



**AN BILLE UM AN mBLIAIN AIRGEADAIS STATCHISTE
AGUS AITIUIL, 1973
EXCHEQUER AND LOCAL FINANCIAL YEARS BILL, 1973**

Mar a tugadh isteach

As introduced

ARRANGEMENT OF SECTIONS

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AN BILLE UM AN mBLIAIN AIRGEADAIS STATCHISTE
AGUS AITIUIL, 1973
EXCHEQUER AND LOCAL FINANCIAL YEARS BILL, 1973

BILL

entitled

5

AN ACT TO PROVIDE THAT, WITH EFFECT FROM THE 1st DAY OF JANUARY, 1975, CERTAIN STATUTORY AND OTHER REFERENCES WHICH RELATE TO THE EXCHEQUER FINANCIAL YEAR OR THE LOCAL FINANCIAL YEAR SHALL BE CONSTRUED AND HAVE 10 EFFECT AS REFERENCES TO PERIODS COEXTENSIVE WITH THE CALENDAR YEAR, AND TO PROVIDE FOR MATTERS CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS : 15

Interpretation.

1.—In this Act—

“calendar year” means a period of twelve months beginning on the 1st day of January in any year;

“the Minister”, save where the context otherwise requires, means the Minister for Finance; 20

“statutory instrument” means an order, regulation, rule, bye-law, warrant, licence, certificate or other like instrument which is made under a power or authority conferred by a statute.

Certain statutory and other references to financial year or local financial year to be references to periods coextensive with calendar year.

2.—(1) This section applies to any statute or statutory instrument (whether passed, made, issued or granted before or after the passing 25 of this Act) to which section 22 of the Interpretation Act, 1889, paragraph (1) of section 5 of the Interpretation Act, 1923, or paragraph 10 or paragraph 16 of the Schedule to the Interpretation Act, 1937, applies.

1889, c. 63.

1923, No. 46.

1937, No. 38.

(2) Where a statute or statutory instrument to which this section 30 applies contains—

(a) a reference to a financial year,

(b) a reference to a local financial year,

notwithstanding any other enactment the reference shall, in relation to after the 31st day of December, 1974, be construed and have 35 effect as a reference to a period which is coextensive with a calendar year.

(3) Section 22 of the Interpretation Act, 1889, paragraph (1) of section 5 of the Interpretation Act, 1923, and paragraphs 10 and 16 of the Schedule to the Interpretation Act, 1937, shall each cease to 40 have effect except in relation to before the 1st day of January, 1975.

(4) Subsection (3) of this section shall come into operation on the 1st day of January, 1975.

3.—(1) This section applies to any statute or statutory instrument (whether passed, made, issued or granted before or after the passing of this Act) which—

References to financial or local financial year in statutes and statutory instruments to which section 2 does not apply.

(a) is not a statute or statutory instrument to which section 2 of this Act applies, and

(b) contains either or both of the following references, namely, a reference to a financial year and a reference to a local financial year, being references which, apart from subsection (2) of this section, would each be construed as a reference to a period of twelve months ending on the 31st day of March in any year.

(2) The following provision shall have effect as regards a statute or statutory instrument to which this section applies, namely, any reference therein either to a financial year or to a local financial year shall, in relation to after the 31st day of December, 1974, be construed and have effect as a reference to a period which is co-extensive with a calendar year.

4.—(1) Where a reference to either a financial year or a local financial year in any statute or in any statutory instrument, as the case may be, apart from this section includes, or may be construed as including, a reference to the period from the 1st day of April, 1974, to the 31st day of March, 1975, notwithstanding anything contained in any other enactment, that reference shall be construed and have effect as a reference to the period from the 1st day of April, 1974, to the 31st day of December, 1974.

Transitional.

(2) A reference in any statute or any statutory instrument, as the case may be, to the period from the 1st day of April, 1974, to the 31st day of March, 1975, shall, if the said period referred to is for the purposes of the statute or statutory instrument a financial or accounting period or a period analogous to a financial or accounting period, be construed and have effect in the way specified in subsection (1) of this section.

5.—(1) Where any statute or statutory instrument (whether passed, made, issued or granted before or after the passing of this Act) contains a reference to one or more of the following—

Powers to amend statutes and statutory instruments, etc.

