



AN BILLE UM CHOMHAIRLE ABHAINN NA SIONAINNE, 1998
SHANNON RIVER COUNCIL BILL, 1998

Mar a tionscnaíodh
As initiated

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Acts Referred to

Harbours Act, 1946	1946, No. 9
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Local Government Act, 1941	1941, No. 23
Local Government Act, 1991	1991, No. 11



AN BILLE UM CHOMHAIRLE ABHAINN NA SIONAINNE, 1998
SHANNON RIVER COUNCIL BILL, 1998

BILL

entitled

5 AN ACT TO CO-ORDINATE THE ACTIVITIES OF AUTH-
ORITIES, AGENCIES, AND BODIES CONNECTED WITH
THE PROTECTION, CONSERVATION, MANAGEMENT,
WATER MANAGEMENT AND CONTROL OF POL-
10 LUTION OF THE SHANNON RIVER CATCHMENT, TO
ESTABLISH A BODY TO BE KNOWN AS THE SHANNON
RIVER COUNCIL, TO DEFINE ITS FUNCTIONS, AND TO
PROVIDE FOR OTHER MATTERS CONNECTED WITH
THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

15 **PART I**
Preliminary and General

- 1.—This Act may be cited as the Shannon River Council Act, 1998. Short title.
- 2.—In this Act— Interpretation.

“Commissioners” means the Commissioners of Public Works in
20 Ireland;

“the Minister” means the Minister for the Environment;

“public authority” means—

- (a) a Minister of the Government,
- (b) the Commissioners of Public Works in Ireland,
- 25 (c) a local authority for the purposes of the Local Government
Act, 1941,
- (d) a regional authority within the meaning of the Local
Government Act, 1991,
- (e) a harbour authority within the meaning of the Harbours
30 Act, 1946,
- (f) a health board established under the Health Act, 1970,

- (g) a board or other body established by or under statute,
- (h) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government,
- (i) a company in which all the shares are held by a board, company, or other body referred to in *paragraph (g) or (h)* of this definition; 5

“the Shannon Catchment” means the River Shannon from the source to an imaginary line drawn from Kilconly Point in the townland of Kilconly North, and County of Kerry, to Kilcredaun Point in the townland of Kilcredaun in the Parish of Moyarta, and County of Clare, and every river and stream tributary to the River Shannon above the said imaginary line, and every lake, pond, and canal on or connected with the River Shannon above the said imaginary line, or on or connected with any such tributary, river, or stream. 10 15

Expenses of Minister.

3.—The expenses incurred by the Minister in the administration of this Act shall be paid out of monies provided by the Oireachtas.

PART II

The Shannon River Council

Shannon River Council.

4.—(1) The Minister shall by order appoint a day to be the establishment day for the purposes of this Act. 20

(2) There shall stand established on the establishment day a body to be known as Comhairle Abhainn na Sionainne or, in the English language, the Shannon River Council and in this Act referred to as “the Council”, to perform the functions conferred on it by this Act. 25

(3) The Council shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its own name.

(4) The Council shall, subject to the provision of this Act, be independent in the exercise of its functions. 30

Provisions in relation to Council.

5.—The *Schedule* shall apply in relation to the Council.

Functions of Council.

6.—(1) The functions of the Council shall be to propose policies and priorities for the enhancement of the water quality of the Shannon River and its catchment basin and for the protection and enhancement of the environment and of the natural habitats of bird life and fish life in that region. 35

(2) The Council shall, in particular—

(a) co-ordinate the activities of public authorities and other organisations and persons in the promotion of the functions of the Council, 40

(b) promote public interest in and respect for and facilitate the enhancement of the water quality of the Shannon and the natural habitats of bird life and fish life,

(c) make recommendations to regulate and control pollution and polluting agents within the Shannon Catchment and provide an adequate and effective inspection and supervisory service,

5 (d) co-ordinate the activities of public authorities and other organisations in matters connected with the management of the waters of the Shannon Catchment.

