



AN BILLE RIALTAIS AITIUIL, 1954.

LOCAL GOVERNMENT BILL, 1954.

Mar a leasatodh i gCoiste.

As amended in Committee.

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title, collective citation and construction.
2. Definitions.
3. Commencement.
4. Regulations.
5. Repeals.

PART II.

**OFFICES AND EMPLOYMENTS AND AMENDMENTS OF THE LOCAL
AUTHORITIES (OFFICERS AND EMPLOYEES) ACT, 1926.**

CHAPTER I.

Offices and Employments.

6. Definitions for Chapter I of Part II.
7. Alteration of duties in certain cases.
8. General sanction or consent by appropriate Minister.
9. Inclusive remuneration.
10. Amalgamation of offices.
11. Determination of certain doubts, etc.
12. Amendment of section 10 of Act of 1941.
13. Amendment of sections 13 and 16 of Act of 1941.
14. Amendment of section 19 of Act of 1941.
15. Amendment of section 20 of Act of 1941.
16. Amendment of section 21 of Act of 1941.
17. Amendment of section 24 of Act of 1941.
18. Amendment of section 27 of Act of 1941.
19. Amendment of section 29 of Act of 1941.
20. Restriction on power to assign remuneration.
21. Amendment of section 70 of Act of 1925.
22. Transfer of certain powers, etc.
23. Special provisions for certain persons.
24. Age limit for certain offices.

[No. 14a of 1954.]

CHAPTER II.

Amendments of the Local Authorities (Officers and Employees) Act, 1926.

Section.

25. The Principal Act.
26. Amendment of section 2 of Principal Act.
27. Amendment of section 6 of Principal Act.
28. Amendment of section 10 of Principal Act.
29. Dispensing with competitive examination.
30. Panels of persons qualified for appointment to offices.

PART III.

ROADS.

31. Production of road materials.
32. Extension of application of Development and Road Improvement Funds Act, 1909.
33. Construction of certain expressions.
34. Declaration of main road.
35. Temporary closing of road.
36. Traffic signs on roads.
37. Patrol of places where school-children cross the road.
38. International circulation of mechanically propelled vehicles.
39. Contribution to cost of working, maintaining or improving ferry.
40. Bridges, viaducts and tunnels.
41. Schemes for cross-border bridges.

PART IV.

PROVISIONS RELATING TO LOCAL FINANCE.

42. Borrowing by way of temporary loan or overdraft.
43. Exclusion from limitation of borrowing.
44. Borrowing for maintenance of town hall.
45. Rate not to be invalidated in certain circumstances.
46. Amendment of rates to be deemed not to be reserved function.
47. Amendment of Local Authorities (Works) Act, 1949.
48. Audit fees.
49. Making of charge.
50. Amendment of section 10 of Act of 1946.

PART V.

MISCELLANEOUS.

51. Amendment of sections 76 to 79 of Act of 1946.
52. Grant towards provision of building by approved local council.
53. Contribution to body providing swimming facilities.

Section.

54. Decorations.
55. Contribution to body providing museum.
56. Alteration of market charges, etc.
57. Exercise or performance of power, function or duty of local authority by another local authority.
58. Advisory committees.
59. Regulations with respect to meetings, etc.
60. Standing orders for regulation of proceedings.
61. Separate appearance at local inquiry by manager.
62. Contribution towards costs and expenses in relation to local inquiry.
63. Incorporation of commissioners of town which is not an urban district.
64. Revocation of order prohibiting temporary dwellings.
65. Travelling expenses.
66. Alteration of boundaries of certain public assistance districts.
67. Provision of money for certain public assistance authorities.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

SECOND SCHEDULE.

SUBSECTIONS REFERRED TO IN *Section 24* OF THIS ACT.



AN BILLE RIALTAIS AITIUIL, 1954.
LOCAL GOVERNMENT BILL, 1954.

BILL

entitled

AN ACT TO MAKE FURTHER AND BETTER PROVISION 5
IN RELATION TO LOCAL GOVERNMENT AND TO
MAKE CERTAIN AMENDMENTS IN THE LAW RELAT-
ING TO LOCAL GOVERNMENT AND TO PROVIDE FOR
OTHER MATTERS CONNECTED WITH THE MATTERS 10
AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

Short title,
collective citation
and construction.

1.—(1) This Act may be cited as the Local Government Act, 1955. 15

(2) The Local Government Acts, 1925 to 1953, and this Act may be cited together as the Local Government Acts, 1925 to 1955.

(3) The Local Government Acts, 1925 to 1953, and this Act shall be construed together as one Act.

Definitions.

2.—In this Act—

“the Act of 1925” means the Local Government Act, 1925 (No. 5 of 1925);

“the Act of 1941” means the Local Government Act, 1941 (No. 23 of 1941);

“the Act of 1946” means the Local Government Act, 1946 (No. 24 of 1946); 25

“the Minister” means the Minister for Local Government;

“prescribed” means prescribed by the Minister by regulations made under this Act.

Commencement.

3.—This Act (except *section 24* the coming into operation of which is provided for in that section) 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 different provisions of this Act. 30 35

Regulations.

4.—(1) The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed.

(2) Every regulation made 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 regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 40 45

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

PART II.

5 OFFICES AND EMPLOYMENTS AND AMENDMENTS OF THE LOCAL AUTHORITIES (OFFICERS AND EMPLOYEES) ACT, 1926.

CHAPTER I.

Offices and Employments.

6.—In this Chapter of this Part of this Act “appropriate Minister”, “local authority”, “major office” and “office” have the same meanings respectively as in Part II of the Act of 1941. Definitions for Chapter I of Part II.

7.—Where local authorities enter under this or any other Act into an agreement or arrangement pursuant to which one local authority exercise or perform a power, function or duty of another local authority, it shall be the duty of every officer of each such local authority to perform such duties, or refrain from performing such duties, appropriate to the nature of the power, function or duty to which the agreement or arrangement relates as the local authority under whom he holds office may decide. Alteration of duties in certain cases.

8.—In relation to any power of the appropriate Minister which— General sanction or consent by appropriate Minister.

(a) is a power under Part II of the Act of 1941, Part III of the Act of 1946 or this Chapter of this Part of this Act, and

(b) is a power to sanction or to consent to acts of any local authorities,

the appropriate Minister may, as respects all or any one or more of those authorities or any class of those authorities, give a general sanction or consent applying to future such acts in cases in which he is the appropriate Minister and having effect on fulfilment, and only on fulfilment, by the authority or authorities concerned of specified conditions or requirements.

9.—(1) The appropriate Minister may direct that the remuneration of all the offices in relation to which he is the appropriate Minister, or of such of those offices as belong to a specified class, description or grade, or of a specified one of those offices, shall be inclusive remuneration. Inclusive remuneration.

(2) Subject to subsection (3) of this section, a holder of an office to which a direction under this section relates shall pay over to the local authority under whom he holds the office any fees or other moneys (other than his inclusive remuneration) payable to and received by him by virtue of the office or in respect of services which a holder of the office is required by or under any enactment to perform.

(3) A direction under this section shall not apply, save with his consent, to a person who, at the time when the direction is given, is the holder of an office to which the direction relates while he continues to hold that office.

(4) Where a holder of an office to which a direction under this section relates also holds an office under a Department of State, any fees or other moneys received by him by virtue of the latter office shall be deemed for the purposes of this section to be received by him by virtue of the former office.

(5) A direction which, immediately before the commencement of this section, was in force under section 22 (repealed by this Act) of the Act of 1941 in relation to the holder of an office shall continue to have effect as if it were a direction under this section in relation to that office.

