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entitled

AN ACT TO PROVIDE FOR THE ELECTION OF A MAYOR FOR THE LOCAL GOVERNMENT AREAS OF DUBLIN CITY AND THE COUNTIES OF DÚN LAOGHAIRE-RATHDOWN, FINGAL AND SOUTH DUBLIN; TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS THE REGIONAL AUTHORITY OF DUBLIN, OR IN THE IRISH LANGUAGE, ÚDARÁS RÉIGIÚNACH BHAILE ÁTHA CLIATH; TO CONFER CERTAIN FUNCTIONS ON THE SAID MAYOR AND ON THE SAID AUTHORITY INCLUDING FUNCTIONS UNDER THE WASTE MANAGEMENT ACT 1996, THE PLANNING AND DEVELOPMENT ACT 2000, THE LOCAL GOVERNMENT ACT 2001 AND CERTAIN OTHER ENACTMENTS; FOR THAT PURPOSE AND OTHER PURPOSES TO AMEND THOSE ENACTMENTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Local Government (Mayor and Regional Authority of Dublin) Act 2011.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

(3) The Local Government Acts 1925 to 2009 and this Act may be cited together as the Local Government Acts 1925 to 2011.

2.—In this Act—

Definitions.

“Act of 1996” means the Waste Management Act 1996;

“Act of 2000” means the Planning and Development Act 2000;

“Act of 2001” means the Local Government Act 2001;

“Act of 2007” means the Water Services Act 2007;

“Act of 2008” means the Dublin Transport Authority Act 2008;

“Authority” has the meaning assigned to it by section 16;

“bye-election” has the meaning assigned to it by section 10;

“census report” means the most recent census report published by the Central Statistics Office setting out the final result of a census of population of the State (whether or not that is the most recent such census of population);

“chief executive” has the meaning assigned to it by section 23;

“Deputy Mayor” has the meaning assigned to it by section 12;

“development agency” means the Industrial Development Agency (Ireland), Enterprise Ireland, or such other body as may be prescribed by the Minister;

“dissolved body” has the meaning assigned to it by section 203;

“Dublin local authority” means Dublin City Council, Dún Laoghaire-Rathdown County Council, Fingal County Council or South Dublin County Council;

“Dublin Region” shall be construed in accordance with section 3;

“Dublin Region Electoral Area” has the meaning assigned to it by section 90;

“election” includes bye-election;

“establishment day” shall be construed in accordance with section 15;

“Greater Dublin Area” has the meaning assigned to it by the Act of 2008;

“local government area” shall be construed in accordance with section 10 of the Act of 2001;

“meetings administrator” has the meaning assigned to it by section 21;

“Mayor” has the meaning assigned to it by section 6;

“Mid-East Region” has the same meaning as it has in the First Schedule to the Order of 1993;

“Mid-East Regional Authority” means the Mid-East Regional Authority established under section 43 of the Act of 1991;

“Minister” means the Minister for the Environment, Heritage and Local Government;

“National Spatial Strategy” has the same meaning as it has in the Act of 2008;
“Order of 1993” means the Local Government Act 1991 (Regional Authorities) (Establishment) Order 1993 (S.I. No. 394 of 1993);

“prescribe” means prescribe by regulations;

“public authority” means—

(a) a Minister of the Government,

(b) the Commissioners of Public Works in Ireland,

(c) the Health Service Executive,

(d) a body (other than a company established under the Companies Acts) established by or under statute,

(e) a company established under the Companies Acts all of the shares in which are held by—

(i) or on behalf of a Minister of the Government,

(ii) directors appointed by a Minister of the Government,

(iii) a company to which subparagraph (i) or (ii) applies, or

(iv) a body referred to in paragraph (d), or

(f) a university or other place of third level education;

“regional authority” means—

(a) a regional authority established under section 43 of the Act of 1991, or

(b) the Authority;

“regional plan” means—

(a) regional planning guidelines,

(b) a waste management plan,

(c) a water services strategic plan,

and references to the making of a regional plan include references to—

(i) the variation or replacement of a waste management plan, and

(ii) the revision or replacement of a water services strategic plan;

“regional planning guidelines” mean regional planning guidelines under Chapter III of Part II of the Act of 2000 in respect of, or in so far only as they apply to, the Greater Dublin Area—

(a) made after the commencement of Chapter 1 of Part 3, or

(b) in force immediately before such commencement;
“waste management plan” means a waste management plan under section 22 of the Act of 1996 in respect of, or in so far only as it applies to, the Dublin Region—

(a) made after the commencement of Chapter 2 of Part 3, or

(b) in force immediately before such commencement;

“water services strategic plan” means a water services strategic plan under section 36 of the Act of 2007, in respect of, or in so far only as it applies to, the Dublin Region—

(a) made after the commencement of Chapter 3 of Part 3, or

(b) in force immediately before such commencement.

3. — For the purposes of this Act, the Dublin Region shall consist of the local government areas of—

(a) the city of Dublin,

(b) the county of Dún Laoghaire-Rathdown,

(c) the county of Fingal, and

(d) the county of South Dublin.

4. — The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

5. — (1) The Minister may, by regulations, provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

PART 2

MAYOR OF DUBLIN AND REGIONAL AUTHORITY OF DUBLIN

CHAPTER 1

Mayor of Dublin

6. — (1) There shall be a Mayor in respect of the Dublin Region, who shall be known as the Mayor of Dublin and in this Act is referred to as the “Mayor”.
(2) Subject to subsections (2) and (3) of section 10, the Mayor shall be elected and hold office in accordance with this Act.

(3) Subject to this Act, a person elected to be Mayor shall, by virtue of being so elected, hold that office from the day immediately following the day on which the returning officer declares under section 140 the result of the poll at the election for Mayor until the day on which the returning officer declares the result of the poll at the election for Mayor next held after the first-mentioned election.

7.—(1) The Mayor shall, after consultation with such public authorities or other persons as he or she considers appropriate, prepare a statement (in this section referred to as a “strategy statement”), not later than 6 months after his or her election to the office of Mayor.

(2) The Mayor shall, in the preparation of a strategy statement, take into account any guidelines or directions given by the Minister under this Act.

(3) A strategy statement shall—

(a) specify the key objectives, outputs and related strategies (including strategies relating to the use of resources of the Authority or other bodies) of the Mayor, and

(b) specify the strategies and policies that the Mayor intends to pursue, and the measures that he or she intends to adopt, in furtherance of the general objectives of the Authority under this Act.

(4) The Mayor shall—

(a) before preparing a strategy statement—

(i) publish a notice in a newspaper circulating throughout the Greater Dublin Area of his or her intention to prepare a strategy statement,

(ii) consider any submissions received pursuant to that notice during the period specified in the notice for making submissions, and

(iii) consider any comments or observations of the Authority made in relation to the draft strategy statement at the meeting of the Authority referred to in subsection (6),

and

(b) in the preparation of that statement, have regard to the policies of the Government and resources available to the Dublin local authorities for the provision of public services within the Dublin Region.

(5) A notice under subsection (4) shall contain a statement that any person may make submissions in relation to the preparation of the strategy statement concerned not later than 4 weeks from the publication of the notice.

(6) The Mayor shall submit a draft of a strategy statement to the members of the Authority for their consideration not later than 4
months after his or her having been elected Mayor, and not later than 7 days before a meeting of the Authority.

(7) The draft of a strategy statement submitted to the Authority under subsection (6) shall be considered at the meeting of the Authority next held after the submission of the draft to the Authority.

(8) The Mayor shall cause the strategy statement prepared by him or her to be published on the internet and in such other form as he or she may decide.

8.—(1) A person, other than a member of Dáil Éireann, Seanad Éireann or the European Parliament, shall be disqualified for—

(a) nomination for election to the office of Mayor, or

(b) being elected Mayor,

if he or she is a person to whom section 13(1) of the Act of 2001 applies.

(2) A person shall be disqualified for holding the office of Mayor if he or she is a person to whom section 13(1) or 13A (inserted by section 2 of the Local Government (No. 2) Act 2003) of the Act of 2001 applies.

(3) A person shall be disqualified for—

(a) nomination for election to the office of Mayor,

(b) being elected Mayor, or

(c) holding the office of Mayor,

if he or she is convicted of a relevant electoral offence or an offence involving fraud or dishonesty, except where an appeal against the conviction concerned is brought and the conviction is quashed.

(4) A disqualification to which subsection (3) applies shall be for the period of 5 years commencing on the date of the conviction concerned.

(5) A person for the time being holding the office of Mayor shall cease to hold that office upon his or her becoming disqualified for holding that office in accordance with subsection (2) or (3).

(6) A person who, while disqualified for holding the office of Mayor, performs or purports to perform any function of the Mayor is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000.

(7) Proceedings for an offence under this section may be brought and prosecuted by the Authority or a local government elector in the Dublin Region Electoral Area.

(8) In this section “relevant electoral offence” means—

(a) an offence under subsection (4) of section 103 of Part IX (inserted by section 173) of the Electoral Act 1997, or
(b) an offence under the said section 103 consisting of a con-
travention of any of the following provisions of the said
Part IX:

(i) subsection (1) or (2) of section 85;

(ii) subsection (2), (3) or (4) of section 87;

(iii) section 93; or

(iv) subsection (1) or (2) of section 96.

9.—The Mayor may resign from office by giving notice in writing

to the Authority of his or her resignation and the resignation shall
take effect on the day specified in the notice or, where no such day
is specified, on the day on which the Authority receives the notice.

10.—(1) Where a vacancy occurs in the office of Mayor not later
than the day before the commencement of the period referred to in
subsection (2), an election (in this Act referred to as a “bye-
election”) shall be held in accordance with Part 7 to fill the vacancy
so occurring.

(2) Where a vacancy occurs in the office of Mayor during the
period commencing 12 months before the 1st day of May in any year
in which an election referred to in section 26 of the Act of 2001
is required to be held, the Deputy Mayor shall stand appointed to
that office.

(3) Where—

(a) a vacancy occurs in the office of Mayor during the period
commencing 12 months before the 1st day of May in any
year in which an election referred to in section 26 of the
Act of 2001 is required to be held, and

(b) the office of Deputy Mayor is for the time being vacant,

the Minister shall appoint a member of the Authority to the office
of Mayor.

(4) A person who—

(a) stands appointed to the office of Mayor by virtue of sub-
section (2), or

(b) is appointed to the office of Mayor under subsection (3),

shall hold office until the day on which the returning officer declares
under section 140 the result of the poll at the election for Mayor next
held after the person’s appointment.

(5) Where a vacancy occurs in the office of Mayor in circum-
stances to which subsection (1) applies, the Deputy Mayor shall, dur-
ing the period commencing on the occurrence of that vacancy and
ending on the day on which the returning officer declares under
section 140 the result of the bye-election held consequent upon the
occurrence of that vacancy, perform the functions of Mayor.
11.—(1) The Authority shall pay to the Mayor such remuneration as, from time to time, it may, with the consent of the Minister and the Minister for Finance, determine.

(2) A determination under subsection (1) may make provision for the amount of remuneration of the Mayor to be calculated in such manner, or by means of the application of such formula, as may be specified in the determination.

(3) The Authority may, in accordance with such directions as may, with the consent of the Minister for Finance, be given by the Minister to the Authority, pay to the Mayor each year an allowance in respect of expenses reasonably incurred by him or her in connection with the performance of his or her functions during that year.

12.—(1) There shall be a Deputy Mayor in respect of the Dublin Region, who shall be known as the Deputy Mayor of Dublin and in this Act is referred to as the “Deputy Mayor”.

(2) The Deputy Mayor shall be appointed by the Mayor from among the members of the Authority.

(3) The Cathaoirleach of a Dublin local authority shall not be eligible to be appointed to be Deputy Mayor.

(4) A person appointed to be the Deputy Mayor shall cease to hold that office upon—

   (a) his or her ceasing to be a member of the Authority,

   (b) the declaration by the returning officer under section 140 of the result of the poll at the election for Mayor next held after the person’s appointment to be Deputy Mayor, or

   (c) his or her standing appointed to the office of Mayor in accordance with subsection (2) of section 10.

13.—The Deputy Mayor may resign from office by giving notice in writing to the Mayor of his or her resignation and the resignation shall take effect on the day specified in the notice or, where no such day is specified, on the day on which the Mayor receives the notice.

14.—(1) A person who, while being a member of—

   (a) Dáil Éireann or Seanad Éireann,

   (b) the European Parliament, or

   (c) a local authority,

is elected to the office of Mayor shall, upon the day immediately following the day on which the returning officer declares under section 140 the result of the poll at the election concerned, cease to be such a member.

(2) A person who, while being a member of a local authority, stands appointed to the office of Mayor by virtue of subsection (2) of section 10, or is appointed to that office under subsection (3) of that section, shall thereupon cease to be such a member.
Chapter 2

Regional Authority of Dublin

15.—The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act. Establishment day.

16.—(1) There shall stand established on the establishment day a body which shall be known as the Regional Authority of Dublin, or in the Irish language, Údarás Réigiúnach Bhaile Átha Cliath (in this Act referred to as the “Authority”). Regional Authority of Dublin.

(2) The Authority shall be a body corporate with perpetual succession.

(3) The Authority shall have power to sue, and may be sued, in its corporate name and shall have power to acquire, hold and dispose of land or an interest in land or to acquire, hold and dispose of other property.

(4) The Authority shall provide itself with an official seal which shall be authenticated by—

(a) the signature of the Mayor, or

(b) the signature of a member of staff of the Authority authorised by the Authority to act in that behalf.

(5) Judicial notice shall be taken of the official seal of the Authority and any document purporting to be an instrument made by, and to be sealed with the official seal of the Authority shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.

17.—(1) The Authority shall consist of a chairperson and 15 ordinary members. Membership of Authority.

(2) The Mayor shall, ex officio, be chairperson of the Authority.

(3) Of the ordinary members of the Authority—

(a) 5 shall be appointed by Dublin City Council from among the members of that Council,

(b) 2 shall be appointed by Dún Laoghaire-Rathdown County Council from among the members of that Council,

(c) 2 shall be appointed by South Dublin County Council from among the members of that Council,

(d) 2 shall be appointed by Fingal County Council from among the members of that Council.

(4) Subject to subsection (7), each of the following shall, ex officio, be ordinary members of the Authority:

(a) the Lord Mayor of Dublin City Council;
(b) the Cathaoirleach of Dún Laoghaire-Rathdown County Council;

(c) the Cathaoirleach of South Dublin County Council; and

(d) the Cathaoirleach of Fingal County Council.

(5) A person who—

(a) is elected to the office of Mayor by reason of a vacancy occurring in that office referred to in subsection (1) of section 10,

(b) stands appointed to that office by virtue of subsection (2) of that section, or

(c) is appointed to that office under subsection (3) of that section,

shall, upon being so elected or appointed, cease to be an ordinary member of the Authority.

(6) (a) An ordinary member of the Authority to whom subsection (3) applies shall hold office until the day immediately before the day on which the Dublin local authority concerned next appoints ordinary members of the Authority in accordance with that subsection after the declaration by the returning officer under section 140 of the result of the poll at the election for Mayor next held after the appointment of the first-mentioned ordinary member.

(b) In this subsection “election” does not include a bye-election.

(7) A person who is an ordinary member of the Authority by virtue of his or her being Lord Mayor of Dublin City Council, the Cathaoirleach of Dún Laoghaire-Rathdown County Council, the Cathaoirleach of South Dublin County Council or the Cathaoirleach of Fingal County Council (in this subsection referred to as the “Council chairperson”) shall hold office until the day immediately before the day of the next appointment of a member of the Dublin local authority concerned to be the Council chairperson.

18.—The Authority shall have the following objectives:

(a) the sustainable environmental, economic, cultural and social development of the Dublin Region;

(b) greater efficiency in the provision of local government services in the Dublin Region through coordination of the activities of, and maximisation of cooperation among, the Dublin local authorities;

(c) greater coordination and cooperation between public and private sector bodies—

(i) in the provision of services in the Dublin Region (including services of a commercial, educational, cultural, sporting and charitable nature), and

(ii) in the environmental, economic, social and cultural development of the Dublin Region;
the promotion, both in the State and outside the State, of the Dublin Region as a desirable location in which to live, work and invest;

greater coordination in the development of the Dublin Region and the Mid-East Region.

19.—(1) The general functions of the Authority shall be to—

(a) establish, and oversee the implementation of, regional planning guidelines in respect of the Greater Dublin Area and waste management plans and water services strategic plans in respect of the Dublin Region,

(b) carry out reviews of the environmental, physical, economic, social, and cultural environment in the Dublin Region, identify the requirements in respect thereof and designate measures to meet such requirements,

(c) promote cooperation, joint action and joint arrangements among the Authority, the Dublin local authorities, other local authorities, regional authorities, the National Transport Authority, other public authorities and bodies engaged in business, educational, voluntary or cultural activities in the Dublin Region, in furtherance of the objectives of the Authority under section 18,

(d) promote enterprise and innovation in the Dublin Region in cooperation with the Dublin Regional Development Board, development agencies, business, educational and other relevant bodies,

(e) evaluate—

(i) the provision of public services in, in relation to, or likely to affect, the Dublin Region, and

(ii) the need for, and feasibility of, improving coordination in the provision of those services among bodies engaged in the provision of those services,

(f) cause to be carried out, and promote, assist, facilitate or participate in the carrying out of, research, studies, surveys or the collection of information, data or statistics, in relation to any of its functions,

(g) request a local authority or other public authority to provide information in connection with any function of such local authority or public authority and, for that purpose, to arrange for the attendance of persons at meetings of the Authority, or a committee of the Authority, on behalf of such local authority or public authority,

(h) request a Dublin local authority to adopt such measures as the Authority shall specify for the purpose of the efficient performance by that Dublin local authority of its functions, and

(i) request a Dublin local authority, following an evaluation to which paragraph (e) applies, to adopt such measures as the Authority shall specify for the purpose of improving
efficiency in the provision by that Dublin local authority of public services.

(2) The Authority shall have all such powers as are necessary or expedient for the performance of its functions.

(3) The Authority may, in relation to the performance of any of its functions, consult with such public authorities and regional authorities as it considers appropriate.

(4) The Minister may prescribe a body or bodies to be a development agency or development agencies for the purposes of this Act.

20.—Schedule 1 shall have effect in relation to the Authority.

21.—(1) For the purpose of ensuring that meetings of the Authority are arranged and conducted in an effective and efficient manner, the chief executive shall appoint a person (in this Act referred to as the “meetings administrator”) from among the members of the staff of the Authority to perform such functions in relation to the convening and administration of meetings of the Authority as the Mayor, after consultation with the Authority, shall determine.

(2) The person who immediately before the establishment day was the director of the dissolved body shall, pending the appointment of a person under subsection (1), perform the functions of meetings administrator, and references in this Act to meetings administrator shall be construed accordingly.

22.—(1) The Authority may establish committees consisting, in whole or in part of persons who are members of the Authority, to—

(a) consider such matters connected with the functions of the Authority as the Authority may determine, and

(b) assist and advise the Authority in relation to those matters.

(2) The Authority shall not appoint a person who is not a member of the Authority to be a member of a committee under this section unless, in the opinion of the Authority, the person has such knowledge, qualifications or experience as are necessary for the proper and effective performance by the committee of its functions.

(3) A committee shall consist of such number of persons, being not less than 3, as the Authority considers appropriate.

(4) If a person is appointed to be a member of a committee under this section by reason of his or her being cathaoirleach of a Dublin local authority and he or she subsequently ceases to be a member of the committee by reason of his or her ceasing to be cathaoirleach of that local authority, the person next appointed to succeed him or her as cathaoirleach of that local authority shall become and be a member of the committee without the need for appointment under this section.

(5) The Authority may at any time dissolve a committee established under this section.

(6) A committee established under this section may act notwithstanding a vacancy or more than one vacancy among its members.
(7) A member of a committee established under this section may be removed from office at any time by the Authority.

(8) The Authority may determine the terms of reference and regulate the procedure of a committee established under this section.

(9) A committee established under this section shall provide the Authority with such information as the Authority may, from time to time, require, in respect of its activities and operation.

(10) Subject to subsection (5), a committee established under this section shall stand dissolved on the day on which the returning officer declares under section 140 the result of the poll at the election for Mayor next held after its establishment.

23.—(1) There shall be a chief executive officer of the Authority (in this Act referred to as the “chief executive”).

(2) Subject to subsections (4) and (5), the chief executive shall, with the consent of the Minister, be appointed by the Mayor in accordance with such procedures as may be determined by the Authority.

(3) The chief executive may, with the consent of the Minister and after consultation with the Authority, be removed from office by the Mayor for stated reasons.

(4) The Minister may, before the establishment day, designate a person to be appointed to be the first chief executive of the Authority.

(5) If, immediately before the establishment day, a person stands designated by the Minister under subsection (4), the Mayor shall appoint that person to be the first chief executive.

(6) The chief executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as may be determined by the Authority with the approval of the Minister given with the consent of the Minister for Finance.

(7) The chief executive shall not hold any other office or employment or carry on any business without the consent of the Mayor given after consultation with the Authority.

24.—(1) The chief executive shall carry on and manage, and control generally, the administration and business of the Authority and perform such other functions (if any) as may be determined by the Mayor after consultation with the Authority.

(2) The chief executive shall perform his or her functions subject to such policies as may be determined from time to time by the Mayor after consultation with the Authority, and shall be accountable to the Authority for the efficient and effective management of the Authority and for the due performance of his or her functions.

(3) The Mayor may, after consultation with the Authority, designate a member of the staff of the Authority to perform the functions of chief executive in the absence of the chief executive or where the position of chief executive is vacant.
(4) A member designated under subsection (3) shall in the absence of the chief executive or upon the position of chief executive being vacant perform the functions of chief executive, and references in this Act to chief executive shall be construed accordingly.

25.—(1) The Mayor may appoint not more than 5 members of staff of the Authority from among persons who, in the opinion of the Mayor, have experience and expertise in matters to which the positions to which they are appointed relate.

(2) The Mayor shall, as soon as may be after a person is appointed under subsection (1), cause a document setting out the expertise and experience referred to in that subsection of that person to be laid before the Authority.

(3) An appointment under subsection (1) shall cease on the day on which the returning officer declares under section 140 the result of the poll at the election for Mayor next held after the appointment.

(4) The Mayor may, in addition to appointing persons to be members of staff of the Authority under subsection (1), appoint such, and such number of, other persons to be members of staff of the Authority as he or she may, with the approval of the Minister and the Minister for Finance, determine.

(5) A member of staff (other than the chief executive) of the Authority shall—

(a) be paid such remuneration (including allowances for expenses) as the Mayor may, with the approval of the Minister and the Minister for Finance, determine, and

(b) be employed on such other terms and conditions as the Mayor may, with the approval of the Minister and the Minister for Finance, determine.

(6) The Mayor shall, with the approval of the Minister and the Minister for Finance and after consultation with the chief executive, determine the grades of staff of the Authority and the numbers of staff in each grade.

26.—(1) A local authority may designate for employment by the Authority any member of staff of that local authority.

(2) A designation under this section shall not be made without the consent of the Minister and the Mayor.

(3) A local authority shall not designate a member of staff under this section, without having first—

(a) notified in writing the member of staff and any recognised trade unions or staff associations concerned, of its intention to do so, and

(b) considered any representations by the member of staff, or such recognised trade union or staff association, in relation to the matter, made not later than the day on which such period as may be specified in the notification expires.
(4) A person designated for employment by the Authority under this section shall, on such day (in this section referred to as the “specified day”) as the Minister after consultation with the Mayor designates, become and be a member of the staff of the Authority.

(5) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person designated under this section shall not, while in the service of the Authority, be subject to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the specified day.

(6) In relation to a person who becomes a member of the staff of the Authority pursuant to a designation under this section, previous service with a local authority shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy Payments Acts 1967 to 2007, the Protection of Employees (Part-Time Work) Act 2001, the Organisation of Working Time Act 1997, the Minimum Notice and Terms of Employment Acts 1973 to 2005 and the Unfair Dismissals Acts 1977 to 2007.

27.—(1) Subject to such conditions (if any) as may for the time being stand specified by the Minister for the purposes of this section, the Authority may from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Authority out of moneys at its disposal.

(2) Any person who wishes to be engaged by the Authority as a consultant or adviser pursuant to this section may notify the Authority in writing of his or her wish to be so engaged and any notification for that purpose shall include particulars of the person’s qualifications and experience.

(3) The Authority shall maintain a list of the persons who notify the Authority pursuant to subsection (2).

(4) The Authority shall, in engaging a consultant or adviser under this section, have regard to the list maintained under subsection (3), but nothing in this subsection shall be construed as preventing the Authority from engaging as a consultant or adviser a person whose name is not on that list.

28.—(1) The Authority and a Dublin local authority may, for the purposes of assisting the Authority in the performance of its functions, enter into an arrangement for—

(a) the provision by that local authority to the Authority of such services (including the services of members of the staff of the local authority) as are the subject of that arrangement on such terms and conditions (including terms and conditions relating to the making of payments by the Authority to the local authority in consideration of the provision of such services) as may be agreed by the Authority and the local authority, or

(b) the provision by the Authority to the local authority of such services (including the services of members of the

Consultants and advisers.

Provision of services.
staff of the Authority) as are the subject of that arrangement on such terms and conditions (including terms and conditions relating to the making of payments by the local authority to the Authority in consideration of the provision of such services) as may be agreed by the Authority and the local authority.

(2) The Authority and any public authority may, for the purposes of assisting the Authority in the performance of its functions, enter into an arrangement for the provision by that public authority to the Authority of such services (including the services of members of the staff of the public authority) as are the subject of that arrangement on such terms and conditions (including terms and conditions relating to the making of payments by the Authority to the public authority in consideration of the provision of such services) as may be agreed by the Authority and the public authority.

(3) The Mayor may give a direction in writing to a Dublin local authority requiring it to carry out such tasks on behalf of the Authority as—

(a) are specified in the direction, and

(b) may, in the opinion of the Mayor, be necessary for the performance by the Authority of its functions in relation to the preparation, making or review of a regional plan,

and a Dublin local authority to whom such a direction is given shall comply with the direction.

Annual report.

29.—(1) The Authority shall, not later than 30 June in each year, prepare, adopt and submit to the Mayor a report (in this section referred to as the “annual report”) on its activities in the year immediately preceding the first-mentioned year.

(2) The annual report shall contain—

(a) such information and particulars (including financial statements) as the Mayor may determine, and

(b) particulars of any gift to the Mayor exceeding in value such amount as the Minister, with the consent of the Minister for Finance, determines, including particulars of the following matters:

(i) the name of the donor of the gift;

(ii) a description of the gift; and

(iii) any trusts, terms or conditions attaching to the gift.

(3) The Mayor shall, as soon as may be, furnish a copy of the annual report to—

(a) the Minister,

(b) each member of the Authority,

(c) each Dublin local authority, and

(d) such other persons as the Mayor may determine.
(4) The Mayor shall cause the annual report to be published on the internet.

(5) The Mayor shall cause copies of each annual report to be made available for inspection at all reasonable times by members of the public, and for purchase at such price as may be determined by the Mayor, at the offices of the Authority.

30.—(1) (a) Subject to paragraph (b), the Authority shall, not later than 30 November in each year, prepare and adopt an estimate of all moneys that it anticipates it will expend and all moneys that it anticipates it will receive in the financial year immediately following the first-mentioned year.

(b) The Authority shall, as soon as may be after the establishment day, prepare and adopt an estimate of all moneys that it anticipates it will expend and all moneys that it anticipates it will receive in the financial year ending on 31 December 2011.

(2) An estimate prepared and adopted under subsection (1) shall be in such form, and accompanied by such information, as the Minister may direct.

(3) The Mayor shall, as soon as may be after the adoption of an estimate under subsection (1), send a copy thereof to the Minister and to each Dublin local authority.

(4) (a) The Dublin local authorities shall each year make payments to the Authority, the aggregate of which shall, in accordance with the estimate adopted under paragraph (a) of subsection (1), equal the amount of the estimated expenditure of the Authority in the year immediately following that year less an amount equal to the moneys that the Authority anticipates it will receive from persons other than the Dublin local authorities during the second-mentioned year.

(b) A Dublin local authority shall, for the purposes of paragraph (a), be liable to pay to the Authority in each year an amount that bears the same proportion to the aggregate referred to in that paragraph as the number of persons recorded in the census report as residing in the local government area of that local authority bears to the number of persons so recorded as residing in the Dublin Region.

(5) The Authority shall keep, in such form as the Minister may, with the consent of the Minister for Finance, direct, all proper and usual accounts of all moneys received and expended by it.

(6) As soon as may be after the end of each financial year, the chief executive shall prepare and submit to the Authority a statement of the accounts of the Authority in respect of that financial year.

(7) The Authority shall consider and adopt the statement of accounts prepared in accordance with subsection (6) not later than 31 March in the year immediately following the financial year to which the statement relates.
(8) A copy of the statement of accounts adopted by the Authority in accordance with subsection (7) shall be given to the Minister and each Dublin local authority not later than 4 weeks after it is so adopted.

(9) The statement of accounts of the Authority in respect of each financial year shall be prepared in accordance with such accounting principles as the Minister may, with the consent of the Minister for Finance, direct.

(10) Section 115 of the Act of 2001 is amended by the insertion of the following subsection:

“(1A) This Chapter also applies to the Regional Authority of Dublin and accordingly references in this Chapter to—

(a) a local authority shall be construed as including references to the Regional Authority of Dublin, and

(b) the manager shall be construed as including references to the Mayor of Dublin.”.

(11) The chief executive shall, as soon as may be after the Authority receives a copy of an audit opinion, an audited financial statement, an auditor’s report or an auditor’s special report under section 120 of the Act of 2001 send a copy thereof to—

(a) the Minister,

(b) each member of the Authority, and

(c) each Dublin local authority.

Gifts.

31.—(1) The Authority may accept gifts of money, land or other property upon such trusts or conditions (if any) as may be specified by the donor.

(2) The Authority shall not accept a gift if the trusts or conditions attaching to it would be inconsistent with its functions.

Payment of allowances to members of Authority.

32.—The Authority may, in accordance with such directions as may be given by the Minister to the Authority, pay to a member of the Authority each year an allowance in respect of expenses reasonably incurred by him or her in connection with the performance of his or her functions during that year.

Superannuation.

33.—(1) As soon as may be after the establishment day, the Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of—

(a) the Mayor, and

(b) such of the staff (including the chief executive) of the Authority as the Authority shall think fit.

(2) (a) A scheme under this section for the granting of superannuation benefits to or in respect of the Mayor shall specify the terms and conditions upon which such superannuation benefits are payable.
Every scheme under this section (other than a scheme to which paragraph (a) applies) shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different terms and conditions may be fixed in respect of different classes of persons.

(3) The Authority may at any time prepare and submit to the Minister a scheme amending or revoking a scheme previously submitted and approved under this section.

(4) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Authority in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit in pursuance of a scheme under this section, such dispute shall be submitted to such person as shall be specified in the scheme, and the decision of a person so specified shall be binding in relation to the dispute.

(6) No superannuation benefit shall be granted by the Authority to or in respect of the Mayor or any of the staff of the Authority (including the chief executive) who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Finance.

(7) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.

(8) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the Authority under section 26, the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her previous pensionable service and the said benefit shall be paid by the Authority.

(9) (a) A scheme under this section shall, as respects a person transferred under section 26 to the staff of the Authority, provide for the granting to or in respect of him or her of superannuation benefits upon and subject to such terms and conditions as are not less favourable to him or her than the terms and conditions that applied to him or her immediately before the specified day (within the meaning of that section) in relation to the grant of such benefits.

