



CHAPTER cv.

An Act to extend the borrowing powers of the Urban District Council of the Urban District of Lisburn to enable them to consolidate their debts to create and issue new stock to confer further powers upon them for the better management of the district and for other purposes. A.D. 1899.

[13th July 1899.]

WHEREAS the town of Lisburn in the counties of Antrim and Down is an urban district under the local government of the Urban District Council for the urban district of Lisburn (in this Act called "the District Council") and the Towns Improvement (Ireland) Act 1854 is in force in the said district and the District Council are the urban sanitary authority and burial board for the said district under the Public Health (Ireland) Act 1878 :

And whereas additional powers were granted to the town commissioners of Lisburn the predecessors of the District Council by the Lisburn (Waterworks and Markets) Provisional Order 1893 confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 9) Act 1893 and by the Lisburn Town Provisional Order 1894 confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 4) Act 1894 :

And whereas the said commissioners expended large sums of money in the acquisition and providing of waterworks and markets for the town which are now vested in the District Council as their successors and there is now owing by the District Council the sum of forty-one thousand four hundred and twenty-three pounds thirteen shillings and twopence :

And whereas the rapid growth and development of the town have rendered the construction of a complete and effective sewerage system an immediate necessity but the existing borrowing powers of the District Council under the Public Health (Ireland) Act 1878 are insufficient to enable them to construct and carry out such system :

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And whereas a large portion of the sewerage of the said town now passes into the River Lagan and on the ninth day of November one thousand eight hundred and ninety-eight an Order was made by the county court judge of the county of Antrim under the Rivers Pollution Act ordering (amongst other things) the said commissioners the predecessors of the District Council to prevent and abate the said pollution and erect works for that purpose and to apply to Parliament for borrowing powers to enable them to carry out the same :

And whereas the District Council are making application for an inquiry under the Public Health (Ireland) Act 1878 with the approval of the Local Government Board (Ireland) to enable them to carry out an improved system of sewerage and for extending the area of their district and a Local Government Board Order for these purposes is expected to be granted and confirmed in the present year :

And whereas the present buildings in which the District Council hold their meetings and in which the public business of the town is transacted have owing to the increase of the town become inadequate and unsuitable and it is expedient that a new town hall and offices should be provided :

And whereas the cemetery of the town requires to be extended and improved :

And whereas it is expedient that further borrowing powers should be conferred upon the commissioners to enable them to carry out a sewerage system and comply with the order of the said judge and to provide a new town hall and also for burial board purposes and the general purposes of the town :

And whereas an estimate has been prepared by the engineer of the District Council for and incidental to the before-mentioned purposes which amounts to the sum of twenty-nine thousand pounds :

And whereas the existing debts of the District Council charged on the rates and revenues of the district amount to forty-one thousand four hundred and twenty-three pounds thirteen shillings and two pence the particulars whereof are set forth in the schedule to this Act and it is expedient that power should be conferred on the District Council to consolidate the same and issue consolidated stock as in this Act provided :

And whereas the District Council have or claim to have market rights within the town of Lisburn under certain letters patent and it is expedient to confer upon the District Council the further powers herein-after mentioned respecting the market tolls :

And whereas nine commissioners being an absolute majority of the whole number of Commissioners of the said town at a meeting

held on the tenth day of October one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Lisburn Standard* a local newspaper published and circulating in the town such notice being in addition to the ordinary notice required for summoning such meeting resolved to promote a Bill to effect the objects herein-before mentioned:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board for Ireland as to matters within their jurisdiction and of the Chief Secretary for Ireland as regards other matters:

And whereas at a further special meeting held in pursuance of a similar notice on the twelfth day of January one thousand eight hundred and ninety-nine being not less than fourteen days after the deposit of the Bill for this Act the propriety of the promotion of the Bill was confirmed by an absolute majority of the Commissioners of the town at a meeting:

And whereas a meeting of the persons qualified to vote at the election of the commissioners of the town called in the manner provided by the Borough Funds (Ireland) Act 1888 by special resolution have consented to the promotion of the Bill for this Act:

And whereas the objects aforesaid cannot be accomplished without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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:—

PART I.—PRELIMINARY.

