



Number 7 of 1997

**DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY ACT,
1997**

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1997**

AN ACT TO MAKE PROVISION FOR THE RENEWAL OF THE DUBLIN DOCKLANDS AREA AND FOR THAT PURPOSE TO ESTABLISH A BODY TO BE KNOWN AS THE DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY, AND TO DEFINE ITS FUNCTIONS; TO AMEND THE URBAN RENEWAL ACT, 1986, AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [27th March, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

1.—This Act may be cited as the Dublin Docklands Development Authority Act, 1997. Short title.

2.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act. Commencement.

3.—(1) In this Act, except where the context otherwise requires— Interpretation.

“the Act of 1963” means the Local Government (Planning and Development) Act, 1963;

“the Act of 1986” means the Urban Renewal Act, 1986;

“the Act of 1987” means the Urban Renewal (Amendment) Act, 1987;

“the appropriate Minister” means any Minister of the Government (other than the Minister) who, having regard to the Ministerial functions vested in that Minister, in the opinion of the Minister might be concerned with or interested in the matter in question;

“the Authority” means the Authority established under *section 14*;

“the Chairperson” means the person appointed under *section 15(1)*;

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“company” means a company within the meaning of section 2 of the Companies Act, 1963;

“the Council” means the Council established under *section 16*;

“Custom House Docks Area” has the meaning assigned to it by *section 5*;

“Custom House Docks Development Authority” has the meaning assigned to it by section 8 of the Act of 1986;

“development plan” means a development plan within the meaning of the Act of 1963;

“Dublin Corporation” means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin;

“Dublin Docklands Area” has the meaning assigned to it by *section 4*;

“establishment day” means the day which the Minister by order appoints under *section 14(1)*;

“the Executive Board” means the Executive Board established under *section 17*;

“functions” includes powers and duties;

“land” includes any structure and any land covered with water and any estate, right or other interest in, on or over land or water, including any wayleave or other easement;

“local authority” means a local authority for the purposes of the Local Government Act, 1941;

“master plan” has the meaning assigned to it by *section 24*;

“the Minister” means the Minister for the Environment;

“planning scheme” has the meaning assigned to it by *section 25*;

“prescribed” means prescribed by regulations made by the Minister;

“statutory body” means—

- (a) a Minister of the Government,
- (b) the Commissioners of Public Works in Ireland,
- (c) a local authority,
- (d) a harbour authority within the meaning of the Harbours Act, 1946, or a company established pursuant to section 7 of the Harbours Act, 1996,
- (e) a health board established under the Health Act, 1970,
- (f) a vocational education committee within the meaning of the Vocational Education Act, 1930,
- (g) a board or other body established by or under statute,

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(h) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government, or

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(i) a company in which all the shares are held by a board, company or other body referred to in *paragraph (g) or (h)* of this definition.

(2) Any reference in this Act to performance of a function includes, with respect to a power or duty, a reference to exercise of the power or the performance of the duty.

(3) (a) In this Act a reference to a section or Schedule is to a section of, or Schedule to, this Act, unless it is indicated that reference to some other enactment is intended.

(b) In this Act a reference to a subsection or paragraph is to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(4) In this Act a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or adapted by or under any subsequent enactment.

(5) (a) In this subsection, a reference to a “thoroughfare” includes any avenue, bridge, drive, high water mark, place, river, road, row, street or wall.

(b) In the *First and Second Schedules*—

(i) a reference to a line drawn along any thoroughfare is a reference to a line drawn along the centre of that thoroughfare;

(ii) a reference to a projection of any thoroughfare is a reference to a projection of a line drawn along the centre of that thoroughfare;

(iii) a reference to the point where any thoroughfare or projection of any thoroughfare intersects or joins any other thoroughfare or projection of a thoroughfare is a reference to the point where a line drawn along the centre of such thoroughfare, or in the case of a projection of a thoroughfare, along such projection, would be intersected or joined by a line drawn along the centre of such other thoroughfare or, in the case of another projection of a thoroughfare, along such other projection.

4.—(1) For the purposes of this Act “the Dublin Docklands Area” means the area described in the *First Schedule*.

Dublin Docklands Area.

(2) (a) The Minister may by order, made with the consent of the Minister for Finance, alter the Dublin Docklands Area so as to include in the area land described in the order contiguous to the boundaries of the area or to exclude therefrom land described in the order and forming part of the area described in the *First Schedule*.

(b) Where an order under this section is in force, every reference in this Act to the Dublin Docklands Area shall be

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construed as a reference to the area described in the *First Schedule* as altered by the order.

Custom House
Docks Area.

5.—(1) For the purposes of this Act “the Custom House Docks Area” means the area described in the *Second Schedule*.

(2) (a) The Minister may by order, made with the consent of the Minister for Finance, extend the Custom House Docks Area to include land described in the order contiguous to the boundaries of the area and lying east of the area, between the centre line of Sheriff Street Upper and Sheriff Street Lower and the centre of the River Liffey.

(b) Where an order under this section is in force, every reference in this Act to the Custom House Docks Area shall be construed as a reference to the area described in the *Second Schedule* as extended by the order.

Orders.

6.—(1) Subject to *subsection (2)*, the Minister may, by order, revoke or amend any order made under this Act (including any order made under this section).

(2) Where an order to be amended or revoked by order under this section was made by the Minister with the consent of, or after consultation with, a Minister of the Government, the Minister shall, before making the order under this section, in addition, either (as may be appropriate) obtain the consent of or consult with that Minister of the Government.

(3) Where it is proposed to make an order under *section 25(1)(a)* the Minister shall cause a draft of the order to be laid before each House of the Oireachtas and the order shall not be made unless a resolution approving of the draft has been passed by each such House.

(4) Every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made.

Regulations.

7.—(1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or in relation to any matter referred to in this Act as the subject of regulations or for the purpose of giving full effect to this Act.

(2) Every regulation made under this Act 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 subsequent twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Repeals.

8.—The enactments mentioned in *column (2)* of the *Third Schedule* are hereby repealed to the extent mentioned in *column (3)* of that Schedule.

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9.—(1) Notwithstanding *section 8*, any planning scheme approved (with or without modifications) by the Minister under *section 12* of the Act of 1986 shall continue in force and shall be deemed to be a planning scheme prepared and approved under *section 25*. Pt.I Saver.

(2) Notwithstanding *section 8*, *section 18* of the Act of 1986 shall continue in force and have effect in relation to accounts drawn up under *section 53*.

(3) (a) Nothing in this Act shall affect any rates remission scheme made under *section 7* of the Act of 1986.

(b) Nothing in *paragraph (a)* shall be construed as prohibiting the making of any rates remission scheme under *section 7* of the Act of 1986 in respect of any part of the Dublin Docklands Area after the passing of this Act.

(4) Notwithstanding *section 8*, *section 2* of the Act of 1987, and any orders made thereunder, shall continue in operation and have effect for the purposes of *section 6* of the Act of 1986.

(5) Subject to *subsection (6)*, a compulsory purchase order made by the Custom House Docks Development Authority and confirmed by the Minister under *section 5* of the Act of 1987, shall continue to have full force and effect notwithstanding *section 8*.

(6) Notwithstanding *section 8*, *section 5* of the Act of 1987, shall continue to apply for the purposes of any order made under that section and—

(a) land acquired by virtue of an order made under that section shall be used exclusively for the purposes for which it was acquired by order made under that section, and

(b) references to the Authority in that section shall be construed as references to the Dublin Docklands Development Authority.

(7) Notwithstanding *section 8*, any order made under *section 27* of the Finance Act, 1987, shall continue and have effect.

(8) Notwithstanding *section 56*, it is hereby expressly confirmed that any provisions in relation to superannuation made by the Custom House Docks Development Authority immediately before the establishment day shall, as respects a person to whom those provisions applied and in respect of whom no provisions in relation to superannuation have been made under *section 35*, continue in force as if made by the Dublin Docklands Development Authority which shall have the like powers and functions under this Act in relation to such provisions as the Custom House Docks Development Authority had immediately before the establishment day.

10.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses of Minister.

11.—(1) Where the Authority is satisfied that a person to whom this section applies has discharged the duties appropriate to that person in relation to the functions of the Authority in a *bona fide* manner, it shall indemnify that person against all actions or claims Indemnification of certain persons.

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however so arising in respect of the discharge by that person of those duties.

(2) This section applies to—

- (a) the Chairperson,
- (b) an ordinary member of the Council,
- (c) an ordinary director of the Executive Board,
- (d) an employee of the Authority, and
- (e) a person whose services are provided to the Authority under *section 37*.

Immunity of Authority.