(b) Any period of service by a person, who has become a member of the staff of the Authority pursuant to a designation under section 26, as a member of the staff of a
local authority which was a period of reckonable service for the purposes of a scheme for the granting of superannuation benefits to or in respect of members of the staff of the local authority shall be regarded as a period of reckonable service for the purposes of any scheme under this section.

(10) In this section “superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.

34.—(1) Save as otherwise required by law, a person shall not disclose confidential information obtained by him or her while performing functions as—

(a) a member or member of the staff of, or an adviser or consultant to, the Authority, or a member of the staff of such adviser or consultant,

(b) a member of the Dublin Regional Development Board, or

(c) a member of a committee established under this Act,

unless he or she is duly authorised by the Authority to so do.

(2) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000.

(3) In this section “confidential information” includes—

(a) information that is expressed by the Authority to be confidential either as regards particular information or as regards information of a particular class or description, and

(b) proposals of a commercial nature or tenders submitted to the Authority by contractors, consultants or any other person.

(4) Nothing in subsection (1) shall prevent the disclosure of information in a report made to the Authority or the Minister.

35.—The Freedom of Information Act 1997 is amended by—

(a) the insertion in paragraph 1(2) of the First Schedule, of “Regional Authority of Dublin”, and

(b) the insertion in Part I of the Third Schedule—

(i) in column (2), of “the Local Government (Mayor and Regional Authority of Dublin) Act 2011”, and

(ii) in column (3), opposite the mention in column (2) of the “Local Government (Mayor and Regional Authority of Dublin) Act 2011” of “section 34”.

36.—(1) A person who communicates with—

(a) the Mayor,
(b) a member or member of the staff of, or an adviser or consultant to, the Authority, or a member of the staff of such adviser or consultant,

(c) a member of the Dublin Regional Development Board, or

(d) a member of a committee established under this Act,

for the purpose of influencing improperly his or her consideration of any matter that falls to be considered by the Authority is guilty of an offence and is liable on summary conviction to a fine not exceeding €5,000.

(2) A person referred to in paragraph (b), (c) or (d) of subsection (1) to whom a communication is made in contravention of that subsection shall—

(a) not entertain the communication further, and

(b) forthwith notify the Mayor in writing thereof.

(3) The Mayor shall acknowledge in writing the receipt of a notification referred to in subsection (2).

37.—(1) In this section—

“representative of the media” means an accredited representative of a local or national newspaper or journal or a local or national radio or television station;

“member of the public” does not include a person requested by the Authority to attend a meeting of the Authority.

(2) Subject to subsection (3) and standing orders under subsection (5), members of the public and representatives of the media shall be entitled to attend a meeting of the Authority.

(3) Where the Authority is of the opinion that it would not be desirable for members of the public and representatives of the media to be present during the whole or part of a meeting of the Authority—

(a) by reason of the special nature of the meeting, or the consideration of a particular matter, or

(b) for other special reasons,

the Authority may, upon the passing of a resolution by not less than half of the members of the Authority, exclude members of the public and representatives of the media from a meeting, or part of a meeting, of the Authority.

(4) A resolution under subsection (3) shall state in terms that, in the opinion of the members of the Authority voting in favour of the resolution, will not be prejudicial to the consideration of any matter at the meeting of the Authority to which the resolution relates, the reasons for the resolution, and those reasons shall be recorded in the minutes of that meeting.

(5) The Authority may, by standing orders, regulate the exercise of an entitlement referred to in subsection (2) and, without prejudice to the generality of this subsection—
(a) make provision in relation to—

(i) the number of persons who may be permitted to attend a meeting of the Authority having regard to space available at such meeting,

(ii) the conduct of persons attending such meetings,

(iii) the removal of members of the public or representatives of the media who disrupt such meetings or who do not conduct themselves in an orderly fashion, or

(iv) the taking of photographs at such meetings or the use of any means for recording sounds or images at the meeting or for the relaying (whether contemporaneously or not) sounds or images to persons not attending such meetings,

or

(b) prohibit the taking of photographs at such meetings or the use of any means for recording sounds or images at the meeting or for the relaying (whether contemporaneously or not) sounds or images to persons not attending such meetings.

(6) (a) Standing orders under subsection (5) shall not operate to permit the Authority to exclude representatives of the media from attendance at a meeting of the Authority other than in circumstances to which paragraph (a) of that subsection applies.

(b) Standing orders to which paragraph (a) of subsection (5) applies shall not operate to permit the Authority to exclude all representatives of the media from attendance at a meeting of the Authority.

PART 3

REGIONAL PLANS

CHAPTER 1

*Regional Planning Guidelines*

38.—Section 21 of the Act of 2000 is, in so far only as it applies to the Greater Dublin Area, amended by—

(a) the substitution of the following subsections for subsection (1):“(1) The Mayor of Dublin may after complying with the requirements of sections 22, 23 and 24 prepare draft regional planning guidelines in respect of the GDA.

(1A) The Mayor of Dublin shall—

(a) at the direction of the Minister, and

(b) after complying with the requirements of sections 22, 23 and 24,
prepare draft regional planning guidelines in respect of the whole or part or parts of the GDA.”.

and

(b) the deletion of subsections (2) and (3).

39.—Section 22 of the Act of 2000 is, in so far only as it applies to the Greater Dublin Area, amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) Before preparing draft regional planning guidelines under this Chapter, the Mayor of Dublin shall consult with each planning authority whose functional area is within the GDA.”,

(b) the substitution, in paragraph (a) of subsection (2), of “Mayor of Dublin” for “regional authority”,

(c) the substitution, in paragraph (b) of subsection (2), of “Mayor of Dublin” for “regional authorities”, and

(d) the substitution, in paragraph (c) of subsection (2), of “Mayor of Dublin” for “regional authority”.

40.—(1) Section 23 of the Act of 2000 is, in so far only as it applies to the Greater Dublin Area, amended by the substitution, in subsection (4), of the following paragraphs for paragraph (c) (inserted by section 89 of the Act of 2008):

“(c) The Mayor of Dublin shall, in the preparation of draft regional planning guidelines under this Chapter, ensure that the draft is consistent with the transport strategy of the DTA.

(d) The Regional Authority of Dublin shall, in the adoption of regional planning guidelines under this Chapter, ensure that the guidelines are consistent with the transport strategy of the DTA.

(e) The Mid-East Regional Authority shall, in the adoption of regional planning guidelines under this Chapter, ensure that the guidelines are consistent with the transport strategy of the DTA.”.

(2) References in subsection (5) of section 23 of the Act of 2000 to regional authorities shall be construed as including references to the Mayor of Dublin and references to the Regional Authority of Dublin.

41.—Section 24 of the Act of 2000 is, in so far only as it applies to the Greater Dublin Area, amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) Before preparing draft regional planning guidelines under this Chapter, the Mayor of Dublin shall, in
accordance with this section, give notice of his or her intention to prepare such draft.”,

(b) the substitution of the following subsection for subsection (2):

“(2) A notice under subsection (1) shall be given to the Minister, the Board, the prescribed authorities and any town council in the area to which the draft regional planning guidelines are intended to apply and shall—

(a) be published in one or more newspapers circul-
ating in the GDA,

(b) state that the Mayor of Dublin intends to pre-
pare draft regional planning guidelines,

(c) indicate the matters to be considered in the draft regional planning guidelines, having regard to section 23,

(d) indicate that submissions regarding the prep-
aration of the draft regional planning guide-
lines may be made in writing to the Mayor of
Dublin not later than such period (not exceed-
ing 8 weeks from the date of publication
of the notice in accordance with paragraph (a)) as is specified in the notice.”,

(c) the substitution of the following subsections for subsec-
tion (3):

“(3) Before preparing the draft regional planning guidelines the Mayor of Dublin shall—

(a) consider any submissions received consequent
upon the publication of a notice under subsec-
tion (2),

(b) prepare and submit to the Regional Authority of Dublin and the Mid-East Regional Authority a report on those submissions,

(c) after consultation with the Cathaoirleach of the Mid-East Regional Authority, prepare and submit to the Authority and the Mid-East Regional Authority a proposed draft of the regional planning guidelines (in this section referred to as a ‘proposal’).

(3A) The Authority and the Mid-East Regional Authority shall consider the report and the proposal submitted to them under subsection (3) and each may make recommen-
dations in relation to the proposal.

(3B) The Mayor of Dublin shall, after—

(a) considering any recommendations under sub-
section (3A), and

(b) further consultation with the Cathaoirleach of the Mid-East Regional Authority,
prepare draft regional planning guidelines.”,

(d) the substitution of the following subsection for subsection (4):

“(4) The Mayor of Dublin shall, as soon as may be after the preparation by him or her of draft regional planning guidelines under this Chapter—

(a) send a notice in accordance with this section and a copy of the draft to the Minister, the Board, the DTA, the prescribed authorities and any town council in the GDA, and

(b) publish a notice of the preparation of the draft in one or more newspapers circulating in the GDA.”,

(e) the substitution of the following subsection for subsection (5A) (inserted by section 90 of the Act of 2008):

“(5A) Draft regional planning guidelines prepared by the Mayor of Dublin shall include a statement concerning the measures being taken, or proposed to be taken, to ensure the effective integration of transport and land use planning, including—

(a) a statement explaining how the Mayor of Dublin proposes to consider the issues identified in the report of the DTA prepared in accordance with section 31F, and

(b) where the Mayor of Dublin does not propose to consider, or proposes to consider in part only, an issue identified in such report, a statement of the reasons therefor.”,

(f) the substitution of the following subsections for subsection (6):

“(6) Before regional planning guidelines in respect of the GDA are made—

(a) the Mayor of Dublin shall, after consultation with the Cathaoirleach of the Mid-East Regional Authority, prepare a report on any submissions or observations consequent upon a notice under subsection (4), which he or she shall submit to the Regional Authority of Dublin and the Mid-East Regional Authority, and

(b) the Mayor of Dublin may propose amendments to the draft regional planning guidelines, for consideration by the Regional Authority of Dublin and the Mid-East Regional Authority.

(6A) (a) The Regional Authority of Dublin shall—

(i) having considered a report under paragraph (a) of subsection (6), the draft regional planning guidelines and any amendments to that draft proposed in
accordance with paragraph (b) of that subsection, and

(ii) not later than 12 weeks after receiving that report,

adopt regional planning guidelines in respect of the GDA unless, in the opinion of the Mayor of Dublin, they would be inappropriate.

(b) The Mid-East Regional Authority shall—

(i) having considered a report under paragraph (a) of subsection (6), the draft regional planning guidelines and any amendments to that draft proposed in accordance with paragraph (b) of that subsection, and

(ii) not later than 12 weeks after receiving that report,

adopt regional planning guidelines in respect of the GDA unless, in the opinion of the Mayor of Dublin, they would be inappropriate.

(c) For the purposes of this subsection, regional planning guidelines would be inappropriate if they—

(i) were inconsistent with—

(I) the National Spatial Strategy within the meaning of the Dublin Transport Authority Act 2008,

(II) guidelines of the Minister under section 79 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011,

(III) a policy directive under section 80 of that Act, or

(IV) a direction under section 81 of that Act,

(ii) failed to set out a strategy for the proper planning and sustainable development of the GDA,

(iii) imposed a cost on planning authorities within the GDA that would be unreasonably onerous, or

(iv) contained objectives that conflicted with one another.

(6B) Where the Mayor of Dublin forms the opinion that proposed regional planning guidelines would be inappropriate he or she shall notify the Regional Authority of Dublin and the Mid-East Regional Authority in writing
of that opinion and the reasons upon which the opinion is based.

(6C) A notification under subsection (6B) shall include a request that the proposed guidelines, or that part of the proposed guidelines, that, in the opinion of the Mayor of Dublin, would be inappropriate be removed, or amended in such manner as is specified in the notification, by the Regional Authority of Dublin and the Mid-East Regional Authority.

(6D) Where either the Regional Authority of Dublin or the Mid-East Regional Authority refuses to accede to a request referred to in subsection (6C), the Mayor of Dublin shall direct that consideration of the proposed regional planning guidelines shall be postponed until the next meeting of the Regional Authority of Dublin and the next meeting of the Mid-East Regional Authority, and the Regional Authority of Dublin and the Mid-East Regional Authority shall comply with such a direction.

(6E) If, at the meeting of the Regional Authority of Dublin or the meeting of the Mid-East Regional Authority next held after the postponement in accordance with a direction under subsection (6D), either the Regional Authority of Dublin or the Mid-East Regional Authority still refuses to accede to the request referred to in subsection (6C) or otherwise fails to adopt the regional planning guidelines, the Mayor shall, after consultation with the Cathaoirleach of the Mid-East Regional Authority, make the regional planning guidelines, and the guidelines so made shall be deemed to have been made jointly by the Regional Authority of Dublin and the Mid-East Regional Authority.

(6F) Regional planning guidelines made in accordance with subsection (6E) shall contain such guidelines as have already been agreed at the meeting of the Regional Authority of Dublin and the meeting of the Mid-East Regional Authority (other than that part of the proposed regional planning guidelines to which a notification under subsection (6B) applies) referred to in subsection (6E).

(6G) (a) Where the Mayor of Dublin makes the regional planning guidelines in accordance with subsection (6E), the Cathaoirleach of the Mid-East Regional Authority may, in so far as the guidelines affect the Mid-East Region and are, in the opinion of the said Cathaoirleach, inconsistent with the National Spatial Strategy within the meaning of the Dublin Transport Authority Act 2008, apply to the Minister for a direction that the guidelines so made be amended accordingly.

(b) The Minister shall consider an application under paragraph (a) and he or she may, for stated reasons, amend the regional planning guidelines, in so far as they affect the Mid-East Region, in such manner as he or she considers appropriate.
(6H) The planning authorities in the GDA shall accede to any reasonable request by the Mayor of Dublin for the provision of resources, or the performance of any task which may be necessary for the performance by the Regional Authority of Dublin or the Mid-East Regional Authority of functions in relation to the preparation, making or review of regional planning guidelines in respect of the GDA.”.

42.—(1) Section 25 of the Act of 2000 is, in so far only as it applies to the Greater Dublin Area, amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) The procedures for the preparation of the draft regional planning guidelines and the making of regional planning guidelines under section 24 in respect of the GDA shall be agreed by the Mayor of Dublin and the planning authorities within the GDA during the consultation under section 22.”,

(b) the substitution in subsection (3) of “Mayor of Dublin and the planning authorities within the GDA” for “authorities concerned”, and

(c) the deletion of subsection (4).

(2) References in subsection (3A) (inserted by section 91 of the Act of 2008) of section 25 of the Act of 2000 to regional authorities shall be construed as references to the Regional Authority of Dublin and the Mid-East Regional Authority.

43.—Section 26 of the Act of 2000 is, in so far only as it applies to the Greater Dublin Area, amended by—

(a) the substitution of the following subsections for subsection (1):

“(1) The Mayor of Dublin shall, not later than 6 years after the making of regional planning guidelines in respect of the GDA and not less than once in every period of 6 years thereafter, conduct a review of the operation of such guidelines.

(1A) The Mayor of Dublin may, after conducting a review under subsection (1), prepare draft regional planning guidelines for the purpose of the making of regional planning guidelines to replace the regional planning guidelines that were the subject of that review.”,

(b) the insertion of the following new subsection:

“(1B) Regional planning guidelines in force immediately before the commencement of Chapter 1 of Part 3 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011 that apply in respect of the functional area of a planning authority within the GDA shall continue in force after such commencement as if made in accordance with this Chapter by the Regional Authority of Dublin and the Mid-East Regional Authority, and
accordingly regional planning guidelines may be made in accordance with this Chapter to replace the first-mentioned regional planning guidelines.”,

(c) the deletion of subsection (2), and

(d) the substitution of the following subsection for subsection (3):

“(3) The requirements of this Chapter in so far as they apply to the preparation of draft regional planning guidelines and the making of regional planning guidelines for the GDA shall apply also to the preparation of draft regional planning guidelines and the making of regional planning guidelines pursuant to subsection (1A) or (1B).”.

44.—Chapter III of Part II of the Act of 2000 is amended by the insertion of the following section:

“27A.—For the purposes of this Chapter, regional planning guidelines are made in respect of the GDA upon either—

(a) the adoption of those guidelines by the Regional Authority of Dublin and the adoption of those guidelines by the Mid-East Regional Authority, or

(b) the making of those guidelines by the Mayor of Dublin under subsection (6E) (inserted by paragraph (f) of section 41 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011) of section 24,

in accordance with this Chapter.”.

45.—Part IIA (inserted by section 95 of the Act of 2008) of the Act of 2000 is amended—

(a) in section 31F, by—

(i) the substitution of the following subsection for subsection (1):

“(1) Where the Mayor of Dublin intends to prepare draft regional planning guidelines in respect of the GDA or to conduct a review of the operation of regional planning guidelines under section 26, he or she shall, as soon as may be, consult with the DTA for the purposes of making the necessary arrangements for the preparation of such draft.”,

(ii) the substitution of the following subsection for subsection (2):

“(2) The DTA shall assist and cooperate with the Mayor of Dublin in making arrangements to which subsection (1) applies and in the preparation of draft regional planning guidelines in respect of the GDA.”,

and

(iii) the substitution, in paragraph (a) of subsection (3), of “the Mayor of Dublin, the Regional Authority of
Role of Authority in relation to development plans and local area plans.

46.—References in the following provisions of the Act of 2000 to prescribed authorities shall be construed as including references to the Regional Authority of Dublin:

(a) subsection (2) of section 11;

(b) paragraph (a) of subsection (1), and paragraph (c) of subsection (12), of section 12;

(c) paragraph (a) of subsection (2), and paragraph (c) of subsection (8), of section 13; and

(d) subparagraph (i) of paragraph (a) of subsection (3) of section 20.

Functions of Authority under section 27A of Act of 2000.

47.—References in subsections (1), (2) and (3) of section 27A (inserted by section 17 of the Planning and Development (Amendment) Act 2010) to a regional authority shall be construed as including references to the Regional Authority of Dublin.

Functions of Authority under section 27B of Act of 2000.

48.—References in subsections (1), (2), (3) and (4) of section 27B (inserted by section 18 of the Planning and Development (Amendment) Act 2010) to a regional authority shall be construed as including references to the Regional Authority of Dublin.

Functions of Authority under section 27C of Act of 2000.

49.—References in subsections (1), (2), (3) and (4) of section 27C (inserted by section 19 of the Planning and Development (Amendment) Act 2010) to a regional authority shall be construed as including references to the Regional Authority of Dublin.

Definitions for purposes of Part II of Act of 1996.

50.—Part II of the Act of 1996 is amended by the insertion of the following section:

“Definitions. 21A.—In this Part—

‘Act of 2011’ means the Local Government (Mayor and Regional Authority of Dublin) Act 2011;

‘Dublin local authority’ has the same meaning as it has in the Act of 2011; and

‘Dublin Region’ has the same meaning as it has in the Act of 2011.”.
(a) in subsection (1), by the substitution of the following definition for the definition of “relevant period”:

“‘relevant period’ means the period beginning on the date of making of the waste management plan concerned or, as the case may be, the date on which the last review of the said plan under subsection (4) was completed and ending on the date on which the Regional Authority of Dublin expects to complete or, as may be appropriate, to next complete, a review of the plan under that subsection.”.

(b) in subsection (2), by—

(i) the deletion of “subsection (3) and”, and

(ii) the substitution of “the Regional Authority of Dublin” for “each local authority”,

(c) the deletion of subsection (3),

(d) the substitution of the following subsection for subsection (4):

“(4) The Regional Authority of Dublin shall review a waste management plan in respect of the Dublin Region from time to time as occasion may require and at least once in each period of 5 years after the date of making of the plan and may, consequent on such a review, make any variations to the plan or replace it with a new waste management plan (in this Part referred to as a ‘waste management replacement plan’) in accordance with section 23, as it thinks fit.”,

(e) the insertion of the following subsection:

“(4A) It shall be a function of the Mayor of Dublin to prepare a draft of—

(a) a waste management plan,

(b) a variation of such a plan, or

(c) a waste management replacement plan,

and in the performance of any such function he or she shall comply with any directives of the Minister under section 80 of the Act of 2011.”,

(f) the substitution of the following subsection for subsection (5):

“(5) The Mayor of Dublin shall, before he or she commences the preparation of a draft of—

(a) a waste management plan under subsection (2) or (3), or

(b) a variation of a waste management plan, or a waste management replacement plan,
cause notice of his or her intention to commence such preparation to be published in a newspaper circulating in the Dublin Region and such a notice shall state that written representations in relation to the matter may be made to the Mayor of Dublin within a specified period, being a period of not less than 2 months from the date of publication of the notice.”,

(g) the substitution of the following subsection for subsection (6):

“(6) A waste management plan shall, in respect of non-hazardous waste, contain such objectives as seem to the Regional Authority of Dublin to be reasonable and necessary—

(a) to prevent or minimise the production or harmful nature of waste,

(b) to encourage and support the recovery of waste,

(c) to ensure that such waste as cannot be prevented or recovered is disposed of without causing environmental pollution, and

(d) to ensure in the context of waste disposal that regard is had to the need to give effect to the polluter pays principle,

and shall specify such measures or arrangements as are to be taken or entered into by the Regional Authority of Dublin or Dublin local authorities, with a view to securing the objectives of the plan.”,

(h) in subsection (7), by—

(i) the substitution of the following paragraph for paragraph (a):

“(a) the policies and objectives of, and the priorities respectively assigned to them by, the Regional Authority of Dublin in relation to assisting the prevention and minimisation of waste and in relation to the management generally of activities carried on by the Dublin local authorities as respects the collection, recovery and disposal of waste within the Dublin Region.”,

(ii) the substitution of the following subparagraphs for subparagraphs (i) and (ii) of paragraph (b):

“(i) will be taken during the relevant period by the Dublin local authorities, and

(ii) in so far as the Regional Authority of Dublin can determine, will or may be taken during the relevant period by persons other than the Dublin local authorities,”,
(iii) the substitution of the following paragraph for paragraph (c):

“(c) the type, quantity and origin of waste that the Regional Authority of Dublin expects will arise during the relevant period in the Dublin Region for collection, recovery or disposal;”,

(iv) the substitution of the following paragraph for paragraph (d):

“(d) the type and quantity of waste that the Regional Authority of Dublin expects will be transported into, or out of, the Dublin Region for recovery or disposal during the relevant period;”,

(v) the substitution of the following paragraph for paragraph (e):

“(e) facilities, plant and equipment that the Regional Authority of Dublin expects will be available or, in its opinion, will be required to be available for the collection, recovery or disposal of waste in the Dublin Region during the relevant period and matters relevant to the selection of sites in respect of facilities aforesaid;”,

(vi) the substitution of the following paragraph for paragraph (g):

“(g) the steps to be taken generally by the Dublin local authorities to enforce the provisions of this Act in the Dublin Region;”,

(i) in subsection (10) (inserted by section 4 of the Waste Management (Amendment) Act 2001), by—

(i) the deletion of paragraphs (a), (b), (c) and (d) (inserted by paragraph (b) of subsection (2) of section 26 of the Protection of the Environment Act 2003), and

(ii) the substitution, in paragraph (g), of—

(I) “Dublin local authority” for “local authority”, and

(II) “section 139 or 140 of the Local Government Act 2001” for “section 3 or 4 of the City and County Management (Amendment) Act 1955”,

(j) the substitution of the following subsection for subsection (11):

“(11) In making or reviewing a waste management plan, the Regional Authority of Dublin shall have regard to the proper planning and development of the Dublin Region and shall, for that purpose, have regard to the provisions of—
Amendment of section 23 of Act of 1996.

(a) regional planning guidelines, the development plan or plans and any special amenity area order under the Planning and Development Act 2000,

(b) a water quality management plan under the Local Government (Water Pollution) Acts 1977 and 1990,

(c) a water services strategic plan under the Water Services Act 2007, and

(d) an air quality management plan made under the Air Pollution Act 1987,

for the time being in force in relation to the Dublin Region.

(k) the substitution of the following subsection for subsection (12):

“(12) A Dublin local authority shall take such steps as are appropriate and necessary to attain, in relation to its functional area, the objectives in a waste management plan made by the Regional Authority of Dublin.”

(l) the deletion of subsections (13) and (14),

(m) the insertion of the following subsection:

“(15) A waste management plan in force immediately before the commencement of Chapter 2 of Part 3 of the Act of 2011 that applies in respect of the functional area of a Dublin local authority shall continue in force after such commencement as if made in accordance with this section by the Regional Authority of Dublin, and may be varied or replaced accordingly.”

Section 23 of the Act of 1996 is, in so far only as it applies to the Dublin Region, amended—

(a) by the substitution of the following subsections for subsection (1):

“(1) The Mayor of Dublin shall not prepare a draft waste management plan, a draft variation of a waste management plan or a draft waste management replacement plan without first consulting with the Dublin local authorities.

(1A) Where the Mayor of Dublin has prepared a draft waste management plan, a draft variation of a waste management plan or a draft waste management replacement plan, he or she shall—

(a) cause a notice of the preparation of the draft to be published in a newspaper circulating in the Dublin Region, and

(b) submit a copy of the draft to the Minister, the Regional Authority of Dublin and the Agency.”
(b) in subsection (2), by—

(i) the substitution in paragraph (a) of—

(I) “draft” for “proposed” in each place that it occurs, and

(II) “Regional Authority of Dublin” for “local authority”,

(ii) the substitution in paragraph (b) of—

(I) “draft” for “proposed” in each place that it occurs,

(II) “Regional Authority of Dublin” for “local authority”, and

(III) “Regional Authority of Dublin” for “local authority or authorities concerned”,

(c) the insertion of the following subsections:

“(2A) The Mayor of Dublin shall have regard to any representations made pursuant to a notice under subsection (1A) and may amend the draft waste management, draft variation of a waste management plan or draft waste management replacement plan accordingly.

(2B) Where the Mayor of Dublin amends a draft waste management plan, draft variation of a waste management plan or draft waste management replacement plan in accordance with subsection (2A), he or she shall provide the Regional Authority of Dublin with a copy of the draft as so amended.”,

(d) the substitution of the following subsection for subsection (3):

“(3) The Regional Authority of Dublin shall, having considered a draft waste management plan, a draft variation of a waste management plan or a draft waste management replacement plan prepared by the Mayor of Dublin and any representations made in relation thereto in accordance with a notice under subsection (1A), make a waste management plan, a variation of a waste management plan or a waste management replacement plan, as may be appropriate.”,

(e) the insertion of the following new subsections:

“(3A) (a) The Regional Authority of Dublin shall not make a waste management plan, a variation of a waste management plan or a waste management replacement plan that in the opinion of the Mayor of Dublin would be inappropriate.

(b) For the purposes of this subsection, the making of a waste management plan, a variation of a waste management plan or a waste management replacement plan would be inappropriate if it—
(i) were inconsistent with—

(I) the National Spatial Strategy within the meaning of the Dublin Transport Authority Act 2008,

(II) guidelines of the Minister under section 79 of the Act of 2011,

(III) a policy directive under section 80 of that Act, or

(IV) a direction under section 81 of that Act,

(ii) failed to give effect to the polluter pays principle,

(iii) imposed a cost on a Dublin local authority that would be unreasonably onerous, or

(iv) contained objectives that conflicted with one another.

(3B) Where the Mayor of Dublin forms the opinion that a waste management plan, a variation of a waste management plan or a waste management replacement plan that the Regional Authority of Dublin proposes to make (in this section referred to as a 'proposal'), would be inappropriate he or she shall notify the Regional Authority of Dublin in writing of that opinion and the reasons upon which the opinion is based.

(3C) A notification under subsection (3B) shall include a request that the proposal, or that part of the proposal that in the opinion of the Mayor of Dublin would render it inappropriate, as the case may be, be removed, or amended in such manner as is specified in the notification, by the Regional Authority of Dublin.

(3D) Where the Regional Authority of Dublin refuses to accede to a request referred to in subsection (3C), the Mayor of Dublin shall direct that consideration of the proposal shall be postponed until the next meeting of the Regional Authority of Dublin, and the Regional Authority of Dublin shall comply with such a direction.

(3E) If, at the meeting of the Regional Authority of Dublin next held after the postponement in accordance with a direction under subsection (3D), the Regional Authority of Dublin still refuses to accede to the request referred to in subsection (3C) or otherwise fails to make a waste management plan, a variation of a waste management plan or a waste management replacement plan, as the case may be, the Mayor of Dublin shall make the waste management plan, variation of a waste management plan or waste management replacement plan.

(3F) A waste management plan, a variation of a waste management plan or a waste management replacement plan made in accordance with subsection (3E) shall contain that part or those parts of a proposal (other than a part to which a notification under subsection (3B) applies).
(3G) The Mayor of Dublin shall, as soon as may be after the making of a waste management plan, a variation of a waste management plan or a waste management replacement plan, give a copy thereof to the Minister, the Agency, each Dublin local authority and such other persons as may be prescribed.”.

53.—Section 24 of the Act of 1996 shall not apply in respect of the Dublin Region.

54.—Section 25 of the Act of 1996 shall not apply in respect of the Dublin Region.

55.—References in section 26 of the Act of 1996 to a local authority shall be construed as including references to the Authority.

CHAPTER 3

Water Services Strategic Plans

56.—Section 36 of the Act of 2007 is, in so far only as it applies to the Dublin Region, amended by—

(a) in subsection (1), by—

(i) the substitution in the definition of “prescribed date” of “the Regional Authority of Dublin” for “a water services authority”, and

(ii) the insertion of the following definitions:

“‘Act of 2011’ means the Local Government (Mayor and Regional Authority of Dublin) Act 2011;

‘Dublin local authority’ has the same meaning as it has in the Act of 2011;

‘Dublin Region’ has the same meaning as it has in the Act of 2011;”;

(b) the substitution of the following subsection for subsection (2):

“(2) The Regional Authority of Dublin shall, on a proposal from the Mayor of Dublin and not later than the prescribed date, make a water services strategic plan in respect of the provision of water services in the Dublin Region, and in the making of such a plan the Regional Authority of Dublin shall comply with regulations under this section.”;

(c) the deletion of subsection (3),

(d) the substitution of the following subsection for subsection (4):

“(4) A water services strategic plan may consist of separate subplans for the provision of specified water services in all or part of the Dublin Region;”;

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(e) the substitution, in subsection (6), of—

(I) “Regional Authority of Dublin” for “water services authority or water services authorities concerned”, and

(II) “the Dublin Region” for “its or their functional area or areas”,

(f) the substitution of the following subsection for subsection (5):

“(5) The Mayor of Dublin shall, from time to time as occasion requires but not less than once in each period of 6 years (or such shorter period as the Minister may direct) following the making of a water services strategic plan, review that plan and, consequent upon that review, the Regional Authority of Dublin shall make a new water services strategic plan in respect of the Dublin Region.”,

(g) the substitution, in subsection (7), of “the Regional Authority of Dublin” for “the water services authority or water services authorities concerned” in each place that it occurs,

(h) the deletion of paragraph (b) of subsection (9),

(i) the insertion of the following subsections:

“(9A) (a) The Regional Authority of Dublin shall not make or replace a water services strategic plan that in the opinion of the Mayor of Dublin would be inappropriate.

(b) For the purposes of this subsection the making or replacement of a water services strategic plan would be inappropriate if it—

(i) were inconsistent with—

(I) the National Spatial Strategy within the meaning of the Dublin Transport Authority Act 2008,

(II) guidelines of the Minister under section 79 of the Act of 2011,

(III) a policy directive under section 80 of that Act, or

(IV) a direction under section 81 of that Act,

(ii) imposed a cost on the Dublin local authorities that would be unreasonably onerous, or

(iii) contained objectives that conflicted with one another.

