Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 1 *of* 2019

LOCAL GOVERNMENT ACT 2019

REVISED

Updated to 16 May 2024

This Revised Act is an administrative consolidation of the *Local Government Act 2019*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024* (14/2024), enacted 9 May 2024, and all statutory instruments up to and including the *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024* (S.I. No. 207 of 2024), made 14 May 2024, were considered in the preparation of this Revised Act.

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Number 1 *of* 2019

LOCAL GOVERNMENT ACT 2001

REVISED

Updated to 16 May 2024

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CORK BOUNDARY ALTERATION IMPLEMENTATION OVERSIGHT COMMITTEE

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Boundary Survey (Ireland) Act 1854 (6 Geo. 4, c.17)
Building Control Act 1990 (No. 3)
Building Control Act 2007 (No. 21)
Companies Act 2014 (No. 38)
Control of Dogs Act 1986 (No. 32)
Dangerous Substances Act 1972 (No. 10)
Electoral Act 1992 (No. 23)
Environment (Miscellaneous Provisions) Act 2011 (No. 20)
European Parliament Elections Act 1997 (No. 2)
Finance (Local Property Tax) Act 2012 (No. 52)
Fire Services Act 1981 (No. 30)
Housing (Miscellaneous Provisions) Act 1992 (No. 18)
Housing Acts 1966 to 2015
Litter Pollution Act 1997 (No. 12)
Local Government (Business Improvement Districts) Act 2006 (No. 42)
Local Government (Financial Provisions) (No. 2) Act 1983 (No. 21)
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Local Government Act 2001 (No. 37)
Local Government Acts 1925 to 2016
Local Government Reform Act 2014 (No. 1)
Minimum Notice and Terms of Employment Acts 1973 to 2005
Official Languages Act 2003 (No. 32)
Organisation of Working Time Act 1997 (No. 20)
Planning and Development (Amendment) Act 2018 (No. 16)
Planning and Development Act 2000 (No. 30)
Protection of Employees (Fixed-Term Work) Act 2003 (No. 29)
Protection of Employees (Part-Time Work) Act 2001 (No. 45)
Redundancy Payments Acts 1967 to 2012
Road Traffic Act 1961 (No. 24)
Road Traffic Act 1994 (No. 7)
Unfair Dismissals Acts 1977 to 2007
Valuation (Amendment) Act 2015 (No. 10)
Valuation Act 2001 (No. 13)

Number 1 *of* 2019

LOCAL GOVERNMENT ACT 2001

REVISED

Updated to 16 May 2024

An Act to provide for the transfer of part of the administrative area of the council of the county of Cork to the administrative area of the council of the city of Cork; to provide for the holding of plebiscites by certain local authorities on the question as to whether or not the cathaoirligh of those local authorities should be elected to such positions by the electors of the administrative areas of those local authorities and the question as to whether or not certain functions of the chief executives of those local authorities should be transferred to those cathaoirligh; for those and other purposes to amend the Local Government Act 1991, the Local Government Act 2001, the Valuation Act 2001, the Official Languages Act 2003 and certain other enactments; and to provide for matters connected therewith.

[25*th January*, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, commencement and collective citation

1. (1) This Act may be cited as the Local Government Act 2019.

(2) This Act 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 different provisions.

(3) The Local Government Acts 1925 to 2016 and this Act may be cited together as the Local Government Acts 1925 to 2019.

Interpretation

2. In this Act—

"Act of 1991" means the Local Government Act 1991;

"Act of 1992" means the Electoral Act 1992;

"Act of 2000" means the Planning and Development Act 2000;

"administrative area" has the meaning assigned to it by the Principal Act;

"chief executive" means—

(a) in relation to the city council, the chief executive of the city council, and

(b) in relation to the county council, the chief executive of the county council;

"city council" means the council of the city of Cork;

"Cork boundary alteration" means the alteration of the boundary of the city of Cork and the boundary of the county of Cork effected by *section 8*;

"Cork local authorities" means—

(a) the city council, and

(b) the county council;

"county council" means the council of the county of Cork;

"deposited map" means the map (a true copy of which was laid before each House of the Oireachtas on 25 July 2018)—

(a) deposited on behalf of the Minister at the offices of the Department of Housing, Planning and Local Government situated at the Custom House in the city of Dublin, on 25 July 2018 for the purpose of the Cork boundary alteration,

(b) described as having been deposited for that purpose, and

(c) sealed with the official seal of the Minister;

"financial settlement" has the meaning assigned to it by *section 25*;

"implementation plan" has the meaning assigned to it by *section 19*;

"local authority" has the meaning assigned to it by the Principal Act;

"Minister" means the Minister for Housing, Planning and Local Government;

"oversight committee" has the meaning assigned to it by *section 18*;

"Principal Act" means the Local Government Act 2001;

"property vesting day" has the meaning assigned to it by *subsection (4)* of *section 12*;

"relevant area" means the area inside the red line (but not including the red line) and hatched in green on the deposited map;

"staff transfer plan" has the meaning assigned to it by *section 15*;

"transfer day" has the meaning assigned to it by *section 7*;

"true copy" means, in relation to the deposited map, a document that purports to be a reproduction of that map and that is certified by the Minister to be a true copy of that map.

Regulations

3. (1) The Minister may make regulations for the purposes of this Act.

(2) 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) (a) If, in any respect, any difficulty arises in bringing any provision of this Act into operation or in relation to the operation of any such provision, the Minister may, by regulations, do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or facilitating its operation, and any such regulations may modify any provision of this Act so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Act after the expiration of 3 years commencing on the day on which the provision comes into operation.

(b) Where regulations under this subsection are proposed to be made, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving the draft has been passed by each such House.

(4) Every regulation made by the Minister under this Act (other than *subsection (3)* and *section 41*) 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.

Order under section 34 of Local Government Act 1991

4. Section 34 of the Act of 1991 shall apply in relation to the Cork boundary alteration as it applies to a boundary alteration effected by a primary order within the meaning of that section, subject to—

(a) the modification that—

(i) references to authority concerned shall be construed as references to the council of the city of Cork or the council of the county of Cork, as the case may require,

(ii) references to primary order shall be construed as references to this Act, and

(iii) references to relevant area shall be construed as references to relevant area within the meaning of this Act,

and

(b) any other necessary modifications.

Directions of Minister

5. (1) The Minister may give—

(a) the city council, or

(b) the county council,

such directions, in relation to the performance of its functions under, or for the purposes of, this Act or in relation to the implementation of the Cork boundary alteration, as the Minister considers appropriate.

(2) The Minister may give the chief executive of the city council or the chief executive of the county council such directions, in relation to—

(a) the performance of his or her functions under, or for the purposes of, this Act,

(b) the implementation of the Cork boundary alteration,

as the Minister considers appropriate.

(3) A direction under this section may be given in relation to—

(a) the performance of any particular function or the performance of functions in general,

(b) the implementation of the Cork boundary alteration in general or any particular aspect of its implementation, or

(c) the making of any particular decision or doing of any particular act.

(4) A direction under this section may contain a requirement that, in relation to the Cork boundary alteration—

(a) a particular act be done or not be done, or

(b) a particular act be done in such manner or subject to such conditions as may be specified in the direction.

(5) A person to whom a direction is given under this section shall comply with that direction.

Expenses

6. 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 monies provided by the Oireachtas.

PART 2

Alteration of Cork City and Cork County Boundaries

Transfer day

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

Alteration of boundary

8. Subject to *section 27*, the relevant area shall—

(a) on the transfer day, cease to be part of the administrative area of the county council, and

(b) from that day, be part of the administrative area of the city council.

