



STATUTORY INSTRUMENTS.

S.I. No. 230 of 2014

LOCAL GOVERNMENT (APPLICATION OF CERTAIN PROVISIONS
OF THE LOCAL GOVERNMENT ACT 2001 TO MUNICIPAL DISTRICT
MEMBERS) REGULATIONS 2014

LOCAL GOVERNMENT (APPLICATION OF CERTAIN PROVISIONS OF THE LOCAL GOVERNMENT ACT 2001 TO MUNICIPAL DISTRICT MEMBERS) REGULATIONS 2014

I, PHIL HOGAN, Minister for the Environment, Community and Local Government in exercise of the powers conferred on me by sections 4 and 22 of the Local Government Reform Act 2014 (No.1 of 2014) hereby make the following regulations:

1. These Regulations may be cited as the Local Government (Application of Certain Provisions of the Local Government Act 2001 to Municipal District Members) Regulations 2014.

2. (1) In these Regulations,—

“Act” means the Local Government Act 2001 (No. 37 of 2001);

“committee” has the meaning given to it by the Act;

“local authority” has the meaning given by the Act;

“member” means a member of a local authority;

“municipal district” and “municipal district members” have the meaning given by the Act;

(2) In these Regulations a reference to—

(a) a Part which is not otherwise identified is a reference to a Part of these Regulations;

(b) an article which is not otherwise identified is a reference to an article of these Regulations;

(c) a sub-article, paragraph or subparagraph which is not otherwise identified is a reference to a sub-article, paragraph or subparagraph of the article, sub-article or paragraph in which the reference occurs.

(3) In these Regulations a reference to—

(a) any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment.

(b) a matter as being in accordance with or subject to or provided for in these Regulations or any provisions thereof shall be construed as

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including a reference to such matter being in accordance with or subject to or provided for in directions given under these Regulations.

Commencement.

3. These Regulations come into operation on the 1st June 2014.

Proportion of the total number of municipal district members necessary in relation to the doing of any particular act

4. The provisions of section 21(3) of the Act shall apply to the proportion of the total number of municipal district members of a local authority necessary in relation to the doing of any particular act, in relation to municipal district members for a municipal district, as if the reference to “the total number of members of a local authority” were a reference to “the total number of municipal district members”.

Removal of Cathaoirleach or Leas-Chathaoirleach from office.

5. The provisions of section 34 of the Act shall apply to the removal from office of a Cathaoirleach and Leas-Chathaoirleach of municipal district members as if:—

- (a) in subsection (1), the references:—
 - (i) to “a local authority” and “such local authority” were a reference to “municipal district members”, and
 - (ii) to “the effective performance by the local authority of its functions” were a reference to “the effective performance by the municipal district members of their functions”,
- (b) in subsection (2)(a), the reference to “the total number of members of the local authority concerned” were a reference to “the total number of municipal district members concerned”,
- (c) in subsection (3), the reference to “every member of the local authority” were a reference to “every municipal district member”,
- (d) in subsection (4), the reference to “chaired by a member of the local authority” were a reference to “chaired by a municipal district member”, and
- (e) in subsection (5), the reference to “the total number of members of the local authority concerned” were a reference to “the total number of municipal district members concerned”.

Annual election of Cathaoirleach or Leas-Chathaoirleach.

6. (1) The provisions of section 36 of the Act shall apply to the annual election of a Cathaoirleach and Leas-Chathaoirleach of municipal district members:—

- (a) as if, in subsection (1)(a):—

- (i) the reference to “a local authority” were a reference to “municipal district members”, and
 - (ii) the reference to “its members” were a reference to “their members”,
- (b) as if, in subsection (2), the reference to “the local authority” were a reference to “the municipal district members”,
- (c) as if, in subsection (3):—
- (i) the reference to “a local authority” were a reference to “municipal district members”,
 - (ii) the reference to “ceasing to be a member of the authority” were a reference to “ceasing to be a municipal district member for the municipal district concerned”, and
 - (iii) the reference to “that authority” were a reference to “of those municipal district members”.

(2) The provisions of section 37 of the Act shall apply to the method of election of a Cathaoirleach as if the reference to “the members of a local authority” were a reference to “municipal district members”.

