

Consolidated version
of
HOUSES OF THE OIREACHTAS COMMISSION ACTS
2003 TO 2018
showing
the Houses of the Oireachtas Commission Act 2003 as amended
and including
amendments to other Acts made by the Houses of the Oireachtas Acts 2003 to 2018

Updated to 1 January 2019

This revised Act is an informal administrative consolidation. It provides a practical summary and description of the Houses of the Oireachtas Commission Act 2003, incorporating amendments and effects up to 1 January 2019. While every effort has been made to ensure its accuracy, it does not purport to be an official version or restatement of the Act. No responsibility is assumed for, and no guarantees, undertakings or warranties are given concerning, the accuracy or completeness of the information provided, or that it is up to date. No liability arising from any errors or omissions is accepted. The official version of the Act is solely that published by or under statutory authority.

Appended to this revised Act are free standing provisions contained in other Acts forming part of the Houses of the Oireachtas Commission Acts 2003 to 2018 as well as a number of amendments made to other legislation by those Acts.

Copyright in all legislation referred to or excerpted vests in the Houses of the Oireachtas. Attention is also drawn to Directive 2003/98/EC of the European Parliament and of the Council of 17 November 2003 on the re-use of public sector information which is given effect by the European Communities (Re-use of Public Sector Information) Regulations 2005 (S.I. No. 279 of 2005) as amended by the European Communities (Re-Use of Public Sector Information) (Amendment) Regulations 2008 (S.I. No. 103 of 2008) and the European Communities (Re-use of Public Sector Information) (Amendment) Regulations 2015 (S.I. No. 525 of 2015).

Collective citation

This Act forms part of a collection of Acts which may be collectively cited as the Houses of the Oireachtas Commission Acts 2003 to 2018, in accordance with section 8(2) of the Houses of the Oireachtas (Amendment) Act 2018. The Acts included in this collective citation are:

- Houses of the Oireachtas Commission Act 2003 (2003, No. 28), other than sections 17, 19, 20 and 21
- Houses of the Oireachtas Commission (Amendment) Act 2006 (2006, No. 39), other than section 12
- Houses of the Oireachtas Commission (Amendment) Act 2009 (2009, No. 44)
- Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012 (2012, No. 50)
- An Tacht Um Choimisiún Thithe An Oireachtais (Leasú), 2013 (2013, Uimh. 3)
[Houses of the Oireachtas Commission (Amendment) Act 2013 (2013, No. 3)]
- Houses of the Oireachtas (Appointments to Certain Offices) Act 2015 (2015, No. 34), sections 2 and 3
- Houses of the Oireachtas Commission (Amendment) Act 2015 (2015, No. 53)
- Houses of the Oireachtas Commission (Amendment) Act 2018 (2018, No. 41)

Changes reflected as follows:

Text in dark yellow indicates text inserted by the Public Service Management (Recruitment and Appointments) Act 2004 (enacted on 6 October 2004; commenced on enactment)

Text in green indicates text inserted by the Civil Service Regulation (Amendment) Act 2005 (enacted on 9 July 2005; relevant commencement on 4 July 2006 as per S.I. No. 363 of 2006)

Text in blue indicates text inserted by Houses of the Oireachtas (Amendment) Act 2006 (enacted 23 December 2006; commenced on 1 January 2007 as per section 13(3))

Text in orange indicates text inserted by the Broadcasting Act 2009 (enacted 12 July 2009; commenced on enactment)

Text in purple indicates text inserted by the European Parliament (Irish Constituency Members) Act 2009 (enacted 8 July 2009; commenced on 14 July 2009 as per section 10(2))

Text in red indicates text inserted by the Houses of the Oireachtas Commission (Amendment) Act 2009 (enacted 21 December 2009; commenced on 1 January 2010 as per section 15(3))

Text in pink indicates text inserted by the Ministers and Secretaries (Amendment) Act 2011 (enacted on 4 July 2011; relevant commencement on 6 July 2011 as per S.I. No. 401 of 2011)

Text in aqua indicates text inserted by the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012 (26 December 2012; commenced on 1 January 2013 as per section 5(3))

Text in dark teal indicates text inserted by the Houses of the Oireachtas Commission (Amendment) Act 2013 (enacted 26 February 2013; commenced on 14 June 2013 as per S.I. No. 198 of 2013)

Text in light blue indicates text inserted by the Houses of the Oireachtas (Appointments to Certain Offices) Act 2015 (enacted 15 October 2015; commenced on enactment)

Text in olive green indicates text inserted by the Houses of the Oireachtas Commission (Amendment) Act 2015 (enacted on 24 December 2015; commenced on 1 January 2016 as per section 10(3))

Text in tan indicates text inserted by the Houses of the Oireachtas Commission (Amendment) Act 2018 (enacted on 27 December 2018; commenced on 1 January 2019 as per section 8(3))

Editorial note:

A full list of effects to the Houses of the Oireachtas Commission Act 2003 are available on the electronic Irish Statute Book at http://www.irishstatutebook.ie/eli/isbc/2003_28.html. This provides readers with a list of all amendments and effects to the Act, together with a link to the affecting provision concerned.

Number 28 of 2003

HOUSES OF THE OIREACHTAS COMMISSION ACT 2003

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Copyright and Related Rights Act 2000	2000, No. 28
Electoral Act 1992	1992, No. 23
Ethics in Public Office Act 1995	1995, No. 22
European Parliament Elections Act 1997	1997, No. 2
Exchequer and Audit Departments Act 1866	29 & 30 Vict., c. 39
Freedom of Information Act 1997	1997, No. 13
Legal Services Regulation Act 2015	2015, No. 65
Ministerial and Parliamentary Offices Act 1938	1938, No. 38
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Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001	2001, No. 30
Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996	1996, No. 39
Public Service Management (Recruitment and Appointments) Act 2004	2004, No. 33
Staff of the Houses of the Oireachtas Act 1959	1959, No. 38
Superannuation Acts 1834 to 1963	

Editorial Note:

Acts which were previously referred to in the revised text but which have been subsequently substituted or deleted are included in this list with a strikethrough.



Number 28 of 2003

HOUSES OF THE OIREACTHAS COMMISSION ACT 2003

AN ACT TO ESTABLISH A BODY TO BE KNOWN AS COIMISIÚN THITHE AN OIREACHTAIS OR, IN THE ENGLISH LANGUAGE, THE HOUSES OF THE OIREACTHAS COMMISSION, TO PROVIDE FOR THE FUNDING, FUNCTIONS AND COMPOSITION OF THE COMMISSION, TO PROVIDE FOR THE POSITION TO BE KNOWN AS SECRETARY GENERAL OF THE OFFICE OF THE HOUSES OF THE OIREACTHAS, AND TO PROVIDE FOR CONNECTED MATTERS. [14th July, 2003]

Editorial Note:

On foot of changes made by the Houses of the Oireachtas Commission (Amendment) Act 2009, the reference to the Office of the Houses of the Oireachtas in the Long Title is now construed as a reference to the Houses of the Oireachtas Service.

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

PART 1
PRELIMINARY AND GENERAL

Short title and commencement.

- 1.— (1) This Act may be cited as the Houses of the Oireachtas Commission Act 2003.
- (2) This Act comes into operation on the establishment day.

Interpretation.

- 2.— (1) In this Act, except where the context otherwise requires—

‘An Caighdeán Oifigiúil’ means the official standard of the Irish language, prepared by the Houses of the Oireachtas and published under Government copyright, to be used in primary and secondary legislation and as the guide for writing in the Irish language;¹

“annual report” has the meaning given to it by section 6;

“chairperson” means the person who under section 7 holds the office of chairperson of the Commission;

“civil servant” has the meaning given to it by section 1(1) of the Civil Service Regulation Act 1956, as amended by section 17(2) of the Staff of the Houses of the Oireachtas Act 1959;

“Commission” means the Houses of the Oireachtas Commission established by section 3;

“deputy chairperson” means the person who under section 7 holds the office of deputy chairperson of the Commission;

¹ Inserted by section 2 of the Houses of the Oireachtas Commission (Amendment) Act 2013.

“established civil servant” has the meaning given to it by section 1(1) of the Civil Service Regulation Act 1956;

“establishment day” means the day appointed under section 3 to be the establishment day for the purposes of this Act;

“functions” includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

‘Houses of the Oireachtas Service’ or, in the Irish language, ‘Seirbhís Thithe an Oireachtais’ means the office of the public service that is staffed by civil servants of the State, employed by the Commission, who exercise functions under section 3A and under the Commission in running the Houses of the Oireachtas under section 4(1);²

“member of the joint staff of the Houses of the Oireachtas” has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act 1959;

“member of the staff of the Houses of the Oireachtas” has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act 1959;

“Minister” means the Minister for Finance;

Editorial Note:

By virtue of article 5 of the Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011 (S.I. No. 418 of 2011) this is to be read as the Minister for Public Expenditure and Reform in all places except sections 5(1) and 13(5)(a). Sections 5(1) and 13(5)(a) have subsequently been substituted and as such all remaining references to “Minister” to which this definition applies are to be read as references to the Minister for Public Expenditure and Reform.

“Minister's representative” has the meaning given to it by section 8;

~~‘Office of the Houses of the Oireachtas’ means the office of the public service that is staffed by civil servants of the State, employed by the Commission, who exercise~~

² Inserted by section 2(b) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

~~functions under the Commission in running the Houses of the Oireachtas pursuant to section 4(1);³~~

~~“officer of the Houses of the Oireachtas” has the meaning given to it by section 17(2) of the Staff of the Houses of the Oireachtas Act 1959;~~

‘officer of the Houses of the Oireachtas’ has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act 1959;⁴

~~“Oireachtas Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas;~~

‘Oireachtas Committee’ means—

- (a) a Committee ~~(other than the Committee of Dáil Éireann and the Committee of Seanad Éireann to which section 8 of the Ethics in Public Office Act 1995 relates)~~⁵ appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, or
- (b) a subcommittee of such a Committee;⁶

“ongoing expenditure” means payments relating to the matters specified in Schedule 1;

“Secretary General” has the meaning given to it by section 15.

‘Service’ means Houses of the Oireachtas Service.⁷

‘statutory instrument’ means an order, regulation, rule, scheme or bye-law made under a power conferred by statute.⁸

³ Deleted by section 2(a) of the Houses of the Oireachtas Commission (Amendment) Act 2009. [Note: this effect supersedes section 2(a) of the Houses of the Oireachtas Commission (Amendment) Act 2006 which had previously inserted deleted text.]

⁴ Substituted by section 2(a) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

⁵ Deleted by section 2(b) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

⁶ Substituted by section 2(b) of the Houses of the Oireachtas Commission (Amendment) Act 2006.

⁷ Inserted by section 2(c) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

⁸ Inserted by section 2 of the Houses of the Oireachtas Commission (Amendment) Act 2013.

(2) In this Act—

(a) a reference to a section is a reference to a section of this Act, unless it is indicated that a reference to some other provision is intended,

(b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

(3) A reference to another enactment is to that enactment as amended or modified at any time by any enactment.

PART 2
THE COMMISSION

Establishment of Commission.

