

**STATUTORY INSTRUMENTS**

**S.I. NO. 214 of 2002**

**Local Government Act, 2001 (County Tipperary Joint Libraries  
Committee) Regulations, 2002**

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## **S.I. No. 214 of 2002**

### **Local Government Act, 2001 (County Tipperary Joint Libraries Committee) Regulations, 2002**

The Minister for the Environment and Local Government in exercise of the powers conferred on him by sections 4 and 77(2) of the Local Government Act, 2001 (No. 37 of 2001) hereby makes the following Regulations.

#### **Citation**

1. These Regulations may be cited as the Local Government Act, 2001 (County Tipperary Joint Libraries Committee) Regulations, 2002.

#### **Commencement**

2. These Regulations shall come into operation on 1 September, 2002.

#### **Interpretation**

3. (1) In these Regulations –
  - (a) a reference to a sub-article is a reference to a sub-article of the article in which the reference occurs,
  - (b) a reference to a paragraph is a reference to a paragraph of the sub-article in which the reference occurs.
- (2) In these Regulations, except where the context otherwise requires -  
“the Act” means the Local Government Act, 2001;

“the county councils” means North Tipperary County Council and South Tipperary County Council and a reference to “county council” shall be construed accordingly;

“the joint committee” means the joint committee referred to in article 4(1).

#### **County Tipperary Joint Libraries Committee**

4. (1) The County Tipperary Joint Libraries Committee continues to stand established as a corporate body known by that name and with perpetual succession, for the purposes of carrying out the functions of a library authority under section 78 of the Act on behalf of the county councils.
- (2) (a) The joint committee may sue or be sued in its corporate name and has power to acquire, hold, manage, maintain and dispose of land or an interest in land.
- (b) The joint committee continues to have a common seal which shall be authenticated by the signature of the chairperson, the vice chairperson, or of an employee nominated in writing for that purpose by the manager, following consultation with the chairperson.
- (c) Judicial notice shall be taken of the seal of the joint committee and every document claiming to be an instrument made by it and to be sealed with its seal, claiming to be authenticated in accordance with paragraph (b), shall be received in evidence and be deemed to be that instrument without further proof unless the contrary is shown.
- (3) (a) The provisions of the Act insofar as they apply to a joint body apply to the joint committee.
- (b) The manager for the joint committee is, by virtue of section 144(5) of the Act, the North Tipperary County Manager and section 52(9) of the Act shall apply.

## **Membership**

5. (1) The joint committee shall consist of 21 persons of whom 10 shall be appointed by North Tipperary County Council and 11 by South Tipperary County Council.
  - (2) (a) The appointments to be made by each of the county councils pursuant to sub-article (1) shall include in respect of each town council situated within the county concerned, a person appointed on the nomination of that town council.
    - (b) Section 52(10)(c) of the Act shall apply in respect of the appointment to the joint committee of a person who is not a member of a local authority.
    - (c) Each county council shall, in considering the making of appointments pursuant to sub-article (1), have regard to the benefit of an element of dual membership as between the joint committee and the relevant strategic policy committee of that council.
  - (3) (a) A person who on the making of these Regulations is a member of the joint committee shall continue as such member subject to and in accordance with the Act and these Regulations.
    - (b) The members of the joint committee shall cease to hold office on the day immediately prior to the day for the holding of its annual meeting in an election year and on the day of such meeting the incoming members shall come into office.

## **Chairperson**

6. (1) (a) Subject to paragraph (b), the joint committee shall have a chairperson and vice chairperson elected by the committee from amongst its members.
  - (b) The chairperson and vice chairperson shall each be a person who is a member of a local authority.

- (c) Section 37 of the Act shall apply with any necessary modifications for the purposes of the election of the chairperson.
- (2) (a) Subject to paragraph (b), the chairperson and vice chairperson shall be elected at each annual meeting of the joint committee and shall each hold office until his or her successor is elected.
- (b) In a year in which a local election is held the chairperson and vice chairperson shall each hold office until immediately prior to the annual meeting of the joint committee.
- (c) Without prejudice to paragraph (b), a person who on the making of these Regulations is the chairperson or vice chairperson shall continue to hold that office until his or her successor is appointed.
- (3) Sections 33 and 38 of the Act shall apply to the office of chairperson or vice chairperson with any necessary modifications.

### **Meetings and Proceedings**

- 7. (1) (a) In every year the joint committee shall hold an annual meeting, a budget meeting and two other meetings.
- (b) Nothing in paragraph (a) shall be read as restricting the holding of a further meeting by the joint committee insofar as such may be required for the transaction of its business.
- (2) (a) The annual meeting of the joint committee in an election year shall be held within 3 weeks of the day for the holding pursuant to paragraph 3(1)(a) of Schedule 10 to the Act, of the annual meeting of the county councils.

- (b) Subject to sub-article (3), the annual meeting in any other year shall be held on such day in the month of May or June as the joint committee may by resolution appoint or fix by standing orders.
- (3) Pending the local elections next after the making of these Regulations, the day of the annual meeting shall continue to be fixed in accordance with the arrangements which applied prior to such Regulations.
- (4) (a) The quorum for a meeting of the joint committee shall be 7.
- (b) Subject to the Act and to these Regulations the joint committee shall regulate its own business and proceedings by way of its own standing orders or otherwise.

**Funding**

- 8. The money required to meet the expenses of the joint committee shall be supplied by the county councils in proportion to the value under the Valuation Act, 2001 of the rateable property in the respective counties.

GIVEN under the Official Seal of the Minister for the Environment and Local Government, this 16<sup>th</sup> day of May, 2002.

L.S. Noel Dempsey

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Minister for the Environment and Local Government

**EXPLANATORY NOTE**

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

Section 77 of the Local Government Act, 2001 and these Regulations provide an updated statutory basis for the County Tipperary Joint Libraries Committee.