



STATUTORY INSTRUMENTS.

**S.I. No. 290 of 2012**

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THE LOCAL GOVERNMENT MANAGEMENT AGENCY  
AN GHNÍOMHAIREACTH BAINISTÍOCHTA RIALTAIS ÁITIÚIL  
(ESTABLISHMENT) ORDER 2012

THE LOCAL GOVERNMENT MANAGEMENT AGENCY  
AN GHNÍOMHAIREACHT BAINISTÍOCHTA RIALTAIS ÁITIÚIL  
(ESTABLISHMENT) ORDER 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 3 (as amended by section 5 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 adopted 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*

1. This Order may be cited as the Local Government Management Agency (Establishment) Order 2012.

*Commencement*

2. This Order shall come into operation on the 1st day of August 2012.

*Definitions*

3. (1) In this Order—

“Principal Act” means the Local Government Services (Corporate Bodies) Act 1971 (No. 6 of 1971);

“the Agency” means the body established under article 4;

“the Board” means the Board established under Article 6;

“the Chairperson” means the Chairperson for the time being of the Board of the Local Government Management Agency;

“the Council” means the Council established under article 8;

“manager” means a manager referred to in the definition of “qualified person” and

“managers” shall be construed accordingly;

“the Minister” means the Minister for the Environment, Community and Local Government;

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

“qualified person” means a manager for the purposes of the Local Government Act 2001.

*Establishment of the Local Government Management Agency*

4. A body known as An Ghníomhaireacht Bainistíochta Rialtais Áitiúil or, in the English language, the Local Government Management Agency is hereby established to provide the services specified under Article 5 of this order for and behalf of:

- (a) Local Authorities and for such bodies as may, from time to time, stand designated pursuant to section 3(2) of the Local Government Services (Corporate Bodies) Act 1971,
- (b) Managers, and,
- (c) the Minister

*Services to be provided*

5. The Services to be provided by the Agency may include the functions provided for in the following:

- (a) the Local Government Services (Corporate Bodies) Act 1971 (Transfer of Function of the Local Government Computer Services Board) Order 2012;
- (b) the Local Government Services (Corporate Bodies) Act 1971 (Transfer of Functions of the Local Government Management Services Board) Order 2012

*Membership of the LGMA and Constitution of the Board.*

6. (1) Not less than six and not more than eight members of the Local Government Management Agency shall be appointed by the Council and not less than one and not more than three members shall be appointed by the Minister.

(2) The members of the Local Government Management Agency shall constitute a Board which shall conduct the Agency’s business and a reference in this Order to a Board member shall be construed as a reference to a member of the Agency.

(3) The Board shall consist of—

- (a) not less than six and not more than eight qualified persons appointed by the Council in accordance with the requirements of this article, and
- (b) not less than one and not more than three serving officers of the Department of the Environment, Community and Local Government as the Minister shall appoint from time to time.

(4) The term of office of a member of the Board appointed by the Council shall be such period not exceeding three years as may be specified by the

Council upon such appointment and such member shall hold office for that period unless he or she sooner dies, resigns by letter addressed to the Chairperson of the Council or ceases to be a qualified person.

(5) The term of office of a member of the Board appointed by the Minister shall be such period as the Minister shall determine upon such appointment and such member shall hold office for that period unless he or she sooner dies, resigns by letter addressed to the Minister or the Minister terminates the appointment.

(6) The Board shall appoint from among its members a Chairperson, to be known as the Board Chairperson, who shall hold office for one year unless sooner ceasing to be a member of the Board or the Board appoints another person to be Board Chairperson.

(7) The quorum for meetings of the Board shall be one-third of its members or, if the number of members is not a multiple of three, one-third of the next higher number which is a multiple of three.

(8) (a) The Board shall hold such and so many meetings as maybe necessary for the performance of its functions.

(b) The Board Chairperson may, at any time, call a meeting of the Board.

(c) If the Board Chairperson refuses to call a meeting of the Board, having been presented with a requisition for that purpose, signed by three members of the Board, any four members may forthwith, on that refusal, call a meeting of the Board and, if the Board Chairperson (without so refusing) does not, within seven days after the presentation of the requisition, call a meeting of the Board, any four members of the Board may, on the expiration of those seven days, call a meeting of the Board.

(9) The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointment of the Board or any member thereof.

(10) (a) Subject to the following paragraphs, the Board may, by standing orders or otherwise, regulate its own procedure.

(b) In order to facilitate the discharge of the functions of the Board, the Board may establish such committees as it thinks fit and may appoint to any such committee such members of the Board as are willing to act on the committee and other persons who have special knowledge or experience related to the purpose of the committee.

(c) The Board shall notify the Council and the Minister of the establishment of any committee, of the purpose for which the committee is established and of the names of the members thereof.

(11) A Board member shall cease to be a member of the Board on his or her being requested by the Minister to resign.

(12) A person shall cease to be, and shall be disqualified from being, a Board member where he or she—

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment, or
- (d) is disqualified or restricted from being a director of any company.

(13) Where a Board member or a member of staff of the Local Government Management Agency—

- (a) accepts a nomination as a member of Seanad Éireann,
- (b) is elected to either House of the Oireachtas or to the European Parliament,
- (c) is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament, or
- (d) becomes a member of a local authority,

he or she shall thereupon—

- (i) in the case of a Board member, cease to be a Board member, or
- (ii) in the case of a member of staff of the Local Government Management Agency, stand seconded from employment by the Local Government Management Agency for the period specified in paragraph (14).

(14) A person who stands seconded under sub-paragraph (13)(d)(ii) shall not be paid by, or entitled to receive from, the Local Government Management Agency any remuneration in respect of the period commencing on such nomination or election or his or her membership of the local authority or the date on which he or she is so regarded as having been elected, as the case may be, and ending on the date on which he or she ceases to be a member of either such House or such Parliament or such local authority and returns to the Agency.

