



STATUTORY INSTRUMENTS.

**S.I. No. 352 of 2018**



LAND DEVELOPMENT AGENCY (ESTABLISHMENT) ORDER 2018

## LAND DEVELOPMENT AGENCY (ESTABLISHMENT) ORDER 2018

I, EOGHAN MURPHY, Minister for Housing, Planning and Local Government, in exercise of the powers conferred on me by section 3 of the Local Government Services (Corporate Bodies) Act 1971 (No. 6 of 1971), as amended by the Local Government (Miscellaneous Provisions) Act 2012 (No. 17 of 2012), and as adapted by the Housing, Planning, Community and Local Government (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 358 of 2017), and having regard to the matters referred to in subsection (1A) of the said section 3 and with the consent of the Minister for Public Expenditure and Reform, hereby order as follows:

*Citation*

1. This Order may be cited as the Land Development Agency (Establishment) Order 2018.

*Commencement*

2. This Order shall come into effect on the day following the date of the making of the order and that day shall be the Establishment Day.

*Definitions*

3. In this Order—

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

“Board” means the Board established under Article 6;

“Chief Executive Officer” means the Chief Executive Officer appointed by the Minister under Article 7(1);

“designated body” means a body designated for the time being under section 3(2) of the Act;

“Housing Acts” means the Housing Acts 1966 to 2014;

“Minister” means the Minister for Housing, Planning and Local Government;

“Planning Acts” means the Planning and Development Acts 2000 to 2018.

*Establishment of the Land Development Agency*

4. A body to be called and known as An Gníomhaireacht Forbartha Talún or, in the English language, the Land Development Agency, is established to provide the services specified in Article 5—

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 18th September, 2018.*

- (a) for, and on behalf of, the Minister and each authority to which the Act applies, in the performance of his or her or its functions under the Planning Acts and the Housing Acts and in relation to the implementation of Project Ireland 2040/the National Planning Framework; and
  - (b) for a designated body.
5. The services to be provided by the Land Development Agency shall be:
- (a) development and regeneration of land and property, including structures, for the purposes of the delivery of housing and the achievement of wider physical, social and economic development and regeneration;
  - (b) supporting the consolidation and replenishment of the publicly owned development land bank and expediting the most efficient use of such land;
  - (c) establishing appropriate mechanisms and collaborative structures between public and private bodies to develop key strategic sites in public ownership;
  - (d) creation of a database of public lands relevant to the functions of the Agency;
  - (e) master-planning and development appraisal services;
  - (f) securing development consents for relevant lands and development projects;
  - (g) procurement of such technical, administrative or implementation activities as may be necessary; and
  - (h) procurement of development, construction and evaluation services to deliver housing and wider urban regeneration and development projects.

*Membership of the Land Development Agency and constitution of a Board*

6. (1) A Board for the Land Development Agency shall be appointed by the Minister and the number of members of the Board so appointed at any time shall be not less than six and not more than ten.

(2) The members of the Land Development Agency Board shall conduct the Agency's business and a reference in this Order to a Board member shall be construed as a reference to a member of the Agency.

(3) The membership of the Land Development Agency Board shall comprise the following:

- (a) a Chairperson appointed by the Minister;

- (b) one serving officer from the Department of Housing, Planning and Local Government, as nominated by the Minister;
- (c) one serving officer from the Department of Public Expenditure and Reform, as nominated by the Minister of that Department;
- (d) one representative of the Local Government sector, as nominated by the Minister;
- (e) one serving officer from the Housing and Sustainable Communities Agency, as nominated by the Chairperson of the said Agency;
- (f) the Chief Executive Officer; and
- (g) such other person(s), not being more than four, as the Minister may consider appropriate.

(4) The term of office of a Board member shall be as specified by the Minister upon such appointment and such member shall hold office for that period unless sooner dying, resigning or otherwise ceasing to be a qualified person.

(5) The Board may act notwithstanding a vacancy among its members.

(6) The quorum for meetings of the Board shall be three members.

(7) A Board member may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified in the letter or upon receipt of the letter by the Minister, whichever is the later.

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

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

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

(10) Where a Board member or an employee of the Land Development Agency:

- (a) accepts a nomination as a member of Seanad Éireann;
- (b) is elected to either House of the Oireachtas or to the European Parliament;

(c) is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament; or

(d) becomes a member of a local authority,

he or she shall thereupon—

(i) in the case of a Board member, cease to be a Board member, or

(ii) in the case of an employee of the Land Development Agency, stand seconded from employment by the Land Development Agency for the period specified in paragraph (11).

(11) A person who stands seconded under paragraph (10)(d)(ii) shall not be paid by, or entitled to receive from, the Land Development Agency any remuneration in respect of the period commencing on such nomination or election or his or her membership of the local authority or the date on which he or she is so regarded as having been elected, as the case may be, and ending on the date on which he or she ceases to be a member of either such House or such Parliament or such local authority.

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

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

(14) (a) The Board shall hold such and so many meetings as may be necessary for the performance of its functions, with a minimum of six meetings per year.

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

(15) The Board may from time to time appoint such and so many committees as it thinks proper for the performance of its functions.

(16) A committee appointed under paragraph (15) shall consist of such number of members as the Board thinks proper and may, at the discretion of the Board, consist of Board members, employees of the Land Development Agency or other persons with appropriate knowledge or experience.

(17) The Board members may be paid such remuneration and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(18) Subject to the provisions of this Order, the Board shall regulate, by standing orders or otherwise, its procedures or business.

*Staffing of the Land Development Agency*

7. (1) The Minister may appoint a person to be the Chief Executive Officer, to carry on and manage and control generally, subject to the supervision of the Board, the administration and business of the Land Development Agency and to perform such other functions as the Minister may determine from time to time.

