



# IRIS OIFISIÚIL

**Published by Authority**  
**Tuesday, 4th MAY, 2004**

S.I. No. 63 of 2004.

**RULES OF THE SUPERIOR COURTS (ORDER 27  
 (AMENDMENT) RULES), 2004.**

The Superior Court Rules Committee, with the concurrence of the Minister for Justice, Equality and Law Reform, has made Rules, entitled as above which amend the Rules of the Superior Courts Rules, 1986 (S.I. No. 15 of 1986) by substitution of a new Rule 1 in place of the existing Rule. These Rules set out the time limits and procedures to be followed for Statements of Claim, Delivery of Defence etc.

Copies of these Rules which came into effect on 12th January, 2004, may 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, Price €3.56.

DEPARTMENT OF JUSTICE, EQUALITY AND LAW  
 REFORM

March 2004.

[3]

DEPARTMENT OF HEALTH AND CHILDREN

The Minister for Health and Children has made the following  
 Statutory Instrument.

S.I. No. 179 of 2004.

**NATIONAL TREATMENT PURCHASE FUND BOARD  
 (ESTABLISHMENT) ORDER 2004.**

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

The effect of this Order is to establish under the Health (Corporate Bodies) Act 1961 as amended by section 22 of the Health (Amendment) (No. 3) Act 1996 a body known as the National Treatment Purchase Fund Board, which will, *inter alia*, make arrangements for the provision of hospital treatment for such classes of persons as may be determined by the Minister for Health and Children and to collect, collate and validate information in relation to persons waiting for hospital treatment.

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May, 2004.

[4]

## EXCHEQUER STATEMENT

## STATEMENT OF EXCHEQUER SURPLUS/(DEFICIT) IN THE PERIOD ENDED 30 APRIL 2004.

		1 January 2003 to 30 April 2003	1 January 2004 to 30 April 2004
<b>Receipts and Expenditure</b>		€000	€000
<b>Receipts</b>			
Tax Revenue	<i>Note 1</i>	8,462,038	9,875,773
Non-Tax Revenue	<i>Note 2</i>	104,295	104,802
Sinking Fund (Capital)*		342,000	145,777
Other Capital Receipts	<i>Note 3</i>	308,976	216,820
Total		9,217,309	10,343,172
<b>Expenditure</b>			
Voted (Departmental Expenditure Voted Annually by the Dáil)**	<i>Note 4</i>	9,162,270	9,703,265
Non-Voted (Non-discretionary Expenditure charged directly on the Central Fund)			
<i>Sinking Fund*</i>	<i>Note 5</i>	342,000	145,777
<i>Other Non-Voted Current Expenditure</i>	<i>Note 5</i>	1,140,195	1,535,986
Non-Voted Capital Expenditure	<i>Note 6</i>	309,333	295,789
Total		10,953,798	11,680,817
<b>Exchequer Surplus/(Deficit)</b>		<b>(1,736,489)</b>	<b>(1,337,645)</b>
<b><u>Source and Application of Funds</u></b>			
Total (Borrowing)/Repayment	<i>Note 7</i>	(1,533,802)	(1,207,871)
Total Increase/(Decrease) in Exchequer Deposits and Other Balances	<i>Note 8</i>	(202,687)	(129,774)
<b>Exchequer Surplus/(Deficit)</b>		<b>(1,736,489)</b>	<b>(1,337,645)</b>

\*The Sinking Fund provision is a transfer from the current account to the capital account to reduce national debt.

\*\*Of which issues for capital spending to end April are: 2003 — €1,035,398 and 2004 — €960,535.

