



Number 33 of 2026

Housing and Residential Tenancies (Miscellaneous Provisions) Act 2026



Number 33 of 2026

**HOUSING AND RESIDENTIAL TENANCIES (MISCELLANEOUS PROVISIONS)
ACT 2026**

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation, construction and commencement
2. Definition
3. Repeal of provisions of Residential Tenancies Act 2004

PART 2

AMENDMENTS TO HOUSING ACT 1988

4. Interpretation (Part 2)
5. Amendment of section 1 of Act of 1988
6. Amendment of section 10 of Act of 1988
7. Insertion of new sections 10A and 10B in Act of 1988

PART 3

AMENDMENTS TO HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009

8. Interpretation (Part 3)
9. Amendment of section 2 of Act of 2009
10. Interpretation (Chapter 3)
11. Amendment of section 20 of Act of 2009
12. Residency requirements and social housing appeal
13. Amendment of section 38 of Act of 2009
14. Transitional provisions

PART 4

AMENDMENTS TO HOUSING (MISCELLANEOUS PROVISIONS) ACT 2014

15. Amendment of section 55 of Housing (Miscellaneous Provisions) Act 2014

PART 5

AMENDMENTS TO RESIDENTIAL TENANCIES ACT 2004

16. Definition
17. Amendment of section 3 of Act of 2004
18. Amendment of section 4 of Act of 2004
19. Amendment of section 6 of Act of 2004
20. Amendment of section 9 of Act of 2004
21. Amendment of section 12 of Act of 2004
22. Amendment of section 19 of Act of 2004
23. Amendment of section 22 of Act of 2004
24. Provision in aid of enforcement of requirements relating to setting of rent
25. Amendment of section 56 of Act of 2004
26. Amendment of section 62 of Act of 2004
27. Amendment of section 64A of Act of 2004
28. Amendment of section 65 of Act of 2004
29. Amendment of section 66 of Act of 2004
30. Amendment of section 71 of Act of 2004
31. Amendment of section 72 of Act of 2004
32. Amendment of section 78 of Act of 2004
33. Amendment of section 95 of Act of 2004
34. Amendment of section 96 of Act of 2004
35. Amendment of section 97 of Act of 2004
36. Amendment of section 98 of Act of 2004
37. Amendment of section 99 of Act of 2004
38. Amendment of section 100 of Act of 2004
39. Amendment of section 101 of Act of 2004
40. Amendment of section 103 of Act of 2004
41. Amendment of section 104 of Act of 2004
42. Amendment of section 105 of Act of 2004
43. Amendment of section 106 of Act of 2004
44. Amendment of section 109 of Act of 2004
45. Amendment of section 112 of Act of 2004
46. Amendment of section 115 of Act of 2004
47. Amendment of section 121 of Act of 2004
48. Amendment of section 123 of Act of 2004
49. Amendment of section 124 of Act of 2004

50. Amendment of section 125 of Act of 2004
51. Amendment of section 137 of Act of 2004
52. Amendment of section 137A of Act of 2004
53. Amendment of section 138 of Act of 2004
54. Amendment of section 144 of Act of 2004
55. Amendment of section 144A of Act of 2004
56. Amendment of section 145 of Act of 2004
57. Amendment of section 148AG of Act of 2004
58. Amendment of section 161 of Act of 2004
59. Amendment of section 176 of Act of 2004
60. Amendment of Schedule 2 to Act of 2004
61. Amendment of Schedule 3 to Act of 2004

ACTS REFERRED TO

Affordable Housing Act 2021 (No. 25)
Children Act 2001 (No. 24)
Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24)
Housing (Miscellaneous Provisions) Act 2009 (No. 22)
Housing (Miscellaneous Provisions) Act 2014 (No. 21)
Housing Act 1988 (No. 28)
Housing Acts 1966 to 2024
Housing Acts 1966 to 2026
Immigration Act 1999 (No. 22)
International Protection Act 2015 (No. 66)
International Protection Act 2026 (No. 9)
Irish Nationality and Citizenship Act 1956 (No. 26)
Irish Nationality and Citizenship Acts 1956 to 2024
Planning and Development (Housing) and Residential Tenancies Act 2016 (No. 17)
Planning and Development Act 2000 (No. 30)
Planning and Development Act 2024 (No. 34)
Refugee Act 1996 (No. 17)
Residential Tenancies Act 2004 (No. 27)
Residential Tenancies Acts 2004 to 2026
Taxes Consolidation Act 1997 (No. 39)



Number 33 of 2026

HOUSING AND RESIDENTIAL TENANCIES (MISCELLANEOUS PROVISIONS) ACT 2026

An Act to provide for additional requirements, relating to residency in the State, to be satisfied in order to be eligible for social housing support; to provide for an appeal of certain decisions relating to social housing support; for those purposes to amend the Housing (Miscellaneous Provisions) Act 2009; to provide for additional eligibility criteria for access to certain services provided to homeless persons under section 10 of the Housing Act 1988; to provide for withdrawal of such services in certain cases; to provide for an appeal in respect of such withdrawal; for those purposes to amend the Housing Act 1988; to make provision in relation to the conduct of mediations, adjudications and Tribunal hearings, and the determination of disputes, by the Residential Tenancies Board, and the enforcement of such determinations; to increase the penalties for summary offences and to provide for the service of fixed payment notices in respect of certain offences under the Residential Tenancies Act 2004; to provide that the Residential Tenancies Act 2004 shall not apply to certain dwellings; for those and other purposes to amend that Act; and to provide for related matters.

[22nd July, 2026]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation, construction and commencement

1. (1) This Act may be cited as the Housing and Residential Tenancies (Miscellaneous Provisions) Act 2026.
- (2) *Parts 3 and 4* and the Housing Acts 1966 to 2024 may be cited together as the Housing Acts 1966 to 2026 and shall be construed together as one.
- (3) *Part 5* shall be included in the collective citation Residential Tenancies Acts 2004 to 2026 and shall be construed together as one with those Acts.

- (4) This Act, other than *section 40*, shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definition

2. In this Act, “Minister” means the Minister for Housing, Local Government and Heritage.

Repeal of provisions of Residential Tenancies Act 2004

3. Subsections (3) and (4) of section 39A of the Residential Tenancies Act 2004 are repealed.

PART 2**AMENDMENTS TO HOUSING ACT 1988****Interpretation (*Part 2*)**

4. In this Part, “Act of 1988” means the Housing Act 1988.

Amendment of section 1 of Act of 1988

5. Section 1 of the Act of 1988 is amended by the insertion of the following definition:

“ ‘Act of 2009’ means the Housing (Miscellaneous Provisions) Act 2009;”.

Amendment of section 10 of Act of 1988

6. Section 10 of the Act of 1988 is amended—

- (a) in subsection (1), by the substitution of “A housing authority may, subject to section 10A and to such regulations” for “A housing authority may, subject to such regulations”,
- (b) in subsection (8)—
 - (i) in paragraph (a)(ii), by the substitution of “own resources,” for “own resources, or”,
 - (ii) by the insertion of the following paragraphs after paragraph (b):
 - “(c) that person (whether as a household within the meaning of section 18A of the Act of 2009 or part of such a household) refuses one reasonable offer of a form of support referred to in paragraph (a), (b) or (d) of section 19(2) of that Act, or

- (d) that person intentionally or recklessly engages in conduct which causes death or serious harm to another person in the accommodation or lodgings,”
- and
- (iii) by the substitution of “the authority may determine that such accommodation or lodgings shall no longer be made available to the person and may require the person to vacate the accommodation or lodgings” for “the authority may cease to have such accommodation or lodgings made so available and may require the person to vacate the accommodation or lodgings”,
- (c) in subsection (10), by the substitution of “to determine if a person is homeless or to determine, under section 10A(1), if a person is eligible to access arrangements, assistance or accommodation provided by a housing authority under subsection (1)” for “to determine if a person is homeless”, and
- (d) by the insertion of the following subsections after subsection (11):
 - “(12) Where, by virtue of subsection (1)(c), accommodation is provided or rented, or where lodgings are arranged, for a person and a child who normally resides with the person, a housing authority shall have regard to the best interests of that child when considering available accommodation or lodgings for that person under subsection (1)(c).
 - (13) In this section—
 - ‘child’ means a person who has not attained the age of 18 years;
 - ‘serious harm’ means injury which creates a substantial risk of death or which causes serious disfigurement or substantial loss or impairment of the mobility of the body as a whole or of the function of any particular bodily member or organ.”.

Insertion of new sections 10A and 10B in Act of 1988

7. The Act of 1988 is amended by the insertion of the following new sections after section 10:

“Residency requirements

- 10A.** (1) A person shall not be eligible to access arrangements, assistance or accommodation provided by a housing authority by virtue of section 10(1) unless the authority, having carried out an assessment, is satisfied that the person, and any person who normally resides with that person or who might reasonably be expected to reside with that person, meets the requirements referred to in section 20A(1) of the Act of 2009.
- (2) For the purposes of subsection (1), section 20(7) of the Act of 2009, in so far as it relates to section 20A of that Act, and the said section 20A, shall apply subject to the following modifications:

- (a) a reference to a household shall be read as a reference to—
 - (i) a homeless person who, but for being such a person, would live alone,
 - (ii) a group of persons comprising a homeless person and one or more other persons who normally reside with that person, or
 - (iii) a group of persons comprising a homeless person and one or more other persons who might reasonably be expected to reside with that person;
 - (b) a reference to social housing support shall be read as a reference to arrangements, assistance or accommodation provided under section 10;
 - (c) a reference to a social housing assessment shall be read as a reference to an assessment for the purposes of subsection (1);
 - (d) any other necessary modifications.
- (3) Subject to subsection (4), where a person does not meet the eligibility requirements referred to in subsection (1) and, in the opinion of the housing authority, that person is seeking alternative arrangements, assistance or accommodation and no such alternative arrangements, assistance or accommodation are available to that person, a housing authority may, on the date on which such opinion is formed, make arrangements for, or provide assistance or accommodation to, that person by virtue of section 10(1) between the hours of 8 p.m. on that date and 8 a.m. on the date immediately following that date.
- (4) Where a housing authority has made arrangements for, or provided assistance or accommodation to, a person under subsection (3), the housing authority may make arrangements for, or provide assistance or accommodation to, that person for a further period between the hours of 8 p.m. and 8 a.m. on the date immediately following the date on which the opinion referred to in subsection (3) was formed where, in the opinion of the authority, alternative arrangements, assistance or accommodation continue to be unavailable to that person.
- (5) A housing authority may refuse to make arrangements under subsection (3) where alternative arrangements, assistance or accommodation have been refused by the person within a period of 24 months prior to seeking accommodation under section 10(1).
- (6) Where, under subsections (3) or (4), arrangements are made, or assistance or accommodation are provided, such arrangements, assistance or accommodation shall not be considered for the purposes of determining, under section 20A of the Act of 2009, as applied by subsection (1), whether the person in respect of whom such

arrangements have been made or to whom such assistance or accommodation has been provided, is habitually resident in the State.

