



BILLE NA dTTHE, 1965
HOUSING BILL, 1965

Mar a leasáíodh ar Thuarascáil
As amended on Report

EXPLANATORY MEMORANDUM

The principal proposals in this Bill were outlined in the White Paper, *Housing—Progress and Prospects*, laid by the Minister for Local Government before the Houses of the Oireachtas in November, 1964. In brief, the objects of the Bill are to provide further aids for both private and local authority housing, to apply the same legal codes as far as practicable in urban and rural areas, to eliminate out of date formalities and procedures and generally to modernise the housing law. A summary of the principal changes proposed in the Bill is given below.

Loans and Grants

Sections 44 and 45 contain details of a new subsidy for the provision by housing authorities or an approved body of developed sites for private housing. In addition, the following changes are proposed in the Housing (Loans and Grants) Act, 1962, which will be re-enacted :

- (1) the Minister (and housing authorities) will be specifically enabled to make grants or loans for research and training in matters connected with housing (*sections 11 and 12*);
- (2) housing authorities will be enabled to assist, by loan, guarantee or periodic contribution, other housing authorities and bodies providing houses for elderly persons or for lower income groups, and other bodies approved by the Minister. This power will be additional to that in *section 28* under which a housing authority will be enabled to pay supplementary grants to bodies as distinct from individuals (*section 12*);
- (3) the floor area limit of 1,400 square feet for grant houses will be raised to 1,500 square feet where the house is fully serviced (*sections 15 and 16*);
- (4) increased grants of up to £450 (with rate remission and power for the housing authority to make a supplementary grant) for persons who derive their livelihood solely or mainly from agriculture whose valuations do not exceed £60, and for certain other persons, building houses in rural areas for their own occupation, will be provided for (*section 16*);
- (5) grants of up to £175 (with rate remission and power for the housing authority to make a supplementary grant) are proposed for "dower" houses for persons in rural areas who transfer their holding to a member of their family or to the Land Commission. The scheme of "second" grants will also be extended to cover this type of accommodation (*sections 17 and 22*);

- (6) grants of up to £275 (with rate remission and power for the housing authority to pay a supplementary grant in certain cases) are proposed for flats or maisonettes in buildings of three storeys or more. Where the buildings are of six or more storeys and lifts are installed grants of up to £325 may be made (*section 18*);
- (7) in addition to the grants of up to £300 per dwelling provided for the accommodation of elderly persons, a grant of up to £50 a room subject to a limit of £250, may be paid for each dwelling provided for caretaker staff in the precincts of the elderly persons accommodation. Rate remission and power for the housing authority to pay supplementary grants will also apply (*section 19*);
- (8) the scope of the scheme of grants for experimental or prototype houses will be extended so as to encourage design featuring mobility or speed of construction (*section 20*);
- (9) the valuation limit up to which a person deriving his livelihood from agriculture may qualify for a reconstruction grant at up to two-thirds of the cost of the work will be increased from £50 to £60 (*sections 21 and 22*);
- (10) grants will be payable to housing authorities for the addition of rooms, the substantial reconstruction of a roof, the provision of water and sewerage facilities, a hot water system or electricity in local authority houses (*section 24*);
- (11) where a housing authority carry out repairs to a house, on default by the owner, the Minister may pay the authority a grant for the work (including a grant for water and sewerage facilities, if these are installed) and the authority may, if they think fit, also contribute to the cost (*sections 25 and 26*);
- (12) the income limit for supplementary grants for new houses will be raised from £832 to £1045 a year as from 1st July, 1965, and specific power will be given to housing authorities, in calculating income, to make allowances of up to £100 for each dependant, subject to an aggregate allowance of £400. The valuation limit for those deriving their income from agriculture will be increased from £50 to £60. In addition, specific power is being given to housing authorities to pay an instalment of the supplementary grant where an instalment of the State grant has been paid. The section will also provide for the payment of the supplementary grant to the first occupier of the house notwithstanding that such person may not be the person to, or in respect of, whom the State grant is paid (*section 26*);
- (13) to facilitate the provision of houses by, for example, the National Building Agency Ltd., for industrial workers, new house supplementary grants may be paid to bodies approved by the Minister (*section 28*);
- (14) the maximum amount of the recoupment by the State to a housing authority of grants for accommodation for persons suffering from pulmonary tuberculosis will be increased to £200 (*section 32*);
- (15) rate remission will be allowed where grants are paid for accommodation of elderly persons or caretaker staff (*section 33*);
- (16) housing authorities will be enabled to enforce conditions subject to which they pay supplementary grants (*section 34*);

- (17) specific power will be given to the Minister to reduce or withhold a grant for a house, flat or maisonette, the price or rent of which exceeds an amount fixed by the Minister or which in the Minister's opinion does not represent reasonable value (*section 35*);
- (18) housing authorities will be enabled to make loans for the provision of houses secured by second mortgages (*section 39*);
- (19) housing authorities will be enabled to make reconstruction loans of up to £200 for the reconstruction or improvement of houses without requiring formal security by way of charge, mortgage, etc. (*section 40*);
- (20) housing authorities will be enabled to guarantee advances to builders for the erection or reconstruction of a house up to limit equivalent to the aggregate of the appropriate State and supplementary grants (*section 43*).

HOUSING AUTHORITIES

Local authority housing operations are orientated towards the provision of dwellings for "agricultural labourers" and "persons of the working class." It is proposed to eliminate these classifications from the housing law and instead to require housing authorities to have regard primarily to need for housing and to the financial circumstances of tenants and applicants.

The principal other changes proposed are :

- (1) the Minister will be enabled to pay subsidy at 33½% of loan charges, subject to limits of cost, for the provision by housing authorities of developed sites for private housing. He will also be enabled to pay subsidy at the higher rate of 66½% of loan charges, subject to limits of cost, to housing authorities providing dwellings for—
 - (a) elderly persons,
 - (b) persons displaced by development under the Local Government (Planning and Development) Act, 1963,
 - (c) persons displaced by dangerous buildings operations under the Local Government (Sanitary Services) Act, 1964 (*section 44*);
- (2) additional subsidy may be paid by the Minister to housing authorities for flats or maisonettes in buildings of six or more storeys and for sites which are particularly expensive to develop (*section 44*);
- (3) subsidy may be made conditional on the adoption of a scheme of renting which will take account of the financial circumstances of tenants, on proper maintenance by housing authorities of their dwellings, on the observance by them of certain building standards and of conditions for the sale of dwellings and land (*section 44*);
- (4) the Minister will have power to pay a special subsidy to county councils for the provision on or after 1st October, 1963, of a house in a rural area for a person who derives his livelihood or a substantial proportion of it from agriculture and who occupies land the rateable valuation of which does not exceed £5 (*section 44*);
- (5) the Minister will be enabled to pay subsidy to bodies, other than housing authorities, approved by him. This proposal would enable subsidy to be paid, for example, to the National Building Agency Ltd., providing houses or developed sites to supplement the output of a housing authority (*section 45*);

- (6) specific statutory exemption from stamp duty on letting agreements which at present applies only to county councils acting under the Labourers Acts will be extended to all housing authorities. Land acquisition will be under general powers which do not confer exemption from stamp duty. The exemption of county councils from stamp duty on acquisitions under the Labourers Acts will, therefore, cease. Fees in the Land Registry and Registry of Deeds will be payable in the ordinary way (*sections 6, 50 and 51*);
- (7) housing authorities will be required to review the housing needs of their areas at least once in every five years, and also the cost of their housing services, and in the light particularly of these reviews, to draw up building programmes indicating the extent to which they will build houses and provide developed sites or will otherwise help in their provision by way of grants, loans or other aids (*sections 53 to 55*);
- (8) to ensure orderly development of housing estates, the powers of housing authorities to provide roads, shops, open spaces, and sites for churches, schools, offices, factories, etc., as well as developed sites for private housing, will be clarified (*sections 56 and 57*);
- (9) the provisions governing the management of local authority houses will not prohibit sub-letting (*section 58*);
- (10) instead of being prescribed by the Minister, the scale of priorities in the allocation of houses will be settled by housing authorities within broad lines laid down by statute (*section 60*);
- (11) the power of housing authorities in urban and rural areas to recover possession of rented dwellings will be assimilated and the recovery of illegally occupied and abandoned dwellings of which an authority are the owner will be facilitated. Similar powers will be given to the National Building Agency Ltd. (*section 62*);
- (12) power to deal with overcrowding will be enacted, with amendments, in the Bill, replacing powers now contained partly in a number of statutes and partly in local byelaws (*sections 63 and 65*);
- (13) the existing bye-laws under which persons may be required to execute repair works and eliminate nuisances from working class houses will be continued and the power to make, amend or repeal such bye-laws will be included in the Bill (*sections 70 and 121*);
- (14) standards by which housing authorities are to judge unfit houses will be clarified, the law on the subject will be codified and the powers of housing authorities to deal with such property—by repairs notice, closing order or demolition order, etc.—will be strengthened, particularly by the provision for penalties for failure to comply with the requirements of a repairs notice or demolition order (*sections 66 to 74 and Second Schedule*);
- (15) the procedures for the compulsory acquisition of land by urban and rural housing authorities will be assimilated. The power of the Minister to deal with a compulsory purchase order in parts, which exists at present in so far as compulsory purchase orders under the Labourers Acts are concerned, will be applied to all compulsory purchase orders under the Bill (*section 76 and Third Schedule*);

(16) specific power will be given to housing authorities to acquire land compulsorily in advance where the Minister is of opinion that there is a reasonable expectation that the land will be required by the authority to attain the objectives of their building programme (*section 77*);

(17) where a housing authority decide to acquire land which they have been authorised to acquire compulsorily, they will be obliged to serve a notice to treat. If full title to such land has not been conveyed to them within six months after entering it, they may acquire it by vesting order if they have made a proper offer in writing to each person who has furnished sufficient particulars of his interest. Interest at 3% per annum on the purchase money is payable by them from the date of entry. This rate was fixed in 1948. Under the Bill the rate will be that at which at the time of entry the authority can borrow from the local loans fund (*sections 79, 81 and 82 and Third Schedule*);

(18) the provisions for the assessment of compensation for land acquired compulsorily in urban areas will be applied to rural areas and an arbitrator will be required to assess compensation for an unfit house compulsorily acquired as the value of the property at the time notice to treat is served by the housing authority (*section 84 and Third Schedule*);

(19) the simplified procedures for the payment of purchase money or compensation not exceeding £250 and £600 respectively will now apply subject to limits of £500 and £1,200 (*Third Schedule*);

(20) so as to enable housing authorities to dispose of property without submission of details of individual transfers or transfer documents to the Department, the statutory requirement of the consent of the Minister to sales of land and houses by housing authorities will be repealed except where the authority propose, by resolution, to dispose of property on special terms specified in the resolution. Ministerial control in so far as necessary will be operated in conjunction with the subsidy arrangements under *section 44* and by review at audit. Sales or leases of houses under the Bill will be by transfer order and authorities will be required to register the ownership of a house which they have sold or leased. Further, the requirement dating from 1883 that a county council offer land, which they do not require for housing, back to the person from whom the land was acquired will be repealed (*sections 6, 88, 90 and 92*);

(21) sales under the Labourers Act, 1936, of cottages provided before 1st January, 1966, will continue for a limited period after which all sales of dwellings by housing authorities will come under the same statutory provisions. The power of urban authorities to deal with vested cottages coming within their area in the same way as a county council will be clarified (*Chapter III of Part VI*);

(22) the present law governing houses being purchased under the Labourers Act, 1936, will continue to apply, with modifications designed mainly to relax some of the conditions of that Act, for example, persons at present purchasing cottages will be enabled to purchase by lump sum if the housing authority agree, the absolute prohibition on the subdivision of cottage plots will be removed and the power of county councils to re-possess vacant cottages will be clarified. Some of these provisions are in the Labourers Act, 1965, which will be replaced by the Bill). Provision will be made that where the rent of a

cottage is varied, otherwise than in accordance with a differential or graded rents scheme, the purchase annuity for the cottage will be the same proportion of the new rent as the original purchase annuity was of the rent at the time the purchase scheme was made (*sections 98 to 102*);

(23) the duty of a county council, to put a cottage into good repair and sanitary condition, on sale, will be modified to require them only to put the cottage into good structural condition and this requirement will be applied also to the sale of urban houses. Power will be included for the Minister to prescribe a fee to accompany appeals on the carrying out of work under the section (*section 106*);

(24) extended power to housing authorities to act outside their functional area and to form joint bodies for housing purposes is proposed (*sections 109 and 110*);

(25) the Minister's power to act where a housing authority are not satisfactorily discharging their obligations will be strengthened and applied to rural as well as urban areas (*section 111*);

(26) housing authorities will be enabled specifically to provide technical assistance for the provision of sites and dwellings by other persons, including housing associations or co-operative societies (*section 112*);

(27) housing authorities will be enabled to award prizes to encourage the proper maintenance of houses and gardens (*section 113*);

(28) the penalty for a person voting as a member of a housing authority in relation to any house or other land in which he is beneficially interested will be increased so as to include disqualification for acting as a member of the authority; the vote of the person will not be counted if it is known to the person recording the vote that he has a beneficial interest in the matter; and beneficial interest will be more strictly defined (*section 115*).

The provisions of the Labourers Acts dealing with representations by ratepayers and agricultural labourers that cottages be built and the preparation by county councils of improvement schemes for the erection of cottages will be repealed. These provisions are largely inoperative since the passing of section 20 of the Housing (Financial and Miscellaneous Provisions) Act, 1932, which enabled county councils to acquire land and build cottages without any representation or improvement scheme being made. The law dealing with clearance and improvement areas will also be repealed. Instead, areas requiring renewal will be dealt with as obsolete areas under the Local Government (Planning and Development) Act, 1963. Similarly, controls under the Housing Acts over the division of properties into multiple dwellings will be replaced by controls under that Act. Where overcrowding occurs or if the property is unfit, the extended powers of housing authorities under *Part IV* of this Bill will be available. In consequence of the Bill, section 201 of the Public Health (Ireland) Act, 1878, which requires sanitary authorities to make contracts, the value of which is over £50, in writing, and where the contract is for £100 or more, to advertise for tenders and take sufficient security for due performance, will cease to apply. Instead, the necessary controls will be operated administratively and the same rules (particularly section 15 of the City and County Management (Amendment) Act, 1955, enabling local authorities to specify the procedure to be followed in seeking and receiving tenders) will operate in the case of contracts and tenders of housing authorities as in the case of local authorities generally.

The Bill will replace the present Housing Acts, with some exceptions which are detailed in the note on *section 6*. The Acts which are being replaced number about fifty, and are divided into four different codes, viz.:

- (1) Labourers Acts, 1883 to 1965, dealing mainly with the powers of housing authorities in rural areas;
- (2) Housing of the Working Classes Acts, 1890 to 1958, dealing mainly with the power of housing authorities in urban areas;
- (3) Small Dwellings Acquisition Acts, 1899 to 1962 (now largely superseded) dealing with house purchase loans; and
- (4) Housing (Financial and Miscellaneous Provisions) Acts, 1932 to 1962, dealing mainly with loans, subsidies and grants.

A brief description of the main provisions of the Bill is given below.

PART I

PRELIMINARY AND GENERAL

This Part contains the usual provisions for citations, definitions, service of notices, etc.

As at present, county councils, county borough corporations, borough corporations, urban district councils and town commissioners will be housing authorities. Town commissioners will, however, not be housing authorities for the purpose of making supplementary grants. Where because of the scale or complexity of a particular operation, e.g. the award of a large or long-term contract for the erection of houses, it is desirable that authorities should act jointly, they will be enabled by *section 110* to do so. This power will be supplementary to that under *section 59* of the Local Government Act, 1955, which enables a local authority to perform functions on behalf of another authority.

Interpretation.

"Land" under the Interpretation Act, 1937, includes messuages, tenements, and hereditaments, houses and buildings, of any tenure. In addition, it will, under the Bill, include, except in *section 86*, water and any interest in or right over land or water (including any interest or right granted by or held from the authority acquiring the land).

"Owner", except in *Part V* dealing with land acquisition, will mean the person entitled to the rack rent.

"Person" will, in accordance with *section 11* of the Interpretation Act, 1937, include a body corporate and an unincorporated body of persons as well as an individual. It will not, however, include a housing authority, except in *sections 2, 15* and *34*, dealing with definitions, new house grants and recovery of grants, respectively.

"Rural area" will mean the county health district excluding any urban area, town or census town with a population exceeding 1,000.

Specific provision is made for general approvals or consents by the Minister.

A reference to an enactment will be construed, unless the context otherwise requires, as a reference to the enactment as amended by any other Act, including the present Bill.

This is the usual section dealing with the method of serving documents. The power under *subsection (6)* for the Minister to dispense with the service of certain notices etc. is similar to that contained in *section 45* of the Housing (Miscellaneous Provisions) Act, 1931.

Service of notices, etc.

Obligation to give information to housing authority.

Under this section, a housing authority may, for purposes connected with the Act, require a person to give information as to the ownership or occupancy of land. The section corresponds to section 30 of the Housing (Miscellaneous Provisions) Act, 1931.

Regulations generally.

Regulations, other than regulations made under *section 114*, which are required to be tabled in draft will be laid before each House of the Oireachtas. If they include provisions as to a payment to be made by the Minister, they may be made only with the consent of the Minister for Finance. This provision is similar to sections 3 of the Housing (Amendment) Act, 1948.

Repeals.

All earlier housing legislation, with the exception of the Second Schedule to the Housing of the Working Classes Act, 1890, (which amends the Lands Clauses code), the Third Schedule to the Housing (Ireland) Act, 1919, which amends the 1890 Act, and the Labourers Act, 1936, as amended by the Housing and Labourers Act, 1937, will be repealed. The Acts of 1936 and 1937, which deal mainly with the sale of labourers cottages, will continue to apply to cottages at present being purchased and to cottages provided before 1st January, 1966. Qualified occupiers will have a limited time after the commencement of the Bill to opt for purchase of these cottages, after which the purchase terms of the Act of 1936 will cease. Cottages provided after 1st January, 1966, and urban houses may be sold under the Bill. The principal provisions for repeal are noted in the *First Schedule*.

