



STATUTORY INSTRUMENTS.

S.I. No. 288 of 2012

LOCAL GOVERNMENT SERVICES (CORPORATE BODIES) ACT 1971
(TRANSFER OF FUNCTIONS OF THE LOCAL GOVERNMENT
COMPUTER SERVICES BOARD) ORDER 2012

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(TRANSFER OF FUNCTIONS OF THE LOCAL GOVERNMENT
COMPUTER SERVICES BOARD) ORDER 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by Section 5A(as inserted by Section 7 of the Local Government (Miscellaneous Provisions) Act 2012 (No. 17 of 2012)) of the Local Government Services (Corporate Bodies) Act 1971 (No. 6 of 1971), and as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011), and with the consent of the Minister for Public Expenditure and Reform pursuant to the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), hereby order as follows:

Citation and commencement.

1. (1) This Order may be cited as the Local Government Services (Corporate Bodies) Act 1971 (Transfer of functions of the Local Government Computer Services Board) Order 2012.

(2) This order shall come into operation on the 1st day of August 2012.

Interpretation.

2. In this Order—

“ Agency” means the Local Government Management Agency;

“Board ” means the Local Government Computer Services Board.

Transfer of functions.

3. The following functions of the Board shall be transferred to the Agency on the coming into operation of this order:

- (a) to organise, administer and provide, or arrange the provision of, a service for the supply of computer facilities (including facilities relating to the preparation of data for input to a computer, computer programming, systems analysis and design, and the operation of data processing facilities) for local authorities;
- (b) to co-ordinate, and secure compatibility in, the use of computers by local authorities generally with a view to securing the most effective use of available resources;
- (c) in matters related to its functions under paragraphs (a) and (b) of this article, to—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st July, 2012.*

- (i) provide, or arrange the provision of, training and education,
 - (ii) carry out, promote or assist the carrying out of, research, and
 - (iii) furnish advice, information and assistance to the Minister and to local authorities;
- (d) to host web sites on behalf of the following bodies where such hosting will be at least self-financing and will not result in any reduction in the effectiveness of the Agency in carrying out its duties under paragraphs (a), (b) and (c) of this article:
- (i) The Office of President of Ireland,
 - (ii) The Department of the Taoiseach,
 - (iii) The Department of a Minister of the Government,
 - (iv) The Commissioners of Public Works in Ireland,
 - (v) The Offices of the Revenue Commissioners,
 - (vi) The Office of the Attorney General,
 - (vii) The Offices of the European Union,
 - (viii) A board, authority or other body (other than a company) established by or under statute,
 - (ix) A company in which all the shares are held:
 - (i) by or on behalf of a Minister of the Government,
 - (ii) by directors appointed by a Minister of the Government,
 - (iii) by a board, authority or body established by or under statute;
- (e) to sell software products which were developed for local authorities under paragraphs (a), (b) and (c) of this article;
- (f) to provide, following written consent from the Minister, consultancy services in respect of one product developed or employed by the Board under paragraphs (a), (b) and (c) of this article where such provision is subject to the following conditions:
- (i) in seeking the consent of the Minister under these paragraphs, the Agency shall submit to the Minister a financial and implementation plan for the proposed consultancy services setting out, inter alia, the rationale for the proposal, details of how the proposal will be implemented and projections of income and expenditure for the proposal,

- (ii) the provision of consultancy services will be at least self-financing and will not result in any reduction in the effectiveness of the Agency in carrying out its duties under paragraphs (a), (b) and (c) of this article, and
- (iii) the Agency shall comply with such conditions as the Minister may specify.

Transfer of staff.

4. Every person who, immediately before the coming into operation of this order, was a member of staff of the Board shall, on the coming into operation of this order, be transferred to and become a member of the staff of the Agency.

Transfer of land and other property.

5. (1) On the coming into operation of this order, all lands that, immediately before that day, were vested in the Board and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Agency for all the estate or interest therein that, immediately before the coming into operation of this order, were vested in the Board, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) On the coming into operation of this order all property (other than land), including choses-in-action, that immediately before that day, was vested in the Board shall stand vested in the Agency without any assignment.

