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**An Bille Rialtais Áitiúil, 2013**  
**Local Government Bill 2013**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE RIALTAIS ÁITIÚIL, 2013**  
**LOCAL GOVERNMENT BILL 2013**

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AN BILLE RIALTAIS ÁITIÚIL, 2013  
LOCAL GOVERNMENT BILL 2013

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# Bill

*entitled*

An Act to make further and better provision in relation to local government and, in particular, to amalgamate Limerick County Council with Limerick City Council, Waterford County Council with Waterford City Council and North Tipperary County Council with South Tipperary County Council, to provide for the position of chief executive in relation to each local authority, to dissolve town councils, to make provision for municipal districts, to assign additional reserved functions to local authority members, to dissolve County Development Boards and City Development Boards and make provision for the establishment of Local Community Development Committees, for planning and oversight of Local and Community Development Programmes, to provide for an increased role for local authorities in economic development and enterprise support, to amend the Local Government Act 1991 and provide for regional assemblies, to enable (subject to certain preconditions) a plebiscite to be held in the administrative areas of the local authorities in the Dublin area in respect of a directly elected mayor for that area and for those and other purposes to amend the Local Government Acts 1925 to 2013, the Local Elections Acts 1974 to 2012 and Other Enactments Relating to Elections, the Housing Acts 1966 to 2013 and the Planning and Development Act 2000, to amend other acts in connection with the foregoing matters and to provide for related matters.

**Be it enacted by the Oireachtas as follows:**

## PART 1

### PRELIMINARY AND GENERAL

#### **Short title, collective citations, constructions and commencement**

1. (1) This Act may be cited as the Local Government Act 2013.
- (2) This Act (other than *subsections (3) to (7) of this section, subsections (3) to (5) of section 5 and Schedule 2*) shall be read together as one with the Local Government Acts 1925 to 2013 and shall be included in the collective citation “Local Government Acts 1925 to 2013”.

- (3) This subsection, *section 32*, the Valuation Acts 2001 and 2006 and so much of *Part 4* of *Schedule 2* as relates to the Valuation Act 2001 may be cited together as the Valuation Acts 2001 to 2013.
- (4) This subsection, *section 5(3)*, *Part 1* of *Schedule 2* and *paragraphs 1* and *14* (in so far as they relate to the Housing Act 1966) of *Schedule 4* shall be read together as one with the Housing Acts 1966 to 2013 and shall be included in the collective citation “Housing Acts 1966 to 2013”. 5
- (5) This subsection, *section 5(4)* and *Part 2* of *Schedule 2*, in so far as it relates to the Local Elections (Petitions and Disqualifications) Act 1974 and the Local Elections (Disclosure of Donations and Expenditure) Act 1999, shall be read together as one with the Local Elections Acts 1974 to 2012 and may be cited together as the Local Elections Acts 1974 to 2013. 10
- (6) This subsection, *section 5(4)* and *Part 2* of *Schedule 2*, in so far as it relates to the Electoral Act 1992, shall be read together as one with the Electoral Acts 1992 to 2013 and shall be included in the collective citation “Electoral Acts 1992 to 2013”. 15
- (7) This subsection, *section 5(5)* and *Part 3* of *Schedule 2* shall be read together as one with the Planning and Development Acts 2000 to 2013 and shall be included in the collective citation “Planning and Development Acts 2000 to 2013”.
- (8) This Act, other than *section 28* and *Part 10*, comes into operation on such day or days as the Minister may, by order or orders appoint either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions and for the deletion, repeal, revocation and amendment effected by *Schedules 1* and *2* of different enactments or of different provisions of those enactments. 20
- (9) The amendment to section 48 (which provides for the substitution of Part 18 of the Principal Act) of the Environment (Miscellaneous Provisions) Act 2011 referred to in *Part 4* of *Schedule 2* comes into operation— 25
- (a) upon the commencement of section 189 (as inserted by section 48 of the Environment (Miscellaneous Provisions) Act 2011) of the Principal Act, or
- (b) the transfer date, 30
- whichever last occurs.

## **Regulations to remove difficulties**

2. (1) Every enactment (including any provision contained in an Act published in a series of local and personal Acts or of private Acts) and every order, regulation, rule, bye law or other instrument or agreement in force immediately before the commencement of a provision of this Act shall, on and after the day of such commencement be read and have effect with such modifications as may be necessary to give effect to this Act or an order or regulations made under it and to have effect in conformity with it. 35
- (2) If, in any respect, any difficulty arises in bringing any provision of this Act into operation or in relation to the operation of any such provision, the Minister may, by regulations, do anything which appears to him or her to be necessary or expedient for removing that difficulty, for bringing that provision into operation or for securing or 40

facilitating its operation, and any such regulations may modify any provision of this Act so far as may be necessary or expedient for carrying such provision into effect for the purposes aforesaid, but no regulations shall be made under this section in relation to any provision of this Act after the expiration of 3 years commencing on the day on which the provision comes into operation.

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- (3) Where regulations are proposed to be made under this section, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving the draft has been passed by each such House.

## **Interpretation**

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### **3. In this Act—**

“2014 establishment day” means the day appointed by order under *section 8* to be the establishment day for the purposes of this Act;

“chief executive” means a chief executive for the purposes of *section 144* (as amended by *section 49*) of the Principal Act;

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“dissolved authority” means—

- (a) in relation to a city council or county council, a council dissolved by virtue of *section 17*, and

- (b) in relation to a town council, a dissolved body;

“dissolved body” has the meaning given to it by *section 23*;

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“local authority” has the meaning given to it by *section 2(1)* (as amended by *section 5(1)* and *Part 1 of Schedule 1*) of the Principal Act;

“local government area” shall be read in accordance with *section 10* of, and *Schedule 5* to, the Principal Act as amended by *section 12*;

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

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“municipal district” has the meaning given to it by *section 22A* (inserted by *section 19*) of the Principal Act;

“municipal district members” shall be read in accordance with *section 22B* (inserted by *section 19*) of the Principal Act;

“prescribed” means prescribed by regulations made under this Act or the Principal Act;

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“Principal Act” means the Local Government Act 2001;

“successor authority” in relation to—

- (a) a city council or county council, shall be read in accordance with *sections 13(1)* and *17*, and

- (b) a town council, shall be read in accordance with *section 24(2)(a)*;

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“transfer date” has the meaning given in *section 23*.

## Regulations, orders and directions

4. (1) The Minister may make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or to be the subject of regulations or for the purpose of enabling any provisions to have full effect.
- (2) Without prejudice to any specific provision of this Act, a regulation or order under this Act may provide for such incidental, consequential, supplementary or transitional provisions (including provisions for the purpose of securing the continuity of any provision of this Act with any provision of any other Act or instrument repealed, revoked, amended or otherwise affected by this Act or by any regulations or order made under it) as may appear to the Minister making the regulation or order to be appropriate for the purposes of this Act or of any regulations or order made under it.
- (3) A regulation or order under this Act may—
- (a) apply to local authorities generally, to any category of local authorities specified in the regulations or the order or to a particular local authority so specified,
  - (b) contain different provisions in relation to different local authorities or to different parts of the administrative area of a local authority, and
  - (c) provide for the giving of directions by the Minister (including directions amending or revoking any such directions).
- (4) Subject to *subsection (5)*, every order or regulation made under this Act, shall be laid before each House of the Oireachtas as soon as may be after it has been made and, if a resolution annulling such order or regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation or order shall be annulled accordingly, but without prejudice to the validity of anything previously done under it.
- (5) *Subsection (4)* does not apply to—
- (a) an order made under *section 1(8)*, or
  - (b) an order or regulation which is required by this Act to be approved in draft by resolution of both Houses of the Oireachtas.
- (6) A person to whom a direction is given under this Act shall comply with that direction.

## Repeals, revocations and amendments

5. (1) The provisions of the Principal Act referred to in *column (2)* of *Part 1* of *Schedule 1* are amended in the manner referred to in *column (3)* of that Part opposite the reference in *column (2)* to the provision concerned.
- (2) The provisions, referred to in *column (3)* of *Part 2* of *Schedule 1*, of the Local Government Acts 1925 to 2013 referred to in *column (2)* of that Part are amended in the manner referred to in *column (4)* of that Part opposite the reference in *column (3)* to the provision concerned.
- (3) The provisions, referred to in *column (3)* of *Part 1* of *Schedule 2*, of the Housing Acts 1966 to 2013 referred to in *column (2)* of that Part are amended in the manner referred to in *column (4)* of that Part opposite the reference in *column (3)* to the provision concerned.

- (4) The provisions, referred to in *column (3)* of *Part 2* of *Schedule 2*, of the various enactments relating to elections referred to in *column (2)* of that Part are amended in the manner referred to in *column (4)* of that Part opposite the reference in *column (3)* to the provision concerned.
- (5) The provisions of the Planning and Development Act 2000 referred to in *column (2)* of *Part 3* of *Schedule 2* are amended in the manner referred to in *column (3)* of that Part opposite the reference in *column (2)* to the provision concerned. 5
- (6) The provisions, referred to in *column (3)* of *Part 4* of *Schedule 2*, of the various acts referred to in *column (2)* of that Part are amended in the manner referred to in *column (4)* of that Part opposite the reference in *column (3)* to the provision concerned. 10

## **Savers**

6. The repeal or revocation by or under this Act of a provision of any enactment which is applied by a provision of any other enactment not so repealed or revoked, shall not affect such application and accordingly the first-mentioned provision continues to apply and have effect for the purposes of such application. 15

## **Expenses**

7. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

## **PART 2**

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### **LOCAL GOVERNMENT AREAS AND LOCAL AUTHORITIES**

#### **2014 establishment day**

8. The Minister shall by order appoint a day to be the establishment day (in this Act referred to as the “2014 establishment day”) for the purposes of this Act.

#### **Cesser and amalgamation of certain local government areas**

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9. (1) On and from the 2014 establishment day and for the purposes of local government—
  - (a) the local government area of the county of Limerick and the local government area of the city of Limerick as existing immediately before the 2014 establishment day—
    - (i) shall cease to exist on that day, and 30
    - (ii) the areas so ceasing shall, on that day, be amalgamated to form a single local government area to be known in the Irish language as Cathair agus Contae Luimnigh and in the English language as Limerick City and County,
  - (b) the local government area of the county of North Tipperary and the local government area of the county of South Tipperary as existing immediately before 35 the 2014 establishment day—

- (i) shall cease to exist on that day, and
  - (ii) the areas so ceasing shall, on that day, be amalgamated to form a single local government area to be known in the Irish language as Contae Thiobraid Árann and in the English language as Tipperary County,

and 5
- (c) the local government area of the county of Waterford and the local government area of the city of Waterford as existing immediately before the 2014 establishment day—
  - (i) shall cease to exist on that day, and
  - (ii) the areas so ceasing shall, on that day, be amalgamated to form a single local government area to be known in the Irish language as Cathair agus Contae Phort Láirge and in the English language as Waterford City and County. 10
- (2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—
  - (a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and 15
  - (b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council. 20
- (3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—
  - (a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and 25
  - (b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council. 30

### **Boundaries of amalgamated local government areas**

- 10.** (1) The boundary of the local government area of Limerick City and County established under *section 9(1)(a)* shall be the combined boundaries of the county of Limerick and the city of Limerick as existing immediately before the 2014 establishment day, other than the boundary between the county of Limerick and the city of Limerick. 35
- (2) The boundary of the local government area of Tipperary County established under *section 9(1)(b)* shall be the combined boundaries of the county of North Tipperary and the county of South Tipperary as existing immediately before the 2014 establishment day, other than the boundary between the counties of North Tipperary and South Tipperary. 40



- (3) The boundary of the local government area of Waterford City and County established under *section 9(1)(c)* shall be the combined boundaries of the county of Waterford and the city of Waterford as existing immediately before the 2014 establishment day, other than the boundary between the county of Waterford and the city of Waterford.

## **Preparation of maps showing county boundaries**

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### **11. (1) In this section—**

“Commissioner” means the Commissioner of Valuation under the Valuation Act 2001;

“successor local authority” means a successor authority to which *paragraph (a)* of the definition of “successor authority” in *section 3* relates.

- (2) As soon as may be after the enactment of this Act the Commissioner shall prepare for each of the proposed local government areas formed by the amalgamations referred to in *section 9* a map, in triplicate, drawn to such convenient scale and in such convenient number of separate sheets as the Commissioner thinks fit, showing the boundaries of each such area. When such maps have been prepared, the Commissioner shall seal each such map and shall, as soon as may be thereafter, deposit them as follows:

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(a) one of them in the principal office of the Commissioner,

(b) one of them in the offices of the Minister, and

(c) in respect of the local government area of each successor local authority, the map of that area in the principal office of the relevant successor local authority when established.

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- (3) Every map deposited pursuant to *subsection (2)* shall be retained in the office in which it is so deposited, and each such map, or true copies thereof, shall be open for inspection free of charge at the office (other than the office of the Minister) in which it is so deposited by any person at any time at which such office is open for the transaction of public business. It shall be lawful for the Commissioner or the successor local authority concerned to prepare and supply to any person requesting the same a true copy of any map so deposited or any particular part thereof and to charge for such copy such sum as the Commissioner, with the consent of the Minister for Public Expenditure and Reform, or that authority may fix.

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- (4) Whenever required so to do by any Court of Justice, it shall be the duty of the Commissioner and of each successor local authority—

(a) to prepare and produce to that Court a true copy of a map deposited with the Commissioner or the successor local authority pursuant to *subsection (1)* or any specified part thereof, and

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(b) to verify the copy to that Court by the oath of an officer of the Commissioner or the successor local authority,

and the Court shall receive the copy in evidence and thereupon the copy shall, unless the contrary is shown, be sufficient evidence of the boundary (in so far as the same is shown on the copy) of the county or the city and county to which the copy purports to relate, notwithstanding any discrepancy between the copy and any other description of a boundary or any ambiguity or uncertainty in such description or in the application

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thereof.

- (5) A copy of every map deposited with a successor local authority pursuant to *subsection (2)* shall be displayed by it on its internet website as soon as practicable after being so deposited.

## Local government areas

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12. (1) The Principal Act is amended by substituting the following for section 10:

“10. (1) The State has local government areas in accordance with this section.

(2) The State stands divided into local government areas to be known as—

(a) counties,

(b) cities, and

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(c) cities and counties,

each of which shall be known as a county, a city or a city and county as provided for and set out in columns 1 of Parts 1, 2 and 3, respectively, of Schedule 5.

(3) (a) Subject to *section 10* of the *Local Government Act 2013*, the boundaries of a county referred to in subsection (2) are the boundaries of the corresponding county as existing immediately before 1 January 2002.

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(b) Subject to *section 10* of the *Local Government Act 2013*, the boundaries of a city referred to in subsection (2) are the boundaries of the corresponding county borough as existing immediately before 1 January 2002.

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(4) For the purposes of this section and subject to *section 11(2)* of the *Local Government Act 2013*, all maps showing such boundaries prepared by the Chief Boundary Surveyor under the Survey (Ireland) Acts 1825 to 1870, or by the Commissioner of Valuation or otherwise in accordance with law continue to have all such force and effect as they had immediately before 1 January 2002.

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(5) This section is without prejudice to—

(a) section 227,

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(b) Part V of the *Local Government Act 1991*, and

(c) *Part 2* of the *Local Government Act 2013*.

(6) This section is without prejudice to—

(a) the continued use of the description city in relation to Kilkenny, to the extent that that description was used before 1 January 2002 and is not otherwise inconsistent with this Act,

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(b) the continued use of the description city in relation to Limerick and to Waterford, to the extent that each of those descriptions was used before the 2014 establishment day and is not otherwise inconsistent

with this Act.”.

(2) The Principal Act is amended by substituting the following for Schedule 5—

“SCHEDULE 5

Sections 10(2) and 11(3)

LOCAL GOVERNMENT AREAS

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PART 1

COUNTIES

CHAPTER 1

Names of Counties and of Local Authorities in the Irish Language

Name of County 1	Name of Local Authority of County 2	10
Ceatharlach	Comhairle Contae Cheatharlach	
An Cabhán	Comhairle Contae an Chabháin	
An Clár	Comhairle Contae an Chláir	
Corcaigh	Comhairle Contae Chorcaí	15
Dún na nGall	Comhairle Contae Dhún na nGall	
Dún Laoghaire-Ráth an Dúin	Comhairle Contae Dhún Laoghaire-Ráth an Dúin	
Fine Gall	Comhairle Contae Fhine Gall	
Gaillimh	Comhairle Contae na Gaillimhe	20
Ciarraí	Comhairle Contae Chiarraí	
Cill Dara	Comhairle Contae Chill Dara	
Cill Chainnigh	Comhairle Contae Chill Chainnigh	
Laois	Comhairle Contae Laoise	
Liatroim	Comhairle Contae Liatroma	25
An Longfort	Comhairle Contae an Longfoirt	
Lú	Comhairle Contae Lú	
Maigh Eo	Comhairle Contae Mhaigh Eo	
An Mhí	Comhairle Contae na Mí	
Muineachán	Comhairle Contae Mhuineacháin	30
Tiobraid Árann	Comhairle Contae Thiobraid Árann	
Uíbh Fhailí	Comhairle Contae Uíbh Fhailí	
Ros Comáin	Comhairle Contae Ros Comáin	
Sligeach	Comhairle Contae Shligigh	
Baile Átha Cliath Theas	Comhairle Contae Baile Átha Cliath Theas	35
An Iarmhí	Comhairle Contae na hIarmhí	
Loch Garman	Comhairle Contae Loch Garman	
Cill Mhantáin	Comhairle Contae Chill Mhantáin	

CHAPTER 2

Names of Counties and of Local Authorities in the English Language

40

Name of County 1	Name of Local Authority of County 2
Carlow	Carlow County Council

Cavan	Cavan County Council	
Clare	Clare County Council	
Cork	Cork County Council	
Donegal	Donegal County Council	
Dun Laoghaire-Rathdown	Dun Laoghaire-Rathdown County Council	5
Fingal	Fingal County Council	
Galway	Galway County Council	
Kerry	Kerry County Council	
Kildare	Kildare County Council	
Kilkenny	Kilkenny County Council	10
Laois	Laois County Council	
Leitrim	Leitrim County Council	
Longford	Longford County Council	
Louth	Louth County Council	
Mayo	Mayo County Council	15
Meath	Meath County Council	
Monaghan	Monaghan County Council	
Offaly	Offaly County Council	
Roscommon	Roscommon County Council	
Sligo	Sligo County Council	20
South Dublin	South Dublin County Council	
Tipperary	Tipperary County Council	
Westmeath	Westmeath County Council	
Wexford	Wexford County Council	
Wicklow	Wicklow County Council	25

## PART 2

### CITIES

#### CHAPTER 1

##### Names of Cities and of Local Authorities in the Irish Language

Name of City 1	Name of Local Authority of City 2	
Corcaigh	Comhairle Cathrach Chorcaí	
Baile Átha Cliath	Comhairle Cathrach Bhaile Átha Cliath	
Gaillimh	Comhairle Cathrach na Gaillimhe	30

#### CHAPTER 2

##### Names of Cities and of Local Authorities in the English Language

Name of City 1	Name of Local Authority of City 2	
Cork	Cork City Council	
Dublin	Dublin City Council	40
Galway	Galway City Council	

## PART 3

### CITIES AND COUNTIES

#### CHAPTER 1

##### Names of Cities and Counties in the Irish Language and Names of Local Authorities

Name of City and County 1	Name of Local Authority of City and County 2	5
Luimneach	Comhairle Cathrach agus Contae Luimnigh	
Port Láirge	Comhairle Cathrach agus Contae Phort Láirge	

#### CHAPTER 2

##### Names of Cities and Counties in the English Language and Names of Local Authorities 10

Name of City and County 1	Name of Local Authority of City and County 2	15
Limerick	Limerick City and County Council	
Waterford	Waterford City and County Council	

#### **Establishment of local authorities for certain local government areas**

**13.** (1) On and from the 2014 establishment day and for the purposes of local government—

- (a) a local authority, to be known as Limerick City and County Council, shall stand established which shall—
    - (i) be the successor authority to the dissolved local authorities of Limerick County Council and Limerick City Council, and 20
    - (ii) be the local authority for the local government area of Limerick City and County,
  - (b) a local authority, to be known as Waterford City and County Council, shall stand established which shall— 25
    - (i) be the successor authority to the dissolved local authorities of Waterford County Council and Waterford City Council, and
    - (ii) be the local authority for the local government area of Waterford City and County,
  - and 30
  - (c) a local authority, to be known as Tipperary County Council, shall stand established which shall—
    - (i) be the successor authority to the dissolved local authorities of North Tipperary County Council and South Tipperary County Council, and
    - (ii) be the local authority for the local government area of Tipperary County. 35
- (2) Each local authority established by *paragraph (a), (b) or (c) of subsection (1)* shall have, in so far as is consistent with this Act or any regulations made under it, the functions which are for the time being vested by law in the councils of counties and of

cities generally and, in respect of each dissolved authority to which *section 17* relates, such other functions as were immediately prior to the 2014 establishment day vested by law in the dissolved authority that the local authority concerned is the successor authority. Without prejudice to the generality of the foregoing—

- (a) the law which for the time being applies generally in respect of the councils of counties and of cities, and
- (b) the law which immediately prior to the 2014 establishment day applied in particular in respect of the dissolved authorities that relate to a local authority so established,

shall, in so far as is consistent with this Act or any regulations made under it, apply to the local authority.

- (3) For the purposes of *subsection (2)*, where town councils within an area to which *paragraph (b)* or *(c)* of *subsection (1)* relates are dissolved on a date that does not have effect until after the day appointed as the 2014 establishment day, then *subsection (2)* shall have effect as if the day so appointed occurred after the date on which the town councils were dissolved.
- (4) Without prejudice to *section 27(2)*, each local authority established by *subsection (1)* shall, as soon as may be after such establishment, provide itself with a seal.

**Amendment of section 11 (establishment, titles and administrative areas of local authorities and consequential provisions) of Principal Act**

**14. Section 11 of the Principal Act is amended—**

- (a) by substituting the following for subsections (1) to (3):

“(1) On and from the 2014 establishment day and for the purposes of local government, the areas referred to in subsection (2) of section 10 (as amended by *section 12(1)* of the *Local Government Act 2013*) shall each have a local authority as provided for in this section.

- (2) With effect from the 2014 establishment day—

- (a) for each county set out in Part 1 of Schedule 5 (as amended by *section 12(2)* of the *Local Government Act 2013*)—

- (i) in the case of Tipperary, there stands established, under this section, and

- (ii) in every other case there continues to stand established under this section,

a body for the purposes of local government,

- (b) for each city set out in Part 2 of Schedule 5 (as so amended) there continues to stand established under this section a body for the purposes of local government, and

- (c) for each city and county set out in Part 3 of Schedule 5 (as so amended) there stands established under *section 13(1)* of the *Local Government Act 2013* a body for the purposes of local government,

- and each such body is a local authority and each such county, city, or city and county, as the case may be, is its administrative area.
- (3) The local authorities referred to in subsection (2) are the primary units of local government and shall be known by—
- (a) in the case of a county set out in Part 1 of Schedule 5— 5
    - (i) in the Irish language, the name of the local authority concerned as set out in column 2 of Chapter 1 of that Part opposite the mention in column 1 of that county,
    - (ii) in the English language, the name of the local authority concerned as set out in column 2 of Chapter 2 of that Part opposite the mention in column 1 of that county, 10
  - (b) in the case of a city set out in Part 2 of Schedule 5—
    - (i) in the Irish language, the name of the local authority concerned as set out in column 2 of Chapter 1 of that Part opposite the mention in column 1 of that city, 15
    - (ii) in the English language, the name of the local authority concerned as set out in column 2 of Chapter 2 of that Part opposite the mention in column 1 of that city,

and
  - (c) in the case of a city and county set out in Part 3 of Schedule 5— 20
    - (i) in the Irish language, the name of the local authority concerned as set out in column 2 of Chapter 1 of that Part opposite the mention in column 1 of that city and county,
    - (ii) in the English language, the name of the local authority concerned as set out in column 2 of Chapter 2 of that Part opposite the mention in column 1 of that city and county.”, 25
- (b) by deleting subsection (4),
- (c) by substituting the following for paragraph (a) of subsection (5):
- “(a) In respect of a local authority to which subsection (3) relates, each member (being directly elected or co-opted in accordance with this Act) shall be known as a councillor and, without prejudice to sections 22B and 22C, collectively shall comprise the elected council of the local authority.”, 30
- (d) by substituting the following for subsection (6):
- “(6) For the purposes of functions conferred on it by or under this or any other enactment— 35
- (a) a county council has jurisdiction throughout its administrative area,
  - (b) a city council has jurisdiction throughout its administrative area,
  - (c) a city and county council has jurisdiction throughout its

administrative area.”,

(e) in subsection (7) by substituting “subsection (3)” for “subsection (3) or (4)”,

(f) in subsection (11) by substituting “a county council or county borough corporation in being immediately before the establishment day” for “a county council, county borough corporation, borough corporation (other than a county borough corporation), urban district council or the commissioners of a town in being immediately before the establishment day”, 5

(g) by inserting the following after subsection (11):

“(11A) In respect of a dissolved authority, within the meaning of the *Local Government Act 2013*, and with effect from the commencement of the provision under that Act for such dissolution of the authority, subsection (11) ceases to have effect in respect of that authority.”. 10

and

(h) by inserting the following after subsection (16):

“(16A) Notwithstanding the dissolution of certain local authorities by *Part 2* of the *Local Government Act 2013* with effect from the 2014 establishment day or the dissolution of town councils by *Chapter 2* of *Part 3* of that Act with effect from the transfer date, subsection (16) continues to apply to any city or town concerned.”. 15

## **Number of members of local authorities**

20

### **15. The Principal Act is amended—**

(a) by substituting the following for section 21:

“21. (1) Subject to section 22, each county council, city council and city and county council consists of the number of members specified in Parts 1, 2 and 3, respectively, of Schedule 7 opposite the reference to the county council, city council or city and county council concerned. 25

(2) Without prejudice to paragraph 11 of Schedule 10, where a provision of this Act provides that at least a specified proportion of the total number of members of a local authority or of the municipal district members is necessary in relation to the doing of any particular act, then in a case where such proportion consists of a whole number and a remainder, the whole number shall of itself be sufficient.”. 30

and

(b) by substituting the following for Schedule 7:

## **“SCHEDULE 7**

35

### **Section 21**

#### **NUMBER OF MEMBERS OF LOCAL AUTHORITIES**

#### **PART 1**



COUNTY COUNCIL NUMBER OF MEMBERS		
<i>County Council</i>	<i>Number of Members</i>	
Carlow	18	
Cavan	18	
Clare	28	5
Cork	55	
Donegal	37	
Dun Laoghaire-Rathdown	40	
Fingal	40	
Galway	39	10
Kerry	33	
Kildare	40	
Kilkenny	24	
Laois	19	
Leitrim	18	15
Longford	18	
Louth	29	
Mayo	30	
Meath	40	
Monaghan	18	20
Offaly	19	
Roscommon	18	
Sligo	18	
South Dublin	40	
Tipperary	40	25
Westmeath	20	
Wexford	34	
Wicklow	32	
PART 2		
<i>City Council</i>	<i>Number of Members</i>	30
Cork	31	
Dublin	63	
Galway	18	
PART 3		
<i>City and County Council</i>	<i>Number of Members</i>	35
Limerick	40	
Waterford	32	

”.

### Provisions relating to management of amalgamated local government areas

- 16.** (1) On the 2014 establishment day there shall stand established an office of chief executive in respect of each of the local government areas established by *section 9*. 40
- (2) Any person who, immediately before the 2014 establishment day, held in a permanent capacity the office of manager for Limerick County and Limerick City shall, if willing, stand appointed to the office of chief executive for Limerick City and County and shall accordingly— 45
- (a) be a chief executive for the purposes of the *Local Government Acts 1925 to 2013* to which Chapter 2 of Part 14 of the Principal Act relates, and
- (b) pursuant to section 144(1) (as amended by this Act) of the Principal Act be

known as the Chief Executive of Limerick City and County Council.

- (3) Any person who, immediately before the 2014 establishment day, held in a permanent capacity the office of manager for North Tipperary County and South Tipperary County shall, if willing, stand appointed to the office of chief executive for Tipperary County and shall accordingly— 5
- (a) be a chief executive for the purposes of the *Local Government Acts 1925 to 2013* to which Chapter 2 of Part 14 of the Principal Act relates, and
- (b) pursuant to section 144(1) (as amended by this Act) of the Principal Act be known as the Chief Executive of Tipperary County Council.
- (4) Any person who, immediately before the 2014 establishment day, held in a permanent capacity the office of manager for Waterford County and Waterford City shall, if willing, stand appointed to the office of chief executive for Waterford City and County and shall accordingly— 10
- (a) be a chief executive for the purposes of the *Local Government Acts 1925 to 2013* to which Chapter 2 of Part 14 of the Principal Act relates, and 15
- (b) pursuant to section 144(1) (as amended by this Act) of the Principal Act be known as the Chief Executive of Waterford City and County Council.
- (5) On the 2014 establishment day each of the following shall be abolished and cease to exist:
- (a) the office of manager for Limerick County and Limerick City and the office of manager for North Tipperary County and South Tipperary County created by paragraphs (a) and (b), respectively, of section 144(1A) (inserted by the Local Government (Miscellaneous Provisions) Act 2012) of the Principal Act, and 20
- (b) the office of manager for Waterford County and Waterford City created by section 144(1A)(c) (inserted by the Electoral, Local Government and Planning and Development Act 2013) of the Principal Act. 25

#### **Dissolution of certain local authorities**

**17. On the 2014 establishment day—**

- (a) Limerick County Council,
- (b) Limerick City Council, 30
- (c) North Tipperary County Council,
- (d) South Tipperary County Council,
- (e) Waterford County Council, and
- (f) Waterford City Council,

shall each be dissolved (in this Act referred to as a “dissolved authority”) and cease to exist and thereupon, subject to the provisions of this Part and *Part 4*, Limerick City and County Council, Tipperary County Council and Waterford City and County Council shall, for all purposes, become and be the successor (in this Act referred to as a “successor authority”) of such dissolved authority as set out in the Table to this 35

section and the provisions of *Part 4* shall apply to such dissolved authorities and to the successor to each such authority.

Table

Column 1 Dissolved authority	Column 2 Successor authority
Limerick City Council	Limerick City and County Council
Limerick County Council	Limerick City and County Council
North Tipperary County Council	Tipperary County Council
South Tipperary County Council	Tipperary County Council
Waterford City Council	Waterford City and County Council
Waterford County Council	Waterford City and County Council

**Provisions consequential on dissolutions, etc.**

**18.** All acts duly done and decisions duly made before the 2014 establishment day by or on behalf of—

- (a) a local authority that was dissolved under *section 17*, or
- (b) a manager for a local government area that ceased to exist by virtue of *section 9(1)*,

shall, subject to this Act, continue to have all such force and effect as they had immediately before that day.

**PART 3**

**MUNICIPAL DISTRICTS AND DISSOLUTION OF TOWN COUNCILS**

**CHAPTER 1**

*Municipal Districts*

**Municipal districts**

**19.** The Principal Act is amended by inserting the following Part after Part 3:

**“PART 3A**

**MUNICIPAL DISTRICTS**

**Municipal districts**

22A. (1) Subject to subsection (4), every county and city and county set out in Part 1 and Part 3, respectively, of Schedule 5 shall have 2 or more districts (each consisting of one or more than one local electoral area) to be known as a municipal district and collectively as municipal districts, as the Minister shall determine by order made under section 23(1)(c).