The section makes the necessary provision for the payment of grants and for rate remissions under the repealed enactments for works commenced before the repeals. Savings for continuing rights, obligations and duties are contained in *Part VIII*.

PART II

FINANCIAL PROVISIONS

This Part deals with expenses and the powers of the Minister and of housing authorities to assist in the provision of housing by way of grant, loan, subsidy, etc.

Chapter 1—Expenses under Act

Charging of expenses of housing authority who are county council.

This section provides for the charging of expenses of a county council under the Bill on the county health district as at present. *Paragraph (b)* provides for the special case of Cork county where there are three county health districts each with its own rate for housing.

Payment of expenses under *section 111* of Act.

Section 111 enables the Minister to act where a housing authority default in carrying out their functions. Under *section 9* the defaulting authority will be required to pay to the Minister or to a body acting on his behalf the expenses incurred in exercising the functions of the authority.

Power to set off.

Section 10 will enable sums due from a housing authority to any person to be set off against sums due by that person to the authority.

Chapter II—Assistance of Certain Research, Training and Bodies

Assistance by Minister of certain research and training.

Under this section it is proposed to enact specific power for the Minister, with the consent of the Minister for Finance, to assist research and training in housing matters. If the research is connected with matters within the scope of the Institute for Industrial Research and Standards, consultation with the Minister for Industry and Commerce will be necessary.

Under *section 12* housing authorities will have similar powers.

Section 12, together with *sections 28, 57* and *112*, will extend the powers of housing authorities to assist other organisations in the provision of housing. It will enable them to help by loan, guarantee or periodic contribution bodies whose objects include the provision of dwellings for elderly persons or for persons in lower income groups as well as certain other bodies, including other housing authorities. For example, a county council could help town commissioners under the section.

Assistance by housing authority of certain bodies.

The section will replace, with modifications, *sections 14* and *33* of the Housing (Ireland) Act, 1919, under which an urban housing authority may promote or help by loan, guarantee or grant etc., a public utility society whose objects include the erection and management of working class dwellings and whose rules prohibit the payment of interest at more than 6% per annum.

The section extends to all housing authorities the power under *section 3* of the Housing (Amendment) Act, 1941, possessed by Dublin and Dun Laoghaire Corporations and Dublin County Council, to guarantee borrowing by a building society.

The section also represents an extension to all housing authorities of the power of urban housing authorities under *section 4* of the Housing (Amendment) Act, 1944, to assist by grant, loan, contribution, etc. a public utility society which has provided houses for persons displaced by operations of the authority.

Where a housing authority give assistance under the Act of 1944, the Minister may recoup them up to a limit corresponding to what he would have paid if the authority themselves had provided the houses. This power of recoupment has never been used and it is not intended to reproduce it. Assistance by the Minister for bodies engaged in housing will be given directly by way of grant, or by subsidy under the new provisions contained in *section 45* enabling him to pay subsidy direct to bodies other than housing authorities.

Under *section 12* of the Housing (Loans and Grants) Act, 1962, a housing authority may pay a supplementary grant for a new house to or in respect of an individual occupier. *Section 28* will enable them to pay it to a body providing houses for a purpose approved by the Minister. The section is intended particularly to provide for the erection of houses for key industrial workers in new or expanding industries by, for example, the National Building Agency Ltd.

Section 57 will extend the power of housing authorities to provide fully developed sites for private housing and *section 112* will enable them to provide technical assistance for persons building houses, including co-operative groups.

Chapter III—Housing Loans and Grants, etc.

Section 14 will replace paragraphs 3 and 4 of the First Schedule to the Housing (Loans and Grants) Act, 1962, which provide for certain rules to be complied with by houses for which grants are sought. These rules, which require to be prescribed by regulations, deal with the site, aspect, planning, construction, sanitation, etc. of houses.

Regulations for purposes of sections in Chapter III of Part II.

At present, a house of more than 1,400 square feet does not qualify for a grant. Under *section 15* this limit will be raised to 1,500 square feet where the house is fully serviced. Grants may also be paid under the section to housing authorities.

Grants by Minister for provision of houses.

Under *section 16* State grants of up to £450 are proposed for the provision of houses in rural areas for persons who derive their livelihood solely or mainly from agriculture, with a rateable valuation not exceeding £25 (with grants on a graduated scale for those with valuations up to £60). A person living in a rural

Grants by Minister for provision of houses for farmers and others.

area in an unfit or overcrowded house or in need of housing on medical, compassionate or other similar grounds may also qualify for the increased grant if his circumstances are such that he could not provide a house for his own occupation without the increased grant.

Grants by Minister for provision of second houses on transfer of holdings.

The primary purpose of *section 17* is to facilitate the transfer by a farmer of the principal farm residence to a member of his family on marriage. The section will also facilitate transfer to other persons in accordance with Land Commission resettlement schemes, particularly a scheme under section 6 of the Land Act, 1965, which provides for life annuities for certain elderly or incapacitated farmers who surrender their holdings to the Commission.

Under the section, a State grant of up to £175 may be paid for the erection of a "dower" house of up to 500 square feet, by a person ordinarily resident in a rural area, who derives his livelihood solely or mainly from agriculture, who transfers his holding or a substantial part of his holding to a member of his family or to the Land Commission, and who surrenders his own house on the holding to a member of his family or has sold or agreed to sell it to the Land Commission. The housing authority will also be enabled, under *section 26*, to pay a supplementary grant up to the amount of the State grant and rate remission will apply.

Grants by Minister for blocks of flats or maisonnettes.

Under *section 18* a new scheme of grants for flats or maisonnettes whose erection commenced on or after 1st December, 1964, is proposed. Under the scheme, a grant of up to £275 may be paid for flats or maisonnettes in a building of three or more storeys. If the building is of six or more storeys and there is a lift installed, the maximum grant—for a flat with four or more rooms—will be £325. Supplementary grants would also be payable under *section 27*, at the discretion of the housing authority, and rate remission will apply.

Grants by Minister for housing of elderly persons and others.

Section 19 will replace section 6 of the Housing (Loans and Grants) Act, 1962, under which grants of up to £300 per unit are payable for the provision by bodies of accommodation for elderly persons. An additional grant, of up to £50 a room, subject to a limit of £250 for each dwelling, may be paid for each dwelling provided for caretaker staff in the precincts of the elderly persons accommodation. Under *section 28* the housing authority will be enabled to make a supplementary grant of up to the same amount as the State grant. Rate remission will also apply.

Grants by Minister for provision of prototype houses.

Section 7 of the Housing (Loans and Grants) Act, 1962, provides for grants by the Minister of up to half of the cost of erecting a prototype or experimental house if the Minister is satisfied that similar houses could be erected at low cost in the future. *Section 20* will extend this provision so as to enable a prototype grant to be paid if the Minister is satisfied that the houses could be erected *with greater speed* than by conventional methods; or are of a type suitable for erection by a housing authority and which could conveniently be transferred and erected on another site.

Grants by Minister for reconstruction of houses and for essential repairs.

Sections 21 to 23 reproduce existing provisions, subject, however, to an extension in the categories of farmers who may qualify for reconstruction grants at up to two-thirds of the cost subject to the normal grant limits. In future farmers with valuations of up to £60—instead of £50—will qualify. In addition, *section 23* provides for the payment of a further grant to a person for the provision of a room or rooms in a house in a rural area for occupation by a person who has transferred his holding or a substantial part of it to a member of his family or to the Irish Land Commission, even though a grant has been paid for the house within the preceding fifteen years.

Under section 3 of the Housing (Loans and Grants) Act, 1962, grants are available to persons for the reconstruction of houses. The grants are related to the number of rooms in the dwelling and are subject to limits of two-thirds of the cost for farmers and agricultural labourers, and for other applicants, one-third of the cost, subject to statutory maxima of up to £140.

Grants by Minister to housing authority for improvement of houses.

In addition, under section 2 of the Local Government (Sanitary Services) Act, 1962, grants of up to £75 or two-thirds of the cost are available for the installation by persons of water and sewerage facilities.

It is proposed in section 24 to enable State grants to be paid to housing authorities for the addition of extra rooms, the replacement or substantial reconstruction of a roof, the installation of water and sewerage facilities, the installation of a hot water supply or the installation of electricity, in local authority dwellings. The grants will be limited to one-third of the cost or the statutory maxima, whichever is the lesser. Housing authorities would be enabled under section 58 to carry out the works and contribute to the cost.

Supplementary grants and other assistance by housing authority for reconstruction of houses and for essential repairs.

To ensure that improvement works are carried out all together rather than piecemeal, it is proposed that a grant under the section should not be paid in respect of a house in respect of which a grant has been made within the preceding fifteen years.

Grants by housing authorities for accommodation for persons suffering from pulmonary tuberculosis.

Section 66 requires a housing authority to serve a notice on the owner of an unfit house requiring him to make it fit. If the owner does not do so, the authority themselves may.

Grants by Minister to housing authority in respect of works executed in pursuance of section 69 of Act.

Under section 25 the Minister will be enabled to pay a grant to the housing authority for the work on the same scale as the ordinary reconstruction and water and sewerage grants. Under section 71 the authority will be enabled to make an allowance in respect of the works corresponding to the amount they could pay by way of supplementary grant.

The provisions are based on section 5 of the Housing and Labourers Act, 1937, as applied to county councils by section 33 of the Housing (Amendment) Act, 1952, with the added power for the Minister to make grants for water and sewerage and for the housing authority to make an allowance corresponding to the amount of a supplementary grant.

Under section 12 of the Housing (Loans and Grants) Act, 1962, supplementary grants for new houses are payable, if the housing authority so decide, to farmers whose rateable valuation does not exceed £50 and to persons whose income, with that of his spouse, does not exceed £832 a year. Under section 26 it is proposed to increase these limits for grants made on or after 1st July, 1965, to £60 and £1,045 a year, respectively, and to enable the housing authority, when assessing income, to make allowances for dependants up to a maximum of £100 for each dependant or £400 in the aggregate. For the avoidance of doubts, the section will also validate allowances for dependants already made by housing authorities when assessing income for supplementary grant purposes. In addition, specific power is being given to housing authorities to pay instalments of supplementary grants up to the amount of an instalment of the State grant. The section will also provide for the payment of the supplementary grant to the first occupier of the house notwithstanding that such person may not be the person to, or in respect of, whom the State grant is paid.

Supplementary grants to persons by housing authority for the provision of houses.

Payment of grant to Minister or housing authority on breach of undertaking.

This section will empower a housing authority to make supplementary grants to a person erecting blocks of flats or maisonettes for which the Minister has paid a grant. Instalments of the supplementary grant may be paid on the same basis as under section 26.

Supplementary grants by housing authority for erection of flats or maisonettes.

Supplementary grants to bodies by housing authority for provision of houses for elderly persons or for other purposes.

Under section 12 of the Housing (Loans and Grants) Act, 1962, supplementary grants for a new house may be made to or in respect of the person providing a house who is the occupier when the house is completed. *Section 28* will amplify this power so as to enable grants to be made to bodies approved by the Minister, providing houses, flats or maisonettes the erection of which commenced or commences on or after 1st October, 1963. Instalments of the supplementary grant may be paid on the same basis as under *section 26*.

The section also empowers housing authorities to pay a supplementary grant for the provision of accommodation for elderly persons. This corresponds to section 6 of the Housing (Loans and Grants) Act, 1962.

Sections 29 to 31 reproduce existing provisions, with minor changes.

Supplementary grants and other assistance by housing authority for reconstruction of houses and for essential repairs.

Grants by certain housing authorities for accommodation for person suffering from pulmonary tuberculosis.

Under the Housing (Amendment) Act, 1946, a chief medical officer may certify that the accommodation available in a house is inadequate for the proper treatment or segregation of a member of the household suffering from pulmonary tuberculosis. The health authority (who are the county council, a county borough corporation or an authority constituted jointly by the county council and a county borough corporation) may then, or shall, if required by the Minister for Health, make a grant of up to the approved cost of providing an extra room or altering an existing room. The Minister for Health may recoup the grant to the health authority up to a limit of £100 or two-thirds of the cost, whichever is the less. The Minister for Health also has power to apply the Act to the provision of a hut or chalet in the same manner as it applies to the provision of an extra room.

In practice, these powers are now seldom used and their administration is carried out by the Minister for Local Government on behalf of the Minister for Health. In *section 32* it is proposed to give the housing authority power to carry out the works if the occupier consents and to increase the maximum amount of the State recoupment to £200.

Modification of and restriction on increase of rateable valuation in certain cases.

Under this section, rate remission is proposed for new grant houses, including houses for elderly persons, flats or maisonettes and on the increase in valuation of a house for which a reconstruction or water or sewerage grant is made. The period of remission for new houses, etc. is nine years and for other works is seven years. The section gathers together the different provisions dealing with rate remission in the Housing (Loans and Grants) Act, 1962, and makes provision, where appropriate, for remission where new grants are proposed, for example, for "dower" houses and for flats and maisonettes.

Repayment of grant to Minister or housing authority on breach of undertaking.

Section 34 reproduces section 16 of the Housing (Loans and Grants) Act, 1962, with an amendment enabling housing authorities also to recover supplementary grants in the event of a breach of an undertaking. The amendment is required particularly in view of the proposals in *sections 27 and 28* enabling authorities to pay supplementary grants for flats and maisonettes and to bodies as distinct from individuals. In such cases the authority may, as a condition of making the grant, require certain undertakings from the recipient. The section will also enable the Minister to recover by set-off or otherwise, a grant paid to an authority under *section 15* where there is any breach of the conditions subject to which the grant is paid.

Withholding or reduction in amount of grant, etc.

Sections 35 to 42 reproduce the corresponding sections in the Housing (Loans and Grants) Act, 1962, with the following changes:

- (1) *section 35* will specifically enable the Minister to withhold or reduce a grant for a house, flat or maisonette, the consideration for which exceeds that fixed by the Minister by order or which does not, in the opinion of the Minister, represent reasonable value;
- (2) *section 39 (3)* will enable a housing authority to carry out an agreement where they lend money on the security of a second mortgage or charge. The existing provision for one authority acting on another's behalf will not be re-enacted in view of section 59 of the Local Government Act, 1955, which confers the necessary general powers;
- (3) *section 40* will enable a housing authority to secure the repayment of a repair or reconstruction loan by means of a charge on the house;
- (4) *section 40* will also enable a housing authority, if they wish, to make loans of up to £200 for the repair or reconstruction of a house without formal security;
- (5) *section 41* deals with the case where land offered for sale by the Land Commission is subject to a charge or mortgage in favour of the housing authority for a loan for either the acquisition, construction, repair or reconstruction of a house. Similar provision exists at present for acquisition or construction loans but not for repair or reconstruction loans.

Under this section a housing authority will have power to guarantee an advance to any person erecting, reconstructing or improving a house. The guarantee will be for a maximum of the aggregate of the State and supplementary grants.

Guarantee of advances to builders.

Chapter IV—Contributions by Minister to Certain Annual Loan Charges

Section 6 of the Housing (Financial and Miscellaneous Provisions) Act, 1932, enabled the Minister to make contributions for up to thirty-five years to the loan charges on money borrowed by housing authorities for the provision of houses. The contributions were subject to a maximum of 66 $\frac{2}{3}$ % where the houses were provided by urban housing authorities for the accommodation of persons displaced by operations of the housing authority and 33 $\frac{1}{3}$ % in any other case. A maximum contribution of 60% applied to houses provided by rural housing authorities for agricultural labourers. The contributions were in all cases subject to a maximum cost limit per house or flat, prescribed by the Minister.

Contributions by Minister to certain annual loan charges of housing authorities.

Under section 3 of the Housing (Amendment) Act, 1942, special provision was made for persons displaced from war damaged houses.

Section 23 of the Housing (Amendment) Act, 1948, extended the period for which a contribution could be made from thirty-five to fifty years. It also enabled the higher subsidy to be paid for the housing of persons displaced by the collapse or destruction of their former dwellings or by certain further slum clearance operations of the housing authority.

Power of housing authority to make allowances to certain persons displaced.

Section 13 of the Housing (Amendment) Act, 1950, prohibited the payment of subsidy where the Minister was satisfied that certain conditions as to wages were not observed.

Under section 14 of the Housing (Amendment) Act, 1952, higher subsidy could be paid for persons in need of rehousing on medical, compassionate or other similar grounds whose circumstances would not permit them to be rehoused otherwise. Section 28 made lettings to families living in overcrowded conditions an operation of the housing authority qualifying them for the higher rate of subsidy.

Provision of higher rates of subsidy on certain circumstances.

Section 15 of the Housing (Amendment) Act, 1958, validated a special subsidy to maintain at 2½% per annum the interest rate on certain loans borrowed between 1948 and 1953. That Act also applied urban subsidy conditions to the provision of houses for agricultural labourers on or after 30th June, 1958. From this time on, therefore, the one subsidy system applied to the provision of houses by both urban and rural housing authorities.

Under this system, State subsidies towards the provision of new housing by local authorities consist of contributions for a period not exceeding fifty years up to the following maxima, towards the loan charges incurred by the authorities in borrowing for house building:

- (1) 66⅔% where the dwellings are provided to accommodate persons displaced from unfit or overcrowded houses, left homeless through the collapse or destruction of their dwellings, or in need of rehousing on medical, compassionate or other similar grounds where their circumstances would not permit them to be rehoused otherwise; and
- (2) 33⅓% in other cases.

The subsidy is paid only on the cost of a dwelling up to £2,200 for a flat, £1,650 for a house provided with a piped water supply and sewerage services and £1,100 for an unserviced house.

