AN BILLE UM CHOIMISINÉIRÍ NA nOIBREACHA POIBLÍ (FEIDHMEANNA AGUS CUMHACHTAÍ), 1995

COMMISSIONERS OF PUBLIC WORKS (FUNCTIONS AND POWERS) BILL, 1995

EXPLANATORY AND FINANCIAL MEMORANDUM

The Bill has two main purposes. The first purpose is to clarify the powers of the Commissioners of Public Works to provide humanitarian relief specifically to victims of the flooding which occurred in late 1994 and early 1995. Because of questions which have arisen as a result of recent legal challenges, the Attorney General has advised that there is a deficit in the power to provide for the administration of the proposed humanitarian relief scheme which must be rectified by legislation.

The second purpose is to provide legal certainty for certain general powers and functions of the Commissioners which have been called into doubt. The Bill is drafted so as not to transfer to the Commissioners any powers of the Minister for Finance or other Ministers and provides that, where the Commissioners currently act under Ministerial direction, they will continue to do so.

Section 1 of the Bill deals with definitions.

Section 2 sets out the functions of the Commissioners including dealing in land and other property, providing goods and services to Government Departments, and providing humanitarian assistance under a scheme approved by the Minister for Finance.

Section 3 deals with the powers of the Commissioners and empowers them to deal in property, to carry out development, to enter into arrangements with others and to carry out all the other functions set out in *sections 2, 3,* and *4* subject to the consent of the Minister for Finance.

Section 4 provides for the Commissioners to make arrangements with a housing authority, acting as agents for the Commissioners, to provide living accommodation under the terms of a humanitarian assistance scheme.

Section 5 amends the definition of land contained in the State Authorities (Development and Management) Act, 1993.

Sections 6 and *7* deal with administation expenses and short title.

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Cost and staffing

Given that the Bill does not provide for any additional powers or functions other than those already exercised by the Commissioners (albeit without a proper legal basis), there are no staffing or cost implications to the Bill.

An Roinn Airgeadais,
Nollaig, 1995.

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