Other matter relating to the Cathaoirleach and Leas-Chathaoirleach.

7. (1) The provisions of subsections (4) to (7), (9) and (11) of section 31 of the Act shall apply to the Cathaoirleach and Leas-Chathaoirleach of a municipal district:—

- (a) as if, in subsection (4), the references to “local authority” and “elected council” were a reference to “municipal district members”,
- (b) as if, in subsections (5) and (6), the references to “local authority” were references to “municipal district members”, and
- (c) as if, in subsection (7), the reference to “a local authority” were a reference to “municipal district members”.

(2) The provisions of section 38 of the Act shall apply to the election of a Cathaoirleach and Leas-Chathaoirleach of a municipal district where a casual vacancy has occurred in such office as if:—

- (a) the reference in subsection (1) to “a local authority the members of the authority” were a reference to “municipal district members, the members”,
- (b) the references in paragraphs (a) and (b) of subsection (1) to “the authority” were references to “municipal district members”, and
- (c) the reference in subsection (4) to “member of the local authority” were a reference to “municipal district member”.

(3) The provisions of section 38 of the Act shall apply in relation to the election of a municipal district member to fill a casual vacancy in the office of Cathaoirleach as if the reference to “local authority” were a reference to “municipal district members”.

Meetings and proceedings.

8. (1) The provisions of section 44 of the Act shall apply and have effect in relation to the meetings and proceedings of municipal district members and connected matters:—

(a) as if the references to “local authority” and “local authorities” were references to “municipal district members”, and

(d) with the exclusion of “or a joint body” in subsection (2) and

(e) as if subsections (3) and (4) were deleted.

(2) The provisions of section 45 of the Act shall apply and have effect in relation to the attendance of members of the public and representatives of the media at meetings of municipal district members as if:—

(a) as respects subsections (2), (5) and (6), the references to “a local authority” were references to “municipal district members”,

(b) as respects subsection (3):—

(i) the reference to “a local authority is” were a reference to “municipal district members are”, and

(ii) the references to “the authority” were a reference to “the municipal district members”, and

(c) as respects subsection (4)(a), the reference to “the total number of members of the local authority” were a reference to “the total number of municipal district members”.

(3) (a) The provisions of section 54 of the Act shall apply and have effect in relation to the attendance of members of the public and representatives of the media at meetings of a committee of municipal district members except in the case of such committee as may be determined by resolution of the municipal district members concerned.

(b) It is necessary for the passing of such resolution that at least one-half of the total number of municipal district members concerned vote in favour and that not less than 7 days notice of the proposed resolution is given to the municipal district members.

(4) The provisions of section 46 of the Act shall apply in relation to the assignment of the duties of a meetings administrator in respect of meetings of municipal district members.

(5) Schedule 10 of the Act shall apply and have effect in relation to the meetings and proceedings of municipal districts and connected matters, with the following modifications:—

(a) as respects paragraph 1:—

- (i) as if, in subparagraph (1), the reference to “a local authority” were a reference to “municipal district members”,
- (ii) as if, in subparagraph (1)(b), the reference to “a local authority budget meeting” were a reference to “a meeting to consider the draft budgetary plan”,
- (iii) as if, in subparagraph (2), the reference to “a local authority” were a reference to “municipal district members” as regards meetings requisitioned by virtue of paragraph 6, and the exclusion of special meetings convened for the purposes of section 140, and
- (iv) in subparagraph (3), the exclusion of special meetings convened for the purposes of section 146,

(b) as respects paragraph 2 as if:—

- (i) in subparagraph (2), the reference to “the principal offices of the authority” were a reference to “the offices designated by resolution of the municipal district members”,
- (ii) in subparagraph (3), the reference to “local authority” were a reference to “municipal district members”, and
- (iii) in subparagraph (4), the reference to “a local authority” were a reference to “municipal district members”,

(c) as respects paragraph 3 as if:—

- (i) in subparagraph (3), the reference to “local authority” were a reference to “municipal district members”, and
- (ii) in subparagraph (4), the references to “a local authority” and “the local authority” were references to “municipal district members”,

