



**AN BILLE RIALTAIS AITIUIL (PLEANAIL AGUS
FORBAIRT), 1973
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT)
BILL, 1973**

Mar a tugadh isteach

As introduced

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SCHEDULE

AN BORD PLEANÁLA



AN BILLE RIALTAIS AITIUIL (PLEANAIL AGUS
FORBAIRT), 1973
LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT)
BILL, 1973

BILL

entitled

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AN ACT TO MAKE BETTER PROVISION, IN THE INTERESTS
OF THE COMMON GOOD, IN RELATION TO THE
PROPER PLANNING AND DEVELOPMENT OF CITIES,
TOWNS AND OTHER AREAS, WHETHER URBAN OR
RURAL, AND, FOR THAT PURPOSE, TO ESTABLISH A
BODY TO BE KNOWN AS AN BORD PLEANALA AND
TO DEFINE ITS FUNCTIONS AND TO AMEND AND
EXTEND THE LOCAL GOVERNMENT (PLANNING AND
DEVELOPMENT) ACT, 1963, AND TO PROVIDE FOR
OTHER MATTERS CONNECTED WITH THE MATTERS
AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :

1.—In this Act—

Interpretation.

20 “the appropriate day” means the day on which *section 13* of this
Act comes into operation;

“the Board” has the meaning assigned to it by *section 3* of this Act;

25 “the establishment day” means the day appointed to be the estab-
lishment day for the purposes of this Act by order of the Minister
under *section 2* of this Act;

“the Principal Act” means the Local Government (Planning and 1963, No. 28.
Development) Act, 1963.

2.—The Minister may by order appoint a day to be the establish- Establishment day.
ment day for the purposes of this Act.

30 3.—(1) On the establishment day there shall be established a body Establishment of
to be known as An Bord Pleanála (in this Act referred to as the Bord Pleanála.
Board) to perform the functions assigned to it by this Act.

(2) The provisions of the Schedule to this Act shall have effect with
respect to the Board.

35 4.—(1) The Board shall, so far as may be necessary for the per- Board to keep
formance of its functions, keep itself informed of the policies and itself informed on
objectives for the time being of the Minister, planning authorities and certain policies and
objectives.

any other body which is a public authority whose functions in the opinion of the Board have, or may have, a bearing on the proper planning and development (including the preservation and development of amenities) of cities, towns or other areas, whether urban or rural.

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1946, No. 9.

(2) In this section "public authority" means any Minister of State not being the Minister, the Commissioners of Public Works in Ireland, the Irish Land Commission, a harbour authority within the meaning of section 2 of the Harbours Act, 1946, and any other body established by or under statute which is for the time being declared, by regulation made by the Minister, to be a public authority for the purposes of this section.

General policy directives as to development.

5.—(1) The Minister may give to the Board general directives as to policy in relation to development.

(2) The Board shall in performing its functions have regard to any directive under this section.

(3) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to any particular case with which the Board is or may be concerned.

Grants to Board.

6.—There may, subject to such conditions, if any, as the Minister thinks proper, be paid to the Board in each financial year out of moneys provided by the Oireachtas a grant or grants of such amount or amounts as the Minister, with the consent of the Minister for Finance and after consultation with the Board in relation to its programme of expenditure for that year, may fix.

Accounts and audits.

7.—(1) The Board shall keep in such form as may be approved by the Minister, after consultation with the Minister for Finance, all proper and usual accounts of all moneys received or expended by it.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Board to the Comptroller and Auditor General for audit and, when audited by him, shall, together with the report of the Comptroller and Auditor General thereon, be presented to the Minister who shall cause copies to be laid before each House of the Oireachtas.

Annual report and information to Minister.

8.—(1) The Board shall in each year make a report to the Minister of its proceedings during the preceding year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) The Board shall supply the Minister with such information relating to its functions as he shall from time to time request.

Prohibition on interested person acting as member of Board.

9.—A person shall not vote or otherwise act as a member of the Board in relation to any matter with respect to which the person has a material financial or other beneficial interest.

Employees of Board.

10.—(1) The Board shall appoint such and so many persons to be employees of the Board as the Board, subject to the approval of the Minister, from time to time thinks proper.

(2) The Board may employ a person in a part-time capacity to be remunerated by the payment of fees of such amounts as the Board may, with the approval of the Minister given with the consent of the Minister for the Public Service, from time to time determine.

- 5 (3) An employee of the Board shall hold his employment on such terms and conditions as the Board, subject to the approval of the Minister, from time to time determines.

- (4) There shall be paid by the Board to its employees out of moneys at its disposal such remuneration and allowances as the
10 Board, subject to the approval of the Minister, with the consent of the Minister for the Public Service, from time to time determines.

- 11.—(1) As soon as conveniently may be after the establishment day, the Board shall prepare and submit to the Minister for his approval, a scheme or schemes for the granting of pensions,
15 gratuities and other allowances on retirement or death to or in respect of such wholtime employees of the Board as it may think fit.

Superannuation of employees of Board.

(2) The Board may at any time, prepare and submit to the Minister, a scheme amending a scheme under this section.

- 20 (3) Where a scheme is submitted to the Minister pursuant to this section, the Minister may, with the concurrence of the Minister for the Public Service, approve the scheme without modification or with such modification (whether by way of addition, omission or variation) as the Minister shall, with such concurrence, think
25 proper.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Board in accordance with its terms.

- 30 (5) A scheme submitted and approved of under this section shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or other allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

- 35 (6) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or other allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

- 40 (7) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme
45 shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

- 50 12.—(1) Where a person who is an employee of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas or becomes a member of a local authority, he shall stand seconded from employment by the Board and shall not be paid by, or be entitled to receive from, the Board any remuneration or allowances—

Membership of either House of Oireachtas or of local authority of employees of Board.

(a) in case he is nominated as a member of Seanad Éireann, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House,

(b) in case he is nominated for election to either such House, 5
in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House or fails to be elected or withdraws his candidature, as may be appropriate,

(c) in case he becomes a member of a local authority, in 10
respect of the period commencing on his becoming a member of the local authority and ending when he ceases to be a member of that authority.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, 15
while so entitled, be disqualified from becoming an employee of the Board.

(3) A person who is for the time being a member of a local authority shall, while so entitled, be disqualified from becoming an employee of the Board. 20

Certain appeals and other matters to be brought or referred to Board.

