



**BILLE DAINGNITHE ORDAITHE SHEALADAIGH RIALTAIS
AITIUIL, 1966**

**LOCAL GOVERNMENT PROVISIONAL ORDER
CONFIRMATION BILL, 1966**

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

ARRANGEMENT OF SECTIONS

Section

1. Confirmation.
2. Short title.

SCHEDULE



**BILLE DAINGNITHE ORDAITHE SHEALADAIGH RIALTAIS
AITIUIL, 1966**

**LOCAL GOVERNMENT PROVISIONAL ORDER
CONFIRMATION BILL, 1966**

BILL

5

entitled

AN ACT TO CONFIRM THE COUNTY BOROUGH OF
WATERFORD (EXTENSION OF BOUNDARY) PRO-
VISIONAL ORDER, 1966.

WHEREAS the County Borough of Waterford (Extension of
Boundary) Provisional Order, 1966 set out in the Schedule to this
Act has been duly made by the Minister for Local Government
under the Waterford City Management Act, 1939 (No. 25 of 1939),
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 Waterford (Extension of Boundary)
Provisional Order, 1966, 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, 1966.

SCHEDULE.

Section 1.

**COUNTY BOROUGH OF WATERFORD (EXTENSION OF BOUNDARY)
PROVISIONAL ORDER, 1966.**

The Minister for Local Government in exercise of the powers 25
vested in him by section 36 of the Waterford City Management
Act, 1939 (No. 25 of 1939) and section 5 of the Rates on Agri-
cultural Land (Relief) Act, 1939 (No. 23 of 1939), hereby orders as
follows :—

Title.

1. This Order may be cited as the County Borough of Waterford 30
(Extension of Boundary) Provisional Order, 1966.

Commencement.

2. This Order shall come into force upon the 1st day of April,
1966, or in the event of the Act confirming this Order not
becoming law on or before the said day, on such day as the Minister
shall, by order, appoint. 35

Definitions.

3. (1) In this Order—
“ the Corporation ” means the Mayor, Aldermen and Burgesses of
Waterford;
“ the County Council ” means the Council of the County of
Waterford; 40

“ the City ” means the County Borough of Waterford;

“ the County ” means the County of Waterford;

“ the Minister ” means the Minister for Local Government;

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

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

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

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

4. (1) On and after the commencement of this Order the added
area shall be detached from the County and from the jurisdiction
15 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.

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

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
25 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
30 respectively.

Preparation of
official maps.

(2) The said maps when so deposited in the said offices of the
said Commissioner, the Corporation and the County Council
respectively, shall be retained in such offices, and such maps or
true copies thereof shall be open for inspection free of charge
35 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
40 with him or them or any particular part thereof and to charge
for such copy such sum as the Minister, with the sanction of the
Minister for Finance shall direct.

(3) It shall be the duty of the said Commissioner and of the
Corporation and of the County Council respectively, whenever
45 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
50 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
55 any ambiguity or uncertainty in such description or in the
application thereof.

6. (1) The County Council and the Corporation may, from time
to time as occasion requires, make by mutual agreement an
equitable adjustment (in this article referred to as an agreed
60 adjustment) in regard to any matter or thing requiring to be

Financial
adjustments
between County
Council and
Corporation.

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. 5 10

(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. 15 20

(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. 25 30

(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 :— 35 40

(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; 45

(b) regard shall also be had to the length of time during which such increase of burden may be expected to continue; 50

(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. 55

(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 60

referred to as a compulsory adjustment) of such matter or thing and may by such adjustment make any provision in relation to such matter or thing which could under this article have been made by an agreed adjustment.

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

10 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 had not ceased or expired before the said commencement shall, on
15 and after the said commencement and so far as it is not inconsistent with this Order, continue in force and have effect in so far as it relates to the added area or any part thereof or anything done or to be done therein as if it were a resolution passed, order made, or notice served by the Corporation on the
20 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.

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

Special provision for the purposes of the Valuation Acts.

