

DÁIL ÉIREANN.

AN BILLE FORBARTHA MONA, 1945—COISTE. TURF DEVELOPMENT BILL, 1945—COMMITTEE.

Leasaithe. *Amendments.*

SECTION 8.

1. In subsection (1), line 20, to delete the word "five" and substitute therefor the word "three."—Eamonn Coogan.
2. To add a new subsection as follows:—

"(4) At least one member of the Board shall be a person with experience in the Trade Union movement who will represent the workers engaged in turf production."

—James Everett.

SECTION 10.

3. In subsection (2), page 5, line 55, to substitute the word "of" for the word "or" where the latter word first occurs in the line.—Aire Tionnscoil agus Tráchtála.

SECTION 11.

4. Before subsection (2) to insert a new subsection as follows:—

"(2) If and whenever a member of the Board is or becomes a member of either House of the Oireachtas he shall be disqualified from holding and shall cease to hold office as a member of the Board."

—Eamonn Coogan.

SECTION 12.

5. Before section 12 to insert the following new section:—

"Every member of the Board shall, while holding office as such member, be disqualified from being nominated or elected and from sitting or receiving payment as a member of Dáil Éireann or Seanad Éireann."

—William Davin.

SECTION 15.

6. In subsection (2), line 51, after the word "servant" to add the following words: "on prescribed grounds of incapacity, inefficiency, or misconduct."—Eamonn Coogan.
7. In subsection (3), to add after the word "determine" in line 3, the words: "and the Board shall also make arrangements by way of a contributory scheme for the establishing of a superannuation fund for its employees."—James Pattison.
8. In subsection (4), line 4, to delete the words "may, if it thinks fit" and substitute the word "shall".—Eamonn Coogan.

SECTION 16.

9. Before section 16 to insert the following new section:—

"(1) The Board may and, if so required by the Minister, shall prepare and submit to the Minister within such time as he may direct, a scheme (in this section referred to as a superannuation scheme) for establishing on a contributory basis a superannuation fund for the benefit of the employees or any particular class of the employees of the Board.

(2) Where a superannuation scheme is submitted to the Minister under subsection (1) of this section, the Minister may refer the

SECTION 16—*continued.*

scheme back to the Board for reconsideration and fresh submission or by order confirm the scheme either without modification or with such modifications (whether by way of addition, omission or variation) as the Minister thinks proper.

(3) The Board may whenever it thinks proper prepare and submit to the Minister a scheme (in this section referred to as an amending superannuation scheme) amending (whether by addition, omission or variation) a superannuation scheme confirmed by the Minister or amending (whether by addition, omission or variation) or revoking an amending superannuation scheme for the time being in force, and the provisions of subsection (2) of this section shall apply and have effect in relation to every amending superannuation scheme.

(4) Before confirming any superannuation scheme or amending superannuation scheme, the Minister shall hear all parties desirous of being heard and appearing to him to be interested therein.

(5) No superannuation scheme or amending superannuation scheme shall become operative unless and until it has been confirmed by order of the Minister but, upon being so confirmed, shall come into operation on the date specified in that behalf in the order of the Minister confirming it and shall as on and from that date have the force of law in the form in which it was so confirmed.

(6) A fund set up for the purposes of a superannuation scheme shall be deemed to be set up under an irrevocable trust."

—William Davin,

SECTION 19.

10. Before section 19, in page 8, but in Chapter I of Part III, to insert the following new section:—

"It shall be the duty of the Minister from time to time to furnish to Dáil Éireann on the request of any member thereof such information regarding the policy or the finances of the Board as shall be necessary for a proper understanding of the performance by the Board of the functions and duties imposed on them by this Act."

—William Norton.

SECTION 20.

11. In subsection (2), lines 21 and 22, to delete the words "exercise its powers under *paragraph (a) of subsection (1) of this section*" and substitute the words "manufacture for sale any plant, machine, apparatus or appliance".—Aire Tionnscoil agus Tráchtála.

SECTION 21.

12. To add a new subsection as follows:—

"(4) In all contracts and agreements made by the Board under the powers conferred by this section there shall be inserted a fair-wages clause as if the contract had been made by a Government Department."

—James Everett.

SECTION 22.

13. Before section 22 to insert the following new section:—

"(1) The wages paid and the conditions of employment observed by the Board shall be not less favourable to their employees than those required in the execution of contracts made with a Minister of State.

(2) The wages paid and the conditions of employment observed by a contractor, in the execution of any work performed by him for the Board under a contract made in pursuance of the provisions of section 21 of this Act shall be not less favourable to his employees than if the work were carried on under a contract between the Minister and such contractor containing a fair-wage clause similar to that for the time being contained in contracts made by Ministers and Government Departments.

SECTION 22—*continued*.

(3) Any person who contravenes the provisions of this section shall be guilty of an offence under this section and shall be liable on conviction thereof to a fine not exceeding one hundred pounds.”
—William Norton.

14. In subsection (1), line 44, to delete the word and figure “subsection (2)” and substitute the words and figures “subsections (2) and (3)”.—Aire Tionnscoil agus Tráchtála.