- (7) Subsection (3) shall not apply to:
- (a) an applicant within the meaning of section 2 of the International Protection Act 2015;
 - (b) a person to whom section 60 of the International Protection Act 2015 applies;
 - (c) an applicant within the meaning of section 2 of the International Protection Act 2026;
 - (d) a person to whom section 237 of the International Protection Act 2026 applies.

Appeal of determination under section 10(8)

10B. (1) Where a housing authority determines, under section 10(8), that accommodation or lodgings shall no longer be made available to a person, that person may appeal that determination.

- (2) An appeal under subsection (1) shall be made to the chief executive of the housing authority concerned, or, in the case of Limerick City and County Council, to the director general of Limerick City and County Council, within 14 days of the notification by the housing authority to the person concerned of the determination under section 10(8).
- (3) An appeal under subsection (1) shall be in writing and shall state the ground or grounds on which the appeal is made.
- (4) An appeal under subsection (1) may, to support a ground of the appeal, be accompanied by any information relevant to the making of the appeal.
- (5) On receipt by the chief executive or the director general, as the case may be, of an appeal under subsection (1), the chief executive of the authority, or, in the case of Limerick City and County Council, the director general of Limerick City and County Council, shall appoint an officer or employee of the authority to decide the appeal (in this section referred to as an ‘appeals officer’) and shall furnish that person with the appeal.
- (6) An appeals officer shall be a person who—
 - (a) did not make the determination concerned, and
 - (b) is in a more senior role in the authority than the person who made the determination or in a role that is equivalent in seniority to a role that is more senior than the role of that person.
- (7) An appeals officer shall be independent in the performance of his or her functions under this section.

- (8) An appeals officer shall decide an appeal under subsection (1) within 14 days of receipt of the appeal and shall—
 - (a) confirm the determination concerned,
 - (b) vary the determination, or
 - (c) set aside the determination and, where the appeals officer considers it appropriate, make an alternative determination.
- (9) In deciding an appeal under subsection (1), an appeals officer shall consider whether the housing authority acted reasonably and in good faith in making the determination, under section 10(8), that accommodation or lodgings shall no longer be made available to the person.
- (10) A decision of an appeals officer on an appeal under subsection (1) shall be in writing and shall include reasons for the decision.
- (11) An appeals officer shall provide a copy of his or her decision to the person who appealed, under subsection (1), the determination.
- (12) A decision of an appeals officer on an appeal under subsection (1) shall be final.”.

PART 3

AMENDMENTS TO HOUSING (MISCELLANEOUS PROVISIONS) ACT 2009

Interpretation (*Part 3*)

8. In this Part, “Act of 2009” means the Housing (Miscellaneous Provisions) Act 2009.

Amendment of section 2 of Act of 2009

9. Section 2 of the Act of 2009 is amended, in the definition of “household”, by the substitution of “subject to section 18A” for “subject to sections 20 and 84”.

Interpretation (Chapter 3)

10. The Act of 2009 is amended, in Chapter 3 of Part 2, by the insertion of the following section before section 19:

“18A. In this Chapter—

‘habitually resident’ shall be construed in accordance with section 20A;

‘household’ means—

- (a) a person who lives alone,
- (b) 2 or more persons who live together, or

- (c) 2 or more persons who do not live together but who, in the opinion of the housing authority concerned, have a reasonable requirement to live together;

‘lawfully resident’ shall be construed in accordance with section 20A.”.

Amendment of section 20 of Act of 2009

11. Section 20 of the Act of 2009 is amended—

- (a) by the deletion of subsection (1), and
- (b) in subsection (2), by the substitution of “subject to and in accordance with this section, regulations made for the purposes of this section, and section 20A” for “subject to and in accordance with regulations made for the purposes of this section”.

Residency requirements and social housing appeal

12. The Act of 2009 is amended by the insertion of the following sections after section 20:

“Residency requirements

20A. (1) A household shall not be eligible for social housing support unless at the time of carrying out the social housing assessment—

- (a) subject to subsection (2), each member of the household is lawfully resident in the State,
- (b) each member of the household is habitually resident in the State,
- (c) in the case of—
 - (i) a member of the household who is a person referred to in subsection (3)(c), that member meets the conditions specified in subsection (8), and
 - (ii) a member of the household who is a person referred to in subsection (3)(i), that member meets the condition specified in subsection (9) or, where applicable, the condition specified in subsection (10),

and

- (d) no member of the household is subject to a condition that either expressly or by necessary implication prohibits the availing by any such member of social housing support.
- (2) Paragraph (a) of subsection (1) shall not apply to a member of a household who is a child (within the meaning of the Children Act 2001).

- (3) For the purposes of subsection (1), a member of a household shall be considered to be lawfully resident in the State where the member is resident in the State and that residency is based on the member being—
- (a) an Irish citizen under the Irish Nationality and Citizenship Acts 1956 to 2024,
 - (b) a British citizen within the meaning of section 6A of the Irish Nationality and Citizenship Act 1956,
 - (c) a person availing of his or her right under the Regulations of 2015 to enter and reside in the State,
 - (d) a person who has been given a permission to remain in the State under section 49 of the Act of 2015, where the permission concerned is in force,
 - (e) a person who is a programme refugee within the meaning of section 59 of the Act of 2015,
 - (f) a person who has been given, or is deemed under the Act of 2026 to have been given, a permission to reside in the State under section 203 of the Act of 2026, where the permission concerned is in force,
 - (g) a person who has been given, or is deemed under the Act of 2026 to have been given, a permission to reside in the State under section 204 of the Act of 2026, where the permission concerned is in force,
 - (h) a person who has been given, or is deemed under the Act of 2026 to have been given, a permission to enter and reside in the State under section 205 of the Act of 2026, where the permission concerned is in force, or
 - (i) a person who is a member of a class of persons prescribed under subsection (4), where the permission concerned is in force.
- (4) For the purposes of subsection (3)(i), the Minister may, in accordance with this section and with the consent of the Minister for Justice, Home Affairs and Migration, prescribe a class or classes of persons, being persons—
- (a) to whom such permission (other than a permission referred to in paragraphs (d) to (h) of subsection (3)) as may be specified by the Minister has been given, in accordance with the law of the State, to be or to remain in the State, and
 - (b) where considered appropriate, who have been lawfully resident for such period immediately preceding the giving of the permission referred to in paragraph (a), as may be specified by the Minister.
- (5) In prescribing a class of persons under subsection (4) (and in specifying a permission under paragraph (a) of that subsection and a

period under paragraph (b) of that subsection), the Minister shall consider such matters as, in his or her opinion, are appropriate including the following:

- (a) the nature and purpose of the permission given to persons of the class concerned;
 - (b) any condition to which the persons of that class are subject, including—
 - (i) any condition as to duration of stay and engagement in employment, business or a profession in the State, and
 - (ii) any condition referred to in subsection (1)(d);
 - (c) where the duration of stay referred to in paragraph (b)(i) is a period of less than two years, any period immediately preceding the permission referred to in paragraph (a) during which that class of persons have been lawfully resident.
- (6) The Minister shall not prescribe as a class of persons under subsection (4)—
- (a) a class of persons subject to a condition referred to in subsection (1)(d),
 - (b) a class of persons in respect of whom a permission has been given under section 60 of the Act of 2015, or
 - (c) a class of persons in respect of whom a permission has been given under section 237 of the Act of 2026.
- (7) For the purposes of subsection (1), a housing authority shall, when determining whether a member of a household is habitually resident in the State, take into consideration all the circumstances of the case, including, in particular, the following:
- (a) the length and continuity of the member's residence in the State;
 - (b) the length and purpose of any absence, by the member, from the State;
 - (c) the nature and pattern of the member's employment;
 - (d) the member's main centre of interest;
 - (e) the future intentions of the member concerned as they appear from all the circumstances.
- (8) The conditions that apply to a member of a household referred to in subsection (3)(c) are that the member—
- (a) has been lawfully resident in the State for a period of at least 3 months immediately prior to the day the application for social housing support is made by the household concerned, and

