



**SEANAD ÉIREANN**

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**AN BILLE RIALTAIS ÁITIÚIL (MUIREAR TEAGHLAIGH),  
2011  
LOCAL GOVERNMENT (HOUSEHOLD CHARGE) BILL 2011**

**LEASUITHE COISTE  
COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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## AN BILLE RIALTAIS ÁITIÚIL (MUIREAR TEAGHLAIGH), 2011 —AN COISTE

### LOCAL GOVERNMENT (HOUSEHOLD CHARGE) BILL 2011 —COMMITTEE STAGE

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#### *Leasuithe Amendments*

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*\*Government amendments are  
denoted by an asterisk.*

#### SECTION 1

1. In page 3, between lines 20 and 21, to insert the following:

“ “Act of 1978” means the Local Government (Financial Provisions) Act 1978;”.

—*Senator Trevor Ó Clochartaigh.*

#### SECTION 2

2. In page 6, subsection (2), between lines 2 and 3, to insert the following:

“(f) homes purchased under the Affordable Housing scheme;

(g) homes on which stamp duty has been paid from January 1st 2004 up unto  
December 31st 2011;

(h) homes purchased through the Shared Ownership Scheme.”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,  
Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

#### SECTION 3

3. In page 6, subsection (2), line 28, to delete paragraph (a) and substitute the  
following:

“(a) €100, and shall not exceed €100 without an amendment to this Act;”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,  
Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

4. In page 6, subsection (2), lines 29 and 30, to delete paragraph (b).

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,  
Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

5. In page 6, between lines 30 and 31, to insert the following subsections:

[ SECTION 3 ]

“(3) This section shall not be commenced until such point as the Social Inclusion Division of the Department of Social Protection have had carried out a poverty impact analysis study. Such a study will have regard to—

- (a) the impact of the household charge on the household’s income,
- (b) whether the charge would be likely to cause deprivation,
- (c) whether the effect of the charge would be such as to cause people to be deprived of two or more goods or services considered essential for a basic standard of living from the following 11-item index developed by the ESRI—
  - (i) two pairs of strong shoes,
  - (ii) a warm waterproof overcoat,
  - (iii) buy new not second-hand clothes,
  - (iv) eat meals with meat, chicken, fish (or vegetarian equivalent) every second day,
  - (v) have a roast joint or its equivalent once a week,
  - (vi) had to go without heating during the last year through lack of money,
  - (vii) keep the home adequately warm,
  - (viii) buy presents for family or friends at least once a year,
  - (ix) replace any worn out furniture,
  - (x) have family or friends for a drink or meal once a month, and
  - (xi) have a morning, afternoon or evening out in the last fortnight, for entertainment,
- (d) whether a charge on households which would have regard to the income of a person may be more appropriate.

(4) This section shall not apply to those who own a residential property, and whose annual income is less than €75,000.”.

—*Senator Trevor Ó Clochartaigh.*

6. In page 6, lines 31 to 41, to delete subsection (3) and substitute the following:

“(3) The sum may be amended by the Oireachtas.”.

—*Senator Trevor Ó Clochartaigh.*

7. In page 6, lines 31 to 41, to delete subsection (3).

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White, Diarmuid Wilson.*

8. In page 7, lines 5 to 19, to delete subsections (6) and (7).

—*Senator Trevor Ó Clochartaigh, Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh,*

*Mary White, Diarmuid Wilson.*

SECTION 4

9. In page 7, between lines 19 and 20, to insert the following subsection:

“4.—(1) The meaning given to a residential property, as outlined in *section 2*, shall not be amended save by the Oireachtas.”

—*Senator Trevor Ó Clochartaigh.*

10. In page 7, after line 43, to insert the following subsections:

“(3) Residents of a building vested in a Minister of the Government, a housing authority (within the meaning of the Act of 1992) or the Health Service Executive shall not be liable for the household charge.

(4) Recipients of Unemployment Benefit, Unemployment Allowance, and Single Parent’s Allowance, shall not be liable for the household charge.”

—*Senator Trevor Ó Clochartaigh.*

11. In page 8, subsection (4)(b), line 15, to delete “the year 2012 and the year 2013” and substitute “the years from 2012 to 2015”.

—*Senator Trevor Ó Clochartaigh.*

12. In page 8, subsection (4)(b), line 17, after “estate” to insert the following:

“,or

(c) the year in which the liability falls if, on that date, he or she is the holder of a medical card issued by the Health Service Executive, or

(d) the year in which the liability falls if, on that date, he or she is in receipt of any of the following payments from the Department of Social Protection:

(i) jobseekers allowance, or

(ii) jobseekers benefit, or

(iii) supplementary welfare allowance, or

(iv) family income supplement, or

(v) farm assist, or

(vi) old age non-contributory pension, provided the recipient is not also in receipt of an occupational pension, or

(vii) disability allowance, or

(viii) disablement benefit, or

(ix) blind pension,

or

[ SECTION 4 ]

- (e) the year 2012 and the year 2013 if, on that date, he or she is able to satisfy the relevant local authority that the residential property in which he or she resides is a mortgaged property in respect of which he or she has not been able to pay more than 75 per cent of his or her mortgage repayments in the preceding year, or
- (f) the year 2012 and the year 2013 if, on that date, he or she is able to satisfy the relevant local authority that the residential property in which he or she resides is a mortgaged property that is currently valued at less than 75 per cent of the price at which the owner purchased the property.

