



**AN BILLE UM BAINISTI CHONTAE (LEASU), 1953.
COUNTY MANAGEMENT (AMENDMENT) BILL, 1953.**

*Mar a tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS.

Section.

1. Interpretation.
2. Commencement.
3. Restriction on certain increases.
4. Provisions in relation to counties ceasing to be grouped.
5. Deputy county managers.
6. Amendment of section 1 (1) of Principal Act.
7. Amendment of section 19 of Principal Act.
8. Amendment of sections 22 (2) and 23 (2) of Principal Act.
9. Amendment of section 24 (2) of Principal Act.
10. Age limit—county managers and city managers.
11. Objection with respect to illegal payment.
12. Assistant county managers for county of Dublin and Dublin Assistant City Managers.
13. Special provisions for certain persons.
14. Temporary modification of Local Authorities (Officers and Employees) Act, 1926.
15. Repeals.
16. Short title and collective citation.

SCHEDULE.

ENACTMENTS REPEALED.



AN BILLE UM BAINISTI CHONTAE (LEASU), 1953.
COUNTY MANAGEMENT (AMENDMENT) BILL, 1953.

BILL

entitled

AN ACT TO AMEND AND EXTEND THE COUNTY 5
MANAGEMENT ACTS, 1940 AND 1942, AND TO
MAKE FURTHER AND BETTER PROVISION FOR
THE LOCAL GOVERNMENT OF COUNTIES AND
CERTAIN OTHER AREAS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:— 10

Interpretation.

1.—(1) In this Act “the Principal Act” means the County
Management Act, 1940 (No. 12 of 1940).

(2) This Act shall be construed as one with the Principal Act,
and accordingly every expression and word to which a particular
meaning is assigned by the Principal Act for the purposes of that 15
Act shall have that meaning in this Act.

Commencement.

2.—This Act shall come into operation on such day or days as
may be fixed therefor by order or orders of the Minister either
generally or with reference to any particular purpose or provision
and different days may be so fixed for different purposes and 20
different provisions of this Act.

Restriction
on certain
increases.

3.—(1) A county manager shall not submit any proposal to
increase the number of permanent offices under the council of the
county or an elective body for which he is the manager for the
sanction of such Minister as may be empowered to sanction the 25
proposal save with the consent by resolution of such council or
body.

(2) A county manager shall not fix an increased rate of
remuneration applicable to any class, description or grade of
offices or employments under the council of the county or an 30
elective body for which he is the manager save with the consent by
resolution of such council or body.

(3) Where, in the case of a proposal for an increase referred to
in subsection (2) of this section, the sanction or consent of the
Minister or any other Minister is required, nothing in this section 35
shall be regarded as dispensing with such requirement.

Provisions in
relation to
counties ceasing
to be grouped.

4.—Where the repeal by this Act of subsection (2) of section 3
of the Principal Act comes into operation in relation to two coun-
ties, the following provisions shall, notwithstanding the coming
into operation of the repeal, apply if, immediately before the 40

coming into operation thereof, a person held in a permanent capacity the offices of county manager for each of the counties:

5 (a) the repeal shall have effect on and after, but not before, the day declared in that behalf by the order made under paragraph (b) of this section;

(b) at such time, after the expiration of thirty days, as he considers convenient, the Minister may by order declare—

10 (i) the day on which the repeal is to become effective, and

(ii) the county of which such person is to cease to hold the office of county manager;

15 (c) if such person has, during the said thirty days, notified the Minister of the county of which he wishes to cease to hold the office of county manager, the county declared by the order shall be that county;

20 (d) when the repeal becomes effective, such person shall cease to hold the office of county manager for the county declared by the order, but such cesser shall not qualify him for any superannuation allowance, gratuity or like benefit.

25 5.—(1) (a) Where the county manager for a county will for any reason, other than suspension from performance of his duties, be temporarily unable to act as such, he may, after consultation with the chairman of the council of the county, appoint a person to be deputy county manager for the duration of such inability. Deputy county managers.

30 (b) Where the county manager for a county has for any reason become temporarily unable to act as such and either he has not made an appointment under this section or an appointment made under this section, whether by such manager or otherwise, has become terminated under subsection (4) of this section or on account of the death or resignation of the appointee, the chairman of the council of the county may appoint a person to be deputy county manager for the remainder of the duration of such inability.

40 (2) (a) The Minister may, in respect of a specified person and county, authorise such person's being appointed from time to time under subsection (1) of this section to be deputy county manager, and may at any time revoke such authorisation.

45 (b) Where an appointment under subsection (1) of this section is not authorised in accordance with paragraph (a) of this subsection, it shall not have effect unless and until it is approved of by the Minister.

50 (3) The Minister may himself appoint a person to be deputy county manager if—

(a) he refuses to approve of an appointment under subsection (1) of this section, or

55 (b) a county manager is for any reason temporarily unable to act as such and an appointment under subsection (1) of this section is not for the time being in force.