(d) as respects paragraph 4:—

- (i) subparagraphs (1), (5), (6) and (7) shall not apply, and
- (ii) in subparagraph (4):—
 - (I) as if the reference to “a local authority” and the reference to “local authority” were references to “municipal district members”, and
 - (II) the exclusion of “joint bodies or other”,

- (e) as respects paragraph 5, as if the reference to “a local authority shall hold its budgetary meeting” were a reference to “municipal district members shall hold a meeting to consider the draft budgetary plan”,
- (f) as respects paragraph 6 as if:—
- (i) in subparagraph (1):—
 - (I) the reference to “a local authority” were a reference to “municipal district members”, and
 - (II) the reference to “by any 5 members” were a reference to “by at least one third of the total number of municipal district members, subject to a minimum of 3 members, and where one third of the total number of municipal district members is greater than 5, by any 5 members”, and
 - (ii) in subparagraph (6), the reference to “local authority” were a reference to “municipal district members”,
- (g) as respects paragraph 7:—
- (i) as if, in subparagraphs (1) and (2), the references to “a local authority” were references to “municipal district members”,
 - (ii) as if, in subparagraph (1), the reference to “each member of the local authority” were a reference to “each municipal district member”, and
 - (iii) in subparagraph (3), the exclusion of special meetings convened for the purposes of sections 140 and 146,
- (h) as respects paragraph 8 as if:—
- (i) the references to “a local authority” were references to “municipal district members”, and
 - (ii) in subparagraph (1)(a), the reference to “at the principal offices of the local authority” were a reference to “at the normal place of meeting of the municipal district members and at the principal offices of the local authority, if different”,
- (i) as respects paragraph 11 as if:—
- (i) the references to “a local authority” were references to “municipal district members”, and
 - (ii) in subparagraph (1), the reference to “members of the local authority” were a reference to “municipal district members”,
- (j) as respects paragraph 12, as if the references to “a local authority” were references to “municipal district members”,

(k) as respects paragraph 13:—

(i) as if, in subparagraph (2), the reference to “a local authority” were a reference to “municipal district members”,

(ii) as if, in subparagraph (4):—

(I) the word “where” were deleted,

(II) in clause (a), the reference to “it has been resolved” were a reference to “it may be resolved” and the reference to “adjourns” were to “may adjourn”,

(III) in clause (b), the reference to “it has been resolved” were a reference to “it may be resolved”, and

(IV) all text from “then any remuneration” to the end were deleted,

(iii) as if, in subparagraph (5)(a)(ii):—

(I) the reference to “it has been resolved further” were a reference to “it may be resolved”,

(II) the reference to ““the member stand suspended with immediate effect from all meetings of the local authority and any committee of the local authority, and all meetings of municipal district members”” were a reference to ““the member stand suspended with immediate effect from all meetings of the municipal district members and any committee of the municipal district members””,

(III) the reference to “does not exceed 3 months” were a reference to “does not exceed 6 weeks”, and

(IV) the deletion of all text from “then the consequences” to the end,

(iv) as if, in subparagraph (5)(b), the reference to “members of the local authority” were a reference to “municipal district members”,

(v) as if, in subparagraph (5)(c), the reference to “shall be at least 3 months but shall not exceed 6 months” is a reference to “shall be at least 6 weeks but shall not exceed 10 weeks”,

(vi) as if, in subparagraph (5)(e):—

(I) the reference to “take part in any meetings of the local authority and any committee of the local authority, and any meetings of municipal district members” were a reference to “take

part in any meetings of the municipal district members and any committee of the municipal district members”,

(II) the reference to “special meeting of the local authority” were a reference to “special meeting of the municipal district members”,

(III) the reference to “services in respect of meetings of the local authority or any committee of the local authority, or meetings of municipal district members” were a reference to “services in respect of meetings of the municipal district members or any committee meeting of municipal district members”,

(IV) with the exclusion of clauses (f) and (g), and

(vii) as if, in subparagraph (6), the reference to “removal from any meeting of the local authority or any committee of the local authority, or meeting of municipal district members” were a reference to “removal from any meeting of the municipal district members or any committee of the municipal district members”,

(l) as respects paragraph 14 as if:—

(i) in subparagraph (1), the reference to “a local authority” were a reference to “municipal district members”,