13.—(1) An appeal under a relevant section of the Principal Act shall, in lieu of being brought to the Minister, be brought to the Board and if it is not withdrawn, be decided by the Board, and—

(a) in case the appeal relates to an application, notice or order, the application, notice or order shall be determined or 25
confirmed or annulled (as the case may be) accordingly, and

(b) in case the appeal relates to a licence under section 89 of the Principal Act, such directions shall be given with respect to the withdrawing or granting or altering of 30
the licence as may be appropriate.

(2) Any question as to what, in any particular case, is or is not development or exempted development shall, in lieu of being referred to and decided by the Minister under section 5 (1) of the Principal Act, be referred to and be decided by the Board. 35

(3) In case a condition referred to in subsection (2) (f) of section 26 of the Principal Act is attached to a permission or approval granted under that section and there is not agreement in relation to the contribution required by subsection (7) of the said section 26 to be made by a local authority, the contribution shall, in lieu of 40
being determined by the Minister under the said subsection (7), be referred to and be determined by the Board.

(4) In case there is attached to a permission or approval granted under section 26 of the Principal Act a condition which provides that a contribution or other matter is to be agreed between the 45
planning authority and the person to whom the permission or approval is granted and that in default of agreement the contribution or other matter is to be determined by the Minister, the condition shall be construed as providing that in default of agreement the contribution or other matter is to be determined by the 50
Board.

(5) The functions of the Minister under section 29 of the Principal Act are hereby transferred to the Board and without prejudice to the generality of subsection (8) of this section the references in the said section 29 to the Minister shall each be construed as referring to the Board. 55

(6) Any question or dispute whether a new structure would or does replace substantially within the meaning of section 56 (3) of the Principal Act a demolished or destroyed structure shall, in lieu of being determined by the Minister, be determined by the Board.

5 (7) For the purposes of the foregoing subsections of this section, the Principal Act (as amended by this Act) shall, with any necessary modifications, apply to the following, namely—

(a) the bringing of an appeal to the Board,

(b) the making of a reference to the Board,

10 (c) a decision of the Board on an appeal,

(d) the confirmation or annulment (as the case may be) by the Board of the notice or order to which an appeal relates,

15 (e) the determination of a question or dispute by the Board to which a reference under section 5 (1) of the Principal Act relates,

(f) the determination by the Board of a disagreement, question or dispute to which section 26 (7) or section 56 (3) of the Principal Act relates,

20 (g) the confirmation of a purchase notice served on a planning authority under section 29 of the Principal Act,

(h) the compliance with directions given by the Board in relation to an appeal relating to a licence under section 89 of the Principal Act, and

25 (i) the determination by the Board of a contribution or other matter to be determined by the Board by virtue of *subsection (4)* of this section,

as, immediately before the appropriate day, it applied to whichever of the following is appropriate, namely, the bringing or making of a corresponding appeal or reference to the Minister under the
30 Principal Act, a decision of the Minister on such an appeal, the confirmation or annulment or determination by the Minister of a notice, order, question or dispute relating to such an appeal or reference, the determination by the Minister of a disagreement, question or dispute to which the said section 26 (7) or 56 (3) relates,
35 the confirmation by the Minister of a purchase notice, the compliance with directions given by the Minister in relation to an appeal relating to a licence under the said section 89 or the determination by the Minister of a contribution or other matter pursuant to a condition mentioned in the said *subsection (4)*.

40 (8) Wherever the Principal Act refers to the Minister in relation to—

(a) an appeal under a relevant section,

(b) a reference under section 5 (1) of the Principal Act,

45 (c) a determination of a disagreement, question or dispute to which section 26 (7) or section 56 (3) of the Principal Act relates,

(d) a decision on an appeal under a relevant section,

(e) a determination pursuant to section 85 of the Principal Act as to whether a consent was unreasonably withheld,

(f) a determination, confirmation or annulment (as the case may be) of the notice or order, question or dispute to which an appeal under a relevant section or a reference mentioned in *paragraph (b)* of this subsection relates,

(g) a requirement requiring applicants or planning authorities to furnish to the Minister any specified information, or

(h) any word cognate to appeal, reference, decision, determination, confirmation or annulment,

that Act, other than section 18 thereof, shall be construed as referring to the Board. 10

(9) In this section "a relevant section" means a section which is section 26, 27, 30, 33, 36, 37, 44, 45, 46, 48, 85 or 89 of the Principal Act.

Oral hearings.

14.—The Board shall have an absolute discretion to hold an oral hearing of any reference or appeal to the Board. 15

Matters other than those raised by parties may be taken into account in determining references or appeals.

15.—The Board in deciding a reference or appeal may take into account matters relating to the proper planning and development of the area of the relevant planning authority other than those raised by the parties to the reference or appeal, provided that the matters are brought to the notice of those parties and they are accorded an opportunity of making observations thereon to the Board or, in the case of an oral hearing, the person conducting the hearing. 20

Power of Board as regards vexatious references or appeals, etc.

16.—(1) Where the Board is of opinion that a reference or appeal is vexatious or is being unnecessarily delayed by any party, the Board may serve a notice on the party stating that it will, at a time after the day specified in the notice (being a day which is not less than seven days after the service of the notice) without further notice to the party, determine the reference or appeal to which the notice relates, and that the reference or appeal may be so determined by the Board notwithstanding the fact that no submission has been made to the Board by the party in relation to the reference or appeal. 25 30

(2) Where a notice has been served under this section the Board may, at any time after the day specified in the notice, without further notice to the party on whom the notice was served, determine the reference or appeal, and the reference or appeal may be so determined by the Board notwithstanding the fact that no submission has been made to the Board by such party in relation to the reference or appeal. 35 40

Expenses of appeal.

