



DÁIL ÉIREANN

AN BILLE UM FHORBAIRTÍ ILAONAD 2009 MULTI-UNIT DEVELOPMENTS BILL 2009

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM FHORBAIRTÍ ILAONAD 2009 —ROGHCHOISTE

MULTI-UNIT DEVELOPMENTS BILL 2009 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 4, subsection (1), between lines 13 and 14, to insert the following:

““complete” in relation to a development means complete to the agreed satisfaction of the developer and the owners’ management company and the planning authority;”.

—Pat Rabbitte.

2. In page 4, subsection (1), to delete lines 19 to 22 and substitute the following:

“common areas), for the multi-unit development have been completed in accordance with—

- (a) all relevant planning permissions under the Planning and Development Acts 2000 to 2009,
- (b) the requirements arising under the Building Control Acts 1990 and 2007, and
- (c) in a case where *section 3* applies, the contract referred to in *section 3(1)(c)*;

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

3. In page 4, subsection (1), line 24, to delete “Minister for Justice, Equality and Law Reform” and substitute “Minister for Justice and Law Reform”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

4. In page 4, subsection (1), line 29, to delete “comprising units” and substitute “comprising a unit or units”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

5. In page 4, subsection (1), to delete lines 40 to 46 and substitute the following:

““relevant parts” means, in relation to a unit, those parts of the common areas of a multi-unit development necessary for the enjoyment of quiet and peaceful occupation of such unit;”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

6. In page 4, subsection (1), to delete lines 40 to 46.

—Pat Rabbitte.

7. In page 5, between lines 32 and 33, to insert the following subsection:

“(5) For the purposes of this Act a member of an owners’ management company shall be considered—

[SECTION 1]

- (a) as being present at a meeting of members where he or she has validly appointed a proxy to attend and that proxy has attended the meeting,
- (b) as having voted at a meeting of members where the member has validly appointed a proxy to vote at the meeting and the proxy (but not the member) has voted at the meeting,

where the appointment of proxies by members is permitted under the articles of association or other document which regulates the operation of the owners' management company concerned.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

SECTION 3

8. In page 6, subsection (1)(b), line 36, before “ownership” to insert “the unencumbered beneficial and legal”.

—Pat Rabbitte.

9. In page 6, subsection (1)(c), lines 43 and 44, to delete all words from and including “each” in line 43 down to and including “other.” in line 44 and substitute the following:

“of each of those persons relating to the completion of the development and which includes particulars of the arrangements relating to—

- (i) confirmation of compliance with all relevant statutory requirements, and

- (ii) completion of the work on the common areas concerned.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

10. In page 6, subsection (1)(c), line 44, to delete “other.” and substitute the following:

“other, and

- (d) the purchaser has supplied his or her residential address to the owners' management company and has undertaken to notify the company of any future changes in address.”.

—Pat Rabbitte.

11. In page 6, between lines 44 and 45, to insert the following subsection:

“(2) An interest in a unit shall not be transferred subject to any conditions or covenant unless in the formulation of such condition or covenant, due regard has been had to environmental considerations.”.

—Pat Rabbitte.

12. In page 6, between lines 44 and 45, to insert the following subsection:

“(2) On closing of a unit sale prior to completion of the development, the developer shall pay 5 per cent of the purchase price to the owners' management company which shall hold such sum in trust for the developer until the development is completed.”.

—Pat Rabbitte.

13. In page 7, between lines 28 and 29, to insert the following subsection:

[SECTION 3]

“(6) As respects the negotiation of and entering into the contract referred to in *subsection (1)(c)* and the transfer of the common areas concerned, the owners’ management company shall have legal representation and shall not be represented by the same solicitor or firm of solicitors as the developer or other person who is the owner of the common areas, and the reasonable costs of such representation shall be discharged by the developer or other person who is the owner of the common areas concerned.”

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

14. In page 7, subsection (6), line 29, to delete “The” and substitute the following:

“Except where the multi-unit development has been completed, the”.

—Pat Rabbitte.

SECTION 4

15. In page 7, before section 4, to insert the following new section:

“Prohibition on retention of units without payment of service charges.

4.—Where a developer retains any unit or units on completion of the development, each unit so retained shall be subject, on such completion, to a common liability for charges as if it had been disposed of by the developer.”

—Pat Rabbitte.

16. In page 7, before section 4, to insert the following new section:

“Second-hand units.

