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**An Bille Rialtais Áitiúil (Méara Luimnigh), 2023**  
**Local Government (Mayor of Limerick) Bill 2023**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE RIALTAIS ÁITIÚIL (MÉARA LUIMNIGH), 2023**  
**LOCAL GOVERNMENT (MAYOR OF LIMERICK) BILL 2023**

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# Bill

*entitled*

An Act to provide for the establishment of an office of mayor for the administrative area 5  
of Limerick City and County Council and the election of a person to that office; to  
provide for the conferral of certain functions on the said mayor; to provide for ancillary  
structural changes in connection with the governance of that administrative area by  
Limerick City and County Council; to provide for the holding of plebiscites on the  
question of providing for the creation of offices of mayors for the administrative areas in 10  
relation to which such plebiscites are held and the election by the electors of those  
administrative areas of persons to such offices; for those purposes to amend the  
Electoral Act 1992, the Electoral Act 1997, the Litter Pollution Act 1997, the Electoral  
(Amendment) Act 2004, the Electoral (Amendment) Act 2006 and the Electoral Reform  
Act 2022, to apply with modifications and amend the Local Government Act 2001, and 15  
to repeal Part 6 of the Local Government Act 2019; and to provide for matters connected  
therewith.

**Be it enacted by the Oireachtas as follows:**

## PART 1

### PRELIMINARY AND GENERAL

20

#### **Short title, collective citation and commencement**

1. (1) This Act may be cited as the Local Government (Mayor of Limerick) Act 2023.
- (2) The Local Government Acts 1925 to 2022 and this Act may be cited together as the  
Local Government Acts 1925 to 2023.
- (3) This Act shall come into operation on such day or days as the Minister may appoint 25  
by order or orders either generally or with reference to any particular purpose or  
provision and different days may be so appointed for different purposes or provisions.

## Interpretation

### 2. (1) In this Act—

- “Act of 1992” means the Electoral Act 1992;
- “Act of 2000” means the Planning and Development Act 2000;
- “Act of 2022” means the Electoral Reform Act 2022; 5
- “administrative area” has the same meaning as it has in the Principal Act;
- “Cathaoirleach” has the same meaning as it has in the Principal Act;
- “chief executive”, other than in *section 20, subsection (2) of section 33, subsection (2) of section 34, and Part 6*, means the chief executive of Limerick City and County Council who holds employment in accordance with section 144 of the Principal Act; 10
- “consultative forum” has the meaning assigned to it by *section 30*;
- “director general” has the meaning assigned to it by *section 26*;
- “elected council”, other than in *Part 6*, means the elected council (within the meaning of the Principal Act) of Limerick City and County Council;
- “enactment” has the same meaning as it has in the Interpretation Act 2005; 15
- “establishment day” shall be construed in accordance with *section 8*;
- “Leas-Chathaoirleach” has the same meaning as it has in the Principal Act;
- “Leas-Phríomh Chomhairleoir” shall be construed in accordance with *section 24*;
- “Limerick” shall be construed in accordance with subsection (2) of section 10 of, and Part 3 of Schedule 5 to, the Principal Act; 20
- “Limerick City and County Council” shall be construed in accordance with subsection (3) of section 11 of, and Part 3 of Schedule 5 to, the Principal Act;
- “local authority” has the same meaning as it has in the Principal Act;
- “Local Elections Regulations” means the Local Elections Regulations 1995 (S.I. No. 297 of 1995); 25
- “Mayor” has the meaning assigned to it by *section 9*;
- “mayoral by-election” has the meaning assigned to it by *section 13*;
- “meetings administrator” has, in relation to Limerick City and County Council, the same meaning as it has in the Principal Act;
- “Minister” means the Minister for Housing, Local Government and Heritage; 30
- “ordinary day of retirement”, in relation to the outgoing members of Limerick City and County Council, has the same meaning as it has in the Principal Act;
- “prescribed” means prescribed by regulation made by the Minister under this Act;
- “Principal Act” means the Local Government Act 2001;
- “Príomh Chomhairleoir” shall be construed in accordance with *section 22*; 35

“vesting day” means the day on which the term of office of the person first elected as Mayor commences in accordance with *subsection (5) of section 9*.

- (2) Any public notice required by this Act to be given by a returning officer may be given by any method which the returning officer thinks necessary or desirable for the purpose of bringing to the attention of the public the matter so required to be notified. 5

### Orders and regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed or for the purpose of enabling any provision of this Act to have full effect.
- (2) Where a provision of this Act requires or authorises the Minister to make regulations, such regulations may— 10
- (a) make different provision for different circumstances or cases, classes or types, and
  - (b) contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 15
- (3) Every order (other than an order under *section 1, 8, 43, 44 or 59*) and regulation (other than a regulation made under *section 45*) made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House sits after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 20

### Saver

4. (1) Anything commenced, but not completed, before the vesting day by or under the authority of the chief executive or the Cathaoirleach may, in so far as it relates to a function that, on the vesting day, vests in the Mayor under *section 10*, be carried on or completed on or after that day by the Mayor. 25
- (2) Every act done, every decision made, every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function that, on the vesting day, vests in the Mayor under *section 10*, shall, if and in so far as it was operative immediately before the vesting day, have effect on and after that day as if it had been done, made or granted by the Mayor. 30
- (3) Anything commenced, but not completed, before the vesting day by or under the authority of the Cathaoirleach may, in so far as it relates to a function that, on the vesting day, vests in the Príomh Chomhairleoir under *section 23*, be carried on or completed on or after that day by the Príomh Chomhairleoir. 35
- (4) Every act done, every decision made, every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function that, on the vesting day, vests in the Príomh Chomhairleoir under *section 23*, shall, if and in so far as it was operative immediately before the vesting day, have 40

effect on and after that day as if it had been done, made or granted by the Príomh Chomhairleoir.