17.—(1) Where there is an appeal to the Board against a decision of a planning authority—

(a) the Board, if it so thinks proper and irrespective of the result of the appeal, may direct the planning authority to pay— 45

(i) to the appellant, such sum as the Board, in its absolute discretion, specifies as compensation to the appellant for the expense occasioned to him in relation to the appeal,

- (ii) to the Board, such sum as the Board, in its absolute discretion, specifies as compensation to the Board towards the expense incurred by the Board in relation to the hearing of the appeal;
- 5 (b) in case the decision of the planning authority is confirmed on appeal, or where the decision is varied on appeal, if the Board in determining the appeal does not accede in substance to the appellant's grounds of appeal, the Board, if it so thinks proper, may direct the appellant to pay—
- 10 (i) to the planning authority, such sum as the Board, in its absolute discretion, specifies as compensation to the planning authority for the expense occasioned to them in relation to the appeal,
- 15 (ii) to any of the other parties to the appeal, such sum as the Board, in its absolute discretion, specifies as compensation to the party for the costs or other expenses occasioned to him in relation to the appeal,
- 20 (iii) to the Board, such sum as the Board, in its absolute discretion, specifies as compensation to the Board towards the expense incurred by the Board in relation to the hearing of the appeal.

(2) Any sum directed under this section to be paid shall, in default of being paid, be recoverable as a simple contract debt in any court of competent jurisdiction.

18.—(1) The Minister shall make regulations providing—

Supplemental provisions relating to references and appeals.

- (a) for any oral hearing by the Board of a reference or appeal being conducted by a person appointed for that purpose by the Board,
- 30 (b) for the furnishing to the Board, by any person so appointed, of a report on the oral hearing and for the consideration by the Board of the report before the appeal or reference is determined by the Board.

(2) The Minister may make regulations enabling the Board when considering an appeal under section 26 or 27 of the Principal Act to invite an applicant and to enable an applicant so invited to submit to the Board revised plans or other drawings modifying, or other particulars providing for the modification of, the development to which the appeal relates.

40 (3) In case plans, drawings or particulars mentioned in subsection (2) of this section are submitted to the Board by virtue of regulations made under that subsection, the Board may in deciding the appeal grant a permission or an approval for the relevant development as modified by all or any of such plans, drawings or particulars.

45 19.—(1) In case immediately before the appropriate day an appeal, contribution, question or dispute referred to in section 13 of this Act or an appeal pursuant to section 21 of this Act was being considered by the Minister, the said section 13 and sections 14, 15, 16, 17 and 18 of this Act shall apply in relation to the appeal, contribution, question or dispute which, in lieu of being further considered by the Minister under the Principal Act, shall, unless it is withdrawn, be decided or determined by the Board as if it had been originally brought or referred to the Board under this Act.

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Transitional.

(2) In case before the appropriate day a purchase notice within the meaning of section 29 of the Principal Act has been served on a planning authority and the authority have not served before that day

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a notice in relation thereto under subsection (2) of that section stating that they are willing to comply with the purchase notice, the following provisions shall have effect:

- (a) in case the planning authority propose to serve on the relevant owner a notice in accordance with paragraph (b) of the said subsection (2) and the authority have not before the said day transmitted to the Minister copies of the notices referred to in subsection (4) of the said section 29, for the avoidance of doubt it is hereby declared that *section 13 (5)* of this Act shall apply in relation to the notice, 5 10
- (b) in case the planning authority have before the appropriate day transmitted to the Minister the copies of the notices referred to in the said subsection (4) but the Minister before the appropriate day has neither confirmed the purchase notice nor taken any such other action as is mentioned in paragraph (i) or paragraph (ii) of the proviso to the said subsection (4), nor notified the owner by whom the notice was served that he does not propose to confirm the notice, the notice in lieu of being further considered by the Minister shall be considered by the Board as if the copy of it had been transmitted to the Board on the appropriate day, and the said subsection (4) and (5) of the said section 29, as amended by this Act, shall with the necessary modifications apply in relation to the notice, and 15 20 25
- (c) in either case, notwithstanding *section 13 (8)* of this Act, the said subsection (2) shall have effect in relation to the notice required to be served by that subsection as if "to the Minister or the Board, as may be appropriate" were therein substituted for "the Minister". 30

Time for appeals generally.

20.—(1) Where a provision of this Act authorising an appeal (other than an appeal to a court) enables the appeal only to be made within a specified period, the appeal, if sent by post, shall be received not later than the third day after that period and any appeal so sent which is not so received shall be invalid as not being made in time. 35

(2) Where a provision of the Principal Act authorising an appeal (other than an appeal to a court) enables the appeal only to be made within, or before the expiration of, a specified period or before a specified day— 40

(a) there shall be substituted for that provision a requirement that the appeal is, if sent by post, to be received not later than the third day after that period or day, and

(b) any appeal so sent which is not so received shall be invalid as not being made in time. 45

Enforcement of planning control (open spaces).

21.—(1) Where—

(a) development is being or has been carried out pursuant to a permission under section 26 of the Principal Act, and

(b) (i) a condition requiring the provision or maintenance of land as open space, being open space to which this section applies, was attached to the permission, or 50

(ii) it was either explicit or implicit in the application for the said permission that land would be provided or maintained as such open space, and 55

(c) the planning authority have served on the owner of the land a written request that, within a period specified in the request (being a period of not less than two months commencing on the date of the request), he will provide, level, plant or otherwise adapt or maintain such land in a manner so specified, being a manner which in their opinion would make it suitable for the purpose for which the open space was to be provided, and

10 (d) the owner fails to comply or to secure compliance with such request within the period so specified,

the planning authority may, if they think fit, publish in a newspaper circulating in the district a notice (subsequently in this section referred to as an acquisition notice) of their intention to acquire
15 the land by order under this section and the acquisition notice shall specify a period (being a period of not less than two months commencing on the date on which the notice is published) within which an appeal may be made under this section.

(2) Where a planning authority publish an acquisition notice,
20 they shall serve a copy of the notice on the owner of the land to which the notice relates not later than ten days after the date of the publication.

(3) Any person for the time being having an interest in the land to which an acquisition notice relates may within the period specified
25 in the notice appeal—

(a) in case the appeal is made before the appropriate day, to the Minister,

(b) in case the appeal is made on or after the appropriate day, to the Board.