7.—(1) The Council shall as soon as may be and not later than one year from the commencement of this section and after consultation with public authorities, other organisations and persons connected with and having an interest in the Shannon Catchment prepare a Water Management and Pollution Control Plan, in this Act referred to as “the Plan”, and shall transmit a copy of the Plan to the Minister and each other person as may be prescribed. Preparation of Plan.

15 (2) The Council shall cause to be published in at least one national newspaper a notice of that fact and of means by which a copy of the Plan may be obtained by members of the public.

8.—(1) The Council shall, if the Minister so requests, furnish the Minister with advice on any matter relating to the function of the Council and with information regarding the performance of its functions. Reports to Minister.

(2) The Council shall furnish reports and recommendations to the Minister at least twice a year or as may be requested by the Minister from time to time in respect of any of the matters referred to above or any matters connected thereto.

9.—The Council may consult with or advise a public authority in relation to the operation, practice, management, maintenance, modification and improvement of any plant, facility and process owned by the authority in respect of any matter related to the performance of the functions of the Council. Consultation with and advice to a public authority.

10.—(1) The Council may co-operate with and provide assistance to any person or body, including a public authority in respect of any matter which is related to the performance of its functions as it considers desirable. Provision of assistance by Council.

35 (2) In this section “assistance” includes payment of money on terms and conditions as the Council may decide with the consent of the Minister.

11.—(1) The Council, with the consent of the Minister and subject to such conditions as are considered appropriate, may authorise such bodies as the Council thinks fit to carry out prescribed functions in relation to the enforcement of this Act. Authorised bodies.

(2) The Council shall ensure that bodies so authorised continue to meet the conditions laid down in accordance with *subsection (1)*.

45 (3) The Council shall withdraw the authorisation in respect of any authorised body if that body fails to meet the conditions stipulated under *subsection (1)* and shall forthwith inform the Minister thereof.

(4) Subject to the provisions of *subsections (1), (2) and (3)*, neither the Minister nor the Council shall incur any liability for any act or default in the discharge or purported discharge of any of the prescribed functions by a body authorised under the Act.

Annual grant. **12.**—The Minister shall in each Financial year, pay to the Council a grant or grants out of monies provided by the Oireachtas of such amount or amounts as the Minister may, with the consent of the Minister for Finance, determine for the purposes of expenditure by the Council in the performance of its functions. 5

Payment of allowances to members of Council. **13.**—A person (other than the Chairperson) shall not receive any remuneration for acting as a member of the Council, but may be paid such travelling and subsistence allowances as are approved by the Minister with the consent of the Minister for Finance. 10

Disqualification from continuing as member of Council. **14.**—The Chairperson or any member of the Council shall cease to be a member of the Council where such Chairperson or member— 15

 (a) is adjudicated bankrupt,

 (b) is sentenced by a Court of competent jurisdiction to a term of imprisonment.

Membership of Council (general). **15.**—(1) Any person who is or becomes a member of the European Parliament, shall, while so entitled or being such member, be disqualified from membership of the Council and, if already a member of the Council, shall cease to be a member of the Council. 20

 (2) In determining the composition of the Board the Minister shall have due regard to the functions and membership of those bodies set out at *paragraphs (c), (d), (e) and (f) of section 2* in the Upper Shannon Region and organisations and bodies with a particular interest in promoting and advancing the policies and priorities set out in *section 6*. 25

Chief Executive Officer. **16.**—(1) There shall be a Chief Executive Officer of the Council (in this Act referred to as “the Chief Executive”) who shall be appointed as such by the Minister on the recommendation of the Civil Service Commissioners and who shall, upon such appointment, be a civil servant in the Civil Service of the State. 30

 (2) The Chief Executive shall perform such functions as may be assigned to him or her by the Council under this section. 35

 (3) Such functions of the Chief Executive assigned to him or her under *subsection (2)* as may be specified by the Chief Executive from time to time may, with the consent of the Council, be performed by such member of the staff of the Council as may be authorised in that behalf by the Chief Executive. 40

 (4) The functions of the Chief Executive assigned to him or her under *subsection (2)* may be performed during his or her absence or when the post of chief executive is vacant by such of the staff of the Council as may from time to time be designated for that purpose by the Council. 45

17.—(1) The Council shall employ its own staff subject to such terms and conditions, including those relating to remuneration and superannuation, as it may, with the consent of the Minister and the Minister for Finance, determine. Staff of Council.

