



Number 17 of 2012

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ACT 2012**

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**LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS)
ACT 2012**

AN ACT TO AMEND THE LOCAL GOVERNMENT SERVICES (CORPORATE BODIES) ACT 1971; TO DIS-SOLVE CERTAIN BODIES ESTABLISHED PURSUANT TO THAT ACT; TO AMEND AND REVOKE CERTAIN ORDERS MADE PURSUANT TO THAT ACT; TO DIS-SOLVE AN CHOMHAIRLE LEABHARLANNA; TO AMEND THE LOCAL GOVERNMENT ACT 2001 IN RELATION TO THE POSITION OF MANAGER; AND TO PROVIDE FOR RELATED MATTERS.

[8th June, 2012]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Local Government (Miscellaneous Provisions) Act 2012.

Short title,
collective citation
and
commencement.

(2) The Local Government Services (Corporate Bodies) Act 1971, the Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008 and *Part 2* of this Act may be cited together as the Local Government Services (Corporate Bodies) Acts 1971 to 2012.

(3) The Local Government Acts 1925 to 2007 and *Part 4* may be cited together as the Local Government Acts 1925 to 2012.

(4) This Act, other than *sections 8* and *9*, comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions, and for the insertion of different provisions in section 144 of the Act of 2001 effected by *section 16*.

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Definitions. 2.—In this Act—
“Act of 1971” means the Local Government Services (Corporate Bodies) Act 1971;
“Act of 2001” means the Local Government Act 2001;
“Minister” means the Minister for the Environment, Community and Local Government.

Expenses. 3.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

CORPORATE BODIES

Amendment of section 2 of Act of 1971. 4.—The Act of 1971 is amended by substituting the following section for section 2:

“Authorities to which Act applies. 2.—A local authority for the purposes of the Local Government Acts 1925 to 2007 shall, for the purposes of this Act, be an authority to which this Act applies.”.

Amendment of section 3 of Act of 1971.

5.—Section 3 of the Act of 1971 is amended—

(a) by substituting the following subsection for subsection (1):

“(1) The Minister may, from time to time, with the consent of the Minister for Public Expenditure and Reform, and having regard to the matters referred to in subsection (1A), by order (in this Act referred to as an ‘establishment order’), establish a body to provide services for or on behalf of—

(a) the Minister in the performance of his or her functions, or

(b) one or more of the authorities to which this Act applies in the performance of the functions of that authority or those authorities.”,

(b) by inserting the following subsection after subsection (1):

“(1A) The Minister, when making an order under subsection (1), shall have regard to—

(a) the promotion of efficiency, effectiveness and economy in the organisation and provision of the services in question,

(b) the resources available to the Minister or any authority to or for which services may be provided by the body to be established by the order,

- (c) the desirability of consistency of standards in relation to the provision of the services in question,
- (d) the desirability of regionalisation or centralisation of the provision of the services in question,
- (e) the desirability of reducing the number of bodies providing the services in question.”,

and

(c) by inserting the following subsection after subsection (8):

“(9) In this section ‘services’ includes—

- (a) the management and organisation of industrial relations and human resources activities, including representation, negotiation, training and development,
- (b) the provision of services, training and equipment relating to information technology and communications technology,
- (c) the provision of administration services,
- (d) the provision of shared and central services,
- (e) the promotion of public safety awareness and the organisation of training and safety measures in relation to public safety,
- (f) the provision of research, advisory and information services,
- (g) the provision of consultancy and strategic planning services,
- (h) the arrangement, co-ordination and provision of social and economic regeneration including the development and improvement of land and infrastructure,
- (i) the provision of procurement services,
- (j) the provision of agency services, including the collection of charges and late payment fees, and
- (k) the supply of goods and related services.”.

6.—Subsection (2) of section 5 of the Act of 1971 is amended—

Amendment of section 5 of Act of 1971.

(a) in paragraph (a) by inserting the following subparagraph after subparagraph (iii):

“(iv) a Department of State (subject to the consent of the relevant Minister),”.

