

LOCAL GOVERNMENT ACT, 1994

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AN ACT TO AMEND AND EXTEND THE LAW
RELATING TO LOCAL GOVERNMENT.

[29th April, 1994]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1994 8 1

Short title, collective citations,
construction and
commencement.

1.—(1) This Act may be cited as the [Local Government Act, 1994](#).

(2) The Local Government Acts, 1925 to 1993, and this Act may be cited together as the Local Government Acts, 1925 to 1994 and shall be construed together as one Act.

(3) The County Management Acts, 1940 to 1993, and so much of this Act as relates to the management of counties, elective bodies and the county borough of Galway may be cited together as the County Management Acts, 1940 to 1994.

(4) The Cork City Management Acts, 1929 to 1991, and so much of this Act as relates to the management of the county borough of Cork may be cited together as the Cork City Management Acts, 1929 to 1994.

(5) The Local Government (Dublin) Acts, 1930 to 1993, and so much of this Act as relates to the management of the county borough of Dublin may be cited together as the Local Government (Dublin) Acts, 1930 to 1994.

(6) The Limerick City Management Acts, 1934 to 1991, and so much of this Act as relates to management of the county borough of Limerick may be cited together as the Limerick City Management Acts, 1934 to 1994.

(7) The Waterford City Management Acts, 1939 to 1991, and so much of this Act as relates to the management of the county borough of Waterford may be cited together as the Waterford City Management Acts, 1939 to 1994.

(8) The [Local Elections \(Petitions and Disqualifications\) Act, 1974](#), so much of the [Electoral Act, 1992](#) as relates to local elections and *Parts II* and *III* may be cited together as the Local Elections Acts, 1974 to 1994.

(9) This Act shall come 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 and amendment effected by *section 4* of different enactments.

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

"the Act of 1941" means the [Local Government Act, 1941](#);

"the Act of 1946" means the [Local Government Act, 1946](#);

"the Act of 1955" means the [City and County Management \(Amendment\) Act, 1955](#);

"the Act of 1991" means the [Local Government Act, 1991](#);

"election" means a local election;

"elective body" means an elective body for the purposes of the County Management Acts, 1940 to 1993;

"enactment" includes an instrument made under an enactment;

"functions" includes powers and duties and a reference to the performance of functions includes, with respect to powers and duties, a reference to the exercise of the powers and the carrying out of the duties;

"local authority" means a local authority for the purposes of the Act of 1941;

"manager" means—

(*a*) as respects the corporation of a county borough, the manager for the purpose of the Acts relating to the management of the county borough, and

(*b*) as respects the council of a county or an elective body, the manager for the purposes of the County Management Acts, 1940 to 1993;

"the Minister" means the Minister for the Environment;

"prescribed" means prescribed by regulations made by the Minister and cognate words shall be construed accordingly;

"public authority" means a public authority for the purposes of the Act of 1991;

"reserved function" means—

(*a*) in the case of the council of a county or an elective body, a reserved function for the purposes of the County Management Acts, 1940 to 1993;

(*b*) in the case of the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough.

(2) In this Act—

(*a*) a reference to a Part, section or Schedule is to a Part or section of, or a Schedule to, this Act, unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,

(*c*) a reference to any provision of this Act shall, where appropriate, be construed as a reference to that provision as modified by regulations under *section 66*.

(3) In this Act, 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 (including this Act).

1994 8 3

Orders and regulations.

3.—(1) Every order and regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made.

(2) If after an order, other than an order under *section 1 (9), 14, 21 or 53 (1)*, or a regulation is so laid, a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) The Minister may by order, amend or revoke an order made under this Act, other than under *section 1 (9)* (including an order made under this subsection).

(4) The Minister may make regulations for the purposes of this Act or in consequence of any of its provisions or for the purposes of enabling any provision to have full effect.

(5) Without prejudice to any specific provision of this Act, every regulation made under this Act may—

(*a*) contain such incidental, consequential, supplementary or transitional provisions (including provisions for the purpose of securing the continuity of

any provision of this or of any other Act or instrument repealed, revoked, amended or otherwise affected by this Act or by any order or regulation made thereunder) as may appear to the Minister to be appropriate for the purposes of this Act or of any order or regulations made thereunder,

(b) provide for the adaptation, modification or cesser of operation of any provision of any enactment, including an enactment referred to in *section 4 (3)*, relating to any matter governed by the provisions of this Act or of any order or regulations made thereunder for the purpose of securing that such enactment shall have effect in conformity with this Act or with an order or with regulations made thereunder.

(6) Regulations or an order under this Act may apply to local authorities generally, to any class or classes of local authorities specified in the regulations or order, to a particular local authority or to a particular part of the administrative area of a local authority so specified and may contain different provisions in relation to different local authorities or to different parts of the administrative area of a local authority.

1994 8 4

Repeal, revocation and amendment of enactments.

4.—(1) Each enactment specified in the *First Schedule* is hereby repealed or revoked to the extent specified in *column (3)* of that Schedule.

(2) Each enactment specified in the *Second Schedule* is hereby amended in the manner stated in *column (3)* of that Schedule.

(3) The repeal or revocation by this Act of a provision of any enactment which is applied by any other provision of that or of any other enactment not so repealed or revoked, shall not affect such application and the first-mentioned provision shall accordingly continue to apply for that purpose.

1994 8 5

Eligibility for local authority membership.

5.—Every person being a citizen of Ireland or ordinarily resident in the State who has reached the age of 18 years and is not subject to any of the disqualifications mentioned in section 6 shall be eligible for election or co-option to and membership of a local authority.

1994 8 6

Disqualifications for local authority membership.

6.—(1) A person shall be disqualified for being elected, for being co-opted, or for being a member of a local authority if that person—

(*a*) is a member of the Commission of the European Communities or is a representative in the European Parliament, or
(*b*) is a Judge, Advocate General or Registrar of the Court of Justice of the European Communities, or
(*c*) is a member of the Court of Auditors of the European Communities, or
(*d*) is a Minister of the Government or a Minister of State, or
(*e*) is the chairman of DAil nireann (An Ceann Comhairle), or
(*f*) is the chairman of Seanad nireann, or
(*g*) is the chairman of a select committee of either House of the Oireachtas or of a joint committee of both Houses, other than of any such committee or joint committee as is or may be designated for the purposes of *subsection (3)*, or
(*h*) is appointed under the Constitution as a Judge or the Comptroller and Auditor General, or
(*i*) is a member of the Garda SMochAna or a wholetime member of the Defence Forces as defined in section 11 (4) (*b*) of the [Electoral Act, 1992](#), or
(*j*) is a civil servant who is not by terms of employment expressly permitted to be a member of a local authority, or
(*k*) is undergoing a sentence of imprisonment for any term exceeding six months, whether with or without hard labour, or of penal servitude for any period imposed by a court of competent jurisdiction in the State, or
(*l*) fails to pay any portion of any sum charged or surcharged, by an auditor of the accounts of any local authority, upon or against that person and such disqualification shall come into effect on the expiration of the time limit for an appeal where no appeal is taken, or on the expiration of one month from the date of an order confirming the charge or surcharge, where an appeal is taken to the Minister or the High Court and the disqualification shall apply and have effect for a period of five years from the date of its coming into effect, or
(*m*) fails to comply with a final judgement, order or decree of a court of competent jurisdiction, for payment of money due to a local authority, or
(*n*) is convicted of, or has had a conviction confirmed on appeal for, an offence relating to any of the following—
(i) fraudulent or dishonest dealings affecting a local authority,
(ii) corrupt practice,
(iii) acting when disqualified.

(2) (*a*) A disqualification arising pursuant to *subsection*

(1) (m) shall come into effect on the seventh day following the last day for compliance with the relevant final judgement, order or decree and the disqualification shall apply and have effect for a period of five years from such last day.

(b) A disqualification arising pursuant to *subsection (1) (n)* shall come into effect—

(i) in case no appeal is taken against the conviction, on the expiration of the time limit for taking an appeal, or

(ii) in case an appeal is taken against the conviction and the appeal is disallowed, one month from the determination of the appeal, and the disqualification shall apply and have effect for a period of five years from the date of conviction or determination of the appeal, as the case may be.

(3) (a) The Joint Services Committee, the Joint Committee on the Irish Language, the DAil Committee of Selection and the Seanad Committee of Selection, are hereby designated for the purposes of this subsection.

(b) The Minister may by order designate any other committee or joint committee mentioned in *paragraph (g) of subsection (1)* for the purposes of this subsection and for so long as such an order is in force, that paragraph shall not apply as regards the committee or joint committee so designated.

(c) An order made under this subsection shall not come into operation unless and until a copy thereof has been laid before each House of the Oireachtas and the order has been confirmed by resolution of each such House.

(4) The provisions of this section shall come into operation and apply for the purposes of the local elections referred to in *section 20* and thereafter and accordingly an order shall not be made under *section 1 (9)* bringing those provisions into operation as regards any member of a local authority prior to those elections.

1994 8 7

Offence to act when disqualified.

7.—(1) If any person knowingly acts as a member of a local authority when disqualified, or knowingly votes when prohibited by or under any enactment, that person shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding one thousand pounds for each such offence without prejudice to any other disqualification or penalty therefor.

(2) An offence under this section may be prosecuted by or at

the suit of a local government elector, a local authority or the Minister.

1994 8 8

Cesser of membership arising from disqualification.

8.—(1) Where a member of a local authority becomes disqualified for membership of a local authority pursuant to *section 6*, that person shall, subject to *subsections (2) and (4)* of that section, immediately on such occurrence cease to be such member and a vacancy shall exist accordingly in the membership of the local authority.

(2) A person who ceases to be a member of a local authority pursuant to this section shall on such cesser also cease to be a member of any body to which that person was elected, nominated or appointed by a local authority, or of which the person is a member by virtue of being a member of a local authority.

1994 8 9

Term of office.

9.—(1) The term of office of a member of a local authority shall (unless such member sooner dies, resigns, becomes disqualified, is removed from office or otherwise ceases to be a member of the local authority) continue until the next ordinary day of retirement of members of the local authority.

(2) The ordinary day of retirement of members of a local authority shall be the seventh day after the polling day at the election of members of the local authority or, where the poll for any local electoral area of the local authority or for any polling station at the election is for any reason countermanded, interrupted, or adjourned, after the day on which the poll is completed or the fresh poll is held.

(3) On such ordinary day of retirement each of the outgoing members of the local authority shall retire and each person elected at the said election shall come into office as a member of the local authority.

1994 8 10

Resignation from membership.

10.—(1) A member of a local authority may, at any time, resign from membership by notice in writing, signed by that person and delivered to the principal offices of the local authority, and that person shall cease to be a member of the local authority on the day of receipt of the notice and the resultant vacancy in the membership of the local authority shall occur on that day.

(2) A person who resigns from membership of a local authority pursuant to this section shall on such resignation also cease to be a member of any body to which that person was elected, nominated or appointed by the local authority, or of

which that person is a member by virtue of being a member of that local authority.

1994 8 11

Casual vacancies.

11.—(1) A casual vacancy means a vacancy caused in the membership of a local authority pursuant to *section 8* or by the death or resignation of a member of a local authority.

(2) A casual vacancy shall also exist in such circumstances as are prescribed in articles 27 (3), 28 (4) and 76 of the Local Elections Regulations, 1965, or as may be prescribed under *section 22* or as are referred to in [section 15](#) (1) of the [Local Elections \(Petitions and Disqualifications\) Act, 1974](#).

(3) It shall be the duty of the secretary or clerk to notify the members of the local authority in writing on becoming aware that a casual vacancy has or may have occurred.

(4) A casual vacancy shall be filled by the co-option by the local authority of a person to fill the vacancy.

(5) (a) A co-option shall be made, after due notice, at the next meeting of the local authority after the expiration of a period of fourteen days from the occurrence of the vacancy or as soon after the expiration of such period as circumstances permit.

(b) For this purpose due notice means not less than three clear days notice given in writing to every member of the local authority.

(6) A person shall not be proposed at a meeting of the local authority for co-option without the prior consent in writing of that person.

(7) A person co-opted to fill a casual vacancy shall (unless sooner ceasing to hold office) hold office as a member of the local authority until the next ordinary day of retirement of members of that local authority.

(8) Every person co-opted to fill a casual vacancy in the membership of the council of a county or other borough shall hold office as a councillor.

(9) Where a casual vacancy occurs in the membership of the council of a county or other borough by reason of an alderman ceasing to hold office as a member of the council, the number of aldermen for such county or other borough shall, until the next election of members of the said council be reduced by one in respect of each such vacancy.

1994 8 12

Saver for acts of local authority. **12.**—The acts, decisions and proceedings of a local authority shall not be invalidated by reason only of a vacancy or vacancies in its membership or of the disqualification or want of qualification of any of its members.