Under *section 44* a new subsidy at up 33⅓% of loan charges, subject to cost limits, is proposed for the provision by housing authorities of developed sites for private housing where the work of developing the site commenced on or after 1st July, 1965. The section will also consolidate the various provisions dealing with subsidy to housing authorities, with amendments. The principal amendments are:

- (1) houses provided for the following additional categories of persons may qualify for subsidy at the higher rate of 66⅔% of loan charges:
 - (a) elderly persons,
 - (b) persons displaced by development under section 77 of the Local Government (Planning and Development) Act, 1963,
 - (c) persons displaced by dangerous buildings operations of local authorities under the Local Government (Sanitary Services) Act, 1964. (The provisions of this Act replace, with some extension, those of the Towns Improvement Clauses Act, 1847, as incorporated, section 20 of the Dublin Improvement Acts Amendment Act, 1864, and Part II of the Dublin Corporation Act, 1890, referred to in the existing subsidy provisions);
- (2) higher subsidy will be payable to a housing authority who provide accommodation for persons displaced by operations of another housing authority;
- (3) it is proposed that subsidy may be made subject to conditions as to rents (including the adoption of a scheme of renting by housing authorities which will take account of the financial circumstances of tenants), building standards, the proper maintenance by housing authorities of their dwellings, and the observance by them of conditions for the sale of dwellings and lands;
- (4) the Minister will be empowered to pay subsidy direct to the lender on behalf of the housing authority;
- (5) additional subsidy may be paid for flats or maisonettes in buildings of six or more storeys and for sites which are particularly expensive to develop;

(6) the Minister will be empowered to pay a special subsidy to county councils for a house in a rural area for a person who derives his livelihood or a substantial proportion of it from agriculture and who occupies land the rateable valuation of which does not exceed £5.

Under section 27 of the Housing (Amendment) Act, 1948, a grant of up to £250 may be made for the provision by a housing authority of a dwelling for newly weds or elderly persons. This is less valuable at present building prices than the normal subsidy rate of 33½% of loan charges. In so far as elderly persons are concerned, the Bill, as indicated, provides for subsidy at up to the higher rate of 66¾% of loan charges. *Section 60* will give greater power to local authorities to allocate tenancies—enabling them, if they wish, to reserve a proportion of their estate for newly weds. The £250 grant will not be continued but housing authorities may qualify for grants under *section 15*.

Assistance for the building of houses other than by housing authorities will, under the Bill, normally be given by way of State and supplementary grants, rate remission, etc. In certain circumstances, however, it may be desirable, to enable subsidy on the same basis as for housing authorities to be paid to organisations, for example, the National Building Agency Ltd., providing houses or developed sites to supplement local authority efforts. *Section 45* will provide the necessary power. Under it subsidy may be paid for the provision of dwellings or developed sites by a body approved by the Minister.

Under *section 46* the Minister will be empowered to reduce or withhold subsidy where he is satisfied that any condition subject to which it is paid is not complied with. The provision will apply to subsidy payable under earlier Acts as well as to any new subsidy.

Under *section 47* specific statutory power will be taken to enable the Minister to compound subsidies. This power may be used, subject to the need to safeguard the use of subsidy in connection with the conditions for the disposal of land or dwellings etc., to eliminate the necessity of making a large number of small payments of subsidy, especially for pre-war dwellings.

Section 48 reproduces section 15 of the Housing (Amendment) Act, 1958, which validates the payment of a special subsidy to maintain at 2½% per annum the interest rate on loans for housing schemes borrowed between 1948 and 1953.

Chapter V—Displacement Allowances

Section 49 will re-enact section 36 of the Housing (Miscellaneous Provisions) Act, 1931, which provides for the payment of displacement allowances to certain persons. The section will cover specifically the payment of compensation where a person is displaced from property consequent upon its acquisition by the housing authority for the purposes of the Bill. Compensation for loss sustained by reason of disturbance of trade or business will be payable to a person if the authority consider that he has suffered or will suffer hardship. Similarly hardship payments may be made to persons displaced from premises in which they have been living for at least six months.

Chapter VI—Stamp Duties

Under section 23 of the Labourers (Ireland) Act, 1906, stamp duty is not payable on letting agreements under the Labourers Acts. *Section 50* will extend this exemption to letting agreements for local authority houses in urban areas.

Contributions by Minister in respect of certain borrowings by bodies providing housing accommodation.

Withholding or reduction in amount of contributions.

Payment by Minister in lieu of contributions to annual loan charges.

Subsidy by Minister in respect of certain loan charges.

Power of housing authority to make allowances to certain persons displaced.

Remission of stamp duties on certain agreements.

Amendment of section 12 of Finance Act, 1895.

Under section 23 of the Act of 1906 instruments vesting land in county councils under the Labourers Acts are also exempt from stamp duty. Urban housing authorities, however, are not exempt. Under *Part V* of the Bill, land will be acquired under general powers and stamp duty will be payable by all housing authorities in the same way as on land acquired for hospitals, roads, urban housing, etc. *Sections 6 and 51* provide accordingly.

Restriction of section 13 of Finance (No. 2) Act, 1947 and section 24 of Finance Act, 1949.

At present under section 14 of the Housing (Loans and Grants) Act, 1962, and the Finance Acts, stamp duty on sales of houses costing over £2,500, which do not qualify for grants is at the rate of 3% as against 1% in the case of new grant houses. *Section 52* will extend this exemption to flats or maisonettes for which grants are made under the Bill. It will also do away with the need for the Minister's seal on each instrument on which the concession is claimed. Under the section, a certificate on the instrument, signed by an authorised person, will suffice.

Under section 13 of the Finance (No. 2) Act, 1947, stamp duty on sales of houses under the Labourers Acts and the Housing of the Working Classes Acts is also at a reduced rate. The Bill will repeal both codes but the stamp duty concession, both on remaining sales under those codes and on sales of local authority houses under the present Bill will not be affected. Under section 20 of the Interpretation Act, 1937, references in section 13 to the Labourers Acts and the Housing of the Working Classes Acts will be construed as references to the present Bill.

PART II.

PROVISION AND MANAGEMENT OF DWELLINGS

This Part deals with the powers of housing authorities generally to build and manage houses and to provide developed sites. Under it the powers of urban and rural housing authorities, under the Labourers Acts and the Housing of the Working Classes Acts, respectively, will be assimilated.

Section 4 of the Labourers (Ireland) Act, 1883, as amended by section 1 of the Labourers (Ireland) Act, 1906, provides for representations by three ratepayers or agricultural labourers that the accommodation for agricultural labourers in a particular district is insufficient. On the receipt of a representation, the county council is required under section 4 of the Act of 1883, if satisfied as to the adequacy of their resources, to make an improvement scheme for the erection of cottages. Section 20 of the Housing (Miscellaneous Provisions) Act, 1931, provides that a county council may acquire and use land for housing without any representation or improvement scheme being made. Since then the representation and improvement scheme procedures have largely fallen into disuse, although the relevant provisions still remain in the statute book. Under the Bill they will be repealed.

Similarly, Part II of the Housing (Miscellaneous Provisions) Act, 1931, which is applied to rural areas by section 23 of the Housing (Amendment) Act, 1950, and section 30 of the Housing (Amendment) Act, 1952, provide for the designation by housing authorities of certain areas as "clearance areas" or "improvement areas". Both types of area are unhealthy areas and certain procedures are laid down for dealing with them. These procedures are cumbersome, and housing authorities can achieve their objects without recourse to them. The repeal of the relevant provisions in the housing code is, therefore, proposed.

Under sections 1 and 2 of the Housing (Ireland) Act, 1919, urban housing authorities are, at present, required, "as often as occasion arises", to consider the needs of their district with respect to working class houses, and to submit to the Minister a scheme setting out the number of houses to be built, the quantity of land to be acquired and the number of houses per acre. Under section 29 of the Housing (Miscellaneous Provisions) Act, 1931, it is the duty of every local authority to inspect their district from time to time for unfit dwellings. Section 47 also requires each medical officer of health to make an official representation to the local authority whenever he is of opinion that any dwelling in his district is unfit or that an area should be dealt with as a clearance area or an improvement area. There is, however, no obligation on housing authorities generally to assess needs arising from future obsolescence, overcrowding, industrialisation, the demand for sites for private housing, etc. Under section 53 both urban and rural authorities will be required at least once in every five years to assess both the adequacy and condition of the housing in their area. The necessary powers of inspection and obtaining information are contained in sections 4 and 117.

Duty of housing authority to make inspection and assess adequacy of supply and condition of housing.

Power of housing authority to provide building sites.

To ensure that building programmes are not frustrated by lack of funds it is essential that housing authorities should keep continuously under review the cost of their housing services, with particular regard to their income from rents, their expenditure on maintenance and administration and the prospective demand on their resources as a result of future building. Section 54 will impose this duty on them.

Review by housing authority of cost of housing services.

Having assessed the housing needs of their areas and the cost of their housing services, housing authorities will be required under section 55, at least once in every five years, to draw up building programmes with certain stated objects. These programmes may indicate priorities in relation to particular projects, areas or building to meet the needs of particular categories of persons. The programmes will encourage authorities to measure achievement against objectives, and they should help in the estimation of the size of the demands on the building industry for local authority housing for some years ahead, and thus facilitate the award by or on behalf of groups of authorities of large or long-term contracts using improved traditional building methods or new systems. The adoption of a building programme will be a reserved function.

Building programmes.

The powers of housing authorities to provide dwellings and ancillary buildings and services are scattered over a wide range of statutes. In rural areas the old "representation" procedure has been largely superseded and county councils generally proceed under applied provisions of the Housing of the Working Classes Acts.

Provision of dwellings.

Duty of housing authority to make schemes for letting housing accommodation.

Section 59 of the Housing of the Working Classes Act, 1890, empowers an urban housing authority to erect or convert buildings as "lodging houses for the working classes", and to alter, enlarge, repair, improve, fit up and furnish such houses. Under section 40 of the Housing (Miscellaneous Provisions) Act, 1931, the power to provide houses includes a power to provide and maintain, with the consent of the Minister, in connection with such houses, shops, playgrounds, etc.

Section 18 of the Housing (Amendment) Act, 1950, provides a further power for a housing authority (other than a county council) to build "reserved" houses. The Minister has power to make regulations specifying the classes for whom the houses are to be reserved and regulations specifying newly weds and elderly persons to be qualified classes have, in fact, been made. Urban and rural housing authorities also have power, under sections 31 and 35 of the Housing (Amendment) Act, 1952, to provide dwellings for persons irrespective of whether they are persons of the working classes or agricultural labourers.

Power of housing authority to build reserved houses.

Power of housing authority to provide dwellings for persons of the working classes or agricultural labourers.

Under *section 56* the powers of both urban and rural housing authorities to provide dwellings and sites for places of worship, factories, schools, offices, playgrounds, parks and open spaces, and other buildings and services will be codified. Since housing authorities will have, under *section 60*, wider power to decide upon the priorities to be observed in allocating tenancies of houses built by them it is not proposed to re-enact the provisions about "reserved" houses. The provisions enabling them to build for persons irrespective of whether they are agricultural labourers or persons of the working classes are also unnecessary.

Power of housing authority to provide building sites.

Under *section 11* of the Housing (Ireland) Act, 1919, an urban housing authority may lay out and construct public streets or roads or open spaces on any land acquired or appropriated by them for housing purposes. *Sections 31 and 35* of the Housing (Amendment) Act, 1952, extended this power to enable both urban and rural housing authorities to carry out such other works as may be necessary for or incidental to the development of the land for building purposes. Under *section 57* it is proposed to re-enact these powers with the necessary amendments to enable housing authorities to provide fully developed sites for housing estates, including sites for churches, schools, factories, offices, shops, parks and playgrounds. *Section 44* provides for a new subsidy for developed sites for houses. Under *section 88* the necessary power will be given to the housing authority to sell, exchange, or otherwise dispose of the sites, and under *section 108* capital receipts from the sales must be treated as capital moneys.

Management and control of certain dwellings and of any ancillary amenities, works or services provided in connection therewith.

Section 61 of the Housing of the Working Classes Act, 1890, vests in urban housing authorities the general management, regulation and control of their dwellings and provides that they may charge such reasonable rents as they may determine. *Section 59* gives them specific power to alter, enlarge or improve their dwellings. Under *sections 29 and 33* of the Housing (Amendment) Act, 1948, the Minister may make regulations to secure the proper and efficient management of dwellings provided by both urban and rural authorities. The Housing (Management and Letting) Regulations, 1950 and 1953, are made under these powers. *Section 58* will re-enact the provisions as to the management and control of dwellings and apply them equally to urban and rural authorities.

Amendment of *section 1* of Local Government (Rates on Small Dwellings) Act, 1928.

Under *sections 1 and 9* of the Local Government (Rates on Small Dwellings) Act, 1928, the rates for dwellings provided by housing authorities are collected in instalments with the rents. *Section 59* will re-enact these provisions.

Duty of housing authority to make scheme of priorities for letting housing accommodation.

The Housing (Management and Letting) Regulations, 1950 and 1953, lay down the priorities to be followed by housing authorities in allocating tenancies. *Section 60* will transfer to housing authorities the power of making and reviewing schemes, setting out the priorities to be observed.

As at present, local authorities will, in determining the order of priority to be accorded to any particular individual within a category of persons specified in the scheme, be required to have regard to the report and recommendation of the chief medical officer.

Requiring information from tenants and persons applying for tenancies.

Section 61 re-enacts *section 14* of the Housing (Amendment) Act, 1948, with minor amendments, including an increase in the penalty for giving false or misleading information from £5 to £25, and the application of the powers in the section to town commissioners.

Recovery of possession of dwellings.

Section 13 of the Labourers (Ireland) Act, 1883, provides for tenancies created by a county council under the Act being regarded as cottier tenancies within the meaning of the Landlord and Tenant Law Amendment Act, Ireland, 1860. *Section 5* of the Labourers (Ireland) Act, 1896, preserves this provision, notwith-

standing that the allotment with a cottage exceeds half an acre and that the tenant is required to keep the windows and fences in repair. Sections 86 to 88 of the Act of 1860 provide for the recovery of possession of premises to which the Act applies where the tenancy is ended.

The Act of 1860 also applies to the recovery of possession of premises under section 33 of the Housing (Miscellaneous Provisions) Act, 1931, where a clearance order or a demolition order has become operative and to the recovery of a house in respect of which a loan for acquisition or construction is outstanding under section 11 of the Housing (Loans and Grants) Act, 1962.

In so far as houses provided under the Housing of the Working Classes Acts are concerned, section 28 of the Housing (Ireland) Act, 1919, provides that on the termination of a tenancy, possession may be recovered by the housing authority under section 15 of the Summary Jurisdiction (Ireland) Act, 1851. Section 34 of the Housing (Miscellaneous Provisions) Act, 1931, similarly applies section 15 of the Act of 1851, to the recovery by an urban housing authority of any building or part of a building of which they are the owners and of which they require possession for the purpose of any of their powers under the Housing of the Working Classes Acts.

The provisions of sections 86 and 88 of the Act of 1860 differ from those of the 1851 Act only in minor respects, e.g., the maximum period for execution of the warrant is not less than seven or more than ten days under the 1851 Act and not less than seven or more than fourteen days under the Act of 1860. In section 62, it is proposed, in the interests of uniformity, to apply sections 86 and 88 of the 1860 Act to the recovery of possession of dwellings and of other buildings of which housing authorities are the owners. Section 87, which deals with the service of summonses, will also be applied. Section 62 will also provide a ready method of recovering abandoned or illegally occupied dwellings. It will confer similar power to recover possession of dwellings on the National Building Agency Ltd. Under subsection (6) a tenancy agreement produced on behalf of a housing authority or the Agency in recovery proceedings will be *prima facie* evidence of the agreement and certain provisions are included to obviate the service of unnecessary notices.

PART IV

OVERCROWDED AND UNFIT HOUSES

The powers of housing authorities to eradicate overcrowded and unfit housing by new building or by encouraging the building or reconstruction of houses are contained in other Parts of the Bill. Part IV deals with their powers to prevent or control overcrowding and to require the repair, closure or demolition of unfit dwellings. In consequence of the abolition of the classification of "working class" dwellings and "labourers" cottages, the new provisions will apply to all dwellings. In this Part, a "house" includes any part of a building used or suitable for use as a dwelling and any yard, garden, outoffices and appurtenances used with it.

Under section 62 of the Housing of the Working Classes Act, 1890, urban housing authorities were empowered to make byelaws for the proper use and management of working class lodging houses and where the lodging houses were multiple dwellings it was obligatory on the authority to include provision for the segregation of the sexes, preventing disturbances, etc.

Section 20 of the Housing (Ireland) Act, 1919, enabled every urban housing authority to make byelaws dealing with the number of persons who might be permitted to occupy working class dwellings, segregation of the sexes, registration and inspection of

the houses, the enforcement of proper standards of drainage and cleanliness, fire precautions and adequate repair and lighting of common staircases. Letting of any house to more than one family could be prohibited until the requirements of the byelaws were complied with.

Section 15 of the Housing (Amendment) Act, 1948, provided that an urban housing authority should have the same powers of making byelaws respecting working class houses occupied by not more than one family as are conferred under section 20 of the Act of 1919 in the case of working class houses let in lodgings or occupied by members of more than one family.

These provisions were further amended by sections 26 and 27 of the Housing (Amendment) Act, 1952, so as to require all urban housing authorities to make byelaws. Under section 19 of the Housing (Amendment) Act, 1958, county councils were also required to make byelaws.

Under this Part of the Bill, it is proposed to replace the byelaws, in so far as they relate to overcrowding, by statutory provisions. Where byelaws are already in operation in a particular area they will, in so far as they relate to matters other than overcrowding, continue to apply until they are replaced by byelaws made under section 70. In effect, therefore, the existing byelaws will remain in so far as they relate to the physical condition of, or nuisances in, houses.