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and

(b) by inserting the following paragraphs after paragraph (d):

- “(e) transitional arrangements in relation to the superannuation of officers and servants of the dissolved body,
- (f) the preparation and auditing of final accounts of the dissolved body,
- (g) the preparation of a final report of the dissolved body, and
- (h) any other transitional, supplementary or incidental matters that appear to the Minister to be necessary for the purposes of the order.”.

Transfer orders. 7.—The Act of 1971 is amended by inserting the following section after section 5:

“Transfer orders.

5A.—(1) The Minister may, with the consent of the Minister for Public Expenditure and Reform, and having regard to the promotion of administrative efficiencies and economies of scale and the matters referred to in section 3(1A), by order transfer the assets and liabilities of a body or bodies specified in *section 10* of the *Local Government (Miscellaneous Provisions) Act 2012*.

(2) An order under subsection (1) shall contain such provisions as the Minister considers necessary or expedient consequential on the dissolution of the body or bodies concerned, and, in particular, may make provision for—

- (a) the transfer or distribution of the functions, property, rights and liabilities of the body or bodies concerned to one or more than one of the following—
 - (i) the Minister,
 - (ii) a body established by an establishment order,
 - (iii) an authority to which this Act applies, or
 - (iv) a Department of State (subject to the consent of the relevant Minister),
- (b) the preservation of continuing contracts made by the body or bodies concerned,
- (c) the continuance of pending legal proceedings,
- (d) the transfer of staff of the body or bodies concerned to—

- (i) an authority to which this Act applies,
- (ii) a body established by an establishment order, or
- (iii) a Department of State (subject to the consent of the relevant Minister),
- (e) transitional arrangements in relation to the superannuation of officers and servants of the body or bodies concerned,
- (f) the preparation and auditing of final accounts of the body or bodies concerned,
- (g) the preparation of a final report of the body or bodies concerned, and
- (h) any other transitional, supplementary or incidental matters that appear to the Minister to be necessary for the purposes of the order.”.

8.—The Limerick Northside Regeneration Agency (Establishment) Order 2007 (S.I. No. 275 of 2007) is amended—

Amendment of
Limerick Northside
Regeneration
Agency
(Establishment)
Order 2007.

- (a) in Article 2, by substituting “1 August 2012” for “the 15th day of June 2012”,
- (b) in Article 4, by substituting “31 July 2012” for “14th June, 2012”, and
- (c) in sub-article (2) of Article 6, by substituting “31 July 2012” for “the 14th June, 2012”.

9.—The Limerick Southside Regeneration Agency (Establishment) Order 2007 (S.I. No. 276 of 2007) is amended—

Amendment of
Limerick Southside
Regeneration
Agency
(Establishment)
Order 2007.

- (a) in Article 2, by substituting “1 August 2012” for “the 15th day of June 2012”,
- (b) in Article 4, by substituting “31 July 2012” for “14th June, 2012”, and
- (c) in sub-article (2) of Article 6, by substituting “31 July 2012” for “the 14th June, 2012”.

10.—The following bodies are dissolved:

Dissolution of
bodies.

- (a) the Local Government Computer Services Board;
- (b) the Fire Services Council;
- (c) the Local Government Management Services Board;
- (d) the Affordable Homes Partnership;

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- (e) Irish Water Safety;
- (f) the Limerick Northside Regeneration Agency;
- (g) the Limerick Southside Regeneration Agency.

Revocation of certain orders.

11.—The following orders are revoked:

- (a) Local Government Computer Services Board (Establishment) Order 1975 (S.I. No. 212 of 1975);
- (b) Fire Services Council (Establishment) Order 1983 (S.I. No. 175 of 1983);
- (c) Fire Services Council (Establishment) Order 1983 (Amendment) Order 1984 (S.I. No. 344 of 1984);
- (d) Local Government Services (Establishment) (Orders) (Amendment) Order 1984 (S.I. No. 345 of 1984);
- (e) Local Government Management Services Board (Establishment) Order 1996 (S.I. No. 410 of 1996);
- (f) Fire Services Council (Establishment) Order 1983 (Amendment) Order 2000 (S.I. No. 23 of 2000);
- (g) Local Government Computer Services Board (Establishment) (Amendment) Order 2004 (S.I. No. 656 of 2004);
- (h) Affordable Homes Partnership (Establishment) Order 2005 (S.I. No. 383 of 2005);
- (i) Irish Water Safety (Establishment) Order 2006 (S.I. No. 389 of 2006);
- (j) Limerick Northside Regeneration Agency (Establishment) Order 2007 (S.I. No. 275 of 2007);
- (k) Limerick Southside Regeneration Agency (Establishment) Order 2007 (S.I. No. 276 of 2007);
- (l) Affordable Homes Partnership (Establishment) Order 2005 (Amendment) Order 2007 (S.I. No. 293 of 2007).