- (b) is—
 - (i) in employment or self-employed in the State,
 - (ii) a family member (within the meaning of the Regulations of 2015) of a person to whom subparagraph (i) applies, or
 - (iii) a person to whom subparagraph (i) or (ii), as the case may be, no longer applies but who continues to reside in the State in accordance with the Regulations of 2015.
- (9) The condition that applies to a member of a household referred to in subsection (3)(i) is that the member has, on the day the application for social housing support is made, been—
 - (a) lawfully resident for a period, or periods comprising a total, of at least 5 years during the period of 8 years immediately preceding the day the application was made, or
 - (b) lawfully resident for a period, or periods comprising a total, of less than 5 years during the period of 8 years immediately preceding the day the application was made and is, on that day, resident in the State in accordance with a permission specified under subsection (4)(a) that is—
 - (i) in force, and
 - (ii) a permission to reside in the State for a period that enables a person to be, on the date of expiration of that permission, lawfully resident in the State for a period, or periods comprising a total, of at least 5 years during the 8 years immediately preceding such date of expiration.
- (10) Where a member of a household referred to in subsection (3)(i) is, on the day the application concerned is made, a connected member of another member of the household (including a member of the household referred to in that paragraph (i)) who satisfies subsection (1), the member may, instead of meeting a condition referred to in subsection (9), meet the condition that the member is, on the day the application is made, resident in the State in accordance with a permission specified under subsection (4)(a) that is—
 - (a) in force, and
 - (b) a permission to reside in the State for any period that enables the member to be lawfully resident in the State for a period immediately following such day of application.
- (11) For the purposes of subsection (1), a member of a household shall not be considered to be habitually resident in the State where the member is—

- (a) a person who has made an application under Regulation 25 or 26 of the European Union (Subsidiary Protection) Regulations 2013 (S.I. No. 426 of 2013) (in this section referred to as the ‘Subsidiary Protection Regulations’) where the application has yet to be determined under the Subsidiary Protection Regulations,
- (b) a person who has been notified under paragraph (a) of section 3(3) of the Act of 1999 that the Minister for Justice, Home Affairs and Migration proposes to make a deportation order where that notification is in force, whether or not that person has made representations under paragraph (b) of section 3(3) of that Act, where the Minister has not yet made a decision as to whether a deportation order is to be made in respect of such person,
- (c) a person who was an applicant (within the meaning of the Refugee Act 1996) and in relation to whom a deportation order has been made under section 3(1) of the Act of 1999, where the deportation order concerned is in force,
- (d) a person the subject of a deportation order (within the meaning of section 51 of the Act of 2015), where the deportation order is in force,
- (e) a person the subject of a return order (within the meaning of section 51A of the Act of 2015), where the return order is in force,
- (f) a person the subject of a removal order (within the meaning of Regulation 20(1) of the Regulations of 2015), where the removal order is in force,
- (g) a person the subject of a notification under Regulation 21(1) of the Regulations of 2015, where the notification is in force and the Minister for Justice, Home Affairs and Migration has not yet made a decision to make a removal order,
- (h) a person who—
 - (i) is an applicant (within the meaning of the Act of 2015), or
 - (ii) has made, or is deemed under the Act of 2015 to have made, an application under section 15 of that Act which has been refused under section 47 of that Act,
- (i) a person who has been given permission to reside in the State under section 60 of the Act of 2015, where the permission concerned is in force,
- (j) a person who—
 - (i) is, or who is deemed to be, an applicant within the meaning of the Act of 2026, or

- (ii) is a person who has made, or is deemed under section 37 of the Act of 2026 to have made, an application under that Act which is the subject of a final decision (within the meaning of that Act) rejecting the application or declaring the application withdrawn,
 - (k) a person the subject of a return decision under Part 11 of the Act of 2026, where the return decision concerned is in force, or
 - (l) a person who has been given a permission to reside in the State under section 237(8) of the Act of 2026, where the permission concerned is in force.
- (12) In this section—
- ‘Act of 1999’ means the Immigration Act 1999;
 - ‘Act of 2010’ means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;
 - ‘Act of 2015’ means the International Protection Act 2015;
 - ‘Act of 2026’ means the International Protection Act 2026;
 - ‘connected member’ means a member of a household referred to in subsection (3)(i) who is one of the following in relation to another member of the household referred to in subsection (3):
 - (a) a spouse of the second-mentioned member;
 - (b) a civil partner (within the meaning of section 3 of the Act of 2010) of the second-mentioned member;
 - (c) a cohabitant (within the meaning of section 171 of the Act of 2010) of the second-mentioned member;
 - ‘Regulations of 2015’ means the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015).

Social housing appeal

- 20B.** (1) Subject to subsection (2), a household may appeal (in this section referred to as a ‘social housing appeal’) a determination made under section 20, or under regulations made under that section, by a housing authority that—
- (a) the household is not qualified for social housing support,
 - (b) the household, having previously been determined to be qualified for social housing support, is no longer qualified for such support, or
 - (c) a particular form of social housing support is the appropriate form of such support for that household.

- (2) Subsection (1) shall not apply to a household that is in receipt of social housing support.
- (3) A social housing appeal—
 - (a) under paragraph (a) or (b) of subsection (1) shall be on one or more of the grounds specified in subsection (4) only, and
 - (b) under subsection (1)(c) shall be on one or more of the grounds specified in subsection (5) only.
- (4) The grounds referred to in subsection (3)(a) are that the housing authority was in error in finding that—
 - (a) the household exceeded the maximum income threshold applicable to the household concerned,
 - (b) the accommodation occupied by the household at the time of carrying out the social housing assessment would meet its housing need,
 - (c) alternative accommodation was available to the household that would meet its housing need,
 - (d) the household was not eligible under section 20(5) for social housing support,
 - (e) a member of the household required under paragraph (a) of section 20A(1) to be lawfully resident was not so lawfully resident,
 - (f) a member of the household required under paragraph (b) of section 20A(1) to be habitually resident was not so habitually resident,
 - (g) a member of the household required under paragraph (c) of section 20A(1) to meet a condition specified in that section did not meet that condition, or
 - (h) a condition specified in section 20A applied to a member of the household.
- (5) The grounds referred to in subsection (3)(b) are that the housing authority was in error in—
 - (a) not taking into account social housing support that was previously provided by a housing authority or was in error in relation to the social housing support that was taken into account,
 - (b) its description and classification of the household's need,
 - (c) its description of the household's specific accommodation requirements according to a particular category of household need, or

- (d) its description of the household's accommodation need based on the composition of the household.
- (6) A social housing appeal shall be made to the chief executive of the housing authority concerned within 14 days of the notification by the housing authority to the household concerned of the making of a determination in respect of the application for social housing support concerned under section 20.
- (7) A social housing appeal shall be in writing and shall—
 - (a) state whether the appeal is an appeal under paragraph (a), (b) or (c) of subsection (1), and
 - (b) state the ground or grounds on which the appeal is made.
- (8) A social housing appeal may, to support a ground of the appeal, be accompanied by any information previously provided to the housing authority concerned for the purpose of making the determination the subject of the appeal.
- (9) On receipt by a housing authority of a social housing appeal made in accordance with this section, the chief executive of the authority shall appoint an officer or employee of the authority to decide the appeal (in this section referred to as an 'appeals officer') and furnish that person with the social housing appeal.
- (10) An appeals officer shall be a person who—
 - (a) did not make the determination concerned, and
 - (b) is in a more senior role in the authority than the person who made the determination or in a role that is equivalent in seniority to a role that is more senior than the role of the person who made the determination.
- (11) An appeals officer shall be independent in the performance of his or her functions under this section.
- (12) An appeals officer—
 - (a) shall decide a social housing appeal within 28 days of receipt of the social housing appeal under subsection (9), and
 - (b) shall—
 - (i) confirm the determination concerned,
 - (ii) vary the determination, or
 - (iii) set aside the determination and, where the appeals officer considers it appropriate, make an alternative determination.
- (13) In deciding a social housing appeal, an appeals officer shall consider—

- (a) all information provided by the household to the housing authority for the purpose of making the determination the subject of the appeal,
 - (b) the social housing appeal, and
 - (c) any accompanying information provided in accordance with subsection (8).
- (14) A decision of an appeals officer on a social housing appeal shall be in writing and shall include reasons for the decision.
- (15) Where an appeals officer makes a decision on a social housing appeal under subparagraph (ii) or (iii) of subsection (12)(b), the date of the decision shall be deemed to be the date of the determination.
- (16) An appeals officer shall notify the household concerned of his or her decision on the social housing appeal concerned.
- (17) A decision of an appeals officer on a social housing appeal shall be final.”.

Amendment of section 38 of Act of 2009

- 13.** Section 38 of the Act of 2009 is amended, in subsection (8), by the insertion of the following paragraph after paragraph (b):

“(bb) one or more than one employee of the Child and Family Agency nominated by the Child and Family Agency;”.

Transitional provisions

- 14.** (1) This section shall apply to—

- (a) an application for social housing support where, before the coming into operation of *section 12*, the housing authority concerned has not yet determined the application,
 - (b) a review in accordance with regulations made under section 20 of the Act of 2009 of a social housing assessment where, before the coming into operation of *section 12*, the housing authority has not yet concluded the review, and
 - (c) a summary under section 21 of the Act of 2009 where, before the coming into operation of *section 12*, the housing authority has not yet completed the summary.
- (2) The housing authority may give notice in writing to the household to which an application, a review or a summary, referred to in *subsection (1)* relates—
- (a) stating that the household shall complete and submit to the housing authority a form prescribed by the Minister for the purposes of demonstrating that each member of the household satisfies paragraphs (b) and (d) and, where applicable, paragraph (c), of section 20A(1) of the Act of 2009, and

- (b) specifying a period of not less than 21 days from the date of the notice within which the form shall be submitted to the housing authority.
- (3) The housing authority may, where it considers it appropriate to do so, extend the period referred to in *subsection (2)(b)*.
- (4) The Minister may prescribe a form for the purposes of *subsection (2)* and, in so prescribing, may prescribe the information and particulars to be provided by a household in that form and verification to be provided by the household of such information and particulars.
- (5) A housing authority shall, in determining an application, concluding a review or completing a summary, referred to in *subsection (1)*, take into consideration information submitted in accordance with a notice given under this section.
- (6) A person is guilty of an offence and is liable on summary conviction to a fine not exceeding €2,000 where he or she is a member of a household to which a notice is given under this section and, in purported compliance with that notice, the person—
 - (a) knowingly makes any statement or representation which is to his or her knowledge false or misleading in any material respect, or knowingly conceals any material fact, or
 - (b) furnishes, or causes or knowingly allows to be furnished, any information which he or she knows to be false in a material particular.
- (7) An offence under *subsection (6)* may be prosecuted by the housing authority who gave the notice under this section to the household referred to in that subsection.