1994 8 13

Interpretation of *Part III*. **13.**—In this Part—

"local authority" means—

- (a) the council of a county,
- (b) the corporation of a county or other borough,
- (c) the council of an urban district, or
- (d) the commissioners of a town;

"local electoral area" means an area by reference to which a local election is held;

"local election" means an election pursuant to this Part.

1994 8 14

Elections to certain local authorities in 1994.

14.—(1) An election of members of every local authority being the council of a borough (other than a county borough), the council of an urban district, or the commissioners of a town shall be held in the year 1994 on such day as is appointed by order of the Minister under this section and such elections shall be local elections and the law for the time being in force in relation to local elections shall apply to such elections.

(2) The provisions of *section 21* shall apply to an order made under this section.

(3) The term of office of the members of every local authority elected at the elections referred to in *subsection (1)* shall terminate in the year 1998 so as to be in accordance with the holding of local elections in that year.

1994 8 15

Harbour authorities.

15.—(1) The year 1994 shall be deemed to be an election year as respects local authorities to which *section 14* applies for the purposes of sections 10 (1) (a) and 14 of the [Harbours Act, 1946](#).

(2) The term of office of those members of a harbour authority (within the meaning of the [Harbours Act, 1946](#)) who were appointed by a local authority referred to in *subsection (1)* current on the commencement of this section shall terminate in the year 1994 so as to be in accordance with the provisions of

[section 14 \(2\)](#) of the [Harbours Act, 1946](#).

(3) The year 1998 and every year thereafter which is a year in which elections of members of councils of counties are held shall be an election year for the purposes of the [Harbours Act, 1946](#), and the term of office of those members of a harbour authority who are appointed by a local authority referred to in *subsection (1)* in the year 1994 shall terminate in the year 1998 so as to be in accordance with this subsection and [section 14 \(2\)](#) of the [Harbours Act, 1946](#).

1994 8 16

Vocational education committees.

16.—(1) The term of office of—

(a) the members of a vocational education committee for an urban district vocational education area elected by a local authority to which *section 14* applies, and

(b) those members of a vocational education committee for a county vocational education area who were elected by a local authority referred to in *paragraph (a)*,

current at the commencement of this section shall terminate in the year 1994 so as to be in accordance with the provisions of [section 10 \(3\)](#) of the [Vocational Education Act, 1930](#).

(2) (a) The year 1994 shall be deemed to be an election year as respects vocational education committees referred to in *subsection (1) (a)* and as respects those members of vocational education committees referred to in *subsection (1) (b)*.

(b) The year 1994 shall not be an election year as respects vocational education committees or members of vocational education committees, as the case may be, other than those referred to in *paragraph (a)*.

(3) A quinquennial meeting of a vocational education committee referred to in *subsection (1) (a)* shall be held in the year 1994.

(4) The year 1998 and every year thereafter which is a year in which local elections are held shall be an election year for the purposes of the Vocational Education Acts, 1930 to 1993, and the term of office of those members of a vocational education committee who are elected by a local authority referred to in *subsection (1)* in the year 1994 shall terminate in the year 1998 so as to be in accordance with this subsection and [section 10 \(3\)](#) of the [Vocational Education Act, 1930](#).

1994 8 17

Alteration of boundaries for purposes of certain local

17.—(1) The Minister may by regulations and by reference to a

elections.

submitted map within the meaning of this section alter the boundary of any borough, urban district or town having town commissioners, specified in the regulations, for the purposes of the elections to be held in 1994 pursuant to *section 14* and for local elections thereafter. Where regulations have been made under this subsection, the area of any borough, urban district or town specified in the regulations shall, for the purposes of those elections (and only for such purposes) be the area contained within the altered boundary and the local government electors registered in respect of such area shall be entitled to vote at those elections.

(2) Where a proposed boundary alteration shown on a submitted map would involve the inclusion in a borough or urban district of an area which is located in a county other than the county in which the said borough or urban district is situate, regulations under *subsection (1)* may provide for the simultaneous alteration of the boundary between the two counties in question so as to correspond with the boundary of the borough or urban district altered by those regulations and on the coming into operation of such regulations the said county boundary shall accordingly also stand so altered for the purposes of the elections referred to in that subsection and for the purposes of the next elections to the councils of the counties in question and for local elections thereafter.

(3) Regulations under *subsection (1)* shall apply notwithstanding the provisions of any other enactment relating to the alteration of boundaries and may include all such provisions as the Minister may consider necessary to enable a boundary alteration to have effect for the purposes of elections to a local authority.

(4) (a) The Minister may by regulations under this subsection provide that an alteration of the boundary of a borough, urban district or town effected by regulations under *subsection (1)* shall (in addition to having effect for the purposes specified in that subsection) have effect for such other purposes as may be specified in the regulations and the regulations may—

- (i) make a provision similar to or to the same effect (with any modifications which the Minister may consider appropriate in the particular circumstances) as any provision contained in the Second Schedule to the [Local Government \(Reorganisation\) Act, 1985](#),
- (ii) do any thing which may be done by order under section 24 of that Act,
- (iii) make such other provision (if any) as the Minister shall think proper, in relation to any matter whatsoever related to or connected with

the proposed boundary alteration for such other purposes.

(*b*) Regulations shall not be made under this subsection in respect of a borough, urban district or town unless either—

(i) a reorganisation report has been submitted under *section 56* and the Minister has considered any proposals therein which may have a bearing on matters which are the subject of the regulations, or

(ii) there are in the opinion of the Minister in a particular case exceptional circumstances for altering the relevant boundary for purposes specified in the regulations in advance of such submission and agreement has been reached and satisfactory arrangements have been made by the local authorities concerned as respects all matters related to or connected with the proposed boundary alteration.

(5) The Commissioner of Valuation ("the commissioner") shall, by reference to a submitted map, but without prejudice to *subsection (8)*, prepare for each county, borough, urban district and town the boundary of which is altered by regulations under this section, a map, in quadruplicate, or in quintuplicate in any case where the boundary between two counties is altered, drawn to such convenient scale and in such convenient number of separate sheets as the commissioner thinks fit, showing the boundaries of the said county or counties, borough, urban district or town as so altered and when such maps have been prepared, the commissioner shall seal each such map and shall, as soon as may be thereafter, deposit them as follows, namely, one of them in the principal office of the commissioner, one in the offices of the Minister, one in the principal office of the relevant borough corporation, urban district council or town commissioners and one in the principal office of the relevant county council or county councils.

(6) Every map deposited pursuant to *subsection (5)* in the principal office of the commissioner or of a local authority shall be retained in the office in which it is so deposited, and each such map, or true copies thereof, shall be open for inspection free of charge at the office in which it is so deposited by any person at any time at which such office is open for the transaction of public business, and it shall be lawful for the commissioner, or the relevant local authority to prepare and supply to any person requesting the same a true copy of any map so deposited or any particular part thereof and to charge for such copy such sum as the commissioner (with the consent of the Minister for Finance) or the local authority in question, may fix.

(7) It shall be the duty of the commissioner and of a local authority which retains a map pursuant to *subsection (6)*, whenever required so to do by any Court of Justice, to prepare and produce to the Court a true copy of such map or any specified part thereof and to verify the copy to such Court by the oath of an officer of the commissioner or local authority as the case may be (whose official position it shall not be necessary to prove) and the Court shall receive the copy in evidence and thereupon the copy shall, unless the contrary is shown, be sufficient evidence of the boundary (in so far as the same is shown on the copy) of the county, borough, urban district or town to which the copy purports to relate, notwithstanding any discrepancy between the copy and any submitted map.

(8) In preparing the said maps the commissioner may notwithstanding—

(a) any description in any other enactment of any boundary of a county, borough, urban district or town or of any alteration of such, or

(b) any such boundary as shown on a submitted map or a map prepared pursuant to any enactment prior to the commencement of this section,

fix the boundary of any county, borough, urban district or town so as to avoid any minor anomaly such as the division of any building, other structure or curtilage by such boundary or to remedy any other minor inconsistency insofar as in the opinion of the commissioner such may be necessary.

(9) In this section a "submitted map" means a map certified by a county manager and showing the existing boundary and the proposed new boundary of a town specified in the *Third Schedule*, being a borough other than a county borough, an urban district or a town having town commissioners with the name of the particular borough, urban district or town shown thereon, which map was submitted to the Minister pursuant to a request made to the manager by him prior to the enactment of this Act for the submission of such a map.

(10) For the purposes of the elections referred to in *subsections (1) and (2)* and all matters relating thereto the boundary as shown on a submitted map to which regulations under *subsection (1)* refer shall be the official map for such purposes pending the deposit of the relevant map by the commissioner pursuant to *subsection (5)* and the said submitted map shall continue to be the official map (for the period before, during and after such elections) until such time as the relevant map is deposited by the commissioner in accordance with *subsection (5)*. Pending such deposit a copy of the submitted map shall be retained at the principal offices of the relevant

borough corporation, urban district council, town commissioners and county council or councils (as the case may be) and the provisions of *subsections (6) and (7)* shall apply in respect of each such submitted map and each such local authority as if it were a map deposited by the commissioner under *subsection (5)*.

1994 8 18

Section 17: ancillary provisions. **18.**—(1) Where the boundary of a county is altered by regulations under *section 17* the Minister or any other Minister of the Government, with the consent of the Minister, may by regulations under this section make such provision as the relevant Minister considers necessary or expedient in relation to any matter whatsoever arising from, in consequence of, or otherwise related to such boundary alteration and any provision so made shall, notwithstanding the provisions of any other enactment, apply and have effect accordingly.

(2) The provisions of subsection (1) of section 34 of the Act of 1991 and subsections (3) to (7) of that section shall apply and have effect with all necessary adaptations in relation to regulations under this section and for that purpose, without prejudice to the generality of the foregoing, in the said subsections—

(a) "primary order" shall mean regulations under *section 17* of this Act;

(b) "supplementary order" shall mean regulations made under this section; and

(c) a reference to *subsection (1)* of this section shall be substituted for the reference to "subsection (2)" in the prefix to the said section 34 (1).

1994 8 19

Arrangements with respect to certain polling districts and the register of electors.

19.—(1) Where, consequent on the alteration of the boundary of the area of a local authority under *section 17*, or otherwise a polling district existing immediately before such alteration is not wholly situate within the area of a local authority, the appropriate officer shall with respect to each part of such polling district situate within the area of a local authority—

(a) join it or parts of it with any adjoining polling district or districts within the said area, or

(b) constitute it as a polling district and appoint a polling place for it.

(2) An arrangement made pursuant to *subsection (1)* shall have effect until (and only until) the first scheme under [section 28](#) of the [Electoral Act, 1992](#) in relation to the county or county borough in which the part concerned of the polling district is

situate comes into operation after the making of the arrangement.

(3) An arrangement made pursuant to *subsection (1)* shall, as soon as may be, be notified to the Minister by the appropriate officer.

(4) The appropriate officer shall make such alterations in relation to the part of the register of electors in force as regards a part of a polling district referred to in *subsection (1)* as may be necessary to secure that the part of the register concerned shall be in conformity with the arrangement made pursuant to that subsection and may conveniently be used for the purposes of taking a poll.

(5) In this section "the appropriate officer" means—

(*a*) in relation to any part of a polling district situate in a county borough, the manager for the purposes of the Acts relating to the management of the county borough (including a person duly appointed either as deputy for such manager or to act in the place of such manager during an absence or incapacity or during a vacancy in the office of such manager),

(*b*) in relation to any part of a polling district situate in an administrative county the secretary of the council of the county concerned (including a person duly appointed either as deputy for such secretary or to act in the place of such secretary during an absence or incapacity or during a vacancy in the office of such secretary), or a person assigned to perform the duties of county secretary under this section.

1994 8 20

Year of elections to all local authorities.

20.—(1) (*a*) An election of members of every local authority shall be held in the year 1998 and every fifth year thereafter.

(*b*) Nothing in this subsection shall affect Part IV of the Act of 1941, or any order made under that Part.

(2) The term of office of the members of the council of every county and county borough current on the commencement of this section shall stand extended so as to be in accordance with the holding in the year 1998 of the elections of the members of such councils next after such commencement.

(3) The appointments next after the commencement of this section under [section 10](#) of the [School Attendance Act, 1926](#), shall be made in the year 1998 and shall be regarded as quinquennial appointments.

(4) The term of office of the members of a harbour authority (within the meaning of the [Harbours Act, 1946](#)), other than those members referred to in *section 15*, current on the commencement of this section shall stand extended so as to terminate in the year 1998 and be in accordance with this section and [section 14](#) (2) of the [Harbours Act, 1946](#).

(5) The term of office of the members of a vocational education committee, other than those members referred to in *section 16*, current on the commencement of this section shall stand extended so as to terminate in the year 1998 and be in accordance with this section and [section 10](#) (3) of the [Vocational Education Act, 1930](#).