(2) Where—

- (a) a municipal district contains the administrative area of the former Limerick City Council or the former Waterford City Council that were dissolved with effect from the 2014 establishment day, then, notwithstanding subsection (1), each of those municipal districts so containing shall be known— 5
- (i) in the Irish language, as ‘Ceantar Cathrach.....’ followed by the name of the municipal district in Irish, and
- (ii) in the English language, as ‘the Metropolitan District of.....’ followed by the name of the municipal district in English, 10
- and those municipal districts may each be referred to as a ‘metropolitan district’,
- (b) a municipal district contains the administrative area of the former borough of Clonmel, the former borough of Drogheda, the former borough of Sligo or the former borough of Wexford that were dissolved with effect from the transfer date, then, notwithstanding subsection (1), each of those municipal districts so containing shall be known— 15
- (i) in the Irish language, as ‘Ceantar Buirge.....’ followed by the name of the municipal district in Irish, and 20
- (ii) in the English language, as ‘the Borough District of.....’ followed by the name of the municipal district in English,
- and any such municipal district may be referred to as a ‘borough district’, and
- (c) a municipal district contains the administrative area of the former borough of Kilkenny, that was dissolved with effect from the transfer date, then, notwithstanding subsection (1), the municipal district so containing shall be known— 25
- (i) in the Irish language, as ‘Ceantar Bardasach Chathair Chill Chainnigh’, and 30
- (ii) in the English language, as ‘the Municipal District of Kilkenny City’.
- (3) In the case of a municipal district in respect of which a designation referred to in subsection (2) does not apply, the municipal district shall be known— 35
- (a) in the Irish language, as ‘Ceantar Bardasach.....’ followed by the name of the municipal district in Irish, and
- (b) in the English language, as ‘the Municipal District of.....’ followed by the name of the municipal district in English.
- (4) Subsection (1) does not apply in the case of the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin. 40

(5) This section has effect in respect of the local elections for the year 2014 and subsequent local elections and, accordingly,—

(a) a municipal district shall continue in existence until it ceases by order under section 23(1)(c), and

(b) its area shall continue to be that as determined by the order under section 23(1)(c), subject to any subsequent provision relating to its area being made by such an order. 5

#### **Members for municipal districts**

22B. The members of a county council or city and county council, elected in accordance with this Act for the local electoral areas situated in a municipal district of the county or the city and county concerned (as the case may be), collectively comprise the council membership for that municipal district for the purpose of the performance in that collective capacity of functions of the county council or city and county council in accordance with section 131A and, in respect of each municipal district, collectively shall be known as the municipal district members. 10 15

#### **Cathaoirleach of municipal district**

22C. In the case of each municipal district, the municipal district members shall elect a Cathaoirleach and Leas-Chathaoirleach in accordance with Part 5.”. 20

#### **Local electoral areas and municipal districts**

20. (1) Section 23 of the Principal Act is amended—

(a) by substituting the following for subsection (1):

“(1) Subject to and without prejudice to Part V of the Local Government Act 1991 (as amended by the Local Government Act 1994), the Minister may by order— 25

(a) divide each county, city or city and county referred to in section 10(2) into local electoral areas,

(b) fix the number of members to be elected for each local electoral area, and 30

(c) determine the municipal districts within a county or a city and county for the purposes of section 22A, each of which shall consist of one or more than one local electoral area.

(1A) Subsection (1)(c) does not apply in respect of the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin.”, 35

(b) by substituting the following for subsection (3):

“(3) Where, on the commencement of this provision, an order is in force dividing a local government area referred to in section 10(2) into local electoral areas or fixing the number of members for each local electoral area, the order shall continue in force in relation to that area and be deemed to be an order under this section and may be amended 40

or revoked accordingly.”,

- (c) in subsection (4) by substituting “any local electoral area in a local government area referred to in section 10(2)” for “any local electoral area in a county, city or town”, and
- (d) by deleting subsections (6) to (8). 5
- (2) Part 1 (which relates to Acts repealed) of Schedule 3 to the Principal Act is amended in column 3, opposite the reference in column 2 to the “Local Government Act, 1991”, by inserting “(other than Part V)” after “Parts II to VI”.
- (3) Section 32(2) of the Local Government Act 1991 (as amended by the Local Government Act 1994), is amended by substituting for the words “section 24 of the Local Government Act, 1994” of the words “section 23 of the Local Government Act 2001”. 10

### **Functions of municipal district members — amendments to Principal Act**

- 21.** (1) Section 63 of the Principal Act is amended by substituting the following for subsection (4): 15
- “(4) Subject to law, the functions of a local authority shall be performed for or on behalf of the local authority and in its name by the elected council (including the municipal district members in respect of each municipal district) or the chief executive, as may be appropriate, in accordance with Part 14.”. 20
- (2) Section 131 of the Principal Act is amended—
- (a) in subsection (1)(a) by substituting “Subject to section 131A, the elected council of a local authority or the members of a joint body shall” for “The elected council of a local authority or the members of a joint body shall”,
  - (b) in subsection (2) by substituting the following for paragraph (a): 25
    - “(a) designated as a reserved function by any provision of the *Local Government Acts 1925 to 2013* (including a designation by order under subsection (3)), a provision of any other Act that is to be construed together with those Acts, or as specified in Schedule 14 or 14A,”. 30
- and
- (c) in subsection (3) by inserting the following after paragraph (b):
    - “(c) An order under paragraph (a) may provide that a specified function designated by such order to be a reserved function may be performed, or shall be performed, as provided in the order, in respect of each municipal district in the county or the city and county, as the case may be, by the municipal district members concerned, subject to the provisions of subsections (4) to (6) of section 131A.”. 35
- (3) The Principal Act is amended by inserting the following section after section 131: 40

**“Performance of reserved functions by municipal district members**

- 131A.(1) Subject to subsection (4), in respect of the elected council of a local authority that is the council of a county (other than the council of a county to which section 22A(4) relates) or of a city and county, a reserved function which is specified in— 5
- (a) paragraphs 1 and 3 (other than in respect of a joint body) of Schedule 14 and Part 1 of Schedule 14A shall be performed in respect of each municipal district within the administrative area of the local authority by the municipal district members concerned, and 10
  - (b) paragraphs 5, 6 or 7 of Schedule 14 and Part 2 of Schedule 14A, may be performed in respect of a municipal district within the administrative area of the local authority by—
    - (i) the municipal district members, or
    - (ii) the local authority. 15
- (2) (a) In addition to the functions referred to in subsection (1), a local authority that is the council of a county or a city and county may, subject to paragraph (e), by resolution delegate with or without restrictions to the municipal district members for any municipal district in the area of the local authority any of its functions that may be performed by resolution and a function so delegated shall, accordingly, be performed in respect of each such municipal district in the administrative area of the local authority (or any part of such district) by the municipal district members concerned. 20
- (b) A local authority may, by resolution, revoke the delegation by it under this subsection of a function, but the revocation is without prejudice to anything previously done by virtue of the delegated function. 25
  - (c) A function shall not be delegated by a local authority in such a manner that, at the same time, it is exercisable— 30
    - (i) by a committee established under section 51, and
    - (ii) by municipal district members under this subsection.
  - (d) A resolution of a local authority delegating or revoking the delegation of a function to municipal district members shall not be treated as having been passed unless at least a half of the total number of members of the local authority concerned vote in favour of the resolution. 35
  - (e) A local authority shall not delegate any of its functions to which subparagraphs (i) to (iv) of section 51(2)(a) relates to the municipal district members. 40
- (3) The functions, by virtue of subsection(2)(a), of municipal district members shall not be delegated by the municipal district members.

- (4) Municipal district members may by resolution decide, subject to the approval by resolution of the local authority and the approval of the Minister, that a particular function to which subsection (1) relates should be performed only by the local authority.
- (5) (a) The Minister may make regulations specifying conditions, 5  
restrictions, procedures or other provisions to apply—
- (i) generally in relation to the performance of functions to which subsections (1) and (2) relate,
  - (ii) specifically in relation to performance of one or more than one 10  
function to which any of those sections relate,
  - (iii) in relation to the delegation of functions or the revocation of a delegation of functions under subsection (2), or
  - (iv) in relation to a decision under subsection (4).
- (b) Without prejudice to the generality of paragraph (a), regulations 15  
under this subsection may provide for any of the following:
- (i) requirements for the purpose of ensuring that municipal district members performing functions do so in a manner consistent with the policies, strategies, programmes or plans of the local authority concerned;
  - (ii) requirements for the purpose of ensuring the avoidance of 20  
unnecessary duplication in the performance of functions between the municipal district members for each of the municipal districts in a local authority area or between the municipal district members and the local authority for that area;
  - (iii) that specified functions may not be delegated under subsection 25  
(2), or may only be delegated with the approval of the Minister;
  - (iv) that, in circumstances provided for in the regulations, a local authority may perform a specified delegated function in place of the municipal district members in a particular case or occasion;
  - (v) arrangements for the resolution of any difference or 30  
disagreement between a local authority and the municipal district members in relation to the performance of a function which is specified in paragraphs 5, 6 or 7 of Schedule 14 or Part 2 of Schedule 14A;
  - (vi) that a particular function set out in paragraphs 5, 6 or 7 of 35  
Schedule 14 or Part 1 or 2 of Schedule 14A shall only be performable in every instance by the local authority concerned;
  - (vii) provisions to determine whether a function specified in paragraph 5, 6 or 7 of Schedule 14 and Part 2 of Schedule 14A 40  
should, in particular circumstances be performed by municipal district members or by the local authority.
- (6) The Minister may issue general policy guidelines to local authorities



for the purposes of any provision of this section (including any regulations made under it) and each local authority shall comply with any such guidelines.

- (7) For the purposes of this section and section 131 and for convenience of reference only, there is set out in column (3) of Parts 1, 2 and 3 of Schedule 14A the provisions of enactments under which reserved functions are conferred. 5
- (8) The validity of any function conferred on a local authority by law is not affected by the fact that it is not specified in Schedule 14 or 14A.”.
- (4) The Principal Act is amended by inserting, after Schedule 14, the Schedule set out in Schedule 3. 10

### **Application of certain provisions of the 2001 Act to municipal district members**

- 22.** (1) Except where otherwise provided for by the *Local Government Acts 1925 to 2013* in respect of a municipal district or the municipal district members, the Minister may by regulations apply, with or without modification, to municipal districts or to municipal district members (either generally or to a class or classes of such districts as may be prescribed) provisions of the Principal Act relating to a local authority or the council of a local authority in so far as those provisions deal with— 15
- (a) subject to section 21(3) of the Principal Act, the proportion of the total number of members of a local authority necessary in relation to the doing of any particular act, 20
  - (b) alternative titles to those of Cathaoirleach or Leas-Chathaoirleach of a local authority,
  - (c) the resignation of the Cathaoirleach or Leas-Chathaoirleach of a local authority,
  - (d) removal of Cathaoirleach or Leas-Chathaoirleach of a local authority from office, 25
  - (e) the annual election of Cathaoirleach or Leas-Chathaoirleach of a local authority,
  - (f) any other matter relating to the Cathaoirleach and Leas-Chathaoirleach of a local authority, but not including matters to which subsections (2), (8) and (11) of section 31 of the Principal Act relate,
  - (g) meetings and proceedings of local authorities or the attendance of the public and representatives of the media (within the meaning of section 45 of the Principal Act) at such meetings, 30
  - (h) the appointment and dissolution of committees of local authorities,
  - (i) the establishment of one or more than one committee under subsection (1)(a) of section 51 to consider matters connected with the functions of a local authority and the application, in so far as they relate to that subsection, of subsections (3) to (6) of that section, 35
  - (j) the making of regulations relating to committees of a local authority, but not including matters to which paragraphs (a) and (d) of section 54(1) relate,
  - (k) the making of a decision under section 64(3) in relation to the representation of 40

the views of the local community,

- (l) the making of arrangements under section 127(2)(f) for attendance and raising of issues by interested persons at meetings,
  - (m) determining under section 130 the policy of the elected council,
  - (n) the furnishing of information to the elected council of a local authority under section 136 of the Principal Act, 5
  - (o) the making of regulations under section 142 relating to members expenses and remuneration, other than paragraphs (b), (c) and (d) of subsection (1), and subsections (2)(b), (4)(i), (5) and (7), of that section,
  - (p) the payment of an allowance for reasonable expenses of a Cathaoirleach and Leas-Chathaoirleach of a local authority under section 143 of the Principal Act, 10
  - (q) attendance of chief executive at local authority meetings under section 152 of the Principal Act,
  - (r) provisions of Part 15 (ethical framework) of the Principal Act relating to beneficial interests, including disclosure by member of local authority of pecuniary or other beneficial interests under section 177 of that Act. 15
- (2) *Subsection (1) is without prejudice to section 4.*

## CHAPTER 2

### *Dissolution of Town Councils*

#### **Definitions (*Chapter 2*)**

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#### **23. In this Chapter—**

“dissolved body” means a town council which is dissolved under *section 24(2)*.

“transfer date” has the meaning given in *section 24(1)(a)*.

#### **Dissolution of town councils and transfer date**

- 24. (1) (a)** Subject to *paragraph (b)*, the Minister shall by order specify a date (in this Part referred to as the “transfer date”) to be the transfer date for the purposes of this Part. 25
- (b) The transfer date shall be not later than the ordinary day of retirement under section 17(1)(aa) (inserted by *Part 1 of Schedule 1*) of the Principal Act.
- (2)** On the transfer date each town council stands dissolved and ceases to exist and— 30
- (a) the local authority for a county or a city and county in which a town whose town council is so dissolved is situated shall, for all purposes, become and be the successor to the town council on that date, and
  - (b) the area of a town whose town council is so dissolved shall, for the purposes of all functions of the local authority (whether under the *Local Government Acts 1925 to 2013* or otherwise) for the county or city and county in which the town is situated, be included in and form part of that county or city and county. 35

## **Dissolution of town councils — consequential provisions**

25. (1) (a) All acts done and decisions duly made, whether by resolution, manager's order or otherwise, before the transfer date in respect of a town council shall, subject to this Act, continue to have all such force and effect as they had immediately before that date. 5
- (b) In this subsection "acts done or decisions duly made" include resolutions of the town council concerned and manager's orders of that authority.
- (2) A function of a town council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a town council and whether of general application to town councils or otherwise under an enactment) that— 10
- (a) has not been repealed or otherwise provided for by this Act, or
- (b) is neither spent nor obsolete,
- shall, if the context permits in respect of one or more than one town council concerned, be read as a reference to a function of the local authority in whose administrative area the town council so dissolved is situated. 15
- (3) Without prejudice to *section 4*, the Minister may make regulations providing for any matter or thing which the Minister considers necessary to give effect to the dissolution of any one or more town councils.
- (4) For the purposes of this Part but without prejudice to *section 5* and *Part 1* of *Schedule 1* (where relevant)— 20
- (a) section 2(1) of the Principal Act is amended—
- (i) in the definition of "administrative area" in the manner provided for in *Part 1* of *Schedule 1*, and
- (ii) by deleting the interpretation given to "town council", as provided for in *Part 1* of *Schedule 1*, 25
- (b) section 10 of the Principal Act is amended by deleting the reference to "town council" in the manner provided for by *section 12*,
- (c) section 11 of the Principal Act is amended—
- (i) by deleting subsection (4), and by deleting the reference to subsection (4) in subsection (7), in the manner provided for by *section 14*, and 30
- (ii) by inserting subsection (16A) into that section in the manner provided for by *section 14*,
- (d) Part 17 (sections 185 to 187) of the Principal Act is repealed as provided for in *Part 1* of *Schedule 1*, and
- (e) Schedule 6 to the Principal Act is repealed as provided for in *Part 1* of *Schedule 1*. 35

## PART 4

### GENERAL PROVISIONS RELATING TO DISSOLUTIONS, ETC.

#### Consequential provisions on dissolution of certain bodies

26. *Schedule 4* shall (so far as may be appropriate) apply in relation to the dissolutions effected by *Parts 2* and *3* and to each dissolved authority and its successor authority. 5

#### Implementation of Act by local authorities, actions in anticipation of 2014 establishment day

27. (1) It shall be the duty of the relevant local authorities and their staff to cooperate with each other and generally to exercise their functions so as to facilitate the implementation of this Act. 10
- (2) Subject to the provisions of this Act and of any regulations made under it and notwithstanding the provisions of any other enactment, the relevant local authorities and their employees may, prior to the commencement of any provision of this Act and in anticipation of such commencement, or following such commencement, do anything which may be necessary as a preliminary to, or for the purpose of facilitating, the commencement or securing the operation of such provision or which is necessary to give full effect to, or which arises from, by reason of or is otherwise related to such provision. 15
- (3) Every act done by a relevant local authority before and in anticipation of the commencement of any of the provisions of this Act shall have and be deemed always to have had all such (if any) validity and effect as it would have had if this Act or if such provisions had been in force when such act was done. 20
- (4) In this section “relevant local authority” means—
- (a) in relation to the amalgamation of local government areas set out in *section 9(1)*— 25
- (i) prior to the 2014 establishment day, a local authority referred to in *paragraph (a), (b) and (c) of section 13(1)* for the area mentioned, respectively, in *paragraphs (a), (b) and (c) of section 9(1)*,
- (ii) on and after the 2014 establishment day, the successor authority concerned,
- (b) in relation to the dissolution of a town council under *section 24*— 30
- (i) prior to the transfer date, the town council and the county council of the county concerned,
- (ii) on and after the transfer date, the successor authority concerned.

#### Elections to local authorities in 2014

28. (1) For the purpose of holding in 2014 elections of members of local authorities— 35
- (a) the local government areas provided for by *section 10* of, and *Schedule 5* to, the Principal Act shall have effect as amended by *section 12*,

- (b) the amendments by *section 14* to section 11 of the Principal Act shall have effect,
  - (c) the numbers of members of local authorities provided for in section 21 of, and Schedule 7 to, the Principal Act shall have effect as amended by *section 15*,
  - (d) the amendments by *section 20(1)* to section 23 of the Principal Act shall have effect, 5
  - (e) such other amendments by this Act to the Principal Act as are necessary to enable the holding of local elections shall have effect, including amendments to section 2 of the Principal Act,
  - (f) the Electoral Acts 1992 to 2013, the Local Elections Acts 1974 to 2012 and the Local Elections Regulations 1995 (S.I. No. 297 of 1995) shall have effect as amended by *section 5(4)* and *Part 2* of *Schedule 2*, and 10
  - (g) Schedule 6 to the Principal Act shall not have effect.
- (2) For the purpose of *subsection (1)* and for the purpose of holding elections to local authorities after 2014, regulations and orders may be made by the Minister under the appropriate provisions of the *Local Government Acts 1925 to 2013* having regard to *paragraphs (a) to (f)* of *subsection (1)*. 15
- (3) Nothing in section 26 of the Principal Act shall be read as enabling the holding of an election for members of—
- (a) a town council, or
  - (b) a local authority that is to be dissolved on the 2014 establishment day, 20
- but this subsection is without prejudice to filling, in accordance with section 19 of the Principal Act, a casual vacancy that occurs before the transfer date or the 2014 establishment day, as appropriate.
- (4) This section has effect upon the passing of this Act.

## PART 5

25

### FINANCIAL PROVISIONS CONSEQUENTIAL ON DISSOLUTIONS

#### **Rates**

**29. (1)** In this section—

“adjustment period”, in relation to a specified area, means a period referred to in *subsection (7)* within which the base year adjustment is operational; 30

“annual rate on valuation”, in relation to a year, means, subject to *subsection (8)*, the rate determined by the local authority concerned as the rating authority pursuant to section 103(7)(b)(i) of the Principal Act;

“base year adjustment” means the adjustment, by way of discount or levy, receivable or payable under *subsection (5)* by ratepayers in a specified area during the adjustment period; 35

“specified area” means any area of a rating authority where a different annual rate on

valuation to that determined for Year 1 of the adjustment period applied in the year immediately preceding Year 1;

“Year 1” means the first year of the adjustment period.

- (2) A base year adjustment shall be determined in accordance with *subsections (3) and (4)* by a rating authority in respect of each year of the adjustment period for each of the specified areas of the rating authority. 5

- (3) In respect of a specified area, the base year adjustment shall be calculated in Year 1 of the adjustment period, by the formula—

$$A - B$$

where 10

A is the annual rate on valuation in respect of the year immediately preceding Year 1 that is applicable in the specified area, and

B is the annual rate on valuation determined by the rating authority in Year 1 of the adjustment period applicable generally in the area of the rating authority. 15

- (4) In respect of each year of the adjustment period subsequent to Year 1, the base year adjustment shall be adjusted separately for each specified area by the rating authority concerned by reducing the discount or levy (as the case may be) referred to in *subsection (5)*, incrementally each year, until it is eliminated.

- (5) The base year adjustment applicable to a specified area shall be applied to rating bills issued to ratepayers in the specified area and shall operate as either a discount or levy (as the case may be) on the amount due calculated by reference to the annual rate on valuation. 20

- (6) *Subsection (5)* applies to the levy provided for in respect of a property to which section 211B or 211E (inserted by the Local Government (Business Improvement Districts) Act 2006) of the Principal Act relates. 25

- (7) Base year adjustments shall cease at the end of the adjustment period for each specified area, which period—

(a) shall not be greater than 10 years commencing with Year 1, but

(b) may, at the discretion of the rating authority concerned, be a shorter period in respect of any specified area within the administrative area of that rating authority, 30

and, accordingly, the adjustment period shall cease in respect of a specified area when the base year adjustment for that area has been eliminated or the period of 10 years referred to in *paragraph (a)* has elapsed, whichever first occurs. 35

- (8) In respect of a rating authority to which this section relates, the annual rate on valuation determined by such rating authority in Year 1 of the adjustment period shall not be increased in subsequent years until the adjustment period ceases, as provided for by *subsection (7)*, for every specified area within the administrative area of that authority. 40

- (9) Where a revaluation under the Valuation Act 2001 takes effect in a rating authority in

any year after Year 1 of the adjustment period, the base year adjustment referred to in this section shall continue to be applied to relevant properties by means of a percentage discount or levy equivalent to the former base year adjustment as a percentage of the annual rate on valuation as determined by such rating authority in Year 1 of the adjustment period.

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(10) This section does not apply to any rating authority where a revaluation under the Valuation Act 2001 takes effect in the first year of the adjustment period.

(11) The adjustment period referred to in this section shall commence on the first day of January in the year following the commencement of this section.

### **Amalgamation of local funds of certain city councils and county councils**

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**30.** The local fund maintained immediately before the 2014 establishment day—

(a) by Limerick City Council and by Limerick County Council,

(b) by South Tipperary County Council and by North Tipperary County Council, and

(c) by Waterford City Council and by Waterford County Council,

shall, with effect from that day, be amalgamated and maintained by the successor authority in each case, as appropriate.

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### **Amendment of section 14 (rates on vacant premises in county) of Local Government Act 1946**

**31.** Section 14 of the Local Government Act 1946 is amended—

(a) in subsection (1) by deleting “which is situated in a county but not in an urban area and”,

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(b) in subsection (1), by substituting “one-twenty-fourth” for “one-twelfth”, and

(c) by inserting the following after subsection (1):

“(1A) For the purposes of subsection (1) reference to county rate shall include a rate adopted by a city and county council.”.

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### **Amalgamated valuation list**

**32.** (1) Where before the 2014 establishment day or the transfer date, as the case may be, the Commissioner of Valuation made orders under section 19 of the Valuation Act 2001, in respect of the area of 2 or more rating authorities then subsisting, the councils of which areas were dissolved after that day or date by *section 17* or *24*, then the Commissioner shall, in due course, cause to be published under section 23 of that Act an amalgamated valuation list in respect of the area of the successor authority in each case, as if—

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(a) the successor authority was in existence when the orders concerned were so made,

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(b) the orders so made in respect of that area were orders that related to the successor authority,

(c) the successor authority was the rating authority when the orders were so made,  
and, accordingly, each such list shall be effective for the purposes of the Valuation Act 2001.

- (2) Notwithstanding the fact that, as a consequence of the 2014 establishment day order or the transfer date order, a dissolved authority ceased to exist as a rating authority for the area concerned, an existing valuation list for that area and the value of each property appearing on that list shall, subject to any amendment of it made in accordance with the Valuation Act 2001, continue in force in relation to that area for all the purposes of that Act, and section 29 (as amended by section 45 of the Local Government Act 1994) of the Local Government Act 1946 until the date on which a valuation list is caused to be published under section 23 of the Valuation Act 2001 for the local authority area that includes the first-mentioned area.

### References to county rate

33. Except where the contrary intention appears from this Act, a reference however expressed in any enactment to a county rate (being a county rate to which section 12 of the Local Government Act 1946 relates) shall, if the context permits, be read as a reference to a rate in respect of a county council or a city and county council.

## PART 6

### COMMUNITY DEVELOPMENT WITHIN LOCAL AUTHORITY AREAS

#### CHAPTER 1

#### *County Development Boards and City Development Boards*

### Dissolution of county development boards and city development boards

34. (1) In this section “Boards” means the county development boards and city development boards established under section 129 of the Principal Act.
- (2) The Minister shall by order dissolve all the Boards with effect from such date or dates as the Minister specifies.
- (3) The Minister may, with the consent of the Minister for Public Expenditure and Reform, by order make provision for the transfer of the assets and liabilities of the Boards, either generally or in respect of any particular Board or class of Boards.
- (4) An order to which *subsection (3)* relates shall contain such provisions as the Minister considers necessary or expedient consequential on the dissolution of the Boards concerned, and, in particular, may make provision for—
- (a) the application of any of the provisions of *Schedule 4* (other than *paragraphs 3(2), 6(2)(a), 7, 8, 12, 13, 14(3) and 15* and such other provisions as may be specified) either generally to all Boards or to one or more than one named Board as if—
- (i) references in that Schedule to “relevant day or date” were a reference to the date provided for in the order for the dissolution of the Board concerned,



- (ii) references to a dissolved authority were references to a Board dissolved by order under this section,
  - (iii) in relation to a Board, references to a successor authority were references to such corporate or unincorporated body designated in the order as the successor body, and different bodies may be designated in respect of different matters, including by reference to a geographical area, 5
- together with such other modifications as the Minister considers necessary or expedient, and
- (b) any other transitional, supplementary or incidental matters that appear to the Minister to be necessary or expedient to facilitate the dissolution either generally of all Boards or of one or more than one named Board. 10
- (5) Where an order under *subsection (3)* is made, land to which the order relates shall, on the date specified in the order in relation to that land, vest in such person or body referred to for that purpose in the order without any further conveyance, transfer or assignment. 15

## CHAPTER 2

### *Local Community Development Committees*

#### **Local Community Development Committees**

**35.** (1) The Principal Act is amended by inserting the following after section 49:

#### **“Local Community Development Committees 20**

- 49A. (1) Subject to subsection (3), there shall be established, in accordance with this section and Chapter 2 of Part 13 (including any regulations made or general policy guidelines issued under that Chapter) by resolution of each local authority in respect of its administrative area a committee, to be known as the Local Community Development Committee, for the purposes of developing, co-ordinating and implementing a coherent and integrated approach to local and community development. 25
- (2) Subject to this section and Chapter 2 of Part 13, each Local Community Development Committee is independent in the performance of its functions. 30
  - (3) Where the Minister has approved in writing a proposal by a local authority for the establishment of more than one Local Community Development Committee within its administrative area, the local authority may by resolution establish such number of Committees so proposed. 35
  - (4) A local authority may, by resolution and with the prior approval of the Minister in writing, dissolve a Local Community Development Committee established by it but the dissolution is without prejudice to anything previously done by such Committee. 40
  - (5) A Local Community Development Committee dissolved in accordance

- with subsection (4) shall be replaced by resolution of the local authority concerned—
- (a) where subsection (3) applies, by such number of Local Community Development Committees as are approved by the Minister for establishment under that subsection, or 5
  - (b) in any other case, by a new Local Community Development Committee.
- (6) Except where a Local Community Development Committee would stand dissolved in accordance with subsection (4) in respect of a day that would be the ordinary day of retirement of the members of the local authority concerned, a Local Community Development Committee shall, notwithstanding section 51(6), continue to stand established on and following that day. 10
- (7) An annual report of a local authority shall include an outline of the activities of each Local Community Development Committee within the authority's functional area during the period to which the annual report relates.”. 15
- (2) Part 13 of the Principal Act is amended by designating sections 127 and 128 as Chapter 1 of that Part and by inserting the following Chapter to that Part before Part 13A: 20

## “CHAPTER 2

### *Local Community Development Committees*

#### **Interpretation (Chapter 2)**

128A. In this Chapter—

‘chief officer’, in relation to a Committee, means the person designated as such by the chief executive of the local authority concerned under section 128E(1); 25

‘Committee’ means a Local Community Development Committee;

‘functional area of a Committee’, in relation to a Committee, means the area to which the Committee relates, being the same area as the administrative area of the local authority concerned or such part of that area as may be determined by a resolution of the local authority under section 49A; 30

‘local and community development programme’ means any action, intervention, programme, scheme or any other support, financial or otherwise, which is concerned with promoting the interests of local communities and includes matters to which section 66(3) relates; 35

‘Local Community Development Committee’ means the committee established pursuant to section 49A;

‘Plan’ has the meaning given in section 128B(1)(a); 40

‘publicly funded body’ means a body whose funds, directly or indirectly and in whole or in part, come out of moneys provided by the Oireachtas for the purpose of performing its functions;

‘representatives of local community interests’, in relation to the functional area of a Committee, means persons who are representative of community interests that are concerned with promoting the development of aspects of those interests within that area and such representatives may include representatives of non-governmental organisations, development agencies, community-based groups, recognised associations for the purposes of section 128, cultural bodies, sporting bodies and social movements and networks.

### **Functions of Local Community Development Committees**

128B.(1) The functions of a Committee are—

- (a) to prepare and adopt a 5 year plan in accordance with section 128C and any regulations made, or general policy guidelines issued, by the Minister for the purposes of that section (in this Chapter referred to as the ‘Plan’) for the local and community development of the area to which the Committee stands established, which Plan shall be referred to as the ‘Local and Community Plan’ with the following prefixed—
  - (i) the name of the appropriate administrative area, or
  - (ii) where the Committee is so established for any part of a local authority administrative area, the name for that part of the area as prescribed in the resolution under section 49A(3),
- (b) to implement, or to arrange for the implementation of, the Plan (as the case may be) as approved by the local authority in accordance with section 128C(3),
- (c) to undertake a review of the Plan at least once within the period of 5 calendar years after the Plan was adopted or last amended for the purposes of this paragraph and, if the Committee considers it necessary after any such review—
  - (i) to amend the Plan, or
  - (ii) to prepare and adopt a new Plan for approval by the local authority under section 128C(3),and any such amendment or adoption shall be in accordance with any regulations made, or general policy guidelines issued, by the Minister for that purpose,
- (d) to monitor and review on an ongoing basis the implementation of the Plan, including performance against any benchmarks or indicators of performance set out in the Plan or other relevant indicators and, if the Committee considers appropriate, to revise the actions and strategies set to achieve the objectives of the Plan,
- (e) in furtherance of paragraph (b), to co-ordinate, manage and oversee

the implementation of local and community development programmes that have been either—

(i) approved by resolution from time to time for that purpose by the local authority concerned in respect of all or part of its administrative area, or

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(ii) agreed for that purpose between the Committee and a public authority,

and to ensure that any plans and strategies related to those programmes are implemented in accordance with the Plan,

(f) to seek to ensure effectiveness, consistency, co-ordination and avoidance of duplication between the local and community development programmes to which paragraph (e) applies and the functions of the local authority in relation to promoting the interests of local communities or in other related functions under section 66 (as provided for by subsection (2)) or otherwise,

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(g) in addition to those programmes to which paragraphs (e) and (f) apply, to pursue the co-ordination generally of all local and community development programmes within the functional area of the Committee, so as to optimise resources for the benefit of local communities in that area and to improve the efficiency with which public authorities use their resources, and

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(h) not later than 31 March in each year, to prepare, adopt and submit to the local authority a report in relation to the performance of its functions during the year immediately preceding the year in which the report is submitted.

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(2) The functions of a local authority under section 66, shall be deemed to be delegated to a Committee, in so far as those functions are necessary for the performance by the Committee of its functions otherwise provided for by this section.

(3) (a) The Committee may enter into an agreement in writing with a public authority, local development or community development body, or other person for the carrying out of those functions by such an authority, body or person, as the case may be, which the Committee considers appropriate to be carried out by such an authority, body or person, subject to such terms, conditions, restrictions and other requirements as the Committee considers necessary and specifies in the agreement.

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(b) In this subsection a ‘local development or community development body’ includes a not-for-profit organisation that provides programmes, offers services or engages in other activities that promote and support the interests of a local community or any part of a community or group within a local community.