(5) A person shall only be entitled to seek the waiver provided for in *subsection (4)(e)* if—

- (a) the owner provides the relevant local authority with a certificate from the financial institution that provided the mortgage to the effect that the owner has failed to pay more than 75 per cent of his or her mortgage repayments in the preceding year, and
- (b) the financial institution certifies to the local authority that the owner has not fundamentally breached the terms and conditions of the mortgage agreement other than in respect of the non-payment of mortgage arrears.

(6) A person shall only be entitled to seek the waiver provided for in *subsection (4)(f)* if—

- (a) the owner provides the relevant local authority with a valuation from a registered member of the Institute of Professional Auctioneers and Valuers to the effect that the residential property in which he or she resides is a mortgaged property that is currently valued at less than 75 per cent of the price at which the owner purchased the property, and
- (b) the owner provides the local authority with a copy of the deed of conveyance or contract of purchase of the residential property identifying the price and date of purchase of the residential property”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden, Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien, Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White, Diarmuid Wilson.*

\* 13. In page 8, subsection (5)(f), line 34, to delete “it pertains” and substitute “they pertain”.

SECTION 5

14. In page 9, between lines 7 and 8, to insert the following subsection:

“5.—(1) It shall be the responsibility of the Local Government Management Agency in the first instance to inform the relevant person of his or her liability for this charge.”.

—*Senator David Norris.*

15. In page 9, subsection (3)(a), to delete lines 27 and 28 and substitute the following:

“(a) (i) a single payment made on or before 6 months after the liability date,”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,*

[ SECTION 5 ]

*Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

- 16.** In page 9, subsection (3)(a)(ii), to delete lines 31 to 35 and substitute the following:

“(II) to be paid on or before 6 months after the liability date,

provided that if any instalment is not paid in full and on time, the full outstanding balance of the household charge becomes immediately due.”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,  
Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

SECTION 7

- 17.** In page 11, lines 6 to 35, to delete subsections (3) to (7) and substitute the following:

“(3) At the date of death of any person who is the sole owner of a residential property any household charge, late payment fee, late payment interest or any part of such charge, fee or interest shall cease to exist.”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,  
Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

- \* **18.** In page 11, subsection (4), line 19, after “interest” to insert the following:

“, which said full amount is, in this section, referred to as the “full amount” ”.

- \* **19.** In page 11, subsection (6), lines 31 and 32, to delete “charge, fee or interest” and substitute “full amount”.

SECTION 8

- 20.** In page 11, subsection (1), line 39, after “relates” to insert “unless the property has been sold or inherited”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,  
Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

SECTION 9

- 21.** In page 12, subsection (4), lines 27 to 31, to delete paragraph (b) and substitute the following:

“(b) if it is not so satisfied, refuse the application, give the applicant a statement in writing of the reason for the refusal and inform the applicant in writing of his or her entitlement to appeal the refusal to the Department of the Environment, Community and Local Government in 30 days in accordance with this section.”.

—*Senators Brian Ó Domhnaill, Thomas Byrne, Mark Daly, Terry Leyden,*

[ SECTION 9 ]

*Marc Mac Sharry, Paschal Mooney, Labhrás Ó Murchú, Darragh O'Brien,  
Denis O'Donovan, Ned O'Sullivan, Averil Power, Jim Walsh, Mary White,  
Diarmuid Wilson.*

SECTION 14

- \* 22. In page 16, subsection (1)(c), line 36, to delete “said”.

SECTION 19

- \* 23. In page 22, subsection (1)(c), to delete lines 32 and 33 and substitute the following:

“(c) in section 3—

(i) by substituting the following subsections for subsections (5) and (6):”.

- \* 24. In page 23, line 6, to delete “under *subsection (3)*” and substitute “under subsection (5)”.

- \* 25. In page 23, to delete lines 13 to 15 and substitute the following:

“expressed as a percentage of the first-mentioned number.”,

and

(ii) by inserting the following subsection after subsection (7):

“(8) In this section ‘prescribe’ means prescribe by order.”.

- \* 26. In page 25, line 35, to delete “late payment fee.” and substitute the following:

“late payment fee, which said full amount is, in this section, referred to as the ‘full amount’.”.

- \* 27. In page 32, to delete line 26 and substitute the following:

“(2) The Minister shall not prescribe a person for the purposes of paragraph (c) of subsection (1) unless he or she is satisfied that the provision by a local authority of information obtained by the local authority pursuant to this Act to such person will assist the person in discharging a function conferred on, or delegated to, him or her by or under any enactment.

(3) In this section—”.

- \* 28. In page 33, subsection (1), lines 20 and 21, to delete paragraph (m) and substitute the following:

“(m) in section 12—

(i) in subsection (3), by substituting “the relevant local authority forms the opinion that there exists sufficient evidence to justify the institution of proceedings for the offence concerned,” for “evidence sufficient to justify the institution of proceedings for the offence concerned comes to the knowledge of the relevant local authority for the residential property to which the offence relates,”,

(ii) in subsection (4), by deleting “or to be attributable to any neglect on the part of”, and

[ SECTION 19 ]

(iii) by inserting the following subsection after subsection (6):

“(7) Where a person is convicted of an offence under either subsection (5) or subsection (7) (in so far as either subsection relates to paragraph (c) of subsection (2)) of section 5, the court may, in determining the amount of the fine to impose on the person in respect of that offence, take account of any late payment fee or late payment interest, or both, paid by the person in connection with the failure to pay the household charge to which the offence relates.””.

**29.** In page 34, subsection (3), line 13, to delete “2012.” and substitute the following:

“2013, without prejudice to the Poverty Impact Analysis Study referred to in *section 3.*”.

—*Senator Trevor Ó Clochartaigh.*