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**AN BILLE RIALTAIS ÁITIÚIL (SLIGEACH), 2000  
LOCAL GOVERNMENT (SLIGO) BILL, 2000**

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*Mar a tionscnaíodh  
As initiated*

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ARRANGEMENT OF SECTIONS

Section

1. Short title, collective citation, construction and commencement.
2. Interpretation.
3. Regulations.
4. Establishment of Borough of Sligo as County Borough.
5. Membership of Council of Borough of Sligo and establishment of City Council.
6. Management of County Borough of Sligo.
7. Supplementary provisions.
8. Alteration of boundary of Borough of Sligo.

SCHEDULE

Areas Detached from the Administrative County of Sligo and  
Added to the Borough of Sligo by virtue of *Section 8*

PART I

*Interpretation*

PART II

*Description of Area*

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Acts Referred to

County Management Act, 1940

1940, No. 12

County Management Acts, 1940 to 1985

Local Government Acts, 1925 to 1998



AN BILLE RIALTAIS ÁITIÚIL (SLIGEACH), 2000  
LOCAL GOVERNMENT (SLIGO) BILL, 2000

# BILL

*entitled*

5 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE  
BOROUGH OF SLIGO AS A COUNTY BOROUGH, FOR  
THE ALTERATION OF THE BOUNDARY OF THAT  
BOROUGH AND TO PROVIDE FOR RELATED  
MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.**—(1) This Act may be cited as the Local Government (Sligo)  
Act, 2000.

Short title,  
collective citation,  
construction and  
commencement.

(2) The Local Government Acts, 1925 to 1998, and this Act may  
15 shall be construed together as one Act.

(3) This Act shall come into operation on such day or days as the  
Minister may prescribe, either generally or with reference to any  
particular purpose or provision, and different days may be so fixed  
for different purposes and different provisions of this Act.

20 **2.**—(1) In this Act—

Interpretation.

“the Acts” means the Local Government Acts, 1925 to 2000;

“the appointed day” has the meaning assigned to it by *section 4 (1)*;

“the Borough” means the Borough of Sligo;

“the Borough Council” means the council of the Borough;

25 “the City Council” has the meaning assigned to it by *section 5 (2)*;

“the Corporation” has the meaning assigned to it by *section 4 (2)*;

“the County” means the administrative county of Sligo;

“the County Borough” means the county borough of Sligo;

“the County Council” means the council of the county of Sligo;

30 “functions”, except where the context otherwise requires, includes  
powers and duties;

“the Minister” means the Minister for the Environment and Local Government.

(2) In this Act—

- (a) a reference to a section or to the Schedule is a reference to a section of, or the Schedule to, this Act unless it is indicated that reference to some other provision is intended, 5
- (b) a reference to a subsection, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and 10
- (c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.

Regulations.

**3.—**(1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed and may make regulations generally for the purposes of, and for the purpose of giving full effect to, this Act. 15

(2) Where it appears to the Minister—

- (a) having regard to any provision of this Act, that it is appropriate so to do, 20
- (b) to be necessary or expedient for the purpose of enabling any enactment (other than this Act) or any order, regulation, rule, bye-law or other instrument or agreement to have effect in conformity with this Act, 25
- (c) to be necessary or expedient for the purposes of remedying any inconsistency between any such enactment or instrument and this Act, or
- (d) that any such enactment or instrument is adequately replaced or is rendered unnecessary by any provision of this Act, 30

the Minister may, in relation to any such enactment (including any provision contained in a local, personal or private Act), instrument or agreement, by regulations provide for its application (with or without such modification or adaptation as may be provided for), non-application, amendment, repeal, revocation or termination. 35

(3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(4) Every regulation and order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if either such House shall, within the next twenty-one days on which that House has sat after such regulation or order is laid before it, pass a resolution annulling such regulation or order, such regulation or order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 40 45

4.—(1) On such day (in this Act referred to as the “appointed day”) as the Minister shall fix by order, the Borough shall cease to be part of the County and shall, as on and from such day, be an administrative county of itself, and be called the county Borough of Sligo.

Establishment of  
Borough of Sligo as  
County Borough.

(2) On the appointed day the Mayor, Aldermen and Burgesses of the Borough of Sligo shall be and be known as the Mayor, Aldermen and Burgesses of the County Borough of Sligo (elsewhere referred to in this Act as “the Corporation”).

(3) The Corporation shall have, in so far as is consistent with this Act or any regulations or orders made under the Acts, the functions which immediately before the appointed day stood vested by law in the Corporation of the Borough of Sligo together with such other functions as are for the time being vested by law in the corporations of county boroughs generally and, without prejudice to the generality of the foregoing, the law which immediately before the appointed day applied in respect of the Borough, together with the law which for the time being applies in respect of county boroughs generally, shall, insofar as is so consistent, apply to the County Borough.