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(4) (a) The Minister may, with the consent of the Minister for Public Expenditure and Reform, by order confer on a Committee or

- Committees such additional functions connected with the functions for the time being of a Committee, class of Committees or Committees generally (as the case may be) as the Minister determines, subject to such conditions (if any) as may be specified in the order. 5
- (b) The Minister may make such provision as he or she considers necessary or expedient in respect of matters ancillary to or arising out of any of the functions referred to in paragraph (a).
- (c) The Minister shall not make an order under this subsection in respect of functions for which another Minister of the Government is directly or indirectly responsible unless that Minister consents to that order being made. 10
- (5) The Committee, in performing its functions, shall have regard to—
- (a) the resources, wherever originating from, that are available or likely to become available to it for the purpose of such performance and the need to secure the most beneficial, effective and efficient use of such resources, 15
- (b) the need for co-operation with, and the co-ordination of its activities with those of local authorities, public authorities and publicly funded bodies, the performance of some of whose functions affect or may affect the Committee, so as to ensure efficiency and economy in the performance by the Committee of its functions, 20
- (c) the need for consultation with public authorities and publicly funded bodies in appropriate cases, 25
- (d) the need for consistency with the policies and objectives of the Government or any Minister of the Government or other public authority in so far as they may affect or relate to the Committee's functions,
- (e) the need to integrate sustainable development considerations into policy development and implementation, and 30
- (f) the need to promote social inclusion.
- (6) The Committee has all such powers as are necessary for, or incidental to, the performance of its functions under this section.
- (7) Subject to subsections (2) and (8), this section and section 49A are without prejudice to and do not restrict the functions of a local authority in relation to promoting the interests of local communities or other related functions under section 66 or otherwise. 35
- (8) Section 140 shall not apply to the performance of any functions of the Committee and any resolution purporting to be passed under that section in relation to those functions which contravenes this subsection is void. 40

## **Local and Community Plan**

- 128C.(1) The Plan adopted by a Committee shall be consistent with the core strategy and the objectives of the development plan (being the development plan for the purposes of Chapter I of Part II of the Planning and Development Act 2000) of the local authority concerned, 5  
as provided and defined by section 10 and any regional planning guidelines (being guidelines for the purposes of Chapter III of Part II of that Act) that may apply to the area of the Plan, and shall consist of a written statement which may include objectives for the sustainable development of the area of the Plan. 10
- (2) (a) The Committee shall submit the Plan for consideration by the municipal district members, and the municipal district members shall adopt a statement in that regard for the consideration of the elected council of the local authority.
- (b) The consideration of the Plan by the municipal district members 15  
shall relate to the consistency of the Plan with the core strategy and the objectives of the development plan of the relevant local authority and any regional planning guidelines that may apply to the area of the Plan.
- (c) The adoption by the municipal district members of a statement 20  
under paragraph (a) is a reserved function.
- (3) (a) The Plan (including any Plan amended consequent to subparagraph (i), or new Plan prepared and adopted consequent to subparagraph (ii), of section 128B(1)(c)) shall be approved by the elected council of the local authority, with or without amendment, and any 25  
amendment shall relate only to the consistency of the Plan with the core strategy and the objectives of the development plan, referred to in subsection (1), of the relevant local authority, and any regional planning guidelines that may apply to the area of the Plan.
- (b) The approval of the Plan under paragraph (a) by the elected council 30  
of the local authority is a reserved function.

## **Membership of Local Community Development Committees**

- 128D.(1) Subject to and in accordance with any regulations made, or general policy guidelines issued, by the Minister for the purposes of this section, the membership of a Committee shall comprise partly of 35  
persons who are and partly of persons who are not members of the local authority concerned.
- (2) For the purposes of subsection (1), the Committee shall include—
- (a) members of the local authority,
- (b) the chief executive of the local authority or such other person 40  
employed by, or seconded to, the local authority (either by name or by reference to the person for the time being holding or exercising the functions of a particular post in that authority) standing nominated for the time being by the chief executive,

- (c) representatives of public authorities having responsibility for the provision of services to or within, the area of the Committee,
  - (d) representatives of local community interests,
  - (e) individuals acting in a private capacity who are or have been members or otherwise associated with any body (however described) of a type referred to in the definition of ‘local community representatives’ in section 128A, 5
  - (f) representatives of publicly funded or supported local development bodies concerned with promoting the interests of local communities, and 10
  - (g) such other persons or bodies (if any) as may be provided for by such regulations made, or general policy guidelines issued, by the Minister under section 128F.
- (3) (a) The chief officer of the Committee shall seek and select nominees to the Committee, from time to time, in accordance with subsection (2) and any regulations made, or general policy guidelines issued, by the Minister for that purpose, and shall submit a list of recommended nominees to the members of the local authority for their consideration. 15
- (b) The nominees shall be appointed to the Committee, without omission or addition, by resolution of the local authority. 20
- (c) If the recommended nominees have not been appointed in accordance with paragraph (b) either because—
- (i) the local authority did not pass the resolution concerned on any of the 2 days upon which it has met after submission of the list of recommended nominees under paragraph (a), or 25
  - (ii) 60 days have elapsed since submission under paragraph (a) of the list of nominees,
- then the recommended nominees shall be deemed to have been appointed on the day following the last day to which subparagraph (i) or (ii) relates, whichever first occurs. 30
- (4) The members of a Committee shall elect one of their number to be the chairperson.

#### **Staffing of Local Community Development Committee**

- 128E.(1) The chief executive of a local authority shall assign an employee or employees of the local authority (either by name or by reference to the employee for the time being holding or exercising the functions of a particular post in that authority)— 35
- (a) to assist the Committee in performing its functions, and
  - (b) one of those persons shall be designated by the chief executive to be the chief officer of the Committee and have responsibility for carrying out, managing and controlling generally the administration 40

and business of the Committee and arranging for the provision of appropriate administrative, secretarial and other support.

- (2) The chief executive of the local authority may delegate such of his or her functions as he or she considers necessary to an employee or employees of the local authority for the purpose of subsection (1) and section 154 shall apply for the purposes of any such delegation, subject to any necessary modifications. 5

### **Regulations and general policy guidelines**

- 128F. (1) The Minister may, following consultation with such public authorities as he or she considers appropriate, make regulations for the purposes of this Chapter and section 49A either generally or in relation to a Committee or to a particular class or classes of Committees. 10
- (2) The Minister may, in particular but without prejudice to the generality of subsection (1), make regulations in relation to—
- (a) matters relating to the establishment and membership of a Committee including— 15
- (i) the representation of sectoral interests,
- (ii) the tenure of office of the chairperson and members of a Committee, and
- (iii) the procedures to apply to ensure fairness and equity in the selection of members and the election of a chairperson of a Committee, 20
- (b) the performance of the functions of a Committee, including the functions of a local authority under section 66 delegated to a Committee, 25
- (c) the Plan, including arrangements for—
- (i) the preparation of the Plan,
- (ii) the timing of the preparation of the Plan,
- (iii) the format and content of the Plan,
- (iv) the procedures and processes to ensure consistency with the core strategy and objectives of the development plan of the local authority, 30
- (v) developing performance indicators and arrangements for measuring performance, and
- (vi) engagement with the local community in the preparation of the Plan, 35
- (d) procedures to apply to ensure fairness and equity in the decisions of a Committee,
- (e) the involvement of public authorities and other bodies and interests in the work of a Committee, and 40



- (f) the carrying out, management and control of the administration and business of a Committee and any administrative, secretarial and other support of a Committee, including the delegation of functions by the chief executive for the purposes of such support.
- (3) The Minister may, following consultation with such public authorities as the Minister considers appropriate, issue general policy guidelines for the purposes of any provision of this Chapter and section 49A and each Committee shall, to the extent that those guidelines apply to it, comply with those guidelines. 5
- (4) The Minister may, in particular but without prejudice to the generality of subsection (3), issue general policy guidelines in relation to— 10
  - (a) principles guiding the work of Committees,
  - (b) proposals of local authorities in relation to the establishment of 2 or more Committees within administrative areas,
  - (c) size of Committees and criteria and procedures for the selection of nominees to Committees, 15
  - (d) persons or bodies who may be considered for nomination to Committees and to whom section 128D(2)(g) relates,
  - (e) the representation of members of the local authority or its officials,
  - (f) the representation of non-governmental organisations, development agencies, community-based groups, recognised associations for the purposes of section 128, cultural bodies, sporting bodies and social movements and networks, 20
  - (g) matters to be taken into account when a review of a Plan is being undertaken, 25
  - (h) procedures and processes for establishing and managing working groups of Committees,
  - (i) matters to be taken into account when dissolving Committees,
  - (j) consultation with local communities and measures for promoting participation by citizens and communities in the work of Committees, 30
  - (k) co-ordination of local and community development activities, avoidance of duplication and optimising the use of available resources,
  - (l) implementation arrangements, including arrangements for the management and disbursement of funding by a Committee, in respect of the local and community development programmes referred to in section 128B(1)(e), and 35
  - (m) matters to be taken into account by Committees when giving advice and making recommendations under section 128G. 40

## **Co-operation with Local Community Development Committees**

128G.(1) In this section ‘relevant body’ means—

- (a) a local authority,
  - (b) a regional assembly,
  - (c) a trust or other body to which paragraph (c) of the definition of  
‘local government body’ in section 126A relates or in respect of 5  
which there is a determination under section 126C(4),
  - (d) a body referred to in Schedule 16,
  - (e) a publicly funded body in respect of which there is an order under  
subsection (7)(a). 10
- (2) In respect of those local and community development programmes to  
which section 128B(1)(e) relates, it is the duty of a relevant body, in so  
far as is not inconsistent with the performance of its functions, and  
subject to law—
- (a) to co-operate with the Committee in the performance by the 15  
Committee of its functions,
  - (b) to comply with all lawful requests from the Committee in respect of  
information sought which is of relevance to the Committee’s  
functions,
  - (c) in so far as is practicable, to ensure— 20
    - (i) in respect of any of the relevant body’s local and community  
development programmes and related policies and strategies,  
however described, in particular those programmes and related  
policies and strategies to which section 128B(1)(g) relate, and
    - (ii) in so far as those programmes and related policies and strategies 25  
impact on the functions of the Committee,  
that they are consistent with the objectives of the Plan and the  
actions duly taken by the Committee in the furtherance of the Plan,  
and
  - (d) as appropriate, to have due regard to any advice that may be given 30  
or to any recommendations that may be made to the relevant public  
authority by the Committee under subsection (4).
- (3) A public authority that is not a relevant body shall, in respect of the  
local and community development programmes of such an authority,  
or body, have due regard to the Plan and any recommendations made 35  
to it by a Committee in accordance with subsection (4)(b) and shall  
use its best endeavours to facilitate any requests of the Committee.
- (4) Subject to and in accordance with the functions of the Committee  
under section 128B (including those of its functions to which section  
66 relates), and any regulations made or general policy guidelines 40  
issued by the Minister for the purposes of those functions, the

- Committee may, for the purposes of ensuring consistency with the objectives of the Plan—
- (a) advise the local authority that established it as to the way in which the local and community development programmes and related policies and strategies of the local authority should be developed or operated as regards the administrative area of that authority, and 5
  - (b) in any other case make recommendations to any public authority or publicly funded body, as to the way in which the local and community development programmes and related policies or strategies of such public authority or publicly funded body should be developed or operate as regards the county or city or city and county concerned. 10
- (5) Nothing in this section shall be read as requiring the disclosure to a Committee of confidential information, the disclosure of which would be in breach of non-disclosure obligations provided for by law, or the disclosure of commercially sensitive information. 15
- (6) Where a Committee has made a request to a relevant body for information under paragraph (b) of section 128G(2), nothing in that paragraph shall be read as requiring the disclosure of information that would be materially disproportionate to what was required to achieve the intended result of the request. 20
- (7) (a) Where the Minister is of the opinion that a public authority or other publicly funded body that is not a relevant body should, having regard to this Chapter, section 49A and some or all of the functions of that public authority or publicly funded body, be a relevant body in respect of those functions then, subject to paragraph (b), the Minister may by order declare that that authority or body is a relevant body for the purposes of this Chapter and section 49A, and shall have effect accordingly. 25
- (b) The Minister shall not make an order under paragraph (a) in respect of a public authority for which another Minister of the Government is directly or indirectly responsible unless that other Minister consents to the order being made.”. 30
- (3) The Principal Act is amended by inserting after Schedule 15 of that Act the Schedule set out in *Schedule 5* to this Act. 35
- (4) Sections 66, 140(10) and 221(2) of the Principal Act are amended in the manner set out in *Schedule 1*.

## PART 7

### LOCAL AUTHORITY GOVERNANCE AND MANAGEMENT, ETC.

#### **Alternative titles to Cathaoirleach and Leas-Chathaoirleach, etc.**

**36.** (1) The Principal Act is amended by substituting the following for section 32:

- “32. (1) Where prior to the commencement of section 31— 5
- (a) Cork City Council or Dublin City Council used the title ‘Lord Mayor’ or ‘Deputy Lord Mayor’, or
- (b) Galway City Council used the title ‘Mayor’ or ‘Deputy Mayor’,  
to describe its office of Cathaoirleach or Leas-Chathaoirleach as the  
case may be, it shall continue to so use such title or titles 10  
notwithstanding the provisions of section 31.
- (1A) Where—
- (a) immediately before the 2014 establishment day (provided for in  
*Part 2* of the *Local Government Act 2013*) Limerick City Council  
or Waterford City Council used the title ‘Mayor’ or ‘Deputy Mayor’, to describe its office of Cathaoirleach or Leas-  
Chathaoirleach, as the case may be, then, if a municipal district  
containing the area of the former city council is determined by  
order under section 23(1)(c), the municipal district members (being  
the municipal district members for a metropolitan district by virtue  
of section 22A(2)(a)) may use such title or titles notwithstanding  
the provisions of section 31 (as amended by that Act), 15  
20
- (b) immediately before the transfer date (provided for in *Chapter 2* of  
*Part 3* of the *Local Government Act 2013*) a borough council  
referred to in Chapter 1 of Part 1 of Schedule 6 used the title 25  
‘Mayor’ or ‘Deputy Mayor’, to describe its office of Cathaoirleach  
or Leas-Chathaoirleach, as the case may be, then, if a municipal  
district containing the area of the former borough council is  
determined by order under section 23(1)(c), the municipal district  
members (being the municipal district members for a borough  
district by virtue of section 22A(2)(b) or for the municipal district  
of Kilkenny City by virtue of section 22A(2)(c)) may use such title  
or titles notwithstanding the provisions of section 31 (as amended  
by that Act), and 30
- (c) a municipal district— 35
- (i) contains the area of a town the population of which, when  
rounded to the nearest 1,000 as shown in the latest census report  
of the Central Statistics Office, is equal to or greater than  
20,000, and
- (ii) such a town is determined by order under section 23(1)(c) to be 40  
a town with such a population,

then the municipal district members for such district may decide by resolution to use the title ‘Mayor’ or ‘Deputy Mayor’, to describe its office of Cathaoirleach or Leas-Chathaoirleach notwithstanding the provisions of section 31 (as amended by the *Local Government Act 2013*). 5

- (2) A local authority or the municipal district members, to which subsection (1) or (1A) (respectively) relates, may by resolution give the title Cathaoirleach or Leas-Chathaoirleach to the Lord Mayor or Deputy Lord Mayor, Mayor or Deputy Mayor, as the case may be, and in that case shall be styled in accordance with section 31. 10
- (3) Where titles are continued in accordance with subsection (1) or (1A), the holders of the offices concerned shall, as appropriate, be styled—
  - (a) in the case of Cork City Council, in the Irish language ‘Ard-Mhéara Chathair Chorcaí’ and ‘Leas-Ardmhéara Chathair Chorcaí’, and in the English language ‘Lord Mayor of the City of Cork’ and ‘Deputy Lord Mayor of the City of Cork’, 15
  - (b) in the case of Dublin City Council, in the Irish language ‘Ard-Mhéara Chathair Bhaile Átha Cliath’ and ‘Leas-Ardmhéara Chathair Bhaile Átha Cliath’, and in the English language ‘Lord Mayor of the City of Dublin’ and ‘Deputy Lord Mayor of the City of Dublin’, 20
  - (c) in the case of Galway City Council, in the Irish language ‘Méara Chathair na Gaillimhe’ and ‘Leas-Mhéara Chathair na Gaillimhe’, and in the English language ‘Mayor of the City of Galway’ and ‘Deputy Mayor of the City of Galway’, 25
  - (d) in the case of a municipal district to which subsection (1A) relates, in the Irish language ‘Méara.....’ and ‘Leas-Mhéara.....’ followed by the name of the municipal district in Irish, and in the English language ‘Mayor of.....’ and ‘Deputy Mayor of.....’ followed by the name of the municipal district in English in accordance with subsections (2) and (3) of section 22A. 30
- (4) Notwithstanding section 31 a local authority which is a city and county council may, subject to Schedule 8, give an alternative title to its Cathaoirleach or Leas-Chathaoirleach or revert to the title or titles of Cathaoirleach or Leas-Chathaoirleach as the case may be.”. 35

(2) The Principal Act is amended by substituting the following for Schedule 8:

#### “SCHEDULE 8

#### Section 32(4)

#### ALTERNATIVE TITLES TO CATHAOIRLEACH AND LEAS-CHATHAOIRLEACH, ETC.

1. A local authority which is a city and county council may by resolution give to the office of its Cathaoirleach or Leas-Chathaoirleach the following titles: 40
  - (a) in the Irish language the title of ‘Méara’ or ‘Leas-

Mhéara’, respectively, and

(b) in the English language, the title of ‘Mayor’ or ‘Deputy Mayor’, respectively.

2. Where titles are given in accordance with paragraph 1, the holders of the offices shall, as appropriate, be styled, in the Irish language ‘Méara Cathair agus Chontae.....’ and ‘Leas-Mhéara Cathair agus Chontae.....’ followed by the name of the city and county in Irish, and in the English language ‘Mayor of the City and County of.....’ and ‘Deputy Mayor of the City and County of.....’ followed by the name of the city and county in English. 5 10
3. A local authority which has by resolution under paragraph 1 given the titles provided in that paragraph may revert by resolution to the titles of Cathaoirleach or Leas-Chathaoirleach provided for in section 31 and which shall be styled in accordance with that section.”.

**Amendment of section 34 (removal of Cathaoirleach or Leas-Chathaoirleach from office, etc.) of Principal Act** 15

**37.** Section 34 of the Principal Act is amended—

(a) by substituting the following for subsection (1):

“(1) Subject to this section, a local authority may by resolution remove from office the Cathaoirleach or Leas-Chathaoirleach of such local authority for stated misbehaviour or if his or her removal appears to it to be necessary for the effective performance by the local authority of its functions and such removal may also be for those reasons arising from the performance of his or her duties as chair of the corporate policy group. 20 25

(1A) Subject to this section, a local authority may by resolution remove from office the chairperson of any strategic policy committee of such local authority for stated misbehaviour or if his or her removal appears to them to be necessary for the effective performance by the local authority of its functions or by the committee of its functions.”. 30

(b) by substituting the following for paragraph (e) of subsection (2):

“(e) be delivered or sent to the Cathaoirleach, Leas-Chathaoirleach or chairperson of the strategic policy committee concerned.”,

and

(c) by substituting the following for subsection (5): 35

“(5) It is necessary for the passing of a resolution under this section that the number of members of the local authority concerned voting in favour of the resolution is at least two-thirds of those present and voting.”.

**Application of Chapter 2 of Part 5 of Principal Act to municipal district members**

**38.** The Principal Act is amended by inserting the following after section 35: 40

“35A. This Chapter applies to municipal district members as if every reference in the other provisions of this Chapter to a local authority or to a member of a local authority were, respectively, a reference to the municipal district members or to a member of a municipal district.”.

## **Effective discharge of business**

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**39.** The Principal Act is amended by substituting the following for section 47:

“47. A local authority shall seek to secure as regards—

- (a) the establishment of committees under Part 7, and
- (b) meetings of the authority and each of its committees and municipal district members,

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that they are organised and operate so as to promote effectiveness and efficiency in the discharge of business.”.

## **Amendment of section 48 (strategic policy committees) of Principal Act**

**40.** Section 48 of the Principal Act is amended—

- (a) by inserting the following after subsection (1):

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“(1A) One of the committees established under subsection (1) shall be to consider matters which relate to the functions of the local authority in relation to economic development and matters connected to the promotion of, including support for, enterprise, and to advise the authority on those matters.”,

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- (b) by inserting the following after paragraph (b) of subsection (3):

“(ba) Guidelines referred to in paragraph (a) may include—

- (i) provisions for procedures for presentation of proposals to the local authority concerned connected with the formulation, development, monitoring and review of policy for the purposes of this section,
- (ii) provisions relating to the format, content and layout of any particular class or classes of policy papers and other documents (including the preparation of preliminary documents) prepared by or presented to the strategic policy committee, and
- (iii) provisions for procedures to ensure that sufficient time for input by the strategic policy committee into policy papers is provided prior to completion and subsequent presentation to the local authority concerned.

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- (bb) Guidelines referred to in paragraph (a) may apply to local authorities generally, to any class or classes of local authorities specified in the guidelines or to a particular local authority so specified and shall, in so far as the guidelines relate to them, be complied with by every local authority, chief executive, strategic

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policy committee and municipal district member.”,

and

(c) by inserting the following after subsection (3):

- “(3A) (a) For the purposes of assisting a strategic policy committee in considering matters in accordance with subsections (1) and (1A) the committee may request the attendance of a public authority at a meeting of the committee. 5
- (b) Where a public authority refuses or otherwise fails to attend a meeting of a strategic policy committee following a request by the committee, then the chairperson of the committee— 10
- (i) may report such refusal or failure to a meeting of the local authority, and
- (ii) where so reported, shall provide the meeting of the local authority with any explanation furnished by the public authority for so refusing or failing to attend. 15
- (3B) When formulating, developing, adopting, monitoring and reviewing policies which relate to the functions of a local authority each strategic policy committee of the local authority shall have regard to the spatial and economic strategy of the appropriate regional assembly.”.

**Amendment of section 66 (promotion of interests of local communities) of Principal Act 20**

**41.** Section 66 of the Principal Act is amended by substituting the following for subsection (3):

- “(3) (a) Subject to this section, a local authority may take such measures, engage in such activities or do such things in accordance with law (including the incurring of expenditure) as it considers necessary or desirable to promote the interests of the local community. 25
- (b) For the purposes of this section a measure, activity or thing is deemed to promote the interests of the local community if it promotes, directly or indirectly—
- (i) social inclusion or the social, environmental, recreational, cultural or community development, or 30
- (ii) the general development including enterprise and economic development,
- of the administrative area (or any part of it) of the local authority concerned or of the local community (or any group consisting of members of it). 35
- (c) Nothing in subsection (4) or section 67 shall be read as restricting the generality or meaning of this subsection.”.



**Amendment of section 72 (transfer of certain functions to local authorities) of Principal Act**

**42.** Section 72 of the Principal Act is amended—

- (a) in subsection (1)(a) by substituting “function of a Minister of the Government or of any other public authority” for “function of a Minister of the Government”, 5
- (b) in subsection (1)(c) by substituting “Minister of the Government or the other public authority, as the case may be, from which it was transferred” for “Minister of the Government from whom it was transferred”,
- (c) by deleting subsection (2),
- (d) in subsection (3) by deleting “or an order under subsection (2)” in both places 10  
where it occurs, and
- (e) by inserting the following after subsection (3):
  - “(4) In this section ‘public authority’ does not include a body to which paragraph (g) of the definition of ‘public authority’ in section 2(1) relates.”. 15

**Reserved functions: duty of chief executive**

**43.** The Principal Act is amended by substituting the following for section 132:

- “132. (1) It is the duty of every chief executive to carry into effect all lawful directions of the elected council of a local authority or a joint body for which he or she is chief executive in relation to the exercise and performance of the reserved functions of the local authority or joint body. 20
- (2) (a) Where in relation to the exercise or performance of a reserved function a legal opinion was obtained by a local authority or joint body, the elected council or joint body may, without prejudice to section 153, by resolution direct that a second such opinion be obtained by the authority in the terms specified in such resolution. 25
- (b) Nothing in this subsection shall prejudice a local authority or joint body in carrying out any function which the authority or body is required by or under statute or by order of a court to duly carry out. 30
- (3) It is the duty of every chief executive to advise and assist the elected council of a local authority or a joint body for which he or she is chief executive and to assist the corporate policy group, each strategic policy committee and local community development committee within the administrative area of which he or she is chief executive— 35
- (a) generally as regards the exercise or performance by—
- (i) the council of the local authority or joint body, of its reserved functions, and
  - (ii) by the strategic policy committee or local community development committee, of its functions in relation to the 40

reserved function of the local authority or joint body,

and

- (b) as regards any particular matter or thing in relation to such exercise or performance on or in respect of which the council of a local authority, joint body, corporate policy group, strategic policy committee or local community development committee requests the advice or assistance of the chief executive,

and each shall have regard to that advice or assistance.

- (4) In subsections (1) to (3) a reference to the elected council of a local authority includes a reference to the municipal district members when duly exercising a reserved function.
- (5) For the purposes of superintendence and oversight by the elected council in the discharge of functions conferred on the elected council by law, the chief executive shall, when requested by the elected council, report on the actions already taken and planned to be taken to carry out the directions of the elected council of a local authority or a joint body for which he or she is chief executive in relation to the exercise and performance of the reserved functions of the local authority or joint body.
- (6) Following consideration of a report referred to in subsection (5) or a management report as provided for in section 136(2), the elected council may, by resolution, adopt a statement indicating that it is the opinion of the elected council that the actions already taken or planned to be taken by the chief executive to carry out the directions of the elected council in relation to the exercise and performance of the reserved functions of the local authority or joint body are not sufficient for such purpose, or are not sufficient to ensure the efficient discharge of such function, and such resolution shall state the reasons for such opinion.
- (7) Within 14 days of the adoption of a statement pursuant to subsection (6), the chief executive shall provide to the elected council a response indicating the changes, if any, to the actions or intended actions he or she will put in place, and where the chief executive considers it so warranted, may indicate where in his or her opinion the policy of the council requires review and amendment.
- (8) The chief executive shall, when requested by the elected council, whether consequent on the council's consideration of the chief executive's response for the purposes of subsection (7) or otherwise, advise on the review of any policy, or a review of the implementation of any policy, of the local authority approved as a reserved function by the local authority or joint body."

#### **Amendment of section 133 (corporate policy group) of Principal Act**

**44.** Section 133 of the Principal Act is amended—

(a) by substituting the following for subsection (1):

“(1) The elected council of each local authority shall form a committee, to be known as the corporate policy group and in this section referred to as the ‘policy group’, consisting of—

- (a) the Cathaoirleach of the local authority who shall chair the policy group, 5
  - (b) the chairpersons of the strategic policy committees of the local authority,
  - (c) the leader in the council of each registered political party where—
    - (i) the registered political party constitutes at a minimum 20 per cent of the total membership of the incoming members as provided for in section 17(1), or such other percentage as may be specified by the Minister by order, before the twelfth day after the polling day fixed by the Minister by order under section 26 for local elections, which percentage shall not be greater than 24.9 per cent and shall remain unchanged and have effect until the ordinary day of retirement as provided for in section 17(1), and 10 15
    - (ii) the members of the registered political party nominate the leader for the purposes of this subsection, 20
- and
- (d) where for any period of time, a policy group does not contain a member from a municipal district to whom paragraph (a), (b) or (c) relates, a municipal district member for each municipal district concerned— 25
    - (i) selected by the municipal district members for such district, or
    - (ii) failing such selection, the Cathaoirleach of the municipal district concerned or such other member as the Cathaoirleach may select.”,

(b) by inserting the following paragraph after paragraph (b) of subsection (2): 30

“(ba) Without prejudice to paragraph (a) and with respect to the policies of and functions performed by the local authority, the policy group may promote co-ordination, consistency, effectiveness and avoidance of duplication in the performance of functions of the local authority by municipal district members.”, 35

and

(c) by inserting the following after subsection (9):

“(10) (a) The Minister may issue policy guidelines to local authorities for the purposes of any provision of this section and such guidelines may include— 40

- (i) procedures to be followed in respect of the manner and nature of

the involvement of municipal district members with the policy group;

- (ii) the format, content and layout of any particular class or classes of policy papers and other documents (including the preparation of preliminary documents) prepared by or presented to the policy group; 5
  - (iii) procedures to ensure that sufficient time for input by the policy group into policy papers is provided prior to completion and subsequent presentation to the local authority concerned.
- (b) Guidelines issued under this section may relate generally to all local authorities or to a particular class or classes of local authorities and shall, in so far as the guidelines relate to them, be complied with by every local authority, chief executive, policy group and the municipal district members.”. 10

#### **Amendment of section 134 (corporate plan) of Principal Act**

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**45.** Section 134 of the Principal Act is amended—

- (a) in subsection (1) by deleting the definition of “local authority”,
  - (b) in subsection (6) by inserting “, including activities relating to functions of municipal district members for each municipal district,” after “local authority concerned”, 20
  - (c) by inserting the following after paragraph (e) of subsection (6):
    - “(ea) the policy of the local authority in relation to its functions, services and priorities for expenditure, in so far as is not otherwise set out in any other plan, statement, strategy or other document referred to in subsection (7),”, 25
- and
- (d) by deleting subsection (10)(b).

#### **Furnishing of information to elected council**

**46.** The Principal Act is amended by substituting the following for section 136:

- “136. (1) Without prejudice to section 105, 135, 137 or 138, where relevant, a chief executive shall, whenever requested— 30
- (a) by an elected council of a local authority for which he or she is the chief executive or by its Cathaoirleach,
  - (b) by municipal district members of a local authority for which he or she is the chief executive or by the Cathaoirleach of a municipal district, 35
  - (c) by a strategic policy committee of a local authority for which he or she is the chief executive or by its chairperson,

- (d) by a local community development committee of a local authority for which he or she is the chief executive or by its chairperson, or
  - (e) by a joint body for which he or she is the chief executive, or by its chairperson,
- afford to the council, municipal district members, Cathaoirleach, committee, chairperson or joint body concerned (as the case may be) all information that may be in the possession or procurement of such chief executive in regard to any act, matter or thing relating to or concerning any business or transaction of such local authority, municipal district members, strategic policy committee or joint body which is mentioned in the request. 5 10
- (2) Subject to subsections (3) and (4), on or before the seventh day of each month, or such other date in each month set by resolution of the council, the chief executive shall prepare a report, to be known as the management report, in relation to the performance of his or her executive functions during the preceding calendar month, including implementation of policy or other matters required by the council in the exercise of its reserved functions, and the provision of services by the council, and shall on the set day furnish a copy of the management report to each member of the local authority. 15 20
- (3) The Minister may prescribe by regulations—
- (a) the form and content of the management report,
  - (b) the co-ordination of the management report with such other reporting requirements in this or in any other enactment as may be so prescribed, 25
  - (c) the provision for certain elements of the management report, including information provided pursuant to subsection (5), being reported on a quarterly basis or such other basis as may be specified.
- (4) The Minister may issue general policy guidelines for the purposes of subsections (2), (3) and (5) and local authorities shall comply with any such guidelines. 30
- (5) Without prejudice to the generality of subsections (3) and (4) and the requirements of section 126D in respect of any report which the local authority is the subject of, the management report shall include information on the steps taken in relation to any relevant report of the National Oversight and Audit Commission. 35
- (6) In respect of management reports not considered at a meeting of the local authority, such reports shall be on the agenda of the next appropriate meeting of the local authority for consideration. 40
- (7) In this section ‘quarterly basis’ means a period of 3 consecutive months ending on 31 March, 30 June, 30 September or 31 December in any year.”.

**Amendment of section 140 (requirement that a particular thing be done) of Principal Act**

**47.** Section 140 of the Principal Act is amended—

- (a) in subsection (3)(a) by substituting “at least 2 members” for “at least 3 members”,
- (b) in subsection (3)(c) by substituting “not less than 5 days” for “not less than 7 days”,
- (c) in subsection (4) by substituting “less than 5 days” for “less than 7 days”, and
- (d) in subsection (10) by deleting “or” in paragraph (c) where it last occurs and by inserting the following after paragraph (d):
  - “(e) to any act, matter or thing to be done or effected in the performance of the executive functions of a local authority in respect of its functions as a planning authority under the Planning and Development Act 2000, or
  - (f) to a decision to provide, to any named person or group, any service, finance or other form of assistance or benefit, financial or otherwise.”.

**Members’ expenses, remuneration, etc. including training and attendance at conferences, etc.**

**48.** (1) Section 141 of the Principal Act is amended by inserting the following after subsection (1):

- “(1A) A member of a local authority who is elected, appointed or nominated by that authority to another body in accordance with subsection (1), shall, within 15 working days of the end of each 3 monthly period to 31 March, 30 June, 30 September and 31 December in each year notify the local authority concerned of all attendances by the member at meetings of the body concerned and any payments made by or on behalf of that body (including details of distances travelled where payments are in respect of the use of a private vehicle) to the member during the period.
- (1B) Subsection (1A) shall also apply to a former member of a local authority or to a period after the holding of local elections in respect of any payments while a member of the authority but received after he or she ceases to be a member of the authority or after the holding of local elections.”.

