



Number 55 of 2015

Dublin Docklands Development Authority (Dissolution) Act 2015



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DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY (DISSOLUTION) ACT 2015

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[2015.]

*Dublin Docklands Development
Authority (Dissolution) Act 2015.*

[No. 55.]

SCHEDULE

MEETINGS OF FORUM

[No. 55.]

*Dublin Docklands Development
Authority (Dissolution) Act 2015.*

[2015.]

ACTS REFERRED TO

Companies Acts

Dublin Docklands Development Authority Act 1997 (No. 7)

Electronic Commerce Act 2000 (No. 27)

Ethics in Public Office Act 1995 (No. 22)

European Parliament Elections Act 1997 (No. 2)

Finance Act 2002 (No. 5)

Local Government Act 2001 (No. 37)

Planning and Development Act 2000 (No. 30)

Standards in Public Office Act 2001 (No. 31)

Taxes Consolidation Act 1997 (No. 39)

Urban Renewal Act 1986 (No. 19)



Number 55 of 2015

DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY (DISSOLUTION) ACT 2015

An Act to dissolve the Dublin Docklands Development Authority; to provide for the transfer of certain rights and functions to Dublin City Council as a consequence of the dissolution; to establish the Docklands Oversight and Consultative Forum; to provide for planning and development matters in the Dublin Docklands Area; and to provide for related matters.

[24th December, 2015]

Be it enacted by the Oireachtas as follows:

PART 1

GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Dublin Docklands Development Authority (Dissolution) Act 2015.
(2) The Dublin Docklands Development Authority Act 1997 and this Act may be cited together as the Dublin Docklands Development Authority Acts 1997 and 2015.
(3) *Part 5* shall come 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 provisions.

Definitions

2. In this Act—

“Act of 1997” means the Dublin Docklands Development Authority Act 1997;

“Act of 2000” means the Planning and Development Act 2000;

“Authority” has the meaning assigned to it by *section 6*;

“certificate” means a certificate issued by the Authority under section 25(7)(a)(ii) of the Act of 1997 or by the Custom House Docks Development Authority under section 12(6) (b) of the Urban Renewal Act 1986;

“Chairperson” means the person appointed under *section 39(2)*;

“Chief Executive” means the Chief Executive of Dublin City Council;

“communities” means residential and business communities;

“Council” means Dublin City Council;

“Custom House Docks Development Authority Planning Scheme” means the scheme approved by the Minister under section 12(5) of the Urban Renewal Act 1986 on 16 February 1995, as amended by the scheme approved by the Minister under section 25(5) of the Act of 1997 on 26 August 1998;

“development” has the same meaning as it has in the Act of 2000;

“dissolution day” means the day appointed under *section 5*;

“Docklands North Lotts Area Planning Scheme” means the scheme approved by the Minister under section 25(5) of the Act of 1997 on 5 June 2002, as amended by the scheme approved by the Minister under that section of that Act on 26 June 2006;

“docklands planning schemes” means the Custom House Docks Development Authority Planning Scheme, the Docklands North Lotts Area Planning Scheme and the Grand Canal Dock Planning Scheme;

“Dublin Docklands Area” has the same meaning as it has in the Act of 1997;

“Forum” has the meaning assigned to it by *section 37(1)*;

“Grand Canal Dock Planning Scheme” means the scheme approved by the Minister under section 25(5) of the Act of 1997 on 21 December 2000, as amended by the scheme approved by the Minister under that section of that Act on 26 June 2006;

“master plan” means the master plan adopted on 27 November 2008 by the Authority under section 24 of the Act of 1997;

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

“prescribed” means prescribed by regulations made by the Minister;

“public authority” means—

- (a) a Minister of the Government,
- (b) the Commissioners of Public Works in Ireland,
- (c) the Health Service Executive,
- (d) a board or other body (but not including a company under the Companies Acts) established by or under statute,
- (e) a company under the Companies Acts, 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, or
 - (iii) by a board, company or other body referred to in *paragraph (d)* or *subparagraph (i)* or *(ii)*,

and

(f) the Child and Family Agency;

“register” means the register kept by the Council under section 7 of the Act of 2000;

“strategic development zone” means the site to which the planning scheme approved by An Bord Pleanála under section 169(7)(a) of the Act of 2000 on 16 May 2014 applies;

“strategic policy committee” means a committee established by the Council under section 48 of the Local Government Act 2001;

“use” has the same meaning as it has in the Act of 2000;

“works” has the same meaning as it has in the Act of 2000.

Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (3) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses of Minister

4. 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

DISSOLUTION OF AUTHORITY

Dissolution day

5. The Minister shall, by order, appoint a day to be the dissolution day for the purposes of this Act.

Dissolution of Authority

6. On the dissolution day, the Dublin Docklands Development Authority (in this Act referred to as the “Authority”) shall stand dissolved.

PART 3

PROVISIONS CONSEQUENTIAL ON DISSOLUTION

Transfer of functions

7. (1) All functions that, immediately before the dissolution day, were vested in the Authority under subsections (1) (with the exception of functions vested under subparagraphs (i), (ii) and (iii) of paragraph (b)), (2), (3), (5) and (6) of section 18 of the Act of 1997 shall on that day stand transferred to the Council.
- (2) References in any enactment (other than this Act) or instrument under an enactment to the Authority shall, to the extent that such references relate to a function transferred to the Council under this section, on and after the dissolution day, be construed as references to the Council.

