

SEANAD ÉIREANN.

AN BILLE RIALTAIS AITIUIL, 1945. LOCAL GOVERNMENT BILL, 1945.

Coiste.
Committee.

Leasaithe.
Amendments.



SECTION 6.

1. In subsection (1) to insert after the word " may " in line 40, the words " within 12 months after the passing of this Act ".—Senator Sweetman.
2. In subsection (1), line 41, to delete the words " statutory or other ".—Senator Ryan.

SECTION 10.

3. In subsection (1), to insert after the word " law " in line 41, the words " or by the council ".—Senator Sweetman.
4. In subsection (1) to add at the end of the subsection in line 42 the words " health districts ".—Senator O'Dea.

SECTION 14.

5. In subsection (1), page 8, to delete the words " a county but not in an urban area " and insert instead the words " any rural or urban area of a county ".—Senator O'Dea.
6. In subsection (1), page 8, line 57, after the word " month " to insert the words " not exceeding six months in all ".—Senator Duffy.

SECTION 20.

7. In subsection (1), after the word " area " to insert the words " or in a town to which the Towns Improvement Clauses Act, 1847, applies ".—Senator O'Dea.

SECTION 21.

8. In subsection (3), page 12, to delete the figures " 1929 " where they occur, and to insert in lieu thereof the figures " 1939 ".—Senator Ryan.

SECTION 23.

9. In subsection (1), page 12, line 43, after the word " month " to insert the words " not exceeding six months in all ".—Senator Duffy.

To delete the section.—Senator O'Dea.

(NOTE.—*This proposal will be taken on the Question :—" That the section stand part of the Bill."*)

SECTION 24.

10. In page 13, line 14, to delete the figures " 22 " and insert the figures " 23 ".—Senator Quirke.

SECTION 28.

To delete the section.—Senator O'Dea.

(NOTE.—*This proposal will be taken on the Question :—" That the section stand part of the Bill."*)

SECTION 29.

11. In page 15 to add at the end of the section the following proviso:—

“ Provided that nothing contained in this section shall be construed as affecting the right of any person to pay in one sum the whole of the rate collectable from him under this section.”

—Senator Duffy.

SECTION 30.

12. In subsection (1), to delete lines 20 to 23, inclusive.—Senator Seán T. Ruane.

13. In subsection (1) to add at the end of the subsection the words:—“ or with the consent of the Minister borrow the deficiency by means of a loan repayable within two years from the raising thereof ”.—Senator O’Dea.

14. In subsection (3) to add at the end of the subsection the words:—“ unless they shall raise the amount by means of a loan in the manner provided for in subsection (1) of this section.”—Senator O’Dea.

15. In subsection (5), line 42, after the word “ Act ” to insert the words “ as amended by this Act ”.—Senator Douglas.

16. In subsection (6) to add at the end of the subsection the words:—“ or raise the deficiency by means of a loan in the manner provided for in subsection (1) of this section ”.—Senator O’Dea.

17. At the end of the section to add a new subsection as follows:—

“ () A copy of the report of any local inquiry under subsection (1) of this section shall be sent to the rating authority concerned at least fourteen days before the issue of a notification under subsection (2) of this section.”

—Senator Sir John Keane.

To delete the section.—Senator Baxter, Senator Sweetman, Senator Hayes, Senator Sir John Keane.

(NOTE.—*This proposal will be taken on the Question:—“ That the section (or the Section as amended) stand part of the Bill.”*)

NEW SECTION.

18. Before section 31 to insert a new section as follows:—

“ 31.—Section 30 shall only apply to services created after the passing of this Act for the provision of which the rating authority has accepted responsibility.”

—Senator Sir John Keane.

SECTION 33.

19. In subsections (1) and (2) to delete the words “ The Minister ” in lines 27 and 33, and substitute the words “ The local authority ”.—Senator Sweetman.

SECTION 36.

