AN BILLE UM CHOIMISIÚN THITHE AN OIREACHTAIS, 2002
HOUSES OF THE OIREACHTAS COMMISSION BILL, 2002

Mar a tionscnaíodh
As initiated

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AN BILLE UM CHOIMISIÚN THITHE AN OIREACHTAIS, 2002

HOUSES OF THE OIREACHTAS COMMISSION BILL, 2002

BILL

entitled

AN ACT TO ESTABLISH A BODY TO BE KNOWN AS THE HOUSES OF THE OIREACHTAS COMMISSION, TO PROVIDE FOR THE FUNDING, FUNCTIONS AND COMPOSITION OF THE COMMISSION, TO PROVIDE FOR THE POSITION TO BE KNOWN AS SECRETARY GENERAL OF THE OFFICE OF THE HOUSES OF THE OIREACHTAS, AND TO PROVIDE FOR CONNECTED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the Houses of the Oireachtas Commission Act, 2002.

(2) This Act comes into operation on the establishment day.

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

''acting chairperson'' means the person who under *section 7* holds the office of acting chairperson of the Commission;

''annual report'' has the meaning given to it by *section 6*;

''chairperson'' means the person who under *section 7* holds the office of chairperson of the Commission;

''civil servant'' has the meaning given to it by section 1(1) of the Civil Service Regulation Act, 1956, as amended by section 17(2) of the Staff of the Houses of the Oireachtas Act, 1959;

''Commission'' means the Houses of the Oireachtas Commission established by *section 3*;

''established civil servant'' has the meaning given to it by section 1(1) of the Civil Service Regulation Act, 1956;

''establishment day'' means the day appointed under *section 3* to be the establishment day for the purposes of this Act;

''functions'' includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

''member of the joint staff of the Houses of the Oireachtas'' has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act, 1959;

''member of the staff of the Houses of the Oireachtas'' has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act, 1959;

''Minister'' means the Minister for Finance;

''Minister's representative'' has the meaning given to it by *section 8*;

''officer of the Houses of the Oireachtas'' has the meaning given to it by section 17(2) of the Staff of the Houses of the Oireachtas Act, 1959;

''Oireachtas Committee'' means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas;

''ongoing expenditure'' means payments relating to the matters specified in Schedule 1;

''Secretary General'' has the meaning given to it by *section 15*.

(2) In this Act—

(*a*) a reference to a section is a reference to a section of this Act, unless it is indicated that a reference to some other provision is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

(3) A reference to another enactment is to that enactment as amended or modified at any time by any enactment.

PART 2

The Commission

Establishment of Commission.

3.—(1) The Minister shall appoint, by order, a day to be the establishment day for the purposes of this Act.

(2) On the establishment day, there shall stand established a body to be known as *Coimisiún Thithe an Oireachtais* or, in the English language, the Houses of the Oireachtas Commission, which shall perform the functions conferred on it by or under this Act.

(3) The Commission is a body corporate with perpetual succession and it has power to sue and it may be sued in its corporate name and may hold and transfer property.

(4) Subject to this Act, the Commission is independent in the performance of its functions.

Functions of Commission.

4.—(1) The functions of the Commission are—

(*a*) to oversee ongoing expenditure,

(*b*) to provide services and facilities for the purposes of the administration and management of the Office of the Houses of the Oireachtas,

(*c*) to pay the salaries and expenses of the Office of the Houses of the Oireachtas, including certain grants-in-aid and certain expenses in connection with the European Parliament, referred to in *Schedule 1*,

(*d*) (i) subject to *paragraph (ii)*, to provide secretarial facilities to each House of the Oireachtas,

(ii) to determine, subject to the consent of the Minister, in respect of a person engaged in the provision of secretarial facilities—

(I) rates of pay,

(II) conditions of employment,

(III) pension rights,

(*e*) to make legal advice available, in respect of matters arising on or after the establishment day, to—

(i) members of Dáil Éireann and Seanad Éireann, as regards matters arising from their membership of Dáil Éireann or Seanad Éireann, and

(ii) Committees of Dáil Éireann or Seanad Éireann or Oireachtas Committees,

(*f*) subject to *subsections (3)* and *(4)* and subject to the consent of the court, or other tribunal including an arbitrator concerned—

