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LOCAL GOVERNMENT ACT, 2000

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Local Government Act, 1991.
 2. Short title, collective citation and construction.
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[No. 25.] *Local Government Act, 2000.* [2000.]

Acts Referred to

Local Authorities (Officers and Employees) Act, 1926	1926, No. 39
Local Government Act, 1991	1991, No. 11
Local Government Act, 1994	1994, No. 8
Local Government Acts, 1925 to 2000	



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LOCAL GOVERNMENT ACT, 2000

AN ACT TO AMEND AND EXTEND THE LOCAL GOVERNMENT ACTS, 1925 TO 2000. [8th July, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Local Government Act, 1991, is amended by the insertion of the following after section 47—

Amendment of
Local Government
Act, 1991.

“Extension of
tenure of office of
manager.

47A.—(1) This section applies to a person who holds the office of manager (in this section referred to as a ‘manager’), and whose period of office (in this section referred to as the ‘tenure period’) is governed by an order under section 47.

(2) Notwithstanding any other enactment or instrument made thereunder, and subject to and in accordance with this section and with regulations made by the Minister under this section, the tenure period of a manager shall be extended where notification (in this section referred to as the ‘prescribed notification’)—

(a) is given by the manager to the Cathaoirleach of the local authority concerned (being a Cathaoirleach for the purposes of Part IV of the Local Government Act, 1994), and

(b) is in the form prescribed by regulations made under this section.

(3) The Minister may make regulations for the purposes of this section and such regulations may provide for:

(a) the form of the prescribed notification;

(b) the period (in this section referred to as the ‘notification period’) within which a prescribed notification shall be given;

(c) subject to subsection (7), the period by

which the tenure period shall be extended;

- (d) the offices of manager to which subsection (4) does not apply;
 - (e) the application of different periods for the purposes of paragraphs (b) and (c) to specified classes of manager;
 - (f) such incidental, consequential and supplementary provisions as appear to the Minister to be necessary or expedient for the purposes of such regulations.
- (4) Subject to subsection (3)(d)—
- (a) a manager to whom this section applies shall not apply for appointment to any office of manager during the period commencing on the date the manager gives a prescribed notification and ending on a date which is 6 months prior to the expiration of the tenure period as extended by this section (in this subsection referred to as the 'exclusion period'), and
 - (b) notwithstanding section 6 of the Local Authorities (Officers and Employees) Act, 1926, a manager who has given a prescribed notification shall not be considered by the Local Appointments Commissioners for selection for any office of manager during the exclusion period.
- (5) (a) A notification period referred to in subsection (3)(b) shall be wholly within the tenure period.
- (b) A prescribed notification for the purposes of this section which is given outside of the notification period is invalid.
- (6) Nothing in this section shall be read as altering—
- (a) the age limit standing specified in the Local Government (Officers Age Limit) Order, 1957 (S.I. No. 140 of 1957), as it applies to a manager,
 - (b) the tenure of office of any manager to whom an order under section 47 does not apply, or
 - (c) the tenure of office of any manager who does not give a prescribed notification under this section.

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(7) A tenure period as extended in accordance with this section shall not exceed 10 years. S.1

(8) Notwithstanding any actions already taken by the Local Appointments Commissioners in relation to the filling of an office of manager by virtue of section 50 of the Local Government Act, 1994, where the tenure period of a manager stands extended in accordance with this section, such extended tenure period shall be the tenure period for the purposes of that section 50 and that section shall apply accordingly.

(9) On receipt of a prescribed notification the Cathaoirleach of the local authority concerned (within the meaning of subsection (2)(a)) shall—

(a) inform the members of the local authority of it at the next meeting of that local authority, and

(b) transmit a copy of it to the Minister and to the Local Appointments Commissioners.”.

2.—(1) This Act may be cited as the Local Government Act, 2000. Short title, collective citation and construction.

(2) The collective citation the “Local Government Acts, 1925 to 2000”, shall include this Act.

(3) The Local Government Acts, 1925 to 2000, and this Act shall be construed together as one.