Under the Local Government (Planning and Development) Act, 1963, the use as two or more dwellings of any structure previously used as a single dwelling requires the permission of the planning authority. Sections 10 to 13 of the Housing (Amendment) Act, 1948, as amended by sections 20 and 21 of the Act of 1950, confer similar powers on the Dublin, Cork, Limerick, Waterford and Dun Laoghaire Corporations. In view of the provisions in the Act of 1963 they are not now necessary and will not be re-enacted.

The definition in section 63 is similar to that in sections 28 and 34 of the Housing (Amendment) Act, 1952, except that ten years is substituted for twelve, as the age by reference to which sex overcrowding is measured.

Section 64 will give powers to housing authorities to obtain information necessary to decide on the existence or extent of overcrowding in a house. The section is based on article 14 of the model byelaws to be made by housing authorities under the Housing (Ireland) Act, 1919, which this Part of the Bill will replace.

At present, the byelaws under the 1919 Act provide that the tenant or owner of a house shall not let the house in such manner that the house is overcrowded. Proceedings for a breach of this requirement may be taken only after service of a notice by the housing authority requiring compliance with the byelaw. Penalties not exceeding £5 (with a further penalty of £2 a day for a continuing offence) may be imposed.

Under section 65 (1) a housing authority will be enabled to give notice specifying the maximum number of persons who may be permitted to occupy any house or a room and to require the owner to publish the notice, for example, in rent books. This power could be used, according to circumstances, in conjunction with the grant of planning permission for the division of a structure into separate dwellings. A penalty for failure to publish the notice is provided for.

Subsection 65 (2) will enable a housing authority to give notice requiring the owner to desist from causing or permitting over-

crowding within a period or by reference to an event specified in the notice, for example, the vacation of the house or part of it by a family rehoused by the authority. Penalties are provided for but these will not apply where the overcrowding is due to family growth.

Where a house is so unfit as to be dangerous, the local authority have powers to deal with it under the Local Government (Sanitary Services) Act, 1964. Under *section 66* housing authorities will be required to deal with unfit houses which are not actually dangerous and which require something more than minor repairs by securing their repair, closure or demolition.

Unfit houses.

Section 19 of Housing (Miscellaneous Provisions) Act, 1931, provides that where a housing authority are satisfied that a working class house is unfit for human habitation but is capable of being made fit at reasonable expense they shall serve a notice upon the person having control of the house requiring him, within such reasonable time, being not less than twenty-one days, to execute the works specified in the notice. *Subsection 66 (1)* re-enacts this provision. Instead, however, of having to specify the required works in the notice the authority will state the matters as respects which it is alleged that the house is unfit and *may* specify the works required to make the house fit or prevent the structure deteriorating. In the section, the word "owner" is used, with the same meaning as the words "person having control" in the Act of 1931.

Under *Part II* and the Local Government (Sanitary Services) Act, 1964, the ordinary State and supplementary grants may be paid for reconstruction work and the provision of water and sewerage facilities carried out by an owner to comply with a repairs notice.

At present, sections 2 and 32 of the Housing (Miscellaneous Provisions) Act, 1931, provide that in determining whether a house is unfit a housing authority must have regard to the extent by reason of disrepair or sanitary defects to which the house falls short of the provisions of byelaws or of the general standard of working class accommodation in the area. "Sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or drainage of courts, yards or passages.

Under *subsection 66 (2)* and the *Second Schedule* it is proposed to specify in detail the matters to which a housing authority must have regard in deciding whether a house is unfit. The provision that they must have regard to the standard of working class accommodation in the area will be dropped since, theoretically, if that accommodation is bad, then the obligation to secure the repair of particular properties is weakened.

Subsections 66 (4) to (6) reproduce the provisions of sections 25, 26 and 33 of the Housing (Miscellaneous Provisions) Act, 1931, with the modification that a housing authority may make a closing order in respect of a complete house. (Under *section 2* the word "house" includes any part of a building used or suitable for use as a dwelling). Further, the closing order instead of prohibiting the use of the house for human habitation may prohibit its use for any particular purpose, for example, the use of an underground room for sleeping purposes.

Under *subsection 66 (7)* specific power is proposed to enable a housing authority to specify conditions to be complied with in carrying out works required by a demolition order. These would, for example, ensure that the works were carried out with proper safety precautions.

Under *subsection 66 (9)* power is proposed for a housing authority to substitute a closing order for a demolition order.

Subsections 66 (10) and (11) will enable a housing authority to determine a closing order at any time not less than six months after the order is made, and make a demolition order. If, on the other hand, the authority are satisfied that a house to which a closing order applies has been made fit in whole or in part, they may determine the order *in toto* or in so far as it relates to the fit part.

Subsection 66 (13) defines the date from which a repairs notice, demolition order or closing order becomes operative.

Subsections 66 (14) and (15) reproduce, with amendments, sections 33 and 34 of the Housing (Miscellaneous Provisions) Act, 1931, relating to the securing possession of premises to which a demolition order relates. Section 87 of the Landlord and Tenant Law Amendment Act, Ireland, 1860, is applied to the service of a summons for the purposes of the section.

Housing authority may affix notice of serving repairs notice, making closing order or demolition order or accepting undertaking.

Under *section 67* a housing authority will be enabled to affix a notice declaring the effect of a repairs notice, demolition order, closing order or undertaking near the premises to which the notice, order or undertaking relates, and stating the penalties which may be imposed for the illegal use of the building.

Restriction of user of premises to which repairs notice, closing order, demolition order or undertaking applies.

Section 68 (1) re-enacts, with provision for increased penalties, section 21 of the Housing (Amendment) Act, 1958, restricting the user of a house before compliance with a repairs notice. Similarly, *subsections (2) and (3)* re-enact, with provision for increased penalties, section 26 and section 33 (3) of the Housing (Miscellaneous Provisions) Act, 1931, making it an offence to use premises, the subject of a closing order, demolition order or undertaking. *Subsection (5)* will place the onus of proof that he did not permit occupation on the owner, who may, however, without prejudice to other defences, show that he has not received any payment for the use and has taken steps to terminate it. Under *subsection (6)* it will also be an offence to receive payment for the use of any premises in contravention of the terms of closing order, demolition order or undertaking and any such payment may be recovered as a simple contract debt.

Definition of "overcrowding".

Obligation to Enforcement of repairs notice or demolition order.

Under sections 20 and 26 of the Housing (Miscellaneous Provisions) Act, 1931, a housing authority may, on default by an owner, themselves do works required by a repairs notice or demolition order. *Section 69* re-enacts these powers, applying the provision against interference by the owner or his workmen in the case of demolition works also. The section also provides for a fine not exceeding £200 for non-compliance with a repairs notice or demolition order.

Overcrowded houses.

Byelaws in relation to rented houses.

Under *sections 66 and 121*, byelaws under section 20 of the Housing (Ireland) Act, 1919, will continue in force in so far as they relate to the physical condition of houses or to the prevention of nuisances. *Section 70* contains power for housing authorities to make new byelaws dealing with the same matters in so far as rented accommodation generally is concerned. The bye-laws will be subject to confirmation by the Minister.

Under these byelaws, housing authorities are enabled to require the execution of minor repair works or works required to prevent nuisances.

Recovery of expenses of repair and demolition, etc.

Section 36 of the Housing of the Working Classes Act, 1890, provides that where the owner of a house has completed works required by an order of the housing authority under Part II of the Act—which under section 3 of the Housing (Miscellaneous

Provisions) Act, 1931, is to be interpreted as a reference to Part III of that Act—he may apply to the authority for an order charging his expenses on the property at 6% per annum payable for a period of 30 years. Section 37 of the Act of 1890 makes provision in relation to the priority to be accorded to such charging orders. So far as is known the powers contained in these sections have never been used and it is not proposed to re-enact them.

In *section 71* it is proposed to codify the different powers of recovering expenses where a housing authority carry out works consequent on bye-laws, a repairs notice or a demolition order, on default by the owner. The section will provide that expenses may be recovered by sale of materials, by requiring the rent to be paid to the authority, by making a charging order on the premises, or in court as a simple contract debt. *Subsection (3)* will enable an authority to maintain houses the rent of which is being paid to them under the section. In *subsection (8)* expenses are defined so as to exclude the amount of a grant under any enactment in respect of the works and also any allowance not exceeding the amount of the appropriate supplementary grant which the authority may make at their discretion, and to include other incidental expenses incurred by the housing authority.

Sections 72, 73 and 74, reproduce, with minor amendments, sections 27 and 35 of the Housing (Miscellaneous Provisions) Act, 1931, and section 48 of the Housing of the Working Classes Act, 1890, respectively.

Appeals, power of Circuit Court to determine lease, actions under sections 65, 66 or 69, etc.

PART V

ACQUISITION OF LAND, ETC.

Under this Part, it is proposed to assimilate land acquisition procedures for housing in urban and rural areas and to give specific power for the compulsory acquisition of land for housing in advance of immediate needs. Certain changes are also proposed in regard to the basis for the assessment of compensation.

The definition of house in *section 75* is slightly narrower than the definition in section 24 of the Housing (Amendment) Act, 1958, on which it is based. "Land" in this Part will have the same meaning as in *section 2*.

Definition for purposes of Part V and Third Schedule.

Under section 10 of the Local Government (Ireland) Act, 1898, as amended by section 11 of the Local Government (No. 2) Act, 1960, a local authority may acquire, purchase, take on lease or exchange any land or easements or rights over or in land, whether within or without their area, for the purpose of any of their powers and duties. They may take such land, easements or rights only with the consent of the owner and occupier or alternatively on the authority of a provisional order, duly confirmed.

Procedure for compulsory acquisition of land.

Section 76 provides that a housing authority acquiring land compulsorily for the purposes of the Bill may do so, as at present, by means of a compulsory purchase order. The section will replace with the one set of procedures the two different codes of compulsory land acquisition at present existing for the purposes of the Housing of the Working Classes Acts and the Labourers Acts. It will also remove the necessity for the provisions scattered over a wide variety of Acts dealing with the power of housing authorities to acquire land for various housing purposes. Apart from the degree of rationalisation achieved, the principal changes effected as a result of the assimilation of the urban and rural provisions for compulsory land acquisition will be:

Provisional order.

Appropriation of land for purposes of this Act.

Amendment of section 10 of Local Government (No. 2) Act, 1960.

- (1) the power of the Minister to deal in parts with a compulsory purchase order, which exists at present under sections 42 and 43 of the Housing (Amendment) Act, 1948, and section 18 of the 1956 Act, for orders made under the Labourers Acts, will apply to all orders; and

Power of Minister to deal in parts with compulsory purchase order.

Amendment of section 18 of 1956 Act.

(2) the provisions for the assessment of compensation for unfit houses in urban areas (at present, under section 24 of the Housing (Amendment) Act, 1958, based on the value of the cleared site less the cost of clearance) will apply also in rural areas. For details of the new compensation provisions see the note on *section 84*.

Compulsory acquisition of land not immediately required.

Section 38 of the Housing (Miscellaneous Provisions) Act, 1931, enables a housing authority, with the consent of the Minister, to acquire land by agreement, but not otherwise, for the purposes of Part III of the Housing of the Working Classes Act, 1890, notwithstanding that the land is not immediately required for these purposes. This will not be re-enacted in view of the general power in section 82 of the Local Government Act, 1946, for a local authority to acquire by agreement land which they consider they will require in the future.

Section 82 (4) of the Act of 1946 also contains a general power of compulsory acquisition for future requirements. Under *section 77* it is proposed that where there is a reasonable expectation that a housing authority will require the land in order to attain the objectives of a building programme, they may be authorised to acquire it compulsorily.

Validity and date of operation of compulsory purchase orders.

Section 78 reproduces section 17 of the Housing (Miscellaneous Provisions) Act, 1931, and sections 42 and 43 of the Housing (Amendment) Act, 1948, as amended by section 18 of the 1956 Act. It will enable a compulsory purchase order for the acquisition of land in an urban area to be dealt with in parts in the same way as an order dealing with land in a rural area may be dealt with at present.

Notice to treat.

This section will require a housing authority who have been authorised to acquire land compulsorily and who decide so to acquire it, to serve a notice to treat on certain persons having an interest in the land. The notice will require each such person to state his interest, and give details of the compensation required.

Sections 4 and 5 of the Acquisition of Land (Assessment of Compensation) Act, 1919, contain provisions requiring that the same arbitrator, as far as practicable, hear the claims of persons on whom notices to treat in respect of the same land have been served. Costs may be allowed against a person refusing or neglecting to give information required by a notice to treat.

Power of entry on, taking possession and use of land proposed to be acquired.

Section 80 reproduces section 41 of the Housing (Miscellaneous Provisions) Act, 1931, enabling a housing authority to take advance possession of lands. The section will also clarify the power of a housing authority to *use* the land once they have taken possession.

Vesting order.

Where a housing authority have entered on land which they intend to acquire compulsorily and all the interests in the land have not been conveyed to them within six months of the date of entry they may, under *section 81*, make a vesting order to acquire the fee simple of the land in certain circumstances. Under *paragraph 2 (j)* of the *Third Schedule* the interest on the purchase money or compensation payable by the authority, from the date of entry, will be at the rate at which they can borrow from the local loans fund, instead of at 3% per annum.

Form and effect of vesting order and registration of title under Registration of Title Acts, 1891 and 1942.

This section deals with the effect of vesting orders.

Extinguishment of ways, easements, etc.

Section 83 reproduces section 18 of the Housing (Miscellaneous Provisions) Act, 1931.

Under section 24 of the Housing (Amendment) Act, 1958, an urban housing authority proposing to acquire land compulsorily must indicate in the compulsory purchase order any house which is, in their opinion, unfit for human habitation and not capable of being made fit at a reasonable expense. If the order is confirmed, the compensation payable for the house is assessed as the value of the land as a site cleared of buildings and available for development, less the estimated cost of clearing and levelling the land. This provision does not apply to acquisitions for the purposes of the Labourers Acts.

Assessment of compensation in respect of land acquired compulsorily.

Under section 84 and the *Fourth Schedule* it is proposed that the compensation for an unfit house incapable of economic repair should be the value of the land as a cleared site, less the cost of clearance, as at present.

The value of the land will, under section 84, generally be assessed as its value at the time the relevant notice to treat is served. It is also proposed, under article 2 (l) of the *Third Schedule*, that the arbitrator in assessing compensation should not take into account any interest in land created after the date on which notice of a compulsory purchase order having been made in relation to the land is published. The requirement in the present law that the arbitrator in assessing compensation for property other than unfit houses must have regard to any increase (but not any decrease) in the value of other property of the same owner resulting from the demolition by the housing authority of other buildings will be dropped.

Section 11 of the Labourers (Ireland) Act, 1906, and section 6 of the Labourers (Ireland) Act, 1911, deal with payment of purchase money or compensation where the title to land compulsorily acquired is not fully established. The sections were applied to urban acquisitions by section 50 of the Housing (Miscellaneous Provisions) Act, 1931, and section 12 of the Housing (Ireland) Act, 1919, respectively, and as so applied, have largely superseded the similar provisions contained in section 11 of the Housing (Amendment) Act, 1908.

In cases where *prima facie* evidence of title was shown and the purchase money or compensation did not exceed £60 the housing authority could pay the sum to the individual concerned. This amount was raised to £250 by section 18 of the Housing (Amendment) Act, 1954. Under article 2 of the *Third Schedule* it is proposed to raise it to £500.

Where title is not shown or where the purchase money or compensation is, under the Land Clauses Act, payable into court, the housing authority, if the amount did not exceed £100 could pay it into the Circuit Court. This amount was raised by the Housing (Amendment) Act, 1954, to £600. Under article 2 of the *Third Schedule* it is proposed to raise it further to £1,200.

Section 85 is the ordinary provision enabling a housing authority to appropriate land, with the consent of the appropriate Minister, for the purposes of their functions under this Bill.

Appropriation of land for purposes of this Act.

Section 10 of the Local Government (No. 2) Act, 1960, provides that where a local authority intend to acquire land compulsorily for purposes for which they are capable of being authorised by law to acquire the land compulsorily, they may use certain provisions of the Housing of the Working Classes Acts, 1890 to 1958, dealing with compulsory acquisition procedures. In effect, this means that they can proceed by means of a compulsory purchase order instead of by provisional order. Under the Bill, it is proposed to repeal most of the provisions of the Housing of the Working Classes Acts dealing with acquisition procedures and to substitute new provisions. Section 86 will replace section 10 of the 1960 Act, with the necessary changes as a consequence of these

Amendment of section 10 of Local Government (No. 2) Act, 1960.

repeals. The reference to a special scale of solicitors costs contained in section 10 by virtue of its application of section 32 of the Housing (Amendment) Act, 1948, will, however, not be retained. Such costs are, in fact at present assessed in the ordinary way. The other changes mentioned in the notes to this Part, except that proposed in *section 76*, will also apply to acquisitions by virtue of the new section 10 of the 1960 Act.

This section is consequential on the definition of land in *section 2*.

PART VI

DISPOSAL OF LAND AND DWELLINGS

The purpose of this Part is to rationalise and codify the procedures for the sale by housing authorities of land and dwellings. Under the Part the special formalities for the sale of dwellings under the Labourers Act, 1936, will, after a limited time, cease to apply. The necessity for specific Ministerial sanction to sales will also be abolished.

Chapter I—Land

In *section 88* it is proposed to consolidate the powers of housing authorities to dispose of land. The requirement of section 16 of the Labourers (Ireland) Act, 1883 that a county council offer land to the person from whom it was acquired will not be re-enacted. Neither will the provision of section 8 of the Labourers (Ireland) Act, 1906, requiring a Minister's order to authorise them to let land not immediately required for housing purposes. The Minister's specific consent to disposals of land under the Act will not be required except where the authority proposes, by resolution, to dispose of land on special terms. Instead, the Minister may, as a condition of subsidy, lay down, under *section 44*, minimum terms to be observed by an authority in disposing of land and, if these terms are not observed, subsidy may be reduced or withheld. The matter will also be subject to review at audit. Provision will be made for a resolution, specifically approving disposals, being passed by the members of the authority.

