

SEANAD EIREANN.

AN BILLE CUANTA, 1945.
HARBOURS BILL, 1945.

Coiste.
Committee.

Leasaithe.
Amendments.



SECTION 4.

1. In subsection (3), to insert at the beginning of the subsection the words " Subject to the provisions of the next following subsection."—Senator Hayes.

2. At the end of the section to add the following subsection:—

" (4) Every regulation made by the Minister under *subsection (1)* of this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either House of the Oireachtas within the next subsequent twenty-one days on which that House has sat after the regulation is laid before it annulling the regulation, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under the regulation."

—Senator Hayes.

SECTION 7.

3. In subsection (1), paragraph (c), after the word " appointed " in line 9, page 11, to insert the words " by the National Executive of the Irish Live Stock Trade "; and in that paragraph to delete subparagraphs (i) and (ii), lines 10 to 18 inclusive.—Senator Counihan.

4. In subsection (1), page 11, to delete lines 23, 24 and 25 and substitute instead the following words:—

" appointed—

(i) in case one organisation is specified in the order for the time being in force under *subsection (4)* of this section, by the organisation so specified.

(ii) in case two organisations are specified in the order for the time being in force under *subsection (4)* of this section, as to one of such members by the first organisation so specified and as to the other of such members by the second organisation so specified."

—Senator Duffy.

5. In subsection (1), page 11, to delete paragraph (g), lines 28-29.—Senator Kingsmill Moore.

6. In subsection (1), after the word " members " in paragraph (g), line 28, page 11, to insert the words " one of whom shall be deemed to be representative of Co-operative Trading Societies."—Senator Baxter.

7. In subsection (2) to delete paragraph (d) and insert instead the following new paragraph:—

" (d)—

(i) in the cases of the Drogheda Harbour Commissioners, the Galway Harbour Commissioners, the Sligo

SECTION 7—*continued.*

Harbour Commissioners, the Dundalk Harbour Commissioners, the River Moy Harbour Commissioners, the Westport Port and Harbour Commissioners, and the Wexford Harbour Commissioners one member appointed by the National Executive of the Irish Live Stock Trade and two members (in this Act also referred to as nominated members) nominated by the Minister;

- (ii) in the case of any other harbour authority, three members (in this Act also referred to as nominated members) nominated by the Minister."

—Senator Counihan.

8. In subsection (2), page 11, to delete paragraph (d), lines 59-60.—Senator Kingsmill Moore.

9. To delete subsection (3).—Senator Counihan.

10. In subsection (4), page 12, line 8, after the word "organisation" to insert the words "or two specified organisations".
—Senator Duffy.

11. To delete subsection (9).—Senator Kingsmill Moore.

SECTION 10.

12. In subsection (1), page 14, line 39, before the word "representative" to insert the words "or organisations".
—Senator Duffy.

13. Before subsection (9) to insert the following new subsection:—

"(9) Where, during the period beginning on the 7th day of July and ending on the 31st day of August in an election year, an organisation representative of labour interests required under this Act to appoint one person only to be a labour member of a harbour authority fails to comply with such requirement, the Minister may, as soon as conveniently may be, appoint a person to be a member of the harbour authority to remedy such failure."

—Senator Duffy.

14. In subsection (10), page 15, line 49, to delete "or (9)" and substitute instead "(9) or (10)".—Senator Duffy.

SECTION 19.

15. In subsection (1), paragraph (c), page 18, lines 29 and 30, to delete the words "except in the case of being appointed or being a local authority member".—Senator Duffy.

SECTION 22.

16. In page 20, line 35, before the word "vote" to insert the words "and voting".—Senator Duffy.

17. In page 20, line 38, before the word "the" where that word secondly occurs, to insert the words "and voting".—Senator Duffy.

SECTION 23.

18. In subsection (4), page 21, line 14, to delete the words "appointed by regulations to be made" and substitute therefor the word "prescribed".—Senator Duffy.

SECTION 24.

19. In subsection (1), page 21, line 17, to delete the word "five" and substitute instead the word "seven".—Senator Duffy.

20. In subsection (3), line 38, after the word "chairman" to insert the words "or vice-chairman".—Senator Duffy.

SECTION 24.—*continued.*

21. After subsection (9), in page 22, to insert the following new subsection :—

“(10) A meeting of a harbour authority shall not be abandoned on the grounds that a quorum is not present until the expiration of fifteen minutes after the time appointed for the holding of the meeting.”

—Senator Duffy.

SECTION 26.

22. In subsection (1), page 22, line 37, to delete the word “twenty” and substitute instead the word “ten”.—Senator Duffy.

SECTION 36.

23. In page 25, to add to the section the following subsection :—

“() Every order made under this section shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made.”

—Senator Duffy.

SECTION 38.

24. In page 26, section 38, to insert at the end of the section a new subsection as follows :

“() (a) Where, before the passing of this Act, a person was appointed to an office or employment, under a harbour authority, which became vacant or was created on or after the 1st day of January, 1946, and which would, if this Part had come into operation on the 1st day of January, 1946, have been an office or employment to which the Local Authorities (Officers and Employees) Acts, 1926 and 1940, would have applied, then, that person shall, immediately upon the passing of this Act, cease to hold the said office or employment.