Transfer of land and other property

8. (1) On the dissolution day, all lands that, immediately before that day, were vested in the Authority and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Council for all the estate or interest therein that, immediately before the dissolution day, was vested in the Authority, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.
- (2) On the dissolution day, all property (other than land), including choses-in-action, that, immediately before that day, was vested in the Authority shall stand vested in the Council without any assignment.
- (3) Every chose-in-action vested in the Council by virtue of *subsection (2)* may, on and from the dissolution day, be sued on, recovered or enforced by the Council in its own name, and it shall not be necessary for the Council, or the Authority, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

Transfer of rights and liabilities, and continuation of leases, licences and permissions granted by Authority

9. (1) All rights and liabilities of the Authority arising by virtue of any contract or commitment (expressed or implied) entered into by it before the dissolution day, shall on that day stand transferred to the Council.
- (2) All rights, liabilities and obligations of or to the Authority arising by virtue of any condition imposed by it under section 25(7)(c)(ii) of the Act of 1997 shall stand transferred to the Council on the dissolution day.
- (3) Every right, liability and obligation transferred by *subsections (1) and (2)* to the Council may, on and after the dissolution day, be sued on, recovered or enforced by or against the Council in its own name, and it shall not be necessary for the Council, or the Authority, to give notice to the person whose right, liability or obligation is transferred by those subsections of such transfer.

- (4) Every lease, licence, wayleave or permission granted by the Authority in relation to land or other property vested in the Council by or under this Act, and in force immediately before the dissolution day, shall continue in force as if granted by the Council.

Liability for loss occurring before dissolution day

10. (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 dissolution day of the functions of the Authority shall, on and after that day, lie against the Council and not against the Authority.
- (2) Any legal proceedings pending immediately before the dissolution day to which the Authority is a party, shall be continued on and after that day, with the substitution in the proceedings of the Council for the Authority and the proceedings shall not abate by reason of such substitution.
- (3) Where, before the dissolution day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates and the terms of the agreement 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, insofar as they are enforceable against the Authority be enforceable against the Council and not the Authority.
- (4) Any claim made or proper to be made by the Authority in respect of any loss or injury arising from the act or default of any person before the dissolution day shall on and after that day be regarded as having been made by or proper to be made by the Council and may be pursued and sued for by the Council as if the loss or injury had been suffered by the Council.

Provisions consequent upon transfer of assets and liabilities to Council

11. (1) Anything commenced and not completed before the dissolution day by or under the authority of the Authority may be carried on or completed on or after the dissolution day by the Council.
- (2) Every instrument made under an enactment and every document (including any certificate) granted or made by the Authority shall, if and insofar as it was operative immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Council.
- (3) References to the Authority in the memorandum of association or articles of association of any company and relating to the functions of the Authority shall, on and after the dissolution day, be construed as references to the Council.
- (4) Any money, stocks, shares or securities transferred by *section 8* that immediately before the dissolution day were standing in the name of the Authority shall, on the request of the Council, be transferred into its name.

- (5) A certificate signed by the Minister that any property, right, liability or obligation has or, as the case may be, has not vested in the Council under *section 8* or *9* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.
- (6) Section 11(1) of the Act of 1997 is amended, with effect from the dissolution day, by the substitution of “Dublin City Council” for “Authority” where it first occurs.

Records held by Authority on dissolution day

12. Each record held by the Authority immediately before the dissolution day is on that day transferred to the Council and is, on and from that day, held by the Council.

Admissibility in evidence of documents

13. (1) All books and other documents directed or authorised by or under any enactment to be kept by the Authority and which, immediately before the dissolution day, would be receivable in evidence shall, notwithstanding the dissolution of the Authority, be admitted in evidence on or after the dissolution day as fully as if this Act had not been enacted.
- (2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any enactment to be kept by the Authority would, if verified in a particular manner by a particular officer of the Authority, have been admissible immediately before the dissolution day as evidence of such contents, an extract from or certificate of the contents of such book or document shall, if verified in such particular manner by the Chief Executive or by an officer of the Council (whose official position it shall not be necessary to prove) authorised by the Chief Executive in that behalf, be admitted, on or after the dissolution day, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if this Act had not been enacted.

Superannuation

14. (1) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, the entitlement to any superannuation benefit of, or in respect of, a person who is a former member of the staff of the Authority (including those former members of staff of the Authority who are deceased) shall be determined, and the benefit shall be calculated and paid, by the Council in accordance with such scheme, arrangements or enactments in relation to superannuation as applied in respect of the person immediately before the dissolution day.
- (2) All functions in relation to superannuation under any scheme, arrangement or enactment that, immediately before the dissolution day, vested in the Authority shall on and from that day vest in the Council.

Final accounts and final report of Authority

- 15.** (1) As soon as may be after the dissolution day, but not later than 12 months thereafter, the Council shall, in respect of the period specified under subsection (3), prepare final accounts of the Authority and furnish them to the Minister.
- (2) Accounts furnished to the Minister pursuant to this section shall be submitted as soon as may be by the Minister to the Comptroller and Auditor General for audit and immediately after the audit, a copy of the accounts as audited and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies of those audited accounts and that report to be laid before each House of the Oireachtas.
- (3) For the purposes of subsection (1), the Minister may specify a period that is longer or shorter than a financial year of the Authority.
- (4) The Council shall, not later than 12 months after the dissolution day, prepare and submit to the Minister the final annual report of the Authority and the Minister shall, as soon as practicable thereafter, cause a copy of the final annual report to be laid before each House of the Oireachtas.