4.—No person may sell a unit unless the purchaser has supplied his or her residential address to the owners’ management company and has undertaken that if he or she resides elsewhere than at the unit he or she shall notify the company of any future changes in address until he or she disposes of any interest in the unit or resides in the unit.”

—Pat Rabbitte.

17. In page 7, lines 46 to 49 and in page 8, lines 1 and 2, to delete subsection (2) and substitute the following:

“(2) Subject to *section 11(1)*, the transfer, in compliance with *subsection (1)*, of the ownership of the relevant parts of the common areas of a multi-unit development and in the reversion relating to the units concerned may reserve the beneficial interest to the transferor if the reservation of such interest is necessary to enable the transferor to complete the development, and upon completion the developer shall transfer the unencumbered legal and beneficial interest free of any right in favour of a mortgagee or owner of a charge affecting such interest in accordance with *section 11(1)*.”

—Pat Rabbitte.

SECTION 7

18. In page 8, paragraph (b), line 26, to delete “2007.” and substitute the following:

“2007, and

(c) completing a snag list prepared by an inspector of the relevant Local Authority.”

—David Stanton.

[SECTION 8]

SECTION 8

19. In page 9, lines 3 to 8, to delete subsection (3) and substitute the following:

“(3) A unit owner shall be under an obligation to furnish to the relevant owners’ management company—

- (a) particulars of his or her name,
- (b) particulars of his or her address,
- (c) particulars of the names of the tenants in the unit,
- (d) particulars of any habitual occupiers of the unit other than tenants, and
- (e) such other contact particulars as the owners’ management company may reasonably request,

and shall promptly notify the owners’ management company of any change in such particulars.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

20. In page 9, subsection (3), line 5, after “address” to insert the following:

“for service and principal private residence (if different)”.

—Pat Rabbitte.

SECTION 11

21. In page 10, subsection (1), line 31, after “the” to insert “unencumbered”.

—Pat Rabbitte.

SECTION 12

22. In page 10, before section 12, to insert the following new section:

“Procedures on completion of development.

12.—(1) When the developer has completed a development in accordance with its statutory and contractual duties including quality assurance provisions, the developer shall serve notice of completion on the owners’ management company, on the planning authority, on the building control authority and on the other parties scheduled in *section 21(1)(a), (b) and (c)* stating that the development is complete. The notice when served shall be accompanied by the list of addressees on whom the notice is being served and, when served on the owners’ management company, shall be accompanied also by a copy of the documentation listed in *Schedule 3*. The notice of completion shall state the date on which the developer intends to complete transfer of the beneficial interest in the common areas to the owners’ management company. That intended transfer date shall be not less than five weeks after the date of service (or the latest of the dates of service) of the notice of completion.

(2) If a party listed in *section 21(1)(a), (b) or (c)* objects to completion of the transfer to the owners’ management company, and/or to payment by the owners’ management company to the developer of all of the sums held in trust for the developer, that party shall serve an objection notice on the developer within 16 days of the date of service of the notice of completion. Such objection notice shall set out the grounds for objection to the transfer, which shall be confined to grounds of—

- (a) non-compliance with statutory and contractual requirements,

[SECTION 12]

- (b) incomplete or defective work in the common areas or in a unit,
- (c) any defect in the *Schedule 3* documentation,
- (d) any grounds of good estate management; e.g. in the configuration or size of the common parts which the developer proposes to transfer,
- (e) any notice or other evidence from a local authority or statutory undertaker of incomplete or defective work, or of a refusal to take in charge ducts and conduits, paved or landscaped areas, or
- (f) any other matter, unforeseen when any agreement for lease or sale of a unit was signed, which inhibits good estate management.

(3) On receipt of an objection notice under the previous subsection, the developer shall consider the grounds set down therein and shall, within five weeks period from the date of service on him, serve a revised notice of completion on the owners' management company, on the planning authority, on the building control authority and on the other parties referred to in *section 21(1)(a), (b) and (c)* setting down:

- (a) a revised date on which the developer intends to complete transfer of the beneficial interest in the common areas to the owners' management company; which revised transfer date shall be not less than five weeks after the date of service (or the latest of the dates of service) of the revised notice of completion;
- (b) a note on each of the grounds or elements of each objection notice which the developer intends to remedy, outlining the intended measures for compliance, completion, remedial works, rectification etc.; and
- (c) a note on the remaining grounds or elements of each objection notice stating why the developer does not consider those grounds to be valid, fair or reasonable.