15. In subsection (1), lines 49 and 50, to delete the words “powers and duties” and substitute the word “functions”.—Aire Tionnscoil agus Tráchtála.

16. To delete subsection (3) and substitute the following subsection:—

“(3) Where the Board, in exercise of its powers under this section, erect a bridge over an inland waterway, the property of a canal undertaker, within the meaning of Chapter VI of Part VI of the Transport Act, 1944 (No. 21 of 1944), the following provisions shall have effect:—

(a) no compensation shall be payable under this Act or otherwise to such canal undertaker in respect of any loss of traffic suffered or likely to be suffered by such canal undertaker after such bridge has been erected by reason of the erection thereof;

(b) if such bridge is a movable bridge, the Minister may make regulations in relation to its user and the Board shall comply with such regulations;

(c) if it appears to the Minister that such inland waterway has sustained damage by reason of the existence or user of such bridge, the Minister shall require the Board to make good at their own cost such damage and the Board shall comply with such requisition.”

—Aire Tionnscoil agus Tráchtála.

SECTION 23.

17. In subsection (1) (a), line 23, after the word “traffic” to add the words: “and before giving his consent, the Minister for Local Government and Public Health shall consult the appropriate local authority or authorities.”—Eamonn Coogan.

18. In subsection (1) (b) (ii), line 30, after the word “Health” to insert the words: “who shall also consult the appropriate local authority or authorities.”—Eamonn Coogan.

19. In subsection (1) (b) (iii), line 38, after the word “Health” to insert the words: “who shall also consult the appropriate local authority or authorities.”—Eamonn Coogan.

20. In subsection (1) (c), line 47, after the word “Health” to insert the words: “after consultation with the appropriate local authority or authorities.”—Eamonn Coogan.

21. In subsection (1) (d), line 57, after the word “Health” to insert the words: “after consultation with the appropriate local authority or authorities.”—Eamonn Coogan.

SECTION 29.

22. At the end of the section to insert the following subsection:—

“() Nothing in subsection (1) of this section shall be construed as affecting the operation of section 130 of the Transport Act, 1944 (No. 21 of 1944).”

—Aire Tionnscoil agus Tráchtála.

SECTION 30.

23. In subsection (3), to delete paragraph (b) and substitute the following paragraph:—

“(b) exercise any easement or other right or interfere with any right or property under this section without giving to the owner of such easement, right, or property at least one month's previous notice in writing of their intention so to do.”

—Aire Tionnscoil agus Tráchtála.

SECTION 32.

24. In subsection (5), line 21, to delete the words “the Board or”.—Eamonn Coogan.

SECTION 33.

25. In line 30, after the word “Chapter” to add the words: “and all such claims shall be discharged by the Board within one year from the date of their receipt by the Board.”—Eamonn Coogan.

SECTION 36.

26. To delete paragraphs (b) and (c).—Eamonn Coogan.

SECTION 40.

27. In subsection (1), line 17, to insert the word “draft” after the word “such”.—Aire Tionnscoil agus Tráchtála.

SECTION 41.

28. In subsection (2), line 29, to delete the word “Article” and substitute the word “section”.—Aire Tionnscoil agus Tráchtála.

SECTION 42.

29. To delete subsection (1) and substitute the following subsection:—

“(1) (a) Where an application is made to the Minister for a transport works order, the Minister may, if he thinks fit, direct a public inquiry to be held into such application in the locality in which it is proposed to construct the transport works the subject of the application.

(b) Where the Minister directs a public inquiry to be held into an application for a transport works order, he shall appoint an officer of the Minister to hold such inquiry, and the Board, every owner, lessee and occupier of the land on or over which it is proposed to construct the transport works the subject of the application, every local authority within whose area such works are intended to pass, and every other person who, in the opinion of such officer, is substantially interested in the subject matter of such inquiry shall be entitled to appear and be heard at such inquiry.”

—Aire Tionnscoil agus Tráchtála.

30. In subsection (1), line 45, to delete the words “in the opinion of such officer” and substitute the words “can show that”.—Eamonn Coogan.

31. In subsection (2), lines 49 and 50, to delete the words “if such officer so requires.”—Eamonn Coogan.

32. After subsection (2) to insert a new subsection as follows:—

“The report of the officer appointed by the Minister to hold a public inquiry in accordance with the provisions of subsection (1) of this section shall be published to the Board and every owner, lessee, and occupier of the land on or over which it is proposed to construct such transport works and to every local authority within

SECTION 42—*continued*.

whose area such works are intended to pass and to every other person who has shown that he has a substantial interest in the subject matter of the inquiry."

—Eamonn Coogan.

SECTION 43.

33. Before section 43 to insert the following section:—

"Where the Minister, after consideration of an application for a transport works order and, in case an inquiry was held, under section 42 of this Act, into the application, the report of the officer who held it and after consultation with the Minister for Local Government and Public Health, is of opinion that the application should be granted, he shall make an order authorising the Board to construct, maintain and operate the transport works specified in the order in such manner, subject to such restrictions and provisions and on such terms and conditions as the Minister thinks proper and specifies in the order."