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(9B) Where the Mayor of Dublin forms the opinion that a water services strategic plan or a revision of, or replacement for, a water services strategic plan intended to be made by the Regional Authority of Dublin (in this section referred to as the ‘intended plan’) would be inappropriate, he or she shall notify the Regional Authority of Dublin in writing of that opinion and the reasons upon which the opinion is based.

(9C) A notification under subsection (9B) shall include a request that the intended plan, or that part of the intended plan that, in the opinion of the Mayor of Dublin, would render it inappropriate, as the case may be, be removed, or amended in such manner as is specified in the notification, by the Regional Authority of Dublin.

(9D) Where the Regional Authority of Dublin refuses to accede to a request referred to in subsection (9C), the Mayor of Dublin shall direct that consideration of the intended plan shall be postponed until the next meeting of the Regional Authority of Dublin, and the Regional Authority of Dublin shall comply with such a direction.

(9E) If, at the meeting of the Regional Authority of Dublin next held after the postponement in accordance with a direction under subsection (9D), the Regional Authority of Dublin still refuses to accede to the request referred to in subsection (9C) or otherwise fails to make the water services strategic plan, or replacement for, the water services strategic plan, as the case may be, the Mayor of Dublin shall make the water services strategic plan, or revision or replacement, concerned.

(9F) A water services strategic plan or a replacement of a water services strategic plan made in accordance with subsection (9E) shall contain such parts as are contained in the intended plan (other than a part to which a notification under subsection (9B) applies).

(9G) A water services strategic plan or a replacement of a water services strategic plan in force immediately before the commencement of Chapter 3 of Part 3 of the Act of 2011 that applies in respect of the functional area of a water services authority shall continue in force after such commencement as if made in accordance with this section by the Regional Authority of Dublin, and may be revised or replaced accordingly.”;

(j) the deletion of subsections (10), (11), (12), (13), (14), (15), (16) and (17).

57.—Section 37 of the Act of 2007 shall not apply in respect of the Dublin Region.
Regional Housing

58.—Section 15 of the Housing (Miscellaneous Provisions) Act 2009 is amended, in subsection (1), by the insertion of the following paragraph:

“(aa) in the case of a housing authority that is a Dublin local authority within the meaning of the Local Government (Mayor and Regional Authority of Dublin) Act 2011, the objectives of the Regional Authority of Dublin;”.

59.—Section 16 of the Housing (Miscellaneous Provisions) Act 2009 is amended, in subsection (1), by the insertion of the following paragraph:

“(aa) in the case of a draft housing services plan by a housing authority that is a Dublin local authority within the meaning of the Local Government (Mayor and Regional Authority of Dublin) Act 2011, Regional Authority of Dublin;”.

Chapter 2

Dublin Transport

60.—Section 2 of the Act of 2008 is amended by—

(a) the substitution of the following definition for the definition of “regional authority”:

‘regional authority’ means—

(a) a body established under section 43 of the Act of 1991 (other than a body established by the Local Government Act 1991 (Regional Authorities) (Establishment) Order 1999 (S.I. No. 226 of 1999)), or

(b) the Regional Authority of Dublin established by the Act of 2011”;

and

(b) the insertion of the following definitions:

‘Act of 2011’ means the Local Government (Mayor and Regional Authority of Dublin) Act 2011;

‘Council’ has the meaning assigned to it by section 17 (inserted by section 63 of the Act of 2011);

‘Mayor’ has the same meaning as it has in the Act of 2011;”.

Amendment of section 2 of Act of 2008.
Section 12 of the Act of 2008 is amended by—

(a) the substitution, in subsection (5), of the following paragraph for paragraph (j):

“(j) such other matters as—

(i) may be prescribed by the Minister,

(ii) the Authority considers appropriate, or

(iii) are notified in writing by the Council to the Authority.”;

(b) the substitution, in subsection (7), of “Council” for “Minister”,

(c) the substitution, in subsection (9), of “Council for its approval” for “Minister for his or her approval”,

(d) the substitution of the following subsection for subsection (10):

“(10) The Authority shall, when submitting a draft of its transport strategy to the Council under subsection (9), send a copy of that draft to the regional authorities within the GDA and each such regional authority shall, not later than 4 weeks after receiving that draft, inform the Authority, the Council and the Minister for the Environment, Heritage and Local Government, by notice in writing, as to whether or not, in its opinion, the draft transport strategy concerned is consistent with the regional planning guidelines for the GDA, and, if it so informs those persons that it is of the opinion that the draft transport strategy is not consistent with those guidelines, it shall, in addition, specify in the notice the amendments to the draft transport strategy that it considers are necessary to secure that the draft will be consistent with those guidelines.”;

(e) the substitution—

(i) in paragraph (a) of subsection (11), of “Council” for “Minister”, and

(ii) in paragraph (c) of that subsection, of “Council” for “Minister”,

(f) the substitution of the following subsection for subsection (12):

“(12) Where the Council receives a notice under subsection (10) informing it that, in the opinion of the regional authority concerned, the draft transport strategy submitted under subsection (9) is not consistent with regional planning guidelines for the GDA, it may, after consultation with the Minister for the Environment, Heritage and Local Government, perform any of the functions specified in subsection (13) and if it does not accept, either in whole or in part, any of the proposed amendments specified in the notice, it shall, in addition, inform that regional authority in writing of the reasons therefor.”,
(g) the substitution, in subsection (13), of “Council” for “Minister”,

(h) the insertion of the following subsection:

“(13A) The Council shall, as soon as may be after it approves a draft transport strategy (with or without modifications) in accordance with subsection (13), send a copy thereof to the Minister.”,

(i) the substitution of the following subsections for subsection (14):

“(14) Subject to subsection (14A), the Minister shall, not later than 3 weeks after he or she receives from the Council a copy of a draft transport strategy approved by the Council, notify the Authority in writing that he or she does not intend to give a direction under that subsection.

(14A) If the Minister considers that a draft transport strategy approved by the Council contravenes subsection (3), he or she may, not later than 3 weeks after receiving a copy thereof from the Council, require the Authority, by direction in writing, to make such modifications to the draft as are specified in the direction within such period as may be so specified.

(14B) The Minister shall, as soon as may be after the giving of a direction under subsection (14A)—

(a) give a copy of the direction to the Council, and

(b) cause a copy thereof to be laid before each House of the Oireachtas.

(14C) The Authority shall comply with a direction under subsection (14A).”,

(j) the substitution of the following subsection for subsection (15):

“(15) (a) For the purposes of this section, a transport strategy is not made and shall not have effect unless and until—

(i) the Authority receives a notification under subsection (14), or

(ii) in circumstances where the Minister issues a direction under subsection (14A), the Minister notifies the Authority in writing that he or she is satisfied that the Authority has complied with the direction.

(b) The terms of a transport strategy made under this section shall be the same as the terms of—

(i) the draft transport strategy approved by the Council in respect of which a notification under subsection (14) applies, or

(ii) the draft transport strategy approved by the Council, and modified by the Authority.
pursuant to a direction under subsection (14A), in respect of which a notification under subparagraph (ii) of paragraph (a) is given,

as may be appropriate.”.

62.—Section 13 of the Act of 2008 is amended by the insertion of the following subsections:

“(6A) The Authority shall, when submitting a draft integrated implementation plan to the Minister in accordance with subsection (6), send a copy thereof to the Council.

(6B) The Council may, not later than 2 weeks after it receives a draft integrated implementation plan from the Authority, submit such recommendations in writing to the Minister as it considers appropriate in relation to the draft, and the Minister shall, in the performance of his or her functions under subsection (7) have regard to any such recommendations.”.

63.—The Act of 2008 is amended by the substitution of the following section for section 17:

“17.—(1) There shall stand established on the establishment day a body which shall be known as the Greater Dublin Area Transport Council (in this Act referred to as the ‘Council’) to perform the functions conferred on it by this Act.

(2) The Council shall consist of the following members:

(a) a chairperson; and

(b) 11 ordinary members.

(3) The Mayor shall, ex officio, be the chairperson of the Council.

(4) Of the ordinary members of the Council—

(a) 5 shall be appointed by the Mayor, and

(b) 5 shall be appointed by the Mayor, on the nomination of the Minister.

(5) The Cathaoirleach of the Mid-East Regional Authority shall, ex officio, be an ordinary member of the Council.

(6) The members of the Council who are present at a meeting of the Council shall, if the chairperson of the Council is not present or if the office of Mayor is, for the time being, vacant, choose one of their number to be chairperson of the meeting.

(7) The quorum for a meeting of the Council shall, unless the Minister otherwise directs, be 6.

(8) Every question at a meeting shall be determined by a majority of the votes of the members of the Council present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.
(9) An ordinary member of the Council shall—

(a) in the case of an ordinary member appointed under subsection (4)(a), hold office until the day on which the returning officer declares under section 140 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011 the result of the poll at the election for Mayor next held after the appointment of the member, and

(b) in the case of an ordinary member appointed under subsection (4)(b), hold office for such period not exceeding 5 years from his or her appointment as the Minister shall determine.

(10) An ordinary member of the Council shall be paid by the Authority such allowance and expenses out of monies at the disposal of the Authority as the Minister may, with the consent of the Minister for Finance, determine.

(11) Subject to subsection (7), the Council may act notwithstanding one or more vacancies among its members.

(12) Subject to the provisions of this Act, the Council shall regulate its procedure.

(13) The first meeting of the Council shall take place on the establishment day.

(14) The Council shall hold not less than 4 meetings in each year.

(15) The Authority shall provide the Council with such facilities and services as the Council may reasonably require for the performance by it of its functions.

(16) In the appointment of the ordinary members of the Council and in the nomination of persons for such appointment, the Mayor and the Minister shall—

(a) in so far as is practicable, endeavour to ensure that among the members of the Council there is an equitable balance between men and women, and

(b) have regard to any particular experience or expertise of persons considered for appointment or nomination that may be of assistance in the performance by the Council of its functions.

(17) A member of the Council may resign from office by notice in writing given to the Mayor and the resignation shall take effect on the day on which the Mayor receives the notice or such later date as may be specified in the notice.

(18) The Mayor may—

(a) at any time remove from office a member of the Council appointed under paragraph (a) of subsection (4), or

(b) after consultation by him or her with the Minister, at any time remove from office a member of the
Council appointed under paragraph (b) of that subsection,

if, in the opinion of the Mayor, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Mayor to be necessary for the effective performance by the Council of its functions.

(19) The Minister shall, by order, appoint a day to be the establishment day for the purposes of this section.”.

64.—The Act of 2008 is amended by the substitution of the following section for section 18:

“18.—(1) The Council shall—

(a) monitor the implementation of the transport strategy, the integrated implementation plan and the strategic traffic management plan in respect of the GDA and may make any recommendations it considers appropriate to the Authority, and

(b) make recommendations to the Authority in relation to the performance by the Authority of any of its functions under this Act in respect of the GDA.

(2) The Authority shall consider the recommendations of the Council under subsection (1)(b) and may accept or reject, in whole or in part, any such recommendations.

(3) Where the Authority—

(a) rejects, in whole or in part, a recommendation of the Council, to which subsection (1)(b) applies, it shall notify the Council in writing of the reasons for the rejection,

(b) accepts, in whole or in part, a recommendation of the Council, it shall adopt such measures as may be necessary to give effect to the recommendation or part of the recommendation, as the case may be.

(4) (a) The Authority shall—

(i) publish the recommendations of the Council under subsection (1)(b), and

(ii) where it rejects any such recommendation, in whole or in part, publish the reasons for the rejection specified in a notification under subsection (3)(a).

(b) In this subsection “publish” includes, in relation to a recommendation or reason, publish on the internet.

(5) The Minister or the Authority may consult with, or request the advice of, the Council in respect of any matter relating to the performance by the Authority of its functions as they relate to the GDA.
(6) Upon a request from the Council, the Authority shall cause the Council to be informed, at the meeting of the Council next held after the Authority receives the request, of the activities of the Authority in so far as they relate to the GDA, but the Authority shall not be required to disclose any information to the Council—

(a) that, in the opinion of the Authority relates to matters of a commercially sensitive nature, or

(b) the disclosure of which would, in the opinion of the Authority—

(i) impede the performance of its functions, or

(ii) constitute a contravention of section 38.”.

65.—Section 26 of the Act of 2008 is amended by the insertion of the following subsection:

“(2A) The Minister shall consult with the Council before giving a direction under this section.”.

66.—Section 27 of the Act of 2008 is amended by the insertion of the following subsection:

“(2A) The Minister shall consult with the Council before issuing guidelines under this section.”.

67.—Section 64 of the Act of 2008 is amended by—

(a) the substitution of the following subsection for subsection (1):

“(1) The Authority shall—

(a) not later than 6 months after the establishment day within the meaning of section 17,

(b) not later than 6 months after the declaration by the returning officer, under section 140 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011, of the result of the poll at each election for Mayor, or

(c) upon a request from the Council,

prepare, and submit to the Council, a draft strategic traffic management plan (in this section referred to as a ‘draft plan’) in respect of the GDA, which shall identify the actions to be taken to secure, in the opinion of the Authority, the optimal movement of persons, goods and vehicles.”,

(b) the substitution, in subsection (2), of “The Authority, in preparing a draft plan, and the Council, in making a plan, shall have regard to” for “In preparing the traffic management plan, the Authority shall have regard to”;

(c) the insertion of the following subsections:
“(4A) The Council may, after considering a draft plan submitted to it in accordance with this section—

(a) make a strategic traffic management plan (in this section referred to as a ‘plan’),

(b) require the Authority to resubmit (not later than one month from notification of the requirement) the draft plan for consideration by the Council incorporating such changes in the draft plan as the Council shall specify, or

(c) decide not to make a plan.

(4B) Where the Council makes a plan, it shall notify the Authority in writing thereof.

(4C) The Authority shall, as soon as may be after the making of a plan by the Council—

(a) cause a copy of the plan to be laid before each House of the Oireachtas,

(b) publish (in such manner as it considers appropriate) the plan,

(c) adopt all reasonable measures to give effect to the plan.”,

and

(d) the substitution of the following subsections for subsections (5) and (6):

“(5) The Council shall, not later than 6 years after the making of a plan, require the Authority by direction in writing to conduct a review of the plan and, consequent upon that review, to prepare, and submit to the Council, a new draft plan in accordance with this section not later than 6 months after the completion of that review.

(6) The Authority shall comply with a direction under subsection (5).”.

PART 5

ADDITIONAL FUNCTIONS OF MAYOR

68.—(1) The Authority shall keep itself informed of such policies of the Government as relate to matters in respect of which the Authority performs functions, and the Authority shall in the performance of such functions have regard to those policies.

(2) The Authority shall endeavour to secure that, in the performance of their functions, the Dublin local authorities act in a manner that is consistent, compatible and integrated with the policies of the Government in so far as they relate to or affect the Dublin Region or matters in respect of which the Authority performs functions.

(3) The Authority shall, in promoting the effective and efficient provision of public services within the Dublin Region, take account
Power of Mayor to issue directions, etc.

69.—(1) The Mayor may give a direction to a Dublin local authority requiring it to do such thing or refrain from doing such thing as is specified in the direction if—

(a) he or she considers that the doing or refraining from doing of that thing is necessary for the purposes of ensuring compliance by that local authority with a regional plan, or

(b) he or she considers that that local authority is performing its functions in a manner that is not consistent with a regional plan.

(2) Before giving a direction under this section, the Mayor shall consult with and consider the views of the local authority concerned.

(3) The Mayor may give advice, or issue guidelines, to the Dublin local authorities in relation to any function or objective of the Authority, and those local authorities shall, in the performance of their functions, have regard to such advice or guidelines.

(4) A direction under this section shall be in writing.

(5) The Mayor may, by direction, amend or revoke a direction under this section.

(6) The Mayor shall not give a direction under this section that is inconsistent with a directive under section 80 or a direction under section 81.

(7) If a dispute arises between the Mayor and a Dublin local authority as to whether or not a direction under this section is inconsistent with a directive under section 80 or a direction under section 81, the Mayor shall refer the matter to the Minister for a decision and the Minister’s decision in relation thereto shall be final.

(8) A Dublin local authority shall comply with a direction given to it under this section.

Mayor may make arrangements for preparation of regional plan.

70.—(1) The Mayor may make such arrangements as he or she considers necessary or expedient for the purposes of the performance by him or her of all or any of his or her functions under the Act of 1996 or the Act of 2007.

(2) Without prejudice to the generality of subsection (1), an arrangement to which this section applies may make provision in relation to—

(a) consultation by the Mayor with such bodies as the Mayor considers appropriate,

(b) the establishment of committees of persons to advise the Mayor in relation to the performance of those functions of the Mayor to which the arrangement relates, and
(c) the cooperation and engagement by the Mayor with Dublin local authorities or local authorities whose functional areas are situated outside the Dublin Region.

(3) The Dublin local authorities shall cooperate with the Mayor in relation to arrangements to which this section applies.

71.—(1) The Mayor shall attend a meeting of each of the Dublin local authorities not less than once each year.

(2) The Mayor shall, at a meeting to which this section applies, address the members of the local authority concerned attending the meeting, in relation to—

(a) matters that affect the Dublin Region,

(b) the performance by that local authority of its functions (including as respects the consistency of such performance with the objectives of the Authority),

(c) the coordination of the activities of Dublin local authorities,

(d) activities of the Authority, and

(e) initiatives and strategies to which the Mayor proposes to give priority.

(3) Members of a Dublin local authority attending a meeting to which this section applies may ask questions of the Mayor in relation to the performance by him or her of his or her functions, the performance by the Authority of its functions or any matters referred to by the Mayor in his or her address, and the Mayor shall answer such questions.

(4) Arrangements in relation to the attendance by the Mayor at a meeting to which this section applies shall be agreed by the Mayor and the Dublin local authority concerned and, if no such agreement is reached, the Mayor shall, by notice in writing given to that local authority not later than 3 weeks before a meeting of that local authority, inform that local authority that he or she will attend that meeting and address the members of the local authority in accordance with this section.

(5) A Dublin local authority shall give all such assistance to the Mayor as he or she reasonably requires in the performance of his or her functions under this section.

(6) The Mayor may, after consultation with the Dublin local authorities, determine the procedures to be followed at meetings to which this section applies.

72.—(1) The Mayor may, after consultation with the Dublin local authorities, make recommendations in writing to them in relation to the efficient use of the resources available to them for the performance of their functions.

(2) A Dublin local authority shall have regard to any recommendations of the Mayor under subsection (1).

(3) The manager for each of the following, that is to say—
Joint committees of Dublin local authorities.

(a) the city of Dublin,

(b) the county of Dún Laoghaire-Rathdown,

(c) the county of South Dublin, and

(d) the county of Fingal,

shall, in the preparation of a draft budget in respect of the Dublin local authority concerned, consult with the Mayor at the same time as he or she consults with the corporate policy group within the meaning of section 133 of the Act of 2001 pursuant to paragraph (a) of subsection (4) of that section.

(4) (a) The Mayor may make recommendations to a Dublin local authority in relation to the preparation by it of a local authority budget.

(b) Where the Mayor makes a recommendation under paragraph (a)—

(i) the manager concerned shall have regard to that recommendation in the preparation of the local authority budget in respect of the Dublin local authority concerned, and

(ii) the Dublin local authority concerned shall have regard to that recommendation in the adoption of its local authority budget under section 103 of the Act of 2001.

(5) If a Dublin local authority decides not to adopt a recommendation under subsection (4), or to adopt it in part only, it shall—

(a) so inform the Mayor in writing stating the reasons for its decision, and

(b) attach a statement of those reasons to the local authority budget concerned.

(6) In this section “local authority budget” has the same meaning as it has in the Act of 2001.

73.—Section 52 of the Act of 2001 is amended, in so far only as it applies to Dublin local authorities, by—

(a) the substitution, in subsection (5), of “Mayor of Dublin” for “Minister”,

(b) the insertion of the following subsections:

“(7A) The Mayor of Dublin may give a direction to a Dublin local authority requiring it to establish a joint committee referred to in paragraph (a) or (b) of subsection (2) with such one or more other Dublin local authorities as are specified in the direction subject to such conditions as may be so specified.

(7B) The Mayor of Dublin may give a direction to a Dublin local authority requiring it to delegate such of its functions (other than a function under section 102) as are specified in the direction to a joint committee established
by 2 or more Dublin local authorities under subsection (2), or pursuant to a direction under subsection (7A), subject to such conditions and restrictions as may be so specified.

(7C) A Dublin local authority to whom a direction under this section is given shall comply with that direction.”,

c) the insertion of the following subsections:

“(11) Notwithstanding subsection (10), the Mayor of Dublin may appoint such members of the Regional Authority of Dublin to be members of a joint committee established under subsection (2), or pursuant to a direction under subsection (7A), by 2 or more Dublin local authorities as he or she may determine.

(12) The Mayor of Dublin, or such person as the Mayor of Dublin may designate, shall be the chairperson of a joint committee established under subsection (2), or pursuant to a direction under subsection (7A), by 2 or more Dublin local authorities.

(13) A joint committee established under subsection (2), or pursuant to a direction under subsection (7A), by 2 or more Dublin local authorities may, with the consent of the Mayor of Dublin, be dissolved by resolution of any one of those local authorities.

(14) The dissolution of a joint committee by resolution under subsection (13) shall not operate to invalidate anything done by that committee before the dissolution.”.

74.—(1) Section 85 of the Act of 2001 is amended by—

(a) the insertion of the following subsection:

“(2A) Where the Mayor of Dublin is of the opinion that a function or functions of any Dublin local authority (in this section referred to as the “first-mentioned Dublin local authority”) should be performed, generally or in a particular case, by another Dublin local authority (in this section referred to as the “second-mentioned Dublin local authority”) and the second-mentioned Dublin local authority is, in the opinion of the Mayor of Dublin, capable of performing the function or functions concerned, the Mayor of Dublin may, after consultation with both of those Dublin local authorities, give those Dublin local authorities a direction requiring them to enter into an agreement with each other providing that the function or functions, as the case may be, shall—

(a) be performable on behalf of the first-mentioned Dublin local authority by the second-mentioned Dublin local authority only, and

(b) be so performable in accordance with the agreement,

and a Dublin local authority to whom a direction under this subsection is given shall comply with such a direction.”,
(b) the insertion of the following subsection:

“(4A) Without prejudice to the generality of subsection (4), a direction under subsection (2A) (inserted by section 74(1)(a) of the Local Government (Mayor and Regional Authority of Dublin) Act 2011) may require that an agreement to which that subsection applies shall contain such terms and conditions, including terms and conditions relating to the transfer from one Dublin local authority to another of property (real or personal) or equipment (if any), as are specified in the direction.”.

and

(c) the insertion of the following subsection:

“(8) An agreement entered into pursuant to a direction under subsection (2A) shall not be revoked or annulled without the consent of the Mayor of Dublin.”.

(2) Section 86 of the Act of 2001 is amended by—

(a) the insertion of the following subsection:

“(4) Where the Mayor of Dublin is of the opinion that 2 or more Dublin local authorities should enter into an arrangement for the joint discharge of any of their functions, he or she may, after consultation with the Dublin local authorities concerned, give those Dublin local authorities a direction requiring them to enter into such an arrangement, and a Dublin local authority to whom a direction under this subsection is given shall comply with such a direction.”.

(b) the insertion of the following subsection:

“(5) A direction under subsection (4) (inserted by section 74(2)(a) of the Local Government (Mayor and Regional Authority of Dublin) Act 2011) may require that an arrangement to which that subsection applies shall contain such terms and conditions, including terms and conditions relating to the transfer from one Dublin local authority to another of property (real or personal) or equipment (if any), as are specified in the direction.”.

and

(c) the insertion of the following subsection:

“(6) An arrangement entered into pursuant to a direction under subsection (4) shall not be revoked or annulled without the consent of the Mayor of Dublin.”.

75.—(1) In this section “community undertaking” means an undertaking that, in the opinion of the Mayor benefits, or is likely to benefit, the community in the Dublin Region, including—

(a) any undertaking consisting of the provision or improvement of recreational facilities or facilities aimed at advancing the arts, heritage or culture,
(b) any undertaking consisting of the provision or improvement of facilities aimed at the protection or enhancement of the environment, and

c) any programme or project that promotes the full participation in society of those who are disadvantaged or that promotes community development.

(2) The Mayor may establish and maintain a fund (in this section referred to as the “community fund”) for the purposes of providing financial support for community undertakings and may, for such purposes, accept gifts from any person or persons, which he or she shall pay into the community fund.

(3) The Mayor shall keep, in such form as the Minister may, with the consent of the Minister for Finance, direct, all proper and usual accounts of all moneys paid into and paid out of the community fund.

(4) As soon as may be after the end of each financial year, the Mayor shall prepare and submit to the Authority, a statement of the accounts relating to the community fund in respect of that financial year.

(5) As soon as may be after the preparation and submission of the statement of accounts relating to the community fund in accordance with subsection (4), a copy of that statement shall be given to the Minister and each Dublin local authority.

(6) The Mayor may enter into an agreement with a person who has made or proposes to make a gift to the Mayor, for the purposes of providing financial support to community undertakings, in relation to the application of that gift.

(7) The Authority may engage in, or assist any other person in, fund-raising activities for the purposes of providing financial assistance for community undertakings subject to and in accordance with such conditions and restrictions as the Minister may, with the consent of the Minister for Finance, prescribe.

76.—(1) Not later than 2 years after the establishment day, the Minister and the Mayor shall meet for the purpose of—

(a) reviewing the objectives and functions of the Authority,

(b) considering whether the functions of the Authority are sufficient to enable it to achieve its objectives,

(c) considering whether or not they should recommend that this Act be amended for the purpose of altering the objectives of the Authority,

(d) examining the needs of the Dublin Region,

(e) reviewing the performance by Dublin local authorities of their functions and, in particular, reviewing such performance as respects consistency with the objectives of the Authority,

(f) examining the extent of coordination among Dublin local authorities in the performance by them of their functions, and

(2) The Mayor shall, before the holding of a meeting in accordance with subsection (1), prepare and submit to the Minister a report on the matters referred to in that subsection which the Minister and the Mayor shall consider at that meeting.

(3) Not later than 3 months after the holding of a meeting in accordance with subsection (1), the Minister shall prepare, and publish in such manner as he or she considers appropriate, a report stating his or her views, and proposals and recommendations (if any) (including recommendations in relation to the amendment of this Act), in relation to the matters referred to in subsection (1).

PART 6

Miscellaneous

77.—Section 2 of the Act of 2001 is amended, in subsection (1), by the insertion of the following definition:

“ ‘Dublin local authority’ has the same meaning as it has in the Local Government (Mayor and Regional Authority of Dublin) Act 2011;”.

78.—Section 134 of the Act of 2001 is amended by the insertion of the following subsection:

“(2A) A corporate plan prepared by a Dublin local authority shall be consistent with a strategy statement prepared by the Mayor under section 7 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011.”.

79.—(1) The Minister may issue guidelines to—

(a) the Authority in relation to the performance by the Authority of functions to which this section applies, or

(b) the Mid-East Regional Authority in relation to the performance by the Mid-East Regional Authority of functions to which this section applies.

(2) (a) The Authority shall, in the performance of functions to which this section applies, have regard to guidelines issued by the Minister under subsection (1), and shall, in particular, take into account the policies and objectives set out in the guidelines.

(b) The Mid-East Regional Authority shall, in the performance of functions to which this section applies, have regard to guidelines issued by the Minister under subsection (1), and shall, in particular, take into account the policies and objectives set out in the guidelines.

(3) The Authority shall, upon the making of a regional plan, attach a statement to the plan which shall—
(a) explain how the Authority proposes to give effect to the policies and objectives set out in the guidelines issued under subsection (1), or

(b) if the Authority is of the opinion that, by reason of the nature and characteristics of the area or part of the area to which the plan relates, it would not be feasible, to implement in whole or in part those policies and objectives, the reasons why it has formed that opinion.

(4) The Mid-East Regional Authority shall, upon the making of a regional plan to which Chapter III of Part II of the Act of 2000 applies, attach a statement to the plan which shall—

(a) explain how the Mid-East Regional Authority proposes to give effect to the policies and objectives set out in the guidelines issued under subsection (1), or

(b) if the Mid-East Regional Authority is of the opinion that, by reason of the nature and characteristics of the area or part of the area to which the plan relates, it would not be feasible, to implement in whole or in part those policies and objectives, the reasons why it has formed that opinion.

(5) (a) Guidelines issued by the Minister under section 28 of the Act of 2000 that were in force immediately before the commencement of this section shall, in so far only as they apply to the Greater Dublin Area, be deemed to have been issued under this section and may, in so far only as they so apply, be amended or revoked accordingly.

(b) Guidelines published under section 30(4) of the Act of 1996 that were in force immediately before the commencement of this section shall, in so far only as they apply to the Dublin Region, be deemed to have been issued under this section and may, in so far only as they so apply, be amended or revoked accordingly.

(c) Guidelines or codes of practice issued under section 34 of the Act of 2007 that were in force immediately before the commencement of this section shall, in so far only as they apply to the Dublin Region, be deemed to have been issued under this section and may, in so far only as they so apply, be amended or revoked accordingly.

(6) The Minister shall cause a copy of guidelines issued under this section to be laid before each House of the Oireachtas.

(7) Guidelines issued under this section shall be made available by the Authority at all reasonable times for inspection by members of the public.

(8) The Minister shall publish or cause to be published, in such manner as he or she considers appropriate, guidelines issued under this section.

(9) This section applies to the following functions:

(a) functions of the Authority or the Mid-East Regional Authority under Chapter III of Part II of the Act of 2000;
(b) functions of the Authority under section 22 of the Act of 1996;

(c) functions of the Authority under section 36 of the Act of 2007.

(1) A Minister of the Government may, after consultation with the Mayor, issue policy directives to the Authority in relation to the adoption or making of a regional plan by the Authority—

(a) in respect of matters that he or she considers to be of strategic or national importance,

(b) for the purpose of ensuring compliance by—

(i) the Authority with any enactment, or

(ii) the State with its obligations under the law of the European Union, or

(c) for the purpose of ensuring consistency as between regional planning guidelines applicable to the Greater Dublin Area, waste management plans applicable to the Dublin Region and water services strategic plans applicable to the Dublin Region.

(2) A Minister of the Government may, after consultation with the Mayor, issue policy directives to the Mid-East Regional Authority in relation to the adoption of a regional plan to which Chapter III of Part II of the Act of 2000 applies—

(a) in respect of matters that he or she considers to be of strategic or national importance,

(b) for the purpose of ensuring compliance by—

(i) the Mid-East Regional Authority with any enactment, or

(ii) the State with its obligations under the law of the European Union,

or

(c) for the purpose of ensuring consistency as between regional planning guidelines applicable to the Greater Dublin Area, waste management plans applicable to the Dublin Region and water services strategic plans applicable to the Dublin Region.

(3) A policy directive issued under this section shall—

(a) specify the reasons for, and matters taken into consideration in, issuing the directive,

(b) specify the objectives in respect of which consistency as between regional planning guidelines applicable to the Greater Dublin Area, waste management plans applicable to the Dublin Region and water services strategic plans applicable to the Dublin Region is required,
(c) specify any cost implications that achievement of the objectives concerned would have for the Authority, the Mid-East Regional Authority, Dublin local authorities, other public authorities, or the public, and

(d) specify any particular matters that shall be provided for in a regional plan in order to meet the objectives so specified.

(4) (a) The Authority shall comply with a policy directive issued under this section and shall, in particular, ensure that a regional plan made by it does not contravene such directive.

(b) The Mid-East Regional Authority shall comply with a policy directive issued under this section and shall, in particular, ensure that a regional plan made by it does not contravene such directive.

