



DÁIL ÉIREANN

**AN BILLE RIALTAIS ÁITIÚIL, 2018
LOCAL GOVERNMENT BILL 2018**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

DÁIL ÉIREANN

AN BILLE RIALTAIS ÁITIÚIL, 2018 —ROGHCHOISTE

LOCAL GOVERNMENT BILL 2018 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 2

1. In page 6, to delete lines 11 to 16 and substitute the following:

“ “deposited map” means the map—

- (a) deposited on behalf of the Minister at the offices of the Department of Housing, Planning and Local Government situated at the Custom House in the city of Dublin, on 25 July 2018 for the purpose of the Cork boundary alteration,
- (b) described as having been deposited for that purpose, and
- (c) sealed with the official seal of the Minister;”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

2. In page 6, line 17, to delete “*section 17*” and substitute “*section 23**”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[**This is a reference to the section proposed to be inserted by amendment No. 73.*]

3. In page 6, between lines 26 and 27, to insert the following:

“ “staff transfer plan” has the meaning assigned to it by *section 13**;”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[**This is a reference to the section proposed to be inserted by amendment No. 25.*]

SECTION 5

4. In page 8, to delete lines 1 to 4 and substitute the following:

“(2) The Minister may give the chief executive of the city council or the chief executive of the county council such directions, in relation to—

- (a) the performance of his or her functions under, or for the purposes of, this Act,

[SECTION 5]

(b) the implementation of the Cork boundary alteration,
as the Minister considers appropriate.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 9

5. In page 8, to delete lines 33 and 34, and in page 9, to delete lines 1 to 5 and substitute the following:

“9. (1) On the transfer day and subject to *sections 10** and *11***, all lands situated in the relevant area that, immediately before the transfer day, were vested in the county council and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the city council for all the estate or interest therein that, immediately before the transfer day, was vested in the county council, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 8.]

[**This is a reference to the section proposed to be inserted by amendment No. 9.]

6. In page 9, lines 15 and 16, to delete all words from and including “day” in line 15 down to and including line 16 and substitute “day and in relation to such land, be performable by or on behalf of the city council only.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

7. In page 9, to delete lines 17 to 29.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 10

8. In page 9, between lines 29 and 30, to insert the following:

“Delayed transfer of land

10. (1) The city council and the county council may, before the transfer day, make an agreement providing for the continued vesting, for such period commencing on the transfer day as may be specified in the agreement, in the county council of any land situated in the relevant area that, upon the making of the agreement, vested in the county council.

(2) On the day immediately following the expiration of the period referred to in *subsection (1)*—

(a) all lands to which an agreement under that subsection applies and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the city council for all the estate or interest therein that, immediately before that day, was vested in the county council, but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed,

[SECTION 10]

- (b) all choses-in-action relating to land vested in the city council under *paragraph (a)*, that immediately before that day, were vested in the county council shall stand vested in the city council without any assignment.
- (3) Every chose-in-action vested in the city council by virtue of *paragraph (b)* of *subsection (2)* may, on and after the day referred to in that subsection, be sued on, recovered or enforced by the city council in its own name, and it shall not be necessary for the city council or the county council to give notice to any person bound by the chose-in-action of the vesting effected by that paragraph.
- (4) All functions of the county council connected with any land standing vested in the city council under *paragraph (a)* of *subsection (2)* shall, from the day referred to in that subsection and in relation to such land, be performable by or on behalf of the city council only.
- (5) An agreement under this section may contain such incidental, supplementary and consequential provisions as the city council and the county council reasonably consider necessary for the purposes of the agreement.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

9. In page 9, between lines 29 and 30, to insert the following:

“Other agreements in relation to land situated in relevant area

11. (1) The city council and the county council may, before the transfer day, make an agreement providing for—
- (a) the continued vesting in the county council on and after the transfer day of any land situated in the relevant area that, upon the making of the agreement, vested in the county council,
 - (b) the joint ownership by the city council and the county council on and after the transfer day of any such land, or
 - (c) the use by the city council and the county council of any such land or any land standing vested in the city council by virtue of *section 9*.
- (2) An agreement under this section may contain such incidental, supplementary and consequential provisions as the city council and the county council reasonably consider necessary for the purposes of the agreement.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

10. In page 9, to delete lines 31 to 33 and substitute the following:

- “10. (1) (a) For the purposes of this Act, the city council and the county council may, not later than 30 April 2019, jointly designate in writing such property (other than land), including choses-in-action, of the county council as they may determine.
- (b) The city council and the county council shall have regard to the implementation plan when making a designation under *paragraph (a)*.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 10]

11. In page 9, to delete lines 41 and 42, and in page 10 to delete line 1 and substitute the following:

“(d) All functions of the county council connected with any property standing vested in the city council by virtue of this subsection shall, from the transfer day and in relation to such property, be performable by or on behalf of the city council only.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

12. In page 10, between lines 1 and 2, to insert the following:

“(2) The oversight committee may make a recommendation to the city council and the county council that the city council and the county council jointly make a designation under *paragraph (a)* of *subsection (1)* in relation to—

- (a) such property as may be specified in the recommendation, or
- (b) property of such a class as may be so specified.

(3) The Cork local authorities shall jointly notify the oversight committee in writing of the making of a designation by them under this section.”.

13. In page 10, to delete lines 2 to 6 and substitute the following:

“(2)(a) For the purposes of this Act, the Minister may make an order designating such property (other than land), including choses-in-action, of the county council as he or she may determine.

(b) If the Cork local authorities fail to make a designation of a type to which a recommendation under *subsection (2)* applies before the expiration of one month from the date of the making of that recommendation, the Minister shall, for the purposes of this Act and not later than 2 months after the end of that month, make an order designating the property in respect of which the recommendation was made.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

14. In page 10, line 7, to delete “*paragraph (a)*” and substitute “*paragraph (a) or (b)*”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

15. In page 10, lines 17 and 18, to delete all words from and including “day” on line 17 down to and including line 18 and substitute the following:

“day concerned and in relation to such property, be performable by or on behalf of the city council only.

(3) More than one designation may be made under this section and different designations may be made in respect of different property or different classes of property.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 11

16. In page 10, line 31, to delete “council, or” and substitute “council or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 11]

17. In page 10, line 32, to delete “council, to” and substitute “council to”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

18. In page 10, between lines 39 and 40, to insert the following:

“(2) (a) Subject to *section 28*, all rights and liabilities of the county council subsisting immediately before the expiration of the period referred to in *subsection (1)* of *section 10** and arising by virtue of any contract or commitment (expressed or implied) shall, on the day referred to in *subsection (2)* of that section, stand transferred to the city council in so far only as they relate to land vested in the city council under the said *subsection (2)*.

(b) Every right and liability transferred by *paragraph (a)* to the city council may, on and after the day referred to in *subsection (2)* of *section 10**, be sued on, recovered or enforced by or against the city council in its own name, and it shall not be necessary for the city council, or the county council, to give notice to the person whose right or liability is transferred by that paragraph of such transfer.

(c) Every lease, licence, wayleave or permission granted by the county council in relation to land vested in the city council under *subsection (2)* of *section 10** and in force immediately before the expiration of the period referred to in *subsection (1)* of that section, shall continue in force as if granted by the city council.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 8.]

19. In page 11, line 8, to delete “city council, or the county council, to” and substitute “city council or the county council to”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

20. In page 11, between lines 13 and 14, to insert the following:

“(3) In this section ‘commitment’ includes security given in accordance with a condition to which paragraph (g) of subsection (4) of section 34 of the Act of 2000 applies.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 12

21. In page 11, to delete lines 18 to 21 and substitute the following:

“(2) Every instrument made under an enactment, and every other instrument (including any certificate) made or granted, by the county council shall, if and in so far as it—

(a) relates to the relevant area, and

(b) was operative immediately before the transfer day,

have effect on and after that day as if it had been made or granted, as may be appropriate, by the city council.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 12]

22. In page 11, lines 26 to 28, to delete all words from and including “of” in line 26 down to and including line 28 and substitute the following:

“of the making of a request in writing in that behalf to the company by the city council.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

23. In page 11, between lines 28 and 29, to insert the following:

“(4) The city council shall not make a request referred to in *subsection (3)* without the consent of the county council.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

24. In page 11, line 34, to delete “*section 9*” and substitute “*section 9, 10**”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 8.]