(6) In the Vocational Education Acts, 1930 to 1993, and in any order or regulation made thereunder, "election year" shall mean any year in which local elections are held pursuant to *subsection (1)*.

(7) The following subsection shall be substituted for subsection (2) of [section 9](#) of the [Harbours Act, 1946](#):

"(2) Every year which is a year in which elections of members of councils of counties are held shall be an election year in respect of a harbour authority."

1994 8 21

Times of poll.

21.—(1) The poll at local elections shall be held on such day and shall continue for such period, not being less than twelve hours, between the hours of 8.00 a.m. and 10.30 p.m., as may be fixed by the Minister by order, subject to the restriction that a day so fixed shall be in the month of June.

(2) An order under this section shall be published in *Iris Oifigi3il* as soon as may be after it is made.

1994 8 22

Conduct of elections.

22.—(1) Local elections shall be held in accordance with regulations made by the Minister under this section and, if an election is contested, the poll shall be taken according to the system of proportional representation, each elector having one transferable vote.

(2) Regulations under this section may, in particular and without prejudice to the generality of the foregoing subsection, include provision for all or any of the following matters in relation to local elections:

- (a) nominations,
- (b) deposits by candidates,

(*c*) deaths of candidates,
(*d*) duties of returning officers,
(*e*) staff of returning officers,
(*f*) taking of polls and counting of votes,
(*g*) use, free of charge, of schools and public rooms,
(*h*) arrangements for postal voting,
(*i*) arrangements for special voting,
(*j*) voting by persons in the employment of returning officers,
(*k*) voting by physically ill or physically disabled electors,
(*l*) polling on islands,
(*m*) issue of polling information cards,
(*n*) maintenance of secrecy of voting,
(*o*) removal of persons misconducting themselves in polling stations,
(*p*) procedure in cases of disorder or obstruction,
(*q*) interference with ballot boxes or ballot papers,
(*r*) the persons who are to be aldermen and their number,
(*s*) election of the same person in more than one local electoral area,
(*t*) adaptation of enactments,
(*u*) the manner in which the costs of local elections are to be paid by local authorities,
(*v*) provisions corresponding to sections 60, 105, 134 to 154, 156 to 160 and 163 of the [Electoral Act, 1992](#), with such modifications as appear to the Minister to be appropriate.

(3) Where a provision of regulations under this section corresponds to a provision of the [Electoral Act, 1992](#) which declares a matter to be an electoral offence, the regulations may provide for a corresponding offence in relation to local elections and lay down a penalty therefor which shall not exceed the relevant penalty specified in section 157 of that Act.

(4) Regulations made under [sections 82](#) of the [Electoral Act, 1963](#) (repealed by this Act) and in force at the commencement of this section shall continue in force and shall have effect as if made under this section.

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

(6) No local election shall be invalid by reason of non-compliance with any regulation under this section, or any mistake in the use of forms provided for by any such regulation, if it appears to the court having cognisance of the question that

the election was conducted in accordance with the principles laid down in the regulations under this section taken as a whole, and that the non-compliance or mistake did not affect the result of the election.

(7) Regulations under this section shall apply to a new election under Part IV of the Act of 1941.

(8) In this section "transferable vote" has the meaning assigned to it in [section 37](#) of the [Electoral Act, 1992](#).

(9) A decision to issue polling information cards in accordance with regulations under this section shall be a reserved function.

1994 8 23

Right to vote at local elections. **23.**—(1) For the purposes of this section and subject to this Part and regulations made thereunder, every person whose name is on the register of local government electors prepared under Part II of the [Electoral Act, 1992](#) ("the register") for the time being in force for a local electoral area, and no other person, shall be entitled to vote at the poll at a local election in that area.

(2) A person's name shall be taken to be on the register if it includes a name which, in the opinion of the returning officer or presiding officer, was intended to be the person's name.

(3) A person who has voted at a local election shall not in any legal proceeding be required to state for whom he or she has voted.

(4) A person—

(a) who is registered in the register for the time being in force for a local electoral area but is not entitled to be so registered, or

(b) who is not registered in the register,

shall not vote at the poll at a local election in that area.

(5) Nothing in this section shall be construed as entitling any person to vote who is not entitled to do so, or as relieving that person from any penalties to which that person may be liable for voting.

1994 8 24

Local electoral areas. **24.**—(1) The Minister may by order—

(a) subject and without prejudice to Part V of the Act of 1991, divide a county, county or other borough or

urban district into local electoral areas, and
(*b*) of the members of the council, fix the number of such members to be elected for each electoral area and in the case of a county or other borough, the numbers of those members who are to be aldermen.

(2) The number of members of a council of a county, county or other borough or urban district to which an order under this section relates to be elected at an election of members of the council held after the making of the order for each local electoral area specified in the order shall (without prejudice to any subsequent order) be the number fixed by the order for the local electoral area.

(3) Where on the commencement of this section an order is in force dividing a county, county or other borough or urban district into local electoral areas or fixing the number of members for each electoral area, the order shall continue in force in relation to the county, county or other borough or urban district as if it were an order under this section.

(4) The Minister may by order—

(*a*) amend or modify any division made by an order under this section (including an order under this subsection) or alter the number of members of the council of any county, county or other borough or urban district to be elected by virtue of an order under this section (including an order under this subsection or an order deemed by *subsection (3)* to be an order under this section) in respect of any local electoral area in the county, county or other borough or urban district, or
(*b*) in the case of a county or other borough, alter the number of such members who are to be aldermen.

(5) An order under this section shall have effect for the purpose of the election of members of the council of that county, county or other borough or urban district held next after the order is made and thereafter.

(6) Subject to the foregoing provisions of this section at every election of the members of any council of a borough or of an urban district which is not divided into local electoral areas and at every election of the commissioners of a town, there shall be one electoral area which shall, subject to *section 17*, consist of the area of such borough, urban district or town (as the case may be) and all such members shall be elected for such electoral area.

1994 8 25

Cathaoirleach and Leas-
Chathaoirleach.

25.—(1) There shall be a Cathaoirleach and Leas-

Cathaoirleach of each local authority elected from amongst the members of the authority.

(2) (a) A local authority shall, subject to *paragraph (b)*, from amongst its members at every annual meeting elect a Cathaoirleach and Leas-Chathaoirleach.

(b) A member of a local authority who is for the time being under the Standing Orders of either House of the Oireachtas entitled to sit therein, shall, subject to *paragraph (c)*, while so entitled, be disqualified for being elected or for being a Cathaoirleach or Leas-Chathaoirleach of a local authority.

(c) *Paragraph (b)* shall have effect for the purposes of the election of a Cathaoirleach and Leas-Chathaoirleach following the local elections referred to in *section 20* and thereafter and accordingly an order may not be made under *section 3 (1)* bringing that paragraph into operation as regards any member of a local authority prior to those elections.

(3) The Cathaoirleach and Leas-Chathaoirleach of—

(a) Dublin City Council and of Cork City Council shall each be known as the Lord Mayor or Deputy Lord Mayor as the case may be of that city,

(b) any other city council shall be known as the Mayor or Deputy Mayor of that city,

(c) any borough council shall be known as the Mayor or Deputy Mayor of the borough.

(4) Any reference in any other enactment to lord mayor, mayor, chairman, deputy lord mayor, deputy mayor or vice-chairman shall, where the context so requires, be construed as a reference to the Cathaoirleach or Leas-Chathaoirleach, as the case may be.

(5) Anything authorised or required by law to be done by, to or before the Cathaoirleach may be done by, to or before the Leas-Chathaoirleach of the authority.

(6) The Cathaoirleach may, from among the members of the local authority (including the Leas-Chathaoirleach), nominate a member for the purpose of representing the Cathaoirleach at any ceremony or event in that capacity and that member shall be entitled to act in that capacity for such purpose.

(7) Where a casual vacancy occurs in the office of Cathaoirleach of a local authority, the Leas-Chathaoirleach shall assume the responsibilities of the office until the members of the authority elect a Cathaoirleach.

Method of election of
Cathaoirleach.

26.—The election of a Cathaoirleach shall be carried out in accordance with and subject to such arrangements as may be prescribed for that purpose.

1994 8 27

Term of office of Cathaoirleach
or Leas-Chathaoirleach.

27.—(1) Subject to *subsection (2)*, a member who holds the office of Cathaoirleach or Leas-Chathaoirleach shall, unless he or she becomes disqualified under *section 25 (2) (b)*, or resigns under *section 28*, hold that office from election until a successor is elected at the annual meeting of the local authority next after that member's election to that office save that in an election year notwithstanding *subsection (2)*, the provisions of *subsection (3)* shall apply in respect of a Cathaoirleach.

(2) Save as is provided for in *subsection (3)*, the Cathaoirleach or Leas-Chathaoirleach of a local authority shall, upon ceasing to be a member of the authority, cease to be Cathaoirleach or Leas-Chathaoirleach of the authority.

(3) In an election year a Cathaoirleach shall continue to hold that office during the period between the retirement (following the local elections) of the outgoing members and the commencement of the meeting at which a successor is elected to the office of Cathaoirleach unless he or she sooner dies or resigns from the office or becomes disqualified for local authority membership.

(4) An outgoing Cathaoirleach or Leas-Chathaoirleach shall, subject to the provisions of this Act, be eligible for re-election.

1994 8 28

Resignation of Cathaoirleach or
Leas-Chathaoirleach.

28.—The Cathaoirleach or the Leas-Chathaoirleach may, by notice in writing delivered to the principal offices of the local authority, resign from that office and the resultant vacancy shall occur on the day of receipt of such notice.

1994 8 29

Casual vacancy in the office of
Cathaoirleach or Leas-
Chathaoirleach.

29.—(1) Where a casual vacancy occurs in the office of Cathaoirleach or Leas-Chathaoirleach of a local authority the members of the authority present at the meeting of the authority next after the occurrence of the vacancy, or, if that meeting is held within 14 days of the occurrence of the vacancy, at the next following meeting of the authority, shall elect one of their number to be Cathaoirleach or Leas-Chathaoirleach, as the case may be.

(2) *Section 26* shall apply in relation to the election of a

member to fill a casual vacancy in the office of Cathaoirleach.

(3) A person elected to fill a casual vacancy in the office of Cathaoirleach or Leas-Chathaoirleach shall be elected for the remainder of the term of office of his or her predecessor.

(4) Not less than three clear days' notice shall be given to each member of the local authority of a meeting to fill a casual vacancy pursuant to this section.

1994 8 30

Meetings and procedures of local authorities.

30.—(1) The Minister may by regulations make provision in respect of all or any local authorities with respect to meetings and procedures or to any matter arising in connection therewith or related thereto.

(2) Without prejudice to the generality of *subsection (1)* regulations under this section may, in particular, include provision in respect of—

- (a) annual meetings, estimates meetings, ordinary meetings, special or other specified meetings,
- (b) business of meetings,
- (c) place, date and time of meetings,
- (d) notice of meetings,
- (e) summons and agenda,
- (f) quorum,
- (g) failure to hold a meeting,
- (h) commencement and termination of meetings,
- (i) chairman of meeting,
- (i) doing of acts, deciding of questions and methods and procedures for voting generally or in respect of specified matters,
- (k) disclosure of specified interests,
- (l) consideration of motions generally or motions under specified enactments or in respect of specified matters,
- (m) adjournment,
- (n) disorderly conduct,
- (o) record of attendance,
- (p) minutes,
- (q) attendance of persons other than members of the relevant local authority,
- (r) standing orders and specified matters to be included therein,
- (s) the application of any provision of the regulations to specified bodies, and
- (t) specified conditions or requirements to apply in relation to any matter which is the subject of the regulations.

(3) Upon the commencement of regulations under this

section, the matters with respect to which the regulations were made shall, as respects any local authority to which the regulations apply, be governed by the provisions of the regulations, and such previous provisions (whether made by or under statute) as may be specified in the regulations applying to that authority and relating to those matters shall cease to have effect as respects that authority to such extent as may be so specified.

1994 8 31

Provision of amenities, facilities, etc.

31.—(1) A local authority may, pursuant to section 6 of the Act of 1991, on and from the commencement of this section, take such measures, engage in such activities or do such things (including the incurring of expenditure) as it considers necessary in relation to matters mentioned in *subsection (2)*, in accordance with and subject to the provisions of the said section 6, which section shall be so construed and have effect accordingly.

(2) The matters referred to in *subsection (1)* are the provision of—

- (a) amenities, facilities and services related to—
 - (i) artistic and cultural activities,
 - (ii) sports, games and similar activities,
 - (iii) general recreational and leisure activities,
 - (iv) civic improvements,
 - (v) environmental and heritage protection and improvement, and
 - (vi) the public use of amenities,

including, without prejudice to the generality of the foregoing subparagraphs, the provision of any thing specified in the *Fourth Schedule* in respect of those subparagraphs,

- (b) allotments, fairs and markets and amenities, facilities and services related thereto, and
- (c) facilities and services related to the promotion of public safety, including—
 - (i) fire safety,
 - (ii) road safety,
 - (iii) water safety and rescue and mountain and cave safety and rescue.