(15) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament or a member of a local authority shall, while he or she is so entitled or is such a representative or member, be disqualified from becoming a Board member.

(16) If a Board member dies, resigns, becomes disqualified or is removed from membership, the Council may appoint a person to be a Board member and fill the vacancy so caused and the person so appointed shall hold office for the unexpired term of office of the said member.

(17) The Agency shall provide itself with a seal which shall be authenticated—

- (a) by the signature of the Chairperson or some other member of the Board duly authorised by the Board to act in that behalf and
- (b) by the signature of an employee of the Agency duly authorised by the Board to act in that behalf.

(18) (a) The Board shall keep proper accounts of all income and expenditure of the Agency, and of the sources of such income and the subject matter of such expenditure, and of the property, credits and liabilities of the Agency,

(b) The financial year of the Agency shall be the period of twelve months ending on the 31st day of December in any year,

(c) A statement of accounts of the Agency for each financial year shall, as soon as may be after the end of such financial year, be prepared and after such preparation be audited by and be subject to a report by an auditor appointed for the purpose by the Minister after consultation with the Agency,

(d) The expenses generally of each audit shall be paid by the Agency as soon as may be after such audit,

(e) A copy of the audited accounts and of the auditor's report thereon shall be presented by the Board to the Council and to the Minister who, as soon as may be after such presentation, shall cause a copy of both the audited accounts and the report to be laid before each House of the Oireachtas.

(19) (a) The Board shall, in each year, not later than such day as the Minister shall direct, make a report to the Council of its activities during the preceding financial year and shall submit a copy of the report to the Minister,

(b) The Board shall submit to the Council or to the Minister such information regarding the performance of its functions as the Council or the Minister may from time to time require.

*Staffing of the LGMA.*

7. (1) (a) The Agency may employ, with the consent of the Minister and the Minister for Public Expenditure and Reform where required, such and so many employees as the Agency may, from time to time, think

proper and, in employing any employee, shall comply with any directions given by the Minister and the Minister for Public Expenditure and Reform relating to the procedure to be followed,

- (b) Subject to the sanction or directions of the Minister and the Minister for Public Expenditure and Reform, the Agency shall determine the remuneration and conditions of service of each employee of the Agency and may, from time to time, alter the remuneration or conditions of service of any employee,
- (c) Every employee of the Agency shall perform such duties as the Agency may, from time to time, assign to such employee,
- (d) The Minister and the Minister for Public Expenditure and Reform may, at any time, declare that any of the powers conferred on the Agency by this paragraph shall be exercisable only with the consent of the Minister and the Minister for Public Expenditure and Reform and, whenever any such declaration is in force, the said power shall, in relation to employment to which the declaration applies, be exercised only with such consent.

(2) A person who for the time being is in the employment of the Agency shall be disqualified from being a member of the Board of the Agency.

(3) Schemes and Regulations made under the Local Government (Superannuation) Act 1980 shall apply to the Agency as if it were a local authority.

(4) For the purpose of the performance of its functions, the Agency may, with the consent of the Minister, borrow money.

(5) The Agency may do all such things as may be necessary for the effective discharge of its functions and, for this purpose, the Agency may—

- (a) purchase or take on lease any land and may sell, exchange, let or otherwise dispose of any land vested in the Agency,
- (b) make arrangements with another person or body for the use by the Agency, of premises or equipment belonging to that person or body or for the use by the Agency of employees of that person or body,
- (c) accept gifts of money, land and other property upon such trusts and conditions, if any as may be specified by the donor, save that the Agency may not accept a gift if the conditions attached by the donor to its acceptance are not consistent with the functions of the Agency.

(6) The Agency may from time to time engage such consultants and advisers as it may consider necessary for the discharge of its functions, and any fees due to a consultant or adviser engaged under this paragraph shall be paid by the Agency out of moneys at its disposal.

(7) The Agency may charge fees in accordance with sections 3(4) and 3(9)(j) of the Principal Act, in respect of services provided by the Agency.

(8) (a) Subject to paragraph (b) the expenses of the Agency in so far as not met from other sources shall, to such extent as shall be approved by the Minister, be recouped by the several councils of counties and county boroughs in such proportions as those authorities may agree upon, or, failing such agreement, in such proportions as may be determined by the Minister,

(b) In default of payment by a county council or a county borough council of an amount (or any part thereof) payable by them under this paragraph, the amount involved may be deducted from any monies payable to the county council or county borough council as the case may be by any Minister for any purpose whatsoever and, where such a deduction has been made, the amount so deducted shall be paid to the Board by the Minister concerned.

#### *The Council*

8. (1) The Council shall consist of the persons who are for the time being qualified persons.

(2) The Council shall meet at least once in each year and shall hold such and so many meetings as may be necessary for the performance of its functions.

(3) The quorum of the Council shall be one-third of its members or, if the number of members is not a multiple of three, one-third of the next higher number which is a multiple of three.

(4) The Council shall appoint from among its members a Chairperson who shall hold office for one year unless sooner ceasing to be a member of the Council or the Council appoints another person to be Chairperson.

(5) The Council may regulate its own procedure.

(6) The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its members.

#### *Expenses*

9. (1) A person shall not receive any remuneration for acting as a member of the Council or as a member of the Board or as a member of any committee established by the Agency.

(2) Travelling and subsistence allowances may be paid by the Board to such extent and in accordance with such scale and in such circumstances as may from time to time be approved by the Minister.



I, BRENDAN HOWLIN, Minister for Public Expenditure and Reform, consent to the making of the foregoing Order, and to the inclusion in the Order of the provisions set out in Article 7.



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 provides for the establishment of 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,  
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