(i) where authorised by Dáil Éireann to do so, to participate in legal proceedings to which Dáil Éireann, or a Committee of Dáil Éireann, is a party,

(ii) where authorised by Seanad Éireann to do so, to participate in legal proceedings to which Seanad Éireann, or a Committee of Seanad Éireann, is a party,

(iii) where authorised by Dáil Éireann and Seanad Éireann to do so, to participate in legal proceedings to which an Oireachtas Committee is a party,

(*g*) to perform the functions in relation to staff of the Commission specified in *section 12*,

(*h*) to prepare and publish an annual report in accordance with *section 6*,

(*i*) to prepare an annual statement of estimates in accordance with *section 13*, and

(*j*) to keep accounts in accordance with *section 14*.

(2) The Commission has the powers that are necessary for or incidental to the performance of its functions under this Act.

(3) In this section ''legal proceedings'' means proceedings before a court or other tribunal including an arbitrator in respect of a cause of action accruing on or after the establishment day.

(4) Legal proceedings referred to in *subsection (1)(f)* or an order made in relation to them shall not be affected by a dissolution of Dáil Éireann or Seanad Éireann.

(5) In any legal proceedings by or against Dáil Éireann or a Committee of Dáil Éireann or Seanad Éireann or a Committee of Seanad Éireann or an Oireachtas Committee it shall not be necessary to name members of that House or Committee as parties to the proceedings.

Funding of Commission.

5.—(1) Subject to *subsection (2)* the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from the establishment day, shall be charged on and paid out of the Central Fund, or the growing produce thereof.

(2) Not more than the sum of €226,103,000 shall be so charged and paid out.

(3) Receipts of the Commission specified in *Schedule 2* shall be paid by it into the Central Fund.

Reports.

6.—(1) The Commission shall prepare and publish a report in each year (in this Act referred to as the ''annual report'') on the activities of the Commission in the previous year.

(2) The first annual report shall be in respect of the period beginning on the establishment day and ending on the following 31 December and shall be published not later than the following 30 June.

(3) Each subsequent annual report shall be published not later than 6 months after the end of the year to which it relates.

(4) Each annual report shall be laid by the Commission before both Houses of the Oireachtas.

(5) If requested to do so by either House of the Oireachtas or by an Oireachtas Committee authorised by the standing orders of either such House to do so, the Secretary General shall furnish to the House or Committee, on behalf of the Commission, information relating to one or more of the following:

(*a*) policies and activities of the Commission;

(*b*) accounts prepared by the Commission;

(*c*) any other matter relating to the functions of the Commission.

Chairperson of Commission.

7.—(1) The Chairman of Dáil Éireann is the chairperson of the Commission and is to ensure that it performs its functions efficiently.

(2) There shall be an acting chairperson of the Commission (''the acting chairperson'').

(3) (*a*) As soon as may be after the establishment day, the chairperson shall appoint in writing a member of the Commission, other than the Secretary General, to be the acting chairperson,

(*b*) The acting chairperson shall act as chairperson of the Commission if the chairperson is unable to perform his or her functions,

(*c*) The Commission may appoint a member of the Commission, other than the Secretary General, to be the acting chairperson where—

(i) the chairperson is unable to perform his or her functions and has not appointed a member of the Commission under *subsection (3)(a)*,

(ii) both the chairperson and the person appointed under *subsection (3)(a)* are unable to perform the functions of chairperson, or

(iii) the office of Chairman of Dáil Éireann is vacant.

Membership and term of office.

8.—(1) The Commission consists of the following members:

(*a*) the Chairman of Dáil Éireann;

(*b*) the Chairman of Seanad Éireann;

(*c*) the Secretary General;

(*d*) a member appointed by the Minister (and in this Act referred to as the ''Minister's representative''), and

(*e*) not more than 7 ordinary members.

(2) The Minister's representative shall be a member of one of the Houses of the Oireachtas.

(3) (*a*) 4 of the ordinary members of the Commission shall be appointed by Dáil Éireann or a Committee of that House authorised by it to do so and shall be members of that House.

(*b*) 3 of the ordinary members of the Commission shall be appointed by Seanad Éireann or a Committee of that House authorised by it to do so and shall be members of that House.