SECTION 13

25. In page 11, between lines 36 and 37, to insert the following:

“Staff transfer plan

13. (1) The chief executives of the Cork local authorities shall jointly prepare a plan (in this Act referred to as a ‘staff transfer plan’) setting out—
- (a) the number and grades of members of staff of the county council (and the classes to which such members of staff belong) who, before the transfer day, stood assigned to perform functions (whether or not exclusively) in relation to the relevant area, and
 - (b) the proposals with regard to the transfer of members of staff from the county council to the city council for the purpose of meeting the staffing requirements in relation to the relevant area.
- (2) The chief executives of the Cork local authorities shall, in the preparation of a staff transfer plan, have regard to the implementation plan and any recommendations made by the oversight committee under this Act.
- (3) Where the chief executives of the Cork local authorities are unable to reach agreement in relation to the preparation of a staff transfer plan, they shall refer the matter or matters that are the subject of the disagreement to the oversight committee who shall make a recommendation to those chief executives in relation thereto.
- (4) If the chief executives of the Cork local authorities fail to act in accordance with a recommendation under *subsection (3)*, the Minister may give them a direction as respects the matter or matters that occasioned the making of the recommendation.
- (5) The Minister shall, in the giving of a direction under *subsection (4)*, have regard to the

[SECTION 13]

size of the population of the relevant area and the proportion that it bore to the population of the administrative area of the county council immediately before the transfer day.

- (6) The chief executives of the Cork local authorities shall comply with a direction under *subsection (4)*.
- (7) A staff transfer plan may relate to a particular class or classes of members of staff of the Cork local authority concerned determined by reference to—
 - (a) grade, or
 - (b) class of operation of, or service provided by, that Cork local authority.
- (8) The city council and the county council shall notify the oversight committee in writing of the making of a staff transfer plan under this section.
- (9) More than one staff transfer plan may be prepared by the chief executives of the Cork local authorities.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 26.** In page 11, to delete lines 38 to 40, and in page 12, to delete lines 1 to 11 and substitute the following:

“**13.(1)** The chief executive of the county council shall, after consultation with the chief executive of the city council, designate for employment by the city council such and so many members of staff of the county council as are required to ensure the full implementation of the proposals in the staff transfer plan with regard to the transfer of members of staff from the county council to the city council for the purpose of meeting the staffing requirements in respect of the relevant area.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 27.** In page 12, line 12, to delete “5 months” and substitute the following:

“3 months (or such shorter period as may be agreed by the county council with the member of staff concerned)”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 28.** In page 12, line 19, to delete “The county council” and substitute “The chief executive of the county council”.

—An tAire Tithíochta Pleanála agus Rialtais Áitiúil.

SECTION 14

- 29.** In page 13, lines 5 and 6, to delete “prepare 4 copies” and substitute “prepare copies”.

—Mattie McGrath, Michael Collins.

- 30.** In page 13, lines 8 and 9, to delete “prepare 4 copies” and substitute “prepares copies”.

—Mattie McGrath, Michael Collins.

[SECTION 14]

31. In page 13, lines 12 and 13, to delete “prepare 4 copies” and substitute “prepares copies”.

—Mattie McGrath, Michael Collins.

32. In page 13, line 23, to delete “council.” and substitute the following:

“council; and

(e) the principal office of all elected members of the council.”.

—Mattie McGrath, Michael Collins.

33. In page 13, line 30, to delete “doing,” and substitute “doing”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

34. In page 13, line 32, to delete “website a” and substitute “website each”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

35. In page 13, line 35, to delete “a copy” and substitute “each copy”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 15

36. In page 14, to delete line 6 and substitute the following:

“(b) four ordinary members.”.

—Mattie McGrath, Michael Collins.

37. In page 14, to delete lines 7 to 9 and substitute the following:

“(3) The Schedule shall apply in relation to the oversight committee.

(4) The oversight committee shall stand dissolved on such day as the Minister may, by order, appoint.

(5) Upon and from the dissolution of the oversight committee in accordance with *subsection (4)*, the functions of the oversight committee under this Act (other than *subsection (8) of section 19*) shall be performable by the Minister and, accordingly, references in this Act (other than this section, *subsection (8) of section 19* and the Schedule) to oversight committee shall, from the date of such dissolution, be construed as references to the Minister.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 16

38. In page 14, line 17, to delete “may” and substitute “shall”.

—Mattie McGrath, Michael Collins.

39. In page 14, to delete line 26 and substitute the following:

“(i) financial matters or matters concerning other resources,”.

[SECTION 16]

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

40. In page 14, between lines 37 and 38, to insert the following:

“(3) The implementation plan shall specify the manner in which—

- (a) the annual contribution within the meaning of *section 22** shall be calculated, and
- (b) the sum of which the annual contribution consists shall be adjusted each year for the purpose of taking account of the changes in the value of money since the end of the local financial year 2017.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 71.]

41. In page 14, to delete line 38, and in page 15, to delete lines 1 to 7 and substitute the following:

“(3) The implementation plan shall specify the principles and methods that shall apply for the purpose of the making of any calculation referred to in *section 23**.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 72.]

42. In page 15, line 8, to delete “may” and substitute “shall”.

—Mattie McGrath, Michael Collins.

43. In page 15, line 12, to delete “the recommendation” and substitute “those guidelines or recommendations”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

44. In page 15, line 17, to delete “an implementation plan” and substitute “that implementation plan”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 17

45. In page 16, between lines 33 and 34, to insert the following:

“(5) In the event of Cork City Council being unwilling or unable to make this contribution to Cork County Council for whatever reasons, the Minister on behalf of the State will guarantee the payment to Cork County Council.”.

—Michael Collins.

46. In page 17, lines 1 and 2, to delete “different amounts may be so determined in respect of different years” and substitute the following:

“the base amount payable shall be fixed subject only to change for annual indexation, for the period leading up to the next statutory review”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

[SECTION 17]

47. In page 17, between lines 2 and 3, to insert the following:

“(c) The financial arrangements shall provide for the annual financial settlement to be index linked to an appropriate indexation model/method, that reflects cost inflation and deflation.”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

48. In page 17, to delete lines 6 to 11 and substitute the following:

“(6) The contribution required to be paid by a Cork local authority (i.e. Cork City Council) to the other Cork local authority (i.e. Cork County Council) in accordance with a financial settlement, the first mentioned Cork local authority shall be required to make financial provision – as a primary charge – for the said contribution in its statutory budget for the year in question, in accordance with the provisions of Part 12 Chapter 1 of the Local Government Act 2001 and any other relevant statutory instruments.”.

—Michael Collins.

49. In page 17, to delete lines 6 to 11, and substitute the following:

“(6) The financial settlement payment falling due from one Cork local authority to the other should be on an advanced, monthly scheduled basis. Where any contribution required to be paid by a Cork local authority to the other Cork local authority in accordance with a financial settlement remains unpaid in full after the due date for payment of the contribution under the financial settlement, the Department of Housing, Planning and Local Government will arbitrate between the two local authorities, and may direct that one local authority to pay what is due to the other local authority within a reasonable timeframe.”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

50. In page 17, between lines 11 and 12, to insert the following:

“(7) The Chief Executive of the first mentioned Cork local authority shall be required to discharge payment of the contribution referred to in this subsection on a scheduled monthly basis, by instalment in advance, payment being discharged no later than 5 working days after the commencement of a month.”.

—Michael Collins.

51. In page 17, between lines 11 and 12, to insert the following:

“(7) If an agreement with a satisfactory financial contribution over a 15 year period with reviews thereafter, which goes a reasonable distance to protect the Cork County Council, is not forthcoming, this Act shall be enacted until such time as a satisfactory financial settlement can be agreed.”.

—Michael Collins.

52. In page 17, line 33, to delete “not later than 3 years” and substitute “not earlier than 3 years but not later than 15 years,”.

—Michael Collins.

[SECTION 17]

53. In page 17, line 33, to delete “not later than 3 years” and substitute “in May 2022, and shall be completed within 6 months”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

54. In page 17, line 35, to delete “10 years” and substitute “15 years”.

—Mattie McGrath, Michael Collins.

55. In page 17, line 36, to delete “operation.” and substitute the following:

“operation, and

- (c) subject to *paragraph (b)*, provide for such further reviews beyond the initial 15 year period as shall be deemed necessary and appropriate.”.

—Michael Collins.

56. In page 17, between lines 36 and 37, to insert the following:

“(13) The financial settlement provided for in *subsection (12)* shall continue to be paid, subject to an evaluation of the relative financial positions of the two local authorities by the Cork Boundary Alteration Implementation Oversight Committee, to be reviewed and revised as necessary following any review(s) at 5 yearly intervals.”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

57. In page 18, line 11, after “committee” to insert “and within a period of no later than 3 months”.

—Michael Collins.