(4) The Minister, or the chairman of the council of the county with the consent of the Minister, may at any time terminate the appointment of a deputy county manager.

60 (5) A deputy county manager shall, during the continuance of the inability of the county manager for whom he was appointed as deputy or until his appointment is sooner terminated under sub-

section (4) of this section or on account of his death or resignation, act as such county manager and, for that purpose, a reference in any provision made by or under this or any other Act to a county manager shall be construed, where appropriate, as a reference to the deputy county manager.

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Amendment
of section 1 (1)
of Principal
Act.

6.—Subsection (1) of section 1 of the Principal Act shall have effect, and be deemed always to have had effect, as if the following definition were added at the end of the subsection :

“ the word ‘ prescribed ’ means prescribed by the Minister ”.

Amendment
of section 19
of Principal
Act.

7.—Where an order under subsection (1) of section 19 of the Principal Act (whether made before or after the commencement of this section) contains a statement of the date of the day on which it was signed by the county manager, the order shall be taken as complying with the requirement of that subsection that it is to contain a statement of the time at which it was so signed.

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Amendment of
sections 22 (2)
and 23 (2) of
Principal Act.

8.—Subsection (2) of section 22 and subsection (2) of section 23 of the Principal Act are each hereby amended by the substitution of “ during the prescribed period ” for “ at the prescribed time ”.

Amendment
of section 24 (2)
of Principal
Act.

9.—Subsection (2) of section 24 of the Principal Act is hereby amended by the substitution of “ at such meeting consider and decide upon such amendment ” for “ decide at such meeting not to make such amendment ”.

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Age limit—
county managers
and city
managers.

10.—(1) This section applies to the following offices :

- (a) the office of county manager for a county,
- (b) the office of Dublin City Manager and Town Clerk,
- (c) the office of Cork City Manager and Town Clerk,
- (d) the office of Limerick City Manager and Town Clerk,
- (e) the office of Waterford City Manager and Town Clerk.

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(2) A person who holds in a permanent capacity at the commencement of this section, or is thereafter appointed in a permanent capacity to, an office to which this section applies shall, unless he sooner dies, resigns or is removed from office, hold office until he reaches the age limit.

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(3) In subsection (2) of this section “ the age limit ” means the age specified as the age limit for the office in question in a declaration—

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- (a) which is made (and, for avoidance of doubt, is hereby authorised to be made) after the commencement of this section under section 23 of the Local Government Act, 1941 (No. 23 of 1941), and

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- (b) which is for the time being in force.

Objection with
respect to
illegal payment.

11.—In the application of subsection (2) of section 61 of the Local Government Act, 1925 (No. 5 of 1925), to the council of a county or an elective body—

- (a) the reference to any act, matter or thing which is the subject of a proposal at a meeting shall be construed as being restricted to—

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- (i) any act, matter or thing which constitutes a reserved function, and

- (ii) any act, matter or thing mentioned in a resolution under section 29 of the Principal Act,

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(b) notwithstanding subsection (1) of the said section 61, the reference to the responsible officer shall be construed as a reference to the county manager or, in his absence, such other officer as may be designated by the county manager.

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12.—(1) Section 9 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection :

Assistant county managers for county of Dublin and Dublin Assistant City Managers.

“ (1) There shall be three assistant county managers for the county of Dublin.”

10 (2) Section 10 of the Principal Act is hereby amended by the substitution for subsection (1) of the following subsection :

“ (1) There shall be three assistant city managers for the county borough of Dublin each of whom shall be called and known as Dublin Assistant City Manager.”

15 (3) If, immediately before the commencement of this section, John P. Keane held temporarily the office of assistant city manager for the county borough of Dublin, he shall become by virtue of this section a Dublin Assistant City Manager.

(4) If, immediately before the commencement of this section, 20 Eugene O’Keeffe held temporarily the office of assistant city manager for the county borough of Dublin, he shall become by virtue of this section a Dublin Assistant City Manager.

(5) The Minister may fix different remunerations for the different offices of Dublin Assistant City Manager.

25 13.—(1) Where, as respects a person who, at the commencement of this section, has a period of pensionable local service for the purposes of Part II of the Local Government (Superannuation) Act, 1948 (No. 4 of 1948), the following conditions are complied with, that is to say :

Special provisions for certain persons.

30 (a) immediately before the commencement of that period, he held an established position in the civil service of Saorstát Eireann for a period, and

(b) during any period or periods before the period mentioned in *paragraph (a)* of this subsection, he performed the 35 duties of a local authority by virtue of an appointment made under statute,

all the said periods may be aggregated and deemed to be service for the purposes of the said Part II.