(b) Every question or dispute as to whether any particular office or employment is or is not an office or employment to which *paragraph (a)* of this subsection relates shall be decided by the Minister after consultation with the Local Appointments Commissioners and such decision shall be final and conclusive.”

—Senator Quirke.

SECTION 39.

25. In page 26, section 39, to insert at the end of the section a new subsection as follows :

“(9) A harbour authority of a harbour mentioned in *Part I* of the *First Schedule* to this Act may from time to time with the consent of the Minister appoint, in addition to the General Manager, a person to be secretary of their harbour, and the office of secretary shall be an office to which the Local Authorities (Officers and Employees) Acts, 1926 and 1940, as applied by this Act, apply.”

—Senator Quirke.

SECTION 42.

26. In subsection (1), page 27, before line 23, to insert the following subparagraph :—

“(c) qualifications relating to age of retirement.”

—Senator Duffy.

27. In subsection (5), page 27, to insert at the end of the subsection in line 45, the following words : “ Provided that this subsection shall not apply in respect of a qualification which relates to residence where the person appointed undertakes to reside after appointment within a prescribed area and carries out such undertakings.”—Senator Duffy.

SECTION 45.

28. In page 28, section 45, subsection (2), to insert in line 53 after the word "Act" the following words "and was appointed to that office before the 1st day of January, 1946".—Senator Quirke.
29. In page 29, section 45, subsection (2), to delete paragraph (c), lines 11 to 20.—Senator Quirke.
30. In page 29, section 45, subsection (3), line 25, to delete the words "and shall have effect as if it were," and substitute the words "in such manner as the said Commissioners think proper, and the person so selected and recommended by the said Commissioners for appointment shall be appointed General Manager of the harbour under section 39 of this Act as if the said selection and recommendation were".—Senator Quirke.

SECTION 49.

31. In page 30, line 17, before the word "provide" to insert the words "and if required by the Minister shall"; and in line 19 to delete the words "they think proper" and substitute therefor the words "may be reasonably necessary for the purposes of the harbour."—Senator Duffy.

SECTION 56.

32. In subsection (3), page 31, to delete all words after the word "thereof" in line 27 to the end of subparagraph (a).—Senator Duffy.

SECTION 61.

33. In page 34, line 38, to delete the word "may" and substitute the word "shall".—Senator Foran.

SECTION 68.

34. In subsection (1), page 36, line 46, before the word "delay" to insert the word "unusual".—Senator Duffy.

SECTION 69.

35. In page 37, section 69, subsection (3), line 16, to delete the words "harbour master" and substitute the words "harbour authority of the harbour".—Senator Quirke.

SECTION 76.

To delete the section.—Senator Duffy.

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

SECTION 79.

To delete the section.—Senator Duffy.

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

SECTION 83.

36. To delete subsections (1) and (2) and in lieu thereof to insert the following new subsections:—

"(1) Where a customs entry in respect of a cargo or portion of a cargo has not been delivered under the Customs Acts or the Merchant Shipping Acts within seventy-two hours (not reckoning any Sunday or public holiday) after the day on which the cargo or portion of a cargo is required by the Customs Acts to be reported it shall be lawful for a harbour authority to make a customs imperfect entry by bill of sight for the purpose of facilitating the unshipping of the cargo or portion of a cargo as the case may be.

SECTION 83—*continued.*

(2) A harbour authority shall not make under this section a customs imperfect entry in respect of a cargo or portion of a cargo unless the failure to make such imperfect entry would result in the dispatch of business at the harbour of the harbour authority being unduly obstructed."

—Senator Duffy.

37. To delete subsection (3).—Senator Duffy.

38. In subsection (4), page 39, line 58, before the word " entry " to insert the word " imperfect ".—Senator Duffy.

39. At the end of the section to add the following new subsection:—

" (5) Every expression used in this section to which a particular meaning is assigned by the Customs Acts for the purpose of those Acts has in this section the meaning so assigned to it:"

—Senator Duffy.

SECTION 111.

40. In subsection (1), page 47, line 38, to delete the word " notice " and insert instead the words " or such shorter notice as they may specify ".—Senator Duffy.

SECTION 116.

41. In subsection (5), page 50, to delete all words after the word " thereof " in line 3 to the end of the subsection.—Senator Duffy.

SECTION 117.

42. In subsection (3), page 50, to delete all words after the word " sold " in line 43 to the end of subparagraph (a).—Senator Duffy.

SECTION 133.

