



## **Tithe an Oireachtais**

An Comhchoiste um Thithíocht, Pleanáil agus Rialtas Áitiúil

Tuarascáil maidir le Grinnscrúdú ar Bhille na dTithe (Teaghlaigh gan Dídean),  
2017 [BCP]

Deireadh Fómhair 2019

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## **Houses of the Oireachtas**

Joint Committee on Housing, Planning & Local Government

Report on Scrutiny of the Housing (Homeless Families) Bill 2017 [PMB]

October 2019

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## Introduction –

This is the report of the Joint Committee on Housing, Planning and Local Government's detailed scrutiny of the Housing (Homeless Families) Bill 2017 (the Bill).

The Bill was referred to the Select Committee on Housing, Planning and Local Government by order of the Dáil of 15<sup>th</sup> November 2017.

The Minister for Housing, Planning and Local Government was included in the circulation of a draft of this report, in accordance with Standing Order 95, as an *ex officio* Committee Member.

## Procedural basis for scrutiny –

At its meeting of the 17<sup>th</sup> of January 2018, the Committee agreed to undertake scrutiny of the Housing (Homeless Families) Bill 2017. Private Members Bills referred to Select Committee are subject to the provisions of Standing Order 141 [Dáil], which provides that a Select Committee "*shall undertake detailed scrutiny of the provisions of such Bills ... and shall report thereon to the Dáil prior to Committee Stage consideration ...*" unless the Committee decides in relation to a particular Bill that detailed scrutiny is not necessary.

Paragraph (c) of Standing Order 141 permits scrutiny of the Bill in Joint Committee, viz. "*Nothing in this Standing Order shall preclude a Joint Committee from undertaking detailed scrutiny and reporting thereon to both Houses prior to Committee Stage consideration of the Bill by the Select Committee*".

## Purpose of the Bill –

At present the Housing Act 1988 refers to a person as homeless if there is no accommodation available which the person, “*together with any other person who normally resides with him or who might reasonably be expected to reside with him*”, can reasonably be expected to occupy<sup>1</sup>. Such a homeless person is entitled to apply to a housing authority for accommodation or other assistance. However, there is no explicit recognition in the current legislative scheme of those ‘other persons’ as persons in their own right, with entitlements in their own right. Specifically, there is currently no statutory recognition of the needs of a homeless family as a family unit.

According to the explanatory memorandum, the purpose of the Bill is:

*“to impose an obligation on housing authorities to recognise these persons as a family unit, and to have specific regard to the best interests of the children of homeless families, in crisis accommodations situations”.*

The Housing (Homeless Families) Bill 2017 would, if enacted, amend the Housing Act 1988 by inserting a new section 10A, which would require housing authorities to recognise the family unit and consider the best interests of the child as paramount, when making a decision in relation to a request for accommodation or assistance for a homeless person. According to the explanatory memorandum, under the new section 10A the housing authority must have regard to how it may practically assist families so as to support and encourage the functioning of the family unit, as well as the development, welfare, and protection of children in the family home.

## Legislative context

Section 10 of the **Housing Act 1988**<sup>2</sup> sets out the role and responsibilities of the housing authority in relation to homeless people. It provides that, subject to regulations, a housing authority may provide a homeless person with

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<sup>1</sup> Housing Act, 1988, Section 2 -

<http://www.irishstatutebook.ie/eli/1988/act/28/section/2/enacted/en/html#sec2>

<sup>2</sup> Housing Act 1988. <http://www.irishstatutebook.ie/eli/1988/act/28/enacted/en/print>

accommodation or financial assistance, or make arrangements with a body approved by the Minister to do so.

Under the **Child Care Act 1991**<sup>3</sup> (as amended), Tusla are required to take “reasonable steps” to make available accommodation to children who are homeless. These children may be taken into the care of Tusla, or if they are aged 16 or 17, provided with accommodation under section 5 of the Act.

In cases where children are part of a family experiencing homelessness, the Department of Children and Youth Affairs works with Tusla to provide supports, such as free childcare, along with a daily meal for each child. This is also designed to help those transitioning from homelessness to permanent accommodation<sup>4</sup>.

