



AN BILLE RIALTAIS ÁITIÚIL, 1991 LOCAL GOVERNMENT BILL, 1991

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

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title, collective citations, construction and commencement.
2. Interpretation.
3. Regulations, orders and directions.
4. Repeals and revocations.

PART II

FUNCTIONS OF LOCAL AUTHORITIES

5. Representational functions of local authorities.
6. General competence of local authorities.
7. Local authorities to have regard to certain matters in performing functions.
8. Ancillary functions of local authorities and other provisions with respect to their functions.
9. Transfer of certain functions to local authorities.

PART III

LOCAL ELECTIONS AND RELATED MATTERS

10. Prohibition of plural voting.
11. Amendment of Local Elections Regulations, 1965.
12. Local electoral areas in county boroughs.

Section

13. Disqualification of Ministers of Government and Ministers of State for membership of local authorities.
14. Postponement of local elections for certain local authorities.
15. Extension of term of office of certain members of certain harbour authorities.
16. Extension of term of office of certain members of certain vocational education committees.

PART IV

REORGANISATION OF LOCAL GOVERNMENT FOR THE COUNTY OF DUBLIN

17. Interpretation (*Part IV*).
18. Establishment of area committees.
19. Delegation of functions to area committees.
20. Management arrangements for area committees.
21. Assistant county managers for area committees.
22. County managers for new counties.
23. Report on preparations for establishment of proposed councils.
24. Regulations in relation to preparations for establishment of proposed councils.
25. Directions for purposes of this Part.
26. Amendment of Local Government (Reorganisation) Act, 1985.

PART V

LOCAL AUTHORITY BOUNDARY ALTERATION

27. Interpretation (*Part V*).
28. Boundary committees.
29. Proposal and application for alteration of local authority boundary.
30. Provisions supplementary to *section 29*.
31. Power of Minister to alter boundary by order.
32. Request to boundary committee to report with respect to certain matters.
33. Report by boundary committee with respect to a boundary.
34. Provisions consequential on boundary alteration.
35. Transitional.

PART VI

COMMITTEES AND JOINT COMMITTEES OF LOCAL AUTHORITIES Section

36. "Local authority" (*Part VI*).
37. Committees of local authorities.
38. Joint committees of local authorities.
39. Membership of committees and of joint committees.
40. Regulations (*Part VI*).

PART VII

MISCELLANEOUS

41. Reserved functions.
42. Allowances for chairmen of local authorities.
43. Establishment of regional authorities.
44. Amendment of City and County Management (Amendment) Act, 1955.
45. Amendment of Local Government (Planning and Development) Act, 1963.
46. Entertainment and associated expenses of local authorities.
47. Tenure of office of managers.
48. Civic honours.
49. Twinning of local authority areas.
50. Annual report of local authorities.
51. Expenses of members of local authorities and representation of local authorities at conferences.
52. Power to amend, repeal, etc., enactments and to dispense with certain controls affecting local authorities.
53. Amendment of Local Authorities (Combined Purchasing) Act, 1939.
54. Amendment of Local Government Act, 1941.
55. Expenses.

SCHEDULE

ENACTMENTS REPEALED

ACTS REFERRED TO

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| City and County Management (Amendment) Act, 1955 | 1955, No. 12 |
| Commissioners Clauses Act, 1847 | 1847, c. 16 |
| Cork City Management Act, 1929 | 1929, No. 1 |
| Cork City Management Acts, 1929 to 1988 | |
| Cork City Management (Amendment) Act, 1941 | 1941, No. 5 |
| County Management Act, 1940 | 1940, No. 12 |
| County Management Acts, 1940 to 1988 | |
| Electoral Act, 1963 | 1963, No. 19 |
| Harbours Act, 1946 | 1946, No. 9 |
| Limerick City Management Act, 1934 | 1934, No. 35 |
| Limerick City Management Acts, 1934 to 1988 | |
| Local Authorities (Combined Purchasing) Act, 1939 | 1939, No. 14 |
| Local Authorities (Officers and Employees) Act, 1926 | 1926, No. 39 |
| Local Authorities (Miscellaneous Provisions) Act, 1936 | 1936, No. 55 |
| Local Authorities (Mutual Assurance) Act, 1926 | 1926, No. 34 |
| Local Elections Acts, 1963 to 1986 | |
| Local Government Act, 1925 | 1925, No. 5 |
| Local Government Act, 1941 | 1941, No. 23 |
| Local Government Act, 1946 | 1946, No. 24 |
| Local Government Act, 1955 | 1955, No. 9 |
| Local Government Acts, 1925 to 1985 | |
| Local Government (Dublin) Act, 1930 | 1930, No. 27 |
| Local Government (Dublin) Act, 1945 | 1945, No. 8 |
| Local Government (Dublin) Act, 1967 | 1967, No. 4 |
| Local Government (Dublin) Acts, 1930 to 1988 | |
| Local Government (Ireland) Act, 1902 | 1902, c. 28 |
| Local Government (Planning and Development) Act, 1963 | 1963, No. 28 |
| Local Government (Planning and Development) Act, 1976 | 1976, No. 20 |
| Local Government (Planning and Development) Acts, 1963 to 1990 | |
| Municipal Corporations (Ireland) Act, 1840 | 1840, c. 105 |
| Municipal Privileges (Ireland) Act, 1876 | 1876, c. 76 |
| Public Health and Local Government Conferences Act, 1885 | 1885, c. 17 |
| Public Health (Ireland) Act, 1878 | 1878, c. 52 |
| Towns Improvement (Ireland) Act, 1854 | 1854, c. 104 |
| Waterford City Management Act, 1939 | 1939, No. 25 |
| Waterford City Management Acts, 1939 to 1988 | |



AN BILLE RIALTAIS ÁITIÚIL, 1991
LOCAL GOVERNMENT BILL, 1991

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE LAW RELATING
TO LOCAL GOVERNMENT.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

- 10 1.—(1) This Act may be cited as the Local Government Act, 1991. Short title,
collective citations,
construction and
commencement.
- (2) The Local Government Acts, 1925 to 1985, and this Act may be cited together as the Local Government Acts, 1925 to 1991, and shall be construed together as one Act.
- 15 (3) The County Management Acts, 1940 to 1988, and so much of this Act as relates to the management of counties, elective bodies and the county borough of Galway may be cited together as the County Management Acts, 1940 to 1991.
- 20 (4) The Cork City Management Acts, 1929 to 1988, and so much of this Act as relates to the management of the county borough of Cork may be cited together as the Cork City Management Acts, 1929 to 1991.
- 25 (5) The Local Government (Dublin) Acts, 1930 to 1988, and so much of this Act as relates to the management of the county borough of Dublin may be cited together as the Local Government (Dublin) Acts, 1930 to 1991.
- (6) The Limerick City Management Acts, 1934 to 1988, and so much of this Act as relates to the management of the county borough of Limerick may be cited together as the Limerick City Management Acts, 1934 to 1991.
- 30 (7) The Waterford City Management Acts, 1939 to 1988, and so much of this Act as relates to the management of the county borough of Waterford may be cited together as the Waterford City Management Acts, 1939 to 1991.
- 35 (8) The Local Elections Acts, 1963 to 1986, *Part III* and so much of the Local Government (Reorganisation) Act, 1985, and *Part IV* as

relates to local elections may be cited together as the Local Elections Acts, 1963 to 1991.

(9) The Local Government (Planning and Development) Acts, 1963 to 1990, and *section 45* may be cited together as the Local Government (Planning and Development) Acts, 1963 to 1991.

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(10) This Act shall come into operation on such day or days as, by order or orders made by the Minister, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions and for the repeal and revocation effected by *section 4* of different enactments.

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Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

“committee” means a committee established under *section 37*;

“direction” means a direction in writing;

“elective body” means an elective body for the purposes of the County Management Acts, 1940 to 1988;

15

“enactment” includes an instrument made under an enactment;

“functions” includes powers and duties and a reference to the performance of functions includes, with respect to powers and duties, a reference to the exercise of the powers and the carrying out of the duties;

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“joint committee” means a joint committee established under *section 38*;

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

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“local elections” has the meaning assigned to it by *section 81* of the Electoral Act, 1963;

“local electoral area” has the meaning assigned to it by *section 80* of the Electoral Act, 1963;

“manager” means—

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(a) as respects the corporation of a county borough, the manager for the purposes of the Acts relating to the management of the county borough, and

(b) as respects the council of a county or an elective body, the manager for the purposes of the County Management Acts, 1940 to 1988;

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“the Minister” means the Minister for the Environment;

“prescribed” means prescribed by regulations made by the Minister and cognate words shall be construed accordingly;

“public authority” means—

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(a) a Minister of the Government,

(b) the Commissioners of Public Works in Ireland,

- (c) a harbour authority within the meaning of the Harbours Act, 1946,
- (d) a health board,
- 5 (e) a board or other body (but not including a company) established by or under statute,
- (f) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government, or
- 10 (g) a company in which all the shares are held by a board, company or other body referred to in *paragraph (e) or (f)* of this definition;

“report” means a report of a local authority under *section 50*;

“reserved function” means—

- 15 (a) in the case of the council of a county or an elective body, a reserved function for the purposes of the County Management Acts, 1940 to 1988;
- (b) in the case of the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough, and
- 20 (c) any function as respects which a resolution is provided for by this Act.

(2) In this Act—

- 25 (a) a reference to a Part, section or Schedule is to a Part or section of, or a Schedule to, this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,
- 30 (c) a reference to any provision of this Act shall, where appropriate, be construed as a reference to that provision as modified by regulations under *section 52*.

(3) In this Act, a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by
35 or under any subsequent enactment (including this Act).

3.—(1) The Minister may make regulations for any purpose of this Act. Regulations, orders and directions.

(2) Without prejudice to any other provision of this Act, a regulation or order under this Act may provide for such incidental,
40 consequential, supplementary or transitional provisions (including provisions for the purpose of securing the continuity of any provision of this Act with any provision of any other Act or instrument repealed, revoked, amended or otherwise affected by this Act or by any regulations or order made thereunder) as may appear to the Minister to
45 be appropriate for the purposes of this Act or any regulations or order made thereunder.

(3) Regulations or an order under this Act may—

(a) apply to local authorities generally, to a specified class or classes of local authorities, to a particular local authority or to a particular part of the functional area of a local authority,

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(b) contain different provisions in relation to different local authorities,

(c) provide for the giving of directions by the Minister (including directions amending or revoking any such directions).

(4) A regulation under this Act (other than a regulation under subsection (1) or (2) of section 52) or an order under this Act (other than an order under section 1 (10) or 12 or an order under section 31 relating to the alteration of the boundary of a county or county borough) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling such regulation or order is passed by either such House within the next 21 days on which that House has sat after the regulation or order is laid before it, the regulation or order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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(5) An order under section 1 (10) shall be laid before each House of the Oireachtas as soon as may be after it is made.

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(6) Where it is proposed to make an order under section 12 or 31 in relation to the boundary of a county or county borough, or regulations under subsection (1) or (2) of section 52, a draft of the order or regulations, as the case may be, shall be laid before each House of the Oireachtas and the order or regulations, as the case may be, shall not be made until a resolution approving of the draft has been passed by each such House.

