

[45 & 46 VICT.] *Local Government Board (Ireland) [Ch. lxxi.]*
Provisional Orders Confirmation (Banbridge, &c.) Act, 1882.



CHAPTER lxxi.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Banbridge, Ennis, Larne, and Londonderry. A.D. 1882.
[3rd July 1882.]

WHEREAS the Local Government Board for Ireland have, as regards the above-named places, made the Provisional Orders set forth in the Schedule hereunto annexed, under the provisions of the Public Health (Ireland) Act, 1878 :

41 & 42 Vict.
c. 52.

And whereas it is requisite that the said Orders should be confirmed by Parliament :

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :

1. The Orders set out in the Schedule hereunto annexed shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. The Provisional Orders in Schedule confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Banbridge, &c.) Act, 1882. Short title.

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

BANBRIDGE BURIAL GROUND UNITED DISTRICT.

Provisional Order.

17 & 18 Vict. c. 103. WHEREAS there are in the town of Banbridge in the county of Down, town commissioners elected under the Towns Improvement (Ireland) Act, 1854 :

41 & 42 Vict. c. 52. ss. 3, 4, & 7. And whereas (the number of the inhabitants of the said town being, according to the last Parliamentary Census, less than 6,000), the said town has been, by a Provisional Order of the Local Government Board for Ireland confirmed by Act of Parliament, separated from the Rural Sanitary District consisting of the Banbridge Poor Law Union, and constituted an Urban Sanitary District. And the said town commissioners are, by the Public Health (Ireland) Amendment Act, 1879, incorporated for the purposes of the Public Health (Ireland) Act, 1878, under the title of the Sanitary Authority of the town of Banbridge :

43 & 44 Vict. c. xl.

42 & 43 Vict. c. 57. s. 2.

And whereas an application has been made to the Local Government Board for Ireland by the said Sanitary Authority of the town of Banbridge in pursuance of the twelfth section of the Public Health (Ireland) Act, 1878, to form a united district for the purposes herein-after mentioned to consist of the said Urban Sanitary District, consisting of the town of Banbridge and of the parts of the Rural Sanitary District, consisting of the Banbridge Poor Law Union included in the Banbridge Electoral Division of the said Union; and to constitute a Joint Burial Board for such united district :

And whereas it appears to the Local Government Board for Ireland, after due inquiry, that it will be for the advantage of the said town of Banbridge, and of the parts of the said electoral division of Banbridge lying outside said town, to be formed into a united district for the purposes and in the manner herein-after provided. And all advertisements required by the Public Health (Ireland) Act, 1878, have been duly published :

It is ordered by the Local Government Board for Ireland as follows :

Formation of united district.

1. From and after the time of the confirmation of this Order by Act of Parliament a united district shall be formed, in pursuance of the 12th section of the Public Health (Ireland) Act, 1878, and shall thenceforth consist of the said town of Banbridge, and of the parts of the said electoral division of Banbridge lying outside the said town.

Constitution of joint Board of united district.

2. The Governing Body of the said united district shall be a joint Board, consisting of five ex-officio members and of 10 elective members. The five ex-officio members shall be :—

Three town commissioners of the said town of Banbridge. Each of the three rated for the relief of the poor in respect of premises in the

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electoral division of Banbridge, of a greater annual value than any premises in the said electoral division, in respect of which any other ratepayer (besides the said three commissioners) is, for the time being, rated for the relief of the poor.

Two Guardians of the Poor of the Banbridge Union (not being town commissioners of the said town of Banbridge), each of the two rated for the relief of the poor in respect of premises in the electoral division of Banbridge of a greater annual value than any premises in the said electoral division of Banbridge in respect of which any other ratepayer, not being a town commissioner of the said town of Banbridge (besides the said two guardians), is for the time being rated to the relief of the poor.

The elective members of the said Board shall be persons for the time being rated for the relief of the poor in respect of premises in the said electoral division of Banbridge of the annual value of 30*l.*, or exceeding 30*l.* Of the elective members of the said Board six shall be elected annually by the said Town Commissioners of Banbridge, and four shall be elected annually by the Guardians of the Poor of the Banbridge Union.

3. The first election of elective members of the said joint Board by the said Sanitary Authority of the town of Banbridge shall take place at an ordinary meeting of the said Sanitary Authority to be held within two months after the time of the confirmation of this Order by Parliament. The meeting at which such election shall take place shall be fixed by a resolution of the said Urban Sanitary Authority passed at a previous meeting of the said Sanitary Authority. Such resolution may be passed without any previous notice. Seven days' notice at least shall be given by the clerk of the said Sanitary Authority to each of the Town Commissioners of the town of Banbridge of the day on which such first election shall take place.