(4) In relation to the ordinary members of the Commission referred to in *subsection (3)*—

(*a*) the first such appointments shall be made as soon as may be after the commencement of this section, and

(*b*) subsequent appointments shall be made as soon as may be after the first meeting of the House, or Committee concerned, after a general election for members of that House.

(5) Subject to this section, an ordinary member of the Commission (other than an ordinary member of the Commission who is acting chairperson and who is performing the functions of chairperson at the time of the dissolution of Dáil Éireann because the chairperson is unable to perform his or her functions) who is a member of Dáil Éireann or Seanad Éireann holds office, as may be appropriate, until—

(*a*) the dissolution of Dáil Éireann occurring next after his or her appointment as such member, or he or she ceases to be a member,

(*b*) the day before the polling day of the general election for Seanad Éireann next held after his or her appointment as such member, or he or she ceases to be a member.

(6) A member of the Commission referred to in *subsection (5)(b)* ceases to hold office as such member if he or she becomes a member of Dáil Éireann.

(7) An ordinary member of the Commission may resign his or her office at any time by letter addressed to the body that appointed him or her.

(8) The body that receives a letter under *subsection 7*, shall cause a copy of it be sent to the Secretary General, as soon as may be after receipt of it.

(9) A person who is an ordinary member of the Commission or the Minister's representative ceases to be a member of the Commission if he or she ceases to be a member of a House of the Oireachtas.

(10) Subject to *subsection (11)*, the Committee established under the standing orders of Dáil Éireann to perform such functions in relation to the procedure and privileges of Dáil Éireann as may be conferred on it by that House, may remove from office an ordinary member of the Commission who is a member of that House, and, the Committee established under the standing orders of Seanad Éireann to perform such functions in relation to the procedure and privileges of Seanad Éireann as may be conferred on it by that House, may remove from office an ordinary member of the Commission who is a member of that House, if the Committee is of the opinion that—

(*a*) the member has become incapable through ill health of effectively performing the duties of such a member,

(*b*) the member has committed stated misbehaviour, or

(*c*) the removal appears to the Committee to be necessary for the effective performance of the functions of the Commission.

(11) A member of the Commission may not be removed from office under *subsection (10)* unless a resolution providing for the removal and stating the grounds for it is passed by Dáil Éireann or Seanad Éireann, as may be appropriate.

(12) The Minister's representative may resign from office as a member of the Commission, at any time, by letter addressed to the Minister.

(13) The Minister may remove the Minister's representative from membership of the Commission at any time.

(14) Where an ordinary member of the Commission ceases to be a member under *subsection (6)*, *(7)* or *(9)* or is removed under *subsection (10)*, the House of the Oireachtas of which he or she was a member immediately prior to such cesser, or a committee of that House authorised by it to do so, may appoint another member of that House to be an ordinary member of the Commission in his or her place.

(15) Where the Minister's representative ceases to be a member of the Commission under *subsection (9)* or *(12)* or is removed from office as such a member under *subsection (13)* the Minister may appoint a member of either House of the Oireachtas to be the Minister's representative on the Commission in place of the other Minister's representative.

(16) A member of the Commission, other than the Minister's representative, ceases to hold office as such member if he or she is appointed to be a Minister of the Government, a Minister of State or Attorney General.

(17) Subject to *section 10(3)*, the Commission may act despite one or more vacancies in its membership.

Dissolution of Dáil Éireann and Seanad Éireann.

9.—(1) If Dáil Éireann is dissolved, the chairperson or, if the chairperson is unable to perform his or her functions, the acting chairperson of the Commission continues to hold office until a Chairman of Dáil Éireann is appointed by Dáil Éireann at a meeting of Dáil Éireann following such dissolution.

(2) The Minister shall appoint a Minister of the Government or a Minister of State to be a member of the Commission if the Minister's representative—

(*a*) ceases to be a member of Dáil Éireann, following a dissolution of that House, or

(*b*) ceases to be a member of Seanad Éireann, following a dissolution of that House, or following his or her election to Dáil Éireann in a general election or bye-election.

(3) A member of the Commission appointed under *subsection (2)* shall hold office until Dáil Éireann next meets following the dissolution, election or bye-election referred to in *subsection (2)*.