30 (4) Where an appeal is brought under this section, the Minister or the Board, as may be appropriate, may—

(a) annul the acquisition notice to which the appeal relates, or

(b) confirm the acquisition notice, with or without modification, in respect of all or such part of the relevant land as the Minister or the Board consider reasonable.
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(5) In case a planning authority publish an acquisition notice and either—

(a) the period for appealing against the notice has expired and no appeal has been taken, or

40 (b) an appeal has been taken against the notice and the appeal has been withdrawn or the notice has been confirmed whether unconditionally or subject to modifications,

the planning authority may make an order in the prescribed form which order shall be expressed and shall operate to vest the land to which the acquisition notice relates in the planning authority on a specified date for all the estate, term or interest for which immediately before the date of the order the said land was held by the owner together with all rights and liabilities which, immediately before the said date, were enjoyed or incurred in connection therewith by the owner together with an obligation to comply with the request made under *paragraph (c) of subsection (1)* of this section.
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(6) Where a planning authority have acquired by an order under this section land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent, or other annual sum (not being merely a rent under a contract of tenancy) payable to the Irish Land Commission or to the Commissioners of Public Works in Ireland, the authority shall become and be liable, as from the date on which the land is vested in
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them by the vesting order, for the payment to the Irish Land Commission or to the Commissioners of Public Works in Ireland, as the case may be, of the annual sum or such portion thereof as shall be apportioned by the Irish Land Commission or by the Commissioners of Public Works in Ireland, as the case may be, on the land as if the land had been transferred to the authority by the owner thereof on that date. 5

(7) When a planning authority make an order under this section in relation to any land, they shall send the order to the registering authority and thereupon the registering authority shall cause the planning authority to be registered as owner of the land in accordance with the order. 10

(8) Where a claim is made for compensation in respect of land to which an order under this section relates and the matter falls to be determined by arbitration in pursuance of section 68 of the Principal Act, the following provisions shall apply: 15

(a) unless it is shown by or on behalf of the owner that an amount equal to the value of the land to which the relevant permission under section 26 of the Principal Act relates, being that value at the time when the application for the permission was made, as a result of the development has not been recovered and as a further such result will not in the future be recoverable by disposing of the land which is land to which the permission relates and which is not land to which the order relates, the arbitrator shall make a nil award, and 20 25

(b) in the assessment of the value of the land to which the order relates, no regard shall be had to its value for use other than as open space and a deduction shall be made in respect of the cost of carrying out such works as may be necessary to comply with the request made pursuant to paragraph (c) of subsection (1) of this section. 30

(9) A planning authority shall enter in the register—

(a) particulars of any acquisition notice published by them, 35
(b) the date and effect of any decision on appeal in relation to such notice,

(c) particulars of any order made under this section,

and every such entry shall be made within the period of seven days commencing on the day of publication, receipt of notification of the decision or the making of the order, as may be appropriate. 40

(10) This section applies to any form of open space (whether referred to as open space or by any other description in the relevant application for a permission or in a condition attached to the relevant permission) being land which is not described in the said application or condition either as private open space or in terms indicating that it is not intended that members of the public are to have resort thereto without restriction. 45

Warning notice.

22.—(1) Where it appears to a planning authority that—

(a) land is being or is likely to be developed in contravention of section 24 of the Principal Act, or 50

(b) any unauthorised use is being made of land, or

(c) any tree or other feature (whether structural or natural) or any other thing the preservation of which is required by a condition subject to which a permission for the development of any land was granted, may be removed or damaged, 55

the planning authority may serve on the owner of the land a notice (in this section subsequently referred to as a warning notice) and may give a copy of the said notice to any other person who in their opinion may be concerned with the matters to which the notice relates.

(2) A warning notice shall refer to the land concerned and—

(a) in relation to any land being developed or likely to be developed, require that development thereof in contravention of section 24 of the Principal Act shall not be commenced or, if such development has been commenced, that it shall be discontinued forthwith,

(b) in relation to any unauthorised use of land, require that the unauthorised use shall be discontinued forthwith,

(c) in relation to a condition requiring the preservation of any tree, other feature or thing, require that the tree, other feature or thing, as may be appropriate, shall neither be removed nor damaged and that any reasonable steps necessary for its preservation shall be taken by the owner of the land,

and such notice shall also require the owner of the land to take adequate steps to ensure compliance with the notice and shall contain a warning that proceedings under this section may be brought by the relevant planning authority against him and any other person who fails to comply with the requirements of the notice or who assists or permits any development or use of land or the doing of any other thing in contravention thereof.

(3) In case a warning notice has been served in relation to the breach of a condition mentioned in *paragraph (c) of subsection (2)* of this section, anything done in relation to the tree, other feature or thing to which the notice relates shall if it is done with the consent in writing of the planning authority by whom the notice was served not be an offence under this section.

(4) Any person who—

(a) knowingly fails to comply with the requirements of a warning notice, or

(b) knowingly assists or permits,

(i) the carrying out by another of any development or use required not to be commenced, or required to be discontinued by a warning notice, or

(ii) the doing by another of any other thing in contravention of a warning notice, or

(c) otherwise damages or removes any tree, other feature or thing to which a warning notice relates,

shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding one hundred pounds.

(5) Where a person is convicted of an offence under this section and there is a continuation by him of the offence after conviction, he shall be liable on summary conviction to a fine not exceeding one hundred pounds for each day on which the offence is so continued or to imprisonment for a term not exceeding six months or to both the fine and the imprisonment.

(6) An enforcement notice within the meaning of section 31, 32 or 35 of the Principal Act may be served whether or not there has been a prosecution under this section.

(7) The following provisions shall apply in relation to proceedings under this section in which the offence alleged is the removal of or damage to a tree, other feature or thing to which a warning notice relates, namely—

(a) in case the defendant is the owner of the land to which the warning notice relates,

- (i) it shall be sufficient for the prosecution to prove the fact that the tree, other feature or thing, as may be appropriate, was removed or damaged, and 5
- (ii) without prejudice to any other defence which may be open to him, it shall be a good defence if the defendant proves that he took, or caused to be taken, reasonable steps to secure compliance with the requirements of the warning notice and that he acted at all times in good faith in relation to the notice, 10

(b) in any other case if, but only if, the prosecution proves that—

- (i) after the service of the warning notice steps were taken to inform persons of the existence of the notice, or to protect from damage or to preserve the tree, other feature or thing, as the case may be, with which the alleged offence is concerned, and 15
- (ii) the alleged removal or damage by the defendant occurred after the steps referred to in *subparagraph* (i) of this paragraph were taken, 20

it shall be assumed, until the contrary is shown by the defendant, that the tree, other feature or thing was knowingly removed or damaged, as may be appropriate, by the defendant.

