

S.I. No. 389 of 2006

THE IRISH WATER SAFETY (ESTABLISHMENT) ORDER, 2006

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by Section 3 of the Local Government Services (Corporate Bodies) Act, 1971 (No. 6 of 1971) hereby orders as follows:

1. (1) This Order may be cited as the Irish Water Safety (Establishment) Order, 2006.
- (2) This Order shall come into operation on 26th July, 2006.
2. (1) In this Order, any reference to an article, sub-article or paragraph which is not otherwise identified is a reference to an article of this Order, or to a sub-article or paragraph of the provision in which the reference occurs.
- (2) In this Order—

the 'appointed day' means 26th July, 2006;

'the Chairman' means the Chairman of the Council appointed by the Minister under Article 6;

the 'Council' means the Council appointed under Article 6;

'local authority' means a county council, a city council or a town council;

'the Minister' means the Minister for the Environment, Heritage and Local Government;

3. (1) On the appointed day, and subject to sub-article (2), The Irish Water Safety Association (Establishment) Order, 1999 (No 361 of 1999) is hereby revoked.
 - (2) Notwithstanding sub-article (1), the Irish Water Safety Association shall continue in being to provide the services specified in Article 4 and from the appointed day shall be known as Sabháilteacht Uisce na hEireann or, in the English language, Irish Water Safety, referred to in this Order as “ the Body”.
-
4. (1) The Body shall provide the following services—
 - (a) the promotion of public awareness of water safety,
 - (b) the promotion of measures, including the advancement of education, related to the prevention of accidents in water,
 - (c) the provision of instruction in water safety, rescue, swimming, resuscitation and recovery drills,
 - (d) the promotion of efficiency and standardisation of the lifeguard service,
 - (e) the establishment of national standards for lifeguards, lifesaving and water safety, and
 - (f) such other services relating to water safety as the Minister may from time to time require, direct or determine.

(2) In matters relating to the services it provides under sub-article (1) the Body may—

- (a) organise conferences, training courses, award ceremonies and competitions,
- (b) provide advisory services and arrange publicity and educational programmes,
- (c) publish or otherwise make available information, material, film or other matter,
- (d) receive subscriptions, source sponsorships or make charges,
- (e) promote or assist in the development of appropriate safety codes, systems and equipment,
- (f) conduct examinations and issue certificates and awards,
- (g) conduct safety surveys and risk assessments,
- (h) promote measures for the recovery of bodies of victims of drowning accidents,
- (i) co-operate with other bodies, including local authorities and international bodies, and
- (j) promote Blue Flag safety standards and other aquatic environmental initiatives.

5. (1) The Minister may, from time to time, give to the Body such general directives in relation to all or any of the services which the Body may provide as he considers appropriate.

(2) In providing its services, the Body shall comply with directives given by the Minister.

6. (1) The Council shall exercise the powers of the Body, organise the Body and control and manage the affairs of the Body.
 - (2) The Minister shall appoint a Chairman of the Council who shall be a member of the Council and who shall hold office as such Chairman for so long as he remains a member of the Council, or until the Minister appoints another Chairman, or until he resigns as Chairman by letter addressed to the Minister.
 - (3) (a) The quorum of the Council shall be five.
 - (b) The proceedings of the Council shall not be invalidated by any vacancy or vacancies among its members.
 - (c) Subject to the provisions of paragraphs (a) and (b) the Council may regulate its own procedures.
 - (4) The Council shall consist of not more than thirteen members appointed by the Minister of whom five shall be representatives of local water safety interests.
 - (5) The term of office of a member of the Council shall not exceed five years and each member shall hold office for the period for which he is appointed unless he sooner dies, resigns by letter addressed to the Minister, or is notified in writing by the Minister that his membership of the Council has been terminated by the Minister.
7. (1) The Body shall provide itself with a seal.
 - (2) The seal of the Body shall be authenticated by the signature of the Chairman (or some member of the Council duly authorised by the Council to act in that behalf) and by the signature of another person authorised by the Council to act in that behalf.

- 8.** (1) The Council shall cause to be kept proper accounts of all income and expenditure of the Body in each year and of the sources of such income and the subject matter of such expenditure and of the property, credits and liabilities of the Body.

(2) An abstract of accounts of the Body in a form approved by the Minister, with the consent of the Minister for Finance, for each year shall, as soon as may be after the end of such year, be prepared and shall be audited by and be subject to a report by an auditor appointed for the purpose by the Council with the consent of the Minister.

(3) A copy of the abstract of accounts and the auditor's certificate and report thereon shall be presented to the Minister as soon as the auditor's certificate and report have been completed.

(4) The Body shall, when requested by the Minister or by an officer of the Minister authorised for that purpose, supply such information as the Minister or such officer may require and shall permit the Minister or such officer to examine the books and accounts of the Body in respect of any year or other period and the Body shall facilitate any such examination.
- 9.** The Body shall, in the first six months of each year, make a report to the Minister of its activities during the preceding year.
- 10.** (1) The Body shall furnish to the Minister such information regarding the performance of its functions as the Minister may from time to time require.

