



**AN BILLE RIALTAIS AITIUIL (TALAMH FOIRGNIOCHTA),
1982
LOCAL GOVERNMENT (BUILDING LAND) BILL, 1982**

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As initiated*

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Derelict Sites Act, 1961	1961, No. 3
Harbours Act, 1946	1946, No. 9
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Local Government (Planning and Development) Act, 1963	1963, No. 28
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Property Values (Arbitrations and Appeals) Act, 1960	1960, No. 45
Superannuation Act, 1859	1859, c. 26
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AN BILLE RIALTAIS AITIUIL (TALAMH FOIRGNIOCHTA),
1982

LOCAL GOVERNMENT (BUILDING LAND) BILL, 1982

BILL

5 *entitled*

AN ACT TO PROVIDE, IN ACCORDANCE WITH THE
EXIGENCIES OF THE COMMON GOOD AND FOR THE
FURTHERANCE OF THE PRINCIPLES OF SOCIAL
JUSTICE FOR THE BETTER CONTROL OF THE SUPPLY
10 AND PRICE OF BUILDING LAND, AND FOR THAT PUR-
POSE TO MAKE BETTER PROVISION FOR THE
ACQUISITION AND DISPOSAL OF LAND BY LOCAL
AUTHORITIES; TO MAKE FURTHER PROVISION AS TO
COMPENSATION IN RESPECT OF LAND ACQUIRED
15 BY LOCAL AUTHORITIES; TO PROVIDE FOR THE
ESTABLISHMENT OF A LANDS TRIBUNAL AND FOR
OTHER MATTERS CONNECTED WITH THE MATTERS
AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

20 PART I

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Local Government (Building
Land) Act, 1982. Short title,
collective citation
and construction.

(2) The Local Government (Planning and Development) Acts, 1963
25 and 1976, and this Act may be cited together as the Local Govern-
ment (Planning and Development) Acts, 1963 to 1982.

(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
30 different days may be so fixed for different purposes and different
provisions of this Act.

(4) This Act and the Local Government (Planning and Develop-
ment) Acts 1963 and 1976, shall be construed together as one Act.

2.—(1) In this Act, save where the context otherwise requires:— Interpretation.

"the Act of 1919" means the Acquisition of Land (Assessment of Compensation) Act, 1919;

"the Act of 1963" means the Local Government (Planning and Development) Act, 1963:

"the appointed day" means the day appointed by the Minister for the purposes of *section 7*;

"derelict site" has the same meaning as in the Derelict Sites Act, 1961.

"designated area" means an area designated under *section 4*;

"designated areas order" has the meaning assigned by *section 4*; 10

"the establishment day" means the day appointed to be the establishment day for the purposes of *Part IV* by order of the Minister under *section 14*;

"the Minister" means the Minister for the Environment;

"notice of acquisition" has the meaning assigned by *section 11*; 15

"owner" means any person (other than a mortgagee not in possession) who is for the time being entitled to sell or otherwise dispose of the fee simple of the land in relation to which the said word is used or of any term of years for the time being subsisting in respect of the land of which the unexpired residue exceeds one year; 20

"prescribed" means prescribed by regulations made by the Minister;

"the Tribunal" has the meaning assigned to it by *section 15*;

"variation order" has the meaning assigned by *section 5 (1)*.

(2) Any reference in this Act to performance of functions includes, with respect to powers, a reference to exercise of powers. 25

(3) Any reference in this Act to any other enactment shall, except so far as the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act.

(4) In this Act, a reference to a section is to a section of this Act 30 and a reference to a subsection, paragraph, article or rule is to the subsection, paragraph, article or rule of the provision in which the reference occurs, unless it is indicated that reference to some other enactment or provision, as may be appropriate, is intended.

Regulations.

3.—(1) The Minister may make regulations in relation to any 35 matter referred to in this Act as prescribed.

(2) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent twenty-one days on 40 which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under the regulation.

PART II

DESIGNATED AREAS

4.—(1) A local authority may by order (in this Act referred to as a "designated areas order") made by the authority and confirmed by the Minister, declare an area which complies with *section 6* to be a designated area for the purposes of this Act. Designated areas orders.

