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*Number 38 of 2007*

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**LOCAL GOVERNMENT (ROADS FUNCTIONS) ACT 2007**

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ARRANGEMENT OF SECTIONS

Section

1. Amendment of Local Government Act 1998.
  2. Amendment of Roads Act 1920.
  3. Amendment of section 44 (provisions in relation to railway order) of Transport (Railway Infrastructure) Act 2001.
  4. Short title and commencement.
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[No. 38.] *Local Government (Roads Functions) [2007.]  
Act 2007.*

ACTS REFERRED TO

Finance Act 1992	1992, No. 9
Finance Act 1993	1993, No. 13
Finance Act 1994	1994, No. 13
Finance Act 2003	2003, No. 3
Local Government Act 1998	1998, No. 16
Local Government Act 2001	2001, No. 37
Ministers and Secretaries Act 1924	1924, No. 16
Motor Vehicle (Duties and Licences) Act 2003	2003, No. 5
Planning and Development (Strategic Infrastructure) Act 2006	2006, No. 27
Roads Act 1920	10 and 11 Geo. 5, c.72
Roads Act 1993	1993, No. 14
Transport (Railway Infrastructure) Act 2001	2001, No. 55



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Number 38 of 2007

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**LOCAL GOVERNMENT (ROADS FUNCTIONS) ACT 2007**

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AN ACT TO PROVIDE FOR AND TO FACILITATE THE TRANSFER OF CERTAIN FUNCTIONS FROM THE MINISTER FOR THE ENVIRONMENT, HERITAGE AND LOCAL GOVERNMENT TO THE MINISTER FOR TRANSPORT IN RESPECT OF ROADS, TO PROVIDE FOR THE PAYMENT OF MONEYS OUT OF THE LOCAL GOVERNMENT FUND TO THE MINISTER FOR TRANSPORT IN RESPECT OF CERTAIN MATTERS AND TO PROVIDE FOR RELATED MATTERS.

[26th November, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Local Government Act 1998 is amended—

Amendment of  
Local Government  
Act 1998.

(a) in section 4, by substituting the following for subsection (6):

“(6) Any moneys received, in each financial year—

(a) by the Minister in connection with the collection of motor vehicle tax, or

(b) by the Minister for Transport in connection with the provision of information from records established and maintained under section 60(2) (inserted by section 86 of the Finance Act 1994 and as amended by section 7 of the Motor Vehicle (Duties and Licences) Act 2003) of the Finance Act 1993,

shall be paid into the Fund by the Minister or the Minister for Transport, as the case may be, other than moneys paid out of the Fund to the Minister concerned or moneys provided to that Minister by the Oireachtas.”,

and

(b) in section 6—

(i) by substituting the following for subsection (2):

“(2) The Minister may as respects an amount of moneys paid by him or her out of the Fund under subsection (1) require the local authority or local

authorities concerned to apply the amount or a part of it in a specified manner in respect of the performance by that local authority or those local authorities of functions in relation to such matters as the Minister may, from time to time, determine in writing. The local authority or local authorities concerned shall comply with such a requirement.

(2A) The Minister may make payments out of the Fund to the Minister for Transport in respect of—

- (a) public roads other than national roads (within the meaning of the Roads Act 1993),
- (b) the carrying out of works under section 81 of the Local Government Act 2001, and
- (c) the expenses incurred by the Minister for Transport in connection with—
  - (i) the establishment and maintenance of records under section 60(2) (inserted by section 86 of the Finance Act 1994 and as amended by section 7 of the Motor Vehicle (Duties and Licences) Act 2003) of the Finance Act 1993,
  - (ii) the administration of motor vehicle tax on behalf of the Minister,
  - (iii) the issuing of driver licences, and
  - (iv) the provision of information from the records to which subparagraph (i) relates.

(2B) The Minister may pay out of the Fund to himself or herself the expenses incurred by the Minister in connection with the administration and collection of motor vehicle tax.”,

and

- (ii) by deleting subsection (5) and deleting “or (5)” in subsection (6).