20. To insert a new subsection (2) as follows:—

“ (2) The appropriate Minister for all Veterinary appointments shall be the Minister for Agriculture.”

—Senator Seán O’Donovan.

SECTION 38.

21. To add to the section a new subsection as follows:—

“ (6) Every order made under subsection (1) of this section shall be laid before each House of the Oireachtas as soon as may be after it is made but shall not come into operation or effect until it has been approved by resolution of each such House of the Oireachtas.”

—Senator Sweetman.

SECTION 39.

22. In line 4, page 19, to delete the word "time" and substitute therefor the words "hours of duty".—Senator Seán O'Donovan.

To delete the section.—Senator Seán O'Donovan.

(NOTE.—*This proposal will be taken on the Question:—"That the section stand part of the Bill."*)

NEW SECTION.

23. Before section 40, to insert the following new section:—

"Section 21 of the Act of 1941 is hereby amended by the addition at the end of the section of the following subsection:—

"Amendment of section 21 of the Act of 1941.

'(11) Where the appropriate Minister declares under this section qualifications for a specified office in relation to which he is the appropriate Minister, no additional qualifications for that office shall be fixed by the relevant local authority without the consent of the appropriate Minister.'

—Senator Quirke.

SECTION 41.

To delete the section.—Senator Duffy.

(NOTE.—*This proposal will be taken on the Question:—"That the section stand part of the Bill."*)

SECTION 44.

24. To insert at the end of the section the following new subsection:—

"(5) A harbour authority, within the meaning of the Harbours Act, 1946 (No. 9 of 1946) shall be deemed, for the purposes of this section, to be a road authority."

—Senator Quirke.

SECTION 46.

25. In subsection (2), line 46, page 21, to delete the word "seven" and substitute the word "twenty-one".—Senator Duffy.

SECTION 48.

26. To delete subsections (2) and (3).—Senator Duffy.

SECTION 55.

27. In subsection (1), paragraph (a), page 25, line 18, to delete the figures and word "57 and 59" and substitute the figures and word "57, 59 and 60".—Senator Quirke.

SECTION 63.

28. In paragraph (e), lines 12 and 13, to delete the words "statutory or other".—Senator Ryan.

SECTION 66.

29. To add at the end of the section a new subsection as follows:—

"(8) If, on an application to the High Court under section 12 of the Local Government (Ireland) Act, 1871, by a person aggrieved by a surcharge made under the said section 12 or a charge made under section 20 of the Local Government (Ireland) Act, 1902, the High Court confirms the surcharge or charge, such person may apply to the Minister within the prescribed time to remit the surcharge or charge, and, if on such application the Minister is of opinion that the circumstances of the case make it fair and equitable that the surcharge or charge should be remitted, he may direct that the same shall be remitted upon payment of the costs incurred by the auditor or other competent authority in resisting such application and otherwise enforcing the surcharge or charge."

—Senator Quirke.

SECTION 67.

30. In subsection (1) to insert after the word "means" in line 35, the words and brackets "(other than an advertisement for any hotel, guest house, shop or other place of business)".—Senator Sweetman.
31. In subsection (6) to delete the word "occupier" in line 11 and substitute instead the words "rated occupier and other occupier, if any".—Senator Sweetman.

SECTION 69.

32. Before subsection (6), to insert a new subsection as follows:—

"(6) Section 57 of this Act shall apply to the expenses incurred by a road authority under this section as if such expenses were expenses incurred by such road authority under Part IV of this Act."

—Senator Quirke.

NEW SECTION.

33. Before section 71 in page 31 to insert the following new section:—

Allowances for out-of-pocket expenses of members of local authorities.

"71. (1) It shall be lawful for a local authority with the sanction of the Minister to prescribe scales of allowances in relation to the attendance of its members at any of its meetings or at meetings of any committee or subsidiary body of such local authority.