40 (2) Where, at the commencement of this section, Séamas Ó Murchadha holds the office of chief executive officer of the Dublin Board of Assistance—

(a) his name shall be deemed to be entered in the register kept by that Board under Part II of the Local Government (Superannuation) Act, 1948, and to have been so 45 entered consequent upon an application duly made under subsection (1) of section 37 of that Act,

(b) the following may be aggregated and deemed to be service for the purposes of the said Part II :

(i) his service as chief executive officer of that Board,

50 (ii) his service as commissioner for that Board,

(iii) his service rendered prior to the service mentioned in *subparagraph (ii)* of this paragraph which is reckonable for the purposes of the Superannuation Acts, 1834 to 1947, and

(iv) his service as commissioner for Dublin Union, and

(c) he shall be deemed to be a pensionable officer of that Board in respect of the service mentioned in *subparagraphs* (i), (ii) and (iv) of *paragraph* (b) of this subsection, but subsection (6) of section 37 of the Local Government (Superannuation) Act, 1948, shall not apply in respect of him.

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Temporary
modification
of Local
Authorities
(Officers and
Employees)
Act, 1926.

14.—(1) In this section—

“the Commissioners” means the Local Appointments Commissioners;

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“the Act of 1926” means the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926);

“panel class” means any of the following classes of office:

(a) county manager,

(b) county secretary,

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(c) county accountant,

(d) town clerk.

(2) The Commissioners, if they so think fit, may, in accordance with rules under *subsection* (4) of this section, arrange from time to time for examining, as respects all or any of the offices of a particular panel class, the qualifications of persons desirous of being appointed to any vacancies that exist or may occur and for preparing a panel of such persons from which a recommendation may be made in compliance with a request (received either before or after the completion of the panel) under section 6 of the Act of 1926 or subsection (2) of section 4 of the Principal Act.

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(3) Where the Commissioners are requested under section 6 of the Act of 1926 or subsection (2) of section 4 of the Principal Act to recommend a person for appointment to an office of a panel class, the Commissioners, if they so think fit, may, in accordance with rules made under *subsection* (4) of this section, select a person from a relevant panel prepared under *subsection* (2) of this section and recommend such person for appointment.

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(4) The Commissioners may, with the consent of the Minister, make rules for the purposes of *subsections* (2) and (3) of this section applying either generally to all panel classes or to any particular panel class.

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(5) Where the Commissioners, with the concurrence of the appropriate Minister, are of opinion that, having regard to the nature of the duties of a particular office to which the Act of 1926 applies or of all such offices of a particular class, description or grade, to the knowledge and experience necessary for the efficient performance of those duties and to the qualifications for such office or offices, the person or persons to be recommended for appointment to such office or offices cannot be satisfactorily selected by competitive examination, the Commissioners may, as respects such office or offices, dispense with the competitive examination required by the Act of 1926 and may select the person or persons to be recommended by them by such means and in such manner as they think proper.

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In this subsection “the appropriate Minister” has the same meaning as “the Minister” has in the Act of 1926 as amended and adapted by subsequent enactments.

(6) Section 9 of the Act of 1926 shall not apply in any case as respects which *subsection* (5) of this section is applicable unless the Commissioners have, before the commencement of this section, dispensed with competitive examination in such case pursuant to the said section 9.

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(7) The fee which may be charged in pursuance of section 10 of the Act of 1926 may be fixed from time to time generally in respect of all offices of a particular class, description or grade.

(8) This section shall remain in force for two years from the 5 commencement thereof and shall then expire.

15.—The enactments mentioned in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule. Repeals.

16.—(1) This Act may be cited as the County Management Short title
10 (Amendment) Act, 1954. and collective
citation.

(2) The County Management Acts, 1940 and 1942, and this Act may be cited together as the County Management Acts, 1940 to 1954.

SCHEDULE.

Section 15.

ENACTMENTS REPEALED.

Number and Year	Short title	Extent of Repeal
No. 1 of 1929	Cork City Management Act, 1929.	Subsection (4) of section 10.
No. 27 of 1930	Local Government (Dublin) Act, 1930.	Subsection (4) of section 53.
No. 35 of 1934	Limerick City Management Act, 1934.	Subsection (3) of section 14.
No. 25 of 1939	Waterford City Management Act, 1939.	Subsection (3) of section 13.
No. 12 of 1940	County Management Act, 1940.	Subsection (2) of section 3; subsection (1) of section 5; subsection (3) of section 9; subsection (5) of section 10; sections 12 and 15.
No. 15 of 1948	Local Government (Dublin) (Temporary) Act, 1948.	The whole Act.

BILLE

(mar a tugadh isteach)

dá ngairmtear

Acht do leasú agus do leathnú na nAcht um Bainistí Chontae, 1940 agus 1942, agus do dhéanamh socrúithe bhreise agus fheabhsaithe le haghaidh rialtais áitiúil chontaethe agus líomabáistí áirithe eile.

An tAire Rialtais Aitiúla a thug isteach.

Do hordaíodh, ag Dáil Éireann, do chlo-bhualadh, 10ú Nollaig. 1953.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

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BILL

(as introduced)

entitled

An Act to amend and extend the County Management Acts, 1940 and 1942, and to make further and better provision for the local government of counties and certain other areas.

Introduced by the Minister for Local Government.

Ordered by Dáil Éireann, to be printed, 10th December, 1953.

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