(3) Every chose-in-action vested in the Agency by virtue of paragraph (2) may, on and from the coming into operation of this order, be sued on, recovered or enforced by the Agency in its own name, and it shall not be necessary for the Agency, or the Board, to give notice to any person bound by the chose-in-action of the vesting effected by that paragraph.

Transfer of rights and liabilities, and continuation of leases, licences and permissions granted by the Board.

6. (1) All rights and liabilities of the Board arising by virtue of any contract or commitment (expressed or implied) entered into by it before the coming into operation of this order shall on that day stand transferred to the Agency.

(2) Every right and liability transferred by paragraph (1) to the Agency may, on and after the coming into operation of this order, be sued on, recovered or enforced by or against the Agency in its own name, and it shall not be necessary for the Agency, or the Board, to give notice to the person whose right or liability is transferred by that paragraph of such transfer.

(3) Every lease, licence, wayleave or permission granted by the Board in relation to land or other property vested in the Agency or under this Order, and in force immediately before the coming into operation of this order, shall continue in force as if granted by the Agency.

Liability for loss occurring before commencement day.

7. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the coming into operation of this order of the functions assigned to the Agency by or under this Order shall after that day, lie against the Agency and not against the Board.

(2) Any legal proceedings pending immediately before the coming into operation of this order to which the Board is a party, shall be continued, with the substitution in the proceedings of the Agency in so far as they so relate, to the Board.

(3) Where, before the coming into operation of this order, agreement has been reached between the parties concerned in settlement of a claim to which paragraph (1) relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the Board, be enforceable against the Agency and not the Board.

(4) Any claim made or proper to be made by the Board in respect of any loss or injury arising from the act or default of any person before the coming into operation of this order shall be regarded as having been made by or proper to be made by the Agency and may be pursued and sued for by the Agency as if the loss or injury had been suffered by the Agency.

Provisions consequent upon transfer of functions, assets and liabilities to the Agency

8. (1) Anything commenced and not completed before the coming into operation of this order by or under the authority of the Board may, in so far as it relates to a function transferred to the Agency under article 3, be carried on or completed on or after the coming into operation of this order by the Agency.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by article 3, shall, if and in so far as it was operative immediately before the coming into operation of this order, have effect on and after that day as if it had been granted or made by the Agency.

(3) References to the Board in the memorandum or articles of associations of any company and relating to a function transferred by article 3 shall, on and after the coming into operation of this order, be construed as references to the Agency.

(4) Any money, stocks, shares or securities transferred by article 3 that immediately before the coming into operation of this order were standing in the name of the Board shall, on the request of the Agency be transferred into its name.

(5) All debit or credit balances will transfer to the Agency on the coming into operation of this order.

(6) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Agency under article 4 or 5 shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Accounts of the Board.

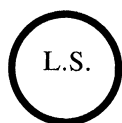
9. (1) All accounts of moneys received or expended by the Board and required to be prepared and maintained by it immediately before the coming into operation of this order and to be duly audited shall, on and after the coming into operation of this order be maintained by the Agency.

(2) The Agency shall, in respect of the period specified under paragraph (4) of this article, prepare final accounts of the Board.

(3) The Agency shall submit the final accounts to the Local Government Audit Service for audit not later than 3 months after the coming into operation of this order.

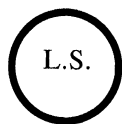
(4) For the purposes of paragraph (2), the Minister may specify a period that is longer or shorter than a financial year of the Board.

I, Brendan Howlin, Minister for Public Expenditure and Reform consent to the making of the foregoing Order.



GIVEN under my official seal,
25 July 2012.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
26 July 2012.

PHIL HOGAN,
Minister for the Environment Community and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order transfers the functions of the Local Government Computer Services Board to the Local Government Management Agency.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
AONAD 20 PÁIRC MIONDÍOLA COIS LOCHA, CLÁR CHLAINNE MHUIRIS,
CONTAE MHAIGH EO,
(Teil: 01 - 6476834 nó 1890 213434; Fax: 094 - 9378964 nó 01 - 6476843)
nó trí aon díoltóir leabhar.

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