Transfer of land

9. (1) On the transfer day and subject to *sections 10* and *11*, all lands situated in the relevant area that, immediately before the transfer day, were vested in the county council and all rights, powers and privileges relating to or

connected with such lands shall, without any conveyance or assignment, stand vested in the city council for all the estate or interest therein that, immediately before the transfer day, was vested in the county council, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) On the transfer day all choses-in-action relating to land vested in the city council under *subsection (1)*, that immediately before that day, were vested in the county council shall stand vested in the city council without any assignment.

(3) Every chose-in-action vested in the city council by virtue of *subsection (2)* may, on and after the transfer day, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(4) All functions of the county council connected with any land standing vested in the city council under *subsection (1)* shall, from the transfer day and in relation to such land, be performable by or on behalf of the city council only.

Delayed transfer of land

10. (1) The city council and the county council may, before the transfer day, make an agreement providing for the continued vesting, for such period commencing on the transfer day as may be specified in the agreement, in the county council of any land situated in the relevant area that, upon the making of the agreement, vested in the county council.

(2) On the day immediately following the expiration of the period referred to in *subsection (1)*—

(a) all lands to which an agreement under that subsection applies and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the city council for all the estate or interest therein that, immediately before that day, was vested in the county council, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed,

(b) all choses-in-action relating to land vested in the city council under *paragraph (a)*, that immediately before that day, were vested in the county council shall stand vested in the city council without any assignment.

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

(4) All functions of the county council connected with any land standing vested in the city council under *paragraph (a)* of *subsection (2)* shall, from the day referred to in that subsection and in relation to such land, be performable by or on behalf of the city council only.

(5) An agreement under this section may contain such incidental, supplementary and consequential provisions as the city council and the county council reasonably consider necessary for the purposes of the agreement.

Other agreements in relation to land situated in relevant area

11. (1) The city council and the county council may, before the transfer day, make an agreement providing for—

(a) the continued vesting in the county council on and after the transfer day of any land situated in the relevant area that, upon the making of the agreement, vested in the county council,

(b) the joint ownership by the city council and the county council on and after the transfer day of any such land, or

(c) the use by the city council and the county council of any such land or any land standing vested in the city council by virtue of *section 9*.

(2) An agreement under this section may contain such incidental, supplementary and consequential provisions as the city council and the county council reasonably consider necessary for the purposes of the agreement.

Transfer of property other than land

12. (1) (a) For the purposes of this Act, the city council and the county council may, not later than 30 April 2019, jointly designate in writing such property (other than land), including choses-in-action, of the county council as they may determine.

(b) The city council and the county council shall have regard to the implementation plan when making a designation under *paragraph (a)*.

(c) On the transfer day, all property designated under *paragraph (a)* shall, without any assignment, stand vested in the city council.

(d) Every chose-in-action vested in the city council by virtue of this subsection may, on and after the transfer day, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(e) All functions of the county council connected with any property standing vested in the city council by virtue of this subsection shall, from the transfer day and in relation to such property, be performable by or on behalf of the city council only.

(2) The oversight committee may make a recommendation to the city council and the county council that the city council and the county council jointly make a designation under *paragraph (a)* of *subsection (1)* in relation to—

(a) such property as may be specified in the recommendation, or

(b) property of such a class as may be so specified.

(3) The Cork local authorities shall jointly notify the oversight committee in writing of the making of a designation by them under this section.

(4) (a) For the purposes of this Act, the Minister may make an order designating such property (other than land), including choses-in-action, of the county council as he or she may determine.

(b) If the Cork local authorities fail to make a designation of a type to which a recommendation under *subsection (2)* applies before the expiration of one month from the date of the making of that recommendation, the Minister shall, for the purposes of this Act and not later than 2 months

after the end of that month, make an order designating the property in respect of which the recommendation was made.

(c) Property designated by order under *paragraph (a)* or *(b)* shall stand vested in the city council on such day (in this Act referred to as a "property vesting day") as the Minister may, by that order, appoint, and different property vesting days may be so appointed in relation to different property so designated.

(d) Every chose-in-action vested in the city council by virtue of this subsection may, on and after the property vesting day concerned, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(e) All functions of the county council connected with any property standing vested in the city council by virtue of this subsection shall, from the property vesting day concerned and in relation to such property, be performable by or on behalf of the city council only.

(5) More than one designation may be made under this section and different designations may be made in respect of different property or different classes of property.

Transfer of rights and liabilities, and continuation of leases, licences and permissions

13. (1) (a) Subject to *section 34*, all rights and liabilities of the county council subsisting immediately before the transfer day and arising by virtue of any contract or commitment (expressed or implied) shall, on that day, stand transferred to the city council in so far only as they relate to—

(i) the relevant area,

(ii) land vested in the city council under *section 9*,

(iii) property vested in the city council under *subsection (1)* of *section 12*, or

(iv) the provision of a service that immediately before that day was provided in respect of the relevant area.

(b) Every right and liability transferred by *paragraph (a)* to the city council may, on and after the transfer day, be sued on, recovered or enforced by or against the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(c) Every lease, licence, wayleave or permission granted by the county council in relation to—

(i) land vested in the city council under *section 9*, or

(ii) property vested in the city council under *subsection (1)* of *section 12*,

and in force immediately before the transfer day, shall continue in force as if granted by the city council.

(2) (a) Subject to *section 34*, all rights and liabilities of the county council subsisting immediately before the expiration of the period referred to in *subsection (1)* of *section 10* and arising by virtue of any contract or

commitment (expressed or implied) shall, on the day referred to in *subsection (2)* of that section, stand transferred to the city council in so far only as they relate to land vested in the city council under the said *subsection (2)*.

(b) Every right and liability transferred by *paragraph (a)* to the city council may, on and after the day referred to in *subsection (2)* of *section 10*, be sued on, recovered or enforced by or against the city council in its own name, and it shall not be necessary for the city council, or the county council, to give notice to the person whose right or liability is transferred by that paragraph of such transfer.

(c) Every lease, licence, wayleave or permission granted by the county council in relation to land vested in the city council under *subsection (2)* of *section 10* and in force immediately before the expiration of the period referred to in *subsection (1)* of that section, shall continue in force as if granted by the city council.

(3) (a) Subject to *section 34*, all rights and liabilities of the county council subsisting immediately before a property vesting day and arising by virtue of any contract or commitment (expressed or implied) shall, on that property vesting day, stand transferred to the city council in so far only as they relate to property vested in the city council under *subsection (4)* of *section 12* on that property vesting day.

(b) Every right and liability transferred by *paragraph (a)* to the city council may, on and after the property vesting day concerned, be sued on, recovered or enforced by or against the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(c) Every lease, licence, wayleave or permission granted by the county council in relation to property vested in the city council under *subsection (4)* of *section 12*, and in force immediately before the property vesting day on which the property so vested, shall continue in force as if granted by the city council.

(4) In this section "commitment" includes security given in accordance with a condition to which paragraph (g) of subsection (4) of section 34 of the Act of 2000 applies.

Provisions consequent upon transfer of assets and liabilities to city council

14. (1) Anything commenced but not completed before the transfer day by or under the authority of the county council may, in so far as it relates to the relevant area, be carried on or completed on or after the transfer day by the city council.