PART 4**PLANNING ARRANGEMENTS****Status of master plan and docklands planning schemes**

- 16.** (1) The master plan shall cease to have effect on the dissolution day.
- (2) The docklands planning schemes shall cease to have effect on the dissolution day.
- (3) The master plan ceasing to have effect shall not affect the validity of anything done in accordance with the master plan before it ceased to have effect.
- (4) The docklands planning schemes ceasing to have effect shall not affect the validity of—
- (a) any certificate, or
 - (b) anything done in accordance with the docklands planning schemes before they ceased to have effect.

Applications for certificates

- 17.** An application for a certificate shall not be accepted by the Authority after the date of the passing of this Act.

Application for determination of substantial commencement

- 18.** (1) The Council shall publish in *Iris Oifigiúil*, in one or more newspapers circulating in the State and on its website, on or as soon as may be after the dissolution day, a notice

stating that applications may be made in writing to the Council for a determination under *section 20*.

- (2) An application for a determination under *section 20* shall be made within 60 working days of the date of publication of the notice referred to in *subsection (1)*.
- (3) An application for a determination under *section 20* shall—
 - (a) be in writing in the form specified by the Council,
 - (b) specify—
 - (i) the name of the applicant and the address at which the applicant ordinarily resides or carries on business or, in the case of a body corporate or unincorporated body, the registered office, principal office or place of business of the body,
 - (ii) the name of the person, if any, acting on behalf of the applicant and the address at which that person ordinarily resides or carries on business or, in the case of a body corporate or unincorporated body, the registered office, principal office or place of business of the body,
 - (iii) the telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant,
 - (iv) the address to which any correspondence relating to the application should be sent,
 - (v) the date and reference number of the certificate to which the application relates,
 - (vi) the development to which the certificate relates,
 - (vii) the date of commencement of the development to which the certificate relates,
 - (viii) the date on which the development is expected to be completed,
 - (ix) the location, townland or postal address of the land concerned, and
 - (x) the legal interest held by the applicant in the land concerned,
 - (c) include payment of the application fee of €65, and
 - (d) include particulars of the work carried out as of the dissolution day.

Further information – application for determination of substantial commencement

19. (1) Where the Council receives an application made under *section 18*, the Council may, by notice in writing, request the applicant—
 - (a) to submit such further information as it may require to consider the application, or

- (b) to produce any evidence which it may reasonably require to verify any particulars or information given in or in relation to the application.
- (2) Where an applicant does not comply with any request under *subsection (1)* within 4 weeks of such request being made, the Council shall refuse the application.

Determination of substantial commencement

20. (1) The Council shall consider the information submitted by the applicant under *section 18* (and any information submitted following a request under *section 19(1)*) and shall determine by reference to—

- (a) the extent of works carried out or change of use, and
- (b) the certificate referred to in the application under *section 18* and any documentation that was submitted with the application to the Authority for the certificate,

whether on the dissolution day the development to which the application under *section 18* relates—

- (i) was substantially commenced, or
- (ii) was not substantially commenced,

and shall serve notice on the applicant of its determination, not later than 21 days from the making of the determination.

- (2) A notice under *subsection (1)* shall include reasons for the determination.
- (3) The Council shall enter the details of each development in respect of which it makes a determination under *subsection (1)* in the register on the date of service of the notice under *subsection (1)*.

Cessation of effect of certificate

- 21.** (1) Where the Council makes a determination under *section 20(1)(ii)* in relation to a development to which a certificate relates, that certificate shall cease to have effect on the date of service of the notice in relation to that certificate under *section 20(1)*.
- (2) Where no application is made for a determination under *section 20* in respect of a certificate, that certificate shall cease to have effect on the day that is 65 working days after the date of publication of the notice referred to in *section 18(1)*.
- (3) Where a certificate ceases to have effect in accordance with this section, the validity of anything done in accordance with that certificate prior to it ceasing to have effect shall not be affected.

Substantially commenced development

- 22.** (1) Where the Council makes a determination under *section 20(1)(i)* in relation to a development to which a certificate relates, that certificate shall cease to have effect at

the expiration of the appropriate period in respect of so much of the development as is not completed at the expiration of that period.

- (2) Where a certificate ceases to have effect in accordance with *subsection (1)*, the validity of anything done in accordance with that certificate prior to it ceasing to have effect shall not be affected.
- (3) In this section and *section 23* “appropriate period” means the period of 2 years commencing on the date of service of the notice under *section 20(1)* in relation to a certificate.