(4) A party listed in *section 21(1)(a), (b) or (c)* may serve a revised objection notice on the developer within 16 days of the date of service of the revised notice of completion; in accordance with *subsection (2)*.

(5) In the event that the developer has not yet served notice of completion of common areas or of a particular part of common areas in accordance with *subsection (2)*, and a party listed in *section 21(1)(a), (b) or (c)* considers that the developer has completed a development (or the particular part) and is unreasonably delaying transfer in accordance with its statutory and contractual duties including quality assurance provisions, that party may serve notice of completion (called an "owner's notice of completion") on the developer, the owners' management company, on the planning authority, on the building control authority and on the other parties scheduled in *section 21(1)(a), (b) and (c)* stating that it considers that the development is complete. The owner's notice of completion when served shall be accompanied by the list of addressees on whom the notice is being served and shall have the same effect as a notice of the developer under *subsection (2)*, and the obligation to provide a copy of the documentation listed in *Schedule 3* shall be on the developer who shall fulfil that obligation within five weeks of service. The owner's notice of completion shall state the date on which it intends the developer to complete transfer of the beneficial interest in the common areas to the owners' management company; and it may be accompanied by a list of measures required to be taken by the developer for compliance, completion, remedial works, rectification etc. as set down in *subsection (2)*. The intended transfer date stated in the owner's

[SECTION 12]

notice of completion shall be not less than five weeks after the date of service (or the latest of the dates of service) of the notice of completion.

(6) If the developer objects to the owners' notice of completion, and to completion of the transfer to the owners' management company, the developer shall serve an objection notice ("developer's objection notice") on all the parties scheduled in *section 21(1)(a), (b) and (c)* within 16 days of the date of service of the notice of completion. Such developer's objection notice be accompanied by a copy of the *Schedule 3* documentation and shall set out the grounds for objection to the notice, which shall be confined to grounds of—

- (a) the provisions of any agreement for lease or sale of a unit,
- (b) good estate management,
- (c) the time reasonably required (which shall be stated) to achieve compliance with statutory and contractual requirements, to complete work (or rectify defective work) in the common areas or in a unit, or to deal with any notice or other evidence from a local authority or statutory undertaker, or with a refusal to take in charge ducts and conduits, paved or landscaped areas.

The developer's objection notice shall also state the date by which the developer intends to complete the transfer to the owners' management company of the common areas referred to in the owners' notice of completion.

(7) The owners' notice of completion and the developer's objection notice shall have the like effect as a notice of completion under *subsection (1)*, and the procedure for a party listed in *section 21(1)(a), (b) or (c)* to set down grounds for objection shall *mutatis mutandis* be as provided for in this section.

(8) In the event of a dispute arising in relation to completion of the development, following issue of one or more of the notices referred to in this section, such dispute shall be resolved in accordance with dispute resolution provisions to be set down in Regulations to be made by the Minister.”

—Pat Rabbitte.

23. In page 10, before section 12, to insert the following new section:

“Procedures on transfer.

12.—(1) Where a development is substantially completed, the relevant local authority, or an independent party agreed by both the developer and the owners' management company, may be requested to carry out a snag list to identify unfinished works and to ensure that these are done prior to the development being declared to be complete.

(2) If a developer fails to carry out the snag list within 3 months after the determination of the snag list then the developer shall pay to the owners' management company a sum equal in value to the cost of completing the development to enable the snag list to be completed.

(3) To ensure compliance with this section, any planning permission for a multi-unit development after the commencement of this section shall include as a condition that the developer enter into a bond sufficient to ensure such compliance.”

—Pat Rabbitte.

[SECTION 13]

SECTION 13

24. In page 12, between lines 5 and 6, to insert the following subsection:

“(5) Functions exercised under this section shall be carried out in a manner that has fair regard to the interests of residents of different parts of a development.”.

—Pat Rabbitte.

SECTION 14

25. In page 12, subsection (1), line 9, to delete “unit” where it firstly occurs and substitute the following:

“owner of a unit or units (and for this purpose, companies that are connected shall be considered a single owner)”.

—Pat Rabbitte.

