



AN BILLE UM LIMISTÉIR FHORBARTHA UIRBEACHA, 1982
URBAN DEVELOPMENT AREAS BILL, 1982

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As initiated

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SCHEDULE

URBAN DEVELOPMENT AREAS REFERRED TO IN *Paragraph (a) or (b)* OF *Section 2 (1)*.

ACTS REFERRED TO

Valuation Acts

Dublin Port and Docks Act, 1869	1869, c.c.
Finance Act, 1895	1895, c.16
Vocational Education Act, 1930	1930, No. 29
Local Government Act, 1941	1941, No. 23
Harbours Act, 1946	1946, No. 9
Companies Act, 1963	1963, No. 33
Local Government (Planning and Development) Act, 1963	1963, No. 28
Local Government (Planning and Development) Acts, 1963 and 1976	
Housing Act, 1966	1966, No. 21
European Assembly Elections Act, 1977	1977, No. 30



AN BILLE UM LIMISTÉIR FHORBARTHA UIRBEACHA, 1982

URBAN DEVELOPMENT AREAS BILL, 1982

BILL

entitled

- 5 AN ACT TO MAKE PROVISION TO ENABLE THE OVERALL
REGENERATION OF CERTAIN AREAS TO BE
EFFECTED AND FOR THAT PURPOSE TO ESTABLISH
BODIES TO BE KNOWN AS THE CUSTOM HOUSE
DOCKS DEVELOPMENT COMMISSION AND THE
10 DUBLIN WALLED CITY DEVELOPMENT COMMISSION,
RESPECTIVELY, AND TO ENABLE OTHER BODIES TO
BE ESTABLISHED, TO ASSIGN TO THE BODIES ESTAB-
LISHED BY OR UNDER THIS ACT THEIR FUNCTIONS
AND TO MAKE PROVISION FOR OTHER MATTERS
15 CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“the Act of 1963” means the Local Government (Planning and Development) Act, 1963;

- 20 “the appropriate Minister” means any Minister of the Government (other than the Minister) who, having regard to the Ministerial functions vested in him, in the opinion of the Minister might be concerned with or interested in the matter in question;

“the Board” means the Dublin Port and Docks Board;

- 25 “company” means a company within the meaning of section 2 of the Companies Act, 1963;

“Custom House Docks Development Area” means the part of the County Borough of Dublin described in *Part II* of the Schedule to this Act;

- 30 “development plan” means a development plan within the meaning of the Act of 1963;

“Dublin Walled City Development Area” means the part of the County Borough of Dublin described in *Part III* of the Schedule to this Act;

- 35 “function” includes power;

“land” includes any structure and any land covered with water and any estate, right or other interest in, on or over land or water including any wayleave or other easement;

“local authority” means a local authority for the purposes of the Local Government Act, 1941; 5

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

“planning authority” means a planning authority for the purposes of the Local Government (Planning and Development) Acts, 1963 and 1976; 10

“statutory body” means—

- (a) a Minister of the Government,
- (b) the Commissioners of Public Works in Ireland,
- (c) a local authority,
- (d) a harbour authority within the meaning of section 2 of the Harbours Act, 1946, 15
- (e) a health board,
- (f) a vocational education committee within the meaning of the Vocational Education Act, 1930,
- (g) any board, company or other body which for the time being stands designated under this section; 20

“urban development area” means an area referred to in *section 2 (1)* of this Act;

“urban development commission” has the meaning assigned to it by *section 3 (2)* of this Act. 25

(2) (a) The Minister may, with the consent of the appropriate Minister, by order designate for the purposes of this section—

- (i) a board or other body established by or under statute,
- (ii) a company in which all the shares are held by, or on behalf of, a Minister of the Government, 30
- (iii) a company in which all the shares are held by a board, company, or other body referred to in *subparagraph (i) or (ii)* of this paragraph.

(b) The reference to a body in *paragraph (a) (i)* of this subsection does not include a reference to a company. 35

(3) Any reference in this Act to performance of a function includes, with respect to a power, a reference to exercise of the power.

Urban development areas.

2.—(1) Each of the following shall be an urban development area for the purposes of this Act: 40

- (a) the Custom House Docks Development Area,

(b) the Dublin Walled City Development Area,

(c) any area to which an order under *subsection (2)* of this section applies.

5 (2) (a) The Minister may for the purposes of this section by order designate an area if, but only if, each of the following requirements is complied with as regards the area, namely, it is in a county borough, a borough or an urban district, and the Minister is satisfied that, having regard to all or
10 any of the matters specified in *paragraph (b)* of this subsection, there is a special need for the overall regeneration of the area.