Section proposed to be deleted.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 18

58. In page 18, line 20, to delete “shall” and substitute “may”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

59. In page 18, line 33, to delete “subject to *subsection (5)*,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

60. In page 19, to delete lines 4 to 6.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

61. In page 19, to delete lines 7 to 10 and substitute the following:

“(7) The Cork local authorities may, after consultation with the oversight committee, amend or revoke an arrangement under this section.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

62. In page 19, to delete lines 16 and 17.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 18]

63. In page 19, lines 19 to 21, to delete all words from and including “council” in line 19 down to and including line 21 and substitute the following:

“council, be performable by the county council, or by the city council and the county council jointly, in accordance with an arrangement under this section.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 19

64. In page 19, line 26, to delete “purpose” and substitute “purposes”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

65. In page 19, between lines 30 and 31, to insert the following:

“(a) cooperating with one another to ensure compliance by the Cork local authorities with the implementation plan.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

66. In page 19, line 35, to delete “effective” and substitute “the effective”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

67. In page 20, to delete lines 15 to 18 and substitute the following:

“(9) (a) The chief executive of the city council shall, within such period as is specified in a request under this paragraph, provide the Minister with such information as the Minister may, from time to time request, for the purposes of the performance by the Minister of his or her functions under this Act.

(b) The chief executive of the county council shall, within such period as is specified in a request under this paragraph, provide the Minister with such information as the Minister may, from time to time request, for the purposes of the performance by the Minister of his or her functions under this Act.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

68. In page 20, between lines 18 and 19, to insert the following:

“(10) (a) The chief executive of the city council shall, within such period as is specified in a request under this paragraph, provide the oversight committee with such information as the oversight committee may, from time to time request, for the purposes of the performance by the oversight committee of their functions under this Act.

(b) The chief executive of the county council shall, within such period as is specified in a request under this paragraph, provide the oversight committee with such information as the oversight committee may, from time to time request, for the purposes of the performance by the oversight committee of their functions under this Act.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 20]

SECTION 20

69. In page 20, between lines 18 and 19, to insert the following:

“PART 3*

FINANCIAL ARRANGEMENTS CONSEQUENT UPON CORK BOUNDARY ALTERATION

Payment of contribution by county council to city council in 2019

20. (1) The county council shall, not later than 30 April 2020, pay to the city council a contribution equal to the expenditure incurred by the city council in the provision of services in, or in respect of, the relevant area during the local financial year 2019.
- (2) If the chief executives of the Cork local authorities disagree with one another as respects the amount of the contribution required to be paid by the county council to the city council in accordance with this section, either of them may refer the matter to the oversight committee for a recommendation with regard to the matter.
- (3) The oversight committee shall, upon receipt of a referral under *subsection (2)*, make a recommendation to the Cork local authorities as respects the calculation of the amount of the contribution required to be paid by the county council to the city council in accordance with this section.
- (4) If, before the expiration of one month from the making of a recommendation under *subsection (3)*, the chief executives of the Cork local authorities fail to agree the amount of the contribution required to be paid by the county council to the city council in accordance with this section, the Minister shall give them a direction specifying that amount and requiring that it be paid by such date as is specified in the direction.
- (5) The chief executives of the Cork local authorities shall comply with a direction under *subsection (4)*.
- (6) Where any contribution required to be paid by the county council to the city council in accordance with this section remains unpaid (in whole or in part) by the date specified in *subsection (1)*, that contribution or that part of the contribution that remains unpaid shall be recoverable by the city council in any court of competent jurisdiction as a simple contract debt.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This proposed new Part comprehends the inclusion of amendment Nos. 70 to 72.]

70. In page 20, between lines 18 and 19, to insert the following:

“Relevant sums for purposes of section 22

21. For the purposes of *section 22**, each of the following is a relevant sum:

- (a) the county rate payable in respect of land situated in the relevant area;
- (b) rents or charges payable in respect of tenancies of dwellings situated in the

[SECTION 20]

relevant area provided under the Housing Acts 1966 to 2015;

- (c) repayments payable in respect of housing loans within the meaning of the Housing (Miscellaneous Provisions) Act 1992 relating to properties situated in the relevant area;
- (d) fees or charges payable in accordance with bye-laws under section 199 of the Principal Act that would not have been payable had such bye-laws not applied to the relevant area;
- (e) fees payable—
 - (i) in accordance with Part 12, and Schedules 9 and 10, of the Planning and Development Regulations 2001 (S.I. No. 600 of 2001), in respect of—
 - (I) development (within the meaning of the Act of 2000) in the relevant area, or
 - (II) proposed development (within such meaning) in the relevant area,
 - (ii) in accordance with regulations under section 4, 6, 7, 7A or 18 of the Building Control Act 1990, in respect of any matter relating to—
 - (I) buildings (within the meaning of that Act) situated in the relevant area, or
 - (II) works (within such meaning) carried out in the relevant area,
 - (iii) in respect of an application for a grant or renewal of a licence under the Road Traffic (Public Service Vehicles) (Amendment) Regulations 1995 (S.I. No. 136 of 1995) where the address provided for inclusion on the licence by the applicant for the licence is of a place situated in the relevant area,
 - (iv) in respect of applications for dog licences or general dog licences under the Control of Dogs Act 1986, where—
 - (I) in the case of an application for a dog licence, the applicant resides in the relevant area, and
 - (II) in the case of an application for a general dog licence, the premises to which the application relates is situated in the relevant area,
 - (v) in accordance with regulations under the Air Pollution Act 1987, in relation to applications for licences or reviews of licences under that Act in respect of industrial plant carried on or proposed to be carried on in the relevant area,
 - (vi) in respect of applications for licences relating to stores situated in the relevant area to which section 21 of the Dangerous Substances Act 1972 applies,
 - (vii) by the holder of an abattoir licence pursuant to regulation 5 of the European Communities (Fees for Health Inspections and Controls of Fresh Meat) Regulations 2004 (S.I. No. 74 of 2004) where the abattoir to which that licence relates is situated in the relevant area, or

[SECTION 20]

- (viii) in respect of the parking of vehicles in any place in the relevant area pursuant to bye-laws under section 36 of the Road Traffic Act 1994;
- (f) charges—
 - (i) payable under subsection (10) of section 66 of the Principal Act where the amenities, facilities, services or other thing is or are provided in the relevant area,
 - (ii) imposed in accordance with section 2 of the Local Government (Financial Provisions) (No. 2) Act 1983 in respect of the provision of a service in the relevant area,
 - (iii) payable pursuant to subsection (3) of section 35 of the Fire Services Act 1981 by beneficiaries of a fire service for services provided in the relevant area, or
 - (iv) payable in accordance with bye-laws under section 101 of the Road Traffic Act 1961 in respect of the use of car parks situated in the relevant area;
- (g) sums payable in accordance with section 28 of the Litter Pollution Act 1997 in respect of offences alleged to have been committed in the relevant area;
- (h) levies imposed under section 211B of the Principal Act in respect of relevant property (within the meaning of Part 19A of that Act) situated in the relevant area; and
- (i) such other fees, charges, levies or sums imposed by, or payable to, a local authority under any enactment in respect of lands situated, or services provided, in the relevant area, as may be agreed by the Cork local authorities.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 71.]

71. In page 20, between lines 18 and 19, to insert the following:

“Annual contribution by city council to county council

22. (1) The city council shall, each year during—
- (a) the period commencing on 1 January 2020 and ending on 31 December 2029, or
 - (b) such longer period as may be prescribed by order of the Minister,
- pay to the county council the annual contribution.
- (2) The Cork local authorities shall make an arrangement providing for—
- (a) the manner of payment by the city council of the annual contribution,
 - (b) the payment of the annual contribution by instalment or otherwise, and
 - (c) the date or dates by which the annual contribution shall be paid each year.
- (3) If the chief executives of the Cork local authorities disagree with one another as

[SECTION 20]

respects the amount of the annual contribution in respect of any year, either of them may refer the matter to the oversight committee for a recommendation with regard to the matter.