1. This Act may be cited as the *Lisburn Urban District Council Act 1899.* Short title.

2. This Act is divided into four parts as follows:—

Act divided
into parts.

- I. Preliminary.
- II. Financial.
- III. Market tolls.
- IV. Miscellaneous.

3. In this Act—

Interpre-
tation.

“The town” means the town or urban district of Lisburn or any extension thereof authorised within two years from the passing of this Act;

“The District Council” means the District Council of the urban district of Lisburn;

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- “The town clerk” means the clerk of the District Council;
“The surveyor” means the surveyor of the District Council;
“Rate” includes rents and charges for supply of water and any profits derived from selling same;
“Existing debts” means and includes the existing mortgage or other debts of the District Council the particulars whereof are set forth in the schedule to this Act;
“The Public Health Act” means the Public Health (Ireland) Act 1878;
“The general assessment rate” means the rate or assessment authorised by section 60 of the Towns Improvement (Ireland) Act 1854 and any Act amending or extending the same and includes any rate substituted therefor.

PART II.—FINANCIAL.

Power to borrow.

4. The District Council may from time to time in addition to any moneys which they are now authorised to borrow or which they may be authorised to borrow under the Public Health Act or otherwise borrow at interest on the following securities for the following purposes the following sums (that is to say):—

On the security of the general assessment rate—

For paying the costs charges and expenses of and in relation to this Act as herein-after defined the sum requisite for the purpose;

For sewerage purposes (including the disposal of sewage) and for the general purposes of the town such sum as the Local Government Board may sanction not exceeding thirty-four thousand pounds;

For providing constructing fitting up and furnishing a town hall (including the providing of a site for the same) any sum not exceeding three thousand pounds; and

Also such sum as is necessary to pay off the existing loan to the Board of Works (Ireland) amounting to forty-one thousand four hundred and twenty-three pounds thirteen shillings and twopence:

On the security of the rate leviable under section 234 of the Public Health Act and their income as a burial board—

For burial board purposes any sum not exceeding one thousand pounds.

In calculating the sum which the District Council may borrow under any other enactment the sums which they may borrow

under this Act shall not be reckoned and the powers of the District Council as to borrowing and re-borrowing under this Act shall not be subject to the provisions of section 238 of the Public Health Act.

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5. The following sections of the Public Health Act shall extend and apply mutatis mutandis to and in relation to all mortgages made under the powers of this Act (that is to say) :—

Incorporation of sections of Public Health Act.

Section 240 (Form of mortgage);

Section 241 (Register of mortgages);

Section 242 (Transfer of mortgages); and

Section 243 (Receiver may be appointed in certain cases).

6. The District Council shall repay or make provision for repaying all moneys borrowed under the preceding powers of this Act within the respective periods herein-after mentioned from the dates when the same shall be respectively borrowed :—

As to repayment of borrowed moneys.

(A) All moneys borrowed for the payment of the costs charges and expenses of and in relation to this Act within any period not exceeding ten years;

(B) All moneys borrowed for sewerage purposes the town hall and offices and burial ground referred to in this Act within such time as shall be fixed by the Local Government Board;

(C) All other moneys borrowed under the provisions of this Act in respect of the liquidation of the amounts as set out in the schedule hereto within any period not exceeding sixty years:

And such repayment shall be effected—

Either by equal yearly or half-yearly instalments of principal or of principal and interest;

Or by means of a sinking fund;

Or partly by such instalments and partly by a sinking fund:

Every such instalment or instalments shall be paid out of the funds and rates on the security of which the principal moneys in respect of which it or they are so paid were borrowed:

The first payment by instalments or to the sinking fund shall be made on or before the thirty-first day of March next after the borrowing of the moneys in respect of which such payment is to be made.

7. The following provisions shall apply as to the sinking fund :—

As to sinking fund.