Chapter II—Certain Dwellings Provided under this Act

Under *section 89*, "special conditions", which may be incorporated in leases or sales of dwellings by housing authorities, are laid down. If these special conditions are breached a special procedure is provided under *section 107* for recovery of possession of the dwelling.

Section 64 of the Housing of the Working Classes Act, 1890, contains provision enabling urban housing authorities, with the Minister's consent, to sell houses after 7 years, if they are too expensive to maintain. The principal power to dispose of urban houses, is, however, contained in section 11 of the Housing (Ireland) Act, 1919, which provides that the authority may, with the consent of the Minister, sell or lease any house subject to such conditions as they think fit, at the best price or for the best rent that can reasonably be obtained, having regard to any condition imposed.

The law dealing with the sale of cottages provided under the Labourers Acts is contained principally in the Labourers Act, 1936, as amended. The provisions of this Act are dealt with in detail in the notes on *Chapter III of Part VI*.

Section 90 will provide a common power for the sale of dwellings by both urban and rural authorities. For a limited time after the commencement of the section, cottages provided under the Labourers Acts before 1st January, 1966, may, under *Chapter III*, be sold under the terms of the Labourer's Act, 1936. These cottages are excluded from the scope of *section 90*.

As is proposed in *section 88* dealing with the disposal of land, it is intended to do away with the necessity for the specific consent of the Minister to sales or leases of houses, except where the authority proposes by resolution to dispose of houses on special terms. Instead, minimum terms will be laid down and enforced as part of subsidy and audit arrangements. The specific approval of the members by resolution to sales or leases will also be required. Further, sales or leases may be made only to the tenant where a house is occupied. If the house is not occupied it may be disposed of to any person. Sales or leases will be affected by transfer order.

Under *subsection 90 (5)* power is given to a housing authority to accept the purchase money by instalments. There is also power to secure its payment by a mortgage or in such other manner as the authority consider adequate, for example, by charging order. In view of the powers of recovery given in *sections 91* and *107*, mortgages or charging orders should not normally be necessary.

Provision is also included that a housing authority may, as a condition of the grant of permission to a purchaser to sell his house, require the payment to them of an amount not less than the amount approved by the Minister. This corresponds to *section 98* dealing with labourers' cottages.

Section 22 of the Labourers Act, 1936, enables a county council to recover, as a simple contract debt, any instalment of a purchase annuity for a cottage which is not paid on the due date. *Section 91* will apply this provision to payments in respect of purchase money made under this Chapter.

Recovery of payments in respect of purchase money.

Section 19 of the Labourers Act, 1936, requires a county council to register in the Land Registry any vesting order made by them for the sale of a labourers cottage. *Section 23* of the Registration of Title Act, 1963, (which is not yet in force) re-enacts this provision. *Section 23* also requires the registration of any land acquired by a local authority after the commencement of the Act. *Section 92* will require both urban and rural authorities to register all sales or leases of houses made by them under the Bill.

Registration under Registration of Title Acts, 1891 and 1942, of ownership of dwellings sold or leased under *section 90* of Act.

Chapter III—Purchase of Certain Cottages under Act of 1936

Section 26 of the Housing (Amendment) Act, 1958, provides that the Labourers Acts shall continue in force until repealed or terminated. The section will be repealed by the present Bill. *Section 93* will, however, continue the Labourers Act, 1936, as amended by the Housing and Labourers Act, 1937, governing the sales of cottages by county councils. After a limited period the Act will cease to apply to any further sales.

Interpretation (*Chapter III* of *Part VI*) and saver.

Section 12 of the Labourers Act, 1936, provides that where a county council provide a cottage they must within twelve months, prepare a purchase scheme, setting out the terms on which the cottage may be purchased, i.e., by terminable annuity, usually equal to half the rent. The scheme must be publicised in the newspapers, etc, and submitted to the Minister for approval. The Minister's order, with the purchase scheme, must then be laid before the Dáil (and Seanad) which has power within three weeks

Purchase of certain cottages under Act of 1936.

to annul it. If the Minister's order stands, the Minister makes a further order fixing the date for the coming into force of the scheme. The county council must then publicise the scheme again in the newspapers, etc.

Section 12 will be repealed by the Bill. Under *section 94* it is proposed to require county councils to make purchase schemes within twelve months, where they have not already done so, in relation to cottages provided before 1st January, 1966. With this exception, county councils will not be required to make any further purchase schemes under the Act of 1936.

Amendment of section 19 of Local Government Act 1936.
Restrictions on applications under section 16 of Act of 1936.

Under *section 95* a qualified person may apply to purchase a cottage under the terms of a purchase scheme for up to eighteen months after the commencement of the section or for up to six months after the coming into force of a purchase scheme made under *section 94*, whichever is the later. After this period, no further purchases may be made under the terms of a purchase scheme and the cottage will, for sale purposes, come within the terms of *Chapter II of Part VI*.

To ensure that persons know of their right to apply for purchase county councils will be required by *subsection 95 (2)* to give appropriate notice to each tenant of a cottage.

Cottages in urban areas.

Section 96 contains provisions corresponding to those in section 22 of the Housing (Amendment) Act, 1950, to deal with cottages coming within urban areas following boundary extensions. The section also clarifies the power of an urban authority to deal in the same way as a county council with vested cottages coming within their area.

Disposal of land by housing authority.

Power to declare certain persons to be qualified persons.

Section 97 enables a housing authority to declare certain persons to be qualified persons so as to enable them to purchase labourers cottages.

Cottage or plot may be charged, mortgaged, subdivided or alienated.

Under section 17 of the Labourers Act, 1936, a vesting order must contain a condition that the cottages to which it applies shall not be alienated otherwise than by devise or by operation of law or by sale with the consent of the county council. Section 21 also provides that a cottage shall not, during the payment period, be mortgaged or charged. Section 23 permits a council, with the consent of the Minister, to suspend the operation of certain of the conditions restricting the user of a cottage. Under *section 98* charging, mortgaging, subdivision or alienation may be permitted with the consent of the county council.

Under *subsection 98 (2)* a county council is given specific power to refuse permission to the alienation of a cottage where they are of opinion that the person to whom it is intended to alienate the cottage is not a person in need of housing or the alienation would, if effected, leave the person intending to alienate, or his dependants, without adequate housing.

Interpretation (Chapter II of Part VI.)

A county council before consenting to the sale of a cottage or plot will also be enabled to require payment to them of such sum as may be approved by the Minister.

Redemption of annuities.

A purchase annuity under the Labourers Act, 1936, is payable over the whole payment period. This enables the county council to retain reasonable control over the cottage during the payment period. In certain circumstances, it may, however, be desirable that the annuity should be redeemable. *Section 99* will provide this power. The sum for redemption will require the Minister's approval.

Act of 1936 wholly or otherwise to cease to apply in certain circumstances.

Where an annuity is redeemed the restrictions of the Labourers Act, 1936, will, under *section 100*, cease to apply to the cottage. Provision is also made in the section for the case where the annuity is redeemed only in part.

A purchase scheme sets out the amount of the terminable annuity to be paid for the purchase of a cottage. This annuity is based on the rent at the time the scheme is made. If the rent is subsequently altered there is no provision for a consequential alteration in the amount of annuity. *Section 101* will include such provisions, which are especially necessary in view of the proposal in *section 24* to pay State grants for the improvement of local authority houses. The annuity for a cottage being purchased at present will not be affected.

Provisions as respects amount of annuities.

Section 17 (2) (d) of the Labourers Act, 1936, provides that a cottage shall not be used during the payment period for any purpose except for the purpose of the accommodation of the purchaser and members of his family, and on his death, for the accommodation of his widow, child or other relative who was resident with him at the time of death, or for the purpose of the accommodation of an agricultural labourer and members of his family. Under *section 102* it is intended to clarify this provision so as to require that the purchaser should use the cottage as his normal place of residence. Where the cottage is vacant for a continuous period in excess of eighteen months the housing authority will, under this section, be enabled to resume possession on payment to the purchaser of an amount approved by the Minister, being not less than what the purchaser has paid. The section also makes a number of minor changes in the law, including the application of *section 87* of the Landlord and Tenant Law Amendment Act, Ireland, 1860, to the service of a summons in proceedings for the recovery of possession of a cottage where the owner cannot be found.

Amendment of certain provisions of, and validation of certain orders under, Act of 1936.

Section 46 of the Land Act, 1923, enables the Land Commission to carry out exchanges of holdings. The purpose of *section 103* is to bring cottages where the annuity has been fully paid or redeemed, within the provisions of *section 46*, thus enabling such cottages and plots to be exchanged for other holdings.

Amendment of section 46 of Land Act, 1923.

Section 104 will bring land allotted by the Land Commission to the owner of a vested cottage within the scope of *sections 6 and 7* of the Land Act, 1946. *Section 6* provides that where additional land allocated by the Land Commission for the enlargement of a holding has not been consolidated with the holding, it shall not be lawful for the purchaser to assign, transfer, subdivide or sublet either the additional land or the original holding, without the consent of the Land Commission. *Section 7* provides that where such additional land is allocated, the additional land shall, on the death of the purchaser, devolve on the person on whom the original holding devolves.

Amendment of section 6 and 7 of the Land Act, 1946.

Section 105 excludes from the right to purchase under the terms of purchase schemes persons so excluded by existing legislation and also persons whose land valuations are £5 or less for whom subsidy at the specially favourable rate provided for in *section 44* is payable.

Saver.

Chapter IV—Miscellaneous

Section 18 of the Labourers Act, 1936, provides that when a county council propose to make a vesting order in respect of a cottage which is not in good repair and sanitary condition the council shall put the cottage into good repair and sanitary condition. Under *section 106* it is proposed to confine the housing authority's responsibilities to seeing that the cottage is in good structural condition. If the purchaser is dissatisfied with the repairs he may appeal to the Minister. The section contains provision enabling a fee to be prescribed in connection with these appeals. The section will apply to dwellings sold or leased under the Bill in both urban and rural areas.

Duty of housing authority to put certain cottages and dwellings into good structural condition.

Recovery of possession in certain circumstances of houses and dwellings sold or leased by housing authority.

Section 107 provides for the recovery of possession of dwellings sold by a housing authority under the Housing (Ireland) Act, 1919, or the present Bill, where the person to whom the house was sold or his successor in title cannot be found. Where the authority recover possession under the section, they must give an undertaking to the court to pay any person showing entitlement, the purchase money which has been paid to them for the dwelling.

The section will also enable a housing authority to recover possession of a dwelling sold or leased under the Bill where a special condition is breached.

Capital money.

Section 108 will require housing authorities to apply capital money to capital purposes approved by the Minister. It will replace section 82 of the Housing of the Working Classes Act, 1890, and similar provisions.

PART VII

EXERCISE AND DEFAULT IN EXERCISE OF FUNCTIONS UNDER THIS ACT

This Part deals with the power of a housing authority to act outside their area and with the powers of the Minister to act on default by a housing authority. It also deals with the appointment of committees.

Exercise by housing authority of functions under this Act outside functional area.

Section 3 of the Housing Act, 1921, provides for the carrying out by an urban housing authority of an approved scheme under the Housing (Ireland) Act, 1919, outside their own area, subject to an agreement with the county council as to the terms and conditions on which the works are to be executed. Under section 10 of the Local Government (Ireland) Act, 1898, as amended by section 11 of the Local Government (No. 2) Act, 1960, they can acquire land either within or outside their area.

Section 109 will enable a housing authority to perform any of their functions under the Bill outside their area. If an authority intend to build houses outside their area they will have to obtain planning permission from the planning authority for the area where they intend to build, and in the event of a refusal of permission by the authority the ordinary provisions as to appeal to the Minister will apply.

Committees.

Under article 38 of the Schedule to the Local Government (Application of Enactments) Order, 1898, county councils and county borough corporations may join in appointing from their membership joint committees for any purpose in respect of which they are jointly interested. Urban district councils have the same powers *inter se*. *Section 58* of the Local Government Act, 1925, deals with the formation of committees by county councils.

Under *section 110* all housing authorities will be enabled to form committees or joint committees for purposes connected with the performance of any of their functions under the Bill. The power would be particularly appropriate where, for instance, a group of local authorities decided to estimate needs, draw up

building programmes on a joint basis or combine so as to be in a position to offer large or long-term contracts for the provision of houses. The powers in the section will be additional to those contained in section 59 of the Local Government Act, 1955, under which local authorities may act for each other or for a statutory body and have all the powers of the body for whom they act. They will replace section 81 of the Housing of the Working Classes Act, 1890, which enables urban housing authorities to appoint committees for any purpose which they think will be better managed by a committee.

Under Part IV of the Local Government Act, 1941, as amended by sections 30 and 64 of the Local Government Act, 1946, a general power exists for the removal from office of members of a local authority if the local authority default in carrying out statutory obligations. Removal from office may in certain circumstances be too extreme a step. Sections 3 and 4 of the Housing (Ireland) Act, 1919, contain powers in relation to default by urban housing authorities and various provisions in the Labourers Acts also deal with action by the Minister on default by a county council. Under section 18 of the Housing (Financial and Miscellaneous Provisions) Act, 1932, the Minister may, by order, require a housing authority to perform their functions under either the Housing of the Working Classes Acts or the Labourers Act and, if they fail to do so, he may invest himself with and exercise all the necessary powers. Section 111 re-enacts the provisions of section 18, with minor changes.

Failure of housing authority as respects performance of functions under Act.

PART VIII

MISCELLANEOUS

Section 112 will specifically empower housing authorities to give technical assistance to persons (including housing associations or societies) providing houses.

Provision of technical assistance.

Section 113 will enable housing authorities to encourage the proper maintenance of houses and gardens by enabling them to provide prizes and organise competitions.

Power to provide prizes or other incentives for the maintenance of houses.

This section re-enacts section 31 of the Housing (Miscellaneous Provisions) Act, 1931, with provisions for an increase in the maximum rent of houses to which the provisions apply from £30 a year in Dublin City and Dun Laoghaire, and £25 elsewhere, to £130 a year. The section provides for the variation by order of this amount.

Conditions to be complied with on letting of houses for human habitation.

Section 88 of the Housing of the Working Classes Act, 1890, provides that a person shall not vote as a member of a local authority or county council or committee thereof upon any resolution or question which relates to any house, building or land in which he is beneficially interested. The section provides for a fine not exceeding £50 for contraventions. Section 115 re-enacts this provision with amendments providing for votes cast in contravention of the section being disregarded and for the disqualification for the remainder of his term of office of any member who so votes. "Beneficial interest" will also be more strictly defined.

Prohibition on persons interested voting as members of housing authority or certain committees.

Prosecutions and offences.	<i>Section 116</i> re-enacts sections 6 of the Housing (Amendment) Act, 1948, with minor amendments. The purpose of the section is to ensure that where a corporate body commits an offence the responsible officer of the body will be liable to penalty as well as the corporate body. The section would apply particularly in relation to offences under <i>Part IV</i> dealing with unfit and overcrowded houses.
Power of authorised person to enter on land.	Under this section, which is based on section 42 of the Housing (Miscellaneous Provisions) Act, 1931, and the corresponding provisions in the Local Government (Planning and Development) Act, 1963, power will be enacted for the entry of certain authorised persons on land.
Certain dwellings to be deemed to be provided under this Act.	Sections 16 and 20 of the Housing (Amendment) Act, 1954, provide that dwellings vested in a housing authority and used by them for the purposes of the Housing of the Working Classes Acts or the Labourers Acts, which, apart from these sections, would be dwellings not provided by the authority under those Acts shall be deemed to be dwellings provided under those Acts. The purpose of <i>section 118</i> is to bring dwellings to which those sections apply within the scope of the present Act. Similarly the section will bring within the present Act any dwelling used by a housing authority for the purposes of the Act, which apart from the section, would not be a dwelling provided under the Act.
Small dwellings.	<i>Section 119</i> will preserve the existing provisions governing the repayment and recovery of small dwellings loans and the use to which the houses may be put.
Amendment of Housing of Working Classes Act, 1890.	<i>Section 120</i> preserves the definition of local authority in so far as it is necessary in the Second Schedule to the Act of 1890.
Savings.	<i>Section 121</i> contains savings for various orders, regulations, loans, etc. made under existing legislation.

SCHEDULES

The *Second, Third* and *Fourth Schedules* are dealt with in the notes on the relevant sections. The following are notes on the *First Schedule*. In the notes the existing land acquisition provisions in the Labourers code are marked*. Those in the Housing of the Working Classes Acts are marked†. As to these provisions see *Part V*. Provisions (other than those which are spent or obsolete) which are not being re-enacted are marked^x. References to sections containing only citations, definitions, commencement dates, etc., are generally omitted.

Public Health (Ireland) Act, 1878.

Sections 82 to 86.

Provisions restricting the use of cellars as dwellings. The powers in *Part IV* enabling housing authorities to require the demolition or closure of unfit houses make the earlier provisions unnecessary.

Sections 100 and 101.

Power of sanitary authorities to make bye-laws as respects houses which are let. See *section 70*.

Public Works Loans Act, 1881.

Section 11.

Validation of loans to bodies established for the purpose of constructing or improving labouring class dwellings. Spent.

Labourers (Ireland) Act, 1883.

Act to be construed with Public Health (Ireland) Act, 1878, so far as consistent. The present Bill will not be construed with the Act of 1878.

Section 3.

County council to make an improvement scheme for the erection of dwellings, on receipt of a representation that the accommodation of agricultural labourers is deficient or unfit for human habitation, to publish details of the scheme and submit it to the Minister for confirmation. See fourth paragraph of memorandum.