Following the **Children’s Referendum** in 2012, the **Thirty-first Amendment of the Constitution (Children) Act 2012**<sup>5</sup> amended the Constitution by inserting clauses relating to children’s rights and the right and duty of the State to take child protection measures.

A new Article 42A was inserted after Article 42 which contained an explicit statement that –

*“the State recognises and affirms the natural and imprescriptible rights of all children and shall, as far as practicable, by its laws protect and vindicate those rights.”*<sup>6</sup>

While the Bill is an addition to the 1988 Act, it is inspired by and in concert with Article 42A of the Constitution.

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<sup>3</sup> Child Care Act 1991. <http://revisedacts.lawreform.ie/eli/1991/act/17/revised/en/html>

<sup>4</sup> Parliamentary Question 206, 22<sup>nd</sup> February 2018. [https://www.oireachtas.ie/en/debates/question/2018-02-22/206/#pq\\_206](https://www.oireachtas.ie/en/debates/question/2018-02-22/206/#pq_206)

<sup>5</sup> Thirty-first Amendment of the Constitution Act, 2012, <http://www.irishstatutebook.ie/eli/2012/ca/31/enacted/en/html>

<sup>6</sup> Article 42A of the Constitution of Ireland - Irish Statute Book. <http://www.irishstatutebook.ie/eli/cons/en/html#article42A>

## Policy Context

The Rebuilding Ireland Action Plan for Housing and Homelessness<sup>7</sup>, published in July 2016, is the primary policy document for the sector. The over-arching aims of the plan were to ramp up delivery across all tenures to help individuals and families meet their housing needs; and to help those who are currently housed but vulnerable to remain in their homes or be provided with appropriate alternatives, especially those families in emergency accommodation.

Currently, when a family presents as homeless they are assessed by their Local Authority and emergency accommodation is provided until a tenancy is identified and secured. Homeless families are supported to exit homelessness by the local authorities and their NGO service delivery partners. The Department of Housing, Planning and Local Government (the Department) issues regular guidance on how things should operate at local level when somebody presents as homeless. For example, in Dublin the Dublin Regional Homeless Executive, DRHE, has documented procedures for when someone presents as homeless and there are various steps to be taken in dealing with families who present.

The Department works with the Department of Children and Youth Affairs and Tusla and there are protocols in place, particularly with regards child protection.

However, while child protection legislation gives responsibilities to Tusla to respond to the needs of homeless children this is only in cases where children are not in the care of their parents or guardians.

Upon presenting as homeless, families may be placed in one of several types of emergency accommodation.

Categories of emergency accommodation include:

- Private emergency accommodation – accommodation rented directly from private landlords, B&Bs and hotels;
- Supported temporary accommodation – hostel accommodation and Family Hubs with onsite support from NGOs e.g. Focus Ireland, Simon, or Crosscare; and

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<sup>7</sup> Rebuilding Ireland - <https://rebuildingireland.ie/>

- Temporary emergency accommodation – hostel accommodation with low or minimal support.

Emergency accommodation can be difficult for families, as in some cases, there may be no fridges, cooking, or laundry facilities. Families may also face additional costs in relation to transport, laundry and meal costs. Under Rebuilding Ireland, Leap cards are provided to families in the Dublin region. Other issues include lack of privacy, long travelling times to schools and child protection issues.

The Government has stated its commitment to reducing the use of hotels for emergency accommodation to “*limited circumstances*”<sup>8</sup> and where possible local authorities have been using Supported Family Accommodation “*Family hubs*”. The DRHE describes these hubs as follows:

*“Family hubs are an important first response for families who become homeless and who have no alternative other than commercial hotels. The hubs will provide more appropriate and suitable accommodation for families. They are not the long-term housing solution as families will move into houses and apartments that will be provided under social housing supports, as supply becomes available. This type of emergency accommodation provides a secure and stable placement for families on an on-going basis unlike the insecurity of hotel accommodation especially during peak periods and holidays”<sup>9</sup>.*

In January 2018, the Homeless HAP scheme was made available in all local authorities, with the Department of Housing, Planning and Local Government funding dedicated Place-Finder officers in approximately 20 local authorities<sup>10</sup>. Place-Finder officers work with families who are experiencing homelessness to identify a tenancy in the private rented sector and can provide financial support by way of rent deposit and advance rent payments.