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Amalgamation
of offices.

10.—(1) Where the same Minister is the appropriate Minister in relation to any particular offices, such Minister may, subject to the provisions of this section and after consultation with the local authority or local authorities concerned, by order amalgamate the offices, and thereupon the offices shall become and be one office 10 under such title (if any) as is specified in the order.

(2) Where, as respects any particular offices, there are two or more Ministers each of whom is the appropriate Minister in relation to one or more than one of such offices, those Ministers may, subject to the provisions of this section and after consultation 15 with the local authority or local authorities concerned, by order amalgamate the offices, and thereupon the offices shall become and be one office under such title (if any) as is specified in the order and having such Minister as is specified in the order as appropriate Minister for the purposes of Part II of the Act of 20 1941, Part III of the Act of 1946 and this Chapter of this Part of this Act.

(3) Offices shall not be amalgamated under this section unless—

(a) each of the offices is vacant, or

(b) each of the offices is held by the same person, or

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(c) one only of the offices being not vacant, the holder thereof consents to the making of the order, or

(d) in any other case, the same person holds each of such of the offices as are not vacant and such person consents to the making of the order.

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(4) Where offices amalgamated under this section are not all under the same local authority, the following provisions shall have effect:

(a) appointments to the amalgamated office shall be made by such one of the local authorities concerned as the 35 appropriate Minister shall by order specify,

(b) the holder of the amalgamated office shall be paid remuneration by such local authority as makes appointments to the amalgamated office, and that local authority may recover from any other local authority 40 concerned such portion of the remuneration as may be settled by agreement between them or, in default of agreement, by the appropriate Minister or where two or more Ministers are concerned, by agreement between them.

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(5) An order made or deemed to have been made under section 36 (repealed by this Act) of the Act of 1946 and in force immediately before the commencement of this section shall continue in force and shall be deemed to have been made under this section and to be capable of being amended or revoked accordingly.

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Determination
of certain
doubts, etc.

11.—(1) Where any doubt, dispute or question arises, or in the opinion of the appropriate Minister, is likely to arise as to whether any particular person, or any particular class, description or grade of persons, employed by a local authority or local authorities is or is not an officer, or are or are not officers, for the purposes of this 55

Act or any of the Local Government Acts, 1925 to 1946, or as to whether any particular position, or any particular class, description or grade of positions, under a local authority or local authorities is or is not an office, or are or are not offices, for those purposes, the doubt, dispute or question shall be decided by the appropriate Minister and such decision shall be final.

(2) A decision made under section 12 (repealed by this Act) of the Act of 1941 shall continue in force and shall be deemed to have been made under this section.

10 **12.**—(1) Section 10 of the Act of 1941 is hereby amended by the addition of the following subsections:—

Amendment of
section 10 of
Act of 1941.

15 “(4) For the purposes of this section, a local authority may, with the general or particular approval of the appropriate Minister, create offices either on a permanent or a temporary basis.

20 (5) A local authority may, with the general or particular approval of the appropriate Minister, abolish offices, but in the case of an office held by a person in a permanent capacity, it shall not be abolished save with the consent of that person.

(6) An appeal under subsection (2) of this section shall not be brought after the expiration of six months after the decision is communicated to the officer.”

25 (2) The reference in subsection (6) (inserted by subsection (1) of this section) of section 10 of the Act of 1941 to six months after the decision is made shall, in the case of a decision made before the commencement of this section, be construed as a reference to six months after such commencement.

30 **13.**—The references in sections 13 and 16 of the Act of 1941 to Part II of that Act shall be construed as including references to Part III of the Act of 1946 and this Chapter of this Part of this Act.

Amendment of
sections 13 and
16 of Act of
1941.

14.—Section 19 of the Act of 1941 is hereby amended as follows:

Amendment of
section 19 of
Act of 1941.

(I) the following paragraphs shall be substituted for paragraph (j) of subsection (1):—

35 “(j) providing, in case of holders being ill, absent or incapacitated, for the performance of their duties by deputy or substitute,

(k) providing for restrictions on holders engaging in any other gainful occupation,

40 (l) providing for the removal from office by local authorities of holders who hold in a permanent capacity and prescribing the procedure to be adopted and the conditions to be fulfilled in relation to such removals,

45 (m) providing for the imposition by local authorities on holders of suspensions from performance of duties (including short-term disciplinary suspensions, not exceeding seven days), the non-payment of remuneration during the continuance of the suspensions and, upon the termination thereof, the forfeiture (in whole or in part), payment or disposal otherwise of remuneration which would, but for the suspensions, have been paid during the periods thereof,

50 (n) providing for the supplementing of the regulations by directions given from time to time by the appropriate Minister.”

(II) the following subsections shall be added to the section :—

“ (4) Where the making of any order or recommendation, the giving of any certificate, approval or sanction or the doing of any other act by the holder of an office is required for the purposes of any enactment or order, 5 such order, recommendation, certificate, approval, sanction or act, when made, given or done by a deputy or substitute performing the duties of the holder pursuant to regulations under this section during a period when the holder is ill, absent or incapacitated, 10 shall be as valid for all purposes as if it had been made, given or done by the holder in person.

(5) Every regulation made 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 15 regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.” 20

Amendment of
section 20 of
Act of 1941.

15.—Section 20 of the Act of 1941 is hereby amended by the addition of the following subsection :—

“ (3) The powers conferred by this section in relation to a specified office may be exercised notwithstanding that such office belongs to a class, description or grade in relation to 25 which the powers conferred by this section have already been exercised.”

Amendment of
section 21 of
Act of 1941.

16.—Section 21 of the Act of 1941, as amended by section 40 of the Act of 1946, is hereby further amended by the addition of the following subsection :—

“ (12) Where, as respects any office, the qualification that any woman holding the office be either unmarried or a widow has been declared under this section to be a qualification, that qualification shall not apply in the case of a married woman holding in a permanent capacity an office the duties of which 35 relate to matters the same as or similar to the matters to which the duties of the first-mentioned office relate and as respects which neither that qualification, nor the condition that the holder should resign on marriage, applied when she was appointed (including a case in which such non-application was 40 by virtue of this subsection).”

Amendment of
section 24 of
Act of 1941.

17.—Section 24 of the Act of 1941 is hereby amended as follows :—

(I) the following word and paragraph shall be inserted after paragraph (b) of subsection (1) :— 45

“ or

(c) that such office should be abolished,”

(II) in subparagraph (iii) of paragraph (b) of subsection (3) “any local authority” shall be substituted for “the relevant local authority”, 50

(III) in subparagraph (v) of paragraph (b) of subsection (3) “appropriate” shall be inserted before “Minister”,

(IV) the following subsection shall be added to the section :—

“ (5) For the purposes of subparagraph (v) of paragraph (b) of subsection (3) of this section, the fact that 55 the duties of the other office are to be performed at a distance from the place or places at which the duties of the first office were performed shall not be capable of being regarded as rendering the position of the holder materially altered to his detriment if the appropriate Minister is satisfied that neither the local 60 authority under whom the officer has been employed nor

the local authority offering the other office are in a position to offer an alternative office in the same place or places or in close proximity thereto."

18.—Section 27 of the Act of 1941 is hereby amended by the deletion in subsection (1) of "of such local authority or", "otherwise", "such local authority or" (where those words occur secondly) and "(as the case may be)".

Amendment of
section 27 of
Act of 1941.

19.—Section 29 of the Act of 1941 is hereby amended as follows:—

Amendment of
section 29 of
Act of 1941.