(2) Every instrument made under an enactment, and every other instrument (including any certificate) made or granted, by the county council shall, if and in so far as it—

(a) relates to the relevant area, and

(b) was operative immediately before the transfer day,

have effect on and after that day as if it had been made or granted, as may be appropriate, by the city council.

(3) References to the county council in—

(a) the memorandum or articles of association of an existing company within the meaning of the Companies Act 2014, or

(b) the constitution of a company formed and registered under that Act,

shall be construed as references to the city council from the date of the making of a request in writing in that behalf to the company by the city council.

(4) The city council shall not make a request referred to in *subsection (3)* without the consent of the county council.

(5) Any money, stocks, shares or securities transferred by *section 12* that immediately before the transfer day or property vesting day concerned, as may be appropriate, were standing in the name of the county council shall, on the request of the city council, be transferred into its name.

(6) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the city council under *section 9*, *10*, *12* or *13* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Staff transfer plan

15. (1) The chief executives of the Cork local authorities shall jointly prepare a plan (in this Act referred to as a "staff transfer plan") setting out—

(a) the number and grades of members of staff of the county council (and the classes to which such members of staff belong) who, before the transfer day, stood assigned to perform functions (whether or not exclusively) in relation to the relevant area, and

(b) the proposals with regard to the transfer of members of staff from the county council to the city council for the purpose of meeting the staffing requirements in relation to the relevant area.

(2) The chief executives of the Cork local authorities shall, in the preparation of a staff transfer plan, have regard to the implementation plan and any recommendations made by the oversight committee under this Act.

(3) Where the chief executives of the Cork local authorities are unable to reach agreement in relation to the preparation of a staff transfer plan, they shall refer the matter or matters that are the subject of the disagreement to the oversight committee who shall make a recommendation to those chief executives in relation thereto.

(4) If the chief executives of the Cork local authorities fail to act in accordance with a recommendation under *subsection (3)*, the Minister may give them a direction as respects the matter or matters that occasioned the making of the recommendation.

(5) The Minister shall, in the giving of a direction under *subsection (4)*, have regard to the size of the population of the relevant area and the proportion that it bore to the population of the administrative area of the county council immediately before the transfer day.

(6) The chief executives of the Cork local authorities shall comply with a direction under *subsection (4)*.

(7) A staff transfer plan may relate to a particular class or classes of members of staff of the Cork local authority concerned determined by reference to—

(a) grade, or

(b) class of operation of, or service provided by, that Cork local authority.

(8) The city council and the county council shall notify the oversight committee in writing of the making of a staff transfer plan under this section.

(9) More than one staff transfer plan may be prepared by the chief executives of the Cork local authorities.

Transfer of staff

16. (1) The chief executive of the county council shall, after consultation with the chief executive of the city council, designate for employment by the city council such and so many members of staff of the county council as are required to ensure the full implementation of the proposals in the staff transfer plan with regard to the transfer of members of staff from the county council to the city council for the purpose of meeting the staffing requirements in respect of the relevant area.

(2) The county council shall, not later than 3 months (or such shorter period as may be agreed by the county council with the member of staff concerned) before the making of a designation under *subsection (1)*, notify each member of staff—

(a) who it is proposed would be designated under that subsection, of the proposal, and

(b) that the member of staff or any recognised trade union or staff association on the member's behalf may, within such period as is specified in the notification, make representations to the county council in relation to the proposal.

(3) The chief executive of the county council shall, before the making of a designation under *subsection (1)*, consider any representations made by or on behalf of a member of staff of the county council in accordance with a notification under *subsection (2)*.

(4) (a) Every person designated for employment by the city council in accordance with *subsection (1)* shall, on such day (in this section referred to as a "staff transfer day") as is specified in the designation, cease to be a member of the staff of the county council and become and be a member of the staff of the city council.

(b) Different staff transfer days may be specified in relation to—

(i) different members of staff, or

(ii) different classes of member of staff determined by reference to—

(I) grade, or

(II) class of operation of, or service provided by, the county council.

(5) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection (4)* shall not, while in the service of the city council, be subject to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the day specified in the designation under *subsection (1)*.

(6) In relation to persons transferred to the city council under *subsection (4)*, previous service with the county council shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy

Payments Acts 1967 to 2012, the Protection of Employees (Part-Time Work) Act 2001, Protection of Employees (Fixed-Term Work) Act 2003, the Organisation of Working Time Act 1997, the Minimum Notice and Terms of Employment Acts 1973 to 2005 and the Unfair Dismissals Acts 1977 to 2007.

Preparation of maps

17. (1) (a) The boundary surveyor shall, as soon as may be after the transfer day, prepare 4 copies of the deposited map drawn to such scale or scales as he or she considers appropriate.

(b) The boundary surveyor shall, as soon as may be after the transfer day, prepare 4 copies of the map of the administrative area of the city council as altered by the Cork boundary alteration drawn to such scale or scales as he or she considers appropriate.

(c) The boundary surveyor shall, as soon as may be after the transfer day, prepare 4 copies of the map of the administrative area of the county council as altered by the Cork boundary alteration drawn to such scale or scales as he or she considers appropriate.

(2) The boundary surveyor shall affix his or her seal to each copy prepared in accordance with *subsection (1)*.

(3) The boundary surveyor shall deposit at each of the following locations one copy of each map prepared and sealed in accordance with this section:

(a) the principal office of the boundary surveyor;

(b) the principal office of the Minister;

(c) the principal office of the city council; and

(d) the principal office of the county council.

(4) A copy deposited at the principal office of the city council or the county council in accordance with *subsection (3)* shall be retained at that office and that copy or a copy thereof shall be made available for inspection at that office by any person at such time or times as that office is open for the conduct of business with members of the public.

(5) The boundary surveyor may provide a copy of a copy deposited at a principal office in accordance with *subsection (3)* to any person upon the request of that person, and charge that person such fee for the purposes of defraying the cost of so doing as the boundary surveyor determines.

(6) (a) The city council shall publish, or cause to be published, on its internet website each copy deposited at its principal office in accordance with *subsection (3)*.

(b) The county council shall publish, or cause to be published, on its internet website each copy deposited at its principal office in accordance with *subsection (3)*.

(7) In this section "boundary surveyor" has the meaning assigned to it by the Boundary Survey (Ireland) Act 1854.

Cork Boundary Alteration Implementation Oversight Committee

18. (1) On the commencement of this section there shall stand established a committee which shall be known as the Cork Boundary Alteration Implementation Oversight Committee (in this Act referred to as the

"oversight committee") to perform the functions conferred on them by or under this Act.

(2) The oversight committee shall consist of the following members:

(a) a chairperson; and

(b) two ordinary members.

(3) The Schedule shall apply in relation to the oversight committee.

(4) The oversight committee shall stand dissolved on such day as the Minister may, by order, appoint.

(5) Upon and from the dissolution of the oversight committee in accordance with *subsection (4)*, the functions of the oversight committee under this Act (other than *subsection (8)* of *section 21*) shall be performable by the Minister and, accordingly, references in this Act (other than this section, *subsection (8)* of *section 21* and the *Schedule*) to oversight committee shall, from the date of such dissolution, be construed as references to the Minister.

Implementation plan

19. (1) For the purpose of assisting the Cork local authorities in the performance of their functions under this Act, the oversight committee shall, as soon as may be after the commencement of this section, make a plan (in this Act referred to as an "implementation plan") specifying the measures that the Cork local authorities should adopt in order to facilitate the effective and efficient implementation of the Cork boundary alteration.