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<sup>8</sup> Rebuilding Ireland: Action Plan for Housing and Homelessness, p.34. Government of Ireland (2016). [http://rebuildingireland.ie/Rebuilding%20Ireland\\_Action%20Plan.pdf](http://rebuildingireland.ie/Rebuilding%20Ireland_Action%20Plan.pdf)

<sup>9</sup> Accommodation for families - Dublin Region Homeless Executive. <https://www.homelessdublin.ie/solutions/family-accommodation>

<sup>10</sup> Housing Assistance Payment - Citizens Information. [https://www.citizensinformation.ie/en/housing/renting\\_a\\_home/housing\\_assistance\\_payment.html](https://www.citizensinformation.ie/en/housing/renting_a_home/housing_assistance_payment.html)

## Pre-Committee Stage scrutiny

On the 3rd of October 2018, the Joint Committee held two sessions scrutinising the Bill. In the first session, the sponsor of the Bill, Jan O' Sullivan T.D. briefed the Committee on the main provisions of the Bill. The Committee resumed scrutiny of the Bill in a second session on the same day with Ms. Mary Hurley and Mr. David Kelly from the Department of Housing, Planning and Local Government.

Deputy O' Sullivan explained that drafting of the Bill began following an incident on 23<sup>rd</sup> May 2017, in which 12 families with 30 children between them could not be accommodated by homeless services in Dublin and were referred to Garda stations.<sup>11</sup>

Deputy O' Sullivan explained that in recent years it has become common practice, particularly in Dublin, for local authorities to require a family assessed as homeless to identify their own emergency accommodation in a hotel or bed and breakfast, a process commonly known as self-accommodation. According to Deputy O' Sullivan, under this process, no assessment is carried out to identify whether the family are capable of securing such a room, the impact of the uncertainty on the children, and in cases where families are unable to secure accommodation or 'contingency beds', there are no official guidelines on the advice that should be given to the family or how the incident should be reported or recorded.

In the Bill's expanded memo, it is explained that for the amendment to be meaningful, it would have to be followed by a drafting of guidance to local authority staff as to the practical meaning of this legislative change, with such guidance reflecting the expertise of both the Department of Housing, Planning and Local Government and the Department of Children and Youth Affairs.

Deputy O' Sullivan explained her rationale for the Bill, stating that there is a specific need to address the issue of children and families affected by homelessness, particularly in the context of the referendum on the rights of children. In the context of the wording of the amendment inserted into the constitution, Deputy O' Sullivan explained that there is a need to ensure that

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<sup>11</sup> <https://www.thejournal.ie/homeless-families-children-3407389-May2017/>



laws are drafted in order that those rights can be vindicated in a practical way, and in particular, they that require local authorities and the State to recognise the rights of a child in a family unit when applying for accommodation or other forms of assistance.

Deputy O' Sullivan explained that at present, the Act refers to a person as homeless if there is no accommodation available which he, together with any other person who normally resides with him, can be reasonably expected to occupy. There is no explicit recognition in the current scheme of those other persons, as persons in their own right, with entitlement under law. Deputy O' Sullivan explained that in 1988 there was no statutory recognition of the needs of a homeless family as a unit, nor is there any statutory recognition of the constitutional rights of homeless children. Deputy O' Sullivan stated that the sole purpose of the new section 10A is to oblige housing authorities to recognise persons in accommodation as a family unit and to have specific regard to the best interests of children of homeless families.

Deputy O' Sullivan explained that the new section 10A, "Homeless persons and children", applies where a request for accommodation or other assistance is made to a housing authority by or on behalf of a homeless person when a person who normally resides, or who might reasonably be expected to reside with the homeless person, is a child. Deputy O' Sullivan stated that under the new Bill, the housing authority must, when making a decision on the request, recognise the persons concerned as a family unit and must regard the best interests of the child as a paramount consideration. She stated the housing authority must have particular regard to the need, by practical means, to protect and encourage the effective functioning of families and the development, welfare and protection of children within the family home.

