



**AN BILLE DAINGNITHE ORDAITHE SHEALADAIGH
RIALTAIS AITIUIL, 1979**

**LOCAL GOVERNMENT PROVISIONAL ORDER
CONFIRMATION BILL, 1979**

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

ARRANGEMENT OF SECTIONS

Section

1. Confirmation.
2. Short title.

SCHEDULE

ACT REFERRED TO

Waterford City Management Act, 1939

1939, No. 25



AN BILLE DAINGNITHE ORDAITHE SHEALADAIGH
RIALTAIS AITIUIL, 1979

LOCAL GOVERNMENT PROVISIONAL ORDER
CONFIRMATION BILL, 1979

BILL

5

entitled

AN ACT TO CONFIRM THE COUNTY BOROUGH OF
WATERFORD (EXTENSION OF BOUNDARY) PRO-
VISIONAL ORDER, 1979.

WHEREAS the County Borough of Waterford (Extension of 10
Boundary) Provisional Order, 1979, set out in the Schedule to this
Act has been duly made by the Minister for the Environment under
section 36 of the Waterford City Management Act, 1939, but will
not have effect until confirmed by the Oireachtas:

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS: 15

Confirmation.

1.—The County Borough of Waterford (Extension of Boundary)
Provisional Order, 1979, set out in the Schedule to this Act is
hereby confirmed.

Short title.

2.—This Act may be cited as the Local Government Provisional
Order Confirmation Act, 1979.

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Section 1

SCHEDULE

COUNTY BOROUGH OF WATERFORD (EXTENSION OF BOUNDARY)
PROVISIONAL ORDER, 1979.

The Minister for the Environment in exercise of the powers vested
in him by section 36 of the Waterford City Management Act, 1939
(No. 25 of 1939) hereby orders as follows:—

Title.

1. This Order may be cited as the County Borough of Waterford
(Extension of Boundary) Provisional Order, 1979.

Commencement.

2. This Order shall come into operation the 1st day of January,
1980, or in the event of the Act confirming this Order not becoming
law on or before the said day, on such day as the Minister shall, by
order, appoint.

Interpretation.

3. In this Order—

“the Corporation” means the Mayor, Aldermen and Burgesses of
Waterford;

“the County Council” means the Council of the County of Waterford;

“the City” means the County Borough of Waterford;

“the County” means the County of Waterford;

“the Minister” means the Minister for the Environment;

“the added area” means the area described in the First Schedule to this Order;

“the existing boundary” means the boundary of the City as existing immediately before the commencement of this Order;

“the commencement of this Order” means the day on which this Order comes into force.

4. On the commencement of this Order the added area shall be detached from the County and from the jurisdiction and powers of the County Council, and shall be added to the City and thenceforward the said area shall be included in and form part of the City for all purposes, and the boundary of the City shall be extended accordingly. Extension of City boundary.

5. (1) As soon as may be after the commencement of this Order the Commissioner of Valuation shall prepare in quadruplicate a map drawn to such convenient scale and in such convenient number of separate sheets as he thinks fit showing the added area and the City and shall seal each of the maps and shall deposit one of the maps in the principal office of the said Commissioner, another in the offices of the Corporation and another in the offices of the County Council and another in the offices of the Minister. Preparation of official maps.

(2) The said maps when so deposited in the said offices of the said Commissioner, the Corporation and County Council respectively, shall be retained in such offices, and such maps or true copies thereof shall be open for inspection free of charge in such offices by any person at any time at which such offices respectively are open for the transaction of public business, and it shall be lawful for the said Commissioner, the Corporation and the County Council respectively to prepare and supply to any person requesting the same a true copy of the map so deposited with him or them or any particular part thereof and to charge for such copy such sum as the Minister, with the sanction of the Minister for Finance shall direct.