Sections 4, 6 and 7.

Inquiry by Minister into refusal by county council to make an improvement scheme. See fourth paragraph of memorandum.

Section 10.

Duty of county council to enforce order under section 3 of the Labourers' Cottages and Allotments Ireland Act, 1882, or under section 19 of the Land Law (Ireland) Act, 1881, requiring tenant of a holding to provide or improve cottages for labourers employed on the holding.

Section 11.

Under sections 56 and 66 housing authorities will have power to require the repair of unfit houses or to provide accommodation themselves.

Section 16.

Execution of improvement scheme by county council. See fourth paragraph of memorandum.

Section 12.

Illegal to let a tenement provided under the Act to any person other than an agricultural labourer; lettings to provide against sub-letting and to be from month to month on such terms that they are cottier tenancies within the meaning of the landlord and Tenant Law Amendment Act, Ireland, 1860, i.e., certain conditions as to maintenance of the house apply and possession is recoverable summarily. See sections 58 and 62.

Section 13.

County council to demolish or close for human habitation any unfit house on land acquired by them. See section 66.

Section 14.

Power to acquire land by agreement or compulsorily; land to be sold back to original owner if not used for the purpose for which it was acquired by the county council. See sections 76 and 88.

*Section 16.

Accounts of county council to be audited in the same manner as the accounts of local authorities generally. Not necessary. Covered by the general law on the subject in the Local Government Acts.

Section 19.

Labourers (Ireland) Act, 1885.

Power to limited owner to grant lease for up to 99 years to county council, for Land Commission Court to confirm lease and for Minister to enable county council to take land compulsorily for up to 99 years.

*Sections 2, 3 and 4.

Covered by local authorities' powers of compulsory acquisition. See section 76.

Practice of Land Commission Court under the Act to be regulated by rules made under section 50 of the Land Law (Ireland) Act, 1881.

*Section 5.

Apportionment of rent where part only of land held on rent is taken.

*Section 7.

- *Section 8. Compensation for loss by acquisition of land compulsorily for a term of years.
- *Section 9. Right to re-hearing by Land Commission Court concerning land proposed to be taken for a term of years.
- *Section 10. Representation by guardian where land is held by a minor, idiot or lunatic.
- Section 11. Any letting in pursuance of the Act to imply covenants contained in section 42 of the Landlord and Tenant Law Amendment Act, Ireland, 1860. See *section 58*.
- *Sections 13 and 14. Relate to provisional orders confirmed before passing of Act.
- Section 15. Power to county council to amend improvement scheme. See fourth paragraph of memorandum.
- Section 16. Power of county council to purchase and repair existing cottage, to allot half an acre of land to existing cottages, and to purchase and let land in allotments for agricultural labourers. See *sections 56 and 88*.
- Section 17. Duty of county council to require the owner of unfit house to cease to permit it to be used as a dwelling house. See *section 66*.
- *Section 19. Amendments of Act of 1883.
- *Section 20. Owner whose lands are proposed to be taken compulsorily may offer alternative sites.
- *Section 21. Limit on time for reply to notice of compulsory acquisition.
- Labourers (Ireland) Act, 1886.**
- *Section 3. Limits compulsory acquisition powers to land accessible from an existing public road.
- Sections 4 and 6. Definition of agricultural labourer and of "home farm."
- Section 7. Amendment of section 5 of Act of 1883, as to certificate by sanitary officer where a representation is on the grounds of sanitary defects. See *section 66*.
- Section 8. Appeal to Minister from certificate of sanitary officer that the sanitary defects alleged in any representation for an improvement scheme do not exist; entitlement of sanitary officer to remuneration under the Act. See *section 66*. The power of local authorities to fix rates of remuneration is in the Local Government Acts, 1925 to 1960.
- Sections 9 and 11. Power for Minister to dispense with advertisements and notices and to prescribe forms. See *sections 2, 3 and 5*.
- *Section 12. Extension of powers of compulsory acquisition to cover acquisition of land for allotments.
- Section 13. Minor amendments of sections 2 and 4 of Act of 1885.
- Section 14. Power for county council or contractor to take gravel, stones, sand and other materials for building work provided for in an improvement scheme. See fourth paragraph of memorandum.

Nothing in the Acts to prevent a county council letting allotments to agricultural labourers, notwithstanding that cottages have not been erected. See *sections 58 and 88.* Section 15.

Power to Minister to make an order exchanging a plot in an improvement scheme for another plot offered by the owner. *Section 16.

Power to Minister to remove officers. This is now covered by general powers in the Local Government Acts, 1925 to 1960. Section 17.

Working Classes Dwellings Act, 1890.

Provides that section 16 of the Charitable Donation and Requests (Ireland) Act, 1844, which provided that no pious or charitable donation, devise or request should be valid unless executed at least three months before death, should not apply to fund for working class dwellings. The 1844 Act is repealed by the Charities Act of 1961.

Housing of the Working Classes Act, 1890.

PART I—UNHEALTHY AREAS

Costs of Minister and other parties in clearance order and compulsory purchase order proceedings to be deemed to be expenses of the housing authority. These costs are now dealt with under section 91 of the Local Government Act, 1946. Section 8 (7) to (9).

“ Dwelling House Improvement Fund ” to be formed; statutory limitations on rates not to apply. Superseded. Section 24.

PART II—UNHEALTHY HOUSES

On the application of an owner who has carried out satisfactorily works required by a local authority to a house, the local authority may make an order charging his costs on the house by way of an annuity for thirty years at 6% per annum. See *section 71.* Sections 36 and 37.

Expenses of a local authority to be defrayed out of rates; rate limitations not to apply etc. Superseded. Section 42.

Local authority to present the Minister with annual account of what has been done and of all moneys received and spent. Superseded. Section 44.

A superior landlord not in receipt of the rents from a house, may give notice of his ownership to the local authority who shall then give him notice of any proceeding taken by them in relation to the house. Not necessary. See *sections 65 and 66.* Section 47.

The rights of owners to action for breach of covenant or contract by tenant or lessee not to be affected by order or repair notice of the local authority. See *section 74.* Section 48.

PART III—WORKING CLASS LODGING HOUSES

“ Lodging house for the working classes ” to include separate houses or cottages; purposes of Part III to include the provision of such houses and cottages. See *section 56.* Sections 53 and 54.

Part III may be adopted. This is virtually repealed by section 1 of the Act of 1919, which provides that Part III shall take effect in every urban district and town.

- Section 56.** Local authorities given same powers of contract as under the Public Health Acts. See fourth paragraph of memorandum.
- †**Section 57.** Land may be acquired in like manner as under Public Health (Ireland) Act, 1878. This is repealed by section 37 of the Act of 1931, in so far as it relates to compulsory acquisition. Local authorities have now general powers to acquire land by agreement. See section 10 of Local Government (Ireland) Act, 1898, as amended, and *section 76*.
- A local authority may purchase or lease working class lodging houses and, with the consent of the Minister, appropriate houses or other land for housing purposes. See *sections 58, 76 and 85*.
- †**Section 58.** Trustees of lodging houses may sell them to the local authority. Not necessary.
- Section 59.** Power for local authority to build, alter, repair, etc., houses. See *sections 56 and 58*.
- Section 60.** Power to sell and exchange land not required. See *section 88*.
- Section 61.** Management and control of houses vested in local authority. See *section 58*.
- Section 62.** Bye-laws to be made by housing authorities for the management and regulation of houses provided by them. See *Part IV*.
- Section 64.** If a housing authority determine that houses established for seven years are unnecessary, or too expensive, they may be sold, with the sanction of the Minister, for the best price obtainable. See *section 90*.
- Section 65.** Expenses to be defrayed in the same way as expenses under the Public Health Acts. Not necessary.
- Section 67.** Power to Office of Public Works to lend money to railway, dock or harbour companies or any company, society, etc., established for the purpose of building or improving working class houses or to private persons holding land for up to 30 years. See *section 12*.
- Section 68.** Power to railway, dock or harbour company or any other company, society, etc., established for trading or manufacturing purposes to erect dwellings for their working class employees. Not necessary.
- Section 69.** Power to water works authorities and gas companies to supply at their discretion water and gas to working class houses. Not necessary.
- Section 70.** Any house established under the Act to be open to inspection by the housing authority. See *section 58*.
- Section 71.** Fines for breach of bye-laws to be paid to funds of local authorities. Inappropriate.
- PART IV—SUPPLEMENTAL**
- Section 74.** Amends Settled Land Act, 1882, to provide that sales of such land for working class dwellings may be made at the best price that can reasonably be obtained notwithstanding that a higher price might have been obtained if the land were sold for another purpose. Not necessary.
- Improvements on which capital money be paid, enumerated in section 25 of the Act of 1882, to include erection of working class dwellings. Not necessary.

Any corporate body may sell land for working class houses at the best price that can reasonably be obtained notwithstanding that a higher price might have been obtained if the land were sold for another purpose. Not necessary.

In any contract to lease a working class dwelling at a rent not exceeding "£4" a condition is implied that the house is reasonably fit for human habitation. See *section 114*. Section 75.

Anything which may be done by a medical officer of health may be done by a temporary medical officer of health; every representation by a medical officer of health to be in writing. Not necessary. Section 79.

Accounts of receipts and expenditure to be audited in the same manner as accounts of local authorities are required by law to be audited. Not necessary. Section 80.

Power to appoint committees. See *section 110*. Section 81.

Proceeds of sales of land to be applied to capital purposes. See *section 108*. Section 82.

Public Health (Ireland) Act, 1878, to apply to bye-laws made under the Act and fines may be recoverable by summary conviction. Not necessary. The Bill provides for penalties and for procedures for making regulations. Section 84.

Orders of housing authority to be under seal and authenticated by clerk; notices, demands, etc., to be signed. Not necessary. Under the Management Acts, executive functions must be discharged by signed order and reserved functions by resolution. Section 86.

Service of notices on local authority. Not necessary. Section 87.

Prohibition on members voting on matters in which they have a beneficial interest. See *section 115*. Section 88.

Penalties of up to £20 for obstructing medical officer of health or other persons authorised to enter premises. See *section 117*. Section 89.

Offences may be prosecuted summarily. See *section 116*. Section 90.

Powers in the Act are to be in addition to and not in derogation of other powers. Not necessary. Section 91.

PART VI—APPLICATION OF ACT TO IRELAND

Part III may be adopted by commissioners for paving, lighting and cleaning of towns. Spent. Section 99.

Sections of Commissioners Clauses Act, 1847, incorporated in Part III in so far as town commissioners or dock or harbour boards are concerned. The incorporated sections provide for contracts, conveyance of lands, freeing of commissioners from personal liability, legal action by commissioners, which are unnecessary as a result of the incorporation of town commissioners, etc. Section 100.

Any body establishing working class houses to have the same power as the local authority of making bye-laws. Not necessary. Section 101.

PART VIII—REPEALS AND TEMPORARY PROVISIONS; SCHEDULES

Local authorities for the purpose of the Act and the rates from which expenses are to be paid. First.

Applied enactments for the purposes of closing premises or abating nuisances. Sections 29 and 32, which apply these enactments, are repealed by section 4 of the Act of 1931. Third.

- Fourth and Fifth.** Forms. These forms are superseded by the Housing of the Working Classes (Forms) Orders, 1932 and 1933.
- Sixth.** Matters on which bye-laws for flats are to be made under section 62. See *section 65*.
- Purchase of Land (Ireland) Act, 1891.**
- Section 38.** One house only to be used on an amalgamated holding except with the permission of the Land Commission. See *section 17*.
- Labourers (Ireland) Act, 1891.**
- Section 4.** Power to Minister to hold a local inquiry where a county council refuse to proceed with an improvement scheme. See fourth paragraph of memorandum and *section 111*.
- *Section 5.** Where an order of the Land Commission Court requiring the tenant of a holding to build or improve cottages for agricultural labourers is not complied with within six months, the Minister shall, on complaint by six householders, take summary proceedings to recover the penalty of £1 per week from the tenant.
- Section 6.** Amendment of improvement schemes by Minister. See fourth paragraph of memorandum.
- Section 7.** Houses may be built in villages or towns without garden allotments. See *section 56*.
- Section 8.** Power to Minister to authorise an inspector to exercise powers of a county council. See *section 111*.
- Labourers (Ireland) Act, 1892.**
- Plots not exceeding one acre may be allotted with cottages. See *section 56*.
- Housing of the Working Classes Act, 1893.**
- Section 1.** Applies section 243 of the Public Health (Ireland) Act, 1878, which deals with the appointment of a receiver for money due on a mortgage of rates made under the 1878 Act. Not necessary.
- Town to be district within the meaning of Parts III and VI of the Act of 1890. Virtually repealed by section 1 of the Act of 1919.
- Provisions of Public Health (Ireland) Act, 1878, to apply to bye-laws made by town commissioners as if they were a sanitary authority. Not necessary.
- Housing of the Working Classes (Ireland) Act, 1896.**
- Section 1.** Town commissioners to have same powers of acquiring land and otherwise under Part III of the Act of 1890 as other local authorities. Not necessary. The Bill confers appropriate powers on town commissioners.
- Section 2.** Forms in Fourth Schedule to the Act of 1890 may be altered so as to conform with forms under the Petty Sessions (Ireland) Act, 1851. Superseded. The forms are now prescribed in the Housing of the Working Classes (Forms) Orders, 1932 and 1933.
- Labourers (Ireland) Act, 1896.**
- Section 1.** Amendment of sections 4 and 7 of the Act of 1883.
- *Section 2.** Power to Minister to divide a provisional order where part only is opposed.
- *Section 3.** For the purposes of compulsory land acquisition, the Lands Clauses Acts to be deemed to be amended by Second Schedule to the Act of 1890.

Tenancy of a labourers cottage to be deemed to be a cottier Section 5.
tenancy. See sections 58 and 62.

Provisions dealing with inspectors holding inquiries. Not Section 6.
necessary. Inquiries are now held under section 83 of the Local
Government Act, 1941.

Conditions for sale of cottages not required for labourers. See Section 7.
section 90.

Small Dwellings Acquisition Act, 1899.

Power to local authorities to advance money to enable persons
to purchase houses. See section 39. Saver for existing loans is
contained in section 119.

Labourers (Ireland) Act, 1903 (Part IV of the Irish Land Act, 1903).

Representations for improvement schemes where cottages are to Sections 94
be erected in a locality other than that suggested in the representa- and 95.
tion. See fourth paragraph of memorandum.

Land Commission to inquire as to whether accommodation is Section 96.
needed for labourers on estates purchased by them and to frame
a scheme providing therefor. Superseded.

Representations may be signed by not less than six ratepayers Section 97.
or agricultural labourers. See fourth paragraph of memorandum.

Part IV to be construed with Labourers (Ireland) Acts. Section 100 (4).

Labourers (Ireland) Act, 1906.

Representation to be sufficient if signed by three ratepayers or Section 1.
agricultural labourers and it states that the circumstances of a
district are such that action by the county council is necessary.
See fourth paragraph of memorandum.

Unnecessary for county council to make an improvement scheme Section 2.
where they desire to enlarge a cottage provided by them under
the Labourers Acts. Not necessary. See fourth paragraph of
memorandum.

Power to make an improvement scheme notwithstanding that Section 3.
a representation has not been made. See fourth paragraph of
memorandum.

Substitutes twenty-one days for one month in compulsory pur- *Section 4.
chase provisions of section 21 of Act of 1885.

Improvement scheme where land is not taken compulsorily to Section 5.
become operative on sanction by the Minister to any loan or
expenditure required. See fourth paragraph of memorandum.

Provisions where land is proposed to be taken compulsorily in *Section 6.
an improvement scheme. See fourth paragraph of memorandum.

Where Land Commission are satisfied that accommodation for Section 7.
agricultural labourers is needed on an estate they may, instead of
framing a scheme, report their opinion to the county council who
may then, if they think fit, frame a scheme. See section 56.

Minister may authorise county council to let land not required. Section 8.
See sections 58 and 88.

Power to Minister to require county council to carry out an Section 9.
improvement scheme and on their default to appoint an officer to

carry out the scheme. See fourth paragraph of memorandum and section 111.

*Section 11. Purchase money not exceeding £60 may be paid for compulsory acquisition of land to person giving *prima facie* evidence of power to sell; local authority may pay purchase money not exceeding £100 where claimant does not deduce title satisfactorily, to the Circuit Court. See section 84 and Third Schedule.

Section 15. Certain sums, payable from the Ireland Development Grant, not to be reckoned as part of the income of the Irish Land Purchase Fund in determining whether that income is insufficient under section 29 of the Act of 1903. Spent. The Ireland Development Grant was wound up under section 16 of the Land Act, 1923.

Section 16. Power to Land Commission to make advances from the Irish Land Purchase Fund to local authorities for the provision of cottages and allotments. Not necessary.

Section 19. Power to advance money for the purchase of land in an estate by an agricultural labourer of not less than five years' residence on or near the estate. Spent. Section 31 of the Land Act, 1923, enables the Land Commission to make advances for the purchase of land to any person to whom they think an advance should be made.

Section 20. Power to make an advance to a county council under section 4 of the Act of 1903, for the purposes of the Labourers Acts. Not necessary.

*Section 21. Title of land acquired by a county council to be registered. Not necessary. Registration of title will be compulsory under the Registration of Title Act, 1963. Housing authorities will be requested to register any land acquired by them in the interval before it comes into force.

*Sections 22 and 23. Fees not to be payable in the Local Registration of Title Office or the Registry of Deeds for the registration of ownership of land purchased by a county council or for any searches or land certificates issued to a council for such land; stamp duty not to be payable on any instrument vesting land in a council or relating to the letting of cottages or land. See section 50.

*Section 24. Agricultural labourer who is tenant of a cottage near a holding such as is referred to in section 21 of the Irish Land Act, 1903, to be deemed for purposes of turbarry to be an occupier of land in that neighbourhood. Not necessary.