- 3.— (1) (a) Subject to paragraph (b), the establishment day for the purposes of this Act is 1 January 2004.
- (b) Section 4(8) shall not come into operation until a resolution is passed under subsection (2).
- (2) (a) If Dáil Éireann by resolution so declares, section 4(8), insofar as it relates to Dáil Éireann or a Committee appointed by Dáil Éireann, shall come into operation on such day as may be specified in the resolution.
- (b) If Seanad Éireann by resolution so declares, section 4(8), insofar as it relates to Seanad Éireann or a Committee appointed by Seanad Éireann, shall come into operation on such day as may be specified in the resolution.
- (c) If Dáil Éireann and Seanad Éireann by resolution so declare, section 4(8), insofar as it relates to a Committee appointed by both Dáil Éireann and Seanad Éireann, shall come into operation on such day as may be specified in the resolution.
- (3) On the establishment day, there shall stand established a body to be known as Coimisiún Thithe an Oireachtais or, in the English language, the Houses of the Oireachtas Commission, which shall perform the functions conferred on it by or under this Act.
- (4) The Commission is a body corporate with perpetual succession and it has power to sue and it may be sued in its corporate name and may hold and transfer property.
- (5) Subject to this Act, the Commission is independent in the performance of its functions.

Function of Service.⁹

3A.— The function of the Service is to provide advice and support services to—

- (a) the Commission,
- (b) the Houses of the Oireachtas and their Committees, and
- (c) members of the Houses of the Oireachtas.

Functions of Commission.

4.— (1) ~~The functions of the Commission shall be to provide for the running of the Houses of the Oireachtas and to administer and manage the Office of the Houses of the Oireachtas.~~

~~(1) The functions of the Commission are—~~

- ~~(a) to provide for the running of the Houses of the Oireachtas, and~~
- ~~(b) to have charge of the Office of the Houses of the Oireachtas.~~

(1) The functions of the Commission are—

- (a) to provide for the running of the Houses of the Oireachtas,
- (b) to act as governing body of the Service,
- (c) to consider and determine policy in relation to the Service, and
- (d) to oversee the implementation of that policy by the Secretary General.

⁹ Section inserted by section 3 of the Houses of the Oireachtas Commission (Amendment) Act 2009.

(1A) The Commission shall be accountable to the Houses of the Oireachtas for the performance of its functions.¹⁰

(2) Without prejudice to the generality of subsection (1), the Commission shall perform the following:

(a) to oversee ongoing expenditure,

(b) to pay the salaries and expenses of ~~the Office of the Houses of the Oireachtas~~ **the Service**¹¹, including certain ~~grants in aid~~ **grants**¹² and certain expenses in connection with the European Parliament, referred to in Schedule 1,

(c) (i) subject to subparagraph (ii), to exercise the functions of the Minister, including any functions regarding the making of regulations insofar as they relate to those functions, in respect of the provision of secretarial facilities as provided for in the following enactments:

(I) section 10 of the Ministerial and Parliamentary Offices Act 1938 (inserted by section 5 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996 and amended by section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001), and

~~(II) section 2 of the Oireachtas (Allowances to Members) Act 1962 (as amended by section 11 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 and by section 33 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001),~~

(II) subsection (1)(c) (inserted by section 3 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary

¹⁰ Subsections (1) and (1A) substituted and inserted by section 4(a) of the Houses of the Oireachtas Commission (Amendment) Act 2009. [Note: this effect supersedes section 3(1) of the Houses of the Oireachtas Commission (Amendment) Act 2006 which had previously substituted subsection (1).]

¹¹ Substituted by section 4(b) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

¹² Substituted by section 2(a) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

Offices (Amendment) Act 1996) of section 2 of the Oireachtas (Allowances to Members) Act 1962,¹³

- (ii) in relation to secretarial facilities referred to at subparagraph (i), to obtain the consent of the Minister before reaching an agreement with any person in relation to rates of pay, conditions of employment or superannuation rights,

- (ca) to make fiscal and economic information, analysis and advice available to the Houses of the Oireachtas and Oireachtas Committees,¹⁴

- (d) ~~to exercise the functions of the Minister under section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996,~~¹⁵

- (e) to make legal advice available, in respect of matters arising on or after the establishment day, to—
 - (i) members of Dáil Éireann and Seanad Éireann, as regards matters arising from their membership of Dáil Éireann or Seanad Éireann, and

 - (ii) Oireachtas Committees,

- (f) subject to subsections (6) and (7) and without prejudice to subsection (7A)¹⁶—
 - (i) in relation to matters arising solely from the performance by them of their parliamentary functions as members of Dáil Éireann or of a Committee appointed by Dáil Éireann, and where authorised by Dáil Éireann to do so on behalf of such members, and in accordance with the terms of such authorisation, to—
 - (I) initiate legal proceedings as plaintiff or applicant,

¹³ Clause substituted by section 3(a)(i) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

¹⁴ Paragraph inserted by section 3(a)(ii) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

¹⁵ Paragraph deleted by section 13(2)(a) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

¹⁶ Inserted by section 3(a)(iii) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

- (II) seek leave to intervene in existing legal proceedings,

- (III) seek leave to be joined as a notice party in legal proceedings,

- (ii) in relation to matters arising solely from the performance by them of their parliamentary functions as members of Seanad Éireann or of a Committee appointed by Seanad Éireann, and where authorised by Seanad Éireann to do so on behalf of such members, and in accordance with the terms of such authorisation, to—
 - (I) initiate legal proceedings as plaintiff or applicant,

 - (II) seek leave to intervene in existing legal proceedings,

 - (III) seek leave to be joined as a notice party in legal proceedings,

- (iii) in relation to matters arising solely from the performance by them of their parliamentary functions as members of a Committee appointed by both Dáil Éireann and Seanad Éireann, and where authorised by Dáil Éireann and Seanad Éireann to do so on behalf of such members, and in accordance with the terms of such authorisation, to—
 - (I) initiate legal proceedings as plaintiff or applicant,

 - (II) seek leave to intervene in existing legal proceedings,

 - (III) seek leave to be joined as a notice party in legal proceedings,

- (iv) in relation to any legal proceedings initiated against members of Dáil Éireann, or of a Committee appointed by Dáil Éireann, as regards matters arising solely from the performance by them of their parliamentary functions as such members, and where authorised by Dáil Éireann to do so on behalf of such members and in accordance with the

terms of the authorisation, to conduct the defence of such proceedings on behalf, or for the benefit, of such members,

(v) in relation to any legal proceedings initiated against members of Seanad Éireann, or of a Committee appointed by Seanad Éireann, as regards matters arising solely from the performance by them of their parliamentary functions as such members, and where authorised by Seanad Éireann to do so on behalf of such members, and in accordance with the terms of the authorisation, to conduct the defence of such proceedings on behalf, or for the benefit, of such members,

(vi) in relation to any legal proceedings initiated against members of a Committee appointed by both Dáil Éireann and Seanad Éireann, as regards matters arising solely from the performance by them of their parliamentary functions as such members, and where authorised by Dáil Éireann and Seanad Éireann to do so on behalf of such members, and in accordance with the terms of the authorisation, to conduct the defence of such proceedings on behalf, or for the benefit, of such members,

(g) to perform the functions in relation to staff of the Commission specified in section 12,

(h) to prepare and publish an annual report in accordance with section 6,

(i) to produce handbooks and information relevant to the business of the Houses of the Oireachtas for members of the Houses of the Oireachtas,

(j) to prepare an annual statement of estimates in accordance with section 13, and

(k) to keep accounts in accordance with section 14.

(2A) It shall also be a function of the Commission to provide translation services from one official language into the other in respect of Acts of the Oireachtas.¹⁷

¹⁷ Subsection inserted by section 3(2) of the Houses of the Oireachtas Commission (Amendment) Act 2006.

(2B) It shall be a function of the Commission to provide, whenever it is requested to do so by a Minister of the Government, translation services from one official language into the other in respect of—

(a) statutory instruments made by that Minister of the Government,

(b) statutory instruments made by another person in relation to the making of which that Minister of the Government is, pursuant to the statutory power under which those instruments are made, required to be consulted or to give his or her consent or approval howsoever described, and

(c) statutory instruments made by another person—

(i) in respect of whom that Minister of the Government performs any function pursuant to statute or otherwise, or

(ii) to whom any monies are advanced, out of monies provided by the Oireachtas, by that Minister of the Government for the purposes of the performance by that person of the person's functions.

(2C) The Commission may, subject to such terms and conditions as it considers appropriate, arrange for persons other than members of the staff of the Commission to assist it in the performance of its functions under subsections (2A) and (2B).

(2D) Nothing in subsection (2B) shall prevent a Minister of the Government or any other person referred to in that subsection from arranging for the translation from one official language into the other by a person other than the Commission of a statutory instrument to which that subsection applies.

(2E) Notwithstanding section 5, the Commission may charge a Minister of the Government to whom it provides a service under subsection (2B) a fee of such amount as may be determined by the Commission for that service.

(2F) It shall be a function of the Commission to review An Caighdeán Oifigiúil from time to time as it considers appropriate, but ~~not less than once every 7 years~~ **not less**

than once every 10 years¹⁸, and to revise and publish it in such manner as it considers appropriate following each such review.

(2G) The Commission shall, for the purposes of conducting a review of An Caighdeán Oifigiúil under subsection (2F), consult with—

(a) the following Ministers of the Government, namely—

(i) the Minister for Arts, Heritage and the Gaeltacht,

Editorial Note:

By virtue of article 4 of the Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Alteration of Name of Department and Title of Minister) Order 2017 (S.I. No. 350 of 2017) this is to be read as the Minister for Culture, Heritage and the Gaeltacht. [*Note: this effect supersedes article 4 of the Arts, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2016 (S.I. No. 357 of 2016) which previously construed this reference.*]

(ii) the Minister for Education and Skills, and

(iii) the Minister for Justice and Equality,

(b) such persons who have an interest in An Caighdeán Oifigiúil as the Commission considers appropriate, and

(c) members of the public generally,

and the Commission shall have regard to any submissions made to it arising from such consultation.

(2H) The references in subsections (2F) and (2G) to An Caighdeán Oifigiúil shall be construed as references to An Caighdeán Oifigiúil as it was last previously revised and published.¹⁹

¹⁸ Substituted by section 3(b) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

¹⁹ Subsections (2B) to (2H) inserted by section 3 of the Houses of the Oireachtas Commission (Amendment) Act 2013.

- (3) The functions of the Minister, other than functions that relate to reaching an agreement with any person in relation to rates of pay, conditions of employment or superannuation rights, in respect of the provision of secretarial facilities under the following enactments, including functions in relation to the making of regulations, are transferred to the Commission on and from the establishment day:
- (a) section 10 of the Ministerial and Parliamentary Offices Act 1938 (inserted by section 5 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996 and amended by section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001), and
 - ~~(b) section 2 of the Oireachtas (Allowances to Members) Act 1962 (as amended by section 11 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 and by section 33 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001).~~
 - (b) subsection (1)(c) (inserted by section 3 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996) of section 2 of the Oireachtas (Allowances to Members) Act 1962.²⁰
- ~~(4) (a) The functions of the Minister under section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996, are transferred to the Commission on and from the establishment day.~~
- ~~(b) Section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996 is amended by deleting the words “Where an injury is claimed to have been sustained” where they appear in subsections (1) and (2) and substituting them with “Subject to section 4 (4)(a) of the Houses of the Oireachtas Commission Act 2003, where an injury is claimed to have been sustained”.~~²¹
- ~~(4A) The Commission may prepare and publish guidelines for members of Dáil Éireann and Seanad Éireann in relation to the use of services and facilities provided out of public funds and—~~

²⁰ Paragraph substituted by section 3(c) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

²¹ Subsection deleted by section 13(2)(a) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

~~(a) may provide such services and facilities following a dissolution of Dáil Éireann, and~~

~~(b) shall specify an appropriate charge for such use made other than in respect of duties as public representatives.~~

(4A) The Commission may prepare and publish guidelines for members of Dáil Éireann and Seanad Éireann in relation to the use of services and facilities provided out of public funds following a dissolution of Dáil Éireann, and—

(a) may provide such services and facilities, and

(b) shall specify an appropriate charge for such use made other than in respect of duties as public representatives.

