IONSTRAIMÍ REACHTÚLA.

I.R. Uimh 315 de 2010

AN tORDÚ UM AN ACHT CARTHANAS 2009 (TOSACH FEIDHME) 2010

(Prn. A10/0936)

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AN tORDÚ UM AN ACHT CARTHANAS 2009 (TOSACH FEIDHME) 2010

I bhfeidhmiú na gcumhachtaí a thugtar dom le halt 1(2) den Acht Carthanas 2009 (Uimh. 6 de 2009) (arna oiriúnú leis an Ordú Gnóthaí Pobail, Tuaithe agus Gaeltachta (Ainm na Roinne agus Teideal an Aire a Athrú), 2010 (I.R. Uimh. 215 de 2010), ordaímse, PADRAIG Ó CIARDHA, Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta, leis seo mar a leanas:

1. Féadfar an tOrdú um an Acht Carthanas 2009 (Tosach Feidhme) 2010 a ghairm den Ordú seo.

2. Is é an 26 lá de Meitheamh 2010 an lá a cheaptar mar an lá a thiocfaidh ailt 4 agus 90 den Acht Carthanas 2009 (Uimh. 6 de 2009) i ngníomh.

L.S.

ARNA THABHAIRT faoi mo Shéala Oifigiúil,
26 Meitheamh 2010.

PADRAIG Ó CIARDHA,
Aire Gnóthaí Pobail, Comhionannais agus Gaeltachta.

Foilsíodh fógra san Iris Oifigiúil an 2 Iúil, 2010 á rá go ndearnadh an Ionstraim Reachtúil seo.

NÓTA MÍNIÚCHÁIN

(Ní cuid den Ionstraim an nóta seo ná ní ceart a mheas gur míniú dlíthiúil uirthi é).

Tugtar leis an Ordú seo tosach feidhme d'alt 4 den Acht Carthanas 2009 ("an tAcht"). Is é an cuspóir atá leis an Ordú seo a cheadú don Aire orduithe nó rialacháin a dhéanamh faoin Acht — dhéanfadh tosach feidhme an tAire a chumasú rialacháin a dhéanamh roimh bhunú an Údaráis nua, dá measfaí gur cuí. Déanfar orduithe agus rialacháin a dhéanfar faoin Acht, ach amháin iad sin a dhéanfar faoi alt 1(2) nó alt (12), a leagan faoi bhráid dhá Theach an Oireachtais. Féadfar Ordú nó rialachán faoin Acht seo a neamhniú má dhéanann ceachtar Teach laistigh de 21 lá rún a rith ag neamhniú ordaithe nó rialacháin den sórt sin.

Tugtar leis an Ordú seo freisin tosach feidhme d'alt 90 den Acht Carthanas 2009 (“an tAcht”). Is é an cuspóir atá leis an Ordú seo cumhachtaí a thabhairt do na cúirteanna in aon imeachtaí faoiseamh ó dhliteanas pearsanta i leith sárú iontaoibhe a dheonú d'iontaobhaithe carthanais sa chás gurb é tuairim na cúirte, d'ainneoin go mb'fhéidir go mbeadh an t-iontaobhaí faoi dhliteanas i leith an tsáraithe, gur ghníomhaigh sé nó sí de mheon macánta agus gur chóir an sárú sin a mhaitheamh dó nó di. In imthosca den sórt sin, féadfaidh an Chúirt ansin faoiseamh a dheonú go huile nó go páirteach faoi fhorálacha alt 90 den Acht.

Wt. (B27743). 285. 6/10. Cahill. Gr. 30-15.

STATUTORY INSTRUMENTS.

S.I. No. 315 of 2010

CHARITIES ACT 2009 (COMMENCEMENT) ORDER 2010

(Prn. A10/0936)

S.I. No. 315 of 2010

CHARITIES ACT 2009 (COMMENCEMENT) ORDER 2010

I, PAT CAREY, Minister for Community, Equality and Gaeltacht Affairs, in exercise of the powers conferred on me by section 1(2) of the Charities Act 2009 (No. 6 of 2009) (as adapted by the Community, Rural and Gaeltacht Affairs (Alteration of Name of Department and Title of Minister) Order 2010 (S.I. No. 215 of 2010)), hereby order as follows:

1. This Order may be cited as the Charities Act 2009 (Commencement) Order 2010.

2. The 26 day of June 2010 is appointed as the day on which sections 4 and 90 of the Charities Act 2009 (No. 6 of 2009) shall come into operation.

L.S.

GIVEN under my Official Seal,
26 June 2010.

PAT CAREY,
Minister for Community, Equality and Gaeltacht Affairs.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 2nd July, 2010.

EXPLANATORY NOTE

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

This Order commences sections 4 of the Charities Act 2009 (“the Act”). The purpose of this Order is to allow the Minister to make orders or regulations under the Act — commencement would enable the Minister to make regulations before the new Authority is established, if considered appropriate. Orders and regulations made under the Act shall, except those made under sections 1(2) or section (12), be laid before both Houses of the Oireachtas. An Order or regulation under this Act may be annulled if a resolution annulling such an order or regulation is passed by either House within 21 days.

This Order also commences sections 90 of the Charities Act 2009 (“the Act”). The purpose of this Order is to grant powers in any proceedings to the courts to grant relief to charity trustees from personal liability for breach of trust, where the opinion of the court is that, while the trustee may be liable for the breach, he or she acted in good faith and ought to be excused. In such circumstances, the court may then grant relief in whole or in part under the provisions of section 90 of the Act.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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