Local Government Bill 2018

As initiated

Mar a tionscnaiodh

[No. 91 of 2018]
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SCHEDULE
CORK BOUNDARY ALTERATION IMPLEMENTATION OVERSIGHT COMMITTEE
Acts Referred To

Boundary Survey (Ireland) Act 1854 (6 Geo. 4, c.17)
Companies Act 2014 (No. 38)
Electoral Act 1992 (No. 23)
European Parliament Elections Act 1997 (No. 2)
Finance (Local Property Tax) Act 2012 (No. 52)
Housing (Miscellaneous Provisions) Act 1992 (No. 18)
Housing Acts 1966 to 2013
Local Government Act 1991 (No. 11)
Local Government Act 2001 (No. 37)
Local Government Acts 1925 to 2016
Local Government Reform Act 2014 (No. 1)
Minimum Notice and Terms of Employment Acts 1973 to 2005
Organisation of Working Time Act 1997 (No. 20)
Planning and Development Act 2000 (No. 30)
Protection of Employees (Fixed-Term Work) Act 2003 (No. 29)
Protection of Employees (Part-Time Work) Act 2001 (No. 45)
Redundancy Payments Acts 1967 to 2012
Unfair Dismissals Acts 1977 to 2007
Valuation (Amendment) Act 2015 (No. 10)
Valuation Act 2001 (No. 13)
Bill

entitled

An Act to provide for the transfer of part of the administrative area of the council of the county of Cork to the administrative area of the council of the city of Cork; to provide for the abolition of the positions of chief executive of the council of the city of Galway and chief executive of the council of the county of Galway and the establishment of the position of chief executive of both of those councils; for those purposes to amend the Local Government Act 1991, the Local Government Act 2001 and the Valuation Act 2001; and to provide for matters connected therewith.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, commencement and collective citation

1. (1) This Act may be cited as the Local Government Act 2018.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) The Local Government Acts 1925 to 2016 and this Act may be cited together as the Local Government Acts 1925 to 2018.

Interpretation

2. In this Act—


“Act of 2000” means the Planning and Development Act 2000;

“administrative area” has the meaning assigned to it by the Principal Act;
“chief executive” means—

(a) in relation to the city council, the chief executive of the city council, and

(b) in relation to the county council, the chief executive of the county council;

“city council” means the council of the city of Cork;

“Cork boundary alteration” means the alteration of the boundary of the city of Cork and
the boundary of the county of Cork effected by section 8;

“Cork local authorities” means—

(a) the city council, and

(b) the county council;

“county council” means the council of the county of Cork;

“deposited map” means the map deposited by, or on behalf of, the Minister at the offices
of the Department of Housing, Planning and Local Government situated at the Custom
House in the city of Dublin, on 25 July 2018 for the purpose of the Cork boundary
alteration and that is—

(a) sealed with the official seal of the Minister, and

(b) described as having been deposited for that purpose;

“financial settlement” has the meaning assigned to it by section 17;

“implementation plan” has the meaning assigned to it by section 16;

“local authority” has the meaning assigned to it by the Principal Act;

“Minister” means the Minister for Housing, Planning and Local Government;

“oversight committee” has the meaning assigned to it by section 15;

“Principal Act” means the Local Government Act 2001;

“property vesting day” has the meaning assigned to it by subsection (2) of section 10;

“relevant area” means the area inside the red line (but not including the red line) and
hatched in green on the deposited map (a true copy of which was laid before each House
of the Oireachtas on 25 July 2018);

“transfer day” has the meaning assigned to it by section 7;

“true copy” means, in relation to the deposited map, a document that purports to be a
reproduction of that map and that is certified by the Minister to be a true copy of that
map.

Regulations

3. (1) The Minister may make regulations for the purposes of this Act.

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

(3) (a) 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 him or her to be necessary or expedient for 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 so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Act after the expiration of 3 years commencing on the day on which the provision comes into operation.

(b) Where regulations under this subsection are proposed to be made, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving the draft has been passed by each such House.

(4) Every regulation made by the Minister under this Act (other than subsection (3)) 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 that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Order under section 34 of Act of 1991

4. Section 34 of the Act of 1991 shall apply in relation to the Cork boundary alteration as it applies to a boundary alteration effected by a primary order within the meaning of that section, subject to—

(a) the modification that—

(i) references to authority concerned shall be construed as references to the council of the city of Cork or the council of the county of Cork, as the case may require,

(ii) references to primary order shall be construed as references to this Act, and

(iii) references to relevant area shall be construed as references to relevant area within the meaning of this Act,

and

(b) any other necessary modifications.

Directions of Minister

5. (1) The Minister may give—

(a) the city council, or

(b) the county council,

such directions, in relation to the performance of its functions under, or for the purposes of, this Act or in relation to the implementation of the Cork boundary alteration, as the Minister considers appropriate.
(2) The Minister may give the chief executive of the city council or the chief executive of the county council such directions, in relation to the performance of his or her functions under, or for the purposes of, this Act or in relation to the implementation of the Cork boundary alteration, as the Minister considers appropriate.

(3) A direction under this section may be given in relation to—

(a) the performance of any particular function or the performance of functions in general,

(b) the implementation of the Cork boundary alteration in general or any particular aspect of its implementation, or

(c) the making of any particular decision or doing of any particular act.

(4) A direction under this section may contain a requirement that, in relation to the Cork boundary alteration—

(a) a particular act be done or not be done, or

(b) a particular act be done in such manner or subject to such conditions as may be specified in the direction.

