

# ÉIRE.

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## AN BILLE UM THOGHCHAIN AITIULA, 1948. LOCAL ELECTIONS BILL, 1948.

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*Mar do ritheadh ag dhá Thigh an Oireachtais.  
As passed by both Houses of the Oireachtas.*

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### ARRANGEMENT OF SECTIONS.

#### Section.

1. Interpretation.
2. Alteration of times for elections.
3. Provisions where members stand removed from office at passing of this Act.
4. Provisions in case of new town commissioners.
5. New election of members of Dublin Board of Assistance.
6. Term of office of certain members of certain bodies.
7. Saving from disqualification in certain cases.
8. Election year for vocational education committees.
9. Election year for committees of agriculture.
10. Election year for certain harbour authorities.
11. Adaptation of enactments.
12. Short title.



# ÉIRE.

## AN BILLE UM THOGHCHAIN AITIULA, 1948. LOCAL ELECTIONS BILL, 1948.

# BILL

*entitled*

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AN ACT TO ALTER THE TIMES FOR HOLDING  
ELECTIONS OF MEMBERS OF CERTAIN LOCAL  
AUTHORITIES AND TO MAKE PROVISIONS CONSE-  
QUENTIAL ON OR INCIDENTAL TO SUCH ALTER-  
ATION.

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BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.

1.—(1) In this Act—

local authority.

the expression “local authority” means any of the following  
bodies:—

(a) the council of a county,

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(b) the corporation of a county or other borough,

(c) the council of an urban district,

(d) the commissioners of a town;

local election  
year.

the expression “the local election year” has the meaning given to  
it in *paragraph (b) of subsection (1) of section 2* of this Act;

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Minister.

the expression “the Minister” means the Minister for Local Gov-  
ernment.

(2) Notwithstanding anything contained in this section, a refer-  
ence in this Act to a meeting, member or membership of a local  
authority shall, where the local authority in question are a cor-  
poration of a county or other borough, be construed as a reference  
to a meeting, member or membership of the council established by  
law in respect of such county or other borough.

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Alteration of  
times for  
elections.

2.—(1) (a) Subject to the provisions of this Act, the Minister  
shall, before the 30th day of September, 1950, by  
order appoint in respect of every local authority a  
day not later than the said 30th day of September,  
1950, to be the appointed day for the holding of an  
election of members of that local authority and such  
election shall be held accordingly.

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(b) The appointed day in respect of every local authority  
shall be in the same year (in this Act referred to  
as the local election year).

(c) Every such election shall be deemed to be a trien-  
nial election and the times for the holding of sub-  
sequent triennial elections shall be determined  
accordingly.

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(2) An election of members of a local authority shall not be held  
between the passing of this Act and the election pursuant to *sub-  
section (1) of this section*, and the term of office of the members of  
such authority current at the passing of this Act shall be extended  
accordingly.

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(3) Nothing in this section shall affect Part IV of the Local Government Act, 1941 (No. 23 of 1941), or any order made under that Part.

3.—Where the members of a local authority stand removed from office at the passing of this Act and an election of members of the local authority is held in the year 1948 on a day fixed by order under Part IV of the Local Government Act, 1941 (No. 23 of 1941), the following provisions shall have effect notwithstanding anything contained in this or any other Act :

Provisions where members stand removed from office at passing of this Act.

- 10 (a) the day so fixed may be any day not later than the 31st day of December, 1948,
- (b) the election held in the year 1948 shall be deemed to be a triennial election,
- 15 (c) it shall not be necessary for the Minister, unless he so thinks fit, to appoint, under *subsection (1) of section 2* of this Act, a day for the holding of an election of members of such local authority,
- (d) unless the Minister so appoints a day, the election held in the year 1948 shall be deemed, for the purposes of
- 20 determining the times for the holding of subsequent triennial elections, to be held in the local election year.

4.—Where the Minister by order under this section directs that the first election under section 21 of the Towns Improvement (Ireland) Act, 1854, of the commissioners of a town shall be held

25 on a day in 1948 or 1949 specified in the order, the following provisions shall have effect notwithstanding anything contained in this or any other Act :

Provisions in case of new town commissioners.

- (a) the election shall be held on the day so specified,
- (b) the election shall be deemed to be a triennial election,
- 30 (c) it shall not be necessary for the Minister, unless he so thinks fit, to appoint, under *subsection (1) of section 2* of this Act, a day for the holding of an election of such commissioners,
- (d) unless the Minister so appoints a day, the first election
- 35 shall be deemed, for the purposes of determining the times for the holding of subsequent triennial elections, to be held in the local election year.

5.—Where an election of members of the Dublin Board of Assistance is held pursuant to subsection (2) of section 6 of the Local Government (Dublin) Act, 1945—

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New election of members of Dublin Board of Assistance.