12.—No action or other proceedings shall lie or be maintainable against the Authority or any body referred to in *section 37* for the recovery of damages in respect of any injury to persons, damage to property or other loss alleged to have been caused or contributed to by a failure to perform any of the functions conferred on the said Authority or body.

Prosecutions and penalties.

13.—(1) A person guilty of an offence under *section 39, 40, or 41* shall be liable—

- (a) on summary conviction, to a fine not exceeding £1,500 or, at the discretion of the court, to imprisonment for a term not exceeding six months or to both such fine and imprisonment, or
- (b) on conviction on indictment, to a fine not exceeding £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding two years or to both such fine and imprisonment.

(2) An offence under any provision of this Act may be prosecuted summarily by the Authority.

(3) Subject to *subsection (4)* and notwithstanding *section 10(4)* of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence under this Act may be commenced—

- (a) at any time within twelve months from the date on which the offence was committed, or
- (b) at any time within twelve months from the date on which knowledge of the commission of the offence came to the person by whom the proceedings are initiated,

whichever is the later.

(4) Proceedings under *subsection (3)* shall not be initiated later than five years from the date on which the offence concerned was committed.

(5) For the purposes of this section, a certificate signed by or on behalf of the person initiating the proceedings as to the date on which the commission of the offence came to that person's knowledge shall be *prima facie* evidence thereof and in any legal proceedings a document purporting to be a certificate issued for the

purposes of this subsection and to be so signed shall be deemed to be so signed and shall be admitted as evidence without proof of the signature of the person purporting to sign the certificate, unless the contrary is shown. Pt.I S.13

PART II

DUBLIN DOCKLANDS DEVELOPMENT AUTHORITY

14.—(1) There shall be established, on such day as the Minister by order appoints, a body to be known as *Údarás Forbartha Dug-thailte Bhaile Átha Cliath* or, in the English language, the Dublin Docklands Development Authority to perform the functions assigned to it by or under this Act. Establishment of Dublin Docklands Development Authority.

(2) (a) The Authority shall consist of a Chairperson appointed in accordance with *section 15*, a Council appointed in accordance with *section 16* and an Executive Board appointed in accordance with *section 17*.

(b) Subject to *section 16(3)(b)(ii)*, no person, apart from the Chairperson, shall be entitled to be a member of both the Council and the Executive Board at the same time.

(3) The Authority shall be a body corporate with perpetual succession and a seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

(4) (a) The Authority shall, as soon as may be after its establishment, provide itself with a seal, which shall be authenticated by the signature of the Chairperson of the Authority or of another person authorised by the Authority to act in that behalf.

(b) All courts shall take judicial notice of the seal of the Authority and every instrument purporting to be an instrument made by the Authority and to be sealed with its seal (purporting to be authenticated in accordance with *paragraph (a)*) shall be received in evidence and be deemed to be such instrument without further proof, until the contrary is shown.

(5) The Registration of Business Names Act, 1963, shall apply to the Authority and the Council of the Authority may, with the consent of the Minister, carry on business under a name other than the name conferred on it by this Act and shall register that other name under that Act accordingly.

15.—(1) The Minister shall appoint a person to be the Chairperson of the Authority. Chairperson.

(2) The term of office of the Chairperson shall be five years, provided that an outgoing Chairperson may be re-appointed by the Minister for a second or subsequent term of office of five years, or any lesser period.

(3) (a) The Chairperson shall be paid, out of moneys at the disposal of the Authority, such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine.

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- (b) Subject to the provisions of this section, the Chairperson shall hold office on such terms and conditions (including terms and conditions relating to remuneration, superannuation and allowances for expenses) as the Minister, with the consent of the Minister for Finance, may determine.
- (4) (a) The Chairperson may resign from office by letter addressed to the Minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.
- (b) The Minister may remove from office the Chairperson if, in the opinion of the Minister, the Chairperson has become incapable through ill-health of effectively performing the duties of the office, or for stated misbehaviour, or if the removal appears to the Minister to be necessary or desirable for the effective performance by the Authority of its functions and, in case the Chairperson is removed from office under this paragraph, the Minister shall cause to be laid before each House of the Oireachtas a statement in writing of the reasons for the removal.

Council.

16.—(1) There shall be a Council to perform the functions assigned to it by or under this Act.

(2) The Council shall consist of the Chairperson and twenty-five ordinary members.

(3) (a) The Chairperson shall chair the meetings of the Council.

(b) (i) In the event of the Chairperson being unable to attend a meeting of the Council, the ordinary members who are present shall choose one of their number to chair the meeting.

(ii) In the event of the office of Chairperson being vacant, the Minister shall designate one of the ordinary directors of the Executive Board to be a member of the Council and to chair its meetings until a Chairperson is appointed.

(4) Subject to *subsection (3)(b)(ii)*, the ordinary directors of the Executive Board shall be entitled to attend and be heard at meetings of the Council but shall not be eligible to vote.

(5) The Minister may prescribe for the purposes of *subsection (6)—*

(a) organisations which, in the opinion of the Minister, are concerned with, or are representative of persons engaged in, the promotion or carrying out of social, economic or other development (including employment, education, training and the development of land) in the Dublin Docklands Area,

(b) organisations which, in the opinion of the Minister, are concerned with community development in the Dublin Docklands Area or with the promotion of the social, economic or general interests of communities in that Area,

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- (c) organisations which, in the opinion of the Minister, are representative of persons whose professions or occupations relate to town planning, urban design, architecture, conservation of the architectural heritage or civil engineering. Pt.II S.16

(6) The ordinary members of the Council shall be appointed by the Minister as follows—

- (a) (i) one member shall be so appointed from among the officers of the Minister who are established civil servants for the purposes of the Civil Service Regulation Act, 1956,
- (ii) one member shall be so appointed from among the officers of the Minister for Arts, Culture and the Gaeltacht who are established civil servants for the purposes of the Civil Service Regulation Act, 1956,

(b) one nominee of each of the following, namely—

- (i) Coras Iompair Éireann,
- (ii) Bord Gáis Éireann, and
- (iii) the Electricity Supply Board,
- shall be so appointed,

(c) the Dublin City Manager or an officer of Dublin Corporation nominated by the Manager shall be so appointed,

(d) five members of Dublin City Council, nominated by that Council, being members elected to that Council from electoral areas which are included in, or any part of which is included in, the Dublin Docklands Area, shall be so appointed,

(e) the Chief Executive of Dublin Port Company or an officer of that company nominated by the Chief Executive shall be so appointed,

(f) the Director of the Dublin Transportation Office or an officer of that Office nominated by the Director shall be so appointed,

(g) not less than two members shall be so appointed from among persons selected by the organisations which for the time being stand prescribed under each paragraph of *subsection (5)*, subject to eight persons being appointed in all,

(h) four other persons, who, in the opinion of the Minister, have wide experience in relation to industrial, commercial, financial, employment, environmental or transport matters, local government, community development, training, education, administration or urban economics shall be appointed by the Minister.

(7) Each organisation prescribed under a particular paragraph of *subsection (5)* shall, whenever so requested by the Minister, select such number (not being less than two) of candidates as the Minister may specify for appointment and shall inform the Minister, within

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such period as the Minister shall specify when making the request, of the names of the candidates selected and of the reasons why, in the opinion of the organisation, they are suitable for such appointment.

(8) (a) In making nominations to the Minister for the purposes of *subsection (6)(d)* or in selecting candidates for appointment by the Minister pursuant to *subsection (7)*, the Dublin City Council or the organisations prescribed under a particular paragraph of *subsection (5)*, as the case may be, shall make such nominations or selections subject to such directives as may be issued by the Minister from time to time, including directives relating to an appropriate gender balance.

(b) In considering persons for appointment under *subsection (6)(h)*, the Minister shall have regard to any directives referred to in *paragraph (a)*.

(9) Subject to *subsection (11)*, in the case of an appointment pursuant to *subsection (6)(g)* the Minister shall not appoint a person to be an ordinary member of the Council unless the person was among those selected pursuant to a request under *subsection (7)* in relation to that appointment.

(10) Notwithstanding *subsection (7)* or (9)—

(a) if the appropriate organisations prescribed under a particular paragraph of *subsection (5)* refuse or fail to select any candidate pursuant to a particular request under *subsection (7)*, or

(b) if the Minister decides not to appoint as an ordinary member of the Council any of the candidates selected by such organisations pursuant to the request,

then either—

(i) the Minister shall appoint as an ordinary member of the Council a person who was among those selected by such organisations pursuant to a previous request (if any) under that subsection in relation to that appointment, or

(ii) the Minister shall make a further such request and shall appoint as an ordinary member of the Council a person who was among those selected pursuant to that request or pursuant to another such request made in relation to that appointment.