(5) Whenever the Minister proposes to issue a policy directive under this section, he or she shall cause a draft of the directive to be laid before each House of the Oireachtas and the policy directive shall not be issued until a resolution approving of the draft is passed by each such House.

(6) The Minister shall cause a copy of a policy directive issued under this section to be laid before each House of the Oireachtas.

(7) A policy directive issued under this section shall be made available by the Authority at all reasonable times for inspection by members of the public.

(8) The Minister shall publish or cause to be published, in such manner as he or she considers appropriate, a policy directive issued under this section.

(9) A policy directive under section 29 of the Act of 2000 in force immediately before the commencement of this section shall, in so far only as it applies in relation to the Greater Dublin Area, be deemed to be a policy directive issued under this section and may, in so far only as it so applies, be amended or revoked accordingly.

(10) Each of the following shall, in so far only as they apply in relation to the Dublin Region, be deemed to be a policy directive issued under this section and may, in so far only as they so apply, be amended or revoked accordingly:

(a) a direction under section 60 of the Act of 1996 in force immediately before such commencement; and

(b) a policy direction under section 99 of the Act of 2007 in force immediately before such commencement.

81.—(1) (a) If the Minister is satisfied that a regional plan—

(i) contravenes or does not take proper account of guidelines issued under section 79 or a policy directive issued under section 80, or

(ii) contravenes this Act,
he or she shall, not later than 4 weeks after the making of the plan, issue a notification in accordance with this section to the Mayor in relation to the plan.

(b) If the Minister is satisfied that regional planning guidelines fail to set out a strategy for the development of the Greater Dublin Area consistent with the National Spatial Strategy, he or she shall, not later than 4 weeks after the making or adoption of those guidelines, issue a notification in accordance with this section to the Mayor in relation to the guidelines.

(c) If the Minister is satisfied that a waste management plan, a variation of a waste management plan or a waste management replacement plan fails to set out a strategy—

(i) for the prevention, minimisation, collection, recovery and disposal of non-hazardous waste within the Dublin Region, or

(ii) with regard to matters specified in subsection (8) of section 22 of the Act of 1996 in relation to hazardous waste in so far as they relate to the Dublin Region,

he or she shall, not later than 4 weeks after the making, variation or replacement of that plan, issue a notification in accordance with this section to the Mayor in relation to the plan.

(d) If the Minister is satisfied that a water services strategic plan, a revision of a water services strategic plan or a replacement water services strategic plan fails to set out a strategy to—

(i) protect human health and the environment,

(ii) facilitate the provision of sufficient water services to meet the needs of the Dublin Region, or

(iii) support proper planning and sustainable development, including sustainable use of water resources,

he or she shall, not later than 4 weeks after the making, revision or replacement of that plan, issue a notification in accordance with this section to the Mayor in relation to the plan.

(2) The notification under paragraph (b) of subsection (1) shall be in writing and shall—

(a) state the reasons for the Minister’s being satisfied as to the matters referred to in that paragraph,

(b) state that the Minister intends to give a direction (a draft of which shall accompany the notification) to the Authority and the Mid-East Regional Authority requiring them to take such measures as are specified in the notification for the purposes of ensuring that—

(i) in relation to the regional planning guidelines concerned—
(I) this Act and policy directives issued under section 80 are not contravened, or

(II) proper account is taken of guidelines issued under section 79,

or

(ii) a strategy to which that paragraph applies is set out in the regional planning guidelines,

as may be appropriate, and

(c) state that pursuant to subsection (5), those parts of the regional planning guidelines in respect of which the Minister is satisfied that there has been a failure to which that paragraph applies shall not have effect.

(3) The notification under paragraph (a), (c) or (d) of subsection (1) shall be in writing and shall—

(a) state the reasons for the Minister’s being satisfied as to the matters referred to in that paragraph,

(b) state that the Minister intends to give a direction (a draft of which shall accompany the notification) to the Authority requiring it to take such measures as are specified in the notification for the purposes of ensuring that—

(i) in relation to the regional plan—

(I) this Act and policy directives issued under section 80 are not contravened, or

(II) proper account is taken of guidelines issued under section 79,

or

(ii) a strategy to which that paragraph applies is set out in the regional plan,

as may be appropriate, and

(c) state that pursuant to subsection (5), those parts of the regional plan in respect of which the Minister is satisfied that there has been a failure to which that paragraph applies shall not have effect.

(4) The Mayor shall give a copy of—

(a) a notification under paragraph (a), (c) or (d) of subsection (1) to each member of the Authority, and

(b) a notification under paragraph (a) (in so far as it relates to regional planning guidelines) or paragraph (b) of that subsection to each member of the Authority and each member of the Mid-East Regional Authority.

(5) Those parts of a regional plan referred to in paragraph (a), (b), (c) or (d) of subsection (1) to which a statement in a notification under this section applies shall not have effect.
The Mayor shall, not later than 2 weeks after he or she receives a notification under subsection (1), publish a notice, in accordance with subsection (7), of the draft direction accompanying the notification in not less than one newspaper circulating—

(a) in the case of a notification referred to in paragraph (a), (c) or (d) of subsection (1), in the Dublin Region, or

(b) in the case of a notification referred to in paragraph (a) (in so far as it relates to regional planning guidelines) or (b) of that subsection, in the Greater Dublin Area.

A notice under subsection (6) shall state—

(a) the reasons for the draft direction that accompanied the notification concerned,

(b) that a copy of the draft direction may be inspected at such place or places as are specified in the notice during such period as may be so specified (being a period of not more than 2 weeks), and

(c) that written submissions or observations in respect of the draft direction may be made to the Mayor during that period and shall be taken into consideration by the Minister before he or she gives a direction under this section.

Not later than 4 weeks after the expiry of the period referred to in paragraph (b) of subsection (7), the Mayor shall—

(a) prepare and submit to the Minister a report in relation to the submissions or observations (if any) received in relation to the draft direction concerned, and

(b) give copies of the report so submitted—

(i) in the case of a draft direction accompanying a notification referred to in paragraph (a) (in so far as it relates to regional planning guidelines) or (b) of subsection (1) to each member of the Authority and each member of the Mid-East Regional Authority, and

(ii) in the case of a draft direction accompanying a notification referred to in paragraph (a), (c) or (d) of subsection (1) to each member of the Authority.

The report referred to in subsection (8) shall—

(a) set out the views of the Mayor in relation to the submissions and observations concerned, and

(b) include a summary of the views of, and recommendations (if any) made by—

(i) the members of the Authority,

(ii) the members of the Mid-East Regional Authority in the case of a notification to which paragraph (a) (in so far as it relates to regional planning guidelines) or (b) of subsection (1) applies,
any person who made submissions or observations to the Authority,

(iv) the Dublin local authorities,

c make recommendations in relation to the best manner in which to proceed in relation to the matters to which the draft direction applies.

(10) The Minister may—

(a) having considered a report under subsection (8),

(b) not later than 3 weeks (or such longer period as the Minister may direct) after he or she receives that report, and

(c) for stated reasons,

do any one or more of the following:

(i) give a direction referred to in paragraph (b) of subsection (2) or paragraph (b) of subsection (3), as may be appropriate,

(ii) give such a direction with such modifications as are made by him or her consequent upon his or her having taken into account the views, recommendations, submissions and observations set out in the report referred to in subsection (8), or

(iii) decide not to give such a direction.

(11) A direction under subsection (10) shall be deemed to be part of the regional plan in respect of which it has been given.

(12) The Minister shall cause a copy of a direction under subsection (10) to be laid before each House of the Oireachtas.

(13) The Authority shall—

(a) make a direction under subsection (10) available for inspection by members of the public, at all reasonable times, and

(b) publish the direction on the internet or by other electronic means.

(14) The Minister shall publish or cause to be published in such manner as he or she considers appropriate directions under subsection (10).

(15) (a) The Authority shall comply with a direction given to it under this section.

(b) The Mid-East Regional Authority shall comply with a direction given to it under this section.

82.—(1) Upon the commencement of this section, there shall stand established a body to be known as the Dublin Region Development Board (in this section referred to as the “Board”).
(2) Each of the following shall, ex officio, be a member of the Board:

(a) the Mayor,

(b) the Deputy Mayor,

(c) the chief executive,

(d) the Cathaoirleach of each of the Dublin local authorities, and

(e) the manager of each of the Dublin local authorities.

(3) The Mayor may, in accordance with guidelines under subsection (11), appoint such, and such number (not exceeding 19) of, persons to be members of the Board—

(a) not less than 2 of whom shall be persons who, in the opinion of the Mayor, are representative of bodies concerned with the promotion of business or economic development,

(b) not less than 2 of whom shall be persons who, in the opinion of the Mayor, are representative of bodies concerned with local enterprise, education or community development,

(c) not less than 2 of whom shall be persons who, in the opinion of the Mayor, are representative of the development agencies,

(d) not less than 2 of whom shall be persons who, in the opinion of the Mayor, are representative of trade unions,

(e) not less than 2 of whom shall be persons who, in the opinion of the Mayor, are representative of bodies concerned with the protection of the environment, or

(f) not less than 2 of whom shall be persons who, in the opinion of the Mayor, are representative of bodies concerned with the promotion of arts and culture.

(4) A person appointed to be a member of the Board under subsection (3) shall cease to be a member of the Board upon the person who appointed him or her ceasing to be Mayor, but shall be eligible to be reappointed to be a member of the Board.

(5) The Mayor may at any time remove from the Board a person appointed to be a member of the Board under subsection (3).

(6) The Mayor shall, ex officio, be chairperson of the Board.

(7) The Board shall—

(a) assist the Authority in the achievement of its objectives,

(b) adopt such measures as it considers appropriate to assist the Authority in the performance of its functions under paragraph (d) of subsection (1) of section 19,

(c) adopt such measures, as the Board may consider appropriate, to enable all bodies whose functions affect the
economic, social or cultural development of the Dublin Region to maximise their contribution to such development,

(d) prepare a strategy (in this section referred to as the “strategy”) for the economic, social and cultural development of the Dublin Region,

(e) seek to secure that the policies and activities of the bodies and interests that are represented on the Board are consistent with the strategy.

(f) encourage and promote the coordination of the activities of the bodies and interests represented on the Board and cooperation generally between such bodies and interests for the benefit of the common good within the Dublin Region.

(8) The Board shall not implement a strategy unless and until it is approved by the Authority.

(9) (a) Each Dublin local authority and each public authority or other body that is represented on the Board, shall, in so far as is not inconsistent with the performance of its functions—

(i) cooperate with the Board in the performance by the Board of its functions, and

(ii) provide, in so far as is practicable and not inconsistent with any enactment or rule of law, the Board with such information as the Board may reasonably require for the performance of its functions.

(b) The Board may make recommendations to a public authority, a Dublin local authority or any other person as to the development or implementation of their policies and programmes within the Dublin Region.

(c) Subject to any other enactment, a public authority, a Dublin local authority, or a body referred to in paragraph (a), shall in the performance of its functions in relation to the Dublin Region, have regard to the strategy and to any recommendations made under paragraph (b).

(10) The Authority may provide such services to the Board including the provision of staff as the Authority considers necessary to enable the Board to perform its functions.

(11) The Minister may issue guidelines in relation to—

(a) the appointment of persons to the Board under subsection (3),

(b) the participation of other persons in the activities of the Board,

(c) the funding and administration of the Board,

(d) the preparation of the strategy and its approval by the Authority, and

(e) such other matters as the Minister considers appropriate.
(12) Guidelines issued under subsection (9) of section 129 of the Act of 2001 in force immediately before the commencement of this section and applicable to the Dublin Region or a board under that section established in the Dublin Region shall have effect as if issued under this section and may, in so far only as they are so applicable, be amended or revoked accordingly.

(13) Each body established under section 129 of the Act of 2001 in the Dublin Region is dissolved.

(14) The Mayor may—

(a) establish committees of the Board to assist the Board in the performance of its functions, or

(b) following consultation with the Dublin local authorities, establish committees of the Board to perform such functions of the Board as the Mayor may determine in such parts of the Dublin Region as he or she may determine.

(15) The members of a committee established under this section shall be appointed by the Mayor.

(16) A committee established under subsection (14) may consist in whole or in part of persons who are members of the Board.

83.—Part 15 of the Act of 2001 is amended by the insertion of the following sections:

179A.—(1) Where a person communicates his or her opinion, whether in writing or otherwise, to a member of the Garda Síochána, an ethics registrar, a cathaoirleach or a manager that—

(a) an offence under section 181 has been or is being committed, or

(b) a provision of Part 15 has been or is being contravened,

then, unless the person acts in bad faith, he or she shall not be regarded as having committed any breach of duty towards any other person, and no person shall have a cause of action against the first-mentioned person in respect of that communication.

(2) Where a person communicates his or her opinion, whether in writing or otherwise, to the Minister that a direction given by the Minister under this Act has been or is being contravened then, unless the person acts in bad faith, he or she shall not be regarded as having committed any breach of duty towards any other person, and no person shall have a cause of action against the first-mentioned person in respect of that communication.

(3) This section applies to a communication—
(a) that would, but for this section, constitute a breach of duty by the person who made it, or

(b) in respect of which, another person would, but for this section, have a cause of action against the person who made it.

Prohibition on penalisation.

179B.—(1) An employer shall not penalise or threaten penalisation against an employee for—

(a) making a complaint to a member of the Garda Síochána, an ethics registrar, a cathaoirleach or a manager that a provision of this Act, or any enactment or other rule of law, has been or is being contravened,

(b) making a complaint to a member of the Garda Síochána, an ethics registrar, a cathaoirleach or a manager that there has been serious wrongdoing in relation to a local authority,

(c) giving evidence in any proceedings under this Act or any other enactment, or

(d) giving notice of his or her intention to do any of the things referred to in paragraph (a), (b) or (c).

(2) Schedule 16 (inserted by section 84 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011) shall have effect for the purposes of subsection (1).

(3) If the penalisation of an employee, in contravention of subsection (1), constitutes a dismissal of the employee within the meaning of the Unfair Dismissals Acts 1977 to 2007, relief may not be granted to the employee in respect of that penalisation both under Schedule 16 and those Acts.

(4) In this section—

‘employee’ means, in relation to a local authority, a member of the staff of the authority;

‘employer’ means, in relation to a member of the staff of a local authority, that local authority;

‘penalisation’ means any act or omission by an employer or a person acting on behalf of an employer that affects an employee to his or her detriment with respect to any term or condition of his or her employment, and, without prejudice to the generality of the foregoing, includes—

(a) suspension, lay-off or dismissal (including a dismissal within the meaning of the Unfair Dismissals Acts 1977

(84.—The Act of 2001 is amended by the insertion of the following Schedule:

“Section 179B.

SCHEDULE 16

REDRESS FOR CONTRAVENTION OF SECTION 179B(1)

Complaints to rights commissioner

1. (1) Any of the following, that is to say—

(a) an employee,

(b) the parent or guardian of an employee who has not yet attained the age of 18 years, or

(c) a trade union of which the employee is a member,
may, but in the case of a trade union referred to in paragraph (c) only where the employee has given his or her consent, present a complaint to a rights commissioner that the employee’s employer has contravened subsection (1) of section 179B (inserted by section 83 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011) in relation to the employee.

(2) Where a complaint under subparagraph (1) is made, the rights commissioner shall—

(a) give the parties an opportunity to be heard by the commissioner and to present to the commissioner any evidence relevant to the complaint,

(b) give a decision in writing in relation to the complaint, and

(c) communicate the decision to the parties.

(3) A decision of a rights commissioner under subparagraph (2) shall do one or more of the following:

(a) declare that the complaint was or, as the case may be, was not well founded,

(b) require the employer to take a specified course of action,

(c) require the employer to pay to the employee compensation of such amount (if any) as is just and equitable having regard to all the circumstances but not exceeding 2 years remuneration in respect of the employee’s employment.

(4) A rights commissioner shall not entertain a complaint under this paragraph if it is presented to him or her after the expiration of the period of 6 months beginning on the date of the contravention to which the complaint relates.

(5) Notwithstanding subparagraph (4), a rights commissioner may entertain a complaint under this paragraph presented to him or her after the expiration of the period referred to in subparagraph (4) (but not later than 12 months after such expiration) if he or she is satisfied that the failure to present the complaint within that period was due to the existence of exceptional circumstances.

(6) A complaint shall be presented by giving notice of it in writing to a rights commissioner and the notice shall contain such particulars and be in such form as may be specified from time to time by the Minister.
(7) A copy of a notice under subparagraph (6) shall be given to the other party concerned by the rights commissioner concerned.

(8) Proceedings under this paragraph before a rights commissioner shall be conducted otherwise than in public.

(9) A rights commissioner shall furnish the Labour Court with a copy of each decision given by the commissioner under subparagraph (2).

**Appeal from decision of rights commissioner**

2. (1) A party concerned may appeal to the Labour Court from a decision of a rights commissioner under paragraph 1 and, if the party does so, the Labour Court shall—

   (a) give the parties an opportunity to be heard by it and to present to it any evidence relevant to the appeal,

   (b) make a determination in writing in relation to the appeal affirming, varying or setting aside the decision, and

   (c) communicate the determination to the parties.

(2) An appeal under this paragraph shall be initiated by the party concerned, giving, within 42 days (or such greater period as the Labour Court may determine in the particular circumstances) from the date on which the decision to which it relates was communicated to the party, a notice in writing to the Labour Court containing such particulars as are determined by the Labour Court under subparagraph (4) and stating the intention of the party concerned to appeal against the decision.

(3) A copy of a notice under subparagraph (2) shall be given by the Labour Court to any other party concerned as soon as practicable after the receipt of the notice by the Labour Court.

(4) The following matters, and the procedures to be followed in relation to them, shall be determined by the Labour Court:

   (a) the procedure in relation to all matters concerning the initiation and the hearing by the Labour Court of appeals under this paragraph;

   (b) the times and places of hearings of such appeals;

   (c) the representation of the parties to such appeals;
(d) the publication and notification of determinations of the Labour Court;

(e) the particulars to be contained in a notice under subparagraph (2); and

(f) any matters consequential on, or incidental to, the foregoing matters.

(5) The Minister may, at the request of the Labour Court, refer a question of law arising in proceedings before it under this paragraph to the High Court for its determination and the determination of the High Court shall be final and conclusive.

(6) A party to proceedings before the Labour Court under this paragraph may appeal to the High Court from a determination of the Labour Court on a point of law and the determination of the High Court shall be final and conclusive.

(7) Section 39(17) of the Redundancy Payments Act 1967 shall apply in relation to proceedings before the Labour Court under this Part as it applies to matters referred to the Employment Appeals Tribunal under that section with—

(a) the substitution in that provision of references to the Labour Court for references to the Tribunal, and

(b) the deletion in paragraph (d) of that provision of ‘registered’.

Paragraphs 1 and 2: supplemental provisions

3. (1) Where a decision of a rights commissioner in relation to a complaint under this Schedule has not been carried out by the employer concerned in accordance with its terms, the time for bringing an appeal against the decision has expired and no such appeal has been brought—

(a) the employee concerned,

(b) the parent or guardian of the employee concerned (in the case of an employee who has not yet attained the age of 18 years), or

(c) a trade union of which the employee concerned is a member, with the consent of the employee,

may bring the complaint before the Labour Court and the Labour Court shall, without hearing the employer concerned or any evidence (other than in relation to the matters aforesaid), make a determination to the like effect as the decision.

(2) The bringing of a complaint before the Labour Court under subparagraph (1) shall be
effected by giving to the Labour Court a written notice containing such particulars (if any) as may be determined by the Labour Court.

(3) The Labour Court shall publish, in a manner it considers appropriate, particulars of any determination made by it under clause (a), (b), (c), (e) or (f) of subparagraph (4) of paragraph 2 (not being a determination as respects a particular appeal under that paragraph) and subparagraph (2).

Enforcement of determinations of Labour Court

4. (1) If an employer fails to carry out in accordance with its terms a determination of the Labour Court in relation to a complaint under paragraph 1 within 28 days from the date on which the determination is communicated to the parties, the Circuit Court shall, on application to it in that behalf by—

(a) the employee concerned,

(b) the parent or guardian of the employee concerned (in the case of an employee who has not yet attained the age of 18 years), or

(c) a trade union of which the employee concerned is a member, with the consent of the employee, without hearing the employer or any evidence (other than in relation to the matters aforesaid), make an order directing the employer to carry out the determination in accordance with its terms.

(2) The reference in subparagraph (1) to a determination of the Labour Court is a reference to a determination in relation to which, at the expiration of the time for bringing an appeal against it, no such appeal has been brought or, if such an appeal has been brought it has been abandoned and the references to the date on which the determination is communicated to the parties shall, in a case where such an appeal is abandoned, be construed as references to the date of such abandonment.

(3) In an order under this paragraph providing for the payment of compensation, the Circuit Court may, if in all the circumstances it considers it appropriate to do so, direct the employer concerned to pay to the employee concerned interest on the compensation at the rate referred to in section 22 of the Courts Act 1981, in respect of the whole or any part of the period beginning 6 weeks after the date on which the determination of the Labour Court is communicated to the parties and ending on the date on which the compensation is paid.
(4) An application under this paragraph shall be made to the Circuit Court sitting in the Circuit in which is situated the place of work (within the meaning of the Safety, Health and Welfare at Work Act 2005) at which the employee is normally employed by the employer.”.

85.—Part 15 of the Act of 2001 shall apply in relation to the Authority as it applies in relation to a local authority subject to the following modifications and any other necessary modifications:

(a) references to a local authority shall be construed as references to the Authority;

(b) references to the Cathaoirleach of a local authority shall be construed as references to the Mayor;

(c) references to the Leas-Cathaoirleach of a local authority shall be construed as references to the Deputy Mayor;

(d) references to an employee of a local authority shall be construed as references to a member of staff (including the chief executive) of the Authority and references to a member of staff of a local authority to whom, for the time being, an arrangement under section 28(1) applies;

(e) references to the manager of a local authority shall be construed as references to the chief executive;

(f) references to the ethics registrar shall be construed as references to the meetings administrator.

86.—Section 32 of the Local Government (Dublin) Act 1993 is amended by the insertion of the following subsection:

“(4A) (a) The Mayor of Dublin shall, from time to time, arrange meetings to consider and review matters to which subsection (4) relates.

(b) The Mayor of Dublin and the managers of the principal authorities shall attend the meetings arranged under paragraph (a).

(c) The Mayor of Dublin shall be the chairperson of each meeting arranged under paragraph (a).”.

PART 7

ELECTION OF MAYOR

CHAPTER 1

PRELIMINARY AND GENERAL

87.—(1) In this Part—


“ballot paper” has the meaning assigned to it by section 123;
“certificate of political affiliation” has the meaning assigned to it by section 103;

“deposit” shall be construed in accordance with section 104;

“elector” means a local government elector;

“excluded day” means a day which is a Sunday, Good Friday or a day which is a public holiday;

“local election” means an election under Part 4 of the Act of 2001;

“Local Elections Regulations” means the Local Elections Regulations 1995 (S.I. No. 297 of 1995) as given statutory effect as if they were an Act of the Oireachtas by section 20 of the Electoral (Amendment) Act 2009;

“local electoral area” means an area referred to in section 24 of the Local Government Act 1994;

“local government elector” means a person entitled, pursuant to section 24 of the Act of 2001, to vote at a local election;

“mayoral election” means an election for Mayor held pursuant to this Part;

“mayoral election agent” has the same meaning as it has in Part IX (inserted by section 173) of the Electoral Act 1997;

“notice of election” has the meaning assigned to it by section 100;

“notice of poll” has the meaning assigned to it by section 122;

“official mark” has the meaning assigned to it by section 124;

“personation agent” has the meaning assigned to it by section 116;

“polling day” means—

(a) in relation to the mayoral election first held after the passing of this Act, the day fixed under section 92(1) for the holding of the poll at that election,

(b) in relation to all other mayoral elections (other than bye-elections), the day fixed under section 92(3), for the holding of the poll, or

(c) in relation to a bye-election, the day fixed under section 92(4);

“polling information card” has the meaning assigned to it by section 126;

“postal voter” has the meaning assigned to it by section 119;

“postal voters list” means a list prepared pursuant to section 14 of the Act of 1992 for the register of local government electors for a local electoral area situated in the Dublin Region Electoral Area;

“quota” has the meaning assigned to it by section 137;

“register of electors” has the meaning assigned to it by section 91;
“special voter” has the meaning assigned to it by section 120.

(2) The Local Elections Regulations shall apply to a mayoral election subject to the following modifications:

(a) a reference to a local election or an election shall be construed as a reference to a mayoral election;

(b) a reference to local electoral area shall be construed as a reference to the Dublin Region Electoral Area;

(c) a reference in article 31 of those Regulations to Part XV shall be construed as a reference to Chapter 15;

(d) a reference in article 32 of those Regulations to article 26 shall be construed as a reference to section 89 of the Act of 1997 (inserted by section 173 and sections 115 and 116);

(e) a reference in article 40 of those Regulations to article 76 shall be construed as a reference to section 130;

(f) a reference in article 49 of those Regulations to—

(i) article 50 shall be construed as a reference to section 122; and

(ii) article 76 shall be construed as a reference to section 130;

(g) the reference in article 58(2) of those Regulations to “as a candidate or as a prospective candidate” shall be construed as a reference to “as a mayoral election agent, candidate or prospective candidate”;

(h) a reference in article 63 of those Regulations to—

(i) article 10 shall be construed as a reference to section 99; and

(ii) article 29 shall be construed as a reference to section 119; and

(iii) article 43 shall be construed as a reference to section 120;

(i) a reference in article 70 of those Regulations to—

(i) article 24 shall be construed as a reference to section 113;

(ii) article 28 shall be construed as a reference to section 118;

(iii) section 21 of the Act of 1994 shall be construed as a reference to section 92;

(j) article 72(2) of those Regulations shall be construed as if “separately in respect of each poll” was deleted;

(k) the reference in article 73(2)(a) and article 73(3) of those Regulations to “register of local government electors for the local electoral area of...” shall be construed as a reference to “register of electors”;

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(l) a reference to a provision of those Regulations shall be construed as a reference to that provision as applied by this Part; and

(m) any other necessary modifications.

88.—Any document referred to in this Part or in any provision of an enactment applied to a mayoral election by virtue of this Part, as a document to be used at a mayoral election, shall, save as otherwise provided for by this Part, be in the same form as the corresponding form used at an election to Dáil Éireann, subject to any necessary modification.

89.—Subject to the disqualifications set out in section 8, a person is eligible for election to the office of Mayor if he or she is a citizen of Ireland, or is ordinarily resident in the State, and has attained the age of 18 years—

(a) on or before polling day at the election, or

(b) if there is no poll, the latest day for receiving nominations at the election.

90.—For the purposes of a mayoral election, there shall be one electoral area (in this Act referred to as the “Dublin Region Electoral Area”) which shall consist of the local electoral areas in force at that time in respect of the Dublin Region.

91.—(1) For the purposes of a mayoral election and subject to the provisions of this Part, every person whose name is on the register (in this Part referred to as the “register of electors”) of local government electors prepared under Part II of the Act of 1992 for the time being in force for a local electoral area situated within the Dublin Region Electoral Area, is entitled to vote at the poll at a mayoral election in that Area.

(2) A person’s name shall be taken to be on the register of electors if it includes a name which, in the opinion of the returning officer or presiding officer, was intended to be the person’s name.

(3) A person who has voted at a mayoral election shall not in any legal proceeding be required to state for whom he or she has voted.

(4) A person who—

(a) is registered in the register of electors for the time being in force for a local electoral area but is not entitled to be so registered, or

(b) is not registered in the register of electors,

shall not vote at the poll at a mayoral election.

(5) Nothing in this section shall be construed as entitling any person to vote who is not entitled to do so, or as relieving that person from any penalties to which that person may be liable for voting.
92.—(1) The poll at the mayoral election first held after the passing of this Act shall be held on such day and shall continue for such period, not being less than 12 hours between the hours of 7.00 a.m. and 10.30 p.m., as may be fixed by the Minister by order.

(2) The poll at a mayoral election (other than a mayoral election to which subsection (1) applies, a bye election or a fresh mayoral election held pursuant to section 118 or 185) shall be held on such day and for such period as may be fixed by the Minister by order under subsection (3).

(3) As soon as practicable after the Minister makes an order under section 26(2) of the Act of 2001 for the holding of polls at local elections, he or she shall make an order fixing the same day and period for the holding of a poll at a mayoral election as is fixed in the aforementioned order.

(4) The poll at a fresh mayoral election held pursuant to section 185 or a bye-election shall be held on such day and shall continue for such period, not being less than 12 hours between the hours of 7.00 a.m. and 10.30 p.m., as may be fixed by the Minister by order.

(5) An order under this section shall be published in the *Iris Oifigiúil* as soon as may be after it is made.

93.—(1) (a) If a mayoral election is contested, the poll shall be taken according to the system of proportional representation, each local government elector having one transferable vote.

(b) In paragraph (a) “transferable vote” means a vote which is capable of being—

(i) given so as to indicate the voter’s preference for the candidates in order, and

(ii) transferred to the next choice when, owing to the deficiency in the number of the votes given for a prior choice, that choice is excluded from the list of candidates.

(2) No election is invalid by reason of non-compliance with any provision of this Part, or any mistake in the use of forms provided for by this Part, if it appears to the court before which the matter is raised that—

(a) the election was conducted in accordance with the principles laid down in this Part taken as a whole, and

(b) the non-compliance or mistake did not materially affect the result of the election.

Chapter 2

Returning Officer

94.—(1) There shall for the purposes of this Part be a returning officer in respect of the Dublin Region Electoral Area and the returning officer shall be the sheriff for a county or City situated in the Dublin Region Electoral Area, as the Minister may from time to time appoint.
Where a vacancy occurs in the office of sheriff and the holder was the returning officer, the Minister, if he or she thinks proper, may appoint a person to act as returning officer during the period of the vacancy.

Where the returning officer is prevented by illness or other reasonable cause from performing all or any of his or her functions, the Minister shall appoint a person to act as returning officer for the performance of those functions during the period of the prevention.

It shall be the general duty of the returning officer for a mayoral election to—

(a) do all such acts and things as may be necessary for effectually conducting the election in accordance with this Part,

(b) ascertain and declare the results of the election, and

(c) furnish to the chief executive a return of the person elected as Mayor.

The returning officer for a mayoral election may, in writing, appoint one, or more than one, person to be deputy returning officer or officers and may delegate to any such deputy such of the functions of the returning officer as may be specified in the appointment.

The returning officer may at any time revoke the appointment of a deputy returning officer appointed under subsection (1).

A deputy returning officer at a mayoral election shall have all the rights and be subject to all the duties and liabilities of the returning officer in relation to the functions for which he or she is appointed.

In this Part, any reference to the returning officer in relation to any act, matter or function for which a deputy returning officer is appointed by or under this section shall, unless the context otherwise requires, be interpreted as a reference to such deputy returning officer.

(a) The Dublin City Manager shall, following consultation with the managers of the other Dublin local authorities, prepare a scale of maximum charges for the returning officer in respect of every mayoral election.

(b) The Dublin local authorities shall pay to the returning officer the reasonable charges incurred by the returning officer in respect of his or her services and expenses in relation to a mayoral election.

(c) The charges paid by the Dublin local authorities pursuant to this subsection shall not exceed the maximum charges specified in the scale prepared pursuant to paragraph (a).

(a) The Dublin local authorities shall, in respect of services and expenses other than services and expenses to which the scale of maximum charges referred to in paragraph (a) of subsection (1) applies, recoup to (or, where appropriate, pay on behalf of) the returning officer, the
officer’s reasonable charges in relation to a mayoral election.