- (5) Anything commenced, but not completed, before the vesting day by or under the authority of the Leas-Chathaoirleach may, in so far as it relates to a function that, on the vesting day, vests in the Leas-Phríomh Chomhairleoir under *section 25*, be carried on or completed on or after that day by the Leas-Phríomh Chomhairleoir. 5
- (6) Every act done, every decision made, every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function that, on the vesting day, vests in the Leas-Phríomh Chomhairleoir under *section 25*, shall, if and in so far as it was operative immediately before the vesting day, have effect on and after that day as if it had been done, made or granted by the Leas-Phríomh Chomhairleoir. 10

### **Application of Principal Act to Limerick**

5. The Principal Act shall apply to— 15
- (a) Limerick, and
- (b) Limerick City and County Council,
- subject to the modifications specified in *Schedule 3* and any other necessary modifications.

### **Expenses**

6. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas. 20

### **Review of Act**

7. (1) The Minister shall, not later than 3 years after the establishment day, conduct a review of the operation and effectiveness of this Act and shall, not later than 3 months after the end of that period of 3 years, or on the completion of the review, whichever is the earlier, make a report, in writing, to each House of the Oireachtas of the findings of the review and of the conclusions drawn from those findings. 25
- (2) In conducting a review under this section, the Minister shall consult with the Mayor, Limerick City and County Council, the consultative forum and such other persons as the Minister considers appropriate for the purpose of the review. 30

## **PART 2**

### **MAYOR OF LIMERICK**

- Establishment day** 35
8. The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.

## Mayor of Limerick

9. (1) There shall be a mayor in respect of the administrative area of Limerick City and County Council, who—
- (a) shall be known, in the Irish language, as Méara Luimnigh and, in the English language, as the Mayor of Limerick, and 5
  - (b) is referred to in this Act as “Mayor”.
- (2) The office of Mayor of Limerick shall stand established on the establishment day.
- (3) Subject to *section 13*, the Mayor shall be elected in accordance with *Schedule 2*.
- (4) The Mayor shall hold office in accordance with this Act.
- (5) Subject to *subsection (6)*, the person elected to be Mayor (including the person first so elected) shall hold office on a full-time basis for a term commencing on the ordinary day of retirement falling in the year in which he or she is so elected and ending on the next ordinary day of retirement. 10
- (6) Where a vacancy occurs in the office of Mayor in the circumstances referred to in *subsection (3)* of *section 13*, the person elected to fill the vacancy so occurring shall hold office for a term commencing on the day immediately following the day on which the returning officer declares under *subparagraph (2)* of *paragraph 29* or *paragraph 54* of *Part 1* of *Schedule 2* the result of the poll at the mayoral by-election and ending on the next ordinary day of retirement. 15
- (7) Subject to *subsection (8)*, a person who holds or has held the office of Mayor and who (having held such office) has not, by virtue of *paragraph (a)*, *(c)*, *(d)* or *(e)* of *subsection (1)* of *section 13*, ceased to hold such office shall be eligible for re-election to that office but a person shall not hold the office of Mayor for more than 2 terms referred to in *subsection (5)*, which may be in addition to any term held in accordance with *subsection (6)*. 20 25
- (8) The Mayor shall not, while holding office as mayor, engage in any trade, profession, vocation or other occupation, whether remunerated or otherwise, which might reasonably be seen to be capable of interfering or to be incompatible with the performance of his or her functions as Mayor.

## Functions of Mayor

10. (1) All functions (other than functions conferred by or under an enactment specified in *Part 1* of *Schedule 1*) that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Mayor. 30
- (2) All functions (other than functions conferred by or under an enactment specified in *Part 2* of *Schedule 1*) that, immediately before the vesting day, vested in the chief executive of Limerick City and County Council shall, on and after that day, vest in the Mayor. 35
- (3) From the vesting day, a reference in any enactment (other than an enactment specified in *Part 1* of *Schedule 1*) to Cathaoirleach shall, in so far as the reference applies to the 40

Cathaoirleach of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

- (4) From the vesting day, a reference in any enactment (other than an enactment specified in *Part 2 of Schedule 1*) to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires. 5
- (5) This section shall apply subject to the modifications of the Principal Act specified in *Schedule 3*.