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(7) The Minister may—

(a) by order, amend or revoke any order under this Act (other than an order under section 1 (10) but including an order under this subsection), and

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(b) by direction amend or revoke a direction under this Act (including a direction under this subsection).

(8) A person to whom a direction is given under this Act shall comply therewith.

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(9) This section does not apply to an order under subsection (1) of section 9 and this section (other than subsection (4)) does not apply to an order under subsection (2) of that section.

Repeals and
revocations.

4.—(1) The enactments specified in the *Schedule* to this Act are hereby repealed to the extent specified in column (3) of the *Schedule*.

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(2) Articles 25, 26 and 27 of the *Schedule* to the Local Government (Application of Enactments) Order, 1898, the Local Authorities (Allowances to Members) Order, 1946, the Local Conferences Order, 1947 and the Local Authorities (Travelling Expenses of Members) (No. 2) Order, 1947 are hereby revoked.

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PART II

FUNCTIONS OF LOCAL AUTHORITIES

5.—(1) A local authority may represent the interests of the local community in such manner as it thinks appropriate.

Representational
functions of local
authorities.

5 (2) Without prejudice to the generality of *subsection (1)*, a local authority may for the purposes of giving effect to that subsection—

10 (a) ascertain and communicate to other local authorities and public authorities the views of the local community in relation to matters as respects which those other authorities perform functions and which affect the interests of the functional area of the authority and the local community,

(b) facilitate and promote interest and involvement in local government affairs,

15 (c) promote, organise or assist the carrying out of research, surveys or studies with respect to the local community.

(3) The making of a decision by a local authority in relation to the representation of the views of the local community under this section shall be a reserved function.

20 (4) Nothing in this section shall be construed as imposing on a local authority, either directly or indirectly, any form of duty or liability enforceable by proceedings before any court to which it would not otherwise be subject.

25 6.—(1) (a) A local authority may, subject to the provisions of this section, take such measures, engage in such activities or do such things in accordance with law (including the incurring of expenditure) as it considers necessary or desirable to promote the interests of the local community.

General
competence of local
authorities.

30 (b) For the purposes of this section a measure, activity or thing shall be deemed to promote the interests of the local community if it promotes, directly or indirectly, the social, economic, environmental, recreational, cultural, community or general development of the functional area (or any part thereof) of the local authority concerned or of the local community (or any group consisting of members thereof).

(2) For the purposes of giving effect to *subsection (1)* and without prejudice to the generality of that subsection, a local authority may—

40 (a) (i) carry out and maintain works of any kind,

(ii) provide, maintain, preserve or restore land, structures of any kind or facilities,

(iii) fit out, furnish or equip any building, structure or facility for particular purposes,

45 (iv) provide utilities, equipment or materials for particular purposes,

(v) provide any service or other thing or engage in any activity that, in the opinion of the authority, is likely to benefit the local community;

(b) provide assistance in money or in kind, upon and subject to such terms and conditions as the authority considers appropriate, to persons engaging in any activity that, in the opinion of the authority, benefits the local community; 5

(c) provide assistance in money or in kind, (including the provision of prizes and other incentives), upon and subject to such terms and conditions as the authority considers appropriate in respect of the organisation or promotion of, competitions, seminars, exhibitions, displays, festivals or other events, or organise or promote such events; 10

(d) enter into such contracts and other arrangements as the authority considers necessary or expedient. 15

(3) In this section—

“land” includes land covered by water;

“assistance in money or in kind” includes—

- (a) grants, loans, guarantees or other financial aid,
- (b) land and structures of any kind and services, facilities or equipment related thereto, 20
- (c) plant, machinery or equipment or the carrying out of works,
- (d) the services of staff of the local authority concerned,
- (e) financial aid in relation to the employment of staff, and
- (f) professional or technical assistance. 25

(4) A decision by a local authority under this section (other than the provision of services of staff of the local authority) shall be a reserved function.

(5) A local authority shall not, by virtue of this section, perform any function (including the incurring of expenditure or any liability, whether contractual or otherwise) which is conferred on the authority by any other provision of this or of any other enactment. 30

(6) A local authority shall not, by virtue of this section, undertake or provide assistance for the undertaking of any activity that would prejudice or duplicate activity arising from the performance of a statutory function by any person in the functional area of the authority or that would, having regard to the activities or proposed activities of that person in relation to the area, involve wasteful or unnecessary expenditure by the local authority. 35

(7) (a) The Minister may, with the consent of the Minister for Finance, prescribe matters in respect of which a local authority shall not exercise the powers conferred by this section or in respect of which such exercise shall be subject to prescribed terms or conditions. 40

(b) Expenditure (including the incurring of any liability, whether contractual or otherwise) by a local authority in 45

respect of the performance of its functions under this section (whether in respect of a particular activity or otherwise or in respect of a particular period or otherwise) shall not exceed such amount as may be prescribed.

- 5 (8) Particulars of the performance by a local authority of its functions under this section in any financial year shall be recorded in the report of the authority for that year.

- 7.—(1) Subject to *subsection (2)*, a local authority, in performing the functions conferred on it by or under this or any other enactment,
10 shall have regard to—
- Local authorities to have regard to certain matters in performing functions.

- (a) the resources, wherever originating, that are available or likely to be available to it for the purpose of such performance and the need to secure the most beneficial, effective and efficient use of such resources,
- 15 (b) the need to maintain adequately those services provided by it which it considers to be essential and, in so far as practicable, to ensure that a reasonable balance is achieved, taking account of all relevant factors, between its functional programmes,
- 20 (c) the need for co-operation with, and the co-ordination of its activities with those of, other local authorities and public authorities the performance of whose functions affect or may affect the performance of those of the authority so as to ensure efficiency and economy in the performance
- 25 of its functions,
- (d) the need for consultation with other local authorities and public authorities in appropriate cases,
- (e) policies and objectives of the Government or any Minister of the Government in so far as they may affect or relate
- 30 to its functions.

(2) A local authority shall perform those functions which it is required by law to perform and this section shall not be construed as affecting any such requirement.

- 35 (3) Every enactment relating to a function of a local authority shall be construed and have effect subject to the provisions of this section.

- 8.—(1) A local authority may do anything which is ancillary, supplementary or incidental to or consequential on or necessary to give full effect to, or which will facilitate or is conducive to the performance of, a function conferred on it by this or any other enactment or which
40 can advantageously be performed by the authority in conjunction with performance of such a function.
- Ancillary functions of local authorities and other provisions with respect to their functions.

(2) A local authority shall not by virtue of this Part perform any function—

- 45 (a) which it is prohibited from enjoying or performing by this or any other enactment, or
- (b) without being subject to or complying with any conditions or restrictions to which, by virtue of this or any other enactment, the performance of the function is subject.

(3) Save as may otherwise be prescribed, the functions of a local authority under *sections 5 and 6* may be performed by a council of a county in respect of its administrative county or by another local authority in respect of its functional area.

- (4) (a) Where a grant is allocated by the Minister to a local authority in respect of a functional programme of the authority, the members of the authority shall, subject to any conditions that are attached to the grant by the Minister, by resolution determine the allocation of the grant among or as between projects or services within the programme. 5
10

(b) In this subsection—

“grant” does not include a grant in respect of a specific project or service of a local authority;

“conditions” means conditions in relation to matters referred to in *section 7 (1) (e)*. 15

Transfer of certain functions to local authorities.

- 9.—(1) (a) The Government may by provisional order transfer a function of a Minister of the Government (other than a function that is required by the Constitution to be performed by a Minister of the Government) that, in the opinion of the Government, could be performed effectively by local authorities of a specified class or classes and is a function relating to the provision of a public service in the functional areas of local authorities of that class or those classes to local authorities of that class or those classes. 20
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(b) The Government may by provisional order amend or revoke a provisional order under this subsection (including a provisional order under this paragraph).

(c) If a provision of a provisional order under this subsection that transfers a function is revoked, the function shall thereupon become and be vested in the Minister of the Government from whom it was transferred by the order. 30

(d) A provisional order under this subsection shall not have effect unless or until it is confirmed by an Act of the Oireachtas. 35

- (2) (a) The Minister may by order transfer a function of local authorities of a specified class or classes that, in the opinion of the Minister, could be performed more effectively by local authorities of another specified class or classes to local authorities of that other class or those other classes. 40

(b) The Minister may by order amend or revoke an order under this subsection (including an order under this paragraph).

(c) Where an order under this subsection would relate to a function as respects the performance of which a function stands conferred on a Minister of the Government other than the Minister, the order shall not be made without the prior consent of that Minister of the Government. 45

(d) If a provision of an order under this subsection that transfers a function is revoked, the function shall thereupon 50

become and be vested in the local authorities from which it was transferred by the order.

- 5 (3) (a) An order under this section may contain such ancillary, subsidiary and incidental provisions as the Government or the Minister, as may be appropriate, may determine.
- (b) Without prejudice to the generality of *paragraph (a)*, an order under this section may—
- 10 (i) specify terms, conditions and restrictions upon and subject to which a function transferred by the order (in this paragraph referred to as “a function concerned”) is to be performed by the local authorities to which the function is transferred (in this paragraph referred to as “the local authorities concerned”),
- 15 (ii) provide that a function concerned shall be performed by the local authorities concerned in specified parts only of their functional areas,
- 20 (iii) provide for the transfer of assets and liabilities associated with a function concerned from the person or persons concerned to the local authorities concerned,
- (iv) provide for the use by the local authorities concerned of the services of staff of the person or persons concerned,
- 25 (v) provide for such financial arrangements and adjustments between the person or persons concerned and the local authorities concerned as are considered proper by the Government or the Minister, as may be appropriate,
- 30 (vi) provide for any necessary application, adaptation or modification of an enactment,
- 35 (vii) provide for such other matters as are considered by the Government or the Minister, as may be appropriate, to be necessary to enable the transfer of a function to which the order relates to have full effect and to enable the function to be performed by the local authorities concerned.

PART III

LOCAL ELECTIONS AND RELATED MATTERS

- 10.—(1) A person shall not vote or apply for a ballot paper—
- 40 (a) more than once at an election of the members of a local authority (otherwise than under Article 44 of the Local Elections Regulations, 1965),
- (b) at an election of the members of more than one local authority of the same class held at the same local elections, or
- 45 (c) at both an election of the members of the corporation of a county borough and an election of the members of a local

Prohibition of plural voting.

S.I. No. 128 of 1965.

authority of the class specified in *subsection (2) (b)* held at the same local elections.

(2) For the purposes of this section, local authorities shall be deemed to consist of the following two classes;

(a) the councils of counties and the corporations of county boroughs, and 5

(b) the corporations of boroughs that are not county boroughs, the councils of urban districts and the commissioners of towns.

(3) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to imprisonment for a term not exceeding 6 months or to a fine not exceeding £1,000 or to both. 10

(4) Article 89 (1) (b) of the Local Elections Regulations, 1965, is hereby revoked. 15

Amendment of
Local Elections
Regulations, 1965.
S.I. No. 128 of 1965

11.—The Local Elections Regulations, 1965, are hereby amended—

(a) in Article 6, by the insertion in paragraph (3), after “election”, of “(other than the election to be held in the year 1991)”,

(b) in Article 46— 20

(i) in paragraph (1), by the substitution of the following question for question (b):

“(b) Have you already voted at these elections for this or any other local authority?”,

and 25

(ii) in paragraph (2), by the substitution of the following form for the form of oath or affirmation:

“I swear by Almighty God (*or do solemnly, sincerely and truly declare and affirm — as the case may be*) that I am the person registered as AB in the register of local government electors now in force for the local electoral area of and that I have not already voted at these elections for this or any other local authority and that I had attained the age of 18 years on (*date of coming into force of the register*)”. 30 35

Local electoral
areas in county
boroughs.

