

SAORSTÁT EIREANN.

BILLE NA nUDARAS nAITIUIL (CO-CHEANNACH), 1925.

LOCAL AUTHORITIES (COMBINED PURCHASING) BILL, 1925.

(Mar do rithcadh ag dhá Thigh an Oireachtais.)
(As passed by both Houses of the Oireachtas.)

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SAORSTÁT EIREANN.

BILLE NA nUDARAS nAITIUIL (CO-CHEANNACH), 1925.
LOCAL AUTHORITIES (COMBINED PURCHASING)
BILL, 1925.

BILL

5

entitled

AN ACT TO MAKE PROVISION FOR THE PURCHASE OF
COMMODITIES BY LOCAL AUTHORITIES FROM CON-
TRACTORS APPOINTED OFFICIALLY WITH A VIEW
TO THE OBTAINMENT OF SUCH COMMODITIES BY
LOCAL AUTHORITIES AT THE LOWEST POSSIBLE
PRICE AND FOR OTHER MATTERS CONNECTED
THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS.

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Definitions.

1.—In this Act

the expression "official contractor" means a person appointed
under this Act to be an official contractor for the supply of a
commodity to local authorities in Saorstát Eireann or any parti-
cular part thereof;

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the expression "standard price" means the price which an appli-
cant for the position of official contractor states in his applica-
tion as the price at which he is willing to supply to local authori-
ties the commodity to which the application relates;

the expression "local authority" includes a county council,
county or other borough council, urban district council, rural dis-
trict council, board of guardians, town commissioners of a town,
and any body which is or may be established by or in pursuance
of any enactment to perform any of the functions of any of the
bodies hereinbefore mentioned, and also any committee or joint
committee of or appointed by any of the councils, boards,
commissioners, or other bodies aforesaid;

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the expression "the Minister" means the Minister for Local
Government and Public Health;

the word "prescribed" means prescribed by the Minister by
regulations made under this Act.

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General duty of
Minister in
relation to
supplies.

2.—It shall be the duty of the Minister to take all such steps
as may be desirable to enable local authorities to obtain jointly
from one or more suitable contractors such supplies of any com-
modity as may be required by them in the performance of their
duties.

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Appointment of
official
contractors.

3.—(1) The Minister may as and when and in such manner as he
thinks proper give public notice that he will within a specified time
receive applications from persons desirous of being appointed to
be official contractors under this Act for a specified period for
the supply of one or more specified commodities to local authori-
ties in Saorstát Eireann or any specified part thereof.

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(2) Every application for appointment as an official contractor
shall be made in writing in the prescribed form and shall contain
the prescribed particulars, including a statement of the price
at which the applicant is willing to supply to local authorities
the commodity to which the application relates and a statement
that the applicant is willing to conform to the standard of
quality and the conditions of supply prescribed in relation to
such commodity by regulations made under this Act.

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(3) At the expiration of the time specified in the public notice
aforesaid the Minister shall consider all applications received by
him in pursuance of such notice and may appoint any person who
so applied to be an official contractor during the period and for
the area specified in the public notice aforesaid for any commodity
in respect of which such person so applied at the price named
in his application.

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(4) More than one official contractor may be appointed under this section in respect of any particular commodity and any person appointed under this section to be an official contractor may be so appointed in respect of more than one commodity.

5 (5) Every appointment of an official contractor under this section shall be notified by the Minister to the person appointed and notice of the appointment shall also be published by the Minister in such manner as he thinks proper.

10 4.—The appointment of any person to be an official contractor under this Act shall not constitute or imply any contract or agreement between the Minister and such person, but the Minister may require any person so appointed, as a condition of his appointment, to enter into any undertaking which the Minister considers desirable in relation to the quality of the commodity
15 to be supplied by him, the manner in which such commodity is to be supplied, the charges to be made for delivery, penalties for failure to supply the conditions of employment in relation to the production or supply of the commodity, or any other similar matter.

Undertaking by official contractor.

20 5.—(1) Any local authority requiring for the performance of their duties a supply of any commodity for which an official contractor has been appointed under this Act may send in the prescribed form and manner to an official contractor for that commodity a notification of the quantity of such commodity so
25 required by them and thereupon such local authority and such official contractor shall be deemed to have entered into an enforceable contract to take and supply respectively the quantity so notified of such commodity at the prescribed price and in accordance with the standard of quality and conditions of supply
30 prescribed by regulations made under this Act and in accordance with any undertaking in relation to such commodity entered into under this Act by such official contractor.