(3) It shall be the duty of the said Commissioner and of the Corporation and of the County Council respectively, whenever required so to do by any Court of Justice, to prepare and produce to such Court a true copy of the map or any specified part of the map deposited with him or them under this article and to verify such copy to such Court by the oath of one of his or their officers, and upon any such copy being so produced and verified to such Court, such Court shall receive such copy in evidence and thereupon such copy shall be conclusive evidence of the boundary (so far as the same is shown on such copy) of the added area, notwithstanding any discrepancy between such copy and the description contained in the Schedule to this Order or any ambiguity or uncertainty in such description or in the application thereof.

6. (1) The County Council and the Corporation may from time to time as occasion requires, make an equitable adjustment (in this article referred to as an agreed adjustment) in regard to any matter or thing requiring to be adjusted between the County Council and the Corporation in consequence of the inclusion of the added area in the City and not otherwise provided for by this Order and in particular may make such agreed adjustment in regard to property whether real or personal (including choses-in-action), vested in or belonging to or held in trust for the County Council, and wholly or partly situate in or relating to the added area or any particular portion thereof and in regard to debts and liabilities (including mortgage debts, charges created by statute, accruing and prospective liabilities and unliquidated liabilities arising from torts or breaches of contracts) due and unpaid or incurred and undischarged by the County Council and relating wholly or in part to the added area or any particular portion thereof.

(2) An agreed adjustment in relation to property may provide for the retention of such property by the County Council or for the transfer of such property to the Corporation or for the joint user of such property by the County Council and the Corporation and may also provide for the payment of money, in one or more than one instalment, by or to the County Council to or by the Corporation on account of the retention, transfer, or joint user of such property.

(3) An agreed adjustment in relation to any debt or other liability may provide for the whole of such debt or liability being borne by the County Council or for the whole of such debt or liability being borne by the Corporation or (except in the case of mortgage debts) for the apportionment of the liability for such debt or liability between the County Council and the Corporation and may also provide for the payment of money, in one or more than one instalment, to or by the County Council by or to the Corporation in respect of such debt or liability.

(4) An agreed adjustment may provide for the payment by the Corporation to the County Council in one or more than one instalment or by way of annuity of a sum in respect of the increase (if any) of burden which will properly be thrown on the ratepayers of the County in meeting the cost incurred by the County Council in the execution of any of their powers and duties as a consequence of the extension of the boundary of the City by this Order but in the fixing of the amount of any such sum and the method of payment thereof the following provisions shall be observed:—

- (a) regard shall be had to the difference between the burden on the ratepayers of the County which will properly be incurred by the County Council in meeting the cost of executing any of their powers and duties and the burden on such ratepayers which would properly have been incurred if the boundary of the City had not been extended by this Order;
- (b) regard shall also be had to the length of time during which such increase of burden may be expected to continue;
- (c) if such sum is made payable in one instalment the amount thereof shall not exceed ten times the average annual amount of such increase of burden;
- (d) if such sum is made payable in two or more than two instalments or by way of annuity, the capitalised value of such instalments or annuity shall not exceed ten times the average annual amount of such increase of burden.

(5) Whenever the County Council and the Corporation fail to agree upon an equitable adjustment of any matter or thing which would be the subject of an agreed adjustment under this article, the Minister shall, upon the request of either the County Council or the Corporation, make an equitable adjustment (in this article referred to as a compulsory adjustment) of such matter or thing and may by such adjustment make any provision in relation to such matter or thing which could under this article have been made by an agreed adjustment.

(6) Every agreed adjustment and every compulsory adjustment shall have effect according to the terms thereof and shall be final and conclusive and shall be enforced by the Corporation and the County Council respectively against the other of them accordingly.

7. (1) Every bye-law, rule and regulation lawfully made and enforceable by the County Council in the added area or any part thereof, and which is in force immediately before the commencement of this Order, shall, on and after the said commencement and so far as it is not inconsistent with this Order, continue in force and have effect in the added area or part thereof, as a bye-law, rule or regulation (as the case may be) made by the Corporation on the said commencement in respect of the area or so much of the area as is within the added area for and in respect of which the same was made and accordingly every such bye-law, rule and regulation may be continued, amended, varied or revoked and penalties and forfeitures arising thereunder on or after the said commencement in the added area may be recovered and enforced by the Corporation in the like manner and as fully as the same could have been continued, amended, varied, revoked, recovered or enforced by the County Council if this Order had not come into operation.