(2) Section 142 of the Principal Act is amended—

- (a) in subsection (1) by substituting the following for paragraphs (a) and (b):

“(a) attendance at meetings of—

- (i) the local authority,
- (ii) municipal district members of that authority,
- (iii) a committee of that authority, or

- (iv) a joint committee or joint body involving that authority;
- (b) attendance at conferences, seminars, training or other events to which subsection (5) or (5A) applies;”,
- (b) in subsection (4) by inserting the following after paragraph (g):
  - “(ga) a public register of all attendances and payments to which section 141 relates;”,
- (c) in subsection (5) by deleting “, training” in paragraph (a) and substituting the following for paragraphs (f) and (g):
  - “(f) Where a member of an elected council attends a conference, seminar or other meeting or event held by virtue of an authorisation under this section, he or she shall, within 15 working days of such attendance, submit to the Cathaoirleach a written report, which shall indicate the nature of the meeting and contain a summary of the proceedings, and the Cathaoirleach shall submit the report to the next ordinary meeting of the local authority.
  - (fa) A report prepared for the purposes of paragraph (f) shall be made available free of charge by the local authority to any member of the public who so requests and for that purpose may be made available by that authority on its internet website.
  - (g) Without prejudice to paragraphs (a) to (fa), the Minister may issue general guidelines for the purposes of this subsection, including guidelines as to expenditure in relation to attendance at conferences, seminars or other meetings or events.”.
- (d) by inserting the following after subsection (5):
  - “(5A) (a) This subsection applies to training regarding or connected with any matter that is of concern to the local authority in relation to the performance of its functions and is relevant to its administrative area and to the local community.
  - (b) An elected council may authorise one or more of its members to avail of training or attend training events to which this subsection applies and such authorisation may, subject to regulations under this section, be given in an individual case or as regards such attendances generally during a particular year.
  - (c) A local authority may provide in its budget an amount to meet expenditure for the purposes of this subsection.
  - (d) An elected council shall not authorise under this subsection unless, having had regard to the following matters, it is satisfied that the authorisation is justified having particular regard to any training referred to in guidelines issued in accordance with paragraph (f) and having regard to—
    - (i) the benefits likely to accrue,
    - (ii) the general interests of its administrative area and the local

community, and

(iii) the total cost involved.

(e) An authorisation under this subsection is a reserved function and such authorisations shall not exceed the amount provided for in accordance with paragraph (c). 5

(f) Without prejudice to paragraphs (a) to (e), the Minister may issue general guidelines for the purposes of this subsection, including guidelines as to the syllabus of a training programme, the development of a training programme, the nomination of training by specified bodies, either generally or in respect of specified courses, as suitable for inclusion in a training programme and expenditure in relation to attendance at specified training events. 10

(g) The Minister may make regulations—

(i) requiring attendance within a specified period by members of local authorities, or any class of such members, at training or development courses (otherwise than at his or her own expense) of a type necessary or appropriate for the members to attend so as to enable each such member to discharge his or her duties as a member of the local authority, joint board, committee of a local authority or member of another body to which section 141(1) relates, as the case may be, 15 20

(ii) providing for a reduction in expenses or allowances (including the amount of such reduction expressed as a percentage of other specified expenses or allowances) which would otherwise be payable to a member of a local authority by virtue of regulations under this section where such member fails to attend training or development courses which he or she is required to attend under regulations to which subparagraph (i) relates, and 25

(iii) providing for exceptional or compassionate grounds (either generally or by reference to specified types of circumstances) where a reduction to which subparagraph (ii) relates would not apply.”, 30

and

(e) by substituting the following for subsection (6):

“(6) A local authority shall comply with any guidelines issued under subsections (5)(g) and (5A)(f).” 35

#### **Chief executive**

**49.** (1) The Principal Act is amended by substituting the following for Chapter 2 of Part 14:



*Position of Chief Executive*

**Position of chief executive**

144. (1) For every county, city and city and county there shall be a chief executive to be known as ‘the Chief Executive of.....’ (followed by the name of the city council, county council or city and county council, as the case may be) who shall hold employment under the council concerned. 5
- (2) Subject to *section 16* of the *Local Government Act 2013*, a person who was, immediately before the 2014 establishment day, a county manager or city manager shall, unless he or she was retiring or resigning with effect from the end of that day, continue in office and shall be referred to in accordance with subsection (1). 10
- (3) (a) A reference in any enactment, however expressed, to a county manager or city manager shall, with effect to the 2014 establishment day, be read (other than in respect of a provision that was spent before that day or is in the nature of a transitional matter provided for by the *Local Government Act 2013*) as a corresponding reference to a chief executive and, where the context permits or requires, includes a reference to the chief executive of a city and county council. 15 20
- (b) Paragraph (a) does not apply to—
- (i) the title of any Act,
  - (ii) the citation of an instrument made under any Act, or
  - (iii) the name of any organisation or body referred to in any enactment. 25
- (4) Any function which immediately before the date of the commencement of *section 49* of the *Local Government Act 2013* was, by virtue of any enactment a function of a city manager or a county manager shall, on and from that date, continue to vest in and be a function of the chief executive of the local authority concerned. 30
- (5) The chief executive of a local authority shall by virtue of his or her position be the chief executive for every joint body whose functional area is wholly situated within such county.
- (6) Where the functional area of a joint body extends into— 35
- (a) two or more counties, or
  - (b) a city or a city and county and one or more counties,
- then the chief executive of such county, city or city and county as the Minister shall by order appoint shall also be the chief executive for such joint body. 40
- (7) The Minister may prescribe by regulations any body to be a joint body

and any body so prescribed shall be a joint body for the purposes of this section.

- (8) The position of chief executive is, subject to section 145, an office to which the Local Authorities (Officers and Employees) Act 1926, applies.

5

### **Appointment of chief executive**

145. (1) The following are reserved functions—

- (a) the appointment by a county council, city council or a city and county council of a chief executive under section 6 of the Local Authorities (Officers and Employees) Act 1926 (in this section referred to as the ‘Act of 1926’) by virtue of a recommendation of the Chief Executive of the Public Appointments Service, and 10
  - (b) the suspension or removal from employment of a chief executive in accordance with section 146.
- (2) For the purposes of section 6 of the Act of 1926 a request shall be deemed to have been submitted in respect of the employment of a chief executive— 15
- (a) in the case of a chief executive to whom section 147 applies—
    - (i) 6 months in advance of the expiration of the tenure period referred to in section 147(1), or 20
    - (ii) on the date that chief executive ceases to hold employment, whichever is the earlier, and
  - (b) in any other case—
    - (i) 6 months in advance of the date that chief executive would attain the age-limit for his or her employment, or 25
    - (ii) on the date that chief executive ceases to hold employment, whichever is the earlier.
- (3) Where, as respects a county council, city council or city and county council, including a county council or city council in a group of authorities— 30
- (a) a recommendation is made under section 6 of the Act of 1926 of a person for appointment as the chief executive, and
  - (b) on the expiration of 3 months after the date of the recommendation, the person has not been appointed under subsection (1),
- then, for the purposes of section 6 (other than subsection (4)) of the Act of 1926, and notwithstanding the said subsection (4) or any other provision of this Act or any other enactment, a further request shall be deemed to have been submitted in respect of the employment of a chief executive. 35
- (4) A recommendation of the Chief Executive of the Public Appointments 40

Service arising from a further request deemed to have been submitted as a consequence of subsection (3)(b) shall be a recommendation for the purposes of subsection (3)(a).

- (5) Where a position of chief executive becomes vacant the Minister shall appoint a person to be the chief executive temporarily until a permanent appointment to the position is made but such temporary appointment may be terminated by the Minister at any time. 5
- (6) Section 5 of the Act of 1926 does not apply to the position of chief executive.

#### **Suspension and removal of chief executive** 10

146. (1) (a) Subject to this section, the elected council of a local authority may by resolution suspend or remove from employment the chief executive for such local authority for stated misbehaviour or if his or her suspension or removal appears to them to be necessary for the effective performance by the local authority of its functions. 15
- (b) A copy of any resolution passed under this section shall be sent without delay to the Minister.
- (2) Notice of the intention to propose a resolution under this section shall—
- (a) be signed by at least one-third of the total number of members of the local authority concerned, 20
  - (b) contain a statement of the reasons for the proposed suspension or removal,
  - (c) in the case of a suspension, specify a period not exceeding 2 months for the proposed suspension, 25
  - (d) specify a day for the holding of a special meeting to consider the proposed suspension or removal being a day which is not less than 21 days after the day on which the notice is delivered under paragraph (e),
  - (e) be delivered to the meetings administrator, and 30
  - (f) be delivered or sent to the chief executive concerned.
- (3) The meetings administrator shall on receipt of a notice and without delay send a copy of it to every member of the local authority and convene a special meeting for the date so specified to consider the proposed suspension or removal. 35
- (4) The chief executive may prepare a statement of response in relation to the proposed suspension or removal and such statement shall be sent to each member of the local authority concerned.
- (5) It is necessary for the passing of a resolution under this section that—
- (a) at least three-quarters of the total number of members of the local authority concerned vote in favour of the resolution, and 40

- (b) the members of the council concerned shall have considered any statement prepared by the chief executive under subsection (4).
- (6) A person who is suspended under this section may subsequently be removed from office in accordance with this section.
- (7) (a) A chief executive shall not be removed under this section without the sanction of the Minister given under this subsection. 5
- (b) The Minister may appoint a panel of 3 persons—
  - (i) to consider the removal of a chief executive the subject of a resolution under this section and the chief executive's statement of response, 10
  - (ii) to recommend whether the Minister should give sanction to such removal, and
  - (iii) to make such other recommendations (if any) as the panel may consider appropriate in all the circumstances.
- (c) A panel shall be independent in the performance of its functions. 15
- (d) A panel shall include a chairperson and 2 other persons having knowledge of or experience in local government, human resources or management.
- (e) A sanction shall not be given under this subsection except by virtue of a recommendation under paragraph (b). 20
- (8) The Minister may by regulations prescribe any matter of procedure for the purposes of this section.

#### **Tenure of chief executive**

147. (1) Notwithstanding any other enactment, a person appointed to a position of chief executive holds the employment unless he or she earlier dies, resigns or is removed, during whichever of the following tenure periods is the shorter— 25
- (a) a period of such length as the Minister specifies by order,
  - (b) the period from the date of the appointment to the date on which he or she attains such age as the Minister specifies by order, 30
- and on the expiration of that period he or she ceases to hold the employment.
- (2) Notwithstanding any enactment (including subsection (1)) or instrument made under such enactment, the tenure period of a chief executive referred to in subsection (1)(a) shall, subject to and in accordance with this section and with regulations made by the Minister for the purposes of this subsection, be extended where notification (in this section referred to as the 'prescribed notification')— 35
- (a) is given by the chief executive to the Cathaoirleach of the local authority concerned, and 40

- (b) is in the form prescribed by regulations made under this section, but in no case shall the tenure period as so extended exceed 10 years.
- (3) On receipt of a prescribed notification the Cathaoirleach of the local authority concerned shall— 5
  - (a) inform the members of the local authority of it at the next meeting of that local authority, and
  - (b) transmit a copy of it to the Minister and to the chief executive of the Public Appointments Service.
- (4) The Minister may make regulations for the purposes of subsection (2) 10
  - and such regulations may provide for:
    - (a) the form of the prescribed notification;
    - (b) the period (in this section referred to as the ‘notification period’) within which a prescribed notification shall be given;
    - (c) subject to subsection (2), the period by which the tenure period 15 shall be extended;
    - (d) the position of chief executive to which subsection (5) does not apply;
    - (e) the application of different periods for the purposes of paragraphs (b) and (c) to specified classes of chief executive. 20
- (5) Subject to regulations made under subsection (4)(d)—
  - (a) a chief executive whose tenure period is extended under subsection (2) shall not apply for appointment to any position of chief executive during the period commencing on the date the chief executive gives a prescribed notification and ending on a date 25 which is 6 months prior to the expiration of the extended tenure period (in this subsection referred to as the ‘exclusion period’), and
  - (b) notwithstanding section 6 of the Local Authorities (Officers and Employees) Act 1926, a chief executive who has given a prescribed notification shall not be considered by the Public Appointments 30 Service for selection for any position of chief executive during the exclusion period.
- (6) (a) A notification period referred to in subsection (4)(b) shall be wholly within the tenure period.
- (b) A prescribed notification for the purposes of this section which is 35 given outside of the notification period is invalid.
- (7) Where the tenure period of a chief executive stands extended in accordance with this section, such extended tenure period shall be the tenure period for the purposes of subsection (2) of section 145 and that section shall apply accordingly. 40
- (8) The Local Government (Tenure of Office) Order 2000 (S.I. No. 221 of

2000) and the Local Government (Tenure of Office of Managers) Regulations 2000 (S.I. No. 219 of 2000) shall be deemed to have been made under subsections (1) and (4), respectively, and shall continue to have effect and may be amended or revoked accordingly.

- (9) Nothing in this section operates to interfere with or alter the tenure of a chief executive— 5
- (a) appointed before the commencement of section 47 of the Local Government Act 1991 (in this subsection referred to as the ‘Act of 1991’), or
  - (b) whose tenure is governed by an order under section 47 of the Act of 1991, or 10
  - (c) whose tenure is governed by such an order and section 47A (inserted by section 1 of the Local Government Act 2000) of the Act of 1991,
- notwithstanding the repeal by this Act of the Act of 1991 and of the Local Government Act 2000. 15

#### **Deputy chief executive**

148. (1) (a) A chief executive, following consultation with the Cathaoirleach of the local authority concerned may by order appoint an employee of that authority to be a deputy chief executive for the purposes of subsection (2) and may at any time terminate such appointment. 20
- (b) An order under paragraph (a) may provide that where an appointee specified in the order is not available such other employee as may be so specified shall stand appointed as deputy chief executive for so long as the first-mentioned appointee is unavailable. 25
  - (c) An appointment under this subsection may be made by reference to a particular individual or to the holder for the time being of a particular employment.
- (2) A deputy chief executive shall by virtue of this section act as and be the chief executive for the duration of any period which may arise from time to time (whether by way of vacation, illness or other reason) during which the chief executive is temporarily unable to act. 30
- (3) (a) Where a chief executive has for any reason become temporarily unable to act and—
- (i) has not made an appointment under subsection (1), 35
  - (ii) there is no subsisting appointment, or
  - (iii) the appointee is incapacitated or otherwise unable to act, the Cathaoirleach of the local authority concerned may appoint an employee of the local authority to be deputy chief executive for the remainder of the duration of the inability of the chief executive to act and may at any time terminate such appointment. 40

- (b) Notification of an appointment under subsection (1) or (3) shall be sent to the Minister and every member of every local authority concerned as soon as may be after the appointment is made.
- (4) (a) The Minister may appoint an employee of a local authority to be deputy chief executive if a chief executive is for any reason temporarily unable to act and an appointment under subsection (1) or (3) is not for the time being in force. 5
- (b) The Minister may at any time terminate an appointment to which paragraph (a) applies.
- (5) A deputy chief executive shall act as and be the chief executive during the continuance of the inability of the chief executive to act or until— 10
  - (a) the appointment is sooner terminated under subsection (1), (3) or (4), or
  - (b) on account of the death, retirement, resignation or inability otherwise to act, of the deputy chief executive. 15
- (6) A reference in any enactment including this Act to a chief executive shall be read as including a deputy chief executive acting as chief executive in accordance with this section.

#### **Executive functions**

149. (1) In this section— 20
- ‘elected council’ includes the members of a joint body;
  - ‘local authority’ includes a joint body.
- (2) In respect of each local authority for which he or she is chief executive, a chief executive is responsible for—
    - (a) the efficient and effective operation of each such local authority, and 25
    - (b) for ensuring under section 132 the implementation without undue delay of the decisions of the elected council.
  - (3) For the purposes of discharging the responsibilities set out under subsection (2), the chief executive shall— 30
    - (a) exercise and perform in respect of each local authority for which he or she is the chief executive, the executive functions of such local authority (including all functions in relation to the employees of each such local authority), and
    - (b) for that purpose carry on and manage and control generally the administration and business of the authority. 35
  - (4) Every function of a local authority which is not a reserved function is, for the purposes of this Act, an executive function of such local authority.
  - (5) All such matters and things, including the making of contracts and the 40

affixing of the official seal, as are necessary for or incidental to the exercise or performance of the executive functions of a local authority shall, subject to this Act or any regulations made under it, be done by the chief executive for such local authority.

- (6) Subject to law, the functions of a chief executive shall be performed in accordance with the policy of the local authority as determined by the elected council in accordance with Chapter 1 of this Part. 5
- (7) The chief executive, in performing his or her functions in accordance with subsection (6), shall have regard to the views of the elected members of the council, expressed in any of the following ways: 10
  - (a) at a meeting of the council;
  - (b) at a meeting of the municipal district members;
  - (c) at a meeting of any committee of the council;
  - (d) in responses in writing to any request for input to the development by the local authority of a new policy or an amendment of an existing policy. 15
- (8) The chief executive shall, when requested by the elected council—
  - (a) report on the actions already taken and planned to be taken in exercise of his or her executive functions,
  - (b) review the implementation of, and any actions planned to implement, any executive function and report to the council in the matter.”. 20
- (2) The amendments in *Schedules 1* and *2*, in so far as they relate to the chief executive, have effect for the purpose of supplementing *subsection (1)*.

**Amendment of section 151 (chief executive acting by signed order, etc.) of Principal Act** 25

**50.** Section 151 of the Principal Act is amended by substituting the following for subsection (7):

- “(7) Every document claiming to be certified in writing—
- (a) by a chief executive to be a true copy of an order made by a chief executive in accordance with this section, or 30
  - (b) by a delegated employee in accordance with section 154 to be a true copy of an order made by a delegated employee in accordance with that section,
- shall—
- (i) be received in evidence without proof of the signature of the person claiming so to certify or that such person was such chief executive or such delegated employee, as the case may be, and 35
  - (ii) until the contrary is proved, be deemed to be evidence of the contents of the order of which it claims to be a copy and of the fact



that such order was duly made and signed by such chief executive in accordance with this section or by such delegated employee in accordance with section 154, as the case may be, on the date stated in the certified copy.”.

#### **Local authority associations**

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**51.** Section 225 of the Principal Act is amended by inserting the following after subsection (3)—

- “(3A) (a) Where an association of local authorities requests a meeting with the Minister in relation to activities under subsection (3), the Minister shall meet a delegation from the association, or hold a meeting to which paragraph (b) applies, at least once in every year. 10
- (b) Where there is more than one association of local authorities in being at the time of a request or requests for a meeting with the Minister under this subsection is or are received, the Minister may require the meeting for the purposes of paragraph (a) to be a meeting with a joint delegation from those associations. 15
- (c) In respect of a meeting to which paragraph (a) or (b) relates, the Minister may determine that the size of the delegation or joint delegation, as the case may be, shall not exceed a number determined by the Minister.”. 20

#### **Amendment of Schedule 10 (meetings and proceedings of local authorities) to Principal Act**

**52.** Schedule 10 to the Principal Act is amended—

(a) in paragraph 3 by substituting the following for subparagraphs (1) and (2):

- “(1) In every year in which a local election is held, the annual meeting of a local authority shall be held on the fourteenth day after the polling day or, where the poll is for any reason countermanded, interrupted or adjourned, after the day on which the poll is completed or the fresh poll is held. 25
- (2) Where the fourteenth day referred to in subparagraph (1) is an excluded day, the meeting shall be held on the next following day which is not an excluded day.”, 30

and

(b) in paragraph 4 by substituting the following for subparagraph (4):

- “(4) In the case of the annual meeting of a local authority in an election year the business to be transacted shall, subject to this paragraph, include— 35
- (a) the consideration of the election, appointment or nomination of members of joint bodies or other bodies elected, appointed or nominated by such local authority, and 40

- (b) fixing the day or days for the first meetings of the municipal district members for each of the municipal districts within the functional area of the local authority, so long as the day or days so fixed shall not be later than 10 days after that annual meeting of the local authority and not be an excluded day.”, 5
- (c) in paragraph 13 by inserting the following after subparagraph (3):
- “(4) Where—
- (a) it has been resolved in accordance with paragraph (1) that a member leave a meeting and the chair adjourns the meeting under paragraph (3) because the member refuses to leave, and 10
- (b) it has been resolved by further resolution that the member was the cause of the meeting being so adjourned,
- then any allowances for expenses incurred by that member concerned, as provided for by regulations under section 142, shall be reduced for the period of 12 months (irrespective of whether or not a local election is to be held during that period) from the date of the meeting concerned as follows: 15
- (i) on the first occasion of it being resolved that the member refused to so leave, 10 per cent;
- (ii) on the next or subsequent occasions of it being so resolved and where paragraph (iii), (iv), (v) or (vi) does not apply, 10 per cent; 20
- (iii) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (i) or (ii) relates, 30 per cent; 25
- (iv) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (iii) relates, 50 per cent;
- (v) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (iv) relates, 70 per cent; 30
- (vi) on the next occasion of it being so resolved within 3 months of it being resolved in circumstances to which paragraph (v) relates, 90 per cent.”,
- and 35
- (d) in paragraph 15 by substituting “chief executive” for “manager”.

## PART 8

### FINANCIAL PROCEDURES, AUDIT AND OVERSIGHT

#### CHAPTER 1

##### *Financial Procedures and Audit*

#### **Amendment to Chapter 1 (financial procedures) of Part 12 of Principal Act**

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#### **53. Chapter 1 of Part 12 of the Principal Act is amended—**

- (a) in section 97 by deleting subsection (2)(a),
- (b) in section 97 by inserting in subsection (3) “(including by or on behalf of a successor authority in respect of a dissolved body to which the successor authority relates)” after “all money received by or on behalf of a local authority”, 10
- (c) by deleting sections 100 and 101,
- (d) in section 102 by substituting the following for subsection (3):
  - “(3) The draft local authority budget shall be prepared under the direction of the chief executive in the manner and in the format that may be prescribed by regulations made by the Minister showing the amounts necessary for the functional programmes of the authority.”, 15
- (e) in section 102 by inserting the following after subsection (4):
  - “(4A) (a) In the case of a county council or a city and county council, the chief executive shall consult the municipal district members for each municipal district in the council’s functional area in the preparation of a draft local authority budget and, for that purpose, a draft budgetary plan for the municipal district shall be prepared under the direction of the chief executive and submitted for consideration by the municipal district members for each municipal district in the manner and in the format that may be prescribed by regulations made by the Minister. 20 25
  - (b) Following consideration of a draft budgetary plan under paragraph (a), the municipal district members may make amendments to the draft budgetary plan.
  - (c) The making of amendments under paragraph (b) by the municipal district members is a reserved function. 30
  - (d) The chief executive shall take account of the budgetary plan adopted by the municipal district members in preparing the draft local authority budget (in accordance with subsection (2)).”,
- (f) in section 103 by substituting the following for subsection (2)(b): 35
  - “(b) which is held during the period directed by the Minister, and”,
- (g) in section 103 by substituting the following for paragraph (7)(b):
  - “(b) shall by resolution adopt the draft local authority budget with or

without amendment, and—

(i) shall,—

(I) subject to section 10 of the Local Government (Financial Provisions) Act 1978, by resolution determine in accordance with the local authority budget as so adopted, the annual rate on valuation to be levied, and 5

(II) where appropriate, have regard to the base year adjustment determined in accordance with *section 29* of the *Local Government Act 2013*,

or 10

(ii) where it is a joint body, shall prepare and by resolution adopt, in accordance with the local authority budget as so adopted, the demand by the joint body whereby the money to meet the expenses of the joint body, in the forthcoming local financial year is to be obtained.”, 15

(h) in section 103 by substituting the following for subsection (9):

“(9) Notwithstanding the other provisions of this section and section 102, a local authority budget may be adopted and the annual rate on valuation determined (including, where appropriate, having regard to the base year adjustment determined in accordance with *section 29* of the *Local Government Act 2013*) in the local financial year to which that budget or that rate applies, where this is in accordance with the period directed by the Minister for holding the local authority budget meeting.”, 20

(i) by inserting the following new section after section 103: 25

**“Schedule of municipal district works**

103A.(1) Following the adoption of the local authority budget, but before the start of each local financial year, a schedule of proposed works of maintenance and repair to be carried out during the financial year in each municipal district shall be prepared under the direction of the chief executive, having regard to the availability of resources, in the manner and in the format that may be prescribed by regulations made by the Minister. 30

(2) A schedule prepared for the purposes of subsection (1) shall be considered by the municipal district members concerned and be adopted by resolution, with or without amendment by it, within such time limit and in accordance with such conditions and requirements as may be prescribed by the regulations made by the Minister. 35

(3) In making an amendment under subsection (2) the municipal district members shall have due regard to the local authority budget adopted in accordance with section 103(9). 40

(4) If the schedule prepared for the purpose of subsection (1) is not adopted by the municipal district members in accordance with

subsection (2) and any regulations made under that subsection, then the local authority concerned shall consider that schedule and by resolution adopt it with or without amendment (having due regard to the local authority budget adopted in accordance with section 103(9)) within such time limit as may be prescribed by the regulations made by the Minister.”, 5

(j) in section 105 by substituting in subsection (2) “local authority” for “county council or city council” in both places where it occurs,

(k) in section 106 by deleting paragraph (6)(b),

(l) in section 110 by substituting in subsection (11) “the entire administrative area of a local authority” for “an entire county or city”, 10

(m) in section 111 by deleting paragraphs (c), (d) and (e) of subsection (1),

(n) in section 111 by substituting “local authority” for “county council or city council” in subsection (1)(f),

(o) in section 112 by inserting the following after subsection (1): 15

“(1A) In stating his or her opinion and preparing the report or special report, as the case may be, in accordance with section 120, the local government auditor shall take account of any objection and decision recorded in accordance with subsection (1).”,

and 20

(p) in section 112 by deleting subsection (2).

### **Audit committee**

**54.** The Principal Act is amended by substituting the following for section 122:

“122. (1) A local authority shall establish a committee, to be known as an audit committee, within 3 months of— 25

(a) the polling day for the election of the incoming members of the local authority or,

(b) where the poll is for any reason countermanded, interrupted or adjourned, the day on which the poll is completed or the fresh poll is held, and from that establishment any audit committee previously established shall cease to exist. 30

(2) The functions of an audit committee are—

(a) to review financial and budgetary reporting practices and procedures within the local authority that has established it,

(b) to foster the development of best practice in the performance by the local authority of its internal audit function, 35

(c) to review any audited financial statement, auditor’s report or auditor’s special report in relation to the local authority and assess any actions taken within that authority by its chief executive in

- response to such a statement or report and to report to that authority on its findings,
- (d) to assess and promote efficiency and value for money with respect to the local authority's performance of its functions, and
  - (e) to review systems that are operated by the local authority for the management of risks. 5
- (3) The Minister may prescribe by regulations for all or any of the following matters regarding an audit committee:
- (a) its membership;
  - (b) the holding by it of meetings, including the frequency of those meetings and the conduct of them; 10
  - (c) the preparation of reports by it and the furnishing of them to other persons;
  - (d) the performance by it of its functions, whether generally or in particular cases, and the procedures to be followed in relation to that performance; 15
  - (e) the provision for privilege to attach to statements made to it or made by members of the committee in their capacity as such members;
  - (f) such other matters that are incidental to, or consequential on, any of the matters set out in paragraphs (a) to (e).". 20

### **Consideration of annual financial statement and auditor's report**

**55.** The Principal Act is amended by substituting the following for section 121:

- "121.(1) Following receipt by the local authority or joint body (in this section referred to as a 'relevant authority') of the audited financial statement, auditor's report or auditor's special report, the chief executive of the relevant authority shall provide that statement or report to the audit committee for consideration at the next practicable meeting of the committee. 25
- (2) The local government auditor who conducted the audit, or who has been appointed in accordance with section 124, shall attend a meeting of the audit committee to present his or her report and clarify such issues as may be necessary in relation to the content of the auditor's report or special report. 30
- (3) The audit committee shall report to the relevant authority on its consideration of the audited financial statement, auditor's report or auditor's special report at the next practicable meeting of the relevant authority following the audit committee's consideration. 35
- (4) At any time within 3 months of the audited financial statement, auditor's report or auditor's special report having been submitted to the relevant authority in accordance with section 120, the local 40

government auditor who carried out the audit may notify the local authority or joint body that he or she wishes to discuss it with that authority.

- (5) Following notification under subsection (4), a local government auditor is entitled to attend the next meeting of the relevant authority following the notification to discuss the audited financial statement, auditor's report or auditor's special report, as the case may be, or to attend such other meeting of the relevant authority as the local government auditor may specify. 5
- (6) Subject to any guidelines the Minister may issue from time to time, the matters to be discussed by an audit committee or the relevant authority at a meeting during any period when the local government auditor concerned attends shall be limited to matters directly related to the audited financial statement, the auditor's report or the auditor's special report, as the case may be. 10 15
- (7) A local government auditor is entitled to qualified privilege in relation to any statements made by him or her at any meeting that he or she attends under this section in his or her capacity as such an auditor.".

## CHAPTER 2

### *National Oversight and Audit Commission* 20

#### **National Oversight and Audit Commission**

**56.** (1) The Principal Act is amended by inserting the following Part after Part 12:

#### "PART 12A

##### NATIONAL OVERSIGHT AND AUDIT COMMISSION

#### **Interpretation (Part 12A)** 25

126A. In this Part—

'appropriate Minister' means any Minister of the Government (other than the Minister)—

(a) on whom functions stand conferred, or

(b) who has general responsibility, 30

in respect of or in connection with the matter in question;

'Commission' means the National Oversight and Audit Commission established under this Part;

'local authority' includes a joint body and a joint committee;

'local government body' means— 35

(a) a local authority,

- (b) a regional assembly,
- (c) any trust or other body (whether corporate or unincorporated) over which one or more local authorities or regional assemblies, or both, exercise actual or effective control whether directly or indirectly through nominees (however described) or otherwise, 5

and includes any trust or other body, or a class of trust or other body, to which a determination under section 126L(3) relates;

‘report’, in relation to a report of the Commission other than its annual report, means a report or information under section 126C(1)(i) or a report under section 126D. 10

### **Establishment of Commission**

126B.(1) The Minister shall by order establish a body to be known as the National Oversight and Audit Commission (in this Part referred to as the ‘Commission’) to perform the functions assigned to it by this Part.

- (2) The Commission and its members are independent in the performance of their functions. 15

### **Functions of Commission**

126C.(1) The functions of the Commission are as follows:

- (a) to scrutinise the performance of any local government body against or in comparison with any indicative matter (in this Part referred to as ‘relevant indicators’) that— 20
  - (i) the Commission considers it appropriate to refer to (which shall include indicative matters relating to customer service), or
  - (ii) the Minister may prescribe by regulations for the purpose of this paragraph; 25
- (b) to scrutinise the financial performance, including in relation to value for money, of any local government body, in respect of the financial resources available to it;
- (c) to support the development and enhancement of best practice in the performance by local government bodies of their respective functions; 30
- (d) to monitor and evaluate adherence to any agreement in the nature of a service level agreement entered into by one or more local government bodies, whether or not all parties to such an agreement are local government bodies; 35
- (e) to oversee how national policy in relation to local government is implemented by local government bodies;
- (f) to monitor and evaluate the implementation of public service reform (including enhanced efficiencies) by local government bodies either generally or in respect of any local government body or class of such bodies; 40



- (g) to monitor the adequacy of the corporate plan prepared—
  - (i) by a regional assembly pursuant to section 43 (as amended by the *Local Government Act 2013*) of the Local Government Act 1991, and
  - (ii) by a council pursuant to section 134, 5  
and to evaluate implementation of such plans either generally or in respect of any local government body or class of such bodies;
- (h) to take such steps as are appropriate under its other functions for the purposes of any request under section 126D and to furnish reports or other information in relation to that request to the Minister or the appropriate Minister, as the case may be; 10
- (i) in addition to reports or other information furnished under section 126D and to its annual reports under section 126K, to prepare on its own initiative such other reports or information on matters relating to its functions as the Commission considers appropriate. 15
- (2) The Commission has power to do anything that appears to it to be requisite, advantageous or incidental to, or to facilitate, the performance of its functions, including the making of arrangements by agreement with any person or body to assist the Commission in the proper discharge of any of its functions. 20
- (3) (a) The Minister may, with the consent of the Minister for Public Expenditure and Reform, by order confer on the Commission such additional functions connected with the functions for the time being of the Commission as the Minister determines, subject to such conditions (if any) as may be specified in the order. 25
- (b) An order under paragraph (a) may contain such incidental, supplementary and additional provisions as may, in the opinion of the Minister, be necessary to give full effect to the order.