(4B) The Commission shall have regard to the need to secure the most beneficial outcomes consistent with the achievement of value for money in the use of the resources available to it.²²

(5) The Commission has the powers that are necessary for or incidental to the performance of its functions under this Act.

(6) In this section “legal proceedings” means proceedings before a court or other tribunal including an arbitrator in respect of a cause of action accruing on or after the establishment day.

(7) Legal proceedings referred to in subsection (2)(f) or an order made in relation to them shall not be affected by a dissolution of Dáil Éireann or a general election for Seanad Éireann after the dissolution.

(7A) (a) Where circumstances arise in which—

²² Subsections (4A) and (4B) substituted and inserted by section 4(c) of the Houses of the Oireachtas Commission (Amendment) Act 2009. [Note: this effect supersedes section 3(3) of the Houses of the Oireachtas Commission (Amendment) Act 2006 which had previously inserted subsection (4A).]

- (i) either House of the Oireachtas is in recess or otherwise stands adjourned,
- (ii) both such Houses are in recess or otherwise stand adjourned, or
- (iii) Dáil Éireann stands dissolved or the first meeting of Seanad Éireann has not yet taken place after a general election for Seanad Éireann,

and authorisation from either or both of those Houses, as the case may be, would, but for this subsection, be required under section 4(2)(f) to—

- (I) initiate legal proceedings as plaintiff or applicant,
- (II) seek leave to intervene in existing legal proceedings,
- (III) seek leave to be joined as a notice party in legal proceedings, or
- (IV) conduct the defence of legal proceedings,

then, if the Commission considers it necessary or expedient in any of the circumstances referred to in subparagraph (i), (ii) or (iii) for any step referred to in subparagraph (I), (II), (III) or (IV) to be taken, the Commission may take that step and, subject to paragraphs (b) and (c), that step shall be deemed to have been duly authorised by the House of the Oireachtas concerned or both such Houses, as the case may be.

- (b) Where the Commission has taken any of the steps referred to in subparagraph (I), (II), (III) or (IV) of paragraph (a), then, the Commission shall, as soon as practicable thereafter, cause a statement to that effect to be laid before the House of the Oireachtas concerned or both such Houses, as the case may be.
- (c) If, within 21 sitting days of the laying of a statement referred to in paragraph (b), the House of the Oireachtas concerned, or either House of the Oireachtas where both are concerned, as the case may be, by motion disapproves of any of the steps taken by the Commission under paragraph

(a), then, unless the legal proceedings concerned have already been disposed of or, where the step concerned is that referred to in subparagraph (II) or (III), leave has been refused, the Commission shall, as may be appropriate in the circumstances—

- (i) where the motion relates to a step referred to in paragraph (a)(I), discontinue or withdraw, or seek the leave of the court concerned to discontinue or withdraw, as the case may be, the legal proceedings,
 - (ii) where the motion relates to a step referred to in paragraph (a)(II), discontinue or withdraw from, or seek the leave of the court concerned to discontinue or withdraw from, as the case may be, the intervention in the legal proceedings,
 - (iii) where the motion relates to a step referred to in paragraph (a)(III), discontinue or withdraw from, or seek the leave of the court concerned to discontinue or withdraw from, as the case may be, being joined as a notice party in the legal proceedings, or
 - (iv) where the motion relates to a step referred to in paragraph (a) (IV), discontinue or withdraw from, or seek the leave of the court concerned to discontinue or withdraw from, as the case may be, conducting the defence of the legal proceedings.²³
- (8) (a) In any legal proceedings referred to at subsection (2)(f) against members of a Committee appointed by Dáil Éireann or Seanad Éireann, or a Committee appointed by both Dáil Éireann and Seanad Éireann it shall be sufficient—
- (i) where the Committee is still in existence when the proceedings are commenced, to name the Chairperson of that Committee to conduct the defence of such proceedings in such cause or matter, on behalf, or for the benefit, of all members so interested,
 - (ii) where the Committee has ceased to exist before the proceedings are commenced, to name the Commission to conduct the defence of such

²³ Subsection (7A) inserted by section 3(d) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

proceedings in such cause or matter, on behalf, or for the benefit, of all members so interested.

- (b) In any legal proceedings referred to at paragraph (a)(i) where the Committee ceases to exist after the proceedings are commenced, the Commission shall be taken to be the Chairperson of the Committee to defend the proceedings in such cause or matter, on behalf, or for the benefit, of all members so interested.

- (c) In any legal proceedings referred to at paragraph (a)(ii), it shall not be necessary for the Commission to obtain an authorisation from—
 - (i) Dáil Éireann to conduct the defence of proceedings against members of a Committee appointed by Dáil Éireann,

 - (ii) Seanad Éireann to conduct the defence of proceedings against members of a Committee appointed by Seanad Éireann, or

 - (iii) Dáil Éireann and Seanad Éireann to conduct the defence of proceedings against members of a Committee appointed by Dáil Éireann and Seanad Éireann.

Editorial Note:

Subsection (8) is not yet commenced; as per section 3(1)(b), a resolution is required by either or both Houses of the Oireachtas, as the case may be, to commence the subsection in so far as it relates to either House, a Committee appointed by the relevant House or a Committee appointed by both Houses, as the case may be.

- (9) For the purposes specified in section 195 of the Copyright and Related Rights Act 2000, the Commission may, on behalf of either House of the Oireachtas or both Houses of the Oireachtas, perform any function that, by virtue of that section, either such House or both such Houses may perform.

- (10) The functions that are performable by the Commission in accordance with subsection (9) shall be performable on behalf of the Commission by the Secretary General of the Service unless the Commission otherwise directs.²⁴

Code of conduct.²⁵

- 4A.—**(1) The Commission, after consultation with the Standards in Public Office Commission, shall prepare and publish a code of conduct for the guidance of members of the Commission.
- (2) A member of the Commission shall have regard to and be guided by the code in the performance of his or her functions and in relation to any other matters to which the code relates.
- (3) The Secretary General, at the request of a member of the Commission, may give advice to the member in relation to the application of the code.

Funding of Commission.

- 5.—** (1) ~~Subject to subsection (2) the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from the establishment day, shall be charged on and paid out of the Central Fund, or the growing produce thereof.~~

~~(1) Subject to subsection (2), the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from 1 January 2007, shall be charged on and paid out of the Central Fund, or the growing produce thereof.~~

~~(1) Subject to subsection (2), the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from 1 January 2010, shall, with the approval of the Minister for Public Expenditure and Reform, be charged on and paid out of the Central Fund, or the growing produce thereof by the Minister for Finance.~~

~~(1) Subject to subsection (2), the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from 1 January 2013, shall, with the approval of the Minister for Public Expenditure and Reform, be~~

²⁴ Subsections (9) and (10) inserted by section 2(b) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

²⁵ Section inserted by section 5 of the Houses of the Oireachtas Commission (Amendment) Act 2009.

~~charged on and paid out of the Central Fund or the growing produce of that Fund by the Minister for Finance.~~

~~(1) Subject to subsection (2), the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from 1 January 2016, shall, with the approval of the Minister for Public Expenditure and Reform, be charged on and paid out of the Central Fund or the growing produce of that Fund by the Minister for Finance.~~

(1) Subject to subsection (2), the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from 1 January 2019 shall, with the approval of the Minister for Public Expenditure and Reform, be charged on and paid out of the Central Fund or the growing produce of that Fund by the Minister for Finance.²⁶

~~(2) Not more than the sum of €295,000,000 shall be so charged and paid out.~~

~~(2) Not more than the sum of €393,000,000 shall be so charged and paid out.~~

~~(2) Not more than the sum of €360,000,000 shall be so charged and paid out.~~

~~(2) Not more than the sum of €24,000,000 shall be so charged and paid out.~~

~~(2) Not more than the sum of €369,000,000 shall be charged on and paid out of the Central Fund or the growing produce of that Fund in accordance with subsection (1).~~

(2) Not more than the sum of €22,270,000 shall be charged on and paid out of the Central Fund or the growing produce of that Fund in accordance with subsection (1).²⁷

²⁶ Subsection substituted by section 4(a) of the Houses of the Oireachtas Commission (Amendment) Act 2018. [Note: this effect supersedes a number of previous affecting provisions. Section 3(a) of the Houses of the Oireachtas Commission (Amendment) Act 2015 substituted subsection (1), as substituted itself by section 2 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012. The Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012 itself superseded amendments to section 5, previously effected by section 91 of the Ministers and Secretaries (Amendment) Act 2011, section 6 of the Houses of the Oireachtas Commission (Amendment) Act 2009 and section 4 of the Houses of the Oireachtas Commission (Amendment) Act 2006.]

²⁷ Subsection substituted by section 4(b) of the Houses of the Oireachtas Commission (Amendment) Act 2018. [Note: this effect supersedes a number of previous affecting provisions. Section 3(b) of the Houses of the Oireachtas Commission (Amendment) Act 2015 substituted subsection (2), as substituted itself by section 2 of the Houses of the Oireachtas Commission (Amendment) (No.

~~(3) Receipts of the Commission specified in Schedule 2 shall be paid by it into the Central Fund.~~

(3) Receipts of the Commission specified in Schedule 2 shall be used by it for the purposes of the performance of its functions and the annual value of such receipts shall be duly deducted from the sum specified in subsection (2) and accounted for.²⁸

Editorial Note:

Pursuant to section 25(3) of the Electoral (Amendment) Act 2004, subsection (3) does not apply in respect of monies recouped under that section.

Reports.

- 6.— (1) The Commission shall prepare and publish a report in each year (in this Act referred to as the “annual report”) on the activities of the Commission in the previous year.
- (2) The first annual report shall be in respect of the period beginning on the establishment day and ending on the following 31 December and shall be published not later than the following 30 June.
- (3) Each subsequent annual report shall be published not later than 6 months after the end of the year to which it relates.
- (4) Each annual report shall be laid by the Commission before both Houses of the Oireachtas.
- (5) If requested to do so by either House of the Oireachtas or by an Oireachtas Committee authorised by the standing orders of either such House to do so, the Secretary General shall furnish to the House or Committee, on behalf of the Commission, information relating to one or more of the following:

2) Act 2012. The Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012 itself superseded amendments to section 5, effected by section 91 of the Ministers and Secretaries (Amendment) Act 2011, section 6 of the Houses of the Oireachtas Commission (Amendment) Act 2009 and section 4 of the Houses of the Oireachtas Commission (Amendment) Act 2006.]

²⁸ Section 5 substituted by section 2 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012.

- (a) policies and activities of the Commission;
- (b) accounts prepared by the Commission;
- (c) any other matter relating to the functions of the Commission.

Chairperson of Commission.