Meetings.

10.—(1) The Commission shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The chairperson shall fix the date, time and place of the first meeting of the Commission.

(3) The quorum for a meeting of the Commission is 4.

(4) The chairperson of the Commission shall preside at any meetings of the Commission.

(5) If the chairperson is not present at a meeting of the Commission the acting chairperson shall preside at the meeting.

Transfer of rights and liabilities.

11.—(1) With effect from the establishment day the following are transferred to the Commission—

(*a*) all rights and property (and rights relating to such property) held or enjoyed immediately before that day by the Office of the Houses of the Oireachtas in the performance by it of its functions referred to in *section 5*,

(*b*) all liabilities incurred before that day by the Office of the Houses of the Oireachtas in the performance by it of its functions,

and, accordingly, without any further conveyance, transfer or assignment—

(i) the said property, shall on that day vest in the Commission for all the estate, term or interest for which, immediately before that day, it was vested in the Office of the Houses of the Oireachtas, but subject to all trusts and equities affecting the property and capable of being performed,

(ii) those rights shall, as and from that day be enjoyed by the Commission, and

(iii) those liabilities shall, as and from that day, be liabilities of the Commission.

(2) Every right and liability transferred to the Commission by this section may, on or after the establishment day, be sued on, recovered or enforced by or against the Commission in its own name and it shall not be necessary for the Commission to give notice of the transfer to the person whose right or liability is transferred by this section.

Staff of Commission.

12.—(1) A person who, immediately before the establishment day was a member of the staff of the Houses of the Oireachtas or the joint staff of the Houses of the Oireachtas, shall be transferred to and become a member of the staff of the Commission on that day, on terms and conditions not less favourable to him or her than those applicable to that person immediately before the transfer.

(2) Every person referred to in *subsection (1)* who was a civil servant before the establishment day continues to be a civil servant after that day.

(3) The Commission shall—

(*a*) appoint persons to be members of the joint staff of the Houses of the Oireachtas, and to be the employer of those persons,

(*b*) determine, subject to *paragraph (c)*, staff requirements,

(*c*) obtain the consent of the Minister to appoint staff at or above the grade of or equivalent to Principal (Higher),

(*d*) appoint persons to scheduled occupations within the meaning of section 2(1) of the Civil Service Commissioners Act, 1956, and be the employer of those persons,

(*e*) where it considers it appropriate to do so, recommend to the Government the dismissal of an established civil servant employed in the Office of the Houses of the Oireachtas,

(*f*) dismiss a civil servant employed in the Office of the Houses of the Oireachtas who is not an established civil servant or who is in a probationary position within the meaning of section 7 of the Civil Service Regulation Act, 1956 as amended by section 7 of the Civil Service Regulation (Amendment) Act, 1958.

(4) (*a*) References in any enactment to members of the staff of the Houses of the Oireachtas shall be construed as references—

(i) to members of the staff of the Commission who immediately before the establishment day were members of the staff of the Houses of the Oireachtas, and

(ii) to persons appointed after that day to be members of the staff of the Commission and who occupy positions corresponding to positions before the establishment day on the staff of the Houses of the Oireachtas.

(*b*) References in any enactment to members of the joint staff of the Houses of the Oireachtas shall be construed as references—

(i) to members of the staff of the Commission who immediately before the establishment day were members of the joint staff of the Houses of the Oireachtas, and

(ii) to persons appointed after that day to be members of the staff of the Commission and who occupy positions corresponding to positions before the establishment day on the joint staff of the Houses of the Oireachtas.

Annual estimate of ongoing expenditure.

13.—(1) The Commission shall prepare and publish a statement of estimates of the amount of moneys required by it in respect of ongoing expenditure for—

(*a*) in the case of the first statement, the period beginning on the establishment day and ending on the following 31 December, and

(*b*) in the case of every subsequent statement, the period of 12 months starting on 1 January in each year.

(2) The second statement of estimates and subsequent statements of estimates shall include a breakdown of moneys paid out by the Commission in respect of ongoing expenditure for the period covered by the immediately preceding statement of estimates.

