

Oireachtas Library



54023001294518

**BILLE DAINGNITHE ORDAITHE SHEALADAIGH
RIALTAIS AITIUIL, 1965
LOCAL GOVERNMENT PROVISIONAL ORDER
CONFIRMATION BILL, 1965**

*Mar a tugadh isteach
As introduced*

ARRANGEMENT OF SECTIONS

Section

1. Confirmation.
2. Short title.

SCHEDULE.



BILLE DAINGNITHE ORDAITHE SHEALADAIGH
RIALTAIS AITIUIL, 1965

LOCAL GOVERNMENT PROVISIONAL ORDER
CONFIRMATION BILL, 1965

BILL

5

entitled

AN ACT TO CONFIRM THE COUNTY BOROUGH OF CORK
(EXTENSION OF BOUNDARY) PROVISIONAL ORDER,
1965.

WHEREAS the County Borough of Cork (Extension of 10
Boundary) Provisional Order, 1965, set out in the Schedule to this
Act has been duly made by the Minister for Local Government
under the Cork City Management (Amendment) Act, 1941 (No. 5
of 1941), but will not have effect until confirmed by the Oireachtas :

BE IT THEREFORE ENACTED BY THE OIREACHTAS 15
AS FOLLOWS :—

Confirmation. 1.—The County Borough of Cork (Extension of Boundary)
Provisional Order, 1965, set out in the Schedule to this Act is
hereby confirmed.

Short title. 2.—This Act may be cited as the Local Government Provisional 20
Order Confirmation Act, 1965.

SCHEDULE.

Section 1. COUNTY BOROUGH OF CORK (EXTENSION OF BOUNDARY)
PROVISIONAL ORDER, 1965.

The Minister for Local Government in exercise of the powers 25
vested in him by section 25 of the Cork City Management (Amend-
ment) Act, 1941 (No. 5 of 1941) and section 5 of the Rates on
Agricultural Land (Relief) Act, 1939 (No. 23 of 1939), hereby
orders as follows :—

Title. 1. This Order may be cited as the County Borough of Cork 30
(Extension of Boundary) Provisional Order, 1965.

Commencement. 2. This Order shall come into force upon the 1st day of April,
1965, or in the event of the Act confirming this Order not becom-
ing law on or before the said day, on such day as the Minister shall,
by order, appoint. 35

Definitions. 3. (1) In this Order—
“ the Corporation ” means the Lord Mayor, Aldermen and Bur-
gesses of Cork;
“ the County Council ” means the Council of the County of Cork;

“ the City ” means the County Borough of Cork;

“ the County ” means the County of Cork;

“ the Minister ” means the Minister for Local Government;

5 “ the added area ” means the areas 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;

10 “ Jury District No. 1 ” means the County of Cork Jury District No. 1 as described in the Jury Districts Order (No. 2) 1927 (Variation No. 2) Order, 1961 (S.I. No. 200 of 1961);

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

15 (2) In the First Schedule to this Order a reference to a line drawn along any fence, road or river shall be construed as a reference to a line drawn along the centre line of the fence, road or river.

20 4. (1) On and after 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.

25 (2) Any building through which or through any part of which the boundary of the City as extended by this Order shall pass shall be deemed to be within such boundary.

30 5. (1) As soon as may be after the commencement of this Order the Commissioner of Valuation shall prepare in triplicate a map drawn to such convenient scale and in such convenient number of separate sheets as shall be approved by the Minister showing in manner approved by the Minister the added area and the City, and shall seal each of such maps and shall deposit one of such maps in the principal office of the said Commissioner, the offices of the Corporation and the offices of the County Council respectively. Preparation of official maps.

35 (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. 40

50 (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. 55

6. (1) The County Council and the Corporation may, from time to time as occasion requires, make by mutual agreement 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 contract) 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
5 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
10 County Council respectively against the other of them accordingly.

7. 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
15 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,
20 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.

8. The following provision shall have effect in the City and the
25 County in relation to the preparation of jurors books, the preparation of panels of jurors, and the summoning of jurors, and in relation to the panels from which jurors are to be drawn for the trial of issues by a Court or a Judge sitting in the City or the County:—

Jurors books in the City and County.

30 (a) until the jurors book in force in the City or the jurors book in force in Jury District No. 1 on the commencement of this Order becomes exhausted, the law in force immediately before the commencement of this Order shall continue in force and be observed as if this Order
35 had not become operative, and

(b) when one of the said jurors books becomes exhausted after the commencement of this Order, the other of the said jurors books shall be deemed to have become exhausted and new jurors books shall forthwith come into force
40 in the City and the County.

9. 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
45 the Corporation.

Special provision for the purposes of the Valuation Acts.

10. (1) The portion of the agricultural grant payable to the Corporation under section 50 of the Local Government (Ireland) Act, 1898, shall be £2,660 instead of the sum mentioned in the said section 50.

Adjustment of agricultural grant.

50 (2) The sum of £226,740 stated in the second column of the Schedule to the Rates on Agricultural Land (Relief) Act, 1939 (No. 23 of 1939) as being payable to the County Council shall for the purposes of the application of the said Schedule to the agricultural grant be reduced by the sum of £2,660.

