



An Bille Rialtais Áitiúil (Comhairlí Baile a Aisiriú), 2018
Local Government (Restoration Of Town Councils) Bill 2018

Mar a tionscnaíodh

As initiated



**AN BILLE RIALTAIS ÁITIÚIL (COMHAIRLÍ BAILE A AISIRIÚ), 2018
LOCAL GOVERNMENT (RESTORATION OF TOWN COUNCILS) BILL 2018**

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Local Elections Acts 1974 to 2001

Local Government (Reform) Act 2014 (No. 1)

Local Government Act 2001 (No. 37)

Local Government Acts 1925 to 2016



**AN BILLE RIALTAIS ÁITIÚIL (COMHAIRLÍ BAILE A AISIRIÚ), 2018
LOCAL GOVERNMENT (RESTORATION OF TOWN COUNCILS) BILL 2018**

Bill

entitled

An Act to restore town councils for the purposes of local government, and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Short title and collective citation

1. (1) This Act may be cited as the Local Government (Restoration of Town Councils) Act 2018. 10
- (2) This Act and the Local Government Acts 1925 to 2016 may be cited together as the Local Government Acts 1925 to 2018 and shall be read together as one.

Interpretation

2. (1) In this Act—
 - “Act of 2014” means the Local Government (Reform) Act 2014; 15
 - “Commission” means the Local Government Commission;
 - “Minister” means the Minister for Housing, Planning and Local Government;
 - “Principal Act” means the Local Government Act 2001.
- (2) For the purposes of this Act, a qualifying built-up area is an area (other than an area that is, or that is within the administrative area of, a city) that— 20
 - (a) includes 1,000 or more dwellings occupied by at least 5,000 residents, with a maximum distance between any dwelling counted for this purpose and the building closest to it of 100 metres, and
 - (b) has a clearly defined urban centre that includes at the least a shop, a school, a place of worship or a community centre. 25

Construction of enactments

3. Every enactment and every instrument or agreement in effect immediately before the coming into operation of this Act shall, on and after the day of such coming into operation but subject to any regulations made under *section 4*, be read and have effect with such modifications as may be necessary to give effect to this Act or an order under it 30

and to have effect in conformity with it.

Regulations

4. (1) The Minister may make regulations for the purposes of enabling any provision of this Act to have full effect.
- (2) Without prejudice to the generality of *subsection (1)*, regulations under this section may—
- (a) provide for such incidental, consequential, supplementary or transitional provisions including—
- (i) provisions for the purpose of securing the continuity of any provision of this Act with any provision of any other Act or instrument repealed or otherwise affected by this Act or by any regulations or order made under it, and
- (ii) provisions for the purpose of securing the continuity of local government and the operation of the law relating to local government,
- as may appear to the Minister to be appropriate for the purposes of this Act or any regulations or order made under it, and
- (b) in respect of a provision of any other enactment, instrument or agreement which is related to or otherwise affected by any provision of this Act, provide for its adaptation, modification or cesser of operation in so far as this appears necessary or expedient to the Minister for the purposes of securing that any such other provision shall have effect in conformity with this Act or with an order or regulations made under it.
- (3) If, in any respect, any difficulty arises in bringing any provision of this Act into operation or in relation to the operation of any such provision, the Minister may by regulations do anything which appears to the Minister to be necessary or expedient for the purposes of removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation and any such regulations may modify any provision of this Act or any other enactment so far as may be necessary or expedient for those purposes.
- (4) Regulations may not be made under *subsection (2)(b)* or *(3)* after the expiration of 3 years from the coming into operation of this section.
- (5) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under it.

Repeal and revival

5. (1) Sections 23 to 34 of the Act of 2014 are repealed.
- (2) Save where this Act makes provision to the contrary and notwithstanding section 5 of the Act of 2014, the repeal effected by *subsection (1)*—
- (a) revives so much of the Principal Act as was repealed by the Act of 2014 and

applied to town councils immediately before the dissolution of those councils by the Act of 2014, and

- (b) does not affect the previous operation of the Act of 2014 or anything duly done or suffered under that Act.

Commencement

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- 6. This Act comes into operation on such day or days as, by order or orders made by the Minister, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions and for the repeal effected by *section 5* of different provisions of the Act of 2014.

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Re-establishment of town councils

- 7. (1) On the coming into operation of this Act, the Commission shall consider every built-up area having a population of at least 5,000, as set out in the Census Report of Population Distribution and Movements published by the Central Statistics Office following the last preceding census, for the purposes of—

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- (a) determining which if any of those areas it should declare to be a town,
- (b) establishing a town council for each such town, and
- (c) establishing the boundaries for each such town.

- (2) Upon the publication by the Central Statistics Office following every Census of Population after the coming into operation of this Act, of the Census Report setting out Population Distribution and Movements, the Commission shall—

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- (a) consider every built-up area having a population of at least 5,000 as set out in that Report, and not being a town, for the purposes of—
 - (i) determining which of those areas it should declare to be a town,
 - (ii) establishing a town council for each such town, and
 - (iii) establishing the boundaries for each such town,and

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- (b) consider every town, for the purposes of—

- (i) terminating it as a town, and abolishing its town council, if the town no longer has a population of at least 5,000, or
- (ii) if the town is not so terminated, confirming or amending the boundaries of the town.