(1) The District Council in every year after the respective dates in that behalf by the last preceding section prescribed

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shall appropriate and set apart out of the funds and rates on the security of which such moneys shall have been borrowed such equal annual sums as will with the accumulations thereof by way of compound interest at a rate not exceeding three pounds per centum per annum be sufficient to pay the whole of the principal moneys borrowed on such security within the periods by this Act prescribed so far as the same are to be paid off by means of a sinking fund :

- (2) The yearly sum so to be appropriated and set apart shall be invested from time to time and accumulated in the way of compound interest by investing the same and the dividends interest and annual income thereof respectively in any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust moneys and any mortgage bond debenture debenture stock corporation stock or other security authorised by or under any Act of Parliament passed or to be passed of any municipal corporation or of any other local authority in the United Kingdom (except the District Council) other than securities transferable by delivery :
- (3) The District Council may at any time apply the whole or part of such sinking fund in or towards the repayment of the borrowed moneys for the repayment of which such sinking fund was set apart in such order and manner as they deem proper Provided as follows (that is to say) :—
 - (A) That in such case they pay into such sinking fund in each year afterwards and accumulate as herein-before prescribed until the whole of the borrowed moneys to which such sinking fund is applicable are discharged a sum equal to the interest produced by the sinking fund or part thereof so applied at the rate per centum on which the annual payments to the sinking fund are based ;
 - (B) That whenever and so long as the securities constituting any sinking fund shall be equal in value at the market price of the day to the principal moneys then outstanding and to be paid off by means of such fund the District Council may in lieu of investing the said yearly income apply the same in payment of the interest on such principal and may during such periods discontinue the

payment to such sinking fund of the yearly sums required to be so paid thereto ; A.D. 1899.

- (c) That if and so often as the interest in any year derived from such investments is not equal to the income which would be derived therefrom at the rate per centum per annum on which the equal annual payments to the sinking fund are based such deficiency shall be made good out of the funds and rates on the security of which the moneys to be repaid have been borrowed but if and so often as the said interest in any year exceeds such income the difference between such interest and income shall be applicable in reduction of the sums which would otherwise be required to be paid into the sinking fund.

8. If the District Council can at any time borrow any money at a lower rate of interest than any securities given by them and then in force shall bear or if the District Council pay off any moneys borrowed by them under the powers of this Act otherwise than by means of instalments or of a sinking fund or out of the proceeds of the sale exchange or disposition of lands or other moneys received on capital account (other than borrowed moneys) they may re-borrow the same and so from time to time Provided as follows (that is to say) :— Power to re-borrow.

All moneys so re-borrowed shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing shall have been made ;

Any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing shall have been made and the obligations of the District Council with respect to the repayment of such moneys shall not be in any way affected by such re-borrowing.

9. The District Council shall not be bound to see to the execution of any trust whether expressed or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the District Council shall be a sufficient discharge to the District Council in respect thereof notwithstanding any trust to which such loan or security may be subject and whether or not the District Council have had notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register and the District Council shall not be bound to see to the application of the money paid on any such receipt District council not to regard trusts.

A.D. 1899. or be answerable or accountable for any loss misapplication or non-application of any of such money.

Annual
return with
respect to
sinking
funds &c.

10. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the treasurer shall be liable to a penalty of not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health Act in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

If it appears to the Local Government Board by such return or otherwise that the District Council have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

The provisions of this section shall apply mutatis mutandis to appropriations and to annual repayments.

Issue of
stock.

11. The District Council may with the consent of the Local Government Board borrow at interest the moneys which they are by the preceding provisions of this Act authorised to borrow and such further sums as may be necessary for paying off redeeming or replacing the existing debts or any part thereof (including any expenses in connexion therewith) by the creation and issue of consolidated or other stock on the security of the general assessment rate and the other rates funds and revenues of the District Council.

12. All moneys borrowed by the District Council under this Act shall be applied to the purposes of this Act in respect of which the same were respectively borrowed and to which capital is properly applicable and to no other purpose.

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Application
of moneys
borrowed.

13. A lender of money to the District Council under this Act shall not be bound to inquire respecting the observance by them of any of the provisions of this Act or be bound to see to the application or be answerable for any loss non-application or misapplication of the money lent or any part thereof.

Protection
of lenders
from in-
quiry.

PART III.—MARKET TOLLS.