#### **Reports to Minister or appropriate Minister**

- 126D.(1) The Minister or an appropriate Minister may in writing request the Commission to prepare a report on any matter to which the functions of the Commission relate in respect of any aspect of local government specified by the Minister or the appropriate Minister, as the case may be, in respect of which he or she performs functions or has general responsibilities. 30 35
- (2) A request under subsection (1) shall relate to one or more local government bodies specified in the request or to a class of such bodies so specified.
- (3) Where a request has been made under subsection (1) the Commission shall, to the extent that its functions permit, comply with the request and have regard to such considerations or matters in preparing its report as are specified in the request. 40
- (4) (a) Where the Commission considers it appropriate in the

circumstances, the Commission may, following consultation with the regional assembly or regional assemblies concerned, require it or them to prepare and submit for the Commission's consideration a draft of any such report.

- (b) A draft report prepared and submitted to the Commission under paragraph (a) may be amended by it as it sees fit and any such report, whether amended or not, that has been adopted by the Commission and is subsequently submitted by the Commission to the Minister or the appropriate Minister, as the case may be, shall for the purposes of subsection (1) be deemed to be a report prepared by the Commission. 5 10
- (c) Without prejudice to the Commission's duty to prepare a report when requested under subsection (1), a draft report prepared and submitted to the Commission under paragraph (a)—
  - (i) may be submitted by the Commission to the Minister or the appropriate Minister, as the case may be, without being adopted by the Commission under paragraph (b), and 15
  - (ii) any such report so submitted by the Commission shall be accompanied by a note stating that it has not been adopted and giving the reasons why it has not been adopted. 20
- (5) A report of the Commission to the Minister or the appropriate Minister under this section shall—
  - (a) be in writing,
  - (b) where appropriate, include the responses by the local government body to which the report relates to queries from the Commission, 25
  - (c) include the recommendations of the Commission in relation to the matters which are the subject of the report, and
  - (d) include recommendations in relation to such ancillary or related matters (including financial matters) as the Commission may consider appropriate or as the Minister or the appropriate Minister may specify in a request under subsection (1). 30
- (6) (a) The Minister or the appropriate Minister shall furnish a copy of a report provided to him or her by the Commission under this section to—
  - (i) each local government body that is the subject matter of the report, 35
  - (ii) in the case of a local government body other than a local authority or a regional assembly, to each local authority or regional assembly that exercises actual or effective control within the meaning of 'local government body' in section 126A, 40
  - (iii) the Joint Committee of the Houses of the Oireachtas to which has been assigned the role of examining matters relating to local

government, and

- (iv) any other Joint Committee of the Houses of the Oireachtas which has general responsibility in respect of or connected with the matters to which the report relates.
- (b) Where a report has been furnished under paragraph (a), the Minister or the appropriate Minister shall advise the Commission accordingly and the Commission shall, as soon as practicable thereafter, cause the report to be published. 5
- (7) Within 28 days of receipt of a report pursuant to subsection (6) in respect of a local authority for which he or she is chief executive, or in respect of any local government body over which the local authority exercises actual or effective control, the chief executive shall present to the council an implementation plan setting out the steps to be taken in relation to that report. 10
- (8) The adoption of an implementation plan referred to in subsection (7), other than any part of such plan that exercises or would seek to exercise functions in relation to the employees of the local authority or employees of any local government body over which the local authority exercises actual or effective control, shall be a reserved function. 15 20
- (9) A local authority or regional assembly which is the subject of a report, or is an authority or assembly that exercises actual or effective control over a local government body which is the subject of a report, published under this section shall, in its annual report, include reference to the steps taken in relation to that report during the period to which the annual report relates. 25

**Requests for information, etc., made to local government body, etc.**

126E.(1) It is the duty of every local government body—

- (a) to have due regard to a request made to it by the Commission for any information, document or thing, which in the opinion of the Commission is relevant to assist the Commission in the performance of its functions, and 30
  - (b) subject to subsections (2) and (3), to comply with all such requests so made.
  - (2) Where proceedings are instituted by the Commission— 35
    - (a) against a local government body for breach of duty under this section, and
    - (b) for the purposes of seeking compliance with the request concerned or a specified part of that request,
- it shall be a valid defence for the local government body to show that the request made by the Commission, or so much of the request in respect of which the proceedings relate, was materially disproportionate to what was required to achieve the intended result of 40

the request or that part of the request to which the proceedings relate.

- (3) Nothing in this section shall be read as requiring the disclosure of confidential information, the disclosure of which would be in breach of non-disclosure obligations provided for by law or the disclosure of commercially sensitive information. 5

#### **Requests for information, etc., made to certain public authorities**

126F. A public authority to which section 126E does not apply shall have due regard to a request made to it by the Commission for any information, document or thing, which in the opinion of the Commission is relevant to assist the Commission in the performance of its functions, and to use its best endeavours to facilitate such a request. 10

#### **Submissions to Commission**

126G.(1) The Commission may give public notice of its intention to prepare a report (in this section referred to as a 'proposed report') to which section 126C(1)(i) or 126D relates. 15

- (2) The public notice referred to in subsection (1), which shall be published in a newspaper circulating in the area to which the subject matter of the proposed report relates, shall indicate that—

(a) any person may make a submission to the Commission in relation to the subject matter of the proposed report in a manner and within the period as is specified in that notice, and 20

(b) submissions received by the Commission within the period specified in that notice may be made available for public inspection.

- (3) The Commission shall consider any submissions made to it in accordance with the public notice or made by a local government body under this section or otherwise. 25

- (4) Submissions received by the Commission under this section may be made available by them for public inspection—

(a) at such time and place and under such conditions as may be specified by the Commission and for that purpose may be made available by the Commission on its internet website, and 30

(b) where not published by the Commission on its internet website, the Commission shall permit a copy of such submissions or of extracts from them to be taken on payment of a fee which shall not exceed the reasonable cost of copying the submissions. 35

#### **Members of Commission**

126H.(1) Subject to subsection (4) and section 126I(8), the Commission consists of not more than 9 but not less than 6 members, one of whom shall be the chairperson of the Commission. 40

- (2) The chairperson of the Commission shall be appointed by the Minister.

- (3) Each member of the Commission shall hold office for a period which

the Minister shall determine, not exceeding 5 years from the date of appointment to the office and shall include—

- (a) one or more persons having knowledge or experience of local government affairs,
  - (b) one or more persons having knowledge or experience in finance, audit, evaluation or project assessment, 5
  - (c) one or more persons having knowledge or experience in business, commerce, administration, corporate governance or community development,
  - (d) one or more persons having knowledge or experience in the statutory or voluntary bodies dealing with consumer issues, and 10
  - (e) one or more than one person who is an officer of the Minister.
- (4) The members of the Commission may include—
- (a) one but no more than one person who is an employee of a local authority, and 15
  - (b) one but no more than one person who is a member of a local authority,
- but shall not include a person who is a member of a regional assembly.
- (5) Any member of the Commission who, subsequent to appointment to the Commission, becomes an employee of a local authority, member of a local authority or member of a regional assembly shall, for the purposes of subsection (4) and section 126I(5)(d), in writing inform the Minister and the chairperson of the Commission accordingly. 20
- (6) A member of the Commission shall not take part in the preparation or a decision to adopt or not adopt a report under section 126D(3) of a report with respect to a local authority or a regional assembly if he or she is, or was at the material time, an employee or elected member of that authority or assembly, as the case may be. 25
- (7) The Minister, to the extent practicable, shall endeavour to ensure that there is an equitable balance between men and women in the membership of the Commission. 30

**Eligibility and tenure of office of members, etc.**

- 126I.(1) A person appointed to be a member of the Commission holds office as such member for such period, terms and conditions as may be specified by the Minister at the time of his or her appointment. 35
- (2) The chairperson and any other member of the Commission may be paid, out of moneys at the disposal of the Minister, such remuneration (if any) and allowances for expenses incurred by the member as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine. 40
- (3) (a) A person is disqualified from becoming a member of the

- Commission if he or she is—
- (i) a member of either House of the Oireachtas, or
  - (ii) a member of the European Parliament.
- (b) A person ceases to be a member of the Commission if he or she—
- (i) is nominated as a member of Seanad Éireann, 5
  - (ii) is elected as a member of either House of the Oireachtas or as a member of the European Parliament,
  - (iii) is regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to the European Parliament to fill a vacancy, 10
  - (iv) becomes a member of a regional assembly, or
  - (v) fails to attend at 6 consecutive meetings of the Commission where—
    - (I) in the case of a member other than the chairperson, the chairperson is of the opinion that the absence is not due to an acceptable reason such as illness or force majeure, 15
    - (II) in the case of the chairperson, a majority of the Commission is of the opinion that the absence is not due to an acceptable reason such as illness or force majeure.
- (4) A member of the Commission, including the chairperson, may at any time resign from office by letter addressed to the Minister and the resignation takes effect from the date of receipt of the letter by the Minister. 20
- (5) The Minister may remove from office any member of the Commission (including the chairperson) if, in the opinion of the Minister— 25
- (a) that person has become incapable through ill-health of effectively performing the duties of the office,
  - (b) the member has committed stated misbehaviour,
  - (c) the member has a conflict of interest of such significance that, in the opinion of the Minister, the member should cease to hold office, 30
  - or
  - (d) the removal of the member appears to the Minister to be necessary or desirable—
    - (i) for the effective performance by the Commission of its functions, or 35
    - (ii) to comply with the requirements of section 126H(4).
- (6) A person may not be the chairperson of the Commission or, except in the case of an appointment to which section 126H(3)(e) relates, a member of the Commission for more than 2 consecutive terms of

office but is otherwise eligible for re-appointment to be a member of the Commission.

- (7) (a) Notwithstanding section 126H(1), the Minister, as required, may by order under this subsection increase the number of members of the Commission to not more than 12 members where, in the opinion of the Minister, it is necessary taking account of the volume of business coming before the Commission and the need to ensure the effective and efficient discharge by the Commission of its functions, but any such increase is for such temporary period as shall be specified in the order and shall not exceed 2 years from the date of the commencement of the order. 5 10
- (b) Upon expiry of an order under paragraph (a), the Minister may make a further order in accordance with the provisions of that paragraph.
- (8) A person shall be disqualified from holding and shall cease to hold office as a member of the Commission if he or she— 15
- (a) is an undischarged bankrupt,
- (b) is convicted on indictment of an offence, or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State, 20
- (c) is convicted of an offence involving fraud or dishonesty, or
- (d) has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act. 25

### **Meetings and procedures of Commission**

126J.(1) The Commission shall hold such and so many meetings as may be necessary for the performance of its functions.

- (2) The chairperson of a meeting of the Commission shall be—
- (a) the chairperson of the Commission if present, or 30
- (b) if and so long as the chairperson of the Commission is not present or if the office of chairperson is vacant, the members of the Commission who are present shall choose one of their number to be chairperson of the meeting.
- (3) At a meeting of the Commission— 35
- (a) subject to paragraph (c), each member of the Commission present has one vote,
- (b) every question at a meeting of the Commission shall be determined by consensus, but where in the opinion of the chairperson or other person presiding consensus is not possible, the question shall be determined by a majority of the votes of the members present and voting on the question, and 40

- (c) in the case of an equal division of votes in circumstances to which paragraph (b) relates, the chairperson of the meeting has a second or casting vote.
- (4) Subject to such standing orders as the Commission may make under subsection (5) regarding a quorum, the Commission may act notwithstanding one or more vacancies in its membership. 5
- (5) The Commission shall regulate, by standing orders or otherwise, the procedure and business of the Commission, including the keeping of a record of its meetings and of decisions taken.
- (6) (a) The Commission has an absolute discretion to hold an oral hearing in relation to any matter in respect of which functions are conferred on it by this Part and the hearing may be conducted by— 10
  - (i) one or more members of the Commission,
  - (ii) one or more members of the Commission, together with one or more other persons appointed by the Commission for that purpose, or 15
  - (iii) one or more other persons appointed by the Commission for that purpose.
- (b) The persons (including any members of the Commission) conducting an oral hearing under paragraph (a) shall make a report in writing on the hearing to the Commission and shall include in the report such recommendations as are considered appropriate with respect to the subject of the report. 20
- (c) The Commission shall consider a report made to it under paragraph (b) before deciding on the recommendations that it will make in its report. 25
- (7) Where the number of members of the Commission has been increased by order under section 126I(7)(a), any function of the Commission may be exercised by a division of the Commission comprising of at least 4 of its members and meetings and decisions of any such division are, for all purposes, meetings and decisions of the Commission. 30

### **Governance of Commission**

- 126K.(1) Not later than the 30th day of April in each year, the Commission shall prepare and submit to the Minister a report (in this section referred to as the ‘annual report of the Commission’) in relation to the performance of its functions during the preceding year and shall, as soon as may be, furnish a copy of that report to such other persons as it may consider appropriate. 35
- (2) An annual report of the Commission shall include the following in respect of the year to which it relates: 40
  - (a) particulars of the policies, programmes, services and other activities undertaken by the Commission;



- (b) such particulars as may be required by a provision of any other enactment;
- (c) such other particulars (including financial statements) as the Commission may determine to be appropriate to include in the report or as may be directed by the Minister; 5
- (d) the total number of meetings of the Commission held during that year and, in respect of each member of the Commission—
  - (i) number of meetings of the Commission attended by the member during that year, and
  - (ii) the number of such meetings so held while a member of the Commission. 10

### **Regulations and determinations (Part 12A)**

- 126L.(1) The Minister may by regulations prescribe any matter of procedure as regards the appointment and operation of the Commission or the carrying out of its functions. 15
- (2) Without prejudice to the generality of subsection (1), regulations under this section may provide for any of the following:
- (a) the conduct of any oral hearing held by the Commission under section 126J(6), the procedures at such a hearing, the representation of a local authority or regional assembly at such a hearing or the attendance of persons at such a hearing; 20
  - (b) for the purposes of section 126C(1)(f), identifying or clarifying matters relating to public sector reform by local government bodies;
  - (c) prescribing relevant indicators for the purposes of section 126C(1) (a). 25
- (3) (a) Where—
- (i) any doubt, dispute or question arises or, in the opinion of the Minister, is likely to arise as to whether a trust or other body or a class of such trust or other body is or is not a trust or other body or a class thereof to which paragraph (c) of the definition of ‘local government body’ applies, and 30
  - (ii) the Minister is of the opinion that such trust, other body or class is one to which the said paragraph (c) applies,
- then the Minister shall determine the matter accordingly and shall communicate his or her determination in writing to the Commission and to the local authorities and regional assemblies concerned. 35
- (b) The Minister shall not make a determination under paragraph (a) in respect of a trust or other body, or of a class of trusts or other bodies, for which another Minister of the Government is directly or indirectly responsible unless that other Minister consents to that determination being made and every communication for the 40

purposes of that paragraph shall disclose any such consent.”.

- (2) Section 221(2)(b) of the Principal Act is amended in the manner set out in *Part 1* of *Schedule 1*.
- (3) Paragraph 1(2) of the First Schedule to the Freedom of Information Act 1997 is amended by inserting “the National Oversight and Audit Commission”.

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## PART 9

### REGIONAL ASSEMBLIES

#### Regional assemblies

57. (1) The Local Government Act 1991 is amended by substituting the following for section 43:

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“43. (1) For the purpose of co-ordinating, promoting or supporting strategic planning and sustainable development, and promoting effectiveness in local government and public services, in different areas of the State, the Minister may, by order, made with the consent of the Minister for Public Expenditure and Reform (in this section referred to as an ‘establishment order’)—

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(a) declare that an area consisting of specified cities, counties or cities and counties shall constitute a region, and

(b) establish in respect of the region, a body (to be known as a ‘regional assembly’) the membership of which shall consist of persons who are members of every council of a city, council of a county and council of a city and county the functional area of each of which is included in that region, to perform, in respect of the region and for the purposes set out in this subsection, the functions conferred on it by or under this section or to perform functions conferred on it otherwise by law.

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(2) (a) A regional assembly shall be called and known by such title as may be specified in the establishment order concerned.

(b) A regional assembly shall be a body corporate with perpetual succession and an official seal and with power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land.

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(c) Judicial notice shall be taken of the seal of a regional assembly and every document purporting to be an order or other instrument made by that assembly and to be sealed with its seal (purporting to be authenticated in the manner provided by the establishment order) shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown.

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(3) An establishment order shall require a regional assembly thereby established to provide itself with an official seal and shall contain such

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provisions as the Minister considers appropriate in relation to the membership of the assembly (including provisions in relation to the number of members of the assembly, the method, terms and conditions of their appointment and their tenure of office).

- (4) (a) An establishment order or an order amending or revoking an establishment order may contain such other provisions as the Minister considers necessary arising from, by reason of, for the purposes of, or to give full effect to, a declaration under subsection (1) or to the establishment or dissolution of a regional assembly and such an order may contain provisions relating to any matter whatsoever arising in relation to such declaration, establishment or dissolution or in relation to the functions of the regional assembly concerned. 5 10
- (b) Without prejudice to the generality of paragraph (a), an order referred to in that paragraph may provide in respect of a regional assembly established by the establishment order, for all or any of the following matters: 15
  - (i) the conferral of functions on the assembly in relation to the purposes set out in subsection (1), including— 20
    - (I) regional planning guidelines under the *Planning and Development Acts 2000 to 2013*,
    - (II) functions in connection with assistance from the European Union, with national investment programmes, or with the role of the National Oversight and Audit Commission,
  - (ii) the administration generally (including the preparation and publication of a corporate plan and an annual report) and the finances generally of the assembly, 25
  - (iii) the meetings of the assembly, and the procedure at such meetings,
  - (iv) the use and authentication of the seal of the assembly, 30
  - (v) the payment of grants by the Minister of such amounts as may be sanctioned by the Minister for Public Expenditure and Reform, out of moneys provided by the Oireachtas, towards the expenses of the assembly,
  - (vi) the payment to the assembly by the local authorities who, as respects the assembly are local authorities referred to in subsection (1)(b) or by other specified public authorities, in such manner as may be specified, of all or part of the expenses and expenditure of the assembly, 35
  - (vii) the furnishing from time to time by the assembly to the Minister or to specified local authorities or other specified public authorities of information in relation to the performance of its functions and the furnishing of such information to the Minister 40

- whenever he or she so requests,
- (viii) the making by the assembly of arrangements with other public authorities for the use by it of premises or equipment of those authorities or for the use by the assembly of the services of officers and servants of those authorities, 5
  - (ix) matters to which the assembly shall have regard in the performance of its functions,
  - (x) the giving of directions by the Minister to the assembly in relation to the performance of its functions,
  - (xi) the dissolution of the assembly, 10
  - (xii) any other matter in relation to which the Minister considers that provision should be made in order to enable the assembly to perform its functions effectively or, as respects its dissolution.
- (5) Subject to the other provisions of this section (including the establishment order concerned) and without prejudice to any other enactment, a regional assembly shall have all such powers as are necessary or expedient for the performance of its functions. 15
- (6) An establishment order or an order referred to in subsection (4)(a) may apply to a regional assembly established by the establishment order, with any necessary modifications or adaptations, all or any of the provisions of or made under any enactment relating to local authorities. 20
- (7) (a) An establishment order shall provide for the appointment of a chief officer, to be known by the title director of the assembly, and for the powers and functions and other provisions relating to the office of director of the assembly. 25
- (b) Without prejudice to the generality of paragraph (a), the functions of the director of the assembly include—
- (i) representing the assembly,
  - (ii) the carrying out of, managing and controlling generally the administration and business of the assembly, 30
  - (iii) performing such functions as may be specified in the establishment order or in an order amending that order,
  - (iv) performing such functions of the assembly as may be delegated to the director under subsection (11), 35
  - (v) performing such functions, other than those to which subparagraph (iii) or (iv) could relate, as the assembly may determine or assign from time to time other than such functions or a class of functions as may be specified in the establishment order or in an order amending an establishment order, and 40
  - (vi) performing any other function assigned to the director under any

other enactment.

- (c) Without prejudice to any other enactment, the functions of a director shall be performed in accordance with the policy of the assembly as duly determined by the members of the assembly.
- (8) A regional assembly may, in relation to the performance of any of its functions, consult with such local authorities, other public authorities and regional assemblies as it considers appropriate. 5
- (9) A regional assembly may establish committees consisting, in whole or in part of persons who are members of the assembly—
  - (a) to consider such matters connected with the functions of the assembly as the assembly may determine and assist and advise the assembly in relation to those matters, or 10
  - (b) to perform functions of the assembly delegated to such committee under subsection (11) but may not delegate generally all of its functions, or all of its functions other than specified functions, to any such committee. 15
- (10) A regional assembly may dissolve a committee established by it but the dissolution is without prejudice to anything previously done by the committee.
- (11) A regional assembly may delegate with or without restrictions to a committee established under subsection (9), or to the director, any of its functions other than such functions or a class of functions as may be specified in the establishment order or in an order amending an establishment order, and different functions may be so specified in respect of such a committee or the director. 20 25
- (12) A regional assembly may revoke or amend a delegation to a committee or to a director under subsection (11) but any revocation or amendment of a delegation is without prejudice to anything previously done by the director or the committee, as the case may be.
- (13) The establishment order or an order amending an establishment order may contain such provisions relating to committees as the Minister considers appropriate.”. 30
- (2) The bodies established by the Local Government Act 1991 (Regional Authorities) (Establishment) Order 1999 (S.I. No. 226 of 1999) which are subsisting at the commencement of this section shall upon such commencement continue in being until dissolved or replaced under a provision of an establishment order and be known or continue to be known, as the case may be, as regional assemblies and accordingly— 35
  - (a) subject to paragraph (b) that order shall continue to apply to each of them as it applied before such commencement and that order may be amended or revoked under this section, 40
  - (b) references in any enactment to regional authorities within the meaning of section 43 (as amended by this Act) of the Local Government Act 1991 shall, where the context admits, be read as references to regional assemblies,

- (c) a reference in paragraph (a), and subparagraphs (xi) and (xii) of paragraph (b), of section 43(4) (as amended by this Act) of the Local Government Act 1991 to the dissolution of a regional assembly or the dissolution of an assembly shall be read as including a reference to a regional authority (within the meaning referred to in paragraph (b)) which stood established immediately before the commencement of this section. 5
- (3) References in the Local Government Act 1991 (Regional Authorities) (Establishment) Order 1999 to those local government areas in respect of which provision is made under *Part 2* of this Act for their amalgamation shall, upon the 2014 establishment day (within the meaning of that Act) or, if later, upon the commencement of this section, be read in each case as a reference to the administrative area of the appropriate successor body within the meaning of *paragraph (a)* of the definition of “successor authority” in *section 3*. 10
- (4) In so far as it relates to regional assemblies, *Part 3* of *Schedule 2* has effect for the purpose of supplementing the amendment provided for by *subsection (1)*. 15

## PART 10

### PLEBISCITE ON DIRECTLY ELECTED MAYOR FOR DUBLIN METROPOLITAN AREA

#### Definitions (*Part 10*)

58. In this Part—

“Dublin local authority” means Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council or South Dublin County Council; 20

“Dublin metropolitan area” means the combined administrative areas of the Dublin local authorities;

“directly elected mayor” means a mayor in respect of an authority or other body for the Dublin metropolitan area elected at an election for the purposes of which there shall be one electoral area which shall consist of the local electoral areas in force at that time in respect of the Dublin metropolitan area; 25

“plebiscite” has the meaning given by *section 61(2)(b)*.

#### Convening of forum and report to Minister

59. (1) There shall be convened by the Lord Mayor of the City of Dublin, in such manner as the Minister requests, a forum representative of the members of the local authorities within the Dublin metropolitan area to consider the possible options for the future local governance arrangements for that area including the establishment of an office of a directly elected mayor for that area and shall, in particular, consider the following matters— 30
- (a) the establishment of such an office,
- (b) the rationale for, and implications of, such an office,
- (c) details relating to such office and its relationship with each Dublin local authority 35

or with those authorities and any other public authority which the forum considers would be representative of, or having functions relevant to, the Dublin metropolitan area, and

- (d) such changes as would be needed in local governance arrangements for the Dublin metropolitan area consequential on the establishment of such an office, including matters to which *paragraph (c) of section 60(1)* would relate if a resolution under that paragraph were proposed,

and the Lord Mayor of the City of Dublin shall report to the Minister in writing on the forum's deliberations and conclusions within such time limit as the Minister directs, which report shall include a draft resolution for the purposes of *section 60(1)*.

- (2) Consequent on receipt of the report referred to in *subsection (1)*, the Minister may consult with each Dublin local authority on that report either jointly, separately or both and with any other person that the Minister considers it appropriate to consult.

### **Resolutions of local authorities**

- 60.** (1) Where the Minister is of the opinion that, having regard to the report and the draft resolution under *subsection (1) of section 59* and any consultations under *subsection (2)* of that section, a resolution in the terms to which *paragraph (a)* relates should be put before the council for each local authority within the Dublin Metropolitan Area and the Minister has advised those local authorities of that opinion, then each such local authority may act accordingly, and where it does so, each such resolution shall—
- (a) propose the holding of a plebiscite on whether an office of directly elected mayor of an authority for the Dublin metropolitan area should be established,
  - (b) be in a form approved by the Minister, and
  - (c) in the case of each local authority, be accompanied by a statement, the wording of which has been approved by the Minister, setting out the main features of the proposed future governance arrangements for the Dublin metropolitan area including—
    - (i) the functions and structures of the proposed office of directly elected mayor of the Dublin metropolitan area,
    - (ii) the proposed changes in the functions and structures of the Dublin local authorities and the relationship between the office of directly elected mayor and the Dublin local authorities and with any other authority or other body (whether then in existence or not) of which such mayor would have a role to play and the nature of that role,
    - (iii) details of the estimated cost and other resource implications of the proposed arrangements and any increased cost likely to arise as a result of their implementation,
    - (iv) the changes (if any) proposed to the functions and structures of any other body,
    - (v) details of the advantages and disadvantages that would arise as a result of the implementation of the proposed arrangements,

- (vi) measures to maximise efficiency, effectiveness and accountability in local government in the Dublin metropolitan area and avoidance of duplication or undue cost, and
  - (vii) such further information or details approved by the Minister for inclusion in the statement. 5
- (2) For the purposes of this Part, a resolution to which *subsection (1)* relates—
- (a) shall not be adopted by a local authority concerned after 31 March 2014, and
  - (b) shall be adopted by the local authority concerned only if not less than half of the persons who are members of that local authority vote in favour of the resolution.
- Holding of plebiscite** 10
61. (1) Where a resolution has been adopted by each Dublin local authority in accordance with *section 60(2)*, a plebiscite shall be held to decide whether legislation should be brought forward—
- (a) to provide for the establishment of an office of directly elected mayor to be chairperson and leader of an authority or other body for the Dublin metropolitan area, and 15
  - (b) for such other matters relating to local government in the Dublin area as the Minister considers to be appropriate.
- (2) A plebiscite referred to in *subsection (1)* shall—
- (a) be held in conjunction with and at the times duly fixed by the Minister for the 2014 local elections, 20
  - (b) put a proposal for a decision of those persons entitled to vote at the 2014 local elections for the Dublin local authorities (in this Part referred to as a “plebiscite”) as to whether an office of directly elected mayor of an authority for the Dublin metropolitan area should be established in accordance with the resolution referred to in *section 60(1)*, and 25
  - (c) be held in accordance with regulations to be made by the Minister providing for the holding of the plebiscite and for other requirements and arrangements that will apply in relation to the plebiscite.
- (3) (a) Dublin City Council shall, on its own behalf and on behalf of the other Dublin local authorities, publish and distribute or cause to be published and distributed, not later than 30 days before the polling day in a manner which Dublin City Council considers most likely to bring the proposal to the attention of voters, information for voters in relation to the proposal which is to be put for a decision through the plebiscite, including the details referred to in *section 60(1)(c)*. 30 35
- (b) Dublin City Council shall be facilitated by the other Dublin local authorities for the purpose of giving effect to *paragraph (a)*.
- (4) Without prejudice to the generality of *paragraph (c)* of *subsection (2)*, any regulations under that paragraph may, in particular—
- (a) specify the form of the ballot paper for the plebiscite, including the wording to be 40



- used on the ballot paper for the proposal on whether an office of directly elected mayor of an authority for the Dublin metropolitan area should be established, which wording shall be consistent with the resolution referred to in *section 60(1)*,
- (b) provide for arrangements and requirements in relation to the information to be published and distributed to voters in accordance with *subsection (3)*, 5
  - (c) provide for the appointment, duties, and staff of the returning officer for the plebiscite,
  - (d) provide for the taking of the poll at the plebiscite and the counting of votes,
  - (e) provide for the use, free of charge, of schools and public rooms,
  - (f) provide for arrangements for postal and special voting, 10
  - (g) provide for voting by persons in the employment of returning officers,
  - (h) provide for voting by persons to whom *section 62* relates who are physically ill or physically disabled,
  - (i) provide for the issue of polling information cards,
  - (j) provide for the maintenance of secrecy of voting, 15
  - (k) provide for the removal of persons misconducting themselves in polling stations,
  - (l) provide for procedures in the event of disorder or obstruction,
  - (m) provide for procedures in the event of interference with ballot boxes or ballot papers,
  - (n) provide for provisions corresponding to articles 67, 95 to 101, 105 to 111, 113 to 118, 119 and 122 of the Local Elections Regulations 1995 (S.I. No. 297 of 1995), with such modifications as appear to the Minister to be appropriate, and 20
  - (o) contain such other provisions relating to the holding of polls and the holding of the plebiscite as the Minister considers appropriate.
- (5) Where a provision of regulations made under this section corresponds to a provision of the Local Elections Regulations 1995, which declares a matter to be an electoral offence, the regulations so made may provide for a corresponding offence in relation to the plebiscite and lay down a penalty for it which does not exceed the relevant penalty specified in article 117 of the Local Elections Regulations 1995. 25
- (6) Where regulations under this section are proposed to be made, a draft of them shall be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each House. 30

### **Persons entitled to vote**

- 62.** For the purposes of this Part and regulations made under it, every person whose name is duly entered on the register of local government electors prepared under Part II of the Electoral Act 1992 that is in force for the City of Dublin and the counties of Dun Laoghaire-Rathdown, Fingal and South Dublin is entitled to vote at the plebiscite. 35

## Report to Houses of the Oireachtas

63. If a majority of the votes cast at the plebiscite is in favour of the proposal, the Minister shall, within 2 years of the date of the plebiscite, submit to both Houses of the Oireachtas a report—

- (a) containing proposals for legislation to provide for the establishment of an office of directly elected mayor of an authority for the Dublin metropolitan area and other provisions for local governance in the Dublin area, having regard to the proposal which was the subject of the plebiscite and such other matters relating to local government as he or she considers appropriate, or 5
- (b) containing a statement of his or her reasons for not making proposals for legislation to which *paragraph (a)* would relate. 10

## Costs of holding plebiscite

64. The Dublin local authorities shall meet the costs incurred in holding the plebiscite (including the costs incurred by Dublin City Council under *section 61(3)*), as shall be determined by such person as the Minister nominates in the event of a dispute as to the amount, each in proportion to that which the population within its local authority area has to the population within the Dublin metropolitan area, as ascertained at the most recent census of population. 15

## Steps taken prior to passing of Act

65. (1) Where, prior to the passing of this Act either or both— 20

(a) Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, and

(b) the Lord Mayor of the City of Dublin,

convened, at the request of the Minister and in such manner as the Minister requested, a forum to consider the possible options and matters referred to in *section 59(1)*, then, the convening of a forum under that subsection shall be deemed to have been complied with and, in respect of any subsequent steps taken before the passing of this Act that in the Minister's opinion would, if taken after such passing, comply in whole or in part with the requirements of *section 59(1)*, the Minister may deem that subsection to have been duly complied with to the extent that those steps were taken and that subsection shall have effect accordingly. 25 30

(2) Where the whole of *section 59(1)* is deemed to have been duly complied with by virtue of *subsection (1)*, then, in respect of any subsequent steps taken before the passing of this Act that in the Minister's opinion would, if taken after such passing, comply— 35

(a) in whole or in part with the requirements of *section 59(2)*, or

(b) in whole with the requirements of *section 59(2)*, and in whole or in part with the requirements of *section 60(1)*,

the Minister may deem that subsection or those subsections (as the case may be) to have been duly complied with to the extent that the requirements have been so complied with and that subsection or those subsections shall have effect accordingly. 40

- (3) Where the Minister deems a specified provision of this section to have been complied with in whole in a case to which *subsection (1)* relates or in whole or in part in a case to which *subsection (2)* relates, then he or she shall—
- (a) notify in writing each of the local authorities concerned of that fact, and
  - (b) cause a notice to that effect to be published in *Iris Oifigiúil*.