PART 4

AMENDMENTS TO HOUSING (MISCELLANEOUS PROVISIONS) ACT 2014

Amendment of section 55 of Housing (Miscellaneous Provisions) Act 2014

15. Section 55(2) of the Housing (Miscellaneous Provisions) Act 2014 is amended—

- (a) in the definition of “relevant person”, by the insertion of the following paragraph after paragraph (a):
 - “(aa) the Minister for Justice, Home Affairs and Migration,”,and
- (b) in the definition of “specified enactment”, by the insertion of the following paragraph after paragraph (a):
 - “(aa) in relation to the Minister for Justice, Home Affairs and Migration—
 - (i) the Refugee Act 1996,
 - (ii) the Immigration Act 1999,

- (iii) the International Protection Act 2015,
- (iv) the International Protection Act 2026,
- (v) the Irish Nationality and Citizenship Acts 1956 to 2024, or
- (vi) the European Communities (Free Movement of Persons) Regulations 2015 (S.I. No. 548 of 2015),”.

PART 5

AMENDMENTS TO RESIDENTIAL TENANCIES ACT 2004

Definition

- 16.** In this Part, “Act of 2004” means the Residential Tenancies Act 2004.

Amendment of section 3 of Act of 2004

- 17.** Section 3(2) of the Act of 2004 is amended by the insertion of the following paragraph after paragraph (i):

- “(j) a dwelling consisting of a detached house constructed, erected or placed in the rear garden of a house (in this paragraph referred to as the ‘principal house’), where—
 - (i) the construction, erection or placing of the said dwelling in that rear garden was, at the time of such construction, erection or placing, exempted development within the meaning of the Planning and Development Act 2000 or the Planning and Development Act 2024, and
 - (ii) the principal house is—
 - (I) the principal private residence (within the meaning of section 473B of the Taxes Consolidation Act 1997) of the landlord of the said dwelling, and
 - (II) owned by that landlord.”.

Amendment of section 4 of Act of 2004

- 18.** Section 4(1) of the Act of 2004 is amended by the insertion of the following definition:

“ ‘personal data’ has the meaning it has in Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);”.

¹ OJ No. L119, 4.5.2016, p. 1

Amendment of section 6 of Act of 2004**19.** Section 6 of the Act of 2004 is amended—

- (a) in subsection (1)—
 - (i) by the insertion of “, issued” after “to be served”, and
 - (ii) by the insertion of “, issued to” after “served on”,
- (b) in subsection (2)—
 - (i) by the insertion of “or other document” after “notice”, and
 - (ii) by the insertion of “, issued to” after “served on”,
- (c) in subsection (4), by the insertion of “or other document” after “notice” in both places where it occurs, and
- (d) in subsection (6)—
 - (i) by the insertion of “or other document” after “notice” in both places where it occurs, and
 - (ii) by the insertion of “, issued” after “served” in both places where it occurs.

Amendment of section 9 of Act of 2004**20.** (1) Section 9 of the Act of 2004 is amended—

- (a) in subsection (1)—
 - (i) by the insertion of “(other than an offence under section 148S(16))” after “under this Act”,
 - (ii) by the substitution of “class A fine” for “fine not exceeding €3,000”, and
 - (iii) by the substitution of “12 months” for “6 months”,
 - (b) in subsection (2)—
 - (i) by the substitution of “is a summary offence” for “of an offence”,
 - (ii) by the substitution of “and is continued” for “is continued”, and
 - (iii) by the substitution of “class D fine” for “fine not exceeding €250”,
 - (c) in subsection (3), by the substitution of “Summary proceedings” for “Proceedings”, and
 - (d) in subsection (4)—
 - (i) by the insertion of “summary” before “proceedings”, and
 - (ii) by the substitution of “3 years” for “one year”.
- (2) The amendments of section 9(1) of the Act of 2004 effected by *subsection (1)(a)* shall apply only in respect of an offence referred to in the said section 9(1) committed after the date of commencement of *subsection (1)(a)*.

- (3) The amendment of section 9(2) of the Act of 2004 effected by *subsection (1)(b)* shall apply only in respect of an offence referred to in the said section 9(2) committed after the date of commencement of *subsection (1)(b)*.

Amendment of section 12 of Act of 2004

21. (1) Section 12 of the Act of 2004 is amended—

(a) in subsection (1)(i)—

- (i) by the insertion of “a tenancy of a dwelling referred to in section 3(4), a cost rental tenancy (within the meaning of the Affordable Housing Act 2021) or” after “other than”, and

- (ii) by the deletion of “and the Board”,
and

(b) by the addition of the following subsections after subsection (5):

“(6) A landlord under a tenancy to which subsection (1)(i) applies shall, within one month from the commencement of a tenancy, give to the Board, in writing, the information required to be furnished to the tenant under that paragraph.

(7) Where, after the expiration of the one month period referred to in subsection (6), it appears to the Board that a landlord referred to in that subsection (6) has failed to give to the Board, in writing, the information referred to in that subsection, the Board may serve the notice referred to in subsection (8).

(8) The notice shall—

(a) inform the landlord of the Board’s opinion, and

(b) request the landlord to, within the period specified in the notice—

(i) give to the Board, in writing, the information referred to in subsection (6), or

(ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

(9) If the landlord, within the period specified in the notice—

(a) does not give to the Board, in writing, the information referred to in subsection (6), or

(b) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to give to the Board, in writing, the information referred to in subsection (6), that the Board’s opinion has not altered

and that, if the landlord fails to do so within 14 days from the receipt by the landlord of the notice, the landlord shall be guilty of an offence.

- (10) A landlord who fails to comply with a notice under subsection (9) within 14 days from the receipt by the landlord of the notice shall be guilty of an offence.
- (11) Where the Board has reasonable grounds for believing that a person has committed an offence under subsection (10), it may serve on the person a notice in the prescribed form (in this section referred to as a ‘fixed payment notice’) stating that—
 - (a) the person is alleged to have committed an offence under subsection (10) (in this section referred to as the ‘alleged offence’),
 - (b) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €100 or such greater amount not exceeding €500 as may be prescribed, identifying the notice to which the payment relates,
 - (c) the person is not obliged to make the payment specified in the notice,
 - (d) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and
 - (e) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.
- (12) Where a fixed payment notice is served—
 - (a) the person to whom it applies may make a payment in accordance with subsection (11)(b),
 - (b) the Board shall, upon receipt of the payment, issue a receipt for it,
 - (c) any payment received by the Board shall not be recoverable by the person who made it, and
 - (d) a prosecution in respect of the alleged offence shall not be instituted during the period specified in subsection (11)(b) and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.
- (13) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with subsection (11)(b) pursuant to a fixed payment notice served in respect of the alleged offence.
- (14) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.”.

- (2) The amendments of section 12 of the Act of 2004 effected by *subsection (1)(b)* shall apply only in respect of a tenancy to which section 12(1)(i) of the Act of 2004 applies that is created after the date of commencement of *subsection (1)(b)*.

Amendment of section 19 of Act of 2004

22. (1) Section 19 of the Act of 2004 is amended—

(a) in subsection (5A)(a)—

- (i) in subparagraph (ii), by the substitution of “annual primary energy use per floor area being reduced by not less than 150 kWh/(m².y)” for “BER being improved by not less than 7 building energy ratings”,
- (ii) in subparagraph (iii)(IV), by the substitution of “an annual primary energy use per floor area of greater than 225 kWh/(m².y), that annual primary energy use per floor area being reduced by not less than 75 kWh/(m².y)” for “a BER of D1 or lower, the BER being improved by not less than 3 building energy ratings”, and
- (iii) in subparagraph (iii)(V), by the substitution of “an annual primary energy use per floor area of up to 225 kWh/(m².y), that annual primary energy use per floor area being reduced by not less than 50 kWh/(m².y)” for “a BER of C3 or higher, the BER being improved by not less than 2 building energy ratings”,

(b) by the deletion of subsections (6A) and (6C),

(c) by the insertion of the following subsections after subsection (6C):

“(6D) Where it appears to the Board that a person has failed to comply with subsection (4) or (5B), the Board may serve the notice referred to in subsection (6E).

(6E) The notice shall—

- (a) inform the person of the Board’s opinion, and
- (b) request the person to, within the period specified in the notice—
 - (i) comply with subsection (4) or (5B), as the case may be, or
 - (ii) furnish to the Board the reasons why the person considers (if such be the case) that the opinion is not well founded.

(6F) If the person, within the period specified in the notice—

- (a) does not comply with subsection (4) or (5B), as the case may be, or
- (b) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the person stating that the person is required to comply with subsection (4) or (5B), as the case

may be, that the Board's opinion has not altered and that, if the person fails to do so within 14 days from the receipt by the person of the notice, the person shall be guilty of an offence.

- (6G) A person who fails to comply with a notice under subsection (6F) within 14 days from the receipt by the person of the notice shall be guilty of an offence.”,

and

- (d) by the insertion of the following definition in subsection (7):

“ ‘annual primary energy use per floor area’ means the annual primary energy use per floor area recorded in kWh/(m².y) in respect of the dwelling on the BER register on the basis of a BER assessment in accordance with the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012);”.

- (2) The amendments of section 19 of the Act of 2004 effected by *subsection (1)(a) and (d)* shall apply only in respect of a BER assessment (within the meaning of the European Union (Energy Performance of Buildings) Regulations 2012 (S.I. No. 243 of 2012)) carried out under those Regulations on or after 24 May 2026.