#### **Effect of election as Mayor at mayoral by-election on membership of local authority**

11. (1) Subject to *subsection (1) of section 17*, a person who, while being a member of a local authority, is elected in circumstances to which *subsection (3) of section 13* applies by way of mayoral by-election to the office of Mayor shall, notwithstanding section 17 of the Principal Act, upon the day immediately following the day on which the returning officer declares under *subparagraph (2) of paragraph 29 or paragraph 54 of Part 1 of Schedule 2* the result of the poll at the mayoral by-election concerned, cease to be such a member. 10 15
- (2) Paragraph (b) of subsection (3) of section 17 of the Principal Act shall not apply to a person who, at the same time, is elected to the office of Mayor and as a member of a local authority.

#### **Resignation of Mayor**

12. The Mayor may resign from office by notice in writing signed by him or her and delivered to the principal offices of Limerick City and County Council and the resignation shall take effect on the day specified in the notice or, where no such day is specified, on receipt of such notice by Limerick City and County Council. 20

#### **Vacancies**

13. (1) The Mayor ceases to hold office and a vacancy in the office of Mayor occurs— 25
- (a) upon removal of the Mayor from office in accordance with *Part 7*,
  - (b) upon the death or resignation (in accordance with *section 12*) of the Mayor,
  - (c) upon the Mayor becoming disqualified for membership of a local authority under section 13, 13A or 182 of the Principal Act, 30
  - (d) upon the Mayor becoming disqualified for membership of a local authority under section 20 of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, or
  - (e) upon an order under paragraph (b) of subsection (4) of section 17 of the Criminal Justice (Corruption Offences) Act 2018 for the forfeiture of the office of the person as a member of the local authority taking effect under subsection (6) of that section. 35
- (2) It is the duty of the meetings administrator to notify the elected council in writing on becoming aware that a vacancy referred to in *subsection (1)* has occurred.

- (3) Where a vacancy occurs in the office of Mayor—
- (a) in any of the circumstances referred to in *subsection (1)*, and
  - (b) not later than the 31st day of October in the year immediately preceding a year in which an election referred to in section 26 of the Principal Act is required to be held, 5
- an election (in this Act referred to as a “mayoral by-election”) shall be held in accordance with *Schedule 2* not later than 3 months from the occurrence of that vacancy to fill the vacancy so occurring.
- (4) Where a vacancy occurs in the office of Mayor—
- (a) in any of the circumstances referred to in *subsection (1)*, and 10
  - (b) during the period commencing on the 1st day of November in the year immediately preceding a year in which an election referred to in section 26 of the Principal Act is required to be held and ending on the next ordinary day of retirement,
- the functions of Mayor shall be performable by the *Príomh Chomhairleoir* during the period commencing on the day on which the vacancy occurs and ending on the next ordinary day of retirement. 15
- (5) Where a vacancy occurs in the office of Mayor in circumstances to which *subsection (3)* applies, the functions of Mayor shall be performable by the *Príomh Chomhairleoir* during the period commencing on the day on which the vacancy occurs and ending on the day on which the returning officer declares under *subparagraph (2)* of *paragraph 29* or *paragraph 54* of *Part 1* of *Schedule 2* the result of the poll at the mayoral by-election held consequent upon the occurrence of that vacancy. 20
- (6) Where the functions of Mayor are performable by the *Príomh Chomhairleoir* in accordance with *subsection (4)* or *(5)*, the *Leas-Phríomh Chomhairleoir* shall assume the responsibilities of the office of *Príomh Chomhairleoir* for the duration of the period during which they are so performable. 25
- (7) Sections 16, 18, 19 and 19A of the Principal Act shall not apply in respect of the office of Mayor.
- (8) Where a vacancy occurs in the office of Mayor in any of the circumstances referred to in *subsection (1)* and the Mayor is, when the vacancy occurs, absent in any of the circumstances referred to in *subsection (1)* of *section 14*, this section shall apply to the vacancy so occurring notwithstanding such absence. 30

### Temporary absence

14. (1) A temporary absence occurs in the office of Mayor where the Mayor is absent from office and the absence is— 35
- (a) occasioned by the Mayor taking leave in accordance with the Maternity Protection Act 1994,
  - (b) due to illness, or
  - (c) in good faith for another reason. 40

- (2) It is the duty of the meetings administrator to notify the elected council in writing on becoming aware that a temporary absence referred to in *subsection (1)* has occurred.
- (3) Where a temporary absence occurs in the office of Mayor, the functions of Mayor shall, subject to *section 13*, be performable by the Príomh Chomhairleoir during the period commencing on the occurrence of the vacancy and ending on the earlier of— 5
  - (a) the day immediately preceding the day on which the Mayor returns to office, or
  - (b) the day immediately preceding the next ordinary day of retirement.
- (4) Where the functions of Mayor are performable by the Príomh Chomhairleoir in accordance with this section, the Leas-Príomh Chomhairleoir shall assume the responsibilities of the office of Príomh Chomhairleoir for the duration of the period 10 during which they are so performable.
- (5) The Mayor shall not, during the period referred to in *subsection (4)*, perform any functions as Mayor or any functions performable by him or her as a member of the elected council unless and until he or she returns to the office of Mayor.