(2) Without prejudice to the generality of *subsection (1)*, an implementation plan may specify any one or more of the following:

(a) the arrangements that should be made by the Cork local authorities to ensure that standards relating to the delivery of services to members of the public residing in the relevant area are maintained;

(b) the arrangements that should be made by the Cork local authorities to ensure that the impact of the Cork boundary alteration on members of the public residing in the relevant area is minimised;

(c) the arrangements that should be made by the Cork local authorities relating to—

(i) financial matters or matters concerning other resources,

(ii) administrative, organisational and operational matters,

(iii) the performance of functions by each of the Cork local authorities,

(iv) such other matters as the oversight committee consider appropriate,

for the purpose of facilitating the implementation of the Cork boundary alteration;

(d) the steps that should be taken in the making and implementation of any such arrangements by the Cork local authorities;

(e) the period or periods within which any such arrangements should be made and implemented by the Cork local authorities; or

(f) any other measures that the oversight committee consider are necessary for the purposes of the Cork boundary alteration.

(3) The implementation plan shall specify the manner in which—

(a) the annual contribution within the meaning of *section 24* shall be calculated, and

(b) the sum of which the annual contribution consists shall be adjusted each year for the purpose of taking account of the changes in the value of money since the end of the local financial year 2017.

(4) The implementation plan shall specify the principles and methods that shall apply for the purpose of the making of any calculation referred to in *section 25*.

(5) The implementation plan may contain such guidelines and recommendations as the oversight committee consider appropriate in relation to—

(a) the making of any arrangements under or in accordance with this Act, or

(b) the performance of functions in respect of the relevant area during such period as is specified in those guidelines or recommendations.

(6) The oversight committee may make a plan (in this section also referred to as an "implementation plan") revising or replacing an implementation plan.

(7) The oversight committee shall, as soon as may be after the making of an implementation plan, notify each chief executive of a Cork local authority in writing of the making of that implementation plan.

(8) A notification under *subsection (7)* shall be accompanied by a copy of the implementation plan.

Arrangements for performance of certain functions

20. (1) The Cork local authorities may, after consultation with the oversight committee and before the transfer day, jointly make an arrangement in accordance with this section.

(2) An arrangement under this section may make provision for—

(a) the performance by the county council on behalf of the city council of such functions of the city council as are specified in the arrangement in respect of the relevant area or any part thereof,

(b) the joint performance by the city council and county council of such functions of the city council as are specified in the arrangement in respect of the relevant area or any part thereof,

(c) such other arrangements in relation to the performance of such functions of the city council as are specified in the arrangement in respect of the relevant area or any part thereof, as the Cork local authorities consider appropriate.

(3) An arrangement under this section shall—

(a) specify the period in respect of which the arrangement shall apply,

(b) be in accordance with the implementation plan, and

(c) have regard to any guidelines or recommendations of the oversight committee.

(4) Any agreement made by the city council and the county council under section 85 of the Principal Act and operative immediately before the transfer

day shall, subject to any arrangement under this section, continue to be operative on and after that day in accordance with its terms.

(5) An arrangement under this section may amend the terms of an agreement referred to in *subsection (4)*.

(6) The Cork local authorities may, after consultation with the oversight committee, amend or revoke an arrangement under this section.

(7) An arrangement or amending arrangement under this section shall be carried out by the Cork local authorities in accordance with its terms.

(8) Any dispute arising in relation to an arrangement under this section shall be referred for determination to the oversight committee and the determination of the oversight committee shall be final.

(9) The functions of the city council in relation to the relevant area shall, in addition to being performable by the city council, be performable by the county council, or by the city council and the county council jointly, in accordance with an arrangement under this section.

Compliance with Act

21. (1) For the purposes of this Act, the Cork local authorities shall cooperate with one another in the performance of their functions.

(2) The Cork local authorities shall exchange such information and conduct such consultations with one another as may be necessary for the purposes specified in *subsection (1)*.

(3) Each chief executive shall do and cause to be done all such acts as are necessary for, or incidental to, the effective and orderly operation of, and compliance with, this Act including—

(a) cooperating with one another to ensure compliance by the Cork local authorities with the implementation plan,

(b) the making of arrangements specified in the implementation plan,

(c) measures to ensure the effective and efficient performance of functions of the Cork local authorities in relation to the relevant area, and

(d) the coordination of the performance of the functions of the Cork local authorities for the purposes of ensuring the effective and orderly operation of, and compliance with, this Act.

(4) The members of staff of each of the Cork local authorities shall perform their functions in a manner that will enable the Cork local authorities to comply with this section.

(5) On or before the 7th day of each month during the period from the commencement of this section until 31 December 2020, each chief executive shall—

(a) prepare and submit to the oversight committee a report in relation to the measures adopted to ensure full and effective compliance with this Act, and

(b) provide a copy of that report to each member of the local authority of which he or she is the chief executive.

(6) The oversight committee may, following consideration of the report submitted to them under *subsection (5),* issue a notice to the chief executives of the Cork local authorities specifying the measures that they

consider need to be adopted in order to ensure full and effective compliance with this Act.

(7) The chief executives of the Cork local authorities shall, in the performance of their functions, have regard to a notice under *subsection (6)*.

(8) The oversight committee may, from time to time, prepare and submit to the Minister a report specifying the measures that they consider need to be adopted in order to ensure full and effective compliance with this Act.

(9) (a) The chief executive of the city council shall, within such period as is specified in a request under this paragraph, provide the Minister with such information as the Minister may, from time to time request, for the purposes of the performance by the Minister of his or her functions under this Act.

(b) The chief executive of the county council shall, within such period as is specified in a request under this paragraph, provide the Minister with such information as the Minister may, from time to time request, for the purposes of the performance by the Minister of his or her functions under this Act.

(10) (a) The chief executive of the city council shall, within such period as is specified in a request under this paragraph, provide the oversight committee with such information as the oversight committee may, from time to time request, for the purposes of the performance by the oversight committee of their functions under this Act.

(b) The chief executive of the county council shall, within such period as is specified in a request under this paragraph, provide the oversight committee with such information as the oversight committee may, from time to time request, for the purposes of the performance by the oversight committee of their functions under this Act.

PART 3

Financial Arrangements consequent upon Cork Boundary Alteration

Contribution by county council to city council in respect of 2019

22. (1) The county council shall, not later than 30 April 2020, pay to the city council a contribution equal to the expenditure incurred by the city council in the provision of services in, or in respect of, the relevant area during the local financial year 2019.

(2) If the chief executives of the Cork local authorities disagree with one another as respects the amount of the contribution required to be paid by the county council to the city council in accordance with this section, either of them may refer the matter to the oversight committee for a recommendation with regard to the matter.

(3) The oversight committee shall, upon receipt of a referral under *subsection (2)*, make a recommendation to the Cork local authorities as respects the calculation of the amount of the contribution required to be paid by the county council to the city council in accordance with this section.

(4) If, before the expiration of one month from the making of a recommendation under *subsection (3)*, the chief executives of the Cork local authorities fail to agree the amount of the contribution required to be paid by the county council to the city council in accordance with this

section, the Minister shall give them a direction specifying that amount and requiring that it be paid by such date as is specified in the direction.

(5) The chief executives of the Cork local authorities shall comply with a direction under *subsection (4)*.

(6) Where any contribution required to be paid by the county council to the city council in accordance with this section remains unpaid (in whole or in part) by the date specified in *subsection (1)*, that contribution or that part of the contribution that remains unpaid shall be recoverable by the city council in any court of competent jurisdiction as a simple contract debt.