(2) Where an order is made and confirmed under *subsection (1)* of this section, a local authority shall have power to acquire, either by agreement or compulsorily, in accordance with the following provisions of this Act all land in a designated area with the exception of—

- (a) land on which development has commenced in respect of which planning permission has been granted,
- (b) land used for community, recreational and sporting purposes,
- 15 (c) land which is the property of a public authority, and
- (d) existing dwellings, shops, offices, factories and buildings used for business or social purposes including any out-offices, yards, gardens or other land appurtenant thereto or usually enjoyed therewith,
- 20 provided that such land
- (i) is not, in the opinion of the local authority, required by them in order to provide for overall redevelopment and renewal of an area,
- 25 (ii) is not, in the opinion of the local authority, under-utilised, and
- (iii) does not constitute a derelict site.

(3) In this section "public authority" means the State, any Minister of the Government, the Commissioners of Public Works in Ireland, the Irish Land Commission, a local authority, 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 regulations made by the Minister, to be a public authority for the purpose of this section.

(4) No other person or body of persons may (except with the consent of the local authority) purchase any lands which, by virtue of *subsection (2)*, a local authority is empowered to acquire unless a binding contract for the sale of the lands has been made prior to the date of confirmation by the Minister under *section 9* of the order designating the areas in which the lands are situate.

(5) Notwithstanding the provisions of *subsections (1)* and *(2)* of this section, nothing in this Act shall empower a local authority to acquire compulsorily the property of any religious denomination or any educational institution.

(6) The making of a designated areas order or variation order under this Act shall be a reserved function.

Review and duration of designated areas orders.

5.—(1) Where a local authority has made a designated areas order, and that order has been confirmed by the Minister under *section 9*, the local authority shall at least once in every five years after the date of confirmation of the order, review the needs of its functional area in regard to land and may make a further order (in the Act referred to as a variation order) providing for any amendments to the said designated areas order which in its opinion have become necessary due to changes in the needs of its functional area or in the development plan. 5

(2) A designated areas order shall continue in force— 10

(a) if it is not amended by a variation order, for a period of five years from the date on which it was confirmed by the Minister under *section 9*, or

(b) if it has been amended by a variation order, for a period of five years from the date of the confirmation by the Minister of the variation order. 15

“designated area”.

6.—(1) An area may be designated under *section 4* if, in the opinion of the local authority, it is one—

(a) in which the lands will probably be used during the following five years for the purpose of providing sites for houses or factories or for the purposes of expansion or development, and 20

(b) in which the land or a substantial part of it has been or will probably be increased in market price by works carried out by a local authority (which were commenced not earlier than the first day of August, 1962), or which are to be carried out by such local authority, 25

provided that land which does not comply with the definition in *paragraph (b)* may however be designated under *section 4* if— 30

(i) it is, in the opinion of the local authority, required by it in order to provide for overall redevelopment and renewal of an area,

(ii) it is, in the opinion of the local authority, under-utilised, or 35

(iii) it constitutes a derelict site.

(2) When forming its opinion with regard to an area in accordance with the foregoing subsection a local authority shall have regard to the development plan for the area.

Draft orders.

7.—Where a local authority proposes to make a designated areas order or variation order it shall within the period of two months beginning on the appointed day (or such longer period as the Minister may by order in any particular case allow) prepare a draft order in the prescribed form which shall include a plan indicating the lands to be included in the designated area and an estimate of the housing and general building needs of the area over the next succeeding five year period. 45

8.—(1) Where a local authority has prepared a draft order or draft variation order in accordance with section 7— Publication of notices.

(a) it shall send copies of the prescribed documents to the prescribed authorities,

5 (b) it shall cause notice of the preparation of the draft to be published in the *Iris Oifigiúil* and in at least one newspaper circulating in the area proposed to be included in a designated areas order or variation order,

10 (c) it shall send copies of the prescribed documents to the owners of the property concerned.