(b) The matters referred to in *paragraph (a)* of this subsection are:

- (i) the location of the area concerned,
- 15 (ii) the layout of such area and the condition in general of the buildings therein,
- (iii) the historical or archaeological significance of the area,
- (iv) the architectural character of the area,
- 20 (v) the deficiency in the area of new residential and other development, and employment opportunities.

(3) The Minister may by order alter the boundary of the Custom House Docks Development Area or the Dublin Walled City Development Area so as to include in the area concerned adjoining land or to exclude therefrom land forming part of such area, and in case the
25 Minister makes an order under this subsection, then for so long as the order remains in force the Schedule to this Act shall have effect subject to the terms of the order.

30 3.—(1) (a) There shall be established, on such day as may be appointed by the Minister by order, a body to be known as the Custom House Docks Development Commission to perform, in relation to the Custom House Docks Development Area, the functions assigned by or under this Act to an urban development commission.

Urban development commissions.

35 (b) There shall be established, on such day as may be appointed by the Minister by order, a body to be known as the Dublin Walled City Development Commission to perform, in relation to the Dublin Walled City Development Area, the functions assigned by or under this Act to an urban development commission.

40 (c) The Minister may by order establish a body, to be called and known by such title as shall be specified in the order, to perform, in relation to an area designated under *section 2 (2)* of this Act and specified in the order, the functions assigned by or under this Act to an urban development commission.

45

(2) A body established by or under this section (in this Act referred to as an "urban development commission") 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.

- (3) (a) An urban development commission shall consist of a chairman and not more than six ordinary members.
- (b) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is for the time being a representative in the Assembly of the European Communities, shall be disqualified for being appointed as chairman or as an ordinary member of an urban development commission. 5
- (c) Where the chairman or an ordinary member of an urban development commission is— 10
- (i) nominated either as a member of Seanad Éireann or for election to either House of the Oireachtas,
- (ii) either nominated for election to the Assembly of the European Communities or appointed under section 15 of the European Assembly Elections Act, 1977, to be a representative in such Assembly, 15
- he shall thereupon cease to be chairman or an ordinary member of the commission, as the case may be.
- (4) Every urban development commission shall provide itself with a seal of which all courts shall take judicial notice and every document purporting to be an order or other instrument made by the commission and to be sealed with its seal (purporting to be authenticated in the manner specified in an order under *section 5* of this Act) shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown. 20 25

Functions of urban
development
commission.

- 4.—(1) (a) It shall be the general duty of an urban development commission to secure the overall regeneration of its functional area and, for that purpose, it shall have the following functions—
- (i) to acquire, hold and manage land in such area for its development, redevelopment or renewal either by the commission or by any other person; 30
- (ii) to prepare a scheme or schemes for the development, redevelopment or renewal of land in such area; 35
- (iii) to develop, redevelop or renew, or secure the development, redevelopment or renewal of, any land in such area or otherwise to secure the best use of any such land;
- (iv) to dispose of land, 40
- (I) on completion of its development, redevelopment or renewal under this Act,
- (II) to secure its development, redevelopment or renewal, or
- (III) otherwise to secure its best use; 45
- (v) to carry out such works of amenity development or

environmental improvement as, in the opinion of the commission, may be required to encourage people to reside and to work in such area;

- 5 (vi) subject to *subsection (5)* of this section, to assist, by way of grants or loans of money or in kind or by the provision of services or facilities (including the services of staff) a body or other person concerned, with respect to such area, in the carrying out of development, redevelopment or renewal of land, the preservation, maintenance or development of amenities, or in the carrying out of works of local improvement.

- 15 (b) In performing the functions assigned to it by *paragraph (a)* of this subsection, an urban development commission shall, as far as practicable, maintain a balance within its functional area as between housing, industrial, commercial, social, amenity and other development.

- 20 (c) *Paragraph (a)* of this subsection shall not be construed as prejudicing the generality of *section 3 (2)* of this Act.

- (2) In addition to the functions assigned to it by *subsection (1)* of this section, an urban development commission shall have such other functions related to securing the overall regeneration of its functional area as for the time being stand assigned to it by the Minister by order, made after consultation with the appropriate Minister.

- 30 (3) An urban development commission may, subject to such conditions (if any) as the Minister may specify, do all such things as arise out of, or are consequential on, or are necessary or expedient for the purposes of, the functions assigned to it by or under this Act, or for purposes incidental to those purposes.