Application for extension of appropriate period

23. (1) On application to it in that behalf the Council shall, as regards a particular certificate referred to in *section 22*, extend the appropriate period by such additional period not exceeding 3 years as the Council considers requisite to enable the development to which the certificate relates to be completed provided that each of the following requirements is complied with:
 - (a) the Council is satisfied that—
 - (i) substantial works were carried out on the development during the appropriate period,
 - (ii) there were considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militate against the completion of the development prior to the end of the appropriate period, and
 - (iii) the development will be completed within a reasonable time;
 - and
 - (b) the application is duly made not later than 6 months prior to the end of the appropriate period.
- (2) An application for an extension under *subsection (1)* shall—
 - (a) be in writing in the form specified by the Council,
 - (b) specify—
 - (i) the name of the applicant and the address at which the applicant ordinarily resides or carries on business or, in the case of a body corporate or unincorporated body, the registered office, principal office or place of business of the body,
 - (ii) the name of the person, if any, acting on behalf of the applicant and the address at which that person ordinarily resides or carries on business or, in the case of a body corporate or unincorporated body, the registered office, principal office or place of business of the body,
 - (iii) the telephone number and e-mail address, if any, of the applicant and of the person, if any, acting on behalf of the applicant,

- (iv) the address to which any correspondence relating to the application should be sent,
- (v) the date and reference number of the certificate to which the application relates,
- (vi) the development to which the certificate relates,
- (vii) the date of commencement of the development to which the certificate relates,
- (viii) the location, townland or postal address of the land concerned,
- (ix) the legal interest held by the applicant in the land concerned, and
- (x) the period of extension of the appropriate period sought by the applicant,
and
- (c) include—
 - (i) particulars of the work carried out as of the date of application,
 - (ii) information regarding considerations of a commercial, economic or technical nature beyond the control of the applicant which substantially militate against the completion of the development prior to the end of the appropriate period, and
 - (iii) payment of the application fee of €65.
- (3) A decision to extend the appropriate period under *subsection (1)* shall be made once and once only under this section and the Council shall not further extend the appropriate period.

Further information – application to extend

24. (1) Where the Council receives an application under *section 23*, the Council may, by notice in writing, request the applicant—
- (a) to submit such further information as it may require to consider the application, or
 - (b) to produce any evidence which it may reasonably require to verify any particulars or information given in or in relation to the application.
- (2) Where an applicant does not comply with any request under this section within 4 weeks of such request being made, the Council shall refuse the application.

Conditions

25. Where the Council decides to extend the appropriate period under *section 23(1)*, the Council may attach conditions requiring the giving of adequate security to the Council for the satisfactory completion of the development to which the application made under *section 23* relates.

Register of applications

26. Particulars of any application made to the Council under *section 23* and of the decision of the Council in respect of the application shall be recorded on the relevant entry in the register.

Notification of decision on application to extend

27. (1) The Council shall serve notice on an applicant of its decision on an application under *section 23*.

(2) A notice under *subsection (1)* shall specify—

- (a) the date and reference number of the certificate to which the application relates,
- (b) the development to which the certificate relates,
- (c) the location, townland or postal address of the land concerned,
- (d) the date of the decision,
- (e) the nature of the decision,
- (f) where applicable, the additional period by which the appropriate period has been extended,
- (g) where applicable, the conditions attached under *section 25*, and
- (h) the reasons for the decision.

Applications under section 34 of Act of 2000

28. (1) Where a development to which a certificate relates was substantially commenced or at a more advanced stage of completion on the dissolution day, but was not completed on that date, an application may be made to the Council for permission under section 34 of the Act of 2000 for so much of the development as was not completed on that date.

(2) Where a permission is granted under section 34 of the Act of 2000 in respect of a development in relation to which an application was made under *subsection (1)*, without prejudice to anything validly done in accordance with the certificate concerned prior to the grant of permission, that grant of permission shall have effect, and the certificate shall cease to have effect, in respect of so much of the development as was not completed on the dissolution day.

Consent for further development

29. An application for an alteration to or further development of a development—

- (a) in respect of which an application was made under *section 28(1)*,
- (b) to which a certificate relates that was substantially commenced or at a more advanced stage of completion on the dissolution day, but was not completed on that date, or

- (c) to which a certificate relates that was completed on or prior to the dissolution day,

shall be made under section 34 of the Act of 2000.

Service of notices

- 30.** (1) A notice required to be served on a person under this Part shall be addressed to the person concerned by name, and may be served on the person in one of the following ways:
- (a) by delivering it to the person;
 - (b) by leaving it at the address at which the person ordinarily resides or, in a case where an address has been provided under *section 18(3)(b)(iv)* or *section 23(2)(b)(iv)*, as appropriate, at that address;
 - (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address has been provided under *section 18(3)(b)(iv)* or *section 23(2)(b)(iv)*, as appropriate, to that address;
 - (d) where the address at which the person ordinarily resides cannot be ascertained by reasonable inquiry and the notice relates to any place of business, by delivering it to a person over the age of 16 years resident or employed at the place of business or by affixing it in a conspicuous position at or near the place of business;
 - (e) if the person concerned has agreed to service of notices by means of an electronic communication (within the meaning assigned by section 2 of the Electronic Commerce Act 2000), service by such means, provided that there is a facility for confirming receipt of electronic communication and that such receipt has been confirmed;
 - (f) where there is a facility for receiving a facsimile of the notice by electronic means at the address at which the person ordinarily resides or carries on business, by transmitting a facsimile of the notice by such means to that address.
- (2) For the purposes of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

Amendment of section 154 of Act of 2000

- 31.** Section 154(5)(a) of the Act of 2000 is amended with effect from the dissolution day—

- (a) in subparagraph (i) by the deletion of “or” after “as appropriate,”;
- (b) in subparagraph (ii) by the insertion of “or” after “is subject”, and
- (c) by the insertion of the following subparagraph after subparagraph (ii)—
 - “(iii) in respect of a development in respect of which a certificate has been issued by the Dublin Docklands Development Authority

under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997 or by the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986, require that the development will proceed in conformity with the planning scheme made under those Acts in respect of which the development was certified to be consistent and any conditions to which the certificate is subject.”.

