ARRANGEMENT OF SECTIONS.

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BILLE NA nUDARAS nAITIUIL (OIFIGIGH AGUS POSTAITH), 1926.
LOCAL AUTHORITIES (OFFICERS AND EMPLOYEES)
BILL, 1926.

BILL

entitled

AN ACT TO ESTABLISH A COMMISSION CHARGED WITH THE DUTY OF SELECTING THE PERSONS TO BE APPOINTED TO SITUATIONS IN THE EMPLOYMENT OF LOCAL AUTHORITIES, AND TO MAKE OTHER PROVISIONS FOR ENSURING THE APPOINTMENT OF SUITABLE PERSONS TO SUCH SITUATIONS, AND ALSO TO MAKE BETTER PROVISION FOR CONTROLLING THE DUTIES, SUSPENSION, REMOVAL, AND OTHER CONDITIONS OF SERVICE OF PERSONS HOLDING SUCH SITUATIONS.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

Definitions.

1.—(1) In this Act the expression "local authority" means and includes the following bodies and persons that is to say:—

(a) the council of a county, county borough, borough, urban district, or rural district, a board of guardians, a port sanitary authority, and the commissioners of a town, and

(b) any body, persons, or person established or appointed by or under a statute to perform the functions or any of the functions of any such council, board, or commissioners, and

(c) a committee or joint committee of or appointed by any one or more of such councils, boards, commissioners, bodies, or persons.

(2) In this Act the expression "the Minister"—

(a) in relation to a committee or joint committee appointed by one or more councils of counties or urban districts under the Technical Instruction Acts, 1889 and 1891 or under section 14 of the Agriculture and Technical Instruction Act, 1899 to perform duties for the purposes of agriculture and other rural industries or in relation to any officer or servant appointed by any such committee or joint committee, means the Minister for Lands and Agriculture, and

(b) in relation to a committee or joint committee appointed by one or more councils of counties or urban districts under the Acts or section aforesaid to perform duties in connection with technical instruction or in relation to any officer or servant appointed by any such committee or joint committee, means the Minister for Education, and

(c) in relation to a school attendance committee or any officer appointed by any such committee, means the Minister for Education, and
(d) in relation to any other local authority or any officer
appointed by any such other local authority, means
the Minister for Local Government and Public Health.

2.——(1) In this Act the expression "office to which this Act
applies" means and includes—
(a) the chief executive office under every local authority, and
(b) every office and every employment (not being an office
or employment as a teacher) under a local authority
the qualifications for which are wholly or in part
professional or technical, and
(c) all such other offices and employments under a local
authority as the Minister shall from time to time with
the concurrence of the Commissioners declare to be
offices to which this Act applies.

(2) Every question or dispute as to whether any particular
office or employment is or is not an office to which this Act
applies shall be decided by the Minister after consultation with
the Commissioners and such decision shall be final, and con-
cclusive.

3.——(1) It shall be lawful for the Executive Council from time
to time to appoint fit and proper persons to be Local Appoint-
ments Commissioners (in this Act referred to as "the Commis-
sioners") to fulfil the functions assigned to such Commissioners
by this Act.

(2) A person shall not be ineligible for appointment as a Com-
mitioner under this Act by reason only of his being a Civil
Service Commissioner under the Civil Service Regulation Act,
1924 (No. 5 of 1924).

(3) The Commissioners shall not at any time exceed three in
number.

(4) Every person appointed under this section to be a Local
Appointments Commissioner shall hold office during the pleasure
of the Executive Council.

(5) Every appointment and every removal of a Commissioner
under this section shall be published immediately in the Iris
Oifigiúil.

4.——(1) Every person appointed to be a Commissioner under
this Act shall receive such remuneration as the Minister for Fin-
ance shall determine.

(2) The Minister for Finance may appoint such and so many
persons as he shall consider necessary to be officers of the Com-
missioners, and such persons shall hold office upon such terms
and be remunerated at such rates and in such manner as the
Minister for Finance shall direct.

5.——(1) Notwithstanding anything to the contrary contained in
any enactment in force at the commencement of this Act, no
local authority shall appoint any person to fill an office to which
this Act applies save in so far as such appointment is authorised
by this section.

(2) Whenever an office to which this Act applies becomes
vacant the local authority with the consent of the Minister may
within two months after such office becomes vacant appoint to
such office any person who at the time when such office became
vacant either—

(a) held a pensionable office under the said or any other
local authority or any two or more local authorities
the duties of which related to matters the same as or
similar to the matters to which the duties of the
vacant office relate, or

(b) was in receipt of an allowance from the said or any
other local authority or any two or more local authori-
ties in respect of his having ceased to hold an office
under the said or any other local authority or any two or more local authorities the duties of which related to matters the same as or similar to the matters to which the duties of the vacant office relate.