First election of elective members of the joint Board by the Urban Sanitary Authority.

4. The first election of elective members of the said joint Board by the Guardians of the Poor of the Banbridge Union shall take place at a meeting of the said Guardians to be held within two months after the confirmation of this Order by Parliament. The day of such meeting shall be fixed at a previous meeting of the said Guardians by a resolution which may be passed without any previous notice. Seven days' notice of the day of election shall be given by the clerk of the said union to each of the Guardians of the Poor of the said union.

First election of members of the joint Board by the Guardians of the Poor of the Banbridge Union.

5. After the first election of members of the said joint Board by the said Urban Sanitary Authority and the said Rural Sanitary Authority respectively, an election of members of the said joint Board, by each of the said authorities respectively, shall take place at the first meeting of each Authority which shall take place next after the 8th day of April in each year after such first election.

Annual elections of members of the joint Board.

6. Each ex-officio member of the said joint Board shall continue in office until he dies or resigns, or ceases to fulfil the conditions prescribed by clause 2 of this Order respecting ex-officio members of the joint Board. Each elected member of the said joint Board shall continue in office until

Continuance of office of members of joint Board.

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Filling of
casual vacan-
cies in the
joint Board.

he dies or resigns, or until the next annual election of members of the said joint Board by the body by which he has been elected.

7. Casual vacancies in the said joint Board shall be filled up as follows:—In the case of an ex-officio member of the said Board dying, resigning, or ceasing to fulfil the conditions prescribed by Clause 2 of this Order, the Town Commissioner or Poor Law Guardian (as the case may be) who shall on the happening of such event fulfil the conditions prescribed by the said clause shall immediately thereupon become an ex-officio member of the said Board in the place of the member of the said Board so dying, resigning, or ceasing to fulfil the said conditions. In the case of an elected member of the said joint Board dying or resigning the Urban Sanitary Authority or the Rural Sanitary Authority (as the case may be) by whom such elected member shall have been elected, shall at a meeting to be held within one month after such vacancy shall take place, of which meeting seven days' notice shall be given by the clerk of such Sanitary Authority to each member of such Sanitary Authority, elect a person duly qualified according to the provisions of Clause 2 of this Order to fill such vacancy.

Proceedings
at elections of
members of
the joint Board
by the Urban
Sanitary
Authority.

8. Subject to the express provisions in that behalf herein-before contained, the business at elections of members of the said joint Board by the Sanitary Authority of the town of Banbridge shall be conducted, and all questions shall be put and decided in the same manner as business is conducted and questions are put and decided at ordinary meetings of the said Town Commissioners of the town of Banbridge.

Proceedings
at election of
members of
the joint Board
by the rural
Sanitary
Authority.

9. Subject to the express provisions in that behalf herein-before contained, the business at election of elective members of the said joint Board by the Guardians of the Poor of the Banbridge Union shall be conducted, and all questions shall be put and decided in the manner provided by the general regulations of the Poor Law Commissioners dated the 19th of January 1852 relating to proceedings at meetings of Boards of Guardians of Unions.

Incorporation
of joint
Board.

10. The joint Board constituted and elected as aforesaid shall be a body corporate by the name of "The Banbridge Burial Board," and shall have perpetual succession and a common seal, with power to acquire and hold lands for the purposes of its constitution, without any license in mortmain.

Purposes of
formation of
united district
and powers of
the joint Board.

11. The said united district shall be formed, and the said joint Board shall be constituted for the following purposes; that is to say,—in order that the said joint Board shall, in respect of the said united district, possess the powers and perform the duties of the Burial Board, and from and after the time of the completion of the first elections of members of a joint Board in pursuance of this Order, such joint Board constituted and incorporated as aforesaid shall, in respect of the said district, possess all the powers and perform all the duties of a Burial Board conferred to and imposed on a Burial Board by the Public Health (Ireland), Act, 1878.

Provision for
expenses of
joint Board.

12. The expenses to be incurred by the said joint Board in the execution of this Order shall be defrayed out of a common fund to be contributed by

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the said town of Banbridge, and by the portions of the electoral division of Banbridge lying outside the said town in proportion to the rateable value of the property in the said town, and in the said portions of the said electoral division respectively. The contribution of the said town of Banbridge shall be defrayed by the Town Commissioners of Banbridge out of the general assessment rate leviable in the said town under the provisions of the Towns Improvement (Ireland) Act, 1854, and the existing limit of the said rate shall not apply to the rate required to be levied for the purposes of this Order. The contribution of the said portions of the electoral division of Banbridge shall be levied by the Guardians of the Poor of the Banbridge Union as part of the poor rate of the said portions of the said electoral division by a special poundage rate, to be added to the poor rate and collected therewith, and to be recovered in the same manner and with the same remedies as poor rate by the collectors of poor rate.

