



AN BILLE UM ACHOMHAIRC PHLEANALA, 1967
PLANNING APPEALS BILL, 1967

Mar a tugadh isteach
As introduced

ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Interpretation.
3. Collective citation and construction.
4. Establishment of Appeals Board.
5. Additional members.
6. Amendments to Principal Act.
7. Amendment of S.I. No. 216 of 1964.
8. General.
9. Officers and servants.

2.—In this Act—

“the Principal Act” means the Local Government (Planning and Development) Act, 1963.

“the Board” means the Appeals Board established under section 4 of this Act and includes a reference to a single member of the Appeals Board dealing with or hearing an appeal or application made to the Appeals Board under the Principal Act.

3.—This Act and the Principal Act may be cited together as the Local Government (Planning and Development) Acts, 1963 to 1967, and shall be construed together as one Act.

4.—(1) There shall be established a Board to be known as the Appeals Board consisting of a Chairman and two ordinary members of whom one shall be appointed from each of the panels specified in subsection (4) of this section to fulfil the functions assigned to it by this Act.

(2) (a) The Chairman of the Board shall be a Judge of the Supreme Court, the High Court or the Circuit Court and shall be assigned by the Chief Justice after consultation with the President of the High Court and the President of the Circuit Court with his own consent to act as Chairman of the Board and upon the condition that he shall retain office as such Judge notwithstanding his appointment as Chairman.



AN BILL TO AMEND THE APPEALS ACT, 1961
PLANNING APPEALS BILL, 1967

As introduced
in a small form

ARRANGEMENT OF SECTIONS

Section	
1.	Short title.
2.	Interpretation.
3.	Collective citation and construction.
4.	Establishment of Appeals Board.
5.	Additional members.
6.	Amendments to Principal Act.
7.	Amendment of S.I. No. 216 of 1961.
8.	Constitution.
9.	Officers and servants.



AN BILLE UM ACHOMHAIRC PHLEANALA, 1967
PLANNING APPEALS BILL, 1967

BILL

entitled

AN ACT TO AMEND THE LOCAL GOVERNMENT 5
(PLANNING AND DEVELOPMENT) ACT, 1963 AND THE
LOCAL GOVERNMENT (PLANNING AND DEVELOP-
MENT) ACT, 1963 (APPEALS AND REFERENCES)
REGULATIONS, 1964, TO PROVIDE FOR THE ESTAB-
LISHMENT OF AN APPEALS BOARD FOR THE 10
PURPOSE OF APPEALS UNDER THE LOCAL
GOVERNMENT (PLANNING AND DEVELOPMENT) ACT,
1963, TO PROVIDE FOR THE PAYMENT OF THE
EXPENSES OF THE APPEALS BOARD AND TO PROVIDE
FOR OTHER MATTERS CONNECTED WITH THE 15
MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Short title

1.—This Act may be cited as the Planning Appeals Act, 1967.

Interpretation.

2.—In this Act—

1963, No. 28.

“the Principal Act” means the Local Government (Planning and 20
Development) Act, 1963.

“the Board” means the Appeals Board established under *section 4*
of this Act and includes a reference to a single member of the
Appeals Board dealing with or hearing an appeal or application
made to the Appeals Board under the Principal Act. 25

Collective
citation and
construction.

3.—This Act and the Principal Act may be cited together as the
Local Government (Planning and Development) Acts, 1963 to 1967,
and shall be construed together as one Act.

Establishment
of
Appeals Board.

4.—(1) There shall be established a Board to be known as the
Appeals Board consisting of a Chairman and two ordinary members 30
of whom one shall be appointed from each of the panels specified in
subsection (4) of this section to fulfil the functions assigned to it by
this Act.

(2) (a) The Chairman of the Board shall be a Judge of the
Supreme Court, the High Court or the Circuit Court and 35
shall be assigned by the Chief Justice after consultation
with the President of the High Court and the President
of the Circuit Court with his own consent to act as
Chairman of the Board and upon the condition that he
shall retain office as such Judge notwithstanding his 40
appointment as Chairman.



BILL

enacted

AN ACT TO AMEND THE LOCAL GOVERNMENT
(PLANNING AND DEVELOPMENT) ACT, 1967 AND THE
LOCAL GOVERNMENT PLANNING AND DEVELOP-
MENT ACT, 1967 (APPEALS AND REFERENCES)
REGULATIONS, 1967 TO PROVIDE FOR THE ESTAB-
LISHMENT OF AN APPEALS BOARD FOR THE
PURPOSE OF APPEALS UNDER THE LOCAL
GOVERNMENT (PLANNING AND DEVELOPMENT) ACT,
1967 TO PROVIDE FOR THE PAYMENT OF THE
EXPENSES OF THE APPEALS BOARD AND TO PROVIDE
FOR OTHER MATTERS CONNECTED WITH THE
MATTERS AFORESAID.