RECEIPTS	1 Jan 2003 to 30 April 2003	1 Jan 2004 to 30 April 2004
	€000	€000
<b>Note 1: Tax Revenue</b>		
Customs ... ..	47,000	52,750
Excise ... ..	1,364,444	1,528,029
Capital Gains Tax ... ..	105,426	435,699
Capital Acquisitions Tax ... ..	55,419	53,171
Stamps ... ..	494,532	564,017
Income Tax ... ..	2,541,885	3,035,490
Corporation Tax ... ..	501,888	649,488
Value-Added-Tax ... ..	3,267,135	3,479,464
Unallocated Tax Receipts ... ..	84,309	77,665
<b>Total</b>	<b>8,462,038</b>	<b>9,875,773</b>
<b>Note 2: Non-Tax Revenue</b>		
Central Bank — Surplus Income... ..	38,090	38,090
National Lottery Surplus ... ..	30,000	30,000
<i>Interest on Loans</i>		
Other Advances ... ..	2,287	1,753
<i>Other Receipts</i>		
Passport and Consular Fees ... ..	5,932	5,535
Other Receipts collected by Departments etc. ... ..	26,576	28,263
Miscellaneous ... ..	1,410	1,161
<b>Total</b>	<b>104,295</b>	<b>104,802</b>
<b>Note 3: Capital Receipts</b>		
<i>EU Receipts</i>		
Cohesion Fund Receipts ... ..	13,821	0
European Regional Development Fund	834	8,358
Other EU Receipts ... ..	30	16
<i>Loan Repayments</i>		
FEOGA (Guarantee) ... ..	286,742	207,570
Other Loans Repaid ... ..	153	206
<i>Other Capital Receipts</i>		
Sale of State Property ... ..	402	79
Refund of IDA Grants ... ..	0	532
Refund of Shannon Development Grants	6,626	0
Miscellaneous Capital Receipts ... ..	368	59
<b>Total ... ..</b>	<b>308,976</b>	<b>216,820</b>

ISSUES	1 Jan 2003 to 30 April 2003	1 Jan 2004 to 30 April 2004
	€000	€000
<b>Note 4: Voted Departmental Expenditure</b>		
Taoiseach's (incl Legal Votes) ... ..	42,442	37,677
Finance (group) ... ..	285,162	253,843
Justice (group) ... ..	509,999	565,919
Environment, Heritage & Local Government... ..	566,312	322,448
Education & Science ... ..	1,775,805	2,029,307
Communications, Marine and Natural Resources ... ..	83,245	83,745
Agriculture & Food ... ..	251,881	206,141
Transport ... ..	378,263	423,987
Health & Children ... ..	2,546,528	2,831,811
Enterprise, Trade & Employment	304,413	329,822
Arts, Sport & Tourism ... ..	125,913	122,689
Defence ... ..	250,733	223,947
Foreign Affairs ... ..	169,274	196,539
Social Family Affairs ... ..	1,805,489	2,002,739
Community, Rural & Gaeltacht Affairs	66,811	72,651
<b>Total ... ..</b>	<b>9,162,270</b>	<b>9,703,265</b>

ISSUES — <i>contd.</i>	1 Jan 2003 to 30 April 2003	1 Jan 2004 to 30 April 2004
	€000	€000
<b>Note 5: Non-Voted Current Expenditure</b>		
<i>Service of National Debt</i>		
Interest ... ..	699,997	1,048,137
Sinking Fund Contributions ... ..	342,000	145,777
Other Debt Management Expenses	10,752	13,246
<i>Other Non-Voted Expenditure</i>		
Contribution to EU Budget ... ..	404,201	417,034
Finance Act 2003 (Section 166) ... ..	0	120
Election Expenses* ... ..	7,972	18,956
Payments to Political Parties under the Electoral Acts* ... ..	2,362	2,391
Salaries, Pensions and Allowances*	10,253	10,374
Oireachtas Commission** ... ..	0	22,358
Miscellaneous ... ..	4,658	3,370
<b>Total</b>	<b>1,482,195</b>	<b>1,681,763</b>
<b>Note 6: Non-Voted Capital Expenditure</b>		
<i>Share Capital Acquired in State Sponsored Bodies</i>		
SFADCo Ltd ... ..	39	0
<i>Investments in International Bodies</i>		
European Bank for Reconstruction and Development Act, 1991 ... ..	338	338
International Common Fund for Commodities Act 1982 S 3(2) ... ..	0	205
<i>European Communities Acts, 1972 to 1998</i>		
FEOGA (Guarantee) ... ..	20,107	0
<i>Other Capital Payments</i>		
National Pensions Reserve Fund... ..	275,750	294,250
Other Payments under Statute ... ..	13,099	996
<b>Total ... ..</b>	<b>309,333</b>	<b>295,789</b>