12.—(1) The Minister may by order—

(a) subject and without prejudice to *Part V*, divide a county borough into local electoral areas, and

(b) fix for each local electoral area the number of members of the council of the county borough to be elected therefor and the number of those members who are to be aldermen. 40

(2) The number of members of the council of a county borough to which an order under this section relates to be elected at an election of members of the council held after the making of the order for each local electoral area specified in the order shall (without prejudice to 45

any subsequent such order) be the number fixed by the order for the local electoral area.

(3) Where on the commencement of this section an order is in force dividing a county borough into local electoral areas or fixing the number of members for each local electoral area, the order shall, notwithstanding *section 4*, continue in force in relation to the county borough as if it were an order under this section.

(4) The Minister may by order—

(a) amend or modify any division made by an order under this section (including an order under this subsection) or alter the number of members of the council of any county borough to be elected by virtue of an order under this section (including an order under this subsection or an order deemed by *subsection (3)* to be an order under this section) in respect of any local electoral area in such county borough, or

(b) alter the number of such members who are to be aldermen.

(5) Those members of the council of a county borough who are not aldermen shall be councillors.

(6) An order under this section shall have effect for the purpose of the election of members of the council of that county borough held next after the order is made and thereafter.

13.—(1) A person who is a Minister of the Government or a Minister of State shall be disqualified—

Disqualification of Ministers of Government and Ministers of State for membership of local authorities.

(a) for being elected, chosen or appointed as a member of a local authority, or

(b) for being a member of a local authority on or after the commencement of the term of office of the members elected to that authority in the local elections held in the year 1991 or subsequently.

(2) Where a person who is a member of a local authority is appointed after the passing of this Act to hold office as a Minister of the Government or as a Minister of State, he shall on such appointment cease to be a member of the authority.

14.—(1) There shall not be an election of members of a local authority at the local elections next occurring after the commencement of this section.

Postponement of local elections for certain local authorities.

(2) The term of office of the members of a local authority current on the commencement of this section shall stand extended so as to terminate on such date as may be provided for by law.

(3) In this section "local authority" does not include the council of a county or the corporation of a county borough or, subject to *Part IV*, the corporation of Dún Laoghaire.

15.—(1) The term of office of those members of a harbour authority (within the meaning of the Harbours Act, 1946) who are appointed by a local authority (within the meaning of *section 14*) current on the

Extension of term of office of certain members of certain harbour authorities.

commencement of this section shall stand extended so as to terminate on such date as may be provided for by law.

(2) The year 1991 shall be deemed not to be an election year as respects local authorities (within the meaning aforesaid) for the purposes of sections 10 (1) (a) and 14 (2) of the Harbours Act, 1946. 5

Extension of term of office of certain members of certain vocational education committees.

16.—(1) The term of office of—

(a) the members of a vocational education committee for an urban district vocational education area elected by a local authority (within the meaning of *section 14*), and

(b) those members of a vocational education committee for a county vocational education area who are elected by a local authority (within the meaning of *section 14*), 10

shall stand extended so as to terminate on such date as may be provided for by law.

(2) A quinquennial meeting of a vocational education committee referred to in *subsection (1) (a)* shall not be held in the year 1991. 15

(3) For the avoidance of doubt, it is hereby declared that the year 1991 shall be an election year in relation to vocational education committees for counties, the Dún Laoghaire Vocational Education Committee and the Galway City Vocational Education Committee for the purposes of the Vocational Education Act, 1930. 20

PART IV

REORGANISATION OF LOCAL GOVERNMENT FOR THE COUNTY OF DUBLIN

Interpretation (*Part IV*).

17.—(1) In this Part, except where the context otherwise requires—

“area committee” means a committee established pursuant to *section 18*; 25

“area manager”, during the period when functions stand delegated under *section 20* to assistant county managers for the county of Dublin, means one of those assistant county managers and, when functions stand delegated under *section 21* to persons holding the offices established by that section, means one of the holders of those offices; 30

“assistant county manager” means an assistant county manager for the purposes of the County Management Acts, 1940 to 1988;

“the borough” means the borough of Dún Laoghaire;

“the Borough Corporation” means the Corporation of Dún Laoghaire; 35

“committee district” has the meaning assigned to it by *section 18*;

“the county” means the administrative county of Dublin;

“the county council” means the council of the county;

“the Dublin authorities” means Dublin Corporation, the Borough 40

Corporation, the county council, the Dean's Grange Joint Burial Board and the Balbriggan Town Commissioners;

"Dublin Corporation" means the Right Honourable, the Lord Mayor, Aldermen and Burgesses of Dublin;

- 5 "electoral county" means an established electoral county within the meaning of Part III of the Local Government (Reorganisation) Act, 1985;

"the existing authorities" means the county council and the Borough Corporation;

- 10 "the proposed counties" and "the proposed councils" have the meanings assigned to them by *section 23*;

"the reorganisation report" means the report prepared under *section 23*.

- 15 (2) Nothing in this Part shall prejudice the power of the Minister under *Part V* to make an order altering the boundaries of a committee district or providing for consequential matters.

- 18.—(1) The county council shall, as soon as may be after the local elections next occurring after the commencement of this section, establish, by resolution, a committee (referred to in this Part as "an area committee") for the area of each electoral county to perform in relation to that area (in this Part referred to in relation to an area committee, as its "committee district") the functions conferred on that area committee pursuant to this Part. Establishment of area committees.

- 25 (2) (a) The area committee for the electoral County of Fingal shall be known as the Fingal Area Committee and its committee district shall be the area of that electoral county and it shall be known as the Fingal Committee District.

- 30 (b) The area committee for the electoral County of South Dublin shall be known as the South Dublin Area Committee and its committee district shall be the area of that electoral county and it shall be known as the South Dublin Committee District.

- 35 (c) The area committee for the electoral County of Dún Laoghaire-Rathdown shall be known as the Dún Laoghaire-Rathdown Area Committee and its functional area shall be the area of that electoral county and it shall be known as the Dún Laoghaire-Rathdown Committee District.

- 40 (3) Subject to *section 17 (2)*, the membership of an area committee for an electoral county shall consist of the persons standing elected or chosen for the time being as members of the council of that electoral county.

- 45 19.—(1) The county council shall, as soon as may be after the establishment of an area committee, delegate to the committee, by resolution, upon and subject to such terms and conditions (if any) as may be specified in the resolution, the functions of the county council that may be performed by resolution in relation to its committee district referred to in *subsection (4)*. Delegation of functions to area committees.

(2) The Borough Corporation shall, as soon as may be after the establishment of the Dún Laoghaire-Rathdown Area Committee delegate to it, by resolution, upon and subject to such terms and conditions (if any) as may be specified in the resolution, the functions of the Corporation that may be performed by resolution referred to in subsection (4). 5

(3) Without prejudice to any other relevant requirements, it shall be necessary for the passing of a resolution under subsection (1) or (2) that the number of members of the local authority concerned voting in favour of the resolution exceeds one-half of the total number of members of the authority. 10

(4) (a) The functions aforesaid are the functions of the county council or the Borough Corporation, as the case may be (other than functions relating to an excluded matter), that, in the opinion of the county council or the Borough Corporation, as the case may be, may be properly and effectively performed by the appropriate area committee. 15

(b) (i) Subject to subparagraphs (ii) and (iii), in this subsection "an excluded matter", in relation to the county council or the Borough Corporation, means the power of the county council or the Borough Corporation, as the case may be, to adopt the estimate of expenses of the county council or the Borough Corporation, as may be appropriate, to make a rate or to borrow money. 20 25

(ii) The Minister may by direction given to the county council or Borough Corporation provide that a specified function of the county council or the Borough Corporation shall become or cease to be an excluded matter in relation to the county council or the Borough Corporation and thereupon the said function shall become or, as the case may be, cease to be an excluded matter in relation to the county council or the Borough Corporation, as the case may be, and subparagraph (i) shall have effect accordingly. 30 35

(iii) Whenever a function that stands delegated under this section becomes, by virtue of subparagraph (ii), an excluded matter, the delegation shall stand revoked but without prejudice to anything previously done thereunder by the area committee concerned, and, upon receipt of the direction concerned, the county council or Borough Corporation, as the case may be, shall forthwith send a copy thereof to the area committee concerned. 40

(c) Whenever, by virtue of paragraph (a) or (b), a function of the county council or the Borough Corporation becomes a function in relation to which, in the opinion of the county council or the Borough Corporation, as the case may be, the powers conferred on it by subsection (1) or (2) should be exercised, it may exercise those powers in relation to that function. 45 50

Management
arrangements for
area committees.

20.—(1) The Dublin County Manager shall, as soon as may be after the establishment of an area committee—

(a) delegate under section 13 (1) of the County Management

Act, 1940, to an assistant county manager for the county of Dublin such of his functions in respect of its committee district (including functions relating to the general administration and management of the business of and the ensuring of the proper functioning of the area committee) as he considers can properly be performed by such assistant county manager in respect of that district, functions in respect of each committee district being delegated to a different assistant county manager, and

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(b) make such other arrangements, including arrangements for the control of staff of the county council and for the performance of duties by such staff as he considers necessary or expedient for the purpose of ensuring the effective performance by the area committee and the assistant county manager to whom functions are delegated by virtue of *paragraph (a)* of their respective functions.

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(2) Upon the making, pursuant to *subsection (1)*, of a delegation under the said section 13 (1), subsections (2), (3) and (4) of that section shall apply and have effect in relation to the delegation and the functions delegated.

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21.—(1) There shall, in addition to the offices of assistant county manager for the county of Dublin provided for from time to time by or under section 9 of the County Management Act, 1940, be three offices of assistant county manager for the county of Dublin (in this section referred to as “the three offices”), and—

Assistant county managers for area committees.

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(a) the holder of one of the three offices (who shall be known as the Fingal Area Manager) shall perform, in relation to the Fingal Area Committee and its committee district, the functions referred to in *subsection (2)* and such other functions as may be conferred on him by or under this Act or any other enactment,

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(b) the holder of another of the three offices (who shall be known as the Dún Laoghaire-Rathdown Area Manager) shall perform, in relation to the Dún Laoghaire-Rathdown Area Committee and its committee district, the functions referred to in *subsection (2)* and such other functions as may be conferred on him by or under this Act or any other enactment,

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(c) the holder of the third of the three offices (who shall be known as the South Dublin Area Manager) shall perform, in relation to the South Dublin Area Committee and its committee district, the functions referred to in *subsection (2)* and such other functions as may be conferred on him by or under this Act or any other enactment.

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(2) Upon the taking up of duty by a person appointed to an office established by this section of assistant county manager in relation to an area committee—

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(a) the functions delegated under *section 20* in respect of the committee district of that area committee shall be deemed to have been and to stand delegated by the Dublin County Manager to that assistant county manager under *subsection (1)* of section 13 of the County Management Act, 1940, and *subsection (2)* of *section 20* shall apply and have effect accordingly, and

(b) the first-mentioned delegation shall cease to have effect.

