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Explanatory Memorandum](#)

**AN BILLE UM SHEIRBHÍSÍ RIALTAIS ÁITIÚIL
(COMHLACHTAÍ CORPRAITHE) (ORDUITHE A
DHAINGNIÚ) 2008**
**LOCAL GOVERNMENT SERVICES (CORPORATE BODIES)
(CONFIRMATION OF ORDERS) BILL 2008**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Definition.
2. Expenses.
3. Confirmation of certain orders under section 3 of Act of 1971.
4. Confirmation of certain acts done by dissolved bodies.
5. Amendment of orders under section 3 of Act of 1971.
6. Short title.

SCHEDULE

AMENDMENT OF ORDERS UNDER SECTION 3 OF ACT OF 1971

ACTS REFERRED TO

Local Government Services (Corporate Bodies) Act 1971	1971, No. 6
Public Service Superannuation (Miscellaneous Provisions) Act 2004	2004, No. 7



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(COMHLACHTAÍ CORPRAITHE) (ORDUITHE A
DHAINGNIÚ) 2008

5 LOCAL GOVERNMENT SERVICES (CORPORATE BODIES)
(CONFIRMATION OF ORDERS) BILL 2008

BILL

entitled

10 AN ACT TO GIVE STATUTORY EFFECT TO, AND AMEND,
CERTAIN ORDERS MADE UNDER THE LOCAL
GOVERNMENT SERVICES (CORPORATE BODIES) ACT
1971, AND TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “Act of 1971” means the Local Government Definition.
Services (Corporate Bodies) Act 1971.

15 2.—The expenses incurred by the Minister for the Environment, Expenses.
Heritage and Local Government in the administration of this Act
shall, to such extent as may be sanctioned by the Minister for Finance,
be paid out of moneys provided by the Oireachtas.

20 3.—(1) Subject to *subsection (5)*, every order under section 3 of Confirmation of
the Act of 1971 made before the passing of this Act shall have statu-
tory effect as if it were an Act of the Oireachtas. section 3 of Act of
1971.

25 (2) Every act done, or purporting to have been done, by a body
established under section 3 of the Act of 1971 under and in accord-
ance with an order made under that section shall be, and be deemed
always to have been, valid and effectual for all purposes.

30 (3) If *subsection (1)* or *(2)* would, but for this subsection, conflict
with a constitutional right of any person, the operation of that sub-
section shall be subject to such limitation as is necessary to secure
that it does not so conflict but shall otherwise be of full force and
effect.

35 (4) The Public Service Superannuation (Miscellaneous
Provisions) Act 2004 shall, in so far as it applied to an officer, ser-
vant, employee or member of the staff of a body established under
section 3 of the Act of 1971 immediately before the passing of this
Act, continue to so apply after the passing of this Act.

(5) This section shall not apply to an order that, immediately before the passing of this Act, stood revoked under section 5 of the Act of 1971.

Confirmation of certain acts done by dissolved bodies.

4.—(1) Every act done, or purporting to have been done, by a dissolved body under and in accordance with an order made under section 3 of the Act of 1971 shall be, and be deemed always to have been, valid and effectual for all purposes. 5

(2) If *subsection (1)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect. 10

(3) In this section “dissolved body” means a body established under an order that, immediately before the passing of this Act, stood revoked under section 5 of the Act of 1971.

Amendment of orders under section 3 of Act of 1971.

5.—The orders referred to in *column (1)* of the *Schedule* are amended to the extent specified in *column (2)* of the *Schedule*. 15

Short title.

6.—This Act may be cited as the Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008.

AMENDMENT OF ORDERS UNDER SECTION 3 OF ACT OF 1971

Order (1)	Extent of amendment (2)
<p>5 Limerick Northside 10 Regeneration Agency 15 (Establishment) Order 20 2007 (S.I. No. 275 of 25 2007)</p>	<p>(1) In Article 3—</p> <p>(a) the following definition shall be inserted:</p> <p>“ ‘deposited map’ means the map deposited for the purpose of this Order by, or on behalf of, the Minister at the offices of the Department of the Environment, Heritage and Local Government, Custom House, Dublin 1, on 18 February 2008, and that—</p> <p>(a) is sealed with the Official Seal of the Minister, and</p> <p>(b) is described as having been deposited for that purpose;”, and</p> <p>(b) the following definition shall be substituted for the definition of “Northside Area”:</p> <p>“ ‘Northside Area’ means the area consisting of the lands identified within the inner margins of the red lines and hatched in red on the deposited map, which includes the Moyross and St. Mary’s Park housing developments;”.</p> <p>(2) Article 6 shall be amended by—</p> <p>(a) the substitution of the following paragraphs for paragraph (f) of sub-article (1):</p> <p>“(f) a member of the Garda Síochána nominated by the Minister;</p> <p>(ff) an employee of the Health Service Executive nominated by the Minister;</p> <p>(fg) a member of staff of an Foras Áiseanna Saothair nominated by the Minister;”</p> <p>and</p> <p>(b) the substitution of “four persons” for “three persons” in paragraph (g) of sub-article (1).</p> <p>(3) The following Article shall be inserted after Article 12:</p> <p>“Copies of deposited map.</p> <p>13.—As soon as practicable after the passing of the <i>Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008</i>—</p> <p>(a) the Minister shall make copies of the deposited map available for inspection by members of the public at all reasonable times at the offices of the Department of the Environment, Heritage and Local Government, Custom House, Dublin 1, and</p> <p>(b) the Agency shall make copies of the deposited map available for inspection by members of the public at all reasonable times at its offices, and shall also publish the map on the internet.”.</p>