Amendment of  
Roads Act 1920.

2.—(1) Section 12 of the Roads Act 1920 is amended—

- (a) in subsection (1)—
  - (i) by substituting “Other than as provided for by subsection (1A), the Minister may make regulations” for “The Minister may make regulations”,
  - (ii) by deleting paragraph (d),
  - (iii) by substituting the following for paragraph (e):
    - “(e) providing for the issue of new licences in place of any licences which may have been

lost or destroyed, and (having regard to all the costs involved in so providing) for the fee to be paid on the issue of a new licence; and”,

(b) by inserting the following after subsection (1):

“(1A) For the purposes of registration certificates, the Minister for Transport may make regulations—

(a) requiring any person—

- (i) buying or selling, or otherwise acquiring or disposing of, a vehicle,
- (ii) altering or destroying a vehicle, or
- (iii) permanently removing a vehicle from the State or, having otherwise removed it from the State, who intends not to have it normally kept within the State,

to furnish the prescribed particulars in the prescribed manner,

(b) providing for—

- (i) the issue of a registration certificate in respect of any vehicle,
- (ii) where a registration certificate has been lost or destroyed, the issue of a replacement and (having regard to all the costs involved in so providing) the fee to be paid on the issue of a new registration certificate,
- (iii) the inspection by prescribed persons of any registration certificate so issued,
- (iv) the surrender and production of any registration certificate so issued.”,

(c) by substituting the following for subsection (2):

“(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within 21 days of the day on which that House has sat after the regulation is laid before it, the regulations shall be annulled accordingly, but without prejudice to the validity of anything previously done under them.”,

and

(d) in subsection (3), by deleting “by the Minister”.

(2) Section 17 of the Roads Act 1920 is amended—

(a) by substituting the following for the definition of “the Minister” (as construed by reference to section 1(iv) of,

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and the Third Part of the Schedule to, the Ministers and Secretaries Act 1924):

“The expression ‘the Minister’ means the Minister for the Environment, Heritage and Local Government;”,

and

- (b) by inserting the following after the definition of “prescribed”:

“The expression ‘registration certificate’ means a certificate of registration issued under subsection (5) (inserted by the Finance Act 2003) of section 131 of the Finance Act 1992 and, where the context admits, includes a registration book, a vehicle registration certificate and a vehicle licensing certificate duly issued in respect of a vehicle registered in the State before 28 May 2004;”.

(3) Regulations made in whole or in part under section 12 of the Roads Act 1920 which—

- (a) relate to matters in respect of which regulations could be made by the Minister for Transport under section 12(1A) of that Act (inserted by *subsection (1)(b)*), and
- (b) are in force immediately before or upon coming into operation of the *Local Government (Roads Functions) Act 2007*,

continue in force and may be amended or revoked in respect of those matters by the Minister for Transport.

Amendment of section 44 (provisions in relation to railway order) of Transport (Railway Infrastructure) Act 2001.

**3.**—Section 44 (inserted by section 49(b) of the Planning and Development (Strategic Infrastructure) Act 2006) of the Transport (Railway Infrastructure) Act 2001 is amended in subsection (2)(b) by substituting “consent of the Minister” for “consent of the Minister in the case of a national road or the Minister for the Environment, Heritage and Local Government in the case of any other public road” and the said subsection (2) (other than paragraph (a) and paragraphs (c) to (i)) is set out in the Table to this section.

TABLE

(2) Without prejudice to the generality of subsection (1), a railway order may—

- (b) specify any rights in, under or over land or water or, subject to the consent of the Minister, in, under or over any public road, the acquisition of which is, in the opinion of the Board, necessary for giving effect to the order,

Short title and commencement.

**4.**—(1) This Act may be cited as the *Local Government (Roads Functions) Act 2007*.

(2) This Act comes into operation on such day as the Minister for the Environment, Heritage and Local Government may, by order, appoint.