(3) (a) Upon the commencement of this section the request to the Local Appointments Commissioners provided for by ~~section 6 of the Local Authorities (Officers and Employees) Act, 1926,~~ ^{section 6 of the Local Authorities (Officers and Employees) Act, 1926,} shall be deemed to have been made in relation to the first appointments to the three offices and, notwithstanding section 27 (1) of the Local Government Act, 1955, a person recommended by the said Commissioners for one of the said first appointments shall take up duty as the holder of that office within a period of two months of his notification by the said Commissioners of their recommendation in relation to his appointment to that office.

(b) If a person referred to in *paragraph (a)* does not take up duty as the holder of one of the three offices in accordance with that paragraph, the request referred to therein shall be deemed to have been made in relation to the first appointment to the office concerned on the day following the expiration of the period specified in *paragraph (a)* or the notification of the county council of the intention of the person not to take up such duty, whichever is the earlier, and, notwithstanding the said section 27 (1), a person recommended by the said Commissioners for the first appointment concerned shall take up duty as the holder of the office concerned within a period of two months of his notification by the said Commissioners of their recommendation in relation to his appointment to that office.

(4) Where any of the three offices become vacant, the request referred to in *paragraph (a)* of *subsection (3)* shall be deemed to have been made on the day following the occurrence of the vacancy or the notification of the county council of the vacancy, whichever is the earlier, and that subsection shall apply to the filling of the vacancy as if the appointment concerned was a first appointment to the office concerned.

(5) For the purposes of the application of the County Management Act, 1940, to the three offices, section 10 and "(other than the county of Dublin)" in section 11 (3) of that Act shall be deleted.

(6) The three offices shall be major offices for the purposes of the Local Government Act, 1941.

County managers
for new counties.

22.—(1) If an administrative county whose functional area is continuous with the committee district of the Fingal Area Committee is established at a time when a person holds the office of Fingal Area Manager, then, upon such establishment, that person shall, notwithstanding section 5 (2) of the City and County Management (Amendment) Act, 1955, stand appointed to the office of Fingal County Manager.

(2) If an administrative county whose functional area is continuous with the committee district of the Dún Laoghaire-Rathdown Area Committee is established at a time when a person holds the office of Dún Laoghaire-Rathdown Area Manager, then, upon such establishment, that person shall, notwithstanding the enactment referred to in *subsection (1)*, stand appointed to the office of Dún Laoghaire-Rathdown County Manager.

- (3) If an administrative county whose functional area is conterminous with the committee district of the South Dublin Area Committee is established at a time when a person holds the office of South Dublin Area Manager, then, upon such establishment, that person shall, notwithstanding the enactment referred to in *subsection (1)*, stand appointed to the office of South Dublin County Manager.

23.—(1) (a) The area managers shall prepare jointly during the appropriate period a preliminary report (in this Part referred to as “the reorganisation report”) outlining the general arrangements that would require to be made in preparation for—

Report on preparations for establishment of proposed councils.

(i) the abolition of the county and its division into three administrative counties (in this Part referred to as “the proposed counties”) the areas of which would be conterminous with the committee districts and the abolition of the borough,

(ii) the establishment of a council in respect of each of those three administrative counties (in this Part referred to as “the proposed councils”) and the making of provision for their functions and their assets and liabilities, and

(iii) the dissolution of the existing authorities,

and outlining the arrangements for consequential matters.

(b) The reorganisation report shall specify the administrative and organisational measures (including transitional measures) which would be required for the purposes of the arrangements aforesaid and shall include proposals which would allow for the implementation of those measures on a phased and orderly basis, utilising the administrative and organisational arrangements of the area committees and their committee districts.

(2) In preparing the reorganisation report—

(a) each area manager shall consult with his area committee and the area managers shall jointly consult with the Dublin City Manager and Town Clerk and Dublin County Manager,

(b) regard shall be had to—

(i) the need to ensure, in so far as possible, that the total costs, and the total numbers and costs of staff, of the proposed councils do not exceed those of the existing authorities,

(ii) the need to ensure that the services to be provided by the proposed councils will be organised economically, effectively and efficiently, and

(iii) the need to provide, for the purposes aforesaid, for the co-ordination, where appropriate, of the provision of the services aforesaid.

(3) Without prejudice to the generality of the foregoing, the reorganisation report shall include—

- (a) a description of the arrangements considered necessary in order to effect the transfer from the existing authorities to the proposed councils of—
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 - (i) staff, and
 - (ii) assets and liabilities,
 - (b) a description of the kind, and an estimate of the extent, of the accommodation considered to be likely to be required by the proposed councils and an outline of the transitional arrangements considered to be necessary as respects those requirements, 10
 - (c) an estimate of the income and expenditure of each of the proposed councils and of the extent and nature of any consequential financial adjustments, 15
 - (d) an outline of the co-ordination that should be effected in the performance of their functions or specified such functions (including the specification of any particular service that it is considered should be provided jointly) by—
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 - (i) any two or more of the proposed councils, or
 - (ii) any one or more of the proposed councils and Dublin Corporation,and of the arrangements considered to be necessary in order to effect such co-ordination,
 - (e) such preparatory, transitional, organisational, procedural and administrative measures as it is considered should be taken in relation to the existing authorities or any one or more of their functions in anticipation and for the purposes of the establishment of the proposed councils, and 25
 - (f) an outline, study or analysis of such other matters as are considered appropriate or the Minister may specify. 30
- (4) (a) Copies of the reorganisation report shall be transmitted to the Dublin authorities, the area committees and the Minister.
- (b) Each Dublin authority and area committee shall, as soon as may be after the receipt by it of a copy of the reorganisation report, make such submissions (if any) to the Minister as it deems appropriate in relation to the report and the Minister shall consider any submissions so made. 35
- (5) In this section “the appropriate period” means the period of six months commencing on the day on which the area committees or, as may be appropriate, the last of them are or is established or such longer period (if any) as may be fixed by resolution of the County Council. 40

24.—(1) When the reorganisation report has been submitted to the Minister, he may, having considered it, direct that another report be jointly prepared by any one or more of the area managers in respect of or taking account of specified matters.

Regulations in relation to preparations for establishment of proposed councils.

5 (2) The Minister, having considered the reorganisation report and any reports under this section may, after consultation with the Minister for Finance, by regulations make such provision as appears to him to be necessary or expedient for the purposes of or to give full effect to or to facilitate—

10 (a) preparations for the establishment of the proposed counties and the proposed councils,

(b) preparations for the dissolution of the existing authorities,

(c) the making and implementation of transitional arrangements in relation to such establishment and dissolution,

15 and the regulations shall have effect notwithstanding the provisions of any other enactment and every such enactment shall be construed and have effect subject to and in accordance with the provisions of the regulations.

20 (3) Without prejudice to the generality of *subsection (2)*, regulations under that subsection may include provision in relation to—

25 (a) the making of arrangements and agreements between the existing authorities and between those authorities and the other Dublin authorities in relation to the matters referred to in *subsection (2)* and for the application of such agreements and arrangements to the proposed councils,

(b) the preparation for the transfers of assets and liabilities consequent upon the establishment of the proposed counties and the proposed councils and the dissolution of the existing authorities,

30 (c) the preparation by the existing authorities of estimates of the expenses for a specified local financial year of the proposed councils as if those councils stood established during the whole of that year,

35 (d) any matter or thing for which provision may be made by order under *section 34* or for which provision is made in the Local Government (Dublin) Act, 1930,

40 (e) the adjustment of any matter or thing (including any financial adjustment) that, in the opinion of the Minister, will arise upon the establishment of the proposed counties and the proposed councils and the dissolution of the existing authorities.

45 (4) Regulations under this section may provide for the application, adaptation, amendment or repeal of any enactment as respects the matters specified in *paragraphs (a), (b) and (c) of subsection (2)* or as respects the county or any part thereof (including the borough).

25.—The Minister may give to the Dublin authorities, the Dublin City Manager, the Dublin County Manager and the area managers such general or particular directions in relation to the execution of or compliance with any provision of this Part or regulations thereunder or in relation to the preparations for the matters referred to in *section*

Directions for purposes of this Part.

23 (1) (including directions that specified steps be taken or not taken, or be taken subject to specified conditions, or specified things be done or not done or be done subject to specified conditions, by the persons aforesaid or any of them) as appear to the Minister to be necessary or expedient for securing or facilitating the operation of such provision or the giving of full effect thereto. 5

26.—The Local Government (Reorganisation) Act, 1985, is hereby amended—

(a) in section 12, by the insertion of the following subsection after subsection (1): 10

“(1A) The division of the County into three electoral counties effected by subsection (1) shall continue to have effect for the purposes of the local elections next occurring after the elections referred to in that subsection in the same manner as it had effect for the purposes of the last-mentioned elections save that: 15

(a) the electoral County of Dublin-Fingal shall be known as the electoral County of Fingal, and

(b) the electoral County of Dublin-Belgard shall be known as the electoral County of South Dublin, 20

and references in this Act to established electoral counties, electoral counties and councils of electoral counties shall be construed accordingly.”,

(b) in section 13, by the insertion of “and at the local elections next occurring after those elections” in subsection (3) after “of this Act”, and 25

(c) in section 16—

(i) in subsection (1), by the insertion after “Act” of “or at the local elections next occurring after those elections”, and 30

(ii) by the substitution of the following subsections for subsections (3) and (4):

“(3) (a) The persons elected to the councils of the established electoral counties at the first elections held pursuant to section 13 (3) of this Act shall be regarded for all purposes as having been elected to the County Council on the same day as their election to whichever of the councils established under section 13 (1) of this Act is appropriate and on and from the ordinary day of retirement referred to in subsection (2) of this section those persons shall be the members of and shall act as the County Council. 35 40 45

(b) The persons elected to the councils of the established electoral counties at the elections held pursuant to the said section 13 (3) next after those referred to in paragraph (a) of this subsection shall be regarded for all purposes as having been 50

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elected to the County Council on the same day as their election to whichever of the councils established under the said section 13 (1) is appropriate and on and from the ordinary day of retirement of the members of the County Council those persons shall be the members of and shall act as the County Council.

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(4) (a) The persons elected at the first elections held pursuant to the said section 13 (3) for the relevant electoral areas shall be regarded for all purposes as having been elected to the Borough Council on the same day as their election to the Council of the electoral County of Dún Laoghaire — Rathdown and on and from the ordinary day of retirement referred to in subsection (2) of this section those persons shall be the members of and shall act as the Borough Council.

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(b) The persons elected at the elections held pursuant to the said section 13 (3) next after those referred to in paragraph (a) of this subsection for the relevant electoral areas shall be regarded for all purposes as having been elected to the Borough Council on the same day as their election to the Council of the electoral County of Dún Laoghaire-Rathdown and on and from the ordinary day of retirement of the members of the County Council those persons shall be the members of and act as the Borough Council."

PART V

35

LOCAL AUTHORITY BOUNDARY ALTERATION

27.—In this Part—

Interpretation
(Part V).