**Remuneration** 15

- 15. (1) Limerick City and County Council shall pay to the Mayor such remuneration as it may, from time to time, with the consent of the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine.
- (2) A determination under *subsection (1)* may make provision for the amount of remuneration of the Mayor to be calculated in such manner, or by means of the 20 application of such formula, as may be specified in the determination.
- (3) Limerick City and County Council may pay to the Mayor each year an allowance in respect of expenses reasonably incurred by him or her in connection with the performance of his or her functions during that year.
- (4) Section 142 of the Principal Act shall not apply to the Mayor. 25

**Funding for performance of functions of Mayor**

- 16. In each financial year, the Minister shall advance to the Mayor out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine for the purposes of expenditure by the Mayor in the performance of his or her 30 functions under this Act.

**Membership of council**

- 17. (1) The Mayor shall be, *ex officio*, a member of Limerick City and County Council.
- (2) Subject to *subsection (5)* and without prejudice to section 44 and Schedule 10 (as modified by this Act) of the Principal Act, the Mayor shall be entitled to— 35
  - (a) attend, speak and participate in discussions at meetings of Limerick City and County Council, and



- (b) exercise a vote in relation to any motion, matter or question that comes before the elected council.
  - (3) The Mayor shall be entitled to attend, speak and participate in discussions at meetings of the municipal district members (within the meaning of section 22B of the Principal Act) of Limerick City and County Council but shall not be entitled to exercise a vote in relation to any motion, matter or question that comes before the municipal district members at any such meeting. 5
  - (4) A member of the elected council attending a meeting of Limerick City and County Council may ask questions of the Mayor in relation to the performance by him or her of his or her functions and the Mayor shall answer such questions. 10
  - (5) The Mayor shall not have a vote in relation to a motion or resolution under *Part 7* or under section 132, 138, 139 or 140 of the Principal Act (as modified by this Act).
  - (6) Removal of the members of Limerick City and County Council by the Minister in accordance with section 216 of the Principal Act shall not operate to—
    - (a) remove the person who for the time being holds the office of Mayor from that office, or 15
    - (b) prevent the Mayor from performing the functions (other than the functions performable by him or her as a member of the elected council) conferred on him or her by this Act.
- Staff of Mayor** 20
- 18.** The director general shall assign not more than 4 or, for any period during which no special adviser stands appointed under *section 19*, not more than 5 employees of Limerick City and County Council to assist the Mayor in the performance of his or her functions.
- Special adviser to Mayor** 25
- 19.** (1) The Mayor may appoint a person who, in the opinion of the Mayor, has experience and expertise in relation to matters to which the functions of special adviser under this section relate, to be a special adviser to the Mayor.
- (2) The Mayor shall, as soon as may be after appointing a person to be a special adviser under this section, prepare and submit to the elected council a document describing the experience and expertise referred to in *subsection (1)* of that person. 30
- (3) A special adviser appointed under this section shall assist the Mayor by—
- (a) providing him or her with advice, and
  - (b) providing such assistance in relation to the functions of the Mayor as the Mayor may direct. 35
- (4) A special adviser appointed under this section shall, in the performance of his or her functions, be accountable to the Mayor.

- (5) The terms and conditions of employment of a special adviser appointed under this section shall be determined from time to time by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (6) Subject to *subsection (9)*, a special adviser appointed under this section shall, while he or she stands so appointed, be deemed to be an employee of Limerick City and County Council. 5
- (7) The term of appointment of a special adviser shall cease on the date on which the Mayor ceases to hold that office or such earlier date as may be determined by the Mayor in accordance with the terms and conditions referred to in *subsection (5)*.
- (8) The provisions of the Ethics in Public Office Act 1995 (other than subsection (2), and paragraph (a) of subsection (6), of section 19) that apply in respect of a special adviser referred to in that section apply in respect of a special adviser appointed under this section. 10
- (9) Paragraph (b) of subsection (1) of section 158 of the Principal Act shall not apply to a special adviser appointed under this section. 15

### **Amendments to Principal Act**

#### **20. The Principal Act is amended—**

(a) in section 19—

- (i) by the insertion, in subsection (1), of the following paragraphs after paragraph (a): 20

“(aa) upon the cessation of membership of a member of a local authority under *subsection (1) of section 11 of the Local Government (Mayor of Limerick) Act 2023*,

- (ab) in the case of a person who, at the same time, is elected to the office of Mayor of Limerick and as a member of a local authority, on the ordinary day of retirement next following the election concerned,” 25

and

- (ii) by the substitution, in subsection (3), of “a person (other than the Mayor of Limerick)” for “a person” in each place where it occurs, 30

- (b) in section 19A, by the substitution, in subsection (3), of “a person (other than the Mayor of Limerick)” for “a person” in each place where it occurs,

- (c) in section 173, by the substitution, in subsection (1), of “chief executive of” for “manager for”,

- (d) in section 178— 35

- (i) in subsection (1), by the substitution of “chief executive of” for “manager for”,

- (ii) in subsection (2), by the substitution of “The chief executive” for “The manager”,

- (iii) in subsection (4), by the substitution of “the chief executive” for “the manager”, and
  - (iv) in subsection (5), by the substitution of “The chief executive” for “The manager”,
- 5
- and
- (e) in Schedule 7, by the substitution, in Part 3, of “41 (including the Mayor of Limerick)” for “40”.