(2) A notice under the foregoing subsection shall state—

(a) that a copy of the draft order may be inspected at a stated place and at stated times during a stated period of not more than three months (and the copy shall be kept available for inspection accordingly), and

15 (b) that any objections or any representations with respect to the draft order made to the local authority within the said period will be taken into consideration before the making of the order (and any such objections or representations shall be taken into consideration accordingly), and

20 (c) that any person making objection with respect to the draft may include in the objection a request to be afforded an opportunity to be heard before a person or persons appointed by the local authority (and such opportunity shall be afforded to such objector and the submission by the person making the objection shall be considered together with the objection).

25 (3) Where a local authority makes a designated areas order or variation order, it shall cause a notice of the making to be published in the *Iris Oifigiúil* and in at least one newspaper circulating in its area and shall submit the order to the Minister for confirmation.

9.—Where a designated areas order or variation order has been submitted to the Minister for confirmation, he may, as he thinks fit, Confirmation of designated areas orders.

35 confirm the order with or without modification or refuse to confirm the order.

10.—(1) Notwithstanding the provisions of sections 26 (1) and 30 (2) of the Act of 1963 a planning authority may refuse to grant planning permission for the development of land in respect of which Refusal of planning permission in a designated area.

40 a designated areas order has been confirmed on the grounds that such land is included in such order.

(2) Notwithstanding the provisions of Part VI of the Act of 1963 no person shall be entitled to compensation by a planning authority for any reduction in value of an interest of any person Refusal of planning permission in a designated area.

45 existing in the land to which the decision to refuse planning permission relates where such refusal was on the grounds that a designated areas order has been confirmed in respect of the land concerned.

PART III

ACQUISITION

11.—(1) Where a designated areas order has been confirmed by the Minister under section 9 in respect of an area a local authority "notice of acquisition".

shall, within the period of validity of the order as specified in *subsection (2) of section 5*, give notice (hereafter in this Act referred to as a "notice of acquisition") to all the persons interested in, or having power to sell and convey or release, so far as known to the local authority after making diligent inquiry, the land which, by virtue of *section 4*, the local authority is empowered to acquire.

(2) Every notice of acquisition shall be in the prescribed form and shall—

- (a) give particulars of the land to which the notice related,
- (b) demand particulars of the recipient's estate and interest in the land, and of the claim made by him in respect of the land,
- (c) demand particulars from the recipient of all superior or lessor interests in the land and of net mortgages or encumbrances affecting the same,
- (d) state that the local authority intends to acquire the land, and
- (e) draw the attention of the recipient to the fact that in the event of no agreement being reached as to the amount of compensation payable to persons so entitled the matter shall be referred to the Lands Tribunal as provided for under *Part IV* of this Act.

Avoidance of severance.

12.—A local authority shall acquire all lands in respect of which notice of acquisition is given in accordance with *section 11* save that where such acquisition would result in the severing of the land acquired from the other land of the owner thereof, the acquisition shall not be effected unless the owner agrees to the acquisition of that part of his holding which is in the designated area without compensation for severance.

Compulsory acquisition.

13.—Where the owner of any land in respect of which a notice of acquisition has been issued by a local authority refuses to consent to that acquisition, then the land shall be acquired by the local authority in accordance with the procedures set out in sections 79 to 82 of the Housing Act, 1966 for the compulsory acquisition of land, apart from those provisions of that Act which relate to the assessment and payment of compensation.

PART IV

COMPENSATION

Establishment day.

14.—The Minister may by order appoint a day to be the establishment day for the purposes of this Part.

Lands Tribunal.

15.—(1) There shall, by virtue of this section, be established on the establishment day a body to be known as the Lands Tribunal (in this Act referred to as "the Tribunal") 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 Tribunal.

16.—(1) Where no agreement is reached between the local authority and the owner or owners of any land as to the amount of compensation payable in respect of the acquisition of such land by the local authority under this Act the matter shall be referred to the Tribunal
5 for determination.

Reference of
matters to Lands
Tribunal.