- (4) The oversight committee shall, upon receipt of a referral under *subsection (3)*, make a recommendation to the Cork local authorities as respects the calculation of the annual contribution in respect of the year to which the referral relates.
- (5) If the chief executives of the Cork local authorities fail to agree the annual contribution in respect of any year before the expiration of one month from the making of a recommendation under *subsection (4)*, the Minister shall give them a direction specifying the annual contribution payable and requiring that it be paid by such date as is specified in the direction.
- (6) The chief executives of the Cork local authorities shall comply with a direction under *subsection (5)*.
- (7) The county council may, at any time before the expiration of the period referred to in *paragraph (a)* of *subsection (1)*, request the Minister to make an order referred to in *paragraph (b)* of that section.
- (8) The county council shall, when making a request under *subsection (7)*, provide the Minister with a statement of reasons for the request.
- (9) Upon receiving a request under *subsection (7)*, the Minister shall provide—
 - (a) a copy of that request, and
 - (b) the statement of reasons provided under *subsection (8)* in relation to the request, to the city council, and shall invite the city council to make representations to him or her in relation to the request.
- (10) The Minister shall not make an order referred to in *paragraph (b)* of *subsection (1)* unless he or she—
 - (a) receives a request under *subsection (7)*, and
 - (b) has considered any representations made by the city council in relation to the request.
- (11) Where the annual contribution remains unpaid (in whole or in part) upon the expiration of the year in which it is payable, that contribution or that part of the contribution that remains unpaid shall be recoverable by the county council in any court of competent jurisdiction as a simple contract debt.
- (12) In this section—

“annual contribution” means, in relation to any year comprised in the period referred to in *subsection (1)*, a sum equal to the aggregate of all relevant sums received minus the aggregate of all expenditure incurred, adjusted (in such manner as is specified in the implementation plan) for the purpose of taking account of changes in the value of money during the period ending on 1 January of that year;

“expenditure” means expenditure (other than expenditure funded by moneys paid to

[SECTION 20]

the county council from the Local Government Fund, the Central Fund or moneys voted by the Oireachtas) by the county council in the provision of services in the relevant area during the local financial year 2017;

“relevant sums” shall be construed in accordance with *section 21**;

“relevant sums received” means relevant sums received by the county council during the local financial year 2017 (whether or not the liability on the part of any person to pay any such sums was incurred during that year).”

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 70.]

72. In page 20, between lines 18 and 19, to insert the following:

“Other financial arrangements

23. (1) The Cork local authorities shall, as soon as practicable after the commencement of this section and after consultation with the oversight committee, make an arrangement (in this section referred to as a “financial settlement”) in accordance with this section.
- (2) The Minister may, after consultation with the oversight committee, give a direction to the Cork local authorities to make a financial arrangement in such terms, and by such date, as may be specified in the direction.
- (3) The Cork local authorities shall comply with a direction under *subsection (2)*.
- (4) A financial settlement shall make provision for—
- (a) the calculation of—
- (i) the cost to the city council of its becoming liable for the payment of superannuation benefits to, or in respect of, persons who become members of its staff under *section 13*,
- (ii) the cost to the county council of its being liable for expenditure in relation to—
- (I) any public infrastructure and facilities referred to in section 48 of the Act of 2001—
- (A) benefiting in whole or in part development in the relevant area, and
- (B) that it had intended to pay for from contributions made under that section,
- or
- (II) any public infrastructure service or project referred to in section 49 of that Act in the relevant area that it had intended to pay for from contributions under that section,
- (iii) the cost to either Cork local authority of its becoming liable for any other payment or expenditure by virtue of the Cork boundary alteration,

[SECTION 20]

- (b) the payment by a Cork local authority of a contribution to the other Cork local authority in respect of the cost to the latter of its becoming liable for any payment or expenditure referred to in *paragraph (a)*,
 - (c) the payment of such contribution by instalment or otherwise,
 - (d) the date or dates by which such contribution or such instalments shall be paid.
- (5) A financial settlement shall take account of the annual contribution payable by the city council to the county council under *section 22**.
- (6) A financial settlement shall be carried out by the Cork local authorities in accordance with its terms.
- (7)
 - (a) The contribution payable in respect of a year to which a financial settlement applies by a Cork local authority to the other Cork local authority in accordance with a financial settlement shall be such amount as is calculated under the financial settlement before 31 August in the year immediately preceding the year in respect of which the contribution is payable, and different amounts may be so determined in respect of different years.
 - (b) A contribution referred to in this subsection shall be paid by such date (in this section referred to as the “due date for payment”) in the year in respect of which the contribution is payable as is specified in a financial settlement.
- (8) Where any contribution required to be paid by a Cork local authority to the other Cork local authority in accordance with a financial settlement remains unpaid (in whole or in part) by the due date for payment in relation to that contribution, that contribution or that part of the contribution that remains unpaid shall be recoverable by the second-mentioned Cork local authority in any court of competent jurisdiction as a simple contract debt.
- (9) If any dispute arises as to the claim of either the city council or the county council to, or the amount of, any payment due in accordance with a financial settlement, such dispute shall be submitted to the oversight committee whose decision in relation thereto shall be final.
- (10)
 - (a) The Cork local authorities shall have regard to the implementation plan and any recommendations of the oversight committee when making a financial settlement.
 - (b) The Minister shall have regard to the implementation plan and any recommendations of the oversight committee when giving a direction under *subsection (2)*.
- (11) A financial settlement may make provision in relation to such consequential, incidental or supplementary matters as are necessary or expedient for its effective implementation.
- (12)
 - (a) The Cork local authorities may, after consultation with the oversight committee, make an arrangement (in this section also referred to as a “financial settlement”) amending a financial settlement made under *subsection (1)*.
 - (b) The Cork local authorities may, with the consent of the Minister, make an

[SECTION 20]

arrangement (in this section also referred to as a “financial settlement”) amending a financial settlement made in compliance with a direction under *subsection (2)*.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 71.]

SECTION 21

73. In page 20, line 34, to delete “in respect of” where it secondly occurs and substitute “for”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 22

74. In page 21, between lines 26 and 27, to insert the following:

“(3) For the purposes of the performance by the Minister of his or her functions under Part 4 of the Principal Act before the transfer day, the relevant area shall be deemed to be part of the city of Cork.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 23

75. In page 21, between lines 37 and 38, to insert the following:

“(2) An interim polling district arrangement shall cease to have effect upon the coming into operation of the first scheme under section 28 of the Act of 1992 made by the city council after the commencement of this section.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

76. In page 22, line 12, after “Act of 1992” to insert “made by the county council”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 24

77. In page 22, between lines 13 and 14, to insert the following:

“Development plans, etc. relating to relevant area

24. (1) The development plan in force immediately before the transfer day in respect of the functional area of the county council shall, on and after that day, continue to apply in respect of the relevant area until the next making of a development plan by the city council in respect of the functional area of the city council in accordance with section 9 of the Act of 2000.

(2) Subject to paragraph (b) of subsection (4) of section 18 of the Act of 2000, any local area plan in force immediately before the transfer day in respect of an area within the relevant area shall, on and after that day, continue to apply to the first-mentioned area until the next making of a local area plan by the city council in respect of the first-mentioned area in accordance with the said section 18.

(3) The Cork County Council Local Economic and Community Plan in force immediately before the transfer day in respect of the functional area of the county council shall, on

[SECTION 24]

and after that day, continue to apply in respect of the relevant area until the next making of a local economic and community plan by the city council in respect of the functional area of the city council in accordance with section 66B of the Principal Act.

- (4) For the avoidance of doubt, the city council may—
- (a) in accordance with section 13 of the Act of 2000, make a variation of the development plan first-mentioned in *subsection (1)* in so far only as that plan applies to the relevant area,
 - (b) in accordance with *subsection (5)* of section 18 of the Act of 2000, amend or revoke a local area plan first-mentioned in *subsection (2)* in so far only as that plan applies to the relevant area, and
 - (c) perform functions under section 66F or 66G in relation to the Cork County Council Local Economic and Community Plan referred to in *subsection (3)* in so far only as that plan applies to the relevant area.