(5) A person to whom a direction is given under this section shall comply with that direction.

Expenses

6. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

PART 2

ALTERATION OF CITY AND COUNTY BOUNDARIES

Transfer day

7. The Minister shall, by order, appoint a day to be the transfer day for the purposes of this Act.

Alteration of boundary

8. Subject to section 21, the relevant area shall—

(a) on the transfer day, cease to be part of the administrative area of the county council, and

(b) from that day, be part of the administrative area of the city council.

Transfer of land

9. (1) On the transfer day, all lands (other than lands to which an agreement under subsection (5) applies) situated in the relevant area that, immediately before that day,
were vested in the county council and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the city council for all the estate or interest therein that, immediately before the transfer day, was vested in the county council, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) On the transfer day all choses-in-action relating to land vested in the city council under subsection (1), that immediately before that day, were vested in the county council shall stand vested in the city council without any assignment.

(3) Every chose-in-action vested in the city council by virtue of subsection (2) may, on and after the transfer day, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(4) All functions of the county council connected with any land standing vested in the city council under subsection (1) shall, from the transfer day, be performable by the city council in relation to such land.

(5) The city council and the county council may, before the transfer day, make an agreement providing for—

(a) the continued vesting in the county council of any land situated in the relevant area that, immediately before the making of the agreement, vested in the county council,

(b) the joint ownership by the city council and the county council of any such land, or

(c) the use by the city council and the county council of any land that continues to vest in the county council in accordance with a term or terms of the agreement to which paragraph (a) applies.

(6) An agreement under subsection (5) may contain such incidental, supplementary and consequential provisions as the city council and the county council reasonably consider necessary for the purposes of the agreement.

### Transfer of property other than land

10.  (1) (a) Before the transfer day, the city council and the county council may, for the purposes of this Act, jointly designate such property (other than land), including choses-in-action, of the county council as they may determine.

(b) On the transfer day, all property designated under paragraph (a) shall, without any assignment, stand vested in the city council.

(c) Every chose-in-action vested in the city council by virtue of this subsection may, on and after the transfer day, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(d) All functions of the county council connected with any property standing vested in the city council by virtue of this subsection shall, from the transfer day, be
performable by the city council in relation to such property.

(2) (a) If the city council and the county council do not make a designation in accordance with subsection (1), the Minister shall, for the purposes of this Act and after consultation with the oversight committee, make an order designating such property (other than land), including choses-in-action, of the county council as he or she may determine.

(b) Property designated by order under paragraph (a) shall stand vested in the city council on such day (in this Act referred to as a “property vesting day”) as the Minister may, by that order, appoint, and different property vesting days may be so appointed in relation to different property so designated.

(c) Every chose-in-action vested in the city council by virtue of this subsection may, on and after the property vesting day concerned, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(d) All functions of the county council connected with any property standing vested in the city council by virtue of this subsection shall, from the property vesting day concerned, be performable by the city council in relation to such property.

Transfer of rights and liabilities, and continuation of leases, licences and permissions

11. (1) (a) Subject to section 28, all rights and liabilities of the county council subsisting immediately before the transfer day and arising by virtue of any contract or commitment (expressed or implied) shall, on that day, stand transferred to the city council in so far only as they relate to—

(i) the relevant area,

(ii) land vested in the city council under section 9,

(iii) property vested in the city council under subsection (1) of section 10, or

(iv) the provision of a service that immediately before that day was provided in respect of the relevant area.

(b) Every right and liability transferred by paragraph (a) to the city council may, on and after the transfer day, be sued on, recovered or enforced by or against the city council in its own name, and it shall not be necessary for the city council, or the county council, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(c) Every lease, licence, wayleave or permission granted by the county council in relation to—

(i) land vested in the city council under section 9, or

(ii) property vested in the city council under subsection (1) of section 10,

and in force immediately before the transfer day, shall continue in force as if granted by the city council.

(2) (a) Subject to section 28, all rights and liabilities of the county council subsisting
immediately before a property vesting day and arising by virtue of any contract or commitment (expressed or implied) shall, on that property vesting day, stand transferred to the city council in so far only as they relate to property vested in the city council under subsection (2) of section 10 on that property vesting day.

(b) Every right and liability transferred by paragraph (a) to the city council may, on and after the property vesting day concerned, be sued on, recovered or enforced by or against the city council in its own name, and it shall not be necessary for the city council, or the county council, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(c) Every lease, licence, wayleave or permission granted by the county council in relation to property vested in the city council under subsection (2) of section 10, and in force immediately before the property vesting day on which the property so vested, shall continue in force as if granted by the city council.

Provisions consequent upon transfer of assets and liabilities to city council

12. (1) Anything commenced but not completed before the transfer day by or under the authority of the county council may, in so far as it relates to the relevant area, be carried on or completed on or after the transfer day by the city council.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, in so far as it relates to the relevant area, shall, if and in so far as it was operative immediately before the transfer day, have effect on and after that day as if it had been granted or made by the city council.

(3) References to the county council in—

(a) the memorandum or articles of association of an existing company within the meaning of the Companies Act 2014, or

(b) the constitution of a company formed and registered under that Act,

shall be construed as references to the city council from the date of a request in writing in that behalf to the company from the city council made with the consent of the county council.

(4) Any money, stocks, shares or securities transferred by section 10 that immediately before the transfer day or property vesting day concerned, as may be appropriate, were standing in the name of the county council shall, on the request of the city council, be transferred into its name.

