**Attachment – Legislative Provisions not yet Commenced**

|  |  |  |
| --- | --- | --- |
| **Title of Act** | **Legislative Provision not yet Commenced** | **Details/Reasons for non-Commencement** |
| Electoral Act 1997 | Section 79 | Section 79 provides for amendments to the Electoral Act 1992, the Presidential Elections Act 1993 and the Referendum Act 1994 to allow for greater flexibility in relation to when the counting of votes might commence and when refreshment breaks may be taken at Dáil and Presidential elections as well as at referendums. The current arrangements in relation to the counting of votes and refreshment breaks at these elections and at referendums are considered to be satisfactory. The need to commence section 79 of the Electoral Act 1997 is not considered necessary at this point in time but will be kept under review. |
| Electoral (Amendment) Act 2004 | Sections 5(1) to 5(3); Sections 5(5) and 5(6); Sections 6 to 16; Sections 30 to 32; and Schedules 1 to 4 | These provisions relate to electronic voting and are obsolete given the Government decision, in 2008, not to proceed with the implementation of electronic voting in Ireland. |
| European Parliament Elections (Amendment) Act 2019 | Section 2 | Section 2 of the European Parliament Elections (Amendment) Act 2019 amends section 6 of the European Parliament Elections Act 1997 to remove the exemptions provided to citizens from the United Kingdom resident in the State and to Irish citizens resident in the United Kingdom from certain information requirements connected with entry on to the Register of European Electors. These amendments are now redundant given that the United Kingdom legally departed the European Union on 1 February 2020. |
| Local Government Act 2019  | Sections 21(6) to (10) | As (a) the Cork City boundary alteration is complete, (b) post end 2020, there is no need for the Chief Executives to submit a monthly progress report, the Sections are moot. |
| Local Government Rates and Other Matters Act 2019 | All provisions except sections 23, 24, 25 and 28; paragraphs (b), (c) and (d) of section 21; and paragraph (d) of section 26; are not yet commenced. | It was intended that most of the provisions of this Act would be operational for the 2021 local authority budget cycle, in November 2020. However, progress has been delayed due to the impact of the COVID crisis and ongoing work on the government funded rates waiver. Plans to amend and commence the legislation and introduce supporting regulations are temporarily delayed, with the revised aim of commencing the Act in 2021 and signature of prescribed regulations in 2022. |
| Local Government Act 2001 | Section 22Section 212-214Section 223 | Commencement of section conditional on the establishment of a commission to make recommendations on a number of local government issues.Implications for existing legislation across a number of legislative codes.Existing provisions need to be repealed before commencement of this section can proceed. |
| Licensing of Indoor Events Act 2003 | Parts I and II of the Act | Consultation with stakeholders in relation to drafting secondary regulations to be made under the legislation highlighted issues of practicality in attempting to license individual events, as distinct from licensing premises. A view was taken that the intended regulations were unworkable and duplicated existing licensing provisions for premises under other legislation. Parts I and II of the Act were never commenced and it is still not seen as practicable to make regulations of the type envisaged. There are no plans therefore to make a commencement order for this legislation. |
| Residential Tenancies (Amendment) Act 2015 | Paragraph (g) of section 16; paragraphs (d) and (e) of section 17; and paragraphs (b) and (c) and, in so far as it relates to the insertion of subsection (8) into section 139 of the Residential Tenancies Act 2004, paragraph (d) of section 63.Section 16 (d);Sections 22-24; Section 37;Section 57(1)(b); Section 59;Sections 60(a), (b)[(4)(c)], (c) and (e)[(7)];Section 61; Section 62(b)(iii);Sections 63(d)[(5),(6)]; Sections 64-65;Sections 70-72Sections 34-35;Section 38; Section 43;Section 46; Section 48; Section 51(1)(b); Section 52 (6); Section 53; Section 73;Paragraph (a) of section 63 | Repealed by section 36 of the Residential Tenancies (Amendment) Act 2019.These provisions relate to the introduction of a Deposit Protection Scheme. Commencement is delayed pending a review of the legislative provisions from an operational perspective.Sections 34-35, 38, 43, 46, 48, 51(1)(b), 52(6), 53 and 73 provide for the insertion of a new Section 76A and consequential amendments regarding referral of complaints to the Board for resolution in respect of non-compliance with Section 86(1)(a), i.e. the requirement to continue to pay rent pending the determination of a dispute. Commencement is delayed pending a review of the legislative provisions from an operational perspective.This provision will commence upon the move to annual registration of tenancies with the RTB in Q3 2021.  |
