



AN BILLE RIALTAIS AITIUIL (Uimh. 2), 1960.
LOCAL GOVERNMENT (No. 2) BILL, 1960.

Mar a ritheadh ag dhá Theach an Oireachtais.
As passed by both Houses of the Oireachtas.

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AN BILLE RIALTAIS AITIUIL (Uimh. 2), 1960.
LOCAL GOVERNMENT (No. 2) BILL, 1960.

BILL

entitled

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

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 (No. 2)
Act, 1960. 15

(2) The collective citation “the Local Government Acts, 1925
to 1960” shall include this Act.

(3) The Local Government Acts, 1925 to 1960, shall be construed
together as one Act.

Interpretation.

2.—(1) In this Act “the appropriate Minister” means— 20

(a) if the relevant borrowing, lending or acquisition relates
to matters as respects which the Ministerial functions
relating to them are vested in a single Minister other
than the Minister for Local Government—that Minister,

(b) if it relates to matters as respects which the Ministerial 25
functions relating to them are vested in two or more
Ministers (neither or none of whom is the Minister for
Local Government)—such one of those Ministers as has
the greater or greatest interest in the matters, and

(c) in all other cases—the Minister for Local Government. 30

(2) If, in relation to *paragraph* (b) of the foregoing subsection,
any doubt arises as to which one of two or more Ministers has the
greater or greatest interest, the doubt shall be determined by the
Minister for Local Government.

(3) In this Act “land” includes water and any estate or interest 35
in land or water and any easement or right in, to or over land or
water.

(4) References in this Act to borrowing include references to
reborrowing.

Laying of
regulations
before Houses of
the Oireachtas.

3.—Every regulation made under this Act shall be laid before 40
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 45
anything previously done thereunder.

PART II.

BORROWING AND LENDING OF MONEY.

4.—(1) Subject to *subsection (2)* of this section and any regulations under *subsection (3)* of this section—

- 5 (a) a local authority may borrow money,
(b) the borrowing may be effected in any manner which the local authority consider suitable, including, in particular, by way of mortgage, drawing of bills of exchange, issue of stock or bonds, temporary loan or overdraft,
10 (c) the loan and the interest or dividends thereon may be secured on the revenues, funds or property of the local authority.
- 15 (2) (a) Borrowing under this section, other than excepted borrowing, shall not be effected save with the sanction of the appropriate Minister.
(b) The appropriate Minister may by direction except any borrowing from the foregoing paragraph, and the reference in that paragraph to excepted borrowing shall
20 be construed as a reference to borrowing so excepted.

(3) The Minister for Local Government may, after consultation with the Minister for Finance, make regulations in relation to borrowing by local authorities and such regulations may, in particular, make provision with respect to all or any of the following
25 matters:

- (a) sources of loans,
(b) periods for repayment of loans,
(c) charging of and security for loans,
30 (d) in the case of mortgages, the form thereof, the registers to be kept in relation thereto, the transfer thereof and the form of such transfers and the appointment and powers of receivers.

5.—(1) A local authority may, subject to the sanction of the appropriate Minister, lend money, on such terms as to repayment
35 and other matters as they consider proper, to another local authority.

(2) If a sum, which consists either of a portion of a loan advanced pursuant to this section by the council of a county to the commissioners of a town which is not an urban district and which
40 is situated in the county, or of interest on any such loan, is not included in the appropriate demand under subsection (1) of section 26 of the Local Government Act, 1946, it shall be deemed to have been included in the demand and subsection (4) of section 10 of that Act shall have effect accordingly.

45 (3) Lending under this section shall be a reserved function.

6.—(1) Where a local authority borrow by way of an issue of stock, the stock shall be created, issued, transferred, dealt with, redeemed and extinguished in such manner, on such terms and in accordance with such provisions as may be prescribed by the
50 Minister for Local Government by regulations.

(2) Without prejudice to the generality of *subsection (1)* of this section, regulations under this section may make provision in respect of any of the following matters:

- 55 (a) the discharge of any loan raised by the stock issued in accordance with the regulations,
(b) in the case of consolidation of debt, for extending or varying the times within which loans may be discharged,
(c) consent of limited owners,
(d) the application of the Acts relating to stamp duties and
60 to cheques,
(e) disposal of unclaimed dividends.

(3) Every regulation continued in force by subsection (6) of section 87 of the Local Government Act, 1946, shall, without prejudice to the provisions of that subsection, be treated as regulations made under this section and, as so treated, shall be capable of being amended or revoked by regulations under this section. 5

Issues from
local loans fund.