(3) In each year a statement of estimates of the Commission shall be—

(*a*) presented to Dáil Éireann, on a motion that Dáil Éireann take note of the statement, by a member of the Commission who is a member of Dáil Éireann, or any other member of Dáil Éireann nominated by the Commission for that purpose, and

(*b*) when Dáil Éireann has taken note of the statement in accordance with *paragraph (a)*, furnished by the Secretary General to the Minister not later than 30 days before the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of the Expenditure in that year.

(4) If, in any year, the Commission fails to prepare and publish a statement of estimates in accordance with this section, the Minister shall make such provision as he or she sees fit for the purposes of the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of the Expenditure in that year.

(5) (*a*) If, in any year, the chairperson of the Commission shows to the satisfaction of the Minister in a document provided by him or her, that the expenditure incurred by the Commission to be charged on and paid out of the Central Fund under *section 5(1)* will exceed the sum referred to in *section 5(2)* before further provision can be made by the Oireachtas in relation to the funding of the Commission, the expenditure of the Commission not exceeding one half of the ongoing expenditure for the period covered in the statement of estimates last prepared and published under this section shall be charged on and paid out of the Central Fund.

(*b*) *Subsection 5(a)* may be applied only in respect of one year and after such application shall not have effect in relation to any other year.

Accounts.

14.—(1) The Commission shall keep in such form, and in respect of such accounting periods as may be approved of by the Minister, all proper and usual accounts of all moneys received or expended by it and shall keep any special accounts that the Minister may from time to time direct.

(2) In relation to accounts kept under this section the Secretary General shall—

(*a*) submit them annually to the Comptroller and Auditor General for audit, not later than 3 months after the accounting period to which they relate, and

(*b*) immediately after the audit referred to in *paragraph (a)*, present a copy of them, and the report of the Comptroller and Auditor General on them, to the Minister.

(3) The Minister shall lay copies of the audited accounts and the report referred to in *subsection (2)* before each House of the Oireachtas.

(4) Whenever required to do so by a Committee of Dáil Éireann established under the standing orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, the Secretary General shall give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account of the Commission subject to audit by the Comptroller and Auditor General,

(*b*) the economy and efficiency of the Commission in the use of its resources,

(*c*) the systems, procedures and practices employed by the Commission for the purpose of evaluating the effectiveness of its operations, and

(*d*) any matter affecting the Commission referred to in a special report of the Comptroller and Auditor General under *section 11(2)* of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b)* or *(c)*) that is laid before Dáil Éireann.

(5) In performing functions under *subsection (4)*, the Secretary General shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Secretary General of Office of Houses of Oireachtas.

15.—(1) The office of the Clerk of Dáil Éireann is, on and after the establishment day, known as the office of the Secretary General of the Office of the Houses of the Oireachtas (in this Act referred to as the ''Secretary General'').

(2) The Secretary General is the chief executive of the Commission.

(3) Except as otherwise directed by the Commission, the Secretary General manages and controls generally the staff, administration and business of the Office of the Houses of the Oireachtas, and performs such other functions as may be conferred on him or her by this or any other enactment or by the Commission.

(4) The Secretary General is responsible to the Commission for the performance of his or her functions and the implementation of the policies of the Commission.

Application of Freedom of Information Act, 1997.

16.—The First Schedule to the Freedom of Information Act, 1997, is amended at paragraph 1(2) by inserting ''the Houses of the Oireachtas Commission,'' after ''the Office of the Registrar of Friendly Societies,''.

Superannuation.

17.—For the purposes of the Superannuation Acts, 1834 to 1963, and the Superannuation and Pensions Act, 1976, the following are taken to be paid from voted moneys:

(*a*) each officer of the Houses of the Oireachtas, and

(*b*) each member of the joint staff of the Houses of the Oireachtas.

Application of Civil Service Commissioners Act, 1956.

18.—(1) The Civil Service Commissioners Act, 1956, is amended—

(*a*) in section 3(1), as amended by section 13 of the Staff of the Houses of the Oireachtas Act, 1959, by substituting the following for paragraph (a):

''(*a*) in relation to the position of a member of the joint staff of the Houses of the Oireachtas— the Houses of the Oireachtas Commission,'',

(*b*) in section 27(1), as amended by section 11 of the Staff of the Houses of the Oireachtas Act, 1959, by substituting ''Houses of the Oireachtas Commission'' for ''Chairman of Dáil Éireann''.