(I) "or holders of such major offices as belong to a specified class, description or grade" shall be inserted after "specified major office" and "or offices" shall be inserted after "such office",

(II) the following paragraph shall be added to the section:—

"The powers conferred by this section in relation to the holders of a specified major office may be exercised notwithstanding that such office belongs to a class, description or grade in relation to which the powers conferred by this section have already been exercised."

20.—(1) The power of a local authority under section 10 of the Act of 1941 to assign remuneration to an officer shall not be exercised except in accordance with such one or more of the following as may be appropriate from time to time:—

Restriction on
power to assign
remuneration.

(a) any order made by the appropriate Minister under section 29 of the Act of 1941,

(b) any regulation made by the appropriate Minister under paragraph (a) of subsection (1) of section 19 of the Act of 1941,

(c) any direction given by the appropriate Minister regarding the considerations that should govern levels of remuneration of officers generally,

(d) any direction given by the appropriate Minister regarding the considerations that should govern levels of remuneration of officers of a specified class, description or grade, the officer being in that class, description or grade,

(e) the sanction of the appropriate Minister.

(2) The power of a local authority under section 10 of the Act of 1941 to assign remuneration to a servant shall not be exercised except in accordance with such one or more of the following as may be appropriate from time to time:—

(a) any direction given by the appropriate Minister regarding the considerations that should govern levels of remuneration of servants generally,

(b) any direction given by the appropriate Minister regarding the considerations that should govern levels of remuneration of servants of a specified class, description or grade, the servant being in that class, description or grade,

(c) the sanction of the appropriate Minister.

(3) The appropriate Minister may give directions for the purposes of this section.

21.—Section 70 of the Act of 1925 shall have effect subject to the following amendments:—

- (a) any reference to a local authority shall be construed as not including a reference to any body to which it would, apart from this paragraph, refer by virtue of paragraph (c) of subsection (2) of section 2 of the Act of 1941 unless such body has functions other than functions restricted to advice, consideration, report or consultation, 5
- (b) the prohibition on a person holding any office of profit under or being employed for remuneration by or under a local authority, while he is or within twelve months after he has ceased to be a member of any such other local authority as is specified in the section, shall not apply with respect to an office (not being a major office) or employment to which Part II of the Act of 1941 relates. 15

Transfer of
certain powers,
etc.

22.—(1) Every power, function or duty conferred by statute on any surveyor or assistant surveyor under a local authority is hereby transferred to that local authority. 20

(2) The transfer from any surveyor or assistant surveyor effected by *subsection (1)* of this section shall be deemed not to alter his position materially to his detriment.

Special provisions
for certain
persons.

23.—(1) Where—

- (a) a person, 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), and 25
- (b) during any period or periods, being a period or periods not reckonable for the purposes of the Superannuation Acts, 1834 to 1954, such person performed the duties of a local authority by virtue of an appointment made under statute, 30

the period referred to in *paragraph (a)* of this subsection and the period or periods referred to in *paragraph (b)* of this subsection may be aggregated and deemed to be service for the purposes of the said Part II. 35

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

- (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 entered consequent upon an application duly made under subsection (1) of section 37 of that Act, 45

(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,
- (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 1954, and 50
- (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 55

subsection, but subsection (6) of section 37 of the Local Government (Superannuation) Act, 1948, shall not apply in respect of him.

24.—(1) (a) Section 23 of the Act of 1941 is hereby amended by the addition of the subsection set out in *Part I* of the *Second Schedule* to this Act. Age limit for certain offices.

(b) This subsection shall be deemed to have come into operation on the commencement of section 23 of the Act of 1941 and every declaration made before the passing of this Act and framed as a declaration under that section shall be, and shall be deemed always to have been, as valid as if this section had then come into operation, subject to the proviso that nothing in this subsection shall be construed as affecting any proceedings instituted in the High Court before the 7th day of July, 1954, in relation to any such declaration as respects the parties to those proceedings.

(c) The amendment of section 23 of the Act of 1941 comprised in paragraph (a) of the new subsection added to that section by this subsection shall not be deemed to be or involve a declaration that the law under that section was, or was considered by the Oireachtas to have been, different from the law under that section as so amended.

(2) (a) Section 6 of the Vocational Education (Amendment) Act, 1944 (No. 9 of 1944), is hereby amended by the addition of the subsection set out in *Part II* of the *Second Schedule* to this Act.

(b) This subsection shall be deemed to have come into operation on the passing of the Vocational Education (Amendment) Act, 1944, and every declaration made before the passing of this Act and framed as a declaration under that section shall be, and be deemed always to have been, as valid as if this section had then come into operation.

CHAPTER II.

Amendments of the Local Authorities (Officers and Employees) Act, 1926.

25.—(1) In this Chapter of this Part of this Act "the Principal Act" means the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926). The Principal Act.

(2) Wherever the Principal Act has been applied by any other Act to any particular office or employment or in relation to any board, committee, or other body (whether corporate or unincorporated), the Principal Act shall apply to such office or employment or in relation to such body with and subject to the amendments thereof effected by the subsequent sections of this Chapter of this Part of this Act.

26.—Section 2 of the Principal Act is hereby amended by the substitution in paragraph (b) of subsection (1) of " (not being a temporary office, a part-time office as engineer or surveyor under the council of an urban district or the commissioners of a town or an office as a teacher) " for " and every employment (not being an office or employment as a teacher) " and by the deletion of " or technical " in that paragraph. Amendment of section 2 of Principal Act.

Amendment of
section 6 of
Principal Act.

27.—(1) Section 6 of the Principal Act is hereby amended by the addition of the following subsections:—

“(5) Subsection (4) of this section shall have effect subject to the proviso that where the local authority specify a period (not less than three months) within which the person who is recommended by the Commissioners or who is thought proper by the local authority to be appointed (as the case may be) is to take up duty and notify him of the period so specified, the local authority shall not appoint him unless he takes up duty within that period.”

(6) If a person referred to in subsection (5) of this section does not take up duty within the period notified to him—

(a) the local authority shall request the Commissioners to recommend to them a person for appointment to the office,

(b) if the local authority does not, within three months after the expiration of the said period, request the Commissioners to recommend to them a person for appointment to the office, the Minister may on behalf of the local authority request the Commissioners to recommend to the local authority a person for appointment to the office,

(c) when a request has been made as aforesaid by the local authority or the Minister (as the case may be), subsections (3), (4) and (5) of this section and this subsection shall apply by reference to such request.”

(2) As well as applying in any case in which a request or recommendation is made under section 6 of the Principal Act after the commencement of this section, the provisions contained in subsection (1) of this section shall also apply in any case in which, on such commencement, a request which has not been followed by a recommendation or a recommendation which has not been followed by an appointment stands made under the said section 6.

Amendment of
section 10 of
Principal Act.

28.—Section 10 of the Principal Act is hereby amended as follows:—

(I) in subsection (1) “such fee (including, where the Commissioners consider it appropriate, a charge for medical examination) as the Commissioners, after consultation with the Minister, shall think proper” shall be substituted for “such fee as the Commissioners, after consultation with the Minister, shall think proper”;

(II) the following subsection shall be added to the section:

“(3) The fee which may be charged in pursuance of this section may be fixed from time to time by the Commissioners, after consultation with the Minister, generally in respect of all offices of a particular grade.”

Dispensing with
competitive
examination.

29.—(1) Where the Local Appointments 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 Principal Act 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 (whether existing or proposed) 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 Local Appointments Commissioners may, as respects such office or offices, dispense with the competitive examination required by the Principal Act and may select the person or persons to be recommended by them in such manner as they think proper.