SOURCE AND APPLICATION OF FUNDS	€000	€000
<b>Note 7: (Borrowing)/Repayments</b>		
Irish Government Bonds listed on the Irish Stock Exchange ... ..	(1,868,667)	(2,104,688)
Other Irish Government Public Bond Issues ... ..	625,400	65,924
EIB Loans ... ..	64,575	614
Medium Term Notes ... ..	192,848	0
Private Placements ... ..	563,560	23,004
National Saving Schemes ... ..	(52,004)	(130,205)
Commercial Paper ... ..	(1,566,011)	709,580
Miscellaneous Debt ... ..	358,361	124,070
(Borrowing from)/Repayment to Ministerial Funds ... ..	148,136	103,830
<b>Total (Borrowing)/Repayment ... ..</b>	<b>(1,533,802)</b>	<b>(1,207,871)</b>
<b>Note 8: Increase/(Decrease) in Exchequer Deposits and Other Balances</b>		
Increase/(Decrease) in Exchequer Balance	(420,562)	(245,886)
Increase/(Decrease) in Other Bank Deposits ... ..	200,000	55,000
Increase/(Decrease) in Other Balances	17,875	61,112
<b>Total ... ..</b>	<b>(202,687)</b>	<b>(129,774)</b>

\* With effect from November 2003 payments under the Electoral Acts will no longer be recorded under 'Salaries, Pensions and Allowances', but reported as follows:

— Reimbursements of election expenses will be included under the heading 'Election Expenses'

— The quarterly payments to qualified political parties towards research, policy formulation and general administration will have a separate entry called 'Payments to Political Parties under the Electoral Acts'

\*\* The Houses of the Oireachtas and European Parliament was funded from a dedicated vote (No. 2) up to and including 2003. In accordance with the Houses of the Oireachtas Commission Act 2003, these expenses will be paid directly from the Central Fund from 1 January 2004.

## DEPARTMENT OF AGRICULTURE AND FOOD

## LAND PURCHASE ACTS

DISPOSAL OF TRUST PROPERTY IN THE TOWNLAND  
OF GRANGE MORE, RAHARNEY, CO. WESTMEATH

The Minister for Agriculture and Food, by virtue of the powers conferred on him by section 30 of the Land Act, 1950 has consented to the disposal of the above lands by means of their transfer to Westmeath County Council. As a result of this transfer the trust has ceased to be operative.

Any person claiming to have suffered loss within the meaning of Section 30 of the Land Act 1950 as a result of the disposal may apply, within six months of the date of publication of this Notice, to the Department of Agriculture and Food for compensation in respect of such loss.

Applications for compensation, pursuant to this Notice may be made to the Department of Agriculture and Food, Farnham Street, Cavan.

[1]

AN CHÚIRT CHUARDA

Ag gníomhú di ar chomhairle an Rialtais, tá an tUachtarán tar éis

Alice Teresa Doyle

a cheapadh mar Bhreitheamh den Chúirt Chuarda.

D. MacCÁRTHAIGH  
Ard-Rúnaí an RialtaisBAILE ÁTHA CLIATH,  
An 28ú lá seo d'Aibreán, 2004.

[2]

DEPARTMENT OF AGRICULTURE AND FOOD — LAND ACT, 1931, (PART III)  
SECTION 28

## VESTING ORDER

Tuesday the Twentieth day of April Two Thousand and Four

Estate of the MINISTER FOR AGRICULTURE AND FOOD  
(formerly the Estates the Titles of which are set forth in the First Row of the Third Schedule hereto)

County of Clare

IT IS ORDERED by the Minister for Agriculture and Food pursuant to the powers conferred by the Land Purchase Acts that the lands and hereditaments comprised in the several holdings described in Row 4 of the Third Schedule hereto and respectively in the occupation of the several tenants named above the same holdings in Row 3 of the said Schedule together with the easements, rights and appurtenances specified in the First Schedule hereto DO VEST and the same are hereby vested in the said several tenants in fee-simple excepting and reserving thereout such mines and mineral rights and such easements and other rights as are specified in the Second Schedule hereto, subject to and charged with repayment to the said Minister of the respective advances specified in Row 6 of the Third Schedule hereto below the names of the said several tenants with interest thereon by means of the respective annuities specified in Row 7 of the said Schedule below the said advances as by the Land Purchase Acts is provided and further subject, in the case of the lands included in a list of holdings on untenanted land as indicated in Row 5 of the said Schedule to the annual and the additional sums payable under Section 27 of the Land Act, 1931 and subject to such other burdens and rights and charges as may lawfully affect the same respectively.

