



**AN BILLE UM ATHNUACHAN AGUS FORBAIRT LIMISTÉAR
BHARRA AN TEAMPAILL, 1991
TEMPLE BAR AREA RENEWAL AND DEVELOPMENT BILL,
1991**

EXPLANATORY MEMORANDUM

General

1. The Bill contains provisions for the implementation of the renewal and development of the Temple Bar area. This is a Government flagship project for Dublin's year as European City of Culture in 1991.

2. The Bill provides:

—for the establishment on a statutory basis of Temple Bar Renewal Limited as the company to act as provided for in the Finance Act, 1991, and provides that the company shall lay its decisions on the approval of development proposals before both Houses of the Oireachtas for their information;

—for the establishment on a statutory basis of Temple Bar Properties Limited as the company to implement the development of Temple Bar on behalf of the Government;

—that the Minister for Finance may guarantee the borrowings of Temple Bar Properties Limited;

—that Temple Bar Renewal and Properties Limited will be subject to public service pay guidelines;

—that tenants in Temple Bar may not assign, sublet or share possession without the prior consent in writing of Temple Bar Properties Limited;

—for powers of compulsory purchase in the Temple Bar area to Temple Bar Properties Limited, and

—for the exemption of Temple Bar Properties Limited from stamp duty in relation to the properties it acquires in the Temple Bar area.

3. The provisions of the Bill deal in particular with the activities of the two companies the Government have established to implement the Temple Bar project, TBR Ltd. and TBP Ltd. (Temple Bar Renewal Limited and Temple Bar Properties Limited).

The essential function of Temple Bar Renewal Limited will be to decide which development proposals merit the incentives provided for the Temple Bar area in the Finance Act, 1991.

The essential function of Temple Bar Properties Limited is to act as the development company for the Temple Bar area on behalf of the Government in accordance with the recommended development plan.

4. This Bill should be read in conjunction with Chapter VII of the Finance Act, 1991 which sets out incentives for the Temple Bar area.

PART I

PRELIMINARY AND GENERAL

Section 1 sets out the short title.

Section 2 contains definitions of terms used in the Bill.

PART II

TEMPLE BAR RENEWAL LIMITED

Section 3 provides that the Taoiseach shall appoint the directors of Temple Bar Renewal Limited.

Section 4 provides that Temple Bar Renewal Limited shall approve existing or proposed buildings for the incentives in turn provided in Chapter VII of the Finance Act, 1991 in accordance with the uses, activities and other criteria set out in the *Second Schedule* to this Bill. The section also provides that the approval may apply for a specified period.

Section 5 provides that the decisions of Temple Bar Renewal Limited under *section 4* shall be laid for information before each House of the Oireachtas at the end of each quarter.

Section 6 provides that any pay or allowances to the chairman, board, chief executive and any other staff of Temple Bar Renewal Limited shall be approved by the Taoiseach and the Minister for Finance.

Section 7 provides that the Comptroller and Auditor General shall be the sole auditor of the accounts of Temple Bar Renewal Limited. The section also provides that the accounts and the report of the Comptroller and Auditor General shall be presented to the Taoiseach and shall be laid before each House of the Oireachtas.

Section 8 provides that Temple Bar Renewal Limited shall alter its memorandum and articles of association so as to make them consistent with the relevant provisions of this Bill and the Finance Act, 1991.

PART III

TEMPLE BAR PROPERTIES LIMITED

Section 9 provides that Temple Bar Properties Limited shall be a development company for the Temple Bar area.

Section 10 provides that the Taoiseach through his nominees shall be the sole shareholder of Temple Bar Properties Limited.

Section 11 provides for the amendment of the Landlord and Tenant Acts, 1967 to 1989, such that a tenant in Temple Bar may not assign, sublet or share possession of the relevant premises or any part of it,

without the prior written consent of Temple Bar Properties Limited. The section provides that consent shall not be withheld unreasonably and that Temple Bar Properties Limited shall not be acting unreasonably in withholding consent where the proposed use of or activity in the premises would be such that it would not be approved by Temple Bar Renewal Limited for the purposes of Chapter VII of Part 1 of the Finance Act, 1991. The section also provides that as a condition to giving consent the rent payable by the tenant may be increased to the full open market rent.

Section 12 provides that Temple Bar Properties Limited may compulsorily acquire property in the Temple Bar area in accordance with the *Third Schedule* to this Bill. The section sets out the circumstances in which Temple Bar Properties Limited may do so:

- for the implementation of safety and aesthetic considerations and requirements;
- for the renewal, preservation, conservation, restoration, development or redevelopment of the streetscape, layout and building pattern of the area; and
- for the infill or development or redevelopment of a derelict site.

The section also provides that the making of a vesting order shall not prejudice any claim to compensation made after the making of the order.

Sections 13 and 14 provide for the giving by the Minister for Finance of a State guarantee for the borrowing of Temple Bar Properties Limited up to a limit of IR£25 million.

Section 13 provides in particular that the Minister for Finance shall, at the end of each financial year, lay before each House of the Oireachtas, a statement of each guarantee.

Section 14 provides that all moneys required by the Minister shall be advanced out of the Central Fund or the growing produce thereof.

Section 15 provides that any pay or allowances to the chairman, board, chief executive and any other staff of Temple Bar Properties Limited shall be approved by the Taoiseach and the Minister for Finance.

Section 16 provides that the Comptroller and Auditor General shall be the sole auditor of the accounts of Temple Bar Properties Limited. The section also provides that the accounts and the report of the Comptroller and Auditor General shall be presented to the Taoiseach and shall be laid before each House of the Oireachtas.

Section 17 provides that Temple Bar Properties Limited shall alter its memorandum and articles of association so as to make them consistent with the relevant provisions of this Bill and the Finance Act, 1991.

Section 18 provides that Temple Bar Properties Limited and any subsidiaries thereof shall not be liable for stamp duty on property transactions in the Temple Bar area.

The First Schedule contains the definition of the Temple Bar area.

The Second Schedule sets out the grounds, in terms of uses, activities and other criteria, on which Temple Bar Renewal Limited may approve, i.e.

without the prior written consent of Temple Bar Properties Limited.

- restaurant,
- licensed premises,
- hotel,
- hostel,

- specified business undertakings,

Section 12 provides that Temple Bar Properties Limited may not approve, i.e.

- warehouse,
- factory,

- business undertakings other than those approved,
- general office developments,

uses or activities detrimental to a suitable mix of uses and activities in the Area

existing or proposed buildings in Temple Bar for the incentives provided in the Finance Act, 1991.

The Third Schedule sets out the procedure for the compulsory acquisition of property in Temple Bar by Temple Bar Properties Limited.

Roinn an Taoisigh,
Meitheamh, 1991.

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Section 15 provides that any pay or allowance to the chairman, board chief executive and any other staff of Temple Bar Properties Limited shall be approved by the Taoiseach and the Minister for Finance.

Section 16 provides that the Comptroller and Auditor General shall be the sole auditor of the accounts of Temple Bar Properties Limited.

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Section 18 provides that Temple Bar Properties Limited shall enter its memorandum and articles of association so as to make them consistent with the relevant provisions of this Bill and the Finance Act, 1991.

Section 19 provides that Temple Bar Properties Limited and any subsidiaries thereof shall not be liable for stamp duty on property transactions in the Temple Bar area.

The First Schedule contains the definition of the Temple Bar area. The Second Schedule sets out the grounds, in terms of use, activities and other criteria, on which Temple Bar Properties Limited may acquire land in the Temple Bar area.

Act. P26707/B/6. 1,375. 6/91. Cahill. (A24668). G.16.