(2) Any person interested in, or having power to sell and convey or release land in respect of which notice of acquisition has been served by a local authority and in respect of which the question of compensation has been referred to the Tribunal, may, within 60 days
10 of such referral request the Tribunal to hold an oral hearing and the Tribunal shall hold such a hearing and shall consider any evidence brought forward before making their determination in the matter.

(3) No matter referred to the Tribunal shall be considered by it before the expiration of 60 days from the date on which it is referred
15 to them.

17.—There may, subject to such conditions, if any, as the Minister thinks proper, be paid to the Tribunal 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
20 Finance and after consultation with the Tribunal in relation to its programme of expenditure for that year, may fix.

Grants to
Tribunal.

18.—(1) The Tribunal 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.

Accounts and
Audits.

25 (2) Accounts kept in pursuance of this section shall be submitted by the Tribunal to the Comptroller and Auditor General for audit at such times as the Minister shall direct 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
30 laid before each House of the Oireachtas.

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

Employees of
Tribunal.

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

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

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

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

Superannuation
of employees of
Tribunal.

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

(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 5 or with such modification (whether by way of addition, omission or variation) as the Minister shall, with such concurrence, think proper.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister 10 for the Public Service, be carried out by the Tribunal in accordance with its terms.

(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 15 under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(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 20 submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

(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- 25 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.

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

21.—(1) Where a person who is an employee of the Tribunal 30 becomes a member of either House of the Oireachtas or of a local authority, he shall stand seconded from employment by the Tribunal and shall not be paid by, or be entitled to receive from, the Tribunal any remuneration or allowances for as long as he remains a member 35 of such House or such authority as the case may be.

Consultants and
Advisers.

22.—(1) The Tribunal may from time to time engage such consultants or advisers as it may consider necessary for the discharge of its functions and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Tribunal out of moneys 40 at its disposal.

Rules for
assessment of
compensation.

23.—Notwithstanding the provisions of any other enactment in regard to the assessment of compensation for land acquired compulsorily the Tribunal shall, in assessing compensation for land acquired under this Act, make its determination in accordance with the following rules:— 45

I. No allowance shall be made on account of the acquisition being compulsory.

II. The compensation shall be the amount which the lands might be expected to realise if sold in the open market on the date when the question of compensation is referred to the 50 Tribunal when sold by a willing seller on the basis that the

lands could never be used for any purposes other than those for which they were being used at the date of such referral to the Tribunal for assessment of compensation.

5 III. Without prejudice to the generality of rule II, no account shall be taken of:

- (a) the existence of proposals for development of the land or any other land by any person or by a State or local authority,
- 10 (b) the probability or possibility of the land or other lands becoming subject to a scheme of development undertaken by any person or by a State or local authority.

15 IV. If the compensation assessed under these rules should be less than the price *bona fide* paid for the land before 25th January, 1974, the price so paid together with such amount of interest as the Tribunal shall think just, shall be the amount of the compensation.

20 V. If the land is subject to any rent or other payment, the said rent or payment so far as it affects the land may on the application of the local authority be redeemed and extinguished on such terms as to the Tribunal seem just.

25 VI. The special suitability or adaptability of the land for any purpose other than that for which it was being used at the date of the application to the Tribunal to assess the compensation shall not be taken into account.

VII. If the land or any structures thereon are being used in a manner which is contrary to law, no compensation shall be awarded in respect of such use.

30 VIII. If any person shall be residing either as owner or tenant on the land acquired by the local authority at the date when the question of compensation is referred to the Tribunal, the Tribunals may award to such persons such compensation for the expenses caused by the removal to other premises as it shall consider just.

35 IX. Regard shall not be had to any depreciation or increase in value attributable to—

- (a) the land or any land in the vicinity thereof being reserved for any particular purpose in the development plan, or
- 40 (b) inclusion of the land in a special amenity area order.

X. No account shall be taken of any value attributable to any unauthorised structure or unauthorised use.

PART V

DISPOSAL OF LAND

45 24.—A local authority may dispose of land acquired under this Act to persons who undertake— Disposal of land for development.