43. In page 58, section 133, to insert at the end of the section a new subsection as follows:—

" (5) Where the amount required to be raised by a local authority for a local financial year ending on or after the 31st day of March, 1947, in order to defray the cost of assisting harbour authorities in that local financial year exceeds—

(a) in the case of the corporation of a county borough, a sum equal to a rate of one shilling in the pound on the total of the rateable valuations of the hereditaments and tenements rateable to the municipal rate in the county borough at the commencement of that local financial year,

(b) in the case of the corporation of a borough not being a county borough, the council of an urban district or the commissioners of a town, a sum equal to a rate of eightpence in the pound on the total of the rateable valuations of the hereditaments and tenements rateable to the poor rate (or, in the case of the borough of Dún Laoghaire, the municipal rate) in the area of the local authority at the commencement of that local financial year,

(c) in the case of the council of a county, a sum equal to a rate of fourpence in the pound on the total of the rateable valuations of the hereditaments and tenements rateable to the poor rate in the county at large at the commencement of that local financial year,

then, the Minister may, out of moneys to be provided by the Oireachtas, pay to the local authority a sum equal to one-half of such excess as a contribution towards such cost."

—Senator Quirke.

SECTION 135.

44. In subsection (2), subparagraph (b), page 60, line 2, to delete the words "a newspaper" and substitute instead the words "two newspapers".—Senator Duffy.

SECTION 151.

45. To insert after subsection (1) a new subsection as follows:—

"(2) Such superannuation scheme shall include provisions by virtue of which service, if any, as an officer of any harbour authority (other than that by which the superannuation is granted) and as an officer of any local body (as defined by section 42 of the Local Government Act, 1925), shall be aggregated with and reckoned as part of the service of that officer with the harbour authority by which such superannuation is granted."

—Senator Sweetman.

SECTION 161.

46. In page 67, section 161, to delete the words "local authority" wherever they occur and substitute the word "person", and to delete the words "local authorities" wherever they occur and substitute the word "persons".—Senator Quirke.

SECTION 165.

47. In subsection (1), page 69, after the word "authority" in line 24, to insert the words "and of any committee appointed by the harbour authority".—Senator Duffy.

48. Before subsection (2), page 69, to insert the following new sub-section:—

"(2) A harbour authority may if they think fit pay to each of their members by way of recoupment of loss of pay and of the cost of subsistence such sums as they shall consider reasonable in respect of the attendance of such members at meetings of the harbour authority and of any committee appointed by the harbour authority."

—Senator Duffy.

SECTION 171.

49. In subsection (1), page 71, before the word "relating" in line 38, to insert the words "in their possession or procurement".—Senator Duffy.

SECTION 181.

50. In page 73, section 181, to delete subsections (1) and (2), lines 40 to 48, and substitute instead the following subsections:—

"(1) In this section the expression 'the Corporation' means the Mayor, Aldermen and Burgesses of Waterford.

(2) The Minister may, if he so thinks fit, by order declare that, on and from a specified day—

(a) the charges commonly known as water bailiff's fees chargeable at Waterford Harbour shall cease to be charged, and

(b) any obligations of the Corporation (whether acquired under charter or by statute or otherwise) whereof the said fees or any part thereof were in consideration shall cease.

(3) The order under this section may contain such supplemental and ancillary provisions as the Minister thinks proper, including provision for the payment by the Waterford Harbour Commissioners to the Corporation of such sum as the Minister thinks proper towards compensating the Corporation for loss sustained by them owing to the operation of the order."

—Senator Quirke.

SECTION 182.

51. In page 73, section 182, to delete subsections (1) and (2), lines 51 to 59, and substitute instead the following subsections:—

“ (1) In this section the expression ‘ the Corporation ’ means the Lord Mayor, Aldermen and Burgesses of Dublin.

(2) The Minister may, if he so thinks fit, by order declare that, on and from a specified day—

(a) the charges commonly known as City dues chargeable at Dublin Harbour shall cease to be charged, and

(b) any obligations of the Corporation (whether acquired under charter or by statute or otherwise) whereof the said dues or any part thereof were in consideration shall cease.

(3) The order under this section may contain such supplemental and ancillary provisions as the Minister thinks proper, including provision for the payment by the Dublin Port and Docks Board to the Corporation of such sum as the Minister thinks proper towards compensating the Corporation for loss sustained by them owing to the operation of the order.”

—Senator Quirke.

SECTION 183.

52. In page 74, section 183, to delete subsections (1) and (2), lines 3 to 11, and substitute the following subsections:—

“ (1) In this section the expression ‘ the Company ’ means the body corporate known as the Commercial Buildings Company of Cork.

(2) The Minister may, if he so thinks fit, by order declare that, on and from a specified day—

(a) the rates and duties, chargeable under the British statute passed in the year 1814 and entitled an Act to raise a fund for defraying the charge of commercial improvements, within the city and port of Cork, in Ireland, shall cease to be charged, and

(b) any obligations of the Company (whether acquired under charter, or by statute or otherwise) whereof the said rates and duties or any part thereof were in consideration shall cease.

(3) The order under this section may contain such supplemental and ancillary provisions as the Minister thinks proper, including provision for the payment by the Cork Harbour Commissioners to the Company of such sum as the Minister thinks proper towards compensating the Company for loss sustained by them owing to the operation of the order.”

—Senator Quirke.

