



DÁIL ÉIREANN

AN BILLE UM SHEIRBHÍSÍ MAOINE (RIALÁIL) 2009 PROPERTY SERVICES (REGULATION) BILL 2009

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM SHEIRBHÍSÍ MAOINE (RIALÁIL) 2009 —AN TUARASCÁIL

PROPERTY SERVICES (REGULATION) BILL 2009 —REPORT

Leasuithe Amendments

1. In page 13, line 10, to delete “of,” and substitute “, of”.
—An tAire Dlí agus Cirt agus Comhionannais.
2. In page 14, line 3, after “59(3),” to insert “ or 60(1)*,”.
—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 8.]

3. In page 14, between lines 39 and 40, to insert the following:
“land” has the meaning assigned to it by the Land and Conveyancing Law Reform Act 2009;”
—An tAire Dlí agus Cirt agus Comhionannais.

4. In page 15, to delete lines 38 to 40 and substitute the following:
“(i) which is formed for the purposes of becoming the owner of all or some of the common areas of the development, and”
—An tAire Dlí agus Cirt agus Comhionannais.

5. In page 29, to delete lines 21 to 46 and in page 30, to delete lines 1 to 34.
—An tAire Dlí agus Cirt agus Comhionannais.

6. In page 31, to delete lines 1 to 3 and substitute the following:

“(3) Nothing in *subsection (1)* shall prevent the disclosure of information by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995.

(4) Nothing in *subsection (1)* shall prevent the disclosure of information—

- (a) to the Authority,
- (b) by or on behalf of the Authority to the Minister, or
- (c) which, in the opinion of a person referred to in that subsection, may relate to the commission of an indictable offence to—
 - (i) the Director of Corporate Enforcement,
 - (ii) the Competition Authority,
 - (iii) a member of the Garda Síochána,
 - (iv) an officer of the Revenue Commissioners,
 - (v) the Central Bank of Ireland, or

(vi) such other person as may be prescribed under *section 96* after consultation by the Minister with any other Minister of the Government appearing to the Minister to be concerned.”.

—An tAire Dlí agus Cirt agus Comhionannais.

7. In page 43, line 18, after “*paragraphs (a) to (f)*” to insert “of this subsection”.

—An tAire Dlí agus Cirt agus Comhionannais.

8. In page 62, between lines 6 and 7, to insert the following:

“Disclosure requirements applicable to vendor and licensee in relation to sale of residential property. —

60.—(1) Subject to *subsection (2)*, a licensee shall not provide information, advice or assistance, whether by means of a brochure, advertisement (in whatever media) or otherwise, to a purchaser of residential property in respect of the possible availability of a loan from a lender in respect of the purchase of the property unless

(a) the vendor of the property has advised the licensee, in writing, whether or not the lender has provided or indicated the lender’s willingness to provide a loan (whether in whole or in part) for the development or construction (whether in whole or in part) of the property, and

(b) the licensee informs the purchaser of whether or not the lender has provided or indicated the lender’s willingness to provide a loan (whether in whole or in part) for the development or construction (whether in whole or in part) of the property (which may be done, in the case of a brochure or advertisement, by including the information concerned in the brochure or advertisement, as the case may be).

(2) *Subsection (1)* shall not apply in any case where the vendor of the residential property concerned is, in his or her capacity as such vendor—

(a) an individual acting outside his or her business, or

(b) a person, or a person who falls within a class of persons, prescribed under *section 96* for the purposes of this paragraph.

(3) In this section “lender” includes a holding company and a subsidiary (within the meaning of section 155 of the Companies Act 1963) of the lender.”.

—An tAire Dlí agus Cirt agus Comhionannais.

9. In page 87, between lines 5 and 6, to insert the following:

“(3) Subject to *subsection (4)*, the Commercial Leases Database may, at the Authority’s discretion, contain, in respect of a commercial property lease, the particulars provided for in *paragraphs (a) to (d)* of *subsection (2)* notwithstanding the fact that such a lease was entered into before the commencement of this section.

(4) *Subsection (3)* shall not apply to a commercial property lease entered into more than 5 years before the commencement of this section.”.

—An tAire Dlí agus Cirt agus Comhionannais.

10. In page 87, line 19, after “out” to insert the following:

“(in addition to the particulars specified in *paragraphs (a) to (d)* of *section 87(2)*)”.

—An tAire Dlí agus Cirt agus Comhionannais.

11. In page 88, between lines 7 and 8, to insert the following:

“(3) Where a tenant ceases to have an interest in a commercial property which is the subject of a relevant commercial lease, the tenant (or such other person as the tenant has authorised in writing to act on his or her behalf for the purposes of this subsection in so far as it relates to the cesser) shall, within the relevant period immediately following the day on which the cesser takes effect, give the Authority a notice in the specified form setting out particulars of the cesser (including the day on which it takes effect).”

—An tAire Dlí agus Cirt agus Comhionannais.

12. In page 88, lines 10 and 11, to delete “or (2)” and substitute “, (2) or (3)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 11.]

13. In page 88, line 15, to delete “or (2)” and substitute “, (2) or (3)*”.

—An tAire Dlí agus Cirt agus Comhionannais.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 11.]

14. In page 91, line 31, to delete “reside” and substitute “resides”.

—An tAire Dlí agus Cirt agus Comhionannais.

15. In page 95, line 23, to delete “outwith” and substitute “outside”.

—An tAire Dlí agus Cirt agus Comhionannais.

16. In page 110, after line 29, to insert the following:

“Amendment of Protection of Employees (Employers’ Insolvency) Act 1984

5. Section 6 of the Protection of Employees (Employers’ Insolvency) Act 1984 (as amended by Schedule 2 to the Criminal Justice Act 2011) is amended—

(a) in subsection (2)(a)—

(i) in subparagraph (xxvi), by deleting “and” after “that Schedule.”,

(ii) in subparagraph (xxvii), by substituting “that Schedule, and” for “that Schedule.”, and

(iii) by inserting the following subparagraph after subparagraph (xxvii):

“(xxviii) any amount which an employer is required to pay by virtue of a decision of a rights commissioner under paragraph 1(2)(b) of Schedule 4 to the Property Services (Regulation) Act 2011 or a determination by the Labour Court under paragraph 2(1) of that Schedule.”,

(b) in subsection (2)(b), by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”,

(c) in subsection (2)(c), by substituting “, (xxvii) or (xxviii)” for “or (xxvii)” and

(d) in subsection (9), in the definition of “relevant date”, by substituting “, (xxvii) or (xxviii)” for “or (xxvii)”.

—An tAire Dlí agus Cirt agus Comhionannais.

17. In page 114, to delete lines 39 to 42.

—An tAire Dlí agus Cirt agus Comhionannais.