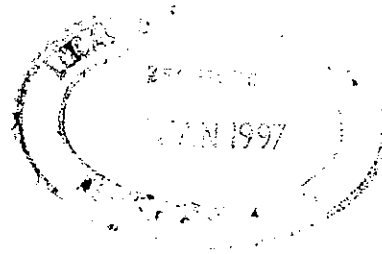


Statutory Instruments

S.I. No. 410 of 1996



The Local Government Management Services Board

(Establishment) Order, 1996

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(Establishment) Order, 1996

The Minister for the Environment, in exercise of the powers conferred on him by section 3 of the Local Government Services (Corporate Bodies) Act, 1971 (No. 6 of 1971), hereby orders as follows:-

Citation 1. This Order may be cited as the Local Government Management Services Board (Establishment) Order, 1996.

Commencement 2. This Order shall come into operation on the 1st day of January, 1997.

Definitions 3.(1) In this Order -  
"the Act" means the Local Government Services (Corporate Bodies) Act, 1971 (No. 6 of 1971);  
"the Board" means the body established under article 4;  
"the Board Chairman" means the Chairman for the time being of the Board;  
"the Council" means the Council established under article 6;  
"manager" means a manager referred to in the definition of "qualified person" and "managers" shall be construed accordingly;  
"the Minister" means the Minister for the Environment;  
"qualified person" means -  
(a) a manager or assistant manager for the purposes of the Acts relating to the management of a county borough or the personnel officer of the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin, or  
(b) a manager or assistant manager for the purposes of the County Management Acts 1940 to 1994.

(2) In this Order, any reference to an article which is not otherwise identified is a reference to an article of this Order.

(3) In this Order, any reference to a sub-article or paragraph which is not otherwise identified is a reference to the sub-article or paragraph of the provision in which the reference occurs.

Establishment of the Board 4. A body known as An Bord um Seirbhísí Bainistíochta Rialtais Áitiúil or, in the English language, the Local Government Management Services Board is hereby established -

- (a) to provide for local authorities and for such other bodies as may, from time to time, stand designated pursuant to section 3(2) of the Act -
- (i) such services as may be required by them for the purposes of staff negotiations, including proceedings under any scheme of conciliation and arbitration and Labour Court proceedings, and
  - (ii) such other management services as may be required by them, and

- (b) to provide for managers such services for meetings of managers and such other support services as the Council shall from time to time determine, and as can be provided by the Board within the limits of the financial contributions made by the several councils of counties and corporations of county boroughs to the Board under article 5(20)(b) for the provision of services under this paragraph.

Constitution  
of the Board

- 5.(1) The Board shall consist of -
  - (a) not less than four and not more than ten qualified persons appointed by the Council in accordance with the requirements of this article, and
  - (b) such officers of the Department of the Environment as the Minister shall appoint from time to time.

(2) At least two persons from each of the classes of qualified person referred to in paragraphs (a) and (b) of the definition of "qualified person" in article 3 shall be appointed by the Council to be members of the Board.

(3) The term of office of a member of the Board appointed by the Council shall be such period not exceeding three years as may be specified by the Council upon such appointment and such member shall hold office for that period unless sooner dying, resigning by letter addressed to the Chairman of the Council or ceasing to be a qualified person.

(4) The term of office of a member of the Board appointed by the Minister shall be such period as the Minister shall determine upon such appointment and such member shall hold office for that period unless sooner dying, resigning by letter addressed to the Minister or the Minister terminates the appointment.

(5) The Board shall appoint from among its members a Chairman, to be known as the Board Chairman, who shall hold office for one year unless sooner ceasing to be a member of the Board or the Board appoints another person to be Board Chairman.

(6) The quorum for meetings of the Board shall be one-third of its members or, if the number of members is not a multiple of three, one-third of the next higher number which is a multiple of three.

(7)(a) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

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

(c) If the Board Chairman refuses to call a meeting of the Board having been presented with a requisition for that purpose, signed by three members of the Board, any four members may forthwith, on that refusal, call a meeting of the Board and, if the Board Chairman (without so refusing) does not, within seven days after the presentation of the requisition, call a meeting

of the Board, any four members of the Board may, on the expiration of those seven days, call a meeting of the Board.

(8) The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointment of the Board or any member thereof.

(9)(a) Subject to the following paragraphs, the Board may, by standing orders or otherwise, regulate its own procedure.

(b) In order to facilitate the discharge of the functions of the Board, the Board may establish such committees as it thinks fit and may appoint to any such committee such members of the Board as are willing to act on the committee and other persons who have special knowledge or experience related to the purpose of the committee.

(c) The Board shall notify the Council and the Minister of the establishment of any committee, of the purpose for which the committee is established and of the names of the members thereof.

(10) The Board shall provide itself with a seal which shall be authenticated -

(a) by the signature of the Board Chairman or some other member of the Board duly authorised by the Board to act in that behalf and

(b) by the signature of an officer of the Board duly authorised by the Board to act in that behalf.

(11)(a) The Board shall cause to be kept proper accounts of all income and expenditure of the Board, and of the sources of such income and the subject matter of such expenditure, and of the property, credits and liabilities of the Board.

(b) The financial year of the Board shall be the period of twelve months ending on the 31st day of December in any year.

(c) A statement of accounts of the Board for each financial year shall, as soon as may be after the end of such financial year, be prepared and after such preparation be audited by and be subject to a report by an auditor appointed for the purpose by the Minister after consultation with the Board.