Consequential amendments.

12.—(1) Section 10 (amended by section 19(1)(k) of the Local Government (Household Charge) Act 2011) of the Local Government (Charges) Act 2009 is amended by substituting the following subsection for subsection (8):

“(8) In this section ‘relevant board’ means—

- (a) the Local Government Computer Services Board established by the Local Government Computer Services Board (Establishment) Order 1975 (S.I. No. 212 of 1975), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by section 7 of the *Local Government (Miscellaneous Provisions) Act 2012*) of the Local

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Government Services (Corporate Bodies) Act 1971,
and

- (b) the Local Government Management Services Board established by the Local Government Management Services Board (Establishment) Order 1996 (S.I. No. 410 of 1996), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by *section 7* of the *Local Government (Miscellaneous Provisions) Act 2012*) of the Local Government Services (Corporate Bodies) Act 1971,

or either of them.”.

(2) Section 13 of the Local Government (Household Charge) Act 2011 is amended by substituting the following subsection for subsection (8):

“(8) In this section ‘relevant board’ means—

- (a) the Local Government Computer Services Board established by the Local Government Computer Services Board (Establishment) Order 1975 (S.I. No. 212 of 1975), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by *section 7* of the *Local Government (Miscellaneous Provisions) Act 2012*) of the Local Government Services (Corporate Bodies) Act 1971, and
- (b) the Local Government Management Services Board established by the Local Government Management Services Board (Establishment) Order 1996 (S.I. No. 410 of 1996), or a body to whom the functions of that Board have been transferred by order under section 5A (inserted by *section 7* of the *Local Government (Miscellaneous Provisions) Act 2012*) of the Local Government Services (Corporate Bodies) Act 1971,

or either of them.”.

PART 3

AN CHOMHAIRLE LEABHARLANNA

13.—An Chomhairle Leabharlanna is dissolved.

Dissolution of An
Chomhairle
Leabharlanna.

14.—(1) The Minister, with the consent of the Minister for Public Expenditure and Reform, having regard to the promotion of administrative efficiencies and economies of scale, may by order transfer the assets and liabilities of An Chomhairle Leabharlanna.

Transfer order.

(2) An order under *subsection (1)* shall contain such provisions as the Minister considers necessary or expedient consequential on the dissolution of An Chomhairle Leabharlanna, and, in particular, may make provision for—

- (a) the transfer or distribution of the functions, property, rights and liabilities of An Chomhairle Leabharlanna to one or more than one of the following—
 - (i) the Minister,
 - (ii) a body established under section 3 (amended by section 5 of the *Local Government (Miscellaneous Provisions) Act 2012*) of the Act of 1971,
 - (iii) a local authority for the purposes of the Local Government Acts 1925 to 2007, or
 - (iv) a Department of State (subject to the consent of the relevant Minister),
- (b) the preservation of continuing contracts made by An Chomhairle Leabharlanna,
- (c) the continuance of pending legal proceedings,
- (d) the transfer of staff of An Chomhairle Leabharlanna to—
 - (i) a local authority for the purposes of the Local Government Acts 1925 to 2007,
 - (ii) a body established under section 3 (amended by section 5 of the *Local Government (Miscellaneous Provisions) Act 2012*) of the Act of 1971, or
 - (iii) a Department of State (subject to the consent of the relevant Minister),
- (e) transitional arrangements in relation to the superannuation of officers and servants of An Chomhairle Leabharlanna,
- (f) the preparation and auditing of final accounts of An Chomhairle Leabharlanna,
- (g) the preparation of a final report of An Chomhairle Leabharlanna for the Minister, and
- (h) any other transitional, supplementary or incidental matters that appear to the Minister to be necessary for the purposes of the order.