(5) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the city council under section 9, 10 or 11 shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Transfer of staff

13. (1) (a) The city council shall prepare a plan or more than one plan (in this section referred to as a “staff transfer plan”) setting out its staffing requirements consequent upon the commencement of section 8.
(b) The county council shall prepare a plan or more than one plan (in this section referred to as a “staff transfer plan”) setting out its staffing requirements consequent upon the commencement of section 8.

(2) A staff transfer plan may relate to a particular class or classes of members of staff of the Cork local authority concerned determined by reference to—

(a) grade, or

(b) class of operation of, or service provided by, that Cork local authority.

(3) The chief executive of the county council and the chief executive of the city council shall jointly designate for employment by the city council such members of the staff of the county council as they consider appropriate having regard to the staff transfer plans.

(4) The county council shall, not later than 5 months before the making of a designation under subsection (3), notify each member of staff—

(a) who it is proposed would be designated under that subsection, of the proposal, and

(b) that the member of staff or any recognised trade union or staff association on the member’s behalf may, within such period as is specified in the notification, make representations to the county council in relation to the proposal.

(5) The county council shall, before the making of a designation under subsection (3), consider any representations made by or on behalf of a member of staff of the county council in accordance with a notification under subsection (4).

(6) (a) Every person designated for employment by the city council in accordance with subsection (3) shall, on such day (in this section referred to as a “staff transfer day”) as is specified in the designation, cease to be a member of the staff of the county council and become and be a member of the staff of the city council.

(b) Different staff transfer days may be specified in relation to—

(i) different members of staff, or

(ii) different classes of member of staff determined by reference to—

(I) grade, or

(II) class of operation of, or service provided by, the county council.

(7) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in subsection (6) shall not, while in the service of the city council, be subject to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the day specified in the designation under subsection (3).

(8) In relation to persons transferred to the city council under subsection (6), previous service with the county council shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy Payments Acts 1967 to 2012, the Protection of Employees (Part-Time Work) Act 2001, Protection of Employees...
Preparation of maps

14. (1) (a) The boundary surveyor shall, as soon as may be after the transfer day, prepare 4 copies of the deposited map drawn to such scale or scales as he or she considers appropriate.

(b) The boundary surveyor shall, as soon as may be after the transfer day, prepare 4 copies of the map of the administrative area of the city council as altered by the Cork boundary alteration drawn to such scale or scales as he or she considers appropriate.

(c) The boundary surveyor shall, as soon as may be after the transfer day, prepare 4 copies of the map of the administrative area of the county council as altered by the Cork boundary alteration drawn to such scale or scales as he or she considers appropriate.

(2) The boundary surveyor shall affix his or her seal to each copy prepared in accordance with subsection (1).

(3) The boundary surveyor shall deposit at each of the following locations one copy of each map prepared and sealed in accordance with this section:

(a) the principal office of the boundary surveyor;

(b) the principal office of the Minister;

(c) the principal office of the city council; and

(d) the principal office of the county council.

(4) A copy deposited at the principal office of the city council or the county council in accordance with subsection (3) shall be retained at that office and that copy or a copy thereof shall be made available for inspection at that office by any person at such time or times as that office is open for the conduct of business with members of the public.

(5) The boundary surveyor may provide a copy of a copy deposited at a principal office in accordance with subsection (3) to any person upon the request of that person, and charge that person such fee for the purposes of defraying the cost of so doing, as the boundary surveyor determines.

(6) (a) The city council shall publish, or cause to be published, on its internet website a copy deposited at its principal office in accordance with subsection (3).

(b) The county council shall publish, or cause to be published, on its internet website a copy deposited at its principal office in accordance with subsection (3).

(7) In this section “boundary surveyor” has the meaning assigned to it by the Boundary Survey (Ireland) Act 1854.

Cork Boundary Alteration Implementation Oversight Committee

15. (1) On the commencement of this section there shall stand established a committee which
shall be known as the Cork Boundary Alteration Implementation Oversight Committee (in this Act referred to as the “oversight committee”) to perform the functions conferred on them by or under this Act.

(2) The oversight committee shall consist of the following members:

(a) a chairperson, and
(b) two ordinary members.

(3) The oversight committee shall stand dissolved on such day as the Minister may by order appoint.

(4) The Schedule shall apply in relation to the oversight committee.

Implementation plan

16. (1) For the purpose of assisting the Cork local authorities in the performance of their functions under this Act, the oversight committee shall, as soon as may be after the commencement of this section, make a plan (in this Act referred to as an “implementation plan”) specifying the measures that the Cork local authorities should adopt in order to facilitate the effective and efficient implementation of the Cork boundary alteration.

(2) Without prejudice to the generality of subsection (1), an implementation plan may specify any one or more of the following:

(a) the arrangements that should be made by the Cork local authorities to ensure that standards relating to the delivery of services to members of the public residing in the relevant area are maintained;

(b) the arrangements that should be made by the Cork local authorities to ensure that the impact of the Cork boundary alteration on members of the public residing in the relevant area is minimised;

(c) the arrangements that should be made by the Cork local authorities relating to—

(i) financial or other resource matters,

(ii) administrative, organisational and operational matters,

(iii) the performance of functions by each of the Cork local authorities,

(iv) such other matters as the oversight committee consider appropriate,

for the purpose of facilitating the implementation of the Cork boundary alteration;

(d) the steps that should be taken in the making and implementation of any such arrangements by the Cork local authorities;

(e) the period or periods within which any such arrangements should be made and implemented by the Cork local authorities; or

(f) any other measures that the oversight committee consider are necessary for the purposes of the Cork boundary alteration.

