



STATUTORY INSTRUMENTS.

S.I. No. 37 of 1983.

LOCAL GOVERNMENT (WATER POLLUTION) ACT.
1977.
(TRANSFER OF APPEALS) ORDER, 1978, (AMEND-
MENT) ORDER, 1983.

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LOCAL GOVERNMENT (WATER POLLUTION) ACT,
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(TRANSFER OF APPEALS) ORDER, 1978, (AMEND-
MENT) ORDER, 1983.

The Minister for the Environment, in exercise of the powers conferred on him by section 21 of the Local Government (Water Pollution) Act, 1977 (No. 1 of 1977), hereby orders as follows:—

1. This Order may be cited as the Local Government (Water Pollution) Act, 1977, (Transfer of Appeals) Order, 1978 (Amendment) Order, 1983.

2. This Order shall come into operation on the 11th day of April, 1983.

3. Article 5 (4) of the Local Government (Water Pollution) Act, 1977 (Transfer of Appeals) Order, 1978 (S.I. No. 96 of 1978) is hereby amended by the substitution of "to 1982" for "and 1976".

4. The Schedule to the Local Government (Water Pollution) Act, 1977 (Transfer of Appeals) Order, 1978 is hereby amended as follows:—

(a) by the deletion of the references therein to section 6 and to section 15 (1) of the Local Government (Planning and Development) Act, 1976, and

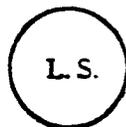
(b) by the addition to the said Schedule of the following matter:—

<p>"Local Government (Planning and Development) Act, 1982. Section 5.</p>	<p>5. (1) Where the Board is of opinion that an appeal to the Board has been abandoned, the Board may serve on the person who made the appeal a notice stating that fact and requiring that person, within a period specified in the notice (being a period of not less than fourteen days beginning on the date of service of the notice) to make to the Board a submission in writing as to why the appeal should not be regarded as having been withdrawn.</p> <p>(2) Where a notice has been served under subsection (1) of this section the Board may, at</p>
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Notice of the making of this Statutory Instrument was published in the "Iris Oifigiúil" of 22nd February, 1983.

	<p>any time after the expiration of the period specified in the notice, and after considering the submission (if any) made to the Board pursuant to the notice, declare that the appeal shall be regarded as having been withdrawn.</p> <p>(3) Where the Board makes a declaration under this section, notwithstanding section 15 (2) of the Local Government (Planning and Development) Act, 1976 as modified by the Local Government (Water Pollution) Act, 1977 (Transfer of Appeals) Order, 1978 (S.I. No. 96 of 1978), the Board may, if it thinks fit, direct that the deposit lodged in relation to the relevant appeal shall be forfeited to the Board.</p>
Section 7.	<p>7. (1) The Minister shall, from time to time, issue such general directives as to policy in relation to water pollution as he considers necessary.</p> <p>(2) The Board shall in performing its functions have regard to any directive under this section.</p> <p>(3) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to any particular case with which the Board is or may be concerned.</p> <p>(4) Where the Minister gives a directive under this section, the following provisions shall apply:</p> <p>(a) as soon as may be the Minister shall cause a copy of the directive to be laid before each House of the Oireachtas,</p> <p>(b) the directive shall be published in the <i>Iris Oifigiúil</i>, and</p> <p>(c) the Minister shall cause a copy of the directive to be sent to the Board.</p>
Section 10.	<p>10. (1) The Minister may, with the consent of the Minister for Finance, make regulations providing for the payment to the Board of prescribed fees in relation to appeals to the Board and the regulations may provide for the payment of different fees in relation to cases of different classes or description, for exemption from the payment of fees in specified circumstances, for the waiver, remission or refund (in whole or in part) of fees in specified circumstances and for the manner in which fees are to be disposed of.</p> <p>(2) Where—</p> <p>(a) under regulations under this section a fee (other than a fee referred to in subsection (4) of this section) is payable to the Board by an appellant in respect of an appeal by him to the Board, and</p> <p>(b) the provision of the Local Government (Water Pollution) Act, 1977 authorising the appeal enables the appeal only to be made before the expiration of the prescribed period that provision shall be construed as including—</p>

	<p>(i) a requirement that the fee is to be received by the Board before the expiration of that period (or, if the fee is sent by post, not later than the third day after that period or day), and</p> <p>(ii) a provision that if the fee is not so received the appeal shall be invalid.</p> <p>(3) Where under regulations, under this section, a fee is payable to the Board and the person by whom the fee is payable is not—</p> <p>(a) the applicant for a licence, or</p> <p>(b) an appellant to the Board,</p> <p>submissions or observations made, as regards the relevant appeal by or on behalf of the person by whom such fee is payable, shall not be considered by the Board if the fee has not been received by the Board.</p> <p>(4) Where under regulations under this section fees are payable to the Board in respect of requests for oral hearings of appeals to the Board, such a request shall not be considered by the Board if the fee so payable in respect of the request is not received by the Board.</p>
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GIVEN under the Official Seal of the Minister for the Environment this 11th day of February, 1983.

DICK SPRING,
Minister for the Environment.

EXPLANATORY NOTES.

(These notes are not part of the Instrument and do not purport to be a legal interpretation.)

1. This Order provides for certain procedural matters related to appeals under the Local Government (Water Pollution) Act, 1977 to An Bord Pleanála.

2. The Order also authorises the Minister for the Environment with the consent of the Minister for Finance to make regulations providing for the payment to An Bord Pleanála of prescribed fees in relation to appeals to the Board.