

S.I. No. 510/2008 — National Rural Water Services Committee Regulations 2008

S.I. No. 510 of 2008

NATIONAL RURAL WATER SERVICES COMMITTEE REGULATIONS 2008

Notice of the making of this Statutory Instrument was published in

“Iris Oifigiúil” of 5th December, 2008.

I, JOHN GORMLEY, Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on me by section 75(5) of the Water Services Act 2007 (No. 30 of 2007) hereby make the following Regulations:—

Citation

1. These Regulations may be cited as the National Rural Water Services Committee Regulations 2008.

Interpretation

2. In these Regulations—

(a) any reference in a Regulation to a paragraph which is not otherwise identified is a reference to a paragraph of that Regulation;

(b) any reference to “the Minister” means the Minister for the Environment, Heritage and Local Government;

(c) any reference to “the Department” means the Department of the Environment, Heritage and Local Government;

(d) any reference to “the Committee” means the National Rural Water Services Committee.

Composition of Committee

3. (1) The Minister may appoint to the Committee—

(a) such officers of the Department, and the Department of Community, Rural and Gaeltacht Affairs as the Minister considers appropriate, and

(b) such persons as the Minister considers appropriate, nominated as their representatives by—

(i) The National Federation of Group Water Schemes,

(ii) The County and City Managers' Association,

(iii) The Association of County and City Councils,

(iv) The Irish Farmers' Association,

(v) The Irish Creamery Milk Suppliers Association,

(vi) The Irish Countrywomens Association,

(vii) Irish Rural Link,

(viii) The Irish Environmental Network, and

(ix) such other organisations as the Minister may decide from time to time.

(2) The Minister may decide what is the appropriate number of persons to appoint to the Committee to represent an organisation.

(3) The Minister shall appoint a person to the Committee to act as chairperson (hereinafter called "the Chairperson"), who may either be from among the persons referred to in paragraph (1) or such other person as the Minister considers appropriate.

(4) The Secretary of the Committee shall be an officer of the Department.

Appointment to Committee

4. (1) The Minister may request an organisation to nominate such numbers of persons as he or she shall specify for the purpose of the Minister selecting from those nominees a person (or persons as the case may be) to appoint to the Committee to represent that organisation.

(2) For the purposes of paragraph (1), the Minister, at his or her discretion, may specify criteria, including gender, by which persons shall be selected for nomination.

(3) The Minister may decide not to appoint to the Committee a person (or persons) nominated by an organisation, and where an appointment to the Committee to represent that organisation remains outstanding as a result of that decision the Minister shall request the organisation to nominate another person or persons for consideration for selection.

Term of Office

5. Each appointment to the Committee shall be for a period of 3 years, following which the Minister may re-appoint existing members, or appoint such other persons as may be nominated, for subsequent terms of 3 years.

Meetings and Procedures

6. (1) The Committee shall hold such and so many meetings as it may consider necessary for the performance of its functions, and, subject to the following paragraphs, may adopt its own rules and procedures.

(2) The quorum for a meeting of the Committee shall be a simple majority of the appointed membership.

(3) Where the Chairperson is unable to attend a meeting of the Committee, the Committee may choose another member to act as Chairperson for the purposes of that meeting.

(4) The Committee may act notwithstanding any vacancies in its membership, and its proceedings shall not be invalidated by any such vacancies.

(5) The Chairperson may invite such person or persons as he or she considers appropriate to attend any meeting of the Committee in an advisory capacity.

(6) Where a duly appointed member is unable to attend a meeting of the Committee, the organisation that he or she represents may nominate another person to act in his or her place, and that person shall be deemed to be a member of the Committee for that meeting, unless the Chairperson, at his or her discretion, objects.

(7) The Committee shall endeavour at its meetings to decide on any matter by consensus of its members, but in the absence of such consensus the Chairperson may make such decision as he or she considers appropriate, subject to the right of any member of the Committee to submit his or her views directly to the Minister within 14 days of the date of the meeting (the referral period).

(8) Where a submission under paragraph (7) is received by the Minister within the referral period, the Minister may, if he or she considers necessary, following

consultation with the Chairperson, make a determination on the decision of the Chairperson.

(9) The Minister shall notify the Committee within 14 days of receipt of a submission under paragraph (7) whether or not he or she intends to make a determination on it.

(10) Where the Minister indicates that he or she does not intend to make a determination under paragraph (8), the decision of the Chairperson will be deemed to be adopted.

(11) The Committee shall comply with any determination of the Minister under paragraph (8).

Removal from Committee

7. Any member of the Committee may be removed by the Minister for stated misbehaviour, or if his or her removal appears to the Minister to be necessary or desirable for the effective performance of the Committee.

Declaration of Interests

8. (1) Where a member of the Committee has a pecuniary or other beneficial interest in, or material to, any matter which falls to be considered by the Committee, he or she shall—

(a) disclose to the Committee the nature of the interest in advance of any consideration of the matter,

(b) take no part in any consideration of the matter, and withdraw from any meeting of the Committee where it is being discussed, unless the Chairperson expressly consents to his or her participation, or limited participation as specified by the Chairperson.

(2) For the purposes of this Regulation, but without prejudice to the generality of paragraph (1), a person shall be regarded as having a beneficial interest if—

(a) he or she, or any member of his or her household, or any of his or her nominees or a nominee of any member of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, a matter which falls to be considered by the Committee,

(b) he or she, or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter.

(3) For the purposes of this Regulation, a person shall not be regarded as having a

beneficial interest in, or material to, any matter by reason only of an interest of his or hers, or of any company, or of any other body or person mentioned in paragraph (2) which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or deciding on any matter, or in performing any function in relation to that matter.

(4) Where a question arises as to whether or not a course of action, if pursued by a person, would be a failure by him or her to comply with the requirements of paragraph (1), the question shall be determined by the Committee, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) Where a disclosure is made to the Committee pursuant to paragraph (1), particulars of the disclosure, and any related consent given by the Chairperson, shall be recorded in the minutes of the meeting concerned.

Reporting to the Minister

9. (1) Subject to paragraph (2), the Committee shall report to the Minister as it considers appropriate.

(2) The Committee shall provide the Minister with such information relating to the performance of its functions as he or she shall from time to time request.



GIVEN under my Official Seal,

2 December 2008

JOHN GORMLEY

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

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

These Regulations provide for the composition of the National Rural Water Services

Committee established under section 75 of the Water Services Act 2007 (No. 30 of 2007), and related procedural and ancillary matters.

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