- (4) (a) The Minister may, from time to time, give to an urban development commission a general directive in writing as to policy regarding the performance of any of the functions assigned to it by or under this Act.

- 35 (b) An urban development commission shall in performing its functions have regard to any directive given to it under this section.

- 40 (c) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to the performance, in a particular case or in particular circumstances, by an urban development commission of a function assigned to it by or under this Act.

- 45 (5) Assistance referred to in *subsection (1)(a)(vi)* of this section shall not be granted by an urban development commission save under and in accordance with a scheme which is prepared by the commission and for the time being stands approved of by the Minister.

5.—(1) Subject to *subsection (3)* of this section, the Minister may, as regards an urban development commission, by order make such provision as he considers appropriate in relation to—

- 50 (a) the method, terms and conditions of appointment (including remuneration, if any, and allowances) of the chairman and

Supplementary provisions relating to urban development commissions.

the ordinary members of the commission and their tenure of office,

- (b) the manner in which the commission shall perform its functions,
- (c) enabling the commission effectively to perform its functions, 5
- (d) the administration generally and general finances of the commission,
- (e) the application, on the direction of the Minister, of profits or other income or funds of the commission in such manner (including application for the benefit of the Exchequer) as may be specified in the direction. 10

(2) Without prejudice to the generality of *subsection (1)* of this section (but subject to *subsection (3)* hereof) an order under this section may include provisions relating to all or any of the following matters: 15

- (a) the appointment of employees by the commission and the remuneration, conditions of service, tenure of office and superannuation of such employees,
- (b) the engagement by the commission of consultants and advisers, 20
- (c) the meetings of the commission and the procedure at such meetings,
- (d) the use and authentication of the seal of the commission,
- (e) the regulating of the finances and the keeping and auditing of the accounts of the commission, 25
- (f) the furnishing to the Minister by the commission from time to time of information regarding its activities, and the furnishing of such information to the Minister at any time at his request,
- (g) empowering the commission to make arrangements with another person for the use by it of premises or equipment belonging to that person or for the use by the commission of the services of employees of that person, 30
- (h) matters ancillary or incidental to any of the foregoing matters. 35

(3) No provision relating to the matters mentioned in *paragraph (a)* of *subsection (1)* or *paragraph (a)* of *subsection (2)* of this section may be contained in any order under this section without the consent of the Minister for the Public Service.

Planning scheme for urban development area.

6.—(1) An urban development commission may, if it decides that it is expedient so to do, and shall, if it is directed by the Minister so to do, prepare a planning scheme for its functional area. 40

(2) A planning scheme under this section shall consist of a written statement and a plan indicating the manner in which the urban development commission concerned considers that the overall regeneration of its functional area should be secured and, in particular— 45

- (a) the nature and extent of the development which, in the opinion of such commission, should for the purpose of such regeneration, be carried out in such area, and
 - 5 (b) the extent to which, in such opinion, particular classes of development should, for the purpose of such regeneration, be prevented, restricted or otherwise controlled.
- (3) In preparing a planning scheme under this section, the urban development commission concerned shall—
- 10 (a) take account of the existing character of, and any features of historical, architectural, archaeological or other special interest in, its functional area,
 - (b) consult with any local authority to any part of whose functional area the scheme relates,
 - 15 (c) make arrangements to permit the making of submissions by interested persons as regards the scheme and consider any such submissions.
- (4) Where a planning scheme has been prepared under this section, a planning authority concerned shall have regard to the scheme—
- 20 (a) both in the making of any development plan which in any way relates either to the functional area of the urban development commission by which the planning scheme was prepared or to any area contiguous to that area and in the review and variation of any such plan,
 - 25 (b) in dealing with an application under section 26 or 27 of the Act of 1963 for permission or for an approval in respect of development in such functional area, and
 - (c) in carrying out any development in such functional area.
- (5) Where a planning scheme has been prepared under this section, An Bord Pleanála shall, in determining an application which is an application described in *paragraph (b) of subsection (4) of this section*, have regard to the scheme.

7.—(1) Without prejudice to the generality of *section 3 (2) of this Act*, an urban development commission may acquire compulsorily land situate within its functional area for the purpose of performing any of the functions assigned to it by or under this Act.

Acquisition of land compulsorily by urban development commissions.