(b) In this subsection “expenses” includes—

(i) expenses incurred by a returning officer in respect of legal representation in proceedings before a court arising out of the performance or purported performance by the returning officer of his or her functions in respect of the mayoral election concerned (other than the trial of a petition presented to the High Court), and

(ii) damages and costs payable by the returning officer pursuant to an order of a court in respect of such proceedings,

except where the court is satisfied that the returning officer has been grossly negligent in the discharge of his or her duties.

(3) An account of charges sought to be paid pursuant to subsections (1) and (2) shall be submitted by the returning officer to each Dublin local authority at such time and in such manner as the Dublin City Manager, following consultation with the managers of the other Dublin local authorities, may from time to time direct.

(4) The returning officer may request the Dublin local authorities to advance to him or her such sum or sums in respect of such charges as he or she anticipates are likely to be incurred by him or her in respect of the mayoral election concerned, and the Dublin local authorities may make such an advance on such terms as they think fit.

(5) Each Dublin local authority shall, for the purposes of subsections (1) and (2), be liable to pay to the returning officer an amount that bears the same proportion to the aggregate of the reasonable charges referred to in those subsections as the number of persons recorded in the census report as residing in the local government area of that local authority bears to the number of persons so recorded residing in the Dublin Region.

98.—It shall be the duty of every person upon whom any function in relation to a mayoral election is conferred by or under this Part and of every person appointed or employed (otherwise than by any candidate or political party) for any purpose relating to the election, to furnish such information and render such other assistance to any other such person as that other person requires for the purposes of the election.

Chapter 3

Manner of Voting

99.—Subject to sections 119(1) and 120(1), a person who is entitled to vote at a mayoral election shall be entitled to vote in person only and at the polling station allotted to him or her or, in case that person is authorised by a returning officer under article 61 or 62 of the Local Elections Regulations (as applied to a mayoral election by section 127) at the polling station specified in the authorisation.
Chapter 4

Nominations

Notice of election.

100.—The returning officer shall, not later than the twenty-eighth day before the polling day, give public notice of the mayoral election (in this Part referred to as the “notice of election”) stating—

(a) the times for receiving nominations,

(b) the requirement on candidates referred to in section 103(6)(a) to secure 60 assents or make a deposit in accordance with section 104,

(c) the times and place at which nomination papers may be obtained,

(d) the times and place at which the returning officer will attend to receive the nominations, and

(e) the day and the period fixed for the holding of the poll if the election is contested.

Register of political parties.

101.—On the day (disregarding any excluded day) before the latest day for the publication of the notice of election, the Registrar of Political Parties shall send to the returning officer a copy of the Register of Political Parties.

Necesity for nomination.

102.—A person shall not be entitled to have his or her name entered in a ballot paper as a candidate at a mayoral election unless that person has been nominated in the manner provided by this Part and the person’s nomination paper has been ruled as valid by the returning officer.

Nomination of candidates.

103.—(1) At a mayoral election a person may nominate himself or herself as a candidate or may, with his or her consent, be nominated by another person (being a person whose name is on the register of electors) as proposer.

(2) Each candidate shall be nominated by a separate nomination paper in the form directed by the Minister.

(3) Each nomination paper shall state the names (the surname being stated first) and the address and occupation (if any) of the candidate.

(4) (a) A candidate may include in the nomination paper the name of the political party registered in the Register of Political Parties as a party organised to contest a mayoral election of which he or she is a candidate, provided that, at the time the nomination paper is delivered to the returning officer, a certificate in the form directed by the Minister (in this Part referred to as a “certificate of political affiliation”) authenticating the candidate’s candidature is produced to the returning officer, being a certificate signed by the officer or officers of such party whose name or names appear in the said Register pursuant to

(b) Where such a certificate is produced, the returning officer, provided he or she is satisfied that it is appropriate to do so in relation to the candidate, shall cause—

(i) a statement of the name of the relevant political party and a copy of the political party’s emblem as registered in the said Register to be specified in relation to the candidate on all the ballot papers, and

(ii) a statement of the name of the relevant political party to be specified in relation to the candidate on notices.

(5) If a candidate is not the candidate of a political party registered in the Register of Political Parties as a party organised to contest a mayoral election, the candidate shall be entitled to enter after his or her name on the nomination paper the expression “Non-Party” and, if the candidate does so, the returning officer shall cause a statement of that expression to be specified in relation to the candidate on all the ballot papers and on notices.

(6) In the case of a candidate whose candidature is not authenticated by a certificate of political affiliation under subsection (4), one or other of the following paragraphs shall, before the expiration of the time appointed by section 106 for receiving nominations, be complied with:

(a) the candidate’s nomination shall have been assented to by 60 persons (excluding the candidate and any proposer) who are electors in the Dublin Region Electoral Area (each of whom in this Chapter is referred to as an “assentor”);

(b) the candidate, or someone on his or her behalf, shall have made a deposit in accordance with section 104.

(7) The following provisions apply in respect of the assents required by subsection (6)(a) to the nomination of a candidate referred to in that subsection:

(a) to assent to the nomination, an assentor shall make a statutory declaration in the form directed by the Minister stating the following:

(i) his or her number (including polling district letters) on the register of electors in force on the date of the making of the statutory declaration;

(ii) his or her place of ordinary residence in respect of which he or she is registered in the register of electors referred to in subparagraph (i);

(iii) his or her contact details, including telephone numbers (if any);

(iv) the name of the local electoral area, in the Dublin Region Electoral Area, on the date of the making of the statutory declaration, in which he or she is ordinarily resident;
(v) the name and address of the candidate;

(vi) the form of identification produced by him or her in accordance with paragraph (b), including any number on it that distinguishes it from similar forms held by others;

(vii) that he or she assents to the nomination of the candidate;

(viii) that he or she has not assented to the nomination of any other candidate in respect of that election;

(b) when making the statutory declaration referred to in paragraph (a), the assentor shall produce to the person taking and receiving the declaration a specified photographic identification in accordance with subsection (8)(b) and shall, on so doing, be deemed, for the purposes of the Statutory Declarations Act 1938, to be personally known to the person taking and receiving the declaration;

(c) subject to paragraph (d), the assent shall have effect as respects, and only as respects, the mayoral election held next after the making of the statutory declaration;

(d) notwithstanding paragraph (c), the assent shall cease to have effect if the register of electors referred to in paragraph (a) ceases to be in force before the holding of the election referred to in paragraph (c);

(e) the candidate or proposer shall attach the required number of statutory declarations (that is to say, the 60 statutory declarations constituting the assents) to the nomination paper and the nomination paper delivered to the returning officer in accordance with section 107, shall have the declarations so attached;

(f) where more than the required number of statutory declarations is attached to the nomination paper, the declarations (up to the required number) first attached to the nomination paper shall be taken into account to the exclusion of any others;

(g) it shall be lawful for a member of the Garda Síochána or an official of the Authority or an official of a registration authority in the Dublin Region Electoral Area to take and receive a statutory declaration referred to in paragraph (a) and any such declaration shall be stamped by the member or official concerned;

(h) the Authority, each registration authority in the Dublin Region Electoral Area and the returning officer shall arrange for the provision of forms, for the purposes of making a statutory declaration referred to in paragraph (a), free of charge to any person who requests such a form.

(8) For the purposes of subsections (6)(a) and (7)—

(a) a person whose application to have his or her name entered in the supplement to the register of electors is approved by a registration authority in the Dublin Region Electoral Area at or before the latest time for
delivery of a nomination paper to the returning officer, shall be deemed to be an elector in the Dublin Region Electoral Area, and

(b) any type of photographic identification that for the time being is prescribed under section 3 of the Act of 1992 for the purposes of section 46(6)(b) (inserted by section 1 of the Electoral (Amendment) Act 2007) of that Act is considered to be “specified photographic identification” as referred to in subsection (7)(b).

(9) The returning officer shall provide nomination papers during the usual office hours, at such place or places as are named in the notice of election, on each weekday during the period beginning on the publication of that notice and ending at 12 noon on the latest day for receiving nominations and the returning officer shall supply a nomination paper or papers free of charge to any person applying therefor, but the use of a paper supplied by the returning officer pursuant to this section shall not be obligatory at a mayoral election, provided that the nomination paper used is in the form directed by the Minister in accordance with subsection (2).

(10) In this section—

“Register of Political Parties” shall be construed as a reference to the copy of that Register sent to the returning officer pursuant to section 101;

“registration authority” means a registration authority within the meaning of Part II of the Act of 1992.

104.—(1) This section applies to a candidate referred to in section 103(6)(b) unless the candidate concerned has opted to have his or her nomination assented to by the means specified in section 103(6)(a) and (7).

(2) A candidate at an election referred to in section 103(6)(b), or someone on his or her behalf, may, before the expiration of the time appointed by section 106 for receiving nominations, deposit with the returning officer the sum of €1,800, and if the said sum is not deposited, his or her candidature shall be deemed to have been withdrawn.

(3) The deposit that may be made by or on behalf of a candidate pursuant to this section may be made by means of legal tender or, with the consent of the returning officer, in any other manner.

105.—(1) The deposit referred to in section 104 shall be returned where the candidate—

(a) withdraws his or her candidature in accordance with section 111,

(b) is deemed, under section 118(1), to have withdrawn his or her candidature,

(c) dies before the poll is closed,

(d) has not, before the expiration of the time for the receipt of nominations, been validly nominated as a candidate at the mayoral election,
(e) is elected, or

(f) is not elected but the greatest number of votes credited to him or her at any stage of the counting of the votes at the election exceeds one quarter of the quota.

(2) Any deposit which is not returned under subsection (1) shall be forfeited.

(3) Where a deposit is to be returned under subsection (1) it shall be returned to the person by whom it was made, provided that a deposit made by a person who dies before the deposit is returned shall be returned to his or her personal representative.

(4) A deposit forfeited under this section shall be disposed of by the returning officer in such manner as may be directed by the Dublin City Manager, following consultation with the managers of the other Dublin local authorities.

(5) In this section “personal representative” has the meaning assigned to it by section 3 of the Succession Act 1965.

106.—The earliest time for receiving nominations shall be 10.00 a.m. on the day (disregarding any excluded day) next following the latest day for the publication of the notice of election and the latest time for receiving nominations shall be 12 noon on the seventh day (disregarding any excluded day) next following the latest day for the publication of that notice.

107.—(1) Every nomination paper shall be delivered to the returning officer within the times specified in section 106, by the candidate or the proposer of the candidate.

(2) The delivery of the nomination paper shall be made by the candidate in person except that, where the candidate is proposed by another person, it may be made either as aforesaid or by the proposer in person.

(3) The returning officer shall attend to receive nominations at the place specified in that behalf in the notice of election between the hours of 10.00 a.m. and 12 noon and between the hours of 2.00 p.m. and 5.00 p.m. on the day (disregarding any excluded day) before the latest day for receiving nominations and between the hours of 10.00 a.m. and 12 noon on such latest day.

108.—The returning officer shall number the nomination papers in the order in which they are received and the first valid nomination paper received by the returning officer nominating a candidate for the mayoral election shall be deemed to be the nomination of that candidate.

109.—(1) (a) The returning officer shall rule on the validity of each nomination paper within one hour after its delivery and may rule that it is invalid if, but only if, the returning officer considers that the paper is not properly made out or signed.

(b) Without prejudice to paragraph (a), the returning officer may also rule that the nomination paper of a candidate
referred to in section 103(6)(a) is invalid if he or she considers that subsections (6)(a) and (7) of section 103 have not been complied with.

(c) The returning officer shall not rule that a nomination paper is invalid by reason only of an assentor having assented to the nomination of more than one candidate at the same election.

(2) The candidate nominated by each nomination paper and the candidate’s proposer (if any) and one other person designated by the candidate or proposer, as the case may be, and no other person, except with the permission of the returning officer, shall be entitled to attend while the said nomination paper is being ruled upon by the returning officer.

(3) The returning officer shall object to the name of a candidate in a nomination paper if such name—

(a) is not a name by which the candidate is commonly known,

(b) is misleading and likely to cause confusion,

(c) is unduly long, or

(d) contains a political reference,

and where the returning officer so objects, he or she shall allow the candidate or proposer, as may be appropriate, to amend the name and, if it is not so amended to the returning officer’s satisfaction, the returning officer may amend it, as he or she thinks fit, after consultation with the candidate or proposer, if either is present, or may rule that the nomination paper is invalid as not being properly made out.

(4) (a) The returning officer shall object to the description of a candidate in a nomination paper that is, in the opinion of the returning officer, incorrect, insufficient to identify the candidate or unnecessarily long or that contains a political reference other than, where appropriate, a reference to a public or elected office held, or formerly held, by the candidate or an entry made pursuant to subsection (4) or (5) of section 103.

(b) Where the returning officer so objects, he or she shall allow the candidate or proposer, as may be appropriate, to amend the description and, if it is not so amended to the returning officer’s satisfaction, the returning officer may amend or delete it, as he or she thinks fit, after consultation with the candidate or proposer, if either is present, or may rule that the nomination paper is invalid as not being properly made out.

(5) (a) Having ruled on the validity of a nomination paper, the returning officer shall note the decision on the nomination paper and shall sign the note.

(b) If the returning officer rules that the paper is invalid, the officer shall include a statement of the reasons for the decision.

(c) The decision of the returning officer under this section shall be final subject only to reversal on a petition questioning the election.
(6) As soon as practicable after ruling on the validity of a nomination paper, the returning officer shall give, by post or otherwise, notice in writing of the ruling to the candidate.

(7) Every person in respect of whom a nomination paper has, under this section, been determined to be valid and whose candidature is not withdrawn in accordance with section 111 or is not deemed under section 104(2) or 118(1) to have been withdrawn shall stand validly nominated as a candidate.

110.—The returning officer shall, as soon as practicable after ruling that a nomination paper is valid, cause a notice to be displayed outside the place at which the officer is receiving nominations stating the name and description of the person nominated in the paper and the name and address of the person’s proposer (if any).

111.—(1) A candidate may withdraw his or her candidature for the election by a notice of withdrawal signed by the candidate and delivered in person by the candidate or by the candidate’s proposer to the returning officer not later than the hour of 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations.

(2) Where the returning officer is satisfied that a candidate wishes to withdraw his or her candidature and that the candidate and proposer are unable to attend, withdrawal may be effected by delivering to the returning officer, not later than the hour referred to in subsection (1), a notice of withdrawal signed by the candidate and by the person delivering the notice.

112.—The returning officer shall, immediately on the delivery to the said officer of a notice of withdrawal under section 111, give public notice of the withdrawal (and, in the case of the withdrawal of a candidate who was nominated by another person as proposer, of the name of the other person).

113.—(1) If the proceedings for or in connection with the nomination of candidates at a mayoral election are obstructed by violence the returning officer may adjourn the proceedings to a later hour on the same day or to the next following day (disregarding any excluded day) and, if the returning officer so considers it necessary, may further adjourn the proceedings until such obstruction shall have ceased.

(2) (a) Where any proceedings for or in connection with the nomination of candidates are adjourned under this section, the returning officer shall postpone the latest time for receiving nominations for a period equal to the period of such adjournment and shall so inform the Minister who may, by order, appoint the day for the taking of the poll at the election.

(b) Where the Minister appoints a day under paragraph (a), the returning officer shall give public notice accordingly, and the poll shall be taken on the day so appointed and the order under section 92 shall be construed and have effect as if the day appointed under paragraph (a) were the day specified in the said order for taking the poll.
114.—(1) If at 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations—

(a) the number of candidates standing nominated at the mayoral election is 2 or more, the returning officer shall adjourn the election and shall take a poll in accordance with this Part, or

(b) one candidate only stands nominated at the mayoral election, the returning officer shall forthwith declare the said candidate to be elected as Mayor and shall make a return to the chief executive and give public notice of the candidate elected in accordance with section 141.

(2) Where, at 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations, no person stands nominated as a candidate at the mayoral election—

(a) the returning officer shall so inform the Minister,

(b) the relevant order under section 92 shall be deemed to be revoked,

(c) a fresh election shall be held in accordance with this Part, and

(d) the Minister shall, as soon as practicable, make an order for the purposes of the fresh election.

Chapter 5

Agents of Candidates

115.—(1) A candidate or his or her mayoral election agent may appoint with respect to any polling district in the Dublin Region Electoral Area one person (in this Part referred to as a “deputy agent”) to assist the candidate in the polling district and to act therein as deputy for the candidate’s mayoral election agent.

(2) The appointment of a deputy agent may be revoked by the candidate or his or her mayoral election agent.

(3) Where the appointment of a deputy agent under this section is revoked or a deputy agent under this section dies, resigns or becomes incapable of acting during a mayoral election, another deputy agent may be appointed under this section in his or her place.

(4) A candidate or his or her mayoral election agent shall immediately after the appointment of a deputy agent under this section give written notice of his or her appointment and details of his or her name and address to the returning officer.

116.—(1) A candidate at a mayoral election or his or her mayoral election agent may appoint agents to be present on his or her behalf—

(a) at the issue of ballot papers to postal voters,

(b) in polling stations,

(c) at the opening of the postal ballot boxes, and
(2) Subject to **subsection (3)**, the number of agents who may be appointed to be present on behalf of any candidate shall be fixed by the returning officer so, however, that the same number shall be allowed on behalf of every candidate.

(3) A candidate or his or her mayoral election agent may appoint one person (in this Part referred to as a “personation agent”) to be present as the candidate’s agent in each polling station for the purpose of assisting in the detection of personation and such appointment shall be in writing and shall be produced to the presiding officer for the polling station concerned.

(4) An appointment under this section may be revoked by the candidate or his or her mayoral election agent.

(5) A candidate or his or her mayoral election agent shall, not later than the time for the commencement of the issue of ballot papers to postal voters, give written notice to the returning officer of the name and address of every agent appointed by the candidate or his or her mayoral election agent to be present at the said issue and the returning officer may refuse to admit to the place where the ballot papers are to be issued any agent whose name and address have not been so notified.

6 (a) A candidate or his or her mayoral election agent shall, not later than 2 days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every personation agent appointed by the candidate or his or her mayoral election agent together with the name of the polling station for which the personation agent is appointed.

(b) A personation agent appointed in accordance with this section and whose name and address have been duly notified to the returning officer shall be entitled to be present in the polling station referred to in the notification during the period commencing 30 minutes before the time fixed by the Minister for the commencement of the poll and ending when the ballot boxes have been sealed by the presiding officer pursuant to article 72 of the Local Elections Regulations, as applied to a mayoral election by **section 127**, and the documents and materials specified in that article have been placed in sealed packets.

(7) A candidate or his or her mayoral election agent shall, not later than 2 days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every agent appointed by the candidate or his or her mayoral election agent to be present at the opening of the postal ballot boxes and the returning officer may refuse to admit to the place where the postal ballot boxes are to be opened any agent whose name and address have not been so notified.

(8) A candidate or his or her mayoral election agent shall, not later than 2 days (disregarding any excluded day) before the polling day, give written notice to the returning officer of the name and address of every agent appointed by the candidate or his or her mayoral election agent to be present at the counting of the votes and the returning officer may refuse to admit to the place where the votes are to be counted any agent whose name and address have not been so notified.
Where the appointment of an agent under this section is revoked or an agent appointed under this section dies, resigns or becomes incapable of acting during a mayoral election, another agent may be appointed under this section in place of the first-mentioned agent and, where such an appointment is made, the candidate or his or her mayoral election agent shall forthwith give written notice of the name and address of the agent appointed to the returning officer.

A candidate may lawfully do or assist in the doing of any thing which may lawfully be done on the candidate’s behalf by a mayoral election agent, deputy agent or an agent appointed under this section and may be present (in addition to, or in substitution for, any such agent) at any place at which any such agent may, pursuant to this Part, be present.

Any thing required by this Part to be done in the presence of the mayoral election agent or an agent of a candidate shall not be invalidated by reason only of the agent’s not being present at the time and place appointed for doing such thing.

A returning officer or a person employed by such officer for any purpose relating to a mayoral election shall not act as an agent for a candidate at that election and shall not be associated in furthering the candidature of a candidate or promoting the interests of a political party at the election.

A returning officer shall not employ in any capacity for the purposes of a mayoral election a person who has been employed by or on behalf of a candidate in or about the election or has been associated in furthering the candidature of a candidate or promoting the interests of a political party at the election.

Chapter 6

Death of a Candidate

Where, not less than 48 hours before the latest time for receiving nominations at a mayoral election, the returning officer becomes satisfied that a candidate standing nominated has died, the returning officer shall immediately give public notice to that effect and the candidature of the candidate shall be deemed to have been withdrawn.

Where, at any time during the period beginning 48 hours before the latest time for receiving nominations and ending on the commencement of the poll, the returning officer becomes satisfied that a candidate standing nominated for election has died, the following provisions shall have effect:

(a) if notice of poll has been given, the returning officer shall forthwith countermand the poll;

(b) the returning officer shall forthwith give public notice that all acts done in connection with the mayoral election (other than the nomination of the surviving candidates) are void and that a fresh mayoral election will be held;

(c) all the proceedings for the mayoral election shall be commenced afresh, but a fresh nomination or consent shall not be necessary in respect of any candidate who stood
Postal voting.

119.—(1) Every local government elector whose name is, at the time of a mayoral election, entered in the postal voters list for the
Dublin Region Electoral Area (in this Part referred to as a “postal voter”) shall be entitled to vote in that Area at the poll at the election by sending a ballot paper by post to the returning officer for the Dublin Region Electoral Area and shall not be entitled to vote at the election in any other manner.

(2) The returning officer shall, as soon as practicable after the adjournment of an election for the purpose of taking a poll, send to each elector whose name is on the postal voters list for the Dublin Region Electoral Area, a ballot paper and a form of receipt for such ballot paper and, if the ballot paper duly marked by the said elector and accompanied by the said receipt duly signed by the elector, is received by the returning officer before the close of the poll, it shall be counted by the returning officer and treated for all purposes in the same manner as a ballot paper placed in a ballot box in the ordinary way at the taking of a poll.

(3) Articles 30 to 41 of the Local Elections Regulations shall, subject to the modifications specified in section 87(2), apply and have effect in relation to postal voting at a mayoral election and, in sending out, receiving and otherwise dealing with the ballot papers of postal voters, the returning officer shall comply with those provisions.

(4) For the purposes of this section, a reference to an agent in articles 30 to 41 of the Local Elections Regulations shall be deemed to include a reference to the mayoral election agent and any person appointed by a candidate or the mayoral election agent to be present at the issue of ballot papers to postal voters or the opening of postal voters ballot boxes.

Chapter 8

Voting by Special Voters

120.—(1) Every local government elector whose name is, at the time of a mayoral election, entered in the special voters list for the Dublin Region Electoral Area (in this Part referred to as a “special voter”) shall be entitled to vote in that Area at the poll at the election in the manner described in article 46 of the Local Elections Regulations and shall not be entitled to vote in any other manner.

(2) Articles 42 and 44 to 48 of the Local Elections Regulations shall, subject to the modifications specified in section 87(2), apply and have effect in relation to voting by special voters at a mayoral election and, the returning officer shall in delivering, receiving and otherwise dealing with the ballot papers of special voters, comply with those articles.

Chapter 9

Polling on Islands

121.—Article 49 of the Local Elections Regulations shall, subject to the modifications specified in section 87(2), apply and have effect in relation to the taking of a poll at a mayoral election at a polling station situate on an island.
Notice of poll.

122.—Where a mayoral election is adjourned for the purpose of taking a poll, the returning officer shall, as soon as practicable after the adjournment, publish a notice (in this Part referred to as the “notice of poll”) stating—

(a) the day on which, and the hours during which, the poll will be taken,

(b) the names and descriptions of the candidates standing nominated at the mayoral election as entered in their nomination papers, and of the proposers (if any), and

(c) the order in which the names of the said candidates will appear on the ballot papers.

Ballot papers.

123.—(1) The ballot of a voter at a mayoral election shall consist of a paper (in this Part referred to as a “ballot paper”) in the form specified in Schedule 2 subject to any necessary modifications thereof provided under paragraph (b) of subsection (2).

(2) Ballot papers shall be prepared by the returning officer in accordance with the following provisions:

(a) a ballot paper shall contain the names (arranged alphabetically in the order of the surnames or, if there are 2 or more candidates bearing the same surname, in the alphabetical order of their other names or, if their surnames and other names are the same, in such order as shall be determined by lot by the returning officer) and descriptions of the candidates standing nominated at the election, as shown in their respective nomination papers;

(b) a ballot paper may include a photograph of each candidate and the registered emblem of the candidate’s political party (if any) and the form of the ballot paper as specified in Schedule 2 may be adjusted accordingly in accordance with directions by the Minister;

(c) the surname of each candidate and the name of the candidate’s political party (if any) or, if appropriate, the expression “Non-Party” shall be printed in large capitals, the candidate’s surname and other name shall be printed in small capitals and the address and occupation of the candidate (if any) as appearing in the relevant nomination paper, shall be printed in ordinary characters;

(d) the list of candidates shall be arranged either in one continuous column or in 2 or more columns in such manner (without departing from the alphabetical order) as, in the opinion of the returning officer, is best for marking and counting, but subject to the restriction that the spaces on the ballot paper within which the candidates’ names and descriptions appear shall be the same for each of the candidates;
(e) the ballot papers shall be numbered consecutively on the back and the back of the counterfoil attached to each ballot paper shall bear the same number;

(f) the numbers on the ballot papers shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper;

(g) apart from anything permitted by the form specified in Schedule 2, and the modifications thereof which may be provided for under paragraph (b), nothing shall appear on the ballot paper except in accordance with these provisions.

(3) A notice containing a copy of the ballot paper in large print shall be displayed by the presiding officer in the polling station.

124.—(1) A ballot paper shall at the time of issue be marked with an official mark (in this Part referred to as the “official mark”), which shall be either embossed or perforated so as to be visible on both sides of the paper and the returning officer shall provide a sufficient number of marking instruments for this purpose.

(2) The returning officer shall ensure that the official mark is kept secret before the taking of the poll and that no mark previously used at a mayoral election shall be used at an election under this Part before the expiry of the 10 years next after such previous use.

125.—Articles 53, 54, 56, 57 and 58 of the Local Elections Regulations shall, subject to the modifications specified in section 87(2), apply and have effect in relation to the arrangements for the poll at a mayoral election.

126.—(1) Where a poll is to be taken at a mayoral election, the returning officer shall send to every elector whose name is on the register of electors and is not on the postal voters list or the special voters list a card (in this section referred to as a “polling information card”) in such form as may be directed by the Minister informing the elector of his or her number (including polling district letter) on the register of local government electors and of the place at which he or she will be entitled to vote, and containing a statement in relation to the specified documents referred to in article 73 of the Local Elections Regulations, as applied to a mayoral election by section 127, and, where appropriate, other information concerning the poll, including the address of the polling station.

(2) A polling information card shall be addressed to the elector at the address in respect of which he or she is registered in the register of electors and shall be delivered at that address not later than the third day before the polling day.

(3) Where a polling information card is dispatched by post it shall be transmitted without prepayment of charges therefor by the earliest practicable post.

(4) No action or other proceedings shall lie against a returning officer in respect of any failure to send, non-delivery of or error or misstatement in a polling information card.
Chapter 11

The Poll

Article 59 to 73 of the Local Elections Regulations shall, subject to the modifications specified in section 87(2), apply and have effect in relation to the taking of the poll at a mayoral election.

Chapter 12

Arrangement for the Counting of Votes

The counting of the votes at a mayoral election shall commence not later than the hour of 9.00 a.m. on the day next following the polling day.

The returning officer shall appoint a place within the Dublin Region Electoral Area or convenient to the said area as the place at which the officer will count the votes and shall, at the place so appointed, provide suitable accommodation and all furniture and equipment necessary for counting the votes in accordance with Chapter 13 and shall make adequate arrangements for the safe custody of the ballot papers and other documents relating to the election.

The returning officer shall, where practicable, ensure that the place duly appointed under subsection (2) at which votes will be counted is accessible to wheelchair users.

Not less than 4 days (disregarding any excluded day) before the polling day the returning officer shall give written notice to each candidate of the time and place at which he or she will proceed to count the votes and of the number of agents each candidate may appoint to be present at the counting of the votes.

The returning officer, the assistants and clerks of the returning officer, members of the Garda Síochána on duty, the mayoral election agent and the agents of the candidates duly appointed for the purpose under this Part may be present at the counting of the votes and no other person shall be present without the permission of the returning officer.

The returning officer shall give the agents of the candidates all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfying themselves that the ballot papers have been correctly sorted) and all such information with respect thereto as the returning officer can give them consistent with the orderly conduct of the proceedings and the performance of the functions of the returning officer.

At the time fixed by the returning officer and at the place appointed under section 128(2), the returning officer shall, in the presence of the agents of the candidates, open the ballot boxes and extract the ballot papers therefrom.

For the purposes of subsection (1), the manner in which a ballot box, being a box containing not more than 50 ballot papers, shall
be opened shall be such that, although the box is opened in the presence of the agents of the candidates, the preferences on the individual ballot papers cannot be read by those agents or other persons present at the count.

(3) Where the poll at another election has been taken on the same day in the same polling station and ballot papers for either election are found in the ballot box provided for the other election, the returning officer shall place such ballot papers, together with a statement signed by the said officer showing the number of papers enclosed and giving particulars of the ballot box in which they were found, in a packet which the said returning officer shall seal and forthwith transmit by hand to the appropriate returning officer.

(4) (a) The ballot papers extracted by the returning officer from each ballot box shall be counted and their total number shall be compared with the number shown in the appropriate ballot paper account.

(b) The returning officer shall prepare a statement showing the result of this comparison in respect of all the ballot boxes and shall include particulars of the ballot papers (if any) transmitted to the said officer pursuant to subsection (3) and the returning officer shall, on request, allow the agent of any candidate to copy the statement.

(5) Where the statement referred to in subsection (4) is prepared by a deputy returning officer the statement shall be transmitted to the returning officer as soon as practicable.

(6) The returning officer shall mix together the whole of the ballot papers (including any ballot papers transmitted to the officer in pursuance of subsection (3)) and shall proceed to count the votes in accordance with Chapter 13.

(7) The returning officer, while counting and recording the number of ballot papers, shall cause the said papers to be kept face upwards and shall take due precautions to prevent any person from seeing the numbers printed on the backs of the said papers.

131.—The returning officer shall, so far as practicable, proceed continuously with the counting of votes, except during time for necessary rest and refreshment.

132.—The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with Chapter 13, ascertain and record the number of votes given to each candidate.

133.—Candidates or their agents shall not handle ballot papers during the counting of votes.

Chapter 13

Rules for the Counting of the Votes

134.—In this Chapter—

“continuing candidate” means any candidate not deemed to be elected and not excluded;
“count” means—

(a) all the operations involved in the counting of the first preferences recorded for candidates;

(b) all the operations involved in the transfer of the votes of an excluded candidate; or

(c) all the operations involved in the transfer of the votes of 2 or more candidates excluded together;

“deemed to be elected” means deemed to be elected for the purpose of the counting of the votes but without prejudice to the declaration of the result of the poll;

“determine by lot” means determine in accordance with the following directions, namely, the names of the candidates concerned having been written on similar slips of paper, and the slips having been folded so as to prevent identification and mixed and drawn at random, the candidate or candidates shall be excluded in the order in which their names are drawn;

“first preference” means any mark which, in the opinion of the returning officer, clearly indicates a first preference;

“next available preference” means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already excluded being disregarded;

“non-transferable paper” means a ballot paper on which no second or subsequent preference is recorded for a continuing candidate; provided that a paper shall be deemed to have become a non-transferable paper whenever—

(a) the names of 2 or more candidates (whether continuing candidates or not) are marked with marks which, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference; or

(b) the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark which, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with 2 or more marks indicating different orders of preference; or

(c) it is void for uncertainty;

“original vote” in regard to any candidate means a vote derived from a ballot paper on which a first preference is recorded for that candidate;

“second preference” means any mark which, in the opinion of the returning officer, clearly indicates a second preference standing in succession to a first preference;

“third preference” means any mark which, in the opinion of the returning officer, clearly indicates a third preference standing in succession to a second preference, and so on;
“transferable paper” means a ballot paper on which, following a first preference, a second or subsequent preference is recorded in consecutive numerical order for a continuing candidate.