Relevant sums for purposes of *section 24*

23. For the purposes of *section 24*, each of the following is a relevant sum:

(a) the county rate payable in respect of land situated in the relevant area;

(b) rents or charges payable in respect of tenancies of dwellings situated in the relevant area provided under the Housing Acts 1966 to 2015;

(c) repayments payable in respect of housing loans within the meaning of the Housing (Miscellaneous Provisions) Act 1992 relating to properties situated in the relevant area;

(d) fees or charges payable in accordance with bye-laws under section 199 of the Principal Act that would not have been payable had such bye-laws not applied to the relevant area;

(e) fees payable—

(i) in accordance with Part 12, and Schedules 9 and 10, of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), in respect of—

(I) development (within the meaning of the Act of 2000) in the relevant area, or

(II) proposed development (within such meaning) in the relevant area,

(ii) in accordance with regulations under section 4, 6, 7, 7A or 18 of the Building Control Act 1990, in respect of any matter relating to—

(I) buildings (within the meaning of that Act) situated in the relevant area, or

(II) works (within such meaning) carried out in the relevant area,

(iii) in respect of an application for a grant or renewal of a licence under the Road Traffic (Public Service Vehicles) (Amendment) Regulations 1995 (S.I. No. 136 of 1995) where the address provided for inclusion on the licence by the applicant for the licence is of a place situated in the relevant area,

(iv) in respect of applications for dog licences or general dog licences under the Control of Dogs Act 1986, where—

(I) in the case of an application for a dog licence, the applicant resides in the relevant area, and

(II) in the case of an application for a general dog licence, the premises to which the application relates is situated in the relevant area,

(v) in accordance with regulations under the Air Pollution Act 1987, in relation to applications for licences or reviews of licences under that Act in respect of industrial plant carried on or proposed to be carried on in the relevant area,

(vi) in respect of applications for licences relating to stores situated in the relevant area to which section 21 of the Dangerous Substances Act 1972 applies,

(vii) by the holder of an abattoir licence pursuant to regulation 5 of the European Communities (Fees for Health Inspections and Controls of Fresh Meat) Regulations 2004 (S.I. No. 74 of 2004) where the abattoir to which that licence relates is situated in the relevant area, or

(viii) in respect of the parking of vehicles in any place in the relevant area pursuant to bye-laws under section 36 of the Road Traffic Act 1994;

(f) charges—

(i) payable under subsection (10) of section 66 of the Principal Act where the amenities, facilities, services or other thing is or are provided in the relevant area,

(ii) imposed in accordance with section 2 of the Local Government (Financial Provisions) (No. 2) Act 1983 in respect of the provision of a service in the relevant area,

(iii) payable pursuant to subsection (3) of section 35 of the Fire Services Act 1981 by beneficiaries of a fire service for services provided in the relevant area, or

(iv) payable in accordance with bye-laws under section 101 of the Road Traffic Act 1961 in respect of the use of car parks situated in the relevant area;

(g) sums payable in accordance with section 28 of the Litter Pollution Act 1997 in respect of offences alleged to have been committed in the relevant area;

(h) levies imposed under section 211B of the Principal Act in respect of relevant property (within the meaning of Part 19A of that Act) situated in the relevant area; and

(i) such other fees, charges, levies or sums imposed by, or payable to, a local authority under any enactment in respect of lands situated, or services provided, in the relevant area, as may be agreed by the Cork local authorities.

Annual contribution by city council to county council

24. (1) The city council shall, each year during—

(a) the period commencing on 1 January 2020 and ending on 31 December 2029, or

(b) such longer period as may be prescribed by order of the Minister,

pay to the county council the annual contribution.

(2) The Cork local authorities shall make an arrangement providing for—

(a) the manner of payment by the city council of the annual contribution,

(b) the payment of the annual contribution by instalment or otherwise, and

(c) the date or dates by which the annual contribution shall be paid each year.

(3) If the chief executives of the Cork local authorities disagree with one another as respects the amount of the annual contribution in respect of any year, either of them may refer the matter to the oversight committee for a recommendation with regard to the matter.

(4) The oversight committee shall, upon receipt of a referral under *subsection (3)*, make a recommendation to the Cork local authorities as respects the calculation of the annual contribution in respect of the year to which the referral relates.

(5) If the chief executives of the Cork local authorities fail to agree the annual contribution in respect of any year before the expiration of one month from the making of a recommendation under *subsection (4)*, the Minister shall give them a direction specifying the annual contribution payable and requiring that it be paid by such date as is specified in the direction.

(6) The chief executives of the Cork local authorities shall comply with a direction under *subsection (5)*.

(7) The county council may, at any time before the expiration of the period referred to in *paragraph (a)* of *subsection (1)*, request the Minister to make an order referred to in *paragraph (b)* of that subsection.

(8) The county council shall, when making a request under *subsection (7)*, provide the Minister with a statement of reasons for the request.

(9) Upon receiving a request under *subsection (7)*, the Minister shall provide—

(a) a copy of that request, and

(b) the statement of reasons provided under *subsection (8)* in relation to the request,

to the city council, and shall invite the city council to make representations to him or her in relation to the request.

(10) The Minister shall not make an order referred to in *paragraph (b)* of *subsection (1)* unless he or she—

(a) receives a request under *subsection (7)*, and

(b) has considered any representations made by the city council in relation to the request.

(11) Where the annual contribution remains unpaid (in whole or in part) upon the expiration of the year in which it is payable, that contribution or that part of the contribution that remains unpaid shall be recoverable by the county council in any court of competent jurisdiction as a simple contract debt.

(12) In this section—

"annual contribution" means, in relation to any year comprised in the period referred to in *subsection (1)*, a sum equal to the aggregate of all relevant sums received minus the aggregate of all expenditure incurred, adjusted (in such manner as is specified in the implementation plan) for the purpose of taking account of changes in the value of money during the period ending on 1 January of that year;

"expenditure" means expenditure (other than expenditure funded by moneys paid to the county council from the Local Government Fund, the Central Fund or moneys voted by the Oireachtas) by the county council in the provision of services in the relevant area during the local financial year 2017;

"relevant sums" shall be construed in accordance with *section 23*;

"relevant sums received" means relevant sums received by the county council during the local financial year 2017 (whether or not the liability on the part of any person to pay any such sums was incurred during that year).

Other financial arrangements

25. (1) The Cork local authorities shall, as soon as practicable after the commencement of this section and after consultation with the oversight committee, make an arrangement (in this section referred to as a "financial settlement") in accordance with this section.

(2) The Minister may, after consultation with the oversight committee, give a direction to the Cork local authorities to make a financial arrangement in such terms, and by such date, as may be specified in the direction.

(3) The Cork local authorities shall comply with a direction under *subsection (2)*.

(4) A financial settlement shall make provision for—

(a) the calculation of—

(i) the cost to the city council of its becoming liable for the payment of superannuation benefits to, or in respect of, persons who become members of its staff under *section 16*,

(ii) the cost to the county council of its being liable for expenditure in relation to—

(I) any public infrastructure and facilities referred to in section 48 of the Act of 2000—

(A) benefiting in whole or in part development in the relevant area, and

(B) that it had intended to pay for from contributions made under that section,

or

(II) any public infrastructure service or project referred to in section 49 of that Act in the relevant area that it had intended to pay for from contributions under that section,

(iii) the cost to either Cork local authority of its becoming liable for any other payment or expenditure by virtue of the Cork boundary alteration,

(b) the payment by a Cork local authority of a contribution to the other Cork local authority in respect of the cost to the latter of its becoming liable for any payment or expenditure referred to in *paragraph (a)*,

(c) the payment of such contribution by instalment or otherwise,

(d) the date or dates by which such contribution or such instalments shall be paid.

