



STATUTORY INSTRUMENTS.

S.I. No. 137 of 2009



NAVAN TOWN BOUNDARY ALTERATION (SUPPLEMENTARY)
ORDER 2009

(Prn. A9/0507)

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The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by sections 3 and 34 of the Local Government Act 1991, (No. 11 of 1991) (as adapted by the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. No. 233 of 2003)) hereby orders as follows:

Citation

1. This Order may be cited as the Navan Town Boundary Alteration (Supplementary) Order 2009.

Interpretation

2. (1) In this Order—

“boundary alteration” means the alteration of the boundary of Navan Town effected by the Primary Order;

“County Council” means Meath County Council;

“Primary Order” means the Navan Town Boundary Alteration Order 2009;

“relevant areas” shall be construed in accordance with Article 3 of the Primary Order;

“Town Council” means Navan Town Council.

(2) In this Order a reference to the relevant areas shall, where appropriate, include a reference to any portion of such areas.

Commencement

3. This Order shall come into operation on 1 May 2009.

General provisions relating to relevant areas

4. (1) (a) Any thing done, or treated by virtue of any enactment as having been done, by, to, or in relation to the County Council (including, in particular, every resolution passed, order or bye-law made, and notice given or served) before the commencement of this Order, in the exercise or performance of or by the County Council of any of its powers, functions or duties, shall, insofar as it relates to the relevant areas, and relates to the powers, functions or duties which stand conferred on the Town Council, and is not inconsistent with this Order, be treated as having been done by, to, or in relation to the Town Council.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 14th April, 2009.*

- (b) Without prejudice to the generality of sub-paragraph (a) of this paragraph, “thing” as therein used shall include all matters encompassed by section 34(6) of the Local Government Act 1991.

(2) Any outstanding rates, charges or other debts or liabilities due to the County Council before the commencement of this Order and unpaid and relating wholly or in part to the relevant areas shall, notwithstanding the boundary alteration, remain due and payable to the County Council and may be recovered accordingly.

(3) The boundary alteration shall not affect the continuance of legal proceedings commenced by or against the County Council before the commencement of this Order in relation to any right, duty, liability or other matter connected with, or related to, the relevant areas.

(4) Any obligations incurred by the County Council before the commencement of this Order on foot of agreements entered into pursuant to Part V of the Planning and Development Act 2000, as amended, in respect of the relevant areas, shall continue to be obligations of the County Council.

(5) Any agreements entered into by the Town Council and the County Council pursuant to sections 85 and 86 of the Local Government Act 2001 shall, from the commencement of this Order, apply to the functional areas of the Town and County Councils as altered by the Primary Order.

Adjustments between authorities

5. The County Council and the Town Council may by agreement make any adjustment necessary in consequence of the boundary alteration, including:

- (a) any adjustment in respect of property whether real or personal (including choses-in-action), vested in or belonging to or held in trust for either authority concerned and wholly or partly situate in or relating to the relevant areas, and such adjustment may provide for the transfer of any such property from one authority to the other or for the joint use of such property;
- (b) any financial adjustment considered necessary in consequence of Article 4(2) of this Order, or otherwise arising from or related to the boundary alteration;
- (c) any loss of revenue, actual or prospective, which is or may be incurred by the Town Council or the County Council in consequence of the boundary alteration effected by the Primary Order.

Continuation in office of town councillors

6. Every person holding office on the commencement of this Order as a member of the Town Council shall be deemed to hold office for the Town as altered by the Primary Order.

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7. The alteration of the boundary of Navan Town as effected for electoral purposes only by the Local Government (Boundaries) (Town Elections) Regulations 1994, (S.I. No. 114 of 1994) shall cease to have effect on and from the commencement of this Order.

Provisions in regard to polling districts and polling places

8. (1) Where on the commencement of this Order a polling district is situated partly within and partly without the relevant areas, the County Council shall with respect to each part of such polling district situated without the relevant areas—

(a) join it or parts of it to any adjoining polling district or districts, or

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

(2) Any arrangement made pursuant to this Article shall have effect until (and only until) the first scheme under section 28 of the Electoral Act 1992 as amended by the Electoral (Amendment) Acts of 1996 and 2001 in relation to the county comes into operation after the commencement of this Order.

Provisions in regard to the register of electors

9. (1) As soon as may be after the commencement of this Order, the County Council shall, if appropriate, adapt the register of electors so as to correspond with any arrangements made pursuant to Article 8 of this Order.