| Planning and Development (Housing) and Residential Tenancies Act 2016 | Section 26 Section 28(1) Sections 44 and 45  | Section 26 has been repealed by SI 296 of 2018.Further associated amendments are required in order to commence to this provision. Drafting of these additional amendments is currently underway.Sections 44 and 45 provide for one-person Tribunals, rather than three-person Tribunals, in the Residential Tenancies Board (RTB) for certain categories of cases. Technical amendment is expected to be made in Q4 2021 to enable their commencement. |
| Residential Tenancies (Amendment) Act 2019 | In so far as they have not already commenced, sections 22, 23, 24 and 25.Section 26 and paragraph (b) of section 29. | These provisions relate to annual registration of tenancies with the RTB which is expected to come into operation in Q3 2021. |
| Local Government Rates and other Matters Act 2019 | In so far as it has not already commenced, section 26. | Technical amendments to the Residential Tenancies (Amendment) Act 2019 associated with the requirement for annual registration of tenancies with the RTB, expected to come into operation in Q3 2021.  |
| Housing Act 1966 | Section 115 | This provision is no longer required in view of section 177 of the Local Government Act 2001 and will be repealed at a suitable opportunity. |
| Housing Act 1988 | Section 8 | This provision was repealed by section 7 of the 2009 Housing Act (this repeal was not yet commenced in respect of section 8) |
| Housing (Miscellaneous Provisions) Act 2002 | Section 11 | This provision is no longer required as it related to the New House Grant which was abolished with effect from 14 Nov 2002 with the deadline for receipt of a written request for payment extended to 2 April 2004. |
| Housing (Miscellaneous Provisions) Act 2009 | Section 7 (Repeals)Section 14-18Housing Services PlansSections 23 - 27 (Rental Accommodation Arrangements)Section 28Management and control functions of housing authoritiesSection 29Section 30Delegation of management and control functionsSection 31Section 32(9)Section 33(1)(e)Section 64(9)(a)Section 79(4)Section 97 and 98Section 99Section 7 and Schedule 1 partially un-commenced - RepealsSection 8 and Schedule 2 partially un-commenced -Amendment of other enactments | Some repeals provided for in section 7, which are dependent on uncommenced provisions, are not commenced.It is considered that the current priority is to focus on the delivery of housing under the Government’s programme. An essential provision is dependent on the commencement of section 31 of the 2009 Act concerning rent schemes and charges.Existing statutory authority for LAs to enter into RAS contract arrangements is provided in section 19 of the 2009 Act.Commencement of this provision is dependent on the commencement of sections 29 and 31 (Rent schemes and charges and tenancy agreements)This section concerns a requirement for standardised written tenancy agreements that comply with Schedule 3 of the Act. Housing authorities already require written tenancy agreements in practice - 1980 Regulations provide for minimum requirements for these agreements. Authorities have generally found these adequate for their requirements.Commencement of this provision is partially dependent on the commencement of section 31 (Rent schemes and charges)Commencement of section 31 is dependent on the making of Regulations in relation to a standardised rent scheme. Considerable work has been carried out by the Department in reviewing the current rent schemes to prepare recommendations regarding the potential for a standardised local authority rents framework for consideration as part of a package of social housing reforms.  Re offence of giving false information resulting in a lower rent. Need for commencement kept under review.Also some other parts of sections 33 and 34 as they affect ss.28, 32, 32(9), 98, 99 or s. 3 of the 1992 Housing Act re interest on monies due to an LA. Need for commencement kept under review.Non-sale of an apartment to a tenant in rent arrears. Need for commencement kept under reviewRelates to sections 14-18. Commencement of these provisions provide are dependent on commencement of section 7. In the years since this legislation, a number of reforms of the scheme have been considered and implemented. Further reforms are now being examined in the context of Programme for Government and Rebuilding Ireland commitments. In the context of those reforms, the commencement of the provision will be examined shortly.Relates to various un-commenced provisionsRelates to various un-commenced provisions. |
