



---

**AN BILLE RIALTAIS ÁITIÚIL 2003**  
**LOCAL GOVERNMENT BILL 2003**

---

*Mar a ritheadh ag Seanad Éireann*  
*As passed by Seanad Éireann*

---

**ARRANGEMENT OF SECTIONS**

**Section**

1. Definition.
2. Amendment of Principal Act — insertion of new section 13A.
3. Amendment of Principal Act — insertion of new section 237A.
4. Consequential and other amendments to Principal Act.
5. Amendment of section 97 of Planning and Development Act 2000.
6. Amendment of Local Elections Regulations 1995.
7. Repeals.
8. Short title and collective citation.

**SCHEDULE**

**AMENDMENTS TO PRINCIPAL ACT**

---

ACTS REFERRED TO

Electoral (Amendment) Act 2001	2001, No. 38
Local Government Act 2001	2001, No. 37
Local Government Acts 1925 to 2001	
Planning and Development Act 2000	2000, No. 30
Planning and Development (Amendment) Act 2002	2002, No. 32



AN BILLE RIALTAIS ÁITIÚIL 2003  
LOCAL GOVERNMENT BILL 2003

# BILL

*entitled*

5 AN ACT TO AMEND THE LOCAL GOVERNMENT ACT 2001,  
TO MAKE (CONSEQUENT ON THE PASSING OF THE  
PLANNING AND DEVELOPMENT (AMENDMENT) ACT  
2002) AN AMENDMENT TO SECTION 97 OF THE  
10 PLANNING AND DEVELOPMENT ACT 2000 AND TO  
PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act “Principal Act” means the Local Government Act 2001. Definition.

15 2.—(1) The Principal Act is amended by inserting the following  
after section 13: Amendment of  
Principal Act —  
insertion of new  
section 13A.

“Application of  
disqualification to  
members of Dáil  
Éireann and Seanad  
Éireann.

13A.—(1) A person who is a member of  
either House of the Oireachtas is disqualified  
from being elected or co-opted to, or from  
being a member of, a local authority.

20 (2) In respect of local elections to be held  
in the year 2004 and thereafter, section 13(1)  
shall be read as if the following were substi-  
tuted for paragraph (e):

25 ‘(e) is a member of Dáil Éireann or  
Seanad Éireann, or’. ”.

(2) This section comes into operation and applies with respect to  
the local elections to be held in the year 2004 and thereafter.

3.—The Principal Act is amended by inserting the following after  
section 237: Amendment of  
Principal Act —  
insertion of new  
section 237A.

30 “Regulations  
relating to members  
of Houses of  
Oireachtas.

237A.—(1) In this section ‘dealing’ in  
relation to a member of either House of the  
Oireachtas means a dealing with such a  
member in his or her capacity as such a  
member.

(2) Local authorities shall conduct their dealings with members of either House of the Oireachtas in accordance with regulations under subsection (3).

(3) The Minister shall make regulations for the purposes of subsection (2) and those regulations shall include provisions in relation to—

(a) the supply, without charge, of notice, agenda and minutes of local authority meetings to members of either such House,

(b) the supply by local authorities of other specified documentation or other specified information,

(c) correspondence with such members by local authorities,

(d) arrangements to facilitate access by such members to information, and communication generally by local authorities with such members, and

(e) such other matters as the Minister may consider appropriate for the purposes of subsection (2).

(4) Nothing in this section derogates from—

(a) section 4,

(b) the functions of a local authority as specified in section 63(1)(a), or

(c) the role of local authority members as locally elected public representatives.”.

Consequential and other amendments to Principal Act.

**4.**—Each section of the Principal Act mentioned in *column 1* of the *Schedule* to this Act is amended to the extent specified in *column 2* of that *Schedule* opposite such mention.

Amendment of section 97 of Planning and Development Act 2000.

**5.**—Section 97 of the Planning and Development Act 2000 is amended in clause (II) of subsection (12)(b)(ii) by substituting “0.1 hectares” for “0.2 hectares.”.

Amendment of Local Elections Regulations 1995.

**6.**—The Local Elections Regulations 1995 (S.I. No. 297 of 1995) are amended—

(a) by deleting “Fourth” in paragraph (aa) of article 51(2), (inserted by section 54(b)(ii) of the Electoral (Amendment) Act 2001),

(b) by deleting in article 80(1) “the candidates shall in the case of election be determined to be elected in the order in which their names are drawn,” in the definition of “determine by lot”,

5 (c) by deleting article 88, (substituted by section 54(k) of the Electoral (Amendment) Act 2001),

(d) by substituting in article 124(1) “Subject to article 125, where” for “Where”,

(e) by substituting the following article for article 125:

10 “Person elected for more than one local authority. 125.—(1) Where, at an election, a person is elected as a member for two or more local authorities and section 14 of the Local Government Act 2001 would be applicable to such person, then the person shall, within the period of three days after the return is made of persons elected to be members of those local authorities, by notice in writing signed by the person and delivered to the clerk or secretary of each of those local authorities, declare which one of those authorities the person chooses to represent, and if such declaration is not so delivered within the said period, the person shall, at the end of the said period, be deemed to have chosen to represent the local authority of the local electoral area in respect of which the person received the greatest number of first preference votes.