(3) The implementation plan shall specify the principles and methods that shall apply in
relation to—

(a) the calculation of any loss of income for the purposes of the making of a financial settlement,

(b) the calculation of any contributions to be paid in accordance with a financial settlement,

(c) the valuation of any property or calculation of any amount for the purposes of a financial settlement.

(4) The implementation plan may contain such guidelines and recommendations as the oversight committee consider appropriate in relation to—

(a) the making of any arrangements under or in accordance with this Act, or

(b) the performance of functions in respect of the relevant area during such period as is specified in the recommendation.

(5) The oversight committee may make a plan (in this section also referred to as an “implementation plan”) revising or replacing an implementation plan.

(6) The oversight committee shall, as soon as may be after the making of an implementation plan, notify each chief executive of a Cork local authority in writing of the making of an implementation plan.

(7) A notification under subsection (6) shall be accompanied by a copy of the implementation plan.

Financial settlement

17. (1) The Cork local authorities shall—

(a) after consultation with the oversight committee, and

(b) not later than 6 months after the commencement of this section but before the transfer day,

make an arrangement (in this Act referred to as a “financial settlement”) in accordance with this section.

(2) If the Cork local authorities fail to comply with subsection (1), the Minister shall—

(a) after consultation with the oversight committee, and

(b) as soon as may be before the transfer day,

make an arrangement (in this section also referred to as a “financial settlement”) in accordance with this section.

(3) A financial settlement shall make provision for the following:

(a) the determination of the financial loss incurred or likely to be incurred by the county council or the city council by virtue of the Cork boundary alteration and the operation of this Act, taking account of—

(i) any liabilities incurred or likely to be incurred by the city council or the county council,
(ii) any income accruing or likely to accrue to the city council or the county council,
(iii) any reduction, or likely reduction, in liabilities of the city council or the county council,
(iv) any loss of income incurred or likely to be incurred by the city council or the county council,
(v) the amount paid (including the repayment of monies borrowed) by the county council in respect of the purchase of any land or other property transferred to the city council in accordance with this Act, and
(vi) any profit accruing to the city council from the proceeds of the alienation, on or after the transfer day, of any land or property transferred to the city council in accordance with this Act,
by virtue of such alteration or such operation;
(b) the determination of the financial loss incurred or likely to be incurred each year by the county council or the city council by virtue of the Cork boundary alteration and the operation of this Act, taking account of the matters specified in subparagraphs (i), (ii), (iii), (iv), (v) and (vi) of paragraph (a);
(c) the manner of calculation of any such financial loss;
(d) the payment of an annual contribution or contributions by the city council to the county council to offset any financial loss incurred or likely to be incurred by the county council consequent upon the Cork boundary alteration and the operation of this Act;
(e) the payment of a contribution or contributions by the county council to the city council in respect of the performance by the city council of functions in relation to the relevant area during the period commencing on the transfer day and ending on 31 December 2019;
(f) the payment of a contribution or contributions to the county council by the city council in respect of any alienation by the city council of land or other property transferred to the city council in accordance with this Act;
(g) the payment of any such contribution or contributions by instalment or otherwise;
(h) the date or dates by which any such contribution or contributions shall be paid.

(4) A financial settlement shall be carried out by the Cork local authorities in accordance with its terms.

(5) (a) The contribution payable in respect of the year 2019 by a Cork local authority to the other Cork local authority in accordance with a financial settlement shall be such amount as is determined under that settlement on such date as may be specified in that settlement.

(b) The contribution payable in respect of the year 2020 and each subsequent year by a Cork local authority to the other Cork local authority in accordance with a financial settlement shall be such amount as is determined under the financial settlement before 31 August in the year immediately preceding the year in respect
of which the contribution is payable, and different amounts may be so determined in respect of different years.

(c) A contribution referred to in this subsection shall be paid on such date (in this section referred to as the “due date for payment”) in the year in respect of which the contribution is payable as is specified in a financial settlement.

(6) Where any contribution required to be paid by a Cork local authority to the other Cork local authority in accordance with a financial settlement remains unpaid in full after the due date for payment of the contribution under the financial settlement, that contribution or that part of the contribution that remains unpaid shall be recoverable by the second-mentioned Cork local authority in any court of competent jurisdiction as a simple contract debt.

(7) If any dispute arises as to the claim of either the city council or the county council to, or the amount of, any payment due in accordance with a financial settlement, such dispute shall be submitted to the oversight committee whose decision in relation thereto shall be final.

(8) (a) The Cork local authorities shall have regard to the implementation plan and any recommendations of the oversight committee when making a financial settlement.

(b) The Minister shall have regard to any recommendations of the oversight committee when making a financial settlement.

(9) A financial settlement may make provision in relation to such consequential, incidental or supplementary matters as are necessary or expedient for its effective implementation.

(10) (a) The city council shall, upon the request of the Minister, provide the Minister with such information as he or she may require in order to perform his or her functions under this section.

(b) The county council shall, upon the request of the Minister, provide the Minister with such information as he or she may require in order to perform his or her functions under this section.

(11) The oversight committee shall, upon the request of the Minister, prepare and submit to the Minister a report in relation to the implementation of a financial settlement under this section.

(12) The Cork local authorities shall—

(a) not later than 3 years after the first making of a financial settlement, commence a joint review of the operation of the financial settlement, and

(b) not later than 10 years after the first making of a financial settlement, commence a joint review of the financial settlement for the time being in operation.