## PART 3

### OTHER STRUCTURAL CHANGES

#### **Abolition of office of Cathaoirleach and Leas-Chathaoirleach of council** 10

- 21.** On the vesting day, the offices of Cathaoirleach of Limerick City and County Council and Leas-Chathaoirleach of that council shall stand abolished.

#### **Príomh Chomhairleoir**

- 22.** (1) Limerick City and County Council shall have a chairperson who shall, subject to *subsection (2)*, be elected and hold office in accordance with Part 5 of the Principal Act and who shall be known as the Príomh Chomhairleoir of Limerick City and County Council and is, in this Act, referred to as the “Príomh Chomhairleoir”. 15
- (2) The person who, immediately before the vesting day, was the Cathaoirleach of Limerick City and County Council, shall be the Príomh Chomhairleoir on and after that day until— 20
- (a) a successor is elected at the next annual meeting of that council, or
  - (b) he or she dies, resigns, becomes disqualified for the office of Príomh Chomhairleoir, is removed from the office of Príomh Chomhairleoir or otherwise ceases to be Príomh Chomhairleoir,
- whichever occurs sooner. 25

#### **Functions of Príomh Chomhairleoir**

- 23.** (1) All functions conferred by or under an enactment specified in *Part 1 of Schedule 1* that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Príomh Chomhairleoir.
- (2) From the vesting day, a reference in an enactment specified in *Part 1 of Schedule 1* to Cathaoirleach or Cathaoirligh shall, in so far as that reference applied before the vesting day to the Cathaoirleach of Limerick City and County Council, be construed as a reference to the Príomh Chomhairleoir, or as including a reference to the Príomh Chomhairleoir, as the context may require. 30
- (3) This section shall apply subject to the modifications of the Principal Act specified in *Schedule 3*. 35

### **Leas-Phríomh Chomhairleoir**

24. (1) Limerick City and County Council shall have a vice-chairperson who shall, subject to *subsection (2)*, be elected and hold office in accordance with Part 5 of the Principal Act and who shall be known as the Leas-Phríomh Chomhairleoir of Limerick City and County Council and is, in this Act, referred to as the “Leas-Phríomh Chomhairleoir”. 5
- (2) The person who, immediately before the vesting day, was the Leas-Chathaoirleach of Limerick City and County Council, shall be the Leas-Phríomh Chomhairleoir on and after that day until—
- (a) a successor is elected at the next annual meeting of that council, or
- (b) he or she dies, resigns, becomes disqualified for the office of Leas-Phríomh Chomhairleoir, is removed from the office of Leas-Phríomh Chomhairleoir or otherwise ceases to be Leas-Phríomh Chomhairleoir, 10
- whichever occurs sooner.

### **Functions of Leas-Phríomh Chomhairleoir**

25. (1) All functions conferred by or under any enactment that, immediately before the vesting day, vested in the Leas-Chathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Leas-Phríomh Chomhairleoir. 15
- (2) From the vesting day, a reference in any enactment to Leas-Chathaoirleach shall, in so far as that reference applied before the vesting day to the Leas-Chathaoirleach of Limerick City and County Council, be construed as a reference to the Leas-Phríomh Chomhairleoir, or as including a reference to the Leas-Phríomh Chomhairleoir, as the context may require. 20
- (3) This section shall apply subject to the modifications of the Principal Act specified in *Schedule 3*.

### **Director general**

25

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the “director general”.
- (2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*. 30
- (3) On and after the vesting day, a reference in an enactment specified in *Part 2 of Schedule 1* to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require. 35
- (4) This section shall apply subject to the modifications of the Principal Act specified in *Schedule 3*.

**Delegation of functions of Mayor to director general**

- 27. (1) The Mayor may by instrument in writing delegate any of his or her functions, other than functions vested in him or her by virtue of *subsection (1) of section 10* or functions performable by him or her as a member of the elected council, to the director general. 5
- (2) The director general shall perform the functions delegated to him or her under this section and shall be accountable to the Mayor for the performance of those functions.
- (3) A function delegated under this section shall be performable by the director general subject to the general superintendence and control of the Mayor and subject to any conditions or restrictions stated in the instrument under *subsection (1)*. 10
- (4) A function delegated under this section shall, notwithstanding the delegation, continue to vest in the Mayor but shall so vest concurrently with the director general so as to be performable by either the Mayor or the director general.
- (5) The Mayor may by instrument in writing revoke a delegation under this section.

**Deputy director general** 15

- 28. (1) On and after the vesting day, a deputy chief executive appointed by the director general under section 148 of the Principal Act shall be known as the deputy director general of Limerick City and County Council and is, in this Act, referred to as the “deputy director general”. 15
- (2) The person who, immediately before the vesting day, was the deputy chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with *subsection (1)*. 20
- (3) On and after the vesting day, a reference in any enactment to deputy chief executive shall, in so far as the reference applies to the deputy chief executive of Limerick City and County Council, be construed as a reference to the deputy director general, or as including a reference to the deputy director general, as the context may require. 25
- (4) This section shall apply subject to the modifications of the Principal Act specified in *Schedule 3*.