(2) Scales of allowances prescribed under the next preceding subsection of this section may provide for the payment to members of the local authority of such sums as may appear reasonable to recoup such members for expenditure by them on the purchase of meals and for loss of wages or other similar income arising out of their attendance at such meetings as are mentioned in the next preceding section of this section.

(3) It shall be lawful for a local authority to pay out of the funds under the control of such authority any allowance claimed by any of its members in accordance with the scale of allowances prescribed under subsection (1) of this section."

—Senator Duffy.

SECTION 73.

34. In page 31, line 46, to insert after the word "such" the word "council".—Senator Quirke.

SECTION 74.

35. In subsection (2) (a), line 53, to delete the word "four-sevenths" and substitute the word "two-thirds".—Senator Hayes.

SECTION 75.

36. In subsection (1), to delete the word "four-sevenths" in line 54 and substitute the word "two-thirds".—Senator Hayes.

SECTION 76.

37. In subsection (1), line 60, page 33, to delete the word "four-sevenths" and insert instead the word "two-thirds".—Senator Hayes.

NEW SECTION.

38. Before section 77 to insert a new section as follows:—

"Changing of name of locality.

"(1) The appropriate authority may, with the consent of not less than four-sevenths of the ratepayers in a locality, change the name of the locality.

(2) The power conferred by subsection (1) of this section shall be a reserved function.

(3) The proper officer of a body, which is in relation to a particular locality the appropriate authority, shall, if and when so directed by the said body, prepare and submit to the said body a list of the ratepayers in the said locality, and such list when adopted, with or without alteration, by the said body shall, for the purposes of this section, be the list of ratepayers in the said locality.

(4) The Minister may make regulations prescribing the procedure to be followed by the appropriate authority in ascertaining whether not less than four-sevenths of the ratepayers in a locality consent to the name of the locality being changed.

(5) In this section—

the word 'locality' means any area (not being a street within the meaning of *section 76* of this Act) which is—

- (a) a portion of a county or other borough, urban district or town for which a separate name is in common use, or
- (b) a portion (other than an urban area, a town, a townland or a non-municipal town, within the meaning of *section 75* of this Act) of a county for which a separate name is in common use;

the expression 'the appropriate authority' means—

- (a) as respects a locality in a county or other borough, the corporation of the borough,
- (b) as respects a locality in an urban district, the council of the urban district,
- (c) as respects a locality in a town, the commissioners of the town,
- (d) as respects a locality in a county, the council of the county;

the expression 'the proper officer' means—

- (a) as respects the corporation of a county or other borough, the town clerk of the borough,
- (b) as respects the council of an urban district, the clerk of the council,
- (c) as respects the commissioners of a town, the clerk of the commissioners,
- (d) as respects the council of a county, the secretary of the council."

—Senator Quirke.

NEW SECTION.

39. In page 34 before section 78 to insert the following new section:—

" 78. (1) A local authority which is the corporation of a county borough may establish and maintain a bank to be known as the Municipal Bank to receive and take on deposit such sums of money as may be deposited therein by any person residing within the functional area of such local authority. Municipal Bank.

(2) The rate of interest to be paid on deposits made with the Municipal Bank shall be such as shall be determined from time to time by the local authority."

—Senator Duffy.

SECTION 79.

40. In subsection (1), page 34, to delete all words after the word "duties" in line 49 to the end of the subsection.—Senator Seán T. Ruane.

SECTION 80.

41. In subsection (1) to insert after line 22, the following new sub-clause:—

“(c) Where the person to whom the land is to be disposed of is the person from whom the land was acquired containing an option to that person to repurchase the land at the price paid for it on acquisition”.

—Senator Seán T. Ruane.

SECTION 85.

42. After subsection (1) to insert a new subsection as follows:—

“(2) The report of such inspector shall set out his findings of fact made on the evidence produced to him”.

—Senator Kingsmill Moore.

43. After subsection (1) to insert a new subsection as follows:—

“(3) Such portion of the report as consists of the inspector's findings of facts shall be laid on the Table of both Houses of the Oireachtas within two months of the furnishing of such report to the Minister”.