(5) A financial settlement shall take account of the annual contribution payable by the city council to the county council under *section 24*.

(6) A financial settlement shall be carried out by the Cork local authorities in accordance with its terms.

(7) (a) The contribution payable in respect of a year to which a financial settlement applies by a Cork local authority to the other Cork local authority in accordance with a financial settlement shall be such amount as is calculated under the financial settlement before 31 August in the year immediately preceding the year in respect of which the contribution is payable, and different amounts may be so determined in respect of different years.

(b) A contribution referred to in this subsection shall be paid by such date (in this section referred to as the "due date for payment") in the year in respect of which the contribution is payable as is specified in a financial settlement.

(8) Where any contribution required to be paid by a Cork local authority to the other Cork local authority in accordance with a financial settlement remains unpaid (in whole or in part) by the due date for payment in relation to that contribution, that contribution or that part of the contribution that remains unpaid shall be recoverable by the second-mentioned Cork local authority in any court of competent jurisdiction as a simple contract debt.

(9) If any dispute arises as to the claim of either the city council or the county council to, or the amount of, any payment due in accordance with a financial settlement, such dispute shall be submitted to the oversight committee whose decision in relation thereto shall be final.

(10) (a) The Cork local authorities shall have regard to the implementation plan and any recommendations of the oversight committee when making a financial settlement.

(b) The Minister shall have regard to the implementation plan and any recommendations of the oversight committee when giving a direction under *subsection (2)*.

(11) A financial settlement may make provision in relation to such consequential, incidental or supplementary matters as are necessary or expedient for its effective implementation.

(12) (a) The Cork local authorities may, after consultation with the oversight committee, make an arrangement (in this section also referred to as a "financial settlement") amending a financial settlement made under *subsection (1)*.

(b) The Cork local authorities may, with the consent of the Minister, make an arrangement (in this section also referred to as a "financial settlement") amending a financial settlement made in compliance with a direction under *subsection (2)*.

Other Provisions Consequent upon Cork Boundary Alteration

Data sharing by Cork local authorities

26. The county council shall provide such information (including personal data within the meaning of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[1]) as may be required by the city council

[1] OJ No. L119, 4.5.2016, p.1

for the purposes of the performance by the city council of its functions in relation to the relevant area.

Rating area for local financial year 2019

27. (1) The relevant area shall remain part of the rating area of the county council until 31 December 2019.

(2) The local authority budget adopted by the county council in respect of the local financial year 2019 in accordance with section 103 of the Principal Act shall apply in respect of the relevant area as it would have applied to that area had this Act not been passed.

(3) The schedule of proposed works of maintenance and repair adopted under section 103A of the Principal Act in respect of the local financial year 2019 for municipal districts that—

(a) immediately before the transfer day were situated in the county of Cork, and

(b) on the transfer day are situated (in whole or in part) in the relevant area,

shall continue to apply in respect of those municipal districts as if this Act had not been passed.

(4) This section shall not operate to prevent the city council—

(a) performing functions in relation to the relevant area during the local financial year 2019 for the purposes of setting the municipal rate in respect of the administrative area of the city council for the local financial year 2020, and

(b) performing functions under section 20 of the Finance (Local Property Tax) Act 2012 during the local financial year 2019 for the purposes of varying the basic rate (within the meaning of that Act) in relation to the local financial year 2020.

Elections to Cork local authorities in 2019

28. (1) The register of electors for the city council that, in accordance with subsection (2) of section 13 of, and Part I of the Second Schedule to, the Act of 1992, comes into force on 15 February 2019 shall, subject to such corrections as are considered necessary by the registration authority concerned in accordance with subsection (3) of section 15 of that Act, consist of—

(a) the register of electors in force on that date for the city council registration area, and

(b) the persons registered on that date as local government electors in respect of the area comprised in the relevant area.

(2) The register of electors for the county council that, in accordance with subsection (2) of section 13 of, and Part I of the Second Schedule to, the Act of 1992, comes into force on 15 February 2019 shall, subject to such corrections as are considered necessary by the registration authority concerned in accordance with subsection (3) of section 15 of that Act, consist of the register of electors in force on that date for the county council registration area (other than the persons registered on that date as local government electors in respect of the area comprised in the relevant area).

(3) For the purposes of the performance by the Minister of his or her functions under Part 4 of the Principal Act before the transfer day, the relevant area shall be deemed to be part of the city of Cork.

Polling districts and polling places

29. (1) The city council shall, as respects any polling district that is situated partly inside and partly outside the relevant area—

(a) join such part of it as is situated in the relevant area to a polling district in the administrative area of the city council that adjoins the said part,

(b) join different parts of the part referred to in *paragraph (a)* to different polling districts in the administrative area of the city council, provided that each such different part adjoins the polling district to which it is joined, or

(c) constitute the part referred to in *paragraph (a)* as a polling district and appoint a polling place in respect of it,

in this section referred to as an "interim polling district arrangement".

(2) An interim polling district arrangement shall cease to have effect upon the coming into operation of the first scheme under section 28 of the Act of 1992 made by the city council after the commencement of this section.

(3) The county council shall, as respects any polling district that is situated partly inside and partly outside the relevant area—

(a) join such part of it as is situated outside the relevant area to a polling district in the administrative area (other than the relevant area) of the county council that adjoins the said part,

(b) join different parts of the part referred to in *paragraph (a)* to different polling districts in the administrative area (other than the relevant area) of the county council, provided that each such different part adjoins the polling district to which it is joined, or

(c) constitute the part referred to in *paragraph (a)* as a polling district and appoint a polling place in respect of it,

in this section also referred to as an "interim polling district arrangement".

(4) An interim polling district arrangement shall cease to have effect upon the coming into operation of the first scheme under section 28 of the Act of 1992 made by the county council after the commencement of this section.

Development plans, etc. relating to relevant area

30. (1) The development plan in force immediately before the transfer day in respect of the functional area of the county council shall, on and after that day, continue to apply in respect of the relevant area until the next making of a development plan by the city council in respect of the functional area of the city council in accordance with section 9 of the Act of 2000.

(2) Subject to paragraph (b) of subsection (4) of section 18 of the Act of 2000, any local area plan in force immediately before the transfer day in respect of an area within the relevant area shall, on and after that day, continue to apply to the first-mentioned area until the next making of a local area plan by the city council in respect of the first-mentioned area in accordance with the said section 18.

(3) The Cork County Council Local Economic and Community Plan in force immediately before the transfer day in respect of the functional area of the county council shall, on and after that day, continue to apply in respect of the relevant area until the next making of a local economic and community plan by the city council in respect of the functional area of the city council in accordance with section 66B of the Principal Act.

(4) For the avoidance of doubt, the city council may—

(a) in accordance with section 13 of the Act of 2000, make a variation of the development plan first-mentioned in *subsection (1)* in so far only as that plan applies to the relevant area,

(b) in accordance with subsection (5) of section 18 of the Act of 2000, amend or revoke a local area plan first-mentioned in *subsection (2)* in so far only as that plan applies to the relevant area, and

(c) perform functions under section 66F or 66G in relation to the Cork County Council Local Economic and Community Plan referred to in *subsection (3)* in so far only as that plan applies to the relevant area.