- (a) where the members are elected on different days, they shall all come into office on the day after the last elected of them were elected,
- (b) the members elected by the Right Honourable the Lord
- 45 Mayor, Aldermen and Burgesses of Dublin, in the year 1948 shall be elected at a meeting of the City Council for Dublin held within one month after the day of election in the year 1948 of the members of the Council of the County of Dublin.

50 6.—(1) This section applies to those members of a board, committee or other body, all or any of the members of which are required by law to be appointed triennially by the council of a county or a county borough, who were appointed by the council of a county or a county borough and whose terms of office are current at the passing of this Act.

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Term of office of certain members of certain bodies.

(2) The term of office current at the passing of this Act of those members to which this section applies shall, where apart from this section it would expire earlier, continue until the day on which is held the annual meeting, or in the case of a county borough, the



quarterly meeting, next after the election pursuant to *section 2* of this Act to the council by whom such members were appointed.

(3) Every doubt, question and dispute as to whether any particular member of any board, committee or other body is or is not a member to whom this section applies shall be determined by the Minister whose decision thereon shall be final and conclusive. 5

Savings from  
disqualification  
in certain cases.

7.—A member of a local authority who ceases to be a local government elector in the functional area of the authority by reason of the coming into force of a new register of local government electors after the passing of this Act and before an election of members of the authority pursuant to *section 2* of this Act shall not, by reason only of such cesser, be disqualified from continuing to hold office as a member of the authority until the ordinary day of retirement of the members of the authority after such election. 10

Election year for  
vocational  
education  
committees.

8.—Section 24 of the Local Elections Act, 1937 (No. 14 of 1937), is hereby repealed and in lieu thereof it is hereby enacted for the purposes of the Vocational Education Acts, 1930 to 1947, that— 15

(a) in relation to every council of a county, county borough or urban district and every vocational education committee, the local election year shall be an election year and every third successive year after that year shall also be an election year, and 20

(b) in the case of a vocational education committee all or any of whose members are appointed by a local authority whose members stand removed from office at the passing of this Act, the year 1948 shall also be an election year in relation to such committee and every local authority who appoint members of such committee. 25

Election year for  
committees of  
agriculture.

9.—Section 25 of the Local Elections Act, 1937 (No. 14 of 1937), is hereby repealed and in lieu thereof it is hereby enacted that— 30

(a) in relation to every council of a county and every committee of agriculture, the local election year shall be an election year for the purposes of the Second Schedule to the Agriculture Act, 1931 (No. 8 of 1931), and every third successive year after that year shall also be an election year for the said purposes, and 35

(b) in the case of a committee of agriculture whose members are appointed by a council whose members stand removed from office at the passing of this Act, the year 1948 shall also be an election year for the said purposes in relation to such committee and such council. 40

Election year  
for certain  
harbour  
authorities.

10.—In the application of paragraph (b) of subsection (2) of section 9 of the Harbours Act, 1946 (No. 9 of 1946), to a harbour authority in relation to whom Part II of that Act is in operation at the passing of this Act, the reference to the year in which elections of members of councils of counties are held next after the first election year shall be construed as a reference to the local election year. 45

Adaptation of  
enactments.

11.—(1) Every statute, order and regulation relating to elections of members of any local authority or to the meetings of any local authority shall have effect subject to the provisions of this Act, and the Minister may by order make such adaptations or modifications in any such statute, order or regulation as may in his opinion be necessary to enable it to have effect in accordance with this section. 50



(2) Every order under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if a resolution annulling the order is passed by either House, within the next twenty-one days on which that House has sat after the 5 order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

12.—This Act may be cited as the Local Elections Act, 1948. Short title.



Éire

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AN BILLE UM THOGHCHAIN AITIULA,  
1948.

LOCAL ELECTIONS BILL, 1948.

BILLE

BILL

*dá ngairmtear*

*entitled*

Acht d'athrú na dtráth chun toghcháin a  
chomóradh do chomhaltaí údarás áitiúla  
áirithe agus do dhéanamh soeruithe a leanas  
as an athrú sin nó a ghabhas leis.

An Act to alter the times for holding elections  
of members of certain local authorities and  
to make provisions consequential on or  
incidental to such alteration.

*Rite ag dhá Thigh an Oireachtais,  
3ú Meitheamh, 1948.*

*Passed by both Houses of the Oireachtas,  
3rd June, 1948.*

BAILE ATHA CLIATH:  
FOILSITHE AG OIFIG AN tSOLATHAIR.

DUBLIN:  
PUBLISHED BY THE STATIONERY OFFICE.

Le ceannach trí aon díoltóir leabhar, no díreach  
ó Oifig Díolta Foilseacháin Rialtais, 3-4 Sráid  
an Cholaíste, Baile Atha Cliath.

To be purchased through any bookseller, or directly  
from the Government Publications Sale Office,  
3-4 College Street, Dublin.

Cló-bhuailte ag CAHILL & Co., LTD.

Printed by CAHILL & Co., LTD.

[*Raol Glan.*]

[*Sixpence Net.*]