Application of Civil Service Regulation Act, 1956, as applied or amended by Part IV of Staff of the Houses of the Oireachtas Act, 1959.

19.—(1) Section 2(1)(*aa*) of the Civil Service Regulation Act, 1956, as inserted by section 18(1) of the Staff of the Houses of the Oireachtas Act, 1959, is amended—

(*a*) by substituting the following for paragraphs (*aa*) and (*ab*):

''(*aa*) in relation to a civil servant who is the Secretary General of the Houses of the Oireachtas Commission or the Clerk-Assistant of Dáil Éireann, in respect of matters directly related to the business of Dáil Éireann, the Chairman of Dáil Éireann, in all other respects, the Houses of the Oireachtas Commission,

(*ab*) in relation to a civil servant who is the Clerk or Clerk-Assistant of Seanad Éireann, in respect of matters directly related to the business of Seanad Éireann, the Chairman of Seanad Éireann, in all other respects, the Houses of the Oireachtas Commission,'',

(*b*) by inserting the following paragraphs after paragraph (*ab*) (inserted by *paragraph (a)*):

''(*ac*) in relation to a civil servant who is the Superintendent, Houses of the Oireachtas or the Captain of the Guard, Houses of the Oireachtas—

(i) in respect of matters directly related to the business of Dáil Éireann, the Chairman of Dáil Éireann,

(ii) in respect of matters directly related to the business of Seanad Éireann, the Chairman of Seanad Éireann,

(iii) in all other respects, the Houses of the Oireachtas Commission,

(*ad*) in relation to a member of the joint staff of the Houses of the Oireachtas, the Houses of the Oireachtas Commission,''.

(2) The Staff of the Houses of the Oireachtas Act, 1959, as it applies to the Civil Service Regulation Act, 1956, is amended—

(*a*) in section 20—

(i) in subsection (*a*), by inserting ''following consultation by him with the Houses of the Oireachtas Commission,'' after ''Chairman of Dáil Éireann,'',

(ii) in subsection (*b*), by inserting ''following consultation by him with the Houses of the Oireachtas Commission,'' after ''Chairman of Seanad Éireann,'',

(iii) in subsection (*c*), by substituting ''Chairman of Dáil Éireann, the Chairman of Seanad Éireann and the Houses of the Oireachtas Commission'', for ''Chairman of Dáil Éireann and the Chairman of Seanad Éireann,'',

(iv) in subsection (*d*), by inserting ''and the Houses of the Oireachtas Commission,'' after ''Chairman of Seanad Éireann,'',

(*b*) in section 21—

(i) in subsection (1)—

(I) by substituting the following for the definition of ''the appropriate authority'': '' 'the appropriate authority' means the Houses of the Oireachtas Commission;'', and

(II) by deleting the definition of ''the chairman'',

(ii) by substituting the following for subsection (2):

''(2) (*a*) The Chairman of Dáil Éireann may suspend from duty a civil servant to whom this section applies, who, while employed on duties directly related to the business of Dáil Éireann, is guilty of grave misconduct warranting disciplinary action,

(*b*) The Chairman of Seanad Éireann may suspend from duty a civil servant to whom this section applies, who, while employed on duties directly related to the business of Seanad Éireann, is guilty of grave misconduct warranting disciplinary action.'',

(iii) by substituting the following for subsection (3):

''(3) (*a*) The Chairman of Dáil Éireann may terminate the suspension of a civil servant to whom this section applies who is suspended under paragraph (*a*) of subsection (2) of this section,

(*b*) The Chairman of Seanad Éireann may terminate the suspension of a civil servant to whom this section applies who is suspended under paragraph (*b*) of subsection (2) of this section.'',

(iv) by substituting the following for subsection (4):

''(4) Where the Chairman of Dáil Éireann or the Chairman of Seanad Éireann terminates the suspension of a civil servant under subsection (3) of this section and restores him or her to duty—

(*a*) the appropriate authority, if satisfied that considerations of equity so require, shall direct that ordinary remuneration, in whole or in part, as the appropriate authority may direct, shall be paid to that civil servant in respect of the period of suspension,

(*b*) before the appropriate authority decides not to give a direction under paragraph (*a*) of this subsection or decides to give a direction under that paragraph for payment of part only of ordinary remuneration, the civil servant shall be invited by the Commission to make representations to it in relation to the matter and the Commission shall consider any such representation made to it.''.