(3) A local authority may make such charges for the use of, admission to or otherwise in relation to amenities, facilities, services or any other thing provided under section 6 of the Act of 1991 (whether as extended by this section or otherwise) as it considers appropriate.

(4) The repeal by this Act of any enactment under which an

amenity, facility, service, allotment or any other thing was provided prior to such repeal by a local authority shall not affect the continuing provision of such thing by that local authority and the provisions of this section shall apply thereto.

(5) Nothing in this section shall be construed as limiting the operation of section 6 of the Act of 1991.

1994 8 32

Library authorities.

32.—(1) Each of the following shall be a library authority—

- (a) the council of a county, and
- (b) the corporation of a county borough.

(2) A joint library committee standing established at the commencement of this section under any of the enactments repealed under *section 4* shall continue to stand so established after such repeal as if it had been established under section 38 of the Act of 1991 and Part VI of that Act shall, on the commencement of this section, apply and have effect accordingly in relation to such joint library committee.

1994 8 33

Powers of library authorities.

33.—(1) A library authority may take such measures, engage in such activities or do such things in accordance with law (including the incurring of expenditure) for the provision of library services as it considers necessary or desirable.

(2) A library authority may, in particular, arrange for the provision of—

- (a) premises and facilities (including mobile facilities) for the borrowing of and reference to books, other printed matters, tapes, discs, slides, videos and such other material as is considered appropriate,
- (b) activities and events of educational, cultural, recreational or similar interest,
- (c) such information services as can in its opinion be supplied in conjunction with its functions as a library authority.

(3) A library authority shall not by virtue of *subsection (1)* or *(2)* undertake any activity which in its opinion would unnecessarily duplicate activity arising from the performance of a statutory function by any other public authority or person.

(4) A library authority may make such arrangements as it considers desirable for the provision of library services to any other library authority, public authority or other body (including

a school) or by any such body to that library authority.

(5) A library authority shall from time to time prepare and adopt a programme for the operation and development of its library service.

(6) A library development programme shall include—

- (a) an outline of the existing service;
- (b) the development objectives and priorities for the library service;
- (c) the measures taken or proposed to be taken to secure those objectives;
- (d) the financial or other implications of the programme;
- (e) such other matters as are considered necessary by the library authority or as the Minister may specify.

(7) The adoption of a library development programme shall be a reserved function.

(8) For the avoidance of doubt it is hereby declared that a library authority shall, following the repeal by this Act of the Public Libraries (Ireland) Act, 1855, have power to acquire land, by agreement or compulsorily.

1994 8 34

An Chomhairle Leabharlanna.

34.—(1) In this section "the Act of 1947" means the [Public Libraries Act, 1947](#).

(2) Notwithstanding the repeal of the Act of 1947 by *section 4*, the body known as An Chomhairle Leabharlanna ("the Council") standing established at the commencement of this section shall continue to stand established and shall continue to be a body corporate with perpetual succession and a seal, and power to sue and be sued in its corporate capacity and hold land.

(3) Judicial notice shall continue to be taken of the seal of the Council, and every document purporting to be sealed with the seal of the Council and to be authenticated in the manner prescribed shall, unless the contrary is proved, be deemed to have been duly and lawfully so sealed and be received in evidence without further proof and, in particular, without proof of any signature affixed to such document for the purpose of such authentication and without proof of the office or authority of the person whose signature such signature purports to be.

(4) A person who immediately before the commencement of this section was either the chairman or any other member of the Council shall continue to hold that office until the next

appointment of members.

(5) The functions of the Council shall, subject to *subsection (7)*, be the functions prescribed in the Act of 1947 and such other functions as may be specified in regulations under that subsection.

(6) Upon repeal of the Act of 1947 and the commencement of regulations under *subsection (7)*, the Council shall operate in accordance with this section and with the provisions of such regulations without prejudice to the continued application of the [Local Authorities \(Officers and Employees\) Act, 1926](#), to an office under the Council in so far as it applies on the commencement of this section.

(7) (a) The Minister may make regulations for the purposes of the continued establishment and operation of the Council.

(b) Without prejudice to the generality of *paragraph (a)* regulations for such purposes may contain provisions in relation to the expenses, funding and functions of the Council, to any matter provided for in the Act of 1947 or any matter which may be included in an order under the [Local Government Services \(Corporate Bodies\) Act, 1971](#), or such other provisions as the Minister may think proper for the purposes of this section.

1994 8 35

Application of section 8 (1) of the Act of 1991.

35.—For the avoidance of doubt it is hereby declared that the powers conferred on a local authority by section 8 (1) of the Act of 1991 shall extend to anything which is related to the general administration or operation of the authority and also that the reference to a function conferred on a local authority in that section shall be construed as referring to all such functions as may at any material time stand conferred on the local authority by or under any enactment (including that Act and this Act) and accordingly every enactment relating to a function of a local authority shall be construed and have effect in accordance with the provisions of the said section 8 (1).

1994 8 36

Interpretation of *Part VII*.

36.—(1) In this Part, except where the context otherwise requires—

"the appropriate Minister" means, in relation to any matter, the Minister of the Government on whom functions stand conferred in respect of such matter;

"land" includes any structure, trees, plants or other flora, and any land covered with water (whether inland or coastal);

"structure" means any building, erection, structure (including a movable structure), excavation or any other thing, constructed, erected, made or placed on, in or under any land, or any part of a structure so defined, and, where the context so admits, includes the land on, in, or under which the structure is situate.

(2) In this Part, except where the context otherwise requires, a reference to a bye-law is a reference to a bye-law made under this Part.

1994 8 37

Power to make bye-laws.

37.—(1) A local authority may, subject to *subsection (8)*, make a bye-law for or in relation to the use, operation, protection, regulation or management of any land, services, or any other thing whatsoever provided by or under the control or management of the local authority or in relation to any matter connected therewith.

(2) (a) A local authority may, subject to this subsection and *subsection (8)*, where in its opinion it is desirable in the interests of the common good of the local community that any activity or matter should be regulated or controlled or that any nuisance should be controlled or suppressed, make a bye-law for that purpose.

(b) A bye-law may not be made under this subsection for a purpose as respects which provision for that particular purpose is made by or under any other enactment or may be made under such enactment.

(3) The power to make bye-laws conferred by—

(a) [sections 30](#) of the [Local Government \(Sanitary Services\) Act, 1948](#),

(b) [section 4](#) (4) of the [Litter Act, 1982](#), and

(c) [section 17](#) of the [Control of Dogs Act, 1986](#),

shall in each case be construed as if it were a power to make bye-laws under this Part and bye-laws made pursuant to any such enactment may, after the commencement of this subsection, include any thing which may be included in bye-laws made under this Part (in addition to anything which prior to such commencement could be included in bye-laws made under such enactment) and the provisions of this Part shall apply and have effect accordingly in relation to any such bye-laws made after such commencement.

(4) A bye-law may include such provisions as the local

authority considers appropriate for its effective application, operation and enforcement and generally to achieve the purposes for which it is made, including—

- (*a*) its application at all times or at specified times;
- (*b*) its application throughout the functional area of the local authority or in any specified part of that functional area;
- (*c*) the prohibition of any activity, matter or thing;
- (*d*) the prescription of specified standards or requirements for specified matters or things;
- (*e*) the exception of classes of persons or things from the bye-law either subject to or without compliance with specified conditions;
- (*f*) the conduct of persons at specified places or in specified circumstances;
- (*g*) the issue of licences or other authorisations by the local authority subject to or without condition and to have effect permanently or for a specified period;
- (*h*) the payment of a fee or charge at a specified time by any person in respect of any specified matter governed by a bye-law;
- (*i*) the specification of a fine being less than €1,000, for a contravention of a specified provision of a bye-law.

(5) (*a*) A local authority may, subject to the provisions of this Part, amend a bye-law.

(*b*) A local authority may revoke a bye-law with effect from such day as is specified in the resolution.

(6) The approval of a draft bye-law, the consideration of submissions in relation to such draft bye-law and the making, amendment or revocation of a bye-law, shall be a reserved function.

(7) The power of a local authority to make a bye-law in respect of its functional area shall include a power to make a bye-law in respect of the foreshore and of coastal waters adjoining that functional area and with the agreement of any other local authority, of the coastal waters adjoining the functional area of that other local authority.

(8) The appropriate Minister may by regulation prescribe matters or classes of matters in respect of which local authorities shall not be entitled to make a bye-law.

(9) Where for given reasons the appropriate Minister considers that a bye-law or any provision thereof is objectionable and so notifies the local authority in writing then, if the local authority does not revoke or amend the bye-law in conformity with the notice, that Minister may by order do so

with effect from a specified day. *Section 3 (1)* shall not apply to any such order.

1994 8 38

Procedure for making a bye-law. **38.**—(1) Not less than two months before making a bye-law, the local authority shall publish a notice in one or more newspapers circulating in the area to which the proposal relates—

(*a*) indicating that it is proposed to make a bye-law and stating its general purpose,

(*b*) indicating the times at which and the period (which shall be not less than one month) during which a copy of the draft bye-law will be available for public inspection, free of charge, at such place as is specified in the notice,

(*c*) stating that a copy of the draft will be given to any person applying therefor on payment of such specified sum, if any, as the local authority may have fixed,

(*d*) stating that the local authority will consider any submissions in relation to the draft which are submitted to the authority in writing by any person before such date as may be specified, not being less than seven days after the end of the period for inspection of the draft, and

(*e*) where a bye-law is subject to the approval of the appropriate Minister the notice shall comply with *section 39 (2) (b)*.

(2) The local authority shall, during the stated period, being not less than one month, keep a copy of the draft bye-law open for public inspection, free of charge, during ordinary office hours at the place specified in the notice in that behalf and shall provide a copy of the draft to any person applying therefor on payment of such reasonable sum, if any (being a sum not exceeding the reasonable cost of making the copy) as may be fixed by the local authority.

(3) The local authority shall consider any submissions made to it under *subsection (1)* and not withdrawn and may then make the bye-law either in accordance with the draft or subject to such changes as the local authority may, at its discretion, determine.

(4) (*a*) A bye-law made by a local authority, other than a bye-law to which *section 39* applies, shall come into force on such date as shall be specified therein, being not less than 30 days after its making.

(*b*) A bye-law to which *section 39* applies shall not come into force unless approved by the appropriate Minister under that section.

1994 8 39

Certain bye-laws to be submitted to the appropriate Minister.

39.—(1) This section shall apply to a bye-law which by virtue of regulations under *subsection (2)* is required to be submitted to the appropriate Minister.

(2) (a) The appropriate Minister may by regulations designate any matter or classes of matters in relation to which a bye-law shall require the approval of that Minister and any such bye-law shall not come into force unless so approved.

(b) *Section 38* shall, subject to the provisions of this section, apply to a bye-law to which this section applies but a notice to be published by the local authority pursuant to *section 38 (1)* shall state that the bye-law to be made by the local authority shall be subject to the approval of the appropriate Minister and that the authority is required to submit all submissions which it receives to that Minister together with its comments (if any) thereon.

(3) A local authority shall, as soon as may be after the making under *section 38* of a bye-law to which this section applies, submit a copy to the appropriate Minister together with a copy of any submissions received by the authority and any comments which it may have on them.

(4) The appropriate Minister, having considered the documents submitted by the local authority pursuant to *subsection (3)*, may—

- (a) approve the bye-law;
- (b) approve the bye-law subject to such amendments as that Minister may direct; or
- (c) refuse to approve the bye-law.

(5) A bye-law approved by the appropriate Minister shall come into force (with or without amendments as the case may be) on such date as that Minister may direct.

1994 8 40

Offences and penalties.

40.—(1) A person who contravenes a provision of a bye-law shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,000 or such lesser amount as may be specified in a bye-law under this Part in respect of such contravention.

(2) If the contravention of a provision of a bye-law (other than a contravention for which a lesser amount is specified in a bye-law) is continued after conviction, the person causing the contravention shall be guilty of a further offence and shall be liable on summary conviction to a fine not exceeding €100 per

day.

(3) An authorised person may request any person who appears to be contravening or to have contravened a provision of a bye-law relating to any land, service or any other thing provided by or under the control or management of the local authority to leave such land or to refrain from any activity and may remove any person failing to comply with such request.

(4) (a) A person who obstructs or impedes or refuses to comply with a request of an authorised person acting in the exercise of the functions conferred on an authorised person by this Part shall be guilty of an offence.

(b) Where an authorised person is of the opinion that a person is committing or has committed an offence to which this section relates, the authorised person may demand the name and address of such person and if that demand is refused or the person gives a name or address which is false or misleading, that person shall be guilty of an offence.