(2) Where an urban development commission decides to acquire land compulsorily under this section, it may be authorised to acquire the land compulsorily by means of a compulsory purchase order as provided for by section 76 of the Housing Act, 1966, and the Third Schedule thereto, and for the purposes of this subsection any reference to a housing authority in the said section 76 or the said Third Schedule shall be construed as a reference to an urban development commission.

(3) The Minister may by order make such provision as appears to him to be necessary to enable this section, or an order made under this section, to have full effect (including provision for the modification, adaptation or other amendment of any provision of the Housing Act, 1966, or any other enactment).

Transfer of certain
land to Custom
House Docks
Development
Commission.

8.—(1) The Minister may, after consultation with the Minister for Transport, by order transfer from the Board to the Custom House Docks Development Commission (in this section subsequently referred to as “the Commission”) land situated in the Custom House Docks Development Area and which is vested in, belongs to or is held in trust or subject to conditions for the Board together with all rights, powers and privileges relating to or connected with such land. 5

(2) Where an order is made under this section, there shall be payable to the Board by the Commission consideration in respect of the transfer of the land to which the order relates and such consideration shall be such as may be agreed between the Board and the Commission or, in default of such agreement, such amount as shall be determined by the Minister, with the consent of the Minister for Transport. 10

(3) In making a determination under this section, the Minister shall have regard to, 15

(a) the cost to the Board of acquiring the relevant land and the cost of any building or other structure thereon constructed or otherwise provided by the Board,

(b) any operations and activities carried out or on by the Board on such land or any part thereof during the period of three years ending on the date of the relevant order under this section, and 20

(c) the cost to the Board of providing facilities elsewhere to enable the aforesaid operations and activities to be carried out or on. 25

(4) An order under this section may provide that the land to which the order relates shall, on the coming into operation of the order, cease to be within both the limits of the harbour of the Board and the limits of the Port of Dublin within the meaning of section 2 of the Dublin Port and Docks Act, 1869. 30

Transfer of land to
urban development
commissions.

9.—(1) (a) Subject to *paragraph (b)* of this subsection, the Minister may, with the consent of the appropriate Minister, by order transfer from a statutory body to an urban development commission any land which is situated in the functional area of such commission and is vested in, belongs to or is held in trust or subject to conditions for the statutory body together with all rights, powers and privileges relating to or connected with such land. 35

(b) The Minister shall not make an order under this section unless he is satisfied that the land to which the order, if made, will relate is not being used by, or is not, or is unlikely to be, required by, the statutory body for the performance of its functions and duties. 40

(2) Where an order is made under this section, there shall be payable, by the urban development commission concerned to the statutory body whose land is transferred by the order, consideration in respect of the transfer and such consideration shall be such as may be agreed between such statutory body and such commission or, in default of such agreement, such amount as shall be determined by the Minister, with the consent of the appropriate Minister. 45 50

(3) In making a determination under this section the Minister shall have regard to,

- 5 (a) the cost to the relevant statutory body of acquiring the relevant land and the cost of any building or other structure thereon constructed or otherwise provided by such body,
- (b) any operations and activities carried out or on by such body on such land or any part thereof during the period of three years ending on the date of the relevant order under this section, and
- 10 (c) the cost to such body of providing facilities elsewhere for any purpose for which such land, or any part thereof, might have been used by it.

15 **10.**—(1) An order under *section 8 or 9* of this Act shall come into operation on such day or days as may be specified in the order and different days may be so specified in relation to different parts of the land to which the order relates.

Orders under *section 8 or 9*, supplementary provisions.

20 (2) An order referred to in *subsection (1)* of this section may contain such incidental, consequential, transitional or supplementary provisions as may appear to the Minister to be necessary or proper for the purpose of, or in consequence of, or to give full effect to, a transfer of land effected by the order (including provision for the modification, adaptation or other amendment of any enactment).

25 (3) Where an order referred to in *subsection (1)* of this section is made, the land to which the order relates shall, without any conveyance or assignment, become and be vested in or the property of or held in trust or subject to conditions for (as the case may require) the relevant urban development commission for all the estate and interest of the Board or, as the case may require, the statutory body whose land is transferred by the order.

30 (4) A provision in any enactment apart from this Act shall neither be construed as affecting or preventing, nor shall it operate to affect or prevent, a transfer of land effected by an order referred to in *subsection (1)* of this section.

35 (5) No action, proceeding, claim or demand of any kind or description shall lie against the Board or other statutory body by reason only of the agreement by it to accept, or acceptance by it of, a consideration payable under *section 8 or 9* of this Act.