(8) In a prosecution for an offence under this section it shall not be necessary for the prosecution to show, and it shall be assumed until the contrary is shown by the defendant, that the development (if any) in question was neither exempted development nor development commenced after the appointed day. 25

(9) For the purposes of this section, a tree shall be regarded as being removed if it is cut down or otherwise wilfully destroyed. 30

High Court may prohibit unauthorised development or use of land.

23.—(1) Where—

- (a) development of land, being development for which a permission is required under Part IV of the Principal Act, is being carried out without such a permission, or 35
- (b) an unauthorised use is being made of land,

the High Court may, on the application of a planning authority or any other person, whether or not the person has an interest in the land, by order prohibit the continuance of the development or unauthorised use. 40

(2) An application to the High Court for an order under this section shall be by motion and the Court when considering the matter may make such interim or interlocutory order (if any) as it considers appropriate. The order by which an application under this section is determined may contain such terms and conditions (if any) as to the payment of costs as the Court considers appropriate. 45

Withdrawal by planning authority of certain notices and cancellation of relevant entries in register.

24.—(1) Where a planning authority serve a notice mentioned in section 30, 31, 32, 35, 36, 37 or 44 of the Principal Act they may by notice in writing withdraw the notice.

(2) Where a planning authority withdraw a notice pursuant to this section, they shall cancel the relevant entry in the register. 50

25.—(1) Subject to the following subsections of this section, a permission granted under Part IV of the Principal Act, whether granted before or after the passing of this Act, shall on the expiration of the period of five years beginning on the date on which this section comes into operation or on the date of the granting of the permission, whichever is the later, but without prejudice to the validity of anything done pursuant thereto prior to the expiration of that period, cease to have effect as regards—

Limit of duration
of planning
permission.

(a) in case the development to which the permission relates is not commenced during that period, the entire development, and

(b) in case such development is so commenced, so much thereof as is not completed within that period.

(2) Subsection (1) of this section shall not apply as follows:

(a) in the case of a house, shop, office or other building which itself has been completed, in relation to the provision of any structure or works included in the relevant permission under Part IV of the Principal Act and which are either necessary for or ancillary or incidental to the use of the building in accordance with that permission, and

(b) in the case of a development comprising a number of buildings of which only some have been completed, in relation to the provision of roads, services and open spaces included in the relevant such permission and which are necessary for or ancillary to such completed buildings.

(3) A planning authority, if they are satisfied that the development to which a permission under Part IV of the Principal Act relates has been carried out in whole or in part pursuant to that permission and that permission had not then ceased to have effect, may, on payment of the prescribed fee (if any), issue a certificate (subsequently in this section referred to as a development certificate) certifying as having been so carried out the whole development or the part thereof as regards which they are so satisfied and which shall be specified in the certificate.

(4) In any legal proceedings a development certificate shall be *prima facie* evidence of the facts thereby certified, and any document purporting to be a development certificate shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate or that the person was an officer of the relevant planning authority, until the contrary is shown.

(5) A planning authority, if they think fit, may as regards a particular permission by order extend or, from time to time, further extend the period referred to in subsection (1) of this section by such additional period as the authority consider appropriate and in case a planning authority make such an order, the reference in the said subsection (1) to the period of five years shall, as regards the permission to which the order relates, be construed as a reference to that period as so extended or as so extended and further extended, as may be appropriate.

(6) When a planning authority grant an extension or further extension, or issue a development certificate, particulars thereof shall be recorded on the relevant entry in the register.

(7) Any person who is aggrieved by a decision of a planning authority on an application for a development certificate may appeal to the District Court within six months of the date of such decision.

(8) Where an appeal is brought under subsection (7) of this section, the Court, if satisfied that any development to which the applica-

tion relates has been carried out in whole or in part at a time when the relevant permission under Part IV of the Principal Act had not ceased to have effect, may decide accordingly, inform the appropriate planning authority of its decision and direct the authority to issue forthwith, if they have not already done so, an appropriate development certificate or, if a development certificate has been issued which is inappropriate having regard to the decision of the Court, transmit such certificate to the authority and direct that in lieu thereof an appropriate development certificate be issued by the authority forthwith.

(9) Where on an application by a person, the District Court is satisfied that there has been unreasonable delay by a planning authority in dealing with an application for a development certificate and that any development to which the application relates has been carried out in whole or in part pursuant to a permission under Part IV of the Principal Act which at the time the development was carried out had not ceased to have effect, the Court may decide accordingly, inform the authority of its decision and direct the authority to issue forthwith an appropriate development certificate.

Summary
proceedings.
1851, c. 93.

26.—(1) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) Act, 1851, summary proceedings against any person liable to be proceeded against pursuant to section 22 of this Act or in respect of a contravention of section 24 (2) of the Principal Act may be commenced—

(a) at any time within six months from the date on which the offence was committed, or

(b) at any time within three months from the date on which evidence sufficient, in the opinion of the planning authority within whose area the contravention took place, to justify a prosecution by the authority for the contravention comes to the knowledge of that authority,

whichever is the later.

(2) For the purposes of this section, a certificate signed by an officer of a planning authority as to the date on which evidence described in subsection (1) of this section came to the knowledge of the authority shall be conclusive evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the purposes of this section shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate or that the person was an officer of the relevant planning authority, until the contrary is shown.

Submissions and
consultations.

27.—(1) The Board may make submissions to the Minister with respect to any matters pertaining to its functions.

(2) The Minister may consult with the Board in relation to the performance of any of his functions under the *Local Government (Planning and Development) Acts, 1963 and 1974*.

Regulations.

28.—(1) The Minister may make regulations,

(a) providing for,

(i) the payment to planning authorities of prescribed fees by applicants for permission under the Principal Act to develop land,

(ii) the payment or lodgment with the Board of prescribed fees or deposits by appellants,

and the regulations may provide for the payment or lodgment of fees or deposits of different amounts, and for the exemption of applicants or appellants from the payment of fees or lodgment of deposits in specified circumstances,

(b) enabling an applicant to appeal to the Board against a refusal of an approval which is required to be obtained under a condition subject to which a permission or approval is granted under the Principal Act,

(c) making such incidental, consequential, transitional or supplementary provision as may appear to him to be necessary or proper for any purpose of this Act or in consequence of, or to give full effect to, any of its provisions.

