SAORSTÁT EIREANN.

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

Mar do ritheadh ag dhd Thigh an Oireachais.
As passed by both Houses of the Oireachtas.

ARRANGEMENT OF SECTIONS.

Section.
1. Definitions.
2. Offices to which Act applies.
3. Appointment of Local Appointments Commissioners.
4. Remuneration and staff of Commissioners.
5. Appointments by local authorities.
6. Appointments by the Minister.
7. Qualifications for appointments.
8. Selection by competitive examination.
9. Selection for appointments requiring professional experience.
10. Charging of fees by Commissioners.
11. Suspension of officers and servants.

[No. 14b of '26.]
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 THE SUSPENSION OF PERSONS HOLDING SUCH SITUATIONS.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT 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, and

(d) a school attendance committee appointed under the School Attendance Act, 1926 (No. 17 of 1926).

(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 conclusive.

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

(2) A person shall not be ineligible for appointment as a Commissioner 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 Finance shall determine.

(2) The Minister for Finance may appoint such and so many persons as he shall consider necessary to be officers of the Commissioners, 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) An appointment of a person to fill an office to which this Act applies may, subject to the sanction of the Minister, be made by a local authority without requesting or obtaining a recommendation from the Commissioners under the subsequent provisions of this Act if but only if the appointment is made within three months after such office became vacant or (in the case of an appointment to a new office) was created and the person so appointed is a person who at the time when such office became vacant or was created (as the case may be) 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.

(2) Whenever an office to which this Act applies becomes vacant or (in the case of a new office) is created the local authority, is satisfied that the circumstances of the case so require, may with the consent of the Minister appoint and without requesting or obtaining a recommendation from the Commissioners under the subsequent provisions of this Act 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) Save as is otherwise authorised by this Act, every local authority shall, before making an appointment to an office to which this Act applies, request the Commissioners to recommend to them a person for appointment to such office.

(2) Whenever a local authority does not, within three months after an office to which this Act applies becomes vacant or (in the case of a new office) is created, either request the Commissioners to recommend to them a person for appointment to such office or make an appointment (other than a temporary appointment) to such office under and in accordance with a provision of this Act dispensing with such request, the Minister may on behalf of such local authority request the Commissioners to recommend to such local authority a person for appointment to such office.

(3) On receiving such request as aforesaid from the local authority or the Minister (as the case may be) the Commissioners shall select in accordance with this Act and recommend to the local authority 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 local authority two or more persons for such appointment.

(4) On receiving from the Commissioners their recommendation under this section, the local authority 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 they shall think proper.

7.—(1) Whenever a local authority or 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, education, training experience, and (where in the opinion of the Commissioners the duties of the office so require) sex for such office.

(2) The Commissioners if they so think fit may at any time, with the consent of the Minister and after such consultation as may be possible or convenient with such associations or bodies as the Minister for Local Government and Public Health may consider to be representative of local authorities, prescribe generally the qualifications for all offices comprised in any particular description, class, or grade of offices to which this Act applies and may so prescribe generally any qualification which they could prescribe specially under sub-section (1) of this section in respect of any particular office comprised in such description, class or grade.

(3) Before recommending a person to a local authority 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 a local authority 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 them 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.

9.—Whenever a local authority or the Minister requests the Commissioners to recommend a person for appointment to an office to which this Act applies and the Commissioners with the concurrence of the Minister 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 Commissioners may dispense with the competitive examination required by this Act and may select the person or persons to be recommended by them to the local authority by such means and in such manner as they think proper.

10.—(1) The Commissioners may charge every person presenting himself to the Commissioners as a candidate for selection (whether by competitive examination or otherwise) for recommendation 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 Finance shall direct.

11.—(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.

12.—(1) The remuneration of the Commissioners and their officers and all expenses incurred by the Commissioners or other-
wise 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.

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

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 the suspension of persons holding such situations.

Passed, by both Houses of the Oireachtas, 20th July, 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. Cahill and Co., Ltd., [Twopence Net.]