- 7.— (1) The Chairman of Dáil Éireann is the chairperson of the Commission and is to ensure that it performs its functions efficiently.
- (2) There shall be a deputy chairperson of the Commission (“the deputy chairperson”).
- (3) (a) As soon as may be after the establishment day, the chairperson shall appoint in writing a member of the Commission, other than the Secretary General, to be the deputy chairperson.
- (b) The deputy chairperson shall act as chairperson of the Commission if the chairperson is unable to perform his or her functions.
- (c) The Commission may appoint a member of the Commission, other than the Secretary General, to be the deputy chairperson where—
- (i) the chairperson is unable to perform his or her functions and has not appointed a member of the Commission under subsection (3)(a),
 - (ii) both the chairperson and the person appointed under subsection (3)(a) are unable to perform the functions of chairperson, or
 - (iii) the office of Chairman of Dáil Éireann is vacant.

Membership and term of office.

- 8.— (1) The Commission consists of the following members:

- (a) the Chairman of Dáil Éireann;
 - (b) the Chairman of Seanad Éireann;
 - (c) the Secretary General;
 - (d) a member appointed by the Minister (and in this Act referred to as the “Minister's representative”), and
 - (e) not more than 7 ordinary members.
- (2) The Minister's representative shall be a member of one of the Houses of the Oireachtas.
- (3) (a) 4 of the ordinary members of the Commission shall be appointed by Dáil Éireann or a Committee of that House authorised by it to do so and shall be members of that House.
- (b) 3 of the ordinary members of the Commission shall be appointed by Seanad Éireann or a Committee of that House authorised by it to do so and shall be members of that House.
- (4) In relation to the ordinary members of the Commission referred to in subsection (3) and the Minister's representative—
- (a) subject to paragraph (b), the first such appointments shall be made after the passing of this Act,
 - (b) no appointment referred to at paragraph (a) shall take effect until the establishment day,

- (c) subsequent appointments shall be made as soon as may be after the first meeting of the House, or Committee concerned, after a general election for members of that House.

(5) Section 3 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998 (as amended by section 39 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001) is amended—

- (a) in subsection (1)(a)(ix), by deleting “or”, and

- (b) by inserting the following words and subparagraphs after subsection (1)(a)(ix):

“or

- (x) the Minister's representative on the Houses of the Oireachtas Commission, or

(xi) ordinary members of the Houses of the Oireachtas Commission.”,

and

- (c) by inserting in subsection (3), the following definition after the definition of “Assistant Party Whip in Dáil Éireann”:

“ ‘Minister's representative’ has the same meaning as it has in section 8 (1)(d) of the Houses of the Oireachtas Commission Act 2003 and does not mean a person appointed to that Commission under section 9(2) of that Act;”,

and

- (d) by inserting in subsection (3), the following definition after the definition of “Opposition Whip in Dáil Éireann”:

“ ‘ordinary members of the Houses of the Oireachtas Commission’ means persons duly appointed to that Commission under section 8 (3) of the Houses of the Oireachtas Commission Act 2003;”.

- (6) Subject to this section, an ordinary member of the Commission (other than an ordinary member of the Commission who is deputy chairperson and who is performing the functions of chairperson at the time of the dissolution of Dáil Éireann because the chairperson is unable to perform his or her functions) who is a member of Dáil Éireann or Seanad Éireann holds office, as may be appropriate, until—
- (a) the dissolution of Dáil Éireann occurring next after his or her appointment as such member, or he or she ceases to be a member,
- (b) the day before the polling day of the general election for Seanad Éireann next held after his or her appointment as such member, or he or she ceases to be a member.
- (7) A member of the Commission referred to in subsection (6)(b) ceases to hold office as such member if he or she becomes a member of Dáil Éireann.
- (8) An ordinary member of the Commission may resign his or her office at any time by letter addressed to the body that appointed him or her.
- ~~(9) The body that receives a letter under subsection (8), shall cause a copy of it be sent to the Secretary General, as soon as may be after receipt of it.~~
- (9) A body referred to in subsection (8) shall, as soon as may be after receiving a letter referred to in that subsection, cause a copy of the letter to be sent to the Secretary General.²⁹
- (10) A person who is an ordinary member of the Commission or the Minister's representative ceases to be a member of the Commission if he or she ceases to be a member of a House of the Oireachtas.

²⁹ Subsection substituted by section 4 of the Houses of the Oireachtas Commission (Amendment) Act 2015.

~~(11) Subject to subsection (12), the Committee established under the standing orders of Dáil Éireann to perform such functions in relation to the procedure and privileges of Dáil Éireann as may be conferred on it by that House, may remove from office an ordinary member of the Commission who is a member of that House, and, the Committee established under the standing orders of Seanad Éireann to perform such functions in relation to the procedure and privileges of Seanad Éireann as may be conferred on it by that House, may remove from office an ordinary member of the Commission who is a member of that House, if the Committee is of the opinion that—~~

~~(a) the member has become incapable through ill health of effectively performing the duties of such a member,~~

~~(b) the member has committed stated misbehaviour, or~~

~~(c) the removal appears to the Committee to be necessary for the effective performance of the functions of the Commission.~~

(11) An ordinary member of the Commission may be removed from office at any time for stated reasons by resolution passed by Dáil Éireann or Seanad Éireann, as may be appropriate.³⁰

~~(12) A member of the Commission may not be removed from office under subsection (11) unless a resolution providing for the removal and stating the grounds for it is passed by Dáil Éireann or Seanad Éireann, as may be appropriate.³¹~~

(13) The Minister's representative may resign from office as a member of the Commission, at any time, by letter addressed to the Minister.

(14) The Minister may remove the Minister's representative from membership of the Commission at any time.

³⁰ Subsection substituted by section 7(1) of the Houses of the Oireachtas Commission (Amendment) Act 2009, subject to transitional provision set down in subsection (2) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

³¹ Subsection deleted by section 7(1) of the Houses of the Oireachtas Commission (Amendment) Act 2009, subject to transitional provision in subsection (2).

- (15) Where an ordinary member of the Commission ceases to be a member under subsection (7), (8) or (10) or is removed under subsection (11), the House of the Oireachtas of which he or she was a member immediately prior to such cesser, or a Committee of that House authorised by it to do so, may appoint another member of that House to be an ordinary member of the Commission in his or her place.
- (16) Where the Minister's representative ceases to be a member of the Commission under subsection (10) or (13) or is removed from office as such a member under subsection (14) the Minister may appoint a member of either House of the Oireachtas to be the Minister's representative on the Commission in place of the other Minister's representative.
- (17) A member of the Commission, other than the Minister's representative, ceases to hold office as such member if he or she is appointed to be a Minister of the Government, a Minister of State or Attorney General.
- (18) Subject to section 10(3), the Commission may act despite one or more vacancies in its membership.

Membership following dissolution of Dáil Éireann.

- 9.— (1) If Dáil Éireann is dissolved, the chairperson or, if the chairperson is unable to perform his or her functions, the deputy chairperson of the Commission continues to hold office until the Chairman of Dáil Éireann is elected following such dissolution.
- (2) The Minister shall appoint a Minister of the Government or a Minister of State to be a member of the Commission if the Minister's representative—
- (a) ceases to be a member of Dáil Éireann, following a dissolution of that House, or
 - (b) ceases to be a member of Seanad Éireann, following a general election for that House after the dissolution referred to in paragraph (a), or following his or her election to Dáil Éireann in a general election or bye-election.
- (3) A member of the Commission appointed under subsection (2) shall hold office until Dáil Éireann next meets following the dissolution, election or bye-election referred to in subsection (2).

Meetings.

- 10.—**(1) The Commission shall hold such and so many meetings as may be necessary for the performance of its functions.
- (2) The chairperson shall fix the date, time and place of the first meeting of the Commission.
- (3) The quorum for a meeting of the Commission is 4.
- (4) The chairperson of the Commission shall preside at any meetings of the Commission.
- (5) If the chairperson is not present at a meeting of the Commission the deputy chairperson shall preside at the meeting.
- (6) Each member of the Commission present at a meeting of the Commission shall have a vote.
- (7) Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the question shall be decided in the negative.
- (8) Subject to this Act, the Commission shall regulate the procedure and business of the Commission and of any committee established under section 10A.³²

Committees of Commission.³³

10A.—(1)³⁴ The Commission may from time to time establish such committees of the Commission as it thinks fit to do either or both of the following:

- (a) advise in relation to the performance of its functions, and

³² Subsections (6) to (8) inserted by section 5 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

³³ Section inserted by section 6 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

³⁴ Section re-designated as subsection (1) by section 4(a) of the Houses of the Oireachtas Commission (Amendment) Act 2013.

- (b) perform any of its functions, other than the Commission's functions under this section to establish committees, as the Commission may specify.
- (2) The Commission may, for the purposes of the performance of its functions under subsections (2F) to (2H) of section 4, appoint to a committee established by it under subsection (1) in connection with those functions such persons, who are not members of the Commission or members of the staff of the Commission, as it considers appropriate who have suitable expertise and experience.³⁵

Transfer of rights and liabilities.

11.—(1) With effect from the establishment day the following are transferred to the Commission—

- (a) all rights and property (and rights relating to such property) held or enjoyed immediately before that day by the Office of the Houses of the Oireachtas in the performance by it of its functions referred to in section 4,
- (b) all liabilities incurred before that day by the Office of the Houses of the Oireachtas in the performance by it of its functions,

and, accordingly, without any further conveyance, transfer or assignment—

- (i) the said property, shall on that day vest in the Commission for all the estate, term or interest for which, immediately before that day, it was vested in the Office of the Houses of the Oireachtas, but subject to all trusts and equities affecting the property and capable of being performed,
 - (ii) those rights shall, as and from that day be enjoyed by the Commission, and
 - (iii) those liabilities shall, as and from that day, be liabilities of the Commission.
- (1A) (a) The Commission shall discharge any liabilities of the Minister which arise or have arisen in respect of a person who is or was employed—

³⁵ Subsection inserted by section 4(b) of the Houses of the Oireachtas Commission (Amendment) Act 2013.

- (i) as a civil servant of the State by the Commission,
- (ii) as a member of the joint staff of the Houses of the Oireachtas or as an officer of Dáil Éireann or Seanad Éireann, or
- (iii) by—
 - (I) a member of Dáil Éireann or of Seanad Éireann solely in connection with the member’s parliamentary duties, or
 - (II) a qualifying party for the purposes of facilitating the parliamentary activities of its elected members,

in accordance with regulations made under the Oireachtas (Allowances to Members) Acts 1938 to 1998 for the provision of secretarial facilities.

- (b) In this subsection ‘qualifying party’ means a political party registered in the Register of Political Parties which contested the last preceding general election or any subsequent bye-elections and which had a member or members elected to Dáil Éireann or elected or nominated to Seanad Éireann at that general election or at any subsequent bye-election.³⁶

- (2) Every right and liability transferred to the Commission by this section may, on or after the establishment day, be sued on, recovered or enforced by or against the Commission in its own name and it shall not be necessary for the Commission to give notice of the transfer to the person whose right or liability is transferred by this section.

Staff of Commission.

- 12.—(1) A person who, immediately before the establishment day was a member of the staff of the Houses of the Oireachtas or the joint staff of the Houses of the Oireachtas, shall be transferred to and become a member of the staff of the Commission on that day, on terms and conditions not less favourable to him or her than those applicable to that person immediately before the transfer.

