Number 6 of 2000

LOCAL GOVERNMENT (FINANCIAL PROVISIONS) ACT, 2000

ARRANGEMENT OF SECTIONS

Section
1. Definition.
2. Effect of Act of 1983 with respect to power of local authorities to make charges.
3. Validation of certain charges made by local authorities.
4. Saving.
5. Short title, collective citation and construction.

Acts Referred to

Local Government Acts, 1925 to 1998
Local Government (Financial Provisions) (No. 2) Act, 1983 1983, No. 21
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LOCAL GOVERNMENT (FINANCIAL PROVISIONS) ACT, 2000

AN ACT TO MAKE PROVISION WITH RESPECT TO THE POWER OF LOCAL AUTHORITIES TO MAKE CHARGES BY VIRTUE OF THE LOCAL GOVERNMENT (FINANCIAL PROVISIONS) (NO. 2) ACT, 1983.

[20th April, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:


2.—(1) The Act of 1983 is amended, in section 1(1), by the substitution for the definition of “existing enactment” of the following definition:

“‘existing enactment’ means an enactment in force on, or at any time after, the commencement of this Act (other than an enactment passed after the passing of the Local Government (Financial Provisions) Act, 2000);”.

(2) This section shall be deemed to have come into operation on the commencement of the Act of 1983.

3.—(1) In this section “relevant charge” means a charge—

(a) purporting to have been made by a local authority, before the passing of this Act, by virtue of section 2 of the Act of 1983, for the provision of a service under an enactment not in force on the commencement of the Act of 1983, and

(b) which would have been valid if the amendment made by section 2 of this Act had been in force at the time of the making of the charge.

(2) A relevant charge shall be deemed to have been validly made and any such charge made before the passing of this Act but not recovered by the local authority concerned may be recovered as validly and effectually as it could have been recovered if this Act had been in force at the time of the making of the charge.
4.—Nothing in this Act shall affect any proceedings commenced in any court concerning the validity of any relevant charge (within the meaning of section 3 of this Act) where such proceedings were commenced before 18 April 2000.

5.—(1) This Act may be cited as the Local Government (Financial Provisions) Act, 2000.


(3) The Local Government Acts, 1925 to 1998, and this Act shall be construed together as one.