Amendment of section 157 of Act of 2000

32. Section 157(4)(a) of the Act of 2000 is amended with effect from the dissolution day—

- (a) in subparagraph (i), by the substitution of “development,” for “development;”;
- (b) in subparagraph (ii), by the substitution of “section 42,” for “section 42.”, and
- (c) by the insertion of the following subparagraph after subparagraph (ii)—

“(iii) in respect of a development in respect of which a certificate has been issued by the Dublin Docklands Development Authority under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997 or by the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986, after seven years beginning on the date the certificate ceases to have effect in accordance with *Part 4 of the Dublin Docklands Development Authority (Dissolution) Act 2015.*”.

Amendment of section 160 of Act of 2000

33. Section 160 of the Act of 2000 is amended with effect from the dissolution day—

- (a) by the substitution of the following paragraph for paragraph (c) of subsection (1):
 - “(c) that any development is carried out in conformity with—
 - (i) in the case of a permission granted under this Act, the permission pertaining to that development or any condition to which the permission is subject, or
 - (ii) in the case of a certificate issued by the Dublin Docklands Development Authority under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997 or by the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986, the planning scheme made under those Acts to which the certificate relates and any conditions to which the certificate is subject.”,

and

- (b) in paragraph (a) of subsection (6)—

- (i) in subparagraph (i), by the deletion of “or” after “commencement of the development,”,
- (ii) in subparagraph (ii), by the substitution of “section 42, or” for “section 42.”, and
- (iii) by the insertion of the following subparagraph after subparagraph (ii):
 - “(iii) in respect of a development in respect of which a certificate has been issued by the Dublin Docklands Development Authority under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997 or by the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986, after the expiration of a period of 7 years beginning on the date the certificate ceases to have effect in accordance with *Part 4 of the Dublin Docklands Development Authority (Dissolution) Act 2015.*”.

Amendment of section 162 of Act of 2000

34. Section 162 of the Act of 2000 is amended with effect from the dissolution day by the substitution of the following subsection for subsection (1):

- “(1) In any proceedings for an offence under this Act, the onus of proving the existence of—
 - (a) any permission granted under Part III,
 - (b) any certificate issued by the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986, or
 - (c) any certificate issued by the Dublin Docklands Development Authority under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997,
- shall be on the defendant.”.

Amendment of section 163 of Act of 2000

35. Section 163 of the Act of 2000 is amended with effect from the dissolution day by the substitution of “(disregarding development for which there is in fact permission under Part III or in respect of which a certificate has been issued by the Dublin Docklands Development Authority under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997 or by the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986)” for “(disregarding development for which there is in fact permission under Part III)”.

Amendment of Act of 2000 – planning authority

36. The Act of 2000 is amended with effect from the dissolution day by the insertion of the

following section after section 164:

“Development in Dublin Docklands Area

164A. For the avoidance of doubt, Dublin City Council is the planning authority in respect of a development in respect of which a certificate has been issued by—

- (a) the Dublin Docklands Development Authority under section 25(7)(a)(ii) of the Dublin Docklands Development Authority Act 1997, or
- (b) the Custom House Docks Development Authority under section 12(6)(b) of the Urban Renewal Act 1986.”.

PART 5

DOCKLANDS OVERSIGHT AND CONSULTATIVE FORUM

Establishment of Forum

- 37.** (1) The Council shall establish by resolution a consultative group to be known as the Docklands Oversight and Consultative Forum (in this Act referred to as “the Forum”).
- (2) Subject to this Act, the Forum shall be independent in the performance of its functions.
- (3) The provisions of the Schedule shall have effect in relation to the Forum.

Functions of Forum

- 38.** (1) The Forum may consider and advise the Council and the strategic policy committees of the Council in relation to the formulation, development, monitoring and review of the Council’s policy relating to the performance of the functions of the Council insofar as they relate to the Dublin Docklands Area and in particular in relation to the following:
- (a) enterprise and employment;
 - (b) education;
 - (c) housing;
 - (d) planning;
 - (e) the environment, including the natural and built environment, and the amenities of the area; and
 - (f) the interaction of communities.
- (2) Without prejudice to the generality of subsection (1), the Forum may consider and advise the Council and the strategic policy committees of the Council in relation to—

- (a) initiatives of communities in the Dublin Docklands Area which in the opinion of the Forum will benefit such communities, including initiatives in relation to the provision or improvement of amenity, recreational, cultural or heritage facilities, the protection or enhancement of the environment and programmes to promote social inclusion and community development, and
 - (b) communications of the Council to the public in relation to the performance of the functions of the Council insofar as they relate to the Dublin Docklands Area.
- (3) The Forum may, and if requested by the Council shall, consider and advise the Council and the strategic policy committees of the Council in relation to the matters set out in *subsections (1)* and *(2)*.