³⁶ Subsection inserted by section 7 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

- (2) Every person referred to in subsection (1) who was a civil servant before the establishment day continues to be a civil servant after that day.
- (3) The Commission shall—
- (a) appoint persons to be members of the joint staff of the Houses of the Oireachtas, and be the employer of those persons,
 - (b) determine, subject to paragraph (c), staff requirements,
 - (c) obtain the consent of the Minister to appoint staff at or above the grade of or equivalent to Principal (Higher),
 - (d) appoint persons to scheduled occupations within the meaning of section 2(1) of the Civil Service Commissioners Act 1956 , and be the employer of those persons,
 - ~~(e) where it considers it appropriate to do so, recommend to the Government the dismissal of an established civil servant employed in the Office of the Houses of the Oireachtas,~~
 - ~~(f) dismiss a civil servant employed in the Office of the Houses of the Oireachtas who is not an established civil servant or who is in a probationary position within the meaning of section 7 of the Civil Service Regulation Act 1956 , as amended by section 7 of the Civil Service Regulation (Amendment) Act 1958.³⁷~~

(3A) A person who is a civil servant and is—

- (a) transferred under subsection (1), or**

³⁷ Paragraphs (e) and (f) deleted by section 17 of Civil Service Regulation (Amendment) Act 2005.

(b) appointed under subsection (3)(a),

is a civil servant of the State.³⁸

- (4) (a) References in any enactment to members of the staff of the Houses of the Oireachtas shall be construed as references—
- (i) to members of the staff of the Commission who immediately before the establishment day were members of the staff of the Houses of the Oireachtas, and
 - (ii) to persons appointed after that day to be members of the staff of the Commission and who occupy positions corresponding to positions before the establishment day on the staff of the Houses of the Oireachtas.
- (b) References in any enactment to members of the joint staff of the Houses of the Oireachtas shall be construed as references—
- (i) to members of the staff of the Commission who immediately before the establishment day were members of the joint staff of the Houses of the Oireachtas, and
 - (ii) to persons appointed after that day to be members of the staff of the Commission and who occupy positions corresponding to positions before the establishment day on the joint staff of the Houses of the Oireachtas.

Annual estimate of ongoing expenditure.

- 13.—(1)** The Commission shall prepare and publish a statement of estimates of the amount of moneys required by it in respect of ongoing expenditure for—
- (a) in the case of the first statement, the period beginning on the establishment day and ending on the following 31 December, and

³⁸ Subsection inserted by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2009.

- (b) in the case of every subsequent statement, the period of 12 months starting on 1 January in each year.
- (2) The second statement of estimates and subsequent statements of estimates shall include a **provisional**³⁹ breakdown of moneys paid out by the Commission in respect of ongoing expenditure for the period covered by the immediately preceding statement of estimates.
- (3) In each year a statement of estimates of the Commission shall be—
- (a) presented to Dáil Éireann, on a motion that Dáil Éireann take note of the statement, by a member of the Commission who is a member of Dáil Éireann, or any other member of Dáil Éireann nominated by the Commission for that purpose, and
- (b) when Dáil Éireann has taken note of the statement in accordance with paragraph (a), furnished by the Secretary General to the Minister ~~not later than 30 days~~⁴⁰ before the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of the Expenditure in that year.
- (4) If, in any year, the Commission fails to prepare and publish a statement of estimates in accordance with this section, the Minister shall make such provision as he or she sees fit for the purposes of the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of the Expenditure in that year.
- (4A) If, in any year, on the advice of the Secretary General, the Commission is satisfied that the amount of moneys required by it—
- (a) in respect of ongoing expenditure for a period of 12 months starting on 1 January, or
- (b) in respect of any matter specified in Schedule 1 as a ~~grant-in-aid~~ grant⁴¹,

³⁹ Inserted by section 8 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

⁴⁰ Deleted by section 2 of the Houses of the Oireachtas (Appointments to Certain Offices) Act 2015.

⁴¹ Substituted by section 5 of the Houses of the Oireachtas Commission (Amendment) Act 2015.

will exceed the amount of moneys specified in respect of any such period or matter by the Commission in a statement of estimates prepared and published in accordance with subsection (1), the Commission shall prepare and publish a supplementary statement of estimates of the additional amount of moneys required by it to meet such excess.

(4B) Any supplementary statement of estimates prepared and published by the Commission shall, not later than the end of the period to which it relates, be presented to Dáil Éireann in the manner set out in subsection (3)(a) and, when Dáil Éireann has taken note of the statement, it shall be furnished by the Secretary General to the Minister.⁴²

- (5) (a) If, in any year, the chairperson of the Commission shows to the satisfaction of the Minister in a document provided by him or her, that the expenditure incurred by the Commission to be charged on and paid out of the Central Fund under section 5 (1) will exceed the sum referred to in section 5 (2) before further provision can be made by the Oireachtas in relation to the funding of the Commission, additional expenditure of the Commission not exceeding one half of the ongoing expenditure for the period covered in the statement of estimates last prepared and published under this section shall, with the approval of the Minister for Public Expenditure and Reform,⁴³ be charged on and paid out of the Central Fund by the Minister for Finance⁴⁴.
- (b) Subsection (5)(a) may be applied only in respect of one year and after such application shall not have effect in relation to any other year.

Accounts.

- 14.—(1) The Commission shall keep in such form, and in respect of such accounting periods as may be approved of by the Minister, all proper and usual accounts of all moneys received or expended by it and shall keep any special accounts that the Minister may from time to time direct.
- (2) In relation to accounts kept under this section the Secretary General shall sign those accounts and the statement on internal financial control referred to in section⁴⁵ ~~16(1)(ea)~~ 16(1)(g)⁴⁶ and⁴⁷ shall—

⁴² Subsections (4A) and (4B) inserted by section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009.

⁴³ Inserted by section 91(b)(i) of the Ministers and Secretaries (Amendment) Act 2011.

⁴⁴ Inserted by section 91(b)(ii) of the Ministers and Secretaries (Amendment) Act 2011.

⁴⁵ Inserted by section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

⁴⁶ Substituted by section 12(2) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

⁴⁷ Inserted by section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

- (a) submit them annually to the Comptroller and Auditor General for audit, not later than 3 months after the accounting period to which they relate, and
 - (b) immediately after the audit referred to in paragraph (a), present a copy of them, and the report of the Comptroller and Auditor General on them, to the Minister.
- (3) The Minister shall lay copies of the audited accounts and the report referred to in subsection (2) before each House of the Oireachtas.
- (4) Whenever required to do so by a Committee of Dáil Éireann established under the standing orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, the Secretary General shall give evidence to that Committee on—
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account of the Commission subject to audit by the Comptroller and Auditor General,
 - (b) the economy and efficiency of the Commission in the use of its resources,
 - (c) the systems, procedures and practices employed by the Commission for the purpose of evaluating the effectiveness of its operations, and
 - (d) any matter affecting the Commission referred to in a special report of the Comptroller and Auditor General under section 11 (2) of the Comptroller and Auditor General (Amendment) Act 1993 , or in any other report of the Comptroller and Auditor General (insofar as it relates to a matter specified in paragraph (a), (b) or (c) that is laid before Dáil Éireann.
- (5) In performing functions under subsection (4), the Secretary General shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Audit committee.⁴⁸

- 14A.**—(1) The Commission shall establish an audit committee ('committee') to perform the functions specified in this section.
- (2) As soon as may be following the appointment of the ordinary members of the Commission under section 8(3), the Commission shall appoint the membership of the committee.
- (3) The committee shall consist of the following persons:
- (a) one member of the Commission,
 - (b) at least one but not more than 3 members of either House of the Oireachtas who are not members of the Commission,
 - (c) at least 2 but not more than 3 other persons nominated by the Secretary General who are professionally qualified in finance or accounting or have experience of auditing and who are not, and have never been, members of the Houses of the Oireachtas, and
 - (d) one member of the staff of the Service nominated by the Secretary General, not being a staff member with direct responsibility for financial functions.
- (4) The quorum for a meeting of the committee shall be 3.
- (5) The Commission shall designate one of the persons appointed under subsection (3)(c) as the chairperson of the committee.
- (6) (a) The members of the committee appointed under subsection (3)(a) and (b) shall hold office for the duration of their membership of the Commission or of the relevant House of the Oireachtas, as the case may be.

⁴⁸ Section inserted by section 10 of the Houses of the Oireachtas Commission (Amendment) Act 2009.

- (b) The members of the committee appointed under subsection (3)(c) and (d) shall hold office until their successors are appointed.

- (7) Subject to subsection (6), the members appointed under subsection (3)(c) shall hold office on such other terms and conditions as may be determined by the Commission.

- (8) A member of the committee may be removed from office by the Commission at any time for stated reasons.

- (9) The Secretary General shall ensure that the committee is provided with all of the Commission's audit plans and reports.

- (10) The committee shall—
 - (a) advise the Secretary General on financial matters relating to his or her functions,

 - (b) advise the Commission on matters of corporate governance relating to its functions, and

 - (c) report in writing at least once a year to the Commission on its activities in the previous year.

- (11) The committee's duties under subsection (10)(a) include advising on the following:
 - (a) the proper implementation of public service guidelines on financial matters,

 - (b) compliance with section 22 of the Exchequer and Audit Departments Act 1866, section 19 of the Comptroller and Auditor General (Amendment) Act 1993 and any other obligations imposed by law relating to financial matters,

- (c) the appropriateness, efficiency and effectiveness of the Commission's procedures relating to—
 - (i) public procurement,
 - (ii) seeking sanction for expenditure and complying with that sanction,
 - (iii) acquiring, keeping custody of and disposing of assets,
 - (iv) risk management,
 - (v) financial reporting,
 - (vi) internal audit,
 - (vii) internal controls,and
- (d) the form of accounts of the Commission for approval by the Minister under section 14.

(12) The report of the committee under subsection (10)(c) may be published with the annual report of the Commission under section 6.

(13) The committee shall meet at least 4 times in each year and may invite a person who has responsibility for internal audits or financial matters within the staff of the Service, or any other person it considers appropriate, to attend specific meetings.

Parliamentary Budget Office⁴⁹

- 14B.**—(1) There shall be established within the Service an Office to be known, in the Irish language, as An Oifig Buiséid Pharlaiminteach and, in the English language, as the Parliamentary Budget Office (in this section referred to as the ‘Office’).
- (2) The Secretary General may assign a member of the staff of the Commission who has the requisite knowledge, skills and qualifications as the Director of the Office (in this section referred to as the ‘Director’) to perform the functions specified in subsection (4).
- (3) There shall be assigned to the Office such and so many members of the staff of the Commission as the Secretary General considers appropriate to assist the Director in the performance of the functions specified in subsection (4).
- (4) The Director shall, in addition to such other functions as the Secretary General may assign to him or her under section 16(1)(j), perform the following functions:
- (a) manage and control generally the administration and business of the Office;
 - (b) provide to the Houses of the Oireachtas or an Oireachtas Committee fiscal and economic information, analysis and advice that is independent and impartial, relating to—
 - (i) the particular macro-economic conditions in the State from time to time,
 - (ii) developments affecting the public finances,
 - (iii) the management of the public finances, and
 - (iv) the financial implications of proposals affecting the public finances;

⁴⁹ Section inserted by section 5 of the Houses of the Oireachtas Commission (Amendment) Act 2018.

- (c) furnish to either House of the Oireachtas or an Oireachtas Committee, upon the request of such House or Committee, a report relating to such matters referred to in paragraph (b) as may be specified in the request, and publish the report not later than the next working day following it being so furnished;
 - (d) publish, in such form and manner as he or she considers appropriate, briefing papers and other reports from time to time in relation to matters referred to in paragraph (b).
- (5) The Director shall provide to the Secretary General such information (including financial information) relating to the performance of his or her functions as the Secretary General may from time to time request.
- (6) Subject to the consent of the Secretary General, the Director may authorise a member of the staff of the Commission assigned to the Office to perform his or her functions under this section on his or her behalf and, in the absence of the Director or if that post is vacant, the Secretary General may designate a member of the staff of the Commission to perform those functions.
- (7) The Director shall have all such powers as are necessary or expedient for, or incidental to, the performance of his or her functions and, without prejudice to the generality of the foregoing, the Director may request in writing a Minister of the Government or other body to provide to him or her such information as he or she considers necessary for the performance of the functions specified in any paragraph of subsection (4).