Bye-laws etc., in the added area.

(2) No bye-law, rule or regulation in force in the city immediately before the commencement of this Order shall apply or be extended to the added area merely by virtue of the inclusion of such area in the city by this Order but the Corporation may at any time by resolution extend or apply any such bye-law, rule or regulation to the added area, or to any part thereof, and upon any such extension or application being so made any bye-law, rule or regulation continued in force in such area by this article which is inconsistent with the bye-law, rule or regulation so extended shall cease to have effect in such area.

8. Every resolution passed, order made, and notice served by the County Council before the commencement of this Order in relation to the added area or any part thereof or anything done or to be done therein and the operation, effect, or term of which had not ceased or expired before the said commencement shall, on and after the said commencement and so far as it is not inconsistent with this Order, continue in force and have effect in so far as it relates to the added area or any part thereof or anything done or to be done, therein as if it were a resolution passed, order made, or notice served by the Corporation on the date on which the same was actually passed, made or served by the County Council, and as if the added area were on the said date already included in the City.

Resolutions etc., relating to the added area.

9. On the commencement of this Order—

Provisions relating to electoral areas.

(a) the added area shall cease to form part of the county electoral area of Tramore in the County of Waterford,

- (b) that part of the added area situated north of a line drawn along the centre of the county road number W. 33, known as the old Waterford—Portlaw Road, which road runs along the southern boundaries of the townlands of Carrickphierish and Knockhouse Lower shall be added to and shall form part of the city electoral area, Number One, referred to in the Waterford County Borough Electoral Areas Order, 1967 (S.I. No. 12 of 1967),
- (c) that part of the added area situated east of a line drawn along the centre of the county road number W. 41, known as the old Tramore Road, which road runs along the eastern boundary of the townland of Ballindud, shall be added to and shall form part of the city electoral area, Number Two, referred to in the said Electoral Areas Order, and
- (d) the remainder of the added area, shall be added to and shall form part of the city electoral area, Number Three, referred to in the said Electoral Areas Order.

Provisions relating to the register of electors.

10. On the commencement of this Order, so much of the register of electors in force for the County as relates to the added area shall be deemed to form part of the register of electors in force for the City and shall be shown separately in such manner as the Minister shall direct.

Provisions relating to Polling Districts and Polling Places.

11. (1) Where at the commencement of this Order a polling district is situated partly within the added area, the Waterford City Manager and Town Clerk shall, with respect to the part of such polling district situated within the added area, and the Secretary of Waterford County Council shall, with respect to the part of such polling district situated without the added area—

- (a) join it or parts of it to any adjoining polling district or districts, or
- (b) constitute it as a polling district and appoint a polling place for it.

(2) Any arrangement made pursuant to this article shall be subject to the sanction of the Minister and shall have effect until (and only until) the first scheme under section 22 of the Electoral Act, 1963, (No. 19 of 1963) in relation to the City or County as the case may be, comes into operation after the commencement of this Order.

Application and adaption of enactments.

12. Every local act in force immediately before the commencement of this Order in or in relation to the City shall extend to the transferred area and shall, on and after the said commencement, be construed and have effect with such modifications as may be necessary to give effect to the provisions of this Order.

Special provision for the purpose of the Local Government—(Planning and Development) Acts, 1963 and 1976.

13. The development plan (within the meaning of the Local Government (Planning and Development) Acts, 1963 and 1976) for the City as at the commencement of this Order shall, in so far as appropriate, apply to the City as altered by this Order.

Employment Regulation Orders and Hours of Trading Orders.

14. Nothing in this Order shall operate to affect any Employment Regulation Order made by the Labour Court under the provisions of

the Industrial Relations Act, 1946 (No. 26 of 1946), or any Order made by the Minister for Industry Commerce and Energy under the Shops (Hours of Trading) Act, 1938 (No. 3 of 1938).