(13) The Cork local authorities shall, after the completion of a review referred to in subsection (12), notify the Minister that, following such completion—

(a) they propose to make a financial settlement in accordance with subsection (14), or

(b) they do not consider it necessary to make such a financial settlement.
(14) The Cork local authorities may, after—

(a) the completion of a review referred to in subsection (12),
(b) consultation with the oversight committee, and
(c) notifying the Minister of a proposal in accordance with paragraph (a) of subsection (13),

make a settlement (in this Act also referred to as a “financial settlement”) amending a financial settlement, including a financial settlement made in accordance with subsection (2).

(15) If, after the completion of a review referred to in subsection (12), the Cork local authorities fail to comply with subsection (13), the Minister may, after consultation with the oversight committee, make a settlement (in this section also referred to as a “financial settlement”) amending a financial settlement.

(16) (a) The Cork local authorities may, after consultation with the oversight committee, make an arrangement (in this section also referred to as a “financial settlement”) amending a financial settlement made under subsection (1) or (14).
(b) The Cork local authorities may, with the consent of the Minister, make an arrangement (in this section also referred to as a “financial settlement”) amending a financial settlement made under subsection (2) or (15).

Arrangements for performance of certain functions

18. (1) The Cork local authorities shall, after consultation with the oversight committee and before the transfer day, jointly make an arrangement in accordance with this section.

(2) An arrangement under this section may make provision for—

(a) the performance by the county council on behalf of the city council of such functions of the city council as are specified in the arrangement in respect of the relevant area or any part thereof,
(b) the joint performance by the city council and county council of such functions of the city council as are specified in the arrangement in respect of the relevant area or any part thereof,
(c) such other arrangements in relation to the performance of such functions of the city council as are specified in the arrangement in respect of the relevant area or any part thereof, as the Cork local authorities consider appropriate.

(3) An arrangement under this section shall—

(a) subject to subsection (5), specify the period in respect of which the arrangement shall apply,
(b) be in accordance with the implementation plan, and
(c) have regard to any guidelines or recommendations of the oversight committee.

(4) Any agreement made by the city council and the county council under section 85 of the Principal Act and operative immediately before the transfer day shall, subject to any arrangement under this section, continue to be operative on and after that day in
accordance with its terms.

(5) An arrangement under this section may amend the terms of an agreement referred to in subsection (4).

(6) If the Cork local authorities fail to make an arrangement in accordance with this section, the Minister may, after consultation with the oversight committee, make such an arrangement.

(7) (a) The Cork local authorities may, after consultation with the oversight committee, amend an arrangement under subsection (1).

(b) The Minister may, at the request of the Cork local authorities or the oversight committee, amend an arrangement under subsection (6).

(8) An arrangement or amending arrangement under this section shall be carried out by the Cork local authorities in accordance with its terms.

(9) Any dispute arising in relation to an arrangement under this section shall be referred for determination to the oversight committee and the determination of the oversight committee shall be final.

(10) An arrangement made under this section shall not be revoked except with the consent of the Minister.

(11) The functions of the city council in relation to the relevant area shall, in addition to being performable by the city council and in accordance with an arrangement under this section, be performable by the county council, or by the city council and the county council jointly.

Compliance with Act

19. (1) For the purposes of this Act, the Cork local authorities shall cooperate with one another in the performance of their functions.

(2) The Cork local authorities shall exchange such information and conduct such consultations with one another as may be necessary for the purpose specified in subsection (1).

(3) Each chief executive shall do and cause to be done all such acts as are necessary for, or incidental to, the effective and orderly operation of, and compliance with, this Act including—

(a) the making of arrangements specified in the implementation plan,

(b) measures to ensure the effective and efficient performance of functions of the Cork local authorities in relation to the relevant area, and

(c) the coordination of the performance of the functions of the Cork local authorities for the purposes of ensuring effective and orderly operation of, and compliance with, this Act.

(4) The members of staff of each of the Cork local authorities shall perform their functions in a manner that will enable the Cork local authorities to comply with this section.

(5) On or before the 7th day of each month during the period from the commencement of...
this section until 31 December 2020, each chief executive shall—

(a) prepare and submit to the oversight committee a report in relation to the measures adopted to ensure full and effective compliance with this Act, and

(b) provide a copy of that report to each member of the local authority of which he or she is the chief executive.

(6) The oversight committee may, following consideration of the report submitted to them under subsection (5), issue a notice to the chief executives of the Cork local authorities specifying the measures that they consider need to be adopted in order to ensure full and effective compliance with this Act.

(7) The chief executives of the Cork local authorities shall, in the performance of their functions, have regard to a notice under subsection (6).

(8) The oversight committee may, from time to time, prepare and submit to the Minister a report specifying the measures that they consider need to be adopted in order to ensure full and effective compliance with this Act.

(9) The chief executive of a Cork local authority shall provide the Minister with such information as the Minister may, from time to time request, for the purpose of the performance by the Minister of his or her functions under this Act within such period as is specified in the request.

PART 3

OTHER CONSEQUENTIAL PROVISIONS

Data sharing by Cork local authorities

20. The county council shall provide such information (including personal data within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016) as may be required by the city council for the purposes of the performance by the city council of its functions in relation to the relevant area.

Rating area for local financial year 2019

21. (1) The relevant area shall remain part of the rating area of the county council until 31 December 2019.