29.—The Principal Act is hereby amended by the insertion of the following section after section 21 :

Amendment of
draft development
plan or draft
variation.

“21A.—(1) Where a planning authority have prepared a draft of a proposed development plan or of proposed variations of a development plan and, after complying with the requirements of subsections (1) and (2) of section 21 of this Act, it appears to the authority that the draft should be amended, subject to subsection (2) of this section they may amend the draft and make the development plan or variations accordingly.

(2) In case the proposed amendment would, if made, be a material alteration of the draft concerned, the planning authority shall cause notice of the proposed amendment to be published in the *Iris Oifigiúil* and in at least one newspaper circulating in their area, and having complied with the requirements of subsection (3) and, where appropriate, a requirement of subsection (4) of this section, and having taken into account any representations, they may, as they shall think fit, make the proposed plan or proposed variation, as the case may be, with or without the proposed amendment or with such other amendment (not being an amendment providing for the preservation of a structure or public right of way) as, having regard to the particular circumstances, they consider appropriate.

(3) A notice under the foregoing subsection shall state that—

(a) a copy of the proposed amendment of the draft may be inspected at a stated place and at stated times during a stated period of not less than one month (and the copy shall be kept available for inspection accordingly), and

(b) written representations with respect to the proposed amendment of the draft made to the planning authority within the said period will be taken into consideration before the making of any amendment (and any such representations shall be taken into consideration accordingly).

(4) (a) Where the proposed amendment includes any provision to preserve any structure because of its artistic, historic or architectural interest, the planning authority shall, in addition to complying with the requirements of subsection (2) of this section, serve a notice incorporating particulars of the provision on the owner and on the occupier of the structure.

(b) Where the proposed amendment includes any provision to preserve a public right of way, the planning authority shall, in addition to complying with the requirements of the said subsection (2), serve a copy of the notice incorporating particulars of the provision and a map indicating the right of way on the owner and on the occupier of the land.

(5) Any person may, before the expiration of twenty-one days next following the period stated pursuant to paragraph (a) of subsection (3) of this section, appeal to the Circuit Court against the inclusion in the proposed amendment of any such provision as is referred to in subsection (4) (b) of this section, and the Court, if satisfied that no public right of way subsists, shall so declare and the provision shall accordingly not be included.” 5

30.—Part IV of the Principal Act is hereby amended by—

(a) the insertion in section 26 (2) of the following paragraph after paragraph (b): 10

“(bb) conditions for requiring the taking of measures to reduce or prevent—

(i) the emission of any noise or vibration from any structure comprised in the development authorised by the permission which might give reasonable cause for annoyance either to persons in any premises in the neighbourhood of the development or to persons lawfully using any public place in that neighbourhood, or 15

(ii) the intrusion of any noise or vibration which might give reasonable cause for annoyance to any person lawfully occupying any such structure.”; 20

(b) the insertion of the following subsection after subsection (4) of section 26: 25

“(4A) If, but only if, before the expiration of the appropriate period within the meaning of subsection (4) (a) of this section the applicant for a permission under this section gives to the planning authority in writing his consent to the extension by them of that period, the planning authority may extend the period and in case, pursuant to the foregoing, a planning authority make an extension, subsection (4) (b) of this section shall, as regards the particular case to which the extension relates, be construed and have effect in accordance with the extension.”; 30 35

(c) the substitution of the following subsection for subsection (8) of section 26:

“(8) A decision given under this section and the notification of such decision shall— 40

(a) in case the decision is made by a planning authority and is one by which any permission or approval is refused or is granted subject to conditions, comprise a statement specifying the reasons for the refusal or the imposition of conditions, and 45

(b) in case the decision is made on appeal, comprise a statement specifying the reasons for the decision,

provided that where a condition imposed is a condition described in paragraph (a) or any subsequent paragraph of subsection (2) of this section, a reference to the paragraph of the said subsection (2) in which the condition is described shall be sufficient to meet the requirements of this subsection.”; 50 55

(d) the substitution in section 28 (6) of “or may not be used, and in case such grant specifies use as a dwelling as a purpose for which the structure may be used, the per-

mission may also be granted subject to a condition specifying that the use as a dwelling shall be restricted to use by persons of a particular class or description and that provision to that effect shall be embodied in an agreement pursuant to section 38 of this Act" for "be used";

(e) the insertion of the following subsections after subsection (2) of section 30:

"(2A) A planning authority shall neither revoke nor modify a permission under this section unless there has been a change in circumstances relating to the proper planning and development of the area concerned and such change in circumstances has occurred,

(a) in case a notice relating to the permission is served under this section and is annulled, since the annulment of the notice,

(b) in case no notice is so served, since the granting of the permission.

(2B) In case a planning authority pursuant to this section revoke or modify a permission, they shall specify in their decision the change in circumstances which warranted the revocation or modification."; and

(f) by the insertion in section 38 (3) of "the Board" after "the Minister".

31.—Part V of the Principal Act is hereby amended by—

Amendment of Part
V of Principal Act.

(a) the substitution of the following subsections for subsection (1) of section 42:

"(1) When it appears to the planning authority that by reason of—

(a) its outstanding natural beauty,

(b) its special recreational value, or

(c) a need for nature conservation,

an area should be declared under this section to be an area of special amenity, they may by order do so and the order may state the objective of the planning authority in relation to the preservation or enhancement of the character or special features of the area including objectives for the prevention or limitation of development in the area.

(1A) The Minister may, if he considers it necessary, direct a planning authority to make an order under this section in relation to an area specified in the direction and may, if he thinks fit, require that objectives specified in the direction be included by the planning authority in their order in respect of matters and in a manner so specified and in case the Minister gives a direction under this subsection the planning authority concerned shall comply with the direction and an order made pursuant to a direction under this subsection shall be revoked or varied only with the consent of the Minister.";

(b) the substitution of the following subsection for subsection (1) of section 46:

"(1) If it appears to the planning authority, after consultation with the prescribed authorities, that it is expedient in the interests of amenity to make provision to preserve from extinction or otherwise protect any flora or fauna in an area, or part of an area, to which a special amenity area order relates, being flora or fauna which are of special amenity value or special interest, they may make an order prohibiting (subject to any exemptions for which provision may be made by the order) the taking, killing or destroying of such flora or fauna."; and

(c) the substitution in subsection (4) of section 51 of "fifty pounds; and if in the case of a continuing offence the contravention of this section is continued after conviction, he shall be guilty of a further offence and liable on summary conviction to a fine not exceeding ten pounds for each day on which the contravention is continued" for "ten pounds".

