of any order by any court for the payment of a sum due to the authority under *section 2* of this Act, or 40

(ii) in the case of an appeal against the order aforesaid, the final determination of the appeal,

any sum (including any sum in respect of costs) remains due to the authority on foot of the order aforesaid, 45

the authority may by order (in this Act referred to as a vesting order) acquire the land.

(2) Where a sanitary authority, before making a vesting order, become aware that the land to be acquired by the order is subject (whether alone or in conjunction with other land) to any annuity or other payment to the Irish Land Commission or to the Commissioners of Public Works in Ireland, or to any charge for estate duty or succession duty payable to the Revenue Commissioners on the death of any person, the authority shall forthwith inform the Irish Land Commission, the Commissioners of Public Works in Ireland or the Revenue Commissioners, as the case may be, of the intention to make the order. 50 55



(3) Whenever a sanitary authority make a vesting order, they shall within fourteen days after making the order—

(a) post a notice containing a copy of the order on or near the land, and

5 (b) give a copy of the order to every (if any) occupier of the land and to every (if any) owner of the land whose name and the address at which he ordinarily resides can be ascertained by the sanitary authority by reasonable inquiries.

10 10.—(1) Every vesting order by which a sanitary authority acquire any land under this Act shall be in the form prescribed by the Minister by regulations under *section 19* of this Act and shall be expressed and shall operate to vest the land in the sanitary authority in fee simple free from incumbrances and all estates,  
15 rights, titles and interests of whatsoever kind on a specified date not earlier than seven days after the making of the order.

Form and effect of vesting orders and registration of title acquired thereunder under the Registration of Title Acts, 1891 and 1942.

(2) Notwithstanding anything contained in *subsection (1)* of this section, where a sanitary authority have acquired under this Act by a vesting order land which is subject, either alone or in  
20 conjunction with other land, to a purchase annuity, payment in lieu of rent, or other annual sum (not being merely a rent under a contract of tenancy) payable to the Irish Land Commission or to the Commissioners of Public Works in Ireland, the authority shall become and be liable, as from the date on which the land  
25 is vested in them by the vesting order, for the payment to the Irish Land Commission or to the Commissioners of Public Works in Ireland, as the case may be, of the purchase annuity, payment in lieu of rent or annual sum or such portion thereof as shall be apportioned by the Irish Land Commission or by the Commis-  
30 sioners of Public Works in Ireland, as the case may be, on the land as if the land had been transferred to the authority by the owner thereof on that date.

(3) When a sanitary authority make a vesting order under this Act in relation to any land, they shall send the order together with  
35 a map of the land to the registering authority under the Registration of Title Acts, 1891 and 1942, and thereupon the registering authority shall, subject to the provisions of those Acts and upon payment of the appropriate fee chargeable thereunder, cause the sanitary authority to be registered under those Acts as owner of  
40 the land in accordance with the order.

11.—(1) Where, immediately before a vesting order is made by a sanitary authority under this Act, any person has any estate or interest in or right in respect of the land acquired by the order, the person may apply to the authority not later than  
45 twelve months after the making of the order for compensation in respect of the estate, interest or right, and the authority shall, subject to *subsections (3) and (4)* of this section, thereupon pay to the person by way of compensation an amount equal to the value (if any) of the estate, interest or right.

Compensation.

50 (2) The compensation to be paid by a sanitary authority under this section in respect of any estate or interest in or right in respect of land shall, in default of agreement, be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended, but the  
55 amount of the compensation shall, subject to *subsections (3) and (4)* of this section, on such arbitration, be determined in accordance with the Rules contained in Part I of the Third Schedule to the Housing (Miscellaneous Provisions) Act, 1931.

1919, c. 57.

1931, No. 50.



(3) In determining the amount of compensation payable to a person under this section by a sanitary authority in relation to any land, regard shall be had to any expenditure incurred by the authority under *section 2* of this Act in relation to the land.

(4) Where, after the making of a vesting order by a sanitary authority under this Act in relation to any land, any sum (including any sum for costs) remains due to the authority by any person on foot of an order of any court for payment of an amount due to the authority under *section 2* of this Act—

(a) if the sum aforesaid is less than the amount of the compensation payable to the person under this section, the amount of the compensation shall be reduced by the amount of the sum, and

(b) if the sum aforesaid is not less than the amount of the compensation aforesaid, the compensation shall not be payable.

Improvement of  
land acquired  
under this Act.

**12.**—Whenever a sanitary authority have acquired any land under this Act, they shall with all convenient speed take such steps as may be necessary to prevent injury to health or to the amenities of the neighbourhood being occasioned by the land and for that purpose may clear, level, drain, fence and otherwise improve and develop the land and, if the land is a dangerous place, shall carry out such works as will, in their opinion, prevent it from being a dangerous place.

Use of land  
acquired under  
this Act.

**13.**—(1) A sanitary authority may use any land acquired by them under this Act for any purpose connected with their powers and duties.

(2) Where the whole or any part of any land acquired under this Act is at any time not required by the sanitary authority by whom it was acquired, the authority may, with the consent of the Minister, sell, let or exchange the whole or that part (as the case may be) of the land.

(3) (a) Where a sanitary authority acquire any land under this Act, the authority may, with the consent of the Minister, by order transfer the land to another sanitary authority or, if the land is situate in a town having Town Commissioners under the Towns Improvement (Ireland) Act, 1854, to the Commissioners of the town and the order shall operate in accordance with its terms as a conveyance of the land but shall not require to be stamped as a conveyance or transfer of property.

(b) A transfer shall not be made under this subsection without the consent of the sanitary authority or of the Commissioners to whom it is proposed to make the transfer.

