



SEANAD ÉIREANN

AN BILLE RIALTAIS ÁITIÚIL (CEANTAIR UM FEABHSÚCHÁIN GNÓ) 2006 LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS) BILL 2006

LEASUITHE COISTE COMMITTEE AMENDMENTS

SEANAD ÉIREANN

AN BILLE RIALTAIS ÁITIÚIL (CEANTAIR UM FEABHSÚCHÁIN GNÓ) 2006 —AN COISTE

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS) BILL 2006 —COMMITTEE STAGE

Leasuithe Amendments

**Government Amendments are distinguished by an asterisk.*

SECTION 4

1. In page 5, line 22, after “work” to insert “, use”.

—*Senators Michael McCarthy, Brendan Ryan, Kathleen O'Meara, Derek McDowell, Joanna Tuffy.*

2. In page 9, line 8, after “concerned,” to insert “and on the internet”.

—*Senators Michael McCarthy, Brendan Ryan, Kathleen O'Meara, Derek McDowell, Joanna Tuffy.*

3. In page 9, line 31, after “location” to insert “and a website”.

—*Senators Michael McCarthy, Brendan Ryan, Kathleen O'Meara, Derek McDowell, Joanna Tuffy.*

- *4. In page 10, line 12, to delete “is inconsistent” and substitute “may be inconsistent”.

- *5. In page 10, to delete lines 19 to 22 and substitute the following:

“(2) Following consideration by the BID proponent of submissions made under section 129E and any notice under subsection (1) of this section, the proponent may, but not sooner than 60 days after the closing date referred to in subsection (1), deliver to the rating authority concerned—”.

- *6. In page 10, line 45, to delete “under” and substitute “delivered in compliance with”.

- *7. In page 11, line 8, after “ballot” to insert “paper”.

- *8. In page 11, line 27, to delete “ballots” and substitute “ballot papers”.

- *9. In page 11, line 32, after “ballot” to insert “paper”.

- *10. In page 11, line 36, to delete “ballots” and substitute “ballot papers”.

- *11. In page 11, line 41, to delete “establish” and substitute “approve implementation of”.

- *12. In page 12, line 41, to delete “Cathaoirleach” and substitute “elected council”.

[SECTION 4]

***13.** In page 12, line 45, to delete “Cathaoirleach” and substitute “elected council”.

***14.** In page 18, between lines 7 and 8, to insert the following:

“(5) If—

- (a) the amended valuation for the rateable property referred to in subsection (2) is consequently the subject of an appeal under Part 7 of the Valuation Act 2001, and
- (b) after all appeals under that Part have been exhausted, the final valuation of the property for the relevant chargeable period is different than it was for purposes of the recalculation under subsection (2),

the rating authority shall recalculate the BID contribution levy for that property under section 129N(2) or (3), as the case may be, using the same formula applied in those provisions except where ‘B’ is now the final valuation of the property referred to in paragraph (b) of this subsection.

(6) If, as a result of recalculation under subsection (5), the amount of money paid by the BID levypayer for the relevant chargeable period involved an overpayment or an underpayment, then—

- (a) in the case of an overpayment, subsection (3) applies, and
- (b) in the case of an underpayment, subsection (4) applies.”.

SECTION 5

***15.** In page 21, line 2, to delete “Part 22” and substitute “Part 19”.

***16.** In page 21, line 3, to delete “PART 22A” and substitute “PART 19A”.

***17.** In page 21, to delete line 5 and substitute the following:

“211A.—In this Part:”.

***18.** In page 21, line 15, to delete “section 237B(6)” and substitute “section 211B (6)”.

***19.** In page 21, line 19, to delete “section 237B(1)” and substitute “section 211B (1)”.

***20.** In page 21, to delete line 24 and substitute the following:

“211B.—(1) When newly erected or newly con-”.

***21.** In page 22, to delete line 42 and substitute the following:

“211C.—(1) If during the entry year qualifying”.