In this section "the appropriate Minister" has the same meaning as "the Minister" has in the Principal Act as amended and adapted by subsequent enactments.

(2) Section 9 of the Principal Act shall not apply in any case as respects which subsection (1) of this section is applicable unless the Local Appointments Commissioners have, before the commencement of this section, dispensed with competitive examination in such case pursuant to the said section 9.

30.—(1) In this section "panel classification" means any class, description or grade of office determined for the purposes of this section by the Local Appointments Commissioners.

Panels of persons qualified for appointment to offices.

(2) The Local Appointments 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 classification, 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 Principal Act or subsection (2) of section 4 of the County Management Act, 1940 (No. 12 of 1940).

(3) Where the Local Appointments Commissioners are requested under section 6 of the Principal Act or subsection (2) of section 4 of the County Management Act, 1940 (No. 12 of 1940), to recommend a person for appointment to an office of a panel classification, the Local Appointments Commissioners, if they so think fit, may select a person from the relevant panel prepared under subsection (2) of this section and recommend such person for appointment.

(4) The Local Appointments Commissioners may, with the consent of the appropriate Minister, make rules for the purposes of subsection (2) of this section applying either generally to all panel classifications or to any particular panel classification.

In this section "the appropriate Minister" has the same meaning as "the Minister" has in the Principal Act, as amended and adapted by subsequent enactments.

PART III.

ROADS.

31.—The powers conferred by subsection (1) of section 10 of the Local Government (Ireland) Act, 1898, may be exercised with respect to the land referred to in subsection (1) of section 12 of that Act.

Production of road materials.

32.—Section 17 of the Development and Road Improvement Funds Act, 1909, is hereby amended by the insertion of "or borough or urban district" after county borough in both places where the latter words occur in the section.

Extension of application of Development and Road Improvement Funds Act, 1909.

33.—(1) This section applies to the expressions "highway", "public highway", "highway repairable by the inhabitants at large" and similar expressions.

Construction of certain expressions.

(2) To remove doubts, it is hereby declared that where an expression to which this section applies is used in a statute relating to public roads, or in an instrument made under any such statute, the expression refers, and always referred, to a road as defined in section 1 of the Act of 1925.

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Declaration of
main road.

34.—To remove doubts, it is hereby declared that the power of the Minister under section 1 of the Act of 1925 to declare a road to be a main road is, and always was, exercisable in relation to a proposed new road.

Temporary
closing of
road.

35.—(1) The local authority charged with the maintenance of a 10 road may, after giving such notice as may be prescribed, close the road or any part thereof to public traffic for such period and subject to such conditions as they think fit.

(2) Where, pursuant to a decision of a local authority under subsection (1) of this section, a road or part of a road is to be 15 closed, the local authority may by order permit the holding of a road race or similar event on it during the period for which it is to be closed.

(3) If any person without due authority uses or permits the use of a vehicle on a road closed to it under this section, or wilfully 20 obstructs or interferes with the conduct of any event permitted under this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(4) The Minister may by order annul or vary any decision or 25 order made by a local authority under this section, and the local authority shall give such public notice of the order made by the Minister as may be prescribed.

Traffic signs
on roads.

36.—(1) The following definition is hereby substituted in subsection (1) of section 69 of the Act of 1946 for the definition of the 30 expression "traffic sign":—

"the expression 'traffic sign' means any sign, device, notice or roadway marking, or any instrument for giving signals by mechanical means, which does one or more of the following:—

- (a) gives information in regard to a road, including the 35 places to which it leads, and the distances to or from such places,
- (b) warns persons of danger in relation to a road, or advises the precautions to be taken against such danger, or both,
- (c) indicates the existence of a road regulation in relation to 40 a road, or implements such a regulation, or both;"

(2) The following subsection is hereby substituted for subsection (2) of section 69 of the Act of 1946:—

"(2) (a) The Minister, if he so thinks fit, may make regulations with respect to specified traffic signs, and where a 45 traffic sign of the same kind as a traffic sign specified in any such regulations is provided by a road authority, it shall be in accordance with the regulations unless otherwise authorised by the Minister.

- (b) Regulations under this subsection may specify the 50 significance to be attached to a traffic sign specified in the regulations, but this provision shall not be construed as requiring the regulations to provide that the traffic sign is to comprise any word, words or symbol indicating precisely the significance of the 55 traffic sign."

(3) The following subsections shall be added to section 69 of the Act of 1946:—

5 “(14) A person shall not provide any such sign, device, notice or light as is not a traffic sign if, on provision thereof, it is visible from a road and is capable of being confused with a traffic sign or makes a traffic sign provided in accordance with this section less visible to road users.

10 “(15) The occupier or (in the case of unoccupied land) the owner of land on which a sign, device, notice or light is provided in contravention of subsection (14) of this section shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with an additional fine of one pound for each day on which the offence is continued.

15 “(16) Where a traffic sign, not being a traffic sign to which regulations under subsection (2) of this section relate, is provided under this section by a road authority, such traffic sign shall be in conformity with any general or particular directions that may be given from time to time by the Minister.”

20 **37.**—(1) The council of a county, the corporation of a county or other borough, the council of an urban district or the commissioners of a town may, with the consent of the Commissioner of the Garda Síochána, make arrangements for the patrolling, by persons (in this section referred to as traffic wardens) employed
25 or nominated by them, of places where school-children cross the road.

Patrol of
places where
school-children
cross the road.

30 “(2) A traffic warden may exhibit such sign as may be prescribed requiring traffic to stop and remain stopped so as to enable school-children to cross the road in safety, and traffic shall stop and remain stopped accordingly so long as the sign is exhibited.

35 “(3) A person who fails to stop a vehicle or animal or keep it stopped in accordance with subsection (2) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

40 “(4) On and after such day as may be appointed by the Minister by order, the power conferred on a traffic warden by subsection (2) of this section shall be exercisable only if the warden is wearing such uniform as may be prescribed.

45 “(5) Where a county includes any borough, urban district or town, the functional area of the council of the county shall, for the purposes of this section, be deemed not to include the borough, urban district or town.

50 “(6) In this section—

“vehicle” has the meaning assigned to it in section 3 of the Road Traffic Act, 1933 (No. 11 of 1933),

“traffic” has the meaning assigned to it in subsection (6) of section 147 of that Act,

“uniform” includes any garment, armlet or cap.

38.—(1) The Minister may by order provide—

55 “(a) for the grant and authentication of any travelling passes, certificates, authorities or other documents relating to a mechanically propelled vehicle or the driver of such a vehicle which may be required for the purpose of travel abroad by persons resident in the State, and

 “(b) for modifying in relation to mechanically propelled vehicles brought into the State by persons resident

International
circulation of
mechanically
propelled
vehicles.

outside the State, and in relation to persons so resident who are making a temporary stay in the State, the provisions of any enactment relating to the registration of mechanically propelled vehicles, the requirements to be complied with in respect of such vehicles, 5 and the licensing of drivers.

(2) Any such modification shall have effect as if it were contained in the Act modified.

(3) Any order under this section may be varied or revoked by any subsequent order under this section. 10

(4) In this section "mechanically propelled vehicle" has the same meaning as in the Road Traffic Act, 1933 (No. 11 of 1933) and references thereto include reference to a vehicle drawn by such a vehicle.

Contribution to cost of working, maintaining or improving ferry.