55 11. So long as the person who at the commencement of this Order holds the office of sheriff of the County continues to hold that office, his area of jurisdiction shall continue as if this Order had not come into force but, upon his ceasing by death or otherwise to hold that office, so much of that area as is included in the City

Area of jurisdiction of sheriff of County Cork

by this Order shall be detached from the area of jurisdiction of the sheriff of the County and added to and thenceforward included in the area of jurisdiction of the sheriff of the City.

Saving from disqualification.

12. A member of the County Council who ceases to be a local government elector in the County in consequence of the inclusion of the added area in the City shall not, by reason only of such cesser, be disqualified from continuing to hold office as a member of the Council until the ordinary day of retirement of the member of the County Council after the election of the members of the County Council held next after the commencement of this Order. 5 10

Provisions relating to the register of electors.

13. (1) In the register of electors for the County which came into force on the 15th day of April next before the commencement of this Order the various portions of the added area shall be shown separately in such manner as shall be directed by the Minister.

(2) So much of the said register of electors as relates to the various portions of the added area shall be deemed to form part of the register of electors for the City which came into force on the 15th day of April next before the commencement of this Order. 15

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 and Commerce under the Shops (Hours of Trading) Act, 1938 (No. 3 of 1938). 20

Provisions in regard to polling districts and polling places.

15. For the purposes of any scheme under section 22 of the Electoral Act, 1963 (No. 19 of 1963), to be made by Cork Corporation after the commencement of this Order and before the election of members of the Council of the County Borough of Cork to be held in 1965, the period of five weeks specified in sub-articles (1) and (2) of article 4 of the Electoral (Polling Schemes) Regulations, 1964 (S.I. No. 78 of 1964), shall be reduced to two weeks and the period of two weeks specified in sub-articles (a) and (b) of article 5 and in article 6 of the said Regulations shall be reduced to one week. 25 30

Limitations on Municipal rate.

16. (1) This article applies to hereditaments in the added area which were assessed with the county rate for the local financial year 1964-65. 35

(2) In this article—

the expression "agricultural land" means lands occupied as arable, meadow or pasture grounds only or as woodlands or market gardens or nursery grounds or allotments and lands which are covered with water and used as a canal or any towing path to the same; 40

the expression "the assessable valuation of the hereditament" means the valuation under the Valuation Acts of the hereditament as reduced in accordance with section 19 of the Cork City Management (Amendment) Act, 1941 (No. 5 of 1941) for the purpose of the assessment and levying of the municipal rate on such hereditament; 45

the expression "the buildings valuation" means the valuation of a hereditament which is a building, burial ground or land which is not agricultural land or that portion of the valuation of a hereditament which is shown in the column headed "buildings" in the valuation list; 50

the expression "the standard valuation" means in relation to a hereditament to which this article applies the buildings valuation of such hereditament appearing in the revised valuation list received by the County Council from the Commissioner of Valuation for the local financial year 1964-65; 55

the word " valuation " means the valuation under the Valuation Acts.

(3) 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.

(4) For the purpose of the assessment and levying of the municipal rate on a hereditament to which this article applies which is included in a class mentioned in the first column of the Second Schedule to this Order, the following provisions shall apply in each of the first five 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 appropriate column of the said Schedule for the particular year in respect of such class, 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 appropriate column of the said Schedule for the particular year in respect of such class, of the said amount of the buildings valuation on which the municipal rate would otherwise be assessed.

(5) For the purpose of the assessment and levying of the municipal rate on a hereditament in the added area which is agricultural land the assessable valuation of the hereditament shall in each of the first five local financial years during which this Order is in force, be reduced to the proportion specified for the particular year in the appropriate column of the Second Schedule to this Order.

(6) Nothing in this article shall apply to or operate to reduce the annual value with reference to which the tax in respect of any hereditament under Schedules A and B of the Income Tax Act, 1918, is to be ascertained.

FIRST SCHEDULE.

1. That part of the County situated between the existing boundary and a line drawn as follows :—

Starting at the junction of the existing boundary with the western boundary of Commons townland; thence commencing in a north-westerly direction and proceeding along the said townland boundary in the centre of the road which forms the northern continuation of Fair Hill and along the said road to its intersection by the northern boundary of the said townland; thence commencing in a north-easterly direction and proceeding along the last-mentioned boundary to its junction with the boundary of Kilnap townland; thence, commencing in a northerly direction and proceeding along the boundary of the last-mentioned townland to its intersection by the imaginary south-westerly projection of the western boundary fence of the 1.012 acres field, in Kilbarry townland on 1950 Revision of the Ordnance Survey 1/2500 plan 74.II of County Cork; thence in a north-easterly direction along the said projection and boundary fence and proceeding in an easterly

direction along the northern boundary fence of the said field to its junction with the fence which forms the north-eastern boundary of the 16.433 and the 21.506 acres fields in Kilbarry townland on 1950 Revision of the Ordnance Survey 1/2500 plan 74.II of County Cork; thence commencing in a north-easterly direction and proceeding, initially in a south-easterly direction along the last-mentioned boundary fence and along its imaginary easterly projection to its intersection by the western boundary of Ballincolly townland; thence commencing in a southerly direction and proceeding along the last-mentioned boundary to its intersection by the centre line of the road from Ballyvolane Cross to Watergrasshill; thence in a south-easterly direction along the said road to its first junction with the boundary of Arderrow townland thence in a south-easterly direction along the last-mentioned boundary and continuing in the same direction along the western boundary of Banduff townland to its junction with the existing boundary.