| Housing (Miscellaneous Provisions) Act 2014 | Section 20 amending 2009 ActPart 4 - Section 41(4): Designation of areas where no further dwellings will be approved for housing assistancePart 4 - Section 44: Payment to housing authority by HAP beneficiary of rent contribution under s. 31 of 2009 Act (ss. (1)) and Prescription of manner of payment of rent contribution (ss. (2))Part 4 - Section 47: Payment of HAP in respect of certain beneficiaries under the Capital Assistance SchemePart 4 - Section 48: Internal review, on request, of HAP decisions in prescribed decision classesSection 53Section 54(1) | Relates to the uncommenced section 29 of the 2009 ActNeed for commencement kept under review.Dependent on the commencement of section 31 of the 2009 Act concerning rent schemes and charges.Provision has been made for such households through the RAS scheme.Appeals are currently being dealt with under a local authority’s Customer Charter.Provides for the direct deduction of rent from Department of Social Protection payments and is dependent on the commencement of section 31 of the 2009 Act. The implications of commencement are being considered by a Working Group in the context of the work on the introduction of a standardised rent scheme as part of the social housing reform package.Amends the Social Welfare Act 2005 and is dependent on the commencement of section 53. |
| Housing (Regulation of Approved Housing Bodies) Act 2019 | 9(1)(a)-(g), (i), (j)24-6062-6466-70 | The Approved Housing Bodies Regulatory Authority was established on 1 Feb 2021. The legislation is being commenced on a phased basis to allow for preparatory work to be completed. It is anticipated that all legislative provisions will be commenced by Q1 2022. |
| Wildlife (Amendment) Act 2000 | Section 36 | Need for commencement kept under review |
| Planning and Development (Housing) and Residential Tenancies Act 2016 | Section 28(1) | Further associated amendments are required in order to commence this provision. Drafting of these additional amendments is currently underway. |
| Planning and Development (Amendment) Act 2018 | Section 23(4) | This will be dealt with as part of the revision of the Strategic Housing Development legislation. |
| Planning and Development (Amendment) Act 2018 | Section 40 Section 42 | Now obsolete as these were dealt with by SI 501/2018 |
| Planning and Development (Amendment) Act 2018 | Section 49 | May be commenced in future. |
| Water Services Act 2007 | Sections 4(2), 58(2) 63-67, 69, 77-90, 92, 104, and 107(a) (part), and schedule 1 (part), and schedule 2 | Water services legislation continues to be under active review in the light of the ongoing water sector transformation programme, and legislative provisions are commenced, as and when appropriate.  |
| Water Services Act 2013 | Sections 28 and 29 | Water services legislation continues to be under active review in the light of the ongoing water sector transformation programme, and legislative provisions are commenced, as and when appropriate.  |
| Water Services (No.2) Act 2013 | Sections 4(2)(part) and 29 | Water services legislation continues to be under active review in the light of the ongoing water sector transformation programme, and legislative provisions are commenced, as and when appropriate.  |
| Water Services Act 2017 | Sections 5(1)(b*)*(IV) and 23  | Water services legislation continues to be under active review in the light of the ongoing water sector transformation programme, and legislative provisions are commenced, as and when appropriate.  |
| Valuation Acts 2001-2020[Change provided for in Section 14 of the Valuation (Amendment) Act 2015] | Updated Section 28(5) | Updated Section 28(5) provides for an application for a valuation of property, known as a revision application, to be processed within 6 months of a valid application being made to the Commissioner of Valuation, including payment of fee prescribed. This is to progress from current position whereby applications are processed within 6 months of the appointment of a revision manager to look after the application. Commencement requires the clearance of arrears of casework which is currently underway. Commencement is scheduled to take place before 31 December 2021. |
| Planning and Development (Amendment) Act 2021 | Sections 1 to 11 (the entire Act) | This Act was enacted by the President on 10 July 2021. Sections 1 to 6 and 8 to 11 will be commenced as soon as possible following publication of the Act. Supplementary regulations are required with respect to Section 7 of this Act, to amend the Planning and Development Regulations 2001. Drafting of these supplementary regulations is substantially complete and it is envisaged that Section 7 will be commenced later this month, with the supplementary regulations to come into operation at the same time |