Amendment of section 22 of Act of 2004

23. Section 22 of the Act of 2004 is amended—

- (a) in subsection (2), by the substitution of “within 7 days of the date” for “on the same day”, and

- (b) the substitution of the following subsections for subsection (4):

“(4) Where it appears to the Board that a landlord has set a rent pursuant to a review of the rent under a tenancy of a dwelling other than in accordance with the condition specified in subsection (2), the Board may serve the notice referred to in subsection (5).

- (5) The notice shall—

- (a) inform the landlord of the Board's opinion, and

- (b) request the landlord to, within the period specified in the notice—

- (i) serve a copy of the notice referred to in subsection (2) on the Board, or

- (ii) furnish to the Board the reasons why the landlord considers (if such be the case) that the opinion is not well founded.

- (6) If the landlord, within the period specified in the notice—

- (a) does not serve a copy of the notice referred to in subsection (2) on the Board, or

- (b) does not furnish the reasons to the Board or furnishes reasons which do not result in the Board altering its opinion,

the Board shall serve a further notice on the landlord stating that the landlord is required to serve a copy of the notice referred to in subsection (2) on the Board, that the Board's opinion has not altered and that, if the landlord fails to do so within 14 days from the receipt by the landlord of the notice, the landlord shall be guilty of an offence.

- (7) A landlord who fails to comply with a notice under subsection (6) within 14 days from the receipt by the landlord of the notice shall be guilty of an offence.”.

Provision in aid of enforcement of requirements relating to setting of rent

- 24.** (1) The Act of 2004 is amended by the insertion of the following section after section 22A:

“22B. (1) Where the Board has reasonable grounds for believing that a person has committed a relevant offence, it may serve a notice in writing (in this section referred to as a ‘fixed payment notice’) in the prescribed form stating that—

- (a) the person is alleged to have committed the relevant offence concerned (in this section referred to as the ‘alleged offence’),
- (b) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €200 or such greater amount not exceeding €1,000 as may be prescribed, identifying the notice to which the payment relates,
- (c) the person is not obliged to make the payment specified in the notice,
- (d) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and
- (e) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

- (2) Where a fixed payment notice is served—

- (a) the person to whom it applies may make a payment in accordance with subsection (1)(b),
- (b) the Board shall, upon receipt of the payment, issue a receipt for it,
- (c) any payment received by the Board shall not be recoverable by the person who made it, and

- (d) a prosecution in respect of the alleged offence shall not be instituted during the period specified in subsection (1)(b) and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.
 - (3) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with subsection (1)(b) pursuant to a fixed payment notice served in respect of the alleged offence.
 - (4) The Minister may prescribe different amounts for different offences for the purposes of subsection (1).
 - (5) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.
 - (6) In this section, ‘relevant offence’ means an offence under section 19(6G) or 22(7).”.
- (2) The amendments of the Act of 2004 effected by *subsection (1)*—
- (a) in so far as they relate to an offence under section 19(6G) of that Act, shall apply only in respect of the setting of the rent under the tenancy of a dwelling after the date of commencement of *subsection (1)*, and
 - (b) in so far as they relate to an offence under section 22(7) of that Act, shall apply only in respect of a notice referred to in that section served after the date of commencement of *subsection (1)*.

Amendment of section 56 of Act of 2004**25.** Section 56 of the Act of 2004 is amended—

- (a) in subsection (3)—
 - (i) by the substitution of “the adjudicator or the Tribunal, as the case may be,” for “he, she or it”,
 - (ii) in paragraph (b), by the insertion of “and subsection (3A)” after “section 118”, and
 - (iii) in paragraph (c), by the insertion of “and subsection (3A)” after “section 118”,and
- (b) by the addition of the following subsection after subsection (3):
 - “(3A) A determination under paragraph (b) or (c) of subsection (3)—
 - (a) shall not include a direction that the complainant be permitted to resume possession of the dwelling where the adjudicator or the Tribunal is satisfied that the landlord of that dwelling has entered

into an enforceable agreement of the type referred to in paragraph 3 of the Table to section 34, and

- (b) that is made where the landlord of the dwelling has entered into an enforceable agreement of the type referred to in paragraph 3 of the Table to section 34 shall not have effect in so far as the determination comprises a direction that the complainant be permitted to resume possession of the dwelling.”.

Amendment of section 62 of Act of 2004

26. Section 62(1A) of the Act of 2004 is amended by the substitution of “within 7 days of the date” for “on the same day”.

Amendment of section 64A of Act of 2004

27. (1) Section 64A of the Act of 2004 is amended by—

- (a) the insertion of “or a statement or statutory declaration accompanying the notice of termination or a notification related to the notice of termination given under section 67(3) or 68(3)(a)” after “during the service of, the notice of termination”, and
 - (b) the substitution of “if the adjudicator or Tribunal” for “if he, she or it”.
- (2) The amendment of section 64A of the Act of 2004 effected by *subsection (1)(a)* shall apply only in respect of a notice of termination, statement, statutory declaration or notification referred to in that section served after the date of commencement of *subsection (1)*.

Amendment of section 65 of Act of 2004

28. (1) Section 65(4) of the Act of 2004 is amended by the substitution of “120 days” for “90 days”.
- (2) The amendment of section 65(4) of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a notice of termination referred to in that section served after the date of commencement of *subsection (1)*.

Amendment of section 66 of Act of 2004

29. (1) Section 66(2A)(a)(i) of the Act of 2004 is amended by the insertion of “or a statement or statutory declaration accompanying the original notice or a notification related to the original notice given under section 67(3) or 68(3)(a),” after “the service of, the original notice,”.
- (2) The amendment of section 66(2A) of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a notice of termination or a notification referred to in that section served after the date of commencement of *subsection (1)*.

Amendment of section 71 of Act of 2004

30. (1) Section 71(1)(c) of the Act of 2004 is amended by the substitution of “90 days” for “28 days”.
- (2) The amendment of section 71 of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a notice of termination referred to in that section served after the date of commencement of *subsection (1)*.

Amendment of section 72 of Act of 2004

31. (1) Section 72 of the Act of 2004 is amended—
- (a) in subsection (1), by the substitution of “90 days” for “28 days”,
 - (b) in subsection (2), by the substitution of “90 days” for “28 days”, and
 - (c) in subsection (3), by the substitution of “issued” for “made”.
- (2) The amendments of section 72 of the Act of 2004 effected by *paragraphs (a)* and *(b)* of *subsection (1)* shall apply only in respect of a notice of termination referred to in that section served after the date of commencement of *subsection (1)*.

Amendment of section 78 of Act of 2004

32. Section 78(1)(n) of the Act of 2004 is amended by the substitution of “issued” for “made”.

Amendment of section 95 of Act of 2004

33. (1) Section 95 of the Act of 2004 is amended—
- (a) in subsection (5), by the insertion of “, but shall otherwise maintain the confidentiality of the mediation and shall not disclose the report to any other person” after “Director”,
 - (b) in subsection (5A), by the substitution of “10 working days” for “10 days”, and
 - (c) in subsection (5B)(a), by the substitution of “subsection (4)(b)” for “subsection (3)(b)”.
- (2) The amendments of section 95 of the Act of 2004 effected by *paragraphs (a)* and *(b)* of *subsection (1)* shall apply only in respect of a mediation the date of completion of which under that section occurs after the date of commencement of those paragraphs.

Amendment of section 96 of Act of 2004

34. (1) Section 96 of the Act of 2004 is amended—
- (a) by the substitution of the following subsection for subsection (1):
 - “(1) Where the report furnished to the Director under section 95(5) states that there is agreement between the parties and that the agreement

resolves the dispute, the Director shall, as soon as practicable, prepare and issue a determination order under section 121 in respect of the dispute.”,

(b) in subsection (2)(b), by—

- (i) the substitution of “dispute, or” for “dispute,” in subparagraph (i),
- (ii) the substitution of “parties,” for “parties, or” in subparagraph (ii), and
- (iii) the deletion of subparagraph (iii),

and

(c) by the addition of the following subsection after subsection (2):

“(3) Where, within the period of 10 working days following the completion of a mediation, a party to the mediation has made a notification to the mediator and the Board under section 95(5A), the Board shall refer the dispute to the Tribunal.”.

- (2) The amendments of section 96 of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a mediation the date of completion of which under section 95 of the Act of 2004 occurs after the date of commencement of *subsection (1)*.

Amendment of section 97 of Act of 2004

35. (1) Section 97 of the Act of 2004 is amended—

(a) by the insertion of the following subsection after subsection (4):

“(4A) Where an adjudication relates to a matter in connection with a notice of termination referred to the Board for resolution under section 76, the adjudicator shall have regard to any advice referred to in section 67(3A) when making a decision or determination in relation to the matter.”,

(b) by the addition of the following subsections after subsection (7):

“(8) An adjudicator may receive evidence in accordance with subsection (9) where an adjudication relates to—

(a) a matter referred to the Board under section 76 that relates to—

- (i) an alleged failure by a tenant to comply with section 16(h),
- (ii) alleged behaviour of a tenant that is threatening to the fabric of the dwelling or the property containing the dwelling, or
- (iii) an alleged failure by a landlord to comply with section 12(1)(a),

or

(b) a complaint referred to the Board under section 77 that relates to—

- (i) an alleged breach of the duty of a landlord to enforce the obligation of a tenant under section 16(h), or
 - (ii) an alleged breach of the duty of a landlord not to allow behaviour of a tenant that is threatening to the fabric of the dwelling concerned or the property containing the dwelling.
 - (9) Where subsection (8) applies, the adjudicator may—
 - (a) receive evidence from a person who could be affected by the alleged failure, behaviour or breach, or
 - (b) receive as evidence of the alleged failure, behaviour or breach, a statement by a member of An Garda Síochána or an officer of a housing authority that the member or officer believes the alleged failure, behaviour or breach is occurring or has occurred, if the adjudicator is satisfied that—
 - (i) there are reasonable grounds for the belief, and
 - (ii) a person other than the member or officer would be deterred or prevented by violence or threat of violence to the person or to a person associated with that person, or to property of the person or of a person associated with that person, from giving such evidence.”,
- and
- (c) by the addition of the following subsections after subsection (9) (inserted by *paragraph (b)*):
 - “(10) An adjudication shall be conducted in public unless the adjudicator determines in accordance with rules made under section 109 that, due to the existence of special circumstances, the adjudication or part of it should be conducted otherwise than in public.
 - (11) Where an adjudication or part of it is conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the adjudication.
 - (12) A person who contravenes subsection (11) shall be guilty of an offence.
 - (13) Criminal proceedings for an offence referred to in subsection (12) shall not lie against a member of the staff of the Board or an adjudicator in respect of anything done in good faith by the member of the staff or adjudicator in the course of the performance or purported performance of functions under this Act.
 - (14) Each witness of a party before an adjudicator (including the party as witness) may be cross-examined by or on behalf of each other party.