—Senator Kingsmill Moore.

NEW SECTION.

44. Before section 91 to insert the following new section:—

“(1) Any office to which this section applies shall be deemed, for the purposes of section 2 of the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), not to be a chief executive office under a local authority.

(2) This section applies to—

(a) the office of clerk to a local pension committee under section 8 of the Old Age Pensions Act, 1908;

(b) the office of clerk of the commissioners of a town which is not an urban district.”

—Senator Quirke.

(NOTE.—*Acceptance of this amendment involves the deletion of section 91.*)

NEW SECTION.

45. Before section 95 to insert a new section as follows:—

“() Section 44 of the Act of 1941 is hereby amended by the deletion of paragraph (a) in subsection (1) and the substitution therefor of the following paragraph:—

“(a) The Minister, after holding a local inquiry into the performance by the local authority of their duties and after publishing any report made to him by the Inspector who held such local inquiry, is satisfied that such duties are not being duly and effectually performed or”

—Senator Douglas.

NEW SECTION.

46. Before section 95 to insert a new section as follows:—

“() Section 45 of the Act of 1941 is hereby amended by the deletion of subsection (2) and the substitution therefor of the following subsection:—

“(2) The day fixed under this section for the holding of a new election shall be any day within the period of twelve months after such removal”.

—Senator Douglas.

NEW SECTION.

47. To add a new section 96 as follows:—

“96. Section 63 of the Local Government (Ireland) Act, 1898, shall be amended (I) by the deletion therefrom of paragraph (b) of subsection (2) and the substitution therefor of the words following: “A person aggrieved by any decision of the Minister that a disallowance or surcharge was lawfully made may appeal to a judge of the High Court of Justice from such decision and if the judge determine that the decision of the Minister was erroneous in law the said disallowance or surcharge shall be invalid and of no effect but except as herein provided the decision of the Minister shall be final”; (II) by the insertion at the beginning of paragraph (c) of subsection (2) of the words following “If no appeal as provided in the foregoing subsection is taken from the decision of the Minister within six weeks of the communication of such decision to a person aggrieved or if on the hearing of such appeal the judge shall decide that such allowance or surcharge was lawfully made”.

—Senator Kingsmill Moore.

FIRST SCHEDULE.

48. In page 40, after the words “The whole Act” in the Third Column opposite the words “Bridges (Ireland) Act, 1834” in the Second Column, to insert the words “so far as un-repealed”.—Senator Ryan.
49. In page 40, after the words “The whole Act” in the Third Column opposite the words “Bridges (Ireland) Act, 1843” in the Second Column to insert the words “so far as un-repealed”.—Senator Ryan.
50. In page 40, to delete the word “Section” in the Third Column opposite the words “Towns Improvement Clauses Act, 1847” in the Second Column, and in lieu thereof to insert the word “Sections”.—Senator Ryan.
51. In page 40, after the words “The whole Act” in the Third Column opposite the words “Bridges (Ireland) Act, 1851” in the Second Column to insert the words “so far as un-repealed”.—Senator Ryan.
52. In page 40, after the words “The whole Act” in the Third Column opposite the words “Bridges (Ireland) Act, 1867,” in the Second Column to insert the words “so far as un-repealed”.—Senator Ryan.
53. In page 40, immediately after the words and figures “35 and 36 Vic. c. 69”, “Local Government Board (Ireland) Act, 1872”, and “Section 6” in the First, Second and Third Columns respectively, to insert the words and figures “38 and 39 Vic. c. 46”, “Bridges (Ireland) Act, 1875” and “The whole Act” in the First, Second and Third Columns respectively.—Senator Ryan.

SECOND SCHEDULE.

54. In Parts I and II to delete the fraction “ $\frac{1}{2}$ ” and insert instead in each place the fraction “ $\frac{1}{4}$ ”.—Senator O’Dea.

