



AN BILLE FORBARTHA MÓNA, 1980
TURF DEVELOPMENT BILL, 1980

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

ARRANGEMENT OF SECTIONS

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ACTS REFERRED TO

Industrial and Provident Societies Act, 1893	1893, c. 39
Turf Development Act, 1946	1946, No. 10
Turf Development Act, 1965	1965, No. 9
Turf Development Acts, 1946 to 1980	



AN BILLE FORBARTHA MÓNA, 1980
TURF DEVELOPMENT BILL, 1980

BILL

entitled

AN ACT TO AMEND AND EXTEND THE TURF DEVELOPMENT ACTS, 1946 TO 1980. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act—

“development grant” means a grant under *section 2* of this Act;

“owner”, in relation to a bog, means the person entitled to the fee simple (whether as sole beneficial owner or as a tenant in common) or the person who is entitled to a lessee’s interest under a lease of the bog; 10

“the Principal Act” means the Turf Development Act, 1946;

“qualified company” means a company within the meaning of the Companies Act, 1963, other than a company all or part of whose capital is held by a Minister of the Government; 15

“qualified group” means a group consisting of not less than three individual persons as regards which the Board is satisfied that there is in force for the time being an agreement, in a form approved of by the Board and to which each member of the group is a party, whereby it is agreed by the group to do either or both of the following : 20

(a) by purchase, lease, hire or otherwise to acquire, or acquire the use of, turf development equipment and to use the equipment for the production of turf or turf products for fuel, 25

(b) to develop a bog for the production of turf or turf products for fuel;

“qualified society” means a society which is registered under the Industrial and Provident Societies Act, 1893, and has for or amongst its purposes or objects the provision of turf for fuel; 30

“turf development equipment” includes any vehicle, other than a road transport vehicle or any part thereof (or anything designed for use on a road transport vehicle), machine, machinery, appliance or equipment (or any part thereof), whether driven by mechanical power or not, which is designed or intended by its manufacturer to be used to extract turf for fuel or to move turf, when so extracted, to loading points for subsequent transport by road or rail. 35

Development grants.

2.—(1) Where—

(a) it is proposed to develop a bog for the production of turf or turf products for fuel, and 40

(b) the person by whom the proposal is made—

(i) is an individual, a qualified company, qualified group or a qualified society, and

5 (ii) either is the owner of the bog or has a right of turbary as regards the bog.

then the person may apply to the Board for a development grant.

(2) Where an application under this section is received by the Board, then, subject to the provisions of this Act, the Board may, if it thinks fit, make to the applicant on such terms and conditions as it
10 considers appropriate, a grant of such amount as it shall determine towards the cost of the bog development to which the application relates.

(3) Where an application for a development grant is received by the Board and the Board proposes to refuse the application because
15 it is satisfied that, were the bog development proposed in the application to be carried out, the development would to a significant extent be detrimental to the development of bogland by the Board, the Board shall, before determining the matter, send the application (together with all the relevant documents) to the Minister together
20 with a statement of the reasons for its being so satisfied.

(4) The Minister may on receipt under this section from the Board of an application for a development grant and after consultation with the committee appointed pursuant to *section 7* of this Act—

25 (a) confirm the proposal of the Board to refuse the application, or

(b) direct the Board to make a development grant on such terms and conditions as shall be specified in the direction.

and in case the Minister gives a direction under this section, the Board shall make a development grant and such grant shall be made in
30 accordance with the terms of the direction.

(5) For the purposes of this section—

(a) the provision of access roads to bogs, or drainage (including outfall drainage) as regards bogs, shall be regarded as development of bogs, and

35 (b) the cost of purchasing, leasing or hiring turf development equipment which is to be used for or in connection with bog development to which an application under this section relates shall be regarded as part of the cost of such development.

40 3.—The amount of a development grant shall not exceed—

(a) in case the applicant is a qualified group or qualified society, sixty per cent.,

(b) in any other case, forty-five per cent.,

Amounts of development grants.

of the cost of the bog development to which the application relates.

45 4.—(1) Subject to *subsection (2)* of this section, an application for a development grant shall be accompanied by a plan indicating the bog development to which the application relates and such plan shall be in such form and contain such information as the Board may require.

Bog development plans.

(2) Where—

- (a) an application under *section 2* of this Act relates to bog development which the Board is satisfied is adequately indicated on a plan which has been received by the Board in relation to another such application, or 5
- (b) such an application relates to a bog which is being worked for the extraction of turf for fuel and the bog development to which the application relates comprises only works which, in the opinion of the Board, are minor works, or
- (c) the amount of the grant, if made, will not exceed an amount standing for the time being specified for the purposes of this paragraph by the Minister, 10

the Board may, if it so thinks fit, dispense the applicant from the necessity of complying with the requirements of *subsection (1)* of this section. 15

Appointment of persons to prepare or examine bog development plans.

5.—(1) The Board may from time to time appoint a person or persons, on such terms and conditions as the Board may specify when making the appointment, to prepare, for the purposes of *section 2* of this Act, plans or to examine plans already so prepared.

(2) Where there is lodged with the Board a plan in purported compliance with the requirements of *section 4* of this Act and the plan is accompanied by a certificate given by a person who for the time being stands appointed under *subsection (1)* of this section certifying either that the plan has been prepared by him for the purposes of *section 2* of this Act or that it has been examined by him and is in the form and contains the information for the time being required by the Board, the Board may thereupon regard the plan as having been lodged in compliance with the said requirements. 20 25

Refusal to make development grant.