(11) Where a request is made pursuant to *subsection (7)*, failure or refusal by any or all of the organisations of whom the request is made to select the number of candidates specified in the request shall not preclude the appointment as an ordinary member of the Council of a person who was selected in relation to that appointment either by any of the aforesaid organisations or any other organisation.

(12) (a) Subject to *paragraph (b)*, an ordinary member of the Council shall be appointed for such term (not exceeding five years) as shall be specified by the Minister when appointing that ordinary member and an ordinary member of the Council whose term of office expires by the effluxion of time shall be eligible for re-appointment.

(b) Where an ordinary member of the Council appointed under subsection (6)(d) ceases to be a member of Dublin City Council during the term of office specified by the Minister under paragraph (a) in relation to that ordinary member, the person's appointment under subsection (6)(d) shall be terminated with effect from the date on which the person so ceases to be a member of Dublin City Council. Pt.II S.16

(13) An ordinary member of the Council shall be paid, out of moneys at the disposal of the Authority, such allowances for expenses as the Minister, with the consent of the Minister for Finance, determines.

(14) The Minister shall fix the date, time and place of the first meeting of the Council.

(15) The Minister may make regulations as regards any matter which the Minister considers expedient for the purposes of this section.

(16) (a) An ordinary member of the Council may resign from office by letter addressed to the Minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.

(b) The Minister may remove from office an ordinary member of the Council if, in the opinion of the Minister, the ordinary member has become incapable through ill-health of effectively performing the duties of an ordinary member, or for stated misbehaviour, or if the removal appears to the Minister to be necessary or desirable for the effective performance by the Council of its functions and, in case an ordinary member of the Council is removed from office under this paragraph, the Minister shall cause to be laid before each House of the Oireachtas a statement in writing of the reasons for the removal.

17.—(1) There shall be an Executive Board to perform the functions assigned to it by or under this Act. Executive Board.

(2) The Executive Board shall consist of the Chairperson and seven ordinary directors.

(3) The ordinary directors shall be appointed by the Minister.

(4) Subject to the provisions of this section—

(a) an ordinary director shall hold office for such term (not exceeding five years) as shall be specified by the Minister when making the appointment,

(b) an outgoing ordinary director may be re-appointed by the Minister for a second or subsequent term of office of five years, or any lesser period.

(5) An ordinary director shall be paid, out of moneys at the disposal of the Authority, such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for Finance, may determine.

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(6) The Minister shall fix the date, time and place of the first meeting of the Executive Board.

(7) (a) An ordinary director may resign from office by letter addressed to the Minister and the resignation shall take effect from the date of the receipt of the letter by the Minister.

(b) An ordinary director may be removed from office by the Minister if, in the opinion of the Minister, the ordinary director has become incapable through ill-health of effectively performing the duties of an ordinary director, or for stated misbehaviour, or if the removal appears to the Minister to be necessary or desirable for the effective performance by the Executive Board of its functions, and in case an ordinary director is removed from office under this paragraph, the Minister shall cause to be laid before each House of the Oireachtas a statement in writing of the reasons for the removal.

Functions of Authority.

18.—(1) (a) It shall be the general duty of the Authority to secure—

- (i) the social and economic regeneration of the Dublin Docklands Area, on a sustainable basis,
- (ii) improvements in the physical environment of the Dublin Docklands Area, and
- (iii) the continued development in the Custom House Docks Area of services of, for, in support of, or ancillary to, the financial sector of the economy.

(b) For the purposes of *paragraph (a)* and without prejudice to the generality of that paragraph, the Authority shall have the following functions in relation to the Dublin Docklands Area—

- (i) to prepare a master plan for the regeneration of that Area in accordance with *section 24*, and to promote the implementation of the master plan;
- (ii) to prepare, where appropriate, planning schemes in accordance with *section 25*;
- (iii) to prepare detailed proposals and plans for the development, redevelopment, renewal or conservation of land in that Area;
- (iv) to acquire, hold and manage land in that Area for its development, redevelopment, renewal or conservation either by the Authority or by any other person;
- (v) to develop, redevelop, renew or conserve, or secure the development, redevelopment, renewal or conservation of, any land in that Area or otherwise to secure the best use of any such land;

- (vi) to dispose of land—
 - (I) on completion of its development, redevelopment, renewal or conservation under this Act,
 - (II) to secure its development, redevelopment, renewal or conservation, or
 - (III) to secure its best use;
- (vii) to provide such infrastructure and to carry out such works of amenity development or environmental improvement as, in the opinion of the Authority, may be required to encourage people to work, shop or reside in that Area or otherwise to use the facilities provided in that Area;
- (viii) to promote the co-ordination of investment by statutory bodies and of investment by statutory bodies with private investment in that Area;
- (ix) to promote the co-ordination of the programmes and other activities of statutory bodies and other persons concerned with the regeneration of that Area and to promote co-operation between such bodies and persons;
- (x) to promote, in particular as regards persons residing in that Area, the provision of education and training opportunities, and the development of a wide range of employment in that Area;
- (xi) to promote the development of existing and new residential communities in that Area, including the development of a mix of housing for people of different social backgrounds.

(c) *Paragraph (b)* shall not be construed as prejudicing the generality of *section 14(3)* insofar as it applies to the acquisition, holding and disposal of land.

(2) Without prejudice to the generality of *subsection (1)* or to any provision of this Act, apart from this section, the Authority may carry on any activity which appears to it to be requisite, advantageous or incidental to, or which appears to it to facilitate, the performance by it of any of its functions under this Act.

(3) (a) The Authority may make such charges as it considers appropriate in consideration of the performance by it of its functions, the provision by it of services and the carrying on by it of activities.

(b) The Authority may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable any amount due and owing to it under *paragraph (a)*.

(4) (a) In making a draft master plan available under *section 24 (4)* it shall be a function of the Authority to make the plan available electronically in a form that is compatible with the World Wide Web or like form, and in such other form as the Authority considers appropriate.

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- (b) Following the laying of accounts under *section 43* or reports under *section 44*, it shall be a function of the Authority to make such reports and accounts available electronically in a form that is compatible with the World Wide Web or like form, and in such other form as the Authority considers appropriate.

(5) In addition to the functions assigned to it by *subsection (1)*, the Authority shall have such other functions related to securing the regeneration of the Dublin Docklands Area as for the time being stand assigned to it by the Minister by order made after consultation with the appropriate Minister.

(6) The Authority may do all such things as arise out of or are consequential on or are necessary or expedient for the purposes of the functions assigned to it by or under this Act, or for purposes incidental to those purposes.

Duty of
Chairperson.

19.—It shall be the duty of the Chairperson to ensure the efficient discharge of the business of the Authority.

Functions of
Council.

20.—(1) For the purposes of *section 18*, the Council shall—

- (a) (i) in accordance with *section 24*, arrange for the preparation of, and adopt, a master plan for the Dublin Docklands Area, and review and update the plan at least once in every five years,
- (ii) monitor the implementation of the plan;
- (b) where appropriate, submit to the Minister, in accordance with *section 25*, a planning scheme or schemes for the Custom House Docks Area, or any part thereof, and any other area specified for that purpose by order under *section 25(1)(a)*;
- (c) make, from time to time, such recommendations to the Executive Board as it considers appropriate in relation to—
- (i) the implementation of the master plan, including recommendations as to priorities for expenditure and priorities for different elements of the work programme of the Authority,
- (ii) the general staff requirements of the Authority, but excluding making recommendations concerning decisions in relation to particular posts, individual employees, pay, grading and conditions,
- (iii) the promotion generally by the Authority of the Dublin Docklands Area, and the organisation of events or other activities for that purpose,
- (iv) arrangements for liaison and co-ordination between the Authority, statutory bodies with an interest in the Dublin Docklands Area and organisations representing the interests of persons living, working or carrying on business in the Area, or any part thereof;

(d) review existing or proposed activities of the statutory bodies and organisations referred to in *paragraph (c)(iv)* by reference to the master plan and make such recommendations as it considers appropriate to any of those bodies and organisations with a view to ensuring consistency between the activities themselves, and between them and the master plan adopted under *section 24*;

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(e) make, from time to time, such recommendations as it considers appropriate to the Minister, or to any other Minister of the Government, in relation to the functions of the Authority and its financing, the assignment to the Authority of additional functions, or any other matter which, in the opinion of the Council, is relevant to the effective performance by the Authority of its functions.

(2) The Council shall be entitled to be informed at each of its meetings about the work of the Executive Board, provided that disclosure of such information shall not be in breach of *section 40*.

