



STATUTORY INSTRUMENTS.

**S.I. No. 54 of 2008**



LIMERICK CITY BOUNDARY ALTERATION (SUPPLEMENTARY)  
ORDER 2008

**(Prn. A8/0303)**

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The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by sections 3 and 34 of the Local Government Act 1991 (No. 11 of 1991) (as adapted by the Environment and Local Government (Alteration of Name of Department and Title of Minister) Order 2003 (S.I. No. 233 of 2003)) hereby orders as follows:

*Citation*

1. This Order may be cited as the Limerick City Boundary Alteration (Supplementary) Order 2008.

*Interpretation*

2. (1) In this Order—

“boundary alteration” means the alteration of the boundary of Limerick City effected by the Primary Order;

“City Council” means Limerick City Council;

“County Council” means Limerick County Council;

“Primary Order” means the Limerick City Boundary Alteration Order 2008;

“rating authority area” has the meaning given to it by section 3 of the Valuation Act 2001;

“relevant areas” shall be construed in accordance with Article 3 of the Primary Order.

(2) In this Order a reference to the relevant areas shall, where appropriate, include a reference to any portion of such areas.

*Commencement*

3. This Order shall come into operation on 1 March 2008.

*General provisions relating to relevant areas*

4. (1) (a) Any thing done, or treated by virtue of any enactment as having been done, by, to, or in relation to the County Council (including, inter alia, every resolution passed, order made, and notice given or served) before the commencement of this Order, in the exercise or performance of or by the County Council of any of its powers, functions or duties, shall, insofar as it relates to the relevant areas and is

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 7th March, 2008.*

not inconsistent with this Order, be treated as having been done by, to, or in relation to the City Council.

- (b) Without prejudice to the generality of subparagraph (a) of this paragraph, “thing” as therein used shall include all matters encompassed by section 34(6) of the Local Government Act 1991.

(2) Notwithstanding the boundary alteration, the relevant areas will continue to form part of the County Council’s rating authority area until 31 December 2008. Any outstanding rates due in respect of the local financial year 2008, or any previous local financial year, to the County Council and unpaid and relating wholly or in part to the relevant areas shall remain due and payable to the County Council and may be recovered accordingly.

(3) Any outstanding water or waste water charges, billed in respect of any period up to 30 June 2008, and unpaid and relating wholly or in part to the relevant areas shall, notwithstanding the boundary alteration, remain due and payable to the County Council and may be recovered accordingly.

(4) Any other charges, debts or liabilities, other than those referred to in paragraphs 2 and 3 of this Article, due to the County Council on the date this Order comes into operation and unpaid, shall remain due and payable to the County Council and may be recovered accordingly.

(5) The boundary alteration shall not affect the continuance of legal proceedings commenced by or against the County Council before the commencement of this Order in relation to any right, duty, liability or other matter connected with, or related to, the relevant areas.

*Transfers of certain property*

5. (1) Subject to Article 6(1), on the date this Order comes into operation, all property (including any wayleaves and burdens), whether real or personal (including choses-in-action), wholly or partly situated in the relevant areas, which, immediately before the coming into operation of this Order, was vested in or belonged to or was held in trust by the County Council and all rights, powers and privileges relating to or connected with any such property (including any wayleaves and burdens), shall, without any Deeds of Transfer, Conveyance or Assignment, but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust for (as the case may require) the City Council for all the estate, term or interest for which the same immediately before the coming into operation of this Order was vested in or belonged to or was held in trust for the County Council, but subject to all trusts and equities affecting the same and then subsisting and capable of being performed.

(2) All property transferred by paragraph 1 of this Article to the City Council which, immediately before the coming into operation of this Order, was standing in the books of any bank or was registered in the books of any bank, corporation or company in the name of the County Council shall, on request of the City Council made at any time after the coming into operation of this Order, be

transferred in the books by the bank, corporation or company into the name of the City Council.

(3) Every chose-in-action transferred by paragraph 1 of this Article to the City Council may, after the coming into operation of this Order, be sued on, recovered, or enforced by the City Council in its own name and it shall not be necessary for the City Council to give notice to the person bound by the chose-in-action of the transfer effected by that paragraph.

