



Number 9 of 1998

**LOCAL GOVERNMENT (PLANNING AND
DEVELOPMENT) ACT, 1998**

ARRANGEMENT OF SECTIONS

Section

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[No. 9.] *Local Government (Planning and Development) Act, 1998.* [1998.]

Acts Referred to

Civil Service Regulation Act, 1956	1956, No. 46
Local Government (Planning and Development) Act, 1976	1976, No. 20
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**LOCAL GOVERNMENT (PLANNING AND
DEVELOPMENT) ACT, 1998**

AN ACT TO AMEND AND EXTEND THE LOCAL
GOVERNMENT (PLANNING AND DEVELOPMENT)
ACTS, 1963 TO 1993, TO PROVIDE FOR CERTAIN MAT-
TERS RELATING TO AN BORD PLEANÁLA.

[16th April, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Local Government (Planning and Development) Act, 1983, is hereby amended—

Amendment of
Local Government
(Planning and
Development) Act,
1983.

(a) by the substitution for section 3 of the following section:

“3.—(1) Subject to subsections (2) and (4) of this section, the Board shall consist of a chairman and five other members.

(2) The Minister may by order increase the number of ordinary members where he or she is of the opinion that the number of appeals, references or other matters with which the Board is concerned is at such a level so as to necessitate the appointment of an additional Board member or members to enable the Board fulfil its duty and objective under section 2 of the Local Government (Planning and Development) Act, 1992.

(3) Where an order is proposed to be made under subsection (2) of this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(4) (a) Notwithstanding subsection (2) of this section or subsection (2) of section 7 of this Act, where the Minister is of the opinion that one or more than one additional ordinary member should be appointed as a matter of urgency due to the number of appeals, references or other matters with which the Board is concerned, the Minister may, pending the making and approval of an order under subsections (2) and (3) of this section, appoint one or more than one

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person from among the officers of the Minister who is an established civil servant for the purposes of the Civil Service Regulation Act, 1956 and the employees of the Board, on a temporary basis.

(b) A person shall not be appointed to be an ordinary member under this subsection for a term in excess of nine months.

(5) An order made under subsection (2) of this section shall have effect for such a period not exceeding five years as shall be specified therein.”,

and

(b) by the insertion in section 7 after subsection (2) of the following subsection:

“(2A) Where the Minister decides to appoint an additional member or members to the Board pursuant to an order under section 3(2) of this Act (as inserted by section 1 of the *Local Government (Planning and Development) Act, 1998*) that member or those members shall be appointed from among persons selected by the organisations which for the time being stand prescribed for the purposes of paragraphs (a), (b), (c) and (d) of subsection (2) of this section: provided that—

(a) where not more than four additional members are appointed pursuant to an order under section 3(2) of this Act, not more than one shall be appointed from among persons selected by organisations which for the time being stand prescribed for the purposes of a particular paragraph of subsection (2) of this section;

(b) where more than four but not more than eight additional members are appointed pursuant to an order under section 3(2) of this Act, not more than two shall be appointed from among persons selected by organisations which for the time being stand prescribed for the purposes of a particular paragraph of subsection (2) of this section.”.

Indemnification.

2.—Where the Board is satisfied that a member of the Board, an employee of the Board or a person whose services are provided to the Board under sections 10(2), 13(1) and 21(3) of the *Local Government (Planning and Development) Act, 1976*, has discharged his or her duties in relation to the functions of the Board in a bona fide manner, it shall indemnify such member, employee or person against all actions or claims howsoever arising in respect of the discharge by him or her of his or her duties.

Continuance in office of members of Board.

3.—Any member of the Board in office immediately prior to the passing of this Act shall continue in office as if this Act had not been enacted.

[1998.] *Local Government (Planning and Development) Act, 1998.* [No. 9.]

4.—(1) This Act may be cited as the Local Government (Planning and Development) Act, 1998.

Short title,
collective citation
and construction.

(2) The Local Government (Planning and Development) Acts, 1963 to 1993, and this Act may be cited together as the Local Government (Planning and Development) Acts, 1963 to 1998.

(3) This Act and the Local Government (Planning and Development) Acts, 1963 to 1993, shall be construed together as one Act.