(c) A person who is convicted of an offence under this subsection shall be liable on summary conviction to a fine not exceeding €1,000.

(d) Where a member of the Garda SMochAna is of the opinion that a person is committing or has committed an offence to which this section relates, that member may arrest the person without warrant.

(5) A person shall not be bound to comply with a request of an authorised person under this section unless the authorised person produces, if requested by the person, evidence of appointment as an authorised person for the purpose of this Part.

(6) Where an offence under this section is committed by a body corporate and the offence is proved to have been committed with the consent or connivance of, or to be attributable to any neglect on the part of, any director, manager, secretary or other similar officer of the body or any person who was purporting to act in any such capacity, that officer or person, as well as the body, shall be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

(7) An offence under this section may be prosecuted by the local authority which made the relevant bye-law, by any other local authority acting on its behalf or by a member of the Garda SMochAna.

(8) All fines in respect of offences under this Part shall be paid to the local authority by which the relevant bye-law was

made.

(9) It shall be the duty of a local authority whenever required so to do by any Court of Justice, to produce to the court a true copy of the bye-law and to verify the copy to such court by having endorsed thereon a certificate signed by an officer of the local authority, whose official position it shall not be necessary to prove, by which the bye-law was made and the court shall receive the copy in evidence and thereupon, the copy shall, unless the contrary is shown, be sufficient evidence of the bye-law.

(10) In this section "authorised person" means a person authorised in writing by a local authority for the purpose of this section.

1994 8 41

Fixed payment notices.

41.—(1) A bye-law may provide for a person to be served with a notice, specifying a fixed payment, not exceeding such amount as may be prescribed, in respect of a contravention of a bye-law as an alternative to a prosecution for the contravention and where the bye-law so provides it shall specify—

- (a) the amount of the fixed payment, and
- (b) the period within which it must be paid in order to avoid prosecution.

(2) A notice referred to in *subsection (1)* shall specify—

- (a) the name and address of the alleged offender;
- (b) in general terms the nature of the contravention alleged to have been committed;
- (c) the date and place of the alleged contravention;
- (d) the amount of the payment;
- (e) the period within which and the place where the fixed payment may be made; and
- (f) that the alleged offender is entitled to disregard the notice and defend a prosecution of the alleged contravention in court.

1994 8 42

Publication of bye-laws.

42.—(1) A bye-law shall, as soon as may be after it has been made, or approved in the case of a bye-law to which *section 39* applies, be published in *Iris Oifigi3il* and notice of its making or approval and of the place where copies of the bye-law may be purchased or inspected shall be published in one or more newspapers circulating in the area to which the bye-law relates.

(2) The notice referred to in *subsection (1)* shall include—

- (a) a statement of the general purposes for which the bye-law was made,
- (b) the date on which it comes into force,
- (c) a statement that a copy of the bye-law may be inspected, free of charge, during ordinary office hours, at the principal office of the local authority, and
- (d) a statement that a copy of the bye-law will be given to any person applying therefor on payment of a specified fee, not exceeding the reasonable cost of making such copy.

(3) The local authority shall keep a copy of the bye-law open for public inspection, free of charge, during ordinary office hours, at the principal offices of the local authority, and shall give a copy of the bye-law to any person applying therefor on payment of such reasonable sum, if any, being a sum (not exceeding the reasonable cost of making the copy) as may be fixed by the local authority.

(4) Failure to publish notice of the making of, or as appropriate, the approval of, or to make available a copy of, a bye-law shall not invalidate that bye-law.

(5) (a) Where the bye-law relates to the use, regulation or management of land provided by a local authority, a local authority shall endeavour to keep a notice that a bye-law applies displayed at or near such land.

(b) Failure to provide or to keep such notice pursuant to *paragraph (a)* shall not be a defence in a prosecution for contravention of a provision of a bye-law.

(6) (a) A local authority shall maintain a register of bye-laws made by it under this Part.

(b) The said register shall be available for public inspection at the principal offices of the local authority during normal office hours.

(c) The register shall include the date of the coming into operation, the area of application, and an indication of the subject matter of all bye-laws made by the authority.

1994 8 43

Continuation in force of existing **43.**—(1) Every bye-law made by a local authority under a provision of an enactment repealed by this Act shall continue in force for a period of 3 years from the date of the coming into operation of such repeal and shall, unless it was earlier revoked by a bye-law under this Part, thereupon cease to have effect.

(2) A bye-law made under this Part may revoke a bye-law

made by a local authority under any provision of any enactment repealed by this Act or a bye-law made under any other enactment which relates to matters governed by the first mentioned bye-law.

(3) For the avoidance of doubt it is hereby declared that any matter governed by a bye-law referred to in *subsection (1)* may be the subject of a bye-law made under this Part.

(4) The Minister may by regulations under this section in relation to any provision of any enactment which confers on a local authority a power to make bye-laws apply some or all of the provisions of this Part and any such bye-law shall be subject to such provisions as are so applied and the provision of the relevant enactment shall be construed accordingly. Nothing in this subsection shall affect the provisions of *section 3 (5)*.

1994 8 44

Amendment of section 10 of the Act of 1955. **44.**—The following section is hereby inserted after section 10 of the Act of 1955:

"10A. (1) If, at any time, an estimate of expenses for a local financial year has been adopted by a local authority (in accordance with section 10 (4) of this Act), and, having regard to any submission by the manager, it appears to the Minister that it is insufficient to defray the expenses to be incurred by the authority in that financial year in—

(a) maintaining at a reasonable standard the public services for the maintenance of which the local authority is responsible, and

(b) paying to any other body any sums which the local authority are bound to supply to that body,

the Minister may by notification in writing require the local authority, by resolution to revoke or to amend, whether by addition, omission or variation, the estimate of expenses, including a rate in the pound and any charges determined in accordance with such estimate of expenses.

(2) Within twenty-one days after the date of notification of a requirement under subsection (1) of this section, the local authority shall comply with such requirement. Upon failure by a local authority to comply with such a requirement, the Minister may by order remove from office the members of the local authority.

(3) A local authority may, pursuant to a requirement under subsection (1) of this section, by resolution adopt a revised estimate of expenses in accordance with subsection (4) of

section 10 of this Act, as if no earlier estimate of expenses had been adopted.

(4) In adopting a revised estimate of expenses a local authority may, by resolution—

(a) revoke a rate in the pound determined in accordance with the original estimate of expenses and determine a new rate in the pound for such rate or if by reason of any steps already taken for the making, levying or collecting of such rate, such a course is more convenient, determine a rate in the pound of a supplementary rate, for the relevant local financial year,

(b) revoke a charge made under [section 2](#) of the [Local Government \(Financial Provisions\) \(No. 2\) Act, 1983](#) and determine a new charge for that local financial year.

(5) Where a local authority determines under subsection (4) of this section a rate in the pound of a supplementary rate, pursuant to a requirement under subsection (1), it shall be the duty of the local authority to make, levy, collect and recover such supplementary rate.

(6) Where a local authority in relation to whom a requirement is made under subsection (1) of this section, adopts by resolution a revised estimate of expenses under subsection (3) of this section, including the determination of a new rate in the pound or a rate in the pound of a supplementary rate and any charge which, in the opinion of the Minister, is insufficient for the purposes set out in subsection (1) of this section, the Minister may by order remove from office the members of the local authority.

(7) For the purposes of Part IV of the [Local Government Act, 1941](#), an order under subsection (2) or (6) of this section shall be deemed to be an order under section 44 of that Act, as amended by the [Local Government Act, 1946](#), and the removal from office of the members of the local authority concerned shall be deemed to be a removal from office under that section.

(8) Where a person or persons has or have been appointed under Part IV of the [Local Government Act, 1941](#) to be a commissioner or commissioners for a local authority whose members have been removed from office, such person or persons may revoke any estimate of expenses adopted (whether subsequently revised or otherwise), prior to their appointment, by the local authority for the relevant local financial year and adopt an estimate of expenses as if no earlier estimate of expenses had been adopted for that financial year and for such

purposes—

(a) revoke any determination by the local authority of a rate in the pound of a rate for the current or the next local financial year as had been made before their appointment (whether it is the first determination of a rate in the pound, the determination of the rate in the pound of a new rate or the determination of the rate in the pound of a supplementary rate) and may determine the rate in the pound of such rate as if no earlier determination had been made or may determine a rate in the pound of a supplementary rate for such local financial year and make, levy, collect and recover such rate or supplementary rate, and

(b) revoke any charge, determined by resolution in the estimate of expenses adopted (whether subsequently revised or otherwise), prior to their appointment, by the local authority, for the current or next local financial year and determine any charge as if no earlier charge had been determined.

(9) The law relating to the determination by a rating authority of the rate in the pound of a rate shall apply, subject to any necessary modifications, to the determination pursuant to this section of the rate in the pound of any rate.

(10) The law relating to making, levying, collecting and recovering, by a rating authority of rates shall apply, subject to any necessary modifications, to the making, levying, collecting and recovering pursuant to this section of any rates.

(11) If any difficulty arises in relation to the determination pursuant to this section of the rate in the pound of any rate or to the making, levying, collecting or recovering pursuant to this section of any rate, the Minister may by order take all such steps and do all such things as appear to the Minister to be necessary for the purpose of removing such difficulty.

(12) For the avoidance of doubt it is hereby declared that the reference to a local authority in this section shall be construed as a reference to a local authority acting in any capacity whatsoever including as a rating authority, sanitary authority and housing authority."

1994 8 45

Amendment of section 29 of the Act of 1946. **45.**—The following section is hereby substituted for section 29 of the Act of 1946:

"29. (1) A rating authority shall immediately prior to, or as soon as may be after, the beginning of each local financial year, make one rate for the whole financial year (upon the hereditaments liable for rates according to the valuation of each hereditament in the latest valuation list transmitted by the Commissioner of Valuation at the time of adoption of estimates of expenditure) and shall collect such rate in equal moieties, one such moiety for each half year of such local financial year.

(2) A rate made in accordance with subsection (1) of this section shall exclude a valuation which is a specified valuation within the meaning of [section 2](#) of the [Local Government \(Financial Provisions\) Act, 1978](#)."

1994 8 46

Amendment of section 9 of the Local Government (Financial Provisions) Act, 1978.

46.—The following section is hereby substituted for [section 9](#) of the [Local Government \(Financial Provisions\) Act, 1978](#), as inserted by [section 9](#) of the [Local Government \(Financial Provisions\) \(No. 2\) Act, 1983](#):

"9. (1) The Minister shall in relation to a local financial year out of moneys provided by the Oireachtas make a grant to a rating authority.

(2) The Minister shall in respect of each local financial year, as soon as may be, furnish to each rating authority an estimate of the grant which it is proposed to make to the authority under subsection (1) of this section in relation to that local financial year."

1994 8 47

Functions of revenue collectors.

47.—It is hereby declared that, for the purpose of collection of rates, persons holding the office of revenue collector under a local authority are, and shall be deemed to have always been, empowered to exercise and perform as required the statutory powers, functions and duties of rate collectors.

1994 8 48

Amendment of section 19 (1) of the Act of 1941.

48.—Section 19 (1) of the Act of 1941, is hereby amended by the substitution of the following paragraph for paragraph (*m*), inserted by [section 14](#) of the [Local Government Act, 1955](#):

"(*m*) (i) providing for the imposition by local authorities on holders of suspensions from performance of duties (including short-term disciplinary suspensions, not exceeding seven days), the non-payment of remuneration during the continuance of the suspensions and, upon the termination thereof, the forfeiture (in whole or in part), payment or disposal otherwise of remuneration which would, but for the suspensions,

have been paid during the periods thereof,
(ii) regulating the making of *ex-gratia* payments, in certain specified circumstances, during the continuance of the suspensions, other than short-term disciplinary suspensions, and prescribing the conditions to be fulfilled in relation to such *ex-gratia* payments."

1994 8 49

Amendment of section 27 of the Act of 1941. **49.**—Section 27 of the Act of 1941 as amended by [section 18](#) of the [Local Government Act, 1955](#) is hereby further amended by the insertion of the following subsections:

"(7) Notwithstanding subsection (4), whenever an officer is suspended under this section the local authority may, if it thinks fit, make with the consent of the appropriate Minister an *ex-gratia* payment to the suspended officer.

(8) Any sum paid under subsection (7) shall be repayable by the officer to the local authority and may be deducted from any moneys payable by the local authority to such officer.

(9) Any sum paid under subsection (7) shall not be reckoned as salary or emolument for the purposes of schemes or regulations made under the [Local Government \(Superannuation\) Act, 1980](#)."

1994 8 50

Submission of certain statutory requests to the Local Appointments Commissioners. **50.**—Notwithstanding section 5 (3) of the Act of 1955, the request to the Local Appointments Commissioners provided for by [section 6](#) of the [Local Authorities \(Officers and Employees\) Act, 1926](#), shall be deemed to have been submitted in respect of the office of a manager, filled in accordance with the provisions of section 47 of the Act of 1991 and any order thereunder, six months in advance of the expiration of the tenure period.