Grant of
transport
works
order.

—Aire Tionnscoil agus Tráchtála.

NOTE.—*The acceptance of this amendment involves the deletion of section 43 of the Bill.*

34. In line 12, after the word "order" to insert the following words: "but if after such consideration and after consultation with the Minister for Local Government and Public Health the Minister is of opinion that the application should not be granted the Minister shall inform the Board and any person interested or substantially interested in the subject matter of the inquiry of his reasons for refusing to grant the application."—Eamonn Coogan.

SECTION 44.

35. In page 17, between lines 44 and 45, to insert the following new subparagraph:—

"(vi) such order may fix the period within which the construction of such transport works is to be completed."

—Aire Tionnscoil agus Tráchtála.

SECTION 51.

36. In subsection (1), line 37, to delete the figures "294" and substitute the figures "293".—Aire Tionnscoil agus Tráchtála.

37. In subsection (3), line 51, to delete the words "those Orders" and substitute the words "the Orders to which this section applies".—Aire Tionnscoil agus Tráchtála.

SECTION 55.

38. In subsection (1), line 42, to insert the words "Subject to section 57 of this Act," before the words "The Board".—Aire Tionnscoil agus Tráchtála.

SECTION 57.

39. Before section 57 to insert a new section as follows:—

"(1) The following provisions shall apply in respect of any advances (in this subsection referred to as the said advances) made to the Board under section 53 of this Act during the period (in this subsection referred to as the quinquennial period) of five years commencing on the establishment date, that is to say:—

Waiver of
interest on
certain
advances to
the Board.

(a) no interest shall be payable by the Board on the said advances in respect of any period ending on the day immediately preceding the date on which the Minister for Finance makes an order under paragraph (c) of this section,

(b) the Minister for Finance shall, immediately after the expiration of the quinquennial period, examine the finances of the Board,

SECTION 57—*continued.*

(c) after such examination, the said Minister shall, having regard to the existing state of the finances of the Board and its future financial prospects, either—

(i) by order (in this subsection referred to as the exemption order) exempt the Board from the liability to pay interest on the said advances in respect of the period during which the exemption order is in force, or

(ii) by order declare the Board liable to pay interest on the said advances in respect of any period commencing on or after the date of the order,

(d) where the said Minister makes the exemption order, he may at any time thereafter by order revoke the exemption order.

(2) The Minister for Finance shall before making any order under *subsection (1)* of this section consult the Minister with regard to the proposed order."

—Aire Tionnscoil agus Tráchtála.

NOTE.—*Acceptance of this amendment involves the deletion of section 57 of the Bill.*

SECTION 64.

40. Before section 64 to insert the following section:—

Release of
the Board
from certain
State debts.

"(1) If it appears from the balance sheet of the dissolved company, as certified by the auditors of the dissolved company, that, immediately before the establishment date, the liabilities (including the State debt) of the dissolved company exceeded its assets (the amount of which excess is in this subsection referred to as the deficit), then, the Minister for Finance shall, with effect as on and from the establishment date, release the Board from so much of the State debt as equals the deficit or fifty thousand pounds, whichever is the lesser.

(2) In this section, the expression 'the State debt' means the sum which, immediately before the establishment date, was owing by the dissolved company to the Minister for Finance."

—Aire Tionnscoil agus Tráchtála.

SCHEDULE.

41. In paragraph 2, page 25, line 1, to delete the words "transfer date" and substitute the words "establishment date".—
Aire Tionnscoil agus Tráchtála.

42. In paragraph 3, subparagraph (1), line 4, to insert the word "appointed" before the word "date".—Aire Tionnscoil agus Tráchtála.

43. To insert at the end thereof, the following new paragraph:—

"4.—(1) In this paragraph the expression 'the appointed date' means—

(a) in case the establishment date falls on the 31st day of March, the establishment date,

(b) in any other case, the 31st day of March next following the establishment date.

(2) The dissolved company shall, on and after the establishment date, continue to be liable under the enactments relating to corporation profits tax to prepare and deliver any statement, return or particulars required for the purposes of those enactments for any accounting period ending on or before the appointed date.

Provisions in
relation to
corporation
profits tax
chargeable on
the dissolved
company.

SCHEDULE—continued.

(3) Assessments to corporation profits tax for any accounting period ending on or before the appointed date may be made on or after the establishment date on the dissolved company and corporation profits tax in respect of any such assessment so made, which shall have become final and conclusive, shall, when it becomes due and payable, be deemed to have become due and payable before the establishment date.

(4) For the purposes of subparagraphs (2) and (3) of this paragraph, the chief officer of the Board or other officer performing the duties of chief officer of the board shall be deemed to be secretary of the dissolved company or other officer performing the duties of secretary of the dissolved company.

(5) In this paragraph references to corporation profits tax shall be construed as including references to excess corporation profits tax."

—Aire Tionnscail agus Tráchtála.