21.—(1) (a) Subject to *section 20*, the Executive Board shall conduct the business of the Authority and perform all of the functions assigned to the Authority by or under this Act.

Functions of Executive Board.

(b) In addition to the functions referred to in *paragraph (a)*, the Executive Board shall arrange for the provision of such services to the Council as may be required for the effective performance by the Council of the functions assigned to it by or under this Act.

(2) In performing its functions, the Executive Board shall have regard to any recommendations made to it by the Council under *section 20*.

22.—(1) The Council shall hold such and so many meetings as may be necessary for the performance of its functions subject to meeting at least four times each year.

Meetings and procedures of Council.

(2) The quorum for a meeting of the Council shall be seven or such other number as may from time to time be fixed by the Minister.

(3) The Chairperson and each ordinary member shall have one vote at a meeting of the Council.

(4) Every question at a meeting of the Council shall be determined by a majority of votes of the members present and, in the event that voting is equally divided, the person chairing the meeting shall have a casting vote.

(5) Subject to *subsection (2)*, the Council may act—

(a) notwithstanding a vacancy among its members, and

(b) notwithstanding that, during the period of two months beginning on the establishment day, all of the ordinary members of the Council may not have been appointed pursuant to *section 16*.

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(6) Except as otherwise provided by this Act and any regulations made thereunder, the Council shall regulate its own procedure and business.

(7) The Council may perform or exercise any of its functions through or by the Chairperson or any of its ordinary members or any other person or body who, in either case, has been duly authorised by the Council in that behalf.

Meetings and procedures of Executive Board.

23.—(1) The Executive Board shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The quorum for a meeting of the Executive Board shall be three or such other number as may from time to time be fixed by the Minister.

(3) The Chairperson and each ordinary director shall have one vote at a meeting of the Executive Board.

(4) At a meeting of the Executive Board—

(a) the Chairperson shall, if present, chair the meeting,

(b) if and for so long as the Chairperson is not present, or if the office of Chairperson is vacant, the ordinary directors who are present shall choose one of their number to chair the meeting.

(5) Every question at a meeting of the Executive Board shall be determined by a majority of votes of those of the members present and, in the event that voting is equally divided, the person chairing the meeting shall have a casting vote.

(6) Subject to *subsection (2)*, the Executive Board may act notwithstanding a vacancy among its members.

(7) Except as otherwise provided by this Act and any regulations made thereunder, the Executive Board shall regulate its own procedure and business.

(8) The Executive Board may perform or exercise any of its functions through or by the Chairperson or any of its ordinary directors or any other person or body who, in either case, has been duly authorised by the Executive Board in that behalf.

Master plan.

24.—(1) The Authority shall as soon as may be after its establishment prepare a plan (to be known in this Act and referred to as a “master plan”) for the Dublin Docklands Area.

(2) (a) A master plan under this section shall consist of a written statement and a plan indicating the objectives for—

(i) the social and economic regeneration of the Dublin Docklands Area, on a sustainable basis,

(ii) improvements in the physical environment of the Dublin Docklands Area, and

(iii) the continued development in the Custom House Docks Area of services of, for, in support of, or ancillary to, the financial sector of the economy.

(b) Without prejudice to the generality of *paragraph (a)*, the master plan shall— Pt.II S.24

- (i) set out the economic, social and other issues relevant to the regeneration of the Dublin Docklands Area and proposals to address those issues,
- (ii) identify those parts of the Dublin Docklands Area where detailed proposals and plans for the development, redevelopment, renewal or conservation of land in that Area would be appropriate,
- (iii) identify those parts of the Dublin Docklands Area where planning schemes under *section 25* would be appropriate,
- (iv) set out urban design guidelines for the Dublin Docklands Area, or any part thereof, including guidelines relating to urban and building conservation, street furniture and landscaping,
- (v) include proposals for appropriate renewal, preservation, conservation, restoration, development or redevelopment of the streetscape, layout and building pattern of the Dublin Docklands Area or any part thereof,
- (vi) include proposals for the development of existing and new residential communities in the Dublin Docklands Area, including the development of housing for people of different social backgrounds,
- (vii) include proposals for a programme of development or redevelopment of derelict sites or vacant sites in the Dublin Docklands Area,
- (viii) include proposals relating to the conservation of the architectural heritage of the Dublin Docklands Area,
- (ix) include proposals, consistent with the Dublin Transportation Initiative Strategy (being the integrated transportation strategy recommended in the Final Report of the Dublin Transportation Initiative), or any other strategy approved of by the Government amending or replacing that Strategy, relating to transportation within the Dublin Docklands Area and to that Area and its environs, including proposals in relation to pedestrian ways,
- (x) include an estimate of the costs of implementation of the master plan and an indication of the possible funding options, and
- (xi) estimate the implications for employment, training and education in the Dublin Docklands Area, and for the employment, training and education of those resident in that Area, of the measures proposed in the master plan.

(3) In preparing the draft of a master plan, the Authority shall—

- (a) comply with any general directive that may be given to it under *section 45*,

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- (b) consult with Dublin Corporation,
 - (c) make arrangements for consultation with interested persons in relation to the master plan.
- (4) Before a master plan is adopted, the Authority shall—
- (a) publish in one or more newspapers circulating in the Dublin Docklands Area a notice—
 - (i) stating that a draft master plan has been prepared and that it will be considered for adoption by the Authority,
 - (ii) indicating the times at which, the period (which shall be not less than one month) during which and the place where a copy of the draft master plan may be inspected,
 - (iii) indicating where a copy of the draft master plan may be obtained and specifying the fee (if any) for such copy (which shall be not more than the reasonable cost of making such copy),
 - (iv) stating that submissions or observations may be made in writing to the Authority in relation to the draft master plan before a specified date (which shall be not less than two weeks after the end of the period for inspection),
 - (b) consider any submissions or observations made to it under this subsection and not withdrawn and make such amendments or modifications (if any) to the draft master plan as it considers appropriate.
- (5) (a) As soon as may be after the adoption by the Authority of a master plan under this section, Dublin Corporation shall consider the making of—
- (i) a development plan under section 19(5)(b) of the Act of 1963 for that part of their area included in the Dublin Docklands Area which would be consistent with the master plan, or
 - (ii) such variations of the development plan for the County Borough of Dublin made under section 19 of the Act of 1963 as may be desirable to secure consistency between that plan and the master plan.
- (b) Dublin Corporation and An Bord Pleanála shall, in deciding any application, or in determining any application on appeal, as the case may be, for permission under Part IV of the Act of 1963 in respect of development in the Dublin Docklands Area, consider the relevant provisions of the master plan.
- (6) Every act done by or on behalf of the Custom House Docks Development Authority before and in anticipation of the commencement of this section shall have and be deemed always to have had all such (if any) validity and effect as it would have had if this section had been in force when such act was done, and as if the act had

been done by, or on behalf of, the Dublin Docklands Development Authority. Pt.II S.24

25.—(1) (a) The Authority may prepare a scheme (to be known and in this Act referred to as a “planning scheme”) for the Custom House Docks Area, or any part thereof, and any other area specified for that purpose by order of the Minister. Planning schemes.

(b) The Authority may at any time prepare a planning scheme amending a planning scheme under this section, including a planning scheme continued in force by virtue of *section 9 (1)*, in respect of—

(i) the entire area to which the planning scheme applies, or any part thereof, or

(ii) the full requirements as to content specified in *subsection (2)*, or any part thereof.

(c) A planning scheme under this section shall not include any development which is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989 (S.I. No. 349 of 1989), or under any provision amending or replacing the said Article 24, other than industrial-estate development projects, urban development projects and sea water marinas as specified in classes 10(a), 10(b) and 10(j) of Part II of the First Schedule to those regulations or such development as specified in any provision amending or replacing those classes.

(2) A planning scheme under this section shall consist of a written statement and a plan indicating the manner in which the Authority considers that the area to which the planning scheme applies should be redeveloped and in particular—

(a) the nature and extent of the proposed development,

(b) the proposed distribution and location of uses,

(c) proposals in relation to the overall design of the proposed development, including the maximum heights and the external finishes of structures,

(d) proposals relating to transportation, including the roads layout, the provision of parking places and traffic management, and

(e) proposals relating to the development of amenities and the conservation of the architectural heritage or other features.

(3) In preparing a planning scheme under this section the Authority shall—

(a) comply with any general directive that may be given to it under *section 45*,

(b) have regard to the master plan under *section 24*,

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- (c) consult with Dublin Corporation and with such statutory bodies as appear to the Authority to have an interest in the area to which the planning scheme relates,
- (d) have regard to the development plan made by Dublin Corporation,
- (e) make arrangements for the making of submissions by interested persons in relation to the planning scheme and the consideration by the Authority of any such submissions.

