



An Bille um Sheirbhísí Maoine (Rialáil) (Leasú) (Cuideachtaí Bainistíochta a Rialáil), 2018

Property Services (Regulation) (Amendment) (Management Company Regulation) Bill 2018

Mar a tionscnaíodh

As initiated



**AN BILLE UM SHEIRBHÍSÍ MAOINE (RIALÁIL) (LEASÚ) (CUIDEACHTAÍ
BAINISTÍOCHTA A RIALÁIL), 2018
PROPERTY SERVICES (REGULATION) (AMENDMENT) (MANAGEMENT
COMPANY REGULATION) BILL 2018**

Mar a tionscnaíodh

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ACTS REFERRED TO

Building Control Acts 1990 and 2007

Planning and Development Acts 2000 to 2009

Property Services (Regulation) Act 2011 (No. 40)



**AN BILLE UM SHEIRBHÍSÍ MAOINE (RIALÁIL) (LEASÚ) (CUIDEACHTAÍ
BAINISTÍOCHTA A RIALÁIL), 2018
PROPERTY SERVICES (REGULATION) (AMENDMENT) (MANAGEMENT
COMPANY REGULATION) BILL 2018**

Bill

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entitled

An Act to amend the Property Services (Regulation) Act 2011 and to provide for related matters.

Be it enacted by the Oireachtas as follows:

Definitions

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1. (1) In this Act—

“Authority” means the Property Services Regulatory Authority established by section 9 of the Property Services (Regulation) Act 2011;

“developer” means the person who carries out or arranges for the development or construction of a multi-unit development;

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“development stage” means the period which begins when the first unit to be made available for sale is so made available and ends after all construction works and ancillary works (including works on the common areas), for the multi-unit development have been completed in accordance with all relevant planning permissions under the Planning and Development Acts 2000 to 2009 the requirements arising under the Building Control Acts 1990 and 2007;

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“Minister” means Minister for Justice and Equality;

“Owner Management Company” means a company established for the purposes of becoming the owner of the common areas of a multi-unit development and the management, maintenance and repair of such areas and which is a company registered under the Companies Acts.

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(2) For the purposes of this Act, a member of an Owners’ Management Company shall be regarded—

(a) as being present at a meeting of members where he or she has validly appointed a proxy to attend and that proxy has attended the meeting, and

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(b) as having voted at a meeting of members where the member has validly appointed a proxy to vote at the meeting and the proxy (but not the member) has voted at the meeting.

Amendment of Property Services (Regulation) Act 2011

2. The Property Services (Regulation) Act 2011 is amended in section 11(2) by the insertion of the following paragraph after paragraph (q):

“(r) establish as part of the Authority an office of Management Owner Company Ombudsman and the holder of the office shall be known 5
as the Ombudsman for Management Owner Companies. The
appointment of a person to be the Ombudsman for Management
Owner Companies shall be made by the Minister as outlined under
section 10 as a member of the Authority. The functions of the
Ombudsman shall be: 10

- (i) to promote good governance within the Management Owner Company sector;
- (ii) to provide information on the duties and responsibilities of Management Owner Company members;
- (iii) to provide training for members of Management Owner 15
Company members;
- (iv) to make recommendations to the Minister for Business, Enterprise and Innovation on the regulation of Management Owner Companies including the representation of tenants in a multi-unit development; 20
- (v) to assist in reconciliation of disputes on a Management Owner Company on a non-binding basis; and
- (vi) to publish an annual report on the work of the Ombudsman Owner.”.

Short title and commencement 25

3. (1) This Act may be cited as the Property Services (Regulation) (Amendment) (Management Company Regulation) Act 2018.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions. 30

An Bille um Sheirbhísí Maoine (Rialáil)
(Leasú) (Cuideachtaí Bainistíochta a Rialáil),
2018

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Sheirbhísí Maoine
(Rialáil), 2011 agus do dhéanamh socrú i dtaobh
nithe gaolmhara.

An Teachta Darragh Ó Briain a thug isteach,
4 Iúil, 2018

Property Services (Regulation)
(Amendment) (Management Company
Regulation) Bill 2018

BILL

(as initiated)

entitled

An Act to amend the Property Services (Regulation)
Act 2011 and to provide for related matters.

Introduced by Deputy Darragh O'Brien,
4th July, 2018

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