Membership of Forum and related matters

39. (1) The Forum shall consist of the Chairperson and 21 ordinary members.
- (2) The Minister, following consultation with the Council, shall appoint a person nominated by the Chief Executive to be the Chairperson of the Forum.
- (3) The Chief Executive shall not nominate for appointment under *subsection (2)* any person who is a member, officer or member of staff of an organisation or body prescribed by the Minister under *subsection (4)*.
- (4) The Minister, following consultation with the Council, shall prescribe for the purposes of *subsection (5)*—
- (a) not less than 5 organisations which, in the opinion of the Minister—
 - (i) are concerned with, or are representative of persons engaged in, the promotion or carrying out of community development in the Dublin Docklands Area,
 - (ii) are concerned with, or are representative of persons engaged in, the promotion of the social, economic or general interest of communities in the Dublin Docklands Area, or
 - (iii) represent the general interest of the residents of the Dublin Docklands Area,
 - (b) not less than 5 organisations which, in the opinion of the Minister, are representative of persons engaged in the promotion or carrying out of economic activity (including employment) in the Dublin Docklands Area,
 - (c) not less than 1 organisation which, in the opinion of the Minister, is representative of persons involved in the promotion or carrying out of educational activities in the Dublin Docklands Area, and
 - (d) not less than 5 public authorities which, in the opinion of the Minister, are concerned with, or whose functions relate to, any of the matters listed at *section 38(1)(a) to (f)* or described in *section 38(2)(a)* insofar as those matters relate to the Dublin Docklands Area.

- (5) Each organisation and public authority prescribed under a particular paragraph of *subsection (4)* shall, whenever so requested by the Minister, following consultation with the Council, select for appointment such number of candidates as the Minister, following consultation with the Council, shall specify when making the request and shall inform the Minister, within such period as the Minister, following consultation with the Council, shall specify when making the request, of the names of the candidates selected and of the reasons why, in the opinion of the organisation or public authority (as the case may be), they are suitable for such appointment.
- (6) The following ordinary members of the Forum shall be appointed to the Forum by the Minister, following consultation with the Council:
 - (a) the Chief Executive or, where the Chief Executive so nominates, an officer of the Council nominated for appointment by the Chief Executive;
 - (b) 4 members of the Council, nominated for appointment by the Council, being members elected to the Council from electoral areas which are included in, or any part of which is included in, the Dublin Docklands Area;
 - (c) 5 members from among persons selected by the organisations which for the time being stand prescribed under *subsection (4)(a)*;
 - (d) 5 members from among persons selected by the organisations which for the time being stand prescribed under *subsection (4)(b)*;
 - (e) 1 member from among persons selected by the organisation or organisations, as the case may be, which for the time being stand prescribed under *subsection (4)(c)*;
 - (f) 5 members from among persons selected by the public authorities which for the time being stand prescribed under *subsection (4)(d)*.
- (7) Subject to *subsection (9)*, in the case of an appointment pursuant to *subsection (6)(c)*, *(d)*, *(e)* or *(f)*, the Minister shall not appoint a person to be an ordinary member of the Forum unless the person was among those selected pursuant to a request under *subsection (5)* in relation to that appointment.
- (8) Notwithstanding *subsections (5)* and *(7)*—
 - (a) if the appropriate organisations or public authorities prescribed under a particular paragraph of *subsection (4)* refuse or fail to select any candidate pursuant to a particular request under *subsection (5)*, or
 - (b) if the Minister decides not to appoint as an ordinary member of the Forum any of the candidates selected by such organisations or public authorities pursuant to the request,

then either—

 - (i) the Minister shall, following consultation with the Council, appoint as an ordinary member of the Forum a person who was among those selected by such organisations or public authorities pursuant to a previous request (if any) under *subsection (5)* in relation to that appointment, or

- (ii) the Minister shall, following consultation with the Council, make a further such request and shall appoint as an ordinary member of the Forum a person who was among those selected pursuant to that request or pursuant to another such request made in relation to that appointment.
- (9) Where a request is made pursuant to *subsection (5)*, failure or refusal by any or all of the organisations or public authorities of whom the request is made to select the number of candidates specified in the request shall not preclude the appointment as an ordinary member of the Forum of a person who was selected in relation to that appointment either by any of the aforesaid organisations or public authorities or any other organisation or public authority prescribed under *subsection (4)*.
- (10) The Minister, in appointing the members of the Forum, shall ensure that the members are persons who have the necessary knowledge, experience and competence in relation to the functions of the Forum.
- (11) Each member of the Forum shall hold office for such period not exceeding 3 years from the date of his or her appointment, as the Minister, following consultation with the Council, shall determine.
- (12) A member of the Forum whose term of office expires by the effluxion of time shall be eligible for reappointment to the Forum, but shall not be appointed for more than two consecutive terms.

Disqualification from membership of Forum

40. (1) Subject to *subsections (2)* and *(3)*, a person shall cease to be qualified to become a member of, and shall cease to be a member of, the Forum if he or she—
- (a) is nominated as a member of Seanad Éireann,
 - (b) is elected as a member of either House of the Oireachtas or of 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 the European Parliament,
 - (d) is a Judge, Advocate General or Registrar of the Court of Justice of the European Union,
 - (e) is a member of the Commission of the European Union,
 - (f) is a member of the Court of Auditors of the European Union,
 - (g) is appointed under the Constitution as a Judge or as the Comptroller and Auditor General,
 - (h) save where appointed under *section 39(6)(b)*, becomes a member of a local authority,