BE IT ENACTED BY THE LEGISLATURE AS FOLLOWS:-

1.—This Act may be cited as the Planning Appeals Act, 1967.

2.—In this Act—

“the Principal Act” means the Local Government (Planning and
Development) Act, 1967.

“the Board” means the Appeals Board established under section 4
of this Act and includes a reference to a single member of the
Appeals Board dealing with or hearing an appeal or application
made to the Appeals Board under the Principal Act.

3.—This Act and the Principal Act may be cited together as the
Local Government (Planning and Development) Act, 1967 to 1967,
and shall be construed together as one Act.

4.—(1) There shall be established a Board to be known as the
Appeals Board consisting of a Chairman and two other members,
of whom one shall be appointed from each of the panels specified in
sub-section (b) of this section to hold the functions assigned to it
under this Act.

(2) (a) The Chairman of the Board shall be a Judge of the
Supreme Court, the High Court or the Court of Sessions and shall
be appointed by the Chief Justice after consultation with the
President of the High Court and the Chief Justice of the Court
of Sessions. The Chairman shall be appointed for a term not exceeding
three years and shall be eligible for re-appointment. The Chairman
shall retain office as such Judge notwithstanding any other
appointment as Chairman.

(b) Every person appointed as Chairman of the Board shall hold office until he resigns his appointment as Chairman or dies, resigns or ceases to be a Judge.

5 (3) Whenever the Chairman is temporarily incapable through illness of performing his duties as Chairman, the Chief Justice shall assign another Judge to act as deputy Chairman during such incapacity of the Chairman and the provisions of *subsection (2)* of this section shall apply in the appointment of such deputy Chairman. Every such deputy Chairman during his period of appointment shall
10 have all the powers and duties of the Chairman and for that purpose references to the Chairman of the Board in this Act, other than in *subsection (2)* of this section, shall be construed as references to the deputy Chairman.

15 (4) (a) The Minister shall nominate a panel of not more than three members qualified to act as an ordinary member of the Board and a panel of not more than three members qualified to act as an ordinary member of the Board shall be constituted by the Local Appointments Commissioners. Every ordinary member of the Board shall be appointed
20 by the Minister.

(b) To be eligible to act as an ordinary member of the Board a person must be a qualified civil engineer, a qualified architect, or a qualified town planner.

25 (5) The ordinary members of the Board shall act as assessors to the Chairman of the Board.

(6) (a) The decision of the Board shall be the decision of the Chairman and every decision of the Board shall be in writing and the grounds upon which every decision is made shall be stated.

30 (b) The Board shall keep a record of its decisions and a copy of every decision of the Board shall be made available to the public at such time, place and for such fee as the Minister by regulation may decide.

35 (7) (a) The period of office of an ordinary member of the Board shall be fixed by the Minister when appointing him and shall not exceed three years.

(b) A person who is an ordinary member of the Board shall be eligible for reappointment on terms not less favourable to him than those on which he was first appointed.

40 (c) The Minister may by order remove an ordinary member of the Board from office for stated misconduct or incapacity and shall lay any such order before each House of the Oireachtas.

45 (d) A member of the Board may resign his office by notice in writing to the Minister and the resignation shall take effect on the date on which the Minister receives the notice.

50 (e) The remuneration, terms of appointment and conditions of service of an ordinary member of the Board may be fixed by contract entered into with him by the Minister.

(f) A member of the Board shall devote to his duties the whole of his time.

55 (8) (a) An ordinary member of the Board shall not, while holding his office as a member of the Board, be capable of holding any other office or position of emolument or be a

(4) Every person appointed as Chairman of the Board shall hold office until he resigns the appointment as Chairman or dies, resigns or ceases to be a Judge.

(3) Whenever the Chairman is temporarily incapable through illness of performing his duties as Chairman, the Chief Justice may assign another Judge to act as deputy Chairman during such incapacity of the Chairman and the provisions of subsection (2) of this section shall apply in the appointment of such deputy Chairman. Every such deputy Chairman during his period of appointment shall have all the powers and duties of the Chairman and for that purpose references to the Chairman of the Board in the Act shall have the same force and effect as if they were references to the deputy Chairman.

(2) The Minister shall nominate a panel of not more than three members qualified to act as an ordinary member of the Board and a panel of not more than three members qualified to act as an ordinary member of the Board shall be constituted by the Local Appointments Commission. Every ordinary member of the Board shall be appointed by the Minister.

(b) To be eligible to act as an ordinary member of the Board a person must be a qualified civil engineer, a qualified architect, or a qualified town planner.

(2) The ordinary members of the Board shall act as members to the Chairman of the Board.