(2) The local authority budget adopted by the county council in respect of the local financial year 2019 in accordance with section 103 of the Principal Act shall apply in respect of the relevant area as it would have applied to that area had this Act not been passed.

(3) The schedule of proposed works of maintenance and repair adopted under section 103A of the Principal Act in respect of the local financial year 2019 in respect of municipal districts that—

(a) immediately before the transfer day were situated in the county of Cork, and

(b) on the transfer day are situated (in whole or in part) in the relevant area,

1 OJ No. L119, 4.5.2016, p.1
shall continue to apply in respect of those municipal districts as if this Act not been passed.

(4) This section shall not operate to prevent the city council—

(a) performing functions in relation to the relevant area during the local financial year 2019 for the purposes of setting the municipal rate in respect of the administrative area of the city council for the local financial year 2020, and

(b) performing functions under section 20 of the Finance (Local Property Tax) Act 2012 during the local financial year 2019 for the purposes of varying the basic rate (within the meaning of that Act) in relation to the local financial year 2020.

Elections to Cork local authorities in 2019

22. (1) The register of electors for the city council that, in accordance with subsection (2) of section 13 of, and Part I of the Second Schedule to, the Act of 1992, comes into force on 15 February 2019 shall, subject to such corrections as are considered necessary by the registration authority concerned in accordance with subsection (3) of section 15 of that Act, consist of—

(a) the register of electors in force on that date for the city council registration area, and

(b) the persons registered on that date as local government electors in respect of the area comprised in the relevant area.

(2) The register of electors for the county council that, in accordance with subsection (2) of section 13 of, and Part I of the Second Schedule to, the Act of 1992, comes into force on 15 February 2019 shall, subject to such corrections as are considered necessary by the registration authority concerned in accordance with subsection (3) of section 15 of that Act, consist of the register of electors in force on that date for the county council registration area (other than the persons registered on that date as local government electors in respect of the area comprised in the relevant area).

Polling districts and polling places

23. (1) The city council shall, as respects any polling district that is situated partly inside and partly outside the relevant area—

(a) join such part of it as is situated in the relevant area to a polling district in the administrative area of the city council that adjoins the said part,

(b) join different parts of the part referred to in paragraph (a) to different polling districts in the administrative area of the city council, provided that each such different part adjoins the polling district to which it is joined, or

(c) constitute the part referred to in paragraph (a) as a polling district and appoint a polling place in respect of it,

in this section referred to as an “interim polling district arrangement”.

(2) The county council shall, as respects any polling district that is situated partly inside and partly outside the relevant area—
(a) join such part of it as is situated outside the relevant area to a polling district in
the administrative area (other than the relevant area) of the county council that
adjoins the said part,

(b) join different parts of the part referred to in paragraph (a) to different polling
districts in the administrative area (other than the relevant area) of the county
council, provided that each such different part adjoins the polling district to
which it is joined, or

(c) constitute the part referred to in paragraph (a) as a polling district and appoint a
polling place in respect of it,

in this section also referred to as an “interim polling district arrangement”.

(3) An interim polling district arrangement shall cease to have effect upon the coming
into operation of the first scheme under section 28 of the Act of 1992 after the
commencement of this section.

Development plans and local area plans relating to relevant area

24. (1) The development plan in force immediately before the transfer day in respect of the
functional area of the county council shall, on and after that day, continue to apply in
respect of the relevant area until the next making of a development plan by the city
council in respect of the functional area of the city council in accordance with section

(2) For the avoidance of doubt, the city council may, in accordance with section 13 of the
Act of 2000, make a variation of the development plan first-mentioned in subsection
(1) in so far as it applies to the relevant area.

(3) Subject to paragraph (b) of subsection (4) of section 18 of the Act of 2000, any local
area plan in force immediately before the transfer day in respect of an area within the
relevant area shall, on and after that day, continue to apply to the first-mentioned area
until the next making of a local area plan by the city council in respect of the first-
mentioned area in accordance with the said section 18.

(4) In this section—

“development plan” has the meaning assigned to it by the Act of 2000;

“local area plan” has the meaning assigned to it by the Act of 2000.

Planning applications and development contribution schemes

25. (1) For the purposes of the Act of 2000 or any instrument under that Act and subject to
subsection (2), the county council shall, after the transfer day, be the planning
authority in relation to any permission granted or planning application made before
the transfer day in respect of development or proposed development in the relevant
area.

(2) (a) Subject to paragraph (b), the functions of a planning authority under Part VIII of
the Act of 2000 shall, in relation to—

(i) any planning application, or

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(ii) decision in relation to such an application,

made before the transfer day as respects development or proposed development in the relevant area, be performable by the city council.

(b) Where, before the transfer day, the county council performed any function under Part VIII of the Act of 2000 in relation to a contravention of that Act or any instrument under that Act in, or in respect of, the relevant area, all functions under that Part in relation to that contravention shall, after the transfer day, be performable by the county council.

(3) Any contribution paid before the transfer day—

(a) in accordance with section 48 of the Act of 2000 for the purpose of public infrastructure and facilities benefiting in whole or in part development in the relevant area, or

(b) in accordance with section 49 of the Act of 2000 for the purpose of any public infrastructure service or project in the relevant area,

and vested in the city council under Part 2 shall be expended by the city council for that purpose.

(4) Any development contribution scheme under section 48 of the Act of 2000 or supplementary development contribution scheme under section 49 of that Act made by the city council shall, from the transfer day, apply to the relevant area as it applies to the rest of the functional area of the city council.

