

DÁIL ÉIREANN

AN BILLE UM ATHCHÓIRIÚ RIALTAIS ÁITIÚIL, 2013
[BILLE DÁIL ARNA LEASÚ AG AN SEANAD]

LOCAL GOVERNMENT REFORM BILL 2013
[DÁIL BILL AMENDED BY THE SEANAD]

*Leasuithe a rinne an Seanad
Amendments made by the Seanad*

*[The page and line references in this list of amendments
are to the text of the Bill as amended in the Select sub-Committee on Environment,
Community and Local Government.]*

*Leasuithe chun leasuithe
Amendments to Amendments*

16. In page 41, between lines 32 and 33, to insert the following:

“Amendment of certain provisions relating to rates on vacant premises

31. (1) Section 71 of the Local Government (Dublin) Act 1930 is amended—

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

“(1A) A local authority may—

- (a) specify a local electoral area or local electoral areas within its administrative area where owners of vacant premises shall be entitled to claim and receive a refund of differing proportion of the municipal rate to that referred to in subsection (1), and
- (b) determine the proportion of the refund to apply in respect of each specified local electoral area or local electoral areas in accordance with paragraph (a).

(1B) The specifying of a local electoral area or local electoral areas and the determination of the proportion of the refund shall be a reserved function.”,

and

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

“(4) The Minister may make regulations specifying the financial considerations and administrative and other procedures to apply in relation to the performance by Dublin City Council of functions to which subsections (1A) and (1B) relate.”.

(2) Section 20 of the Cork City Management Act 1941 is amended—

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

“(1A) A local authority may—

- (a) specify a local electoral area or local electoral areas within its administrative area where owners of vacant premises shall be entitled to claim and receive a refund of differing proportion of the municipal rate to that referred to in subsection (1), and
- (b) determine the proportion of the refund to apply in respect of each specified local electoral area or local electoral areas in accordance with paragraph (a).

(1B) The specifying of a local electoral area or local electoral areas and the determination of the proportion of the refund shall be a reserved function.”,

and

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

“(4) The Minister may make regulations specifying the financial considerations and administrative and other procedures to apply in relation to the performance by Cork City Council of functions to which subsections (1A) and (1B) relate.”.

(3) 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”,

(b) 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.

(1B) A local authority may—

- (a) specify a local electoral area or local electoral areas within its administrative area where owners of vacant premises shall be entitled to claim and receive a refund of differing proportion of the county rate to that referred to in subsection (1), and
- (b) determine the proportion of the refund to apply in respect of each specified local electoral area or local electoral areas in accordance with paragraph (a).

(1C) The specifying of a local electoral area or local electoral areas and the determination of the proportion of the refund shall be a reserved function.”,

and

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

“(4) The Minister may make regulations specifying the financial considerations and

administrative and other procedures to apply in relation to the performance by a local authority of functions to which subsections (1B) and (1C) relate.”.”.

Amendment to Amendment No. 16.

To delete subsection (1A) and (1B) proposed to be inserted by subsection (3)(b) and substitute the following:

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

(1B) The Rating Authority may by resolution decide to increase the refund in subsection (1) from one twenty-fourth of such rate in respect of every completed month to one twelfth of such rate in respect of every completed month for:

(a) specified categories of vacant properties, or

(b) specified geographical areas within the rating authority area,

and the above shall apply where the owners of such properties are deemed unable to obtain a suitable tenant for 50 per cent or more of the vacant properties in paragraphs (a) or (b). Each such resolution will be effective for one year.”.”.

—John Deasy, Robert Dowds.

17. In page 42, between lines 3 and 4, to insert the following:

“Duty to inform rating authority of transfer of relevant property

32. (1) In this section—

“occupier”, in relation to property (whether corporeal or incorporeal), means every person in the immediate use or enjoyment of the property;

“owner”, in relation to a relevant property, means a person (other than a mortgagee not in possession) who, whether in that person’s own right or as trustee or agent for any other person, is entitled to receive the rent of the property or, where the property is not let, would be so entitled if it were so let;

“relevant property” shall be read in accordance with Schedule 3 of the Valuation Act 2001.

(2) Where relevant property, or an interest in relevant property, is transferred from one person to another person in circumstances that render that other person liable for rates on the property so transferred, then—

(a) it shall be the duty of the owner of the property (being the owner of the property prior to transfer) or such other person as the owner has authorised in writing to act on his or her behalf to notify, in writing, the rating authority in whose functional area the property is situated of the transfer not later than 2 weeks after the date of the transfer, and

(b) it shall be the duty of the person transferring the property being either the

occupier or the owner, to discharge all rates for which he or she is liable for at the date of the transfer of the property or of an interest in it.

- (3) Any rates due by an owner of relevant property and not discharged in accordance with *subsection (2)(b)* shall remain a charge on the relevant property, but that property shall not, as against a purchaser in good faith for full consideration in money or money's worth or a mortgagee, remain charged with or liable to the payment of such unpaid rates after the expiration of 12 years from the date upon which the amount concerned fell due.
 - (4) The owner of relevant property shall be liable for a charge equivalent to no more than 2 years of the outstanding rates due from the previous occupier or occupiers where—
 - (a) the owner has not notified the rating authority in writing of a transfer of relevant property or an interest in relevant property in accordance with *subsection (2)(a)*, and
 - (b) the requirements of *subsection (2)(b)* have not been met.
 - (5) Any charge due by an owner of relevant property and not discharged in accordance with *subsection (4)* shall remain a charge on the relevant property, but that property shall not, as against a purchaser in good faith for full consideration in money or money's worth or a mortgagee, remain charged with or liable to the payment of such unpaid rates after the expiration of 12 years from the date upon which the amount concerned fell due.
 - (6) Any charge levied under *subsection (3)* or *(5)* does not affect—
 - (a) the liability of any previous occupier for outstanding rates in respect of which he or she is primarily liable, or
- (b) the functions of the rating authority concerned under any other enactment to collect any outstanding rates from the occupier or occupiers primarily liable.”.

Amendment to Amendment No. 17.

To delete subsections (2) to (6) and substitute the following:

- (2) The Chief Executive will consider submissions from the subsequent occupiers of relevant properties on which an amount of rates are outstanding and may waive the amount unpaid by the previous occupier if he is satisfied, based on his knowledge of the local market and the vacancy rates, in the area concerned or for the category of property concerned, that in the absence of this waiver the subsequent occupier will not occupy the relevant property.”.

—John Deasy, Robert Dowds.