*Adjustments between authorities*

6. The County Council and the City Council may by agreement make any adjustment necessary in consequence of the boundary alteration, including—

(1) the specification of any property, whether real or personal (including choses-in-action), wholly or partly situated in the relevant areas, to which Article 5 shall not apply;

(2) any financial adjustment considered necessary in consequence of Article 4(2) of this Order, or otherwise arising from or related to the boundary alteration;

(3) any loss of revenue, actual or prospective, which is or may be incurred by the City Council or the County Council in consequence of the boundary alteration effected by the Primary Order;

(4) the performance of any particular function by the County Council or the City Council, on behalf of the other local authority.

*Continuation in office of City and County Councillors*

7. Every person holding office on the commencement of this Order as a member of the City Council or of the County Council shall be deemed to hold office for the City Council and County Council as altered by the Primary Order.

*Limitation on certain rates*

8. (1) This Article applies to relevant property in the relevant areas which is, or was liable to be, assessed by the County Council with the county rate for the local financial year 2008.

(2) For the purpose of the assessment and levying of a rate on a relevant property to which this Article applies, the annual rate on valuation determined by the City Council for each of the ten local financial years shall be applied to the value of the relevant property, reduced to the proportion specified in the Table to this Article for the particular year.

(3) In this Article—

“relevant property” and “value” have the meaning given by section 3 of the Valuation Act 2001 (No. 13 of 2001).

“annual rate on valuation” means an annual rate on valuation determined pursuant to section 103(7) of the Local Government Act 2001 (No. 37 of 2001).

## TABLE

Years in which limitation applies	Proportion of Value (expressed in hundredths)
2009	81
2010	83
2011	85
2012	87
2013	89
2014	91
2015	93
2016	95
2017	97
2018	99

*Bye-laws in the relevant areas*

9. (1) Every bye-law, rule and regulation lawfully made and enforceable by the County Council in the relevant areas or any part thereof, and which is in force immediately before the commencement of this Order, shall, on and after the said commencement and so far as it is not inconsistent with this Order, continue in force and have effect in the relevant areas or part thereof, as a bye-law, rule or regulation (as the case may be) made by the City Council on the said commencement in respect of the area or so much of the area as is within the relevant areas for and in respect of which the same was made and accordingly every such bye-law, rule and regulation may be continued, amended, varied or revoked and penalties and forfeitures arising thereunder on or after the said commencement in the added area may be recovered and enforced by the City Council in the like manner and as fully as the same could have been continued, amended, varied, revoked, recovered or enforced by the County Council if this Order had not come into operation.

(2) No bye-law, rule or regulation in force in Limerick City immediately before the commencement of this Order shall apply or be extended to the relevant areas merely by virtue of the inclusion of such area in Limerick City by this Order but the City Council may at any time by resolution extend or apply any such bye-law, rule or regulation to the added area, or to any part thereof, and upon any such extension or application being so made any bye-law, rule or regulation continued in force in such area by paragraph (1) of this Article which is inconsistent with the bye-law, rule or regulation so extended shall cease to have effect in such area.

*Application and adaptation of enactments*

10. Every local Act in force immediately before the commencement of this Order in, or in relation to, Limerick City shall extend to the relevant areas and shall, on and after the said commencement, be construed and have effect with such modifications as may be necessary to give effect to the provisions of this Order.

*Provisions relating to local electoral areas*

11. On the commencement of this Order—

(1) the relevant areas shall cease to form part of the local electoral area of Bruff in County Limerick, and

(2) the relevant areas shall be added to and shall form part of the Limerick No. 1 local electoral area in Limerick City.

*Provisions in regard to polling districts and polling places*

12. (1) Where on the commencement of this Order a polling district is situated partly within and partly without the relevant areas, the City Council shall, with respect to the part of such polling district situated within the relevant areas, and the County Council shall, with respect to the part of such polling district situated without the relevant areas—

- (a) join it or parts of it to any adjoining polling district or districts, or
- (b) constitute it as a polling district and appoint a polling place for it.