- (15) A person giving evidence in an adjudication shall be entitled to the same immunities and privileges as a witness before the High Court.
- (16) An adjudicator may require that evidence be given in an adjudication by a person on oath or affirmation and for that purpose may administer or cause to be administered an oath or affirmation to the person.”.
- (2) The amendment of section 97 of the Act of 2004 effected by *subsection (1)(b)* shall apply only in respect of a matter or complaint referred to the Residential Tenancies Board under section 76 or 77 of the Act of 2004 after the date of commencement of *subsection (1)(b)*.
- (3) The amendment of section 97 of the Act of 2004 effected by *subsection (1)(c)* shall apply only in respect of a matter or complaint referred to the Residential Tenancies Board under section 76 or 77 of the Act of 2004 after the date of commencement of *subsection (1)(c)*.

Amendment of section 98 of Act of 2004

36. (1) Section 98 of the Act of 2004 is amended—

- (a) in subsection (1)(a), by the substitution of “10 working days” for “10 days”, and
- (b) in subsection (4), by the substitution of “in accordance with section 123(1)(c)” for “on a determination order under section 121 being made in relation to it”.
- (2) The amendment of section 98(1) of the Act of 2004 effected by *subsection (1)(a)* shall apply only in respect of a decision referred to in that subsection of which the adjudicator is first informed after the date of commencement of *subsection (1)(a)*.
- (3) The amendment of section 98(4) of the Act of 2004 effected by *subsection (1)(b)* shall apply only in respect of a determination order under section 121 issued after the date of commencement of *subsection (1)(b)*.

Amendment of section 99 of Act of 2004

37. Section 99(4) of the Act of 2004 is amended by the substitution of “preparing and issuing” for “making”.

Amendment of section 100 of Act of 2004

38. Section 100(2) of the Act of 2004 is amended by the insertion of “state the ground or grounds for the appeal and shall” after “shall”.

Amendment of section 101 of Act of 2004

39. (1) Section 101(1) of the Act of 2004 is amended—

- (a) in paragraph (a), by the substitution of “aware, and” for “aware,”,
- (b) in paragraph (b), by the substitution of “member.” for “member,”, and

- (c) by the deletion of paragraph (c).
- (2) The amendments of section 101(1) of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a mediation or adjudication arranged under Part 6 of the Act of 2004 after the date of commencement of *subsection (1)*.

Amendment of section 103 of Act of 2004**40.** (1) Section 103 of the Act of 2004 is amended—

(a) in subsection (1B)—

(i) in paragraph (a)—

(I) in subparagraph (i), by the insertion of “or complaint” after “dispute”,

(II) by the substitution of the following subparagraph for subparagraph (ii):

“(ii) the Tribunal considers that in the particular circumstances it would be appropriate to request the Board to refer the dispute or complaint to a Tribunal composed of 3 members,”

and

(III) by the substitution of “request the Board to do so” for “so refer the matter to the Board accordingly”,

and

(ii) in paragraph (b), by the insertion of “or complaint” after “dispute”,

and

(b) in subsection (1D), by the substitution of “subsection (1A)” for “this subsection”.

- (2) *Subsection (1)* shall commence on the date of commencement of section 44 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Amendment of section 104 of Act of 2004**41.** (1) Section 104 of the Act of 2004 is amended—

(a) in subsection (5)(a), by the substitution of “10 working days” for “21 days”, and

(b) by the addition of the following subsection after subsection (7):

“(8) The Tribunal shall, on the hearing of a dispute referred to it under section 94 or 96(2) or an appeal under section 100, have regard to any advice referred to in section 67(3A) in relation to the matter the subject of the dispute or appeal, as the case may be, when making a determination under section 108.”.

- (2) The amendment of section 104 of the Act of 2004 effected by *subsection (1)(a)* shall apply only in respect of a notice given under subsection (3) of that section after the date of commencement of *subsection (1)(a)*.

Amendment of section 105 of Act of 2004

42. (1) Section 105 of the Act of 2004 is amended by the insertion of the following subsections after subsection (1):

“(1A) The Tribunal may receive evidence in accordance with subsection (1B) where the dispute relates to—

(a) a matter referred to the Board under section 76 that relates to—

- (i) an alleged failure by a tenant to comply with section 16(h),
- (ii) alleged behaviour of a tenant that is threatening to the fabric of the dwelling or the property containing the dwelling, or
- (iii) an alleged failure by a landlord to comply with section 12(1)(a),

or

(b) a complaint referred to the Board under section 77 that relates to—

- (i) an alleged breach of the duty of a landlord to enforce the obligation of a tenant under section 16(h), or
- (ii) an alleged breach of the duty of a landlord not to allow behaviour of the tenant that is threatening to the fabric of the dwelling or the property containing the dwelling.

(1B) Where subsection (1A) applies, the Tribunal may—

- (a) receive evidence from a person who could be affected by the alleged failure, behaviour or breach, or
- (b) receive as evidence of such alleged failure, behaviour or breach a statement by a member of An Garda Síochána or an officer of a housing authority that the member or officer believes the alleged failure, behaviour or breach is occurring or has occurred, if the Tribunal is satisfied that—
 - (i) there are reasonable grounds for the belief, and
 - (ii) a person other than the member or officer would be deterred or prevented by violence or threat of violence to the person, or to a person associated with that person, or to property of the person or of the person associated with that person, from giving such evidence.”.

(2) The amendment of section 105 of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a matter or complaint referred to the Residential Tenancies Board under section 76 or 77 of the Act of 2004 after the date of commencement of *subsection (1)*.

Amendment of section 106 of Act of 2004

43. (1) The Act of 2004 is amended by the substitution of the following section for section 106:

“**106.** (1) Proceedings before the Tribunal shall be conducted in public unless the Tribunal determines in accordance with rules made under section 109 that, due to the existence of special circumstances, the proceedings or part of them should be conducted otherwise than in public.

(2) Where proceedings, or part of them, are conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the proceedings.

(3) A person who contravenes subsection (2) shall be guilty of an offence.

(4) Criminal proceedings for an offence referred to in subsection (3) shall not lie against a member of the staff of the Board or a member of the Tribunal in respect of anything done in good faith by the member of the staff or the member of the Tribunal in the course of the performance or purported performance of functions under this Act.”.

(2) The amendment of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a matter or complaint referred to the Residential Tenancies Board under section 76 or 77 of the Act of 2004 after the date of commencement of *subsection (1)*.

Amendment of section 109 of Act of 2004

44. Section 109(2)(d) of the Act of 2004 is amended by the substitution of “prepare and issue a determination order” for “make a determination order” in both places where it occurs.

Amendment of section 112 of Act of 2004

45. (1) Section 112 of the Act of 2004 is amended by the deletion of “or adjudicator” in each place in which it occurs.

(2) The amendment of section 112 of the Act of 2004 effected by *subsection (1)* shall apply only in respect of a mediation or adjudication arranged under Part 6 of the Act of 2004 after the date of commencement of *subsection (1)*.

Amendment of section 115 of Act of 2004

46. Section 115 of the Act of 2004 is amended—

(a) in subsection (2)(g), by the insertion of “subject to subsection (2A),” before “a declaration with regard to the right to return”,

(b) by the insertion of the following subsection after subsection (2):

- “(2A) A declaration made under subsection (2)(g) where the landlord has entered into an enforceable agreement of the type referred to in paragraph 3 of the Table to section 34 shall not have effect.”,
- (c) in subsection (3), by the substitution of “Subject to subsection (6), the amount” for “The amount”, and
- (d) by the addition of the following subsection after subsection (5):
- “(6) The amount (or, as appropriate, the aggregate of the amounts), that an adjudicator or the Tribunal may direct to be paid to a party under subsection (3), together with the amount of costs or expenses that may be awarded to a party in accordance with subsection (5), including any costs referred to in paragraph (a) or (b) of section 5(3), shall not exceed the monetary limit for an action in tort for the time being standing specified of the jurisdiction of the Circuit Court.”.

Amendment of section 121 of Act of 2004

47. (1) Section 121 of the Act of 2004 is amended by the addition of the following subsection after subsection (8):
- “(9) The Director may, by notice in writing given to the parties concerned, correct any mistake (including any omission) of an administrative or clerical nature in a determination order.”.
- (2) The amendment effected by *subsection (1)* shall apply only in respect of a determination order issued under section 121 of the Act of 2004 after the date of commencement of *subsection (1)*.

Amendment of section 123 of Act of 2004

48. (1) Section 123 of the Act of 2004 is amended by—
- (a) the substitution of the following subsection for subsection (1):
- “(1) Subject to subsection (2), a determination order shall become binding on the parties concerned—
- (a) in the case of a determination order embodying the terms of an agreement referred to in section 96(1), on the expiry of the period referred to in section 95(5A) unless, before the expiry of that period, a notification is made to the mediator and the Board under the said section 95(5A) in respect of the agreement,
- (b) in the case of a determination of an adjudicator under section 97(4)(a), on the expiry of the period referred to in section 100(2) unless, before the expiry of that period, an appeal is made under section 100(1) in respect of the determination, and
- (c) in the case of a determination of an adjudicator under section 97(4)(b), on the order being issued to the parties.”,

(b) the insertion of the following subsections after subsection (5):

“(5A) The High Court shall, on an appeal under subsection (3) from a determination of the Tribunal other than a determination not to deal with the dispute in accordance with section 85—

(a) where its determination on the appeal does not require the Director to cancel or vary the determination order under subsection (5), direct the party or parties concerned to comply with the determination order in the terms as it was originally issued, and

(b) where its determination on the appeal requires the Director to vary the determination order under subsection (5), direct the party or parties concerned to comply with the determination order in the terms as it will stand following such variation.