14. From and after the passing of this Act it shall be lawful for the District Council to demand from any person bringing for sale into the town or into the existing or any future market place or places or buildings or ground connected therewith within the town in accordance with the market rights claimed by the District Council under certain letters patent purchased by them any marketable commodity specified in the byelaws and schedule of tolls sanctioned by the Local Government Board or such schedule as may be for the time being in force sanctioned by such Board any tolls not exceeding the tolls specified in such schedule. And the tolls payable under such byelaws shall be payable to the District Council on all marketable commodities specified as the subject of toll thereunder respectively notwithstanding that the whole or the bulk of such marketable commodities sold or offered for sale may not have been brought into the market place or buildings or ground connected therewith or be within the town at the time of such sale or offer for sale if such sale or offer for sale was in fact made by sample or otherwise within the town.

Market tolls.

PART IV.—MISCELLANEOUS.

15. The deposit with the District Council of any plan of any street or building shall be null and void if the execution of the work specified in such plan be not commenced within the following periods (that is to say):—

Deposit of
plan to be
void after
certain
intervals.

As to plans deposited after the passing of this Act within two years from the date of such deposit;

As to plans deposited before the passing of this Act within two years from the passing of this Act:

And at the expiration of those respective periods fresh notice and deposit shall unless the District Council otherwise determine be requisite.

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The District Council shall give notice of the provisions of this section to every person intending to erect a new building the plans for which shall have been approved before the passing of this Act but the erection of which building shall not have been commenced and shall attach a similar notice to every approval of plans given subsequent to the passing of this Act.

District council may define future line of streets

16.—(1) Where any street in the district is in the opinion of the District Council narrow or inconvenient or without any sufficiently regular line of frontage the District Council may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street. The line which in any case the District Council propose so to prescribe and define shall be distinctly marked and shown on a plan to be signed by the chairman of the District Council and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the District Council formally prescribe and define the line they shall give notice in writing of the deposit of the said plan to every owner interested whose name and address they can ascertain. No new building erection excavation or obstruction (being of a permanent character) shall be made nearer to the centre of the street than such line.

(2) The District Council may and if required so to do by the owner shall purchase the land lying between any such line as aforesaid and the existing building line of the street and the same when purchased shall vest in the District Council as part of the street.

(3) Whenever in any of the above cases the District Council shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage which they may sustain in consequence of the line of frontage being set back and the District Council shall also make to the owner of any adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them by reason of the District Council requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase money to be paid by the District Council under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street shall be fairly estimated and shall be set off against the said compensation or purchase money.

(5) If after any such line has been defined and prescribed as aforesaid any person shall wilfully or negligently act contrary to

this enactment he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D. 1899.

17. If any building land adjoining any street is allowed to remain unfenced or the fences thereof are allowed to be or remain out of repair and such land is in the opinion of the District Council owing to the absence or inadequate repair of any such fence a source of danger to passengers or is or may be used for any immoral or indecent purpose or for any purpose causing inconvenience or annoyance to the public then after the expiration of fourteen days' notice from the surveyor to the owner or occupier of the same or without any notice if the District Council are unable after diligent inquiry to discover the name or place of abode of such owner or occupier the District Council may cause the same to be fenced or may cause the fences to be repaired in such manner as they think fit and the expenses thereby incurred shall be recoverable from such owner or occupier summarily or as a debt in any court of competent jurisdiction. Waste land to be fenced.

18. From and after the passing of this Act—

The erection of any building;

The re-erection wholly or partially on the same site of any building of which an outer wall is pulled down to or within ten feet of the surface of the adjoining ground and of any frame building so far pulled down as to leave only the frame work of the ground floor storey thereof;

The conversion into a dwelling-house of any building or part of a building not originally constructed for human habitation;

The conversion into one dwelling-house of two or more dwelling-houses constructed originally as two or more dwelling-houses;

The conversion into two or more dwelling-houses of any building constructed originally as one dwelling-house;

The conversion of a building which when originally erected was legally exempt from the operation of any building byelaws in force within the district into a building which had it been originally erected in its converted form would have been within the operation of those byelaws;

The reconversion into a dwelling-house of any building which has been discontinued as or appropriated for any purpose other than a dwelling-house;

The conversion into a dwelling-room of any room or part of a room or part of a room used as a shop;

What to be deemed new buildings.