"boundary committee" means a committee established under *section 28 (1)*;

"committee district" has the meaning assigned to it by *section 18*;

40 "proposal", "amended proposal", "proposer" and "respondent" shall be construed in accordance with *section 29*;

"statement of response" shall be construed in accordance with *section 29 (3)*.

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28.—(1) The Minister may establish one or more committees which or each of which shall be known by the title assigned to it by the Minister and is referred to in this Part as a "boundary committee".

Boundary
committees.

(2) A boundary committee shall stand dissolved on the expiration of such period as may be specified by the Minister at the time he establishes it.

(3) A boundary committee shall be independent in the performance of its functions.

(4) (a) A boundary committee shall consist of such number of members, not being less than 3 or more than 5, as the Minister may determine. 5

(b) The members of a boundary committee shall be appointed by the Minister.

(c) A person appointed to be a member of a boundary committee shall hold office as such member for such period as may be specified by the Minister at the time of the appointment. 10

(d) A person who is for the time being—

(i) entitled under the Standing Orders of either House of the Oireachtas to sit therein,

(ii) a member of the European Parliament, or 15

(iii) a member of a local authority,

shall, while he is so entitled or is such a member, be disqualified for becoming a member of a boundary committee.

(e) Where a member of a boundary committee— 20

(i) is nominated as a member of Seanad Éireann or elected as a member of either House of the Oireachtas,

(ii) is elected as a member of the European Parliament or is regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to such Parliament to fill a vacancy, or 25

(iii) becomes a member of a local authority,

he shall thereupon cease to be a member of the committee.

(f) A member of a boundary committee shall not take part in the preparation of a report under *section 33*— 30

(i) with respect to the boundary of the functional area of a local authority if he is an officer of that authority, or

(ii) with respect to the boundary of a functional area of a local authority situated within an administrative county if he is an officer of the council of that county. 35

(g) The Minister shall appoint one member of a boundary committee to act as chairman of the committee.

(h) A member of a boundary committee may at any time resign from office by letter addressed to the Minister. 40

(i) Where a casual vacancy occurs among the members of a boundary committee, the Minister may appoint a person to fill such vacancy.

5 (j) The Minister may remove from office a member of a boundary committee if, in the opinion of the Minister, he has become incapable through ill health of effectively performing his duties or has committed stated misbehaviour or his removal appears to the Minister to be necessary or desirable for the effective performance by the committee of its functions.

(k) A person may be re-appointed to be a member of a boundary committee.

10 (5) A member of a boundary committee may be paid out of monies at the disposal of the Minister, such remuneration (if any) and allowances for expenses incurred by him as the Minister, with the consent of the Minister for Finance, may determine.

15 (6) (a) The Minister may supply to a boundary committee, on such terms or conditions as he may specify, any services, including services of staff, required by the committee for the performance of any of its functions.

20 (b) A local authority or a public authority may supply to a boundary committee, on such terms and conditions as may be agreed upon by the authority and the committee, any services, including services of staff, required by the committee for the performance of any of its functions.

25 29.—(1) (a) A council of a county or a corporation of a county borough may, by resolution, propose that the boundary of the county or county borough be altered in accordance with the provisions of this Part. Proposal and application for alteration of local authority boundary.

30 (b) A corporation of a borough other than a county borough, a council of an urban district or the commissioners of a town may, by resolution, propose that the boundary of the borough, urban district or town be altered in accordance with the provisions of this Part and a council of a county may by resolution, make such a proposal in relation to any borough, urban district or town situate in such county.

35 (c) A local authority which makes such a proposal as aforesaid and a proposal so made are referred to in this Part, respectively, as a "proposer" and a "proposal".

40 (d) A proposal shall specify the alteration to which it relates by reference to a map.

(2) A proposer shall—

45 (a) furnish a copy of the proposal to each local authority whose boundary is affected by the proposal and such other local authorities as may be prescribed and each authority so affected by a proposal is referred to in this Part as a "respondent",

50 (b) publish notice of the proposal in the prescribed form giving details of the proposal and inviting submissions with regard thereto from any person concerned within such period as shall be specified in the notice,

(c) otherwise inform such persons as may be prescribed of the proposal.

(3) (a) Each respondent shall consider the proposal and shall not later than 6 months from the receipt by it of a copy of the proposal, or such longer period as may be agreed upon by the proposer and the respondent, make a statement of its response to the proposal (referred to in this Part as a "statement of response") and furnish a copy thereof to the proposer. 5

(b) The making of a statement of response shall be a reserved function.

(4) A proposer may, following consideration by it of any statement of response or submission referred to in subsection (2) that it receives within the period specified in that behalf, by resolution, amend the proposal in such manner as it thinks fit and a proposal so amended is referred to in this Part as an "amended proposal". 10

(5) (a) Upon the expiration, in relation to a proposal, of the periods referred to in subsections (2) (b) and (3) (a), a proposer may apply to the Minister for the making of an order under section 31 (1) altering the boundary to which the proposal or the amended proposal (as the case may be) concerned relates in accordance with the terms of the proposal or the amended proposal. 15 20

(b) A decision to make such an application as aforesaid shall be a reserved function.

Provisions
supplementary to
section 29.

30.—(1) A proposal, a statement of response and any amended proposal shall set out— 25

(a) the financial and other implications of the proposal (or the amended proposal, as the case may be), and

(b) the adjustments in relation to financial and administrative matters to be made between the proposer and each respondent concerned in consequence of the alteration of the boundary concerned. 30

(2) (a) A proposer shall furnish to each respondent and such other persons as may be prescribed a copy of the application made by it under section 29 (5).

(b) A proposal, a statement of response, an amended proposal and an application under section 29 (5) shall comply with such requirements as may be prescribed. 35

(c) The Minister may prescribe any matter of procedure or any other requirement which he considers necessary for the satisfactory operation of this section or section 29. 40

(3) A local authority part of whose functional area adjoins an administrative county other than that in which the said functional area is situate may, by resolution, request the council of the county in which it is situate to make a proposal under section 29 (1) and the said council shall consider any such request. 45

Power of Minister
to alter boundary
by order.

31.—(1) (a) Subject to the provisions of this section, the Minister may, on application being made to him in that behalf by a proposer under section 29 (5), by order alter the boundary of any county, county or other borough, urban district or town to which the application relates if he considers that an alteration ought to be made in the interests of effective and convenient local government. 50

(b) An order under this subsection may alter the boundary concerned otherwise than in accordance with the 55

terms of the proposal or the amended proposal (as the case may be) the subject of the application.

5 (2) (a) In any case where a respondent in its statement of response to the proposal, the subject of the application, has disagreed in a material respect with the terms thereof, the Minister shall, unless he considers it inappropriate to do so, or, in any other case, may, request a boundary committee to prepare a report under *section 33* with respect to the boundary of the local authority concerned.

10 (b) The Minister shall have regard to the report of the boundary committee in deciding whether to make an order under *subsection (1)* in respect of the boundary concerned.

15 (3) (a) The Minister may, subject to *paragraph (b)*, by order alter the boundary of any county, county or other borough, committee district, urban district or town where he considers such an alteration ought to be made in the interests of effective and convenient local government.

20 (b) Before deciding whether to make such an order as aforesaid, the Minister shall request a boundary committee to prepare a report under *section 33* with respect to the boundary of the local authority concerned and the Minister shall have regard to the report in deciding whether to make the order.

32.—(1) The Minister may request a boundary committee—

25 (a) to prepare a report under *section 33* with respect to the boundary of any administrative or geographical district or other division based on a local government boundary and used for any purpose of public administration connected with or related to local government or any such district or other division which it is proposed to establish, or

Request to boundary committee to report with respect to certain matters.

(b) to prepare a report with respect to any matter relating to local government that the Minister specifies.

35 (2) Before deciding whether to make an order under *section 12*, or *section 33* or *35* of the Local Government Act, 1941, in relation to a local electoral boundary, the Minister shall request a boundary committee to prepare a report under *section 33* with respect to the boundary and the Minister shall have regard to the report in deciding whether to make the order.

40 33.—(1) Subject to the provisions of this section a boundary committee shall, if requested to do so by the Minister under *subsection (2)* or *(3)* of *section 31* or *subsection (1) (a)* or *(2)* of *section 32*—

Report by boundary committee with respect to a boundary.

45 (a) review the boundary to which the request relates and, in the case of a request by the Minister under *subsection (2)* of *section 31*, the terms of the proposal or the amended proposal (as the case may be) with respect thereto, and

(b) make such recommendations with respect to the boundary that it considers to be necessary in the interests of effective and convenient local government,

and shall prepare and furnish to the Minister a report in writing of

that review and its recommendations and the Minister shall publish the report.

(2) The Minister may include in a request as aforesaid a requirement that the boundary committee is to have regard to such considerations or matters in preparing its report as he specifies in the request and the committee shall comply with any such requirement. 5

(3) A report under this section shall include, where the Minister so specifies in a request as aforesaid, a review by, and the recommendations of, the boundary committee in relation to such matters specified in the request as may be consequential on or otherwise related to any alteration of the boundary recommended in the report. 10

(4) In preparing a report under this section a boundary committee shall—

(a) consult any local authority concerned, and

(b) where the report relates to a boundary of a county or a county borough publish a notice stating that a report is being prepared under this section in relation to a specified boundary inviting submissions from any person concerned, 15

and shall have regard to any such consultations and submissions made by any such person. 20

(5) A boundary committee may, for the purposes of a report by it under this section, by notice in writing, request any local authority to furnish to it such information (including documents) as it may reasonably require within such period as shall be specified in the notice and the local authority shall comply with the request. 25

(6) (a) A boundary committee shall have an absolute discretion to hold an oral hearing in relation to a report by it under this section and the hearing may be conducted by one or more members of the boundary committee or by a person appointed by the committee for that purpose. 30

(b) The member or members of a boundary committee or other person appointed to conduct an oral hearing under *paragraph (a)* shall make a report in writing on the hearing to the boundary committee and shall include in the report such recommendations as are considered appropriate with respect to the boundary concerned. 35

(c) The boundary committee shall consider a report made to it under *paragraph (b)* before deciding on the recommendations that it will make with respect to the boundary concerned. 40

(d) The Minister may make regulations in relation to the conduct of an oral hearing as aforesaid, the procedures at such a hearing and the attendance by local authorities and other persons at such a hearing. 45

Provisions
consequential on
boundary
alteration.

34.—(1) In this section—

“authority concerned” means a local authority whose boundary is affected by a primary order;

"primary order" means an order under *subsection (1)* or *(3)* of *section 31*;

5 "relevant area" means the portion of the functional area of one local authority (or any part of that portion) which by virtue of a primary order becomes part of the functional area of another local authority;

"supplementary order" means an order made under *subsection (2)*.

10 (2) The Minister or any other Minister of the Government, with the consent of the Minister, may by order make such provision as he considers necessary or expedient in relation to any matter whatsoever arising from, in consequence of, or otherwise related to, the boundary alteration effected by a primary order and any provision so made shall, notwithstanding the provisions of any other enactment, apply and have effect accordingly.

15 (3) A supplementary order made by a Minister of the Government, other than the Minister, may only make provision with respect to matters in relation to which functions stand conferred on that Minister of the Government.

(4) A supplementary order may, if the order so provides, have retrospective effect.