Purchases by local authorities from official contractors.

(2) Notwithstanding the provisions of any enactment requiring
35 a local authority to issue advertisements, take tenders, enter into contracts, or carry out any other preliminary procedure before obtaining a supply of any commodity, a local authority may obtain, under and in accordance with the foregoing sub-section, a supply of any commodity from an official contractor for that commodity without issuing such advertisements, taking such
40 tenders, entering into such contracts (other than such contract as is mentioned in the foregoing sub-section), or carrying out such preliminary procedure.

45 6.—(1) Whenever a local authority purchases or enters into a contract for the purchase of any commodity for which an official contractor has been appointed under this Act with a person who is not an official contractor for such commodity, an entry shall be made in the minutes of such local authority stating the reasons for such purchase or contract.

Contracts with persons other than official contractor.

(2) Such entry shall be produced at any audit of the accounts
50 of the local authority which includes any payment for such commodity or under such contract.

(3) At any such audit, unless the auditor is satisfied that such purchase or contract was not made for any fraudulent or improper purpose or object or for any object other than the *bona fide*
55 discharge by the members of the local authority making or authorising the making thereof of their duties in the interests of the ratepayers, he shall charge against such members jointly and severally the amount of any loss caused to the local authority by such purchase or contract, whether such loss arises from the price
60 paid for the commodity or from the quality of the commodity so obtained or otherwise howsoever, and in the case of a contract if in his opinion any such loss as aforesaid is likely to result from the continuance of the contract he may declare such contract to be illegal.

65 (4) Where a contract is declared to be illegal in pursuance of this section such contract shall thereupon become void, and section 12 of the Local Government (Ireland) Act, 1871 (which relates to the duties of an auditor and to appeals) shall apply

in the case of such contract, and the members of the local authority making such contract may be surcharged accordingly either with all payments made thereunder or with such portion thereof as may appear to the auditor, having regard to all the circumstances of the case, just and reasonable, but the person with whom such contract was made may notwithstanding such declaration recover any sum due to him under such contract in respect of commodities supplied before such declaration. 5

(5) Any decision of an auditor under this section shall, save so far as the same may be altered on appeal, be conclusive and binding on all persons. 10

Testing commodities supplied.

7.—The Minister may make arrangements whereby the quality or nature of any commodity supplied to a local authority by an official contractor for that commodity may, on the application and at the cost of such local authority, be tested or ascertained by analysis or otherwise by such person or persons and according to such procedure as he may approve. 15

Power to Minister to hold conferences.

8.—The Minister may hold conferences of representatives of local authorities for the purpose of discussing any matter connected with the supply of commodities to local authorities, and the provisions of the Public Health and Local Government Conferences Act, 1885, shall apply to every such conference. 20

Local Supplies Advisory Committee.

9.—(1) For the purpose of advising and assisting the Minister in the performance of his duties under this Act there shall be established an advisory committee (in this section referred to as the committee) which shall be styled the Local Supplies Advisory Committee and shall consist of five persons to be appointed by the Minister from time to time as occasion requires, of whom— 25

(a) two persons shall be elected members of county or county borough councils in Saorstát Eireann, and 30

(b) two persons shall be elected members of urban district councils or commissioners of towns in Saorstát Eireann, and

(c) one person shall be representative of commerce in Saorstát Eireann. 35

(2) The Minister shall before appointing a member of the committee, consult with any association for the time being representative of county or county borough councils, urban district councils, town commissioners, or of commerce as the case may require. 40

(3) The several members of the committee shall, unless they previously die or resign, respectively retain their membership for such period from their appointment as the Minister shall prescribe, but shall be eligible for re-appointment.

(4) Three members of the committee shall be a quorum and the members of the committee shall at every meeting elect from amongst their number the chairman for that meeting and such chairman shall have a second or casting vote. 45

(5) The committee shall have a secretary who shall be nominated by the Minister. 50

(6) The committee shall meet whenever summoned by the Minister and also on such other occasions as the committee may from time to time determine.