- (5) In this section—

“development plan” has the meaning assigned to it by the Act of 2000;

“local area plan” has the meaning assigned to it by the Act of 2000.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*Acceptance of this amendment involves the deletion of section 24 of the Bill.*]

SECTION 25

- 78.** In page 22, line 34, to delete “permission granted or”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 79.** In page 22, to delete lines 37 to 39, and in page 23, to delete lines 1 to 3 and substitute the following:

“(2) (a) Subject to *paragraph (b)*, the functions of a planning authority under the Act of 2000 shall, as respects—

- (i) a decision under section 34 of that Act, or
- (ii) a determination under section 37 of that Act,

made before the transfer day in relation to development or proposed development in the relevant area, be performable from that day by the city council.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 80.** In page 23, line 7, to delete “after” and substitute “from”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

- 81.** In page 23, line 8, after “council” to insert “after consultation with the city council”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 25]

82. In page 23, to delete lines 9 to 16 and substitute the following:

“(3) Any contribution—

(a) paid before the transfer day in accordance with section 49 of the Act of 2000 for the purpose of any public infrastructure service or project in the relevant area, and

(b) vested in the city council under *Part 2*,

shall be expended by the city council for that purpose.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

83. In page 23, between lines 21 and 22, to insert the following:

“ “development” has the meaning assigned to it by the Act of 2000;”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 26

84. In page 23, line 27, after “day” to insert “and in so far only as it is not inconsistent with this Act”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

85. In page 23, line 28 to delete “in so far only as it is not inconsistent with this Act,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

86. In page 24, to delete lines 1 to 5 and substitute the following:

“(4) An instrument to which *subsection (1)* applies shall, in so far as it is inconsistent with an instrument that applies to the relevant area or part thereof by virtue of a resolution under *subsection (3)*, cease to apply to the relevant area or, as may be appropriate, any part of the relevant area to which the second-mentioned instrument applies”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 28

87. In page 24, to delete lines 13 to 16 and substitute the following:

“28. (1) Any charge in respect of—

(a) the local financial year in which the transfer day falls, or

(b) any preceding local financial year,

that, immediately before the transfer day, was due and payable to the county council shall, from the transfer day, continue to be due and payable to the county council unless the city council and the county council agree otherwise.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

88. In page 24, line 19, after “shall” to insert “, unless the city council and the county council agree otherwise,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 28]

89. In page 24, between lines 22 and 23, to insert the following:

“(b) any levy payable under Part 19A (inserted by section 7 of the Local Government (Business Improvement Districts) Act 2006) of the Principal Act.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

90. In page 24, line 24, to delete “to 2013” and substitute “to 2015”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

91. In page 24, between lines 26 and 27, to insert the following:

“(4) All housing loan debts, which are outstanding from loans provided by Cork County Council to customers residing in the transition area, shall remain with Cork County Council.”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

SECTION 29

92. In page 24, between lines 26 and 27, to insert the following:

“Reinstatement of County Cork town councils

29. All town councils in County Cork that were abolished in 2013 are hereby reinstated in the interest of local democracy.”.

—Michael Collins.

93. In page 24, between lines 26 and 27, to insert the following:

“Natural hinterland of Clonakilty

29. That the natural hinterland of Clonakilty, from Ring to Timoleague, including Courtmacsherry, Lislevane, Darrara, and Butlerstown revert back to the West Cork Municipal District, instead of moving into the Bandon/Kinsale Municipal District, to reflect the trade, tourism and educational ties in particular between these areas and West Cork. That Ring village is only 2 miles from the Town of Clonakilty, and it makes no sense to move it to the Bandon/ Kinsale District.”.

—Michael Collins.

94. In page 24, between lines 26 and 27, to insert the following:

“Blarney Tower and adjacent hinterlands

29. That the Blarney Tower and adjacent hinterlands should remain within the Cork County Council Area and not be transferred to the City Area. This would result in a population of 6,357 remaining within the County administrative area (based on the census 2016).”.

—Michael Collins.

95. In page 25, to delete lines 1 and 2 and substitute the following:

“(iii) the insertion, in subsection (5), of the following paragraph:

[SECTION 29]

“(aa) *Part 2 of the Local Government Act 2018*”;

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

96. In page 25, to delete line 9 and substitute the following:

“(c) in subsection (10) of section 140, by the insertion of the following paragraph:”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 30

97. In page 25, line 14, to delete “Local Government Act” and substitute “Act of”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

98. In page 25, lines 22 and 23, to delete “in his or her statement of response” and substitute “, in his or her statement of response,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

99. In page 25, line 31, after “boundary” to insert “and”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 31

100. In page 25, between lines 32 and 33, to insert the following:

“Making and review of development plans by Cork local authorities

31. The Act of 2000 is amended—

(a) in section 9, by the insertion of the following subsections:

“(1A) Notwithstanding subsection (1), the council of the city of Cork shall make a development plan every 6 years (or such longer period, not exceeding 7 years, as the Minister may specify by order).

(1B) Notwithstanding subsection (1), the council of the county of Cork shall make a development plan every 6 years (or such longer period, not exceeding 7 years, as the Minister may specify by order).”.

and

(b) in section 11 (inserted by section 12 of the Planning and Development (Amendment) Act 2018), by the insertion of the following paragraphs in subsection (1):

“(aa) Subject to paragraph (b) and notwithstanding paragraph (a), the council of the city of Cork shall, not later than 4 years (or such longer period, not exceeding 5 years, as the Minister may specify by order) after the making of a development plan, give notice of its intention to review its existing development plan and to prepare a new development plan for its area.

(ab) Subject to paragraph (b) and notwithstanding paragraph (a), the

[SECTION 31]

council of the county of Cork shall, not later than 4 years (or such longer period, not exceeding 5 years, as the Minister may specify by order) after the making of a development plan, give notice of its intention to review its existing development plan and to prepare a new development plan for its area.”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

101. In page 25, line 36, after “change” to insert “of circumstances”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

SECTION 32

102. In page 26, between lines 1 and 2, to insert the following:

“Amendment to Local Government Reform Act 2014

32. The Local Government Reform Act 2014 is amended in section 22A(1), by the substitution of the following paragraph for paragraph (a):

“(a) subject to subsection (4), every county and city and county set out in Part 1 and Part 3, respectively, of Schedule 5, and Cork City Council or Chomhairle Cathrach Chorcaí in Irish, in Part 2 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),”.”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

103. In page 26, between lines 1 and 2, to insert the following:

“Amendment to Planning and Development (Amendment) Act 2018

32. The Planning and Development (Amendment) Act 2018 is amended in section 13, after subsection (1A), by the insertion of the following subsection:

“(1B) The planning authority of Cork City Council, shall not in 2019, be required to begin the formal process of developing a city plan, in advance of the adoption of the Regional and Spatial Economic Strategies, within 13 weeks, however, it shall be required to begin this process in 2020.”.”.

—Eoin Ó Broin, Donnchadh Ó Laoghaire, Jonathan O'Brien, Pat Buckley.

[SECTION 32]

104. In page 26, between lines 1 and 2, to insert the following:

“PART 5*

PLEBISCITES ON DIRECT ELECTION OF MAYORS

Interpretation

32. (1) In this Part—

“directly elected mayor” means the cathaoirleach of a local authority elected to that office by the electors of the administrative area of that local authority and on whom are conferred—

- (a) some or all of the functions for the time being performable by the chief executive of that local authority, and
- (b) such other functions as may be provided by or under statute;

“local authority” means—

- (a) the council of the city of Cork,
- (b) the council of the city and county of Limerick,
- (c) the council of the city and county of Waterford, or
- (d) the council of the city of Galway and the council of the county of Galway;

“plebiscite” means, in relation to an administrative area, the plebiscite of the electors of that administrative area required to be held under this Part;

“proposal” means a proposal to provide by law for a directly elected mayor of the administrative area of a local authority.

(2) For the purposes of this Part, each of the following is an administrative area:

- (a) the administrative area of the council of the city of Cork;
- (b) the administrative area of the council of the city and county of Limerick;
- (c) the administrative area of the council of the city and county of Waterford; and
- (d) the administrative areas of the council of the city of Galway and the council of the county of Galway.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This proposed new Part comprehends the inclusion of amendment Nos. 105 to 110.]

[SECTION 32]

105. In page 26, between lines 1 and 2, to insert the following:

“Plebiscite

33. (1) The proposal shall be submitted to a plebiscite of the electors of the administrative area to which the proposal relates.
- (2) Each plebiscite shall be held on such day and at such times as the Minister shall, by order, appoint.
- (3) Each plebiscite shall be conducted in accordance with regulations made by the Minister under *section 34**.
- (4) For the purposes of a plebiscite, the local authority concerned shall, not later than 30 days before the day appointed under *subsection (2)*, cause information relating to the proposal to be published and distributed in such manner as it considers will most likely bring the proposal that is the subject of the plebiscite to the attention of electors in its administrative area.
- (5) Without prejudice to the generality of *subsection (4)*, information published and distributed in accordance with that subsection shall, in accordance with guidelines under *subsection (6)*, contain a summary of—
- (a) the functions and office of directly elected mayor for the administrative area concerned,
 - (b) the likely effect that the establishment of such office will have on the performance by the local authority concerned of its functions and the likely nature of the relationship between the holder of that office and that local authority,
 - (c) the likely nature of the relationship between the holder of that office and any other body established by or under statute charged with performing functions in relation to the administrative area concerned,
 - (d) the likely cost and other resource implications if the proposal were implemented,
 - (e) the likely effect (if any) that the proposal would have in relation to the functions and organisational structure of any other body established by or under statute,
 - (f) the possible advantages and disadvantages that would result if the proposal were implemented, and
 - (g) such further information as the Minister considers appropriate.
- (6) The Minister shall issue guidelines to each local authority regarding the publication and distribution of information to electors for the purposes of a plebiscite.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 106.]