26. In page 12, between lines 11 and 12, to insert the following subsection:

“(2) Where an owner has agreed with the OMC to pay charges by standing order or direct debit, and is not in default of that arrangement, he or she shall not forfeit voting rights under this section, but otherwise an owner in default will not be considered to have voting rights.”.

—Pat Rabbitte.

27. In page 12, between lines 11 and 12, to insert the following subsection:

“(2) The quorum for meetings shall be 75 per cent present in person or by proxy.”.

—Pat Rabbitte.

28. In page 12, between lines 11 and 12, to insert the following subsection:

“(2) For the avoidance of doubt, for the purpose of *subsection (1)*, developers who retain ownership of multiple units shall only be entitled to one vote.”.

—David Stanton.

29. In page 12, lines 16 to 18, to delete subsection (4) and substitute the following:

“(4) This section applies to multi-unit developments in respect of which no contract for the sale of a unit has been entered into prior to the enactment of this Act.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

30. In page 12, lines 16 to 18, to delete subsection (4) and substitute the following:

“(4) Where development works commenced prior to the enactment of this Act, this section applies subject to the modification that any existing rules contrary to this section shall be modified within the 24 months following the commencement of this section.”.

—Pat Rabbitte.

SECTION 16

31. In page 13, between lines 32 and 33, to insert the following subsection:

[SECTION 16]

“(2) The developer shall be liable to pay any charge under this section or *section 15*, within 30 days of invoice, for any unsold unit as if there were a unit owner for that unit.”.

—Pat Rabbitte.

32. In page 14, between lines 43 and 44, to insert the following subsection:

“(8) (a) Notwithstanding *subsection (2)* an owners’ management company may, prior to the completion of the sale of the first unit in a multi-unit development, set the annual service charge to be levied on the owners of units in the development without holding a meeting in accordance with *subsection (2)* and such charge may be levied and recovered in accordance with this section.

(b) Prior to the annual service charge pursuant to *paragraph (a)* the owners’ management company shall prepare an estimate and have regard to the items of expenditure specified in *subsection (3)*.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

33. In page 15, subsection (10), lines 7 and 8, to delete all words from and including “upon” in line 7 down to and including “development.” in line 8 and substitute the following:

“the first sale of which unit has not been completed, as and from the day of the completion of the sale of the first unit in the relevant part of the development.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

34. In page 15, subsection (12), line 14, after “owners” to insert the following:

“and calculated by a professional quantity surveyor following consideration of the drawings, mechanical and electrical services, and the obligations regarding services generally set down in the lease between the buyer and the developer”.

—David Stanton.

SECTION 17

35. In page 16, lines 5 to 14, to delete subsection (2) and substitute the following:

“(2) Expenditure shall be considered as being expenditure on maintenance of a non-recurring nature where—

(a) the expenditure relates to a matter in respect of which expenditure is not generally incurred in each year,

(b) it is certified by the directors of the owners’ management company as being expenditure on maintenance of a non-recurring nature, and

(c) the expenditure is approved by a meeting of the members of the owners management company as being expenditure of a non-recurring nature.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

36. In page 16, subsection (4), lines 22 and 23, to delete all words from and including “upon” in line 22 down to and including “development.” in line 23 and substitute the following:

“the first sale of which unit has not been completed, as and from the day of the completion of the sale of the first unit in the relevant part of the development.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

[SECTION 17]

37. In page 16, subsection (5), line 27, after “other” to insert “sufficient”.

—Pat Rabbitte.

38. In page 17, between lines 11 and 12, to insert the following subsection:

“(10) The calculation of the sinking fund shall be available to inspect on request by any member or by any person or body corporate who agrees a contract for sale in respect of a unit or units in the multi-unit development.”.

—David Stanton.

SECTION 20

39. In page 17, between lines 37 and 38, to insert the following subsection:

“(2) A local authority shall prepare bye-laws setting out a set of options for provisions that may be included in house rules within its functional area. An owners’ management company may include in its house rules provisions from the options set out in the bye-laws. On their adoption, the house rules shall have the status of bye-laws and provisions made by the local authority for sanctions against owners who are in breach of the house rules may be applied.”.

—Pat Rabbitte.