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13. The Burial Board of Banbridge shall from time to time issue its precept to the said Town Commissioners and to the said Board of Guardians respectively, stating the sum from time to time to be contributed by them respectively, and requiring them respectively within a time to be mentioned in the said precept to pay the amount of their contributions to the said joint Board, whereupon the said Town Commissioners and Guardians of the Poor respectively shall, in the manner herein-before provided, raise and levy the amount of their respective contributions, and pay the same to the said joint Board in accordance with the terms of the said precept.

Contributions
of the com-
ponent district
to the expense
of the joint
Board.

14. A meeting of the Banbridge Burial Board shall take place in each year on the first Saturday following the day on which the elections of elective members of the said Board shall be completed. After said meeting the said Banbridge Burial Board shall meet once at least in each month on some day to be fixed at the last preceding meeting of the said Board, and if no such day shall be fixed, then on the first Saturday in each month. At the meeting of the said Board, which shall take place in each year next after the completion of the elections of elective members of the said Board, the said Board shall appoint one of its members to be chairman, and another of its members to be vice-chairman of the Board. Such chairman and vice-chairman respectively shall hold office until the next annual election of a chairman or vice-chairman, unless he shall have previously died or resigned, or have ceased to be a member of the said Board. In the case of the death or resignation of such chairman or vice-chairman, or of his ceasing to be a member of the said Board, the Board at the next meeting after such vacancy shall have taken place shall elect another member of said Board to fill such vacancy.

Proceedings
of the joint
Board.

15. At all meetings of the Banbridge joint Burial Board the chairman of the said Board, or in his absence the vice-chairman shall preside; and if at the commencement of any meeting the chairman and vice-chairman are both absent, the members of the Board present shall elect one of themselves to preside at such meeting until the chairman or vice-chairman (as the case may be) shall take the chair. Every question at any meeting of the said Board consisting of more than three members, shall be determined by a majority of the votes of the members of the said Board, present thereat,

Transaction of
business by
the joint Board.

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and when there shall be an equal number of votes on any question the question shall be deemed to have been lost. The presiding chairman shall be entitled to give one vote upon each question that may be submitted to the said Board, but he shall not under any circumstances be entitled to any additional or any casting vote.

Quorum of
burial Board.

16. No act of any meeting of the said Board shall be valid unless three members at least be present, and if no greater number of members be present unless they shall all of them concur therein.

Short title of
Order.

17. This Order may be cited and referred to for all purposes as the Banbridge Burial Ground Provisional Order, 1882.

Given under our hands and seal of office this twenty-third day of
May one thousand eight hundred and eighty-two.

(Signed) HENRY ROBINSON.

CHARLES CROKER-KING.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

DRUMCLIFFE BURIAL GROUND.

Provisional Order.

41 & 42 Vict.
c. 52. s. 160.

WHEREAS the Guardians of the Poor of the Ennis Union, being the Burial Board of the Rural Sanitary District consisting of the said union, except the town of Ennis, are about to purchase the lands and premises herein-after mentioned, to be used as a burial ground for the said district, in addition to the Drumcliffe Graveyard, situate within the said district, and have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, praying that they, as such Burial Board, may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to certain lands and premises required for the purposes of the said additional burial grounds :

S. 175.

§s. 202 & 203.

And whereas the said Burial Board have deposited in the office of the Local Government Board for Ireland, in Dublin, plans, and a book of reference referring thereto, showing the lands and premises required for the purposes aforesaid :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board for Ireland have caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition, and it appears to be proper to assent thereto :

It is ordered by the Local Government Board for Ireland as follows :

Compulsory
powers to
take lands.

1. From and after the time of the confirmation of this Order by Parliament, the Guardians of the Poor of the Ennis Union, acting as a Burial Board, shall be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to the lands and premises described and shown in the said deposited plans and book of reference.

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| <p>2. In this Order the expression "the Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland) 1864, and the Railways Traverse Act.</p> | <p>A.D. 1882.
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 Interpretation of terms.</p> |
| <p>3. The powers of compulsory purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament.</p> | <p>Duration of Order.</p> |
| <p>4. This Order may be cited and referred to for all purposes as the Drumcliffe Burial Ground Provisional Order, 1882.</p> | <p>Short title of Order.</p> |

Given under our hands and seal of office this twentieth day of
 May one thousand eight hundred and eighty-two.