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- (3) The Commission shall give public notice of its intention to perform functions under this section, indicating—

- (a) that any person may make a submission to the Commission in such manner and within such period as is specified in the notice, and
- (b) that submissions received by the Commission in the manner and within the period

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specified in the notice shall be made available free of charge by the Commission, to any person wishing to examine them, in such manner and within such period as is specified in the notice.

- (4) The Commission shall, following consideration of the relevant Census Report under *subsection (1) or (2)* and of any submissions made to it in accordance with *subsection (3)*, make orders— 5
- (a) declaring qualified built-up areas to be towns and, for each such town, establishing a town council for the town and establishing the boundaries for the town,
 - (b) in relation to every town— 10
 - (i) terminating it as a town, if it no longer has a population of at least 5,000, and abolishing its town council, or
 - (ii) if the town is not terminated, confirming or amending the boundaries of the town.
- (5) (a) An order under *subsection (4)* shall appoint a day to be the effective day. 15
- (b) On and from the effective day—
- (i) each qualifying built-up area the subject of an order under *subsection (4)(a)* stands established as a town, and the boundaries of each town are as established in the order,
 - (ii) each town the subject of an order under *subsection (4)(b)(i)* terminating it as a town ceases to stand established as a town, and 20
 - (iii) each town the subject of an order under *subsection (4)(b)(ii)* has, in substitution for its previous boundaries, the boundaries as established in the order.
- (6) An order under *subsection (4)(a)*— 25
- (a) shall provide for the holding of the first election of town councillors in accordance with the Local Elections Acts 1974 to 2001, subject to any necessary modifications or adaptations, and
 - (b) may provide for such other matters or things as may be necessary arising from or related to such establishment. 30

Functions, etc., of town councils

8. (1) Each town council is the local authority of its town, and each such town is for the purposes of local government the administrative area of the town council.
- (2) A town council shall—
- (a) be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold, manage, maintain and dispose of land or any interest in land, 35
 - (b) have a seal which shall be judicially noticed and every document claiming to be an instrument made by it and to be sealed with its seal (claiming to be

authenticated in accordance with *subsection (3)*) shall be received in evidence and be deemed to be that instrument without further proof unless the contrary is shown.

- (3) The seal referred to in *subsection (2)(b)* shall be authenticated by the signature of the Cathaoirleach or of an employee of the authority nominated in writing for that purpose by the manager following consultation with the Cathaoirleach. 5
- (4) Each town council shall be a rating authority.
- (5) Subject to this Act, the provisions of the Principal Act and of every other enactment that applied to town councils within the meaning of the Principal Act immediately before the dissolution of those councils apply to town councils established under this Act; and town councils established under this Act have the functions so conferred, and shall perform them, accordingly. 10
- (6) For the purposes of functions conferred by or under this or any other enactment—
 - (a) a town council has jurisdiction throughout its administrative area,
 - (b) a county council has jurisdiction throughout its administrative area except for such functions as are by law conferred on a town council the administrative area (or part of the administrative area) of which is situated in the county concerned. 15

Members of town councils

- 9. (1) Each member of a town council shall be known as a councillor and collectively the councillors shall comprise the elected council of the town. 20
- (2) Each town council shall have a Cathaoirleach and Leas-Chathaoirleach, elected in accordance with Part 5 of the Principal Act, and may by resolution give to the office of its Cathaoirleach or Leas-Chathaoirleach the following titles:
 - (a) in the Irish language the title of “Méara” or “Leas-Mhéara”, respectively, and
 - (b) in the English language, the title of “Mayor” or “Deputy Mayor”, respectively. 25
- (3) Where titles are given in accordance with *subsection (2)*, the holders of the offices shall, as appropriate, be styled in the Irish language, “Méara Bhaile.....” and “Leas-Mhéara Bhaile.....” followed by the name of the town in Irish, and in the English language “Mayor of the Town of.....” and “Deputy Mayor of the Town of.....” followed by the name of the town in English. 30
- (4) The number of members of a town council—
 - (a) where the population of the town concerned exceeds 25,000 as shown in the most recent census is 15,
 - (b) in any other case is 9.
- (5) At every election of the members of a town council there shall be one local electoral area, which shall consist of the administrative area of the town, and all members shall be elected for that local electoral area. 35

Cost control

- 10.** (1) A town council, in performing the functions conferred on it by or under this Act, shall have regard to—
- (a) the resources, wherever originating, that are available to it for the purpose of such performance, the need to secure the most beneficial, effective and efficient use of those resources, and the need to ensure that the cost of performing those functions does not exceed the council's income, and 5
 - (b) the need for co-operation with, and the co-ordination of its activities with those of, other local and public authorities.
- (2) The Minister, a county council and a town council, in performing functions conferred on them by, under or in connection with this Act, shall ensure that the cost of performing those functions can be met from within the resources available to them and on the presumption that the moneys provided by the Oireachtas towards meeting the costs of local government will not, by reason only of the passing of this Act, be increased. 10 15

An Bille Rialtais Áitiúil (Comhairlí Baile a
Aisiriú), 2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht d'aisiriú comhairlí baile chun críocha rialtas
áitiúil, agus do dhéanamh socrú i dtaobh nithe
gaolmhara.

An Teachta Breandán Ó Húilín a thug isteach,

5 Iúil, 2018

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An Act to restore town councils for the purposes of
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Introduced by Deputy Brendan Howlin,

5th July, 2018

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