40. In page 18, subsection (4), line 4, to delete “House rules” and substitute “Subject to *subsection (8)**, house rules”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

[*Note: This is a reference to the subsection proposed to be inserted by amendment No. 41]

41. In page 18, between lines 14 and 15, to insert the following subsection:

“(8) Notwithstanding *subsections (4) to (6)*, in the case of a multi-unit development to which *section 3* applies, house rules may be made by the owners’ management company before the completion of the sale of the first unit in the relevant part of the development, and in such event the first purchaser of each unit in the relevant part of the development shall be given a copy of such house rules on or prior to the completion of the sale of the unit unless prior to that day other house rules have been made in accordance with this section.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

42. In page 18, between lines 32 and 33, to insert the following subsection:

“(11) House rules shall have due regard to environmental considerations and in particular may not prohibit air drying of laundry.”.

—Pat Rabbitte.

SECTION 21

43. In page 18, subsection (1), to delete line 36 and substitute the following:

“21.—(1) The Minister shall within six months of the commencement of this Act report to Dáil Éireann on the viability of merging the National Property Services Regulatory Authority and the Private Residential Tenancies Board into a new body which would have the combined functions of those bodies. In addition to such functions, the new body would have the function of regulation of Owners’ Management Companies and mediation and dispute resolution services.

[SECTION 21]

(2) A person specified in *section 22* may make, in respect of”.

—David Stanton.

44. In page 18, subsection (2), lines 42 and 43, to delete “whether or not mediation has been attempted.” and substitute the following:

“whether or not mediation or other dispute resolution process has been attempted.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

45. In page 19, subsection (4), between lines 26 and 27, to insert the following:

“(f) determining the extent to which a part of the common areas of a development forms part of the relevant parts of the common areas of the development;”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

46. In page 20, subsection (4), between lines 15 and 16, to insert the following:

“(m) providing that house rules be lodged with the relevant local authority and giving the local authority power to annul house rules or any provision thereof if such rules interfere unreasonably with the rights of an owner of a unit.”.

—Pat Rabbitte.

47. In page 20, between lines 21 and 22, to insert the following subsection:

“(6) Service on an owner at the last address provided by him or her shall be deemed to be good, and in particular service at the address furnished under *section 8(3)* shall be good unless he or she has subsequently furnished the OMC with a different address for service.”.

—Pat Rabbitte.

48. In page 20, after line 48, to insert the following subsection:

“(8) Notwithstanding *subsection (1)*, and subject to *subsections (2) and (5)*, where the court is satisfied that the structure of the voting rights of members in an owners’ management company is not established on a fair and equitable basis, the court may, where it is satisfied that it is necessary in the interests of justice to do so, make an order altering the voting rights of members in the owners’ management company concerned.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

SECTION 24

49. In page 21, before section 24, to insert the following new section:

“Dispute Resolution and Alternative Dispute Resolution.

24.—(1) (a) Upon the request of any party to an application under *section 23*, the court may at any stage during the course of the proceedings (including immediately after the issue of the proceedings), if it considers that an Alternative Dispute Resolution Procedure pursuant to a direction under this subsection would assist in reaching a resolution of the matter, direct that the parties to the application meet to discuss and attempt to settle the matter by an Alternative Dispute Procedure.

(b) A procedure held pursuant to a direction under this subsection is in this Act referred to as an “Alternative Dispute Procedure”.

[SECTION 24]

(2) Where the court gives a direction under *subsection (1)*, each party to the application concerned shall comply with that direction.

(3) An Alternative Dispute Procedure shall take place—

(a) at a time and place agreed by the parties to the application concerned, or

(b) where the parties do not agree a time and place, at a time and place specified by the court.

(4) There shall be a chairperson of the Alternative Dispute Procedure who shall—

(a) be a person appointed by agreement of all the parties to the application concerned, or

(b) where no such agreement is reached—

(i) be a person appointed by the court, or

(ii) a person nominated by a body prescribed, for the purpose of this section, by order of the Minister.

(5) The notes of the chairperson of an Alternative Dispute Procedure and all communications during a mediation conference or any records or other evidence thereof shall be confidential and shall not be used in evidence in any proceedings whether civil or criminal.

(6) The costs incurred in the holding and conducting of a mediation conference shall be paid by the party to the application in such proportion as the Chairperson shall decide, or as the court hearing the action shall direct.”.

—Pat Rabbitte.

Section opposed.

—Pat Rabbitte.

SECTION 25

50. In page 22, before section 25, to insert the following new section:

“Report of
Alternative Dispute
Resolution
Chairperson.

