



**AN BILLE UM AN mBINSE FIOSRÚCHÁIN MAIDIR LE
CÚRSAÍ ÁIRITHE PLEANÁLA AGUS ÍOCAÍOCHTAÍ 2004
TRIBUNAL OF INQUIRY INTO CERTAIN PLANNING
MATTERS AND PAYMENTS BILL 2004**

EXPLANATORY AND FINANCIAL MEMORANDUM

On 17th November 2004, motions were passed by both Houses of the Oireachtas to amend the Terms of Reference of the Tribunal of Inquiry into Certain Planning Matters and Payments (the Mahon Tribunal). This legislation is required to underpin the discretion given to the Tribunal in paragraph J(6) of its amended Terms of Reference.

The Terms would permit the Tribunal to decide on the matters that it will investigate or bring to public hearing, having regard in particular to—

- the age and/or state of health of one or more persons who are likely to be in a position to provide useful information (including, but not confined to, oral evidence to be given privately or publicly), including the age and/or likely state of health of any such person at such date in the future when that person or persons might be expected to be called upon to give oral evidence or to otherwise cooperate with the Tribunal, and in particular the issue as to whether or not their age and/or state of health is or is likely to be an impediment to such person being in a position to cooperate with the Tribunal or to give evidence to the Tribunal in private or in public;
- the likely duration of the preliminary investigation or public hearing into any matter;
- the likely cost (or other use of the resources of the Tribunal) of such investigation or any stage of the investigation into any matter;
- whether or not the investigation into the matter is likely to provide evidence to the Tribunal which would enable it to make findings of fact and conclusions and/or to make recommendations;
- any other factors which in the opinion of the Tribunal would, or would be likely to, render an investigation, or the continued investigation into any matter inappropriate, unnecessary, wasteful of resources, unduly costly, unduly prolonged or which would be of limited or no probative value.

There are three sections in the Bill. *Sections 1* and *3* are the interpretation and the title section. *Section 2* is the substantive section which enables the Tribunal to exercise the discretion granted to it by the amended Terms of Reference.

Staffing and Financial Implications.

This Bill has no staffing or financial implications.

*An Roinn Comhshaoil, Oidhreachta agus Rialtais Áiltiúil,
Nollaig, 2004.*