39.—Section 1 of the Ferries (Acquisition by Local Authorities) Act, 1919, is hereby amended by the addition of the following subsection:— 15

"(9) In lieu of effecting under this section the acquisition of a ferry, a local authority may, subject to such conditions as they think proper to impose, contribute to the cost of working, maintaining or improving the ferry." 20

Bridges, viaducts and tunnels.

40.—(1) Section 52 of the Act of 1946 is hereby amended by the addition of the following subsections:— 25

"(4) Except where the bridge order relates to the River Shannon the work may be executed notwithstanding that it constitutes or will constitute an interference with any right (including, in particular, a right of navigation, whether or not conferred by statute). 30

(5) Where the execution of the work has the effect of curtailing or terminating a private right of any person (including, in particular, a right of navigation, whether or not conferred by statute), such person may, within twelve months after completion of the work, make to the executing authority a claim for compensation in respect of such curtailment or termination and he shall be entitled to be paid compensation therefor by the executing authority and, in default of being paid such compensation when the amount thereof has been agreed upon or has been determined under this section, to recover it from the executing authority in any court of competent jurisdiction. 35 40

(6) In default of agreement, the amount of any compensation payable by a road authority under this section shall be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919 (as amended by subsequent enactments) as if the compensation were the price of land compulsorily acquired and the arbitrator shall have jurisdiction to determine whether compensation is, in the circumstances, payable at all." 45

(2) Section 53 of the Act of 1946 is hereby amended by the substitution in subsection (3) of "amend the provisions of the bridge order requiring a contribution under" for "vary a contribution required under subsection (1) of". 50

(3) Section 55 of the Act of 1946 is hereby amended by the substitution of the following subsections for subsection (2):—

"(1A) (i) Subsection (1) of this section shall not apply in a case with respect to which the Minister, by order made before the completion of the work, excludes the application of that subsection. 55

(ii) The Minister may, by order made before the completion of the work and having effect as from such completion, transfer to any road authority to which the bridge order applies any powers and duties in relation to the bridge which are powers and duties of any other road authority to which the bridge order applies, and in a case in which such an order is made, the order shall have effect in lieu of subsection (1) of the section.

(2) The Minister may by order transfer, with effect as from the completion of the work, to any road authority to which the bridge order applies any powers and duties (exclusive of powers and duties under this Part of this Act) in relation to any portion of road adjoining the bridge which are powers and duties of any other road authority to which the bridge order applies."

(4) Section 56 of the Act of 1946 is hereby amended by the substitution of the following paragraphs for paragraph (d) of subsection (2):—

"(d) amend under subsection (3) of section 53 of this Act a provision of the bridge order requiring a contribution to be made to or by a harbour authority;

(e) make an order under subsection (1A) or subsection (2) of section 55 of this Act transferring to a harbour authority any powers or duties of a road authority."

(5) Section 57 of the Act of 1946 is hereby amended by the substitution of the following subsection for subsection (2):—

"(2) where by virtue of this section the bridge order applies to a company controlling a railway or canal, the Minister shall not by virtue of this section do either of the following things save with the consent of the Minister for Industry and Commerce, that is to say:

(a) amend under subsection (3) of section 53 of this Act a provision of the bridge order requiring a contribution to be made to or by the company;

(b) make an order under subsection (1A) or subsection (2) of section 55 of this Act transferring to the company any powers or duties of a road authority."

40 **41.**—(1) A road authority may, subject to the approval of the Minister, prepare and adopt schemes for the construction, improvement, alteration, maintenance or abandonment of bridges linking places within their functional area with places in Northern Ireland. Schemes for cross-border bridges.

45 (2) A scheme adopted under this section shall contain such particulars with regard to such matters and shall be in such form as the Minister may approve, and in particular, but without prejudice to the generality of the foregoing provisions of this section, may specify the manner in which and the bodies by whom,
50 and in what proportion, the expenses are to be defrayed of carrying the scheme into effect and of the maintenance of anything constructed thereunder.

(3) Any powers for the time being exercisable by a road authority in relation to roads may be exercised for the purpose
55 of carrying into effect a scheme adopted under this section.

(4) Adoption under this section of a scheme shall be a reserved function.

PART IV.

PROVISIONS RELATING TO LOCAL FINANCE.

Borrowing by way of temporary loan or overdraft.

42.—(1) A local authority having any power to borrow may, for the purposes of providing temporarily for any expenses that may be incurred by them in the execution or performance of any of their powers and duties, borrow with the consent of the Minister by way of temporary loan or overdraft. 5

(2) The period for which a sum is borrowed under this section shall be such period, not exceeding ten years, as the Minister may sanction. 10

(3) A sum borrowed by a local authority under this section shall not be reckoned as part of the debt of such authority for the purposes of any statutory limitation of borrowing. 15

(4) In this section references to borrowing include references to reborrowing. 15

Exclusion from limitation of borrowing.

43.—(1) This section applies to a local authority being an urban sanitary authority for the purposes of the Local Government (Sanitary Services) Acts, 1878 to 1953, and not being the corporation of a county borough.

(2) A sum borrowed by a local authority to whom this section applies in relation to a water supply or sewerage system shall not be reckoned as part of the debt of such authority for the purposes of any statutory limitation of borrowing. 20

Borrowing for maintenance of town hall.

44.—(1) Section 6 of the Local Authorities (Miscellaneous Provisions) Act, 1936 (No. 55 of 1936), is hereby amended by the insertion in subsection (2) of "or maintenance" after "provision". 25

(2) Subsection (1) of this section shall be deemed to have had effect as from the passing of the Local Authorities (Miscellaneous Provisions) Act, 1936.

Rate not to be invalidated in certain circumstances.

45.—(1) A rate made by a local authority shall not be invalidated by reason only of the fact that notice relating to the revised valuation list or appeal list prepared under the Valuation Acts has not been affixed at any place in accordance with those Acts. 30

(2) As well as applying to rates made after the commencement of this section, *subsection (1)* of this section also applies, and shall be deemed always to have applied, to rates made before such commencement. 35

(3) Notwithstanding any provision of the Valuation Acts, no officer of a local authority shall be liable for failure to affix a notice at any place in accordance with those Acts. 40

Amendment of rates to be deemed not to be reserved function.

46.—In lieu of subsection (6) (repealed by this Act) of section 60 of the Act of 1941, it is hereby enacted that the powers, functions and duties conferred and imposed by that section shall be deemed not to be reserved functions. 45

Amendment of Local Authorities (Works) Act, 1949.

47.—(1) In this section "the Act" means the Local Authorities (Works) Act, 1949 (No. 17 of 1949).

(2) The expenses incurred by the council of a county on works undertaken in pursuance of subsection (2) of section 2 of the Act in relation to land owned by them or to any permanent construction 50

which was constructed by them or which they are required to maintain shall be charged in the same way as expenses of the council in connection with the maintenance of the land or permanent construction are charged.

5 (3) The expenses incurred by the council of a county on works undertaken in pursuance of subsection (3) of section 2 of the Act in relation to land not owned by them or to any permanent construction not being a permanent construction which was constructed by them or which they are required to maintain shall be
10 charged on the county health district.

01 (4) An order under subsection (1) of section 3 of the Act authorising the execution of works on behalf of a local authority may provide for a contribution by that authority towards the cost of the works and, where that authority is the council of a county
15 and the Minister considers that the contribution should be charged on the county health district, for the charge thereof on that district.

(5) An agreement under subsection (2) of section 3 of the Act for the execution of works on behalf of a local authority may provide for a contribution by that authority towards the cost of the
20 works and, where that authority is the council of a county, the contribution shall be charged in the same way as that in which, if the council themselves executed the works, their expenses would be charged.