PART 4

ADDITIONAL FUNCTIONS OF MAYOR AND MAYORAL OFFICE STRUCTURES 30

**Definitions (Part 4)**

- 29. (1) In this Part—
  - “delivery board” has the meaning assigned to it by *section 33*;
  - “Limerick City and County Development Plan” means a development plan under subsection (1) of section 9 of the Act of 2000 relating to Limerick which is, for the time being, in force; 35

“Limerick-Shannon metropolitan area strategic plan” means the part of the regional spatial and economic strategy for the Southern Region relating to the area referred to in that strategy as the Limerick-Shannon Metropolitan Area;

“Mayoral programme” has the meaning assigned to it by *section 31*;

“National Development Plan” means the National Development Plan 2021-2030 published by the Government on 4 October 2021 or any document published by the Government which amends or replaces that plan; 5

“National Planning Framework” has the same meaning as it has in the Act of 2000;

“ordinary meeting” has the meaning assigned to it in paragraph 1 of Schedule 10 to the Principal Act; 10

“public body” means—

(a) a Minister of the Government,

(b) a local authority,

(c) a body (other than a company) established by or under an enactment, or

(d) a company established pursuant to a power conferred by or under an enactment, and financed wholly or partly by— 15

(i) moneys provided, or loans made or guaranteed, by a Minister of the Government, or

(ii) the issue of shares held by or on behalf of a Minister of the Government;

“regional spatial and economic strategy” means a regional spatial and economic strategy made under Chapter III of Part II of the Act of 2000; 20

“transport sub-group” has the meaning assigned to it by *section 34*.

### **Limerick Mayoral and Government Consultative Forum**

**30.** (1) There shall stand established on the vesting day a forum to be known as the Limerick Mayoral and Government Consultative Forum (in this Act referred to as the “consultative forum”) to advise the Minister in relation to any matter that affects, or is likely to affect, Limerick or the performance of the functions of the Mayor. 25

(2) The consultative forum shall consist of—

(a) the Minister, who shall be the chairperson of the consultative forum,

(b) each Minister of the Government (other than the Minister), and 30

(c) the Mayor.

(3) Without prejudice to the generality of *subsection (1)*, the consultative forum may advise and make recommendations to the Minister in relation to—

(a) issues arising from the establishment of the office of Mayor or the operation of this Act, 35

(b) the conferral of such additional functions on the Mayor as the consultative forum considers necessary for the effective operation of the office of Mayor,

- (c) the funding of Limerick City and County Council for the purpose of the matters referred to in this subsection,
  - (d) any Bill before either House of the Oireachtas that, if enacted, would be likely to affect Limerick or the performance by Limerick City and County Council of its functions, 5
  - (e) any policy under consideration by the Minister or the Government relating to Limerick or Limerick City and County Council, or
  - (f) any other matter relating to Limerick or Limerick City and County Council.
- (4) Limerick City and County Council may make submissions and representations to the consultative forum in relation to any enactment or policy of the Minister or the Government as it considers appropriate. 10
- (5) The Minister shall arrange for the provision of such secretarial and administrative support services as are required by the consultative forum to perform its functions.
- (6) The Minister may arrange for the provision to the consultative forum of such— 15
- (a) technical advice and assistance, or
  - (b) research facilities,
- as he or she considers necessary or expedient for the purposes of the functions of the consultative forum.
- (7) The Minister shall fix the date, time and place of the first meeting of the consultative forum and such date shall be no later than 6 months after the vesting day. 20
- (8) The consultative forum shall meet—
- (a) subject to *paragraph (b)*, twice in each year at intervals of not less than 5, and not more than 7, months, and
  - (b) at such other times as may be necessary for the due performance of its functions as agreed between the persons referred to in *subsection (2)*. 25
- (9) Subject to this section, the consultative forum may regulate its procedure and business.

### **Mayoral programme**

31. (1) The Mayor shall, within the period of 4 months from the commencement of his or her term of office, prepare and publish a programme (to be known, and in this Part referred to, as the “Mayoral programme”) setting out the key objectives and priorities for his or her term of office. 30
- (2) The Mayor shall, in preparing the Mayoral programme, take account of the statutory obligations of Limerick City and County Council and any relevant policies or objectives for the time being of the Government or any Minister of the Government. 35
- (3) The Mayor shall present a draft of the Mayoral programme for consideration by the elected council at an ordinary meeting held before the expiration of the period referred to in *subsection (1)*.

- (4) Not less than 7 days before the day on which the ordinary meeting referred to in *subsection (3)* is to be held, the meetings administrator shall send a copy of the draft of the Mayoral programme to every member of the elected council.
- (5) The Mayor shall, before finalising the Mayoral programme, consider any comments or observations made at the meeting referred to in *subsection (3)* by members of the elected council in relation to the draft of the Mayoral programme. 5
- (6) As soon as practicable after the meeting referred to in *subsection (3)*, and in any event within the period referred to in *subsection (1)*, the Mayor shall finalise the Mayoral programme and a copy of it shall be—
  - (a) provided to the elected council and the director general, 10
  - (b) published on the website of Limerick City and County Council,
  - (c) made available at the principal offices of Limerick City and County Council, where it may be inspected by any member of the public during normal opening hours and purchased at a price not exceeding the reasonable cost of reproduction, and 15
  - (d) furnished to the Minister.

