



STATUTORY INSTRUMENTS.

S.I. No. 55 of 2019



WATER SAFETY IRELAND (TRANSFER OF ASSETS AND
LIABILITIES) ORDER 2019

S.I. No. 55 of 2019

Water Safety Ireland (Transfer of Assets and Liabilities) Order 2019

I, MICHAEL RING Minister for Rural and Community Development in exercise of the powers conferred on me by section 5A of the Local Government Services (Corporate Bodies) Act 1971 (No. 6 of 1971) and the Community Development (Transfer of Departmental Administration and Ministerial Functions) Order 2018 (S.I. No. 165 of 2018), with the consent of the Minister for Public Expenditure and Reform, hereby order as follows:

1. This Order may be cited as the Water Safety Ireland (Transfer of Assets and Liabilities) Order 2019.

2. In this Order -

“Body” means the body established by the Water Safety Ireland (Establishment) Order 2019;

“dissolved body” means the body dissolved by section 10(e) of the Local Government (Miscellaneous Provisions) Act 2012 (No. 17 of 2012);

“establishment day” has the same meaning as it has in the Water Safety Ireland (Establishment) Order 2019;

“Minister” means the Minister for Rural and Community Development.

3. (1) A person who immediately before the establishment day was a member of the Council of the dissolved body shall continue in office as a member of the Council of the Body after the commencement of this Order for the unexpired term of his or her appointment but in any event for not longer than 5 years from the establishment day.

(2) The person who, immediately before the establishment day, held office as Chief Executive of the dissolved body shall continue as Chief Executive of the Body for the remaining term of his or her contract of employment with the dissolved body and on the same terms and conditions of contract.

(3) Every person who, immediately before the establishment day, was a member of staff of the dissolved body shall, on the establishment day, become and be a member of the staff of the Body.

(4) A person referred to in paragraph (3) who, immediately before the establishment day, was a member of a superannuation scheme under the Local Government (Superannuation) Act 1980 (No. 8 of 1980) shall, on the establishment day, continue to be a member of such scheme in accordance with its terms and conditions.

4. (1) On the establishment day, all lands that, immediately before that day, were vested in the dissolved body, and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Body for all the estate or interest therein that, immediately before the establishment day, were vested in the dissolved body, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” 22nd of February, 2019.

(2) On the establishment day, all property (other than land), including choses-in-action, that immediately before that day, was vested in the dissolved body shall stand vested in the Body without any assignment.

(3) Every chose-in-action vested in the Body by virtue of paragraph (2) may, on or after the establishment day, be sued on, recovered or enforced by the Body in its own name, and it shall not be necessary for the Body, or the dissolved body, to give notice to any person bound by the chose-in-action of the vesting effected by that paragraph.

5. (1) All rights and liabilities of the dissolved body arising by virtue of a contract or commitment (expressed or implied) entered into by it before the establishment day shall on that day stand transferred to the Body.

(2) Every right and liability transferred by paragraph (1) to the Body may, on and after the establishment day, be sued on, recovered or enforced by or against the Body in its own name and it shall not be necessary for the Body, or the dissolved body, to give notice to any person of the transfer of such right or liability.

(3) Every lease, licence, wayleave or permission granted by the dissolved body in relation to land or other property vested in the Body and in force immediately before the establishment day, shall continue in force on and after that day as if granted by the Body.

6. (1) Anything commenced and not completed before the establishment day by or under the authority of the dissolved body may, in so far as it relates to services provided by the Body under Article 4, or accounting or reporting obligations under Articles 11 and 12, of the Water Safety Ireland (Establishment) Order 2019, be carried on or completed on or after the establishment day by the Body.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made by the dissolved body, shall, if and in so far as it was operative immediately before the establishment day, have effect on and after that day as if it had been granted or made by the Body.

(3) Any money, stocks, shares or securities that immediately before the establishment day were standing in the name of the dissolved body shall, on and after that day, on the request of the Body be transferred into the name of the Body.

(4) All debit or credit balances of the dissolved body shall transfer to the Body on the coming into operation of this Order.

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

7. (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 establishment day, of a function of the dissolved body shall, on and after that day, lie against the Body and not the dissolved body.

(2) Any legal proceedings pending immediately before the establishment day, to which the dissolved body is a party, shall be continued in so far as they

relate to the dissolved body, with the substitution in the proceedings of the Body for the dissolved body.

(3) Where, before the establishment day, 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, on and after the establishment day, in so far as they are enforceable against the dissolved body, be enforceable against the Body and not the dissolved body.

(4) Any claim made or proper to be made by the dissolved body in respect of any loss or injury arising from the act or default of any person before the establishment day shall, on and after that day, be regarded as having been made by or proper to be made by the Body and may be pursued and sued for by the Body as if the loss or injury had been suffered by the Body.

8. (1) All accounts of moneys received or expended by the dissolved body and required to be prepared and maintained by it immediately before the establishment day and to be duly audited shall, on or after the establishment day, be maintained by the Body.

(2) The Body shall, in respect of the period specified under paragraph (4), prepare final accounts of the dissolved body.

(3) The Body shall submit the final accounts to the Comptroller and Auditor General for audit within 3 months of the establishment day.

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

The Minister for Public Expenditure and Reform consents to the making of the foregoing Order.



GIVEN under my Official Seal,
15 February 2019.

PASCHAL DONOHOE,
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,
15 February 2019.

MICHAEL RING,
Minister for Rural and Community Development.

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