106. In page 26, between lines 1 and 2, to insert the following:

“Regulations

34. (1) The Minister may make regulations for the purposes of this Part.
- (2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision in relation to any one or more of the following:
- (a) the form of the ballot paper in respect of a plebiscite, including the wording of the proposal to be included on the ballot paper;
 - (b) arrangements and requirements relating to the publication of notices and the provision of information to electors;
 - (c) the appointment of the returning officer for the purposes of the plebiscite, his or her duties and the assignment of staff to him or her for the purposes of the plebiscite;
 - (d) the taking of the poll and the counting (including recounting) of votes in a plebiscite;
 - (e) the use of school premises and other premises to which the public ordinarily have access for purposes connected with a plebiscite;
 - (f) arrangements for—
 - (i) voting at the plebiscite in person or by post,
 - (ii) special voting, and
 - (iii) voting at the plebiscite by persons who are members of the staff of the returning officer;
 - (g) voting at a plebiscite by electors who are physically ill or physically disabled;
 - (h) polling at a plebiscite on islands that form part of the administrative area in which the plebiscite is being conducted;
 - (i) the issue of polling information cards;
 - (j) the maintenance of the secrecy of the ballot;
 - (k) the removal of persons misconducting themselves in polling stations;
 - (l) procedures to be followed in cases of disorder or obstruction at polling stations or otherwise in relation to the holding of a plebiscite;
 - (m) procedures to be followed in the case of damage to ballot boxes or damage to a polling station;
 - (n) arrangements to prevent interference with ballot boxes or ballot papers and procedures to be followed should such interference occur or be suspected of having occurred;
 - (o) modifications of the provisions specified in *section 35** for the purposes of that section; and

[SECTION 32]

- (p) such other matters relating to the holding of a plebiscite as the Minister considers appropriate.
- (3) Where regulations under this section are proposed to be made, 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.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 107.]

107.In page 26, between lines 1 and 2, to insert the following:

“Electoral offences

- 35.** Articles 67, 95, 96, 97, 98, 99, 100, 101, 106, 107, 108, 109, 110, 111, 113, 115, 116, 117, 118, 119 and 123 of the Local Elections Regulations 1995 (S.I. No. 297 of 1995) shall apply and have effect in relation to a plebiscite as they apply and have effect in relation to a local election, subject to such necessary modifications as shall be specified in regulations under *section 34**.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 106.]

108.In page 26, between lines 1 and 2, to insert the following:

“Persons entitled to vote at a plebiscite

- 36.** (1) Every person whose name is entered on the register of local government electors—
- (a) prepared under Part II of the Act of 1992, and
 - (b) in force for the city of Cork for the purpose of the local elections in 2019 as specified in *section 22*,
- shall be entitled to vote in the plebiscite in respect of that administrative area.
- (2) Every person whose name is entered on the register of local government electors—
- (a) prepared under Part II of the Act of 1992, and
 - (b) for the time being in force for the city and county of Limerick,
- shall be entitled to vote in the plebiscite in respect of that administrative area.
- (3) Every person whose name is entered on the register of local government electors—
- (a) prepared under Part II of the Act of 1992, and
 - (b) for the time being in force for the city and county of Waterford,
- shall be entitled to vote in the plebiscite in respect of that administrative area.
- (4) (a) Every person whose name is entered on the register of local government

[SECTION 32]

electors—

(i) prepared under Part II of the Act of 1992, and

(ii) for the time being in force for the city of Galway,

shall be entitled to vote in the plebiscite in respect of the administrative areas of the city of Galway and the county of Galway.

(b) Every person whose name is entered on the register of local government electors—

(i) prepared under Part II of the Act of 1992, and

(ii) for the time being in force for the county of Galway,

shall be entitled to vote in the plebiscite in respect of the administrative areas of the city of Galway and the county of Galway.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

109. In page 26, between lines 1 and 2, to insert the following:

“Report to Houses of Oireachtas

37. The Minister shall, in respect of each administrative area in respect of which a plebiscite is held in accordance with this Part and not later than 2 years from the day appointed under *subsection (2) of section 33**, prepare and submit to both Houses of the Oireachtas either—

(a) a report specifying proposals for the enactment of a law providing for a directly elected mayor for such administrative area, or

(b) a report specifying the reasons for his or her not preparing and submitting a report under *paragraph (a)*.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the section proposed to be inserted by amendment No. 105]

110. In page 26, between lines 1 and 2, to insert the following:

“Costs of holding plebiscites

38. The costs incurred by a local authority in the holding of a plebiscite shall be borne by that local authority.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SECTION 32]

111. In page 26, between lines 1 and 2, to insert the following:

“PART 6*

URBAN AREAS

Interpretation

39. (1) In this Part—

“greater urban area” means—

- (a) an urban area, and
- (b) any part of the administrative area of a local authority designated under *section 41*** by the urban area committee appointed for that urban area;

“urban area” shall be construed in accordance with *subsection (2)*.

- (2) (a) For the purposes of this Part, an area that lies within the administrative areas of more than one local authority is an urban area if—
 - (i) the population thereof, as recorded in the most recent census of population, is not less than 1,500 persons and not greater than 100,000 persons,
 - (ii) each dwelling situated therein is within 100 metres of another dwelling so situated, and
 - (iii) the population, as so recorded, of each part of the area consists of not less than—
 - (I) 15 per cent of the population of the area, or
 - (II) 1,500 persons,whichever is lower.
- (b) In this subsection “part” means, in relation to an area that is situated in more than one administrative area, that part of each such administrative area that is situated in the area first-mentioned in this definition.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This proposed new Part comprehends the inclusion of amendment Nos. 112 to 114.]

[**This is a reference to the section proposed to be inserted by amendment No. 113.]

112. In page 26, between lines 1 and 2, to insert the following:

“Urban area committee

40. (1) The local authorities within whose administrative areas an urban area is situated shall, not later than 6 months after the commencement of this section, appoint a committee (in this section referred to as an “urban area committee”) to perform the functions of

[SECTION 32]

an urban area committee conferred by this Part.

- (2) The members of an urban area committee shall be appointed by the local authorities within whose administrative areas the urban area for which that committee is appointed is situated.
- (3) The following shall be members of an urban area committee:
 - (a) the cathaoirleach of each of the local authorities within whose administrative areas the urban area concerned is situated,
 - (b) 6 other persons nominated in accordance with *subsection (4)*,
 - (c) not fewer than 2 and not more than 4 persons who, in the opinion of the local authorities by whom they are appointed, have experience and expertise in relation to—
 - (i) the provision of transport,
 - (ii) the provision of housing,
 - (iii) the development of infrastructure, or
 - (iv) business and trade,nominated in accordance with *subsection (5)*.
- (4) For the purposes of *subsection (3)*, each local authority within whose administrative area the urban area concerned is situated shall nominate, for appointment to the urban area committee in accordance with *paragraph (b) of subsection (3)*, 3 persons (other than the cathaoirleach of that local authority) who are members of that local authority elected in respect of local electoral areas situated (in whole or in part) within that urban area.
- (5) The cathaoirligh of the local authorities within whose administrative areas the urban area concerned is situated shall, in accordance with guidelines issued by the Minister, nominate persons for appointment to an urban area committee in accordance with *paragraph (c) of subsection (3)* from among persons who are not members of either such local authority.
- (6) The chairperson of an urban area committee shall be appointed from among the members of that committee by—
 - (a) those members, or
 - (b) the Minister, where those members fail to appoint a chairperson of that committee within 2 weeks from their appointment as members of that committee.
- (7) An urban area committee shall hold such and so many meetings as may be necessary for the due fulfilment of their functions.
- (8) The local authorities within whose administrative areas the urban area concerned is situated shall fix the date, time and place of the first meeting of an urban area committee.
- (9) At a meeting of an urban area committee—

[SECTION 32]

- (a) the chairperson of that committee shall, if present, be the chairperson of the meeting, or
 - (b) if and so long as the chairperson of that committee is not present or if that office is vacant, the other members of that committee who are present shall choose one of their number to be chairperson of the meeting.
- (10) Every question at a meeting of an urban area committee shall, subject to *subsection (11)*, be determined by a majority of the votes of the members of that committee present and voting on the question, and, in the case of an equal division of votes, the chairperson shall have a second or casting vote.
- (11) The members of an urban area committee appointed in accordance with *paragraph (c)* of *subsection (3)* shall not be entitled to vote on any question at a meeting of that committee.
- (12) Subject to *subsection (14)*, an urban area committee may act notwithstanding one or more vacancies among their members.
- (13) Subject to this section, an urban area committee shall regulate their procedure by rules or otherwise.
- (14) The quorum for a meeting of an urban area committee shall be 4 members of that committee entitled to vote at such meeting.
- (15) (a) An urban area committee shall appoint such persons to provide the urban area committee with administrative support as the urban area committee shall determine from among persons nominated under *paragraph (b)* by the local authorities within whose administrative areas the urban area for which that urban area committee was appointed is situated.
- (b) Each local authority within whose administrative area part of an urban area is situated shall, after consultation with the other local authority within whose administrative area part of that urban area is situated, nominate such and so many of the members of its staff as it may determine for the purposes of *paragraph (a)*.
- (16) The members of the staff of a local authority assigned to provide administrative support to an urban area committee in accordance with *subsection (15)* shall perform functions on behalf of that committee under the direction and control of that committee.”