- (i) does not possess a tax clearance certificate issued to him or her under section 1095 (inserted by section 127(b) of the Finance Act 2002) of the Taxes Consolidation Act 1997,
 - (j) is undergoing a sentence of imprisonment for any term exceeding 6 months imposed by a court of competent jurisdiction in the State,
 - (k) fails to comply with a final judgment, order or decree of a court of competent jurisdiction, for payment of money due to the Council,
 - (l) is convicted of, or has had a conviction confirmed on appeal for an offence relating to—
 - (i) fraudulent or dishonest dealings affecting the Council, or
 - (ii) corrupt practice,
 - (m) is disqualified or restricted from being a director of any company, or
 - (n) is adjudicated bankrupt.
- (2) A disqualification arising under subsection (1)(k) comes into effect on the seventh day after the last day for compliance with the relevant final judgment, order or decree and the disqualification shall be for 5 years from such last day.
- (3) A disqualification arising under subsection (1)(l) commences—
- (a) where no appeal is taken against the conviction, when the time limit for taking an appeal has passed, or
 - (b) where an appeal is taken against the conviction and the appeal is disallowed, one month from the determination of the appeal,
- and the disqualification shall be for 5 years from the date of conviction or determination of the appeal, as the case may be.

Member ceasing to be Chief Executive or an officer of Council

41. A person's appointment under section 39(6)(a) shall be terminated with effect from the date on which the person ceases to be Chief Executive or an officer of the Council, as the case may be, during their term of office as a member of the Forum.

Member ceasing to be a member of Council

42. A person's appointment under section 39(6)(b) shall be terminated with effect from the date on which the person ceases to be a member of the Council during their term of office as a member of the Forum.

Resignation from membership

43. (1) A member of the Forum may resign by notice in writing to the Chairperson or, where that member is the Chairperson, by notice in writing to the Chief Executive.

- (2) A resignation under *subsection (1)* shall take effect on—
- (a) the date specified in the notice, or
 - (b) where no date is specified in the notice, the date on which the Chairperson or Chief Executive, as the case may be, receives the notice.
- (3) Subject to *subsections (4)* and *(5)*, a person shall be taken to have resigned as a member of the Forum where the person is absent from more than 50 per cent of the meetings of the Forum held during any year (in this section referred to as the “relevant period”).
- (4) Where the Forum accepts, by resolution passed before the end of the relevant period, that the absence of the member was due to illness or in good faith for another reason, the relevant period shall stand extended by 6 months.
- (5) Where the absence of the member continues uninterrupted for the relevant period extended by 6 months under *subsection (4)*, and the Forum accepts that the absence of the member was due to illness or in good faith for another reason, the relevant period shall stand extended by a further 6 months.
- (6) A member is taken to have resigned on the next day after—
- (a) in the case of *subsection (3)*, the end of the relevant period,
 - (b) in the case of *subsection (4)*, the end of the relevant period as extended by 6 months under that subsection, or
 - (c) in the case of *subsection (5)*, the end of the relevant period as extended by a further 6 months under that subsection.
- (7) A person who resigns as a member of the Forum under this section also ceases on such resignation to be a member of any body to which he or she was elected, nominated or appointed by the Forum.

Removal from office

- 44.** The Minister may, following consultation with the Council, at any time remove from office a member of the Forum if—
- (a) in the Minister’s opinion—
 - (i) the member has become incapable through ill-health of performing his or her functions,
 - (ii) the member has committed stated misbehaviour, or
 - (iii) the member’s removal from office is necessary for the Forum to perform its functions in an effective manner,
 - (b) the member has contravened, or failed to discharge a duty imposed by a provision of the Ethics in Public Office Act 1995 that by a regulation made under section 3 of that Act applies to that member, or

- (c) in performing functions under this Act, the member has not complied with a code of conduct under section 10(3) of the Standards in Public Office Act 2001.

Casual vacancies

- 45.** (1) If a member of the Forum dies, resigns, ceases to be qualified for office and ceases to hold office, is removed from office, or their appointment is terminated in accordance with *section 41* or *42*, the Minister may, following consultation with the Council, appoint a person to be a member of the Forum to fill the casual vacancy so occasioned in the same manner as the member of the Forum who occasioned the casual vacancy was appointed.
- (2) A person who becomes a member of the Forum under *subsection (1)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date he or she fills that vacancy and nothing in this section shall be construed as making that person ineligible for appointment or election as a member of the Forum on the expiry of the said period where that person would otherwise be eligible.

Procedures

- 46.** The Minister may, following consultation with the Council, by regulations prescribe—
- (a) procedures for presentation by the Forum to the Council and the strategic policy committees of the Council of proposals and advices connected with the formulation, development, monitoring and review of policy relating to the performance of the functions of the Council insofar as they relate to the Dublin Docklands Area,
 - (b) the form, content and layout of any particular class of policy papers and other documents (including the preparation of preliminary documents) prepared by the Forum, and
 - (c) procedures to ensure that sufficient time for input by the Forum into policy papers is provided prior to completion and subsequent presentation to the Council.

Prohibition on disclosure of confidential information

- 47.** (1) A person shall not disclose confidential information obtained by him or her while performing functions as a member of, or as an adviser or consultant to, the Forum or as a member of staff of such an adviser or consultant, unless he or she is authorised to do so by the Forum.
- (2) A person who contravenes *subsection (1)* commits an offence and is liable on summary conviction to a class C fine.
- (3) Nothing in this section shall prevent the disclosure of information—
- (a) in a report made to the Forum,

- (b) by or on behalf of the Forum to the Minister or the Council,
- (c) by a member of the Forum to the Minister or the Council, or
- (d) by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995.