5 (2) The grades of the staff on the Council, and the number of staff in each grade, shall be determined by the Council with the consent of the Minister and the Minister for Finance.

 (3) An officer of the Council shall, upon his or her appointment as such be a civil servant in the Civil Service of the State.

10 (4) The Council may employ consultants or advisers on contract for services as it considers necessary for the proper discharge of its functions.

18.—(1) As soon as may be after its establishment the Council shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits on retirement or death to or in respect of such persons of its staff as the Council shall think fit. Superannuation schemes.

15 (2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

20 (3) The Council may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved under this section.

25 (4) A scheme or amending scheme submitted to the Minister under this section, if approved of by the Minister with the consent of the Minister for Finance, be carried out by the Council in accordance with its terms.

30 (5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

35 (6) No superannuation benefit shall be granted by the Council to or in respect of any of its staff who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of a superannuation benefit to such person on ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved of under this section.

40 (7) In this section “superannuation benefits” means pension, gratuities and other allowances payable on resignation, retirement or death.

19.—The Council shall keep, in such form as may be approved of by concurrence of the Minister for Finance, all proper and usual accounts of all moneys received or expended by the Council, including an income and expenditure account and balance sheet and, in particular, shall keep such special accounts as the Minister may determine. Accounts.

20.—(1) The Council shall, not later than six months after the end of each year, submit a report to the Minister of its proceedings in the previous year and the report shall be published by the Council.

(2) The Council may submit to the Minister and publish other reports on any particular aspect of its proceedings. 5

Fees. **21.**—The Council may charge fees of such amounts as may from time to time be determined by it for or in connection with services rendered by it.

SCHEDULE

1. (1) The Council shall consist of a Chairperson and not more than 20 ordinary members. 10

(2) The Chairperson and ordinary members shall be appointed by the Minister.

(3) The period of office of the Chairperson or an ordinary member shall be such period, not exceeding five years, as the Minister, on that appointment, may determine. 15

(4) Where a member of the council dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Council to fill the casual vacancy so occasioned.

2. Each Member of the Council shall be a person who, in the opinion of the Minister, has an interest in or knowledge of or experience in relation to the matters connected with the Shannon River Catchment. 20

3. A member of the Council shall not be eligible for reappointment where that person has served two consecutive terms. 25

4. The Chairperson or any member of the Council may, at any time, resign office by letter addressed to the Minister and the resignation shall take effect from the date of receipt thereof by the Minister.

5. The Minister may, at any time, remove from office the Chairperson or any member of the Council, where— 30

(a) such Chairperson, member or person has become incapable through ill health of effectively performing his or her duties,

(b) such Chairperson, member or person has committed stated misbehaviour, or 35

(c) such removal appears necessary for the effective performance by the Council of its functions.

6. (1) The Council may hold such and so many meetings as are necessary for the performance of its functions. 40

(2) The quorum for a meeting of the Council shall be seven members, including the Chairperson, of the Council.

(3) The Chairperson and each member of the Council present at a meeting thereof shall have a vote.

- (4) Every question at a meeting of the Council shall be determined by a majority of votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson shall have a second or casting vote.
- 5 (5) The Council may act notwithstanding one or more vacancies among its members.
7. Where, at any meeting of the Council, the chairperson is not present, or the office of the chairperson is vacant, the members of the Council who are present shall choose one of their number to be
10 Chairperson of the meeting.
8. Subject to the provisions of this Schedule, the Council may regulate its own procedures and business.
9. (1) The Council may appoint such and so many committees to perform functions allocated to them by the Council to advise the
15 Council on any matter related to its functions.
- (2) A committee established by the Council shall be chaired by a member of the Council but may include members who are not members of the Council.
- (3) Subject to *section 12*, the terms and conditions of office of a
20 member of a committee and the procedures in committee shall be determined or approved by the Council.
- (4) The Council may at any time dissolve a committee appointed under this paragraph.