(4) A planning scheme under this section shall be submitted by the Authority to the Minister for approval and a copy thereof shall be sent to Dublin Corporation at the same time.

(5) Where a planning scheme under this section is submitted to the Minister by the Authority, the Minister shall consult with the Minister for Finance and shall consider any objections that may within one month of the sending of the copy to Dublin Corporation be made to the planning scheme by the said Corporation and may modify the planning scheme in such manner and to such extent as the Minister thinks proper and may approve the planning scheme or the planning scheme as so modified.

(6) Notice of approval by the Minister of a planning scheme under this section shall be published in the *Iris Oifigiúil* and in at least one daily newspaper published in the State.

(7) (a) Subject to *paragraph (b)*, each of the following shall be exempted development for the purposes of the Act of 1963—

- (i) in an area in respect of which a planning scheme has been prepared and approved under this section, the carrying out by the Authority of any development in the area which is consistent with that planning scheme;
- (ii) in an area in respect of which a planning scheme has been prepared and approved under this section, the carrying out of any development in the area by a person other than the Authority which is certified by the Authority to be consistent with that planning scheme; provided that a certificate under this paragraph may contain such conditions in relation to the carrying out of the development as the Authority considers appropriate.

(b) Where a planning scheme prepared and approved under this section is amended under *subsection (1)(b)*, any certificate previously issued under *paragraph (a)(ii)* in respect of the area which is the subject of the amending planning scheme during the period between the date on which the initial planning scheme was approved and the date on which the amending planning scheme was approved shall, as and from the date on which the amending planning scheme is approved, cease to be valid unless the development to which the certificate relates has been substantially commenced.

26.—(1) (a) Subject to *section 25(1)(c)*, where development proposed in a planning scheme being prepared pursuant to *section 25* is of a class for the time being specified under Article 24 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 24, or where such a development would be of such a class but for not exceeding a quantity, area or other limit for the time being specified in relation to that class and the Authority consider it likely to have significant effects on the environment, the Authority shall prepare a statement of the likely effects on the environment (hereinafter referred to as an “environmental impact statement”) of that development.

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Environmental
impact assessment
of certain
development.

(b) An environmental impact statement prepared pursuant to *paragraph (a)* shall contain the information for the time being specified under Article 25 of the European Communities (Environmental Impact Assessment) Regulations, 1989, or under any provision amending or replacing the said Article 25.

(2) The Authority shall, when consulting with Dublin Corporation pursuant to *section 25(3)(c)*, furnish to the Corporation a copy of any environmental impact statement prepared pursuant to *subsection (1)(a)*.

(3) The Authority shall, in arranging for making of submissions by interested persons pursuant to *section 25(3)(e)*, make available to such persons, for inspection or for purchase on payment of such fee as may be fixed by the Authority not exceeding the reasonable cost of making the copy, any environmental impact statement, or extracts therefrom, prepared pursuant to *subsection (1)(a)*.

(4) The Authority before submitting a planning scheme to the Minister pursuant to *section 25(4)* shall have regard to any environmental impact statement prepared pursuant to *subsection (1)(a)* and to the views of Dublin Corporation and interested persons in relation to the effects on the environment of the proposed development in respect of which the environmental impact statement was prepared.

(5) The Authority shall, when submitting a planning scheme for approval of the Minister pursuant to *section 25(4)*, furnish to the Minister a copy of any environmental impact statement prepared pursuant to *subsection (1)(a)* in respect of development proposed in the scheme and the views, if any, of Dublin Corporation and interested persons in relation to the effects on the environment of the development concerned.

(6) Before modifying or approving a planning scheme under *section 25(5)* the Minister shall have regard to any environmental impact statement prepared by the Authority pursuant to *subsection (1)(a)* and to the views, if any, of Dublin Corporation and interested persons in relation to the effects on the environment of the development concerned.

27.—(1) The Authority may be authorised to acquire compulsorily land situated in the Dublin Docklands Area (other than land to which *section 28* applies) for the purpose of performing any of the functions assigned to it by or under this Act by means of a compulsory purchase order made by the Authority and submitted to and

Acquisition of land
compulsorily by
Authority.

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confirmed by the Minister in accordance with section 76 of the Housing Act, 1966, and the Third Schedule thereto.

(2) The provisions of the Housing Act, 1966, shall apply in relation to the compulsory acquisition of land under *subsection (1)* as if it were an acquisition under Part V of that Act and for that purpose a reference to a housing authority shall be construed as a reference to the Authority.

(3) The Minister may by order make such provision as appears to the Minister to be necessary to enable this section, or an order made under this section, to have full effect.

Transfer of land from statutory body to Authority.

28.—(1) (a) Subject to *paragraph (b)*, the Minister may, after consultation with the statutory body concerned and with the consent of the appropriate Minister and the Minister for Finance, by order transfer from a statutory body to the Authority land situated in the Dublin Docklands Area together with all rights, powers and privileges relating to or connected with such land.

(b) The Minister shall not make an order under this section unless the Minister is satisfied that use of the land to which the order, if made, will relate is not necessary for the performance of the functions of the statutory body concerned.

(2) Where an order is made under this section there shall be payable to the statutory body by the Authority consideration in respect of the transfer and such consideration shall be such as may be agreed between the statutory body and the Authority or, in default of such agreement, such amount as shall be determined by arbitration in the like manner in all respects as a claim for compensation in relation to the compulsory acquisition of land under *section 27*.

(3) An order under this section shall come into operation on such day or days as may be specified in the order and different days may be so specified in relation to different parts of the land to which the order relates.

(4) An order under this section may contain such incidental, consequential, transitional or supplementary provisions as may appear to the Minister to be necessary or proper for the purpose of, or in consequence of, or to give full effect to, a transfer of land effected by the order, including provisions for the application, modification, adaptation or other amendment of any enactment.

(5) Without prejudice to the generality of *subsection (4)*, an order under this section may provide that the land to which the order relates shall, on the coming into operation of the order, cease to be within both the limits of the Harbour of Dublin and the limits of the Port of Dublin within the meaning of section 2 of the Dublin Port and Docks Act, 1869, or of the Harbours Act, 1996, as the case may be.

(6) Where an order under this section is made, land to which the order relates shall, on the date specified in the order in relation to that land and without any further conveyance or assignment, become and be vested in the Authority for all the estate and interest of the statutory body.

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(7) No action, proceedings, claim or demand of any kind or description shall lie against a statutory body by reason only of the agreement by it to accept, or acceptance by it of, a consideration payable under this section. Pt.II S.28

(8) A provision in any enactment apart from this Act shall neither be construed as affecting or preventing, nor shall it operate to affect or prevent, a transfer of land effected by an order made under this section.

(9) Section 12 of the Finance Act, 1895, shall not apply to any transfer of land by virtue of an order under this section.

29.—The Minister may, subject to such conditions as the Minister sees fit, in each financial year, after consultation with the Authority in relation to its programme of capital and current expenditure for the year, make grants of such amounts as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas towards the capital and current expenditure of the Authority. Grants to Authority.

30.—(1) Subject to the approval of the Minister, given with the consent of the Minister for Finance, the Authority may borrow money (including money in a currency other than the currency of the State) for the purpose of providing for current or capital purposes. Borrowing by Authority.

(2) Any moneys borrowed by the Authority pursuant to this section and any interest accruing thereon may be secured on the revenue, funds or property of the Authority or may be guaranteed by the Minister for Finance under *section 31*.

(3) The Authority shall exercise the powers conferred on it by this section so that the amount or amounts of principal which the Authority may at any particular time be liable to repay on foot of any liability or liabilities incurred under this section does not, or do not in their aggregate, exceed £50,000,000.

(4) For the purposes of this section moneys borrowed or raised in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys borrowed or raised, such equivalent being calculated according to the rate of exchange for that currency and the currency of the State at the time such moneys were borrowed or raised, as the case may be.

31.—(1) Without prejudice to section 6 of the Borrowing Powers of Certain Bodies Act, 1996, the Minister for Finance, after consultation with the Minister, may guarantee, in such form and manner and in such money (including money in a currency other than the currency of the State) and on such terms and conditions as the Minister for Finance thinks fit, the due repayment by the Authority of the principal of any moneys borrowed by the Authority or the payment of the interest on such moneys, or both the repayment of such principal and the payment of such interest, and any such guarantee may include a guarantee of the payment by the Authority of commission and incidental expenses arising in connection with such borrowing. Guarantee by Minister for Finance of borrowing by Authority.