Amendment of Part
VI of Principal Act.

32.—Part VI of the Principal Act is hereby amended by—

(a) the substitution in paragraph (a) of section 55 (2) of "compensation is agreed or determined" for "of the decision";

(b) the insertion in paragraph (a) of section 55 (6) of "the Board" after "planning authority";

(c) the insertion in paragraph (c) of section 56 (1) of the following subparagraph after subparagraph (iv):

"(iva) measures to reduce or prevent the emission or the intrusion of noise or vibration,";

(d) the insertion in section 58 (1) of "or the Board, as the case may be," after "by the Minister";

(e) the substitution in paragraph (b) of section 59 (1) of "sections 56, 57 and 58" for "sections 56 and 57";

(f) the addition of the following proviso to section 61 (1):

"; provided that unless an application having been made to him in that behalf, the Minister makes an order declaring that he is satisfied that it would not be just and reasonable in the particular circumstances that payment of compensation should be prevented by the provisions of this proviso, no compensation shall be paid under this section in relation to damage resulting from the imposition under section 37 of this Act of conditions on the continuance of the use of land, being conditions imposed in order to avoid or reduce serious air or water pollution or the danger of such pollution"; and

(g) the substitution in section 61 of the following subsection for subsection (2):

"(2) Subsection (1) of this section shall not apply where the use of land is use for the exhibition of advertising unless at the time of such discontinuance or compliance the land had been used for the exhibition of advertising for less than five years, whether such use was continuous or intermittent or whether or not, while the land was being so used, advertising was exhibited at the same place on the land.".

33.—Part VIII of the Principal Act is hereby amended by—

Amendment of Part
VIII of Principal
Act.

5 (a) the substitution in paragraph (a) of section 82 (2) of “ appeal to the Minister, or in relation to an oral hearing held pursuant to section 76 of this Act, as amended by section 34 (1) of the *Local Government (Planning and Development) Act, 1974*,” for “ reference or appeal ”;

(b) the insertion in paragraph (a) of section 82 (3) of “ or the Board, whichever is the person by whom the reference or appeal falls to be determined,” after “ the Minister ”;

10 (c) the substitution in section 83 of—

(i) “ A member of the Board or an authorised person ” for “ An authorised person ” in both subsection (1) and subsection (2),

15 (ii) “ a member of the Board or an authorised person ” for “ an authorised person ” in both subsection (3) and subsection (7), and

(iii) the following subsection for subsection (8) :

“ (8) In this section—

20 ‘ authorised person ’ means a person who is appointed by the planning authority, the Minister or the Board to be an authorised person for the purposes of this section;

‘ appropriate authority ’ means—

25 (a) in a case in which the authorised person was appointed by a planning authority—that authority,

(b) in a case in which the authorised person was appointed by the Minister—the Minister, and

30 (c) in a case in which the authorised person was appointed by the Board—the Board.”;

(d) the insertion of the following subsection after subsection (4) of section 86:

“ (4A) Building regulations may make provision in relation to the special needs of disabled persons.”;

35 (e) the insertion in section 87 (1) of “ , subject to or without conditions,” after “ relaxing ”;

(f) the substitution of the following section for section 88:

40 “Appeal against decision of planning authority on application under section 87.

88.—(1) If a planning authority refuse an application to dispense with or relax any requirement in building regulations which they have power to dispense with or relax, or dispense with or relax such a requirement subject to a condition, the applicant may by notice in writing appeal to the Minister within one month from the date on which the planning authority notify the applicant of their decision.

45 (2) Where an appeal is brought under this section from a decision of a planning authority and is not withdrawn, the Minister shall determine the application as if it had been made to him in the first instance under section 87 of this Act, as amended by section 33 of the *Local Government (Planning and Development) Act, 1974*, and his decision shall operate to annul the decision of the planning authority as from the time when it was given; provided that this subsection shall not be construed as requiring the Minister to consult a planning authority in relation to an appeal brought under this section.”.

55

34.—(1) The Principal Act is hereby amended by—

(a) the insertion in paragraph (i) of section 4 (1) of “, not being works comprised in the fencing or enclosure of land which has been open to or used by the public within the ten years preceding the date on which the works are commenced” after “Land Reclamation Act, 1949”;

(b) the addition of “, or make a new development plan” to section 20 (1);

(c) the insertion of the following new subsection after subsection (1) of section 20:

“(1A) The Minister may extend (either in relation to planning authorities generally or in a particular case) the period during which a planning authority may comply with the requirements of subsection (1) of this section.”;

(d) the addition of the following new subsection to section 22:

“(5) Where under this section the Minister requires a planning authority to vary the development plan, pending compliance by them with the requisition it shall be the duty of the authority to have regard to the requisition in the performance of their functions under this Act.”;

(e) the substitution in subsection (1) of section 76 of “if there is an objection to the order and the objection is not withdrawn, the Minister shall cause an oral hearing to be held and shall afford the person making the objection an opportunity of being heard” for all the words from “the Minister shall” to the end of the subsection; and

(f) the addition to section 76 of the following subsection:

“(3) The Minister may, if he thinks fit, approve an order under this section in so far only as it relates to a part specified by him of the right of way which the order proposes to extinguish, and in case the Minister so approves such an order, the order shall be construed and have effect in accordance with the approval.”.

(2) The reference to the Minister in subsection (6) of section 7 of the Principal Act shall be construed as including a reference to the Board and the provisions of that subsection shall be construed and have effect accordingly.

Repeals.

35.—The following provisions of the Principal Act are hereby repealed, namely, paragraph (b) of section 24 (4); subsections (2), (7) and (10) of section 46; section 55 (5); and in paragraph (h) of section 56 (1) all the words from “by reference to” to the end of the paragraph.

Short title,
collective citation,
commencement
and construction.

36.—(1) This Act may be cited as the Local Government (Planning and Development) Act, 1974.

(2) The Local Government (Planning and Development) Act, 1963, and this Act may be cited together as the Local Government (Planning and Development) Acts, 1963 and 1974.

