



**An Bille um Choimisiún Thithe an Oireachtais (Leasú),
2015**
**Houses of The Oireachtas Commission (Amendment) Bill
2015**

Meabhrán Míitheach
Explanatory Memorandum



**AN BILLE UM CHOIMISIÚN THITHE AN OIREACHTAIS
(LEASÚ), 2015
HOUSES OF THE OIREACHTAS COMMISSION (AMENDMENT)
BILL 2015**

EXPLANATORY MEMORANDUM

[This Memorandum is not part of the Act and does not purport to be a legal interpretation.]

The Bill consists of 10 sections.

Section 1 is a standard provision defining words used in the Bill, in this case the “Principal Act”.

Section 2 amends section 4 of the Principal Act by:

- (a) providing for a change in the presentation of the Commission’s accounts to bring the terminology of the Act into line with current terminology; the term “grant” is used in substitution for the term “grant-in-aid”. Consequential amendments are made to section 13 and Schedule 1 of the Principal Act as set out in sections 5 and 6 of this Bill;
- (b) providing the Commission with the power to manage Oireachtas copyright. Oireachtas copyright was vested by section 195 of the Copyright and Related Rights Act 2000 in each House. This provision was enacted prior to the establishment of the Commission. This amendment establishes the right of the Commission to exercise these powers on behalf of the relevant House, with a power to delegate the exercise to the Secretary General of the Oireachtas Service.

Section 3 amends section 5 of the Principal Act and provides that funding for the Oireachtas Commission be provided from the Central Fund for the 3-year period 2016-18. It also provides that the expenditure for that period shall not exceed €369m.

Section 4 provides for a typographical amendment to section 8 (9) of the Principal Act.

Section 6 amends Schedule 1 of the Principal Act by substituting the term “Grant” for “Grant-in-aid” and also provides for a change in the presentation of the Commission’s accounts to allow for payment for secretarial assistance to all members rather than restricting it to non-office holding members as currently provided.

Section 7 amends Schedule 2 of the Principal Act by deleting paragraph 6(b) to delete a reference to a previously deleted provision of the Principal Act.

Section 8 provides that the functions of the Clerk of the Dáil and the Clerk of the Seanad under section 8 of the Ethics in Public Office Act 1995 can be undertaken by the Clerk-Assistant of the relevant House if the Clerk is unable to perform these functions or when the position is vacant. Similar provisions have been made under other enactments authorising the Clerk-Assistant to perform the functions of the Clerk in specified circumstances.

Section 9 repeals a number of provisions of the Principal Act which are redundant, due, respectively, to the repeal of the Freedom of Information Acts 1997 and 2003 and their replacement by the Freedom of Information Act 2014, the repeal of the Civil Service Commissioners Act 1956, and certain amendments effected by the Civil Service Regulation (Amendment) Act 2005.

Section 10 provides for the short title, collective citation and commencement.

Financial Implications

Since 2004, the current expenditure of the Houses of the Oireachtas Commission has been financed from the Central Fund rather than being included in the estimates proposed annually by the Minister for Finance/Minister for Public Expenditure and Reform and voted on by the Dáil. This change was effected by the Houses of the Oireachtas Commission Act 2003, which became operative on 1 January 2004. The Commission was granted power to pay the salaries and expenses of the Houses of the Oireachtas Commission and to determine staff requirements, subject to the Minister's consent to senior appointments in the Service. The 2003 Act provided funding up to the end of 2006. Further Acts in 2006, 2009 and 2012 granted funding on a three year basis and provided for administrative changes in the Oireachtas Service. The legislation now proposed allows for continued funding for the 3 year period beginning 1 January 2016 and caps that funding at €369m.

An Roinn Caitheachtais Phoiblí agus Athcháirthe.

Nollaig, 2015.