



Number 24 of 2002

**MINISTER FOR THE ENVIRONMENT AND LOCAL
GOVERNMENT (PERFORMANCE OF CERTAIN
FUNCTIONS) ACT, 2002**

ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 30 of Planning and Development Act, 2000.
 2. Amendment of section 79 of Environmental Protection Agency Act, 1992.
 3. Amendment of section 60 of Waste Management Act, 1996.
 4. Short title.
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[No. 24.] *Minister for the Environment and* [2002.]
Local Government (Performance of
Certain Functions) Act, 2002.

ACTS REFERRED TO

Environmental Protection Agency Act, 1992	1992, No. 7
Ministers and Secretaries (Amendment) Act, 1939	1939, No. 36
Planning and Development Act, 2000	2000, No. 30
Waste Management Act, 1996	1996, No. 10



Number 24 of 2002

**MINISTER FOR THE ENVIRONMENT AND LOCAL
GOVERNMENT (PERFORMANCE OF CERTAIN
FUNCTIONS) ACT, 2002**

AN ACT TO MAKE PROVISION WITH RESPECT TO THE PERFORMANCE BY THE MINISTER FOR THE ENVIRONMENT AND LOCAL GOVERNMENT OF FUNCTIONS TRANSFERRED (WHETHER BEFORE OR AFTER THE DATE OF ITS PASSING) TO THAT MINISTER OF THE GOVERNMENT FROM THE MINISTER FOR COMMUNITY, RURAL AND GAELTACHT AFFAIRS BY AN ORDER UNDER SECTION 6(1) OF THE MINISTERS AND SECRETARIES (AMENDMENT) ACT, 1939. [3rd July, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The following section is substituted for section 30 of the Planning and Development Act, 2000:

Amendment of section 30 of Planning and Development Act, 2000.

“30.—(1) Notwithstanding section 28 or 29 and subject to subsection (2), the Minister shall not exercise any power or control in relation to any particular case with which a planning authority or the Board is or may be concerned.

(2) Subsection (1) shall not affect the performance by the Minister of functions transferred (whether before or after the passing of the *Minister for the Environment and Local Government (Performance of Certain Functions) Act, 2002*) to him or her from the Minister for Community, Rural and Gaeltacht Affairs by an order under section 6(1) of the Ministers and Secretaries (Amendment) Act, 1939.”.

2.—Section 79 of the Environmental Protection Agency Act, 1992, is amended by substituting for subsection (3) the following:

Amendment of section 79 of Environmental Protection Agency Act, 1992.

“(3) Subject to subsection (3A), nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to the performance in particular circumstances by the Agency of a function assigned to it by or under this Act.

(3A) Subsection (3) shall not affect the performance by the Minister of functions transferred (whether before or after the

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S.2 passing of the *Minister for the Environment and Local Government (Performance of Certain Functions) Act, 2002* to him from the Minister for Community, Rural and Gaeltacht Affairs by an order under section 6(1) of the Ministers and Secretaries (Amendment) Act, 1939.”.

Amendment of section 60 of Waste Management Act, 1996.

3.—Section 60 of the Waste Management Act, 1996, is amended by substituting for subsection (3) the following:

“(3) Save as respects the matters referred to in subsection (1)(a) and subject to subsection (3A), subsection (1) shall not be construed as enabling the Minister to exercise any power or control in relation to the performance in particular circumstances by the Agency or a local authority of a function conferred on it by or under this Act.

(3A) Subsection (3) shall not affect the performance by the Minister of functions transferred (whether before or after the passing of the *Minister for the Environment and Local Government (Performance of Certain Functions) Act, 2002*) to him or her from the Minister for Community, Rural and Gaeltacht Affairs by an order under section 6(1) of the Ministers and Secretaries (Amendment) Act, 1939.”.

Short title.

4.—This Act may be cited as the Minister for the Environment and Local Government (Performance of Certain Functions) Act, 2002.