7.—Money borrowed pursuant to this Part of this Act may be lent by means of an issue from the local loans fund as if the loan constituted a local loan within the meaning of the Local Loans Fund Acts, 1935 to 1957, and was authorised by an Act of the Oireachtas. 10

Payment of
contributions
to loan charges
to lender.

8.—Where a Minister makes contributions to the loan charges in respect of a loan obtained by a local authority, he may, if he so thinks proper and subject to the consent of the lender, make any such contributions directly to the lender and they shall then be treated as corresponding payments of loan charges by the local authority. 15

General
restriction.

9.—A local authority shall not
(a) borrow money, or
(b) lend money to another local authority,
save pursuant to this Part of this Act. 20

PART III.

MISCELLANEOUS.

Extension of
compulsory
acquisition under
Housing of the
Working Classes
Acts, 1890 to
1958.

10.—(1) Where—

- (a) a local authority intend to acquire compulsorily any land, whether situate within or outside their functional area, 25
for purposes for which they are capable of being authorised by law to acquire land compulsorily,
- (b) those purposes are purposes other than the purposes of the Housing of the Working Classes Acts, 1890 to 1958, or are purposes some only of which are purposes of 30
those Acts, and
- (c) the local authority consider that it would be convenient to effect the acquisition under those Acts,
the local authority may decide so to effect the acquisition.

(2) Where— 35

- (a) a local authority consider that any land, whether situate within or outside their functional area, would, if acquired by them, be suitable for the provision of halls, buildings and offices for the local authority, and
- (b) the local authority consider that it would be convenient 40
to effect the acquisition under the Housing of the Working Classes Acts, 1890 to 1958,
the local authority may decide so to effect the acquisition.

(3) (a) Where a local authority make a decision under *subsection (1) or (2) of this section*, they may be authorised 45
to purchase the land compulsorily by means of a compulsory purchase order as provided for by section 37 of the Housing (Miscellaneous Provisions) Act, 1931, and Parts I and II of the Second Schedule thereto, as amended by sections 24 and 25 of the Housing (Amend- 50
ment) Act, 1958.

1931, No. 50.

1958, No. 27.

(b) For the purposes of the foregoing paragraph "the Minister", wherever that expression occurs in section 37 of the Housing (Miscellaneous Provisions) Act, 1931, and Part I of the Second Schedule thereto and in 55
sections 24 and 25 of the Housing (Amendment) Act, 1958, shall be construed as referring to the appropriate Minister.

- (4) (a) The provisions of section 17 (as amended by subsection (2) of section 23 of the Housing (Financial and Miscellaneous Provisions) Act, 1932) and subsection (1) of section 41 of the Housing (Miscellaneous Provisions) Act, 1931, shall apply in relation to an order made by virtue of this section and "the Minister", wherever that expression occurs in the said section 17 as so applied, shall be construed as referring to the appropriate Minister. 1932, No. 19.
- 5
- 10 (b) The provisions of sections 30, 36, 45 and 49 of the Housing (Miscellaneous Provisions) Act, 1931, and the provisions of section 50 of that Act as modified by section 18 of the Housing (Amendment) Act, 1954, are hereby extended so as to have effect for the purposes of this section, and "the Minister", wherever that expression occurs in subsections (2) and (3) of the said section 45 as so extended, shall be construed as referring to the appropriate Minister. 1954, No. 16.
- 15
- 20 (c) The provisions of subsection (2) of section 18 of the Housing (Miscellaneous Provisions) Act, 1931, as amended by section 20 of the Housing (Amendment) Act, 1958, shall apply in relation to land acquired by means of an order made by virtue of this section.
- (5) The provisions of section 32 of the Housing (Amendment) Act, 1948, shall apply with respect to the costs payable by a local authority in respect of the acquisition of land by means of an order made by virtue of this section. 1948, No. 1.
- 25
- (6) (a) Where—
- (i) an order is made by virtue of this section, and
- 30 (ii) there is a public right of way over the land to which the order relates or any part thereof,
- the order may authorise the local authority, by order made by them after they have acquired such land or part, to extinguish the right of way.
- 35 (b) Where—
- (i) an order made by virtue of this section authorises the extinguishment of a public right of way, and
- (ii) apart from this paragraph, it would not be obligatory on the Minister to cause a public local inquiry to be held pursuant to Part I of the Second Schedule to the Housing (Miscellaneous Provisions) Act, 1931,
- 40
- it shall be obligatory on the Minister to cause the inquiry to be held save where he thinks fit not to confirm the order.
- 45
- (7) A local authority may, in a case in which they have made a decision under subsection (1) of this section, be authorised to purchase land compulsorily by means of a single order made by virtue of this section irrespective of the number of the purposes for which the land is required.
- 50
- (8) Where a local authority intend to make an order by virtue of this section and the land is situate outside their functional area, it shall not be necessary for them to obtain the consent provided for by section 29 of the Housing (Amendment) Act, 1952. 1952, No. 16.
- 11.—(1) In subsection (1) of section 10 of the Local Government (Ireland) Act, 1898—
- (a) "A county council" shall be construed as referring to any local authority,
- (b) "county" shall, in both places where that word occurs without qualification, be construed as referring to the functional area of the local authority in question, and
- 60