(3) Every appointment made under the foregoing sub-section shall be subject to the sanction of the Minister.

(4) Whenever an office to which this Act applies becomes vacant the local authority, if satisfied that the circumstances of the case so require, may with the consent of the Minister appoint any person to fill such office temporarily, and every person so appointed shall hold office until a person is appointed to such office under the provisions (other than this sub-section) of this Act or the expiration of six months from such office becoming vacant whichever first occurs.

6.—(1) When an office to which this Act applies becomes vacant, if the local authority does not within two months after such office becomes vacant appoint, with the sanction of the Minister, a person to fill (otherwise than temporarily) such office, the Minister shall at the expiration of the said two months (unless in his opinion such office should not be filled) request the Commissioners to recommend to him a person for appointment to such office.

(2) On receiving such request as aforesaid from the Minister, the Commissioners shall select in accordance with this Act and recommend to the Minister one person for appointment to the said office or shall, if they so think proper, select in accordance with this Act and recommend to the Minister two or more persons for such appointment.

(3) On receiving from the Commissioners their recommendation under this section, the Minister shall appoint to the said office the person recommended by the Commissioners or, where more than one person is so recommended, such one of the persons so recommended as he shall think proper.

7.—(1) When the Minister requests the Commissioners to recommend a person for appointment to an office to which this Act applies the Commissioners shall with the consent of the Minister prescribe the qualifications as to age, health, character, and (where in the opinion of the Commissioners the duties of the office so require) sex for such office.

(2) When the Minister requests the Commissioners to recommend a person for appointment to an office to which this Act applies, the Commissioners may on the application of the Minister and if they think proper so to do prescribe as a qualification (in addition to the qualifications prescribed under sub-section (1) of this section) for such office, membership of, or inclusion in, a specified class delimited in such manner or by reference to such matter as the Commissioners with the consent of the Minister think proper.

(3) Before recommending a person to the Minister for appointment to an office to which this Act applies the Commissioners shall satisfy themselves in such manner as they think proper that such person possesses the qualifications prescribed under this section for such office.

8.—(1) Subject to such exceptions as are or may be made by or under this Act, the Commissioners shall select every person to be recommended by them to the Minister under this Act solely by means of competitive examination conducted according to regulations made by the Commissioners.

(2) Every such competitive examination shall be open to all persons desiring to attend the same who possess or claim to possess the qualifications prescribed by or under this Act for the office in respect of which the examination is held and pay the fees prescribed by the Commissioners in respect of such examination.

(3) The Commissioners may, after consultation with the Minister, make regulations for the conduct (including time and
place and subjects) of competitive examinations to be held by
time for the purpose of this section, and such regulations may
relate to such examinations generally or to one or more classes
of such examinations or to one or more particular examinations.

5 9.—Whenever the Minister requests the Commissioners to re-
recommend a person for appointment to an office to which this Act
applies and the Commissioners with the concurrence of the Min-
ister are of opinion that, having regard to the nature of the
duties of that office, the knowledge and experience necessary for
the efficient performance of those duties, and the qualifications
prescribed under this Act for that office, the person or persons
to be recommended for appointment to that office cannot be
satisfactorily selected by competitive examination, the Commiss-
ioners may dispense with the competitive examination required
by this Act and may select the person or persons to be recom-
manded by them to the Minister by such means and in such
manner as they think proper.

10.—(1) When the Minister requests the Commissioners to
recommend a person for appointment to an office to which this
Act applies, the Minister may in the request ask the Commiss-
ioners to recommend a particular person named by the Min-
ister in the request and thereupon the Commissioners may if
they think proper and are satisfied that the person so named
possesses the qualifications prescribed under this Act for the said
office and is a person who may under this section be so recom-
manded, dispense with the competitive examination required by
this Act and recommend such person for appointment to such
office.

(2) No person may be recommended under this section for
appointment to an office unless at the time such office became
vacant he either—

(a) held a pensionable office under the said or any other
local authority or any two or more local authorities
the duties of which related to matters the same as or
similar to the matters to which the duties of the
vacant office relate, or

(b) was in receipt of an allowance from the said or any
other local authority or any two or more local
authorities in respect of his having ceased to hold
an office under the said or any other local authority
or any two or more local authorities the duties of
which related to matters the same as or similar to the
matters to which the duties of the vacant office relate.

