

## IRISH WATER SAFETY ASSOCIATION (ESTABLISHMENT) ORDER 1980

The Minister for the Environment in exercise of the powers conferred on him by section 3 of the Local Government Services (Corporate Bodies) Act, 1971 (No. 6 of 1971) hereby orders as follows:

### REG 1

1. (1) This Order may be cited as the Irish Water Safety Association (Establishment) Order, 1980.
- (2) This Order shall come into effect on the 1st day of August, 1980.

### REG 2

2. In this Order—
  - "the Association" means the body established under article 3;
  - "the Council" means the Council appointed under Article 6;
  - "local authority" means the council of a county, the corporation of a county or other borough or the council of an urban district; and
  - "the Minister" means the Minister for the Environment.

### REG 3

3. A body known as an Comhlachas Snamha is Tarrthala or in the English language, the Irish Water Safety Association, is hereby established to provide the services specified in article 4 for the Minister and local authorities.

### REG 4

4. (1) The following shall be the services to be provided by the Association in pursuance of article 3—
  - ( a ) promotion of public awareness of, and advancement of education in, water safety,
  - ( b ) promotion of measures for the saving of persons from drowning and the prevention of drowning,
  - ( c ) provision of instruction in swimming, water rescue and resuscitation,
  - ( d ) promotion of efficiency and standardisation of the lifeguard service, and
  - ( e ) such other services relating to the promotion of water safety as the Minister, after consultation with the Minister for Finance, may from time to time require, direct or approve.
- (2) In matters relating to its functions under (a), (b), (c), (d) and (e) of sub-article (1) of this article the Association may—
  - ( a ) conduct publicity and organise conferences and courses,
  - ( b ) provide advisory services,
  - ( c ) promote or assist in the development of equipment, codes, signs and systems,
  - ( d ) conduct examinations and issue certificates and awards,
  - ( e ) promote or assist in the carrying out of research,

- ( f ) publish or otherwise make available information, material, films or other matter,
- ( g ) receive subscriptions and make charges,
- ( h ) organise competitions, and
- ( i ) co-operate with other bodies.

#### REG 5

5. (1) The Association shall consist of the Council, area committees appointed under article 12 (2) (a), and such other persons or groups of persons as the Council may from time to time admit to membership of the Association.

(2) Membership of the Association shall be subject to such conditions as the Council may from time to time decide.

#### REG 6

6. (1) The Council shall consist of such number of persons as the Minister may from time to time appoint.

(2) The term of office of a member of the Council shall be two years or such shorter period as may be specified by the Minister and each member shall hold office for the period for which he is appointed unless he sooner dies, resigns by letter addressed to the Minister or is notified in writing by the Minister that his membership of the Council has been terminated by the Minister.

(3) The Minister shall appoint a Chairman who shall be a member of the Council and who shall hold office as Chairman of the Association and of the Council as long as he remains a member of the Council, or until the Minister appoints another person to be Chairman.

(4) ( a ) The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its members.

( b ) Subject to the provisions of paragraph (a) of this sub-article the Council may regulate its own procedure.

#### REG 7

7. (1) The Association shall provide itself with a seal.

(2) The seal of the Association shall be authenticated by the signature of the Chairman (or some other member of the Council duly authorised by the Council to act in that behalf) and by the signature of a person duly authorised by the Council to act in that behalf.

#### REG 8

8. (1) The Association shall cause to be kept proper accounts of all income and expenditure of the Association in each financial year and of the sources of such income and the subject matter of such expenditure and of the property, credits and liabilities of the Association.

(2) The financial year of the Association shall be the period of twelve months ending on the 31st December in any year and for the purposes of this provision the period commencing on the date of the coming into effect of this order and ending on the 31st December,

1980 shall be deemed to be a financial year.

(3) An abstract of accounts of the Association, in a form approved by the Minister, for each financial year, shall, as soon as may be after the end of such financial year, be prepared and shall be audited by and be subject to a report by an auditor appointed for the purpose by the Association with the consent of the Minister.

(4) A copy of the abstract of the accounts and the auditor's certificate and report thereon shall be presented to the Minister who shall, as soon as may be after such presentation, cause a copy of both the audited accounts and the report to be laid before each House of the Oireachtas.

(5) The Association shall, whenever requested by the Minister or by an officer authorised for that purpose, supply such information as the Minister or such officer may require and shall permit such officer to examine the books and accounts of the Association in respect of any financial year or other period and the Association shall facilitate any such examination.

#### REG 9

9. The Association shall, in each year, make a report to the Minister of its activities during the preceding year.

#### REG 10

10. (1) The Association shall furnish to the Minister such information regarding the performance or proposals for the performance of its functions as the Minister may from time to time require.

(2) The Association shall, in accordance with any direction which may from time to time be given by the Minister, submit in each financial year a programme of activities for the following financial year and an estimate of the expenditure to be incurred on such activities.