(4) In this section “confidential information” includes:

- (a) information that is expressed by the Forum to be confidential either as regards particular information or as regards information of a particular class or description; and
- (b) proposals of a commercial nature or tenders submitted to the Council by contractors, consultants or any other person.

Expenses of Forum

48. The expenses incurred by the Forum in exercising its functions under this Act shall be paid by the Council out of moneys at its disposal.

Reporting

- 49.** (1) The Forum shall, not later than 30 June in each year, prepare, adopt and submit to the Council a report in relation to the performance of its functions during the year immediately preceding the year in which the report is submitted (in this section referred to as a “DOCF annual report”).
- (2) The Council shall not later than 30 September in each year in which a DOCF annual report has been submitted to it under *subsection (1)*, submit that DOCF annual report to the Minister.
- (3) The Minister shall, as soon as practicable after a DOCF annual report has been submitted to him or her under *subsection (2)* cause a copy of it to be laid before each House of the Oireachtas.
- (4) An annual report of the Council shall furnish information regarding the performance of the functions of the Forum during the period to which the annual report relates.

SCHEDULE

Section 37

MEETINGS OF FORUM

1. Subject to *paragraph 2*, the Forum may act notwithstanding one or more vacancies among its members.
2. The quorum for meetings of the Forum shall be 12 members.
3. In addition to meeting with all participants physically present, the Forum may hold or continue a meeting by the use of any means of communication by which all the participants can hear and be heard at the same time and such a meeting shall be referred to as an “electronic meeting”.
4. A member who participates in an electronic meeting is taken for all purposes to be present at the meeting.
5. Where at a meeting of the Forum any of the following matters arise, namely—
 - (1) an arrangement to which the Council is a party or is a proposed party, or
 - (2) a contract or other agreement, or a proposed contract or other agreement with the Council,
 then, any member of the Forum present at the meeting who otherwise than in his or her capacity as a member of the Forum has a material interest in the matter shall—
 - (a) at the meeting disclose the fact of such interest and the nature thereof to the other members of the Forum present in advance of any consideration of the matter,
 - (b) neither influence nor seek to influence a decision to be made in relation to the matter,
 - (c) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed, and
 - (d) take no part in any deliberation or decision relating to the matter.
6. Where a material interest is disclosed under *paragraph 5*, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member of the Forum by whom the disclosure is made shall not be counted in the quorum for the meeting.
7. Where, at a meeting of the Forum, a question arises as to whether or not a course of conduct, if pursued by a member of the Forum, would constitute a failure by him or her to comply with the requirements of *paragraph 5*, the question may, subject to *paragraph 8*, be determined by the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.
8. Where, at a meeting of the Forum, the chairperson of the meeting is the person in respect of whom a matter to which *paragraph 5* applies falls to be determined, then

the other members of the Forum attending the meeting shall choose one of their number to be chairperson of the meeting for the purposes of *paragraph 7*.

9. Where the Minister is, following consultation with the Council, satisfied that a member of the Forum has contravened *paragraph 5*, the Minister may, if he or she thinks fit, remove that member of the Forum from office.
10. Where a person is removed from office pursuant to *paragraph 9*, he or she shall henceforth be disqualified from being a member of the Forum.
11. The Forum shall hold not less than 4 meetings in each year.
12. The Chairperson may, at any reasonable time, call a meeting of the Forum and the Chairperson shall convene a meeting of the Forum whenever requested to do so by not less than three members.
13. If the Chairperson refuses to call a meeting of the Forum having been presented with a requisition for that purpose, signed by not less than three members of the Forum, any two members of the Forum may forthwith, on that refusal, call a meeting of the Forum and, if the Chairperson of the Forum (without so refusing) does not, within seven days after the presentation of the requisition, call a meeting of the Forum, any three members of the Forum may, on the expiration of those seven days, call a meeting of the Forum.
14. At a meeting of the Forum—
 - (1) the Chairperson of the Forum shall, if present, be the chairperson of the meeting, or
 - (2) if and so long as the Chairperson of the Forum is not present or if that office is vacant, the other members of the Forum who are present shall choose one of their number to be chairperson of the meeting.
15. Every question at a meeting of the Forum shall be determined by a majority of the votes of the members of the Forum present and voting on the question, and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.
16. Subject to *paragraph 2*, the acts, decisions and proceedings of the Forum shall not be invalidated by reason only of a vacancy or vacancies in its membership or of the disqualification or want of qualification of any of its members.
17. Whenever a meeting of the Forum is abandoned owing to failure to obtain a quorum, the names of the members attending at the time and place appointed for such meeting shall be recorded and they shall, for all purposes, be deemed to have attended a duly constituted meeting.
18. (1) The Forum shall ensure that minutes of each meeting are prepared.
(2) The minutes of a meeting shall be submitted for confirmation as an accurate record at the next meeting of the Forum.

- (3) When confirmed, with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting at which they were submitted for confirmation.
 - (4) The Forum shall keep all such registers and records as shall be prescribed and all such registers and records shall be open to inspection at all reasonable times by a person authorised by the Minister, following consultation with the Council, for that purpose.
 - (5) The Forum shall make to the Minister such reports and returns and furnish to the Minister such information as he or she may from time to time require.
19. Subject to this Act, the Forum shall regulate its procedures, including procedures for an electronic meeting, and business by rules or otherwise.