The Committee resumed scrutiny of the Bill with Ms. Mary Hurley and Mr. David Kelly from the Department. The Department explained that the existing system provides for the emergency accommodation needs of homeless families with children and that the current homeless assessment arrangements give housing authorities the flexibility to respond to the various needs of families who present to them, and housing authorities make every reasonable effort to address their accommodation needs. Ms. Hurley explained that while every case that presents

to homeless services is different, housing authorities endeavour to ensure the response they provide is the most appropriate to the particular circumstances of each case.

The Department outlined the work done with Local Authorities in developing family hubs, which provide a short-term solution in accommodating families experiencing homelessness by providing cooking and laundry facilities, with greater space for recreational facilities, as well as other family-centred supports. Ms. Hurley advised that families in these hubs are supported by local authorities to identify and secure independent tenancies. The Department also advised that they work with Tusla and the Department of Children and Youth Affairs and there are protocols in place with regards child protection.

Ms. Hurley further expanded on the work done by the Department on the homeless HAP place-finder programme. She explained that the programme was made available to all local authorities in 2018, and that place-finder officers work with families experiencing homelessness to find a tenancy in the private rented sector, and can provide financial support by way of rent deposit and advance rent payments.

The Department acknowledged that the principle of the Bill - "*the prioritisation of the protection of children and families*" - was a key objective for the Department, and that the thrust of the Bill would be taken on board.

The Committee expressed their broad support for the Bill, with Members expressing their hope that the Bill would decrease the likelihood of referrals to Garda stations, reduces instances of self-accommodating, and reduce the time families spend in emergency accommodation.

## **Legal analysis –**

### **Ambiguities/Unintended Legal Consequences**

The Committee is of the opinion that there are various ambiguities and possible unintended consequences arising from sections within the Bill. These will be dealt with under the following headings:

- a. Uncertainty of Scope
- b. Family Unit
- c. 'Family Home'
- d. Meaning of 'Child'
- e. Children Covered
- f. Commencement Provision

a. Uncertainty of Scope

Section 10A (a) is engaged where:

- 1. A request is made;
- 2. For 'accommodation or other assistance';
- 3. By or on behalf of a homeless person
- 4. And the local authority is 'making a decision in relation to the request.

The Bill is phrased as only applying when the local authority is "*making a decision in relation to a request*" for "*accommodation and other assistance*". As currently drafted, a literal interpretation of the Bill appears to limit the scope of the application of the obligation to consider the best interests of the child only to when such assistance is sought and possibly not to subsequent decisions.

Section 10A(a) refers to a "*request for accommodation or other assistance*". The use of the phrase "*accommodation or other assistance*" that is not specifically confined or referable to the provisions of Section 10(1), could arguably create an ambiguity and possible unintended consequences.

There are several powers of housing authorities that might arguably come under the heading of '*accommodation*', and similarly, without being tied to Section 10(1) or otherwise defined, the phrase '*other assistance*' could arguably cover other statutory or non-statutory actions.

The issues that arise with the phrase "when making a decision" are the same as may arise in relation to the use of the word "request".

- The Committee is of the view that there are several elements within the Bill which provide for an uncertainty in relation to the scope and breadth of the Bill. As a result, the Committee recommends that the Bill be amended if the legislative intent is to provide that the Bill be applicable to all decisions made under Section 10 or otherwise.
- The Committee also recommends the Bill be amended to link the provisions of the Bill to Section 10(1) of the 1988 Act, which would ensure that there is no ambiguity. Alternatively, the Committee recommends that the situations, as distinct from the powers, in which the considerations in Bill apply, might be specified in greater detail.

#### b. Family Unit

Section 10A calls upon the housing authority to recognise persons concerned as a “*family unit*”. In Constitutional terms, a family is the marital family; however, there are a variety of different conceptions of ‘family’, and related terms contained in various existing statutes. The Bill does not currently define “*family unit*”. Instead, where a person is homeless, and makes a request for accommodation or assistance, or one is made on their behalf, and a child “*normally resides or might reasonably be expected to reside*” with them, this constitutes a family unit for the purposes of the Bill.