**Limerick Mayoral Advisory and Implementation Committee**

32. (1) The Mayor shall, not later than 2 months from the commencement of his or her term of office and, in the case of the dissolution of a committee under *subsection (9)*, not later than 2 months after that dissolution, establish a committee to be known as the “Limerick Mayoral Advisory and Implementation Committee” to perform the functions conferred on it by or under this Act. 20
- (2) A committee established under this section shall consist of—
- (a) the Mayor, who shall be the chairperson of the committee,
  - (b) such members of Limerick City and County Council appointed by the Mayor as the Mayor considers appropriate, and 25
  - (c) such other persons—
    - (i) nominated by nominating bodies in accordance with *subsection (4)*, and
    - (ii) appointed by the Mayor,
 as the Mayor considers appropriate. 30
- (3) A committee established under this section shall consist of such number of persons as the Mayor considers appropriate.
- (4) The Mayor may request a body whose functions or activities affect or may affect Limerick or the performance by Limerick City and County Council of its functions (in this section referred to as a “nominating body”) to nominate a person to be a member of the committee. 35
- (5) The functions of a committee established under this section shall be—
- (a) to assist the Mayor in the preparation of the Mayoral programme,



- (b) to support the Mayor in advancing the Mayoral programme,
  - (c) to promote, foster and support economic, touristic, social and cultural activities in Limerick, in particular the rural areas thereof,
  - (d) the discussion and consideration of initiatives to sustain employment in Limerick, in particular the rural areas thereof, 5
  - (e) the discussion and consideration of measures to enhance cooperation between nominating bodies,
  - (f) the consideration of any matter that may affect Limerick or Limerick City and County Council,
  - (g) the coordination in Limerick of initiatives, services and funding giving effect to Government policy to support rural areas, and 10
  - (h) the coordination in Limerick of measures giving effect to Government policy concerning the regeneration of towns.
- (6) A committee established under this section may establish such subcommittees as it considers appropriate to examine such matters as the committee may direct and to report to the committee in relation to those matters. 15
- (7) A subcommittee established under *subsection (6)* shall consist of—
- (a) at least one member of the committee for the time being established under this section,
  - (b) such number of the members of Limerick City and County Council as the Mayor considers appropriate, one of whom, subject to *subsection (8)*, shall be appointed by the Mayor to be the chairperson of the subcommittee, 20
  - (c) an employee for the time being holding or exercising the functions of the post of director of services of Limerick City and County Council, and
  - (d) such other persons— 25
    - (i) nominated by such of the nominating bodies as the chairperson of the subcommittee may decide, and
    - (ii) appointed by the chairperson of the subcommittee.
- (8) Where the Mayor is a member of a subcommittee established under *subsection (6)*, he or she shall be the chairperson of the subcommittee. 30
- (9) The Mayor may at any time dissolve a committee or subcommittee established under this section.
- (10) A committee or subcommittee established under this section may act notwithstanding a vacancy or more than one vacancy among its members.
- (11) A member of a committee or subcommittee established under this section may be removed from the committee or subcommittee, as the case may be, at any time by the Mayor. 35
- (12) The Mayor may regulate the procedure (including procedures regarding attendance at meetings) of a committee or subcommittee established under this section.

- (13) Subject to *subsection (9)*, a committee or subcommittee established under this section shall stand dissolved on the day immediately preceding the next ordinary day of retirement or, in a case where a mayoral by-election is held in accordance with *subsection (3) of section 13*, on the day on which the returning officer declares under *subparagraph (2) of paragraph 29* or *paragraph 54 of Part 1 of Schedule 2* the result of the poll at the mayoral by-election. 5

### **Limerick Project Ireland 2040 Delivery Board**

33. (1) On the commencement of this section there shall stand established a committee to be known as the Limerick Project Ireland 2040 Delivery Board (in this Part referred to as the “delivery board”) to perform the functions conferred on it by or under this Act. 10
- (2) Each of the following shall be, *ex officio*, a member of the delivery board:
- (a) the Mayor, who shall be the chairperson of the delivery board;
  - (b) the director general;
  - (c) the chief executive of Clare County Council;
  - (d) the director of the Southern Regional Assembly. 15
- (3) The Mayor may, if he or she considers it appropriate, appoint such additional persons to be members of the delivery board as may be nominated for that purpose at the invitation of the Mayor by a public body performing functions in relation to the spatial planning and sustainable development of Limerick.
- (4) The functions of the delivery board shall be— 20
- (a) to support, having regard to the respective statutory functions of the members of the delivery board (or, in the case of members nominated under *subsection (3)*, the statutory functions of the public bodies that nominated them), the implementation in Limerick of the objectives of the National Planning Framework, the National Development Plan, the Limerick City and County Development Plan and the Limerick-Shannon metropolitan area strategic plan and to collaborate with public bodies referred to in *subsection (3)* for that purpose, including such bodies involved in— 25
    - (i) the provision of infrastructure (including infrastructure relating to climate change mitigation, water services and transport), large-scale housing and amenities, 30
    - (ii) the arrangement, co-ordination and provision of social and economic regeneration measures including the development and improvement of land and infrastructure,
    - (iii) rural, social and cultural development, or 35
    - (iv) the promotion of employment, enterprise and tourism,
  - (b) to co-ordinate and monitor the implementation of the Limerick City and County Development Plan and the Limerick-Shannon metropolitan area strategic plan and to prepare such reports as it considers necessary in relation to the implementation of those plans, and 40