(4) For the purposes of the election of members of the County Council held next after the commencement of this section and without prejudice to the generality of *subsection (1)*, the Borough shall be deemed not to be part of the County and persons registered as local government electors in respect of the area comprised in the Borough shall not be entitled to vote at the election of members of the said council.

(5) For the avoidance of doubt it is hereby declared that, subject to any regulations made under this Act, anything commenced or otherwise done before the appointed day in relation to or in the name of, the Mayor, Aldermen and Burgesses of the Borough of Sligo shall on and after that day be regarded as if it had been commenced or otherwise done in relation to, or in the name of, the Corporation.

5.—(1) The Borough Council shall, on and after the ordinary day of retirement of members thereof which occurs next after the commencement of this section, consist of twelve members and that number of members shall accordingly be elected at every election of members of the Borough Council held after such commencement.

Membership of  
Council of Borough  
of Sligo and  
establishment of  
City Council.

(2) On and from the appointed day there shall be a Sligo City Council (in this Act referred to as “the City Council”) to fulfil the functions assigned to it by law and it shall consist of a Mayor and the same number of aldermen and councillors as did the Borough Council immediately prior to the appointed day, and the persons who were members of the Borough Council immediately prior to the appointed day shall on that day become and be the members of the City Council and shall in relation to the City Council, hold the same offices as they held, respectively, in relation to the Borough Council.

6.—(1) The City Council shall directly perform all the functions of the Corporation which by virtue of *subsection (3)* are reserved functions and such other functions as are for the time being declared by or under any enactment to be reserved functions.

Management of  
County Borough of  
Sligo.

- (2) There shall be an office of Sligo City Manager, the holder of which shall perform for the Corporation every function of the Corporation which (having regard to *subsections (1) and (3)*) is not a reserved function.
- (3) Subject to this section and to the provisions of any regulations made under this Act, the County Management Acts, 1940 to 1985, shall apply to the Corporation in like manner as they apply to the council of a county. 5
- (4) For the purposes of giving effect to *subsection (3)*, in the County Management Acts, 1940 to 1985, except where otherwise requires— 10
- (a) any reference to a county shall be construed as including a reference to the County Borough,
  - (b) any reference to the council of a county shall be construed as including a reference to the Corporation, or, as may be appropriate, to the City Council, 15
  - (c) any reference to the chairman of the council of a county shall be construed as including a reference to the Mayor of the County Borough,
  - (d) any reference to a meeting, member, committee, member of a committee or meeting of a committee of a county council shall be construed as including a reference to a meeting, member, committee, member of a committee or meeting of a committee, as may be appropriate, of the City Council, 20  
25
  - (e) any reference to a borough in the Second Schedule to the County Management Act, 1940, shall be construed as including a reference to the County Borough,
  - (f) any reference to a county manager shall be construed as including a reference to the Sligo City Manager, and 30
  - (g) any reference to an assistant county manager shall be construed as including a reference to a Sligo Assistant City Manager.
- (5) The office of Sligo County Manager and the office of Sligo City Manager shall be held by one and the same person. 35
- (6) The person who immediately before the appointed day held in a permanent capacity the office of Sligo County Manager shall, on and from that day, become, by virtue of this subsection, the Sligo City Manager.
- (7) (a) Subject to *paragraph (b)*, where, in the case of the Corporation and the County Council— 40
- (i) one of them by resolution declares that the office of Sligo County Manager and the office of Sligo City Manager should cease to be held by one and the same person, and 45
  - (ii) the other of them, on the day on which such resolution is passed or on a day within three months thereafter, by resolution also declares as aforesaid,

the Minister may by order terminate the operation of *subsection (5)*.

5 (b) Where the person who, on the 1st day of March, 2000, was the Sligo County Manager, holds on the appointed day the offices of Sligo County Manager and Sligo City Manager by virtue of *subsection (6)*, then for so long as that person continues thereafter so to hold those offices, *paragraph (a)* shall not have effect.

10 7.—(1) The Minister may by regulations make such provisions as Supplementary provisions. may appear to him or her to be appropriate arising from, by reason of, for the purposes of, or to give full effect to, the establishment of the Borough as a county borough and such regulations may include provisions relating to any matter whatsoever arising in relation to such establishment.

15 (2) Without prejudice to the generality of *subsection (1)*, the Minister may—

(a) make such provisions in relation to the offices of Sligo City Manager and Sligo County Manager, or either of them, as he or she considers appropriate,

20 (b) make such other provisions as he or she considers appropriate for or in connection with the management of the County Borough, the County or both the County Borough and the County.