5

# SCHEDULE 1

## Section 5(1)

### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO LOCAL GOVERNMENT ACTS 1925 TO 2013

#### PART 1

#### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO THE LOCAL GOVERNMENT ACT 2001

Reference No. (1)	Provision (2)	Amendment (3)	
1	Section 2(1) Before definition of “Act of 2000”	Insert:  “ ‘2014 establishment day’ means the day appointed by order under <i>section 8</i> of the <i>Local Government Act 2013</i> to be the establishment day for the purposes of that Act;”.	10 15
2	Definition of “administrative area”	Substitute:  “ ‘administrative area’ means an area standing established under <i>section 10</i> for the purposes of local government and which is—  (a) a county in the case of a county council,  (b) a city in the case of a city council,  (c) a city and county in the case of a city and county council;”.	20 25 30
3	After definition of “Cathaoirleach”	Insert:  “ ‘chief executive’ means a chief executive for the purposes of <i>section 144</i> ;”.	35
4	Definition of “city council”	Substitute:  “ ‘city council’ means a local authority to which <i>section 11(2)(b)</i> relates;”.	40

5	After definition of “city council”	Insert:	“ ‘city and county council’ means a local authority to which section 11(2)(c) relates;”.	5
6	Definition of “city development board”	Delete.		
7	Definition of “county council”	Substitute:	“ ‘county council’ means a local authority to which section 11(2)(a) relates;”.	10
8	Definition of “county development board”	Delete.		15
9	Definition of “joint body”	Delete:	“(a) a joint library committee;”.	
10	Definition of “Local Government Commission”	Delete.		20
11	Definition of “local authority”	Substitute:	<p>“ ‘local authority’ means—</p> <p>(a) in relation to a municipal district, the county council or the city and county council in which the municipal district is situated, and</p> <p>(b) in every other case—</p> <p>(i) a county council,</p> <p>(ii) a city council,</p> <p>(iii) a city and county council;”.</p>	25 30 35
12	Definition of “manager”	Delete.		
13	After definition of “Minister”	Insert:	“ ‘municipal district’ shall be read in accordance with section 22A;	40



		<p>“(1A) Subsection (1) applies to a member of a local authority in performing functions as a municipal district member in the same manner as it applies to a member of a local authority in performing functions as a member of a local authority or a member of the council of a local authority.”.</p>	5 10
22	<p>Section 17(1)</p> <p>Definition of “ordinary day of retirement”</p>	<p>Insert after paragraph (a):</p> <p>“(aa) in the case of a local authority which is dissolved under <i>section 17</i> or <i>24</i> of the <i>Local Government Act 2013</i>, after the polling day fixed by the Minister by order under <i>section 26</i> for local elections in the year 2014, or”.</p>	15 20 25
23	<p>Section 18(5)</p>	<p>Substitute:</p> <p>“(5) In relation to a local authority, attendance as a member at a meeting of—</p> <p>(a) any committee or joint committee or joint body of the authority, or</p> <p>(b) the municipal district members,</p> <p>shall be deemed for the purposes of subsection (4) to be attendance at a meeting of the authority.”.</p>	30 35 40
24	<p>Section 20(1)</p>	<p>Substitute:</p>	

		<p>“(1) The acts, decisions and proceedings of a local authority or of the municipal district members shall not be invalidated only because of a vacancy or vacancies in its membership or of the disqualification or want of qualification of any of its members.”.</p>	5 10
25	Section 22 Subsection (1)	<p>Substitute for paragraph (a):</p> <p>“(a) A county council, a city council or a city and county council may by resolution adopt a proposal (in this section referred to as a ‘proposal’) for the alteration of the number of members of that council.”.</p>	15 20 25
26	Subsection (2)	Delete “county council or city council” and substitute “county council, city council or city and county council”.	
27	Subsection (3)	<p>Substitute:</p> <p>“(3) Before deciding whether to make an order under subsection (2), the Minister shall request a committee in accordance with section 32 of the Local Government Act 1991 to prepare a report with respect to the application and Part V of that Act applies to such a request and report.”.</p>	30 35 40
28	Subsection (5)	Delete.	
29	Subsection (6)	Substitute:	45



		<p>“(6) An application under this section shall not be made to the Minister within 5 years of—</p> <p>(a) the commencement of <i>section 15</i> of the <i>Local Government Act 2013</i> (which inserts a new Schedule 7 to this Act), or</p> <p>(b) the decision by the Minister on any previous application by the local authority concerned,</p> <p>whichever is the later.”.</p>	5 10 15
30	Section 25 Subsection (1)	<p>Substitute for paragraph (c):</p> <p>“(c) at an election of the members of more than one local authority held at the same local elections, or”.</p>	20 25
31	Subsection (1)	Delete paragraph (e).	
32	Subsection (2)	Delete.	
33	Section 27(2)	<p>Substitute for paragraph (r):</p> <p>“(r) election of the same person in more than one local electoral area or to more than one local authority;”.</p>	30
34	Section 28 Subsection (1)	<p>Substitute:</p> <p>“(1) In this section the ‘chief executive’ means—</p> <p>(a) in relation to any part of a polling district situated in a city, the chief executive for the city,</p>	35 40

		(b) in relation to any part of a polling district situated in a county, the chief executive for the county,	5
		(c) in relation to any part of a polling district situated in a city and county, the chief executive for the city and county.”.	10
35	Subsection (2)	Substitute for paragraph (a):	
		“(a) the alteration of the boundary of a local authority, or”.	15
36	Subsection (2)	Substitute for paragraph (b)(i):	
		“(i) dividing a county, city or city and county into local electoral areas, or”.	20
37	Subsection (3)	Substitute “chief executive” for “manager”.	
38	Subsection (5)	Substitute “chief executive” for “manager”.	
39	Subsection (6)	Substitute “chief executive” for “manager”.	
40	Subsection (4)	Substitute “county, city or city and county” for “county or city”.	25
41	Section 30	Delete.	
42	Section 31 Subsection (1)	Insert “and the municipal district members” after “each local authority”.	30
43	Subsection (2)	Substitute for subsection (2):	
		“(2) The holders of the offices of Cathaoirleach and Leas-Chathaoirleach shall as appropriate be styled—	35



			(c) in the case of a city and county council, in the Irish language ‘Cathaoirleach Chathair agus Chontae.....’ and ‘Leas-Chathaoirleach Chathair agus Chontae.....’ followed by the name of the city and county in Irish, and in the English language ‘Cathaoirleach of the City and County of.....’ and ‘Leas-Chathaoirleach of the City and County of.....’ followed by the name of the city and county in English,	5 10 15 20
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			(d) in the case of a municipal district whose area contains the area of a city council dissolved by the <i>Local</i> <i>Government Act</i> <i>2013</i> , in the Irish language ‘Cathaoirleach Cheantar Cathrach.....’ and ‘Leas-Chathaoirleach Cheantar Cathrach.....’ followed by the name of the municipal district in Irish, and in the English language ‘Cathaoirleach of the Metropolitan District of.....’ and ‘Leas- Chathaoirleach of the Metropolitan District of.....’ followed by the name of the municipal district in English,	5  10  15  20  25
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			(e) in the case of a municipal district whose area contains the area of a borough council in being (other than in respect of the borough of Kilkenny) immediately before the transfer date as provided for by the <i>Local Government Act 2013</i> , in the Irish language	5
			‘Cathaoirleach Cheantar Buirge.....’ and ‘Leas-Chathaoirleach Cheantar Buirge.....’ followed by the name of the municipal district in Irish, and in the English language	10
			‘Cathaoirleach of the Borough District of.....’ and ‘Leas-Chathaoirleach of the Borough District of.....’ followed by the name of the municipal district in English,	15
				20
				25
				30



			<p>(g) in the case of a municipal district to which paragraph (d), (e) or (f) does not apply, in the Irish language</p> <p>‘Cathaoirleach Cheantar Bardasach.....’ and ‘Leas-Chathaoirleach Cheantar Bardasach.....’ followed by the name of the municipal district in Irish, and in the English language</p> <p>‘Cathaoirleach of the Municipal District of.....’ and ‘Leas-Chathaoirleach of the Municipal District of.....’ followed by the name of the municipal district in English.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
44	Subsections (4) to (7)	Substitute:	<p>“(4) (a) The Cathaoirleach of a local authority shall take precedence at all meetings of the local authority.</p> <p>(b) The Cathaoirleach of a municipal district shall take precedence at all meetings and proceedings of the municipal district members.</p>	<p>30</p> <p>35</p>



		<p>(5) Anything authorised or required by this Act or otherwise by law to be done by, to or with the Cathaoirleach may where necessary be done by, to or with the Leas-Chathaoirleach of the local authority or the Leas-Chathaoirleach of the municipal district, as the case may be.</p> <p>(6) The Cathaoirleach may, where the Leas-Chathaoirleach is unavailable, nominate from among the other members of the local authority or the municipal district members, as the case may be, a member for the purpose of representing the Cathaoirleach at any ceremony or event in that capacity and that member shall be entitled to act in that capacity for such purpose.</p> <p>(7) Where a casual vacancy occurs in the office of Cathaoirleach of a local authority or of a municipal district, as the case may be, the Leas-Chathaoirleach shall assume the responsibilities of the office pending the election in accordance with this Part of a Cathaoirleach.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>
45	Section 33(1)	Substitute:	

		<p>“(1) The Cathaoirleach or Leas-Chathaoirleach may resign from that office by notice in writing signed by him or her and delivered to the principal offices of the local authority which, in the case of a municipal district, is the principal offices of the local authority concerned.”.</p>	5
46	Section 46	Substitute “chief executive” for “manager”.	
47	Section 48 Subsection (1)	Delete “being a county council or city council”.	15
48	Section 49	Delete.	
49	Section 50	Delete.	
50	Section 52 Subsection (5)	Substitute in paragraph (d) “chief executive” for “manager”.	20
51	Subsection (9)	Substitute “chief executive” for “manager”.	
52	Part 8 (sections 55 to 62)	Delete.	
53	Section 66	<p>Insert after subsection (10):</p> <p>“(11) A decision of a local authority to make a charge under subsection (10) is a reserved function.</p> <p>(12) The performance by a local authority of functions under this section is subject to the performance by a Local Community Development Committee of so much of those functions as are deemed to have been delegated to the Committee by virtue of section 128B(2).”.</p>	25 30 35 40
54	Section 68(4)	Substitute in paragraph (b)(ii) “chief executive” for “manager”.	
55	Section 70	Delete.	
56	Section 71	Substitute:	45

		<p><b>“Objective of unified service to the public</b></p> <p>71. Without prejudice to section 69, the elected members of a local authority, in the performance of functions in respect of the authority as a whole and in respect of municipal districts situated in the county or city and county concerned, shall take such steps as may be practicable to maximise effectiveness and efficiency in all aspects of the operations and services of the local authority, including customer service to the public generally.”.</p>	5 10 15 20
57	Section 73	<p>Substitute:</p> <p><b>“Saver (functional area)</b></p> <p>73. Subject to section 72 and Chapter 5 of this Part and to <i>Parts 2 and 3</i> of the <i>Local Government Act 2013</i>, nothing in this Act affects the definition in any other enactment (however expressed or implied) of the functional area of a local authority for the purposes of a function conferred by that enactment.”.</p>	25 30 35
58	Section 77	<p>Substitute:</p> <p><b>“Library authorities</b></p> <p>77. Each of the following is a library authority:</p> <p>(a) a county council;</p> <p>(b) a city council;</p> <p>(c) a city and county council;</p>	40





97	Section 137 Subsection (1)	Substitute “chief executive” for “manager”.	
98	Subsection (2)	Substitute “chief executive” for “manager”.	
99	Section 138 Subsection (1)	Substitute “chief executive” for “manager”.	5
100	Subsection (2)	Substitute “chief executive” for “manager” in both places where it occurs.	
101	Subsection (3)	Substitute “chief executive” for “manager”.	
102	Subsection (4)	Substitute “chief executive” for “manager”.	
103	Subsection (5)	Substitute “chief executive” for “manager”.	10
104	Section 139(2)	Substitute “chief executive” for “manager”.	
105	Section 140 Subsection (2)	Substitute “chief executive” for “manager”.	
106	Subsection (3)	Substitute “chief executive” for “manager” in both places where it occurs.	15
107	Subsection (4)	Substitute “chief executive” for “manager”.	
108	Subsection (5)	Substitute “chief executive” for “manager”.	
109	Subsection (6)	Substitute “chief executive” for “manager”.	
110	Subsection (9)	Substitute “chief executive” for “manager”.	
111	Subsection (10)	Delete in paragraph (c) “or” where it last occurs, and substitute the following for paragraph (d):  “(d) so as to prevent the performance of any function of a local authority which the authority or the chief executive is required by law or by order of a court to perform,”.	20  25  30
112	Section 151 Subsection (1)	Substitute “chief executive” for “manager” in both places where it occurs.	
113	Subsection (2)	Substitute in paragraph (a) “chief executive” for “manager”.	35
114	Subsection (2)	Substitute in paragraph (d) “chief executive” for “manager”.	
115	Subsection (3)	Substitute “chief executive” for “manager” in both places where it occurs.	
116	Subsection (4)	Substitute “chief executive” for “manager”.	40
117	Subsection (5)	Substitute “chief executive” for “manager” in both places where it occurs.	
118	Subsection (6)	Substitute “chief executive” for “manager” in each place where it occurs.	

119	Subsection (7)	Substitute “chief executive” for “manager” in each place where it occurs.	
120	Subsection (8)	Substitute “chief executive” for “manager”.	
121	Subsection (10)	Substitute “chief executive” for “manager”.	
122	Section 152 Subsection (1)	Substitute “chief executive” for “manager” in both places where it occurs.	5
123	Subsection (2)	Substitute “chief executive” for “manager” in each place where it occurs.	
124	Subsection (3)	Substitute “chief executive” for “manager” in both places where it occurs.	10
125	After subsection (3)	Insert:  “(3A) This section applies to the chief executive of a local authority in respect of meetings of a municipal district of the local authority in the same manner as it applies to meetings of that authority.”.	15 20
126	Subsection (4)	Substitute “chief executive” for “manager” in both places where it occurs.	
127	Section 153 Subsection (1)	Substitute “chief executive” for “manager”.	25
128	Subsection (2)	Substitute “chief executive” for “manager”.	
129	Section 154 Subsection (1)	Substitute “chief executive” for “manager”.	
130	Subsection (2)	Substitute “chief executive” for “manager” in each place where it occurs.	30
131	Subsection (3)	Substitute in paragraph (a) “chief executive” for “manager”.	
132	Subsection (3)	Substitute in paragraph (c) “chief executive” for “manager” in both places where it occurs.	
133	Subsection (4)	Substitute “chief executive” for “manager” in both places where it occurs.	35
134	Subsection (5)	Substitute “chief executive” for “manager”.	
135	Subsection (6)	Substitute “chief executive” for “manager”.	
136	Section 159 Subsection (1)	Substitute “chief executive” for “manager”.	40
137	Subsection (2)	Substitute “chief executive” for “manager”.	
138	Subsection (3)	Substitute in paragraph (a) “chief executive” for “manager”.	

139	Section 166 Subsection (1) Definition of “employee”	Substitute “chief executive” for “manager”.	
140	Subsection (2)	Substitute in paragraph (a) “chief executive” for “manager” in both places where it occurs.	5
141	Section 167 Subsection (1)	Substitute in paragraph (c) “chief executive” for “manager”.	
142	Section 174 Subsection (7)	Substitute “chief executive” for “manager” in each place where it occurs.	10
143	Subsection (8)	Substitute in paragraph (b)(ii) “chief executive” for “manager”.	
144	Section 176 Subsection (1)	Substitute “the performance by the local authority concerned, or any municipal district for that authority, of any functions” for “the performance by the local authority of any of its functions”.	15
145	Subsection (2)	Substitute “the performance by the local authority, or by municipal district members, of any functions” for “the performance by the authority of any of its functions”.	20
146	Section 179 Subsection (1)	Substitute in paragraph (a) “chief executive” for “manager”.	25
147	Subsection (2)	Substitute in paragraph (b) “chief executive” for “manager” in both places where it occurs.	
148	Subsection (2)	Substitute in paragraph (c) “chief executive” for “manager” in both places where it occurs.	
149	Subsection (3)	Substitute “chief executive” for “manager”.	30
150	Section 180 Subsection (3)	Substitute for paragraph (a)(i): “(i) a chief executive, it shall be furnished to the Cathaoirleach of the local authority concerned,”.	35
151	Subsection (3)	Substitute in paragraph (a)(ii) “chief executive” for “manager”.	
152	Subsection (3)	Substitute in paragraph (a)(iii) “chief executive” for “manager”.	40
153	Subsection (3)	Substitute in paragraph (a)(iv) “chief executive” for “manager” in both places where it occurs.	
154	Subsection (3)	Substitute in paragraph (a)(v) “chief executive” for “manager”.	45



155	Subsection (4)	Substitute in paragraph (b) “chief executive” for “manager” in both places where it occurs.	
156	Subsection (4)	Substitute in paragraph (c) “chief executive” for “manager”.	
157	Part 17 (sections 185 to 187)	Delete.	5
158	Part 18 (sections 188 to 194, inserted by section 48 of the Environment (Miscellaneous Provisions) Act 2011)  Section 188 (as so inserted) Definition of “functional area”	Substitute:  “ ‘functional area’ means as respects—  (a) a city council, the city,  (b) a county council, the county,  (c) a city and county council, the city and county;”.	10  15  20
159	Definition of “locality” (as so inserted)	Substitute:  “ ‘locality’ means a part (other than a town, townland or street) of a county, city, city and county, or town in respect of which a name (other than the name of the county, city, city and county, or town concerned) is in common use;”.	25  30
160	Definition of “non-municipal town” (as so inserted)	Delete.	35
161	Interpretation given to “placename” (as so inserted)	Substitute:  “ ‘placename’ includes the name of a county, city, city and county, town, village, barony, parish, townland, street or locality, district, region or place, as described in a map produced by Ordnance Survey Ireland;”.	40  45
162	Section 198	Substitute:	

	Subsection (1) Definition of “functional area”	<p>“ ‘functional area’ means as respects—</p> <p>(a) a city council, the city,</p> <p>(b) a county council, the county,</p> <p>(c) a city and county council, the city and county;”.</p>	5
163	Section 214(5)	Substitute “chief executive” for “manager” in both places where it occurs.	10
164	Section 221 Subsection (1)	In paragraph (a) substitute “every local authority” for “, every county council and city council”.	15
165	Subsection (1)	In paragraph (a) substitute “the local authority concerned” for “the county council or city council, as the case may be,”.	
166	Subsection (1)	In paragraph (b) substitute “the local authority concerned” for “the county council or city council concerned”.	20
167	Subsection (2)	Substitute “local authority” for “county council or city council” in each place where it occurs.	
168	Subsection (2)	In paragraph (b) substitute:	
		“(b) such particulars as are required by sections 48, 66, 49A(7), 75, 76, 126D(9), 134 and 228;”.	25 30
169	Subsection (3)	Substitute:	
		“(3) (a) The adoption by a county council or city council of its annual report is a reserved function.	35
		(b) The approval of information to be included in an annual report in relation to the performance of functions by municipal district members is a reserved function.”.	40 45

170	Subsection (4)	Substitute “local authority” for “county council or city council” in each place where it occurs.	
171	Subsection (5)	<p>Substitute:</p> <p>“(5) An annual report prepared by a county council or a city and county council shall include information in relation to the performance of functions by the municipal district members in respect of each municipal district situated within its county or city and county, as the case may be.”.</p>	5 10 15
172	Section 223 Subsection (1)	Substitute “local authority” for “county, city or town”.	20
173	Section 227 Subsection (1A)	<p>Insert new subsection:</p> <p>“(1A) In subsection (1) the reference to the maritime boundary of a county or city includes, where the context admits, the maritime boundary of a city and county which is the successor authority to a county and to a city, and references in this section to a county or city shall be read accordingly.”.</p>	25 30 35
174	Subsection (2)	Delete in paragraph (b) “any town or”.	
175	Section 228 Subsection (1)	Delete.	
176	Section 229(3)	Substitute “chief executive” for “manager” in both places where it occurs.	40
177	Section 230	<p>Substitute the following for the definition of “relevant local authority”:</p> <p>“ ‘relevant local authority’ means—</p>	

		<p>(a) where 2 local authorities contribute to the funding of a specified body in respect of a burial ground situated in the administrative area of one of them, and each declare by resolution passed within 6 months of the making of an order referred to in subsection (2) but before the transfer date that the local authority in whose administrative area the burial ground is not situated shall be the relevant local authority, the local authority as is so declared, and</p> <p>(b) in any other case, the local authority in whose administrative area the burial ground is situated;”.</p>	5 10 15 20 25
178	Section 231 Subsection (2)	Substitute the following for paragraph (a): “(a) In this subsection ‘the relevant local authorities’ means the local authorities which are liable to provide funds to the joint drainage committee concerned.”.	30 35 40
179	Subsection (3)	Substitute in paragraph (a) “chief executive” for “manager”.	
180	Section 234(1)	Substitute “chief executive” for “manager”.	
181	Schedule 2	In column 2, opposite the reference to “administrative county” to substitute the following:	45

		“County, and where the other enactment concerned so requires, also includes a reference to a city or to a city and county.”.
182	Schedule 6	Delete.

Section 5(2) 5

## PART 2

### MISCELLANEOUS AND CONSEQUENTIAL AMENDMENTS TO LOCAL GOVERNMENT ACTS 1925 TO 2013 OTHER THAN TO LOCAL GOVERNMENT ACT 2001

Regnal Year and Chapter or Number and Year (1)	Short Title (2)	Provision (3)	Amendment or Repeal (4)	
34 & 35 Vict., c. 109	Local Government (Ireland) Act 1871	Section 12	Section deleted.	10
61 & 62 Vict., c. 37	Local Government (Ireland) Act 1898	Section 63	Subsection (2) deleted.	15
2 Edw. 7, c. 38	Local Government (Ireland) Act 1902	Sections 19 and 20	Sections deleted.	
No. 35 of 1934	Limerick City Management Act 1934	The whole Act	Repealed in so far as it is not repealed.	20
No. 25 of 1939	Waterford City Management Act 1939	The whole Act	Repealed in so far as it is not repealed.	
No. 23 of 1941	Local Government Act 1941	Sections 70 and 71	Sections deleted.	25
No. 24 of 1946	Local Government Act 1946	Sections 23, 68 and 94	Sections deleted.	
No. 2 of 1970	Local Government (Rates) Act 1970	Section 2	In subsection (5) substitute “city council” for “county borough” and delete subsection (7).	30
No.42 of 2006	Local Government (Business Improvement Districts) Act 2006	Sections 4 and 5	Sections deleted.	35

## SCHEDULE 2

Section 5(3)

### CONSEQUENTIAL AMENDMENTS TO OTHER ACTS

#### PART 1

#### CONSEQUENTIAL AMENDMENTS TO HOUSING ACTS 1966 TO 2013

Number and Year (1)	Short title (2)	Provision (3)	Amendment (4)	
No. 21 of 1966	Housing Act 1966	Section 2(1) Definition of “chief medical officer”  Definition of “local authority”          Definition of “non-municipal town”  Definition of “reserved function”          Definition of “rural area”	Delete.  Substitute: “ ‘local authority’ means a local authority for the purposes of the Local Government Act 2001 (as amended by the <i>Local Government Act 2013</i> );”.	5  10  15  20  25  30  35
No. 18 of 1992	Housing (Miscellaneous Provisions) Act 1992	Section 1 Definition of “local authority”	Substitute: “ ‘local authority’ means a local authority for the purposes of the Local Government Act 2001 (as amended by the <i>Local Government Act 2013</i> );”.	40  45

		Section 6(1)	Delete in paragraph (a) “, including the corporation of a borough, the council of an urban district and the commissioners of a town”.	5
		Section 23	Substitute for subsections (1) and (2):  “(1) A reference in the <i>Housing Acts 1966 to 2013</i> to a housing authority is a reference to a local authority and references to the functional area of a housing authority shall be construed accordingly;”.	10
		Section 23(3)	Delete in paragraph (a) “or (2)”.	15
		Section 23(5)	Delete.	20
No. 33 of 1998	Housing (Traveller Accommodation) Act 1998	Section 2(1) Definition of “manager”  After interpretation given to “body”	Delete.  Insert:  “ ‘chief executive’ means, as respects a local authority, a chief executive as provided for by Chapter 2 of Part 14 (as amended by the <i>Local Government Act 2013</i> ) of the Local Government Act 2001.	25
		Section 11(1)	Substitute “chief executive” for “manager”.	30
		Section 12	Substitute “chief executive” for “manager”.	35
		Section 14	Substitute “chief executive” for “manager” in both places where it occurs.	40
		Section 24	Substitute “chief executive” for “manager” in both places where it occurs.	45

No. 22 of 2009	Housing (Miscellaneous Provisions) Act 2009	Section 2(1) Definition of “housing authority”	Delete.	
		Definition of “local authority”	Substitute: “ ‘local authority’ means a local authority for the purposes of the Local Government Act 2001 (as amended by the <i>Local Government Act 2013</i> );”.	5 10
		Definition of “reserved function”	Substitute: “ ‘reserved function’ means a reserved function for the purposes of the Local Government Act 2001 (as amended by the <i>Local Government Act 2013</i> );”.	15 20
		Section 2(2)	Delete.	
		Section 16(1)	Delete in paragraph (b) “, or is contained in,” in paragraph (b).	25
		Section 18(3)	Substitute “and the members of the housing authority” for “, the members of the housing authority and the members of any borough council or town council situated in the administrative area of the housing authority”.	30 35
		Section 19(6)	Delete.	
		Section 40(2)	Substitute for paragraph (a):	



			<p>“(a) shall consult the other members of the homelessness consultative forum or joint homelessness consultative forum, as the case may be, and”.</p>	<p>5</p> <p>10</p>
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*Section 5(4)*

## PART 2

### CONSEQUENTIAL AMENDMENTS TO LOCAL ELECTIONS ACTS 1974 TO 2012, TO ELECTORAL ACTS 1992 TO 2013 AND TO LOCAL ELECTIONS REGULATIONS 1995

Number and Year (1)	Short title (2)	Provision (3)	Amendment (4)	
No. 8 of 1974	Local Elections (Petitions and Disqualifications) Act 1974	<p>Section 1</p> <p>Subsection (1)</p> <p>Definition of “clerk”</p> <p>Definition of “local authority”</p> <p>Subsection (1)</p>	<p>Delete.</p> <p>Substitute:</p> <p>“ ‘local authority’ means a county, city or city and county council within the meaning of section 2 (as amended by the <i>Local Government Act 2013</i>) of the Local Government Act 2001;”.</p> <p>After definition of “local electoral area” insert:</p> <p>“ ‘meetings administrator’ has the meaning given to it by section 46 of the Local Government Act 2001;”.</p>	<p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>

		Definition of “member”	Substitute: “ ‘member’, in relation to a local authority, includes a Cathaoirleach and a Leas- Chathaoirleach;”.	5
		Definition of “returning officer”	Substitute: “ ‘returning officer’ means a returning officer at a local election;”.	10
		Definition of “secretary”	Delete.	
		Subsection (3)	Delete.	15
		Section 4(4)	Substitute for paragraph (c):  “(c) to the returning officer for the relevant local election,  (ca) to the relevant local authority, and”.	20
		Section 8(1)	Substitute in paragraph (b) “local electoral area” for “electoral area”.	25
		Section 14(3)	Substitute “the returning officer for the relevant local election, the relevant local authority” for “the secretary or clerk of the relevant local authority”.	30
		Section 15 Subsection (1)	Delete “the secretary or clerk of”.	35
		Subsection (2)	Delete “the secretary or clerk of”.	
		Subsection (4)	Substitute “meetings administrator” for “secretary or clerk”.	40
		Subsection (5)	Delete “the secretary or clerk of”.	
		Section 16	Delete in paragraph (b) “secretary or clerk of the”.	

		Section 17	Substitute “a local electoral area” for “an electoral area” where it first occurs.	
No. 23 of 1992	Electoral Act 1992	Section 29 Subsection (1)	<p>Substitute:</p> <p>“(1) Where, following a revision of constituencies a polling district existing immediately prior to such revision is not wholly situate within a new Dáil constituency, the chief executive of the local authority (within the meaning of Chapter 2 (inserted by the <i>Local Government Act 2013</i>) of Part 14 of the Local Government Act 2001), after consultation with the returning officer for such Dáil constituency shall—</p> <p>(a) with respect to the part of the polling district situate in the constituency—</p> <p>(i) join it or parts of it with any adjoining polling district or districts, or</p> <p>(ii) constitute it as a polling district and appoint a polling place for it,</p> <p>and</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p>

			(b) notify an arrangement made pursuant to this subsection to the Minister.”.	5
		Subsection (2A)	Delete.	
		Subsection (3)	Delete.	
		Section 165(1)	Substitute for paragraph (f): “(f) the poll at a local election;  (g) the poll at a plebiscite within the meaning of <i>Part 10</i> of the <i>Local Government Act 2013</i> .”.	10   15
S.I. No. 297 of 1995	Local Elections Regulations 1995	Article 2(1) Definition of “clerk”	Delete.	20
		Definition of “local authority”	Substitute: “ ‘local authority’ means a county, city or city and county council within the meaning of section 2 (as amended by the <i>Local Government Act 2013</i> ) of the Local Government Act 2001;”.	25  30
		Definition of “local election”	Insert: “ ‘meetings administrator’ has the meaning given to it by section 46 of the Local Government Act 2001;”.	35
		Definition of “member”	“ ‘member’, in relation to a local authority, includes a Cathaoirleach and a Leas-Chathaoirleach;”.	40
		Definition of “secretary”	Delete.	45

		Article 2(2)	Delete paragraph (a).	
		Article 4	Substitute: <b>“Returning officer</b> 4. The chief executive of a local authority shall assign to an employee of the local authority the duties of returning officer for the election of members of the local authority.”.	5 10
		Article 6(3)	Delete.	
		Article 15(3)	Substitute: “(3) The amount of the deposit shall be €100.”.	15
		Article 55(6)	Delete.	
		Article 124(1)	Substitute “meetings administrator” for “clerk or secretary”.	20
		Article 125(1)	Substitute “meetings administrator” for “clerk or secretary”.	
No. 25 of 1997	Electoral Act 1997	Section 2(1) Definition of “local authority”	Substitute: “ ‘local authority’ means a county, city or city and county council within the meaning of section 2 (as amended by the <i>Local Government Act 2013</i> ) of the Local Government Act 2001;”.	25 30
No. 7 of 1999	Local Elections (Disclosure of Donations and Expenditure) Act 1999	Section 2(1) Definition of “clerk”	Delete.	35
		Definition of “electoral area”	Delete.	40

		Definition of “local authority”	Substitute: “ ‘local authority’ means a county, city or city and county council within the meaning of section 2 (as amended by the <i>Local Government Act 2013</i> ) of the Local Government Act 2001;”.	5 10
		Definition of “local authority concerned”	Substitute: “ ‘local authority concerned’ means, subject to section 19H, the local authority to which a candidate seeks or sought election or in whose functional area a local political matter arises;”.	15 20
		Definition of “local electoral area”	Substitute: “ ‘local electoral area’ means an area by reference to which a local election is held in accordance with section 23 of the Local Government Act 2001;”.	25 30
		Definition of “secretary”	Delete.	
		Section 6(4)	Delete in paragraphs (a) and (b) “or an electoral area”.	35
		Section 8(1)	Delete in paragraph (a) “or in an electoral area”.	