(5B) Where the High Court directs the Director to cancel or vary the determination order concerned under subsection (5), it may direct the Director to direct that a fresh determination of all or part of the dispute shall be made by the adjudicator or the Tribunal as appropriate (and the making of any such fresh determination shall be preceded by a rehearing of the matter by the adjudicator or the Tribunal and the provisions of Chapters 4 to 7 shall apply accordingly).

(5C) At any time during the course of an appeal under this section, the High Court may make such ancillary or other orders, including an order for possession of a dwelling the subject of a determination order or an interim order directing the payment of rent due, as it considers just.

(5D) The Board may furnish to the registrar of the High Court such information derived from the register as, in its opinion, is likely to assist in the execution of an order made by the Court under subsections (5) to (5C) (including, if the Court gives a direction authorising the Board to give that number to the registrar, the personal public service number of any party concerned).”,

(c) in subsection (6)(b)(i), by the substitution of “issued” for “made”,

(d) the insertion of the following subsection after subsection (7):

“(7A) Where, due to the existence of special circumstances identified by an adjudicator under section 97(10) or the Tribunal under section 106(1), an adjudication or Tribunal hearing or part of it is to be conducted otherwise than in public, the Board shall redact from the determination order that it publishes under subsection (7) the name, address, contact details and other personal data of the parties concerned.”,

and

(e) the substitution of the following subsections for subsection (8):

- “(8) In this section, ‘relevant period’ means a period beginning on the date that the determination order concerned is issued to the parties for a duration—
- (a) of 21 days, or
 - (b) specified by the High Court pursuant to an application under subsection (9).
- (9) Any of the parties concerned may make an application to the High Court for an order extending the period referred to in subsection (8)(a).
- (10) An application under subsection (9) shall—
- (a) state the reason why the applicant is seeking an extension of the period referred to in subsection (8)(a), and
 - (b) be made on motion (grounded on affidavit) on notice to the Board and any other party or notice party to the proposed appeal.
- (11) The High Court may, upon application to it under subsection (9), make an order extending the period referred to in subsection (8)(a) and specifying the duration of the period within which an appeal under subsection (3) may be made, if it is satisfied that—
- (a) there is good and substantial reason for doing so, and
 - (b) the circumstances that resulted in the applicant seeking an extension of the period referred to in subsection (8)(a) were outside the control of the applicant.”.

(2) The amendments of section 123 of the Act of 2004 effected by *subsection (1)(a)* shall apply only in respect of a determination order under section 121 of the Act of 2004 issued after the date of commencement of *subsection (1)(a)*.

(3) The amendments of section 123 of the Act of 2004 effected by *subsection (1)(b)* shall apply only in respect of an appeal under section 123(3) of the Act of 2004 made after the date of commencement of *subsection (1)(b)*.

(4) The amendments of section 123 of the Act of 2004 effected by *subsection (1)(d)* shall apply only in respect of a matter or complaint referred to the Residential Tenancies Board under section 76 or 77 of the Act of 2004 after the date of commencement of *subsection (1)(d)*.

(5) The amendments of section 123 of the Act of 2004 effected by *subsection (1)(e)* shall apply only in respect of a determination order under section 121 of the Act of 2004 issued after the date of commencement of *subsection (1)(e)*.

Amendment of section 124 of Act of 2004

49. (1) Section 124 of the Act of 2004 is amended by—

(a) the substitution of the following subsection for subsection (2):

“(2) On such an application and subject to section 125, the District Court shall, if it is satisfied that the determination order has been issued to the party concerned (in this section referred to as the ‘respondent’) and that the respondent has failed to comply with one or more terms of the determination order concerned, make an order directing the respondent to comply with that term or those terms.”,

(b) the deletion of subsections (3), (4) and (5),

(c) the substitution of the following subsection for subsection (6):

“(6) If the applicant under this section is not the Board, and the respondent proposes to oppose the application, the respondent shall give the Board at least 10 working days’ notice specifying that the respondent proposes to oppose the application on the ground that—

(a) the determination order has not been issued to the respondent, or

(b) the determination order ought to be cancelled under section 125,

and the Board shall be entitled to appear and be heard at the hearing of the application.”,

and

(d) in subsection (10), by the insertion of “for an action in tort” after “shall be the monetary limit”.

(2) The amendments effected by *subsection (1)* shall apply only in respect of an application under section 124 of the Act of 2004 made after the date of commencement of *subsection (1)*.

Amendment of section 125 of Act of 2004

50. (1) Section 125 of the Act of 2004 is amended by the substitution of the following subsection for subsection (4):

“(4) Without prejudice to subsection (3), if the determination order, the subject of an application under section 124, is one requiring a dwelling to be vacated and—

(a) the basis for that requirement is that the tenancy concerned was validly terminated by service of a notice of termination, and

(b) that notice was served by reason of the tenant’s failure to pay an amount of rent due,

the District Court may, before hearing any arguments or receiving any evidence in relation to whether good and substantial reasons referred

to in subsection (1) have been established, require the respondent to lodge in court or pay to the applicant, as it thinks appropriate, that amount of rent together with such amount as it specifies in respect of the dwelling's continued occupation by the respondent after the service of that notice.”.

- (2) The amendment effected by *subsection (1)* shall apply only in respect of an application under section 124 of the Act of 2004 made after the date of commencement of *subsection (1)*.

Amendment of section 137 of Act of 2004

51. Section 137(6) of the Act of 2004 is amended—

- (a) by the insertion, in paragraph (b), of “or, where an amount stands declared for the time being under subsection (1) of section 138 for the purposes of this paragraph, a fee of that amount,” after “€10”, and
- (b) by the substitution of “subsection (2) or (2B) of that section” for “subsection (2) or subsection (2B)”.

Amendment of section 137A of Act of 2004

52. Section 137A of the Act of 2004 is amended—

- (a) in subsection (1)—
 - (i) by the insertion of “, or an application referred to in subsection (2B) of section 134 in respect of a tenancy of a dwelling referred to in section 3(4),” after “subsection (2A) of section 134”, and
 - (ii) by the substitution, in paragraph (b)(ii), of “subsection (1A)” for “subsection (1)”,
- (b) in subsection (4)(b)(ii), by the substitution of “subsection (1A)” for “subsection (1)”,
- (c) in subsection (6)—
 - (i) by the insertion of “, or an application referred to in subsection (2B) of section 134 in respect of a tenancy of a dwelling referred to in section 3(4) is made after the expiration of the period specified in the said subsection (2B)” after “that subsection”, and
 - (ii) by the insertion, in paragraph (b), of “or, where an amount stands declared for the time being under subsection (1A) of section 138 for the purposes of this paragraph, a fee of that amount,” after “€5”,

and
- (d) by the deletion of subsection (7).

Amendment of section 138 of Act of 2004

53. Section 138 of the Act of 2004 is amended—

(a) in subsection (1)—

(i) by the substitution of the following paragraphs for paragraphs (i) and (ii):

“(i) in the case of paragraph (a)(ii) or (b)(ii) of section 137(1)—

(I) €40, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of the said paragraph (a)(ii) or (b)(ii), as the case may be,

(ii) in the case of paragraph (a)(ii)(I) or (b)(ii)(I) of section 137(4)—

(I) €170, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of the said paragraph (a)(ii)(I) or (b)(ii)(I), as the case may be,

or

(iii) in the case of section 137(6)(b)—

(I) €10 in respect of each month or part of a month falling after the expiration of the period specified in subsection (2) or (2B) of section 134, as the case may be, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) in respect of each month or part of a month for the purposes of the said section 137(6)(b),”

and

(ii) by the substitution of “subsection (1), (4) or (6) of section 137” for “subsection (1)(b) or (4)(b) of section 137”,

(b) in subsection (1A)—

(i) by the substitution of the following paragraphs for paragraphs (i) and (ii):

“(i) in the case of section 137A(1)(b)—

(I) €20, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of that provision,”

(ii) in the case of section 137A(4)(b)—

(I) €85, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) for the purposes of that provision,

or

(iii) in the case of section 137A(6)(b)—

(I) €5 in respect of each month or part of a month falling after the expiration of the period specified in section 134(2A) or (2B), as the case may be, or

(II) the amount that was last previously declared (in exercise of the power under this subsection) in respect of each month or part of a month for the purposes of the said section 137A(6)(b),”

and

(ii) by the substitution of “subsection (1), (4) or (6) of section 137A” for “subsection (1)(b) or (4)(b) of section 137A”,

(c) in subsection (2)(b), by the substitution of “subsection (1), (4) or (6) of section 137” for “subsection (1)(b) or (4)(b) of section 137”, and

(d) in subsection (2A)(b), by the substitution of “subsection (1), (4) or (6) of section 137A” for “subsection (1)(b) or (4)(b) of section 137A”.