40 (6) Section 12 of the Finance Act, 1895, shall not apply to any transfer of land by virtue of an order referred to in *subsection (1)* of this section.

45 **11.**—(1) An urban development commission may make a scheme providing for the remission, in whole or in part, of rates leviable in respect of premises which are both situate within its functional area and certified by the commission to have been erected, enlarged or improved after the establishment of the commission.

Remission of rates.

(2) A scheme under this section shall specify—

- (a) the classes or descriptions of premises to which the scheme applies,
- (b) the local financial years in relation to which the remission of rates is to have effect,
- (c) the terms or conditions (if any) subject to which the remission of rates is to have effect in any local financial year, and
- (d) the period during which the scheme is to operate.

(3) A scheme under this section may be amended by an amending scheme made by the urban development commission by which the scheme being amended was made. 10

(4) A scheme under this section (including an amending scheme) shall be submitted by the urban development commission by which it is made to the Minister who may confirm the scheme with or without modifications or refuse to confirm the scheme.

(5) Where a scheme is made and confirmed under this section, a local authority shall, as regards a rate leviable by them, give effect to any remission provided for in the scheme as so confirmed. 15

(6) A remission provided for in a scheme under this section shall not be granted more than once in respect of the same erection, enlargement or improvement of premises. 20

(7) Where premises are not separately valued under the Valuation Acts, the Commissioner of Valuation may, on the application of the urban development commission within whose functional area the premises are situated, apportion to the premises such part as he thinks proper of the rateable valuation of the property in which the premises are comprised. 25

Application of
Local Government
(Planning and
Development) Acts,
1963 and 1976, to
development by, or
approved of by,
urban development
commissions.

12.—(1) (a) Any development carried out by an urban development commission within its functional area shall be exempted development for the purposes of the Local Government (Planning and Development) Acts, 1963 and 1976. 30

(b) Any development carried out by a person, other than an urban development commission, within the functional area of such a commission shall, if, but only if, it is approved of by the commission, be exempted development for the purposes of the Local Government (Planning and Development) Acts, 1963 and 1976. 35

(2) Before carrying out, or approving of the carrying out of, any development, an urban development commission shall— 40

(a) consult with the planning authority concerned in such manner and to such extent as may be determined by the Minister, and

(b) if any objection raised by such planning authority is not resolved, or if any condition attached by virtue of this section by such planning authority is not acceptable to the commission, consult with the Minister on the objection or condition as the case may be, and 45

(c) in carrying out the development, comply, or take steps to secure compliance with, such conditions (if any) as the planning authority or the Minister, as the case may be, may attach by virtue of this section as regards the development, and

(d) comply with such general directives as may be given to the commission in writing by the Minister in relation to the publication of notices of the proposed development, the making of copies of relevant plans and particulars available for inspection and the hearing of objections or representations in relation to such proposed development (which directives the Minister is hereby empowered to give).

(3) When consulted under *subsection (2)* of this section—

(a) the Minister may, if he thinks fit, prohibit the carrying out of the development, or any part thereof, to which the consultation relates, and

(b) the planning authority or the Minister, as the case may be, shall have a like power to attach conditions as regards the relevant development as that conferred on the authority by section 26 of the Act of 1963 in relation to the attachment of conditions to a permission under that section,

and in case the Minister imposes a prohibition under this section, the urban development commission concerned shall comply with the prohibition.

(4) If, having been consulted under *subsection (2)* of this section, a planning authority do not raise any objection or attach any condition within the period of one month beginning on the day on which the authority is first so consulted as regards the relevant development, a decision not to raise any objection or attach any condition in relation to such development shall be regarded as having been taken by the authority.

(5) In this section “development” has the meaning assigned to it by section 3 of the Act of 1963.

13.—The Minister may, if he considers it necessary so to do, direct a planning authority to make, pursuant to section 19(5) of the Act of 1963, a development plan in relation to a part of their functional area specified in the direction and may, if he thinks fit, require that objectives so specified be included by the planning authority concerned in such plan in respect of matters and in a manner so specified, and in case the Minister gives a direction under this section, the planning authority concerned shall comply with the direction.

Amendment of Act of 1963 in relation to partial development plans.

14.—The Minister may, in each financial year, after consultation with an urban development commission in relation to its programme of expenditure for the year, make grants, of such amounts as may be sanctioned by the Minister for Finance, out of moneys provided by the Oireachtas towards the expenses of the commission.

Grants to urban development commission.