##### i. Normally resides

The inclusion of the phrase ‘*normally resides*’ as distinct from, and in addition to, “*reasonably expected to reside*” may be problematic in the sense that it is possible for a person to live with another and not fall within the ordinary conceptions of a family.

##### ii. Reasonably be expected to reside

The phrase ‘*reasonably be expected to reside*’ is commonly found in legislation and in statutory instruments. While the phrase ‘normally resides’ (discussed above) may lead to unintended consequences, the requirement that the expectation that the persons should reside together must be reasonable makes

it significantly less likely that there would be adverse consequences than in the case of the phrase '*normally resides*'.

- The Committee recommends the Bill be amended if it's the intent to adopt a narrower definition of family unit than '*normally resides*' or '*reasonably be expected to reside*'.

c. Family home

The proposed Section 10A(iii)(II) refers to the concept of a '*family home*' and places an obligation on the housing authority to "*have particular regard to the need by practical means to protect and assist families, including by providing them with safe accommodation, in order to support and encourage – the development, welfare and protection of children within a family home*".

'*Family home*' is not a common law terms and its only definition in Irish law is in the *Family Home Protection Act 1976* as being limited to the homes of couples who are married, and the Bill does not refer to this definition. If a court were to hold that the definition from the 1967 Act applied, this would not include a '*shared home*' where civil partners reside, or cases where the parents are unmarried.

- The Committee recommends that the Bill be amended to include both a shared home where civil partners reside and where the parents of a child are unmarried.

d. Meaning of 'child'

In the absence of any particular definition, a child will mean a person under the age of 18 years who is not married, and this definition is reflected across multiple statutes.

As such, if a homeless person makes an application with their husband or wife who is under the age of 18, they will not be regarded as coming within the proposed section. *The Domestic Violence Act 2018* has removed the potential for

marriage under the age of 18, but orders granted before the passing of the Act are still valid.

e. Children covered

The Bill as drafted will cover children who are '*another person*' to the applicant for accommodation but not if they are the primary applicant. It will only apply to those children in homeless families; there is no broader duty created on behalf of local authorities in relation to housing. This means that those in precarious housing situations, such as if a family is almost homeless, or would be homeless but for an intervention, will not benefit from the proposed section.

f. Commencement provision

Currently the Bill does not contain a commencement provision. Without a commencement provision, the Bill would take effect upon signing by the President.

- The Committee recommends that consideration be given to the insertion of a commencement provision to the Bill so as to allow preparatory work such as the drafting of guidelines etc., to be completed before the legislation comes into effect.

## **Constitution**

The basic premise of the Bill is in accordance with the Constitution, and the aspiration to vindicate "*the natural and imprescriptible rights of all children*"<sup>12</sup>.

## **EU legislation**

The Committee is of the view that as housing is a national competence the Bill does not conflict with EU Law requirements.

## **Human Rights legislation**

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<sup>12</sup> Article 42A 1 <http://www.irishstatutebook.ie/eli/cons/en#article42A>

The Committee is of the view that there are no elements of the Bill which would conflict with Human Rights requirements.

### **Technical Drafting Deficiencies**

There is one technical error which appears on the face of the Bill: in relation to 10A(ii): '*regard*' should read '*have regard to*'.

- The Committee recommends that the above drafting error be rectified.

### **Observations of the Joint Committee –**

The Committee in its scrutiny of the Bill and pursuant to Standing Orders, agreed to report to the Houses of the Oireachtas that it has undertaken and completed detailed scrutiny of the Bill. The Committee has made the following observations and conclusions: -

- the Committee notes the broad support expressed for the principle of the Bill and notes also that the Bill passed Second Stage reading;
- that in light of the passage of time, consideration be given to any legislative and policy developments since the publication of the Bill in 2017 and that the Bill be updated if necessary.