#### REG 11

11. (1) The Association shall cause to be held once a year a meeting at which the following persons shall be entitled to be present:

—members of the Council,

—two persons nominated by each area committee appointed under article 12 (2) (a),

—such other persons as may be determined by the Council.

(2) The Association shall cause to be placed before such meeting—

( a ) a report of its activities during the preceding year,

( b ) a copy of the accounts of the Association for the preceding year and the auditor's certificate and report thereon, and

( c ) a programme of its activities for the current year.

(3) The persons lawfully present at such meeting may, by resolution decided by simple majority, make recommendations on any matter related to the functions and activities of the Association.

## REG 12

12. (1) The Association may do all such things as may be necessary for the effective discharge of its functions.

(2) In particular the Association may—

- ( a ) appoint or arrange for the appointment of committees, including committees for particular areas (referred to in this order as area committees) in order to facilitate the discharge of the functions of the Association;
- ( b ) without derogating from the power of the Association itself to perform the function or carry on the activity, delegate either for a fixed or an indefinite period such functions and activities as it thinks fit to any person or committee as it may from time to time decide and may revoke such delegation;
- ( c ) with the consent of the Minister, given following consultation with the Minister for Finance, borrow money and purchase or take on lease any land or premises and with the like consent sell, let or otherwise dispose of any land or premises vested in the Association;
- ( d ) accept gifts of money, land and other property upon such trusts and conditions, if any, consistent with the functions of the Association, as may be specified by the donor;
- ( e ) provide such assistance either by way of grants, prizes or other form of sponsorship as the Association may from time to time determine in respect of activities provided for under Article 4 and undertaken with its approval by any person or committee.

## REG 13

13. Subject to article 12 (2) (b), the functions of the Association shall be performed by the Council.

## REG 14

14. (1) The Association may, with the consent of the Minister, appoint a person to manage the day to day business of the Association and to carry out such functions as may be assigned to him from time to time by the Association and the person so appointed shall be known as the Chief Executive Officer.

(2) The manner and terms of appointment of the Chief Executive Officer shall be such as are determined by the Minister with the consent of the Minister for the Public Service.

## REG 15

15. (1) ( a ) The Association may employ such and so many persons as the Association may, from time to time, think proper and in employing any such persons the Association shall comply with any directions given by the Minister relating to the procedure to be followed.

( b ) Every person employed by the Association shall perform such

duties as the Association may, from time to time, assign to such person.

( c ) Every person employed by the Association and holding office in a whole-time permanent capacity shall cease to hold office on attaining the age of sixty-five years.

( d ) Subject to the sanction or direction of the Minister, given with the consent of the Minister for the Public Service, the Association shall determine the remuneration and conditions of service of persons employed by the Association and may, from time to time, alter the remuneration or conditions of service of any such persons.

(2) The Minister may, whenever and so often as he thinks fit, declare that any of the powers conferred on the Association by this article shall be exercisable only with the consent of the Minister, and whenever any such declaration is in force, the said powers may, in relation to any office or employment to which the declaration applies, be exercised only with such consent.

#### REG 16

16. The Local Government (Superannuation) Act, 1956 (No. 10 of 1956) shall apply to the Association as if it were a local authority.

#### REG 17

17. For the purpose of enabling the Association to perform its functions on and from the date of the coming into effect of this Order, the Association may enter into arrangements with the Minister for the supply by the Minister of any services required by the Association.

#### REG 18

18. (1) The Chairman of the Association may be paid out of funds at the disposal of the Association such remuneration as may from time be fixed by the Minister with the consent of the Minister for the Public Service.

(2) Travelling and subsistence allowances may be paid by the Association to such persons or classes of persons and in accordance with such scale and in such circumstances as may from time to time be approved by the Minister with the consent of the Minister for the Public Service.

#### REG 19

19. The Minister may pay grants of such amount as may be sanctioned by the Minister for Finance, out of monies to be provided by the Oireachtas, towards the expenses of the Association.

GIVEN under the Official Seal of the Minister for the Environment this 29th day of July 1980.

SYLVESTER BARRETT,  
Minister for the Environment.

The Minister for Finance hereby agrees to the establishment by the above Order of the Irish Water Safety Association.

Dated this 29th day of July 1980.  
MICHAEL O'KENNEDY,  
Minister for Finance.

The Minister for the Public Service hereby consents to the Irish Water Safety Association (Establishment) Order, 1980.

Dated this 29th day of July, 1980.  
GENE FITZGERALD,  
Minister for the Public Service.

#### EXPLANATORY NOTE.

This Order establishes the Irish Water Safety Association as a Corporate Body under the Local Government Services (Corporate Bodies) Act, 1971, to provide services to the Minister and to local authorities in relation to the promotion of water safety. The Order also provides for the appointment of members of the Council of the Association and procedural and other related matters.