(5) In this section—

"development plan" has the meaning assigned to it by the Act of 2000;

"local area plan" has the meaning assigned to it by the Act of 2000.

Planning applications and development contribution schemes

31. (1) For the purposes of the Act of 2000 or any instrument under that Act and subject to *subsection (2)*, the county council shall, after the transfer day, be the planning authority in relation to any planning application made before the transfer day in respect of development or proposed development in the relevant area.

(2) (a) Subject to *paragraph (b)*, the functions of a planning authority under the Act of 2000 shall, as respects—

(i) a decision under section 34 of that Act, or

(ii) a determination under section 37 of that Act,

made before the transfer day in relation to development or proposed development in the relevant area, be performable from that day by the city council.

(b) Where, before the transfer day, the county council performed any function under Part VIII of the Act of 2000 in relation to a contravention of that Act or any instrument under that Act in, or in respect of, the relevant area, all functions under that Part in relation to that contravention shall, from the transfer day, be performable by the county council after consultation with the city council.

(3) Any contribution—

(a) paid before the transfer day in accordance with section 49 of the Act of 2000 for the purpose of any public infrastructure service or project in the relevant area, and

(b) vested in the city council under *Part 2*,

shall be expended by the city council for that purpose.

(4) Any development contribution scheme under section 48 of the Act of 2000 or supplementary development contribution scheme under section 49 of that Act made by the city council shall, from the transfer day, apply to the relevant area as it applies to the rest of the functional area of the city council.

(5) In this section—

"development" has the meaning assigned to it by the Act of 2000;

"permission" has the meaning assigned to it by the Act of 2000;

"planning application" has the meaning assigned to it by the Act of 2000;

"planning authority" has the meaning assigned to it by the Act of 2000.

Continuation of instruments applicable to relevant area

32. (1) Every instrument that, immediately before the transfer day, applied to the relevant area or any part thereof shall, from the said day and in so far only as it is not inconsistent with this Act, continue to apply to the relevant area or part thereof, as the case may be, as if such instrument had been made by the city council and, accordingly, any power under an enactment to amend, vary or revoke such instrument may be exercised by the city council in so far only as the instrument applies to the relevant area or any part thereof.

(2) An instrument to which *subsection (1)* applies shall cease to apply to the relevant area upon the expiration of—

(a) one year from the transfer day, or

(b) such further period as is specified in a resolution passed by the city council before the expiration of that year.

(3) No instrument in force in the city of Cork immediately before the transfer day shall apply to the relevant area or any part thereof unless the city council, by resolution, extends the application of such instrument to the relevant area or any part thereof.

(4) An instrument to which *subsection (1)* applies shall, in so far as it is inconsistent with an instrument that applies to the relevant area or part thereof by virtue of a resolution under *subsection (3)*, cease to apply to the relevant area or, as may be appropriate, any part of the relevant area to which the second-mentioned instrument applies.

(5) In this section "instrument" means rules, regulations or by-laws.

Saver for certain acts done before transfer day

33. Subject to *section 31*, every act done, decision made or instrument made or issued before the transfer day by the county council shall, in so far as it would, but for the Cork boundary alteration, have had effect after the transfer day, continue to have such effect after the transfer day as if done, made or issued by the city council.

Outstanding charges

34. (1) Any charge in respect of—

(a) the local financial year in which the transfer day falls, or

(b) any preceding local financial year,

that, immediately before the transfer day, was due and payable to the county council shall, from the transfer day, continue to be due and payable to the county council unless the city council and the county council agree otherwise.

(2) Any charge in respect of the local financial year in which the transfer day falls that would, but for the falling of the transfer day in that year, have become due and payable to the county council after the transfer day shall, unless the city council and the county council agree otherwise, be due and payable to the county council.

(3) In this section "charge" means—

(a) the county rate,

(b) any levy payable under Part 19A (inserted by section 7 of the Local Government (Business Improvement Districts) Act 2006) of the Principal Act,

(c) rent or charges for the tenancy, occupation or use of a dwelling provided by the county council under the Housing Acts 1966 to 2015, or

(d) the repayment of a housing loan within the meaning of the Housing (Miscellaneous Provisions) Act 1992.

PART 5

Amendment of Enactments Consequent upon Cork Boundary Alteration

Amendment of Principal Act

35. The Principal Act is amended—

(a) in section 10, by—

(i) the insertion, in paragraph (a) of subsection (3), of "and *section 8* of the *Local Government Act 2019*" after "Local Government Reform Act 2014",

(ii) the insertion, in paragraph (b) of that subsection, of "and *section 8* of the *Local Government Act 2019*" after "Local Government Reform Act 2014", and

(iii) the insertion, in subsection (5), of the following paragraph:

"(aa) *Part 2* of the *Local Government Act 2019*",

(b) in section 85, by the insertion of the following subsection:

"(4A) An agreement under this section made after the commencement of *section 20* of the *Local Government Act 2019* shall not contain any term, condition or provision that is inconsistent with an arrangement under that section.",

and

(c) in subsection (10) of section 140, by the insertion of the following paragraph:

"(aa) to the performance of any function, the doing of any act or the making of any decision under or for the purposes of the *Local Government Act 2019*,".

Amendment of Local Government Act 1991

36. The Act of 1991 is amended—

(a) in section 28, by the deletion of paragraph (f) of subsection (4),

(b) in section 31, by—

(i) the deletion of—

(I) paragraph (b) of subsection (1), and

(II) subsection (3),

(ii) the substitution of the following subsection for subsection (2):

"(2) The Minister shall not make an order under subsection (1) in relation to an application referred to in that subsection where a respondent, in his or her statement of response, disagrees in a material respect with the terms of the proposal to which the application relates.",

and

(c) in section 33, by—

(i) the deletion of "subsection (2) or (3) of section 31 or" in subsection (1), and

(ii) the substitution of the following paragraph for paragraph (b) of subsection (4):

"(b) publish a notice stating that a report is being prepared under this section in relation to a specified boundary and inviting submissions from any person concerned,".

Making and review of development plans by Cork local authorities

37. The Act of 2000 is amended—

(a) in section 9, by the insertion of the following subsections:

"(1A) Notwithstanding subsection (1), the council of the city of Cork shall make a development plan every 6 years (or such longer period, not exceeding 7 years, as the Minister may specify by order).

(1B) Notwithstanding subsection (1), the council of the county of Cork shall make a development plan every 6 years (or such longer period, not exceeding 7 years, as the Minister may specify by order).",

and

(b) in section 11 (inserted by section 12 of the Planning and Development (Amendment) Act 2018), by the insertion of the following paragraphs in subsection (1):

"(aa) Subject to paragraph (b) and notwithstanding paragraph (a), the council of the city of Cork shall, not later than 4 years (or

such longer period, not exceeding 5 years, as the Minister may specify by order) after the making of a development plan, give notice of its intention to review its existing development plan and to prepare a new development plan for its area.

(ab) Subject to paragraph (b) and notwithstanding paragraph (a), the council of the county of Cork shall, not later than 4 years (or such longer period, not exceeding 5 years, as the Minister may specify by order) after the making of a development plan, give notice of its intention to review its existing development plan and to prepare a new development plan for its area.".

Amendment of section 3 of Valuation Act 2001

38. Section 3 (amended by paragraph (d) of section 2 of the Valuation (Amendment) Act 2015) of the Valuation Act 2001 is amended, in paragraph (g) of the definition of "material change of circumstances", by the insertion of "(other than in accordance with the *Local Government Act 2019*)" after "another rating authority".

