

**ARTERIAL DRAINAGE (MEMBERSHIP AND PROCEDURE OF JOINT COMMITTEES)
(REGULATIONS) ORDER 1945**

The Minister for Local Government and Public Health in exercise of the powers vested in him by sub-section (3) of section 23 of the Arterial Drainage Act, 1925 and of sub-section (4) of section 23 of the Arterial Drainage Act, 1945 and of every other power in this behalf enabling him by this, his Order, makes the following regulations, that is to say :—

REG 1

1. This Order may be cited as the Arterial Drainage (Membership and Procedure of Joint Committees) (Regulations) Order, 1945.

REG 2

2. The Interpretation Act, 1937 (No. 38 of 1937) shall apply to the interpretation of these regulations in like manner as it applies to the interpretation of an Act of the Oireachtas.

REG 3

3. In this Order—
the expression " joint committee " means either
(a) a joint committee appointed by two or more county councils under sub-section (2) of section 23 of the Arterial Drainage Act, 1925 for the purpose of maintaining drainage works, or
(b) a joint committee appointed by two or more county councils under sub-section (3) of section 23 of the Arterial Drainage Act, 1945 for the control and management of an existing drainage district and the maintenance of the existing drainage works there in, and
the expression " the manager " means the person through and by whom the executive functions of a joint committee are performed.

REG 4

TENURE OF OFFICE

4. Every member of a joint committee shall hold office (unless he sooner dies, resigns or becomes disqualified) until his successor is appointed.

REG 5

DISQUALIFICATION

5. A member of a council of a county who has been appointed by the Council to be a member of a joint committee and who ceases to be, or is disqualified for being, a member of the council shall also cease to be, or be disqualified for being, a member of the joint committee.

REG 6

RESIGNATION AND REMOVAL

6. A member of a joint committee appointed by a council of a county may resign his membership by giving notice in writing signed by him to the Secretary of the council, but the resignation shall not become effective until the meeting of the council held next after the receipt of the notice given to such Secretary.

REG 7

7. A member of the council of a county may, with the consent of not less than one-fourth of the members of the council, notify the secretary of the council in writing of his intention to propose that the membership of all the members of a joint committee who were appointed by the council shall be terminated and the secretary shall thereupon summon a meeting of the council for a date not later than one month after the receipt of the notification and shall give to every member of the council at least fourteen days' notice thereof and, in the event of a resolution (for the passing of which not less than two-thirds of the members of the council present vote) being passed at such meeting approving of such proposal, the membership of all such members of the joint committee shall forthwith stand terminated and new members of the joint committee shall be appointed forthwith in lieu of those whose membership is terminated.

REG 8

8.—(1) The membership of a member of a joint committee who, for a consecutive period of twelve months, has not attended a meeting of a committee, shall thereupon terminate and at the meeting of the relevant council of a county held next after the expiration of such period, a new member shall be appointed to fill the vacancy so created in the membership of the committee.

(2) Where a meeting of a joint committee is abandoned owing to a failure to obtain a quorum, the names of the members who attended at the time and place appointed for the holding of the meeting shall be recorded and such members shall be deemed to have attended a meeting of the committee for the purposes of this rule.

REG 9

CASUAL VACANCIES

9. A casual vacancy occurring in the membership of a joint committee, shall be filled by the council by whom the member causing the vacancy was appointed, within one month after the occurrence of the vacancy or within such further time as the Minister may allow.

REG 10

QUORUM

10. Three members of a joint committee shall be a quorum.

REG 11

MEETINGS

11. A joint committee shall hold meetings for the transaction of their business at least once in each half-year and at such other times as may be necessary for properly exercising their powers and performing their duties.

REG 12

12. The first meeting of a joint committee constituted after the date of these regulations shall be held within three months after the appointment of members of such committee has been completed, at a time and place appointed by the manager and such meeting shall be an annual meeting.

REG 13

13.—(1) As soon as the elections of members of a joint committee pursuant to section 13 of the Local Elections Act, 1927, have been completed in any year in which triennial elections of members of county councils are held, a meeting of a joint committee shall be held at a time and place appointed by the manager and such meeting shall be an annual meeting.

(2) The provisions of sub-article (1) of this article shall apply to the first meeting of a joint committee appointed before the date of these regulations under sub-section (3) of section 3 of the Arterial Drainage Act, 1945.

REG 14

14. In each year (not being a year in which triennial elections of members of county councils are held) a joint committee shall hold an annual meeting at a time and place appointed by the manager not being earlier than the 17th day of July nor later than the 1st day of August.