1994 8 51

Appointment of deputy managers.

51.—(1) (a) A manager who will for any reason, other than suspension from duty, be temporarily unable to act may, after consultation with the appropriate person, appoint an officer of a local authority to be deputy manager for the duration of such inability and may at any time terminate such appointment.

(b) Where a manager has for any reason become temporarily unable to act and either has not made an appointment under *paragraph (a)* or an appointment made under the said paragraph has become terminated under the said paragraph or on account of the death or resignation of the appointee, the appropriate person may

appoint an officer of a local authority to be deputy manager for the remainder of the duration of such inability. The appropriate person may at any time terminate such appointment.

(c) Notification of an appointment under *paragraph (a)* or *(b)* shall be sent to the Minister and every member of every local authority concerned as soon as may be after the appointment is made.

(2) The Minister may appoint an officer of a local authority to be deputy manager if a manager is for any reason temporarily unable to act and an appointment under *subsection (1)* is not for the time being in force. The Minister may at any time terminate such appointment.

(3) A deputy manager shall, during the continuance of the inability of the manager or until the appointment is sooner terminated under *subsection (1)* or *(2)* or on account of death or resignation, act as manager and, for that purpose, a reference in any provision made by or under this or any other Act to a manager shall be construed, where appropriate, as a reference to the deputy manager.

(4) In this section "appropriate person" means the cathaoirleach of the relevant county council or county borough council.

1994 8 52

Amendment of section 17 of the Act of 1955. **52.**—Section 17 of the Act of 1955 is hereby amended by—

(a) the substitution of the following subsection for subsection (1):

"(1) The manager of a local authority may delegate any function performable by such manager to any officer of the authority.",

(b) the deletion of the word "approved in subsection (2) (c)", and

(c) the deletion of subsection (10).

1994 8 53

Local Government
Reorganisation Commission.

53.—(1) There shall stand established on such day as the Minister may appoint by order a body to be known as the Local Government Reorganisation Commission ("the Commission").

(2) The provisions of the *Fifth Schedule* shall apply to the Commission.

1994 8 54

Chairperson and members.

54.—(1) The Commission shall consist of not more than seven

members one of whom shall be the chairperson.

(2) The chairperson shall be appointed by the Minister.

(3) The members shall be appointed by the Minister and shall include—

- (a) a member of a county council,
- (b) a member of a local authority other than a county council or a county borough council,
- (c) a county manager,
- (d) a person having knowledge or experience of local authority staffing matters,
- (e) a person having knowledge or experience in the field of business, commerce or administration,
- (f) an officer of the Minister.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, of who is a member of the European Parliament, shall, while such person is so entitled or is such a member, be disqualified for becoming or being a member of the Commission.

(5) Nothing in this section shall affect the appointment of a person to fill a casual vacancy pursuant to *article 2* of the *Fifth Schedule*.

1994 8 55

Guidelines for Commission.

55.—(1) In this section and *section 56*, except where the context otherwise requires, a reference to a town includes a reference to a borough (other than a county borough), an urban district, a town for which town commissioners are elected, and a town to which *section 56 (1) (c)* applies.

(2) In the preparation of a report pursuant to *section 56* the Commission shall have regard to—

- (a) the need to secure maximum benefit from the operation of the local government system generally, including the representation of local community interests;
- (b) the need for effectiveness, efficiency and economy and to ensure that the best use is made of available resources in the operation of the local government system and in particular to safeguard the position of county councils as the primary units of local government;
- (c) the need to ensure there is no avoidable increase in financial demands on the Exchequer or on local authorities with consequential implications for taxpayers and locally and that there is no avoidable increase in

existing staff numbers and costs;
(*d*) community identity, civic tradition, local capabilities and capacities and the provision of a proper system of local government for towns consistent with the foregoing paragraphs; and
(*e*) such submissions as may be made to it pursuant to *section 57*.

1994 8 56

Reorganisation report.

56.—(1) The Commission shall prepare and submit to the Minister a reorganisation report which shall contain proposals as to—

(*a*) (i) arrangements for satisfactory local government for towns in the State including the number of classes of local authority which should be established for such towns,

(ii) the general role and functions appropriate to each such class of authority,

(iii) financial, staffing and organisational matters in respect of each such class, and

(iv) consequential implications for county councils and the appropriate relationships between each such class and such councils;

(*b*) the appropriate class for each town for which there is a local authority in existence at the commencement of this Part;

(*c*) appropriate criteria and procedures for the establishment of a local authority in a town where there is no local authority;

(*d*) such other (if any) matters relating to local government as the Commission may consider relevant or as the Minister may request;

(*e*) the measures to be taken and the arrangements to be made (including administrative, statutory and transitional arrangements) for the implementation of the proposals.

(2) The Commission shall be independent in the performance of its functions.

1994 8 57

Notice of review.

57.—The Commission shall, as soon as may be after the day appointed under *section 53 (1)*, publish notice of the task it is assigned pursuant to *section 56* and shall—

(*a*) invite submissions from the public,

(*b*) request each local authority to make a submission in relation to the said review, including such information and particulars and within such period, not being less

than two months, as may be specified in the notice.

1994 8 58

Work programme.

58.—(1) The Commission shall commence operations as soon as may be after its establishment and complete its work within a period of 12 months thereafter or such longer period as the Minister may allow. The Commission shall, if requested by the Minister, submit an interim report on any particular aspect of its work.

(2) The Commission may, for the purposes of its reorganisation report, by notice in writing request any local authority to furnish to it such information as it may reasonably require within such period as shall be specified in the request and a local authority shall comply with any such request.

1994 8 59

Implementation of reorganisation proposals.

59.—(1) The Minister may, having considered a reorganisation report of the Commission, by regulations under *subsection (2)* give effect to and provide for the implementation of the proposals made therein, with or without modifications. Different regulations may be made at different times in respect of different matters to allow for the implementation of such proposals on a phased and orderly basis.

(2) Regulations under this subsection may make provision for—

- (a) the constitution of specified classes of local authority, their titles, corporate status and finances;
- (b) the allocation of functions under different enactments to local authorities of different classes and the application to authorities of different classes of specified enactments;
- (c) the relationships between different classes of local authorities and county councils;
- (d) staffing, organisational and other administrative arrangements;
- (e) criteria and procedures for the establishment of a local authority of a particular class for a town for which there is no local authority in existence at the commencement of this Part; and
- (f) such other measures as may be necessary for the establishment of such classes of local authority.

(3) Where it is proposed to make regulations under *subsection (2)* 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 of the draft has been passed by each

such House.

(4) The Minister may by regulations under this subsection provide that any local authority in existence at the time of the making of such regulations shall be a local authority of such class as may be specified therein.

(5) Regulations under *subsection (2)* or *(4)* may contain all such provisions as appear to the Minister to be necessary or expedient for the purposes of or to give full effect to or to facilitate the implementation of the proposals or modified proposals referred to in *subsection (1)* and without prejudice to the generality of the foregoing such regulations may include provision for—

- (a) the reconstitution of a local authority as a local authority of a class referred to in *subsection (2) (a)*;
- (b) the making and operation of transitional arrangements arising from or in relation to such implementation including the preparation of schemes by the relevant managers, to have effect in accordance with the provisions of the regulations, in relation to functions, finances, staffing, property, organisational arrangements or any other things affected by such implementation and for the transfer if such is necessary of any property, officers and employees or any other thing to a specified local authority;
- (c) the adjustment of any matter or thing (including any financial adjustment) that in the opinion of the Minister will arise from the implementation of reorganisation proposals or modified proposals;
- (d) any matter or thing for or in respect of which provision is made by [section 16](#) of the [Local Government \(Dublin\) Act, 1993](#), or for which provision may be made by order under section 9 or 34 of the Act of 1991 with such modifications as the Minister may consider appropriate in the particular circumstances.

(6) Regulations under this section shall have effect notwithstanding the provisions of any other enactment and every such enactment shall be construed and have effect subject to and in accordance with the provisions of the regulations.

1994 8 60

Provision of services to
Commission.

60.—A local authority or a public authority may supply to the Commission, on such terms and conditions as may be agreed upon by the relevant authority and the Commission, any services, including services of staff, required by the Commission for the performance of any of its functions.

1994 8 61

Discharge of certain functions by Minister.

61.—(1) The Minister may by instrument under the Minister's hand or seal delegate to a named officer or to an officer of a specified grade, position or description any function of the Minister specified in the delegation and may revoke the delegation.

(2) A delegation is without prejudice to the right of the Minister to exercise the function.

(3) Every delegated function shall be exercisable and performed by the delegated officer subject to the general superintendence and control of the Minister and to such limitations (if any) as may be specified in the delegation or which may be specified by the Minister at any time thereafter.

(4) In this section, an officer means an officer of the Minister who is an established civil servant for the purposes of the [Civil Service Regulation Act, 1956](#).

1994 8 62

Cesser of Towns Improvement (Ireland) Act, 1854 in certain areas.

62.—(1) The Towns Improvement (Ireland) Act, 1854, ("the Act of 1854") shall cease to apply to the relevant areas referred to in *subsection (4)* and accordingly separate local authority estimates shall no longer be prepared in respect of such areas.

(2) The successor for all purposes of town commissioners established under the Act of 1854 in respect of the relevant areas shall in each case be the council of the county which includes the particular area and all land and other property of the said commissioners shall vest in the council without any conveyance or transfer.

(3) The use of any or all of the relevant areas or of areas generally to which the Act of 1854 applied immediately before the commencement of this section by any other enactment for the purposes of defining the area of application or operation of such enactment or for any similar or related purpose shall not be affected by the cesser of application effected by *subsection (1)* save as may be otherwise so provided by regulations made under this subsection by the Minister responsible for the particular enactment in question and every such enactment shall be subject to and shall have effect in accordance with any such regulations.

(4) The relevant areas for the purpose of this section are the areas of Callan, Fethard, Newcastle West, Rathkeale, Roscommon and Tullow to which the Act of 1854 applies.

1994 8 63

Electoral divisions.

63.—(1) The Minister may by regulations divide the area of any

county, county or other borough, urban district or town into areas to be known as electoral divisions and may vary the name of any such division or make adjustments to the boundaries of any such division or divisions.

(2) Where, immediately before the commencement of this section, any county, county or other borough or urban district, stood divided into areas known as district electoral divisions or wards, those areas shall continue in force but on and from such commencement they shall be known as electoral divisions.

(3) Any reference in any enactment to a district electoral division or a ward, in relation to a county, county or other borough or urban district shall be construed as a reference to an electoral division.

1994 8 64

Local authority associations.

64.—(1) A local authority may hold membership of an association of local authorities referred to at *subsection (2)*.

(2) An association of local authorities means, for the purposes of this section, the General Council of County Councils and the Association of Municipal Authorities of Ireland or any other body which may be established in place of either or both of those bodies, the membership of such association being constituted by local authorities and the general function of such association being to represent the collective interests of the local authorities which constitute its membership (hereinafter referred to as "constituent authorities").

(3) An association of local authorities shall operate in accordance with a constitution adopted by such association.

(4) Without prejudice to any other provisions which may be included in a constitution or other rules or standing orders of an association, the constitution of an association of local authorities shall set out the general functions and objectives of the association and provide for the adoption by the association of annual estimates of expenditure and income, for the keeping of all proper and sufficient accounts of all moneys received or expended by it and of its assets and liabilities, for the audit of such accounts, for the adoption of an annual report on the performance of its functions and for such other matters as are necessary to give effect to its function of representing the collective interests of its constituent authorities and to give effect to the matters set out in *subsection (5)*.

(5) Where a local authority holds membership of an association of local authorities, the following provisions shall

apply:

- (a) the local authority may elect such number of delegates to the association as may be specified in the constitution of that association;
- (b) the local authority may make annual contributions to the funds of that association;
- (c) the association shall provide the local authority with a copy of its constitution and shall consult the local authority regarding any proposed changes in the constitution;
- (d) the association shall, prior to the adoption of its annual estimates, provide the local authority with a copy of its draft estimates, with a copy of the estimates when adopted and with a copy of the audited accounts, annual report and such other reports or statements of the association as may be appropriate;
- (e) for the purpose of *paragraph (d)* the annual estimates shall set out the principal categories of expenditure and income and shall indicate how these relate to the association's estimated financial requirements for the relevant period.

(6) An association of local authorities may carry out such activities as are necessary to represent the collective interests of the local authorities which constitute its membership including the making of submissions to the Minister or other public authorities as regards any matter relating to local government.