(7) The committee shall consider and advise the Minister on all matters which shall be referred to it by the Minister and the committee may also at its discretion consider and if it thinks fit report to the Minister on any other matter relating to or affecting the supply of commodities to local authorities under this Act. 55

(8) Payments may be made by the Minister to members of the committee, to such extent as may be sanctioned by the Minister for Finance, in respect of repayment of travelling expenses and payment of subsistence allowance. 60

10.—(1) The expenses of the Minister in carrying this Act into effect to such amount as may be sanctioned by the Minister for Finance, shall be paid out of money to be provided by the Oireachtas. 65

(2) At the end of every local financial year the Minister, by order under his seal, shall certify the sum which has been ex-

pended by him out of moneys provided under sub-section (1) of this section during such local financial year in carrying the performance of his duties under this Act into effect, and shall assess that sum on the several counties and county boroughs in Saorstát Eireann in proportion to the net annual value of the property rateable for poor rate in such counties and county boroughs respectively and shall send copies of such order to the council of every such county and county borough.

10 (3) The council of every county and county borough shall raise the amount assessed by such order on such county or county borough by means of the poor rate as a county at large charge and shall pay the same into the Exchequer of Saorstát Eireann in accordance with such directions as may be given for the purpose by the Minister for Finance.

15 **11.**—Any officer of the Minister appointed or authorised by him to be an inspector for the purpose of this Act may do all or any of the following things, that is to say:—

20 (a) enter at all reasonable times any home, hospital, lunatic asylum, or other institution supported in whole or in part by means of rates and there inspect and examine any commodities purchased for such institution, and list or take stock of the quantity of any such commodity then in such institution,

25 (b) report to the Minister the result of any such inspection, examination, listing, or stocktaking,

(c) attend any meeting of the council, board, or committee charged with the management of any such institution as aforesaid at which the purchase of any commodity for such institution is to be considered and take part in the proceedings (other than voting) at such meeting.

30 **12.**—(1) The Minister may by order make regulations for all or any of the matters following, that is to say:—

(a) appointing the procedure to be adopted by local authorities in carrying this Act into effect,

(b) determining the standard of quality for any commodity for which the Minister has appointed or intends to appoint an official contractor,

40 (c) prescribing the conditions of supply for any such commodity as aforesaid,

(d) authorising the provision by the Minister of official samples of any commodity for which he proposes to appoint an official contractor and providing for the deposit of such official samples for public inspection,

45 (e) regulating the procedure and other matters relating or incidental to any testing or ascertaining of the quality or nature of any commodity for which he is authorised by this Act to make arrangements,

50 (f) requiring that any commodity to be supplied shall be manufactured wholly or in part in Saorstát Eireann,

(g) requiring that the wages to be paid and the conditions of employment to be observed by an official contractor for the supply of any commodity to local authorities shall be such as are required in the execution of contracts with a State Department,

55 (h) prescribing any matter or thing which is referred to in this Act as prescribed or as being or to be prescribed

(2) Any regulations made under this Act shall be laid as soon as may be before both Houses of the Oireachtas.

60 **13.**—The Minister may with the consent of the Minister for Finance appoint such and so many officers as he shall think necessary to assist him in the performance of his duties under this Act, and all such officers shall hold office on such terms and be remunerated at such rates and in such manner as the Minister for Finance shall sanction.

65 **14.**—(1) This Act may be cited as the Local Authorities (Combined Purchasing) Act, 1925.

(2) This Act shall expire after the termination of three years from its passing.

Expenses

Powers of inspectors.

Minister may make regulations.

Appointment of officers.

Short title and duration.

Saorstát Éireann.

BILLE NA hUDARAS NAITIUILL
(CO-CHEANNACH), 1925.

BILLE

dá ngairmtear

Acht chun socrú do dhéanamh i geóir ceannach earraí ag údarás áitiúla ó chonarthóirí a ceapfar go hoifigiúil i dtreo go bhfuighidh údarás áitiúla na hearraí sin ar an lpraghas is lú is féidir agus i geóir nithe eile a bhaineas leis sin.

*Rihte ag dhá Thigh an Oireachtais,
18adh Meitheamh, 1925.*

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Saorstát Éireann.

LOCAL AUTHORITIES (COMBINED
PURCHASING) BILL, 1925.

BILL

entitled

An Act to make provision for the purchase of commodities by local authorities from contractors appointed officially with a view to the obtainment of such commodities by local authorities at the lowest possible price and for other matters connected therewith.

*Passed by both Houses of the Oireachtas,
18th June, 1925.*

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