



STATUTORY INSTRUMENTS.

S.I. No. 279 of 2012

LOCAL GOVERNMENT SERVICES (CORPORATE BODIES) ACT 1971
(TRANSFER OF FUNCTIONS, ASSETS AND LIABILITIES OF
LIMERICK SOUTHSIDE REGENERATION AGENCY) ORDER 2012

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(TRANSFER OF FUNCTIONS, ASSETS AND LIABILITIES OF
LIMERICK SOUTHSIDE REGENERATION AGENCY) ORDER 2012

I, PHIL HOGAN, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by Section 5A(as inserted by Section 7 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 with the consent of the Minister for Public Expenditure and Reform, hereby order as follows:

Citation and Commencement

1. (1) This Order may be cited as the Local Government Services (Corporate Bodies) Act 1971 (Transfer of Functions, Assets and Liabilities of Limerick Southside Regeneration Agency) Order 2012.

(2) This Order shall come into operation on 31 July 2012.

Interpretation

2. In this Order—

“Agency” means the Limerick Southside Regeneration Agency.

Transfer of Functions to Limerick City Council

3. (1) All functions that, immediately before the coming into operation of this order, were vested in the Agency are transferred to Limerick City Council.

Transfer of land and other property

4. (1) On the coming into operation of this order, all lands that, immediately before that day, were vested in the Agency and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in Limerick City Council for all the estate or interest therein that, immediately before the coming into operation of this order, were vested in the Agency, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) On the coming into operation of this order all property (other than land), including choses-in-action, that immediately before that day, was vested in the Agency shall stand vested in Limerick City Council without any assignment.

(3) Every chose-in-action vested in Limerick City Council by virtue of paragraph(2) may, on and from the coming into operation of this order, be sued on, recovered or enforced by Limerick City Council in its own name, and it shall not be necessary for Limerick City Council, or the Agency, to give notice to any person bound by the chose-in-action of the vesting effected by that paragraph.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th July, 2012.*

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

5. (1) All rights and liabilities of the Agency arising by virtue of any contract or commitment (expressed or implied) entered into by it before the coming into operation of this order shall on that day stand transferred to Limerick City Council.

(2) Every right and liability transferred by paragraph (1) to Limerick City Council may, on and after the coming into operation of this order, be sued on, recovered or enforced by or against Limerick City Council in its own name, and it shall not be necessary for Limerick City Council, or the Agency, to give notice to the person whose right or liability is transferred by that paragraph of such transfer.

(3) Every lease, licence, wayleave or permission granted by the Agency in relation to land or other property vested in Limerick City Council or under this Order, and in force immediately before the coming into operation of this order, shall continue in force as if granted by Limerick City Council.

Liability for loss occurring before commencement day

6. (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 coming into operation of this order of the functions assigned to Limerick City Council by or under this Order shall after that day, lie against Limerick City Council and not against the Agency.

(2) Any legal proceedings pending immediately before the coming into operation of this order to which the Agency is a party, shall be continued, with the substitution in the proceedings of Limerick City Council, in so far as they so relate, to the Agency.

(3) Where, before the coming into operation of this order, agreement has been reached between the parties concerned in settlement of a claim to which paragraph (1) relates, the terms of which 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, in so far as they are enforceable against the Agency, be enforceable against Limerick City Council and not the Agency.

(4) Any claim made or proper to be made by the Agency in respect of any loss or injury arising from the act or default of any person before the coming into operation of this order shall be regarded as having been made by or proper to be made by Limerick City Council and may be pursued and sued for by Limerick City Council as if the loss or injury had been suffered by Limerick City Council.

Provisions consequent upon transfer of functions, assets and liabilities to Limerick City Council

7. (1) Anything commenced and not completed before the coming into operation of this order by or under the authority of the Agency may, in so far as it

relates to a function transferred to Limerick City Council under article 3, be carried on or completed on or after the coming into operation of this order by Limerick City Council.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by article 3, shall, if and in so far as it was operative immediately before the coming into operation of this order, have effect on and after that day as if it had been granted or made by Limerick City Council.

(3) References to the Agency in the memorandum or articles of associations of any company and relating to a function transferred by article 3 shall, on and after the coming into operation of this order, be construed as references to Limerick City Council.

(4) Any money, stocks, shares or securities transferred by article 3 that immediately before the coming into operation of this order were standing in the name of the Agency shall, on the request of Limerick City Council be transferred into its name.

(5) All debit or credit balances will transfer to Limerick City Council on the coming into operation of this order.

(6) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in Limerick City Council under article 4 or 5 shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Accounts of the Agency

8. (1) All accounts of moneys received or expended by the Agency and required to be prepared and maintained by it immediately before the coming into operation of this order and to be duly audited shall, on and after the coming into operation of this order be maintained by Limerick City Council.

(2) Limerick City Council shall, in respect of the period specified under paragraph (4) of this article, prepare final accounts of the Agency.

(3) Limerick City Council shall submit the final accounts to the Comptroller and Auditor General for audit not later than 3 months after the coming into operation of this order.

(4) For the purposes of paragraph (2), the Minister may specify a period that is longer or shorter than a financial year of the Agency.

(5) Limerick City Council shall submit the final accounts to the Minister not later than 6 months after the coming into operation of this order.

I, Brendan Howlin, Minister for Public Expenditure and Reform, consent to the making of the foregoing Order.



GIVEN under my Official Seal,
24 July 2012.

BRENDAN HOWLIN,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
24 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 transfers the Functions, Assets and Liabilities of the Limerick Southside Regeneration Agency to Limerick City Council.

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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€2.54