11.—(1) The Commissioners may charge every person present-
ing himself to the Commissioners as a candidate for selection
(whether by competitive examination or otherwise) for recom-
mendation under this Act such fee as the Commissioners, after
consultation with the Minister, shall think proper.

(2) All fees collected by the Commissioners under this section
shall be paid into or disposed for the benefit of the Exchequer
by the Commissioners in such manner as the Minister for Fin-
ance shall direct.

12.—(1) The Minister shall have power with respect to all
persons now employed or hereafter to be employed by any local
authority in any office to which this Act applies to define and
prescribe the duties of such persons and the places or limits within
which those duties are to be performed, and to determine the
continuance of such persons in or the removal of such persons from
their offices, and to regulate from time to time the remuneration
payable to such officers and the mode of payment thereof.

(2) In the event of this section being extended under the
power in that behalf hereinafter conferred to an office or em-
ployment which is not otherwise an office to which this Act
applies, no person shall be appointed by a local authority to any
office or employment to which this section is so extended without
the consent of the Minister, and the Minister shall have power to
define and prescribe in respect of every such office and employ-
ment the qualifications to be possessed by every person appointed thereto.

(3) The Minister for Local Government and Public Health may by order under his seal extend the application of this section and apply the same to such offices and employments or to such class or classes of offices or employments under a local authority which are not offices to which this Act applies as he shall think fit, and when any such order is made the offices and employments to which this section is hereby applied shall for the purposes of this section but no further or otherwise be offices to which this Act applies:

(4) Section 15 of the Local Government (Temporary Provisions) Act, 1923 (No. 9 of 1923) is hereby repealed.

13.—(1) Whenever there is in the opinion of any local authority or of the Minister reason to believe that an officer or servant of such local authority has failed to perform satisfactorily the duties of his position or has misconducted himself in relation thereto or is otherwise unfit to hold such position, such local authority or the Minister (as the case may be) may suspend such officer or servant from the performance of his duties while such alleged failure, misconduct or unfitness is being inquired into and the disciplinary action (if any) to be taken in regard thereto is being determined.

(2) The suspension of an officer or servant who is suspended under this section by a local authority or the Minister shall continue until terminated by the Minister.

(3) An officer who is suspended under this section shall not receive any remuneration from the local authority during the continuance of his suspension, and at the termination of his suspension the remuneration which he would have received during the period of suspension if he had not been suspended shall be wholly or partly forfeited, or paid to him, or otherwise disposed of, as the Minister shall direct.

14.—(1) The remuneration of the Commissioners and their officers and all expenses incurred by the Commissioners or otherwise in carrying this Act into effect shall, to such amount as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

(2) Within one month after the end of every local financial year the Commissioners shall certify to the Minister for Local Government and Public Health—

(a) the total amount expended in the preceding local financial year in paying the remuneration of the Commissioners and the expenses incurred by the Commissioners in carrying this Act into effect, and

(b) the total amount received by the Commissioners in such preceding local financial year in fees paid to them under this Act, and

(c) the amount (if any) (hereinafter referred to as "the said excess") by which the said total amount expended exceeds the said total amount received.

(3) The Minister for Local Government and Public Health shall by order under his seal assess the said excess on the several counties and county boroughs in Saorstát Eireann rateably in proportion to the net annual value of the property rateable for poor rate in such counties and county boroughs respectively and shall send to the council of every such county and county borough a copy of such order.

(4) The council of every county and county borough shall raise by means of the poor rate as a county-at-large charge the proportion of the said excess assessed on their county or county borough by such order and shall pay such proportion when raised into the Exchequer in such manner as the Minister for Finance shall direct.

15.—This Act may be cited as the Local Authorities (Officers and Employees) Act, 1926.
LOCAL AUTHORITIES (OFFICERS AND EMPLOYEES) BILL, 1926.

B.I.L.L

(as introduced)

entitled

An Act to establish a commission charged with the duty of selecting the persons to be appointed to situations in the employment of local authorities, and to make other provisions for ensuring the appointment of suitable persons to such situations, and also to make better provision for controlling the duties, suspension, removal, and other conditions of service of persons holding such situations.

Introduced by the Minister for Local Government and Public Health.

Ordered, by Dáil Eireann, to be printed, 7th May, 1926.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through MESSRS. EASON & SON, LTD.,
40 and 41 Lower O'Connell Street,
Dublin.

Printed by MESSRS. CARRIL AND CO., LTD.,
[Twopence Net.]