Amendment of section 144 of Act of 2004

54. (1) Section 144 of the Act of 2004 is amended—

(a) in subsection (1)—

(i) by the substitution of “ought to be or ought to have been registered in the register has not been the subject of an application for registration under section 134, it may serve” for “ought to be registered in the register has not been the subject of an application for registration under section 134, it shall serve”, and

(ii) by the substitution of “considers to be or to have been” for “considers to be”,

(b) in subsection (7)—

(i) by the substitution of “ought to be or ought to have been registered” for “ought to be registered”, and

(ii) by the substitution of “exists or existed in respect of a dwelling and, accordingly, ought to be or ought to have been registered” for “exists in respect of a dwelling and, accordingly, ought to be registered”,

and

(c) by the addition of the following subsections after subsection (7):

“(8) Where the Board has reasonable grounds for believing that a person has committed an offence under subsection (4), it may serve on the person a notice in the prescribed form (in this section referred to as a ‘fixed payment notice’) stating that—

- (a) the person is alleged to have committed an offence under subsection (4) (in this section referred to as the ‘alleged offence’),
- (b) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €100 or such greater amount not exceeding €500 as may be prescribed, identifying the notice to which the payment relates,
- (c) the person is not obliged to make the payment specified in the notice,
- (d) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and
- (e) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

(9) Where a fixed payment notice is served—

- (a) the person to whom it applies may make a payment in accordance with subsection (8)(b),
- (b) the Board shall, upon receipt of the payment, issue a receipt for it,
- (c) any payment received by the Board shall not be recoverable by the person who made it, and
- (d) a prosecution in respect of the alleged offence shall not be instituted during the period specified in subsection (8)(b) and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(10) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with subsection (8)(b) pursuant to a fixed payment notice served in respect of the alleged offence.

(11) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.”.

(2) The amendments of section 144 of the Act of 2004 effected by *subsection (1)(c)* shall apply only in respect of a notice served under section 144(3) of the Act of 2004 after the date of commencement of *subsection (1)(c)*.

Amendment of section 144A of Act of 2004

55. (1) Section 144A of the Act of 2004 is amended—

- (a) in subsection (1), by the substitution of “If it appears to the Board that a landlord under a tenancy has failed to comply with section 139(1), the Board may” for “As soon as practicable after it has formed the opinion that a landlord under a tenancy has failed to comply with section 139(1), the Board shall”, and

- (b) by the addition of the following subsections after subsection (4):

“(5) Where the Board has reasonable grounds for believing that a person has committed an offence under subsection (4), it may serve on the person a notice in the prescribed form (in this section referred to as a ‘fixed payment notice’) stating that—

- (a) the person is alleged to have committed an offence under subsection (4) (in this section referred to as the ‘alleged offence’),
- (b) the person may, during the period of 28 days beginning on the date of the fixed payment notice, make to the Board a payment of €100 or such greater amount not exceeding €500 as may be prescribed, identifying the notice to which the payment relates,
- (c) the person is not obliged to make the payment specified in the notice,
- (d) a prosecution of the person in respect of the alleged offence will not be instituted during the period of 28 days beginning on the date of the notice, and
- (e) if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence will be instituted.

- (6) Where a fixed payment notice is served—

- (a) the person to whom it applies may make a payment in accordance with subsection (5)(b),
- (b) the Board shall, upon receipt of the payment, issue a receipt for it,
- (c) any payment received by the Board shall not be recoverable by the person who made it, and
- (d) a prosecution in respect of the alleged offence shall not be instituted during the period specified in subsection (5)(b) and, if payment so specified is made during that period, no prosecution in respect of the alleged offence shall be instituted.

- (7) In proceedings for an alleged offence, it shall be a defence for the defendant to prove that the defendant has made a payment in accordance with subsection (5)(b) pursuant to a fixed payment notice served in respect of the alleged offence.

- (8) Payments received by the Board under this section shall be paid into or disposed of for the benefit of the Exchequer.”.
- (2) The amendments of section 144A of the Act of 2004 effected by *subsection (1)(b)* shall only apply in respect of a notice served under section 144A(3) of the Act of 2004 after the date of commencement of *subsection (1)(b)*.

Amendment of section 145 of Act of 2004

56. Section 145 of the Act of 2004 is amended by—

- (a) the substitution of the following subsections for subsection (1):

“(1) Where the Board has reasonable grounds for believing that any activity in connection with the letting or tenancy of a dwelling (in this section referred to as the ‘dwelling concerned’) is carried on at a premises, a person authorised in writing by the Board for the purposes of this section as respects the premises may, at all reasonable times, enter into and inspect that premises for the purposes of—

- (a) forming an opinion as to whether any activity in connection with the letting or tenancy of any dwelling (including the dwelling concerned) is being, or has been, carried on at the premises,
 - (b) forming an opinion as to whether a tenancy of the dwelling concerned that ought to be, or ought to have been, registered in the register has been the subject of an application for registration under section 134,
 - (c) ascertaining the particulars to be specified in an application under section 134 in respect of a tenancy of the dwelling concerned, or
 - (d) determining the correctness of any particular specified in an application made under section 134 in respect of a tenancy of the dwelling concerned.
- (1A) A person referred to in subsection (1) shall not, other than with the consent of the occupier, enter a private dwelling without a warrant issued under subsection (1B) authorising the entry.
- (1B) A judge of the District Court, if satisfied on the sworn information of a person referred to in subsection (1) that—
- (a) there are reasonable grounds for suspecting that any information or records, as the said person may reasonably require for the purposes of the said person’s authorisation under this section, is or are held on any premises or any part of any premises, and
 - (b) the said person, acting under authority for the purposes of this section, has been prevented from entering the premises or any part thereof,

may issue a warrant authorising a person authorised in writing by the Board for the purposes of this section, accompanied if necessary by other persons, at any time or times within 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned for the purposes of this section.

(1C) An application for a warrant under subsection (1B) shall be made to a judge of the District Court for the time being assigned to the District Court District within which the premises in respect of which the application is made is situated.”,

(b) by the substitution of the following for subsection (2):

“(2) A person shall not be authorised under subsection (1) unless the Board has reasonable grounds for believing that there has been a failure to comply with section 134 in respect of the dwelling concerned.”,

and

(c) in subsection (4), by the insertion of “, or ought to have been,” after “ought to be”.

Amendment of section 148AG of Act of 2004

57. Section 148AG of the Act of 2004 is amended—

(a) in subsection (1), by the insertion of “or to a fixed payment notice under section 12, 22B, 144 or 144A being served in respect of that offence” after “conduct concerned”,

(b) in subsection (2)—

(i) by the insertion of “, or a fixed payment notice under section 12, 22B, 144 or 144A has been served on the landlord,” after “against a landlord”, and

(ii) by the insertion of “or the fixed payment notice has been served, as the case may be,” after “the proceedings have been or are being brought”.

Amendment of section 161 of Act of 2004

58. Section 161 of the Act of 2004 is amended—

(a) by the insertion of the following subsection after subsection (2):

“(2A) During a period when—

(a) the Director is, by reason of illness or otherwise, unable to perform the functions of Director, or

(b) the office of Director is vacant,

specified functions of the Director may, during that period, at the request of the Board and with the consent of the Minister, be

performed by a member of staff of the Board designated to act as the deputy for the Director (in this section referred to as the ‘Deputy Director’).”,

and

(b) by the addition of the following subsection after subsection (5):

“(5A) A reference in this Act to the Director, in so far as it relates to a function to be performed by a Deputy Director under subsection (2A), shall include a reference to the Deputy Director designated under that subsection to perform that function.”.

Amendment of section 176 of Act of 2004

59. Section 176(3) of the Act of 2004 is amended by the substitution of “issued under section 121” for “made under section 121” in both places where it occurs.

Amendment of Schedule 2 to Act of 2004

60. (1) Schedule 2 to the Act of 2004 is amended by the insertion of “subsection (1)(i) or (6) of section 12,” before “subsection (4) or (5B) of section 19” in paragraph (a).

(2) The amendment of Schedule 2 to the Act of 2004 effected by *subsection (1)* shall apply only in respect of a contravention of subsection (1)(i) or (6) of section 12 of the Act of 2004 occurring after the date of the commencement of *subsection (1)*.

Amendment of Schedule 3 to Act of 2004

61. (1) Schedule 3 to the Act of 2004 is amended—

(a) in Part 1—

(i) by the substitution of the following paragraph for paragraph 7:

“7. The oral hearing shall be conducted in public unless the authorised officer determines, in accordance with rules made under section 148AF, that due to the existence of special circumstances it, or part of it, should be conducted otherwise than in public.”,

and

(ii) by the insertion of the following paragraphs after paragraph 7:

“7A. Where an oral hearing or part of it is conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the oral hearing.

7B. A person who contravenes paragraph 7A shall be guilty of an offence.

7C. Criminal proceedings for an offence referred to in paragraph 7B shall not lie against a member of the staff of the Board or an authorised

officer in respect of anything done in good faith by the member of the staff or authorised officer in the course of the performance or purported performance of a function under this Act.”,

and

(b) in Part 2—

(i) by the substitution of the following paragraph for paragraph 7:

“7. The oral hearing shall be conducted in public unless the decision maker determines, in accordance with rules made under section 148AF, that due to the existence of special circumstances it, or part of it, should be conducted otherwise than in public.”,

and

(ii) by the insertion of the following paragraphs after paragraph 7:

“7A. Where an oral hearing or part of it is conducted otherwise than in public, a person shall not knowingly or recklessly publish the name, address, contact details or other personal data of a party to the oral hearing.

7B. A person who contravenes paragraph 7A shall be guilty of an offence.

7C. Criminal proceedings for an offence referred to in paragraph 7B shall not lie against a member of the staff of the Board or the decision maker in respect of anything done in good faith by the member of the staff or decision maker in the course of the performance or purported performance of a function under this Act.”.

(2) The amendments of Schedule 3 to the Act of 2004 effected by *subsection (1)* shall apply only—

- (a) in the case of the amendments in *paragraph (a)* of that subsection, in respect of an oral hearing conducted under section 148S(14) of the Act of 2004 after the date of commencement of that paragraph, and
- (b) in the case of the amendments in *paragraph (b)* of that subsection, in respect of an oral hearing conducted under subsection (6)(a) or (7)(a) of section 148X of the Act of 2004 after the date of commencement of that paragraph.