## FIRST SCHEDULE REFERRED TO IN THE FOREGOING ORDER

## Dominant Rights

The easements, rights and appurtenances mentioned in Section 34(1) of the Land Law (Ireland) Act, 1896, and in addition to or included therein the following easements, rights and appurtenances, that is to say:—

1. The right of way shown coloured brown on the Map for the tenant on foot and with or without horses or other animals and with or without carts or other vehicles as an appurtenance to the holding of the tenant and for every purpose or as limited in the Third Schedule, over the holding specified below the tenant in Row 8 of the said Schedule.

Such other rights (if any) as are specified below the several holdings in Row 8 of the Third Schedule.

## SECOND SCHEDULE REFERRED TO IN THE FOREGOING ORDER

## Exceptions, Reservations and Servient Rights

The easements and rights mentioned in Section 34(1) of the Land Law (Ireland) Act, 1896, and in addition to or included therein the following exceptions, reservations, easements and rights, that is to say:—

1. The exclusive right of mining and taking minerals, within the meaning of the Irish Land Act, 1903, and of digging and searching for the same, in so far as the same are not otherwise excepted and reserved in this Order reserved to and vested in the State.
2. The Sporting Rights over Folio 12810F County Clare are reserved to the owner or owners thereof.
3. The right-of-way coloured brown on the Map for the Minister for Agriculture and Food his successors, licensees and assigns on foot and with or without horses or other animals and with or without carts or other vehicles and for every purpose of as limited in the Third Schedule, over the holdings where specified in Row 9 of the said Schedule.
- 4a. The Fishing Rights and Fisheries, if any, other than the Shannon Fisheries reserved to the Central Fisheries Board.
- 4a The Shannon Fisheries within the meaning of the Shannon Fisheries Acts, 1935 and 1938 not affected by this Order.

Such other rights (if any) as are specified below the several holdings in Row 9 of the Third Schedule.

## THIRD SCHEDULE REFERRED TO IN THE FOREGOING ORDER

1	Estate Title and Record No.	Barry EEC/UC 6799 County Clare	
2	(a) Collection No.	7/5/99024	
	(b) Register No.	1	
3	Name, Address and Occupation of Tenant	O'Rourke Peter Ballyea North Ennistymon County Clare Farmer	
4	H O L D I N G	(a) Barony	Inchiquin
		(b) Townland	Ballyea North
		(c) Reference No. on map	1 and 2
		(d) Area in Hectares	Unregistered
		Registered	10.322 Folio 12810F (Part of) County Clare
5	Date of commencement of payments under section 27 for holdings published in lists under section 23 or section 24	1st November 1985	
6	Advance made for the purchase of the holding	€13332.25	
7	Annuity payable in respect of the advance at Row 6	€1158.62	
Easements, rights and appurtenances (included in or in addition to those provided for by section 34(1) of the Land Law (Ireland) Act, 1896) as described in the first and second schedules to this order	8	Dominant rights over and upon the lands described across	There is granted with the parcel the Right of Way lettered E-D-C in the townland of Ballyea North as registered on Folio No. 119 County Clare so far as the said Right is necessary for the use and enjoyment of the holding.
	9	Servient rights to which the holding is subject	The parcel is subject to the Right of Way lettered F-G in the townland of Ballyea North for the use of the Minister for Agriculture and Food, his successors licensees and assigns, so far as the said Right affects the holding. The parcel is subject to the Right of Way shown coloured brown, to the wells marked W on the map for the use of the Minister for Agriculture and Food, his successors licensees and assigns, so far as the said Right affects the holding.

Seamus O'Brien A.P.O.  
An Authorised Officer of the Minister for Agriculture and Food.