Office of Parliamentary Legal Advisers⁵⁰

- 14C.—**(1) There shall be established within the Service an Office to be known, in the Irish language, as Oifig na gComhairleoirí Dlí Parlaiminteacha and, in the English language, as the Office of Parliamentary Legal Advisers (in this section referred to as the ‘Office’).
- (2) The Secretary General may assign a member of the staff of the Commission who has the requisite knowledge, skills and qualifications as the Chief Parliamentary Legal Adviser (in this section referred to as the ‘Chief Parliamentary Legal Adviser’) to perform the functions specified in subsection (4).

⁵⁰ Section inserted by section 6 of the Houses of the Oireachtas Commission (Amendment) Act 2018.

- (3) There shall be assigned to the Office such and so many members of the staff of the Commission as the Secretary General considers appropriate to assist the Chief Parliamentary Legal Adviser in the performance of the functions specified in subsection (4).
- (4) The Chief Parliamentary Legal Adviser shall, in addition to such other functions as the Secretary General may assign to him or her under section 16(1)(j), perform the following functions:
- (a) manage and control generally the administration and business of the Office;
 - (b) arrange for the provision of legal advice and legal services (each within the meaning of section 2 of the Legal Services Regulation Act 2015) to—
 - (i) the Commission, including in relation to its functions under subsections (2)(f) and (7A) of section 4,
 - (ii) the Chairman of Dáil Éireann in his or her capacity as such,
 - (iii) the Chairman of Seanad Éireann in his or her capacity as such,
 - (iv) for the purposes of section 4(2)(e)—
 - (I) members of Dáil Éireann or Seanad Éireann as regards matters arising from their membership of Dáil Éireann or Seanad Éireann, and
 - (II) Oireachtas Committees,
- and
- (v) an officer of the Houses of the Oireachtas in his or her capacity as such and, in the case of the Clerk of Dáil Éireann, including in his or her

capacity as Secretary General or as the Registrar of Political Parties under section 25 of the Electoral Act 1992;

- (c) provide legal advice in relation to legislative proposals to, and prepare draft Bills and draft amendments of Bills for, members of Dáil Éireann or Seanad Éireann other than—
 - (i) a Minister of the Government or a Minister of State, or
 - (ii) the Leader of the House in Seanad Éireann, or such other member of Seanad Éireann authorised by the Government under Standing Orders of Seanad Éireann for the purpose of the initiation of a Bill by presentation.
- (5) The Chief Parliamentary Legal Adviser shall provide to the Secretary General such information (including financial information) relating to the performance of his or her functions as the Secretary General may from time to time request.
- (6) Subject to the consent of the Secretary General, the Chief Parliamentary Legal Adviser may authorise a member of the staff of the Commission assigned to the Office to perform his or her functions under this section on his or her behalf and, in the absence of the Chief Parliamentary Legal Adviser or if that post is vacant, the Secretary General may designate a member of the staff of the Commission to perform those functions.
- (7) The Chief Parliamentary Legal Adviser shall have all such powers as are necessary or expedient for, or incidental to, the performance of his or her functions.
- (8) Subject to this Act, the Chief Parliamentary Legal Adviser and the members of the staff of the Commission assigned to the Office shall be independent in the performance of the functions specified in any paragraph of subsection (4).

Secretary General of the ~~Office of the Houses of the Oireachtas~~ Service.

15.—~~(1) The person who for the time being holds the office of the Clerk of Dáil Éireann shall, on and after the establishment day become and may also be referred to as the Secretary General of the Office of the Houses of the Oireachtas (in this Act referred to as the “Secretary General”).~~

~~(2) The Secretary General is the chief executive of the Commission.~~

(1) The person who for the time being holds the office of the Clerk of Dáil Éireann is and may also be referred to as the Secretary General of the Service (in this Act referred to as the ‘Secretary General’).

(2) The Secretary General is the chief executive of the Commission.

(3) The Secretary General shall be the officer accountable for the accounts of the Commission for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.⁵¹

(4) Without prejudice to the power of the Secretary General to assign responsibility for performance of the functions for which he or she is responsible to members of the staff of the Commission, the functions of the Secretary General may be performed—

(a) during any period of absence on the part of the Secretary General, by such member or members of the staff of the Commission as may have been authorised for that purpose by a direction given by the Secretary General or, in the absence of such a direction, by such member or members of the staff of the Commission as the Commission may authorise for that purpose, or

(b) during any period in which the office of Secretary General is vacant, by such member or members of the staff of the Commission as the Commission may authorise for that purpose.⁵²

Functions of the Secretary General.

~~16.—(1) Subject to determination of matters of policy by the Commission and except as otherwise directed by the Commission or provided by or under any other Act, the Secretary General of the Office of the Houses of the Oireachtas shall have the authority, responsibility and accountability for carrying out the following duties in respect of the Office of the Houses of the Oireachtas:~~

⁵¹ Section substituted by section 11 of the Houses of the Oireachtas Commission (Amendment) Act 2009.

⁵² Subsection inserted by section 3 of the Houses of the Oireachtas (Appointments to Certain Offices) Act 2015.

- ~~(a) managing the Office of the Houses of the Oireachtas, implementing and monitoring Commission policies appropriate to the Office of the Houses of the Oireachtas, and delivering outputs as determined with the Commission,~~
- ~~(b) preparing, with a view to giving effect to subsection (6), an outline of how specific elements of the responsibilities described in paragraphs (c) to (g) are to be assigned so as to ensure that the functions performed on behalf of the Commission are performed by a member of the staff of the Commission of an appropriate grade or rank,~~
- ~~(c) providing advice to the Commission with respect to any matter within, affecting or connected with, the responsibilities of the Office of the Houses of the Oireachtas giving rise to material expenditure chargeable to its accounts,~~
- ~~(d) ensuring that appropriate arrangements are put into place that will facilitate an effective response to matters that pertain to both the Office of the Houses of the Oireachtas and other branches of the public service,~~
- ~~(e) ensuring that the resources of the Office of the Houses of the Oireachtas are used in a manner that is in accordance with the Comptroller and Auditor General (Amendment) Act 1993 with a view to enabling the matters referred to in paragraphs (a) to (d) of section 19(1) of that Act to be appropriately addressed by the Secretary General,~~
- ~~(ea) preparing a statement on internal financial control for the purpose of it being reviewed by the Comptroller and Auditor General in the context of the audit to which section 14(2)(a) relates,~~
- ~~(f) examining and developing means that will improve the provision by the Office of the Houses of the Oireachtas of cost effective services,~~
- ~~(g) subject to the Civil Service Regulation Act 1956 and the Civil Service Commissioners Act 1956 *Public Service Management (Recruitment and Appointments) Act 2004*, managing all matters pertaining to appointments, performance, discipline and dismissals of staff below the grade of Principal (Higher), or its equivalent in the Office of the Houses of the Oireachtas,~~

- ~~(h) assigning the responsibility for performance of the functions for which the Secretary General is responsible to members of the staff of the Commission of an appropriate grade or rank, including the conditions pertaining to such assignments, in order to ensure coherence of policy across the Office of the Houses of the Oireachtas, and ensuring that, where appropriate, the responsibility for the performance of those functions is further assigned to other members of the staff of the Commission of an appropriate grade or rank,~~
- ~~(i) providing progress reports on the implementation of the strategic plan, as defined in subsection (4)(b), annually to the Commission.~~

16.—(1) Subject to determination of matters of policy by the Commission and except as otherwise directed by the Commission or provided by or under any other Act, the Secretary General of the Service has the authority, responsibility and accountability for carrying out the following duties in respect of the Service:

- (a) managing and controlling generally the staff and administration of the Service, implementing and monitoring Commission policies appropriate to that service, and delivering outputs as determined with the Commission,
- (b) providing advice to the Commission and the chairperson of the Commission on the performance of their functions under this Act,
- (c) preparing, with a view to giving effect to subsection (6), an outline of how specific elements of the responsibilities described in paragraphs (d) to (i) are to be assigned so as to ensure that the functions performed on behalf of the Commission are performed by a member of the staff of the Commission of an appropriate grade or rank,
- (d) providing advice to the Commission with respect to any matter within, affecting or connected with, the responsibilities of the Service giving rise to material expenditure chargeable to its accounts,
- (e) ensuring that appropriate arrangements are put into place that will facilitate an effective response to matters that pertain to both the Service and other branches of the public service,

- (f) ensuring that the resources of the Service are used in a manner that is in accordance with the Comptroller and Auditor General (Amendment) Act 1993 with a view to enabling the matters referred to in paragraphs (a) to (d) of section 19(1) of that Act to be appropriately addressed by the Secretary General,
 - (g) preparing a statement on internal financial control for the purpose of it being reviewed by the Comptroller and Auditor General in the context of the audit to which section 14(2) relates,
 - (h) examining and developing means that will improve the provision by the Service of cost effective services,
 - (i) subject to the Civil Service Regulation Act 1956 and the Public Service Management (Recruitment and Appointments) Act 2004, managing all matters pertaining to appointments, performance, discipline and dismissals of staff below the grade of Principal, or its equivalent in the Service,
 - (j) assigning the responsibility for performance of the functions for which the Secretary General is responsible to members of the staff of the Commission of an appropriate grade or rank, including the conditions pertaining to such assignments, in order to ensure coherence of policy across the Service and ensuring that, where appropriate, the responsibility for the performance of those functions is further assigned to other members of the staff of the Commission of an appropriate grade or rank,
 - (k) providing progress reports on the implementation of the strategic plan, as defined in subsection (4)(b), annually to the Commission.⁵³
- (2) Nothing in subsection (1) shall be construed as preventing or limiting the Secretary General from carrying out, on behalf of the Commission, any other function of the Commission.
- ~~(3) The Secretary General shall be accountable to the Commission in carrying out the duties or functions referred to in subsection (1).~~

⁵³ Subsection (1) substituted by section 12(1)(a) of the Houses of the Oireachtas Commission (Amendment) Act 2009. [Note: this effect supersedes a number of previous affecting provisions. Section 10 of the Houses of the Oireachtas Commission (Amendment) Act 2006 previously inserted a new paragraph (ea) to the subsection. Paragraph (g) was previously amended by section 18 of the Civil Service Regulation (Amendment) Act 2005 and section 61 and schedule 2 part 1 of the Public Service Management (Recruitment and Appointments) Act 2004.]

