

[56 VICT.] *Local Government Board (Ireland)* [Ch. xxxiv.]
Provisional Order Confirmation (No. 1) Act, 1893.



CHAPTER xxxiv.

An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, relating to the City of Dublin. A.D. 1893.
[12th May 1893.]

WHEREAS the Local Government Board for Ireland have made the Provisional Order set forth in the schedule hereto, under the provisions of the Housing of the Working Classes Act, 1890: 53 & 54 Vict.
c. 70.

And whereas it is requisite that the said Order 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 Order set out in the schedule hereto is hereby confirmed and all the provisions thereof shall have full validity and force. Order in
schedule
confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (No. 1) Act, 1893. Short title.

A.D. 1893.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Dublin.

CITY OF DUBLIN.

*Provisional Order confirming an Improvement Scheme under Part I.
of the Housing of the Working Classes Act, 1890.*

To the Right Honourable the Lord Mayor, Aldermen, and Burgesses of
Dublin, and to all others whom it may concern.

41 & 42 Vict.
c. 52.

WHEREAS the city of Dublin is an urban sanitary district under the provisions of the Public Health (Ireland) Act, 1878, and the Right Honourable the Lord Mayor, Aldermen, and Burgesses of the said city, acting by the town council (herein-after called the local authority), are the urban sanitary authority of the said district :

53 & 54 Vict.
c. 70.

And whereas an official representation for the purposes of Part I. of the Housing of the Working Classes Act, 1890, has been made to the local authority that within a certain area in the said district in the parishes of St. George and St. Mary, the houses, streets, and alleys known as Upper Eccles Lane, White's Lane, and Blessington Place, which are situate off Upper Dorset Street, are unfit for human habitation by reason of the narrowness, closeness, bad arrangement and bad condition of the streets or alleys and houses and groups of houses within such area, and the want of air, ventilation, and proper convenience, and other sanitary defects ; and that they are dangerous and injurious to the health of the inhabitants of the buildings in the said area, and of the neighbouring buildings ; and that the evils connected with the houses, streets, or alleys, and the sanitary defects in such area cannot be effectually remedied otherwise than by an improvement scheme for the re-arrangement and re-construction of the streets or alleys and houses therein :

And whereas the local authority, being satisfied of the truth of such official representation, and of the sufficiency of their resources, have passed a resolution that the area described in the said official representation is an unhealthy area, and have made a scheme for the improvement of the said area, and an estimate of expenses, which are respectively as follows :—

WHITE'S LANE AREA.

IMPROVEMENT SCHEME.

Housing of the Working Classes Act, 1890.

SCHEME for the improvement of **WHITE'S LANE** (in the city of **DUBLIN**) unhealthy area, pursuant to resolution of local authority dated fourteenth February, one thousand eight hundred and ninety-two.

It is proposed to take the entire area by compulsory purchase and to clear it of the buildings which are thereon, and to erect eighty three-roomed houses of

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one storey, and which are calculated to accommodate four hundred persons (approximately), a greater number than the present occupiers of the working classes who may be displaced ; also to widen the approach to the area at White's Lane adjoining Dorset Street Upper, and to provide all proper and necessary sanitary conveniences and arrangements, and construct new streets and passages.

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The details are shown upon maps or plans accompanying this scheme, and numbered respectively one and two.

Dated this tenth day of October, one thousand eight hundred and ninety-two.

SPENCER HARTY,
City Engineer and Surveyor.

WHITE'S LANE AREA.
IMPROVEMENT SCHEME.

Housing of the Working Classes Act, 1890.

Estimated Cost of Purchase and Construction, &c.

I estimate the cost of this scheme, including purchase of property, at £17,000.

(Signed) SPENCER HARTY,
City Engineer and Surveyor,
Dublin.

10th October, 1892.

And whereas the said plans and a book of reference referring thereto have been deposited in the office of the Local Government Board for Ireland in Dublin, and are herein-after referred to as the deposited plans and book of reference :

And whereas the local authority have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) praying that an order may be made confirming the said scheme :

And whereas on consideration of the said petition, and on proof of the service of the proper notices and publication of the proper advertisements, the Local Government Board directed a local inquiry to be held in accordance with and for the purposes mentioned in the Housing of the Working Classes Act, 1890, and such inquiry has been held and a report has been made of the result thereof, in accordance with section 19 of the said Act :

53 & 54 Vict.
c. 70.

Now therefore, we, the Local Government Board, in exercise of the powers given to us by and subject to the provisions of the Housing of the Working Classes Act, 1890, do hereby order as follows :—

53 & 54 Vict.
c. 70.

1. We confirm the said scheme subject to the modifications herein-after mentioned.

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2. We declare that the limits of the area comprised in the scheme are the boundaries of the lands and areas comprised in the said scheme and the deposited plans.

3. We authorise the said scheme to be carried into execution, subject to the following modifications :—

The local authority shall not themselves, without the express approval of the Local Government Board, undertake the erection of the houses, or the execution of any part of the scheme, except that they may take down all or any of the buildings upon the areas, and clear the whole or any part thereof, and may lay out, form, pave, and sewer, and complete all such streets upon the land purchased by them as they may think fit.

4. For the purpose of carrying the scheme as modified by this Order into execution, the local authority 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 respect to the lands and premises described in the deposited plans and book of reference.

5. The local authority shall not, in the execution of this scheme, without the consent of Local Government Board, purchase or acquire ten or more houses which, after the passing of the Act confirming this Order, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers, unless and until—

(1.) They have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last, or for such number of persons as the Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case, and until they have given security to the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any such scheme may be given either absolutely or conditionally, and after the Local Government Board have approved of any such scheme they may approve, either absolutely or conditionally of any modifications in the scheme.

(3.) Every such scheme shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed and fit for occupation before the persons residing in the houses in respect to which the scheme is made are displaced : Provided that

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the Local Government Board may dispense with the last-mentioned requirement, subject to such conditions, if any, as they may deem fit.

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(4.) Any provisions of such scheme, and any conditions subject to which the Local Government Board may have approved of any such scheme, or of any modifications thereof, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the local authority acquire or appropriate any house for the purpose of this scheme in contravention of the foregoing provisions, or displace or cause to be displaced persons residing in any house in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the Consolidated Fund of the United Kingdom: Provided that the Court may, if it thinks fit, reduce the said penalty.

(6.) Subject to the provisions of the scheme, the local authority and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this Order all or any of the powers vested in them under the Public Health (Ireland) Act, 1878, in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act: Provided that all lands on which any buildings have been erected in pursuance of any scheme under this Order shall, for a period of twenty-five years from the passing of the Act confirming this Order, be appropriated for the purpose of dwellings, and every conveyance, demise or lease of such lands and buildings shall be endorsed with notice of this provision: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this clause, subject to such conditions (if any) as they may deem fit.

41 & 42 Vict.
c. 52.

(7.) The local authority shall, if required by Local Government Board, pay to the said Board a sum to be fixed by the Board in respect of the preparation and issue of any Order made in pursuance of this clause of this Order, and any expenses incurred by the Board in relation to any inquiries under this Order, including the expenses of any witness summoned by the inspector holding the inquiry, and a sum to be fixed by the Local Government Board, not exceeding three guineas a day, for the services of such inspector.

(8.) For the purposes of this Order, the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members

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of their own family, and persons other than domestic servant's whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

Given under our hands and seal of office this fourteenth day of March, in the year of our Lord one thousand eight hundred and ninety-three.

(L.S.)

(Signed)

GEORGE MORRIS.

F. MACCABE.

H. A. ROBINSON.

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