

SEANAD ÉIREANN.

AN BILL CUANTA, 1945.
HARBOURS BILL, 1945.

Leasaithe curtha isteach sa tSeanaid.
Amendments inserted by the Seanad.



SECTION 24.

1. In page 21, section 24, subsection (3), lines 37 and 38, the words "save where the question is the election of the chairman" deleted.

SECTION 38.

2. In page 26, section 38, at the end of the section a new subsection as follows inserted :—

"() (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."

SECTION 39.

3. In page 26, section 39, at the end of the section a new subsection as follows inserted :—

"(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."

NEW SECTION.

4. In page 28, before section 43 a new section as follows inserted :—

(1) The Minister may prescribe any specified age to be the age limit for every office under a harbour authority to which the Local Authorities (Officers and Employees) Acts, 1926 and 1940, as applied by this Act, apply, or for every such office as belongs to a specified class, description or grade or for one or more specified such offices.

"Age limit for offices.

(2) Every regulation for the purposes of this section shall come into force six months after the day on which it is made.

(3) Where a regulation for the purposes of this section is for the time being in force in relation to any particular office, the following provisions shall have effect:

(a) if on the day when the regulation comes into force there is a holder of the office, the regulation shall not apply to such holder,

(b) if, on a day after the said day, a holder of the office (other than a holder to whom paragraph (a) of this subsection relates), reaches the age specified in the regulation as the age limit for the office, he shall cease to hold the office on the day on which he reaches that age."

SECTION 45.

5. In page 28, section 45, subsection (2), in line 53 after the word "Act" the following words "and was appointed to that office before the 1st day of January, 1946" inserted.
6. In page 29, section 45, subsection (2), paragraph (c), lines 11 to 20 deleted.
7. In page 29, section 45, subsection (3), line 25, the words "and shall have effect as if it were," deleted and 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" substituted.

SECTION 69.

8. In page 37, section 69, subsection (3), line 16, the words "harbour master" deleted and the words "harbour authority of the harbour" substituted.

SECTION 76.

9. In page 38, section 76, lines 15 and 16 deleted and the following words substituted :—

"shall inquire into the cause and extent of any damage which may have happened to such goods either by sea damage, improper storage or otherwise and shall make a written report to the harbour authority of such survey, examination and inquiry."

SECTION 79.

10. The section deleted.

SECTION 111.

11. In page 47, section 111, subsection (1), line 38, the word "notice" deleted and the words "or such shorter notice as they may specify" inserted instead.

SECTION 133.

12. In page 58, section 133, at the end of the section a new subsection as follows inserted :—

"(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."

SECTION 135.

13. In page 60, section 135, subsection (2), subparagraph (b), line 2, the words "a newspaper" deleted and the words "two newspapers" substituted instead.

14. In page 60, section 135, at the end of the section a new subsection as follows added :—

"(5) An Act passed by the Oireachtas to confirm a provisional harbour works order shall be deemed to be a public general Act."

SECTION 151.

15. In page 65, section 151, at the end of the section a new subsection as follows added :—

"() Where—

(a) an allowance or gratuity is payable by a harbour authority (in this section referred to as the paying authority) to any person under a superannuation scheme in respect of his ceasing to hold office under them, and

(b) in ascertaining his service at the date of such cessation any service under another harbour authority (in this section referred to as the contributing authority) has, in accordance with that scheme, been aggregated and reckoned, and

(c) at any time during which he was in the service of the contributing authority there was in force in relation to the contributing authority a superannuation scheme applying to him,

then, the contributing authority shall refund to the paying authority a part of the allowance or gratuity reckoned in the prescribed manner."

SECTION 161.

16. In page 67, section 161, the words "local authority" wherever they occur deleted and the word "person" substituted, and the words "local authorities" wherever they occur deleted and the word "persons" substituted.

SECTION 165.

17. In page 69, section 165, subsection (1), after the word "authority" in line 24, the words "and of any committee appointed by the harbour authority" inserted.

SECTION 181.

18. In page 73, section 181, subsections (1) and (2), lines 40 to 48 deleted and the following subsections substituted therefor :—

"(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."

SECTION 182.

19. In page 73, section 182, subsections (1) and (2), lines 51 to 59 deleted and the following subsections substituted therefor :—

"(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."

SECTION 183.

20. In page 74, section 183, subsections (1) and (2), lines 3 to 11 deleted and the following subsections substituted therefor :—

"(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."

NEW SECTION.

21. In page 75, before section 187, a new section as follows inserted :—

A harbour authority which is a pilotage authority may make such contributions towards the expenses incurred by them in their capacity as such pilotage authority as, with the consent of the Minister, they may determine."

"Contributions towards expenses of pilotage authorities.