- (3) The Secretary General is accountable to the Commission in carrying out the duties or functions referred to in subsection (1) and is accountable to it for ensuring economy, efficiency and effectiveness in the use of Commission resources.⁵⁴
- (4) (a) As soon as practicable after the establishment day, and after that within 6 months before each third anniversary of the establishment day or such other times as the Commission may direct, the Secretary General shall prepare and submit to the Commission, for approval with or without amendment by the Commission, a strategic plan for the following 3 year period.
- (b) For the purposes of this section, “strategic plan” means a plan that shall—
- (i) comprise the key objectives, outputs and related strategies including the use of resources of the Commission taking due account of relevant directions issued by the Government to Government Departments and Offices,
 - (ii) be prepared in a form and manner in accordance with any directions issued from time to time by the Commission, and
 - (iii) have regard to the need to make efficient use of the resources of the Commission.
- (c) As soon as practicable after the strategic plan has been approved, the Commission shall cause a copy of it to be laid before each House of the Oireachtas.
- (d) The Freedom of Information Act 1997 shall not apply to a record containing the following during the period of 5 years immediately following its creation:
- (i) a strategic plan that has not been approved under paragraph (a),
 - (ii) a preliminary or other draft of the whole or part of the material contained in a strategic plan,

⁵⁴ Subsection substituted by section 12(1)(b) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

- (iii) the unamended version of a strategic plan that is approved under paragraph (a) with amendment, or
- (iv) a direction under subsection (5) in connection with the obligations of the Secretary General under subsection (4)(a) and (b).

(4A) The Secretary General shall prepare a statement of values for the Service and shall include such statement in the strategic plan referred to in subsection (4).⁵⁵

~~(5) Subject to any other Act, but notwithstanding anything in this Act, the Commission may give directions to the Secretary General, in writing, in connection with the obligations of the Secretary General under subsections (1) to (4) other than subsection (1)(g).~~

(5) The Commission may, subject to this or any other Act, give directions in writing to the Secretary General in connection with his or her functions under subsections (1) to (4) other than—

- (a) subsection (1)(i),
- (b) matters regarding the management of individual staff of the Service, and
- (c) in relation to advice sought from or given by him or her in his or her capacity as Clerk of Dáil Éireann in respect of Dáil Éireann or any of its committees or members.⁵⁶

(6) (a) The assignment of the responsibility for the performance of functions of the Secretary General under this section to members of the staff of the Commission of an appropriate grade or rank, shall include a requirement, where deemed appropriate to the assignment, that the member of the staff of the Commission to whom the assignment is made shall—

⁵⁵ Subsection inserted by section 12(1)(c) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

⁵⁶ Subsection substituted by section 12(1)(d) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

- (i) provide policy advice in relation to the subject matter of the assignment and related matters,
 - (ii) achieve the outputs specified in the assignment,
 - (iii) assume responsibility for the statutory schemes or programmes specified in the assignment,
 - (iv) assume responsibility for the delivery of quality services in respect of the area of the assignment,
 - (v) ensure that the expenditure made in respect of the area of the assignment accords with the purpose for which the expenditure was chargeable to the accounts of the Commission and that value for money was obtained, and
 - (vi) perform, on behalf of the Secretary General, functions in respect of appointments, performance and discipline of personnel in the area of the assignment, other than dismissals, that are the responsibility of the Secretary General under subsection ~~(1)(g)~~ (1)(i)⁵⁷.
- (b) A member of staff of the Commission to whom the responsibility for the performance of functions has been assigned shall be accountable for the performance of those functions to the Secretary General and to such other members of staff of the Commission (if any) as may be specified under the assignment.
- (7) The Secretary General, or any other member of staff of the Commission who is designated for the purposes of this section by the Secretary General, and to whom the relevant responsibility for the performance of functions has been assigned, and, when requested to do so in writing by an Oireachtas Committee authorised in that behalf to make the request in connection with the subject-matter before that Committee, shall appear before the Committee in relation to any strategic plan that has been laid before each House of the Oireachtas under subsection (4)(c).

⁵⁷ Substituted by section 12(1)(e) of the Houses of the Oireachtas Commission (Amendment) Act 2009.

Seal of Commission.⁵⁸

16A.—(1) The Commission shall provide itself with a seal.

(2) The seal of the Commission shall be authenticated by the signatures of—

(a) the chairperson of the Commission or another member of the Commission authorised in that behalf by it, and

(b) a member of the staff of the Commission authorised in that behalf by it.

(3) Judicial notice shall be taken of the seal of the Commission and an instrument purporting to be an instrument made by the Commission and to be sealed with its seal (purporting to be authenticated in accordance with subsection (2)) shall be received in evidence and shall be deemed to be such instrument without proof unless the contrary is shown.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised in that behalf by the Commission.

Application of Freedom of Information Act 1997.

17.—~~The First Schedule to the Freedom of Information Act 1997 is amended at paragraph 1(2) by inserting “the Houses of the Oireachtas Commission,” after “the Office of the Registrar of Friendly Societies.”~~⁵⁹

Editorial Note:

The Freedom of Information Act 1997 was repealed by section 5 of, and schedule 4 to, the Freedom of Information Act 2014 prior to the repeal of this section.

Superannuation.

18.—For the purposes of the Superannuation Acts 1834 to 1963, and the Superannuation and Pensions Act 1976, the following are taken to be paid from voted moneys:

⁵⁸ Section inserted by section 11 of the Houses of the Oireachtas Commission (Amendment) Act 2006.

⁵⁹ Section repealed by section 9(a) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

- (a) each officer of the Houses of the Oireachtas, and
- (b) each member of the joint staff of the Houses of the Oireachtas.

Application of Civil Service Commissioners Act 1956.

~~19. The Civil Service Commissioners Act 1956 is amended—~~

- ~~(a) in section 3(1), as amended by section 13 of the Staff of the Houses of the Oireachtas Act 1959, by substituting the following for paragraph (a):~~

~~“(a) in relation to the position of a member of the joint staff of the Houses of the Oireachtas—the Houses of the Oireachtas Commission,”;~~

- ~~(b) in section 27(1), as amended by section 11 of the Staff of the Houses of the Oireachtas Act 1959, by substituting “Houses of the Oireachtas Commission” for “Chairman of Dáil Éireann”.~~⁶⁰

Editorial Note:

The Civil Service Commissioners Act 1956 was repealed by section 61 of, and part 1 of schedule 2 to, the Public Service Management (Recruitment and Appointments) Act 2004 prior to the repeal of this section.

Application of Civil Service Regulation Act 1956 as applied or amended by Part IV of Staff of the Houses of the Oireachtas Act 1959.

~~20. (1) Section 2(1)(aa) of the Civil Service Regulation Act 1956, as inserted by section 18(1) of the Staff of the Houses of the Oireachtas Act 1959, is amended—~~

- ~~(a) by substituting the following for paragraphs (aa) and (ab):~~

~~“(aa) in relation to a civil servant who is the Secretary General of the Office of the Houses of the Oireachtas or the Clerk Assistant of Dáil Éireann, in respect of matters directly related to the business of Dáil Éireann, the~~

⁶⁰ Section repealed by section 9(b) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

~~Chairman of Dáil Éireann, in all other respects, the Houses of the Oireachtas Commission,~~

~~(ab) in relation to a civil servant who is the Clerk or Clerk Assistant of Seanad Éireann, in respect of matters directly related to the business of Seanad Éireann, the Chairman of Seanad Éireann, in all other respects, the Houses of the Oireachtas Commission,”;~~

~~(b) by inserting the following paragraphs after paragraph (ab) (inserted by paragraph (a)):~~

~~“(ac) in relation to a civil servant who is the Superintendent, Houses of the Oireachtas or the Captain of the Guard, Houses of the Oireachtas—~~

~~(i) in respect of matters directly related to the business of Dáil Éireann, the Chairman of Dáil Éireann,~~

~~(ii) in respect of matters directly related to the business of Seanad Éireann, the Chairman of Seanad Éireann,~~

~~(iii) in all other respects, the Houses of the Oireachtas Commission,~~

~~(ad) in relation to a member of the joint staff of the Houses of the Oireachtas, the Houses of the Oireachtas Commission,”⁶¹~~

Editorial Note:

Section 2 of the Civil Service Regulation Act 1956 was substituted by section 6 of the Civil Service Regulation (Amendment) Act 2005 prior to the repeal of this subsection.

(2) The Staff of the Houses of the Oireachtas Act 1959, as it applies to the Civil Service Regulation Act 1956, is amended—

(a) in section 20—

⁶¹ Subsection deleted by section 9(c) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

- (i) in paragraph (a), by inserting “following consultation by him with the Houses of the Oireachtas Commission,” after “Chairman of Dáil Éireann,”
 - (ii) in paragraph (b), by inserting “following consultation by him with the Houses of the Oireachtas Commission,” after “Chairman of Seanad Éireann,”
 - (iii) in paragraph (c), by substituting “Chairman of Dáil Éireann, the Chairman of Seanad Éireann and the Houses of the Oireachtas Commission”, for “Chairman of Dáil Éireann and the Chairman of Seanad Éireann,”
 - (iv) in paragraph (d), by inserting “and the Houses of the Oireachtas Commission,” after “Chairman of Seanad Éireann,”
- (b) in section 21—
- (i) in subsection (1)—
 - (I) by substituting the following for the definition of “the appropriate authority”: “ ‘the appropriate authority’ means the Houses of the Oireachtas Commission;”, and
 - (II) by deleting the definition of “the chairman”,
 - (ii) by substituting the following for subsection (2):
 - “(2) (a) The Chairman of Dáil Éireann may suspend from duty a civil servant to whom this section applies, who, while employed on duties directly related to the business of Dáil Éireann, is guilty of grave misconduct warranting disciplinary action,

- (b) The Chairman of Seanad Éireann may suspend from duty a civil servant to whom this section applies, who, while employed on duties directly related to the business of Seanad Éireann, is guilty of grave misconduct warranting disciplinary action.”,

(iii) by substituting the following for subsection (3):

- “(3) (a) The Chairman of Dáil Éireann may terminate the suspension of a civil servant to whom this section applies who is suspended under paragraph (a) of subsection (2) of this section,
- (b) The Chairman of Seanad Éireann may terminate the suspension of a civil servant to whom this section applies who is suspended under paragraph (b) of subsection (2) of this section.”,

(iv) by substituting the following for subsection (4):

- “(4) Where the Chairman of Dáil Éireann or the Chairman of Seanad Éireann terminates the suspension of a civil servant under subsection (3) of this section and restores him or her to duty—
- (a) the appropriate authority, if satisfied that considerations of equity so require, shall direct that ordinary remuneration, in whole or in part, as the appropriate authority may direct, shall be paid to that civil servant in respect of the period of suspension,
- (b) before the appropriate authority decides not to give a direction under paragraph (a) of this subsection or decides to give a direction under that paragraph for payment of part only of ordinary remuneration, the civil servant shall be invited by the Commission to make representations to it in relation to the matter and the Commission shall consider any such representation made to it.”.

Amendment of Staff of the Houses of the Oireachtas Act 1959.

21.—The Staff of the Houses of the Oireachtas Act 1959 is amended—

(a) in section 5—

- (i) in subsection (2)(a), by substituting “on the recommendation of the Chairman after consultation by him with the Houses of the Oireachtas Commission” for “on the joint recommendation of the Chairman and the Minister”,
- (ii) in subsection (2)(b), by substituting “Where the Chairman after consultation by him with the Houses of the Oireachtas Commission is satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, he or she may” for “Where the Chairman and the Minister are satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, they may”,
- (iii) in subsection (3)(a), by substituting “If the Chairman after consultation by him with the Houses of the Oireachtas Commission fails to recommend a person” for “If the Chairman and the Minister fail to agree on a recommendation of a person”,

(b) in section 6—

- (i) in subsection (2)(a), by substituting “on the recommendation of the Chairman after consultation by him with the Houses of the Oireachtas Commission.” for “on the joint recommendation of the Chairman and the Minister.”,
- (ii) in subsection (2)(b), by substituting “Where the Chairman after consultation by him with the Houses of the Oireachtas Commission is satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, he may” for “Where the Chairman and the Minister are satisfied that no member of the staff of the Houses of the Oireachtas is suitable for appointment to an office, they may”,

- (iii) in subsection (3)(a), by substituting “If the Chairman after consultation by him with the Houses of the Oireachtas Commission fails to recommend a person” for “If the Chairman and the Minister fail to agree on a recommendation of a person”,

- (c) in section 7 by inserting “, after both Chairmen have consulted with the Houses of the Oireachtas Commission” after “Chairman of Dáil Éireann and the Chairman of Seanad Éireann”,

- (d) in section 8(1)—
 - (i) by substituting “The Houses of the Oireachtas Commission,” for “The Chairman of Dáil Éireann, after consultation with the Chairman of Seanad Éireann,”, and

 - (ii) by substituting “as it may determine.” for “as he may, with the sanction of the Minister, determine.”.