Section 25. Lands for the purposes of an improvement scheme may be selected if they adjoin a road over which a right-of-way exists. See fourth paragraph of memorandum.

Section 26. Allotments may be let to persons who are not tenants of cottages provided under the Acts. See sections 56, 58 and 88.

Section 27. Every person to be employed by a county council for the purposes of the Labourers Acts to satisfy the Minister that he is qualified. Not necessary.

*Section 28. Notice of proposed improvement scheme to have a map showing the land proposed to be taken.

Section 30. Returns to be made by county councils of numbers of cottages provided, rents, etc. Not necessary.

Local Registration of Title (Ireland) Amendment Act, 1908.

Provisions applicable up to 3rd December, 1910, where a county council failed to register land. Spent.

Housing of the Working Classes (Ireland) Act, 1908.

Power to let land on lease for working class dwellings. See *Section 8. section 88.*

Raises from £20 to £60 the compensation for the compulsory acquisition of land to parties not making full title; limits to £300 the sum to be paid by a particular local authority to such persons. Superseded by section 11 of the Act of 1906 as applied by section 50 of the Act of 1931. †*Section 11.*

A local authority may accept a donation of land, etc., for housing. Not necessary. Under the Local Authorities (Acceptance of Gifts) Act, 1945, a local authority may adopt schemes for the acceptance of gifts. *Section 12.*

Irish Land Act, 1909.

Exemption from stamp duty under section 23 of the Act of 1906, to extend to mortgages given by a local authority to secure advances by the Land Commission. Not necessary. Housing authorities obtain their capital for housing from the local loans fund and elsewhere. **Section 10.*

Provisions relating to the repayment of advances by the Land Commission under section 16 of the Act of 1906. Not necessary. Saver for existing loans is contained in *section 121.* *Section 11.*

Labourers (Ireland) Act, 1911.

Increase in amount which could be advanced by Land Commission under section 16 of the Act of 1906. Not necessary. *Section 2.*

Power for Minister to require owner of unfit house occupied by labourer to demolish the house. See *section 66.* *Section 5.*

Where purchase money or compensation for land is payable into court by a county council it may be paid into the Circuit Court instead of the High Court, if it does not exceed £100. See *section 84 and Third Schedule.* **Section 6.*

Order of inspector confirming an improvement scheme, or certified copy thereof, to be accepted as evidence in any court. See fourth paragraph of memorandum. *Section 7.*

Labourers (Ireland) Act, 1914.

Increase in amount which might be advanced by the Land Commission under section 16 of the Act of 1906. Not necessary. *Section 1.*

Housing (No. 2) Act, 1914.

Minister to have power, within one year, to acquire land and buildings for housing. Spent. *Section 13.*

Housing (No. 2) (Amendment) Act, 1914.

Applied Housing (No. 2) Act, 1914, to Ireland. Spent. *Section 22.*

Local Government (Emergency Provisions) Act, 1916.

Not necessary to present account under Part II of the Act of 1890, as required by section 44 of that Act. Spent. *Section 13 (4).*

Labourers (Ireland) Act, 1918.

Suspension for limited period of the operation of section 15 of the Act of 1883. Spent. Section 15 was repealed by the Act of 1932. *Section 22.*

Housing (Ireland) Act, 1919.

PART I—HOUSING OF THE WORKING CLASSES

- Sections 1 and 2. Part III of 1890 Act dealing with the provision of working class houses to apply to every urban district and town; local authorities to submit schemes for housing to Minister. See *sections 53 and 55*.
- Sections 3 and 4. Power to Minister to carry out schemes and act in relation to unhealthy area and houses if the local authority fail to fulfil their obligations. See *section 111*.
- †Section 8. Power to local authority to acquire houses and adapt them as working class houses and to acquire land for resale to other organisations for development as a building estate, including the provision of houses and other works for persons of the working class and other persons. See *sections 56, 76 and 88*; also *section 10* of Local Government (Ireland) Act, 1898, as amended.
- Section 11. Power for a local authority to provide land acquired for housing or to sell it for the erection of houses and development as a building estate; to sell houses; and to contribute towards the expense of development of land sold under the section. See *sections 12 and 88*.
- †Section 12. Section 6 of the Act of 1911 to apply to acquisitions under the Housing of the Working Classes Acts. See *section 84*.
- Section 13. Tenant of local authority house not to be disqualified for election to the local authority. Not necessary. There is now no such disqualification.
- Section 14. Local authority may promote or assist by grants, loans and guarantees a public utility society whose objects include the erection or management of working class houses. See *section 12*.
- *Section 16. Purposes for which Office of Public Works may advance money under *section 67* of the Act of 1890, to include the purchase of houses for the working classes and the development of land by a public utility society. Not necessary. Aid to these organisations will be channelled through housing authorities.
- *Section 17. Power to Office of Public Works to advance up to 75% loan to private persons constructing working class houses. Not necessary. See *sections 12, 26, 28, 39 and 45*.
- Section 18. Power to local authority to lend money for the reconstruction, enlargement or improvement of working class houses. Not necessary. See *section 40*.
- *Section 19. Building bye-laws not to apply to housing schemes approved by the Minister and carried out by a local authority, a public utility society or a housing trust or to schemes carried out by the Minister. Not necessary.
- Section 20. Power to local authority to make bye-laws dealing with overcrowding, registration of tenements, enforcement of drainage and cleanliness etc. See *sections 4, 64, 65, 66, 70 and 117*.
- Section 21. Power to local authority, within three years of the passing of the Act, to consent to the erection or use of buildings for human habitation, notwithstanding the provisions of the building bye-laws. Spent.
- *Section 22. Power to Circuit Court to vary a lease so as to permit a house to be divided into separate tenements, where the character of the neighbourhood has changed. Part VI of the Landlord and Tenant Act, 1931, enables restrictive covenants in leases to be varied with the lessor's consent, which may not be unreasonably withheld.

- Power to Government Departments within five years to sell bricks and other building materials. Spent. Section 24.
- Power to Circuit Court to vary lease and permit entry on land so as to enable person having an interest in land used for working class houses, whose interests are prejudiced, to reconstruct houses which are dangerous or injurious to health or unfit for human habitation. See *section 66*. Section 25.
- Extension of powers of tenant for life to lease land or to mortgage the land where the money is required for working class houses. Not necessary. Compulsory acquisition powers enable a local authority to acquire land held for life. Section 26.
- Possession of premises on termination of tenancy may be recovered by local authority summarily under section 15 of the Summary Jurisdiction (Ireland) Act, 1851. See *section 62*. Section 28.
- Application of certain enactments to Ireland. The only application under this power was made by the Housing (Ireland) Act, 1919, (Application of Enactments) Order, 1928 (S.R. and O.No. 70) which applied section 11 of the Housing of the Working Classes Act, 1903. This Order was repealed by the Local Government (Repeal of Enactments) Act, 1964. Section 30.
- Minister may make rules for carrying the Housing of the Working Classes Acts into effect and, in particular, prescribing duties, conditions of employment and qualifications of persons employed by local authorities. Not necessary. See *section 5*. Section 32.
- PART II—ACQUISITION OF SMALL DWELLINGS**
- Market value of house for which advance may be made increased to £400, limit of advance increased to 90% and fifty years substituted as maximum period of the advance. See *section 39*. Section 34.
- Enactments capable of being applied to Ireland. See note on section 30. Second Schedule.
- Labourers (Ireland) Act, 1919.**
Definition of agricultural labourer. Not necessary.
- Housing (Additional Powers) Act, 1919.**
(This Act continued for two years except for the following unrepealed provision).
- Power for Minister to acquire land on behalf of a local authority or authorised association for development of garden cities and town planning schemes and for local authorities to acquire and develop land for the same purpose. Not necessary. Planning functions are dealt with so far as is necessary in the Local Government (Planning and Development) Act, 1963. Under *section 45* subsidy may be paid to bodies other than housing authorities providing housing. These could include bodies established by the Minister. Section 10.
- Public Works Loans Act, 1920.**
Temporary advances for housing purposes. Spent. Sections 2 and 5.
- Housing Act, 1921.**
Modifications of expired provisions in Housing (Additional Powers) Act, 1919. Spent. Sections 1 and 2.
- Power to local authority to carry out housing schemes outside their area with the agreement of the county council. See *section 109*. Section 3.

Sections 6 and 7. Modification of section 10 of Housing (Additional Powers) Act, 1919.

*Section 9. Power to local authority to contribute to local savings committees. Inappropriate to housing legislation.

Housing (Building Facilities) Act, 1924.

Sections 2 to 5. Grants for erecting and reconstructing houses. Spent.

Sections 6 and 7. Power to housing authorities to make supplemental grants and loans, lease land for house building and remit portion of rates. Spent.

Section 8. Power to Minister, within 18 months of passing of Act, to limit the price of building materials. Spent.

*Section 9. Power to Minister to purchase and manufacture building materials. It is not proposed to retain this power.

Section 10. Appeals. Spent.

Housing (Building Facilities) (Amendment) Act, 1924.

Section 3. Grants to local authorities erecting or reconstructing houses under the Housing of the Working Classes Acts. Superseded.

Section 4. Chargeability of expenses of housing authorities. Spent.

Section 5. Extension of application of grants to houses of up to 1,400 sq. feet. Spent.

Housing Act, 1925.

Applied to houses erected within limited period from passing of Act. Spent.

Housing Act, 1928.

Amendments of 1925 Act. Spent.

Housing Act, 1929.

Applied a new scale of grants to houses erected within limited period; power to housing authorities to make loans and supplementary grants, lease land and remit rates. Spent.

Housing Act, 1930.

Amended the 1929 Act, Spent.

Housing (Miscellaneous Provisions) Act, 1931.

PART I—PRELIMINARY AND GENERAL

Section 3. New provisions inserted in Parts I and II of 1890 Act dealing with unhealthy areas and unhealthy dwellings. See *section 66*.

PART II—UNHEALTHY AREAS

*Sections 5 to 11. Local authorities to define clearance areas, to proceed to secure demolition of the buildings in them and where they have acquired land in or adjoining a clearance area, to build houses on or sell the land or appropriate it for other purposes. See fourth paragraph of memorandum.

*Sections 12 and 13. Local authority, who are satisfied that conditions in an unhealthy area can be remedied otherwise than by demolition of all unfit dwellings, to secure demolition of the unfit houses and the improvement of the area. See fourth paragraph of memorandum.

Before declaring an area a clearance or an improvement area local authorities to satisfy themselves that they have accommodation for persons who will be displaced and that their resources are sufficient. See fourth paragraph of memorandum. *Section 14

Local authorities may purchase land by agreement or compulsorily for the purposes of this Part; compensation for compulsory acquisition; and power to aggrieved person within six weeks to question validity of clearance order or compulsory purchase order in High Court. See sections 76 and 78. †Sections 15 and 16.

Extinguishment of rights of way and vesting of easements in purchased land in local authority. See section 83. †Section 18.

PART III—UNHEALTHY DWELLING HOUSES

Local authority, on being satisfied that working class house is unfit for human habitation and is capable of repair at reasonable expense, to require the person having control of the house to execute specified works. See section 66. Section 19.

Power to local authority themselves to do works if the requirement under section 19 is not complied with, and recover costs. See section 69. Sections 20 to 22.

Demolition orders and undertakings to execute repair works or that premises will not be used for human habitation. See section 66. Section 23.

Underground room used habitually for sleeping to be deemed unfit for human habitation. See section 66. Section 24.

Local authority to have the same power of taking proceedings in relation to part of a house as they have in relation to whole house except that they shall make a closing order instead of a demolition order. See section 66. Section 25.

Procedures for enforcing demolition orders, closing orders and undertakings. See section 69. Section 26.

Appeals to Circuit Court. See section 72. Section 27.

Power of local authority to acquire houses which Circuit Court has decided cannot be repaired at reasonable expense. See section 76: also section 10 of Local Government (Ireland) Act, 1898, as amended. Section 28.

PART IV—MISCELLANEOUS AMENDMENTS OF THE LAW RELATING TO HOUSING OF THE WORKING CLASSES

Duty of local authority to inspect their district. See section 53. Section 29.

Power of local authority to require information as to ownership of premises. See section 4. Section 30.

In lettings for under 3 years of certain houses a condition is implied that the house is, and will be kept by the landlord, reasonably fit for human habitation. See section 114. Section 31.

Matters to be considered in determining whether a house is fit for human habitation. See section 66 and Second Schedule. Section 32.

Power to local authority or owner to require vacation of buildings, the subject of a clearance order or a demolition order. See section 66. Section 33.

- Section 34. Rent Restrictions Acts not to affect rights of local authority to possession of a building of which they are the owners or which is required to enable them to exercise their powers or to ensure compliance with overcrowding bye-laws or where clearance order or demolition order has been made. See *sections 62 and 66*.
- Section 35. Where a clearance order or demolition order becomes operative, Circuit Court may determine the lease of the property. See *section 73*.
- †Section 37. Land acquisition. See *section 76*.
- Section 36. Power to local authority to compensate displaced persons. See *section 49*.
- †Section 38. Local authority may acquire land not immediately required, by agreement. Not necessary. See *section 82 of the Local Government Act, 1946*.
- Section 40. Power to provide houses includes the power to provide and maintain shops, playgrounds, recreation grounds, open spaces or other buildings or land. See *section 56*.
- †Sections 41 and 42. Power of entry on land. See *sections 80 and 117*.
- Section 43. Town commissioners to be a local authority for the purpose of dealing with unhealthy areas and unhealthy dwellings. See *section 2*.
- Section 44. Power for Minister to obtain report from a local authority as to population of district and other matters. Not necessary. Section 84 of the Local Government Act, 1941, contains a general power to require local authorities to furnish information.
- Section 45. Power for Minister to prescribe forms and to dispense with advertisements and notices. See *sections 2, 3 and 5*.
- Section 46. Penalties for obstructing repairs, inspections or compliance with overcrowding bye-laws. See *sections 66 and 117*.
- Section 47. Duty of medical officer of health to make representation to a local authority as to unfit house or unhealthy area and to inspect any house or area complained of by any four electors. See *sections 53 and 66*.
- Section 49. Service of notices. See *section 3*.
- †Section 50. Application of section 11 of the Act of 1906, dealing with payment of purchase money for land compulsorily acquired under Housing of the Working Classes Acts. See *section 84 and Third Schedule*.
- Section 51. Extension of purposes for which land may be acquired and built on under section 8 and 11 of Housing (Ireland) Act, 1919 and making permanent the power of the Commissioners of Public Works under section 17 to lend money to private persons for housing. See *sections 12 and 76*.
- Section 52. Power to local authority to execute works required under overcrowding bye-laws, on failure by owner. See *section 66*.
- †Section 53. Compensation for acquisition of house to be assessed on the basis of its rental if occupied for legal purposes. See *section 84 and Third Schedule*.
- Section 54. Minor amendments of earlier Acts, including Second Schedule to Act of 1890. See *article 2 of Third Schedule*.

PART V—LABOURERS COTTAGES

Suspension of section 15 of Act of 1883. Spent. Section 15 was repealed by the Act of 1932. Section 56.

Power to county council to acquire and alter buildings to provide accommodation for agricultural labourers. See sections 56 and 76: also section 10 of Local Government (Ireland) Act, 1898, as amended. *Section 58.

PART VI—ACQUISITION OF SMALL DWELLINGS

Power to make loans for the construction of houses. See section 39. Section 59.

SCHEDULES

Clearance orders. See fourth paragraph of memorandum. First.

Compulsory Purchase Orders. See section 76. †Second.

Rules as to assessment of Compensation. See section 84. †Third.

Minor amendments of earlier Acts. Fourth.

Housing (Financial and Miscellaneous Provisions) Act, 1932.

PART II—FINANCIAL PROVISIONS

Grants to persons, public utility societies and local authorities. Spent. Section 5.

Subsidies for local authority housing. See section 44. Section 6.

Grants and subsidies to be paid in prescribed manner and time. Grants are not now paid under this Act. As to subsidy see section 44. Section 7.

Conditions which may be imposed for payment of grants. Spent. Section 8.

Grants by urban authorities to public utility societies. Spent. Section 9.

Rate remissions. Spent. Section 10.

Section 12 of the Local Government Act, 1927, dealing with rate remission, not to apply to housing for which grants or subsidies are paid. Not necessary. See the Local Government (Temporary Reduction of Valuation) Acts, 1954 to 1963. Section 11.

Housing grants not to exceed £1,313,000. Spent. Section 12.

Regulations. See section 5. Section 14.

Local Acts and bye-laws not to apply to grant or subsidy houses which comply with regulations of the Minister. See section 37. Section 15.

PART III—MISCELLANEOUS

Power to Minister to purchase, store, manufacture, etc., building materials and for Minister for Industry and Commerce to hold public inquiry into the cost of building materials and fix maximum *Sections 16 and 17.

prices. The power of the Minister to act through the National Building Agency Ltd., is sufficient. See also Prices Acts, 1958 and 1965.

- Section 18. Power for Minister to act on default by housing authority. See *section 111*.
- Section 19. Medical officer of health of dispensary district and county medical officer of health to be deemed medical officers of health of town commissioners for the purposes of representations as to unhealthy houses or areas. See *section 2*.
- *Section 20. County council may acquire land and build houses without a representation or improvement scheme first being made. See fourth paragraph of memorandum.
- *Section 21. Power to county council to acquire land for the purpose of selling it for the erection of cottages for agricultural labourers. See *section 76*.
- Section 22. Expenses of Labourers Acts to be charged on county health district. See *section 8*.
- Section 23. Amendment of sections 14, 17 and 59 of the Act of 1931.

SCHEDULES

- First. Rules to be complied with by grant houses. Spent.
- Second. Scale of rate remission. Spent.
- *Third. Compulsory Purchase Orders under Labourers Acts. See *section 76*.