30 (2) In cases where the person is elected with an equal number of first preference votes in two or more local electoral areas at elections in two or more local authorities, regard shall be had to the total numbers of votes credited to the elected member at the first count in those elections at which the member had an unequal number of votes and the local authority at which the member has the highest number of votes at that count shall be deemed to have been chosen. Where the numbers of votes credited to the member were equal at all counts at the elections, the returning officer of the local authority where the member ordinarily resides or who is designated by the Minister shall determine by lot which of the local authorities the elected member shall be deemed to have chosen, that is to say by—

(a) writing the names of the local authorities concerned on similar slips of paper,

55 (b) folding those slips so as to prevent identification, and

(c) mixing and drawing at random  
those slips,

and the local authority whose name is so  
first drawn shall be the local authority  
deemed to have been chosen. 5

(3) Where, in pursuance of this article,  
a person chooses, or is deemed to have  
chosen, to represent a particular local  
authority, the person shall be deemed not  
to have been elected for any other local  
authority and the consequential vacancy  
or vacancies in the membership of the  
other local authority shall be regarded as  
casual vacancies occurring on the day on  
which the newly-elected members come  
into office under section 17 of the Local  
Government Act 2001 and shall be filled  
accordingly. 10 15

(4) Where, under this article, a mem-  
ber chooses or is deemed to have chosen  
a local authority to represent and that  
member has been elected for more than  
one local electoral area for that auth-  
ority, article 124 shall apply as to the area  
to be represented by the member.”. 20 25

Repeals.

**7.**—The following provisions of the Principal Act are repealed:

- (a) section 25(1)(b) and (d) and section 35,
- (b) Chapter 3 of Part 5 (sections 39 to 43),
- (c) section 217 (1)(c), and
- (d) Schedule 9. 30

Short title and  
collective citation.

**8.**—(1) This Act may be cited as the Local Government Act 2003.

(2) This Act and the Local Government Acts 1925 to 2001 may  
be cited together as the Local Government Acts 1925 to 2003 and  
shall be read together as one.

## AMENDMENTS TO PRINCIPAL ACT

	1	2
	Provision affected	Amendment
5	Section 1(5)	Delete “Chapter 3 of Part 5,”.
	Section 2(1)	Delete the definition of “direct election”.
10	Section 7	Substitute “and except section 161, the coming into operation of which is provided for in that section” for “and except section 161 and Chapter 3 of Part 5, the coming into operation of which is provided for in that section and Chapter, respectively”.
	Section 12	Substitute “sections 13 and 13A” for “section 13”.
	Section 16(1)	Substitute “sections 13, 13A” for “section 13”.
15	Section 19(1)	Substitute the following for paragraph (c) “(c) in such circumstances as are set out in articles 25, 28, 124 and 125 of the Local Elections Regulations 1995 (S.I. No. 297 of 1995),”.
	Section 21(1)	Delete “and without prejudice to section 40(7)”.
	Section 25(1)	Insert the following after paragraph (c) — “or”.
20	Section 31	(a) Delete subsection (10). (b) In subsection (11) delete “Chapter 2 or Chapter 3 of”.
25	Section 36(1)	Insert the following paragraph after paragraph (c)— “(d) On the commencement of <i>section 2</i> of the <i>Local Government Act 2003</i> , paragraph (c) shall cease to apply and have effect.”.
	Section 48	Insert the following subsection after subsection (6)— “(7) On the commencement of <i>section 2</i> of the <i>Local Government Act 2003</i> , subsections (4) and (5) cease to apply.”.
30	Section 129(4)	(a) In paragraph (a) substitute “The chairperson of a Board” for “Subject to paragraph (b), the chairperson of a Board,”. (b) Delete paragraph (b).
35	Section 129(9)	Insert the following paragraph after paragraph (a)— “(aa) the tenure of a chairperson appointed under subsection (4);”.
40	Section 167	Insert the following subsection after subsection (1)— “(1A) In addition to those employees to whom this Part applies by virtue of subsection (1), sections 168, 169 and 170 also apply to every other employee of a local authority and those sections shall be read accordingly.”.
	Section 243	Delete “In addition to the amendments provided for by section 42 (which relate to direct elections),”.
45	Schedule 10	In paragraph 4(1), delete all words after “local authority”; In paragraph 4(2), delete all words after “annual meeting”; In paragraph 4(6)(a)(i), delete “where appropriate”; In paragraph 10(2) delete “or 41(2)”.