(d) The expenses generally of each audit shall be paid by the Board as soon as may be after such audit.

(e) A copy of the audited accounts and of the auditor's report thereon shall be presented by the Board to the Council and to the Minister who, as soon as may be after such presentation, shall cause a copy of both the audited accounts and the report to be laid before each House of the Oireachtas.

(12)(a) The Board shall, in each year, not later than such day as the Minister shall direct, make a report to the Council of its activities during the preceding financial year and shall submit a copy of the report to the Minister.

(b) The Board shall submit to the Council or to the Minister such information

regarding the performance of its functions as the Council or the Minister may from time to time require.

- (13)(a) The Board may appoint such and so many officers and employ such and so many employees as the Board may, from time to time, think proper and, in appointing any officer or employing any employee, the Board shall comply with any directions given by the Minister relating to the procedure to be followed.
- (b) Every officer of the Board holding office in a wholetime permanent capacity shall cease to hold office on attaining the age of sixty-five years.
- (c) Subject to the sanction or directions of the Minister, the Board shall determine the remuneration and conditions of service of each officer and each employee of the Board and may, from time to time, alter the remuneration or conditions of service of any officer or employee.
- (d) Every officer and employee of the Board shall perform such duties as the Board may, from time to time, assign to such officer or employee.
- (e) The Minister may, at any time, declare that any of the powers conferred on the Board by this sub-article shall be exercisable only with the consent of the Minister and, whenever any such declaration is in force, the said power shall, in relation to any office or employment to which the declaration applies, be exercised only with such consent.

(14) A person who for the time being holds any office under or is in the employment of the Board shall be disqualified from being a member of the Board.

(15) Schemes and Regulations made under the Local Government (Superannuation) Act, 1980 (No. 8 of 1980), shall apply to the Board as if it were a local authority, subject to the modification that the provisions of article 10(5) of the Local Government (Superannuation Revision) (Consolidation) Scheme, 1986 (S.I. No. 391 of 1986) or article 10(5) of the Local Government (Superannuation) Act, 1956 (Consolidation) Scheme, 1987 (S.I. No. 316 of 1987), as appropriate, shall apply in respect of the office of Chief Executive Officer of the Board as if that office were an office of city or county manager.

(16) For the purpose of the performance of its functions, the Board may, with the consent of the Minister, borrow money.

(17) The Board may do all such things as may be necessary for the effective discharge of its functions and, for this purpose, the Board may -

- (a) purchase or take on lease any land and may sell, exchange, let or otherwise dispose of any land vested in the Board,
- (b) make arrangements with another person or body for the use by the Board of premises or equipment belonging to that person or body or for the use by the Board of officers or employees of that person or body,
- (c) accept gifts of money, land and other property upon such trusts and

conditions, if any, as may be specified by the donor, save that the Board may not accept a gift if the conditions attached by the donor to its acceptance are not consistent with the functions of the Board.

(18) The Board may from time to time engage such consultants and advisers as it may consider necessary for the discharge of its functions, and any fees due to a consultant or adviser engaged under this sub-article shall be paid by the Board out of moneys at its disposal.

(19) The Board may charge fees in respect of services provided by the Board.

(20)(a) Subject to paragraph (b) the expenses of the Board in so far as not met from other sources shall, to such extent as shall be approved by the Minister, be recouped by the several councils of counties and corporations of county boroughs in such proportions as those authorities may agree upon, or, failing such agreement, in such proportions as may be determined by the Minister.

(b) The expenses of the Board incurred in performing its functions under article 4(b) shall be recouped separately by the several councils of counties and corporations of county boroughs in such proportions as those authorities may agree upon, or, failing such agreement, in such proportions as may be determined by the Minister.

(c) In default of payment by a county council or a county borough corporation of an amount (or any part thereof) payable by them under this article, the amount involved may be deducted from any monies payable to the county council or county borough corporation as the case may be by any Minister for any purpose whatsoever and, where such a deduction has been made, the amount so deducted shall be paid to the Board by the Minister concerned.

The Council

6.(1) The Council shall consist of the persons who are for the time being qualified persons.

(2) The Council shall meet at least once in each year and shall hold such and so many meetings as may be necessary for the performance of its functions.

(3) The quorum of the Council shall be one-third of its members or, if the number of members is not a multiple of three, one-third of the next higher number which is a multiple of three.

(4) The Council shall appoint from among its members a Chairman who shall hold office for one year unless sooner ceasing to be a member of the Council or the Council appoints another person to be Chairman.

(5) The Council may regulate its own procedure.

(6) The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its members.

Expenses

7.(1) A person shall not receive any remuneration for acting as a member of the Council or as a member of the Board or as a member of any committee established by the Board.

(2) Travelling and subsistence allowances may be paid by the Board to such extent and in accordance with such scale and in such circumstances as may from time to time be approved by the Minister.

GIVEN under the Official Seal of the  
Minister for the Environment this  
20th day of December, 1996.

L.S.

BRENDAN HOWLIN

Minister for the Environment

The Minister for Finance hereby consents to the Local Government Management Services Board (Establishment) Order, 1996.

Dated this 20th day of December,  
1996.

RUAIRI QUINN

Minister for Finance

#### **Explanatory Note**

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

This order provides for the establishment of the Local Government Management Services Board.