6.—(1) The Board shall not refuse to make a development grant by reason only of the fact that the bog to which the application for the grant relates is capable of and suitable for development by the Board. 30

(2) Notwithstanding *subsection (1)* of this section but subject to *section 2 (4)* of this Act, the Board may refuse to make a development grant in relation to—

- (a) bog which the Board, prior to receipt by it of the relevant application under *section 2* of this Act, has either decided to acquire or considered acquiring, 35
- (b) bog in relation to which the Board is satisfied that, were the development proposed in relation to it in an application for a development grant to be carried out, the development would to a significant extent be detrimental to the development of bogland by the Board. 40

Advisory committee.

7.—(1) The Minister shall appoint a committee to advise him in relation to the performance of the function assigned to him by *section 2* of this Act. 45

(2) The committee appointed under this section shall consist of not less than three or more than five members.

(3) Subject to *subsection (4)* of this section, a member of the committee appointed under this section shall hold office on such terms and conditions as the Minister shall, with the consent of the Minister for the Public Service, specify in writing at the time of his appointment. 50

(4) Any member of the committee appointed under this section may at any time be removed from office by the Minister.

8.—(1) Subject to *section 9 (2)* of this Act and *subsection (2)* of this section, where the Board is satisfied that a qualified group or other person carries out or provides, or intends to carry out or provide, pursuant to agreements to which it or he is or will be a party, works or services in connection with the production of turf or turf products for fuel, the Board may, if it thinks fit, make on such terms and conditions as it thinks appropriate a grant to the group or person towards the cost of the purchase by it or him of machinery designed or intended by its manufacturer to be used exclusively or principally for the extraction of turf for fuel.

Grants towards cost of turf extraction machinery.

(2) The amount of a grant made under this section shall not exceed—

- (a) in case the applicant is a qualified group or qualified society, sixty per cent.,
(b) in any other case, forty-five per cent.,

of the cost of the machinery to which the application relates.

9.—(1) The Minister may, from time to time, give to the Board such general directives as to policy in relation to the making of grants by the Board under this Act as he considers necessary.

General policy directives as to making grants under Act.

(2) The Board shall in performing the functions assigned to it by *sections 2* and *8* of this Act comply with any directive under this section which is for the time being in force.

(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 concerned.

10.—(1) Where it is proposed to develop a bog for the production of turf or turf products for fuel, the Board may agree with the owner of the bog or, if the person by whom the proposal is made is not such owner, that person, for the provision by the Board, on such terms and conditions (including terms and conditions as regards cost) as may be agreed, of access roads to, or drainage (including outfall drainage) of, the bog to which the proposal relates.

Provision by Board of access roads etc.

(2) In case the Board enters into an agreement referred to in *subsection (1)* of this section, any development grant which the Board decides to make to the other party to the agreement and which relates to the development in relation to which the work which is the subject of the agreement is to be carried out may be set off in whole or in part against moneys due to the Board on foot of the agreement.

11.—(1) The Minister may, with the consent of the Minister for Finance, out of moneys provided by the Oireachtas make funds available to the Board to enable it to make grants under this Act.

Funds for development grants.

(2) Sums shall not be advanced to the Board under *section 53* of the Principal Act, for the purpose of enabling the Board to perform the functions assigned to it by this Act.

(3) For the avoidance of doubt it is hereby declared that advances made to the Board under this section shall not be taken into account in relation to the aggregate specified in *section 53* of the Principal Act.

Accounts.

12.—(1) The Board shall keep a separate account of the moneys received and expended by it under or by virtue of this Act and section 59 of the Principal Act shall apply to accounts kept by the Board pursuant to this section as it applies to accounts kept by the Board pursuant to that section.

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(2) Reports furnished by the Board to the Minister pursuant to section 18 (1) of the Principal Act shall deal separately with the performance by the Board of the functions assigned to it by this Act.

Amendment of
section 53 (1) of
Principal Act.

13.—Subsection (1) (inserted by section 1 of the Turf Development Act, 1965) of section 53 of the Principal Act is hereby amended by the substitution of “fifty million pounds” for “twenty-eight million pounds”, and the said subsection (1), as so amended, is set out in the Table to this section.

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TABLE

(1) For the purpose of enabling the Board to exercise or perform its functions, the Minister for Finance may, under this section and on the recommendation of the Minister, advance from time to time to the Board, out of the Central Fund or the growing produce thereof, such sums (not exceeding in the aggregate fifty million pounds) as the Board may from time to time request.

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Short title,
construction and
collective citation.

14.—(1) This Act may be cited as the Turf Development Act, 1981.

(2) The Turf Development Acts, 1946 to 1980, and this Act shall be construed together as one Act and may be cited together as the Turf Development Acts, 1946 to 1981.

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Acht do leasú agus do leathnú na nAchtanna Forbartha Móna, 1946 go 1980.

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An Act to amend and extend the Turf Development Acts, 1946 to 1980.

*Ritheadh ag dhá Theach an Oireachtais,
3 Meitheamh, 1981*

*Passed by both Houses of the Oireachtas,
3rd June, 1981*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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