(ii) in subparagraph (3), the reference to “each member of the local authority” were a reference to “each municipal district member”,

(iii) in subparagraph (7):—

(I) the reference to “at the principal offices of the local authority” were a reference to “at the principal offices of the local authority and the normal place of meeting of the municipal district members”, and

(II) the reference to “during the usual office hours of the authority” were a reference to “during the usual office hours of the authority or during the meeting of the municipal district members, if such meeting is held in a place which is not open during the usual office hours of the authority”,

(iv) in subparagraph (8), the reference to “the local authority” were a reference to “municipal district members”, and

(v) in subparagraph (9), the reference to “each local authority” were a reference to “municipal district members” and the reference to “authority” were a reference to “members”,

(m) as respects paragraph 15 as if:—

- (i) in subparagraph (1), the reference to “each local authority is” were a reference to “municipal district members are” and the reference to “its” is a reference to “their”,
 - (ii) in subparagraph (2), the reference to “the local authority” were a reference to “the municipal district members”, and
 - (iii) in subparagraph (4), the final reference to “local authority” were a reference to “municipal district members”,
- (n) as respects paragraph 16 as if:—
- (i) in subparagraph (1)(a), the reference to “a local authority” were a reference to “municipal district members”, the reference to “members of the local authority” were a reference to “members”, and the reference to “its meetings” were a reference to “their meetings”,
 - (ii) in subparagraph (1)(b), the reference to “a local authority” were a reference to “municipal district members” and the reference to “the local authority” were a reference to “members”,
 - (iii) in subparagraph (1)(c), the reference to “a local authority” were a reference to “municipal district members”,
 - (iv) in subparagraph (2), the reference to “a local authority” were a reference to “municipal district members” and the reference to “members of the authority” were a reference to “members”,
 - (v) in subparagraph (4), the reference to “a local authority” were a reference to “municipal district members”,
 - (vi) in subparagraph (4)(d), if the reference to “members of the authority” were a reference to “members”,
 - (vii) in subparagraph (4)(e), the reference to “the local authority” were a reference to “municipal district members” and the reference to “members of the authority” were a reference to “members”,
 - (viii) in subparagraph (5), the reference to “local authorities” were a reference to “municipal district members”, and
 - (ix) in subparagraph (6)(a), the reference to “a local authority” were a reference to “municipal district members” and the reference to “the authority were a reference to “the members”,
- (o) as respects paragraph 17:—
- (i) in subparagraph (1):—

- (I) as if the reference to “a local authority” were a reference to “municipal district members”, and
- (II) with the exclusion of “or, subject to any regulations made under section 44(3), a joint committee”, and
- (ii) as if, in subparagraph (2), the reference to “local authority” were a reference to “municipal district members”,
- (p) as respects paragraph 18:—
 - (i) as if, in subparagraph (1), the reference to “a local authority” were a reference to “municipal district members”,
 - (ii) as if, in subparagraph (1)(b), the reference to “the members of the local authority” were a reference to “municipal district members”,
 - (iii) as if, in subparagraph (2)(a), the reference to “the authority” were a reference to “municipal district members”,
 - (iv) as if, in subparagraph (2)(b), the reference to “member of a local authority” were a reference to “municipal district member”,
 - (v) in subparagraph (3):—
 - (I) the exclusion of clauses (b) to (m), and
 - (II) in clause (n):—
 - (A) as if the reference to “local authorities” were a reference to “municipal districts”, and
 - (B) the body or bodies specified for the purposes of this provision shall be a body or bodies of a local nature in or related to the municipal district, or related primarily to the municipal district, and the local authority does not make any appointment to such body or bodies, and
 - (vi) in subparagraph (4), the exclusion of clause (b), and
- (q) as respects paragraph 19, as if the references to “a local authority” were references to “municipal district members”.

Establishment of one or more than one committee.