135.—(1) Any ballot paper—

(a) which does not bear the official mark, or

(b) on which the figure “1” standing alone, or the word “one” or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is not placed at all or is not so placed as to indicate a first preference for some candidate, or

(c) on which the figure “1” standing alone indicating a first preference, or the word “one” or any other mark which, in the opinion of the returning officer, clearly indicates a first preference, is set opposite the name of more than one candidate, or

(d) on which anything is written or marked which, in the opinion of the returning officer, is calculated to identify the elector,

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words “one”, “two”, “three” (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences.

(2) The returning officer shall endorse “rejected” on any ballot paper which under this section is not to be counted. The returning officer shall prepare a statement showing the number of ballot papers rejected under each of the paragraphs (a), (b), (c) and (d) of subsection (1) and shall, on request, allow any candidate or agent of a candidate to copy such statement.

(3) Where the statement referred to in subsection (2) is prepared by a deputy returning officer the statement shall be transmitted to the returning officer as soon as practicable.

(4) The returning officer may endorse on any ballot paper which the officer does not reject as invalid an indication of the officer’s decision on it without, however, interfering with any mark placed by the elector on the ballot paper.

136.—(1) After the ballot papers have been mixed in accordance with section 130, the returning officer shall, rejecting any that are invalid, arrange them in parcels according to the first preferences recorded for each candidate.

(2) The returning officer shall then count the number of papers in each parcel and credit each candidate with a number of votes equal to the number of valid papers on which a first preference has been recorded for such candidate and the returning officer shall ascertain the number of all valid papers.

137.—(1) After the returning officer has ascertained the number of all valid ballot papers pursuant to section 136, he or she shall then divide the number of all valid ballot papers by 2 and the result increased by one, any fractional remainder being disregarded, shall
be the number (in this Part referred to as the “quota”) of votes sufficient to secure the election of a candidate.

(2) Where at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected and no further transfer of votes shall be made.

(3) Where at the end of any count the number of votes credited to some one continuing candidate exceeds the total of all the votes credited to the other continuing candidates, that candidate shall be deemed to be elected and no further transfer of votes shall be made.

138.—(1) Where, at the end of any count, no candidate has reached the quota and no candidate can be deemed to be elected under section 137(3), the returning officer shall—

(a) exclude the candidate credited with the lowest number of votes and examine all the papers of that candidate,

(b) arrange the transferable papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates,

(c) transfer each sub-parcel to the candidate for whom the preference is recorded,

(d) place the sub-parcel on top of the parcel of papers of the candidate to whom the transfer is made,

(e) credit the candidate with a number of votes equal to the number of papers transferred to him or her,

(f) make a separate sub-parcel of the non-transferable papers and set them aside as finally dealt with, such papers being, for the purposes of this Chapter, described as non-transferable papers.

(2) Where the total of the votes of the 2 or more lowest candidates is less than the number of votes credited to the next highest candidate, the returning officer shall in one operation exclude such 2 or more lowest candidates provided that—

(a) the number of votes credited to the second lowest candidate is greater than one quarter of the quota, or

(b) where the number of votes credited to any such 2 or more lowest candidates does not exceed one quarter of the quota, it is clear that the exclusion of the candidates separately in accordance with subsection (1) could not result in a number of votes exceeding one quarter of the quota being credited to any such candidate.

(3) If, when a candidate has to be excluded under this section, 2 or more candidates have each the same number of votes and are lowest, regard shall be had to the number of original votes credited to each of those candidates, and the candidate with the lowest number of original votes shall be excluded and, where the numbers of original votes are equal, regard shall be had to the total numbers of votes credited to those candidates at the first count at which they had an unequal number of votes and the candidate with the lowest number of votes at that count shall be excluded and, where the
numbers of votes credited to those candidates were equal at all
counts, the returning officer shall determine by lot which shall be
excluded.

139.—(1) (a) Any candidate or the mayoral election agent of a can-
didate may, at the conclusion of any count, request the
returning officer to reexamine and recount all or any of
the papers dealt with during that count, and the returning
officer shall reexamine and recount such papers accord-
ingly without making any alterations in the arrangement
of the papers in the various parcels, save where such
alterations may be necessary in consequence of any error
discovered in the recount.

(b) Nothing in this subsection shall make it obligatory for the
returning officer to reexamine or recount the same parcel
of papers more than once.

(2) The returning officer may at his or her discretion recount pap-
ers either once or more often in any case in which the officer is
not satisfied as to the accuracy of any count. The power under this
subsection of a returning officer to recount papers shall extend to
papers dealt with at an earlier count than the immediately preced-
ing one.

(3) (a) One request (and not more) may be made by each candi-
date or his or her mayoral election agent for a complete
reexamination and recount of all parcels of ballot papers
and the returning officer shall reexamine and recount the
parcels of ballot papers accordingly.

(b) In the reexamination and recount, the number or order of
ballot papers in any parcel shall not be disturbed.

(c) Nothing in this subsection shall make it obligatory on the
returning officer to reexamine or recount the same parcel
of papers more than once, but if an error is discovered
which is, in the opinion of the returning officer, a signifi-
cant error likely to affect the result of the election, the
returning officer shall count all the papers afresh from
the point at which the error occurred.

(d) Nothing in this subsection shall make it obligatory on the
returning officer to comply with a request by a candidate
or his or her mayoral election agent which, in the opinion
of the returning officer, is frivolous or vexatious.

(e) A request under this subsection may be made only at the
conclusion of a count.

(4) Where an error is discovered, the returning officer shall,
where necessary, amend any results previously announced by the
officer.

(5) Where a request made under subsection (3) is withdrawn by
the candidate as respects whom it is made or by the mayoral election
agent of the said candidate, it shall be open to the returning officer
not to proceed, or proceed further with the reexamination and
recount.
140.—On the completion of the counting of the votes the returning officer shall determine and declare the result of the poll and the candidate deemed to be elected shall stand elected.

141.—(1) The returning officer shall make a return to the chief executive of the person elected to be Mayor.

(2) The return shall be made by a certificate of the name and description of such person signed by the returning officer, as soon as practicable after the result of the poll has been declared in accordance with section 140 or, where there is no poll, when such person has been declared elected in accordance with section 114(1)(b).

(3) The returning officer shall give public notice of the name and description of the candidate elected and, in the case of a contested election, of the total number of votes given for each candidate, whether elected or not, of any transfer of votes and of the total number of votes credited to each candidate at the end of the count at which such transfer took place.

(4) The returning officer shall send a copy of the notice referred to in subsection (3) to the Minister.

142.—The decision of the returning officer, whether expressed or implied by his or her acts, on any question which arises in relation to the exclusion of any candidate under section 138 or to any ballot paper or transfer of votes shall be final, subject only to reversal on a petition questioning the election.

Chapter 14

Retention, Inspection and Disposal of Documents

143.—(1) On the completion of the counting of the votes, the returning officer shall place in separate sealed packets—

(a) the counted ballot papers,

(b) the ballot papers rejected at the counting of the votes,

(c) the unused and spoilt ballot papers, and

(d) the counterfoils of ballot papers issued at polling stations,

and shall mark on each packet particulars of its contents and the date of the polling day at the election.

(2) The returning officer shall also place in separate sealed packets—

(a) the marked copies of the register of electors,

(b) the ballot paper accounts and the statement prepared in accordance with section 130,

(c) the candidates’ nomination papers, whether valid or invalid, and the certificates of political affiliation, and

(d) the authorisations to electors to vote at other polling stations,
and shall mark on each packet particulars of its contents and the date of the polling day at the election.

(3) The returning officer shall retain the documents referred to in subsections (1) and (2), article 41 of the Local Elections Regulations (as applied by section 119) and article 47(2) of the Local Elections Regulations (as applied by section 120) for 6 months from the date of the certificate of the return under section 141 and shall then, unless otherwise directed by an order of a court having jurisdiction to decide petitions questioning the election or the returning officer has reason to believe that the documents may be required for a purpose referred to in section 144(3), cause the documents to be destroyed.

144.—(1) No person shall be allowed to inspect any of the documents mentioned in subsection (2) except under an order of a court having jurisdiction to decide petitions questioning the election.

(2) The documents referred to in subsection (1) are—

(a) the counterfoils of the ballot papers sent to postal voters under article 33 of the Local Elections Regulations (as applied by section 119),

(b) the counterfoils of the ballot papers delivered to special voters under article 46 of the Local Elections Regulations (as applied by section 120),

(c) the documents referred to in sub-articles (2) and (3) of article 41 of the Local Elections Regulations (as applied by section 119), and

(d) the documents referred to in subsection (1) of section 143.

(3) An order referred to in subsection (1) shall not be made unless the court is satisfied that the inspection or production of such documents is required for the purposes of instituting or maintaining a prosecution for an offence under Chapter 15 or for the purpose of a petition.

(4) An order referred to in subsection (1) may be made subject to such conditions as to persons, time and place and mode of inspection or production as the court may think expedient and shall make provision to ensure that the manner in which any voter voted shall not be disclosed.

(5) Where an order is made for the production by the returning officer of any document relating to an election in the possession of that officer, the production by the returning officer of that document shall be sufficient to prove that the document relates to the specified election, and any endorsement appearing on any packet so produced shall, until the contrary is shown, be sufficient evidence that the contents of such packet are what they are stated to be in such endorsement.

145.—(1) All documents relating to an election retained by the returning officer in accordance with section 143, other than documents referred to in section 144, shall be open to public inspection at such time and under such conditions as may be specified by the returning officer.
(2) The returning officer shall supply copies of, or extracts from, the said documents to any person demanding the same, on payment of such fees not exceeding the reasonable cost of copying.

**Chapter 15**

*Electoral Offences*

146.—(1) A person who—

(a) at a mayoral election applies for a ballot paper in the name of some other person, whether that name be the name of a living person or of a dead person or of a fictitious person, or

(b) having obtained a ballot paper once at a mayoral election applies at the same election for a ballot paper in that person’s own name (otherwise than under article 64 of the Local Elections Regulations (as applied by section 127)),

is guilty of an offence.

(2) For the purposes of this section a person to whom a ballot paper has been issued pursuant to article 33 of the Local Elections Regulations (as applied by section 119) shall be deemed to have obtained a ballot paper.

(3) A person who aids, abets, counsels or procures the commission of an offence under subsection (1) is guilty of an offence.

147.—(1) A person shall not, in relation to a mayoral election—

(a) give valuable consideration to induce a voter to vote, or to procure the election of any person or the vote of any voter, or on account of a voter having voted, or

(b) procure, by means of, or in consequence of, valuable consideration, the election of any person or the vote of any voter, or

(c) withdraw or refrain from withdrawing, in consequence of any valuable consideration, from being a candidate, or

(d) induce, by means of, or in consequence of, valuable consideration, any person to withdraw or to refrain from withdrawing from being a candidate, or

(e) receive, agree or contract to receive, valuable consideration for voting or agreeing to vote.

(2) A person who contravenes subsection (1) is guilty of an offence.

(3) A person who aids, abets, counsels or procures the commission of an offence under this section is guilty of an offence.

(4) In this section—
“give”, “induce” and “procure” include agreeing or promising or attempting to give, induce or procure, as the case may be, whether directly or indirectly;

“valuable consideration” includes the giving, lending or agreeing to give or lend, or the offer or promise to procure or to attempt to procure, any money, money’s worth or valuable security or any valuable consideration or any office, place or employment to or for any person;

“vote” includes voting in a particular way or refraining from voting.

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**148.**—A person who, in relation to a mayoral election, directly or indirectly makes use of or threatens to make use of any force, violence or restraint against or inflicts or causes or threatens to inflict or cause any temporal or spiritual injury or loss on or to any person, or attempts by abduction, duress, or fraud—

(a) to induce or compel any person to vote or refrain from voting, or to vote or refrain from voting for a particular person or in a particular way, or

(b) to induce or compel any person to withdraw, or to refrain from withdrawing, from being a candidate, or

(c) to induce or compel any person to be a candidate or to impede or prevent any person from being a candidate, or

(d) to impede or prevent the free exercise of the franchise by any elector,

is guilty of an offence.

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**149.**—(1) A person who is present at the issue of ballot papers to postal voters or at voting by special voters or at the opening of postal ballot boxes is guilty of an offence if, except for some purpose authorised by law, the person—

(a) communicates, before the poll is closed, to any person any information obtained at the said issue or the said voting as to the official mark, or

(b) attempts to ascertain at the said issue or the said voting or the said opening the number on the back of any ballot paper or the candidate for whom any vote is given in any ballot paper, or communicates to any other person any information with respect thereto obtained at the said issue or the said voting or the said opening.

(2) A person admitted to a polling station in any capacity at a mayoral election is guilty of an offence if, before the poll is closed, the person communicates, except for some purpose authorised by law, to any other person any information as to the name or the number on the register of electors of any voter who has or has not applied for a ballot paper or voted at a polling station, or as to the official mark.

(3) A person who is present in any capacity at the counting of the votes at a mayoral election is guilty of an offence if, except for some purpose authorised by law, the person ascertains or attempts to ascertain at such counting the number on the back of any ballot paper.
(4) A person is guilty of an offence if, at a mayoral election, except for some purpose authorised by law, the person—

(a) interferes with or attempts to interfere with a voter when marking a ballot paper, or obtains or attempts to obtain in a polling station information as to the candidate for whom any voter in the station is about to vote or has voted,

(b) communicates at any time to any other person any information obtained in a polling station as to the candidate for whom a voter in that station is about to vote or has voted, or as to the number on the back of the ballot paper issued to a voter at that station,

(c) directly or indirectly induces any voter to display a ballot paper after the voter has marked it so as to make known to any person the name of the candidate for whom the voter has or has not voted, or

(d) interferes with or attempts to interfere with the receipt, marking or return of a ballot paper by any postal voter or attempts to obtain information as to the candidate for whom any such voter has or has not voted.

150.—A person is guilty of an offence if the person—

(a) wilfully and without lawful authority, takes, destroys, conceals, opens or otherwise interferes with any ballot box or packet of ballot papers, or any packet of papers or documents of any kind then in use or intended to be used for the purposes of a mayoral election, or any ballot paper account or marked copy of a register of electors prepared or used for the purposes of the election, or any unused ballot paper,

(b) maliciously destroys, tears, or defaces a ballot paper,

(c) forges or counterfeits a ballot paper or the official mark on a ballot paper,

(d) without lawful authority, supplies a ballot paper to any person,

(e) fraudulently puts into a ballot box any paper other than the ballot paper which the person is authorised by law to put in it,

(f) without lawful authority, takes a ballot paper out of a polling station,

(g) forges or fraudulently defaces or fraudulently destroys any nomination paper or any certificate of political affiliation or any authorisations under article 61 or 62 of the Local Elections Regulations (as applied by section 127) or any official envelope or form of declaration of identity or form of receipt used in connection with special voting or
voting by post, or any other form or document used at a mayoral election,

(h) produces to the returning officer a nomination paper, knowing the same to be forged,

(i) counterfeits the official mark, or

(j) without lawful authority, removes, destroys or damages any instrument for placing the official mark on ballot papers or makes or is in possession of any imitation or counterfeit of any such instrument.

151.—(1) A person is guilty of an offence if, between the date of publication of the notice of election and the date on which the return is made of a person elected to be the Mayor under section 141, the person acts in a disorderly manner at a lawful public meeting held in connection with a mayoral election.

(2) A person who aids, abets, counsels or procures the commission of an offence under subsection (1) is guilty of an offence.

152.—(1) Every notice, bill, poster or similar document having reference to a mayoral election or distributed for the purpose of furthering the candidature of any candidate at a mayoral election shall bear upon its face the name and address of the printer and of the publisher thereof.

(2) A person is guilty of an offence if he or she prints, publishes, or posts, or causes to be printed, published or posted, any such notice, bill, poster or similar document as aforesaid which does not bear upon its face the name and address of the printer and of the publisher thereof.

(3) Subsections (1) and (2) shall not apply as respects any such notice, bill, poster or similar document printed, published or posted by a returning officer.

(4) In this section “print” includes any process for producing copies of a notice, bill, poster or similar document, other than copying it by hand.

153.—(1) A person shall not—

(a) nominate another person for election under this Part to the office of Mayor, or

(b) withdraw the candidature of another person for such election to the office of Mayor,

save with the consent of that person.

(2) A person who contravenes subsection (1) is guilty of an offence.

154.—A person who produces to a returning officer a certificate of political affiliation which that person knows to be forged, is guilty of an offence.
155.—(1) In case a person who, being a candidate or the proposer of a candidate at a mayoral election, makes a declaration on a nomination paper that the person has read the notes on the nomination paper and believes the candidate to be eligible for election then if the candidate is not eligible for election that person is guilty of an offence.

(2) In a prosecution for an offence under subsection (1), it shall be a good defence for the defendant to show that he or she had reasonable grounds for believing that the candidate was eligible for election.

156.—A returning officer, deputy returning officer or any person employed by any such officer for any purpose relating to a mayoral election who acts as agent for any candidate at that election or who is actively associated in furthering the candidature of any candidate or promoting the interests of any political party at the election is guilty of an offence.

157.—A person who at a mayoral election obstructs by violence the nomination of candidates or the poll is guilty of an offence.

158.—Where any person upon whom any functions or duties are conferred by or under this Part in relation to a mayoral election fails without reasonable cause to perform his or her functions or duties in that behalf, any person injured by such failure shall be entitled to recover from him or her by action at law such sum by way of damages as the court by which such action shall be tried shall consider just.

159.—(1) Any person who, at a mayoral election—

(a) wilfully and without lawful authority takes, destroys, conceals, opens or otherwise interferes with any ballot paper or other document sent to a postal voter under this Part, or

(b) without lawful authority knowingly supplies any such ballot paper or other document to a person other than the person lawfully entitled to receive it,
is guilty of an offence.

(2) A person who aids, abets, counsels or procures the commission of an offence under this section or who solicits or incites any other person to commit such an offence is guilty of an offence.

160.—(1) A person shall not interfere with or obstruct or impede an elector going to or coming from or in the vicinity of or in a polling station.

(2) During the period commencing 30 minutes before the time appointed for the taking of a poll at a mayoral election, including a poll which has been adjourned under article 69 of the Local Elections Regulations (as applied by section 127), and ending 30 minutes after the close of the said poll, a person shall not, in or in the curtilage of a polling station or in any place within 50 metres of such station, for
the purpose of promoting the interest of a political party or furthering the candidature of a candidate or candidates or soliciting votes for a candidate or candidates or for any contrary purpose, do any or all of the following things:

(a) loiter or congregate with other persons;

(b) attempt to induce, by any means whatsoever, an elector to vote for a candidate or candidates or vote in a particular way or refrain from voting;

(c) display or distribute any notice, sign or poster (other than a notice, sign or poster displayed by the returning officer) or card, circular or other document relating to the election; or

(d) use or cause to be used any loud-speaker or other public address mechanism to broadcast matter relating to the election.

(3) For the purpose of this section, a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situate and the distance referred to in subsection (2) shall be measured from any entrance to the polling station or to the curtilage thereof.

(4) A person who contravenes subsection (1) or (2) is guilty of an offence.

161.—(1) A personation agent shall not, during the hours fixed under section 92 for the holding of the poll, leave the polling station to which the said agent is appointed without previously obtaining the permission of the presiding officer and depositing with the presiding officer all registers, books and documents in which the personation agent has made any note, writing or mark during the poll.

(2) A personation agent who contravenes subsection (1) is guilty of an offence and in addition shall not, save with the permission of the presiding officer, return to the polling station in question.

162.—(1) A person—

(a) who is registered in the register of electors but is not entitled to be so registered, or

(b) who is not registered in that register,

shall not vote at a mayoral election.

(2) A person who contravenes subsection (1) is guilty of an offence.

163.—A person who contravenes subarticle (8) or (9) of article 65 of the Local Elections Regulations (as applied by section 127) is guilty of an offence.

164.—A person who, between the date of publication of the notice of election and the date on which the return is made of the person elected to be Mayor under section 141, knowingly publishes a false
165.—Any person who, before or during a mayoral election, makes or publishes any statement which is likely to mislead voters as to the actual process of voting is guilty of an offence.

166.—A candidate or an agent of a candidate who handles a ballot paper during the counting of the votes at a mayoral election is guilty of an offence.

167.—Unauthorised inspection of any document which is a document mentioned in section 144 shall be an offence.

168.—A person who makes any agreement or enters into any undertaking in relation to the withdrawal of a petition presented under Chapter 17 in consideration of any payment or the cesser of the office of Mayor or for any substantial reason not stated in the affidavit referred to in section 186(3) is guilty of an offence.

169.—Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this Part may be instituted within 12 months from the date of the offence or, if the offence was committed in relation to a mayoral election as respects which proceedings questioning the election are held before a court, may be commenced within 12 months from the date of the offence or within 3 months from the decision of the court, whichever period last expires, but proceedings for an offence under this Part shall not be commenced after the expiration of the period of 2 years beginning on the date of the offence.

170.—(1) A person guilty of an offence under this Chapter (other than an offence mentioned in subsection (2)) is liable—

(a) on summary conviction, to a fine not exceeding €1,300 or imprisonment for a period not exceeding 6 months or both, or

(b) on conviction on indictment, to a fine not exceeding €3,200 or imprisonment for a period not exceeding 2 years or both.

(2) A person guilty of an offence under section 152, 161 or 166 is liable on summary conviction to a fine not exceeding €600 or imprisonment for a period not exceeding 3 months or both.

171.—Where any person is arrested under article 67 of the Local Elections Regulations (as applied by section 127) on a charge made by a personation agent that such person has committed the offence of personation and either such personation agent (or someone on the agent’s behalf) fails to appear before the court and support the charge, or the court acquits the person of having committed the offence and finds that the charge was made by the personation agent without reasonable or just cause, the court may, at the request of the person so charged but not otherwise, order the personation agent to pay to the person such sum not exceeding €600 as the court shall think proper by way of damages, and such sum when duly paid shall
be accepted by the person so charged in full satisfaction of all claims
by that person in respect of damages arising from the said charge
and arrest and detention thereon.

172.—In any civil or criminal proceedings in relation to an alleged
offence at a mayoral election, the certificate of the returning officer
of the due holding of the election or that a particular person was a
candidate at the election shall be *prima facie* evidence of the facts
stated therein and it shall not be necessary to prove the signature of
the returning officer or that the person was in fact such returning
officer.

**Chapter 16**

*Spending and Donations at an Election of the Mayor of Dublin*

173.—The Electoral Act 1997 is amended by the insertion of the
following Part after Part VIII:

“**PART IX**

**Donations and Election Expenses at a Mayoral election**

Interpretation (Part IX).

83.—(1) In this Part—

‘account’ means an account in an institution in the
State for the purpose of crediting and debiting
money received in respect of donations;

‘candidate’ means a person who on or before the
date of the making of the order appointing polling
day at a mayoral election is declared by himself or
herself or by others to be a candidate at that
election;

‘donation’ means any contribution given by any
person to a candidate at a mayoral election for the
purpose of promoting the election of the candidate
at that election or otherwise affecting the outcome
of that election or to a third party for the purpose
of promoting the election of a candidate at the
mayoral election or otherwise affecting the out-
come of that election, and includes all or any of
the following, namely—

(a) a donation of money,

(b) a donation of property or goods,

(c) conferring the right to use, without pay-
ment or other consideration, indefin-
itely or for a specified period of time,
any property or goods,

(d) the supply of services without payment
or other consideration therefor,

(e) the difference between the commercial
price charged for the purchase, acquis-
tion or use of property or goods, or
the supply of any service where the price, fee or other consideration is less than the commercial price, or

(f) in the case of a contribution made by a person in connection with an event organised for the purpose of raising funds for a candidate at a mayoral election, the proportion attributable to that contribution of the net profit (if any) deriving from the event;

‘institution’ means—

(a) the holder of a licence under section 9 of the Central Bank Act 1971,

(b) a building society incorporated or deemed to be incorporated under the Building Societies Acts 1989 and 2006, or a body incorporated in a corresponding manner under the law of any other Member State,

(c) a trustee savings bank within the meaning of the Trustees Savings Bank Act 1989,

(d) ACC Bank plc,

(e) An Post, or

(f) a person authorised in accordance with the European Communities (Licensing and Supervision of Credit Institutions) Regulations 1992, to carry on business in the State;

references to promoting the election of a candidate at a mayoral election or otherwise affecting the outcome of that election shall be construed as references to—

(i) promoting or opposing, directly or indirectly, the election of a candidate or soliciting votes for or against a candidate,

(ii) presenting the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the mayoral election or the comments of a candidate with regard to the policy or policies of a candidate at the mayoral election or otherwise,

(iii) otherwise influencing the outcome of the mayoral election;

‘mayoral election agent’ has the meaning assigned to it by section 89;
‘person’ shall include an individual, a body corporate and an unincorporated body of persons (including a political party) and a body corporate and any subsidiary thereof shall be deemed to be one person;

‘political party’ means a political party registered in the Register of Political Parties in accordance with section 25 of the Act of 1992 as a party organised to contest a Dáil election or a European election or a local election or mayoral election or all or any combination of such elections;

‘responsible person’, in relation to a third party, means the person or persons responsible for the organisation, management or financial affairs of the third party;

‘returning officer’ means a returning officer at a mayoral election;

‘third party’, in relation to a mayoral election, means any person, other than a political party registered in the Register of Political Parties under Part III of the Act of 1992, or a candidate at a mayoral election, who, in any particular year, accepts a donation the value of which exceeds €127.

(2) For the purposes of this Part, none of the following is a donation:

(a) any payment, service or facility provided to a candidate out of public funds or moneys provided by an institution of the European Union or other intergovernmental organisation to which the State is a party (whether pursuant to this Act, the Oireachtas (Allowances to Members) Acts 1938 to 1998, the Ministerial and Parliamentary Offices Acts 1938 to 2009, the European Assembly (Irish Representatives) Act 1979, European Parliament Elections Act 1997, or otherwise) by virtue of being a member of either House of the Oireachtas, the holder of a qualifying office (within the meaning of the Ministerial and Parliamentary Offices Acts 1938 to 2009), the holder of a position referred to in the Oireachtas (Allowances to Members) (Amendment) Act 1994, a member of the European Parliament, the holder of an elective or other public office or a member of, delegate to or representative in a body established by or under an agreement or arrangement to which the State is a party;

(b) benefits derived from—
(i) a service rendered by an individual on behalf of a candidate at a mayoral election, including the use of the individual’s motor vehicle, where that service is gratuitous and is not part of the individual’s work carried out under a contract of employment, or where the individual is self employed, in the course of the individual’s business or in the practice of the individual’s profession, or

(ii) a service rendered at a mayoral election by an individual in the employment of a political party, including the use of the individual’s motor vehicle, whether the individual’s remuneration is paid out of the party’s resources or out of public funds, on behalf of a candidate at the mayoral election where the individual is not in receipt of any reward or benefit in kind other than his or her normal remuneration (including recoupment of expenses) in consideration of that service;

(c) the publication in a newspaper, magazine or other periodical publication or the broadcast on radio or television of news, reports, articles, features, editorial or other comments, including the publication of letters to the editor, where such publication or broadcast is effected in the same manner as that of other material relating to issues of public interest or concern, and the newspaper, magazine or other periodical publication is not published for the purpose of promoting the interests of a candidate at a mayoral election;

(d) the transmission on radio or television free of charge of a broadcast on behalf of a candidate;

(e) election expenses incurred by a political party on behalf of a candidate at a mayoral election other than a donation of money.

(3) For purposes of this Part, a donation, whether made directly or through any intermediary, shall be deemed to be made to a candidate at a mayoral election if it is made to the candidate concerned or to any agent or other person acting for the said candidate and any reference to a donation or the acceptance thereof shall be construed accordingly.
84.—(1) A candidate at a mayoral election or third party shall not, directly or through any intermediary, accept a donation exceeding €127 in value unless the name and address of the person by or on whose behalf the donation is made are known to the candidate.

(2) Where, notwithstanding subsection (1), a donation, acceptance of which is prohibited by that subsection, is made to a candidate at a mayoral election or third party, the mayoral election agent of the candidate concerned or third party shall, in the statement to be furnished under section 85, or the certificate to be furnished under section 87 include particulars of such donation and shall, at the same time as the statement under section 85 is furnished, remit the donation or the value thereof to the Standards in Public Office Commission.

(3) The Standards in Public Office Commission shall dispose of all moneys, property or goods received under subsection (2) in such manner as may be directed by the Minister for Finance.

85.—(1) Not later than the fifty-sixth day after the polling day at a mayoral election, the mayoral election agent of each candidate at the election shall furnish to the Standards in Public Office Commission a written statement, signed by the mayoral election agent and the candidate concerned, in the form directed by the said Commission, to be known, and referred to in this Part, as a 'mayoral election donation statement', indicating whether, in relation to the election, the candidate received a donation exceeding €635 in value including donations received at any time before the date of the order appointing polling day at the election and stating in respect of each such donation (if any)—

(a) the value of the donation, and

(b) the name, description and postal address of the person by or on whose behalf the donation was made.

(2) A statement furnished pursuant to subsection (1) shall be accompanied by—

(a) a statutory declaration made by the mayoral election agent concerned, and

(b) a statutory declaration made by the candidate concerned,

that, to the best of his or her knowledge and belief, the statement is correct in every material respect and that he or she has taken all reasonable action in order to be satisfied as to the accuracy of the statement.
Where the Standards in Public Office Commission requests additional or supplemental information in relation to a mayoral election donation statement, such information shall be provided by the mayoral election agent concerned and shall be in a form directed by the Commission, accompanied, if the Commission so requests, by—

(a) a statutory declaration made by the mayoral election agent concerned, and

(b) a statutory declaration made by the candidate concerned,

that, to the best of his or her knowledge and belief, the information is correct in every material respect and that he or she has taken all reasonable action in order to be satisfied as to the accuracy of the information.

It shall be the duty of every person who is required to furnish a statement or make a declaration pursuant to this section to make such enquiries and maintain such records as are necessary for the purpose of furnishing the statement or making the declaration.

Where a person makes more than one donation to the same candidate in relation to the same mayoral election all such donations shall for the purposes of this section be treated as a single donation.

Limits on donation amounts.

86.—(1) Without prejudice to subsection (2), none of the following persons, namely—

(a) a candidate,

(b) a mayoral election agent, or

(c) a third party at a mayoral election,

shall directly or through any intermediary, accept from a particular person in a particular year a donation the value of which exceeds—

(i) in case the first-mentioned person falls within paragraph (a) or (b), €2,540, or

(ii) in case the first-mentioned person falls within paragraph (c), €6,350.

(2) None of the persons referred to in any of paragraphs (a), (b) or (c) of subsection (1) shall, directly or through any intermediary, accept a donation of whatever value given by—

(a) an individual (other than an Irish citizen) who resides outside the island of Ireland, or

(b) a body corporate or unincorporated body of persons which does not keep
an office in the island of Ireland, being
an office from which the carrying on of
one or more of its principal activities
is directed.

(3) For the avoidance of doubt, if section 23A
or 48A, or section 19B of the Local Elections
Disclosure of Donations and Expenditure) Act
1999, falls to be applied to anything referred to in
subsection (1) or (2), the said section 23A, 48A or
19B (as the case may be) and subsection (1) or (2)
shall be construed as permitting only one donation
of the value of €2,540 or €6,350, as the case may
be (or two or more donations of a total value of
the said amount) to be received from a particular
person in relation to the same matter.