(a) The decision of the Board shall be the decision of the Chairman and every decision of the Board shall be in writing and the grounds upon which every decision is made shall be stated.

(b) The Board shall keep a record of its decisions and a copy of every decision of the Board shall be made available to the public at such time, place and for such fee as the Minister by regulation may decide.

(1) (a) The period of office of an ordinary member of the Board shall be fixed by the Minister when appointing him and shall not exceed three years.

(b) A person who is an ordinary member of the Board shall be eligible for reappointment on terms not less favourable to him than those on which he was first appointed.

(c) The Minister may by order remove an ordinary member of the Board from office for stated misconduct or incapacity and shall lay any such order before each House of the Oireachtas.

(d) A member of the Board may resign his office by notice in writing to the Minister and the resignation shall take effect on the date on which the Minister receives the notice.

(e) The remuneration, terms of appointment and conditions of service of an ordinary member of the Board may be fixed by contract entered into with him by the Minister.

(1) A member of the Board shall devote to the duties of his office the whole of his time.

(2) (a) An ordinary member of the Board shall not while holding his office as a member of the Board be capable of holding any other office or position of emolument or honor.

member of either House of the Oireachtas or be interested in any company or partnership concerned in dealing with, or developing land.

(b) For the purpose of *paragraph (a)* of this subsection the expression "dealing in or developing land" has the same meaning as is given to that expression in subsection (2) of section 97 of the Income Tax Act, 1967.

(9) There may be paid out of moneys provided by the Oireachtas to any member of the Board such salary, fees, allowances and expenses as the Minister shall determine.

(10) The Minister shall after consultation with the Board make regulations in relation to the following matters:

- (a) the conduct of business by the Board,
- (b) the procedure to govern the conduct of appeals and the consideration of applications under the Principal Act to the Board,
- (c) the making of a report and the form of the report of its proceedings annually to the Oireachtas,
- (d) the keeping of records of its decisions,
- (e) the publication of the principles applied by the Board in reaching decisions on matters determined by the Board.

(11) (a) The Board shall have all such rights, powers and privileges for enforcing the attendance of witnesses and examining them on oath (which any member of the Board is hereby authorised to administer) or otherwise and for compelling the production of documents as are vested in the High Court or a judge thereof in respect of the trial of an action and a summons signed by any member of the Board shall be equivalent to a formal process issued by the High Court for enforcing the attendance of witnesses and compelling the production of documents.

(b) The provisions of section 82 of the Principal Act (as amended by this Act) in relation to the conduct of references and appeals under the Principal Act shall apply to every appeal, reference or application dealt with by the Board.

Additional Members.

5.—Whenever the Minister is of opinion that it is necessary for the purpose of enabling the Board to deal expeditiously with the number of appeals before the Board he may by order increase the number of members of the Board and the provisions of *section 4* of this Act shall apply to the appointment of every such additional member save that any Judge assigned by the Chief Justice shall act as deputy Chairman of the Board and may act contemporaneously with the Chairman.

Amendments to Principal Act.

6.—(1) In subsection (1) of section 5, subsection (6) of section 7, subsection (1) of section 18, subsections (3) (4) (5) and (9) of section 26, subsections (4) and (6) of section 27, subsections (1) (2) (4) and (5) of section 29, subsections (3) (4) and (6) of section 30, subsection (5) of section 33, subsections (4) (5) and (9) of section 36, subsections (4) (5) and (8) of section 37, subsection (1) of section 41, subsection (3) of section 44, subsections (5) and (6) of section 45, subsections (5) and (6) of section 46, subsections (3) and (4) of section 48, subsections (5) and (6) of section 55, subparagraph (ii) of paragraph (b) of subsection (1) of section 56, subsection (3) of section 56, subsection (1) of section 58, subsections (2) and (3) of section 66,

subsection (8) of section 82, subsections (1) (2) (5) and (7) of section 87, section 88, and in subsection (4) of section 89 of the Principal Act every reference to the Minister shall be construed as references to the Board and have effect accordingly.

- 5 (2) Subparagraphs (b) and (c) of subsection (2) of section 82 of the Principal Act are hereby repealed.

7.—(1) The Local Government (Planning and Development) Act, 1963 (Appeals and References) Regulations, 1964 (in this section referred to as "the Regulations") shall have effect as if every reference therein to the Minister in articles 2 to 20 inclusive of the Regulations were a reference to the Board and the following were omitted from article 2 (1) " ' the Minister ' means the Minister for Local Government."

Amendment of
S.I. No. 216
of 1964.

- 15 (2) Paragraph (2) of Article 2 of the Regulations is hereby amended by adding a new paragraph as follows:

"(v) Any person who has made an objection to the granting of a permission, approval or licence or who, not having made such objection, applies to the Board to become a party and who, in the opinion of the Board, has a genuine interest in the appeal."