(2) Where on the commencement of this Order a polling district is situated wholly within the relevant areas, the City Council shall—

- (a) join it or parts of it to any adjoining polling district or districts, or
- (b) constitute it as a polling district or districts and appoint a polling place for it.

(3) Any arrangement made pursuant to this Article shall have effect until (and only until) the first scheme under section 28 of the Electoral Act 1992 as amended by section 12 of the Electoral (Amendment) Act 2001 in relation to Limerick City or Limerick County, as the case may be, comes into operation after the commencement of this Order.

*Provision in regard to the register of electors*

13. On the commencement of this Order, so much of the register of electors in force for the County Council as relates to the relevant areas shall be deemed to form part of the register of electors in force for the City Council and shall be shown separately in such manner as the Minister shall direct.

*Provision in regard to the development plan and local area plan*

14. That part of the County Development Plan made by the County Council in relation to the relevant areas, and the entirety of the Caherdavin Local Area Plan 2005 to 2011, shall, in so far as they had effect immediately before the commencement of this Order, continue on and from such commencement to have such effect pending the making of a new development plan or local area plan by the City Council, in accordance with the Planning and Development Acts 2000 to 2006, or the making by the City Council of a variation of the current development plan or local area plan as regards the relevant areas.

*Provision in regard to planning applications and development contribution schemes.*

15. (1) Notwithstanding the boundary alteration, in regard to any planning application made or planning permission granted prior to 1 March 2008 and which relates wholly or in part to the relevant areas—

- (a) the County Council shall be deemed to be the Planning Authority,

- (b) the Caherdavin Local Area Plan 2005 to 2011, or its replacement or variation, shall apply,
- (c) the County Council development contribution scheme under section 48 of the Planning and Development Acts 2000 to 2006, as at the date of commencement of this Order, shall apply and the County Council shall be entitled to collect and retain such development contributions and shall further be entitled to take any proceedings necessary for the purpose of recovering same, and
- (d) notwithstanding subparagraph 1(a) of this Article and save for as provided in subparagraph (1)(c) of this Article, the City Council shall be responsible for the enforcement of all planning decisions made after the commencement of this Order.

(2) The City Council's development contribution scheme shall extend to the relevant areas in respect of any application made after the date of commencement of this Order.

*Preparation of official maps, etc.*

16. (1) As soon as may be after the commencement of this Order, the Chief Boundary Surveyor shall prepare four sets of copies of the maps attached to the Primary Order showing the relevant areas and the altered boundaries of Limerick City and Limerick County and shall seal each of the maps and shall deposit one set of the maps in the principal offices of the said Surveyor, another in the offices of the City Council, another in the offices of the County Council and another in the offices of the Minister for the Environment, Heritage and Local Government.

(2) The said maps, once deposited in accordance with paragraph (1) of this Article, shall be retained in the said offices and the maps, or true copies of them, shall be available for public inspection at the offices of the said Surveyor, City Council and County Council during normal office hours and a copy of the maps, or an extract from the maps, shall be made available to any person requesting same, for a charge not exceeding the reasonable cost of supplying such a copy.

(3) It shall be the duty of the said Surveyor and of the City Council and of the County Council respectively, whenever required to do so by any Court of Justice, to prepare and produce to such Court a true copy of the maps or any specified part of the maps deposited under this Article and to verify such copy to such Court by the oath of an officer of the said Surveyor, City Council or County Council (whose official position it shall not be necessary to prove) and upon any such copy being so produced and verified to such Court, such Court shall receive such copy in evidence and thereupon such copy shall be conclusive evidence of the relevant areas and of the altered boundaries of Limerick City and Limerick County.



GIVEN under the Official Seal of the Minister for the Environment,  
Heritage and Local Government,

29 February 2008

JOHN GORMLEY

Minister for the Environment, Heritage and Local Government

EXPLANATORY NOTE

*(This note is not part of the instrument and does not purport to be a legal instrument)*

This Order contains supplementary provisions related to the boundary extension of Limerick City and should be read together with the Limerick City Boundary Alteration Order 2008 (S.I. No. 53 of 2008), which extends the boundary of Limerick City from 1 March 2008.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ón  
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,  
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,  
nó tríd an bpost ó  
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