15.—(1) An urban development commission may, with the consent of the Minister given with the approval of the Minister for Finance, borrow money (including money in a currency other than the currency

Borrowing.

of the State) for the purpose of providing temporarily for current expenditure, for working capital or to defray expenditure that is properly chargeable to capital.

(2) Borrowing under this section may be effected in any manner which the urban development commission concerned considers suitable including, in particular, by way of mortgage, temporary loan or overdraft. 5

Advances to urban development commission.

16.—(1) For the purpose of enabling an urban development commission to perform its functions, the Minister for Finance may, on the recommendation of the Minister, advance from time to time to the commission out of the Central Fund or the growing produce thereof such sums as the commission may from time to time request. 10

(2) Advances under this section shall be made on such terms as to repayment, interest and other matters as may be determined by the Minister for Finance. 15

(3) The aggregate at any one time of sums advanced under this section and which have not been repaid shall not exceed £50,000,000.

(4) All sums paid by an urban development commission in repayment of an advance under this section or in pursuance of any term or condition subject to which such an advance was made shall be paid into or disposed of for the benefit of the Exchequer. 20

(5) The Minister for Finance may, for the purpose of providing for advances out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof any sums required for the purpose and, for the purpose of such borrowing, he may create and issue securities bearing interest at such rate and subject to such conditions as to repayment, redemption or any other matter as he thinks fit, and shall pay all moneys so borrowed into the Exchequer. 25

(6) The principal of and interest on all securities issued under this section and the expense incurred in connection with the issue of the securities shall be charged on and payable out of the Central Fund or the growing produce thereof. 30

State guarantee of certain borrowings.

17.—(1) The Minister for Finance, after consultation with the Minister, may guarantee, in such form and manner and on such terms and conditions as he thinks fit, the due repayment by an urban development commission of the principal of any moneys (including moneys in a currency other than the currency of the State) borrowed by the commission, other than from the Minister for Finance, under this Act, or the payment of interest on such moneys or both the repayment of the principal and the payment of the interest and any such guarantee may include a guarantee of payment of incidental expenses arising in connection with such borrowings. 35 40

(2) The Minister for Finance shall not exercise the powers conferred on him by this section so that the amount, or the aggregate amount, of principal which he may at any one time be liable to repay on foot of any guarantee or guarantees under this section for the time being in force, together with the amount of principal (if any) which the said Minister has previously paid on foot of any guarantee under this section and which has not been repaid, exceeds £50,000,000. 45 50

(3) For the purposes of calculating the amount of borrowings

guaranteed by the Minister for Finance under this section by reference to the limit on principal in *subsection (2)* hereof, the equivalent in the currency of the State of borrowings in a foreign currency shall be calculated at the exchange rate prevailing at the time of the giving of the guarantee.

(4) The Minister for Finance shall, as soon as may be after the expiration of every financial year, lay before each House of the Oireachtas a statement setting out with respect to each guarantee under this section given during that year or given at any time before, and in force at, the commencement of that year—

- (a) particulars of the guarantee,
- (b) in case any payment has been made by the Minister under the guarantee before the end of that year, the amount of the payment and the amount (if any) repaid to the Minister on foot of the payment,
- (c) the amount of principal covered by the guarantee which was outstanding at the end of that year.

(5) All moneys from time to time required by the Minister for Finance to meet sums which may become payable by him under this section shall be advanced out of the Central Fund or the growing produce thereof.

(6) Moneys paid by the Minister for Finance under a guarantee under this section shall be repaid to him (with interest thereon at such rate or rates as he appoints) by the relevant urban development commission within two years from the date of the advance of the moneys out of the Central Fund.

(7) Where the whole or any part of moneys required by *subsection (6)* of this section to be repaid to the Minister for Finance has not been paid in accordance with that subsection, the amount so remaining outstanding shall be repaid to the Central Fund out of moneys provided by the Oireachtas.

(8) Notwithstanding the provision of moneys under *subsection (7)* of this section to repay the amount to the Central Fund, the relevant urban development commission shall remain liable to the Minister for Finance in respect of that amount and that amount (with interest thereon at such rate or rates as the Minister for Finance appoints) shall be repaid to the said Minister by the commission at such times and in such instalments as he appoints and, in default of repayment as aforesaid and without prejudice to any other method of recovery, shall be recoverable as a simple contract debt due to the Minister for Finance by such urban development commission in any court of competent jurisdiction.

(9) Moneys paid by an urban development commission under *subsection (6)* or *(8)* of this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance thinks fit.