(a) a date or period of time,

(b) the making or preparation of payments, estimates or accounts, the taking of any other action or the complying with any requirement,

(c) an amount or instalment of money,

(d) an annual sum or any other sum related to a particular period,

(e) a limit on an amount of money, being money which may be raised, levied, borrowed or paid pursuant to a statute or statutory instrument,

(f) a valuation,

(g) the determining, making, levying, collection or recovery of rates,

(h) a rate, proportion, percentage, formula or other basis of calculation,

(i) a matter which is analogous to any of the foregoing,

and the matter referred to is directly or indirectly related to or affected by the operation of a provision of this Act, the Minister,

or any other Minister of State with the consent of the Minister, may by order adapt, modify or otherwise amend the statute or statutory instrument in such manner as he considers is appropriate having regard to the provision.

(2) The Minister, or any other Minister of State with the consent of the Minister, may by order provide that a particular reference to which *subsection (1)* of this section relates occurring in any statute or statutory instrument, or in a statute or statutory instrument of a specified class shall be construed and have effect subject to such adaptation, modification or other amendment as is appropriate having regard to the manner in which the matter referred to is related to or is affected by the operation of this Act.

(3) Notwithstanding anything contained in any other enactment, the Minister, or any other Minister of State with the consent of the Minister, may, as regards any amount or instalment of money or sum to which this subsection applies, by order provide for either or both of the following :

(a) that the amount, instalment or sum shall be altered by such proportion as the Minister of State making the order considers appropriate having regard to *section 4* of this Act and specifies in the order,

(b) that the amount, instalment or sum, or a specified part thereof, shall be paid or shall become due for payment, on such day as shall be specified in the order.

(4) *Subsection (3)* of this section applies to an amount or instalment of money and to an annual sum or other sum related to a particular period, being an amount, instalment or sum—

(a) the payment, size or amount of which is directly or indirectly affected by the operation of *section 4* of this Act, and

(b) which is payable under any statute or statutory instrument or under any statute or statutory instrument of a class specified in an order made under *subsection (3)* of this section, and

(c) which is payable by, to or by and to a person so specified.

(5) Notwithstanding anything contained in any other enactment, the Minister, or any other Minister of State with the consent of the Minister, may, as regards any limit described in paragraph (e) of *subsection (1)* of this section which is affected directly or indirectly by the operation of *section 4* of this Act, by order provide that the limit shall be reduced by such proportion as the Minister of State making the order considers appropriate having regard to the said *section 4* and specifies in the order.

(6) The amendment of any provision by an order under this section shall not prejudice any power to amend or vary that provision conferred otherwise than by this section.

(7) Subject to *section 8 (1)* of this Act, an order made under this section may have retrospective effect.

(8) In this section “rates” means any rate which may be made by a rating authority within the meaning of the Local Government Act, 1946.

1946, No. 24.

Orders.

6.—(1) An order under this Act may include such consequential, supplementary and transitional provisions as the Minister of State making the order thinks fit.

(2) An order under this Act may be amended or revoked by a subsequent order.

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

7.—Every order under this Act shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

Publication of
Orders in *Iris*
Oifigiúil.

10 8.—(1) Nothing in this Act shall be construed as altering, or as enabling to be altered, the rate of any tax, or as enabling any tax to be imposed, levied or charged.

Savers.

(2) Subject to subsection (1) of this section, anything done by a Minister of State, a local authority for the purposes of the Local Government Acts, 1925 to 1971, the Commissioners of Public Works in Ireland, the Commissioner of Valuation or any other person established under or regulated by statute, before and in anticipation of the enactment of this Act, of the coming into operation of section 2 (3) of this Act or of the making of an order under section 5 of this Act, shall have and shall be deemed always to have had all such (if any) validity and effect as it would have had if this Act or the order, as may be appropriate, had been in force when such thing was done.

9.—This Act may be cited as the Exchequer and Local Financial Years Act, 1973.

Short title.

BILLE

(*mar a tugadh isteach*)

dá ngairtear

Acht á fhoráil go ndéanfar, le héifeacht ón lú lá d'Eanáir, 1975, tagairtí áirithe reachtúla agus eile a bhaineann leis an mbliain airgeadais Státchiste nó leis an mbliain airgeadais áitiúil a fhorléiriú, agus go mbeidh éifeacht leo, mar thagairtí do thréimhsí ar chomhfhad leis an mbliain féilire, agus do dhéanamh socrú i dtaobh nithe a bhaineann leis na nithe réamhráite.

An tAire Airgeadais a thug isteach

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
29 Samhain, 1973*

BAILE ÁTHA 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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BILL

(*as introduced*)

entitled

An Act to provide that, with effect from the 1st day of January, 1975, certain statutory and other references which relate to the Exchequer financial year or the local financial year shall be construed and have effect as references to periods coextensive with the calendar year, and to provide for matters connected with the matters aforesaid.

Introduced by the Minister for Finance

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