- 20 8.—Every appeal shall so far as practicable be decided in the order of priority of the time of the receipt of such appeal by the Board.

General.

9.—(1) The Minister may, after consultation with the Board, appoint such officers and servants as are necessary to enable the Board to carry out the functions assigned to it by this Act.

Officers and
servants:

- 25 (2) Officers and servants appointed by the Minister under subsection (1) of this section shall hold office on such terms and be paid such remuneration as the Minister shall determine.

30 (3) The Civil Service Regulation Act, 1956 and the Civil Service Commissioners Act, 1956 shall apply to every person appointed under subsection (1) of this section.

sub-section (b) of section 85, sub-section (b) and (c) of section 87, section 88, and in sub-section (a) of section 89 of the Principal Act every reference to the Minister shall be construed as references to the Board and have effect accordingly.

(2) Paragraphs (b) and (c) of sub-section (2) of section 85 of the Principal Act are hereby repealed.

7—(1) The Local Government Planning and Development Act 1963 (Appeals and References Regulations, 1964 in the section referred to as "the Regulations") shall have effect as if every reference therein to the Minister in articles 2 to 20 inclusive of the Regulations were a reference to the Board and the following were omitted from article 2 (1) "the Minister" meant the Minister for Local Government."

(2) Paragraph (2) of Article 2 of the Regulations is hereby amended by adding a new paragraph as follows:
"(v) Any person who has made an objection to the granting of a permission, approval or licence or who has having made such objection, applies to the Board to become a party and who, in the opinion of the Board, has a genuine interest in the appeal."

8—Every appeal shall so far as practicable be decided in the order of priority of the time of the receipt of such appeal by the Board.

9—(1) The Minister may, after consultation with the Board, appoint such officers and servants as are necessary to enable the Board to carry out the functions assigned to it by this Act.

(2) Officers and servants appointed by the Minister under sub-section (1) of this section shall hold office on such terms and be paid such remuneration as the Minister shall determine.

(3) The Civil Service Regulation Act 1956 and the Civil Service Commission Act 1956 shall apply to every person appointed under sub-section (1) of this section.

BILL

BILL

to be passed
in 1967

to be passed
in 1967

An Act to amend the Local Government
Planning and Development Act, 1962, and
the Local Government Planning and
Development Act, 1967 (Amendment
Bill) and to provide for the transfer of
the functions of an Appeals Board
to the Minister for the Environment
and Planning and to provide for the
transfer of the Appeals Board and to
provide for other matters connected with
the matters aforesaid.

An Act to amend the Local Government
Planning and Development Act, 1962, and
the Local Government Planning and
Development Act, 1967 (Amendment
Bill) and to provide for the transfer of
the functions of an Appeals Board
to the Minister for the Environment
and Planning and to provide for the
transfer of the Appeals Board and to
provide for other matters connected with
the matters aforesaid.

Enacted by the Parliament of the State of
Dublin in the 10th Year of the
Republic of Ireland, 1967.

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Republic of Ireland, 1967.

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Dublin, 1967.

BILLE

(mar a tugadh isteach)
dá ngairtear

Acht do leasú an Achta Rialtais Áitiúil (Pleanáil agus Forbairt), 1963, agus na Rialacháin um an Acht Rialtais Áitiúil (Pleanáil agus Forbairt), 1963 (Achomhairc agus Tarchuir), 1964, do dhéanamh socrú chun Bord Achomharc a bhunú chun críocha achomharc faoin Acht Rialtais Áitiúil (Pleanáil agus Forbairt), 1963, do dhéanamh socrú chun caiteachais an Bhoird Achomharc a íoc agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An Teachta Tomás Mac Giolla Phádraigh (An Cabhán), a thug isteach agus na Teachtaí Donnchadh Mac Eoin, Risteard Ó Riain, Marcus de Cliontún agus Risteard de Barra ag cuidiú leis

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
22 Meitheamh, 1967*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR.

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

CAHILL & Co. LTD., Cló-bhuailte ag

[Luach : Naoi bPíngin Glan]

BILL

(as introduced)
entitled

An Act to amend the Local Government (Planning and Development) Act, 1963, and the Local Government (Planning and Development) Act, 1963 (Appeals and References) Regulations, 1964, to provide for the establishment of an Appeals Board for the purpose of appeals under the Local Government (Planning and Development) Act, 1963, to provide for the payment of the expenses of the Appeals Board and to provide for other matters connected with the matters aforesaid.

Introduced by Deputy Thomas J. Fitzpatrick (Cavan), supported by Deputies Denis Jones, Richie Ryan, Mark Clinton and Richard Barry

*Ordered by Dáil Éireann to be printed,
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