(3) Where an order under *subsection (1)* is made, land to which the order relates shall, on the date specified in the order in relation to that land, vest in the Minister without any further conveyance, transfer or assignment.

(4) An order under *subsection (1)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

- 15.**—(1) Section 79 of the Act of 2001 is repealed. Repeal and revocations.
- (2) The following regulations are revoked:
- (a) Local Government (An Chomhairle Leabharlanna) Regulations 1997 (S.I. No. 499 of 1997);
 - (b) Local Government (An Chomhairle Leabharlanna) (Amendment) Regulations 2003 (S.I. No. 28 of 2003);
 - (c) Local Government (An Chomhairle Leabharlanna) (Amendment) Regulations 2007 (S.I. No. 708 of 2007);
 - (d) Local Government (An Chomhairle Leabharlanna) (Amendment) Regulations 2008 (S.I. No. 55 of 2008).

PART 4

AMENDMENTS TO CHAPTER 2 OF PART 14 OF THE LOCAL GOVERNMENT ACT 2001

- 16.**—Section 144 of the Act of 2001 is amended by— Amendment of section 144 of Act of 2001.
- (a) substituting the following subsection for subsection (1):
- “(1) For every county and city there shall be a manager to be known as ‘the County Manager’ or ‘the City Manager’, as appropriate (with the name of the county or city prefixed), who shall, subject to subsections (1A) and (1B), hold employment under that county council or city council, as the case may be.”,
- and
- (b) inserting the following subsections after subsection (1):
- “(1A) (a) In the case of Limerick County and Limerick City, in this Chapter referred to as a ‘group of authorities’, the same person shall be manager for the county and city concerned.
- (b) In the case of North Tipperary County and South Tipperary County, in this Chapter referred to as a ‘group of authorities’, the same person shall be manager for each of the counties concerned.
- (1B) The manager for a county or city in a group of authorities shall hold employment under the council of whichever county or city in that group the Minister shall, by order, specify.”.
- 17.**—Section 145 of the Act of 2001 is amended— Amendment of section 145 of Act of 2001.
- (a) in subsection (3), by substituting “Where, as respects a county council or city council, including a county council or city council in a group of authorities—” for “Where, as respects a county council or city council—”, and

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(b) by inserting the following subsection after subsection (3):

“(3A) In relation to the first appointment, after the commencement of *Part 4* of the *Local Government (Miscellaneous Provisions) Act 2012*, of a manager for a county or city in each group of authorities, the Minister may, by order, appoint to that position a person who, at such commencement, is the manager for a county or city included in the group of authorities concerned, other than a person appointed under subsection (4), and in such case subsections (1)(a), (2) and (3) shall not apply.”.

Amendment of section 148 of Act of 2001.

18.—Section 148 of the Act of 2001 is amended—

(a) in subsection (1) by substituting the following paragraph for paragraph (a)—

“(a) A manager, following consultation with the Cathaoirleach of the county or city council concerned, or, subject to subsection (3A), in the case of a manager for a county or city in a group of authorities, following consultation with the Cathaoirleach of each of the authorities in the group of authorities concerned, may by order appoint an employee of the authority or authorities concerned to be a deputy manager for the purposes of subsection (2) and may at any time terminate such appointment.”.

(b) in paragraph (a) of subsection (3) by substituting “the Cathaoirleach of the county or city council concerned, or in the case of a group of authorities, the Cathaoirleach of such county or city council as the Minister shall direct, may appoint an employee of the local authority or local authorities concerned” for “the relevant Cathaoirleach may appoint an employee of the local authority”, and

(c) by inserting the following subsection after subsection (3)—

“(3A) Where a deputy manager is appointed for a county or city in a group of authorities, the same person shall be appointed to be the deputy manager for each of the counties or the county and city in the group of authorities concerned.”.