SCHEDULE 1
ONGOING EXPENDITURE

Section 2.

1. ~~Administration:~~

~~(a) salaries, wages and allowances in respect of members of staff of the Houses of the Oireachtas;~~

~~(b) travel and subsistence;~~

~~(c) incidental expenses;~~

~~(d) postage and telecommunications services;~~

~~(e) office machinery and other office supplies;~~

~~(f) office premises expenses.~~

2. ~~Other services:~~

~~(a) payment in respect of catering and bar staff employed by the Joint House Services Committee;~~

~~(b) expenses of delegates to other parliamentary assemblies;~~

~~(c) televising of proceedings of Dáil Éireann and Seanad Éireann and other services;~~

~~(cc) costs for the purposes of defraying the expenses incurred by the Commission in respect of Bealach Thithe an Oireachtais under section 125 of the Broadcasting Act 2009;~~

~~(d) — grant in aid in respect of inter parliamentary activities;~~

~~(e) — grant in aid to British-Irish Inter-Parliamentary Body;~~

~~(f) — allowances to or in respect of former members of the Houses of the Oireachtas;~~

~~(g) — grant to Irish Parliamentary (former Members) Society;~~

~~(h) — grant in aid in respect of “Ciste Pinsean Thithe an Oireachtais”;~~

~~(i) — pension scheme for secretarial assistants;~~

~~(j) — expenses relating to Oireachtas Committees.~~

~~3. — Salaries of members of the Houses of the Oireachtas (including office holders and Oireachtas Committee chairpersons) and of the European Parliament.~~

~~4. — Payments in respect of secretarial assistance for non-office holding members of the Houses of the Oireachtas.~~

~~5. — Travel expenses of members of the Houses of the Oireachtas.~~

~~6. — Other allowances and expenses of members of the Houses of the Oireachtas.~~

~~7. — Any other expenses incurred by the Commission in the performance of its functions.~~

~~8. — Any other expenses incurred by the Commission acting as paying agent under any agreement concluded with the European Parliament for the purpose of defrayal and recoupment of certain parliamentary expenses of members of that Parliament elected~~

~~under the European Parliament Elections Act 1997, or regarded under that Act as having been so elected.~~

SCHEDULE 1⁶²
ONGOING EXPENDITURE

Section 2

1. Administration—

- (a) Salaries, wages and allowances in respect of staff of the Houses of the Oireachtas Service.
- (b) Travel and subsistence.
- (c) Training and development and incidental expenses.
- (d) Postal and telecommunications services.
- (e) Office equipment and external IT services.
- (f) Office premises expenses.
- (g) Consultancy services and value for money and policy review.
- (h) Parliamentary printing.
- (i) Library and research services.

⁶² Schedule substituted by section 3 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012. [*Note: this effect supersedes section 126 of the Broadcasting Act 2009 and section 7(a) of the European Parliament (Irish Constituency Members) Act 2009 which had previously amended the Schedule.*]

- (j) Public relations and communications.
- (k) Single Public Service Pension Scheme for members of the staff of the Commission.⁶³

2. Other services—

- (a) Payment in respect of catering and bar staff.
- (b) Expenses of delegates to other parliamentary assemblies.
- (c) Televising of proceedings of Dáil Éireann and Seanad Éireann and other services.
- (d) ~~Grant in aid~~ Grant⁶⁴ in respect of inter-parliamentary activities.
- (e) ~~Grant in aid~~ Grant⁶⁵ to British-Irish Parliamentary Assembly.
- (f) North/South Inter-Parliamentary Association.
- (g) Termination allowances in respect of former members of the Houses of the Oireachtas.
- (h) Grant to Irish Parliamentary (former Members) Society.
- (i) ~~Grant in aid~~ Grant⁶⁶ in respect of “Ciste Pinsean Thithe an Oireachtais”.

⁶³ Subparagraph inserted by section 7(a) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

⁶⁴ Substituted by section 6(a) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

⁶⁵ Substituted by section 6(a) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

⁶⁶ Substituted by section 6(a) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

- (j) Pension scheme for secretarial assistants.
- (k) Single Public Service Pension Scheme for members of the Houses of the Oireachtas.⁶⁷

3. Membership of Dáil Éireann—

- (a) Salaries of members (including Office Holders and Chairpersons of Committees).
- (b) Payments in respect of secretarial assistance ~~for non-office holding members~~ for members⁶⁸.
- (c) Travel and Accommodation Allowance.
- (d) Public Representation Allowance.
- (e) Other allowances.

4. Membership of Seanad Éireann—

- (a) Salaries of members (including Office Holders and Chairpersons of Committees).
- (b) Payments in respect of secretarial assistance ~~for non-office holding members~~ for members⁶⁹.
- (c) Travel and Accommodation Allowance.
- (d) Public Representation Allowance.

⁶⁷ Subparagraph inserted by section 7(b) of the Houses of the Oireachtas Commission (Amendment) Act 2018.

⁶⁸ Substituted by section 6(b) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

⁶⁹ Substituted by section 6(c) of the Houses of the Oireachtas Commission (Amendment) Act 2015.

(e) Other allowances.

5. Membership of Oireachtas Committees—

(a) Travel expenses.

(b) Other expenses relating to Committees.

6. Membership of European Parliament—

(a) Salaries of members of the European Parliament.

(b) Pensions of former members of the European Parliament.

SCHEDULE 2
RECEIPTS OF THE COMMISSION

Section 5.

- ~~1. Sales of parliamentary publications.~~
- ~~2. Sales of televised proceedings of Dáil Éireann and Seanad Éireann.⁷⁰~~
3. Sales of services of Broadcasting Unit.
4. Net income of catering and bar services.
5. Members' contributions under the European Parliament (Irish Representatives) Pension Scheme, 1979.
- ~~6. Any other receipts obtained by the Commission in the performance of its functions except where they consist of expenses paid by the Commission on behalf of its members and staff which have been recouped by it from them.~~
- ~~6. Any other receipts obtained by the Commission in the performance of its functions except where they consist of—~~
 - ~~(a) expenses paid by the Commission on behalf of its members and staff which have been recouped by it from them, or~~
 - ~~(b) monies recouped by the Commission from the European Parliament under an agreement concluded under paragraph 8 of Schedule 1.~~
6. Receipts obtained by the Commission in the performance of its functions (other than receipts in respect of expenses paid by the Commission on behalf of its members or

⁷⁰ Paragraphs 1 and 2 deleted by section 4 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012. [Note: this effect supersedes section 7(b) of the European Parliament (Irish Constituency Members) Act 2009 which had previously substituted the paragraph.]

members of staff that have been recouped by the Commission from the members or members of staff concerned).⁷¹

⁷¹ Paragraph substituted by section 7 of the Houses of the Oireachtas Commission (Amendment) Act 2015.

Appendix 1

Free standing provisions in other Acts constituting part of the Houses of the Oireachtas Commission Acts 2003 to 2018

The following free standing provision is contained in section 13(1) of the Houses of the Oireachtas Commission (Amendment) Act 2009:

“Payments, indemnification, etc., in respect of certain persons in employment.

13. (1) *Where an injury is claimed to have been sustained by a person in respect of which—*

(a) *the person sustained the injury in the course of employment as a secretarial assistant (whether or not referred to by such title) by a member of either House of the Oireachtas or by a registered political party which at the relevant time had members in either or both of those Houses, and*

(b) *such employment was remunerated by payments made by the Houses of the Oireachtas Commission,*

then, the Commission may by regulations provide for the payment by the Commission to, or indemnification by, the Commission of such member or registered political party in respect of any award or settlement, together with the costs, incurred as a result of proceedings instituted by a person employed under regulations made by the Commission under section 2(1)(c) (inserted by section 3 of the Act of 1996) of the Oireachtas (Allowances to Members) Act 1962.”

Appendix 2

Provisions in other Acts constituting part of the Houses of the Oireachtas Commission Acts 2003 to 2018 amending other Acts

Set out below is a list of amendments and effects to other legislation which has been made by the other Acts included in the Houses of the Oireachtas Commission Acts 2003 to 2018:

1. Houses of the Oireachtas Commission (Amendment) Act 2006, other than section 12

- No other effects

2. Houses of the Oireachtas Commission (Amendment) Act 2009

- Section 13(2)(b) repeals section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996
- Section 14 and the schedule amends a number of Acts and statutory instruments including:

Acts

- Section 2 of the Civil Service Regulation Act 1956
- Paragraphs (d) and (e) of section 20(1) of the Staff of the Houses of the Oireachtas Act 1959
- Paragraph 1(7) of the First Schedule to the Ethics in Public Office Act 1995
- The following provisions of the Freedom of Information Act 1997:
 - Section 2(1)
 - Clauses (I) and (II) of section 22(1)(c)
 - Paragraph 1(2) of the First Schedule
- Schedule to the National Treasury Management Agency (Amendment) Act 2000
- The following provisions of the Official Languages Act 2003:
 - Section 2(1)
 - Paragraph 1(1) of the First Schedule
- Section 24 of the Electoral (Amendment) Act 2004
- Section 2(1) of the Disability Act 2005
- Schedule 2 to the Civil Service Regulation (Amendment) Act 2005

Statutory Instruments

- Schedule to the Ethics in Public Office (Designated Positions in Public Bodies) Regulations 1996 (S.I. No. 57 of 1996)

- Article 3 of the National Treasury Management Agency (Delegation and Conferral of Functions) Order 2001 (S.I. No. 531 of 2001)
- The following provisions of the Public Service Management Act 1997 (Designation of Head of the Office of the Houses of the Oireachtas) Order 2002 (S.I. No. 11 of 2002)
 - Article 1(a)
 - Article 2
- Regulation 6 of the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) Regulations 2004 (S.I. No. 96 of 2004)
- Part 1 of Schedule 1 to the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) (No. 5) Regulations 2004 (S.I. No. 888 of 2004)
- Schedule to the National Treasury Management Agency (Delegation of Claims Management Functions) Order 2005 (S.I. No. 503 of 2005)
- Schedule to the Disability Act 2005 (Code of Practice) (Declaration) Order 2006 (S.I. No. 163 of 2006)
- Regulation 2(1) of the European Communities (Energy Performance of Buildings) Regulations 2006 (S.I. No. 666 of 2006)

3. Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012

- No other effects

4. Houses of the Oireachtas Commission (Amendment) Act 2013

- No other effects

5. Houses of the Oireachtas (Appointments to Certain Offices) Act 2015, ss. 2 and 3

- No other effects

6. Houses of the Oireachtas Commission (Amendment) Act 2015

- Section 8 amends section 8 of the Ethics in Public Office Act 1995

7. Houses of the Oireachtas Commission (Amendment) Act 2018

- No other effects