20 (5) Without prejudice to the generality of *subsection (2)*, a supplementary order may make provision for all or any of the following matters—

- (a) the functions of any authority concerned in relation to a relevant area,
- 25 (b) the inclusion of a relevant area, in any local electoral area or any administrative or geographical district or other division used for any purpose of public administration,
- (c) the application or non-application of any enactment to a relevant area,
- 30 (d) the continuance of legal proceedings commenced by or against any authority concerned before the making of the primary order concerned where such proceedings relate to any matter, right, duty or liability arising, accrued or incurred in, or relating to, any relevant area,
- 35 (e) such modifications, adaptation or amendment of any enactment as may be necessary for the purposes of the primary order,
- 40 (f) subject to *subsection (8)*, an adjustment between any authorities concerned (which may include provision for the payment of money, by a single payment or in two or more instalments, by one or more authorities concerned to any other authority or authorities concerned) in relation to all or any of the following:
 - 45 (i) any net loss of revenue, actual or prospective, which is or may be incurred by any authority concerned in consequence of the primary order,
 - (ii) property whether real or personal (including choses-in-action), vested in or belonging to or held in trust

for any authority concerned and wholly or partly
situate in or relating to any relevant area,

(iii) debts (including mortgage debts), charges created by
statute and other liabilities (including unliquidated
amounts, unliquidated damages arising from torts or breaches of contract and accruing or prospective
liabilities), due and unpaid, or incurred and undis-
charged, and relating wholly or in part to any relevant
area, 5

(iv) agreements or arrangements between any authorities
concerned with respect to financial matters, 10

(v) alteration for specified purposes in the areas of charge
provided for in section 10 of the Local Government
Act, 1946,

(vi) rates and charges due and payable or accruing due, 15

(vii) the assessment and levying of rates and charges in any
relevant area (including the temporary reduction of
valuations and the making of abatements),

and for giving effect to any matter referred to in *sub-*
paragraph (v), (vi) or (vii), 20

(g) the transfer of officers or servants of an authority or author-
ities concerned to any other authority or authorities con-
cerned,

(h) the enabling of provision to be made in respect of any matter
referred to in *paragraph (f)* (where provision in respect
thereof is not otherwise made by a supplementary order)
by agreement between the authorities concerned or in the
event of a failure by the authorities concerned to reach
agreement, in such manner as may be specified in the
order, 25 30

(i) the preparation of official maps showing the boundary of any
relevant area and the evidential value of such maps,

(j) transitional matters relating to any development plan (within
the meaning of the Local Government (Planning and
Development) Acts, 1963 to 1990) insofar as it relates to
any relevant area, 35

(k) the continuance of any thing done, or treated by virtue of
any enactment as having been done, by, to or in relation
to, any authority concerned in relation to any relevant
area, 40

(l) the register of electors and polling districts to be used at any
election of councillors for any local electoral area,

(m) the continuance in office of members of any authority con-
cerned,

(n) the alteration of the number of members of the council of a
county or the council of a county borough consequent
upon the making of a primary order, 45

(o) any other matter which appears to be necessary or proper

for bringing into operation and giving full effect to the primary order.

(6) In subsection (5) (k) "thing" includes the following—

- 5 (i) any written agreement or other instrument in writing or any determination or declaration made by, or on behalf of, or treated as having been made by or on behalf of any authority concerned,
- (ii) any direction given, or treated as having been given, by or to any authority concerned,
- 10 (iii) any licence, certificate, permission, consent, approval, exemption or relaxation granted or given, or treated as having been granted or given, by or to any authority concerned,
- 15 (iv) any application, proposal or objection made, or treated as having been made, by or to any authority concerned,
- (v) any condition or requirement imposed, or treated as having been imposed, by or on an authority concerned.

20 (7) An adjustment under paragraph (f) of subsection (5) or an agreement under paragraph (h) of that subsection may include—

- 25 (a) in the case of property referred to in subparagraph (ii) of the said paragraph (f), provision for the retention of the property by any authority concerned or for the transfer thereof to another authority concerned or for the joint user of such property by two or more authorities concerned, and
- 30 (b) in the case of a debt or other liability referred to in subparagraph (iii) of the said paragraph, provision for the whole of such debt or liability being borne by any authority concerned or for the apportionment of the liability between two or more authorities concerned.

35 (8) A supplementary order may not, as respects local authorities of a prescribed class or classes, make provision for such matters specified in subsection (5) (f) as may be prescribed.

40 (9) Where a boundary alteration is effected by a primary order, any reference in any enactment to a county, county or other borough, committee district, urban district or town, whether to such areas generally or to any particular such area, shall, subject to any provision to the contrary in a supplementary order and unless the context otherwise requires, be construed as a reference to the area of such county, county or other borough, committee district, urban district or town as so altered.

45 35.—(1) This section applies in relation to a case in respect of the alteration of the boundary of the functional area of a local authority which, before the commencement of section 4 in relation to an enactment, falls to be determined by the Minister pursuant to that enactment. Transitional.

(2) The Minister may, in relation to a case to which this section applies, determine the case in accordance with the provisions of the enactment concerned notwithstanding the commencement of *section 4* in relation to that enactment.

PART VI

5

COMMITTEES AND JOINT COMMITTEES OF LOCAL AUTHORITIES

"Local authority"
(*Part VI*).

36.—In this Part, except where the context otherwise requires,

"local authority" does not include a committee or joint committee.

Committees of local
authorities.

37.—(1) (a) A local authority may, if it considers it appropriate to do so, by resolution, establish—

10

(i) a committee to consider matters connected with the functions of the authority referred to it by the authority and to advise the authority on those matters, or

(ii) a committee to perform functions of the authority delegated to it under this section,

15

and references in this Part to a committee are, unless the context otherwise requires, references to a committee established under this paragraph.

(b) A local authority may establish more than one committee.

20

(c) A local authority shall not establish a committee to consider matters connected with, or to perform, the functions generally of the authority in respect of a particular local electoral area.

25

(2) (a) A local authority may, by resolution, delegate with or without restrictions to a committee established under *subsection (1) (a) (ii)* any of its functions that may be performed by resolution except the power to adopt the estimate of expenses of the authority or to make a rate or borrow money or any other prescribed functions.

30

(b) Without prejudice to any other relevant requirements, it shall be necessary for the passing of a resolution under *paragraph (a)* that the number of members of the local authority concerned voting in favour of the resolution exceeds one-half of the total number of members of the authority.

35

(3) A local authority may, by resolution, dissolve a committee established by it but the dissolution shall be without prejudice to anything previously done by the committee.

40

(4) Save as provided for by this section or *section 18* or *38* or otherwise by law, it shall not be lawful for a local authority to establish a committee or to delegate any of its functions to a committee.

(5) Notwithstanding the repeal under *section 4* or the cesser under *section 40* of an enactment by or under which a committee of a local authority stood established immediately before such repeal or cesser, the committee shall continue to stand established after such repeal or

45

cesser as if it was established under this section and this Part shall apply and have effect accordingly in relation to it.

38.—(1) Two or more local authorities may, if they consider it appropriate to do so, by resolution of each of the authorities, jointly establish— Joint committees of local authorities.

- (a) a joint committee of those authorities to consider matters connected with the functions of the authorities specified in the resolution and to advise the authorities on those matters,
- 10 (b) a joint committee of those authorities to perform functions of those authorities delegated to it by them under *subsection (5)*,

and references in this Part to a joint committee are, unless the context otherwise requires, references to a joint committee established under

15 this subsection.

(2) A local authority may join in the establishment of more than one joint committee.

(3) More than one joint committee may be established by the same local authorities.

20 (4) Where the resolutions under *subsection (1)* relating to a joint committee, with the consent of the Minister, so provide—

(a) the joint committee shall be a body corporate with perpetual succession and shall be known by such name as may be specified in the resolutions or determined by the joint committee,

25

(b) the joint committee may sue and be sued in its corporate name,

(c) the joint committee shall have power to acquire, hold and dispose of land or an interest in land,

30 (d) the joint committee shall have a common seal which shall be authenticated by the signature of the chairman, or some other member, of the joint committee authorised by the joint committee in that behalf or by the signature of an officer of the joint committee authorised by the joint committee in that behalf,

35

(e) judicial notice shall be taken of the seal of the joint committee and every document purporting to be an order or other instrument made by it and to be sealed with its seal (purporting to be authenticated in accordance with *paragraph (d)*) shall be received in evidence and be deemed to be that order or instrument without further proof unless the contrary is shown.

40

(5) (a) Subject to the provisions of this subsection, a local authority may, by resolution, with the consent of the other authorities concerned, delegate with or without restrictions to a joint committee established under *subsection (1) (b)* any of its functions that may be performed by resolution.

45

(b) *Paragraph (a)* does not apply to the powers of a local

authority to adopt the estimate of expenses of the authority or to make a rate or any other prescribed functions.

- (c) Without prejudice to any other relevant requirements, it shall be necessary for the passing of a resolution under *paragraph (a)* that the number of members of the local authority concerned voting in favour of the resolution exceeds one-half of the total number of the members of the authority. 5

(6) The Minister may direct a local authority to establish under *subsection (1)*, upon and subject to such terms and conditions as may be specified in the direction, with such one or more other local authorities as may be specified in the direction a joint committee and to delegate to the committee, subject to such (if any) conditions or restrictions as may be specified in the direction, such of the functions of the authority as may be specified in the direction. 10 15

(7) A joint committee may be dissolved by resolution of any one of the local authorities by which it was established with (in the case of a joint committee established pursuant to a direction under *subsection (6)*) the consent of the Minister but the dissolution shall be without prejudice to anything previously done by the committee. 20

(8) (a) Notwithstanding the repeal under *section 4* or the cesser under *section 40* of an enactment by or under which a joint committee of a local authority stood established immediately before such repeal or cesser, the committee shall continue to stand established after such repeal or cesser and be deemed to have been established under this section and this Part shall apply and have effect accordingly in relation to it. 25

(b) Save as provided for by this section or otherwise by law, it shall not be lawful for local authorities to establish a joint committee or to delegate any of their functions to a joint committee. 30

(9) In this section "local authority" includes such other (if any) persons as may be prescribed.

Membership of
committees and of
joint committees.

39.—(1) (a) The members of a committee shall be appointed by resolution of the local authority by which it was established. 35

(b) A committee shall consist of such number of persons (not being less than 3) as the local authority by which it was established considers appropriate and may, subject to *paragraphs (c) and (d)*, at the discretion of the local authority by which it was established, consist either wholly of persons who are members of that authority or partly of persons who are, and partly of persons who are not, such members. 40 45

(c) A person who is not a member of the local authority concerned shall not be appointed to be a member of a committee unless, in the opinion of the authority, he is a person having knowledge, qualifications or experience relevant to the functions of the committee. 50

(d) Not less than one-third of the persons appointed to be members of a committee shall be persons who

are members of the local authority by which it was established.

5 (2) (a) The members of a joint committee shall be appointed by the local authorities by which it was established in the following manner, that is to say, each such authority shall appoint such number of persons to be members of the joint committee as may be agreed upon by those authorities.

10 (b) A joint committee shall consist of such number of persons (not being less than 6) as shall be agreed upon by the local authorities by which it was established and may, subject to paragraphs (c) and (d), at the discretion of those authorities, be composed either wholly of persons who are members of those authorities or partly of persons who are, and partly of persons who are not, such members.