30 9. (1) The portion of the agricultural grant payable to the Corporation under section 50 of the Local Government (Ireland) Act, 1898, shall be £315 instead of the sum mentioned in the said section 50.

Adjustment of agricultural grant.

35 (2) The sum stated in the second column of the Schedule to the Rates on Agricultural Land (Relief) Act, 1939 (No. 23 of 1939) (as reduced by order of the Minister for Local Government and Public Health dated the 8th day of March, 1946 and by order of the Minister for Local Government dated 31st day of January, 1955) 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 £176 to £52,558.

40 10. 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
45 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.

Saving from disqualification.

50 11. So much of a register of electors prepared by the County Council as relates to the added area shall form part of the register of electors for the City as from the commencement of this Order and the added area shall be shown separately in such manner as may be decided by the Minister.

Provisions relating to the register of electors.

55 12. 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).

Employment Regulation Orders and Hours of Trading Orders.

13. (1) This article applies to hereditaments in the added area which were assessed with the county rate for the local financial year 1965-66.

Limitations on Municipal rate.

(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; 5

the expression “ the assessable valuation of the hereditament ” means the valuation under the Valuation Acts of the hereditament as reduced in accordance with section 27 of the Waterford City Management Act, 1939 (No. 25 of 1939) for the purpose of the assessment and levying of the municipal rate on such hereditament; 10

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; 15

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 1965-66; 20

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. 25

(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 :— 30

(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; 35 40

(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. 45

(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. 50 55

(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.

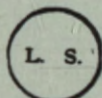
That part of the County situated between the existing boundary and a line drawn as follows:—

5 Starting at the junction of the existing boundary with the northern boundary of Logloss townland, thence commencing in a westerly direction and proceeding along the boundary of the said townland to its junction with the northern boundary of Rathfadden townland; thence, commencing in a south-westerly direction and proceeding along the boundary of the last-mentioned townland to its junction with the northern boundary of Cleaboy townland; thence, commencing in a south-westerly direction and proceeding, along the boundary of the last-mentioned townland to its junction with the northern boundary of Ticor townland; thence, in a southerly direction along the last-mentioned boundary to its junction with the eastern boundary of Skibbereen townland; thence, commencing in a southerly direction and proceeding along the boundary of the last-mentioned townland to its junction with the fence which forms the western boundary of the 8.122 and 7.552 acres fields on the 1950 Revision of 1/2500 Ordnance Survey Map 9.XV, Co. Waterford and the field comprising areas 1.274 and 4.979 acres respectively, on the said map and on the 1950 Revision of 1/2500 Ordnance Survey Map 17.III Co. Waterford; thence, in a south-easterly direction along the last-mentioned boundary fence and along its imaginary south-easterly projection to its intersection by the boundary of Ballynaneashagh townland which point is marked by a concrete pillar; thence, commencing in an easterly direction and proceeding along the last-mentioned boundary to its junction with the eastern boundary of Ballynaneashagh townland and continuing in the same direction along the centre line of the Kill-Waterford road to its junction with the southern boundary of Pastimeknock townland and thence, commencing in the same direction along the last-mentioned boundary to its junction with the existing boundary.

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	26/31	27/31	28/31	29/31	30/31
Hereditaments which are agricultural land	3/8	4/8	5/8	6/8	7/8



GIVEN under the Official Seal of the Minister for Local Government this twenty-eighth day of February, 1966.

NEIL T. BLANEY,
Minister for Local Government.

BILLE

dá ngairtear

Acht do dhaingniú an Ordaithe Shealadaigh um
Chontae-Bhuirg Phortláirge (Teorainn a
Leathnú), 1966.

BILL

entitled

An Act to confirm the County Borough of Water-
ford (Extension of Boundary) Provisional
Order, 1966.

*Rite ag dhá Theach an Oireachtas,
16 Márta, 1966*

*Passed by both Houses of the Oireachtas,
16th March, 1966*

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.

CAHILL & Co., LTD., a chlóbhuail.

[*Luach : Naoi bPingin Glan*]

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*]