



STATUTORY INSTRUMENTS

S.I. No. 819 of 2007



WEXFORD BOROUGH BOUNDARY ALTERATION
(SUPPLEMENTARY) ORDER 2007

(Prn. A7/2311)

WEXFORD BOROUGH BOUNDARY ALTERATION
(SUPPLEMENTARY) ORDER 2007

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) hereby orders as follows:

Citation

1. This Order may be cited as the Wexford Borough Boundary Alteration (Supplementary) Order 2007.

Interpretation

2. (1) In this Order—

“boundary alteration” means the alteration of the boundary of Wexford Borough effected by the Primary Order;

“County Council” means Wexford County Council;

“Primary Order” means the Wexford Borough Boundary Alteration Order 2007;

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

“Borough Council” means Wexford Borough Council.

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

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st December, 2007.*

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

(2) Any outstanding rates, charges or other debts or liabilities due to the County Council before the commencement of this Order 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.

(3) 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.

Adjustments between authorities

5. The County Council and the Borough Council may by agreement make any adjustment necessary in consequence of the boundary alteration, including:

- (a) any adjustment in respect of property whether real or personal (including choses-in-action), vested in or belonging to or held in trust for either authority concerned and wholly or partly situate in or relating to the relevant areas, and such adjustment may provide for the transfer of any such property from one authority to the other or for the joint user of such property;
- (b) any financial adjustment considered necessary in consequence of Article 4 (2) of this Order, or otherwise arising from or related to the boundary alteration.

Continuation in office of borough councillors

6. Every person holding office on the commencement of this Order as a member of the Borough Council shall be deemed to hold office for the Borough as altered by the Primary Order.

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7. The alteration of the boundary of Wexford Borough as effected for electoral purposes only by the Local Government (Boundaries) (Town Elections) Regulations 1994, (S.I. No. 114 of 1994) shall cease to have effect on and from the commencement of this Order.

Provisions in regard to polling districts and polling places

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

- (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) 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 the county comes into operation after the commencement of this Order.

Provisions in regard to the register of electors

9. (1) As soon as may be after the commencement of this Order, the County Council shall, if appropriate, adapt the register of electors so as to correspond with any arrangements made pursuant to Article 8 of this Order.

(2) In respect of a polling district or part of a polling district situated within the relevant areas, the County Council shall, as soon as may be after the commencement of this Order, enter the name of the electoral area of Wexford Borough on any relevant title page of the register of electors.

Provision in regard to the development plan

10. That part of the County Development Plan made by the County Council in relation to the relevant areas shall, in so far as it 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 by the Borough Council, in accordance with the Planning and Development Acts 2000 to 2002, or the making by the Borough Council of a variation of the current development plan as regards the relevant areas.

Preparation of official maps, etc.

11. (1) As soon as may be after the commencement of this Order, the Chief Boundary Surveyor shall prepare four copies of the map attached to the Primary Order showing the relevant areas and the altered boundary of Wexford Borough and shall seal each of the maps and shall deposit one of the maps in the principal offices of the said Surveyor, another in the offices of the Borough 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, Borough Council and County Council during normal office hours and a copy of the map, or an extract from it, 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 Borough 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 map or any specified part of the map deposited under this Article and to verify such copy to such Court by the oath of an officer of the said Surveyor, Borough 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 boundary of Wexford Borough.



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

18 December 2007

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 Wexford Borough and should be read together with the Wexford Borough Boundary Alteration Order 2007 (S.I. No. 818 of 2007), which extends the boundary of Wexford Borough from 1 January 2008.

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