25 8.—On the commencement of this Act, the area described in the *Schedule* shall be detached from the County and from the jurisdiction and powers of the County Council and shall be added to the Borough, and thenceforth the said area shall be included in and form part of the Borough for all purposes and the boundary of the Borough shall be extended accordingly. Alteration of boundary of Borough of Sligo.

## 30 SCHEDULE

Areas Detached from the Administrative County of Sligo and Added to the Borough of Sligo by virtue of *Section 8*

### PART I

#### *Interpretation*

35 In this Schedule, a reference to a townland part of which was included in the Borough of Sligo, as it existed immediately before the commencement of *section 8*, shall be construed as referring only to the part of such townland which, immediately before such commencement, was not so included.

### 40 PART II

#### *Description of Area*

The area forming part of the administrative county of Sligo and comprising the townlands of Aughamore Near, Ballincar, Ballinvoher, Ballydoogan, Ballyfree, Barnasrahy, Barroe, Bellinode,

Carncash, Carns, Carns (Duke), Carrickhenry, Carrowkeel, Carrowmore, Carrowroe, Cleaveragh Demesne, Cloverhill, Cuilbeg, Cummeen, Doonally (in the electoral district of Drumcliffe), Doonally (in the electoral district of Calry), Farnacardy, Faughts, Finisklin, Hazelwood Demesne, Kiltycooly, Knappaghmore, Oakfield, Rathbraughan, Rathonoragh, Shannon Eighter, Shannon Oughter, Springfield, Teesan, Tobernavveen, Tonafortes, Tonaphubble, Tullynagracken North and Tullynagracken South. 5





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LOCAL GOVERNMENT (SLIGO) BILL, 2000**

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**EXPLANATORY MEMORANDUM**

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**Purpose of Bill**

The Bill provides for the establishment of the borough of Sligo as a county borough and for the alteration of the boundary of that borough.

**Provisions of Bill**

*Section 1* provides in standard form for the short title and collective citation and construction of the Bill and for its coming into operation.

*Section 2* is a standard provision relating to the interpretation of expressions used in the Bill.

*Section 3* provides for the making of regulations by the Minister for the Environment and Local Government in relation to prescribed matters and for the purpose generally of giving full effect to the Bill. Such regulations may amend other enactments, instruments and agreements, for the purpose of enabling them to have full effect in conformity with the Bill.

*Section 4* provides that on the “appointed day”, fixed by the Minister by order, the Borough of Sligo shall cease to be part of the administrative County of Sligo and shall, as on and from such day, be an administrative county of itself and shall be called the County Borough of Sligo.

The Mayor, Aldermen and Burgesses of the Borough of Sligo shall be and be known as the Mayor, Aldermen and Burgesses of the County Borough of Sligo, referred to as “the Corporation”.

The Corporation shall have the functions which immediately before the appointed day stood vested by law in the corporation of the Borough and in county boroughs generally.

It is provided that for the purposes of the election of members of the County Council held next after the commencement of this section, the Borough shall be deemed not to be part of the County and persons registered as local government electors in respect of the area comprised in the Borough shall not be entitled to vote at the election of members of the said council.

*Section 5* provides that the persons who were members of the Borough Council immediately prior to the appointment day shall on that

day become and be members of Sligo City Council and shall, in relation to the City Council, hold the same offices as they held in relation to the Borough Council.

*Section 6* provides that the City Council shall directly perform all the reserved functions of the Corporation.

It also provides for the establishment of the office of Sligo City Manager, the holder of which shall perform for the Corporation every function of the Corporation which is not a reserved function. The County Management Acts, 1940 to 1985, shall apply to the Corporation in like manner as they apply to the council of a county.

The office of Sligo County Manager and the office of Sligo City Manager shall be held by one and the same person. The person who immediately before the appointed day held in a permanent capacity the office of Sligo County Manager shall, on and from that day, become, by virtue of this subsection, the Sligo City Manager, subject to the power of the Minister, following upon resolutions passed by the County Council and the Corporation, to declare that the two offices shall not be held together.

*Section 7* enables the Minister by regulations to make such provisions as may appear to him or her to be appropriate, arising from, by reason of, for the purposes of, or to give full effect to, the establishment of the Borough as a county borough and such regulations may include provisions relating to any matter whatsoever arising in relation to such establishment.

*Section 8* provides that, on the commencement of the Bill, the area described in the *Schedule* shall be detached from the County and from the jurisdiction and powers of the County Council and shall be added to the Borough, and thenceforth the said area shall be included in and form part of the Borough for all purposes and the boundary of the Borough shall be extended accordingly.

The *Schedule* sets out the areas to be detached from the Administrative County of Sligo and added to the Borough of Sligo by virtue of *section 8*.

*An Teachta Éamon Mac Giollaóir,  
Meitheamh, 2000.*