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

113. In page 26, between lines 1 and 2, to insert the following:

“Functions of urban area committees

41. (1) For the purposes of this section, an urban area committee may designate any part or parts adjoining the urban area concerned of an administrative area of a local authority in which part of the urban area is situated.
- (2) If an urban area committee fails to make a designation under this section within 3 months from their appointment, the Minister may, by order, make such a designation.

[SECTION 32]

(3) The functions of a planning authority under Chapter II of Part II of the Act of 2000 shall be performable in relation to an urban area by the urban area committee appointed in respect of that urban area, and accordingly the said Chapter II shall apply to an urban area subject to the following modifications:

(a) the insertion of the following section:

“Definitions

17A. In this Chapter ‘urban area’ and ‘urban area committee’ have the same meanings as they have in *Part 5** of the *Local Government Act 2018*.”,

(b) the substitution of “chief executives of the local authorities within whose administrative areas the urban area concerned is situated” for “manager” in each place that it occurs,

(c) in section 18, by—

(i) the substitution, of the following subsections for subsection (1):

“(1) An urban area committee may, at any time, prepare a local area plan for the urban area in respect of which the urban area committee was appointed.

(1A) A local area plan in force in respect of an urban area immediately before the appointment of the urban area committee for that urban area shall, upon and after such appointment, continue to have effect in relation to that urban area until the making by that urban area committee of a local area plan under subsection (1) (as modified by *subsection (3) or (4) of section 41** of the Local Government Act 2018*) or the amendment or revocation by that urban area committee of the first-mentioned local area plan under subsection (5) (as so modified).”,

(ii) the deletion of subsection (2) and paragraph (b) of subsection (4),

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

“(5) An urban area committee may at any time amend or revoke—

(a) a local area plan prepared by them, or

(b) a local area plan prepared by a planning authority in so far as it applies to the urban area in respect of which that urban area committee was appointed.”,

and

(iv) the substitution, in subsection (6), of “urban area committee” for “planning authority”,

(d) in section 19, by—

(i) the deletion of paragraphs (a), (b) and (bb) of subsection (1),

(ii) the substitution, in paragraph (c) of subsection (1), of “urban area

[SECTION 32]

committee” for “planning authority”,

(iii) the substitution, in paragraph (d) of subsection (1), of “an urban area committee may, as they consider appropriate, decide to defer the sending of a notice under section 20(3)(a)(i)” for “a planning authority may, as they consider appropriate, by resolution defer the sending of a notice under section 20(3)(a)(i)”,

(iv) the substitution of the following paragraph for paragraph (e) of subsection (1)—

“(e) An urban area committee shall not make a decision under paragraph (d) until they have—

(i) notified the chief executives of the local authorities within whose administrative areas the urban area for which that committee was appointed is situated of the proposed decision and the reasons therefor, and

(ii) sought and obtained from those chief executives—

(I) an opinion that the objectives of the local area plan have not been substantially secured, and

(II) confirmation—

(A) that the sending and publishing of the notices may be deferred, and

(B) of the period for which they may be deferred.”,

(v) the substitution of the following paragraph for paragraph (f) of subsection (1)—

“(f) Notification of a decision under paragraph (d) shall be published by the urban area committee in a newspaper circulating in the urban area concerned not later than 2 weeks after the decision is made, and notice of the decision shall be made available—

(i) for inspection at the offices of the local authorities within whose administrative areas the urban area is situated by members of the public during office hours, and

(ii) by publishing the notice on the internet website of the urban area committee and the internet websites of those local authorities.”,

(vi) the substitution, in subsection (2), of “A local area plan shall be consistent with any regional spatial and economic strategy that applies to the area of the plan and shall consist of a written statement which shall include” for “A local area plan shall be consistent with the objectives of the development plan, its core strategy, and any regional spatial and economic strategy that apply to the area of the plan and shall consist of a written statement and a plan or plans which may include”,

[SECTION 32]

- (vii) the substitution, in subsection (2), of “urban area committee” for “planning authority”,
 - (viii) the substitution, in subsection (2A), of “urban area committee” for “planning authority”,
 - (ix) the deletion of subsection (2B), and
 - (x) the substitution, in subsection (3), of “urban area committee” for “planning authority”, and
- (e) in section 20, by—
- (i) the substitution of “urban area committee” for “planning authority” in each place that it occurs,
 - (ii) the substitution of “urban area committee” for “members of the planning authority” in each place that it occurs,
 - (iii) the substitution of “urban area committee” for “members of a planning authority” in each place that it occurs,
 - (iv) the substitution of “report of the chief executives of the local authorities within whose administrative areas the urban area concerned is situated” for “manager’s report” in each place that it occurs,
 - (v) the substitution, in subparagraph (i) of paragraph (c) of subsection (3), of “chief executives of the local authorities within whose administrative areas the urban area concerned is situated” for “manager of a planning authority”,
 - (vi) the substitution of the following subparagraph for subparagraph (ia) of paragraph (c) of subsection (3):
 - “(ia) The report of the chief executives of the local authorities within whose administrative areas the urban area concerned is situated shall be published by those local authorities on their internet websites as soon as practicable after the report is submitted to the urban area committee concerned under subparagraph (i)”,
 - (vii) the substitution, in clause (III) of subparagraph (ii) of paragraph (c) of subsection (3), of “their” for “his or her”,
 - (viii) the substitution, in subparagraph (i) of paragraph (d) of subsection (3), of “urban area committee concerned” for “members of a planning authority”,
 - (ix) the substitution, in subparagraph (ii) of paragraph (d) of subsection (3) of—
 - (I) “their” for “his or her”, and
 - (II) “the urban area committee, unless the urban area committee” for “all the members of the authority, unless the planning authority, by resolution”,
 - (x) the substitution, in paragraph (e) of subsection (3), of—
 - (I) “urban area committee” for “members of the authority”,

[SECTION 32]

- (II) “making of a decision” for “passing of a resolution”, and
- (III) “urban area committee consider” for “authority considers”,
- (xi) the substitution, in paragraph (g) of subsection (3), of—
 - (I) “they consider” for “he or she considers”, and
 - (II) “making of a decision” for “passing of a resolution”,
- (xii) the substitution, in paragraph (ja) of subsection (3), of—
 - (I) the following subparagraph for subparagraph (i):
 - “(i) Written submissions and observations received by an urban area committee under this subsection shall, subject to subparagraph (ii), be published on the internet website of that committee not later than 10 days working from their receipt by the committee,”,
 - (II) “urban area committee” for “local authority” in clause (III) of subparagraph (ii),
- (xiii) the substitution of the following paragraph for paragraph (ka):
 - “(ka) The report of the chief executives of the local authorities within whose administrative areas the urban area concerned is situated shall be published by those local authorities on their internet websites as soon as practicable after the report is submitted to the urban area committee concerned under paragraph (k).”,
- (xiv) the substitution, in subparagraph (iii) of paragraph (l) of subsection (3), of—
 - (I) “their” for “his or her”, and
 - (II) “they consider” for “he or she considers”,
- (xv) the substitution, in paragraph (m) of subsection (3), of “urban area committee” for “members of the authority”,
- (xvi) in paragraph (n) of subsection (3), by—
 - (I) the deletion, of “by resolution”, and
 - (II) the substitution of “the urban area committee” for “all the members of the authority”,
- (xvii) the deletion, in paragraph (o) of subsection (3), of—
 - (I) “by resolution”, and
 - (II) subparagraph (i),
- (xviii) the deletion of paragraph (p) of subsection (3), and
- (xix) the deletion of paragraph (a) of subsection (5) (inserted by section 17 of the Planning and Development (Amendment) Act 2018).