		Section 12A Subsection (1)	<p>Substitute for paragraph (a):</p> <p>“(a) Subject to paragraph (c), the aggregate of election expenses which may be incurred by or on behalf of a candidate in connection with his or her candidature at a local election shall not exceed—</p> <p>(i) in the case of a local electoral area with a population in excess of 35,000, €13,000;</p> <p>(ii) in the case of a local electoral area with a population of between 18,001 and 35,000, €11,500;</p> <p>(iii) in the case of a local electoral area with a population of 18,000 or less, €9,750.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>
		Subsection (1)	Delete paragraph (b).	
		Subsection (1)	Substitute for paragraph (c):	





			<p>(iii) In the case of a candidate whose candidature is authenticated by a political party at a local election, the national agent of the party may by agreement in writing authorise the designated person of the party to incur such proportion of election expenditure at the election which the candidate is entitled to incur under paragraph (a) as may be agreed in writing between the national agent and the designated person.”.</p>	5
		Subsection (3)	Substitute “within a local electoral area” for “within an electoral area of a county council, city council, borough council or town council”.	10
		Subsection (3)	Substitute “in that local electoral area” for “in that electoral area”.	15
		Section 13(1)	Delete in paragraph (a)(ii) “or electoral area”.	20
				25
				30
				35
				40
				45

		Section 14 Subsection (1)	Delete “the clerk or secretary of”.	5
		Subsection (2)	Delete “the clerk or secretary of”.	
		Section 17	Delete “or electoral area”	
		Section 18 Subsection (1)	Delete “the clerk or secretary of”.	10
		Subsection (3)	Delete “the clerk or secretary of” in both places where it occurs.	
		Section 19A Definition of “plebiscite”	Substitute: “ ‘plebiscite’ means— (a) a plebiscite within the meaning of <i>Part 10</i> of the <i>Local Government Act 2013</i> , or (b) in any other case, a poll to ascertain the views or consent of qualified electors within the meaning of section 67(2) of the <i>Local Government Act 1994</i> , in relation to a local political matter;”.	15 20 25 30
		Section 19G	After section 19G to insert the following section into Part IVA: <b>“Third parties and plebiscite on directly elected mayor for Dublin</b>	35

			<p>19H. For the purposes of compliance by a third party with sections 19D, 19F and 19G in respect of a plebiscite to which paragraph (a) of the definition of ‘plebiscite’ in section 19A relates, a reference in sections 19D, 19F and 19G to ‘the local authority concerned’ means Dublin City Council.”.</p>	<p>5</p> <p>10</p>
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Section 5(5)

### PART 3

15

#### CONSEQUENTIAL AMENDMENTS TO PLANNING AND DEVELOPMENT ACT 2000

Reference No. (1)	Provision (2)	Amendment (3)	
1	Section 2(1) Definition of “functional area”	Substitute:  “ ‘functional area’ means, in relation to a planning authority, its administrative area for the purposes of the <i>Local Government Acts 1925 to 2013</i> ;”.	<p>20</p> <p>25</p>
2	Definition of “local authority”	Substitute:  “ ‘local authority’ means a local authority for the purposes of the Local Government Act 2001 (as amended by the <i>Local Government Act 2013</i> );”.	<p>30</p> <p>35</p>
3	Definition of “manager”	Substitute:	

			<p>“ ‘manager’, in relation to a local authority, means the chief executive as provided for by Chapter 2 of Part 14 (as amended by the <i>Local Government Act 2013</i>) of the Local Government Act 2001;”.</p>	5
4	Definition of “planning authority”	Substitute:	<p>“ ‘planning authority’ means a local authority;”.</p>	10
5	Definition of “regional authority”	Substitute:	<p>“ ‘regional assembly’ means a body established in accordance with section 43 (as amended by the <i>Local Government Act 2013</i>) of the Local Government Act 1991;”.</p>	15 20
6	Definition of “regional authorities within the GDA”	Substitute:	<p>“ ‘regional assemblies in respect of the GDA’ means regional assemblies established in accordance with section 43 (as amended by the <i>Local Government Act 2013</i>) of the Local Government Act 1991, in respect of a region or regions which includes all or part of the Greater Dublin Area for the purposes of section 3 of the Dublin Transport Authority Act 2008;”.</p>	25 30 35



		<p>“(3) (a) A planning authority may, with the agreement of one or more local authorities which are adjoining local authorities, or on the direction of the Minister shall, make a single development plan for its functional area and any environs of that area which form part of any adjoining local authorities.”.</p>	5 10 15
11	Section 10(2A)	<p>Substitute for paragraph (g):</p> <p>“(g) in respect of the development plan of a city, provide details of—</p> <p>(i) the city centre concerned,</p> <p>(ii) the areas designated for significant development during the period of the development plan, particularly areas for which it is intended to prepare a local area plan,</p> <p>(iii) the availability of public transport within the catchment of residential or commercial development, and</p> <p>(iv) retail centres in that city,</p>	20 25 30 35 40

		(h) in respect of the area of the development plan of a city and county council set out a settlement hierarchy and provide details of matters referred to in paragraph (f) and (g).”.	5
12	Section 11 Subsection (2)	Substitute “any relevant regional assembly and any local community development committee within the functional area of the local authority” for “any relevant regional authority and any town commissioners and city and county development boards within the functional area of the authority”.	10 15
13	Subsection (4)	Substitute in paragraph (bc) “regional assembly” for “regional authority”.	
14	Section 12 Subsection (1)	Substitute for paragraph (a): “(a) send notice and a copy of the draft development plan to the Minister, the Board, the relevant regional assembly, the prescribed authorities and any local community development committee in the area, and”.	20 25 30
15	Subsection (4)	Substitute in paragraph (bc) “regional assembly” for “regional authority”.	35
16	Subsection (5)	Substitute in paragraph (aa) “regional assembly” for “regional authority” in both places where it occurs.	
17	Subsection (12)	Substitute in paragraph (c) “and any local community development committee” for “any town commissioners and city and county development boards”.	40
18	Section 13		

	Subsection (2)	<p>Substitute for paragraph (a):</p> <p>“(a) send notice and copies of the proposed variation of the development plan to the Minister, the Minister for Arts, Heritage and the Gaeltacht, the Board, the relevant regional assembly, and, where appropriate, to any adjoining planning authority, the prescribed authorities, and any local community development committee within the area of the development plan,”.</p>	5 10 15 20
19	Subsection (4)	Substitute in paragraph (bc) “regional assembly” for “regional authority”.	
20	Subsection (5)	Substitute in paragraph (aa) “regional assembly” for “regional authority” in both places where it occurs.	25
21	Subsection (8)	<p>Substitute for paragraph (c):</p> <p>“(c) In addition to the requirements of paragraphs (a) and (b), a planning authority shall send a copy of the variation to the Minister, the Minister for Arts, Heritage and the Gaeltacht, the Board, the relevant regional assembly and, where appropriate, to the prescribed authorities, any adjoining planning authorities and any local community development committee within its area.”.</p>	30 35 40 45



22	Section 19(1)	<p>Substitute for paragraph (b):</p> <p>“(b) A local area plan shall be made, except for an area where a development plan of a former town council continues to have effect, in respect of an area which—</p> <p>(i) is designated as a town in the most recent census of population, other than a town designated as a suburb or environs in that census,</p> <p>(ii) has a population in excess of 5,000, and</p> <p>(iii) is situated within the functional area of a planning authority which is a city and county council or a county council.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
23	Section 21 Subsection (1)	Substitute “regional assembly” for “regional authority”.	30
24	Subsection (1)	Substitute “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	
25	Subsection (2)	<p>Substitute:</p> <p>“(2) Regional planning guidelines may be made for a whole region or for one or more parts of a region, but where there are regional assemblies in respect of the GDA shall, in the case of the GDA, be made jointly by such regional assemblies.”.</p>	<p>35</p> <p>40</p> <p>45</p>

26	Subsection (3)	Substitute “regional assemblies” for “regional authorities” in each place where it occurs and substitute “the assemblies concerned” for “the authorities concerned”.	
27	Section 22 Subsection (1)	Substitute “regional assembly” for “regional authority”.	5
28	Subsection (2)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	
29	Subsection (2)	Substitute in paragraph (b) “regional assemblies” for “regional authorities”.	10
30	Subsection (2)	Substitute in paragraph (c) “regional assembly” for “regional authority”.	
31	Section 23 Subsection (4)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	15
32	Subsection (4)	Substitute in paragraph (b) “regional assembly” for “regional authority”.	
33	Subsection (4)	Substitute in paragraph (c) “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	20
34	Subsection (5)	Substitute “regional assemblies” for “regional authorities”.	
35	Section 24 Subsection (1)	Substitute “regional assembly” for “regional authority”.	25
36	Subsection (2)	Delete “and any town commissioners”.	
37	Subsection (2)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	
38	Subsection (2)	Substitute in paragraph (c) “regional assembly” for “regional authority”.	30
39	Subsection (3)	Substitute “regional assembly” for “regional authority”.	
40	Subsection (4)	Substitute “regional assembly” for “regional authority”.	35
41	Subsection (4)	Substitute in paragraph (a) “and the prescribed authorities” for “, the prescribed authorities and any town commissioners”.	
42	Subsection (5)	Substitute in paragraph (b) “regional assembly” for “regional authority”.	40
43	Subsection (5A)	Substitute “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	
44	Subsection (5A)	Substitute in paragraph (a) “regional assemblies” for “regional authorities”.	45

45	Subsection (5A)	Substitute in paragraph (b) “regional assemblies” for “regional authorities”.	
46	Subsection (5B)	Substitute “regional assembly” for regional authority”.	
47	Subsection (5B)	Substitute “regional assemblies in respect of the GDA” for “regional assemblies within the GDA”.	5
48	Subsection (6)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	
49	Subsection (6)	Substitute in paragraph (b) “regional assembly” for “regional authority”.	10
50	Subsection (6)	Substitute in paragraph (c) “regional assembly” for “regional authority”.	
51	Subsection (6)	Substitute in paragraph (d) “regional assembly” for “regional authority”.	15
52	Subsection (6)	Substitute in paragraph (e)(i) “the regional assembly” for “the authority” and “the assembly’s website” for “the authority’s website”.	
53	Subsection (6)	Substitute in paragraph (e)(ii) “regional assembly” for “regional authority” and “the assembly” for “the authority”.	20
54	Subsection (6)	Substitute in paragraph (f) “regional assembly” for “regional authority” in both places where it occurs.	25
55	Subsection (6A)	Substitute “regional assembly” for “regional authority”.	
56	Subsection (7)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	
57	Section 25 Subsection (1)	Substitute:  “(1) As part of the consultation between a regional assembly and the relevant planning authorities under section 22, the regional assembly and the planning authorities concerned shall agree on a procedure for preparing and making the regional planning guidelines under section 24.”.	30  35  40
58	Subsection (3)	Substitute “authorities and assemblies” for “authorities”.	45

59	Subsection (3A)	Substitute “regional assemblies in respect of the GDA” for “regional authorities in the GDA”.	5
60	Subsection (3A)	Substitute in paragraph (a) “regional assemblies” for “regional authorities”.	
61	Subsection (3A)	Substitute in paragraph (b) “regional assemblies” for “regional authorities”.	
62	Subsection (3B)	Substitute “regional assembly” for “regional authority”.	
63	Subsection (3B)	Substitute “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	
64	Subsection (4)	Substitute “regional assembly” for “regional authority”.	10
65	Section 26 Subsection (1)	Substitute “regional assembly” for “regional authority”.	15
66	Subsection (2)	Substitute “regional assembly” for “regional authority”.	
67	Subsection (3)	Substitute “regional assembly” for “regional authority”.	
68	Section 27(6)	Substitute “regional assembly” for “regional authority”.	20
69	Section 27A Subsection (1)	Substitute “regional assembly” for “regional authority”.	25
70	Subsection (2)	Substitute “regional assembly” for “regional authority” in both places where it occurs.	
71	Subsection (3)	Substitute “regional assembly” for “regional authority” in both places where it occurs.	
72	Subsection (4)	Substitute “regional assemblies” for “regional authorities” in each place where it occurs.	
73	Section 27B Subsection (1)	Substitute “regional assembly” for “regional authority”.	35
74	Subsection (2)	Substitute “regional assembly” for “regional authority” and “assembly” for “authority”.	
75	Subsection (3)	Substitute “regional assembly” for “regional authority” in both places where it occurs.	
76	Subsection (4)	Substitute “regional assembly” for “regional authority”.	
77	Subsection (5)	Substitute “regional assemblies” for “regional authorities” in each place where it occurs.	
78	Section 27C Subsection (1)	Substitute “regional assembly” for “regional authority”.	40
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79	Subsection (2)	Substitute “regional assembly” for “regional authority” and “that assembly” for “that authority”.	5
80	Subsection (3)	Substitute “regional assembly” for “regional authority” in both places where it occurs.	
81	Subsection (4)	Substitute “regional assembly” for “regional authority”.	
82	Subsection (5)	Substitute “regional assemblies” for “regional authorities” in each place where it occurs.	
83	Section 31 Subsection (5)	Substitute “regional assembly” for “regional planning authority”.	10
84	Subsection (9)	Substitute in paragraph (c) “regional assembly” for “regional authority”.	15
85	Subsection (13)	Substitute in paragraph (c) “regional assembly” for “regional authority”.	
86	Subsection (14)	Substitute “regional assembly” for “regional authority”.	
87	Section 31A Subsection (1)	Substitute in paragraph (a) “regional assembly” for “regional authority” and “or assemblies” for “or authorities” in both of the places where they occur.	20
88	Subsection (1)	Substitute in paragraph (d) “regional assembly or assemblies” for “regional authority or authorities”.	25
89	Subsection (1)	Substitute “direct a regional assembly or assemblies” for “direct a regional authority or authorities”.	30
90	Subsection (2)	Substitute “regional assembly or regional assemblies” for “regional authority or regional authorities”.	
91	Subsection (3)	Substitute “regional assembly or regional assemblies” for “regional authority or regional authorities”.	
92	Subsection (4)	Substitute “regional assembly or regional assemblies” for “regional authority or regional authorities”.	35
93	Subsection (4)	Substitute in paragraph (b) “regional assembly, or assemblies,” for “regional authority, or authorities,”.	
94	Subsection (4)	Substitute in paragraph (d) “regional assembly or assemblies” for “regional authority or authorities”.	
95	Subsection (5)	Substitute “regional assembly, or assemblies,” for “regional authority, or authorities,”.	45

96	Subsection (7)	Substitute “regional assembly, or assemblies,” for “regional authority, or authorities,” in each place where it occurs.	5
97	Subsection (8)	Substitute “regional assembly, or assemblies,” for “regional authority, or authorities,”.	
98	Subsection (9)	Substitute “regional assembly, or assemblies,” for “regional authority, or authorities,” in both places where it occurs.	
99	Subsection (10)	Substitute “regional assembly, or assemblies,” for “regional authority, or authorities,”.	
100	Subsection (13)	Substitute in paragraph (b) “regional assembly, or assemblies,” for “regional authority, or authorities,”.	
101	Subsection (14)	Substitute “regional assembly, or assemblies,” for “regional authority, or authorities,”.	15
102	Subsection (19)	Substitute “regional assembly or assemblies” for “Regional authority or authorities”.	
103	Section 31F Subsection (1)	Substitute “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	20
104	Subsection (2)	Substitute “regional assemblies in respect of the GDA” for “regional authorities in the GDA”.	
105	Subsection (3)	Substitute “regional assemblies” for “regional authorities” in both places where it occurs.	
106	Section 31FF Subsection (1)	Substitute “regional assembly” for “regional authority”.	30
107	Subsection (1)	Substitute “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	
108	Subsection (2)	Substitute “regional assembly” for “regional authority”.	
109	Subsection (3)	Substitute “regional assembly” for “regional authority” in both places where it occurs.	
110	Section 31GG Subsection (1)	Substitute “regional assembly” for “regional authority”.	40
111	Subsection (1)	Substitute “regional assemblies in respect of the GDA” for “regional authorities within the GDA”.	
112	Section 31J Paragraph (a)	Substitute “regional assembly” for “regional authority”.	
113	Section 34		

	Subsection (6)	<p>Substitute in paragraph (a) for subparagraphs (iiia) and (iv):</p> <p>“(iiia) not later than 6 weeks from the publication of the notice under subparagraph (i), the chief executive shall prepare a report for the members of the planning authority—</p> <p>(I) stating the main reasons and considerations on which the proposal to grant permission is based,</p> <p>(II) summarising the issues raised in any submissions or observations in accordance with subparagraph (iii), and</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>
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		<p>(III) advising the members of his or her opinion regarding the compliance or otherwise of the proposed development with any relevant Ministerial guidelines under section 28 or any relevant policies or objectives of the Government or Minister of the Government or with any regional planning guidelines,</p> <p>and the report shall be considered by the members before a resolution is passed under subparagraph (iv), and</p> <p>(iv) a resolution shall be passed by the planning authority approving the proposal of the chief executive to grant permission.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
114	Subsection (6)	Delete paragraphs (c) and (d).	40
115	Subsection (7)	Delete.	
116	Section 84 Subsection (6)	<p>Substitute:</p> <p>“(6) In this section, and sections 85 and 86—</p> <p>‘city’ means—</p>	<p>45</p>



		<p>(a) the administrative area of a city council,</p> <p>(b) a municipal district that includes the area of a city to which subsection (6) of section 10 (inserted by the <i>Local Government Act 2013</i>) of the Local Government Act 2001 relates;</p> <p>‘municipal district’ has the meaning given to it by section 22A (inserted by the <i>Local Government Act 2013</i>) of the Local Government Act 2001;</p> <p>‘town’ means a municipal district with a population in excess of 2,000 that is not a municipal district to which paragraph (b) of the definition of ‘city’ relates.”.</p>	5 10 15 20 25
117	Section 166	Substitute “regional assembly” for “regional authority”.	
118	Section 177S Subsection (2)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	30
119	Section 177T(3)	Substitute in paragraph (a) “regional assembly” for “regional authority”.	
120	Section 178	<p>Substitute:</p> <p><b>“Restrictions on development by certain local authorities</b></p> <p>178. (1) The council of a county shall not effect any development in its functional area which contravenes materially the development plan.</p>	35 40



		<p>‘successor authority’ shall be read in accordance with subsection (2) or (3), as the circumstances require;</p>	5
		<p>‘transfer date’ has the same meaning as it has in the <i>Local Government Act 2013</i>.</p>	10
	(2)	<p>Consequent on the dissolution of certain local authorities by <i>section 17</i> of the <i>Local Government Act 2013</i>, the planning authority for each local government area concerned shall, with effect from the 2014 establishment day, be the successor authority as provided for by that section.</p>	15 20
	(3)	<p>Consequent on the dissolution of town councils by <i>Chapter 2</i> of <i>Part 3</i> of the <i>Local Government Act 2013</i>, the planning authority for the area which was, immediately before the transfer date (as provided for by that Chapter), the area of a town council shall, on and from that date, be the planning authority for the local government area within which the first-mentioned area is situated on that date (in this section referred to as the ‘successor authority’).</p>	25 30 35 40 45





No. 14 of 2005	Disability Act 2005	Section 24	Substitute: <b>“Definition</b> 24. In this Part ‘housing authority’ means a local authority.”.	5
No. 15 of 2008	Dublin Transport Authority Act 2008	Section 17(4)	Substitute for paragraph (a): “(a) 3 local authority chief executives or officers as follows:  (i) the Chief Executive of Dublin City Council,  (ii) one from the chief executives for the County Councils of Dún Laoghaire-Rathdown, Fingal and South Dublin, as decided by those chief executives, and  (iii) one from the chief executives for the County Councils of Kildare, Meath and Wicklow, as decided by those chief executives,	10 15 20 25 30 35 40 45

			or an officer of those Councils as nominated by the relevant chief executive,”.	5
No. 20 of 2011	Environment (Miscellaneous Provisions) Act 2011	Section 48 (substituting Part 18 of the Local Government Act 2001)	In inserted section 189 of the Local Government Act 2001: (a) substitute “local council” for “local authority” in each place where it occurs, and (b) insert after subsection (10): “(11) In this section ‘local council’, in relation to a local authority, means the local authority or the municipal district members in respect of each municipal district within the area of such local authority.”.	10 15 20 25
No. 33 of 2004	Public Service Management (Recruitment and Appointments) Act 2004	Section 40(2)	Substitute for paragraph (i) (i): “(i) chief executive of a local authority, the Secretary General of the Department of the Environment, Community and Local Government,”.	30 35 40
		Section 44(1)	Substitute for paragraph (c):	

			“(c) the chief executive of a local authority for the purposes of the Local Government Act 2001;”.	5
No. 44 of 2004	Road Traffic Act 2004	Section 10  Section 10	In subsection (1) to substitute “chief executive of a local authority” for “manager of a county council or city council”.  In subsections (4) to (8) to substitute “chief executive” for “manager” in each place where it occurs.	10  15
No. 27 of 1998	Urban Renewal Act 1998	Section 3 Definition of “rating authority”	Substitute: “ ‘rating authority’ means—  (a) a county council,  (b) a city council, or  (c) a city and county council;”.	20  25
No. 39 of 1997	Taxes Consolidation Act 1997	Section 898(1) Definition of “rating authority”	Substitute: “(a) a county council,  (b) a city council, or  (c) a city and county council;”.	30  35
No. 13 of 2001	Valuation Act 2001	Section 3 Definition of “rating authority”	Substitute: “ ‘rating authority’ means—  (a) a county council,  (b) a city council, or  (c) a city and county council;”.	40



SCHEDULE 3  
RESERVED FUNCTIONS

## RESERVED FUNCTIONS

## Section 131 and 131A 5

## PART 1

RESERVED FUNCTIONS TO BE PERFORMED, SUBJECT TO SECTION 131A(4), BY MUNICIPAL DISTRICT MEMBERS

Reference No. (1)	Description of reserved function (2)	Provision under which reserved function is conferred (3)
1	Adopting or reverting to the title “Cathaoirleach” and “Leas-Chathaoirleach” and giving to the office of Cathaoirleach or Leas-Chathaoirleach alternative titles.	Section 32 and Schedule 8.
2	Removal from office of the Cathaoirleach or Leas-Chathaoirleach.	Section 34.
3	Deciding to hold special meetings; appointing days and times of meetings; appointing a regular schedule for the holding of ordinary meetings; appointing different days, times and places for different meetings; appointing the day for holding the annual meeting other than in a year in which a local election is held; making additional arrangements for the giving of public notice of meetings; resolving that a member leave a meeting; making, amending or revoking standing orders; making rules for the purpose of ensuring that appointments to bodies are made fairly and equitably.	Section 44 and paragraphs 1, 2, 3, 8, 13, 16 and 19 of Schedule 10.

4	Deciding to meet in committee for whole or part of a meeting where the municipal district members consider that such action is not contrary to the overall public interest.	Section 45.	5
5	Establishing a committee to consider matters connected with the functions of the local authority and to assist and advise the authority on those matters; appointing the members of a committee; and dissolving a committee.	Subsections (1)(a), (3) and (4) of section 51.	10 15
6	Consideration of and making amendments to a draft budgetary plan.	Section 102(4A).	20
7	Consideration and adoption of an annual schedule of proposed works to be carried out in the district.	Section 103A.	25
8	Establishing a community fund for the purposes of supporting community initiatives.	Section 109.	30
9	Adopting a scheme for the making of an annual contribution by the occupier of each dwelling in the area to which the scheme applies towards particular community initiatives specified in the scheme.	Section 110.	35 40
10	Deciding, subject to the approval of the Minister, that a particular function of the municipal district members should be performed only by the local authority.	Section 131A.	45

11	A decision to pay an allowance for reasonable expenses of Cathaoirleach and Leas-Chathaoirleach and the determination of the amount of the allowance.	Section 143.	5
12	The approval of information to be included in an annual report in relation to the performance of functions by the municipal district members.	Section 221.	10 15
13	Deciding that a named member leave a meeting or that the member was the cause of the meeting being adjourned.	Paragraph 13 of Schedule 10.	20
14	Deciding to pay certain expenses to non-members of a local authority for attendance at committees or joint committees.	Article 9 of the Local Government (Expenses of Local Authority Members) Regulations 1993 (S.I. No. 391 of 1993).	25
15	The delegation to a designated body of a function (including maintenance) in respect of the management and control of any specified dwellings or the revocation of any such delegation.	Section 9 of the Housing (Miscellaneous Provisions) Act 1992.	30 35
16	The delegation to a designated body of a function (including maintenance) in respect of the management and control of a dwelling or the revocation of any such delegation.	Section 30 of the Housing (Miscellaneous Provisions) Act 2009.	40
17	Making representations to the Minister in relation to an order made by the Minister closing particular roads to vehicles.	Section 94 of the Road Traffic Act 1961.	45 50

18	The making of arrangements in relation to school wardens.	Section 96 of the Road Traffic Act 1961.	
19	Entry into an agreement for the exercise of power under the Local Authorities (Traffic Wardens) Act 1975 by another local authority.	Section 7 of the Local Authorities (Traffic Wardens) Act 1975.	5
20	The making of an order declaring a road to be a public road and consideration of objections or representations in relation to such declaration.	Section 11 of the Roads Act 1993, as applied by section 180 of the Act of 2000.	10 15
21	The making of an order abandoning a public road and the consideration of objections or representations in relation to a proposal to abandon a public road and the report and any recommendations of a person appointed to conduct an oral hearing.	Section 12 of the Roads Act 1993.	20 25
22	The making of an order extinguishing a public right of way and the consideration of objections or representations in relation to a proposal to extinguish a public right of way and the report and any recommendations of a person appointed to conduct an oral hearing.	Section 73 of the Roads Act 1993.	30 35 40
23	The making of a resolution (pursuant to regulations under section 35(2)(1) of the Road Traffic Act 1994) specifying the places in which vehicles may be parked either indefinitely or for any period not exceeding a specified period.	Section 35 of the Road Traffic Act 1994.	45 50



33	The making of submissions to a fire authority regarding a proposed indoor event that requires a licence.	Section 23 of the Licensing of Indoor Events Act 2003.	5
34	The approval of a draft bye-law, the consideration of submissions in relation to such draft bye-law and the making, amendment or revocation of a bye-law.	Section 199.	10
35	Adopting, amending or rescinding a resolution concerning the expiry times of a special exemption order.	Section 5 (as amended by section 11 of the Intoxicating Liquor Act 2003) of the Intoxicating Liquor Act 1927.	15
36	Making of bye-laws in respect of the use of temporary dwellings.	Section 30 of the Local Government (Sanitary Services) Act 1948.	20
37	Making an order prohibiting the erection or retention of temporary dwellings.	Section 31 of the Local Government (Sanitary Services) Act 1948.	25
38	Making bye-laws in relation to any national monument of which the local authority is the owner or the guardian.	Section 9 of the National Monuments (Amendment) Act 1987.	30
39	Adopting a proposal to substitute a new placename in respect of a place.	Section 189 (as amended by section 48 of the Environment (Miscellaneous Provisions) Act 2011).	35
40	Deciding to hold a ballot in respect of a proposal to change a placename or deciding not to proceed with the proposal.	Section 189 (as amended by section 48 of the Environment (Miscellaneous Provisions) Act 2011).	40
41	Adopting or rescinding Part III (licensing for gaming of amusement halls and funfairs) of Gaming and Lotteries Act 1956.	Section 13 of the Gaming and Lotteries Act 1956.	45

42	Decision to make a charge in relation to amenities, facilities, services or any other thing provided by a local authority under section 66 of the Local Government Act 2001.	Section 66.	5
43	The consideration of a Local and Community Plan and the adoption of a statement in that regard for the consideration of the elected council of the local authority.	Section 128C.	10 15
44	Making of rules in relation to arrangements for attendance and raising of issues by interested persons at meetings.	Section 127.	20

## PART 2

### RESERVED FUNCTIONS THAT MAY BE PERFORMED UNDER SECTION 131A(1)(b) IN RESPECT OF A MUNICIPAL DISTRICT BY MUNICIPAL DISTRICT MEMBERS OR THE LOCAL AUTHORITY

Reference No. (1)	Description of reserved function (2)	Provision under which reserved function is conferred (3)	25
1	A decision of a local authority to confer a civic honour on a person.	Section 74.	30
2	A decision to enter into arrangements for twinning with any other area.	Section 75.	
3	A decision to incur reasonable expenditure for or in connection with the provision of receptions and entertainment and the making of presentations.	Section 76.	35 40
4	Requiring that specified action be taken in accordance with section 127 for the purpose of consultation with the local community.	Section 127.	45

5	Determining the policy of the local authority or the municipal district members.	Section 130.	
6	Directing that a second legal opinion be obtained by the local authority in relation to the exercise or performance of a reserved function.	Section 132.	5
7	Deciding that a report on the capital programme may be considered at a meeting other than the local authority budget meeting.	Section 135.	10
8	Requiring a chief executive to prepare and submit plans, specifications and an estimate of cost of any particular work specified in a resolution.	Section 137.	15
9	Directing a chief executive to inform the council of the manner in which he or she proposes to perform any specified executive function of the local authority.	Section 138.	20
10	Requesting a member of a local authority to present a report on the activities and operation of another body to which the member is elected, appointed or nominated by that authority.	Section 141.	25
11	Approving a proposal of the chief executive to grant permission for the development of land which would contravene materially the development plan or local area plan.	Section 34 (as amended by <i>Schedule 2</i> to the <i>Local Government Act 2013</i> ) of the Act of 2000.	30
12	A decision in relation to the making, amendment or revocation of a local area plan within the meaning of the Act of 2000.	Section 20 (as amended by section 9 of the Planning and Development (Amendment) Act 2002 and section 13 of the Planning and Development (Amendment) Act 2010) of the Act of 2000.	35
13	The making of an addition to, or a deletion from, a record of protected structures to which Part IV of the Act of 2000 relates.	Section 54 of the Act of 2000.	40
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14	Approving, amending or revoking a special planning control scheme.	Section 85 and 86 of the Act of 2000.	
15	Deciding to vary or modify a proposed local authority own development, or deciding not to proceed with the development.	Section 179 of the Act of 2000.	5
16	Making, or refusing to make an order creating a public right of way over any land.	Section 207 of the Act of 2000.	10
17	Deciding to vary or modify, or not to proceed with, an event proposed to be carried out by a local authority.	Section 238 of the Act of 2000.	15
18	The preparation, making, adoption or variation of a housing services plan, or draft plan.	Section 14 of the Housing (Miscellaneous Provisions) Act 2009.	
19	The making of a decision in relation to the representation of the views of the local community.	Section 64.	20
20	A decision by a local authority to provide assistance in money or in kind under section 66 for promotion of the interests of the local community.	Section 66.	25
21	A declaration that a body be a recognised association for the purposes of section 128.	Section 128.	30
22	Observations in regard to a preliminary flood risk assessments, a flood hazard map, a flood risk map, or both such maps, a flood risk management plan, and a flood risk management scheme, prepared by the Commissioners of Public Works in Ireland; deciding whether to adopt or otherwise a flood risk management plan; and objection to the issue of a certificate of completion of flood risk management works.	Sections 8, 12, 18, 20, 27 and 40 of European Communities (Assessment and Management of Flood Risks) Regulations 2010 (S.I. No. 122 of 2010).	35  40  45

23	Consideration of and observations in regard to a drainage scheme prepared by the Commissioners of Public Works in Ireland.	Section 5 of Arterial Drainage Act 1945.
24	Objection to the issue of a certificate of completion of drainage works.	Section 13 of Arterial Drainage Act 1945.

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## PART 3

## RESERVED FUNCTIONS TO BE PERFORMED BY THE LOCAL AUTHORITY

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Reference No. (1)	Description of reserved function (2)	Provision under which reserved function is conferred (3)
1	Extending the period of permitted absence from attendance at local authority meetings.	Section 18.
2	Adopting a proposal for the alteration of the number of members of certain local authorities.	Section 22.
3	Adopting or reverting to the title “Cathaoirleach” and “Leas-Chathaoirleach” and giving to the office of Cathaoirleach or Leas-Chathaoirleach alternative titles.	Section 32 and Schedule 8.
4	Removal from office of the Cathaoirleach or Leas-Chathaoirleach or the chairperson of any strategic policy committee.	Section 34 (as amended by <i>section 37</i> of the <i>Local Government Act 2013</i> ).