IN THE MATTER OF  
THE COMPANIES ACT 1963-2001  
AND IN THE MATTER OF

G & L HEATING & PLUMBING SERVICES LTD.

Notice is hereby given pursuant to Section 252 of the Companies Act 1963 that an Extraordinary General Meeting of the above named Company duly convened and held on 28th April, 2004, the following Ordinary Resolution was duly passed

“That the Company cannot, by reason of its liabilities, continue in business and that it be wound up voluntarily as a Creditors’ Voluntary Winding-Up”.

Note: At a Creditors’ Meeting held following the above mentioned Meeting no Liquidator was appointed.

Signed DOMINIC GREER,  
Director.

Dated: 29th April, 2004.

[6]

IN THE MATTER OF

TARA M.S.L. (SUB-HOLDINGS) LIMITED  
(In Voluntary Liquidation)

AND IN THE MATTER OF

THE COMPANIES ACTS 1963-2001

At an Extraordinary General Meeting of the Members of the above Company duly convened and held at 32 Upper Mount Street, Dublin 2 on 29 April, 2004, the following Resolution was passed:

1. “That the Company be wound up by way of Members’ Voluntary Liquidation and that Michael McAteer of Foster McAteer, 32 Upper Mount St, Dublin 2 be and is hereby appointed Liquidator for the purpose of such winding up.
2. That the Liquidator be authorised to distribute all or part of the surplus assets of the Company in specie or otherwise to the Members as he may think fit.”

Signed: MICHAEL McATEER.

Date: 29 April, 2004

[7]

IN THE MATTER OF

TARA M.S.L. LIMITED  
(In Voluntary Liquidation)

AND IN THE MATTER OF

THE COMPANIES ACTS 1963-2001

At an Extraordinary General Meeting of the Members of the above Company duly convened and held at 32 Upper Mount Street, Dublin 2 on 29 April, 2004, the following Resolution was passed:

1. “That the Company be wound up by way of Members’ Voluntary Liquidation and that Michael McAteer of Foster McAteer, 32 Upper Mount St, Dublin 2 be and is hereby appointed Liquidator for the purpose of such winding up.
2. That the Liquidator be authorised to distribute all or part of the surplus assets of the Company in specie or otherwise to the Members as he may think fit.”

Signed: MICHAEL McATEER.

Date: 29 April, 2004

[8]

IN THE MATTER OF

TARA M.S.L. (HOLDINGS) LIMITED  
(In Voluntary Liquidation)

AND IN THE MATTER OF

THE COMPANIES ACTS 1963-2001

At an Extraordinary General Meeting of the Members of the above Company duly convened and held at 32 Upper Mount Street, Dublin 2 on 29 April, 2004, the following Resolution was passed:

1. “That the Company be wound up by way of Members’ Voluntary Liquidation and that Michael McAteer of Foster McAteer, 32 Upper Mount St, Dublin 2 be and is hereby appointed Liquidator for the purpose of such winding up.
2. That the Liquidator be authorised to distribute all or part of the surplus assets of the Company in specie or otherwise to the Members as he may think fit.”

Signed: MICHAEL McATEER.

Date: 29 April 2004

[9]

IN THE MATTER OF  
THE COMPANIES ACTS 1963-2001  
AND IN THE MATTER OF  
TRISTAR CATERING LIMITED

At a Meeting of the Creditors of the said Company, duly convened and held at Strand Hotel, Bray, Co Wicklow on 16th April, 2004, the following Ordinary Resolution was duly passed:

“That it has been proved to the satisfaction of this Meeting that the Company can not by reasons of its liabilities continue in business and that it is advisable to wind up same and accordingly that the Company be wound up voluntarily and that Neil Hughes of Hughes and Associates be, and is hereby appointed Liquidator for the purposes of such winding up.”

Dated this 16th day of April, 2004.

NEIL HUGHES,  
Liquidator,  
Hughes & Associates,  
35, Upper Fitzwilliam Street,  
Dublin 2.