(2) In respect of a polling district or part of a polling district situated within the relevant areas, the County Council shall, as soon as may be after the commencement of this Order, enter the name of the electoral area of Navan Town on any relevant title page of the register of electors.

Provision in regard to development plans, local area plans and development contribution schemes

10. (1) That part of the Meath County Development Plan 2007-2013 and the Navan Development Plan 2003-2009 made by the County Council in relation to the relevant areas shall, in so far as they had effect immediately before the commencement of this Order, continue on and from such commencement to have such effect, pending the making of a new development plan by the Town Council, in accordance with the Planning and Development Acts 2000 to 2008, or the making by the Town Council of a variation of its current development plan as regards the relevant areas.

(2) All extant local area plans made in respect of the relevant areas, or their replacements or variations, shall, in so far as they had effect immediately before the commencement of this order, continue on and from such commencement to have such effect pending the making of a new local area plan or plans, in accordance with the Planning and Development Acts 2000 to 2008, or the making of a variation of the current local area plan or plans as regards the relevant areas.

(3) The County Council development contribution scheme under section 48 of the Planning and Development Acts 2000 to 2008 shall, in respect of the

relevant areas, apply, as if it had been made by the Town Council, and the Town Council shall be entitled to collect and retain such development contributions and shall further be entitled to take any proceedings necessary for the purpose of recovering same.

Provision in regard to planning applications

11. (1) Notwithstanding the boundary alteration, in regard to any planning application made, or grant of permission issued, prior to the commencement of this Order and which relates wholly or in part to the relevant areas the County Council shall be deemed to be the Planning Authority.

(2) Notwithstanding paragraph (1) of this Article, the Town Council shall be responsible for the enforcement of all planning decisions made in respect of the relevant areas.

Adjustments to certain rates

12. (1) In this Article

“relevant property” and “value” have the meaning given by section 3 of the Valuation Act 2001 (No. 13 of 2001).

“annual rate on valuation” means an annual rate on valuation determined pursuant to section 103(7) of the Local Government Act 2001 (No. 37 of 2001).

(2) This Article applies to all relevant property in the relevant areas.

(3) For the purpose of the assessment and levying of a rate on a relevant property to which this Article applies, the annual rate on valuation determined by the Town Council for each of the six local financial years shall be applied to the value of the relevant property, increased to the proportion specified in the Table to this Article for the particular year.

TABLE

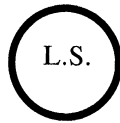
Years in which adjustment applies	Proportion of value (expressed in hundredths)
2010	118%
2011	115%
2012	112%
2013	109%
2014	106%
2015	103%

Preparation of official maps, etc.

13. (1) As soon as may be after the commencement of this Order, the Chief Boundary Surveyor shall prepare four copies of the map attached to the Primary Order showing the relevant areas and the altered boundary of Navan Town and shall seal each of the maps and shall deposit one of the maps in the principal offices of the said Surveyor, another in the offices of the Town Council, another in the offices of the County Council and another in the offices of the Minister for the Environment, Heritage and Local Government.

(2) (2)The said maps, once deposited in accordance with paragraph (1) of this Article, shall be retained in the said offices and the maps, or true copies of them, shall be available for public inspection at the offices of the said Surveyor, Town Council and County Council during normal office hours and a copy of the map, or an extract from it, shall be made available to any person requesting same, for a charge not exceeding the reasonable cost of supplying such a copy.

(3) It shall be the duty of the said Surveyor and of the Town Council and of the County Council respectively, whenever required to do so by any Court of Justice, to prepare and produce to such Court a true copy of the map or any specified part of the map deposited under this Article and to verify such copy to such Court by the oath of an officer of the said Surveyor, Town Council or County Council (whose official position it shall not be necessary to prove) and upon any such copy being so produced and verified to such Court, such Court shall receive such copy in evidence and thereupon such copy shall be conclusive evidence of the relevant areas and of the altered boundary of Navan Town.



GIVEN under the Official Seal of the Minister for the Environment,
Heritage and Local Government,
9 April 2009

JOHN GORMLEY,
Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

This Order contains supplementary provisions related to the boundary extension of Navan Town and should be read together with the Navan Town Boundary Alteration Order 2009 (S.I. No. 136 of 2009), which extends the boundary of Navan Town from 1 May 2009.

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,
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