



---

*Number 3 of 1996*

---

**COMMISSIONERS OF PUBLIC WORKS (FUNCTIONS AND POWERS) ACT, 1996**

---

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE FUNCTIONS AND POWERS OF THE COMMISSIONERS OF PUBLIC WORKS IN IRELAND AND TO AMEND THE STATE AUTHORITIES (DEVELOPMENT AND MANAGEMENT) ACT, 1993. [6th March, 1996]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.—In this Act—**

Definitions.

“the Act of 1993” means the State Authorities (Development and Management) Act, 1993;

“the Commissioners” means the Commissioners of Public Works in Ireland;

“development” has the meaning assigned to it by the Act of 1993;

“the Minister” means the Minister for Finance;

“State authority” has the meaning assigned to it by the Act of 1993.

**2.—(1) It shall be, and be deemed always to have been, a function of the Commissioners—**

Functions of Commissioners.

(a) to acquire, maintain and dispose of land and interests or rights in or over land, and other property of any kind and interests in such other property, for use by the State, the Commissioners, another State authority or any other person specified by the Minister,

(b) to provide for a State authority or a person specified by the Minister such goods and services as may reasonably be required by the authority or person for the purposes of the functions of the authority or person,

[No. 3.] *Commissioners of Public Works* [1996.]  
(*Functions and Powers*) Act, 1996.

S.2

(c) to make schemes or other arrangements for the provision of assistance, whether in the form of money, living accommodation, land or other property of any kind, to persons who suffer undue hardship or personal injury or loss of or damage to land or other property by reason of flooding,

(d) to carry out schemes or other arrangements made pursuant to *paragraph (c)* and schemes or other arrangements referred to in that paragraph made by any other person.

(2) Where the Commissioners propose to refuse a request by a person for the provision of assistance under *subsection (1) (c)* of this section or compensation under *section 3 (1) (f)* of this Act, the Commissioners shall notify the person in writing of the proposal and the reasons therefor and the notification shall state that the person may make representations to the Commissioners in relation to the proposal not later than 7 days after the receipt of the notification by the person.

(3) Where a person receives a notification under *subsection (2)*, the person may, within 7 days of such receipt, make representations to the Commissioners in relation to the proposal to which it relates.

(4) Where the Commissioners receive representations under *subsection (3)* of this section, they shall thereupon cause them to be referred to the Minister and the Minister shall, within 21 days of such receipt, consider the proposal and the representations and determine whether assistance should be given or, as the case may be, compensation should be paid, to the person concerned, and the Commissioners shall give effect to the determination and notify the person in writing thereof.

(5) The functions specified in *paragraphs (c)* and *(d)* of *subsection (1)* of this section shall be performed subject to the direction of the Minister.

(6) *Subsection (1)* of this section shall not be construed as imposing on the State or the Commissioners or any other State authority a duty or obligation to make or carry out a scheme referred to in that subsection.

Powers of  
Commissioners.

3.—(1) The Commissioners shall have, and be deemed always to have had, power—

(a) to mortgage land or other property of any kind or otherwise charge land or such other property with the payment of money,

(b) to demolish buildings or structures or other works or other property of any kind,

(c) to carry out development, whether on payment or free of charge, as agents for another State authority, a local authority (within the meaning of the Local Government Act, 1941) or a health board or any other person,

(d) to carry out development jointly with another person upon and subject to such terms and conditions as the Commissioners may determine,

[1996.] *Commissioners of Public Works (Functions and Powers) Act, 1996.* [No. 3.]

(e) to procure the performance or exercise by another person on their behalf, upon and subject to such terms and conditions as they may determine, of any of their functions or powers, and S.3

(f) for the purposes of a scheme referred to in *section 2*, to enter, at all reasonable times, by members of their staff or by their agents, with or without vehicles, machinery or other equipment, on land occupied by a person to whom the scheme applies or, with the consent of the occupier (which shall not be unreasonably withheld), on land adjoining such land, subject to the payment to the person affected of compensation of such amount (if any) as the Commissioners consider reasonable in respect of any injury, loss or damage caused by such entry or the carrying out by the members or agents of any operations on the land.

(2) The functions and powers specified in *sections 2* and *4* of this Act and in this section are not in substitution for any other functions or powers standing conferred on the Commissioners immediately before the passing of this Act.

(3) The functions and powers specified in *sections 2* and *4* of this Act and in this section shall be performed or exercised only with the consent (which may be general or particular) of the Minister.

(4) The Commissioners shall have, and be deemed always to have had, all such powers as, in the opinion of the Commissioners, are necessary or expedient for the purposes of the performance or exercise of the functions and powers specified in *sections 2* and *4* of this Act and in this section.

4.—(1) Where, pursuant to a scheme referred to in *section 2* of this Act, living accommodation falls to be provided at any place, the Commissioners may arrange with the housing authority (within the meaning of the Housing Acts, 1966 to 1992) for its provision by the authority acting as agent for the Commissioners upon such terms and conditions as may be agreed upon by the Commissioners and the authority. Provision of living accommodation by housing authorities.

(2) *Subsection (1)* shall not be construed as imposing on a housing authority referred to in that subsection a duty or obligation to provide living accommodation.

5.—The references to land in *section 2 (6)* of the Act of 1993 shall be construed as references to land within the meaning of the Local Government (Planning and Development) Act, 1963. Amendment of Act of 1993.

6.—The expenses incurred by the Minister in the administration of this Act shall be paid out of moneys provided by the Oireachtas and the expenses incurred by a State authority other than the Minister shall, to such extent as may be sanctioned by the Minister, be paid out of moneys provided by the Oireachtas. Expenses.

7.—This Act may be cited as the Commissioners of Public Works (Functions and Powers) Act, 1996. Short title.

[No. 3.] *Commissioners of Public Works* [1996.]  
(*Functions and Powers*) Act, 1996.

ACTS REFERRED TO

Housing Acts, 1966 to 1992

Local Government Act, 1941 1941, No. 23

Local Government (Planning and Development) Act, 1963 1963, No. 28

State Authorities (Development and Management) Act, 1993 1993, No. 1