9. (1) The provisions of subsections (1)(a), (3), (4) and (6) of section 51 of the Act shall apply and have effect in relation to the establishment of one or more than one committee by municipal district members to consider matters connected with the functions to be performed by those members, with the following modifications:—

- (a) as if, in subsection (1), the reference to “if a local authority considers it appropriate, it may” were a reference to “if municipal district members consider it appropriate, they may” and the references to “the authority” were references to “the members”,
- (b) as if, in subsection (3), the reference to “a local authority” were a reference to “municipal district members” and the reference to “established by it” were a reference to “established by them”,
- (c) as if, in subsection (4):—
 - (i) the reference in paragraph (a) to “the local authority” were a reference to “the municipal district members” and the reference to “that local authority” were a reference to “those municipal district members”,
 - (ii) the reference in paragraph (b) to “the local authority by which it was established considers appropriate” were a reference to “the municipal district members by which it was established consider appropriate”,
 - (iii) the reference in paragraph (c) to “the local authority” were a reference to “municipal district members” and the reference to “members of that authority” were a reference to “members in respect of that municipal district”, and
 - (iv) the reference in paragraph (d) to “member of the local authority concerned” were a reference to “member in respect of the municipal district concerned” and the reference to “the authority” were a reference to “the municipal district members”.

(2) The provisions of section 47 shall apply and have effect in relation to the effective discharge of business of committees of municipal district members, with the following modifications:—

- (a) as if the reference to “a local authority” were a reference to “municipal district members”, and
- (b) as if the reference in paragraph (b) to “meetings of the authority and each of its committees and municipal district members” were a reference to “meetings of each of its committees”.

Making of a decision in relation to the representation of the views of the local community.

10. The provision of section 64(3) of the Act shall apply in relation to the representation of the views of the local community in the area of the municipal district as if the reference to “a local authority” were a reference to “municipal district members”.

Making of arrangements for attendance and raising of issues by interested persons at meetings.

11. The provision of section 127(2)(f) for the attendance and raising of issues by interested parties at meetings shall apply to meetings of municipal district members as if the reference to “a local authority” were a reference to “municipal district members” and the references to “the authority” were references to “the members”.

Payment of an allowance for reasonable expenses of a Cathaoirleach.

12. The provisions of section 143 of the Act shall apply to the payment of an allowance for the reasonable expenses of a Cathaoirleach of municipal district members with the following modifications:—

- (a) as if, in subsection (1), the references to “a local authority” were a reference to “municipal district members” and the references to “its” were references to “their”,
- (b) the reserved function specified in subsection (2) is a reserved function of the municipal district members concerned, and
- (c) as if, in subsection (3), the references to “local authorities” and to “local authority” were references to “municipal district members”.

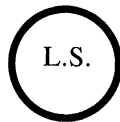
Provisions of Part 15 (ethical framework) of the Act.

13. The provisions of section 177 of the Act shall apply in respect of the disclosure by municipal district members of pecuniary or other beneficial interests at a meeting of municipal district members with the following modifications as if:—

- (a) in subsection (1), the reference to “a meeting of a local authority, or of any committee, joint committee or joint body of a local authority” were a reference to “a meeting of municipal district members or of any committee of municipal district members”,
- (b) in subsection (1)(b):—
 - (i) the reference to “the performance by the authority, committee, joint committee or joint body of any of its functions” were a reference to “the performance by the municipal district members of any of their functions or the performance by the committee of its functions”, and
 - (ii) the reference to “a member of the authority, committee, joint committee or joint body present” were a reference to “a municipal district member or a member of a committee present”,
- (c) in subsection (2), the reference to “a member of a local authority, committee, joint committee or joint body of the local authority” were a reference to “a municipal district member or a member of a committee of the municipal district members”, and

(d) in subsection (4):—

- (i) the reference to “a member of a local authority or of any committee, joint committee or joint body of a local authority” were a reference to “a municipal district member or a member of any committee of municipal district members”,
- (ii) the reference to “influence a decision of the authority” were a reference to “influence a decision of the municipal district members”, and
- (iii) the reference to “performance by the authority of any of its functions” were a reference to “performance by the municipal district members of any of their functions”.



GIVEN under the Official Seal of the Minister for the Environment,
Community and Local Government,
29 May 2014.

PHIL HOGAN,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation).

These Regulations provide for the application of certain provisions of the Local Government Act 2001, as amended by the Local Government Reform Act 2014, relating to a local authority or the council of a local authority to municipal districts and municipal district members.

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