2. That part of the County situated between the existing boundary and a line drawn as follows :—

Starting at the junction of the existing boundary with the northern boundary of Lota Beg townland and proceeding in an easterly direction along the last-mentioned boundary to its junction with the western boundary of Lota More townland; thence commencing in a south-easterly direction and proceeding along the boundary of the last-mentioned townland to the junction of the southern and eastern boundaries of the said last-mentioned townland; thence in a straight undefined line in a south-easterly direction to the most easterly point of Mahon townland; thence in a southerly direction along the maritime boundary of Mahon townland and proceeding, initially in the same direction, along the maritime boundary of Ballinure townland to its junction with the eastern boundary of Ballinlough townland; thence commencing in a south-westerly direction and proceeding, initially in a westerly direction along the maritime boundary of the last-mentioned townland then along the eastern and southern boundaries of Ballincurragh townland and then along the southern boundary of Ballyphehane townland, to its junction with the existing boundary.

3. That part of the County situated between the existing boundary and a line drawn as follows :—

Starting at the junction of the existing boundary with the southern boundary of Freagh and Vicar's-Acre townland; thence in a westerly direction along the last-mentioned boundary of the said townland and proceeding, initially in a westerly direction along the southern boundary of Killeenreendowney townland and along the southern boundaries of Deanrock, Farrandahadore More and Ballinaspig More townlands to the centre of Twopot River; thence commencing in a north-westerly direction and proceeding along the said river to its junction with the boundary of Carrigrohane townland; thence commencing in a north-easterly direction and proceeding along the last-mentioned boundary to its junction with the centre line of the link road locally known as Inchigaggin Lane; thence in a northerly direction along the said link road and along its imaginary northerly projection to its intersection by the centre line of the main Cork-Coachford Road; thence in an easterly direction along the last-mentioned road to its intersection by the imaginary southerly projection of the western boundary fence of the 16.670 acres field in Inchigaggin townland on 1949 Revision of the Ordnance Survey 1/2500 plan 74.IX, County Cork; thence in a northerly direction along the said projection and boundary fence and along its imaginary northerly projection to its intersection by the boundary of Mount Desert townland; thence commencing in a

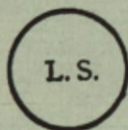
5 south-easterly direction and proceeding along the last-mentioned boundary to its junction with the boundary of Knockacullen West townland; thence commencing in a northerly direction and proceeding along the boundary of the last-mentioned townland to its junction with the fence which forms the northern boundary of the 8.565, 7.038, 6.245 acres fields in Knockacullen West townland on the 1949 Revision of Ordnance Survey 1/2500 plan 74.V County Cork; thence in a north-easterly direction along the last-mentioned boundary fence and along its imaginary north-easterly projection to its intersection by the eastern boundary of the last-mentioned townland; thence commencing in a north-easterly direction and proceeding along the boundary of Knockacullen East townland to its junction with the existing boundary.

15

SECOND SCHEDULE.

LIMITATIONS ON MUNICIPAL RATE.

Nature of Hereditament	PROPORTIONATE VALUATIONS				
	1st Year	2nd Year	3rd Year	4th Year	5th Year
Hereditaments which are not agricultural land and which immediately before the commencement of this Order were not or are not deemed to have been supplied with water for domestic purposes ...	32/37	33/37	34/37	35/37	36/37
Hereditaments which are not agricultural land and which immediately before the commencement of this Order were, or are deemed to have been, supplied with water for domestic purposes ...	47/52	48/52	49/52	50/52	51/52
Hereditaments which are agricultural land	4/9	5/9	6/9	7/9	8/9



GIVEN under the Official Seal of the Minister for Local Government this eleventh day of February, 1965.

NEIL T. BLANEY,
Minister for Local Government.

BILLE

(mar a tugadh isteach)

dá ngairtear

Acht do dhaingniú an Ordaithe Shealadaigh um Chontae-Bhuirg Chorcaí (Teorainn a Leathnú), 1965.

An Leas-Chathaoirleach a thug isteach

Ordáiodh ag Seanad Éireann a clóbhualadh, 24 Feabhra, 1965.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

Cló-bhuailte ag **CAHILL & Co., LTD**

[Luach : Naoi bPingin Glan]

Wt.J44171/G/5. — 625. 5/65. C.&Co. (4134). G.16.

BILL

(as introduced)

entitled

An Act to confirm the County Borough of Cork (Extension of Boundary) Provisional Order, 1965.

Introduced by the Leas-Chathaoirleach

Ordered by Seanad Éireann to be printed, 24th February, 1965

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 & Co., LTD.**

[Price : Ninepence Net]