



An Bille um Láithreáin Thréigthe (Leasú), 2015
Derelict Sites (Amendment) Bill 2015

Mar a tionscnaíodh

As initiated



AN BILLE UM LÁITHREÁIN THRÉIGTHE (LEASÚ), 2015
DERELICT SITES (AMENDMENT) BILL 2015

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ACT REFERRED TO

Derelict Sites Act 1990 (No. 4)



**AN BILLE UM LÁITHREÁIN THRÉIGTHE (LEASÚ), 2015
DERELICT SITES (AMENDMENT) BILL 2015**

Bill

entitled

An Act to amend the Act of 1990 to provide for the tightening of regulations in relation to derelict sites and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act “Act of 1990” means the Derelict Sites Act 1990.

Amendment of Act of 1990

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2. The Act of 1990 is amended—

(a) in section 6 by the insertion of the following new subsections after subsection (2):

“(2A) Where notice is served on a person who is not the owner or the occupier, such a person shall inform the local authority, in writing, that he or she is not the owner or the occupier, within a period of 30 days. 15

(2B) Where a person fails to comply with the provisions of subsection (2), such a person shall be guilty of an offence and liable in accordance with section 28 of the Act of 1990.”,

(b) in section 8 by the substitution of the following subsection for subsection (2): 20

“(2) Before making any entry on the register in relation to any land, the local authority shall give to any owner and occupier, where they can be ascertained by reasonable enquiry, notice of 30 days of their intention to make such entry and shall consider any representations any owner or occupier may make in writing within such a notice period of 30 days and may either make the entry or not as they think proper having regard to such representations.” 25

(c) in section 11 by the substitution of the following subsection for subsection (5):

“(5) Where a person on whom a notice under this section has been served does not, within a period of 30 days comply with the requirements of the notice, then the name of that person shall stand entered on the Derelict Sites Register and the local authority who served the notice 30

may take such steps, including entry on land by authorised persons in accordance with section 30, and any other such steps as they consider reasonable and necessary to give effect to the terms of the notice or the notice is amended, as the case may be, and may recover any expense thereby incurred from the person on whom the notice or the notice as amended, as the case may be, was served and who is the owner or occupier through the making of a charge, by the local authority, on the land upon which entry was made.”, 5

(d) in section 23, by—

(i) the substitution of the following subsection for subsection (1): 10

“(1) There shall be charged, upon the expiration of the 30 day time period allowed in accordance with section 11(5) of this Act, a levy to be called the derelict sites levy.”,

(ii) the substitution of the following paragraph for paragraph (a) in subsection (3): 15

“(a) in respect of the local financial year which is prescribed in accordance with subsection (1), five per cent, of the market value of urban land concerned, and”,

(iii) the deletion of subsection (4) (this subsection ceases to be in effect from the date upon which this Act is enacted), 20

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

“(5) Subject to subsection (6), the derelict sites levy shall be payable on a demand being made by the local authority in that behalf; and in default of being paid within 30 days after becoming payable, shall be recoverable as a simple contract debt in any court of competent jurisdiction.”, 25

and

(v) the substitution of the following subsection for subsection (8):

“(8) Where an amount of derelict sites levy is due and unpaid for a period beginning 30 days after the date on which it is demanded, the person liable to pay the amount due shall pay to the local authority concerned simple interest, without deduction of income tax, on the amount, calculated at the rate of 1.25 per cent, for the month or part of a month of the period and such interest shall be due and payable two weeks after the date on which the local authority concerned by notice served on the person concerned, requires payment of the interest.”, 30 35

(e) in section 28 by the substitution of the following subsection for subsection (1):

“(1) A person who contravenes section 6(2), 6(4), 11(4), 29(2), 29(3), 30(4) or 32(3) shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding €10,000 (together with, in the case of a continuing offence, a fine not exceeding €100 for every day on which the offence is continued and not exceeding in total an amount 40

which, when added to any other fine under this subsection in relation to the offence concerned, equals €10,000), or to imprisonment for a term not exceeding six months, or at the discretion of the court, to both such fine and such imprisonment.”,

and

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(f) in section 30 by the substitution of the following subsection for subsection (2):

“(2) An authorised person entering on land under this section may on the grounds of Health and Safety or any identified nuisance thereof, do thereon all things reasonably necessary for the purpose for which the entry is made and, in particular, may survey, make plans, take levels, make extractions, and examine the depth and nature of the subsoil and all costs to the local authority of such an entry on land shall be recoverable through the making of a charge, by the local authority, on the land upon which entry was made.”.

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Short title

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3. This Act may be cited as the Derelict Sites (Amendment) Act 2015.

An Bille um Láithreáin Thréigthe (Leasú), 2015

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Láithreáin Thréigthe, 1990 chun socrú a dhéanamh maidir leis na rialacháin a dhochtadh i ndáil le láithreáin thréigthe agus do dhéanamh socrú i dtaobh nithe gaolmhara.

*An Teachta Brian Stanley a thug isteach,
23 Aibreán, 2015*

Derelict Sites (Amendment) Bill 2015

BILL

(as initiated)

entitled

An Act to amend the Derelict Sites Act 1990 to provide for the tightening of regulations in relation to derelict sites and to provide for related matters.

*Introduced by Deputy Brian Stanley,
23rd April, 2015*

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