Amendment of Staff of the Houses of the Oireachtas Act, 1959.

20.—The Staff of the Houses of the Oireachtas Act, 1959, is amended—

(*a*) in section 5—

(i) in subsection (2)(*a*), by substituting ''on the recommendation of the Chairman after consultation by him with the Houses of the Oireachtas Commission'' for ''on the joint recommendation of the Chairman and the Minister'',

(ii) in subsection (2)(*b*), by substituting ''Where the Chairman after consultation by him with the Houses of the Oireachtas Commission is satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, he or she may'' for ''Where the Chairman and the Minister are satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, they may'',

(iii) in subsection (3)(*a*), by substituting ''If the Chairman after consultation by him with the Houses of the Oireachtas Commission fails to recommend a person'' for ''If the Chairman and the Minister fail to agree on a recommendation of a person'',

(*b*) in section 6—

(i) in subsection (2)(*a*), by substituting ''on the recommendation of the Chairman after consultation by him with the Houses of the Oireachtas Commission.'' for ''on the joint recommendation of the Chairman and the Minister.'',

(ii) in subsection (2)(*b*), by substituting ''Where the Chairman after consultation by him with the Houses of the Oireachtas Commission is satisfied that no

member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, he may'' for ''Where the Chairman and the Minister are satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, they may'',

(iii) in subsection (3)(*a*), by substituting ''If the Chairman after consultation by him with the Houses of the Oireachtas Commission fails to recommend a person'' for ''If the Chairman and the Minister fail to agree on a recommendation of a person'',

(*c*) in section 7 by inserting '', after both Chairmen have consulted with the Houses of the Oireachtas Commission'' after ''Chairman of Dáil Éireann and the Chairman of Seanad Éireann'',

(*d*) in section 8(1)—

(i) by substituting ''The Houses of the Oireachtas Commission,'' for ''The Chairman of Dáil Éireann, after consultation with the Chairman of Seanad Éireann,'', and

(ii) by substituting ''as it may,'' for ''as he may,''.

SCHEDULE 1

Section 2.

Ongoing Expenditure

1. Administration:

(*a*) salaries, wages and allowances in respect of members of staff of the Houses of the Oireachtas;

(*b*) travel and subsistence;

(*c*) incidental expenses;

(*d*) postage and telecommunications services;

(*e*) office machinery and other office supplies;

(*f*) offices premises expenses.

2. Other services:

(*a*) payment in respect of catering and bar staff employed by the Joint Houses Services Committee;

(*b*) expenses of delegates to other parliamentary assemblies;

(*c*) televising of proceedings of Dáil Éireann and Seanad Éireann and other services;

(*d*) grant-in-aid in respect of inter-parliamentary activities;

(*e*) grant-in-aid to British-Irish Inter-Parliamentary Body;

(*f*) allowances to or in respect of former members of the Houses of the Oireachtas;

(*g*) grant to Irish Parliamentary (former Members) Society;

(*h*) grant-in-aid in respect of ''*Ciste Pinsean Thithe an Oireachtais*'';

(*i*) pension scheme for secretarial assistants;

(*j*) expenses relating to Oireachtas Committees.

3. Salaries of Members of the Houses of the Oireachtas (including office holders and Oireachtas Committee chairpersons) and of the European Parliament.

4. Payments in respect of secretarial assistance for non-office holding members of the Houses of the Oireachtas.

5. Travel expenses of members of the Houses of the Oireachtas.

6. Other allowances and expenses of Members of the Houses of the Oireachtas.

7. Any other expenses incurred by the Commission in the performance of its functions.

Section 5.

SCHEDULE 2

Receipts of the Commission

1. Sales of parliamentary publications.

2. Sales of televised proceedings of Dáil Éireann and Seanad Éireann.

3. Sales of services of Broadcasting Unit.

4. Net income of catering and bar services.

5. Members' contributions under the European Parliament (Irish Representatives) Pension Scheme, 1979.

6. Any other receipts obtained by the Commission in the performance of its functions.