Housing (Financial and Miscellaneous) Provisions Act, 1934. Amendments of 1932 Act. Spent.

Housing (Financial and Miscellaneous Provisions) Amendment Act, 1936.

Provided for exemption from rates for houses for which reconstruction grants were made under section 5 of the 1932 Act. Spent.

Labourers Act, 1936.

- Section 4. Repeal of words in section 1 of Labourers (Ireland) Act, 1919. Spent.

Sections 8 and 9. Local authorities to acquire land in future in fee simple and, if subject to land purchase annuities, to take steps to redeem them. Will be arranged administratively. See also section 82 of the Local Government Act, 1941.

- Section 10. Land already acquired to be registered. Spent.

- Section 12. Local authority to make purchase scheme. See *section 94*.

- Section 18. Repair of cottage on vesting. See *section 106*.

- Section 24 (5) (e). Labourers Acts to apply to vested cottage, possession of which is recovered by local authority. Not necessary.

Housing and Labourers Act, 1937.

PART II—AMENDMENT AND EXTENSION OF THE HOUSING (FINANCIAL AND MISCELLANEOUS PROVISIONS) ACTS, 1932 TO 1936

- Sections 3 and 5 to 8. Amendments of section 19 of Act of 1931 and sections 5 and 8 of 1932 Act. Not necessary.

Housing (Amendment) Acts, 1939 and 1940.

Amendments of section 5 of Act of 1932. Spent.

County Management Act, 1940.

Declarations of areas to be clearance or improvement areas to be a reserved function. See fourth paragraph of memorandum. Paragraph 11 of Second Schedule.

Housing (Amendment) Act, 1941.

Amendment of definition of agricultural labourer. Not necessary. Section 2.

Power to Dublin Corporation and County Council and Dun Laoghaire Corporation to guarantee borrowing by a building society. See *section 12*. Section 3.

Housing (Amendment) Act, 1942.

Power to local authority to accommodate persons displaced by war damage and for higher rate of subsidy to be paid. See *section 44*. Section 3

Validation of certain grants. Spent. Section 4.

Housing (Amendment) Act, 1944.

Meaning of "reconstruction" in Act of 1932. Spent. Section 3.

Assistance for a public utility society providing houses for persons displaced by operations of the local authority. See *section 12*. Sections 4 and 5.

House for which aid is given under section 4 not to qualify for rate remission under Local Government (Remission of Rates) Acts, 1940 and 1943. Spent. Section 6.

Housing (Amendment) Act, 1946.

Grant and rate remission for rooms and chalets for person suffering from pulmonary tuberculosis. See *section 32*. Sections 3 to 5.

Housing (Amendment) Act, 1948.

PART I—PRELIMINARY AND GENERAL

Officer of corporate body liable for offences committed by the body with his consent. See *section 116*. Section 6.

PART II—CONTROL OF CERTAIN PREMISES

House may be demolished or used otherwise than as a dwelling only with consent of the local authority. Spent. See the Local Government (Planning and Development) Act, 1963. Sections 7 to 9.

Permission of local authority to be obtained for the use of premises as multiple dwelling in the cities of Dublin, Cork, Limerick and Waterford, the borough of Dun Laoghaire and elsewhere as declared by the Minister. See fourth paragraph of memorandum. Sections 10 to 13.

Power of housing authority to obtain information from tenants and applicants for houses for purposes of determining rents. See *section 61*. Section 14.

Overcrowding bye-laws for houses of not more than two rooms which are occupied by not more than one family. See *section 65*. Section 15.

PART III—FINANCIAL PROVISIONS

Provisions dealing with grants. Superseded by Act of 1962 and Local Government (Sanitary Services) Act, 1962. Sections 17 to 19 and 22.

- Section 23.** Extension to 50 years of subsidy period and extension of operations for which subsidy may be paid. See *section 44*.
- Section 24.** Regulations which include provision as to payments by the Minister to be made only with consent of the Minister for Finance. See *sections 5 and 15*.
- Section 25.** Amendment of section 5 of the Act of 1937. Spent.
- Section 27.** Grants to local authorities for newly weds and elderly persons. See *section 44*.
- Section 28.** Payment of grant under section 5 of the Act of 1932. Spent.

PART IV—HOUSING OF THE WORKING CLASSES

- Section 29.** Regulations for the management of local authority houses. See *section 58*.
- †**Section 31.** Fixes at 3% rate of interest to be paid by housing authorities entering land being acquired compulsorily. See *section 84* and *Third Schedule*.
- †**Section 32.** Legal costs for land acquisition. See *section 86*.

PART V—LABOURERS COTTAGES

- Section 34.** Purchase scheme not to be prepared for a cottage let to a tenant who is an "agricultural labourer" only because he is normally engaged in doing agricultural work on the land of a relative with whom he resides. See *section 105*.
- Section 35.** Regulations for the management of local authority houses. See *section 58*.
- ***Section 36.** Power of entry for county council on land to be acquired compulsorily. See *section 80*.

PART VI—MISCELLANEOUS

- ***Section 41.** Power to Minister to exempt housing authorities who are sanitary authorities from section 201 of the Public Health (Ireland) Act, 1878, which requires sanitary authorities to make contracts the value of which is over £50, in writing, and, where the contract is for £100 or more, to advertise for tenders and take sufficient security for due performance. Section 201 applied to county councils as successors to sanitary authorities by whom functions under the Labourers Acts were performed. Since functions under this Bill will be performed by them as housing authorities, the section will not apply.

It will not apply to urban housing authorities following the repeal, as proposed, of section 56 of the Act of 1890.

Accordingly there is no need to preserve the provision in section 41 for exemption from the requirements of section 201. See fourth paragraph of memorandum.

- ***Sections 42 and 43.** Amendment of Act of 1932 in relation to compulsory purchase orders under Labourers Acts. See *section 76*.

Rate remissions. Liability to repay grant if undertaking has not been complied with. Spent. Sections 4 and 45.

Housing (Amendment) Act, 1949.

Amendment of sections 16, 19, 20 and 26 of Act of 1948. Spent.

Housing (Amendment) Act, 1950.

PART II—FINANCIAL PROVISIONS

Provisions dealing with grants. Superseded by Act of 1962 and Local Government (Sanitary Services) Act, 1962. Sections 6 to 12.

Minister to withhold grant or subsidy if wages at least as advantageous as the wages recognised by trade unions in the area have not been paid. *Section 13.

Amendment of First Schedule to Act of 1932, dealing with rules for grant houses. Spent. Section 14.

Amendment of section 44 and Second Schedule of Act of 1948. Spent. Sections 15 and 16.

PART III—HOUSING GENERALLY

Local authority (other than a county council) may, and a county borough corporation and Dun Laoghaire Corporation shall, if required by the Minister, provide reserved houses. See section 44. Section 18.

PART IV—CONTROL OF CERTAIN PREMISES

Amendments of sections 11 and 12 of Act of 1948. See fourth paragraph of memorandum. Sections 20 and 21.

PART V—HOUSING OF THE WORKING CLASSES

Land held by a county council which becomes part of an urban area may be transferred to the urban authority and held by them for purpose of Housing of the Working Class Acts: tenant's rights of purchase under the Labourers Acts to continue for a year. See section 96. Section 22.

County councils to be housing authorities for the purposes of Part I of the Act of 1890. See section 2. Section 23.

PART VI—LABOURERS COTTAGES

Power to county council to provide houses for persons of the working classes, living in the county health district. See section 56. Section 24.

Labourers Act, 1936, to continue to apply to cottage coming within urban area on boundary extension until its transfer to the urban authority. See section 96. Section 25.

Land acquired under Labourers Act may be used for any of the purposes of those Acts. See section 56. Section 26.

- Section 27. County council may use land acquired by them under Labourers Acts for shops, playgrounds and other amenities, etc. See *section 56*.
- Section 28. Amendment of section 6 of the Labourers Act, 1883, dealing with improvement schemes.
- Section 29. Power for Minister to prescribe forms and dispense with notices. See *sections 3* and *5*.
- *Section 30. Amendment of section 43 of Act of 1948, dealing with objections to compulsory purchase orders.

PART VII—ACQUISITION OF SMALL DWELLINGS

- Section 33. Market value may be estimated.
- Section 35. An urban council may relinquish its powers to county council.
- Section 36. Advances may be made to joint proprietors and owners.

Housing (Amendment) Act, 1952.

PART II—FINANCIAL PROVISIONS

- Sections 6 to 13. Provisions dealing with grants. Superseded by Act of 1962 and Local Government (Sanitary Services) Act, 1962.
- Section 14. Extension of purpose for which subsidy may be paid under section 6 of the Act of 1932. See *section 44*.
- Section 15. Increase in floor area of houses for which reconstruction grants may be made under section 16 of the Act of 1948. Spent.
- Section 16. Undertaking not to sell house for which grant under section 19 of the Act of 1948, has been made, for fifteen years. Spent.
- Section 17. Appeal to Minister on letting grant by local authority. Spent.
- Section 18. Amendment of section 45 of Act of 1948. Spent.
- Section 19. Extension of eligibility for reconstruction grants. Spent.
- Section 20. Limitation on amount of certain grants. Spent.
- Sections 21 and 22. Repeal of section 7 and amendment of section 8 of Act of 1950. Spent.
- Section 24. Power to Minister to make grants to housing authorities. See *sections 2, 15* and *25*.
- Section 25. Power to Minister to make grants notwithstanding non-compliance with a statutory requirement. See *section 38*.

PART III—CONTROL OF CERTAIN PREMISES

- Section 26. Extension of section 15 of Act of 1948, to houses containing more than two rooms. See *section 65*.
- Section 27. Housing authorities (other than county councils) and town commissioners to make overcrowding bye-laws. See *section 65*.

PART IV—HOUSING OF THE WORKING CLASSES

- Section 28. Amendment of section 29 of Act of 1948, in regard to priorities in allocation of tenancies; definition of overcrowding. See *sections 60* and *65*.

Power of a local authority to acquire land outside their functional area. See *section 76*. Section 29.

Amendment of section 23 of Act of 1950. Section 30.

Extension of sections 8 and 11 of Housing (Ireland) Act, 1919, empowering local authorities to acquire and appropriate land for certain purposes. See *section 85*. †Section 31.

Determinations under the Emergency Powers (No. 277) Order, 1943, that dwelling houses in clearance areas should be maintained (rather than demolished) to continue in force until revoked by the local authority. See *section 121*. Section 32.

PART V—LABOURERS COTTAGES

Power to county councils to make grants for repairs required under section 19 of the Act of 1931. See *section 71*. Section 33.

Amendment of section 35 of the Act of 1948 in regard to the priorities in allocation of tenancies. See *section 60*. Section 34.

Land may be acquired under the Labourers Acts for erection of houses for persons irrespective of whether they are agricultural labourers, etc. See third paragraph of memorandum. *Section 35.

Housing (Amendment) Act, 1954.

PART II—FINANCIAL PROVISIONS

Provisions dealing with grants. Superseded by Act of 1962. Sections 6 to 11.

PART IV—HOUSING OF THE WORKING CLASSES

Clarification of "provided" in relation to houses provided under the Housing of the Working Classes Acts. See *section 118*. Section 16.

PART V—LABOURERS COTTAGES

Labourers Acts to continue in force until 31st December, 1960. Superseded. Section 17.

Increase to £250 in purchase money payable to a person having a *prima facie* title, and to £600 in purchase money payable into Circuit Court (instead of High Court) where title is faulty. See *section 84* and *Third Schedule*. †Section 18.

Amendment of section 17 of Act of 1936. Section 19.

Clarification of "provided" in relation to houses provided under the Labourers Acts. See *section 118*. Section 20.

PART VI—ACQUISITION OF SMALL DWELLINGS

Land vested in local authorities under the Small Dwellings Acquisition Acts, which is being sold by the Land Commission, to be sold by them subject to the local authority's rights. Superseded by section 11 of Act of 1962. Section 21.

Housing (Amendment) Act, 1956.

PART II—FINANCIAL PROVISIONS

Sections 6 to 11. Provisions dealing with grants. Superseded by Act of 1962 and the Local Government (Sanitary Services) Act, 1962.

PART III—CONTROL OF CERTAIN PREMISES

Section 12. Amendments of sections 7 to 9 of Act of 1948. Spent.

PART IV—HOUSING OF THE WORKING CLASSES

Section 13. The power of a housing authority to acquire land for streets, playing fields, parks, etc., applies in relation to houses already built and to houses proposed to be built. See *section 56*.

PART V—LABOURERS COTTAGES

*Section 14. Provisions where county council acquires fee simple of state land. Not necessary.

Section 15. Power to vest cottage on execution of repair works, with right of appeal to purchaser. See *section 106*.

Section 16. Power to county council to declare person to whom a cottage is let under section 24 of the Act of 1950 to be qualified persons. See *section 97*.

Section 17. Sale price under section 35 of the Act of 1950, may be paid by instalments. See *section 90*.

*Section 18. Annulment or confirmation of compulsory purchase order may be in two or more stages. See *section 76* and *Third Schedule*.

PART VI—ACQUISITION OF SMALL DWELLINGS

Sections 19 and 20. Maximum advance to be up to 95% of market value, excluding grants, and rate of interest on advances to be fixed by the local authority.

Small Dwellings Acquisition Act, 1957.

Amendment of meaning of market value. Superseded by section 11 of Act of 1962.

Housing (Amendment) Act, 1958.

PART II—FINANCIAL PROVISIONS

Sections 6 to 12. Provisions dealing with grants. Superseded by Act of 1962, and the Local Government (Sanitary Services) Act, 1962.

Section 14. Application of urban subsidy conditions to housing provided under the Labourers Acts or under section 24 of the Act of 1950. See *section 44*.

Section 15. Validation of special interest subsidy. See *section 48*.

Sections 16 and 17. Termination of Labourers Cottages Fund and Irish Housing Fund. Spent.

PART III—CONTROL OF CERTAIN PREMISES

Continuance of section 8 of the Act of 1948. Spent. Section 18.

Requirement that local authorities make bye-laws to deal with overcrowding. See *section 65*. Section 19.

PART IV—HOUSING OF THE WORKING CLASSES

Extension of power to extinguish right of way on acquired land. †Section 20.

Penalties for using a house for human habitation if a repairs notice under section 19 of the Act of 1931 has been served. See *section 66*. Section 21.

Amendment of sections 23, 25 and 26 of the Act of 1931, dealing with demolition orders. See *section 66*. Sections 22 and 23.

Assessment of compensation for dwelling houses compulsorily acquired. †Section 24.

Minister need not hold a public inquiry if an objection to a compulsory purchase order is not withdrawn and he does not think it fit to confirm the order. †Section 25.

PART V—LABOURERS COTTAGES

Continuance of Labourers Acts until repealed or terminated. See *section 93*. Section 26.

Powers under Labourers Acts to be deemed always to have included the power to provide flats: purchase provisions of Labourers Act, 1936, not to apply to such flats. See *sections 56 and 105*. Section 27.

Certain lettings by county councils to families living in overcrowded conditions to qualify for higher subsidy. See *section 44*. Section 28.

Minister may, without public inquiry, annul a compulsory purchase order to which objection has been made. *Section 29.

PART VI—ACQUISITION OF SMALL DWELLINGS

Inclusion of legal and other expenses as part of cost of old house for which an advance may be made. Superseded by section 11 of Act of 1962. Section 30.

PART VII—MISCELLANEOUS

Rate remission for new grant houses. See *section 33*. Section 31.

Housing (Amendment) Act, 1960.

Provisions dealing with grants. Superseded by Act of 1962, and Local Government (Sanitary Services) Act, 1962.

Housing (Loans and Grants) Act, 1962.

Provisions dealing with grants, loans and guarantees. See Chapter III of Part 2.

Labourers Act, 1965.

Contains provisions similar to sections 98, 99 and 100.

An Roinn Rialtais Aitiúil, Feabhra, 1966.

Extension of power to extinguish right of way on acquired land.

Penalties for using a house for human habitation in a repairs notice under section 19 of the Act of 1931 has been reserved. See section 20.

Amendment of sections 22, 23 and 24 of the Act of 1931, dealing with demolition orders. See section 25.

Assessment of compensation for dwelling houses compulsorily acquired.

Provision for a public inquiry if an objection to a compulsory purchase order is not withdrawn and he does not think it fit to confirm the order.

Power to county council to issue orders to demolish buildings in a town or village or in a town or village.

Continuance of Labourers Acts until repealed or terminated. See section 26.

Powers under Labourers Acts to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 27 and 28.

Certain lettings by county council to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 29 and 30.

Amendment of section 11 of the Act of 1962.

Provision for a public inquiry if an objection to a compulsory purchase order is not withdrawn and he does not think it fit to confirm the order.

Power to county council to issue orders to demolish buildings in a town or village or in a town or village.

Continuance of Labourers Acts until repealed or terminated. See section 26.

Powers under Labourers Acts to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 27 and 28.

Certain lettings by county council to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 29 and 30.

Amendment of section 11 of the Act of 1962.

Provision for a public inquiry if an objection to a compulsory purchase order is not withdrawn and he does not think it fit to confirm the order.

Power to county council to issue orders to demolish buildings in a town or village or in a town or village.

Continuance of Labourers Acts until repealed or terminated. See section 26.

Powers under Labourers Acts to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 27 and 28.

Certain lettings by county council to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 29 and 30.

Amendment of section 11 of the Act of 1962.

Provision for a public inquiry if an objection to a compulsory purchase order is not withdrawn and he does not think it fit to confirm the order.

Power to county council to issue orders to demolish buildings in a town or village or in a town or village.

Continuance of Labourers Acts until repealed or terminated. See section 26.

Powers under Labourers Acts to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 27 and 28.

Certain lettings by county council to be deemed always to have included the power to provide rates provisions of Labourers Act, 1936, not to apply to such rates. See sections 29 and 30.