(2) The Chief Executive Officer shall hold office for such period and upon such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine from time to time.

(3) The Land Development Agency may appoint such persons to be employees of the Agency as it may determine, subject to the consent of the Minister and the Minister for Public Expenditure and Reform as to numbers and grading.

(4) An employee of the Land Development Agency shall be paid, out of moneys at the Agency's disposal, such remuneration and allowances for expenses as the Agency, with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine.

(5) An employee of the Land Development Agency shall hold his or her employment on such other terms (including terms specifying the duration of such employment) and conditions as the Agency, with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine.

(6) For the purposes of enabling the Land Development Agency to perform its functions as and from the Establishment Day, one or more than one of the Minister, an authority to which the Act applies and a designated body may, for such period as it thinks appropriate, supply to the Agency any services, including services of staff, required by the Agency and the Agency may avail of services provided to it under this paragraph.

(7) The supply of services of staff under paragraph (6) may include the supply of the services of a person to perform the functions of the Chief Executive Officer.

(8) The Land Development Agency may make such provision for the superannuation of its staff as may be approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.

*Engagement of consultants*

8. The Land Development Agency may from time to time engage such consultants, advisers or other persons as it considers necessary for the discharge of its functions, and any fees due to a consultant or adviser or other person under this Article shall be paid by the Agency out of moneys at its disposal.

*Seal*

9. (1) As soon as may be after its establishment, the Land Development Agency shall provide itself with a seal.

(2) The seal of the Land Development Agency shall be authenticated by the signature of the Chief Executive Officer or by the signature of a person employed by the Agency who is authorised by the Board to act in that behalf.

*Reporting*

10. (1) The Land Development Agency shall furnish to the Minister such information regarding the performance or proposals for the performance of its functions as the Minister may from time to time require.

(2) The Land Development Agency shall, in accordance with any direction given by the Minister from time to time, submit in each year a programme of activities for the following year and an estimate of expenditure to be incurred on such activities.

(3) The Land Development Agency shall prepare an annual report and audited financial statements to record the financial performance and financial position of the Agency in each financial year.

(4) Reporting requirements shall comply with the Code of Practice for the Governance of State Bodies, published by the Department of Public Expenditure and Reform.

*Accounts*

11. (1) The Land Development Agency shall keep, in such form as may be approved of by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of all moneys received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister, with the consent of the Minister for Public Expenditure and Reform, may from time to time direct.

(2) The financial year of the Land Development Agency shall be the period of twelve months ending on 31 December in any year, except in the period following the Agency's establishment, in which case the financial year shall be the period from the date of establishment to 31 December in the following year.

(3) Accounts kept under paragraph (1) shall, on or before such date as the Minister shall direct, be submitted annually by the Land Development Agency for audit and, immediately after such audit, a copy of the accounts and a copy of the auditor's report on the accounts shall be presented to the Minister, who shall cause copies of such accounts and report to be laid before each House of the Oireachtas.

*Grants to the Land Development Agency*

12. The Minister may pay grants of such amounts as may be sanctioned by the Minister for Public Expenditure and Reform, out of moneys to be provided by the Oireachtas, towards the operating costs and expenses of the Land Development Agency.

*Discharge of functions*

13. The Land Development Agency may do all such things as may be necessary for the effective discharge of its functions and, for this purpose, the Agency may:

- (a) acquire, purchase or take on lease any land or buildings and may sell, exchange, let or otherwise dispose of any land or buildings vested in the Agency;
- (b) take ownership of land, buildings and other property upon such trusts and conditions, if any, as may be specified by the donor, save that the Agency may not take ownership if, in the Agency's opinion, the conditions attached by the donor to its acceptance are not consistent with the Agency's functions.

*Fees*

14. The Land Development Agency may:

- (a) in accordance with section 3(4) of the Act and the terms agreed between the Agency and the body concerned, charge fees for the provision of services for a designated body;
- (b) in accordance with section 4(2)(i) of the Act, charge fees for the provision of services for each authority to which the Act applies; and
- (c) in accordance with section 3(9)(j) of the Act, collect charges and late payment fees as part of the provision of agency services for, and, as the case may be, on behalf of, the Minister, an authority to which this Act applies and a designated body.

*Audit and Risk*

15. (1) The Board shall establish an Audit and Risk Committee, at least one member of which shall be one of such Board Members as may stand appointed under Article 6(3)(g), and the Committee shall operate in accordance with the Code of Practice for Governance of State Bodies, published by the Department of Public Expenditure and Reform.

(2) The Audit and Risk Committee shall have the power to co-opt members to provide specialist skills at a particular time and to procure specialist advice.

(3) The roles and responsibilities of the Audit and Risk Committee shall be set out in a written charter, including terms of reference which shall be communicated to all members of the Committee.

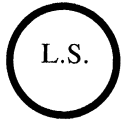


I, PASCHAL DONOHOE, Minister for Public Expenditure and Reform, consent to the making of the foregoing Order, and to the inclusion in the Order of the provisions set out in Articles 6, 7 and 12.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,  
13 September 2018.

PASCHAL DONOHOE,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
13 September 2018.

EOGHAN MURPHY,  
Minister for Housing, Planning and Local Government.

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

This Order is made under the Local Government Services (Corporate Bodies) Act 1971, to establish the Land Development Agency. The Agency will act under a Board appointed by the Minister and will provide specified services for and on behalf of the Minister and local authorities in the performance of their functions. The Agency may also provide services for bodies designated under the 1971 Act.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

---

€3.05