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9	Entering into an agreement with another local or public authority for the performance by one of the authorities concerned of any function of the other.	Section 85.	5
10	Adopting the draft local authority budget.	Section 103 (substituted by <i>section 53</i> of the <i>Local Government Act 2013</i> ).	
11	Determining the annual rate on valuation to be levied.	Section 103 (substituted by <i>section 53</i> of the <i>Local Government Act 2013</i> ).	10
12	Adoption of a schedule of proposed works of maintenance and repair to be carried out in a municipal district, if the schedule is not adopted by the municipal district members.	Subsection (4) of section 103A (inserted by <i>section 53</i> of the <i>Local Government Act 2013</i> ).	15
13	Authorising the incurring of additional expenditure and adopting and amending a scheme authorising the chief executive to incur additional expenditure without prior approval of the elected council.	Section 104.	20 25
14	Requiring the preparation and submission to the local authority members of financial statements.	Section 105.	30
15	A decision to borrow money or to lend money to another local authority.	Section 106.	35
16	Delegation of additional functions to municipal district members or revocation of such delegation.	Section 131A (inserted by <i>section 21</i> of the <i>Local Government Act 2013</i> ).	40
17	Performing, in accordance with regulations, a specified function in place of municipal district members in a particular case or occasion.	Section 131A (inserted by <i>section 21</i> of the <i>Local Government Act 2013</i> ).	45

18	Extending a direction by the Cathaoirleach of a county council, a city council or a city and county council requiring the chief executive to refrain from doing a particular act, matter or thing.	Section 133.	5
19	Approving the corporate plan with or without amendment.	Section 134.	10
20	Directing that certain works shall not proceed.	Section 139.	
21	Requiring a particular act, matter or thing to be done or effected in the performance of executive functions of the local authority, other than certain prescribed matters.	Section 140.	15 20
22	Authorisation by an elected council of one or more of its members to avail of training or attend training events.	Subsection (5A) (inserted by <i>section 48</i> of the <i>Local Government Act 2013</i> ) of section 141.	25
23	Authorising representation of the authority by councillors at a conference, seminar, training or other meeting or event.	Section 142.	30
24	A decision to pay an allowance for reasonable expenses of Cathaoirleach and Leas-Chathaoirleach and the determination of the amount of the allowance.	Section 143.	35
25	The appointment, suspension or removal of a chief executive by a county council, a city council, or city and county council.	Sections 145 and 146.	40 45

26	Resolving that disposal of land which is held by a local authority shall be carried out in accordance with terms specified in the resolution, or that it shall not be carried out.	Section 183.	5
27	Making an order to declare an area to be an area of special amenity.	Section 202 of the Act of 2000.	10
28	Making, or refusing to make, or revocation or amendment of, an order designating any area or place as a landscape conservation area.	Section 204 of the Act of 2000.	15
29	The adoption of an annual report under section 221.	Section 221.	
30	Deciding to hold or to cease to hold membership of an association of local authorities.	Section 225.	20
31	Declaring that another local authority shall be the successor of a specified joint burial board or cemetery joint committee which is to be dissolved.	Section 230.	25
32	Deciding that a named member leave a meeting of a local authority or that the member was the cause of the meeting being adjourned.	Paragraph 13 of Schedule 10 (as amended by <i>section 52 of the Local Government Act 2013</i> ).	30
33	Deciding to pay certain expenses to non-members of a local authority for attendance at committees or joint committees.	Article 9 of the Local Government (Expenses of Local Authority Members) Regulations 1993 (S.I. No. 391 of 1993).	35
34	Making or amendment of a scheme for the waiver of rates and determination of classes of property in respect of which rates may be paid by instalments.	Sections 2 and 4 of the Local Government (Rates) Act 1970.	40 45



44	The making and amending of a scheme which determines the order of priority for allocation of affordable houses provided under Part V of the Planning and Development Act 2000.	Section 98 of the Act of 2000.	5
45	Making and amending a scheme that determines the order of priorities for allocation of affordable houses made available for sale under Part 2 of the Housing (Miscellaneous Provisions) Act 2002.	Section 8 of the Housing (Miscellaneous Provisions) Act 2002.	10 15
46	The making or amendment of an allocation scheme determining the order of priority to be accorded in the allocation of dwellings.	Section 22 of the Housing (Miscellaneous Provisions) Act 2009.	20
47	The making and revocation of a rent scheme providing for the manner in which rents and other charges in respect of dwellings shall be determined.	Section 31 of the Housing (Miscellaneous Provisions) Act 2009.	25
48	The drawing up and adoption of, and the amendment of, an anti-social behaviour strategy.	Section 35 of the Housing (Miscellaneous Provisions) Act 2009.	30
49	The adoption or amendment of a Homelessness Action Plan.	Section 40 of the Housing (Miscellaneous Provisions) Act 2009.	35
50	The adoption of a proposal to designate an apartment complex for the purpose of making the apartments available for sale to the tenants.	Section 53 of the Housing (Miscellaneous Provisions) Act 2009.	40
51	The designation of an apartment complex in accordance with a section 53 proposal.	Section 55 of the Housing (Miscellaneous Provisions) Act 2009.	45
52	The extension of the initial selling period for apartments in a designated apartment complex.	Section 56 of the Housing (Miscellaneous Provisions) Act 2009.	



53	Functions of a road authority in relation to abandonment of a railway line.	Section 21 of the Transport Act 1950.	
54	The making of representations by a road authority to the National Roads Authority and to the Minister for Transport regarding a proposed national road alignment.	Section 22 of the Roads Act 1993.	5  10
55	The making of a scheme for the establishment of a system of tolls in relation to a regional road or a local road, the making of representations to the National Roads Authority in relation to a toll scheme in relation to a national road and the making of an order revoking a toll scheme in relation to a regional road or a local road.	Sections 57 and 60 (as amended by sections 271 and 273 of the Act of 2000) of the Roads Act 1993.	15  20  25
56	The making of toll bye-laws in relation to a regional road or a local road.	Section 61 (as amended by section 274 of the Act of 2000) of the Roads Act 1993.	
57	Entering into an agreement for financing, maintenance, construction and operation of toll roads in relation to a regional road or a local road.	Section 63 (as amended by section 275 of the Act of 2000) of the Roads Act 1993.	30  35
58	The making of special speed limit bye-laws.	Section 9 of the Road Traffic Act 2004.	
59	The making of bye-laws to regulate and control skips on public roads and the consideration of objections or representations in relation to the draft bye-laws.	Section 72 of the Roads Act 1993.	40
60	Entering into an agreement with the Commissioners for Public Works in Ireland for the transfer of a bridge over a canal.	Section 16 of the Canals Act 1986.	45

61	The making of a development plan and making or refusing to make a variation of a development plan which for the time being is in force.	Sections 9, 12 and 13 of the Act of 2000.	5
62	The revocation or modification of a permission to develop land if the development to which the permission relates no longer conforms with the provisions of the development plan.	Section 44 of the Act of 2000.	10 15
63	Making a development contribution scheme.	Section 48 of the Act of 2000.	
64	Making or amending a supplementary development contribution scheme.	Section 49 of the Act of 2000.	20
65	Deciding to make, subject to variations and modifications, or deciding not to make a draft planning scheme for strategic development zones.	Section 169 (as amended by section 51 of the Planning and Development (Amendment) Act 2010) of the Act of 2000.	25
66	Amending or revoking a planning scheme for strategic development zones.	Section 171 of the Act of 2000.	30
67	Adoption by a planning authority of a code of conduct for dealing with conflicts of interest and promoting public confidence in the integrity of the conduct of its business.	Section 150 of the Act of 2000.	35 40
68	Making or terminating of an agreement by two or more planning authorities for sharing the cost of performing functions under the Planning and Development Act 2000.	Section 244 of the Act of 2000.	45

69	Directing the manner in which a list of the planning applications received shall be made available to the members of a planning authority.	Article 27 (inserted by the Planning and Development Regulations 2006 (S.I. No. 685 of 2006)) of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001).	5
70	Directing the manner in which a list of planning applications in respect of which decisions were given shall be made available to the members of a planning authority.	Article 32 (inserted by the Planning and Development Regulations 2006) of the Planning and Development Regulations 2001.	10
71	Examining and considering a drainage scheme sent to a county council by the Commissioners of Public Works and providing observations to the Commissioners in regard to such scheme.	Section 5 of the Arterial Drainage Act 1945.	15  20
72	The consideration of a report on proposed coast protection works and the making of a declaration for the promotion of a coast protection scheme, the consideration of a report by the Commissioners of Public Works and the making of a declaration on the preparation and execution of a coast protection scheme, the making of a declaration that a coast protection scheme is or is not to be proceeded with.	Sections 2, 5, 8 and 10 of the Coast Protection Act 1963.	25  30  35
73	The making of an agreement by a fire authority to provide services for, or avail of the services of, any body or person other than a fire authority and the making of an agreement between fire authorities for the purpose of any of their functions.	Section 10 of the Fire Services Act 1981.	40  45  50

74	The making and revision by a fire authority of a plan for fire and emergency operations.	Section 26 of the Fire Services Act 1981.	
75	The making of a financial contribution by a local authority to support or assist any person, or body of persons, engaged, or proposing to engage, in any research, survey or investigation into the nature and extent, the cause and effect, and the prevention or limitation, of air pollution or in any educational programme relating to such matters.	Section 18 of the Air Pollution Act 1987.	5  10  15
76	The making, revoking or amending by a local authority of a special control area order to prevent or limit air pollution and the giving of consent to the making of such an order by any other local authority.	Section 39 of the Air Pollution Act 1987.	20  25
77	Entry into an agreement with the Environmental Protection Agency to exercise or perform any function or service on behalf of the Agency.	Section 45 of the Environmental Protection Agency Act 1992.	30
78	The making, review, variation or replacement by a local authority of an air quality management plan.	Section 46 of the Air Pollution Act 1987.	35
79	The making, revision or replacement by a local authority of a water quality management plan.	Section 15 of the Local Government (Water Pollution) Act 1977.	40
80	The making by a local authority of a contribution to the funds of a person engaged in or proposing to engage in research, surveys or investigations in relation to water pollution.	Section 29 of the Local Government (Water Pollution) Act 1977.	45  50



87	The establishment of environmental objectives and the establishment of a programme of measures in order to achieve those objectives in relation to each river basin district.	Article 12 of the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003).	5
88	The making and updating of a river basin management plan.	Article 13 of the European Communities (Water Policy) Regulations 2003.	10
89	The making of bye-laws in relation to presentation of waste for collection.	Section 35 of the Waste Management Act 1996.	
90	The adoption of a library development programme.	Section 78.	15
91	Entry by a local authority into an agreement for the Health Service Executive to perform a function on the authority's behalf.	Section 8 of the Health Act 2004.	20
92	The making or revoking of a determination for the provision of meals for children attending a national school situated outside the authority's functional area.	Section 274 of the Social Welfare (Consolidation) Act 1981.	25
93	The making by a city council of a scheme in relation to the provision of meals (other than meals in national schools).	Section 279 of the Social Welfare (Consolidation) Act 1981.	30
94	The making of a decision to provide a public abattoir.	Section 19 of the Abattoirs Act 1988.	35
95	The making of a scheme dividing a county or city into polling districts and appointing a polling place for each polling district and an appointment of an alternative polling place for a polling district in a scheme for the time being in force.	Section 28 (as amended by section 2 of the Electoral (Amendment) Act 1996) of the Electoral Act 1992.	40 45

96	Entry into arrangements under section 15(2) or 15(3) of the Control of Dogs Act 1986 and the granting of assistance (other than the provision of services of staff) under section 15(4) of that Act.	Section 15 (as amended by section 6 of the Control of Dogs (Amendment) Act 1992) of the Control of Dogs Act 1986.	5
97	The making of bye-laws relating to control of dogs.	Section 17 (inserted by section 211) of the Control of Dogs Act 1986.	10
98	Where regulations provide for the issue of polling information cards by a local authority, a decision to issue them.	Section 27.	15
99	The passing by a local authority of a resolution that the basic rate of local property tax should stand varied (either upwards or downwards) by a specified percentage in respect of relevant residential properties situated in the local authority's functional area.	Section 20 of the Finance (Local Property Tax) Act 2012.	20 25
100	Establishing, dissolving or replacing a local community development committee.	Section 49A (inserted by <i>section 35(1)</i> of the <i>Local Government Act 2013</i> ).	30
101	Appointment of members of a local community development committee.	Section 128D (inserted by <i>section 35(2)</i> of the <i>Local Government Act 2013</i> ).	
102	Approving a local and community development programme.	Section 128B (inserted by <i>section 35(2)</i> of the <i>Local Government Act 2013</i> ).	35
103	The approval of a Local and Community Plan.	Section 128C (inserted by <i>section 35(2)</i> of the <i>Local Government Act 2013</i> ).	
104	Adoption of an implementation plan setting out the steps to be taken in respect of a report of the National Oversight and Audit Commission.	Section 126D (inserted by <i>section 56(1)</i> of the <i>Local Government Act 2013</i> ).	40

105	Adoption of a statement indicating the actions already taken or planned to be taken by the chief executive to carry out the directions of the council in relation to the exercise and performance of the reserved functions are not sufficient, stating the reasons for such opinion.	Section 132 (inserted by <i>section 43</i> of the <i>Local Government Act 2013</i> ).	5 10
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## SCHEDULE 4

Section 26

### CONSEQUENTIAL PROVISIONS RELATING TO LOCAL AUTHORITIES

Definition (*Schedule 4*).

1. In this Schedule “relevant day or date” means the 2014 establishment day or the transfer date, as the circumstances require. 5

Transfer of assets.

2. (1) All assets, whether real or personal (including choses-in-action) which, immediately before the relevant day or date, were vested in or belonged to or were held in trust for a dissolved authority and all rights, powers, licences and privileges relating to or connected with any such assets shall, on the relevant day or date, without any conveyance or assignment, but subject where necessary to transfer in the books of any bank, corporation or company, be transferred to and become and be vested in or the property of or held in trust for (as the case may require) the successor authority to such dissolved authority for all the estate, term or interest for which the same, immediately before their dissolution, was vested in or belonged to or was held in trust for such dissolved authority but subject to all trusts and equities affecting the same and then subsisting and capable of being performed. 10 15
- (2) Any asset transferred by this paragraph which, immediately before the relevant day or date, was standing in the books of any bank or was registered in the books of any bank, corporation, or company in the name of a dissolved authority shall, upon the request of the successor authority to which such asset was transferred, at any time on or after the relevant day or date, be transferred in such books by such bank, corporation or company into the name of that successor authority. 20 25
- (3) On and from the relevant day or date, every chose-in-action transferred in accordance with the provisions of this paragraph may be sued upon, recovered or enforced by the successor authority to which it was transferred in its own name, and it shall not be necessary for that authority to give notice to the person bound by such chose-in-action of the transfer effected by this paragraph. 30

Transfer of liabilities.

3. (1) Every debt and other liability (including stock and mortgage debts, and unliquidated liabilities arising from torts or breaches of contract) which immediately before the relevant day or date was owing and unpaid or had been incurred and was undischarged by a dissolved authority, shall, on that day or date become and be the debt or liability of the successor authority to the dissolved authority and shall be paid or discharged by and may be recovered from or enforced against the successor authority. 35
- (2) Every debt the liability for which is transferred by this paragraph shall, on and after the relevant day or date, be charged on the local fund and the county rate of the successor authority to the dissolved authority. 40
- (3) A dissolution under this Act does not invalidate or otherwise affect any payable order or cheque issued by a dissolved authority and which is not presented for payment before the relevant day or date or any permission or other authority

given by a dissolved authority for the payment of the amount of a paying order, and the successor authority shall make arrangements for the payment of the amount of every such paying order upon due presentation within a reasonable time after the relevant day or date.

#### Transfer of staff.

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4. (1) (a) Subject to *clause (b)* every person who, immediately before the relevant day or date, as the case may be, was a member of the staff of a dissolved authority shall, on such day or date become and be a member of the staff of the relevant successor authority.
- (b) Every person who, immediately before the relevant day or date, as the case may be, was a fixed-term employee of a dissolved authority shall, on such day or date, become and be a fixed-term employee of the relevant successor authority for the duration of his or her contract of employment. 10
- (c) Nothing in this paragraph shall be read as affecting the provisions of Public Service Management (Recruitment and Appointments) Act 2004 that relate to the redeployment of staff of a dissolved authority. 15
- (2) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association concerned a person referred to in *subparagraph (1)* shall not, on the relevant day or date, as the case may be, be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before such day or date. 20
- (3) In *subparagraph (4)*, a reference to conditions of remuneration does not include conditions in relation to superannuation.
- (4) In relation to a person referred to in *subparagraph (1)*, previous service with the dissolved authority from which the person was transferred shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following: 25
  - (a) the Redundancy Payments Acts 1996 to 2011;
  - (b) the Protection of Employees (Part-Time Work) Act 2001;
  - (c) the Act of 2003;
  - (d) the Organisation of Working Time Act 1997; 30
  - (e) the Terms of Employment (Information) Acts 1994 to 2012;
  - (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
  - (g) the Unfair Dismissals Acts 1977 to 2007;
  - (h) the Maternity Protection Acts 1994 and 2004;
  - (i) the Parental Leave Acts 1998 and 2006; 35
  - (j) the Adoptive Leave Acts 1995 and 2005;
  - (k) the Carer's Leave Act 2001.
- (5) A person who, immediately before the relevant day or date, as the case may be, was a member of a superannuation scheme by virtue of being a member of the

staff of a dissolved authority shall, on such day, continue to be a member of such scheme in accordance with its terms and conditions.

(6) In this paragraph—

“Act of 2003” means the Protection of Employees (Fixed-Term Work) Act 2003;

“contract of employment” has the same meaning as it has in the Act of 2003; 5

“fixed-term employee” has the same meaning as it has in the Act of 2003;

“public service body” has the same meaning as it has in section 3(1) of the Ministers and Secretaries (Amendment) Act 2011;

“recognised trade union or staff association” means a trade union or staff association recognised by the Minister for the purpose of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees; 10

“previous service with the dissolved authority” includes an entitlement in respect of any service for which the dissolved authority is duly accountable.

Preservation of continuing contracts. 15

5. Every bond, guarantee or other security of a continuing character made or given by a dissolved authority to another person or by any person to any dissolved authority and in force immediately before the relevant day or date and every contract or agreement in writing made between any dissolved authority and another person and not fully executed and completed before the relevant day or date shall, notwithstanding the dissolution of the authority concerned, continue in force on and after the relevant day or date but shall be construed and have effect as if the name of the successor authority to the dissolved authority were substituted therein for the name of that dissolved authority, and such security, contract or agreement shall be enforceable by or against the successor authority accordingly. 20 25

Saving for certain acts and resolutions.

6. (1) Nothing in this Act shall affect the validity of any act that was done before the relevant day or date by or on behalf of a dissolved authority.

(2) Without prejudice to the generality of *subparagraph (1)*—

- (a) any resolution passed, order made or notice given or served, by a dissolved authority before the relevant day or date, the operation, effect or terms of which had not on that day or date ceased or expired shall, in so far as it is not inconsistent with this Act or any order or regulations made thereunder, continue in force and have effect after that day or date as if it were a resolution passed, order made or notice given or served by the successor authority on the date on which the resolution, order or notice, as the case may be, was actually passed, made, given or served by the dissolved authority and as if the functions of the dissolved authority were, on that day or date, performable by the successor authority, 30 35
- (b) any thing done, or treated by virtue of any enactment as having been done, by, to or in relation to a dissolved authority before the relevant day or date in the exercise or performance of or by such authority of any of its functions 40

shall, on and after the relevant day or date and in so far as it is not inconsistent with this Act or any order or regulations made thereunder, be treated as having been done, by, to or in relation to the successor authority concerned,

- (c) any reference in a document to a dissolved authority and to which *subparagraph (3)* relates shall, on and after the relevant day or date, be construed as a reference to the successor authority concerned. 5

(3) In this paragraph “thing” includes—

- (a) any written agreement or other instrument in writing or any scheme, plan, statement, policy, determination, declaration, undertaking, made or adopted by or on behalf of, or to be treated as having been made or adopted by or on behalf of, a dissolved authority, 10
- (b) any direction given, revocation made, or to be treated as having been given or made, by or to a dissolved authority,
- (c) any lease, licence, way-leave, permit, certificate, permission, consent, approval, authorisation, exemption, relaxation, acknowledgment or dispensation, whether (where appropriate) relating to land or otherwise, granted or given, or to be treated as having been granted or given, by or to a dissolved authority, 15
- (d) any application, proposal or objection made, or to be treated as having been made, by or to a dissolved authority, 20
- (e) any condition or requirement imposed, or to be treated as having been imposed, or any notice served or to be treated as having been served, by or on a dissolved authority.

- (4) *Subparagraphs (2) and (3)* shall be interpreted as illustrative and not as restrictive. 25

Continuance of bye-laws, rules and regulations.

- 7. Every bye-law, rule and regulation lawfully made by a dissolved authority and in force immediately before the relevant day or date shall, on or after that day or date, so far as it is not inconsistent with this Act or any order or regulation made thereunder and so far as it relates to the administrative area of the successor authority to the dissolved authority or part of that area, continue in force and have effect as a bye-law, rule or regulation made by that successor authority to the dissolved authority in respect of the area for and in respect of which the bye-law, rule or regulation was actually made by the dissolved authority and, accordingly, every such bye-law, rule or regulation may be continued, amended or revoked, and any penalties or forfeitures arising thereunder, before or after the relevant day or date, may be recovered and enforced by that successor authority in the like manner and as fully as the same could have been continued, amended, revoked, recovered or enforced by the dissolved authority as if *sections 17 and 24* had not come into force. 30 35 40

Continuation of development plans.

- 8. The development plans for the administrative area of a dissolved authority so far as they applied and had effect as regards that area immediately prior to the relevant day

or date shall, on and from that day or date, be deemed to have been made by the successor authority to the dissolved authority and be development plans for that area as if the functions of the dissolved authority were, on the date on which that plan had been duly made by that dissolved authority, performable by the successor authority.

#### Admissibility in evidence of documents of dissolved authorities.

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9. (1) All books and other documents directed or authorised by or under any enactment to be kept by a dissolved authority and which, immediately before the relevant day or date, would be receivable in evidence shall, notwithstanding the dissolution of such authority, be admitted in evidence on or after the relevant day or date as fully as if this Act had not been enacted.

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- (2) Whenever an extract from or certificate of the contents of any book or other document directed or authorised by or under any enactment to be kept by a dissolved authority would, if verified in a particular manner by a particular officer of such dissolved authority, have been admissible immediately before the relevant day or date as evidence of such contents, an extract from or certificate of the contents of such book or document shall, if verified in such particular manner by the chief executive of the successor authority concerned or by an officer of that successor authority (whose official position it shall not be necessary to prove) authorised by the chief executive in that behalf, be admitted, on or after the relevant day or date, as evidence of such contents to the same extent as such first-mentioned extract or certificate would have been so admitted if this Act had not been enacted.

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#### Audit of accounts.

10. (1) In respect of the local financial year in which the relevant day or date occurs—

(a) the accounts of each authority to be dissolved shall continue to be maintained by the authority concerned until it is dissolved, and

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(b) with effect from the relevant day or date, the accounts of a dissolved authority shall be amalgamated with the accounts of the successor authority and be maintained by the successor authority as if the dissolved authority had been dissolved at the commencement of that year,

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and, accordingly, the accounts of the successor authority to be audited for that year shall include the matters to which *clause (b)* relates and those accounts shall be so audited.

- (2) Until the audit required by *subparagraph (1)* is completed, any officer of a dissolved authority whose duty it is to make up any accounts of or to account for any portion of the income and expenditure of the dissolved authority and every member of a dissolved authority shall, for the purposes of the audit and so far as is practicable, be deemed to continue in office and be bound to perform the same duties and render the same accounts and be subject to the same liabilities as if this Act had not been passed.

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#### Continuance of pending legal proceedings.

11. In any action, suit, prosecution or other legal proceeding which was pending immediately before the relevant day or date in any court or tribunal and to which a

dissolved authority was a party, the successor authority to that dissolved authority shall on the relevant day or date become and be a party or parties in the place of the dissolved authority and that successor authority shall accordingly be substituted for such dissolved authority and every such proceeding shall be continued between that successor authority and the other parties to those proceedings, and no such proceeding shall abate or be discontinued or prejudicially affected by reason of the dissolution of the dissolved authority. 5

#### Adoptive Acts.

12. (1) Where any enactment has been adopted by a dissolved authority in respect of the whole or a specified part of its administrative area and the authority had not rescinded such adoption the enactment shall, on and after the relevant day or date, be deemed to have been adopted by the successor authority to the dissolved authority in respect of the area for and in respect of which the same was actually adopted by the dissolved authority and for the purposes of this paragraph that successor authority shall be deemed to have had power to adopt the enactment. 10 15
- (2) Where any enactment is deemed to have been adopted pursuant to *subparagraph (1)* such adoption may at any time be rescinded by resolution of the successor authority concerned in respect of all or part of its administrative area.

#### Local Acts.

13. Every local Act in force immediately before the relevant day or date in, or in relation to, all or any part of the administrative area of a dissolved authority shall, on and after such day or date and so far as it is consistent with the provisions of this Act or any order or regulations made under this Act, be in force in, or in relation to, such part or parts of the administrative area of the successor authority to such dissolved authority as correspond to the area in or in relation to which such Act was in force on such day or date. 20 25

#### Money due in respect of rates or rent.

14. (1) Without prejudice to *subparagraph (2)*, all rates, rent, and other money which immediately before the relevant day or date are due and payable to a dissolved authority shall on and after that day or date become due and be payable to the successor authority concerned and any such rates, rent and money may be collected and recovered by or on behalf of that successor authority in like manner as they could be collected or recovered by or on behalf of the dissolved authority if this Act had not been enacted. 30
- (2) All rates, rent and other money which immediately before the relevant day or date are accruing due to a dissolved authority shall on and after that day or date accrue and be deemed always to have accrued due to the successor authority concerned, and where any such rate, rent or money becomes due and payable the same shall be due and payable to and may be collected and recovered by or on behalf of such successor authority in like manner as it could have been collected or recovered by or on behalf of the dissolved authority if this Act had not been enacted. 35 40
- (3) Every rate collector of a dissolved authority who is in office as such rate collector immediately before the relevant day or date shall, on and after that day or date unless or until the successor authority to the dissolved authority otherwise

directs, collect and recover on behalf of such successor all rates which immediately before that day or date were due and payable to or were accruing due to such dissolved authority and had been given in charge to such rate collector for collection.

- (4) For the purposes of this paragraph, the amount of rent payable to a successor authority by a person who was a tenant of a dwelling let by a dissolved authority shall, on the relevant day or date be determined for the period commencing on that day or date and ending on 31 December 2014, in accordance with the rent scheme operated by the dissolved authority under section 58 of the Housing Act 1966 in respect of its dwellings immediately before that day or date. 5 10

#### Valuation lists.

15. (1) The valuation list applicable to a successor authority on the relevant day or date shall be—
- (a) except where *clause (b)* applies, the valuation list (including any revisions) relating to the dissolved authorities concerned last before that day or date as relates to the area comprised in the county or city and county concerned, or 15
- (b) where the Commissioner of Valuation made orders before the relevant day or date under section 19 of the Valuation Act 2001 in respect of the dissolved authorities concerned, the list to which *section 32(1)* relates.
- (2) Where the valuation of any relevant property in the administrative area of a dissolved authority is at any time for any reason revised or altered (including any case where such revision or alteration arises as a result of any appeal or other process commenced before the relevant day or date), the rate shall be assessed in accordance with such revised or altered valuation and may be levied, collected and recovered accordingly by the successor authority concerned. 20 25

#### Continuation of membership of certain bodies.

16. (1) Subject to the provisions of this Act and any regulations made under it, all persons appointed (whether by nomination, election or otherwise) as members of any body by a dissolved authority shall continue to be members of the body to which they were so appointed for such period as they would have held such office if this Act had not been enacted save in any case where provision to the contrary is made by any such body. 30
- (2) This paragraph applies to appointments—
- (a) of persons who were, immediately before the relevant day or date, members of a dissolved authority who, on or after that day or date, would continue to be members of the authority referred to which *subparagraph (1)* had such dissolved authority not been dissolved, 35
- (b) of persons to whom *clause (a)* does not apply,
- (c) to bodies whether corporate or unincorporate.

SCHEDULE 5

RELEVANT BODY

“SCHEDULE 16

RELEVANT BODIES TO WHICH SECTION 128G(1)(d) RELATES	5
1. Pobal	
2. Avondhu/Blackwater Partnership Limited	
3. Ballyhoura Development Limited	
4. Bray Area Partnership Limited	
5. Breffni Integrated Development Limited	10
6. Carlow County Development Partnership Limited	
7. Cill Dara Ar Aghaidh Teoranta	
8. Clare Local Development Company Limited	
9. Comhar na nOileáin Teoranta	
10. Comhair Chathair Chorcaí Teoranta	15
11. County Kilkenny LEADER Partnership Company Limited	
12. County Sligo LEADER Partnership Company Limited	
13. Co. Wicklow Community Partnership	
14. Donegal Local Development Company Limited	
15. Fingal Leader Partnership Company Limited	20
16. Forum Connemara Limited	
17. Galway City Partnership Limited	
18. Galway Rural Development Company Limited	
19. Inishowen Development Partnership	
20. IRD Duhallow Limited	25
21. Laois Community and Enterprise Development Company Limited	
22. Leitrim Integrated Development Company Limited	
23. Longford Community Resources Limited	
24. Louth LEADER Partnership	
25. Mayo North East LEADER Partnership Company Teoranta	30
26. Meath Community Rural and Social Development Partnership Limited	
27. Monaghan Integrated Development Limited	
28. North and East Kerry LEADER Partnership Teoranta	



29. North Tipperary LEADER Partnership	
30. Northside Partnership Limited	
31. Offaly Integrated Local Development Company Limited	
32. People Action Against Unemployment Limited	
33. Rathmines Pembroke Community Partnership Limited	5
34. Roscommon Integrated Development Company Limited	
35. South and East Cork Area Development Partnership Limited	
36. South Dublin County Partnership Limited	
37. South Kerry Development Partnership Limited	
38. South Tipperary Development Company Limited	10
39. South West Mayo Development Company Limited	
40. Southside Partnership DLR Limited	
41. The Ballyfermot / Chapelizod Partnership Company Limited	
42. The Ballymun Partnership Limited	
43. The Blanchardstown Area Partnership Limited	15
44. Tolka Area Partnership Limited	
45. Waterford Area Partnership Limited	
46. Waterford LEADER Partnership Limited	
47. West Cork Development Partnership Limited	
48. West Limerick Resources Limited	20
49. Westmeath Community Development Limited	
50. Wexford Local Development”.	

## BILLE

(mar a tionscnaíodh)

dá ngairtear

Bille dá ngairtear Acht do dhéanamh socrú breise agus feabhsaithe i ndáil le rialtas áitiúil agus, go háirithe, do chónascadh Chomhairle Contae Luimnigh le Comhairle Cathrach Luimnigh, Chomhairle Contae Phort Láirge le Comhairle Cathrach Phort Láirge agus Chomhairle Contae Thiobraid Árann Thuaidh le Comhairle Contae Thiobraid Árann Theas, do dhéanamh socrú maidir le post an phríomhfheidhmeannaigh i ndáil le gach údarás áitiúil díobh, do dhíscaoileadh comhairlí baile, do dhéanamh socrú maidir le ceantair bhardasacha, do shannadh feidhmeanna breise forchoimeáda do chomhaltaí údarais áitiúil, do dhíscaoileadh boird forbartha contae agus boird forbartha cathrach agus do dhéanamh socrú chun coistí áitiúla forbartha pobail a bhunú, chun pleanáil agus formhaoirsiú a dhéanamh ar chlár forbartha áitiúla agus pobail, do dhéanamh socrú maidir le ról méadaithe do na húdarais áitiúla i bhforbairt eacnamaíochta agus i dtacaíocht fiontraíochta, do leasú an Achta Rialtais Áitiúil, 1991 agus do dhéanamh socrú maidir le comhthionóil réigiúnacha, dá chumasú (faoi réir réamhchoinníollacha áirithe) pobalbhreith a dhéanamh i limistéir riaracháin na n-údarás áitiúil i limistéar Bhaile Átha Cliath i leith Méara dírhofa don limistéar sin agus chun na gcríoch sin agus chun críocha eile do leasú na nAchtanna Rialtais Áitiúil, 1925 go 2013, na nAchtanna um Thoghcháin Áitiúla, 1974 go 2012 agus achtacháin eile a bhaineann le toghcháin, Achtanna na dTithe, 1966 go 2013 agus an Achta um Pleanáil agus Forbairt, 2000, do leasú achtanna eile i dtaca leis na nithe sin roimhe seo agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An tAire Comhshaoil, Pobail agus Rialtais Áitiúil a  
thíolaic,*

15 Deireadh Fómhair, 2013

## BILL

(as initiated)

entitled

Bill entitled an Act to make further and better provision in relation to local government and, in particular, to amalgamate Limerick County Council with Limerick City Council, Waterford County Council with Waterford City Council and North Tipperary County Council with South Tipperary County Council, to provide for the position of chief executive in relation to each local authority, to dissolve town councils, to make provision for municipal districts, to assign additional reserved functions to local authority members, to dissolve county development boards and city development boards and make provision for the establishment of local community development committees, for planning and oversight of local and community development programmes, to provide for an increased role for local authorities in economic development and enterprise support, to amend the Local Government Act 1991 and provide for regional assemblies, to enable (subject to certain preconditions) a plebiscite to be held in the administrative areas of the local authorities in the Dublin area in respect of a directly elected Mayor for that area and for those and other purposes to amend the Local Government Acts 1925 to 2013, the Local Elections Acts 1974 to 2012 and other enactments relating to elections, the Housing Acts 1966 to 2013 and the Planning and Development Act 2000, to amend other acts in connection with the foregoing matters and to provide for related matters.

*Presented by the Minister for the Environment,  
Community and Local Government,*

15th October, 2013

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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