(2) The Minister for Finance shall, as soon as may be after the expiration of every financial year, lay before each House of the Oireachtas a statement setting out with respect to each guarantee

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under this section given during that year or given at anytime before, and in force at, the commencement of that year—

- (a) particulars of the guarantee,
- (b) in case any payment has been made by the Minister for Finance under the guarantee before the end of that year, the amount of the payment and the amount (if any) repaid to that Minister on foot of the payment, and
- (c) the amount of moneys covered by the guarantee which was outstanding at the end of that year.

(3) Moneys paid by the Minister for Finance under a guarantee under this section shall be repaid to the Minister for Finance (with interest thereon at such rate or rates as that Minister appoints) by the Authority within such period from the date of the advance of the moneys out of the Central Fund as may be specified by that Minister after consultation with the Authority.

(4) Where the whole or any part of moneys required by *subsection (3)* to be repaid to the Minister for Finance has not been paid in accordance with that subsection, the amount so remaining outstanding shall be repaid, at such times as the Minister for Finance shall determine, to the Central Fund out of moneys provided by the Oireachtas.

(5) Notwithstanding the provision of moneys under *subsection (4)* to repay the amount to the Central Fund, the Authority shall remain liable to the Minister for Finance in respect of that amount, and that amount (with interest thereon at such rate or rates as the Minister for Finance appoints) shall be repaid to that Minister by the Authority at such times and in such instalments as that Minister appoints.

(6) Moneys paid by the Authority under *subsection (3)* or *(5)* shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance thinks fit.

(7) In relation to guarantees given by the Minister for Finance under this section in money in a currency other than the currency of the State—

- (a) each of the references to principal or interest and the reference to commission and incidental expenses in *subsection (1)* shall be taken as referring to the equivalent in the currency of the State of the actual amount of such principal, interest, or commission and incidental expenses, as the case may be, such equivalent being calculated according to the cost in the currency of the State of such amount at the time the calculation is made,
- (b) the reference to moneys in *subsection (2)* shall be taken as referring to the equivalent in the currency of the State of the actual moneys, such equivalent being calculated according to the rate of exchange for that currency and the currency of the State at the time the calculation is made, and
- (c) each of the references to moneys in *subsections (3)* to *(5)* shall be taken as referring to the cost in the currency of the State of the actual moneys.

32.—All moneys from time to time required by the Minister for Finance to meet sums which may become payable by that Minister under *section 31* shall be advanced out of the Central Fund or the growing produce thereof.

Pt.II
Advances from
Central Fund.

33.—(1) For the purpose of enabling the Authority to perform its functions, the Minister for Finance may, on the recommendation of the Minister, advance from time to time to the Authority out of the Central Fund or the growing produce thereof such sums as the Authority may from time to time request.

Advances to
Authority.

(2) Advances under this section shall be made on such terms as to repayment, interest and other matters as may be determined by the Minister for Finance.

(3) The aggregate at any one time of sums advanced under this section and which have not been repaid shall not exceed £25,000,000.

(4) All sums paid by the Authority in repayment of an advance under this section or in pursuance of any term or condition subject to which such an advance was made, shall be paid into or disposed of for the benefit of the Exchequer.

(5) The Minister for Finance may, for the purpose of providing for advances out of the Central Fund under this section, borrow on the security of the Central Fund or the growing produce thereof any sums required for the purpose and, for the purpose of such borrowing, the Minister for Finance may create and issue securities bearing interest at such rate and subject to such conditions as to repayment, redemption or any other matter as that Minister thinks fit, and shall pay all moneys so borrowed into the Exchequer.

(6) The principal of and interest on all securities issued under this section and the expenses incurred in connection with the issue of the securities shall be charged on and payable out of the Central Fund or the growing produce thereof.

34.—(1) Subject to *section 55*, the Authority shall appoint such and so many persons to be employees of the Authority as it, subject to the consent of the Minister and the Minister for Finance as to number and classes of such employees, from time to time thinks proper.

Employees.

(2) (a) An employee of the Authority shall be paid by the Authority, out of moneys at the disposal of the Authority, such remuneration and allowances for expenses as the Authority, with the consent of the Minister and the Minister for Finance, may determine.

(b) An employee of the Authority referred to in *paragraph (a)* shall be employed on such other terms and conditions as the Authority, with the consent of the Minister and the Minister for Finance, may determine.

35.—(1) Subject to the approval of the Minister, given with the consent of the Minister for Finance, the Authority may make such provision as it considers appropriate in relation to the superannuation of persons appointed under *section 34* to, or accepted under *section 55* into, the employment of the Authority.

Superannuation.

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(2) (a) In particular, and without prejudice to the generality of *subsection (1)*, the Authority may, with the consent of the Minister and the Minister for Finance, make a scheme or schemes for the granting of superannuation benefits to or in respect of persons referred to in *subsection (1)*.

(b) A scheme under this subsection shall fix the conditions of membership for all persons to or in respect of whom superannuation benefits are payable under the scheme and different conditions may be fixed in respect of different classes of persons.

(c) The Authority may, with the consent of the Minister and the Minister for Finance, make a scheme amending or revoking a scheme under this subsection, including a scheme under this paragraph.

(d) If any dispute arises as to the claim of any person to, or the amount of any superannuation benefit payable in pursuance of a scheme or schemes under this subsection such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(e) A scheme under this subsection shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next twenty-one days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(3) No superannuation benefits shall be granted by the Authority on the resignation, retirement or death of a person referred to in *subsection (1)* otherwise than in accordance with provisions in relation to superannuation made under this section.

(4) Provisions in relation to superannuation made under this section shall, as respects a person accepted into employment of the Authority under *section 55*, provide for the granting to or in respect of the person of superannuation benefits upon and subject to terms and conditions that are not less favourable to the person than the terms and conditions which applied to the person immediately before the day on which the person was so accepted into the employment of the Authority in relation to the grant of such benefits.

(5) Where, during the period between the establishment of the Authority and the coming into operation of provisions in relation to superannuation made under this section, superannuation benefits would have been granted to or in respect of a person accepted into employment of the Authority under *section 55* in respect of employment with the Custom House Docks Development Authority, the superannuation benefits shall be granted and paid to or in respect of the person by the Authority and, for that purpose, the person's pensionable service with the Authority shall be aggregated with that person's previous pensionable service.

Consultants and advisers.

36.—(1) Subject to such conditions (if any) as may for the time being stand specified for the purposes of this section by the Minister, the Authority may from time to time engage such consultants or advisers as it may consider necessary for the discharge of its functions

and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Authority out of moneys at its disposal. Pr.II S.36

(2) Any person who wishes to be engaged by the Authority as a consultant or adviser pursuant to this section may notify the Authority in writing of this fact and any notification for that purpose shall include particulars of the person's qualifications and experience.

(3) The Authority shall maintain a list of the persons who notify the Authority pursuant to *subsection (2)*.

(4) The Authority shall, in engaging a consultant or adviser under this section, have regard to the list maintained under *subsection (3)*, but nothing in this subsection shall be construed as precluding the Authority from engaging as a consultant or adviser a person whose name is not on the said list.

(5) The Authority shall include in its annual report a statement of the names of the persons (if any) engaged pursuant to this section during the year to which the report relates.

37.—(1) For the purpose of enabling the Authority to perform its functions, a statutory body may provide any service to the Authority on such terms and conditions (including payment for such service) as may be agreed and the Authority may avail of such service. Provision of services.

(2) In this section "service" includes the use of premises or equipment and the use of services of employees.

38.—(1) Where the Chairperson or an ordinary director of the Executive Board— Membership of either House of Oireachtas or European Parliament.

- (a) accepts nomination as a member of Seanad Éireann, or
- (b) is elected to either House of the Oireachtas or to the European Parliament, or
- (c) is regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to such Parliament to fill a vacancy,

that person shall thereupon cease to be the Chairperson or ordinary director of the Executive Board, as the case may be.

(2) Where a person employed by the Authority—

- (a) accepts nomination as a member of Seanad Éireann, or
- (b) is elected to either House of the Oireachtas or to the European Parliament, or
- (c) is regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to such Parliament to fill a vacancy,

the person shall thereupon stand seconded from employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority any remuneration or allowances in respect of the period commencing on such acceptance, or election, as the case may be, and ending when the person ceases to be a member of either such House or such Parliament.

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(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or is a member of the European Parliament shall, while the person is so entitled or is such a member, be disqualified from becoming the Chairperson or an ordinary director of the Executive Board or becoming employed by the Authority.

(4) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, *inter alia*, the reckoning of a period mentioned in that subsection as service with the Authority for the purposes of any superannuation benefits.

Disclosure of interests.