[10]

IN THE MATTER OF  
THE COMPANIES ACTS 1963-2001  
AND IN THE MATTER OF  
FAIRCHILD FINANCE COMPANY  
(In Voluntary Liquidation)

Notice is hereby given pursuant to Section 252 of the Companies Act 1963 that at an Extraordinary General Meeting of the Member of the above-named Company, duly convened and held at 1750 Tysons Boulevard, Suite 1400, McLean, Virginia 22102, USA on 12 April, 2004, the following Resolutions were duly passed:

“That the Company be wound up voluntarily.”

“That Billy O’Riordan of PricewaterhouseCoopers be and is hereby appointed Liquidator for the purpose of winding up the Company.”

“That the Liquidator be and is hereby authorised to divide among the Members in specie or kind the whole or any part of the assets of the Company (whether they shall consist of property of the same kind or not) and for such purpose to set such value as he deems fair upon any property as aforesaid and to determine how such division should be carried out as between the Members.”

MICHAEL McDONALD,  
Chairman.

Dated: 12 April, 2004.

[11]

FINAL MEETING  
IN THE MATTER OF  
AK PLANT HIRE LTD.  
(Members Voluntary Liquidation)  
ZELIV LTD.  
(Members Voluntary Liquidation)  
CRIVAS TRADING LTD.  
(Members Voluntary Liquidation)  
SINLAN LTD.  
(Members Voluntary Liquidation)  
SHIRRAS LTD.  
(Members Voluntary Liquidation)  
VINCAM LTD.  
(Members Voluntary Liquidation)  
ORMBURY LTD.  
(Members Voluntary Liquidation)  
AND IN THE MATTER OF  
THE COMPANIES ACTS 1963-2001

Notice is hereby given pursuant to section 273(2) of the Companies Act 1963 that a General Meeting of the above mentioned Company’s Members will be held at 4 Clarinda Park North, Dun Laoghaire, Co. Dublin on the 27 May, 2004, at 10.30 a.m. for the purpose of having an account laid before it showing the manner which the Company has been disposed and hearing any explanation which may be given by the Liquidator and further, pursuant to section 305 of the Companies Act 1963 for the purpose of directing the manner in which the books, accounts and papers of the Company and the Liquidator shall be disposed of.

SOPHIE DILLON,  
Liquidator.

[12]

IN THE MATTER OF  
THE COMPANIES ACTS, 1963-2001  
AND EXACTECH LIMITED

At an Extraordinary General Meeting of the Members of the said Company, duly convened and held at The Spa Hotel, Lucan, Co. Dublin on the 29th day of April, 2004, the following Ordinary Resolutions were duly passed:

“That it has been shown to the satisfaction of this meeting that the Company cannot by reason of its liabilities continue its business and that the Company be wound up voluntarily”.

“That Gerard Reynolds of 53 Iona Crescent, Drumcondra, Dublin 9, be and he is hereby appointed Liquidator of the Company for the purposes of such winding up”.

[13]

IN THE MATTER OF THE  
COMPANIES ACTS 1963-2001  
AND IN THE MATTER OF  
EXACTECH LIMITED  
(In Voluntary Liquidation)

Notice is hereby given that the Creditors of the above-named Company which is being voluntarily wound up are required on or before the 31st day of May, 2004, being the only date for that purpose fixed by the undersigned Gerard Reynolds F.C.A., of Gerard P. Reynolds & Associates, Chartered Accountants and Registered Auditors, 53 Iona Crescent, Drumcondra, Dublin 9, the Liquidator of the said Company to send their names and addresses and the particulars of their debts or claims and the names and addresses of their Solicitor, if any, to the undersigned and if so required by notice in writing from the said Liquidator, are by their Solicitor or personally, to come in and prove their said debts or claims at such time and place as shall be specified in such notice, or in default thereof, they will be excluded from the benefit of any distribution made before such debts are proved.

DATE: 30th April, 2004.

GERARD P. REYNOLDS F.C.A.,  
Liquidator.

[14]

RE: EAMONN ROCHE LTD.

That "Eamonn Roche Ltd. be wound up as a Members' Voluntary Winding-Up. Turlough J. Coffey FCCA of T.J. Coffey & Co., Weston, Spawell Road, Wexford, is appointed Liquidator.

NOTE: All admitted Creditors have been or will be paid in full."

[15]



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ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA  
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