(7) An association of local authorities shall, for the purposes of this section, in the course of its activities have regard to —

- (a) its general function of representing the collective interests of its constituent authorities,
- (b) the promotion of the interests generally of local government and of democratic representation of local communities,
- (c) the likely costs and ensuing benefits of its activities,
- (d) the need for effectiveness, efficiency and economy and to minimise demands on the resources of its constituent authorities, and
- (e) any submissions made to it by a constituent authority or by the Minister.

(8) The decision to hold or to cease to hold membership of an association of local authorities shall be a reserved function.

(9) In each local financial year the amounts estimated as necessary to meet any expenses and provide for any liabilities and requirements of a local authority under this section during the following financial year shall be shown separately in a form directed by the Minister in the estimate of expenses, within the

meaning of section 9 of the Act of 1955, of the local authority.

(10) There shall be recorded in the annual report of a local authority for any year particulars of any expenses incurred under this section, and any other relevant particulars relating to membership of an association of local authorities.

(11) The Minister may specify the nature of contributions which may be made under *subsection (5) (b)* or may make regulations for the purposes of any other matter referred to in this section or of any matter relating to or arising from membership by a local authority of an association of local authorities.

(12) A reference in any enactment to "the association of county councils of Ireland", "the Irish County Councils General Council" or "the County Councils General Council" or to any analogous expression shall be construed as a reference to the General Council of County Councils as referred to in *subsection (2)*.

(13) The provisions of this section shall not prejudice the right of any member of a local authority to be a member in his or her own right of a local authority members' association or of the right of any group of such members to appoint a person to represent them on such an association.

1994 8 65

Records and archives of local authorities.

65.—(1) It shall be a function of a local authority, subject to the provisions of this section, to make arrangements for the proper management, custody, care and conservation of local records and local archives and for inspection by the public of local archives.

(2) A local authority may acquire, by purchase, donation, bequest or loan, and undertake the care and conservation of, archival material of local interest which is in the possession of any other person or body (including another local authority).

(3) The Minister may, after consultation with the Director of the National Archives, give advice or directions to local authorities in relation to any matter relating to local records and local archives and, in particular and without prejudice to the foregoing, in relation to—

- (a) the retention, management, preservation, restoration and reproduction of local records and local archives,
- (b) the certification of local records to be unsuitable for classification as local archives, and the review of such certification at specified intervals,
- (c) the availability of local archives for public

inspection,

(*d*) the making and provision of copies and extracts from local archives,

(*e*) circumstances in which local archives, or particular classes of local archives, may be withheld from public inspection,

(*f*) the preparation of guides, lists, indexes and finding aids to local archives,

(*g*) the lending of local archives to appropriate institutions, bodies and societies, whether in the State or elsewhere, and

(*h*) the disposal of local records and local archives.

(4) (*a*) In this section, "local records" includes books, maps, plans, drawings, papers, files, photographs, films, microfilms and other micrographic records, sound recordings, pictorial records, magnetic tapes, magnetic discs, optical or video discs, other machine-readable records, other documentary or processed material made or received, and held in the course of its business or as successor to any other body by a local authority and includes copies of any such records duly made, but does not include—

(i) grants, deeds or other documents of title relating to property for the time being vested in the local authority, and

(ii) any part of the permanent collection of a library, museum or gallery.

(*b*) In this section, "local archives" includes—

(i) such records and documents (and copies of them) as are, at the commencement of this section, held by any local archives service operated by any local authority (whether alone or in co-operation with another person or body);

(ii) archival material acquired by a local authority pursuant to *subsection (2)*;

(iii) other local records which are more than 30 years old, except such records as are certified, in accordance with directions under *subsection (3)*, to be unsuitable for classification as local archives.

(5) [Section 13](#) of the [National Archives Act, 1986](#) shall cease to have effect in relation to records or documents of a local authority.

(6) Without prejudice to *subsection (3)*, the National Archives Advisory Council may advise the Minister on any matter affecting local archives and their use by the public.

(7) Nothing in this section shall affect any rights of a person claiming to be the owner of a document to recover the

document.

(8) The making or supplying of reproductions by or under the direction of a local authority of archives which are held in accordance with this section and are open to public inspection shall not, subject to any terms or conditions under which archival material was acquired under *subsection (2)*, infringe the copyright of such archives.

(9) A person shall not conceal, damage or destroy archives held in accordance with this section and shall not remove, publish or reproduce the whole or any part of any such archives without the written consent of the relevant local authority.

(10) A person who contravenes *subsection (9)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €1,000.

1994 8 66

Removal of difficulties.

66.—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 the purposes aforesaid but no regulations shall be made under this section in relation to a provision of this Act after the expiration of 3 years from the commencement of that provision.

1994 8 67

Amendment of sections 76 to 79 of the Act of 1946.

67.—(1) Sections 76 to 79 of the [Local Government Act, 1946](#) (amended by [section 53](#) of the [Local Government Act, 1955](#)) are hereby amended by the substitution of -

- (a) "the majority of the qualified electors" for "four-sevenths of the ratepayers", and
- (b) "qualified electors" for "ratepayers",

wherever the expressions occur in the said sections.

(2) For the purposes of the said sections, "qualified electors" means every person who in relation to the urban district, town, townland, non-municipal town, street or locality, as the case may

be—

(a) is registered as a local government elector in the register of local government electors for the time being in force, or

(b) not being so registered is the rated occupier of a hereditament other than a hereditament the valuation of which attracts an allowance equal to full abatement of rates pursuant to [section 3](#) of the [Local Government \(Financial Provisions\) Act, 1978](#).

1994 8 68

Expenses.

68.—(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

(2) Expenses under this Act of a local authority being the council of a county shall, save as may be otherwise prescribed, be charged on the county (exclusive of any borough or urban district therein) .

1994 8

FIRST SCHEDULE

Section 4 (1).

ENACTMENTS REPEALED AND ORDER AND REGULATIONS REVOKED

PART I

Enactments Repealed

Session and Chapter or Number and Year	Short Title	Extent of Repeal
(1)	(2)	(3)
3 & 4 Vict. c. 108	Municipal Corporations (Ireland) Act, 1840	Sections 5, 14, 28, 29, 30, 52, 58, 83, 92, 125, 126 and 127.
7 & 8 Vict. c. 106	County Dublin Grand Jury Act, 1844	Sections 5 and 43.
10 & 11 Vict. c.	Commissioners Clauses Act, 1847	Sections 37, 38, 40, 41, 42, 43, 44, 45, 47, 48, 51, 52, 53, 54

16		and 55.
10 & 11 Vict. c. 34	Towns Improvement Clauses Act, 1847	Sections 132, 133, 135, 142, 143, 200, 201, 202, 203, 204, 205, 206, 207 and 208.
15 & 16 Vict. c. 63	Valuation (Ireland) Act, 1852	Sections 27 and 32.
17 & 18 Vict. c. 103	Towns Improvement (Ireland) Act, 1854	Sections 4, 5, 6, 7, 8, 9, 10, 13, 14, 15, 21, 27, 50, 57, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87 and 88. In section 28, the words "meetings and other". In section 55, the words "as relates to things to be done by the commissioners by special order only, and so much thereof as relates to clocks, and so much thereof".
18 & 19 Vict. c. 40	Public Libraries (Ireland) Act, 1855	The Whole Act.
32 & 33 Vict. c. 28	Public Parks (Ireland) Act, 1869	The Whole Act.
35 & 36 Vict. c. 6	Public Parks (Ireland) Act, 1869, Amendment Act, 1872	The Whole Act.
35 & 36 Vict. c. 69	Local Government Board (Ireland) Act, 1872	Sections 7 and 10.
40 & 41 Vict. c. 15	Public Libraries (Ireland) Amendment Act, 1877	The Whole Act.
40 & 41 Vict. c. 54	Public Libraries Amendment Act, 1877	The Whole Act.
41 & 42 Vict. c.	Public Health (Ireland) Act, 1878	Sections 11, 39, 40, 41, 42, 46, 49, 56, 63, 87, 88, 89, 90, 91, 93, 94, 95, 96, 97, 98, 99, 102, 103, 128, 129, 219, 221, 222, 223, 224 and 225. In section 174, all the words after "was within such limits;". The proviso to section 185. In section 195, the words "

		with the sanction of the Local Government Board and subject to regulations approved of by the said board,"
47 & 48 Vict. c. 37	Public Libraries Act, 1884	The Whole Act.
51 & 52 Vict. c. 53	Borough Funds (Ireland) Act, 1888	The Whole Act.
53 & 54 Vict. c. 59	Public Health Acts Amendment Act, 1890	Sections 13, 14, 15, 23, 24, 25, 33, 39, 40, 42, 43, 44, 45 and 46.
54 & 55 Vict. c. 22	Museums and Gymnasiums Act, 1891	The Whole Act.
57 & 58 Vict. c. 38	Public Libraries (Ireland) Act, 1894	The Whole Act.
59 & 60 Vict. c. 54	Public Health (Ireland) Act, 1896	Sections 4, 7, 21, 22, 23, 26, 28 and 29.
61 & 62 Vict. c. 37	Local Government (Ireland) Act, 1898	Sections 3, 15, 16, 17, 20, 23, 36, 42, 66, 77, 94 and 97.
61 & 62 Vict. c. 53	Libraries Offences Act, 1898	The Whole Act.
63 & 64 Vict. c. 63	Local Government (Ireland) Act, 1900	Section 1.
1 Edw. 7.c. 19	Public Libraries Act, 1901	The Whole Act.
2 Edw. 7., c. 20	Public Libraries (Ireland) Act, 1902	The Whole Act.
2 Edw. 7.,c. 38	Local Government (Ireland) Act, 1902	Sections 2, 3, 5, 10, 11, 12, 14 and 15.
6 Edw. 7.,c. 25	Open Spaces Act, 1906	In section 9 the words "open space or" where they appear in subsections (a), (b) and (c). In section 10 the words "open space or" where they first appear in subsections (a) and (b). In section 12 the words "open spaces and". In section 13 the words "open

		space or". In section 15 the words "open space or" where they appear in subsection 1.
7 Edw. 7. c. 53	Public Health Acts Amendment Act, 1907	Sections 15, 16, 17, 18, 22, 24, 25, 26 and 47; Parts V and VI; and sections 82,84, 86 and 94.
8 Edw. 7. c. 48	Post Office Act, 1908	Section 49.
1 & 2 Geo. 5.c. 9	Public Libraries (Art Galleries in County Boroughs) (Ireland) Act, 1911	The Whole Act.
9 & 10 Geo. 5. c. 75	Ferries (Acquisition by Local Authorities) Act, 1919	The Whole Act.
No. 5 of 1925	Local Government Act, 1925	Sections 59, 60, 62, 64, 65, 66, 78, 79, 80 and 82.
No. 15 of 1926	Street Trading Act, 1926	Section 6.
No. 8 of 1926	Acquisition of Land (Allotments) Act, 1926	The Whole Act.
No. 39 of 1926	Local Authorities (Officers and Employees) Act, 1926	Section 12 (2), (3) and (4).
No. 3 of 1927	Local Government Act, 1927	Sections 8, 9, 10, 13, 14 and 15.
No. 1 of 1929	Cork City Management Act, 1929	Sections 6, 7 and 10 (1).
No. 27 of 1930	Local Government (Dublin) Act, 1930	Sections 31, 32, 37, 38 and 76.
No. 15 of 1931	Tourist Traffic (Development) Act, 1931	The Whole Act.
No. 5 of 1933	Local Government Act, 1933	The Whole Act.
No. 7 of 1934	Acquisition of Land (Allotments) (Amendment) Act, 1934	The Whole Act.
No. 35 of 1934	Limerick City Management Act, 1934	Sections 5 (3), 7 (4) to (7), 9 and 10.