(4) Where a person makes more than one
donation in relation to the same mayoral election
to the same candidate, mayoral election agent or
third party all such donations shall, for the pur-
poses of this section, be aggregated and treated as
a single donation received by the person con-
cerned and references in subsequent provisions of
this section to a donation the acceptance of which
is prohibited by subsection (1) shall be construed
accordingly.

(5) Where notwithstanding subsection (1) or
(2), a donation, the acceptance of which is pro-
hibited by either subsection, is made to a person,
mayoral election agent or third party, as the case
may be, or, in the case of a donation to the first-
mentioned person which is made after the
appointment by him or her of a mayoral election
agent, the mayoral election agent, shall not later
than 14 days after the receipt of the donation,
either—

(a) return the donation, or in the case of a
donation referred to in subsection (1)
which is a monetary donation the part
of it exceeding the limit concerned, to
the donor and keep a written record of
that return for the purposes of its being
furnished to the Standards in Public
Office Commission, if required by it, or

(b) notify the Standards in Public Office
Commission of such receipt and remit
the donation, or, in the case of a
donation referred to in subsection (1)
which is a monetary donation, the part
of it exceeding the limit concerned or
the value thereof, to the Commission.

(6) If a donation is accepted by or on behalf
of a candidate at a mayoral election before the
appointment by the candidate of a mayoral elec-
tion agent, the candidate shall furnish to the rel-
vant agent details of such donations, together
with the relevant documentation, and thereafter
the mayoral election agent shall be responsible for
furnishing the relevant statement to the Standards in Public Office Commission.

87.—(1) Where a candidate at a mayoral election, a mayoral election agent or a third party receives a monetary donation the value of which exceeds €127, there shall be opened and maintained—

\( (a) \) in the case of such receipt by the candidate before the appointment by him or her of a mayoral election agent, by the candidate,

\( (b) \) in the case of such receipt by the candidate after such an appointment is made, by that agent, and

\( (c) \) in any other case, by the mayoral election agent or third party at a mayoral election, as the case may be,

an account at an institution in the State and there shall be lodged to that account by the person who has opened it that donation and any further monetary donations received by him or her or it.

(2) A mayoral election agent shall ensure that a donation statement furnished by him or her under section 85 to the Standards in Public Office Commission is accompanied by—

\( (a) \) a statement provided by the institution referred to in subsection (1) with which he or she or the candidate for whom he or she is a mayoral election agent has opened the account referred to therein specifying the transactions that have taken place in relation to the account during the period beginning on the date of opening of the account and ending on polling day at the mayoral election, and

\( (b) \) a certificate, in the form directed by the Standards in Public Office Commission, signed by the mayoral election agent, stating that all monetary donations received during the said period by him or her or the candidate for whom he or she is such an agent were lodged to the said account and all amounts debited from that account were used for promoting the election of the said candidate or otherwise affecting the outcome of the said election.

(3) A third party shall, not later than 56 days after polling day at a mayoral election, furnish to the Standards in Public Office Commission a statement provided by the institution referred to in subsection (1) with which the third party has
opened the account referred to therein specifying the transactions that have taken place in relation to the account during the period beginning on the date of opening of the account and ending on polling day at the mayoral election, together with a certificate, in a form directed by the Commission, signed by the third party, stating that all monetary donations received during the said period by the third party were lodged to the said account and all amounts debited from that account were used for promoting the election of a candidate at the mayoral election or otherwise affecting the outcome of the mayoral election.

(4) The certificate furnished pursuant to subsection (2) or (3) shall be accompanied—

(a) by a statutory declaration made by the person by whom the certificate is furnished, and

(b) where the certificate is furnished by a mayoral election agent, by a statutory declaration made by the candidate,

that, to the best of his or her knowledge and belief, the certificate is correct in every material respect and that he or she has taken all reasonable action in order to be satisfied as to the accuracy of the certificate.

(5) The Standards in Public Office Commission shall retain the statements, certificates and statutory declarations furnished to it pursuant to subsection (2), (3) or (4) and shall not disclose the contents of those statements, certificates or declarations unless ordered by a Court to do so or save when such disclosure is required in connection with an investigation held by the Commission.

Registration of third parties. 88.—As soon as may be after the receipt by it of a donation the value of which exceeds €127 and before incurring any expenses for the purposes of promoting the election of a candidate at a mayoral election or otherwise affecting the outcome of such an election or, as the case may be, incurring, subsequent to that receipt, any further such expenses a third party at a mayoral election shall furnish to the Standards in Public Office Commission in writing—

(a) the name and address of the third party and the name and address of the responsible person or each responsible person in relation to the third party,

(b) a statement of the nature, purpose and estimated amount of the donations to, and proposed expenses of, the third party in any year, and
(c) an indication of the third party’s connection (if any) with any political party or candidate at the election.

89.—(1) (a) Before incurring any election expenses at a mayoral election, each candidate shall appoint an agent (in this Part referred to as ‘mayoral election agent’) for the purposes of this Part and to assist the candidate generally in relation to the election and shall, not later than the last day for receiving nominations at the mayoral election, notify in writing the name of the mayoral election agent and the address of the office of the mayoral election agent to the returning officer for the mayoral election.

(b) A candidate may appoint himself or herself as mayoral election agent, and shall, on so doing, so far as circumstances permit, be subject to the provisions of this Part both as a candidate and as a mayoral election agent and, except where the context otherwise requires, any reference in this Part to a mayoral election agent shall be construed as including a reference to the candidate acting as mayoral election agent.

(2) Where a candidate has not, at the time referred to in subsection (1)(a), notified the returning officer for the mayoral election the name of the mayoral election agent appointed by the candidate and the address of the agent’s office, the candidate shall be deemed to have appointed himself or herself as mayoral election agent and to have revoked the appointment of any other person as mayoral election agent and the candidate shall be subject to the provisions of this Part as a candidate and as mayoral election agent.

(3) A candidate may at any time, revoke the appointment of a mayoral election agent appointed by the candidate under this section.

(4) (a) If, before the mayoral election donation statement and the statement of election expenses has been furnished to the Standards in Public Office Commission in accordance with sections 85 and 96, the appointment of a mayoral election agent is revoked, or a person appointed as such mayoral election agent dies, resigns or is otherwise unable to act, the candidate shall forthwith appoint another mayoral election agent and shall notify in writing the name of the person so appointed and the address of the person’s office to the mayoral returning officer.
(b) (i) Where a candidate at a mayoral election who has appointed himself or herself as mayoral election agent dies before a statement of election expenses has been furnished by him or her in accordance with section 96 the personal representative of the candidate may appoint another mayoral election agent in respect of the candidate.

(ii) The personal representative of a candidate referred to in subparagraph (i) may appoint himself or herself as mayoral election agent in respect of that candidate.

(c) The provisions of this section shall apply to a mayoral election agent appointed under this subsection.

(5) The mayoral returning officer shall as soon as may be notify the Standards in Public Office Commission in writing and give public notice of the name and the address of the office of every mayoral election agent appointed or deemed to have been appointed under this section.

(6) A mayoral election agent appointed or deemed to have been appointed under this section shall have an office or place in or convenient to the Dublin Region Electoral Area (within the meaning of Part 7 of the Act of 2011) to which claims, notices, writs, summonses and other documents may be sent.

(7) Any claim, notice, writ, summons or document delivered at the office or place of a mayoral election agent of a candidate and addressed to such mayoral election agent shall be deemed to have been served on the mayoral election agent, and the mayoral election agent may in respect of any matter connected with the election be sued in any court having competent jurisdiction at the place where the office of the mayoral election agent is situated.

90.—(1) A contract (including a contract of employment and whether in writing or otherwise) by which any election expenses at a mayoral election exceeding €635 in value are incurred by or on behalf of a candidate at the election shall be made by the mayoral election agent of the candidate and shall not be enforceable against the said candidate or mayoral election agent unless so made.

(2) Nothing in this section shall prejudice the right of any person who is a party to a contract to recover from any other such person any moneys, property, goods or services due to the first-mentioned person on foot of such contract.
Expenses and payments at mayoral election.

91.—(1) (a) In this Part ‘election expenses’ means all expenses falling within paragraph (b) incurred in the provision of property, goods or services for use at a mayoral election during the period referred to in subsection (3) in order—

(i) to promote or oppose, directly or indirectly, the election of a candidate at the mayoral election or to solicit votes for or against a candidate,

(ii) to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the mayoral election or the comments of a candidate on the policy or policies of another candidate at the mayoral election; or

(iii) otherwise to influence the outcome of a mayoral election.

(b) The expenses mentioned in the foregoing definition of ‘election expenses’ shall be those, and only those, set out, in the Schedule to this Act.

(2) Where property, goods or services are provided to a candidate at a mayoral election without payment or other consideration therefor or at a price which is less than the commercial price, the provision of the property, goods or services shall be deemed to be an election expense and the property, goods or services shall be deemed to have been provided at the commercial price and shall be accounted for accordingly by the mayoral election agent in the statement to be furnished under section 96 to the Standards in Public Office Commission.

(3) The following shall be reckoned for the purposes of this Part and shall be included in the statement to be furnished to the Standards in Public Office Commission under section 96:

(a) all election expenses incurred by or on behalf of a candidate at a mayoral election at any time during the period specified by an order made by the Minister under section 92(1);

(b) all election expenses incurred by or on behalf of a candidate at a mayoral election at any time before the commencement of the relevant period referred to in paragraph (a) for the provision of property, goods or services for use at the election during that period;
(c) all payments made in respect of the election expenses referred to in paragraphs (a) and (b).

(4) No election expenses shall be incurred at a mayoral election and no payment, advance or deposit shall be made in respect of such election expenses on behalf of a candidate at the mayoral election other than by the mayoral election agent of the candidate or such person or persons authorised for this purpose by the said mayoral election agent and subject to limits regarding expenditure and payment which shall be specified in such authorisation.

(5) Where any election expenses are incurred at a mayoral election by a body which—

(a) is a political party which supports the candidature of a candidate, or

(b) was established by or on behalf of a candidate, or by or on behalf of a political party which supports the candidature of the candidate, for the purpose of incurring election expenses or making payments in respect of such expenses or for any of the purposes referred to in subsection (1)(a), or

(c) is a member of or is a branch or subsidiary organisation (within the meaning of section 22(1)) of a political party which supports the candidature of the candidate, or

(d) is effectively controlled by the candidate or a political party which supports the candidature of the candidate or is or appears to be so connected with or associated with the candidate or a political party which supports the candidature of the candidate that a reasonable person would believe that it is controlled or substantially influenced by the candidate or political party,

such expenses shall be deemed to have been incurred on behalf of the candidate concerned and shall be accounted for accordingly by the mayoral election agent of the candidate and the provisions of this Part shall apply in relation thereto.

(6) Before incurring any expenses at a mayoral election a person (other than the mayoral election agent or a person authorised by any such mayoral election agent for the purpose of subsection (4)) who proposes to incur election expenses (within the meaning of this Part), shall furnish to the Standards in Public Office Commission in writing—
(a) the name, address and description of the person proposing to incur the expenses,

(b) a statement of the nature, purpose and estimated amount of such expenses, and

(c) an indication of the person’s connection (if any) with any candidate or with any political party which supports the candidature of a candidate at the mayoral election.

(7) Where, notwithstanding section 89(1)(a), election expenses are incurred by or on behalf of a candidate at a mayoral election before the appointment by the candidate of a mayoral election agent the candidate shall furnish to the mayoral election agent details of such expenses, together with all relevant vouchers, and such election expenses shall be deemed to be expenses incurred by the mayoral election agent.

(8) (a) It shall be the duty of the candidate concerned to furnish the relevant material referred to in subsection (7) to the relevant mayoral election agent in sufficient time to enable the mayoral election agent to carry out his or her duties under section 96.

(b) A candidate who fails to comply with this section is guilty of an offence.

(9) Every payment of election expenses made pursuant to this Part shall, where the said payment exceeds €127, be supported by a voucher stating the particulars of the transaction to which it relates.

(10) The publisher of a newspaper, magazine or other periodical publication shall not, other than at the request of a candidate at a mayoral election or the mayoral election agent of such candidate, or a person authorised in writing by such candidate or mayoral election agent, publish any advertisement or notice in relation to a mayoral election purporting to promote or oppose, directly or indirectly, the interests of a candidate at that election unless the person produces to the said publisher a certificate from the Standards in Public Office Commission that that person has complied with subsection (6) in relation to that election.

(11) This section shall not be construed to prevent or restrict the lawful publication of any matter in relation to an election in a newspaper or other publication or the broadcast of such matter by radio or television or the lawful expression of opinion on any matter of public interest by any person.
92.—(1) After the Minister has made an order under subsection (1) or (4) of section 92 of the Act of 2011, he or she may by order specify the period during which election expenses at the election concerned shall be reckoned for the purposes of this Part.

(2) An order under subsection (1) shall specify—

(a) a date not less than 50 and not more than 60 days prior to the polling day at the election concerned, as the date on which the period shall commence, and

(b) the polling day at the election concerned, as the date on which the period shall end.

(3) The spending period at a mayoral election (other than one to which subsection (1) applies) shall continue for the same period as may be fixed by the Minister by order under section 12B (inserted by section 4 of the Electoral (Amendment) (No. 2) Act 2009) of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, for local elections.

(4) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

93.—(1) The aggregate of election expenses which may be incurred by or on behalf of a candidate at a mayoral election in connection with his or her candidature shall not exceed €200,000.

(2) Expenditure by a political party at the election on behalf of a candidate whose candidature is authenticated by the party shall be deemed to be expenditure incurred by the candidate and shall be accounted for accordingly by the candidate’s election agent.

(3) Election expenses incurred pursuant to this section by a political party shall be deemed for the purposes of section 97 to be expenses incurred by the candidate.

94.—Notwithstanding anything contained in any other enactment, every claim in respect of election expenses against the mayoral election agent of a candidate at a mayoral election or a person referred to in section 91(6) which is not delivered to the election agent or person concerned on or before the forty-fifth day after the polling day at the election shall not be paid and shall not be
enforceable against the said mayoral election agent or person.

95.—If the mayoral election agent of a candidate at a mayoral election or a person referred to in section 91(6) disputes any claim delivered to the election agent or person concerned within the period allowed for delivery of such claims under section 94, the person by whom the claim is made may apply to a court of competent jurisdiction for an order for payment of the claim and the court may, on being satisfied that the claim should be paid, make an order for payment and specify the amount which is payable.

96.—(1) The mayoral election agent of a candidate at a mayoral election and every person who incurs election expenses under section 91(6) shall, within the 56 days next following the polling day at the mayoral election furnish to the Standards in Public Office Commission a statement in writing of all election expenses (whether paid or not) incurred by the agent or person at the election and the several matters to which such expenses relate, together with all relevant vouchers.

(2) Each statement of mayoral election expenses furnished pursuant to subsection (1) shall be in the form directed by the Standards in Public Office Commission and shall be accompanied—

(a) by a statutory declaration made by the mayoral election agent or person by whom the statement is furnished, and

(b) (other than where the statement is furnished pursuant to subsection (6) or by a person referred to in section 91(6)) by a statutory declaration made by the candidate,

that to the best of his or her knowledge and belief, the statement is correct in every material respect and that he or she has taken all reasonable action in order to be satisfied as to the accuracy of the statement.

(3) Where the Standards in Public Office Commission requests additional or supplemental information in relation to a statement of election expenses under this section, such information shall be provided by the mayoral election agent or person who furnished the statement and shall be in a form, directed by the Commission, accompanied, if the Commission so requests—

(a) by a statutory declaration made by the mayoral election agent or person by whom the statement is furnished, and

(b) (other than where the statement is furnished pursuant to subsection (6) or by
a person referred to in section 91(6))
by a statutory declaration made by
the candidate,

that to the best of his or her knowledge and belief,
the information is correct in every material respect
and that he or she has taken all reasonable action
in order to be satisfied as to the accuracy of the
information.

(4) Where, after the statement of election
expenses is furnished under this section, an order
for payment of a claim is made by a court under
section 95 the mayoral election agent or person
referred to in section 91(6) shall, not later than 7
days after the date of the order of the court, fur-
nish to the Standards in Public Office Commission
a copy of the said order together with a statement
of the sum payable under the order.

(5) It shall be the duty of every person who is
required to furnish a statement of election
expenses or make a declaration pursuant to this
section, to make such enquiries and maintain such
records as are necessary for the purpose of fur-
nishing the statement or making the declaration.

(6) Where a candidate standing nominated at
the election dies—

(a) in any of the circumstances referred to in subsection (1), (2) or (3) of section 118 of the Act of 2011,
or

(b) after the close of poll at the mayoral
election and before a statement of
election expenses has been furnished
to the Standards in Public Office Com-
mission in respect of that candidate,

the mayoral election agent of the said candidate
shall, notwithstanding the death of the candidate,
furnish a statement of the election expenses of the
candidate in accordance with this section.

(7) This section shall apply to a mayoral election agent appointed under section 89(4)(b), sub-
ject to the proviso that the statement of election expenses to be furnished by the said election agent
shall be furnished to the Standards in Public Office Commission within the 56 days next following poll-
ing day at the election or as soon as practicable after the expiration of that period.

97.—(1) (a) Subject to paragraphs (b), (c) and
(d), election expenses shall be reim-
bursed to a candidate at a mayoral
election who—

(i) is elected at the election; or

(ii) is not so elected but the greatest
number of votes credited to him
or her at any stage of the counting
of the votes at the election
exceeds one quarter of the quota.

(b) (i) The amount of election expenses
which may be reimbursed to a
candidate under this section shall
be the actual expenses incurred by
the candidate or €33,140, which-
ever is the less.

(ii) Election expenses deemed to have
been incurred by a candidate of a
political party under section 93(2)
shall be reckoned for the purposes
of this section.

(c) Subject to paragraph (d), payments in
respect of the reimbursement of elec-
tion expenses under this section shall
be made by the Minister for Finance
out of the Central Fund or the growing
produce thereof to each candidate
referred to in paragraph (a), who
applies therefor to the Standards in
Public Office Commission in a form
directed by the Commission.

(d) No payment in respect of the reim-
bursement of election expenses of a
candidate shall be made unless and
until the Standards in Public Office
Commission has—

(i) certified to the Minister for Finance
that the relevant statement of
election expenses and statutory
declarations have been furnished
by the mayoral election agent of
the candidate to the Commission
under section 96 of this Act,

(ii) certified to the said Minister that
the said statement was completed
in accordance with guidelines
issued by the Commission under
section 4, and complies with the
provisions of this Part,

(iii) furnished to the Minister for Fin-
ce details of the amount of the
actual expenses incurred by the
candidate, including expenses (if
any) referred to in section 93(2) in
relation to the candidate, and

(iv) certified to the said Minister that a
mayoral election donation state-
ment has been furnished to the
Commission and such statement
was completed in accordance with
guidelines issued by the Com-
mission under section 4.
(e) The Standards in Public Office Commission shall furnish to the Minister for Finance, as soon as may be after consideration by it or an application for reimbursement of election expenses under paragraph (c) and the statement of election expenses furnished to it in respect of the candidate under section 96, the details referred to paragraph (d) in respect of each candidate who is eligible for reimbursement of election expenses at a mayoral election.

(f) (i) Where a candidate referred to in paragraph (a) dies after the close of the poll at a mayoral election and has not made an application for the reimbursement of election expenses under this section, an application for the reimbursement of the said candidate’s election expenses may be made by, and where appropriate, the payment may be made to, the personal representative of the candidate.

(ii) Where a candidate referred to in paragraph (a) dies after making an application for the reimbursement of election expenses under this section and before payment is made to the candidate, payment in respect of the reimbursement of the said candidate’s expenses may be made to the personal representative of the candidate.

(g) Every payment made to a candidate, or the personal representative of a candidate, as the case may be, under this section shall not be liable to income tax.

98.—(1) Subject to subsection (2), as soon as may be after the receipt of a statement—

(a) in relation to donations under section 85, or

(b) of election expenses under section 96,

the Standards in Public Office Commission shall cause a copy of the said statement to be laid before each House of the Oireachtas, together with, in the case of a statement referred to in paragraph (a), a copy of the statutory declarations referred to in section 85(2), and, in the case of a statement referred to in paragraph (b), a copy of the statutory declarations referred to in section 96 and any relevant court orders.

(2) Where an error or omission in a statement of election expenses is corrected or made good, as
the case may be, in accordance with section 4(2),
the Standards in Public Office Commission shall
cause a copy of the said statement as so corrected
to be laid before each House of the Oireachtas.

99.—(1) In any legal proceedings arising from
the provisions of this Part, where in the case of—

(a) a candidate at a mayoral election, the
mayoral election agent of the candidate fails to furnish to the Standards in
Public Office Commission a statement
of election expenses or any part of
such statement or a statutory declar-
ation which he or she was required to
furnish under section 96 or there is an
error, omission or false or misleading
statement therein,

(b) the mayoral election agent of a candi-
date at a mayoral election, such agent
fails to furnish to the Standards in
Public Office Commission a statement
of election expenses or any part of
such statement or a statutory declar-
ation which he or she was required to
furnish under section 96 or there is an
error, omission or false or misleading
statement therein, or

(c) a person referred to in section 91(6), the
person fails to furnish to the Standards
in Public Office Commission a state-
ment of election expenses or any part
of such statement or a statutory declar-
ation which the person was required to
furnish under section 96 or there is an
error, omission or false or misleading
statement therein,

the following provisions shall apply.

(2) Where it is shown to the court that the fail-
ure, error, omission or false or misleading state-
ment arose—

(a) due to the illness of a party to the pro-
ceedings,

(b) where a party to the proceedings is a
candidate at the mayoral election, due
to the death, illness, absence or mis-
conduct of his or her mayoral election
agent or of any employee of such
mayoral election agent,

(c) where a party to the proceedings is the
mayoral election agent of a candidate
at the mayoral election, due to the
death, illness, absence or misconduct
of any person who had previously been
such mayoral election agent, or of any
employee of the election agent,
(d) where a party to the proceedings is a person referred to in section 91(6), due to the death, illness, absence or misconduct of any employee of such person, or

(e) due to inadvertence or other reasonable cause not involving negligence on the part of such party to the proceedings, or the contravention, knowingly, by such party of the provisions of this Part,

and was not due to any lack of bona fides on the part of such party to the proceedings and where the proceedings are based wholly or partly on the grounds of misconduct on the part of any person, such misconduct was without the approval or knowledge of such party to the proceedings and such party took all reasonable action to prevent such misconduct, the court may on application to it by such party, on being satisfied that it is appropriate to do so, make such order granting relief for the failure, error, omission or false or misleading statement the subject of the proceedings, as it considers reasonable.

(3) Without prejudice to the generality of subsection (2), where it is proved to the court by a candidate that—

(a) any act or omission of the mayoral election agent of such candidate in relation to the statement of election expenses furnished by him or her was without the approval or knowledge of the candidate, and

(b) the candidate took all reasonable action to prevent the act or omission,

the court shall relieve the candidate from the consequences of the act or omission of his or her mayoral election agent.

(4) An order under subsection (2)—

(a) shall relieve the candidate, mayoral election agent or person, as the case may be, the subject of the proceedings from any liability or consequences under this Act or the Local Elections Regulations 1995 (S.I. No. 297 of 1995), as applied to mayoral elections, and

(b) may make the granting of the relief conditional on the furnishing of a statement of election expenses in a modified form or within an extended period of time and subject to compliance with such other conditions as seem proper.
to the court in order to give effect to the provisions of this Part.

100.—(1) Where, in dealing with legal proceedings referred to in section 99, it appears to the court that any person who is, or has been, the mayoral election agent of a candidate at a mayoral election has refused or failed to furnish a statement of election expenses, or to furnish the particulars necessary to enable the provisions of this Part in relation to the furnishing of the statement of election expenses to be complied with, the court may, before making an order under the said section 99, order that person to attend before it.

(2) Unless a person referred to in subsection (1) shows cause to the contrary, the court may order that person—

(a) to furnish the statement of election expenses to the Standards in Public Office Commission, or

(b) to furnish such particulars in the possession or procurement of that person as may be required for the purpose of furnishing such statement, as the court thinks fit, within such period, to such person and in such manner as it directs, and may require that person to provide such explanation of such particulars as the court directs.

101.—Without prejudice to the operation of section 103, where the total of the election expenses incurred or deemed to have been incurred by the mayoral election agent of a candidate at a mayoral election exceeds the relevant amount calculated in accordance with section 93, the Minister for Finance shall, on the recommendation of the Standards in Public Office Commission, deduct an amount equal to such excess from any sum which may be payable or become payable as a reimbursement of election expenses to the said member under section 97.

102.—(1) Where a fresh election is held under section 118 of the Act of 2011, the original election shall be deemed to have been an election for the purposes of this Part and the provisions of this Part including section 96 shall be complied with in relation to the original election by the mayoral election agent of each surviving candidate.

(2) The limits on election expenses at the fresh election for surviving candidates and candidates nominated at the fresh election shall be the relevant amount specified in section 93(1) or an order for the time being in force under section 3(1) (amended by section 199(b) of the Act of 2011).

103.—(1) A person is guilty of an offence if he or she—
(a) incurs election expenses, or

(b) makes any payment, advance or deposit in respect of such expenses,

on behalf of a candidate at a mayoral election, unless the person is the mayoral election agent of that candidate or a person acting in accordance with an authorisation from such mayoral election agent.

(2) A person is guilty of an offence if he or she contravenes—

(a) section 84, 86, 88, 93 or 96,

(b) subsection (1) or (2) of section 85,

(c) subsection (1), (2), (3) or (4) of section 87, or

(d) subsection (6) or (10) of section 91.

(3) A person is guilty of an offence if, in contravention of section 94, he or she pays any claim in respect of election expenses.

(4) (a) A mayoral election agent who, in purported compliance with section 85, furnishes to the Standards in Public Office Commission a mayoral election donation statement that is false or misleading in any material respect is guilty of an offence.

(b) A mayoral election agent or candidate who, in purported compliance with section 85 or subsection (4) of section 87, furnishes to the Standards in Public Office Commission a statutory declaration that is false or misleading in any material respect is guilty of an offence.

(c) A mayoral election agent who, in purported compliance with subsection (2) of section 87, furnishes to the Standards in Public Office Commission a statement to which paragraph (a) of that subsection applies or a certificate to which paragraph (b) of that subsection applies that is false or misleading in any material respect is guilty of an offence.

(d) A person who, in purported compliance with subsection (1) of section 96, furnishes to the Standards in Public Office Commission a statement that is false or misleading in any material respect is guilty of an offence.

(e) A person who, in purported compliance with subsection (2) or (3) of section 96,
furnishes to the Standards in Public Office Commission a statutory declaration that is false or misleading in any material respect is guilty of an offence.

(5) Subject to subsection (6), a person guilty of an offence under this section is liable, on summary conviction, to a fine not exceeding €1,300.

(6) A person guilty of an offence under subsection (4) is liable—

(a) on summary conviction, to a fine not exceeding €1,300, or

(b) on conviction on indictment, to a fine not exceeding €25,000 or imprisonment for a term not exceeding 3 years or both.

(7) A person guilty of an offence under—

(a) subsection (1) of section 85,

(b) subsection (2), (3) or (4) of section 87, or

(c) subsection (1) of section 96, is, on each day after having been convicted of that offence on which he or she continues to contravene that subsection, guilty of an offence and is liable on summary conviction to a fine not exceeding €130.

(8) It shall be a defence to proceedings for an offence consisting of a contravention of section 93 for a person to show that he or she did not know and had no reasonable grounds for believing that he or she incurred election expenses greater than the aggregate specified in that section.

(9) Proceedings for an offence under this Part shall not be brought except by, or with the consent of, the Director of Public Prosecutions.”.

Chapter 17

Petitions

174.—In this Chapter—

“costs” includes charges and expenses;

“electoral offence” means—

(a) an offence under Chapter 15, or

(b) an offence under Part IX (inserted by section 165) of the Electoral Act 1997;

“petition” means a petition presented under this Chapter.
175.—(1) A mayoral election may, and may only, be questioned by a petition to the High Court.

(2) Subject to subsection (3), a petition shall not be presented to the High Court unless that court, on application made to it in that behalf by or on behalf of the person proposing to present the petition not later than 14 days after the day on which the returning officer declares under section 140 the result of the poll, by order grants leave to the person to do so.

(3) Where a person applying for leave to present a petition to the High Court alleges bribery and specifically alleges a payment or other consideration to have been made or to have passed after the declaration by the returning officer under section 140 of the result of the poll, notwithstanding the fact that another petition relating to the same election may have been previously presented or tried, the application to the Court may be made not later than 14 days next after the day on which the said payment or consideration is alleged to have been made or to have passed.

(4) Where a petition alleges an irregularity or non-compliance with any provision of Part IX (inserted by section 173) of the Electoral Act 1997 whether before or after the declaration by the returning officer under section 140 of the result of the poll, notwithstanding the fact that another petition relating to the same election may have been previously presented or tried, leave of the High Court to present a petition under subsection (2) may be applied for not later than 14 days next after the laying of a copy of a statement of election expenses before each House of the Oireachtas in accordance with section 98 (inserted by section 173) of the Electoral Act 1997.

(5) An application for leave to present a petition may be made by any person who is registered or entitled to be registered as a local government elector in the Dublin Region Electoral Area.

(6) Without prejudice to subsection (5), where it appears to the Director of Public Prosecutions that a mayoral election may have been affected by the commission of an electoral offence, the Director may question the election pursuant to this Chapter.

(7) The High Court shall not grant leave to present a petition unless it is satisfied—

(a) that there is prima facie evidence of a matter referred to in section 179 in relation to which the petition questions the election concerned, and

(b) that the said matter is such that it is likely to have materially affected the result of the election.

176.—(1) A petition shall be presented by being lodged in the Central Office of the High Court not later than 3 days after the grant of leave by the High Court under section 175.

(2) Where a petition has been lodged with the court the petitioner shall, as soon as may be, give a copy of the petition to—

(a) any person to whose election the petition relates,

(b) the Minister,

(c) the returning officer,
Security for costs. 177.—(1) Subject to subsections (2) and (4), a petition shall not be accepted for lodgement with the court unless the petitioner lodges with the petition security in the sum of €6,350 for costs which may become payable by the petitioner.

(2) Where the court is satisfied that a petitioner is unable to lodge the amount specified in subsection (1) or that to require a petitioner to lodge the said amount would cause the petitioner serious hardship, the court may require the petitioner to lodge such lesser amount as the court considers appropriate.

(3) The security required to be given by this section shall be given either by recognisances entered into by any number of sureties satisfactory to the court not exceeding 4 or by a deposit of money, or partly in one way and partly in the other.

(4) This section shall not apply to a petition presented by the Director of Public Prosecutions.

Particulars in petition. 178.—A petition shall be signed and dated by the petitioner and shall specify—

(a) the mayoral election to which it relates,

(b) the grounds on which it is based,

(c) the remedy it seeks, and

(d) the name and address of the petitioner and of the petitioner’s solicitor or agent, if any.

Grounds for petition. 179.—(1) A mayoral election may be questioned on the grounds that the result of the election was likely to have been affected by:

(a) want of eligibility under section 89;

(b) the commission of an electoral offence;

(c) the obstruction of, interference with, or other hindrance to the conduct of the election;

(d) mistake or other irregularity; or

(e) failure by the returning officer to complete or otherwise to conduct the election in accordance with law.