(Signed) HENRY ROBINSON.
 CHARLES CROKER-KING.
 GEORGE MORRIS.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.
 LARNE WATERWORKS.

Provisional Order.

WHEREAS the Guardians of the Poor of the Larne Union, being the Sanitary Authority of the Rural Sanitary District consisting of the said union, and including the town and district of Larne, in the county of Antrim, are about to construct waterworks for the purpose of supplying the said town with water for drinking and domestic purposes, and have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, praying that they, as such Sanitary Authority, may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to certain lands and premises required for the purposes of the said works :

41 & 42 Vict.
 c. 52. ss. 61,
 202, & 203.

And whereas the said Sanitary Authority have deposited at the office of the Local Government Board for Ireland, in Dublin, plans, and a book of reference referring thereto (herein-after referred to as the deposited plans and book of reference), showing the works intended to be executed as aforesaid, and the lands, easements, lands covered with water, and rights to take and convey water required for the purposes of the said works :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board for Ireland have caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition, and it appears to the said Board to be proper to assent thereto :

It is ordered by the Local Government Board for Ireland as follows :

1. From and after the time of the confirmation of this Order by Parliament, the Guardians of the Poor of the Larne Union, acting as the Sanitary Authority of the said Rural Sanitary District, shall be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking

Compulsory powers to take lands, easements, and water.

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of land otherwise than by agreement, with reference to the lands, easements, lands covered with water, water, and rights to take and convey water, described and shown in the said deposited plans and book of reference.

Interpretation
of terms.

2. In this Order the expression "Lands Clauses Act" means the Lands Clauses Consolidation Act, 1845, as the same is amended by, the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, The Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railways Traverse Act. And the words "land" and "lands" in the said Acts shall, for the purposes of this Order, extend to and include messuages, buildings, lands, easements, and hereditaments of any tenure, and also lands covered with water, water, and rights to take and convey water.

Duration of
Order.

3. The powers of compulsory purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament.

Short title of
Order.

4. This Order may be cited and referred to for all purposes as the Larne Waterworks Provisional Order, 1882.

Given under our hands and seal of office this nineteenth day of
May one thousand eight hundred and eighty-two.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.
GEORGE MORRIS.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.
LONDONDERRY WATERWORKS.

Provisional Order.

WHEREAS the mayor, aldermen, and burgesses of the borough of Londonderry, being the Sanitary Authority of the Urban Sanitary District consisting of the said borough, and being about to construct waterworks for the purpose of supplying the said borough with water for drinking and domestic purposes, have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, praying that they, as such Sanitary Authority, may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to certain lands and premises required for the purposes of the said works :

41 & 42 Vict.
c. 52. ss. 61,
202, & 203.

And whereas the said Sanitary Authority have deposited in the office of the Local Government Board for Ireland, in Dublin, plans, and a book of reference referring thereto (herein-after referred to as the deposited plans and book of reference), showing the works intended to be executed, and the lands, easements, lands covered with water, water, and rights to take and convey water required for the purposes of the said works :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given,

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the Local Government Board for Ireland have caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition, and it appears to the Board to be proper to assent thereto: A.D. 1882.

It is ordered by the Local Government Board for Ireland as follows:

1. From and after the time of the confirmation of this Order by Parliament, the mayor, aldermen, and burgesses of the borough of Londonderry, acting by the Town Council, shall be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to all the lands, easements, lands covered with water, and rights to take and convey water described in the said deposited plans and book of reference. Compulsory powers to take lands, easements, and water.
2. In this Order the expression "the Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860, the Railways Act (Ireland), 1851, the Railways Act (Ireland), 1860, the Railways Act (Ireland), 1864, and the Railway Traverse Act. And the words "land" and "lands" in the said Acts shall, for the purposes of this Order, extend to and include messuages, buildings, lands, easements, and hereditaments of any tenure, and also lands covered with water, and rights to take and convey water. Interpretation of terms.
3. The powers of compulsory purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament. Duration of Order.
4. This Order may be cited for all purposes as the Londonderry Waterworks Provisional Order, 1882. Short title of Order.

Sealed with our seal, this nineteenth day of May, in the year of our Lord one thousand eight hundred and eighty-two.

(Signed) HENRY ROBINSON.
 CHARLES CROKER-KING.
 GEORGE MORRIS.

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 Printers to the Queen's most Excellent Majesty. 1882.