No. 17 of 1935	Pounds (Provision and Maintenance) Act, 1935	In section 3 (2), the words "with the sanction of the Minister for Local Government" and the words "and shall apply the proceeds (if any) of any such sale, surrender or disposition in such manner as the said Minister shall direct".
No. 46 of 1936	Local Government Act, 1936	The Whole Act.
No. 54 of 1936	Liffey Reservoir Act, 1936	Section 26.
No. 14 of 1937	Local Elections Act, 1937	The Whole Act.
No. 14 of 1939	Local Authorities (Combined Purchasing) Act, 1939	The Whole Act.
No. 25 of 1939	Waterford City Management Act, 1939	Sections 4 (3), 5 (1), 5 (4) to (7) and 9.
No. 15 of 1940	Local Authorities (Officers and Employees) (Amendment) Act, 1940	Section 6.
No. 5 of 1941	Cork City Management (Amendment) Act, 1941	Sections 2, 3 and 5.
No. 23 of 1941	Local Government Act, 1941	Sections; 6, 33 (1), (2), (4), (5) and (7), 3 (3) , 35, 43, 57, 73 and 88.
No. 8 of 1945	Local Government (Dublin) Act, 1945	Section 4.
No. 9 of 1946	Harbours Act, 1946	In section 38 (6), all the words after the word "proper".
No. 24 of 1946	Local Government Act, 1946	Sections 30, 62, 63, 66, 75 and 99.
No. 40 of 1947	Public Libraries Act, 1947	The Whole Act.
No. 3 of 1948	Local Government (Sanitary Services) Act, 1948	Sections 5, 30 (3), 35 to 40, 41 (2) 42 (1), 42 (3) and (4), 43 and 48. In section 44 (2) (b), the word "his".
No. 9 of	Local Government	Sections 39, 52, 53 (4), 55, 56,

1955	Act, 1955	57, 61 (1) (a) and (3), 62, 68 and 69.
No. 12 of 1955	City and County Management (Amendment) Act, 1955	In section 17 (2) (c), the word "approved". Sections 17 (10), 18 and 22.
No. 23 of 1960	Local Government Act, 1960	The Whole Act.
No. 40 of 1960	Local Government (No. 2) Act, 1960	Section 14.
No. 12 of 1963	Coast Protection Act, 1963	In section 2 (3) (c), the words "with the consent of the Minister for Local Government and" and the words "as that, Minister has approved of". In section 10 (5), the words "the Minister for Local Government". In section 17 (1) (a) and (b) the words "with the consent of the Minister for Local Government,".
No. 19 of 1963	Electoral Act, 1963	Part VI.
No. 28 of 1963	Local Government (Planning and Development) Act, 1963	Section 50.
No. 19 of 1965	Local Elections Act, 1965	Sections 2 (1), 3, 4 and 6.
No. 28 of 1966	Local Elections Act, 1966	The Whole Act.
No. 12 of 1972	Local Elections Act, 1972	The Whole Act.
No. 3 of 1973	Electoral (Amendment) Act, 1973	Sections 1 (3) and 4.
No. 7 of 1973	Local Elections Act, 1973	The Whole Act.
No. 8 of 1974	Local Elections (Petitions and Disqualifications) Act, 1974	Section 24.
No. 1 of 1980	Fisheries Act, 1980	Section 27 (6).

No. 11 of 1982	Litter Act, 1982	Section 4 (7) and (8).
No. 17 of 1985	Farm Tax Act, 1985	The Whole Act.
No. 11 of 1986	National Archives Act, 1986	Section 13 (2).
No. 32 of 1986	Control of Dogs Act, 1986	Section 17 (3), (4) and (5).
No. 11 of 1991	Local Government Act, 1991	Sections 12, 13, 14, 15, 16 and 35. In section 33 (1), the words "or (2)".
No. 18 of 1992	Housing (Miscellaneous Provisions) Act, 1992	Section 20 (3)

PART II

Order and Regulations Revoked

Number and Year (1)	Short Title (2)	Extent of Revocation (3)
	The Local Government (Application of Enactments) Order, 1898	Articles 11, 12, 35, 36, 37 and 38 of the Schedule to the Order.
S.I. No. 128 of 1965	Local Elections Regulations, 1965	In full.
S.I. No. 117 of 1974	Local Elections (Amendment) Regulations, 1974	In full.

1994 8

SECOND SCHEDULE

Section 4 (2).

AMENDMENT OF ENACTMENTS

Session and Chapter or Number and Year (1)	Short Title (2)	Nature of Amendment (3)
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34 & 35 Vict. c. 109	Local Government (Ireland) Act, 1871	In section 12, substitute the words "shall, having regard to the principles and practice of local government audit, examine such accounts as are necessary for the purpose of discharging the duties and functions of the Auditor under this Act" for the words "shall examine into the matter of every account which is to be audited by him".
No. 35 of 1934	Limerick City Management Act, 1934	After section 25 (3), the insertion of the following subsection: "(3A) For the purposes of the application by subsection (3) of this section of the law relating to the collection and recovery of rates, a reference in section 152 of the Grand Jury (Ireland) Act, 1836, as incorporated by section 73 of the Poor Relief (Ireland) Act, 1838, to a notice subscribed with the name and abode of the collector shall mean and be deemed always to have meant the name and office or place of residence (including the dwelling house) of the collector; and reference to the money demanded being paid to the collector at his house or office shall be satisfied if the said money be paid at such place as is specified in the notice in that behalf."
No. 25 of 1939	Waterford City Management Act, 1939	After section 24 (3), the insertion of the following subsection: "(3A) For the purposes of the application by subsection (3) of this section of the law relating to the collection and recovery of rates, a reference in section 152 of the Grand Jury (Ireland) Act, 1836, as incorporated by section 73 of the Poor Relief (Ireland) Act, 1838, to a notice subscribed with the name and abode of the collector shall mean and be deemed always to have meant the name and office or place of

		residence (including the dwelling house) of the collector; and reference to the money demanded being paid to the collector at his house or office shall be satisfied if the said money be paid at such place as is specified in the notice in that behalf."
No. 5 of 1941	Cork City Management (Amendment) Act, 1941	<p>After section 16 (3), the insertion of the following subsection:</p> <p>"(3A) For the purposes of the application by subsection (3) of this section of the law relating to the collection and recovery of rates, a reference in section 152 of the Grand Jury (Ireland) Act, 1836, as incorporated by section 73 of the Poor Relief (Ireland) Act, 1838, to a notice subscribed with the name and abode of the collector shall mean and be deemed always to have meant the name and office or place of residence (including the dwelling house) of the collector; and reference to the money demanded being paid to the collector at his house or office shall be satisfied if the said money be paid at such place as is specified in the notice in that behalf."</p>
No. 23 of 1941	Local Government Act, 1941	In subsections (1) (a), (1) (b) and (2) of section 68 substitute the words "the Minister or by an officer to whom a delegation has been made under section 61 of the Local Government Act, 1994" for the words "the Minister".
No. 24 of 1946	Local Government Act, 1946	<p>After section 12 (2), the insertion of the following subsection:</p> <p>"(2A) For the purposes of the application by subsection (2) of this section of the law relating to the collection and recovery of rates, a reference in section 152 of the Grand Jury (Ireland) Act, 1836, as incorporated by section 73 of the Poor Relief (Ireland)</p>

		<p>Act, 1838, to a notice subscribed with the name and abode of the collector shall mean and be deemed always to have meant the name and office or place of residence (including the dwelling house) of the collector; and reference to the money demanded being aid to the collector at his house or office shall be satisfied if the said money be paid at such place as is specified in the notice in that behalf."</p> <p>After section 18 (2), the insertion of the following subsection: "(2A) For the purposes of the application by subsection (2) of this section of the law relating to the collection and recovery of rates, a reference in section 152 of the Grand Jury (Ireland) Act, 1836, as incorporated by section 73 of the Poor Relief (Ireland) Act, 1838, to a notice subscribed with the name and abode of the collector shall mean and be deemed always to have meant the name and office or place of residence (including the dwelling house) of the collector; and reference to the money demanded being paid to the collector at his or her house or office shall be satisfied if the said money be paid at such place as is specified in the notice in that behalf."</p>
<p>No. 3 of 1948</p>	<p>Local Government (Sanitary Services) Act, 1948</p>	<p>In section 44 (1), substitute the words "a burial board under the Acts other than a joint burial board", for the words "the Minister,".</p> <p>In section 44 (2) (b), the addition to that paragraph after the word "ground", of the words "prior to the commencement of subsection (2A)".</p> <p>After section 44 (2) (c), the insertion of the following subsection: "(2A) A place as respects which a</p>

		<p>permission has been granted for a burial ground under the Local Government (Planning and Development) Acts, 1963 to 1993 or a burial ground provided by a local authority shall be a burial ground for the purposes of subsection (2) of this section."</p> <p>In sections 46 (1) and (2) substitute the words "A burial board other than a joint burial board" for the words "The Minister".</p> <p>In section 46 (2) substitute the word "it" for the word "he".</p>
No. 12 of 1955	City and County Management (Amendment) Act, 1955	In section 10 (3), substitute the words "a charge not exceeding the reasonable cost of making the copy" for the words "the price of one shilling per copy".
No. 12 of 1963	Coast Protection Act, 1963	<p>In sections 17 (e) and 26 (6) and (7), substitute Minister for the Marine" for "Minister for Local Government".</p> <p>In section 26 (8), substitute "Minister for the Marine" for "Minister for Local Government after consultation with the Minister for Transport and Power".</p>
No. 11 of 1991	Local Government Act, 1991	<p>In section 32, substitute the following for subsection (2):</p> <p>"(2) Before deciding whether to make an order under section 24 of the Local Government Act, 1994 in relation to a local electoral boundary the Minister shall request a boundary committee to prepare a report. The committee shall if so requested prepare and furnish to the Minister a report in writing which shall include its recommendations and the Minister shall publish the report and shall have regard to it in deciding whether to make the order and the provisions of sections 33 (2) to (6) shall apply for the purposes of such request</p>

		and report.".
No. 18 of 1992	Housing (Miscellaneous Provisions) Act, 1992	After section 20 insert the following section: "20A. The Minister may make regulations requiring the landlord of a house, let for rent or other valuable consideration to pay to the housing authority such annual or other fee as may be prescribed in relation to the functions of the authority under section 17, 18 or 20."

1994 8

THIRD SCHEDULE

Section 17.

ALTERATION OF CERTAIN TOWN BOUNDARIES

Athlone	Cootehill	Monaghan
Balbriggan	Drogheda	Mountmellick
Ballina	Dundalk	Mullingar
Ballinasloe	Edenderry	Navan
Ballybay	Enniscorthy	Nenagh
Ballyshannon	Fermoy	New Ross
Bandon	Gorey	Passage West
Boyle	Greystones	Portlaoise
Bray	Kells	Sligo
Buncrana	Kilkenny	Templemore
Carlow	Killarney	Thurles
Carrickmacross	Kinsale	Tipperary
Cashel	Letterkenny	Tralee
Castlebar	Lismore	Trim
Castleblaney	Listowel	Tuam
Cavan	Longford	Tullamore
Clonakilty	Mallow	Wexford
Clone's	Midleton	Wicklow
Cobh		Youghal

1994 8

FOURTH SCHEDULE

Section 31(2)

AMENITIES, FACILITIES AND SERVICES

Artistic and cultural activities	The provision of art galleries, arts centres, concert halls, museums, theatres, opera houses and the holding of artistic and cultural performances, exhibitions and events.
Sports, games and related activities	The provision (both indoor and outdoor) of playing fields, athletic tracks, swimming pools and other bathing places, sports centres, gymnasia and other facilities and the holding of sporting events.
General recreational and leisure activities	The provision of parks, gardens, open spaces, playgrounds, animals, picnic sites, viewing points, footpaths, walks, boats, piers, other landing places and marinas.
Civic improvements	The provision of street furniture, paving, clocks, statues, monuments and other features, illumination and decoration and other measures designed to upgrade the urban environment.
General environmental and heritage protection and improvement	Landscaping, the planting of trees and other flora, measures for the conservation, preservation and protection of landscapes and habitats, of buildings and other features of artistic, amenity, architectural, historic, heritage or natural interest.
The public use of amenities (both natural and man made)	The provision of access, signs, vehicle parks, safety equipment, information and refreshment facilities, sanitary accommodation, utilities, seating, shelter and any other apparatus, equipment or anything else necessary to facilitate such use.

1994 8

FIFTH SCHEDULE

Section 53.

LOCAL GOVERNMENT REORGANISATION COMMISSION

1. The chairperson or any other member of the Commission may at any time resign from office by letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

2. Where a casual vacancy occurs among the members of the Commission, the Minister shall appoint a person pursuant to this article to fill such vacancy who shall hold office for the remainder of the term of office of the replaced member.

3. The Minister may remove from office any member (including the chairperson) of the Commission if, in the opinion of the Minister, that person has become incapable through ill-health of effectively performing the duties of the office or has committed stated misbehaviour or that person's removal appears to the Minister to be necessary or desirable for the effective performance by the Commission of its functions.

4. (a) The chairperson and any other member of the Commission may be paid out of moneys at the disposal of the Minister, such remuneration (if any) and allowances for expenses incurred by that person as the Minister, with the consent of the Minister for Finance, may determine.

(b) Subject to the provisions of this Schedule the chairperson and other members of the Commission shall hold office on such terms and conditions as the Minister may determine.

5. The Commission shall hold such and so many meetings as may be necessary for the performance of its functions.

6. The quorum for a meeting of the Commission shall be three.

7. At a meeting of the Commission—

(a) the chairperson shall, if present, be the chairperson of the meeting, and

(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the members of the Commission who are present shall choose one of their number to be chairperson of the meeting.

8. Each member of the Commission present at a meeting thereof shall have a vote.

9. Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

10. Subject to *article 6* the Commission may act notwithstanding one or more vacancies in its membership.

11. Subject to the provisions of this Act, the Commission shall regulate, by standing orders or otherwise, the procedure and

business of the Commission.