REG 15

15. If the first or any other annual meeting of a joint committee is for any reason (including a quorum not being present) not held on the day appointed for the holding of such meeting, the manager shall, as soon as may be, summon a meeting of the committee for a convenient hour on a day which appears to him to be the earliest convenient day for the purpose, and the meeting held in pursuance

of such summons shall be for all purposes an annual meeting.

REG 16

16 CHAIRMAN AND VICE-CHAIRMAN

16.—(1) At every annual meeting of a joint committee, the committee shall elect one of their members to be chairman of the committee and may elect another of their members to be vice-chairman of the committee.

(2) Whenever the office of chairman or vice-chairman of a joint committee becomes vacant otherwise than by the termination of the ordinary term of the office, the committee shall at their next meeting after the vacancy occurs or, in the case of a resignation of office, at the meeting at which the resignation becomes effective, elect one of their members to be chairman or vice-chairman of the committee.

(3) A person elected to be chairman or vice-chairman of a joint committee shall, unless he sooner resigns the office of chairman or vice-chairman or sooner ceases to be, or becomes disqualified for being a member of the committee, hold office as chairman or vice-chairman until his successor has been appointed.

(4) The chairman or vice-chairman of a joint committee may at any time resign his office as chairman or vice-chairman by giving notice in writing signed by him to the committee, but the resignation shall not become effective until the commencement of the meeting of the committee held next after the receipt by them of the resignation.

(5) Whenever the chairman or vice-chairman of a joint committee ceases to be, or becomes disqualified for being a member of the committee, he shall forthwith cease to be chairman or vice-chairman of the committee.

(6) Whenever, at the election of chairman of a joint committee, there is an equality of votes for two or more persons, it shall be determined by lot which of those persons shall be chairman of the joint committee.

REG 17

PROCEEDINGS AT MEETINGS

17. The proceedings of a joint committee shall not be invalidated by any vacancy or vacancies among their members or by any defect in the appointment of the committee or in the appointment or qualification of any member thereof.

REG 18

18. The chairman of a joint committee may call a meeting of the committee.

REG 19

19. If the chairman of a joint committee refuses to call a meeting of the committee after a requisition for that purpose, signed by three members of the committee has been presented to him, any three members of the committee may forthwith, on that refusal, call a meeting of the committee, and, if the chairman (without so refusing) does not, within seven days after the presentation of the requisition, call a meeting of the committee, any three members of the committee may, on the expiration of those seven days, call a meeting of the committee.

REG 20

20. Three clear days at least before a meeting of a joint committee, notice of the time and place of the intended meeting, signed by the chairman, or, if the meeting is called by members of the committee by those members, shall be fixed on the hall or other place at which the committee is accustomed to meet and, if the meeting is called by members of the committee, the notice shall specify the business proposed to be transacted thereat.

REG 21

21. Three clear days, at least, before a meeting of a joint committee, a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the manager shall be left or delivered by post at the usual place of abode of every member of the committee, but failure so to leave or deliver such summons for or to a member or some of the members of the committee shall not affect the validity of a meeting.

REG 22

22. No business shall be transacted at a meeting of a joint committee other than that specified in the summons relating thereto, except (in case of an annual meeting) business required to be transacted thereat.

REG 23

23. At a meeting of a joint committee—
(a) the chairman of the committee shall, if he is present, be chairman of the meeting ;
(b) if and so long as the chairman of the committee is not present or the office of chairman is vacant, the vice-chairman (if any), shall, if he is present, be chairman of the meeting ;
(c) If and so long as the chairman of the committee is not present or the office of chairman is vacant and there is no office

of vice-chairman, the vice-chairman is not present or the office of vice-chairman is vacant, the members of the committee who are present shall choose one of their number to be chairman of the meeting.

REG 24

24. Minutes of the proceedings of a meeting of a joint committee shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of the meeting or of the next ensuing meeting.

REG 25

25. The names of the members present at a meeting of a joint committee shall be recorded in the minutes of the proceedings of the meeting.

REG 26

26. The names of the members voting on any question arising at a meeting of a joint committee shall be recorded in the minutes of the proceedings of the meeting and the record shall show which members vote for and which against the question.

REG 27

27. All acts of a joint committee and all questions coming or arising before the committee may be done and decided by the majority of such members of the committee as are present and vote at a meeting of the committee duly held according to law.

REG 28

28. In case of equality of votes on any question arising at a meeting of a joint committee, other than the election of a chairman, the chairman of the meeting shall have a second or casting vote.

GIVEN under the Official Seal of the Minister for Local Government and Public Health this twenty-seventh day of September, One Thousand Nine Hundred and Forty-five.

(Signed) SEÁN MacENTEE,
Minister for Local Government and Public Health.