25 (6) Compensation payable by the council of a county pursuant to the Act shall be charged in the same way as the cost of the works or the contribution of the council towards the cost of the works (as may be appropriate) is charged.

(7) Where compensation is payable under the Act by a local
30 authority executing works on behalf of another local authority:—

(a) the Minister may by order vary any order made under subsection (4) of this section so that the contribution shall comprise an amount in respect of compensation,

35 (b) any agreement entered into under subsection (2) of section 3 of the Act and providing for a contribution by such other local authority shall have effect subject to any such variation, so that the contribution shall comprise an amount in respect of compensation, as may be agreed upon between the local authorities or, in
40 default of agreement, as may be determined by the Minister.

(8) The council of a county or corporation of a county borough may, for the purposes of defraying expenses under the Act, borrow under Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, as if those purposes were
45 mentioned in that Article, and money so borrowed shall not be reckoned as part of the debt of the council or corporation for the purposes of that Article.

(9) The corporation of a borough (other than a county borough)
50 or the council of an urban district may, for the purposes of defraying expenses under the Act, borrow under the Local Government (Sanitary Services) Acts, 1878 to 1953, as if those purposes were purposes for which the corporation or council is authorised to borrow under those Acts, and money so borrowed
55 shall not be reckoned as part of the debt of the corporation or council for the purposes of any limitation on borrowing imposed by those Acts.

48.—Section 69 of the Act of 1941 is hereby amended by the addition of the following subsection:—

60 “ (12) Notwithstanding any other provision of this section, an order under this section may be framed, and shall

Audit fees

PART V.

MISCELLANEOUS.

51.—(1) Section 76 of the Act of 1946 is hereby amended by the addition of the following subsection:

Amendment of
sections 76 to
79 of Act of
1946.

5 “ (11) (a) The council of an urban district or the commissioners
of a town may cause a list of the ratepayers in
the urban district or town to be prepared, and
such list when adopted, with or without alterations,
by the council or commissioners shall, for the pur-
poses of this section, be the list of ratepayers in
10 the said district or town.

(b) Adoption under this subsection of a list of ratepayers
shall be a reserved function.”

(2) Section 77 of the Act of 1946 is hereby amended by the
15 substitution of the following subsection for subsection (4):—

“ (4) (a) Where a townland or a non-municipal town is wholly
situate in a particular county, the council of the
county may cause a list of the ratepayers in the
townland or non-municipal town to be prepared,
and such list when adopted, with or without
alterations, by the council shall, for the purposes
of this section, be the list of ratepayers in the said
townland or non-municipal town.

(b) Where part only of a townland or a non-municipal
town is situate in a particular county, the council
may cause a list of the ratepayers in the part of
the townland or non-municipal town which is
situate in the county to be prepared, and such list
when adopted, with or without alterations, by the
council shall, for the purposes of this section, be
the list of ratepayers in the said part.

(c) Adoption under this subsection of a list of ratepayers
shall be a reserved function.”

(3) Section 78 of the Act of 1946 is hereby amended by the
35 substitution for subsection (5) of the following subsections:—

“ (5) (a) The appropriate authority may cause a list of the rate-
payers in a street to be prepared, and such list
when adopted, with or without alterations, by the
appropriate authority shall, for the purposes of this
section, be the list of ratepayers in the street.

(b) Adoption under this subsection of a list of ratepayers
shall be a reserved function.

(6) In this section—

the word ‘street’ includes part of a street and also the whole or
45 part of any road, square, lane or other public place,

the expression ‘appropriate authority’ means—

(a) as respects a street wholly situate, or a building or other
erection situate, in a county, the council of the county,

(b) as respects a street wholly situate, or a building or other
erection situate, in a county or other borough, the cor-
poration of the borough,

(c) as respects a street wholly situate, or a building or other
erection situate, in an urban district, the council of the
urban district,

(d) as respects a street wholly situate, or a building or other erection situate, in a town, the commissioners of the town, and

(e) as respects any other street, such two of the said local authorities as may be appropriate acting jointly.” 5

(4) In sections 76 to 79 of the Act of 1946 (including the subsections added by the foregoing subsections of this section) “ratepayer” shall, with respect to a small dwelling within the meaning of the Local Government (Rates on Small Dwellings) Act, 1928 (No. 4 of 1928), of which the owner within the meaning of that Act is not also the occupier, mean the occupier and not the owner. 10

Grant towards provision of building by approved local council.

52.—(1) Section 73 of the Act of 1941 is hereby amended by the addition of the following subsections:—

“ (4) The county council may—

(a) make a grant to an approved local council towards 15 the provision by the local council of a building for public or other meetings and for lectures, exhibitions, general recreation or other similiar social objects, and

(b) as a condition of making the grant, require the 20 local council to enter into such agreements with the county council governing the use and disposal of the building as the county council consider proper.

(5) The county council may, for the purposes of this section, borrow in the same manner as they may borrow for the 25 purpose of defraying expenses under the Local Government (Sanitary Services) Acts, 1878 to 1953.

(6) Money borrowed pursuant to this section may be lent to the county council by means of an issue from the local loans fund as if such loan constituted a local loan within the mean- 30 ing of the Local Loans Fund Acts, 1935 to 1953, and was authorised by an Act of the Oireachtas.”

(2) Functions of the council of a county under subsection (1), (2), (3) or (4) of section 73 of the Act of 1941 shall be reserved functions. 35

Contribution to body providing swimming facilities.

53.—(1) This section applies to a local authority being a sanitary authority for the purposes of the Local Government (Sanitary Services) Acts, 1878 to 1953.

(2) A local authority to whom this section applies, may, with the consent of the Minister and subject to such terms and condi- 40 tions as they think fit, contribute to the funds of a society, club, committee or other body providing or proposing to provide swimming facilities.

(3) A local authority to whom this section applies may borrow for the purpose of making a contribution under this section in 45 the same manner as they may borrow for the purpose of defraying expenses under the Local Government (Sanitary Services) Acts, 1878 to 1953.

(4) Money borrowed pursuant to this section may be lent to a local authority by means of an issue from the local loans fund as 50 if such loan constituted a local loan within the meaning of the Local Loans Fund Acts, 1935 to 1953, and was authorised by an Act of the Oireachtas.

(5) The making of contributions under this section shall be a reserved function. 55

54.—(1) The corporation of a borough other than a county borough, the council of an urban district or the commissioners of a town may authorise the expenditure of moneys on the decoration of the borough, urban district or town on occasions of public rejoicing and other appropriate occasions. Decorations

(2) The expenses incurred under this section in any local financial year by the corporation of a borough, the council of an urban district or the commissioners of a town shall not exceed the amount of a rate of three pence in the pound on the rateable valuation of the borough, urban district or town.

(3) Authorisation of expenditure under this section shall be a reserved function.

(4) Section 76 of the Local Government (Dublin) Act, 1930 (No. 27 of 1930) is hereby amended by the deletion in subsection (1) of "and for the passing of which not less than two-thirds of the members of the Council shall have voted."

55.—(1) The council of a county or corporation of a county borough may, with the consent of the Minister, contribute to the funds of a society, committee or other body providing or proposing to provide a museum for the reception of objects of local antiquarian interest and may assist such society, committee or other body by providing a building for their use, supplying them with furniture, office equipment and stationery or by paying the whole or part of the remuneration of any person employed in relation to the museum. Contribution to body providing museum.

(2) The making of contributions or the granting of assistance under this section shall be a reserved function.