(5) In this section—

“permission” has the meaning assigned to it by the Act of 2000;

“planning application” has the meaning assigned to it by the Act of 2000;

“planning authority” has the meaning assigned to it by the Act of 2000.

Continuation of instruments applicable to relevant area

26. (1) Every instrument that, immediately before the transfer day, applied to the relevant area or any part thereof shall, from the said day, continue to apply to the relevant area or part thereof, as the case may be, in so far only as it is not inconsistent with this Act, as if such instrument had been made by the city council and, accordingly, any power under an enactment to amend, vary or revoke such instrument may be exercised by the city council in so far only as the instrument applies to the relevant area or any part thereof.

(2) An instrument to which subsection (1) applies shall cease to apply to the relevant area upon the expiration of—

(a) one year from the transfer day, or

(b) such further period as is specified in a resolution passed by the city council before the expiration of that year.

(3) No instrument in force in the city of Cork immediately before the transfer day shall apply to the relevant area or any part thereof unless the city council, by resolution, extends the application of such instrument to the relevant area or any part thereof.
An instrument to which subsection (1) applies shall, in so far as it is inconsistent with an instrument, the application of which has been extended to the relevant area or part thereof in accordance with subsection (3), shall cease to apply to the relevant area or, as the case may be, any part of the relevant area to which the application of the second-mentioned instrument has been so extended.

(5) In this section “instrument” means rules, regulations or by-laws.

Saver for certain acts done before transfer day

27. Subject to section 25, every act done, decision made or instrument made or issued before the transfer day by the county council shall, in so far as it would, but for the Cork boundary alteration, have had effect after the transfer day, continue to have such effect after the transfer day as if done, made or issued by the city council.

Outstanding charges

28. (1) Any charge in respect of the local financial year in which the transfer day falls or any preceding local financial year that, immediately before the transfer day, was due and payable to the county council shall, from the transfer day, continue to be due and payable to the county council.

(2) Any charge in respect of the local financial year in which the transfer day falls that would, but for the falling of the transfer day in that year, have become due and payable to the county council after the transfer day shall be due and payable to the county council.

(3) In this section “charge” means—

(a) the county rate,

(b) rent or charges for the tenancy, occupation or use of a dwelling provided by the county council under the Housing Acts 1966 to 2013, or

(c) the repayment of a housing loan within the meaning of the Housing (Miscellaneous Provisions) Act 1992.

PART 4

AMENDMENT OF ENACTMENTS

Amendment of Principal Act

29. The Principal Act is amended—

(a) in section 10, by—

(i) the insertion, in paragraph (a) of subsection (3), of “and section 8 of the Local Government Act 2018” after “Local Government Reform Act 2014”,

(ii) the insertion, in paragraph (b) of that subsection, of “and section 8 of the Local Government Act 2018” after “Local Government Reform Act 2014”, and
(iii) the insertion in subsection (5) after paragraph (c) of the following paragraph:
   “(d) Part 2 of the Local Government Act 2018”;

(b) in section 85, by the insertion of the following subsection:
   “(4A) An agreement under this section made after the commencement of section 18 of the Local Government Act 2018 shall not contain any term, condition or provision that is inconsistent with an arrangement under that section.”,
   and

(c) in section 140, by the insertion of the following paragraph in subsection (10):
   “(aa) to the performance of any function, the doing of any act or the making of any decision under or for the purposes of the Local Government Act 2018,”.

Amendment of Local Government Act 1991

30. The Local Government Act 1991 is amended—

   (a) in section 28, by the deletion of paragraph (f) of subsection (4),

   (b) in section 31, by—
      (i) the deletion of—
         (I) paragraph (b) of subsection (1), and
         (II) subsection (3),
      (ii) the substitution of the following subsection for subsection (2):
         “(2) The Minister shall not make an order under subsection (1) in relation to an application referred to in that subsection where a respondent in his or her statement of response disagrees in a material respect with the terms of the proposal to which the application relates.”,
      and

   (c) in section 33, by—
      (i) the deletion of “subsection (2) or (3) of section 31 or” in subsection (1), and
      (ii) the substitution of the following paragraph for paragraph (b) of subsection (4):
         “(b) publish a notice stating that a report is being prepared under this section in relation to a specified boundary inviting submissions from any person concerned,”.

Amendment of section 3 of Valuation Act 2001

31. Section 3 (amended by paragraph (d) of section 2 of the Valuation (Amendment) Act 2015) of the Valuation Act 2001 is amended, in paragraph (g) of the definition of “material change”, by the insertion of “(other than in accordance with the Local
PART 5

MISCELLANEOUS

Chief executive of Galway local authorities

32. The Principal Act is amended—

(a) by the substitution, in subsection (1) of section 144, of “Subject to section 144A, for every county, city and city and county” for “For every county, city and city and county”, and

(b) in Chapter 2 of Part 14, by the insertion of the following section:

“Chief executive of Galway local authorities

144A. (1) The positions of chief executive of the council of the city of Galway and chief executive of the council of the county of Galway are abolished.

(2) There shall stand established, on the commencement of section 32 of the Local Government Act 2018, the position of chief executive of the Galway local authorities.

(3) The chief executive of the Galway local authorities shall—

(a) in relation to the city of Galway, perform the functions conferred on the chief executive of the council of a city by or under any enactment, and

(b) in relation to the county of Galway, perform the functions conferred on the chief executive of the council of a county by or under any enactment.