(10) In relation to guarantees given by the Minister for Finance in money in a currency other than the currency of the State—

- (a) each of the references to principal, each of the references to interest and the reference to incidental expenses in *subsection (1)* of this section shall be taken as referring to the equivalent in currency of the State of the actual principal,

the actual interest and the actual incidental expenses, respectively, such equivalent being calculated according to the cost in currency of the State of the actual principal, the actual interest or the actual incidental expenses, as may be appropriate, 5

(b) the reference to principal in *subsection (4)* of this section shall be taken as referring to the equivalent in currency of the State of the actual principal, such equivalent being calculated according to the rate of exchange for the time being for that currency and the currency of the State, 10

(c) each of the references to moneys in *subsections (5) to (8)* of this section shall be taken as referring to the cost in the currency of the State of the actual moneys.

Duty of urban development commission as regards financial affairs.

18.—(1) Subject to *subsection (2)* of this section, it shall be the general duty of an urban development commission, in performing any function assigned to it by *subparagraphs (i), (ii), (iii) or (iv) of section 4(1)(a)* of this Act, to secure that, in relation to those functions— 15

(a) taking one year with another, the operating expenditure of the commission, including all charges properly chargeable to revenue, shall not be greater than its revenue, and 20

(b) the commission can duly repay the principal of any moneys borrowed by it, and

(c) where a directive under *subsection (2)* of this section so requires, not less than the proportion of the commission's capital needs specified in the directive is met from the commission's revenue. 25

(2) (a) The Minister may, from time to time, with the consent of the Minister for Finance, give to an urban development commission a general directive in writing concerning the financial objectives of the commission. 30

(b) An urban development commission shall, in performing its functions, have regard to any directive given to it under this section.

(c) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to the performance, in a particular case or in particular circumstances, by an urban development commission of a function assigned to it by or under this Act. 35

(3) *Subsection (1)* of this section shall not be construed as imposing on an urban development commission, either directly or indirectly, a duty or liability which may be the subject of any legal proceedings. 40

Dissolution of urban development commission.

19.—(1) The Minister may by order (in this section referred to as a "dissolution order") provide for the dissolution of an urban development commission when it appears to him that there is no longer a need for the existence of the commission. 45

(2) A dissolution order shall contain such provisions as the Minister thinks necessary or expedient consequent on the dissolution effected by the order and, in particular, may make provision for—

- (a) the transfer or distribution of the property, rights and liabilities of the urban development commission being thereby dissolved to one or more than one statutory body,
- 5 (b) the preservation of continuing contracts or other agreements made by the commission,
- (c) the continuance of pending legal proceedings,
- (d) notwithstanding any restriction contained in any other Act but subject to *subsection (3)* of this section, the transfer of
10 any employee of the commission to an employment under a statutory body, being an employment similar to that in which he was engaged under such commission.

(3) A dissolution order shall not contain a provision transferring an employee to an employment under a Department of State save with the consent of the Minister for the Public Service, and, in case
15 the Department is not the Department of the Public Service, the Minister of the Government in charge of the Department concerned.

(4) In case the Minister makes a dissolution order the following provisions shall apply:

- 20 (a) in case the order dissolves the Custom House Docks Development Commission, the Custom House Docks Development Area shall, on the commencement of the order, cease to be an urban development area for the purposes of this Act,
- 25 (b) in case the order dissolves the Dublin Walled City Development Commission, the Dublin Walled City Development Area shall, on the commencement of the order, cease to be such a development area, and
- 30 (c) in case the order dissolves an urban development commission established by order under *section 3* of this Act, the area designated under *section 2* of this Act and specified in the said order under the said *section 3* shall, on the commencement of the dissolution order, cease to be such a development area.

(5) A dissolution order shall not be construed as affecting any
35 obligation imposed by *section 11(5)* of this Act on a local authority.

20.—(1) The Minister may, from time to time, by order amend or revoke an order under this Act (including any order made under this subsection), and in case the order to be amended or revoked by an order under this subsection was made by the Minister with the consent
40 of, or after consultation with, a Minister of the Government, before making the order under this subsection the Minister shall, in addition, either, as may be appropriate, obtain the consent of or consult that Minister of the Government. Orders generally.

(2) Every order made by the Minister under this Act shall be laid
45 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 seven 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
50 thereunder.

(3) For the avoidance of doubt it is hereby declared that no reference to order in *subsection (2)* of this section is to be construed as including a reference to an order which confirms (with or without modification) or annuls a compulsory purchase order.