Amendment of section 10 of Local Government (Ireland) Act, 1898.

- (c) "powers and duties" shall be construed as referring to all such powers, functions and duties as may at any material time stand exercisable or performable by the local authority in question.

(2) In subsection (2) of the said section 10 "A county council" 5 shall be construed as referring to any local authority.

Extension of
certain
authorisations.
1955, No. 9.

12.—Where—

- (a) consequent upon an agreement under section 59 of the Local Government Act, 1955, a power, function or duty becomes exercisable or performable by a local authority, 10 and

- (b) the body which is the other party to the agreement would, if they exercised or performed the power, function or duty, be authorised by law to do any act or thing in relation to such exercise or performance, 15

the local authority shall be authorised to do that act or thing in relation to the exercise or performance by them of the power, function or duty as if they were that body.

Power of
local
authority
to inspect
land.

13.—(1) An officer or agent of a local authority who is duly authorised in that behalf by the authority may, subject to the provisions of this section, enter on any land at all reasonable times between the hours of 9 a.m. and 6 p.m. for the purpose of ascertaining whether the land is or is not suitable for acquisition by the authority. 20

(2) A person entering on land under this section may do thereon 25 all things reasonably necessary for the purpose for which the entry is made and, in particular, may survey, make plans, take levels, make excavations, and examine the depth and nature of the subsoil.

(3) Before a person enters under this section on any land, the local authority on whose authority the entry is proposed to be made shall either obtain the consent (in the case of occupied land) of the occupier or (in the case of unoccupied land) the owner or shall give to the owner or occupier (as the case may be) not less than fourteen days' notice in writing of the intention to make the entry. 30 35

(4) A person to whom a notice of intention to enter on land has been given under this section by a local authority may, not later than fourteen days after the giving of such notice, apply, on notice to such local authority, to the justice of the District Court 40 having jurisdiction in the district in which the land is situate for an order prohibiting the entry, and, upon the hearing of the application, the justice may, if he so thinks proper, either wholly prohibit the entry or specify conditions to be observed by the person making the entry. 45

(5) Where a justice of the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under this section on the land, and where a justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters 50 under this section on the land shall observe the conditions so specified.

(6) A person who suffers damage by anything done under this section on any land and, within six months after such thing is done, makes to the local authority on whose authority the land was entered under this section a claim for compensation in respect of the damage shall be entitled to be paid by the authority reasonable compensation for the damage 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 60 authority in any court of competent jurisdiction as a simple contract debt.

(7) In default of agreement, the amount of any compensation payable by a local authority under this section shall, if the amount claimed in respect thereof does not exceed fifty pounds, be determined by the District Court or, in any other case, 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.

(8) Every person who, by act or omission, obstructs an officer or agent of a local authority in the lawful exercise of the powers conferred by 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 together with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued.

14.—(1) The council of a county may, subject to such limits as may be fixed from time to time by the Minister for Local Government, make annual contributions to the funds of the County Councils General Council.

Annual
contributions to
County Councils
General Council.

(2) *Subsection (1)* of this section shall come into operation on the 1st day of April, 1961, and no payment by way of subscription shall be made after that day under section 16 of the Local Government (Ireland) Act, 1902, as amended by section 78 of the Local Government Act, 1925.

1925, No. 5.

BILLE

dá ngairtear

Acht do dhéanamh soerú breise agus feabhsaithe maidir le rialtas áitiúil agus do dhéanamh leasuithe áirithe ar an dlí a bhaineann le rialtas áitiúil agus do dhéanamh soerú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

*Rite ag dhá Theach an Oireachtais,
14 Nollaig, 1960.*

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 díoltir leabhar.

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[*Luach : Naoi bPingne Glan.*]

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BILL

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.

*Passed by both Houses of the Oireachtas,
14th December, 1960.*

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