(2) A mayoral election shall not be declared invalid by reason of non-compliance with Part IX (inserted by section 173) of the Electoral Act 1997, or any mistake in the use of forms provided for in that Part, if it appears to the court that a candidate or party, as the case may be, complied with the principles laid down in that Part taken as a whole and that such non-compliance or mistake did not materially affect the result of the election.
(3) Notwithstanding any other provision of this Chapter, a petition shall not be dismissed on account of an informality in its contents which does not materially affect its substance.

180.—(1) A petition shall be tried by the High Court and references to the court in this Chapter shall be construed as references to the High Court.

(2) The following shall have effect in relation to the trial of a petition:

(a) in fixing the date for and conducting the trial, the court shall deal with the matter as soon as reasonably practicable;

(b) notwithstanding the death of any person to whose election the petition relates, the resignation of a person as Mayor or a person otherwise ceasing to be Mayor, the court shall have power to continue the trial if it considers it to be in the interests of justice to do so;

(c) the Director of Public Prosecutions may at any stage be represented at and take part in the trial as a party, whether on the Director’s own motion or at the request of the court;

(d) the returning officer for the Dublin Region Electoral Area shall, at the request of the court, attend the trial and give such assistance as shall be requested of such officer by the court, but without prejudice to the officer being a party to the proceedings or being called as a witness by any such party.

181.—(1) The court may, for the purposes of the trial of a petition questioning a mayoral election, if it thinks fit, order—

(a) that all the votes cast at the election shall be counted afresh, or

(b) that all the votes so cast and recorded on the ballot papers contained in a particular parcel shall be so counted,

and where the court so orders, subsections (2) to (6) shall have effect.

(2) Votes to which an order under this section relates shall be counted afresh under the direction of the court and, subject to subsections (3) and (4) and to such modifications (if any) as the court considers necessary, Chapter 13 shall apply to such counting.

(3) Where votes are counted afresh pursuant to an order under this section, the court shall cause the following to be disregarded:

(a) preferences recorded on ballot papers which are invalid by virtue of section 135(1);

(b) preferences recorded on forged or counterfeited ballot papers; and

(c) preferences recorded for any person who, with respect to the mayoral election, is found by the court not to have been eligible for such election.
(4) The court shall have power to reverse any decision of the returning officer at the original count.

(5) The costs of giving effect to an order under this section shall be paid out of moneys provided by the Dublin local authorities.

(6) Each Dublin local authority shall, for the purposes of subsection (5), be liable for an amount that bears the same proportion to the aggregate of the costs referred to in that subsection as the number of persons recorded in the census report as residing in the local government area of that local authority bears to the number of persons so recorded residing in the Dublin Region.

182.—(1) At any stage of the trial of a petition the court may, if it so thinks proper, on its own motion or on the application of any party to the petition, state a case for the opinion of the Supreme Court on any question of law arising at the trial.

(2) Notwithstanding anything contained in this Chapter, where a case is stated under this section the court shall not determine the petition until the Supreme Court has given its decision and the court may adjourn the trial or any part thereof until such decision is given.

(3) Costs incurred in relation to a case stated under this section shall for all purposes be part of the costs incurred in relation to the petition.

183.—(1) At the trial of a petition the court shall determine the matter at issue in the petition and, if it does not dismiss the petition, shall where appropriate include in its order determining the matter at issue either—

(a) a declaration of the correct result of the mayoral election, or

(b) if it considers that it is unable to determine the correct result of the election, a declaration that the election or a specified part thereof was void together with a statement of its reasons for making the declaration.

(2) The court shall, as soon as practicable, give a copy of the order determining the petition to each of the following:

(a) any person to whose election the order relates;

(b) the Minister;

(c) the chief executive;

(d) the returning officer; and

(e) the Director of Public Prosecutions.

(3) The court shall have power to make such amendments in the return of the person elected made to the chief executive by the returning officer as it considers necessary in consequence of its decision on a petition.

184.—Any party to a petition may appeal on a question of law to the Supreme Court against a decision of the court on the petition.
and, subject to the foregoing, the decision of the court shall be final and not subject to appeal.

185.—(1) Subject to subsection (2), where the court declares that the whole or any part of a mayoral election was void, a fresh mayoral election shall be held in accordance with this Part to fill the resulting vacancy within the period of 3 months beginning on the date of the court's order.

(2) Notwithstanding subsection (1), it shall not be obligatory to hold a fresh mayoral election if a vacancy occurs in the office of Mayor pursuant to that subsection during the period commencing 12 months before the 1st day of May in any year in which an election referred to in section 26 of the Act of 2001 is required to be held.

186.—(1) A petition shall not be withdrawn without the leave of the court and in giving such leave the court shall be satisfied that the notice given by the petitioner pursuant to subsections (4) and (5) was reasonable.

(2) Where a petition is presented by more than one petitioner the court, before giving leave to withdraw a petition pursuant to subsection (1), shall be satisfied that all the petitioners agree to the withdrawal.

(3) Except in the case of a petition presented by the Director of Public Prosecutions, when applying for leave for the withdrawal of a petition, the petitioner shall submit to the court an affidavit stating—

(a) the reasons for the proposed withdrawal, and

(b) that, to the best of the petitioner's knowledge and belief, neither an agreement nor an undertaking has been made or entered into in relation to the withdrawal of the petition in consideration of any payment or the cesser of the office of Mayor or for any substantial reason not stated in the affidavit.

(4) Notice of intention to apply for leave to withdraw a petition shall be given by the petitioner by the publication in at least 2 daily newspapers circulating in the Dublin Region Electoral Area of a notice to that effect and the notice shall also state the time and place at which the application will be made and that any person may apply to the court to be substituted for the petitioner.

(5) Except in the case of a petition presented by the Director of Public Prosecutions, a copy of the affidavit referred to in subsection (3) together with notice of the time and place at which the application will be made shall be given by the petitioner to the Director of Public Prosecutions who may be represented at, and if the Director thinks fit, oppose the application.

(6) Where the petition has been presented by more than one petitioner, the affidavit referred to in subsection (3) shall, unless the court otherwise directs, be made by all the petitioners.

(7) The withdrawal of a petition pursuant to this section shall not affect the liability of any person (or of the estate of such person) for the payment of costs previously incurred.
Substitution of new petitioner following withdrawal.

187.—(1) On the hearing of an application for leave to withdraw a petition, any person who, under section 175, would be eligible to apply for leave to present a petition, may apply to the court to be substituted as a petitioner, and the court may, if it thinks fit, substitute that person accordingly.

(2) In case the court substitutes a petitioner under subsection (1) and is of the opinion that the application for leave to withdraw the petition was the result of any agreement or undertaking the making of which or the entering into which is an offence pursuant to section 168, the court may direct that the security for costs given by the original petitioner shall remain as security for the costs that may be incurred by the substituted petitioner and that, to the extent of the sum named in the security, the original petitioner and his or her sureties, if any, shall be liable to pay the costs of the substituted petitioner.

(3) Subject to subsection (2), a substituted petitioner shall, as nearly as may be, stand in the same position and be subject to the same liabilities as the original petitioner.

(4) In case the court substitutes a petitioner under subsection (1) and does not make a direction under subsection (2), or in case the court substitutes a petitioner under section 188, the security required by section 177 in the case of a new petition, and subject to the like conditions, shall be given by the substituted petitioner, and in case such security is not so given, no further proceedings shall be had on the petition and the petition shall abate, but the abatement shall not affect the liability of any person (or of the estate of such person) for the payment of costs previously incurred.

Abatement of petition.

188.—(1) A petition shall be abated by the death of a sole petitioner or of the survivor of several petitioners.

(2) The abatement of a petition under subsection (1) shall not affect the liability of the petitioner or any other person (or the estate of the petitioner or the estate of any other person) for the payment of costs previously incurred.

(3) At any time within 14 days next after the abatement of a petition under subsection (1), any person may apply to the court to be substituted as a petitioner and the court may, if it thinks fit, substitute that person accordingly, and where the court makes an order under this section the petition shall be revived.

Effect of certain declaration by court.

189.—(1) Where the order of the court determining the trial of a petition declares that a person was not duly elected as Mayor, or was not qualified for election as Mayor, or that the whole or part of a mayoral election was void, the person to whom the declaration relates shall cease to be Mayor on (but not before) the day next following the day on which a copy of the order of the court is given to the chief executive pursuant to section 183 and, subject to subsection (2), a vacancy shall exist accordingly.

(2) Where an order under subsection (1) declares that, in the place of a person declared by the order not to have been duly elected or not to have been eligible for election, a specified other person was ascertained to have been elected, that other person shall stand elected as Mayor on (but not before) the day next following the day on which a copy of the order is given to the chief executive pursuant to section 183.
(3) As soon as practicable after a copy of the order is given to the chief executive pursuant to section 183, the chief executive shall inform the members of the Authority of the terms of the order.

190.—No action shall be taken to fill a mayoral vacancy caused by the death or cesser as Mayor of a person who has died or resigned or otherwise ceased to be Mayor while the trial of a petition relating to that person is pending or proceeding.

191.—(1) The court shall be entitled of its own volition, at any time during the trial of a petition, to direct that a particular person shall be brought before the court and shall give evidence at the trial, and where the court so directs the cost of bringing the person before the court (including any moneys payable to the person as witness’s expenses) shall be regarded as part of the costs of the petition.

(2) Subject to subsection (3), a person who is called as a witness at the trial of a petition shall not be excused from answering any question relating to an electoral offence on the grounds that the answer to the question may incriminate or tend to incriminate that person or on grounds of privilege, provided that—

(a) a witness who satisfies the court that he or she has answered truly all the questions which the witness is required by the court to answer shall be entitled to receive from the court a certificate stating that the witness has so answered, and

(b) an answer by a witness who has received a certificate under paragraph (a) to a question put at the trial of a petition shall not, except in the case of any criminal proceeding for perjury in respect of the evidence, be in any proceeding, civil or criminal, admissible in evidence against the witness.

(3) Nothing in this section shall be construed as affecting the right of any party to a petition to call any person as a witness.

192.—(1) All costs, other than the costs of counting votes afresh under section 181, of and incidental to a petition shall be in the discretion of the court which shall have power to order such costs or any part of such costs of any party to the petition to be paid by any other such party, and, where the costs or any part of the costs of any such party are so ordered to be paid by the petitioner, the court shall, where necessary, make provision for the payment of those costs, to the extent of the amount named in the security given by the petitioner, out of or by means of such security.

(2) Without prejudice to subsection (1), where on the trial of a petition, it appears to the court that any person or persons committed an electoral offence in relation to the relevant mayoral election, the court may, after giving the person or persons an opportunity of being heard to show cause why the order should not be made, if it so thinks fit, order the whole or part of the costs of the petition other than the costs of counting votes afresh under section 181, to be paid by that person, or any of those persons.
Further provisions regarding costs.

193.—(1) Subject to subsection (4), the costs and other expenses incurred on behalf of a returning officer at the trial of a petition shall be paid out of moneys provided by the Dublin local authorities.

(2) Costs awarded to the returning officer at the trial of a petition shall be a simple contract debt due to the Dublin City Manager and such debt, in default of being discharged, may be recovered by the Dublin City Manager in any court of competent jurisdiction.

(3) Subject to subsections (4) and (5), costs awarded against the returning officer at the trial of a petition shall be paid out of moneys provided by the Dublin local authorities.

(4) Where the court is satisfied that the returning officer has been grossly negligent in the discharge of the duties of the office, the court may order that the officer shall be personally liable for any costs awarded against the officer by the court.

(5) Where an order is made under subsection (4) any costs awarded against the returning officer concerned, which are paid out of moneys provided by the Dublin local authorities shall be a simple contract debt due to the Dublin City Manager by the officer, and may be recovered by the Dublin City Manager in any court of competent jurisdiction.

(6) Each Dublin local authority shall, for the purposes of subsections (1) and (3), be liable to pay an amount that bears the same proportion to the aggregate of the costs and other expenses referred to in those subsections as the number of persons recorded in the census report as residing in the local government area of that local authority bears to the number of persons so recorded residing in the Dublin Region.

(7) The Dublin City Manager shall pay any costs recovered pursuant to subsection (2) or (5) to the Dublin local authorities.

(8) For the purpose of subsection (7), the Dublin City Manager shall pay to each of the Dublin local authorities an amount that bears the same proportion to the aggregate of the costs recovered pursuant to subsection (2) or (5) as the number of persons recorded in the census report as residing in the local government area of that local authority bears to the number of persons so recorded residing in the Dublin Region.

194.—A copy of an order, petition or other document that is required to be served on or given to a person under this Chapter, shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or

(c) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address.
Chapter 18

Miscellaneous

195.—Articles 121 and 123 of the Local Elections Regulations shall, subject to the modifications specified in section 87(2), apply and have effect in relation to a mayoral election.

Chapter 19

Minor and Consequential Amendments

196.—The Act of 1992 is amended—

(a) in section 2(1) by the insertion of the following definitions:

“‘Act of 2011’ means the Local Government (Mayor and Regional Authority of Dublin) Act 2011;

‘Dublin Region Electoral Area’ has the same meaning as in Part 7 of the Act of 2011;

‘mayoral election’ has the same meaning as it has in Part 7 of the Act of 2011;”;

(b) in section 13(1) by the insertion of “or mayoral elections” after “local elections”,

(c) in section 15(1A)(c) (amended by section 6(b) of the Electoral (Amendment) Act 2001) by the insertion of “, mayoral” after “local”,

(d) in section 15A (inserted by section 76 of the Electoral Act 1997)—

(i) by the substitution in subsection (4) of “, local or mayoral” for “or local”, and

(ii) by the substitution in subsection (5) of “, local or mayoral” for “or local”,

(e) in section 15B (amended by section 8 of the Electoral (Amendment) Act 2001)—

(i) by the substitution in subsection (4) of “, local or mayoral” for “or local”, and

(ii) by the substitution in subsection (5) of “, local or mayoral” for “or local”,


151
(g) in section 25 (inserted by section 11 of the Electoral (Amendment) Act 2001)—

(i) in paragraph (a) of subsection (2) by the substitution of the following subparagraphs for subparagraph (iv):

“(iv) an election to Údarás na Gaeltachta,

(v) a mayoral election,”,

(ii) in clause (1) of paragraph (b)(i) of subsection (4), by the substitution of “local or mayoral” for “local”, and

(iii) in subparagraph (iii) of paragraph (b) of subsection (4), by the substitution of “a local or mayoral election” for “a local election”;

(h) in section 25C(1) (inserted by section 11 of the Electoral (Amendment) Act 2001) by the insertion of the following paragraph after paragraph (d):

“(e) in the case of a mayoral election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a mayoral election, after the date of the making of an order of the Minister under section 92 of the Act of 2011.”,

(i) in section 28—

(i) in subsection (1), by the substitution of “, local elections and mayoral elections” for “and local elections”, and

(ii) by the insertion of the following subsection after subsection (8):

“(8A) On the commencement of section 196 of the Act of 2011, the scheme then in force under this section shall apply for the purposes of a mayoral election until such time as the next such scheme comes into operation.”;

(j) in section 41 by the insertion—

(i) of “or” at the end of paragraph (k), and

(ii) of the following paragraph after paragraph (k):

“(l) is the Mayor of Dublin,”.

(k) in section 164—

(i) in subsection (1), by the insertion of “, mayoral elections”, after “local elections”, and


(l) in section 165—
(i) in subsection (1) by the substitution of the following paragraph for paragraph (f):

“(f) the poll at a local election;

(g) the poll at a mayoral election,”,

and

(ii) the insertion in paragraph (f) of subsection (2) of “or mayoral election” after “local election”,

(m) in the Second Schedule—

(i) by the substitution of the following paragraphs for paragraph (d) of Rule 6(1):

“(d) or a local electoral area— to each local authority member for that area;

(e) for its part of the Dublin Region Electoral Area— to the Mayor of Dublin,”,

(ii) by the substitution of the following paragraphs for paragraph (d) of Rule 13(4):

“(d) for a local electoral area— to each local authority member for that area;

(e) for its part of the Dublin Region Electoral Area— to the Mayor of Dublin,”,

and

(iii) in Rule 14 by—

(I) the substitution of the following for clauses (ii) and (iii) of paragraph (4)(a):

“(ii) each candidate duly nominated for the constituency at a Dáil election,

(iii) each candidate duly nominated for the local electoral area at a local election, and

(iv) each candidate duly nominated at a mayoral election,”,

(II) the substitution in paragraph (4)(c) of “, local election or mayoral election” for “or a local election”, and

(III) the insertion in paragraph (5) of “or mayoral election” after “or a local election”.


(a) the substitution of the following subparagraph for subparagraph (iii) of paragraph (o):
“(iii) the European Central Bank, or”,

and

(b) the insertion of the following paragraph after paragraph (a):

“(p) is the Mayor of Dublin.”.

198.—The Litter Pollution Act 1997 is amended—

(a) in section 19(7)(c) (inserted by section 9 of the Electoral (Amendment) (No. 2) Act 2009)—

(i) in subparagraph (iii) by the deletion of “or”,

(ii) in subparagraph (iv) by the insertion after “European Parliament Elections Act 1997,” of “or”, and

(iii) by the insertion after subparagraph (iv) of the following subparagraph:

“(v) a mayoral election within the meaning of Part 7 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011.”,

and

(b) in section 21(3)(b) (inserted by section 57 of the Protection of the Environment Act 2003) by the insertion of “a mayoral election within the meaning of Part 7 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011,” after “Local Government Act 2001.”.

199.—The Electoral Act 1997 is amended—

(a) in subsection (1) of section 2—

(i) by the insertion of the following definitions:

‘Act of 2011’ means the Local Government (Mayor and Regional Authority of Dublin) Act 2011;

‘mayoral election’ has the same meaning as it has in the Act of 2011;”,

(ii) in the definition of “person” by the insertion of “or Part IX” after “Part VI”,

(iii) in the definition of “political party” by the insertion of “, Part IX” after “Part VI”, and

(iv) in the definition of “polling day” by the insertion of “or a mayoral election” after “local election”,

(b) in section 3, by the substitution in subsection (1), of “52, 83, 84, 85, 86, 87, 90, 91, 93 or 97” for “or 52”;

(c) in section 4—
(i) in subsection (1), by the substitution of “56, 85 and 96” for “and 56”,

(ii) in subsection (2), by the substitution of “56, 85 or 96” for “or 56”,

(iii) in paragraph (a) of subsection (3) by—

(I) the substitution of “56, 84, 85 or 96” for “or 56”, and

(II) the substitution of “VI or IX” for “or VI”,

(iv) in paragraph (c) of subsection (3) by the substitution of “VI or IX” for “or VI”,

(v) in subsection (6)—

(I) in paragraph (a) by the substitution of “VI or IX” for “or VI”,

(II) in paragraph (b) by the substitution of “VI or IX” for “or VI”,

and

(vi) in subsection (7) by the substitution of “VI or IX” for “or VI”,

(d) in section 18, by the substitution in subsection (2), of “the Local Government (Mayor and Regional Authority of Dublin) Act 2011 or the Údarás na Gaeltachta Act 1979” for “or the Údarás na Gaeltachta Act, 1979”,

(e) in section 22(2)(b)(iii)—

(i) in clause (I), by the insertion of “or mayoral election” after “local election”, and

(ii) in clause (II), by the insertion of “or mayoral election” after “local election”,

(f) in section 23—

(i) in subsection (1), by the insertion of “the Mayor of Dublin,” after “member of either House of the Oireachtas,”, and

(ii) in subsection (2), by the insertion of “or the Mayor of Dublin” after “member of either House of the Oireachtas”,

(g) in subsection (1) of section 23A—

(i) by the deletion of “or” in paragraph (e),

(ii) by the insertion of “or” after paragraph (f), and

(iii) by the insertion of the following new paragraph:

“(g) the Mayor of Dublin,”,
(h) in subsection (1) of section 24, by the insertion of “, Mayor of Dublin” after “member of either House of the Oireachtas”,

(i) in subsection (1) of section 24A—

(i) in paragraph (a), by the insertion of “or mayoral election” after “local election”, and

(ii) in paragraph (b), by the insertion of the following new subparagraph:

“(iv) the Mayor of Dublin, or”,

(j) in subsection (1) of section 25, by the insertion of “, the Mayor of Dublin” after “European Parliament”,

(k) in section 26—

(i) in subsection (1), by the substitution of “, 46 or 83 (inserted by section 173 of the Act of 2011)” for “or 46”, and

(ii) in paragraph (c) of subsection (2), by the insertion of “or paragraph (f) of the definition of ‘donation’ in subsection (1) of section 83 (inserted by section 173 of the Act of 2011),” after “section 46”,

(l) in section 73—

(i) in subsection (b), by the substitution of “48 or 85” for “or 48”, and

(ii) in subsection (c), by the substitution of “56 or 96” for “or 56”,

and

(m) in the Schedule—

(i) in paragraph 1, by the substitution of “, 52(1)(b) and 91(1)(b)” for “and 52(1)(b)”,

(ii) in paragraph 2(a), by the insertion of “or, in the case of a mayoral election, paragraphs (b) to (e) of section 83(2),” after “section 46(2)(b)”, and

(iii) in paragraph 2(b), by the substitution of “, local or mayoral election” for “or local election”.

200.—The Act of 2001 is amended—

(a) by the insertion of the following section:

“Mayor of Dublin disqualified for membership of local authority.

13B.—A person who is, for the time being, the Mayor of Dublin is disqualified for being elected or coopted to, or for being a member of, a local authority.”,

and
(b) in subsection (1) of section 16, by the substitution of “section 13, 13A, 13B (inserted by section 200 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011) or 182” for “section 13, 13A or 182”.

201.—The Electoral (Amendment) Act 2004 is amended in subsection (1) of section 35 by the substitution of “Article 55 of the Regulations of 1995 or section 126 of the Local Government (Mayor and Regional Authority of Dublin) Act 2011.” for “or Article 55 of the Regulations of 1995.”.

202.—The Electoral (Amendment) Act 2006 is amended in section 15(1)(b) by the substitution of “local or mayoral” for “or local”.

PART 8

Dissolution of Dublin Regional Authority

203.—(1) The Dublin Regional Authority (in this Act referred to as the “dissolved body”) established under section 43 of the Act of 1991 is dissolved.

(2) This section shall come into operation on the establishment day.

204.—(1) All functions (other than functions under the Order of 1993) that, immediately before the establishment day, were vested in the dissolved body are transferred to the Authority and references in any enactment or instrument under an enactment (other than the Order of 1993), to, or that are to be construed as references to or including references to, the Dublin Regional Authority shall be construed as references to the Authority.

(2) This section shall come into operation on the establishment day.

205.—(1) On the establishment day, all lands that, immediately before that day, were vested in the dissolved body and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Authority for all the estate or interest therein that, immediately before the establishment day, were vested in the dissolved body, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) On the establishment day all property (other than land), including choses-in-action, that immediately before that day, was vested in the dissolved body shall stand vested in the Authority without any assignment.

(3) Every chose-in-action vested in the Authority by virtue of subsection (2) may, on and from the establishment day, be sued on, recovered or enforced by the Authority in its own name, and it shall not be necessary for the Authority, or the dissolved body, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.
Transfer of rights and liabilities, and continuation of leases, licences and permissions granted by dissolved body.

206.—(1) All rights and liabilities of the dissolved body arising by virtue of any contract or commitment (expressed or implied) entered into by it before the establishment day shall on that day stand transferred to the Authority.

(2) Every right and liability transferred by subsection (1) to the Authority may, on and after the establishment day, be sued on, recovered or enforced by or against the Authority in its own name, and it shall not be necessary for the Authority, or the dissolved body, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(3) Every lease, licence, wayleave or permission granted by the dissolved body in relation to land or other property vested in the Authority by or under this Act, and in force immediately before the establishment day, shall continue in force as if granted by the Authority.

207.—(1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the establishment day of the functions assigned to the Authority by or under this Act shall after that day, lie against the Authority and not against the dissolved body.

(2) Any legal proceedings pending immediately before the establishment day to which the dissolved body is a party, that relate to a function of the Authority, shall be continued, with the substitution in the proceedings of the Authority, in so far as they so relate, for the dissolved body.

(3) Where, before the establishment day, agreement has been reached between the parties concerned in settlement of a claim to which subsection (1) relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the dissolved body, be enforceable against the Authority and not the dissolved body.

(4) Any claim made or proper to be made by the dissolved body in respect of any loss or injury arising from the act or default of any person before the establishment day shall, where the claim relates to functions assigned to the Authority by this Act, be regarded as having been made by or proper to be made by the Authority and may be pursued and sued for by the Authority as if the loss or injury had been suffered by the Authority.

208.—(1) Anything commenced and not completed before the establishment day by or under the authority of the dissolved body may, in so far as it relates to a function transferred to the Authority under section 204, be carried on or completed on or after the establishment day by the Authority.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred by section 204, shall, if and in so far as it was operative immediately before the establishment day, have effect on and after that day as if it had been granted or made by the Authority.
(3) References to the Dublin Regional Authority in the memorandum or articles of associations of any company and relating to a function transferred by section 204 shall, on and after the establishment day, be construed as references to the Authority.

(4) Any money, stocks, shares or securities transferred by section 205 that immediately before the establishment day were standing in the name of the dissolved body shall, on the request of the Authority be transferred into its name.

(5) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Authority under section 205 or 206 shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

209.—(1) The Authority shall, in respect of the period specified under subsection (3), prepare final accounts of the dissolved body.

(2) The Authority shall submit the final accounts to the Comptroller and Auditor General for audit not later than 3 months after the establishment day.

(3) For the purposes of subsection (1), the Minister may specify a period that is longer or shorter than a financial year of the dissolved body.

(4) The Authority shall prepare the final annual report for the dissolved body and submit the report to the Minister not later than 6 months after the establishment day.
MEETINGS AND PROCEEDINGS OF AUTHORITY

1. (1) The Authority shall, as soon as may be after each appointment of the members of the Authority in accordance with section 17, hold a meeting of the Authority.

(2) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

2. The quorum for a meeting of the Authority shall be one quarter of the members of the Authority or where one quarter of the members is not a whole number, the next highest whole number.

3. (1) Subject to paragraph 2, the Authority may act notwithstanding a vacancy or more than one vacancy among its members.

(2) Neither the proceedings nor any act of the Authority shall be invalid by reason only of a contravention of this Act in relation to the appointment of a member of the Authority.

4. (1) The Mayor may, at any time, call a meeting of the Authority.

(2) The Mayor shall, upon the request in writing of not less than one quarter of the members of the Authority, call a meeting of the Authority.

(3) If the Mayor—

(a) refuses to call a meeting of the Authority pursuant to a request referred to in subparagraph (2), or

(b) does not call a meeting of the Authority before the expiration of 7 days after receiving such a request,

not less than one quarter of the members of the Authority may call such a meeting.

5. (1) The meetings administrator shall, not later than 3 days before a meeting of the Authority, send a notice in writing to each member of the Authority which shall specify—

(a) the place at which, the date on which and the time at which the meeting will take place, and

(b) the matters that will be the subject of the meeting.

(2) A meeting of the Authority or any function performed by the Authority at such meeting shall not be invalid by reason only of a member of the Authority not receiving a notice under subparagraph (1).

(3) The Authority shall cause to be published, in such manner as it considers appropriate, notice of each meeting of the Authority and such notice shall specify the place at which, the date on which and the time at which the meeting will take place.

6. (1) Minutes of the proceedings of a meeting of the Authority shall be prepared by the meetings administrator and shall be signed by the person who was chairperson of the meeting or the person who...
is chairperson of the meeting of the Authority next held after the first-mentioned meeting.

(2) Minutes of the proceedings of a meeting of the Authority shall be kept in the possession of the meetings administrator.

(3) The names of the members of the Authority present at a meeting of the Authority shall be recorded in the minutes of the proceedings of the meeting.

(4) The names of the members of the Authority voting on any question arising at a meeting of the Authority shall be recorded in the minutes of the proceedings of the meeting and those minutes shall record which members voted for and which members voted against in relation to the question.

7. At a meeting of the Authority—

(a) the chairperson of the Authority shall, if present, be the chairperson of the meeting,

(b) if and so long as the chairperson of the Authority is not present or if that office is vacant, the member of the Authority who is the Deputy Mayor shall be chairperson of the meeting, or

(c) if and so long as—

(i) the chairperson of the Authority is not present or that office is vacant, and

(ii) the member of the Authority who is the Deputy Mayor is not present or that office is vacant,

the other members of the Authority who are present shall choose one of their number to be chairperson of the meeting.

8. Subject to this Act, every question at a meeting of the Authority shall be determined by a majority of the votes of the members of the Authority present and voting on the question, and in the case of an equal division of votes, the chairperson shall have a second or casting vote.

9. (1) Subject to this Act, the Authority shall make standing orders for the regulation of its business and proceedings.

(2) Standing orders under this section may include provisions regulating the business and proceedings of committees established by the Authority.

(3) Subject to subparagraph (2), a committee may make standing orders regulating its own business and proceedings.

(4) The Authority may amend or revoke standing orders under this section (including standing orders under subparagraph (3)).
Section 123.

SCHEDULE 2
Form of Ballot Paper

(Front of Paper)

TREORACHA

1. Scriobh an figiúr 1 sa bhosca le hais ghrianghraf an chéad iartróir is rogha leat, scriobh an figiúr 2 sa bhosca le hais ghrianghraf an dara iartróir is rogha leat, agus mar sin.

2. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin cúl an páipéir do an oifigeach ceannais, agus cuir sa bhosca ballóide é.

INSTRUCTIONS

1. Write 1 in the box beside the photograph of the candidate of your first choice, write 2 in the box beside the photograph of the candidate of your second choice, and so on.

2. Fold the paper to conceal your vote. Show the back of the paper to the presiding officer and put it in the ballot box.

<table>
<thead>
<tr>
<th>Emblem</th>
<th>Parties</th>
<th>Photograph</th>
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<tbody>
<tr>
<td></td>
<td>DOYLE – LIBERAL SOCIALISTS</td>
<td></td>
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<tr>
<td></td>
<td>(MARY DOYLE, of 10 High Street, Knocks, Nurse.)</td>
<td></td>
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<tr>
<td>Emblem</td>
<td>LYNCH – URBAN PARTY</td>
<td></td>
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<tr>
<td></td>
<td>(JANE ELLEN LYNCH, of 12 Main Street, Ardstown, Shopkeeper.)</td>
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<tr>
<td>Emblem</td>
<td>MURPHY</td>
<td></td>
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<tr>
<td></td>
<td>(PATRICK MURPHY, of 12 Main Street, Ballyduff, Carpenter.)</td>
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<tr>
<td>Emblem</td>
<td>Ø BRíAIN — CUMANN NA SAORÁNACH</td>
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<td></td>
<td>(SÉAMUS Ø BRíAIN, as 10 An tSráid Ard, Carn Mór, Oide Scoile.)</td>
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<tr>
<td>Emblem</td>
<td>O'BRIEN — NON-PARTY</td>
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<td></td>
<td>(EAMON O'BRIEN, of 22 Welleclose Place, Knockbeg, Barrister.)</td>
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<td>Emblem</td>
<td>O'BRIEN – THE INDEPENDENT PARTY</td>
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<td>(ORLA O'BRIEN, of 103 Eaton Brae, Cahermore, Solicitor.)</td>
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<tr>
<td>Emblem</td>
<td>O'CONNOR — NATIONAL LEAGUE</td>
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<td></td>
<td>(CAROLINE O'CONNOR, of 7 Green Street, Carnmore, Engineer.)</td>
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<tr>
<td>Emblem</td>
<td>THOMPSON — RURAL PARTY</td>
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<td>(WILLIAM H. THOMPSON, of Dereen, Ballyglass, Farmer.)</td>
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Election of Mayor for Dublin

(Back of counterfoil)

Counterfoil No. .................................................................