(3) This Act shall come into operation on such day or days as may be fixed therefor by any 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.

(4) This Act and the Principal Act shall be construed together as one Act.

SCHEDULE

Section 3

AN BORD PLEANÁLA

1. The Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.
2. The Board shall consist of a chairman and not less than two ordinary members.
3. A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or for the time being is a member of a local authority shall be disqualified from being a member of the Board.
4. The chairman of the Board shall be appointed by the Government in a wholtime capacity and the Government when making the appointment shall fix his term of office and, subject to *Articles 6 and 12* of this Schedule, he shall hold his office on such terms and conditions as the Minister, with the consent of the Minister for the Public Service, determines.
5. The chairman may at any time resign his office by letter addressed to the Government and the resignation shall take effect as on and from the date of the receipt of the letter by the Government.
6. The Government may remove from office a chairman who has become incapable through ill-health of efficiently performing his duties or whose removal appears to the Government to be necessary for the effective performance by the Board of its functions and in case a chairman of the Board is removed from office under this Article the Government shall cause to be laid before each House of the Oireachtas a statement in writing of the reasons for the removal.
7. Each ordinary member of the Board shall be appointed by the Minister and the Minister when making the appointment shall fix such member's term of office which shall not exceed three years and, subject to the foregoing and to *Articles 10 and 12* of this Schedule, such member shall hold his office on such terms and conditions as the Minister, with the consent of the Minister for the Public Service, determines.
8. An ordinary member appointed by the Minister may be appointed from among his serving officers.
9. A member of the Board shall be paid by the Board such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for the Public Service, determines.
10. The Minister may remove from office an ordinary member of the Board who has become incapable through ill-health of effectively performing his duties or whose removal appears to the Minister to be necessary for the effective performance by the Board of its functions, and in case a member of the Board is removed from office under this Article, the Minister shall cause to be laid before each House of the Oireachtas a statement in writing of the reasons for removal.
11. An ordinary member of the Board may resign his office as a member by letter addressed to the Minister and the resignation shall take effect as on and from the date of receipt of the letter by the Minister.
12. Where a member of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas or becomes a member of a local authority he shall, upon accepting such nomination or upon becoming a member of the authority, as the case may be, cease to be a member of the Board.

13. A member of the Board whose term of office expires by the effluxion of time shall be eligible for reappointment.

14. Where a casual vacancy occurs among the members of the Board as a result of which there remain less than three such members, the Government or the Minister, as may be appropriate, shall appoint a person to fill the vacancy as soon as possible.

15. The Board shall appoint one of its ordinary members to be deputy chairman but if, at any time, the person appointed ceases to be a member of the Board, he shall also cease at that time to be deputy chairman.

16. The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

17. The Minister may fix the date, time and place of the first meeting of the Board.

18. The quorum for a meeting of the Board shall be such as may from time to time be fixed by the Minister.

19. The chairman of the Board and each ordinary member of the Board at a meeting thereof shall have a vote.

20. Every question at a meeting of the Board shall be determined by a majority of votes of the members present and, in the event that voting is equally divided, the chairman shall have a casting vote.

21. Subject to *Article 18* of this Schedule, the Board may act notwithstanding a vacancy among its members.

22. Subject to the provisions of this Act and to any regulations made by the Minister under the Principal Act or under *section 18* of this Act and to the provisions of this Schedule, the Board shall regulate its procedure and business.

23. The Board may perform any of its functions through or by any of its members duly authorised by the Board in that behalf.

24. The Board may perform any of its functions, other than the act of deciding, determining, confirming, approving or extending a reference, appeal, order, notice, dispute or other matter with which the Board is concerned by virtue of *section 13* or *section 19* of this Act, through or by any of its employees duly appointed by the Board in that behalf.

25. The Board shall, as soon as may be after its establishment, provide itself with a seal.

26. The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised by the Board to act in that behalf.

27. Judicial notice shall be taken of the seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the seal (purporting to be authenticated in accordance with *Article 26* of this Schedule) of the Board shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

28. (1) The Minister may, with the concurrence of the Minister for the Public Service, make a scheme for the granting of pensions, gratuities or other allowances to or in respect of the chairman and whole-time ordinary members of the Board ceasing to hold office, other than persons in respect of whom an award under the Superannuation Acts, 1834 to 1963, may be made.

(2) A scheme under this Article may provide that the termination of the appointment of the chairman or of an ordinary member of the Board during that person's term of office shall not preclude the award to him under the scheme of a pension, gratuity or other allowance.

(3) The Minister may, with the concurrence of the Minister for the Public Service, amend a scheme made by him under this Article.

(4) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this Article, such dispute shall be submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

(5) A scheme made under this Article shall be carried out by the Board in accordance with its terms.

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

(7) Where an established civil servant is definitively transferred to the Board as a member thereof, the superannuation benefits to be granted to him shall, if the Minister for the Public Service in his discretion so directs, be calculated in accordance with the provisions of the Superannuation Acts, 1834 to 1963, as if, during the period of his service as a wholetime member of the Board subsequent to his transfer, he had been an established civil servant and had been paid during that period out of moneys provided by the Oireachtas within the meaning of section 17 of the Superannuation Act, 1859. 1859, Sess. 1, c. 26.

BILLE

(*mar a tugadh isteach*)

dá ngairtear

Acht do dhéanamh socrú níos fearr, ar mhaithe le leas an phobail, i ndáil le pleanáil agus forbairt chuí ar chathracha, ar bhailte agus ar limistéir eile, uirbeach nó tuaithe, agus, chun na críche sin, do bhunú comhlachta dá ngairfear An Bord Pleanála agus do shonrú a fheidhmeanna agus do leasú agus do leathnú an Achta Rialtais Áitiúil (Pleanáil agus Forbairt), 1963, agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

An tAire Rialtais Áitiúil a thug isteach

*Ordaíodh ag Dáil Éireann a chlóbhualadh,
28 Márta, 1973*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

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BILL

(*as introduced*)

entitled

An Act to make better provision, in the interests of the common good, in relation to the proper planning and development of cities, towns and other areas, whether urban or rural, and, for that purpose, to establish a body to be known as An Bord Pleanála and to define its functions and to amend and extend the Local Government (Planning and Development) Act, 1963, 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,
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