Order (1)	Extent of amendment (2)	
<p>Limerick Southside Regeneration Agency (Establishment) Order 2007 (S.I. No. 276 of 2007)</p>	<p>(1) In Article 3—</p> <p>(a) the following definition shall be inserted:</p> <p>“ ‘deposited map’ means the map deposited for the purpose of this Order by, or on behalf of, the Minister at the offices of the Department of the Environment, Heritage and Local Government, Custom House, Dublin 1, on 18 February 2008, and that—</p> <p>(a) is sealed with the Official Seal of the Minister, and</p> <p>(b) is described as having been deposited for that purpose;”,</p> <p>and</p> <p>(b) the following definition shall be substituted for the definition of “Southside Area”:</p> <p>“ ‘Southside Area’ means the area consisting of the lands identified within the inner margins of the red lines and hatched in red on the deposited map, which includes the Carew Park, Keyes Park, Kincora Park, O’Malley Park, Beechgrove, Clarina Park and Crecora Park housing developments;”.</p> <p>(2) Article 6 shall be amended by—</p> <p>(a) the substitution of the following paragraphs for paragraph (f) of sub-article (1):</p> <p>“(f) a member of the Garda Síochána nominated by the Minister;</p> <p>(ff) an employee of the Health Service Executive nominated by the Minister;</p> <p>(fg) a member of staff of an Foras Áiseanna Saothair nominated by the Minister;”,</p> <p>and</p> <p>(b) the substitution of “four persons” for “three persons” in paragraph (g) of sub-article (1).</p> <p>(3) The following Article shall be inserted after Article 12:</p> <p>“Copies of deposited map. 13.—As soon as practicable after the passing of the <i>Local Government Services (Corporate Bodies) (Confirmation of Orders) Act 2008</i>—</p> <p>(a) the Minister shall make copies of the deposited map available for inspection by members of the public at all reasonable times at the offices of the Department of the Environment, Heritage and Local Government, Custom House, Dublin 1, and</p> <p>(b) the Agency shall make copies of the deposited map available for inspection by members of the public at all reasonable times at its offices, and shall also publish the map on the internet.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p> <p>55</p>



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**LOCAL GOVERNMENT SERVICES (CORPORATE BODIES)
(CONFIRMATION OF ORDERS) BILL 2008**

EXPLANATORY AND FINANCIAL MEMORANDUM

Background

Following concerns raised by the Attorney General about the powers conferred on the Minister for Health and Children in the Health (Corporate Bodies) Act 1961 and subsequent advice from Senior Counsel, the Attorney General concluded that there was a serious risk, in the event of a constitutional challenge being brought, that the provisions of that Act would be held to be invalid having regard to the provisions of Article 15.2 of the Constitution. Consequently, the Health (Miscellaneous Provisions) Act 2007 was enacted in December 2007. As the Local Government Services (Corporate Bodies) Act 1971 contains similar provisions as in the Health (Corporate Bodies) Act 1961, the Attorney General has advised that similar primary legislation be enacted to confirm Orders made under the 1971 Act.

Purpose of Bill

The purpose of the Bill is to confirm orders made under section 3 of the Local Government Services (Corporate Bodies) Act 1971 in relation to bodies established under that Act. The existing corporate bodies concerned are:

- Local Government Computer Services Board
- Dublin Transportation Office
- Local Government Management Services Board
- Affordable Homes Partnership
- Irish Water Safety
- Limerick Northside Regeneration Agency
- Limerick Southside Regeneration Agency.

The Bill also amends the Establishment Orders for the Limerick Northside and Southside Regeneration Agencies to provide for two extra members to be appointed to each Agency Board and to clarify the areas covered by the Agencies.

Provisions of the Bill

Sections 1, 2 and 6 contain provisions of a general nature dealing with such matters as definitions, expenses of the Minister and short title of the Bill.

Section 3 confirms the Orders made under section 3 of the Local Government Services (Corporate Bodies) Act 1971 as if they were Acts of the Oireachtas and also confirms that the acts carried out by the bodies established by those Orders, in so far as the acts were in accordance with the Orders, are valid. *Subsection (3)* provides for the standard provision in legislation of this nature which ensures that the confirming provisions cannot be construed in such a way that they could infringe any person's constitutional rights. *Subsection (4)* provides that the Public Service Superannuation (Miscellaneous Provisions) Act 2004 continues to apply to staff of those bodies.

Section 4 provides that the acts of corporate bodies established under the 1971 Act and since dissolved, in so far as the acts were in accordance with the Establishment Orders of the bodies concerned, are valid. If the provisions of such Orders were to conflict with the constitutional rights of any person, their operation would be subject to such limitation as is necessary to ensure that they did not so conflict. *Subsection (3)* provides a definition of "dissolved body".

Section 5 and the Schedule amend the Establishment Orders of the two Limerick Regeneration Agencies to provide for the appointment of two extra members to the Boards of each Agency and to clarify the areas covered by the two Agencies.

Financial Implications of the Bill

No additional costs to the Exchequer or staffing implications are expected to arise from the Bill's provisions.

*An Roinn Comhshaoil, Oidhreachta agus Rialtais Áitiúil,
Feabhra 2008.*