15. For the purposes of the Valuation Acts the revised valuation list received by the County Council from the Commissioner of Valuation last before the commencement of this Order shall, in so far as it relates to the added area, be deemed to have been sent to the Corporation. Special provision for the purposes of the Valuation Acts.

16. (1) This article applies to hereditaments in the added area which were assessed with county rates for the local financial year 1979. Limitation on Municipal Rates.

(2) Where the valuation of a hereditament consists of a buildings valuation and a valuation in respect of agricultural land, this article shall apply to such hereditament as if it were two separate hereditaments.

(3) For the purpose of the assessment and levying of the municipal rate on a hereditament which is not agricultural land the following provisions shall apply in each of the first three local financial years during which this Order is in force:—

(a) Where the buildings valuation of the hereditament is the same as or less than the standard valuation the buildings valuation shall be reduced to the proportion, specified in the Second Schedule to this Order for the particular year, of the valuation on which the municipal rate would otherwise be assessed.

(b) Where the buildings valuation of the hereditament is greater than the standard valuation the amount of the buildings valuation which is equal to the standard valuation shall be reduced to the proportion, specified in the Second Schedule to this Order for the particular year, of the valuation on which the municipal rate would otherwise be assessed.

(4) For the purpose of the assessment and levying of the municipal rate on a hereditament which is agricultural land the following provision shall apply in each of the first three local financial years during which this Order is in force:—

The net rates liability after the deduction of the primary and supplementary allowances, if any, under the Rates on Agricultural Land (Relief) Acts, 1939 to 1978 shall be reduced to the proportion, specified in the Second Schedule to this Order for the particular year, of the municipal rate that would otherwise be assessed.

(5) In this article—

“agricultural land” includes all land which is entered as land in the valuation lists under the Valuation Acts and used solely or mainly for agricultural purposes, that is to say, as arable, meadow or pasture ground or as woodlands, market gardens or nursery grounds;

“valuation” means the valuation under the Valuation Acts;

“buildings valuation” means the valuation of a hereditament which is a building, burial ground or land which is not agricultural land and

includes that portion of the valuation of a hereditament which is shown in the column headed "buildings" in the valuation lists;

"the standard valuation" means in relation to a hereditament to which this article applies the buildings valuation of such hereditament included in the revised valuation lists received by the County Council from the Commissioner of Valuation for the local financial year 1979.

FIRST SCHEDULE

The Added Area

Description of the area detached from the existing County Health District of Waterford and added to the County Borough of Waterford.

The area detached from the existing County Health District of Waterford and added to the County Borough of Waterford shall be all that area comprised between the existing County Borough boundary and a line drawn as follows:—

Co. Waterford
O.S. 9 plan 16.
O.S. 10 plan 13.
O.S. 10 plan 14.

O.S. 18 plan 2.

O.S. 18 plan 1.

O.S. 18 plan 5.

O.S. 17 plan 8.

O.S. 17 plan 12.
O.S. 17 plan 11.
O.S. 17 plan 7.