56.—(1) Where a limit is imposed by statute on the amount of a rent, toll, stallage, fee or other charge which may be demanded or taken by a local authority in relation to a market or fair, or in respect of the use of or for services provided by means of an abattoir or slaughter-house, the reference in the statute to the limit shall be construed as including a reference to such different limit as may be substituted therefor by the local authority from time to time with, in the case of an abattoir or slaughter-house, the consent of the Minister for Agriculture (given after consultation with the Minister) and, in any other case, the consent of the Minister (given after consultation with the Minister for Agriculture). Alteration of market charges, etc.

(2) Substitution under this section shall be a reserved function.

57.—(1) Where—

(a) a local authority are of opinion that it would be more convenient that any power, function or duty which may be exercised or performed by them should be exercised or performed, whether generally or in a particular case, by another local authority, and Exercise or performance of power, function or duty of local authority by another local authority.

(b) the other local authority are able and willing so to exercise or perform the power, function or duty,

the authorities may enter into an agreement that the power, function or duty shall be so exercised or performed on behalf of

the first-mentioned authority by the other, and it shall thereupon become exercisable or performable by the other authority in accordance with the agreement.

(2) This section is without prejudice to section 47 of the Health Act, 1953 (No. 26 of 1953), and an agreement shall not be made under this section in a case in which an arrangement could be made under the said section 47.

(3) Entry under this section into an agreement shall be a reserved function.

Advisory
Committees.

58.—(1) A local authority may appoint such and so many committees as they think fit to consider any matters connected with the functions of the local authority (exclusive of matters referred to in subsection (4) of section 22 of the National Monuments Act, 1930 (No. 2 of 1930), or subsection (1) of section 48 of the Health Act, 1953 (No. 26 of 1953)) and to advise the local authority on those matters.

(2) A committee under this section shall consist of not less than three members and may be composed wholly of members of the local authority by whom they were appointed, or partly of such members and partly of other persons.

Regulations
with respect to
meetings, etc.

59.—(1) The Minister may by regulations make provision in relation to all or any local authorities with respect to all or any of the following matters:—

- (a) summoning and holding of meetings,
- (b) procedure,
- (c) making of contracts,
- (d) accounts,
- (e) audit of accounts,
- (f) matters which are subsidiary or ancillary to any of the foregoing matters.

(2) From and after the commencement of regulations under this section, the matters with respect to which the regulations were made shall, as respects any local authority concerned, be governed by the provisions of the regulations, and any previous provisions, whether made by or under statute, applying to that authority and relating to those matters shall cease to have effect as respects that authority.

(3) Regulations under this section relating to—

- (a) mental hospital authorities within the meaning of the Mental Treatment Act, 1945 (No. 19 of 1945),
- (b) joint boards established by order under section 45 of the Health Act, 1953 (No. 26 of 1953), or
- (c) consultative health committees appointed under section 48 of the Health Act, 1953, or under regulations made under that section,

shall not be made save with the consent of the Minister for Health.

(4) Every regulation made 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 regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

- 60.—(1) A local authority may make standing orders for the regulation of their proceedings, other than proceedings the regulation of which is provided for by or under statute (including this Act), and may amend or revoke such standing orders. Standing Orders for regulation of proceedings.
- 5 (2) Standing orders in force immediately before the commencement of this section shall continue in force notwithstanding the repeal by this Act of the powers under which they were made and may be amended or revoked by standing orders under this section.
- 10 61.—Section 90 of the Act of 1946 is hereby amended as follows : Separate appearance at local inquiry by manager.
- (a) by the substitution in subsection (1) of “ the manager for the local authority may, with the consent of the Minister, appear separately at the inquiry and such appearance may be personal or by counsel or solicitor ” for
- 15 “ the Minister may, if he so thinks proper, order that the manager for the local authority may appear separately at the inquiry ”, and
- (b) by the substitution for subsection (2) of the following subsection :
- 20 “ (2) Where the manager for a local authority appears separately at a local inquiry pursuant to subsection (1) of this section, the employment and instruction of the counsel or solicitor appearing at the inquiry on behalf of the local authority shall be a reserved function.”
- 25 62.—Section 91 of the Act of 1946 is hereby amended by the insertion in subsection (1) after “ Where a local inquiry has been held under section 83 of the Act of 1941 ” of “ or has been held at the instance of the Minister under any other Act ” and by
- 30 the insertion in that subsection after “ in relation to the inquiry ” of “ (including the costs and expenses reasonably incurred by a manager appearing separately pursuant to subsection (1) of section 90 of this Act) ”. Contribution towards costs and expenses in relation to local inquiry.
- 63.—The following provisions shall have effect in relation to
- 35 the commissioners of a town which is not an urban district :— Incorporation of commissioners of town which is not an urban district.
- (a) the commissioners shall become and be for all purposes a body corporate with perpetual succession by the name of “ the Town Commissioners ” (the name of the town being inserted);
- 40 (b) the commissioners may sue and be sued in their corporate name and may hold and dispose of land for the purposes of their powers and duties;
- (c) the commissioners shall have a common seal which shall be judicially noticed;
- 45 (d) all property which, immediately before the commencement of this section, was vested in or held in trust by any person for the purposes of the commissioners shall, without any conveyance or assignment, become and be vested in the commissioners;
- 50 (e) if at any time an order is made under section 76 of the Act of 1946 changing the name of the town, the name of the commissioners shall, as from the coming into operation of such order, stand changed correspondingly.
- 64.—(1) An order made by a sanitary authority under section 31
- 55 of the Local Government (Sanitary Services) Act, 1948 (No. 3 of 1948), may be revoked— Revocation of order prohibiting temporary dwellings.
- (a) in case it is an order which has come into force pursuant to paragraph (a) of subsection (8) of that section—by order made by the authority with the consent of the
- 60 Minister or by order made by the Minister after consultation with the authority, and

(b) in any other case—by order made by the authority with the consent of the Minister.

(2) The making by a sanitary authority of an order under this section shall be a reserved function.

Travelling
expenses.

65.—(1) Section 80 of the Act of 1941 and section 67 of the Act of 1946, and those sections as applied by section 8 of the Public Libraries Act, 1947 (No. 40 of 1947), shall have effect subject to the following amendments:—

(a) every reference to a person's official residence shall be construed as a reference to his ordinary place of residence,

(b) subsection (6) of the said section 80 shall be deleted,

(c) "one mile" shall be substituted in subsection (7) of the said section 67 for "three miles".

(d) the following paragraphs shall be added to subsection (7) of the said section 67:

"Where—

(i) a member of the council of a county or of a joint mental hospital board attends a meeting of the council or board at a place less than five miles by any route from his official residence and is obliged by reason of such attendance to remain away from his home for a continuous period of not less than three hours, and

(ii) a resolution by the council or board deciding that this paragraph is to apply in relation to the council or board is for the time being in force,

the council or board shall pay to the member in relation to the meeting an inclusive allowance (not exceeding an amount specified by the prescribed rules) in respect of travelling expenses and subsistence, and such allowance shall, in a case in which, apart from this paragraph, an allowance would be payable under the first paragraph of this subsection, be in lieu of, and not in addition to, that allowance.

A resolution under the second paragraph of this subsection may be revoked at any time by another resolution of the council or board concerned.

The passing of a resolution under the second or third paragraph of this subsection shall be a reserved function."

(2) Every member of a body to whom the said sections or the said sections as applied as aforesaid apply shall, immediately after becoming such member, communicate in writing to the body the address at which he ordinarily resides and shall similarly communicate any subsequent change of his address.

Alteration of
boundaries of
certain public
assistance
districts.