(2) The Body shall, in accordance with any direction, which may from time to time be given by the Minister, submit in each year a programme of activities for the following year and an estimate of the expenditure to be incurred on such activities.

- 11.** (1) The Council may appoint, or arrange for the appointment of, committees and commissions, including committees for particular areas (to be known as area committees) to perform, or to assist in the performance of, such functions of the Body as the Council may determine.

(2) The Council may, in respect of committees and commissions prescribe rules for their organisation, procedures, membership, election of officers and associated matters.

(3) The Minister may give directions to the Body in relation to committees and commissions appointed under sub-article (1), and such directions may relate to the functions, membership and procedures of the committees and commissions and to such other matters as the Minister may consider appropriate, including the delegation of functions.

(4) A member of a committee or commission appointed under sub-article (1) may be removed from such membership by the Council.

(5) The Council may at any time dissolve a committee or commission appointed under sub-article (1).

(6) The Council may remove, either temporarily or permanently, membership of the Body for conduct in breach of codes of conduct relevant to the good management of the Body
- 12.** The Body shall maintain a record of its membership and of all awards and certificates issued by it.
- 13.** (1) The Body may do all such things as may be necessary to provide for the effective carrying out of its services.

(2) In particular, the Body may:

- (a) with the consent of the Minister, given with the consent of the Minister for Finance, borrow money;
- (b) with the consent of the Minister, enter into commercial activities;
- (c) with the consent of the Minister, purchase or lease any land or premises and with the like consent sell, let or otherwise dispose of any land or premises vested in it;
- (d) accept gifts of money, land and other property upon such trusts and conditions, if any, consistent with the provision of its services, as may be specified by the donor;
- (e) make arrangements with the Minister or, with his consent, with a person or body, for the use by the Body of premises and equipment belonging to the Minister or that person or body and for the use of the services of officers and servants of the Minister or that person or body;
- (f) provide such assistance either by way of grants, prizes or other form of sponsorship as the Council may from time to time determine in respect of activities undertaken with its approval by any person.

- 14.** (1) There shall be appointed a Chief Executive to carry on and manage and control generally the administration and business of the Body and to carry out such other functions as may be from time to time assigned to him by the Council.
- (2) The Chief Executive shall be entitled to attend and speak at any meeting of the Council or of any committee or commission established under Article 11.

- (3) The manner and terms of appointment of the Chief Executive shall be such as are determined by the Minister with the consent of the Minister for Finance.
 - (4) The Chief Executive shall be appointed by the Council with the consent of the Minister.
 - (5) The Council may, with the consent of the Minister, at any time for stated reasons terminate the employment of the Chief Executive.
- 15.**
 - (1) The Body may employ such and so many persons as the Council may, from time to time, think proper and in employing any such persons the Body shall comply with any directions given by the Minister with the consent of the Minister for Finance relating to the procedure to be followed.
 - (2) The number and classes of such persons who may be employed by the Body shall be as determined by the Minister with the consent of the Minister for Finance.
 - (3) Subject to the sanction or direction of the Minister, given with the consent of the Minister for Finance, the Body shall determine the remuneration and conditions of service of persons employed by the Body and may, from time to time, alter the remuneration or conditions of service of any such persons.
- 16.** Schemes and regulations made under the Local Government (Superannuation) Act, 1980 (No. 8 of 1980) shall apply to the Body as if it were a local authority.
- 17.**
 - (1) The Chairman of the Council may be paid out of funds at the disposal of the Body such remuneration as may from time to time be fixed by the Minister with the consent of the Minister for Finance.

- (2) Travelling and subsistence allowances may be paid out of funds at the disposal of the Body to such persons or classes of persons and in accordance with such scales and in such circumstances as may from time to time be approved by the Minister for Finance.

GIVEN under the Official Seal of the Minister for the Environment, Heritage and Local Government this 21st day of July, 2006.

L.S. DICK ROCHE

Minister for the Environment, Heritage and Local Government.

The Minister for Finance hereby agrees to the foregoing Order.

GIVEN under the Official Seal of the Minister for Finance this 24th day of July, 2006.

L.S. BRIAN COWEN

Minister for Finance.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This Order re-establishes the Irish Water Safety Association as a Corporate body under its new title “ Irish Water Safety”; expands the services to be provided by the Body; and incorporates other minor miscellaneous amendments.

STATUTORY INSTRUMENTS

S.I. No. 389 of 2006

THE IRISH WATER SAFETY (ESTABLISHMENT) ORDER, 2006

PUBLISHED BY THE STATIONARY OFFICE DUBLIN
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE,
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
Or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
51 ST. STEPHEN'S GREEN, DUBLIN 2,
(Tel: 01-6476834/53/36/37; Fax 01-6476843)
or through any bookseller.

PRN. A6/1238

Price: €2.54