25.—(1) The chairperson of the Alternative Dispute Procedure shall prepare and submit to the court hearing the application under *section 23* a report, which shall set out—

(a) where the procedure did not take place, a statement of the reasons as to why it did not take place, or

(b) where the procedure did take place—

(i) a statement as to whether or not a resolution has been reached in respect of the application, and

(ii) where a settlement or determination has been entered into, a statement of the terms of the settlement signed by the parties thereto or terms of the determination, signed by the Chairperson, as applicable.

(2) A copy of a report prepared under *subsection (1)* shall be given to each party to the application at the same time as it is submitted to the court under that subsection.

[SECTION 25]

(3) At the conclusion of the hearing of an application under *section 23*, the court may—

- (a) after hearing submissions by or on behalf of the parties to the application, and
- (b) if satisfied that a party to the application failed to comply with a direction under *section 24(1)**, make an order directing that party to pay the costs of the application, or such part of the costs of the application as the court directs, incurred after the giving of the direction under *section 24(1)**.”

—Pat Rabbitte.

[*Note: This is a reference to the section proposed to be inserted by amendment No. 49]

Section opposed.

—Pat Rabbitte.

SECTION 26

51. In page 22, before section 26, to insert the following new section:

“Regulations regarding *sections 24* and *25*.

26.—(1) The Minister may make regulations providing for any matter of procedures, including Alternative Dispute Procedures in relation to applications under *sections 24* and *25* and making such incidental, consequential or supplementary provision as may appear to him or her to be necessary or proper to give full effect to any of the provisions of *section 24*.

(2) Without prejudice to the generality of *subsection (1)*, regulations under this section may—

- (a) specify the time at which applications under *section 24* may be made, the manner in which those applications shall be made and the particulars they shall contain,
- (b) require applicants to furnish to the court any specified information with respect to their applications (including any information regarding any estate or interest in or right over land),
- (c) require applicants to submit to a court any further information relevant to their applications (including any information as to any such estate, interest or right),
- (d) require the production of any evidence to verify any particulars or information given by any applicant,
- (e) require the notification (in a prescribed manner) by planning authorities of decisions on applications, and
- (f) set out Alternative Dispute Procedures, and mechanisms for procedure selection in default of agreement between the parties, including a schedule of nominating authorities of Chairperson of the Alternative Dispute Procedure in default of agreement. Such Alternative Dispute Procedures may include; mediation, conciliation, arbitration, expert determination and stepped procedures (limited to two steps).”

—Pat Rabbitte.

[SECTION 27]

SECTION 27

52. In page 23, between lines 36 and 37, to insert the following subsection:

“(5) In this section “prescribed” means prescribed by regulations made by the Minister with the consent of the Minister for Enterprise, Trade and Innovation.”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

SECTION 28

53. In page 23, subsection (2), line 45, to delete “On completion of a multi-unit development” and substitute the following:

“Where the development stage of a multi-unit development has ended”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

SECTION 30

54. In page 24, lines 13 and 14, to delete “Minister for Enterprise, Trade and Employment” and substitute “Minister for Enterprise, Trade and Innovation”.

—An tAire Dlí agus Cirt agus Athchóirithe Dlí.

NEW SECTIONS

55. In page 24, before Schedule 1, to insert the following new section:

“Responsibilities regarding Fire Safety.

32.—(1) The management body shall be responsible for fire safety and compliance with all relevant fire safety regulations.

(2) In this section “management body”, in relation to a multi-unit development, means—

(a) that the company or unincorporated body—

(i) which is formed with the intention that its members should be the owners of the properties in the development, and

(ii) which manages all or some of the common areas of the development,
and

(b) any person who manages the common areas referred to in *paragraph (a)* at any time before the company or unincorporated body referred to in that paragraph starts to manage such common areas, including the developer, or his or her agent, of the multi-unit development.”.

—David Stanton.

56. In page 24, before Schedule 1, to insert the following new section:

“Review of section 180 of the Planning and Development Act 2000.

32.—The Minister shall within six months of the commencement of this Act recommend to the Minister for Environment, Heritage and Local Government that a review of section 180 of the Planning and Development Act 2000 be conducted to determine whether legislative change is required to ensure public areas are sufficiently maintained.”.

—David Stanton.

[*SCHEDULE 1*]

SCHEDULE 1

57. In page 25, between lines 3 and 4, to insert the following:

“1. *Sections 2 to 4 (obligation to have owners’ management company).*”

—Pat Rabbitte.