66.—Section 7 of the Public Assistance Act, 1939 (No. 27 of 1939), is hereby amended by the addition of the following subsection:—

"(4) Notwithstanding any other provision of this Act, the Minister may, with the consent of the Minister for Health, by order alter the boundaries of the Dublin Public Assistance District, the Rathdown Public Assistance District or the Balrothery Public Assistance District, and the order shall make such consequential alterations in the boundaries of any adjoining public assistance district as the Minister considers appropriate."

Provision of
money for
certain public
assistance
authorities.

67.—Section 53 of the Public Assistance Act, 1939 (No. 27 of 1939), is hereby amended by the insertion after "Where a public assistance district consists of a county borough and a county or part of a county" of "or consists of a part of a county borough and a part of a county".

FIRST SCHEDULE.

Section 5.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short title	Extent of Repeal
10 & 11 Vic., c. 16.	Commissioners Clauses Act, 1847.	Section 96.
17 & 18 Vic., c. 103.	Towns Improvement (Ireland) Act, 1854.	Section 94.
18 & 19 Vic., c. 40.	Public Libraries Act (Ireland), 1855.	Section 7.
26 & 27 Vic., c. xiv.	Dungarvan Harbour, Markets and Improvement Act, 1863.	Sections 23 to 31.
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	The words "not being more than threepence for each separate entry of death" in section 191; subsection (3) of section 238.
59 & 60 Vic., c. 11.	Housing of the Working Classes (Ireland) Act, 1896.	All words in subsection (1) of section 1 from "and if such town commissioners" to the end of the subsection; subsection (2) of section 1.
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.	Subsections (7) and (8) of section 51; section 71.
	Local Government (Application of Enactments) Order, 1898.	Paragraph (xiv) of sub-article (10) of Article 36 of the Schedule.
2 Edw. VII., c. 38.	Local Government (Ireland) Act, 1902.	Section 4.
8 Edw. VII., c. 38.	Irish Universities Act, 1908.	All words in subsection (2) of section 10 from the words "Any expenses" to the end of the subsection.
9 Edw. VII., c. 37.	Motor Car (International Circulation) Act, 1909.	The whole Act.
11 & 12 Geo. V., c. 67.	Local Authorities (Financial Provisions) Act, 1921.	Section 3.
No. 5 of 1925.	Local Government Act, 1925.	Section 29.
No. 8 of 1926.	Acquisition of Land (Allotments) Act, 1926.	Subsection (3) of section 2.
No. 39 of 1926.	Local Authorities (Officers and Employees) Act, 1926.	The words "and every person so appointed shall hold office until a person is appointed to such office under the provisions (other than this subsection) of this Act" in section 5.
No. 50 of 1931.	Housing (Miscellaneous Provisions) Act, 1931.	Subsection (2) of section 43.
No. 55 of 1936.	Local Authorities (Miscellaneous Provisions) Act, 1936.	Section 11.
No. 23 of 1941.	Local Government Act, 1941.	Sections 12, 22, 26 and 30; subsection (6) of section 60; paragraph (c) of section 63; sections 64 and 65.
No. 30 of 1945.	Local Authorities (Acceptance of Gifts) Act, 1945.	Section 5.
No. 24 of 1946.	Local Government Act, 1946.	Sections 33, 36, 39 and 42.
No. 3 of 1948.	Local Government (Sanitary Services) Act, 1948.	Paragraph (g) of subsection (1) of section 43.

SECOND SCHEDULE.

SUBSECTIONS REFERRED TO IN *Section 24* OF THIS ACT.

PART I.

"(5) (a) Where a declaration is made under this section before the 7th day of July, 1954, the declaration shall have effect in relation only to a holder who by law is entitled to or may be granted a superannuation allowance on his resigning or otherwise ceasing to hold office and subsection (3) of this section shall, with respect to the declaration, be construed accordingly. 5 10

(b) Where a declaration is made under this section on or after the 7th day of July, 1954—

(I) the following provisions shall have effect:—

(i) the declaration shall have effect in relation only to— 15

(A) a holder who by law is entitled to or may be granted a superannuation allowance on his resigning or otherwise ceasing to hold office, and

(B) a holder who, if he continues to hold until he reaches a particular age greater than the specified age contained in the declaration, will then, and only then by law be entitled to or be capable of being granted a superannuation allowance on his resigning or otherwise ceasing to hold office, 20 25

(ii) the reference in the declaration to the said specified age shall have effect in the case of a holder specified in clause (B) of the foregoing subparagraph as if it were a reference to the particular age referred to in that clause, 30

and subsection (3) of this section shall, with respect to the declaration, be construed accordingly,

(II) the declaration may relate to all the offices in relation to which the declaring Minister is the appropriate Minister or to such of those offices as belong to a specified class, description or grade or to one or more specified such offices notwithstanding any other provision made by or under statute in relation to holding such offices, offices of such class, description or grade or such one or more specified offices (including, in particular, a provision for holding office until death, resignation or removal from office) and in any such case, the declaration and this section shall have effect notwithstanding such other provision. 35 40 45

(c) A declaration under this section may be framed either with or without indication of the effect of this subsection." 50

PART II.

"(5) (a) Where a declaration is made under this section before the 7th day of July, 1954, the declaration shall have effect in relation only to a holder who by law is entitled to or may be granted a superannuation allowance on his resigning or otherwise ceasing to hold office and subsection (3) of this section shall, with respect to the declaration, be construed accordingly. 55

(b) Where a declaration is made under this section on or after the 7th day of July, 1954—

(I) the following provisions shall have effect :—

5 (i) the declaration shall have effect in relation only to—

(A) a holder who by law is entitled to or may be granted a superannuation allowance on his resigning or otherwise ceasing to hold office, and

10 (B) a holder who, if he continues to hold until he reaches a particular age greater than the specified age contained in the declaration, will then, and only then by law be entitled to or be capable of being granted a superannuation allowance on his resigning or otherwise ceasing to hold office,

15 (ii) the reference in the declaration to the said specified age shall have effect in the case of a holder specified in clause (B) of the foregoing subparagraph as if it were a reference to the particular age referred to in that clause,

and subsection (3) of this section shall, with respect to the declaration, be construed accordingly,

25 (II) the declaration may relate to all the offices in relation to which the declaring Minister is the appropriate Minister or to such of those offices as belong to a specified class, description or grade or to one or more specified such offices notwithstanding any other provision made by or under statute in relation to holding such offices, offices of such class, description or grade or such one or more specified offices (including, in particular, a provision for holding office until death, resignation or removal from office) and in any such case, the declaration and this section shall have effect notwithstanding such other provision.

30 (c) A declaration under this section may be framed either with or without indication of the effect of this subsection."

BILLE

(mar a leasaíodh i gCoiste)

dá ngairmtear

Acht do dhéanamh socruithe bhreise agus feabhsaithe i dtaobh rialtais aitiúil agus do dhéanamh leasuithe áirithe ar an dlí a bhaineas le rialtas áitiúil agus do dhéanamh socruithe i dtaobh níthe eile a bhaineas leis na nithe réamhráite.

An tAire Rialtais Aitiúil a thug isteach.

Do hordaíodh, ag Dáil Éireann, do chlóbhuailadh, 9 Feabhra, 1955.

BILL

(as amended in Committee)

entitled

An Act to make further and better provision in relation to local government and to make certain amendments in the law relating to local government and to provide for other matters connected with the matters aforesaid.

Introduced by the Minister for Local Government.

Ordered by Dáil Éireann, to be printed, 9th February, 1955.

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

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