



Number 3 of 1996

**COMMISSIONERS OF PUBLIC WORKS (FUNCTIONS AND
POWERS) ACT, 1996**

AN ACT TO MAKE FURTHER PROVISION IN RELATION
TO THE FUNCTIONS AND POWERS OF THE COM-
MISSIONERS OF PUBLIC WORKS IN IRELAND AND TO
AMEND THE STATE AUTHORITIES (DEVELOPMENT
AND MANAGEMENT) ACT, 1993. [6th March, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“the Act of 1993” means the State Authorities (Development and Management) Act, 1993;

“the Commissioners” means the Commissioners of Public Works in Ireland;

“development” has the meaning assigned to it by the Act of 1993;

“the Minister” means the Minister for Finance;

“State authority” has the meaning assigned to it by the Act of 1993.

2.—(1) It shall be, and be deemed always to have been, a function of the Commissioners— *Functions of Commissioners.*

- (a) to acquire, maintain and dispose of land and interests or rights in or over land, and other property of any kind and interests in such other property, for use by the State, the Commissioners, another State authority or any other person specified by the Minister,
- (b) to provide for a State authority or a person specified by the Minister such goods and services as may reasonably be required by the authority or person for the purposes of the functions of the authority or person,

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(c) to make schemes or other arrangements for the provision of assistance, whether in the form of money, living accommodation, land or other property of any kind, to persons who suffer undue hardship or personal injury or loss of or damage to land or other property by reason of flooding,

(d) to carry out schemes or other arrangements made pursuant to *paragraph (c)* and schemes or other arrangements referred to in that paragraph made by any other person.

(2) Where the Commissioners propose to refuse a request by a person for the provision of assistance under *subsection (1) (c)* of this section or compensation under *section 3 (1) (f)* of this Act, the Commissioners shall notify the person in writing of the proposal and the reasons therefor and the notification shall state that the person may make representations to the Commissioners in relation to the proposal not later than 7 days after the receipt of the notification by the person.

(3) Where a person receives a notification under *subsection (2)*, the person may, within 7 days of such receipt, make representations to the Commissioners in relation to the proposal to which it relates.

(4) Where the Commissioners receive representations under *subsection (3)* of this section, they shall thereupon cause them to be referred to the Minister and the Minister shall, within 21 days of such receipt, consider the proposal and the representations and determine whether assistance should be given or, as the case may be, compensation should be paid, to the person concerned, and the Commissioners shall give effect to the determination and notify the person in writing thereof.

(5) The functions specified in *paragraphs (c)* and *(d)* of *subsection (1)* of this section shall be performed subject to the direction of the Minister.

(6) *Subsection (1)* of this section shall not be construed as imposing on the State or the Commissioners or any other State authority a duty or obligation to make or carry out a scheme referred to in that subsection.

Powers of
Commissioners.

3.—(1) The Commissioners shall have, and be deemed always to have had, power—

(a) to mortgage land or other property of any kind or otherwise charge land or such other property with the payment of money,

(b) to demolish buildings or structures or other works or other property of any kind,

(c) to carry out development, whether on payment or free of charge, as agents for another State authority, a local authority (within the meaning of the Local Government Act, 1941) or a health board or any other person,

(d) to carry out development jointly with another person upon and subject to such terms and conditions as the Commissioners may determine,

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(e) to procure the performance or exercise by another person S.3
on their behalf, upon and subject to such terms and con-
ditions as they may determine, of any of their functions
or powers, and

(f) for the purposes of a scheme referred to in *section 2*, to
enter, at all reasonable times, by members of their staff
or by their agents, with or without vehicles, machinery or
other equipment, on land occupied by a person to whom
the scheme applies or, with the consent of the occupier
(which shall not be unreasonably withheld), on land
adjoining such land, subject to the payment to the person
affected of compensation of such amount (if any) as the
Commissioners consider reasonable in respect of any
injury, loss or damage caused by such entry or the carry-
ing out by the members or agents of any operations on
the land.

(2) The functions and powers specified in *sections 2* and *4* of this
Act and in this section are not in substitution for any other functions
or powers standing conferred on the Commissioners immediately
before the passing of this Act.

(3) The functions and powers specified in *sections 2* and *4* of this
Act and in this section shall be performed or exercised only with the
consent (which may be general or particular) of the Minister.

(4) The Commissioners shall have, and be deemed always to have
had, all such powers as, in the opinion of the Commissioners, are
necessary or expedient for the purposes of the performance or exer-
cise of the functions and powers specified in *sections 2* and *4* of this
Act and in this section.

4.—(1) Where, pursuant to a scheme referred to in *section 2* of
this Act, living accommodation falls to be provided at any place, the
Commissioners may arrange with the housing authority (within the
meaning of the Housing Acts, 1966 to 1992) for its provision by the
authority acting as agent for the Commissioners upon such terms and
conditions as may be agreed upon by the Commissioners and the
authority. Provision of living
accommodation by
housing authorities.

(2) *Subsection (1)* shall not be construed as imposing on a housing
authority referred to in that subsection a duty or obligation to pro-
vide living accommodation.

5.—The references to land in *section 2 (6)* of the Act of 1993 shall
be construed as references to land within the meaning of the Local
Government (Planning and Development) Act, 1963. Amendment of Act
of 1993.

6.—The expenses incurred by the Minister in the administration Expenses
of this Act shall be paid out of moneys provided by the Oireachtas
and the expenses incurred by a State authority other than the Mini-
ster shall, to such extent as may be sanctioned by the Minister, be
paid out of moneys provided by the Oireachtas.

7.—This Act may be cited as the Commissioners of Public Works Short title.
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ACTS REFERRED TO

Housing Acts, 1966 to 1992

Local Government Act, 1941

1941, No. 23

Local Government (Planning and Development) Act, 1963

1963, No. 28

State Authorities (Development and Management) Act, 1993

1993, No. 1