Starting at a point in the River Suir at the intersection of the Waterford County Borough boundary, the Tower Ward boundary and the Waterford County boundary; thence initially in an easterly direction along the Waterford County Boundary to a point in the River Suir where the said boundary is intersected by the imaginary north westerly projection of the southern boundary of the 10.036 acres field in Ballycanvan Big townland; thence in a south easterly direction along the said projection to its intersection by the western boundary of the said townland; thence initially in a south westerly direction along the said boundary to its junction with the western boundary of Ballynabola townland; thence initially in a southerly direction along the said boundary and continuing along the western boundary of Ballycanvan Little townland to its junction with the northern boundary of Ballygunnertemple townland; thence initially in a westerly direction along the said boundary and along the western boundary of the same townland to the intersection by the imaginary north easterly projection of the south eastern boundary of the 6.927 acres field in Ballygunnycastle townland; thence in a south westerly direction along the said projection and boundary and along the south western boundary of the same field to its junction with the south eastern boundary of the 4.139 acres field in the same townland; thence in a south westerly direction along the said boundary and along the south eastern boundary of the 5.010 acres field and along the imaginary south westerly projection of the last mentioned boundary to the intersection of the said projection by the south western boundary of the same townland; thence initially in a north westerly direction along the said boundary to its junction with the eastern boundary of Bishops-court townland; thence initially in a south easterly direction along the said boundary and along the southern boundary of the same townland to its junction with the eastern boundary of Killure townland; thence initially in a northerly direction along the said boundary and along the northern and western boundaries of the same townland to its junction with the southern boundary of Ballycoardra townland; thence initially in a south westerly direction along the said boundary to its junction with the eastern boundary of Ballindud townland; thence initially in a southerly direction along the said boundary and along the southern and western boundaries of the same townland to its junction with the southern boundary of Ballyhoo townland; thence initially in a south westerly direction along the said boundary and along the western boundary of the same townland to its junctions with the southern boundary of Carriganard townland; thence initially in a north westerly direction along the said boundary and along the

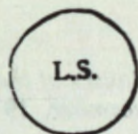
western boundary of the same townland to its junction with the southern boundary of Ballybeg townland; thence in a north westerly direction along the said boundary to its junction with the western boundary of Ballynaneashagh townland; thence initially in a north westerly direction along the said boundary to its junction with the western boundary of Lismore townland; thence initially in a north westerly direction along the said boundary to its junction with the south western boundary of Knockhouse Lower townland; thence in a north westerly direction along the said boundary to its junction with the south western boundary of Knockhouse Upper townland; thence initially in a north westerly direction along the said boundary and along its imaginary north westerly projection to the intersection of the said projection by the Waterford County boundary; thence initially in a north easterly direction along the said boundary and then in a south easterly direction along the said boundary until the said boundary intersects with the Waterford County Borough boundary.

O.S. 17 plan 3.
O.S. 17 plan 2.
O.S. 9 plan 14.
O.S. 9 plan 10.
O.S. 9 plan 7 and 6.
O.S. 9 plan 11.

SECOND SCHEDULE

Limitations on Municipal Rate

Year during which this Order is in force	Proportion of Valuation or Proportion of Rates Payable (expressed in hundredths)
First	92.7
Second	95.1
Third	97.6



GIVEN under the Official Seal of the Minister for the Environment this 8th day of November, 1979.

SYLVESTER BARRETT,
Minister for the Environment.

[A marginal reference in the First Schedule to the above Order is a reference to a sheet of the Ordnance Survey Map drawn on the scale of 25.344 inches to the mile and—

- (a) in case the reference includes a reference to O.S. 18, the reference is to the 1922 revision,
- (b) in case the reference includes a reference to plan 8 or a reference to plan 12, the reference is to the 1951 revision, and
- (c) in the case of any other such marginal reference, the reference is to the 1950 revision.]

AN BILLE DAINGNITHE ORDAITHE
SHEALADAIGH RIALTAIS AITIUIL, 1979

LOCAL GOVERNMENT PROVISIONAL
ORDER CONFIRMATION BILL, 1979

BILLE

dá ngairtear

Acht do dhaingniú an Ordaithe Shealadaigh um
Chontae-Bhuirg Phort Láirge (Teorainn a
Leathnú), 1979.

BILL

entitled

An Act to confirm the County Borough of
Waterford (Extension of Boundary) Provisional
Order, 1979.

*Ritheadh ag dhá Theach an Oireachtais,
6 Nollaig, 1979*

*Passed by both Houses of the Oireachtas,
6th December, 1979*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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

Cló-bhuailte ag CAHILL PRINTERS LIMITED.

30p

Wt. 126710/F/12. 1,200. 12/79. Cahill. (6086). G.16.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

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

Printed by CAHILL PRINTERS LIMITED.

30p

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