- (i) to develop the land in the manner specified and on conditions and terms agreed by the local authority and in accordance with planning permission;

- (ii) to commence the work of development before the expiration of 2 years from the date on which they enter into possession of the land; and to complete the development before the expiration of 5 years from that date.

5

Consideration for land disposed of by local authorities.

25.—(1) Subject to *subsection (2)*, the consideration for the disposal of lands by a local authority under this Part shall be the amount of compensation paid in respect of acquisition by the local authority of the land together with any costs incurred by the local authority in connection with such acquisition and disposal.

10

(2) Without prejudice to the generality of *subsection (1)*:

- (a) where a local authority is of the opinion that in order to encourage the development of a particular area it is necessary so to do, it may sell land acquired under this Act for a lesser sum than that provided for in *subsection (1)*; and 15
- (b) where a local authority sells land acquired under this Act to a person or persons who proposes or propose to use that land for the purposes of commercial development, it may sell such land for a greater sum than that provided for in *subsection (1)*. 20

Section 15

SCHEDULE

THE LANDS TRIBUNAL

1. The Tribunal 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. 25

2. The Tribunal shall consist of five members, namely :—

- (a) a Chairman who shall be a judge of the High Court, who is for the time being nominated with his consent by the Government after consultation with the President of the High Court, 30
- (b) two persons who shall be property arbitrators appointed under the Property Values (Arbitrations and Appeals) Act, 1960, who shall be nominated in accordance with rules to be made by the Reference Committee established by section 1 of the Act of 1919 as amended by the Acquisition of Land (Reference Committee) Act, 1925, and 35
- (c) two persons having knowledge of and experience in the valuation of land who shall be appointed, with their consent, by the Minister. 40

3. A judge of the High Court who is Chairman of the Tribunal shall on ceasing to be an ordinary judge of the High Court also cease to be Chairman of the Tribunal.

4. (1) Where a person is nominated under *Article 2 (a)* of this Schedule, the following provisions shall apply for the duration of the relevant period, namely, 45

(a) the fact that the person is an ordinary judge of the High Court shall be disregarded in applying section 1 of the Courts Act, 1979, and

(b) the said section 1 shall have effect accordingly.

5 (2) In this Article "the relevant period" means, as regards a person nominated under *Article 2 (a)* of this Schedule, the period beginning on the day on which the person is so nominated and ending on either—

10 (a) the day on which the person ceases to be an ordinary judge of the High Court, or

(b) the day on which the next subsequent such nomination is made, whichever first occurs.

5. 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
15 time being is a member of a local authority shall be disqualified from being a member of the Tribunal.

6. (1) Where a member of the Tribunal has a pecuniary or other beneficial interest in, or which is material to, any matter which falls to be decided or determined by the Tribunal, he shall comply with
20 the following requirements:

(a) he shall disclose to the Tribunal the nature of his interest,

(b) he shall take no part in the discussion or consideration of the matter,

25 (c) he shall not vote or otherwise act as a member of the Tribunal in relation to the matter, and

(d) he shall neither influence nor seek to influence a decision of the Board as regards the matter.

(2) For the purposes of this Article, a person shall be regarded as having a beneficial interest if—

30 (a) he or his spouse, or any nominee of his or of his spouse, is a member of a company or any other body which has a beneficial interest in, or which is material to, a matter which falls to be decided or determined by the Tribunal,

35 (b) he or his spouse is in partnership with or is in the employment of a person who has a beneficial interest in, or which is material to, a matter which falls to be decided or determined by the Tribunal,

40 (c) he or his spouse is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates,

(d) his spouse has a beneficial interest in, or which is material to, such a matter.

7. The quorum for a meeting of the Tribunal shall be three.

8. The Chairman of the Tribunal shall preside at every meeting thereof and *Article 7* of this Schedule shall accordingly not apply in relation to the Chairman.

9. (1) Every question before the Tribunal shall be determined by a majority of the members of the Tribunal, save that, on any question 5 which, in the opinion of the Chairman, with the concurrence of at least two of the other members of the Tribunal, is a question of law, the opinion of the Chairman shall prevail.