39.—(1) A person to whom this section applies who has a pecuniary or other beneficial interest in, or material to, any matter which falls to be considered by the Council or Executive Board or by a person to whom this section applies shall—

- (a) in advance of any consideration of the matter, disclose to the Authority and as the case may be to any meeting of the Council or Executive Board considering the matter the nature of the interest;
- (b) neither influence nor seek to influence a decision to be made in relation to the matter;
- (c) take no part in any consideration of the matter;
- (d) withdraw from the meeting of the Council or the Executive Board for so long as the matter is being discussed or considered by the Council or Executive Board.

(2) This section applies to—

- (a) an employee of the Authority other than an employee holding a designated position within the meaning of the Ethics in Public Office Act, 1995,
- (b) a person whose services are provided to the Authority under *section 37*, and
- (c) a consultant or adviser engaged by the Authority under *section 36*.

(3) A person to whom this section applies shall be regarded as having a beneficial interest in (but not confined to) each of the following cases—

- (a) the person, any member of the person's household or any nominee of the person or the person's household is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in *subsection (1)*;
- (b) the person or any member of the person's household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, the matter;
- (c) the person or any member of the person's household is a party to any arrangement or agreement (whether or not enforceable) concerning land to which that matter relates;

(d) any member of the person's household has a beneficial interest in, or material to, that matter. Pt.II S.39

(4) A person to whom this section applies shall not be regarded as having a beneficial interest in, or material to, any matter by reason only of an interest of that person or of any company or of any other body or person mentioned in *subsection (3)* which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question with respect to the matter, or in performing any function in relation to that matter.

(5) Where a question arises as to whether or not a course of conduct, if pursued by a person to whom this section applies, would be a failure by that person to comply with the requirements of *subsection (1)*, the question shall be determined by the Council or Executive Board, as the case may be, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(6) Where at a meeting of the Council or Executive Board disclosure is made under this section, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(7) A person who contravenes or fails to comply with a requirement of this section shall be guilty of an offence.

(8) In any proceedings for an offence under this section it shall be a defence for the defendant to prove that at the time of the alleged offence the defendant did not know and had no reason to believe that a matter in which, or in relation to which, the defendant had a beneficial interest had fallen to be considered by the defendant, by the Council or Executive Board, as the case may be, or that the beneficial interest to which the alleged offence relates was one in relation to which a requirement of this section applied.

40.—(1) A person shall not disclose confidential information obtained while performing duties as the Chairperson, as an ordinary member of the Council, as an ordinary director of the Executive Board, as an employee of the Authority, as a person whose services are provided to the Authority under *section 37* or as a consultant or adviser engaged by the Authority under *section 36* unless the Chairperson, ordinary member, ordinary director, employee or other person, as the case may be, is duly authorised to do so. Disclosure of confidential information.

(2) In this section—

(a) “confidential information” includes—

- (i) information that is expressed by the Authority to be confidential either as regards particular information or as regards information of a particular class or description,
- (ii) commercial information in relation to contractors, consultants, providers of finance or any other person,
- (iii) proposals of a commercial nature or tenders submitted to the Authority by contractors, consultants or any other person,

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(b) “duly authorised” means—

- (i) as respects an ordinary member of the Council, authorised in writing by the Council or by some person authorised in that behalf by the Council,
- (ii) as respects any other person referred to in *subsection (1)*, authorised in writing by the Executive Board or by some person authorised in that behalf by the Executive Board.

(3) A person who contravenes *subsection (1)* shall be guilty of an offence.

Prohibition of certain communications.

41.—(1) A person who communicates with the Chairperson, an ordinary member of the Council or an ordinary director of the Executive Board or with a person employed by the Authority or a person whose services are provided to the Authority under *section 37*, or with a consultant or adviser engaged by the Authority under *section 36*, for the purpose of influencing improperly that person’s consideration of any matter which falls to be considered or decided by the Council or Executive Board shall be guilty of an offence.

(2) (a) If the Chairperson becomes of opinion that a communication is in contravention of *subsection (1)*, it shall be the Chairperson’s duty not to entertain the communication further and to disclose to the next subsequent meeting of the Executive Board in writing the substance of such communication and particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(b) If any other person referred to in *subsection (1)* to whom a communication is made becomes of opinion that a communication is in contravention of *subsection (1)*, it shall be that person’s duty not to entertain the communication further and to inform forthwith the Chairperson in writing of the substance of such communication and the Chairperson shall acknowledge in writing the receipt of such information.

Acceptance of gifts by Authority.

42.—(1) The Authority may accept gifts of money, land or other property on the trusts or conditions (if any) as may be specified by the donor.

(2) The Authority shall not accept a gift if the trusts or conditions attached to it would be inconsistent with, or prejudice, the effective performance of its functions.

(3) The Authority shall publish in its annual report details of all gifts accepted by it during the period of the report.

Accounts and audits.

43.—(1) The Authority shall keep in such form as may be approved of by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it.

(2) Accounts kept in pursuance of this section shall, at such times as the Minister may direct, be submitted annually for audit by the Authority to an auditor appointed by the Authority with the approval of the Minister, given with the consent of the Minister for Finance, to audit the accounts, and when duly audited shall be

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presented by the Authority to the Minister who shall cause copies of the accounts to be laid before both Houses of the Oireachtas. Pt.II S.43

44.—(1) The Authority shall, not later than the 30th day of June in each year, make a report to the Minister of its proceedings during the preceding year, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas. Annual report and information to Minister.

(2) The Authority shall supply the Minister with such information relating to the performance of its functions as the Minister shall from time to time request.

45.—(1) The Minister may, from time to time, give to the Authority a general directive in writing as to policy regarding the performance of any of the functions assigned to it by or under this Act, and the Authority shall, in performing its functions, have regard to any such directive. Power of Minister to issue directives to Authority.

(2) (a) The Minister may, from time to time, with the consent of the Minister for Finance, give to the Authority a general directive in writing specifying the financial objectives of the Authority, specifying the manner in which the Authority shall conduct its financial affairs and requiring the application of profits or other income or funds of the Authority in such manner (including application for the benefit of the Exchequer) as may be specified in the directive.

(b) The Authority shall, in performing its functions, comply with any directive given to it under this subsection.

(c) This subsection shall not be construed as imposing on the Authority, either directly or indirectly, a duty or liability which may be the subject of any legal proceedings.

(3) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to the performance, in a particular case, by the Authority of a function assigned to it by or under this Act.

46.—(1) The Minister may by order (in this section referred to as a “dissolution order”) provide for the dissolution of the Authority. Dissolution of Authority.

(2) A dissolution order shall contain such provisions as the Minister considers necessary or expedient consequent on the dissolution effected by the order and, in particular, may make provision for—

(a) the transfer or distribution of the property, rights and liabilities of the Authority to one or more than one statutory body: provided no transfer or distribution of the property, rights or liabilities shall take place without the consent of the person to whom property, rights or liabilities are transferred or distributed,

(b) the substitution for the name of the Authority of the name of any appropriate person in any legal proceedings which are pending at the date of the said dissolution order and to which the Authority is a party and the proceedings shall not abate by reason of the substitution: provided

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that no substitution of name shall take place without the consent of the person whose name is substituted, and

(c) the transfer, notwithstanding any restriction contained in any other Act but subject to *subsection (3)*, of any employee of the Authority to an employment under a statutory body, being an employment similar to that in which the employee was engaged under the Authority: provided that no such transfer shall take place without the consent of the said employee or the consent of the said statutory body.

(3) A dissolution order shall not contain a provision transferring an employee to an employment under a Department of State except with the consent of the Minister for Finance.

(4) A dissolution order shall not be construed as affecting any obligation imposed on a local authority by section 7(4) of the Act of 1986.

PART III

TRANSITIONAL PROVISIONS

Transfer of land and other property.

47.—(1) On the establishment day all land which, immediately before the establishment day, was vested in the Custom House Docks Development Authority and all rights, powers and privileges relating to or connected with that land shall, by virtue of this section, stand vested in the Dublin Docklands Development Authority for all the estate or interest for which immediately before the establishment day it was vested in the Custom House Docks Development Authority.

(2) On the establishment day all property other than land (including choses-in-action), which, immediately before that day, was the property of the Custom House Docks Development Authority shall, by virtue of this section but subject where necessary to transfer in the books of any bank, corporation or company, be transferred to the Dublin Docklands Development Authority.

(3) Every chose-in-action transferred by *subsection (2)* may, on or after the establishment day, be sued upon, recovered or enforced by the Dublin Docklands Development Authority in its own name and it shall not be necessary for that Authority to give notice to the person bound by any such chose-in-action of the transfer effected by this section.

Transfer of rights and liabilities.