15 (c) A person who is not a member of one of the local authorities concerned shall not be appointed to be a member of a joint committee unless, in the opinion of the authority by which he is so appointed, he possesses knowledge, qualifications or experience relevant to the functions of the joint committee.

20 (d) Not less than one-third of the persons appointed by any local authority to be members of a joint committee shall be persons who are members of that authority.

25 (3) A person who is a member of a committee or a joint committee shall not be entitled to vote in respect of the performance of a function of a local authority that has been delegated to the committee or joint committee unless he is a member of the local authority by which he was appointed to be a member of the committee or joint committee.

40.—(1) The Minister may make regulations—

Regulations (Part VI).

30 (a) as respects the area of jurisdiction of a committee or joint committee,

(b) as respects the dissolution of a committee or joint committee,

35 (c) specifying conditions, restrictions or other provisions which shall apply in relation to the delegation of functions to, or the revocation of a delegation of functions to, a committee or joint committee,

(d) as respects the procedures, general administration and general finances of committees and joint committees,

40 (e) as respects such other matters relating to committees and joint committees as the Minister considers appropriate.

45 (2) Upon the commencement of this Part and of regulations under this section, the matters to which this Part relates and with respect to which the regulations were made shall, as respects any local authority concerned, be governed by the provisions of this Part and the regulations, and such previous provisions (whether made by or under statute) as may be specified in the regulations applying to that authority and relating to those matters shall cease to have effect as respects that authority.

PART VII

MISCELLANEOUS

Reserved functions. 41.—(1) It shall be a general function of the members of a local authority to determine by resolution the policy of the local authority in accordance with and subject to the provisions of the enactments relating to that authority. 5

(2) The Minister may by order declare that a specified function or specified functions of local authorities shall be performed by resolution of the members of the authorities.

(3) Whenever and for so long as an order under this section providing for the performance of functions of a local authority by resolution of the members of the authority is in force, the function shall be so performed and it shall be a reserved function of the authority for the purposes of— 10

(a) in case the authority is the corporation of a county borough, the Acts relating to its management, and 15

(b) in any other case, the County Management Acts, 1940 to 1988,

and references in the Acts relating to the management of county boroughs to orders requiring functions of councils of county boroughs to be performed directly by the councils shall be construed as including references to orders under this section and orders under *section 3 (7)* by which provision is made for the performance of functions of a local authority by resolution of the members of the authority. 20

(4) In this section— 25

“functions” does not include a function relating to the officers or servants of a local authority or the control, supervision, service, remuneration, privileges or superannuation of such officers or servants or any of them;

“local authority” has the meaning assigned to it by the City and County Management (Amendment) Act, 1955. 30

(5) Notwithstanding *section 4*, any order under *section 8* of the Cork City Management Act, 1929, *section 51* of the Local Government (Dublin) Act, 1930, *section 12* of the Limerick City Management Act, 1934, *section 11* of the Waterford City Management Act, 1939, or *section 16* of the County Management Act, 1940, in force immediately before the commencement of *section 4* (in so far as it relates to the section under which the order was made) shall continue in force after such commencement as if made under this section and may be amended or revoked accordingly. 35 40

Allowances for
chairmen of local
authorities.

42.—(1) A local authority may pay an allowance for reasonable expenses to the chairman of the authority.

(2) A decision to pay an allowance under *subsection (1)* and the determination of the amount thereof shall be a reserved function.

(3) A copy of every resolution adopted by a local authority under this section shall be furnished to the Minister. 45

(4) The Minister may, after consultation with the Minister for

Finance, issue directions to local authorities or specified classes of local authorities for the purposes of this section and, without prejudice to the foregoing, such directions may specify the maximum amounts of the allowances payable under this section, including different such amounts for different classes of local authorities.

(5) In this section "the chairman", in relation to a local authority, includes, in the case of a borough, the lord mayor or the mayor of such authority.

43.—(1) For the purpose of promoting the co-ordination in different areas of the State of the provision of public services the Minister may, by order, made with the consent of the Minister for Finance (in this section referred to as "an establishment order")—

Establishment of regional authorities.

(a) declare that an area consisting of specified counties or county boroughs shall constitute a region, and

(b) establish in respect of the region, a body (in this section referred to as "a regional authority") the membership of which shall consist of persons who are members of a council of a county or county borough the functional area of which is included in that region, to perform in the region such functions in relation to the co-ordination of the provision of public services in the region as are conferred on it by or under this section.

(2) (a) A regional authority shall be called and known by such title as may be specified in the establishment order concerned.

(b) A regional authority shall be a body corporate with perpetual succession and an official seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land.

(c) Judicial notice shall be taken of the seal of a regional authority and every document purporting to be an order or other instrument made by that authority and to be sealed with its seal (purporting to be authenticated in the manner provided by the establishment order) shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown.

(3) An establishment order shall require a regional authority thereby established to provide itself with an official seal and shall contain such provisions as the Minister considers appropriate in relation to the membership of the authority (including provisions in relation to the number of members of the authority, the method, terms and conditions of their appointment and their tenure of office).

(4) (a) An establishment order or an order amending or revoking an establishment order may contain such other provisions as the Minister considers necessary arising from, by reason of, for the purposes of, or to give full effect to, a declaration under subsection (1) or to the establishment or dissolution of a regional authority and such an order may contain provisions relating to any matter whatsoever arising in relation to such declaration, establishment or dissolution or in relation to the functions of the regional authority concerned.

- (b) Without prejudice to the generality of *paragraph (a)*, an order referred to in that paragraph may provide in respect of a regional authority established by the establishment order, for all or any of the following matters:
- (i) the conferral of functions on the authority in relation to the co-ordination of the provision of public services or specified public services in the region of the authority, 5
 - (ii) the administration generally and the finances generally of the authority, 10
 - (iii) the meetings of the authority, and the procedure at such meetings,
 - (iv) the use and authentication of the seal of the authority,
 - (v) the payment of grants by the Minister of such amounts as may be sanctioned by the Minister for Finance, out of moneys provided by the Oireachtas, towards the expenses of the authority, 15
 - (vi) the payment to the authority by the local authorities who, as respects the authority are local authorities referred to in *subsection (1) (b)* or by other specified public authorities, in such manner as may be specified, of all or part of the expenses and expenditure of the authority, 20
 - (vii) the furnishing from time to time by the authority to the Minister or to specified local authorities or other specified public authorities of information in relation to the performance of its functions and the furnishing of such information to the Minister whenever he so requests, 25
 - (viii) the making by the authority of arrangements with other public authorities for the use by it of premises or equipment of those authorities or for the use by the authority of the services of officers and servants of those authorities, 30
 - (ix) matters to which the authority shall have regard in the performance of its functions, 35
 - (x) the giving of directions by the Minister to the authority in relation to the performance of its functions,
 - (xi) the dissolution of the authority,
 - (xii) any other matter in relation to which the Minister considers that provision should be made in order to enable the authority to perform its functions effectively or, as respects its dissolution. 40
- (5) An establishment order or an order referred to in *subsection (4) (a)* may apply to a regional authority established by the establishment order, with any necessary modifications or adaptations, all or any of the provisions of or made under any enactment relating to local authorities. 45

44.—(1) Notwithstanding anything in section 4 of the City and County Management (Amendment) Act, 1955—

Amendment of City and County Management (Amendment) Act, 1955.

5 (a) the notice specified in subsection (2) of that section shall, in the case of a resolution under that section relating to a planning function, be signed—

10 (i) if the land concerned is situated in a single local electoral area, by not less than three members of the local authority concerned, being members consisting of or including not less than three-quarters of the total number of the members who stand elected to the authority for that area (fractions being disregarded), and

15 (ii) if the land concerned is situated in more than one local electoral area, by not less than three-quarters, as respects each such area, of the total number of the members of the authority who stand elected for that area (fractions being disregarded),

and

20 (b) it shall be necessary for the passing of a resolution under that section relating to a planning function that the number of the members of the local authority concerned voting in favour of the resolution is not less than three-quarters of the total number of members of the authority (fractions being disregarded).

25 (2) In this section “a planning function” means a function of a planning authority (within the meaning of the Local Government (Planning and Development) Act, 1963) with respect to—

(a) a decision of such an authority made under or pursuant to Part IV of that Act—

30 (i) on an application for permission or approval for the development of land, or

(ii) pursuant to a condition attached to a permission or approval granted under that Part,

or

35 (b) a decision under section 4 of the Local Government (Planning and Development) Act, 1982.

45.—Section 26 of the Local Government (Planning and Development) Act, 1963, is hereby amended by the substitution in subsection

Amendment of Local Government (Planning and Development) Act, 1963.

40 (3) (b) (inserted by the Local Government (Planning and Development) Act, 1976) of “is not less than three-quarters of the total number of the members of the planning authority (fractions being disregarded)” for “exceeds one-third of the total number of the members of the planning authority”.

46.—(1) A local authority may incur reasonable expenditure for or in connection with the provision of receptions and entertainment for, and the making of presentations—

Entertainment and associated expenses of local authorities.

(a) to distinguished persons, and

(b) in connection with the holding of special events relevant to its functions.

(2) A decision to incur expenditure under *subsection (1)* shall be a reserved function.

(3) The Minister may, after consultation with the Minister for Finance, issue directions for the purposes of this section to local authorities or specified classes of local authorities and, without prejudice to the generality of the foregoing, such directions may specify the maximum amounts which may be expended under this section in respect of specified periods or in respect of particular classes of events.

(4) Particulars in relation to the performance of its functions by a local authority in any local financial year under this section shall be recorded in the report of the authority for that year.

Tenure of office of managers.

47.—(1) Notwithstanding any other enactment or instrument made thereunder, a person who is appointed to an office of manager after the commencement of this section or to an office established by *section 21* shall unless he earlier dies, resigns or is removed from office, hold the office during whichever of the following periods is the shorter and on the expiration of that period shall cease to hold the office, that is to say:

(a) a period of such length as the Minister specifies by order,

(b) the period from the date of the appointment to the date on which he attains such age as the Minister specifies by order,

and without prejudice to the generality of the foregoing, the Minister may by order make such provisions as he considers appropriate in relation to the periods specified in *paragraphs (a) and (b)* in relation to officers of local authorities holding office on the commencement of this section by reference to the age of such officers.

(2) For the purpose of this section, a period served in an office of county manager referred to in *section 22* by a person appointed to such office by virtue of that section shall be deemed to include the period served by that person in the office established by *section 21* held by that person immediately before his appointment to such office of county manager.

Civic honours.

48.—(1) A local authority may confer a civic honour on a distinguished person in such manner as it may determine including the admission of the person to the honorary freedom of its functional area and may establish and maintain a roll in which to enter the names of persons so honoured.

(2) The decision of a local authority to confer a civic honour on a person shall be a reserved function.

(3) The repeal by this Act of the Municipal Privileges (Ireland) Act, 1876, shall not have effect as respects any person in relation to whom the power conferred by *section 11* of that Act has been exercised.

Twinning of local authority areas.

49.—(1) A local authority may enter into arrangements for the twinning of its functional area or a part thereof or establish other similar links with any other area, whether within or outside the State.

(2) The decision to enter into an arrangement under *subsection (1)* shall be a reserved function.