(2) An appeal shall lie to the Supreme Court from every determination by the Tribunal that a question before it is or is not a 10 question of law, and for that purpose whenever the Tribunal determines that a question before it is or is not a question of law, the order made by the Tribunal on the said question so before it shall state the fact of such determination and whether the said question so before it was determined to be or was determined not to be 15 a question of law.

(3) The Chairman of the Tribunal, with the concurrence of the Minister for Justice shall have power to make rules regulating the practice and procedure of the Tribunal.

10. The chairmanship of the Tribunal shall be wholetime. 20

11. The Chairman of the Tribunal may resign his chairmanship 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.

12. In the case of each member of the Tribunal appointed by the 25 Minister, 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 15* and *17* 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, 30 determines.

13. A member appointed by the Minister may be appointed from among his serving officers.

14. A member of the Tribunal shall be paid such remuneration (if any) and allowances for expenses as the Minister, with the consent 35 of the Minister for the Public Service, determines.

15. The Minister may remove from office a member of the Tribunal (other than the Chairman) who has become incapable through ill-health of effectively performing his duties, or who has committed 40 stated misbehaviour, or whose removal appears to the Minister to be necessary for the effective performance by the Tribunal of its functions, and in case a member of the Tribunal 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 45 for removal.

16. A member of the Tribunal (other than the Chairman) 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.

17. Where a member of the Tribunal becomes a member of either 50 House of the Oireachtas or a local authority he shall cease to be a member of the Tribunal.

18. A member of the Tribunal whose term of office expires by the effluxion of time shall be eligible for reappointment.
19. Where a casual vacancy occurs among the members of the Tribunal the Government or the Minister, as may be appropriate,
5 shall take such steps as are necessary to fill the vacancy as soon as possible.
20. The Tribunal shall hold such and so many meetings as may be necessary for the performance of its functions.
21. The Minister shall fix the date, time and place of the first
10 meeting of the Tribunal.
22. Subject to *Articles 7 and 8* of this Schedule, the Tribunal may act notwithstanding a vacancy among its members.
23. The Tribunal shall, as soon as may be after its establishment, provide itself with a seal.
- 15 24. The seal of the Tribunal shall be authenticated by the signature of the chairman of the Tribunal or some other member thereof authorised by the Tribunal to act in that behalf.
25. Judicial notice shall be taken of the seal of the Tribunal and every document purporting to be an instrument made by the
20 Tribunal and to be sealed with the seal (purporting to be authenticated in accordance with *Article 24* of this Schedule) of the Tribunal shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.
26. (1) The Minister may, with the concurrence of the Minister
25 for the Public Service, make a scheme for the granting of pensions, gratuities or other allowances to or in respect of the chairman and members of the Tribunal ceasing to hold office, other than persons in respect of whom an award under the Superannuation Acts, 1834 to 1963, may be made.
- 30 (2) A scheme under this Article may provide that the termination of the appointment of the Chairman or of any other member of the Tribunal during that person's term of office shall not preclude the award to him under the scheme of a pension, gratuity or other allowance.
- 35 (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
40 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 Tribunal in accordance with its terms.
- (6) Every scheme made by the Minister under this Article shall
45 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
50 previously done thereunder.

(7) Where an established civil servant is definitively transferred to the Tribunal 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 5 the period of his service as a wholetime member of the Tribunal 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.

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(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú, de réir riachtanais an mhaithis phoiblí agus le prionsabail na córa sóisialaí a chur chun cinn, chun soláthair agus praghas talaimh fhoirgníochta a rialú níos fearr, agus socrú níos fóintí a dhéanamh chun talamh a ghnóthú agus a dhiúscairt ag údaráis áitiúla; chun socrú breise a dhéanamh maidir le cúiteamh i leith talamh a ghnóthaíonn údaráis áitiúla; do dhéanamh socrú maidir le Binse Talún a bhunú agus le nithe eile a bhaineann leis na nithe sin réamhráite.

*An Teachta Ruairí Ó Cuinn a thólaic,
5 Bealtaine, 1982*

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*Presented by Deputy Ruairí Quinn,
5th May, 1982*

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