Expenses of Minister.

21.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.

22.—This Act may be cited as the Urban Development Areas Act, 1982.

Sections 1 and 2

SCHEDULE

10

URBAN DEVELOPMENT AREAS REFERRED TO IN *Paragraph (a)* OR *(b)* OF *Section 2 (1)*

PART I

Interpretation

In this Schedule—

15

(a) a reference to a line drawn along any street, road, place, bridge, alley, river or imaginary projection of any street shall be construed as a reference to a line drawn along the centre of such street, road, place, bridge, alley or river or the projection of a line drawn along the centre of the relevant street,

20

(b) a reference to the point at which any street, road, place, bridge, alley, river or imaginary projection of any street is said to intersect or to join any other street, road, place, bridge, alley, river or imaginary projection of any street shall be construed as a reference to the point at which a line drawn along the centre of the one, or, in the case of an imaginary projection, along the one, would be intersected or joined by a line drawn along the centre of the other or, in the case of an imaginary projection, along the other.

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PART II

Description of the Custom House Docks Development Area

That part of the County Borough of Dublin bounded by a line drawn as follows:—

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Commencing at the point where Talbot Memorial Bridge intersects the River Liffey; then continuing in a northerly direction along Talbot Memorial Bridge, Memorial Road and Amiens Street to the point where Amiens Street joins Sheriff Street Lower; then continuing, initially in an easterly direction, along Sheriff Street Lower, Commons Street and the imaginary southerly projection of Commons Street to the point where such projection intersects the River Liffey; and finally continuing in a westerly direction along the River Liffey to the point first-mentioned.

45

PART III

Description of the Dublin Walled City Development Area

That part of the County Borough of Dublin bounded by a line drawn as follows:—

- 5 Commencing at the point where Grattan Bridge intersects the River Liffey; then continuing in a southerly direction along Grattan Bridge and Parliament Street to the point at which Parliament Street joins Cork Hill and Dame Street; then continuing in an easterly direction along Dame Street to the point
- 10 where it joins Palace Street; then continuing in a southerly direction along Palace Street and the imaginary southerly projection of Palace Street to the point at which such projection intersects the imaginary easterly projection of Ship Street Little; then continuing, initially in a westerly direction, along the last-
- 15 mentioned imaginary projection and Ship Street Little to the point where Ship Street Little joins Werburgh Street and Bride Street; then continuing in a southerly direction along Bride Street to the point where it joins Bride Road; then continuing in a westerly direction along Bride Road to the point where it joins
- 20 Nicholas Street and Patrick Street; then continuing in a northerly direction along Nicholas Street to the point where it joins St. Nicholas Place; then continuing in a westerly direction along St. Nicholas Place to the point where it joins John Dillon Street; then continuing in a north-westerly direction along John Dillon
- 25 Street and Lamb Alley to the point where Lamb Alley joins Cornmarket; then continuing in a south-westerly direction along Cornmarket to the point where it joins St. Augustine Street and Thomas Street; then continuing, initially in a north-westerly direction, along St. Augustine Street and the imaginary northerly
- 30 projection of St. Augustine Street to the point where such projection intersects the River Liffey; and finally continuing, initially in a south-easterly direction, along the River Liffey to the point first-mentioned.

AN BILLE UM LIMISTÉIR FHORBARTHA
UIRBEACHA, 1982

URBAN DEVELOPMENT AREAS BILL,
1982

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú á chumasú athnuachan uileata a dhéanamh ar limistéir áirithe agus chun na críche sin do bhunú comhlachtaí dá ngairfear Coimisiún Forbartha Duganna Theach an Chustaim agus Coimisiún Forbartha Chathair Mhúrach Bhaile Átha Cliath, faoi seach, agus á chumasú comhlachtaí eile a bhunú, do shannadh a bhfeidhmeanna do na comhlachtaí a bhunófar leis an Acht seo nó faoi agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

*An tAire Comhshaoil a thíolaic
19 Bealtaine, 1982*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

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BILL

(as initiated)

entitled

An Act to make provision to enable the overall regeneration of certain areas to be effected and for that purpose to establish bodies to be known as the Custom House Docks Development Commission and the Dublin Walled City Development Commission, respectively, and to enable other bodies to be established, to assign to the bodies established by or under this Act their functions and to make provision for other matters connected with the matters aforesaid.

*Presented by the Minister for the Environment,
19th May, 1982*

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