(3) A local authority shall not enter into an arrangement under *subsection (1)* unless, having had regard to the matters specified hereunder, they are satisfied that the arrangement is justified, the matters aforesaid being—

(a) the ensuing benefits likely to accrue to its functional area and the local community,

(b) the social, cultural and general interests of its functional area and the local community,

(c) the ensuing cost.

(4) The Minister may issue directions to local authorities or specified classes of local authorities for the purposes of this section.

(5) There shall be recorded in the report of a local authority for any year particulars in relation to the performance of its functions by the local authority under this section for that year.

50.—(1) A local authority shall, not later than the 30th day of June in each year, prepare and adopt a report (which shall be known as the annual report of the local authority and is referred to in this Act as “a report”) in relation to the performance of its functions during the preceding year and shall as soon as may be furnish a copy of the report to each member of the authority and to such other (if any) persons as may be prescribed.

Annual report of local authorities.

(2) A report of a local authority shall include the following:

(a) particulars of the policies, programmes, services and other activities undertaken by the local authority,

(b) such particulars as are required by any other provision of this or of any other enactment to be included in the report,

(c) particulars in relation to any Acts adopted or orders, regulations, bye-laws, rules or other instruments made under statute by resolution of the members of the authority during the year to which the report relates,

(d) such other particulars (including financial statements) as the local authority may determine or as may be directed by the Minister.

(3) The adoption by a local authority of its report shall be a reserved function.

(4) Copies of the report of a local authority shall be made available at the principal office of the authority during normal office hours for inspection by members of the public or for purchase by such members at such price as may be determined by the authority and a local authority shall give public notice of the date as on and from which a report will be so made available.

(5) In this section “local authority” means a council of a county or a corporation of a county borough.

51.—(1) A local authority may, subject to and in accordance with regulations under *subsection (3)*, make payments to its members in respect of expenses reasonably incurred by the members in relation to—

- (a) attendance at a meeting of the authority or of a committee or joint committee of which they are members, 5
- (b) attendance, authorised by the authority, at a meeting of a prescribed association of local authorities of which the authority is a member,
- (c) attendance, authorised by the authority, at a conference, seminar or other meeting or event at which the authority is, pursuant to *subsection (2)*, entitled to be represented, 10
- (d) visits, authorised by the authority, to an area with which any part of the functional area of the authority is twinned pursuant to *section 49*, 15
- (e) any prescribed matter.

(2) (a) A local authority may, subject to the provisions of this section, authorise one or more of its members to represent it at a conference, seminar or other meeting or event held, whether within or outside the State, for the purpose of discussing or imparting information regarding or connected with any matter that is of concern to the authority in relation to the performance of its functions and is relevant to its functional area and local community. 20

(b) A local authority shall not give an authorisation under *paragraph (a)* unless, having had regard to the matters specified hereunder, they are satisfied that the authorisation is justified, the matters aforesaid being— 25

- (i) the ensuing benefits likely to accrue,
- (ii) the general interests of its functional area and the local community, 30
- (iii) the ensuing cost.

(3) The Minister may, after consultation with the Minister for Finance, make regulations for the purpose of this section and, without prejudice to the generality of the foregoing, the regulations may provide for any or all of the following matters: 35

- (a) payments to members of local authorities in respect of reasonable expenses incurred by them in relation to each attendance at a meeting of the authority, committee or joint committee concerned or in relation to a specified maximum number of such meetings or payment of a composite annual sum in respect of all such attendances, 40
- (b) payments to members of local authorities in respect of reasonable expenses incurred by them in relation to attendance authorised by the authorities concerned at such meetings or events as aforesaid or visits aforesaid so authorised, 45
- (c) the maximum number of representatives of a local authority or the maximum combined numbers of representatives of local authorities generally or of a particular class or classes 50

of local authorities at such meetings or events or visits as
aforesaid,

- (d) the determination by the Minister or another specified
person—
- 5 (i) whether and, if so, to what extent local authorities
generally or of a particular class or classes, and
- (ii) of the particular local authorities which,
should be represented at such meetings or events as afore-
said generally or specified such meetings or events or a
10 specified class or classes of such meetings or events and
of the number of members who may represent individual
local authorities at such meetings or events,
- (e) conditions and restrictions in relation to the making of pay-
ments under this subsection,
- 15 (f) any other matters which appear to the Minister to be neces-
sary or expedient for the purposes of this section.

(4) A decision to authorise an attendance or visit referred to in
paragraph (b), (c) or (d) of subsection (1) shall be a reserved function.

20 (5) In this section "member", in relation to a local authority,
includes a member of a committee or joint committee of the authority.

(6) There shall be recorded in the report of a local authority for
any year separate particulars in relation to payments made in respect
of the matter specified in each paragraph of *subsection (1)* in that
year.

25 52.—(1) Where—

- (a) the performance of a function by a local authority or an
officer of a local authority is, by any enactment, made
subject—
- (i) to notification of or consultation with, or
- 30 (ii) to the approval or consent of or confirmation by,
the Minister or to compliance with any other requirement
that is of a similar kind and confers a function on the
Minister that is similar to those conferred on him by the
requirements specified in *paragraphs (i) and (ii)*,
- 35 and
- (b) the Minister is satisfied that the requirement has become
unnecessary and that the function would be properly per-
formed without compliance with the requirement,

40 he may, by regulations, provide that the function may be performed
in all cases or in specified cases without compliance with the require-
ment but subject to compliance with such conditions (if any) as may
be specified and, whenever regulations so providing are in force, the
function concerned may be performed without compliance with the
requirement concerned but in accordance with the provisions of the
45 regulations.

(2) Where it appears to the Minister—

- (a) to be necessary or expedient for the purpose of remedying
an inconsistency between a provision of an enactment and
this Act, or

Power to amend,
repeal, etc.,
enactments and to
dispense with
certain controls
affecting local
authorities.

- (b) to be necessary or expedient for the purpose of enabling such a provision to have effect in conformity with this Act,

the Minister may in relation to such a provision by regulations provide for—

- (i) its application with any modification or adaptation specified in the regulations, 5

- (ii) its amendment otherwise or its repeal, revocation or termination.

(3) If in any respect any difficulty arises in bringing any provision of this Act into operation or in relation to the operation of any such provision, the Minister may by regulations do anything which appears to him to be necessary or expedient for the purposes of removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation and any such regulations may modify any provision of this Act or any other enactment so far as may be necessary or expedient for the purposes aforesaid but no regulations shall be made under this subsection in relation to a provision of this Act after the expiration of 2 years from the commencement of that provision. 10 15

Amendment of
Local Authorities
(Combined
Purchasing) Act,
1939.

53.—Section 17 of the Local Authorities (Combined Purchasing) Act, 1939, is hereby amended by the substitution of the following subsections for subsections (2) and (3)— 20

“(2) The Minister may, if he so thinks fit, in respect of a local financial year by order certify the sum which, during that year, was expended out of monies provided under subsection (1) of this section in carrying this Act into effect and, if he does so, the order shall assess that sum on the counties and county boroughs in proportion to the annual value under the Valuation Acts of the property rateable for the county rate or the municipal rate, as may be appropriate, in the counties and county boroughs and copies of the order shall be sent to the council of every county and county borough. 25 30

(3) Where an order is made under this section, the council of every county and county borough shall pay the amount assessed by the order on such county or county borough to the Minister and shall raise the amount so to be paid, in the case of a county, by means of the county rate as a county-at-large charge or in the case of a county borough, by means of the municipal rate.”. 35

Amendment of
Local Government
Act, 1941.

54.—The Local Government Act, 1941, is hereby amended—

- (a) by the insertion of the following section after section 35:

“35A. Where it is proposed to make an order under section 33 or 35, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.”, and 40

- (b) in section 83, by the substitution in subsection (2) of the following for the part of the subsection preceding paragraph (a): 45

“The Minister may, if he so thinks fit, certify the amount of the costs of an inquiry caused by him to be held under this or any other Act and, if he does so, he shall include in the certificate a direction for the payment to him of the costs so certified—”. 50

55.—(1) 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. Expenses.

5 (2) Expenses under this Act of a local authority that is the council of a county shall, save as may be otherwise prescribed, be charged on the county (exclusive of any borough or urban district therein).

10 (3) In each local financial year the amounts estimated as necessary to meet the expenses and provide for the liabilities and requirements of a local authority during the following financial year under sections 5, 6, 42, 46, 49 and 51 shall be shown separately in the prescribed form within the meaning of section 9 of the City and County Management (Amendment) Act, 1955.

SCHEDULE

Section 4.

15 ENACTMENTS REPEALED

| Session and Chapter or Number and Year (1) | Short Title (2) | Extent of Repeal (3) |
|---|--|--|
| 3 & 4 Vict., c. 108 | Municipal Corporations (Ireland) Act, 1840 | Sections 93 and 102 |
| 8 & 9 Vict., c. 16 | Commissioners Clauses Act, 1847 | Sections 49 and 50 |
| 17 & 18 Vict., c. 103 | Towns Improvement (Ireland) Act, 1854 | The proviso to section 5 |
| 39 & 40 Vict., c. 76 | Municipal Privileges (Ireland) Act, 1876 | The whole Act |
| 41 & 42 Vict., c. 52 | Public Health (Ireland) Act, 1878 | Section 5 |
| 48 & 49 Vict., c. 22 | Public Health and Local Government Conferences Act, 1885 | The whole Act |
| 2 Edw. 7, c. 38 | Local Government (Ireland) Act, 1902 | Section 16 |
| 1925, No. 5 | Local Government Act, 1925 | Section 58 |
| 1926, No. 34 | Local Authorities (Mutual Assurance) Act, 1926 | Section 3 (4) |
| 1929, No. 1 | Cork City Management Act, 1929 | Subsections (2) to (4) of section 8 |
| 1930, No. 27 | Local Government (Dublin) Act, 1930 | Section 27 and subsections (2) to (5) of section 51 |
| 1934, No. 35 | Limerick City Management Act, 1934 | Section 7 (2), subsections (2) to (6) of section 12 and section 38 |
| 1936, No. 55 | Local Authorities (Miscellaneous Provisions) Act, 1936 | Section 10 |
| 1939, No. 25 | Waterford City Management Act, 1939 | Section 6, subsections (2) to (6) of section 11 and section 36 |
| 1940, No. 12 | County Management Act, 1940 | Subsections (3) to (6) of section 16 and section 18 |
| 1941, No. 5 | Cork City Management (Amendment) Act, 1941 | Sections 4 and 25 |
| 1941, No. 23 | Local Government Act, 1941 | Section 80 |
| 1945, No. 8 | Local Government (Dublin) Act, 1945 | Section 3 |
| 1946, No. 24 | Local Government Act, 1946 | Section 67 |
| 1955, No. 9 | Local Government Act, 1955 | Sections 60 and 67 |
| 1963, No. 19 | Electoral Act, 1963 | Section 87 |
| 1967 No. 4 | Local Government (Dublin) Act, 1967 | The whole Act |

BILLE

dá ngairtear

Acht do leasú agus do leathnú an dlí a bhaineann le rialtas áitiúil.

BILL

entitled

An Act to amend and extend the law relating to local government.

*Ritheadh ag dhá Theach an Oireachtais,
17 Bealtaine, 1991*

*Passed by both Houses of the Oireachtas,
17th May, 1991*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
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