(4) The Minister may appoint either—

(a) the person who, immediately before the commencement of section 32 of the Local Government Act 2018, was the chief executive of the council of the city of Galway, or

(b) the person who, immediately before such commencement, was the chief executive of the council of the county of Galway, to be the first chief executive of the Galway local authorities.

(5) The term of office of the chief executive of the Galway local authorities appointed under subsection (4) shall—

(a) in the case of a person so appointed who, immediately before his or her appointment, was the chief executive of the council of the city of Galway, be for the period of the term of office as chief executive of that council that, immediately before such appointment, remained unexpired, or
(b) in the case of a person so appointed who, immediately before his or her appointment, was the chief executive of the council of the county of Galway, be for the period of the term of office as chief executive of that council that, immediately before such appointment, remained unexpired,

and the person so appointed shall be eligible for reappointment as chief executive of the Galway local authorities on the expiry of the said period.

(6) The chief executive of the Galway local authorities shall be in the employment of such one of the councils of which the Galway local authorities consists as the Minister may by order specify.

(7) This Chapter shall apply to the chief executive of the Galway local authorities as it applies to a chief executive to whom section 144 applies subject to the modification that—

(a) paragraph (a) of subsection (1), and

(b) subsections (2), (3), (4) and (5),

of section 145 shall not apply to the chief executive of the Galway local authorities appointed in accordance with subsection (4).

(8) Anything commenced but not completed by or under the authority of the chief executive of the council of the city of Galway or the chief executive of the council of the county of Galway before the commencement of section 32 of the Local Government Act 2018 may be completed by the chief executive of the Galway local authorities.

(9) Any act done and any instrument made or issued before the commencement of section 32 of the Local Government Act 2018 by the chief executive of the council of the city of Galway or the chief executive of the council of the county of Galway shall, in so far as it would have had effect after such commencement but for that section, continue to have such effect as if done, made or issued by the chief executive of the Galway local authorities.

(10) The chief executive of the Galway local authorities shall be known as the chief executive of Galway city council and Galway county council.

(11) In this section ‘Galway local authorities’ means—

(a) the council of the city of Galway, and

(b) the council of the county of Galway.”. 
1. (1) The members of the oversight committee shall be appointed by the Minister.

(2) A member of the oversight committee may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.

(3) The Minister may at any time remove a member of the oversight committee from office if, in the Minister’s opinion—

(a) the member has become incapable through ill-health of performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the member’s removal appears to the Minister to be necessary for the effective performance by the oversight committee of their functions.

(4) A member of the oversight committee shall cease to be qualified for office and shall cease to hold office if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is sentenced by a court of competent jurisdiction to a term of imprisonment,

(d) is convicted of any indictable offence in relation to a company or any other body corporate,

(e) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not,

(f) is, or is deemed to be, the subject of a declaration under section 819 of the Companies Act 2014, or

(g) is, or is deemed to be, the subject of a disqualification order within the meaning of Chapter 4 of Part 14 of that Act.

(5) A member of the oversight committee shall, subject to the provisions of this Act, hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.

(6) There may be paid by the Minister to members of the oversight committee such remuneration (if any) and such allowances in respect of expenses (if any) incurred by them as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

2. If a member of the oversight committee dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the oversight committee to fill the casual vacancy so occasioned.

3. (1) The oversight committee shall hold such and so many meetings as may be necessary for the due fulfilment of their functions.

(2) At a meeting of the oversight committee—
(a) the chairperson of the oversight committee shall, if present, be the
chairperson of the meeting, or
(b) if and so long as the chairperson of the oversight committee is not present or
if that office is vacant, the other members of the oversight committee who
are present shall choose one of their number to be chairperson of the
meeting.

(3) Every question at a meeting of the oversight committee shall be determined by a
majority of the votes of the members of the oversight committee 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.

(4) Subject to subparagraph (6), the oversight committee may act notwithstanding a
vacancy among their members.

(5) Subject to the provisions of this Act, the oversight committee shall regulate their
procedure by rules or otherwise.

(6) The quorum for a meeting of the oversight committee shall, unless the Minister
otherwise directs, be 2.

4. (1) Where a member of the oversight committee is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a member of
the European Parliament,

(c) regarded pursuant to Part XIII of the Second Schedule to the European
Parliament Elections Act 1997 as having been elected to that Parliament, or

(d) elected or coopted to be a member of a local authority,

he or she shall thereupon cease to be a member of the oversight committee.

(2) A person who is, for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit
therein,

(b) a member of the European Parliament, or

(c) entitled under the standing orders of a local authority to be a member of that
local authority,

shall, while he or she is so entitled or is such a member, be disqualified for
membership of the oversight committee.
Acht do dhéanamh socrú maidir le cuid de limistéar riaracháin chomhairle chontae Chorcaí a aisteá chuig limistéar riaracháin chomhairle chathair Chorcaí; do dhéanamh socrú chun deireadh a chur leis na poist mar phríomhfheidhmeannach chomhairle chathair na Gaillimhe agus mar phríomhfheidhmeannach chomhairle chontaí na Gaillimhe agus chun post a bhunú mar phríomhfheidhmeannach an dá chomhairle sin ar aon; chun na gcrioch sin, do leasú an Acht Rialtais Áitiúil, 1991, an Acht Rialtais Áitiúil, 2001 agus an Acht Luachála, 2001; agus do dhéanamh socrú i dtáobh nithe a bhaineann leis an méid sin.

Presented by the Minister for Housing, Planning and Local Government,
25th July, 2018