(4) Where any land is transferred under *subsection (3)* of this section, *subsections (1)* and *(2)* of this section and the next following section shall apply and have effect as if the sanitary authority or Commissioners to whom it is transferred were a sanitary authority who had acquired the land under this Act.

Application of  
sum received  
from sale or lease  
of land acquired  
under this Act.

**14.**—Every sum received by a sanitary authority in respect of the sale or lease of land acquired by them under this Act shall be applied by the authority for the purpose of their powers and duties in such manner as the authority, with the consent of the Minister, think proper.



15.—A sanitary authority may, for the purpose of enabling them to ascertain the ownership of a dangerous place or dangerous structure, give any person who is the occupier of the place or structure or who, either directly or indirectly, receives rent in respect of the place or structure, a notice in writing requiring him to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as owner in fee simple, mortgagee, lessee or otherwise, and any person who, having been required by a sanitary authority by a notice in writing given in pursuance of this section to give to them any information, fails to give them that information, or knowingly makes any misstatement in respect thereof, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

Power to require information as to ownership of dangerous places and dangerous structures.

16.—(1) A person appointed by the Minister or by a sanitary authority to be an authorised officer for the purposes of this Act may enter and inspect any land for the purposes of obtaining any information which the Minister or the authority, as the case may be, may require for the purposes of this Act.

Inspection of land.

(2) A person who obstructs or interferes with an authorised officer when he is exercising a power conferred by 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.

(3) An authorised officer shall be furnished by the Minister or the sanitary authority, as the case may be, with a certificate of his appointment as an authorised officer and when exercising any power conferred by this Act shall, if requested by any person affected, produce the certificate to the person.

17.—A person who obstructs or interferes with—

Penalty for obstruction.

(a) the exercise by a sanitary authority of power vested in them under or by virtue of this Act, or

(b) the compliance by any person with the provisions of this Act or of any notice thereunder,

shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding fifty pounds.

18.—(1) Where any document is required or authorised by this Act to be given by a sanitary authority to a person, the document shall be addressed to the person and shall be given to him in one of the following ways, that is to say :

Giving of documents under this Act.

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides, or if it is a notice under section 3 of this Act, by affixing it to the dangerous structure to which it relates, or

(c) by sending it by post in a prepaid registered letter addressed to the person at the address at which he ordinarily resides.

(2) Where the owner of the place or structure to which a notice under section 2 or 3 of this Act relates cannot be ascertained or found by reasonable inquiry, the notice may be given to the owner by posting it at or near the place or structure.

(3) For the purpose of giving, in pursuance of this Act, a document to a company registered under the Companies Act, 1963, the company shall be deemed to be ordinarily resident at its registered office.

1963, No. 33.



(4) For the purpose of giving, in pursuance of this Act, a document to a corporate body (other than any such company as is mentioned in subsection (3) of this section) or to an unincorporated body, the body shall be deemed to be ordinarily resident at its principal office or place of business.

5

#### Regulations.

19.—(1) The Minister may make regulations for the purposes of this Act.

(2) 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 the regulation is passed by either House within the next twenty-one days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

10

#### Saving for national monuments.

20.—Nothing in this Act shall restrict, prejudice or affect the powers or duties of the Minister for Finance, the Commissioners of Public Works in Ireland, or any local authority under the National Monuments Acts, 1930 and 1954, in relation to national monuments as defined by those Acts or any particular such monument.

20

#### Expenses of the Minister.

21.—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 Oireachtas.

#### Repeals.

22.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

#### Short title, construction and collective citation.

23.—(1) This Act may be cited as the Local Government (Sanitary Services) Act, 1964.

(2) This Act shall be construed as one with the Local Government (Sanitary Services) Acts, 1878 to 1962.

30

(3) The Local Government (Sanitary Services) Acts, 1878 to 1962, and this Act may be cited together as the Local Government (Sanitary Services) Acts, 1878 to 1964.

#### Section 22.

#### SCHEDULE.

35

#### ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short title	Extent of Repeal
10 & 11 Vic., c. 34.	Towns Improvement Clauses Act, 1847.	Sections 75 to 78, in so far as they apply to sanitary authorities.
17 & 18 Vic., c. 103.	Towns Improvement (Ireland) Act, 1854.	Section 39, in so far as it relates to ruinous or dangerous buildings.



# SCHEDULE—continued.

Session and Chapter or Number and Year	Short title	Extent of Repeal
27 & 28 Vic., c. cccv	Dublin Improvement Acts Amendment Act, 1864.	Section 20.
31 & 32 Vic., c. xxxiii.	Cork Improvement Act, 1868.	Section 142 in so far as it relates to dangerous places.
53 & 54 Vic., c. ccxlv.	Dublin Corporation Act, 1890.	Sections 7 to 10.
59 & 60 Vic., c. cxxv.	Waterford Corporation Act, 1896.	Section 61.



AN BILLE RIALTAIS AITIÚIL  
(SEIRBHISI SLAINTIOCHTA), 1964

LOCAL GOVERNMENT (SANITARY  
SERVICES) BILL, 1964

BILLE

*dá ngairtear*

Acht do leasú agus do leathnú na nAchtanna  
Rialtais Áitiúil (Seirbhísí Sláintíochta),  
1878 go 1962.

*Rite ag dhá Theach an Oireachtais,  
22 Iúil, 1964*

BAILE ATHA CLIATH:  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais  
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*entitled*

An Act to amend and extend the Local Govern-  
ment (Sanitary Services) Acts, 1878 to  
1962.

*Passed by both Houses of the Oireachtas,  
22nd July, 1964*

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