***22.** In page 22, line 47, to delete “section 237B” and substitute “section 211B”.

***23.** In page 23, to delete line 16 and substitute the following:

“211D.—(1) This section applies if—”.

[SECTION 5]

*24. In page 23, line 19, to delete “section 237B” and substitute “section 211B”.

*25. In page 23, line 26, to delete “section 237C” and substitute “section 211C”.

*26. In page 23, line 32, to delete “section 237B(3)” and substitute “section 211B (3)”.

*27. In page 24, line 3, to delete “section 237B” and substitute “section 211B”.

*28. In page 24, line 4, to delete “section 237B(5)” and substitute “section 211B (5)”.

*29. In page 24, between lines 6 and 7, to insert the following:

“(5) If—

(a) the amended rateable valuation for the property referred to in subsection (2) is consequently the subject of an appeal under Part 7 of the Valuation Act 2001, and

(b) after all appeals under that Part have been exhausted, the final rateable valuation of the property for the entry year is different than it was for purposes of the recalculation under subsection (2),

the rating authority shall recalculate the entry-year levy for that property under section 211B(3) or (4), as the case may be, using the same formula applied in those provisions except where ‘B’ is now the final rateable valuation for the property referred to in paragraph (b) of this subsection.

(6) If, as a result of recalculation under subsection (5), the amount of money paid by the levypayer in respect of the entry-year levy involved an overpayment or an underpayment, then—

(a) in the case of an overpayment, subsection (3) applies, and

(b) in the case of an underpayment, subsection (4) applies.”.

*30. In page 24, to delete line 7 and substitute the following:

“211E.—(1) If qualifying property is first”.

*31. In page 24, line 42, to delete “section 237B(9)” and substitute “section 211B (9)”.

*32. In page 24, line 45, to delete “section 237B” and substitute “section 211B”.

*33. In page 25, line 1, to delete “section 237C” and substitute “section 211C”.

*34. In page 25, line 7, to delete “section 237B” and substitute “section 211B”.

*35. In page 25, to delete line 12 and substitute the following:

“211F.—(1) This section applies if—”.

*36. In page 25, line 15, to delete “section 237E” and substitute “section 211E”.

*37. In page 25, line 23, to delete “section 237E(8)” and substitute “section 211E (8)”.

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*38. In page 25, line 28, to delete “section 237E (2)” and substitute “section 211E (2)”.

*39. In page 25, line 48, to delete “section 237E” and substitute “section 211E”.

*40. In page 25, line 49, to delete “section 237E(4)” and substitute “section 211E (4)”.

*41. In page 25, to delete line 51 and substitute “recovery.”.

*42. In page 25, after line 51, to insert the following subsections:

“(5) If—

(a) the amended rateable valuation for the property referred to in subsection (2) is consequently the subject of an appeal under Part 7 of the Valuation Act 2001, and

(b) after all appeals under that Part have been exhausted, the final rateable valuation of the property for the post-entry year is different than it was for purposes of the recalculation under subsection (2),

the rating authority shall recalculate the post-entry year levy for that property under section 211E(2) or (3), as the case may be, using the same formula applied in those provisions except where ‘B’ is now the final rateable valuation for the property referred to in paragraph (b) of this subsection.

(6) If, as a result of recalculation under subsection (5), the amount of money paid by the levypayer in respect of the post-entry year levy involved an overpayment or an underpayment, then—

(a) in the case of an overpayment, subsection (3) applies, and

(b) in the case of an underpayment, subsection (4) applies.”.

SECTION 7

43. In page 26, subsection (2), line 35, to delete “2003” and substitute “2004”.

—*Senators Michael McCarthy, Brendan Ryan, Kathleen O'Meara, Derek McDowell, Joanna Tuffy.*

*44. In page 26, subsection (3), line 38, to delete “to” and substitute “and”.

TITLE

45. In page 3, line 20, to delete “2003” and substitute “2004”.

—*Senators Michael McCarthy, Brendan Ryan, Kathleen O'Meara, Derek McDowell, Joanna Tuffy.*