The Committee recommends: -

- that the Bill be amended if the legislative intent is to provide that the Bill be applicable to all decisions made under Section 10 or otherwise.
- the Bill be amended to link the provisions of the Bill to Section 10(1) of the 1988 Act, which would ensure that there is no ambiguity. Alternatively, the Committee recommends that the situations, as distinct from the powers, in which the considerations in Bill apply, might be specified in greater detail.
- that consideration be given to the insertion of a commencement provision to the Bill so as to allow preparatory work such as the drafting of guidelines etc., to be completed before the legislation comes into effect.
- that the sponsor, together with the Department of Housing, Planning and Local Government, and the Department of Children and Youth Affairs,

draft guidelines for Local Authority staff in order to give effect to the practical meaning of the proposed legislative change.

- that any drafting issues identified in the Bill, particularly around the definition of terms such as 'normally resides', 'reasonably be expected to reside', and 'family home' etc., and potential legal ambiguities, be resolved.

### **Conclusion-**

The Committee concluded that that the Bill proceed to Third Stage consideration and that the proposer of the Bill take account of the observations of the Committee in framing their respective amendments to the Bill.



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Noel Rock T.D.

Chair

11 October 2019



## **Appendix 1 – Committee Membership**

### **Joint Committee on Housing, Planning and Local Government**

#### **Committee Membership:**

*Chairperson:* Noel Rock (Fine Gael)

#### **Deputies<sup>1</sup>**

Pat Casey (Fianna Fáil) (Vice Chair)<sup>3</sup>

Mick D. Barry (Solidarity-PBP)

Mattie McGrath (Rural Independent Group)

Darragh O'Brien (Fianna Fáil)

Eoin Ó Broin (Sinn Féin)

Fergus O'Dowd (Fine Gael)

#### **Senators<sup>2</sup>**

Victor Boyhan (Independent)

Martin Conway (Fine Gael)

Colette Kelleher (Independent)

Jennifer Murnane O'Connor (Fianna Fáil)

#### Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 16 June 2016.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 21 July 2016.
3. Elected Vice Chair on 24 May 2017.

## **Appendix 2 – Terms of Reference of Committee**

### **COMMITTEE ON HOUSING, PLANNING AND LOCAL GOVERNMENT**

#### **TERMS OF REFERENCE**

##### **a. Functions of the Committee – derived from Standing Orders [DSO 84A; SSO 70A]**

(1) The Select Committee shall consider and report to the Dáil on—

(a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and

(b) European Union matters within the remit of the relevant Department or Departments.

(2) The Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), the Select Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments, such—

(a) Bills,

(b) proposals contained in any motion, including any motion within the meaning of Standing Order 187,

(c) Estimates for Public Services, and

(d) other matters

as shall be referred to the Select Committee by the Dáil, and

(e) Annual Output Statements including performance, efficiency and effectiveness in the use of public monies, and

(f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) The Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

(a) matters of policy and governance for which the Minister is officially responsible,

(b) public affairs administered by the Department,

(c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,

(d) Government policy and governance in respect of bodies under the aegis of the Department,

(e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,

(f) the general scheme or draft heads of any Bill,

(g) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,

(h) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,

(i) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,

(j) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and

(k) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint Committee appointed pursuant to this Standing Order shall consider, in respect of the relevant Department or Departments—

(a) EU draft legislative acts standing referred to the Select Committee under Standing Order 114, including the compliance of such acts with the principle of subsidiarity,

(b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,

(c) non-legislative documents published by any EU institution in relation to EU policy matters, and

(d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

(6) The Chairman of the Joint Committee appointed pursuant to this Standing Order, who shall be a member of Dáil Éireann, shall also be the Chairman of the Select Committee.

(7) The following may attend meetings of the Select or Joint Committee appointed pursuant to this Standing Order, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

(a) Members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,

(b) Members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and

(c) at the invitation of the Committee, other Members of the European Parliament.

**b. Scope and Context of Activities of Committees (as derived from Standing Orders) [DSO 84; SSO 70]**

- (1) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders.
- (2) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil and/or Seanad.
- (3) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 186 and/or the Comptroller and Auditor General (Amendment) Act 1993.
- (4) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
  - (a) a member of the Government or a Minister of State, or
  - (b) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle / Cathaoirleach whose decision shall be final.

- (5) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Dáil Standing Order 28. The Chairmen of Select Committees shall have responsibility for compliance with this instruction.