[SECTION 32]

(4) The functions of a planning authority under Chapter II of Part II of the Planning and Development Act 2000 shall be performable in relation to a greater urban area by the urban area committee appointed in respect of the urban area that forms part of that greater urban area, and accordingly the said Chapter II shall apply to a greater urban area subject to the modifications specified in subparagraphs (ii), (iii) and (iv) of paragraph (c), subparagraphs (i), (ii), (iii), (iv), (vi), (vii), (viii), (ix) and (x) of paragraph (d) and subparagraphs (i), (ii), (iii), (vii), (viii), (ix), (x), (xi), (xii), (xiv), (xv), (xvi), (xvii), (xviii) and (xix) of paragraph (e), of subsection (3), and the following modifications:

(a) the insertion of the following section:

“Definitions

17A. In this Chapter ‘greater urban area’ and ‘urban area committee’ have the same meanings as they have in *Part 6*** of the Local Government Act 2018.*”

(b) the substitution of “chief executives of the local authorities within whose administrative areas the greater urban area concerned is situated” for “manager” in each place that it occurs,

(c) in section 18, by the substitution of the following subsection for subsection (1):

“(1) An urban area committee may, at any time, prepare a local area plan for the greater urban area within which is situated the urban area in respect of which the urban area committee was appointed.

(1A) A local area plan in force in respect of a greater urban area immediately before the appointment of the urban area committee for the urban area that forms part of that greater urban area shall, upon and after such appointment, continue to have effect in respect of that greater urban area until the making by that urban area committee of a local area plan under subsection (1) (as modified by *subsection (3) or (4) of section 41** of the Local Government Act 2018*) or the amendment or revocation by that urban area committee of the first-mentioned local area plan under subsection (5) (as so modified).”

(d) in section 19, by the substitution of the following paragraph for paragraph (f) of subsection (1):

“(f) Notification of a decision under paragraph (d) shall be published by the urban area committee in a newspaper circulating in the greater urban area concerned not later than 2 weeks after the decision is made and notice of the decision shall be made available—

(i) for inspection at the offices of the local authorities within whose administrative areas the greater urban area is situated by members of the public during office hours, and

(ii) by publishing the notice on the internet website of the urban area committee and the internet websites of those local authorities.”

[SECTION 32]

and

(e) in section 20, by—

- (i) the substitution of “chief executives of the local authorities within whose administrative areas the greater urban area concerned is situated” for “manager” in each place that it occurs,
- (ii) the substitution of “report of the chief executives of the local authorities within whose administrative areas the greater urban area concerned is situated” for “manager’s report” in each place that it occurs,
- (iii) the substitution, in subparagraph (i) of paragraph (c) of subsection (3), of “chief executives of the local authorities within whose administrative areas the greater urban area concerned is situated” for “manager of a planning authority”,
- (iv) the substitution of the following subparagraph for subparagraph (ia) of paragraph (c) of subsection (3):

“(ia) The report of the chief executives of the local authorities within whose administrative areas the greater urban area concerned is situated shall be published by those local authorities on their internet websites as soon as practicable after the report is submitted to the urban area committee concerned under subparagraph (i)”, and

(v) the substitution of the following paragraph for paragraph (ka) of subsection (3):

“(ka) The report of the chief executives of the local authorities within whose administrative areas the greater urban area concerned is situated shall be published by those local authorities on their internet websites as soon as practicable after the report is submitted to the urban area committee concerned under paragraph (k).”.

(5) Subsection (1) of section 131A of the Principal Act shall not apply to a function performable by an urban area committee in accordance with this section.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the Part proposed to be inserted by amendment No. 104.]

[**This is a reference to the section proposed to be inserted by this amendment.]

[***This is a reference to the Part proposed to be inserted by amendment No. 111.]

114. In page 26, between lines 1 and 2, to insert the following:

“Amendment of section 10 of Act of 2000

42. Section 10 of the Act of 2000 is amended by the insertion of the following subsection:

“(11) Any provision of a development plan that is inconsistent with a local area plan made by an urban area committee under *Part 6** of the *Local*

[SECTION 32]

Government Act 2018 shall not have effect in relation to the urban area or greater urban area to which that local area plan applies.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[*This is a reference to the Part proposed to be inserted by amendment No. 111.]

115. In page 26, line 5, to delete “The Principal Act is amended” and substitute “Chapter 2 of Part 14 of the Principal Act is amended by”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

116. In page 26, line 6, to delete “by”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

117. In page 26, line 8, to delete “and” where it secondly occurs.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

118. In page 26, line 9, to delete “in Chapter 2 of Part 14, by”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

119. In page 27, line 14, to delete “applies” and substitute “applies,”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

120. In page 27, line 15, after “subsection (1)” to insert “of section 145”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

121. In page 27, line 16, after “and (5)” to insert “of that section”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

122. In page 27, lines 17 and 18, to delete “of section 145 shall not apply to the chief executive of the Galway local authorities appointed” and substitute “shall not apply to the appointment of the chief executive of the Galway local authorities”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

123. In page 27, line 35, to delete “Galway.” and substitute the following:

“Galway.”, and

(c) the substitution, in subsection (1) of section 145, of the following paragraph for paragraph (a):

“(a) the appointment—

(i) by a county council, city council or a city and county council of a chief executive, or

(ii) by the council specified by order under subsection (6) of section 144A of the chief executive of the Galway local authorities within the meaning of that section,

under section 6 of the Local Authorities (Officers and Employees) Act 1926 (in this section referred to as the ‘Act of 1926’) by virtue

[SECTION 32]

of a recommendation of the Chief Executive of the Public Appointments Service, and”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

Section opposed.

—Mattie McGrath, Michael Collins, Noel Grealish, Michael Fitzmaurice, Eoin Ó Broin, Darragh O’Brien, Catherine Connolly.

NEW SECTION

124.In page 27, after line 35, to insert the following:

“Amendment of section 32 of Official Languages Act 2003

33. (1) Section 32 of the Official Languages Act 2003 is amended—

(a) in the Irish text, by the substitution of the following subsection for subsection (2):

“(2) Ní dhéanfaidh an tAire ordú faoin alt seo i leith áit lena mbaineann ordú faoi fho-alt (3) d’alt 192 (a cuireadh isteach le halt 48 den Acht Comhshaoil (Forálacha Ilghnéitheacha), 2011) den Acht Rialtais Áitiúil, 2001.”,

and

(b) in the English text, by the substitution of the following subsection for subsection (2):

“(2) The Minister shall not make an order under this section in respect of a place to which an order under subsection (3) of section 192 (inserted by section 48 of the Environment (Miscellaneous Provisions) Act 2011) of the Local Government Act 2001 applies.”.

(2) Section 49 of the Environment (Miscellaneous Provisions) Act 2011 is repealed.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

125.In page 27, after line 35, to insert the following:

“Amendment of Building Control Act 2007

34. The Building Control Act 2007 is amended—

(a) in paragraph (a) of the definition of registration body in subsection (1) of section 2, by the substitution of “Royal Institute of the Architects of Ireland” for “Royal Institute of Architects of Ireland”, and

(b) in subsection (1) of section 13, by the substitution of “Royal Institute of the Architects of Ireland” for “Royal Institute of Architects of Ireland”.”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

[SCHEDULE]

SCHEDULE

126.In page 29, line 16, to delete “be 2” and substitute “be 3”.

—Mattie McGrath, Michael Collins.

TITLE

127.In page 5, line 6, to delete “to provide” and substitute the following:

“to provide for the holding of plebiscites by certain local authorities on the question as to whether or not the cathaoirligh of those local authorities should be elected to such positions by the electors of the administrative areas of those local authorities and the question as to whether or not certain functions of the chief executives of those local authorities should be transferred to those cathaoirligh; to provide for the making of local area plans under the Planning and Development Act 2000 in relation to certain urban areas by committees appointed for that purpose; to provide”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.

128.In page 5, lines 9 to 11, to delete all words from and including “for” in line 9 down to and including “2001” in line 11 and substitute the following:

“for those and other purposes to amend the Local Government Act 1991, the Local Government Act 2001, the Valuation Act 2001, the Official Languages Act 2003 and certain other enactments”.

—An tAire Tithíochta, Pleanála agus Rialtais Áitiúil.