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The making of any addition to any existing building by raising any part thereof or making any projection therefrom but so far as regards such addition only ; and

The roofing or covering over of any open space between walls or buildings ;

shall for the purposes of this part of this Act and of the Public Health Acts and of any byelaw made thereunder respectively be deemed to be the erection of a " new building."

Exemption of Crown buildings.

19. Without prejudice to any existing rights of Her Majesty there shall be exempted from the provisions of this Act every building structure or work vested in or in the occupation of Her Majesty either beneficially or as part of the hereditary revenues of the Crown or in trust for the public service or for public services also any building structure or work vested in or in the occupation of any department of Her Majesty's Government for public purposes or for the public service.

Byelaws as to materials for setting stoves &c.

20. Section 41 of the Public Health (Ireland) Act 1878 shall be extended so as to empower the District Council to make byelaws with respect to the manner in which and the materials with which grates stoves and fireplaces shall be set in new buildings.

Cleansing of cisterns.

21. The District Council may from time to time make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles used for storing water used or likely to be used by man for drinking or domestic purposes or for manufacturing drink for the use of man.

Vehicles.

22. The District Council may make byelaws for regulating the traffic within the town and the rate of speed to be observed by all carts carriages hackney carriages locomotives and other vehicles including bicycles tricycles and other similar machines.

Power to impose penalties on breach of byelaws.

23. The District Council may by any byelaws made by them under the authority of this Act impose on offenders against the same such reasonable penalties as they think fit not exceeding the sum of five pounds for each offence and in the case of a continuing offence a further penalty not exceeding forty shillings for each day during which the offence shall continue after conviction therefor but all such byelaws imposing any penalty shall be so framed as to allow of the recovery of any sum less than the full amount of the penalty.

Recovery of penalties &c.

24. Offences against this Act and penalties imposed or recoverable under this Act or by any byelaws made in pursuance thereof may be prosecuted and recovered in a summary manner as provided for by sections 249 and 250 of the Public Health (Ireland) Act 1878.

25. All penalties recovered under this Act or under any byelaw thereunder shall be paid to the treasurer and be by him carried to the credit of the district fund or the general assessment rate of the town.

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Penalties
how to be
applied.

26. Byelaws made by the District Council under this Act shall be made in accordance with sections 219 to 223 of the Public Health (Ireland) Act 1878 and for the purposes of this Act those provisions shall be deemed to be herewith incorporated and shall apply to all byelaws made under this Act.

Confirma-
tion &c. of
byelaws.

27. All the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto including the costs incurred by the District Council or by their predecessors the commissioners in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the District Council and in the first instance the District Council may pay the same out of any of their funds or revenues but they shall be recouped by and charged to the moneys to be borrowed by the District Council under this Act.

Expenses of
Act.

A.D. 1899.

The SCHEDULE.

EXISTING MORTGAGE DEBT.

Object for which Loan was granted.	Amount of Loans as sanctioned by Board of Public Works.	Date on which Loan was sanctioned.	Rate of Interest.	For Term of Years.	Principal due on Loans on 11th November 1898.
Flagging - -	£ s. d. 1,500 0 0	12th October 1876 -	5	25	£ s. d. 324 4 3
Sewerage - -	1,200 0 0	21st February 1881 -	3 $\frac{3}{4}$	30	488 6 8
Purchase of waterworks and extension of same.	22,000 0 0	3rd January 1894 -	4	50	20,360 0 0
Supplying mains valves &c.	5,000 0 0	3rd January 1894 -	3 $\frac{1}{2}$	35	4,499 19 10
Extension of waterworks	4,900 0 0	26th November 1895	4	50	4,659 0 0
Purchase of markets -	3,500 0 0	3rd January 1894 -	4	50	3,185 0 0
Extension of markets -	2,600 0 0	16th May 1895 -	3 $\frac{1}{2}$	35	2,339 19 7
Improving markets -	3,500 0 0	26th November 1895	3 $\frac{1}{2}$	35	3,207 2 10
Extension of waterworks	{ 3,000 0 0 } { 2,400 0 0 } (issued)	27th June 1898 -	2 $\frac{3}{4}$	30	2,360 0 0
		Total - - -	-	-	£41,423 13 2

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