PART 6

Plebiscites on Direct Election of Mayors

Interpretation

39. F1**[**...**]**

Plebiscite

40. F2**[**...**]**

Regulations

41. F3**[**...**]**

Electoral offences

42. F4**[**...**]**

Persons entitled to vote at a plebiscite

43. F5**[**...**]**

Report to Houses of Oireachtas

44. F6**[**...**]**

Costs of holding plebiscites

45. F7**[**...**]**

Amendment of Electoral Act 1992

46.F8**[**...**]**

PART 7

Miscellaneous

Amendment of section 32 of Official Languages Act 2003

47. (1) Section 32 of the Official Languages Act 2003 is amended—

(a) in the Irish text, by the substitution of the following subsection for subsection (2):

"(2) Ní dhéanfaidh an tAire ordú faoin alt seo i leith áit lena mbaineann ordú faoi fho-alt (3) d'alt 192 (a cuireadh isteach le halt 48 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011) den Acht Rialtais Áitiúil, 2001.",

and

(b) in the English text, by the substitution of the following subsection for subsection (2):

"(2) The Minister shall not make an order under this section in respect of a place to which an order under subsection (3) of section 192 (inserted by section 48 of the Environment (Miscellaneous Provisions) Act 2011) of the Local Government Act 2001 applies.".

(2) Section 49 of the Environment (Miscellaneous Provisions) Act 2011 is repealed.

Amendment of Building Control Act 2007

48. The Building Control Act 2007 is amended—

(a) in paragraph (a) of the definition of registration body in subsection (1) of section 2, by the substitution of "Royal Institute of the Architects of Ireland" for "Royal Institute of Architects of Ireland", and

(b) in subsection (1) of section 13, by the substitution of "Royal Institute of the Architects of Ireland" for "Royal Institute of Architects of Ireland".

SCHEDULE

Cork Boundary Alteration Implementation Oversight Committee

Section 18

1. (1) The members of the oversight committee shall be appointed by the Minister.

(2) A member of the oversight committee may resign from office by giving notice in writing to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.

(3) The Minister may at any time remove a member of the oversight committee from office if, in the Minister's opinion—

(a) the member has become incapable through ill-health of performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the member's removal appears to the Minister to be necessary for the effective performance by the oversight committee of their functions.

(4) A member of the oversight committee shall cease to be qualified for office and shall cease to hold office if 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,

(d) is convicted of any indictable offence in relation to a company or any other body corporate,

(e) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not,

(f) is, or is deemed to be, the subject of a declaration under section 819 of the Companies Act 2014, or

(g) is, or is deemed to be, the subject of a disqualification order within the meaning of Chapter 4 of Part 14 of that Act.

(5) A member of the oversight committee shall, subject to the provisions of this Act, hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.

(6) There may be paid by the Minister to members of the oversight committee such remuneration (if any) and such allowances in respect of expenses (if any) incurred by them as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

2. If a member of the oversight committee dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the oversight committee to fill the casual vacancy so occasioned.

3. (1) The oversight committee shall hold such and so many meetings as may be necessary for the due fulfilment of their functions.

(2) At a meeting of the oversight committee—

(a) the chairperson of the oversight committee shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of the oversight committee is not present or if that office is vacant, the other members of the oversight committee who are present shall choose one of their number to be chairperson of the meeting.

(3) Every question at a meeting of the oversight committee shall be determined by a majority of the votes of the members of the oversight committee present and voting on the question, and, in the case of an equal division of votes, the chairperson shall have a second or casting vote.

(4) Subject to *subparagraph (6)*, the oversight committee may act notwithstanding a vacancy among their members.

(5) Subject to the provisions of this Act, the oversight committee shall regulate their procedure by rules or otherwise.

(6) The quorum for a meeting of the oversight committee shall, unless the Minister otherwise directs, be 2.

4. (1) Where a member of the oversight committee is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament,

(c) 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) elected or coopted to be a member of a local authority,

he or she shall thereupon cease to be a member of the oversight committee.

(2) A person who is, for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,

(b) a member of the European Parliament, or

(c) entitled under the standing orders of a local authority to be a member of that local authority,

shall, while he or she is so entitled or is such a member, be disqualified for membership of the oversight committee.

Number 1 *of* 2019

LOCAL GOVERNMENT ACT 2001

REVISED

Updated to 16 May 2024

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Local Government Acts 1925 to 2024: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 1(2)(a)). The Acts in this group are:

- *Local Government Act 1925* (5/1925)
- *Local Government Act 1927* (3/1927)
- *Local Government Act 1941* (23/1941)
- *Local Government Act 1946* (24/1946)
- *Local Government Act 1955* (9/1955)
- *Local Government (No. 2) Act 1960* (40/1960)
- *Local Government (Buncrana) Act 1968* (2/1968)
- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971) in so far as it amends *Local Government Acts 1925 to 1967*
- *Local Government (Financial Provisions) Act 1978* (35/1978)
- *Local Government (Financial Provisions) Act 1983* (10/1983)
- *Local Government (Financial Provisions) (No. 2) Act 1983* (21/1983)
- *Local Government (Reorganisation) Act 1985* (7/1985)
- *Local Government Act 1991* (11/1991)
- *Local Government Act 1994* (8/1994)
- *Local Government (Financial Provisions) Act 1997* (29/1997)
- *Local Government Act 1998* (16/1998)
- *Local Government (Financial Provisions) Act 2000* (6/2000)
- *Local Government Act 2001* (37/2001) (other than ss. 163, 164 and 211 and Parts 23 and 24)
- *Local Government Act 2003* (8/2003)
- *Local Government (No. 2) Act 2003* (17/2003)
- *Electoral (Amendment) Act 2004* (15/2004), s. 34
- *Local Government (Business Improvement Districts) Act 2006* (42/2006), ss. 2 to 7
- *Water Services Act 2007* (30/2007), ss. 1(7), 13 and 115
- *Copyright and Related Rights (Amendment) Act 2007* (39/2007), Part 3
- *Local Government (Miscellaneous Provisions) Act 2012* (17/2012), Part 4
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 9

- *Local Government Reform Act 2014* (1/2014), other than s. 1(3) to (8), s. 5(3) to (5) and sch. 2
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014), s. 57
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), ss. 1(2)(c), 52
- *Local Government Act 2019* (1/2019)
- *Local Government Rates and other Matters Act 2019* (24/2019), other than ss. 23-26
- *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), s. 2
- *Historic and Archaeological Heritage and Miscellaneous Provisions Act 2023* (26/2023), Part 13 chapters 6, 7 (ss. 261-274)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), other than Part 5 (ss. 36-45) and ss. 65, 66, 67, 69

Acts previously included in the group but now repealed are:

- *Local Government (Amendment) Act 1930* (26/1930)
- *Local Government Act 1933* (5/1933)
- *Local Government (Amendment) Act 1934* (5/1934)
- *Local Government (Amendment) (No. 2) Act 1934* (44/1934)
- *Local Government Act 1936* (46/1936)
- *Local Government (Amendment) Act 1939* (9/1939)
- *Local Government Act 1953* (12/1953)
- *Local Government Act 1958* (9/1958)
- *Local Government Act 1959* (10/1959)
- *Local Government Act 1960* (23/1960)
- *Local Government (Roads and Motorways) Act 1974* (6/1974)
- *Local Government (Toll Roads) Act 1979* (34/1979)
- *Local Government Act 2000* (25/2000)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.