48.—All rights and liabilities held, enjoyed, or incurred by virtue of any contract or commitment (expressed or implied) entered into by the Custom House Docks Development Authority shall, subject where necessary to transfer in the books of any bank, corporation or company, stand transferred to the Dublin Docklands Development Authority.

Preservation of existing contracts.

49.—(1) Every bond, guarantee or other security of a continuing character made or given by the Custom House Docks Development Authority to another person or by any person to the Custom House Docks Development Authority and in force immediately before the establishment day and every contract or agreement in writing made

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between the Custom House Docks Development Authority and any other person and not fully executed and completed before the establishment day shall, notwithstanding the dissolution of that Authority, continue in force on and after the establishment day but shall be construed and have effect as if the Dublin Docklands Development Authority was substituted therein for the Custom House Docks Development Authority. Pt.III S.49

(2) Every other document granted or made by the Custom House Docks Development Authority which is in force immediately before the establishment day shall continue in force on and after that day as if it had been granted or made by the Dublin Docklands Development Authority and shall be construed and have effect and be enforceable by or against the Dublin Docklands Development Authority accordingly.

50.—In all legal proceedings to which the Custom House Docks Development Authority was a party and pending immediately before the establishment day, the name of the Dublin Docklands Development Authority shall be substituted in the proceedings for that of the Custom House Docks Development Authority and the proceedings shall not abate by reason of such substitution. Continuance of legal proceedings.

51.—References to the Custom House Docks Development Authority contained, immediately before the establishment day, in any statute or statutory instrument (within the meaning of the Statutory Instruments Act, 1947) or in the memorandum or articles of association of any company shall, insofar as they relate to anything transferred by this Act, be construed on and after the establishment day as references to the Dublin Docklands Development Authority. References in legislation.

52.—Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Dublin Docklands Development Authority of any property or rights transferred under this Act. Exemption from stamp duty.

53.—Final accounts of the Custom House Docks Development Authority shall be drawn up in accordance with *section 9(2)*. Final accounts of Custom House Docks Development Authority.

54.—(1) All books and other documents directed or authorised by or under any enactment to be kept by the Custom House Docks Development Authority and which, immediately before the establishment day, would be receivable in evidence shall, notwithstanding the dissolution of that Authority, be admitted in evidence on or after the establishment day as if this Act had not been enacted. Admissibility in evidence of documents of Custom House Docks Development Authority.

(2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any enactment to be kept by the Custom House Docks Development Authority would, if verified in a particular manner by a particular officer of that Authority, have been admissible immediately before the establishment day as evidence of those contents, an extract from or certificate of the contents of that book or document shall, if verified in such particular manner by an officer of the Dublin Docklands Development Authority (whose official position it shall not be necessary to prove) authorised by the Authority in that behalf, be admitted, on or after the establishment day, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if this Act had not been enacted.

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(3) A copy of or extract from any document referred to in *subsection (1)* produced by the Dublin Docklands Development Authority and certified to be a true copy under the hand of an officer of that Authority (whose official position it shall not be necessary to prove) authorised by the Authority for that purpose shall in all legal proceedings be admissible in evidence as of equal validity with the original document and no process for compelling the production of any such document by the Dublin Docklands Development Authority shall issue from any court except with the leave of that court.

Transfer of employees.

55.—The Dublin Docklands Development Authority shall accept into its employment on the establishment day, in accordance with the terms of this Act, every person who immediately before that day was an employee of the Custom House Docks Development Authority on terms and conditions not less favourable than those applicable to that person immediately before the transfer.

Dissolution of Custom House Docks Development Authority.

56.—On the establishment day, the Custom House Docks Development Authority shall stand dissolved.

PART IV

MISCELLANEOUS

Amendment of Act of 1986.

57.—The Act of 1986 is hereby amended—

(a) in section 4 by the insertion after “amend” and “amended” of “or revoke” and “or revoked”, respectively, and

(b) in section 7—

(i) by the substitution of the following subsection for subsection (1):

“(1) The Minister, with the consent of the Minister for Finance, may make a scheme providing for the remission in whole or in part of rates leviable in respect of premises—

(a) which are situate in the Custom House Docks Area or in any other area specified by order under *section 25(1)(a)* of the *Dublin Docklands Development Authority Act, 1997*, and are certified by the Dublin Docklands Development Authority to have been erected, enlarged or improved during such period as shall be specified in the scheme: provided that no such period specified in the scheme shall commence prior to the date of the passing of this Act, or

(b) which are situate in any other designated area and which the relevant local authority are satisfied were erected, enlarged or improved during such period as shall be specified in the scheme: provided that no such period specified in the scheme shall commence prior to the passing of this Act.”, and

- (ii) by the substitution of the following subsection for Pt.IV S.57 subsection (3):

“(3) (a) A scheme under this section may be amended by an amending scheme made by the Minister with the consent of the Minister for Finance, but no such amending scheme shall have the effect of re-imposing on any occupier an obligation to pay rates in respect of a period before the making of the amending scheme.

(b) Without prejudice to the generality of paragraph (a), an amending scheme may provide for the substitution of the date of commencement of the period of operation specified in any scheme under this section, including the substitution for that date of a date earlier than the date on which the scheme to be amended was made: provided that no date prior to the date of the passing of this Act shall be so included.”.

FIRST SCHEDULE

Section 4.

DESCRIPTION OF DUBLIN DOCKLANDS AREA

That part of the County Borough of Dublin bounded by a line commencing at the point (hereafter in this description referred to as “the first mentioned point”) where the River Liffey is intersected by the East Link Bridge (also known as the Ringsend Toll Bridge), then continuing, initially in a northerly direction, along the East Link Bridge and East Wall Road to the point where it is joined by Tolka Quay Road, then continuing in an easterly direction along Tolka Quay Road to the point where it is joined by Bond Road, then continuing, initially in a northerly direction, along Bond Road and the north easterly projection thereof to the point where it intersects the high water mark on the southern side of the estuary of the River Tolka, then continuing, initially in a north westerly direction, along the high water mark on the said southern side of the estuary of the River Tolka to its most northerly point on the eastern side of Alfie Byrne Road, then continuing in a straight undefined line in a north westerly direction to the point where it intersects Alfie Byrne Road at a distance of 425 metres from the point where the said Alfie Byrne Road joins East Wall Road, then continuing in a south westerly direction along Alfie Byrne Road to the point where it joins East Wall Road, then continuing in a north westerly direction along East Wall Road to the point where it joins North Strand Road, then continuing, initially in a south westerly direction, along North Strand Road, Amiens Street and Memorial Road to the point where it is joined by Beresford Place, then continuing, initially in a westerly direction, along Beresford Place, Butt Bridge and Tara Street to the point where it joins Pearse Street, then continuing in a south easterly direction along Pearse Street to the point where it is joined by Westland Row, then continuing in a southerly direction along Westland Row to the point where it is joined by Fenian Street, then continuing in a south easterly direction along Fenian Street, Hogan Place,

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Grand Canal Street Lower and Grand Canal Street Upper to the point where it is joined by Bath Avenue, then continuing in an easterly direction along Bath Avenue, London Bridge, Londonbridge Road and Church Avenue to the point where it joins Beach Road, then continuing in a south easterly direction along Beach Road to the point where it is joined by Marine Drive, then continuing in a north easterly direction in a straight undefined line to the point where it first intersects the high water mark of Dublin Bay along the south eastern boundary of Sean Moore Park, then continuing, initially in a north easterly direction, along the said high water mark to the point where it first adjoins the southern side of the Great South Wall, then continuing due north along a line to the point where it intersects the high water mark on the northern side of the Great South Wall, then continuing, initially in a westerly direction, along the last-mentioned high water mark to the point where it joins the East Link Bridge, then continuing in a northerly direction along the said bridge to the first mentioned point.

Section 5.

SECOND SCHEDULE

DESCRIPTION OF CUSTOM HOUSE DOCKS AREA

That part of the County Borough of Dublin bounded by a line commencing at the point (hereafter in this description referred to as “the first mentioned point”) where the River Liffey is intersected by Talbot Memorial Bridge, then continuing, initially in a northerly direction, along Talbot Memorial Bridge, Memorial Road and Amiens Street to the point where it is joined by Lower Sheriff Street, then continuing, initially in an easterly direction, along Lower Sheriff Street to the point where it joins Guild Street, then continuing in a southerly direction along Guild Street and the southerly projection thereof to the point where it intersects the River Liffey, then continuing in a westerly direction along the River Liffey to the first mentioned point.

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THIRD SCHEDULE

Section 8.

ENACTMENTS REPEALED

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 19 of 1986	Urban Renewal Act, 1986	Part III
No. 16 of 1987	Urban Renewal (Amendment) Act, 1987	The whole Act