- (c) to co-ordinate initiatives, supports and funding in Limerick giving effect to Government policy concerning support of rural areas and regeneration of rural towns.
- (5) The Mayor shall send a copy of any report prepared by the delivery board to the Minister for Public Expenditure, National Development Plan Delivery and Reform. 5
- (6) Subject to *subsection (7)*, the delivery board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.
- (7) The delivery board shall, in each year, hold not less than one meeting with the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (8) The delivery board may establish such subcommittees as it considers appropriate to examine such matters as the delivery board may direct and to report to the delivery board in relation to those matters. 10
- (9) Where the Mayor is a member of a subcommittee established under *subsection (8)*, he or she shall be the chairperson of the subcommittee or shall nominate a member of the delivery board to be the chairperson. 15
- (10) A subcommittee established under *subsection (8)* shall consist of—
- (a) at least one member of the delivery board, and
  - (b) such other persons as the Mayor may determine.
- (11) The Mayor may at any time dissolve a subcommittee established under *subsection (8)*.
- (12) The delivery board or any subcommittee established under *subsection (8)* may act notwithstanding a vacancy or more than one vacancy among its members. 20
- (13) A member of the delivery board or a subcommittee established under *subsection (8)* may be removed from the delivery board or subcommittee, as the case may be, at any time by the Mayor.
- (14) Subject to this section, the delivery board may regulate its procedure or the procedure of a subcommittee established under *subsection (8)*. 25

#### **Limerick Project Ireland 2040 Delivery Board Transport Sub-Group**

34. (1) Without prejudice to the generality of *subsection (8)* of *section 33*, the delivery board shall, within 3 months of its establishment, establish a subcommittee which shall be known as the Limerick Project Ireland 2040 Delivery Board Transport Sub-Group (in this section referred to as the “transport sub-group”) to perform the functions conferred on it by this section. 30
- (2) Each of the following shall be, *ex officio*, a member of the transport sub-group:
- (a) the Mayor, who shall be the chairperson of the transport sub-group;
  - (b) the director general; 35
  - (c) the chief executive of Clare County Council;
  - (d) the director of the Southern Regional Assembly.

- (3) The Mayor may appoint such additional persons to be members of the transport sub-group nominated at the invitation of the Mayor by public bodies performing functions or carrying out activities relating to the provision of transport infrastructure and services in Limerick.
- (4) The functions of the transport sub-group shall be— 5
- (a) to collaborate with public bodies referred to in *subsection (3)* to support, having regard to the respective statutory functions of the members of the transport sub-group (or, in the case of members nominated under *subsection (3)*, the statutory functions of the public bodies that nominated them), the implementation of the National Planning Framework, the National Development Plan, the Limerick City and County Development Plan and the Limerick-Shannon metropolitan area strategic plan in relation to the provision of transport infrastructure and services in Limerick, and 10
- (b) to prepare such reports as it considers necessary in relation to its functions under *paragraph (a)*. 15
- (5) The Mayor shall send a copy of any report prepared under *subsection (4)* to the Minister for Transport, as soon as practicable after the report is prepared.
- (6) Subject to *subsection (7)*, the transport sub-group shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.
- (7) The transport sub-group shall, in each year, hold not less than one meeting with the Minister for Transport. 20
- (8) *Subsections (11) to (14) of section 33* shall apply to the transport sub-group as those subsections apply to a subcommittee established under *subsection (8) of section 33*.

### **Consultation with Mayor**

- 35.** (1) The Mayor may request, in writing, a Minister of the Government to— 25
- (a) provide specified information to the Mayor, or
- (b) consult with the Mayor,
- in relation to any policy of that Minister or any enactment under which that Minister performs functions that, in the opinion of the Mayor, is having, or is likely to have, an impact on Limerick or Limerick City and County Council. 30
- (2) Subject to any enactment or rule of law prohibiting or restricting the disclosure of any class of information, the Minister concerned shall, upon a request under *subsection (1)*—
- (a) provide such information as he or she considers appropriate to the Mayor, or
- (b) consult with the Mayor, 35
- in relation to any policy or enactment referred to in the request.
- (3) The Mayor may request, in writing, a public body to—
- (a) provide specified information to the Mayor, or
- (b) consult with the Mayor,

in relation to any policy of that public body or any enactment under which that public body performs functions that, in the opinion of the Mayor, is having, or is likely to have, an impact on Limerick or Limerick City and County Council.

- (4) Subject to any enactment or rule of law prohibiting or restricting the disclosure of any class of information, a public body shall, upon a request under *subsection (3)*— 5
- (a) provide such information as it considers appropriate to the Mayor, or
  - (b) consult with the Mayor,
- in relation to any policy or enactment referred to in the request.

## PART 5

### AMENDMENT OF CERTAIN ENACTMENTS IN CONNECTION WITH ELECTION FOR MAYOR 10

#### **Amendment of Act of 1992**

**36.** The Act of 1992 is amended—

- (a) in section 2, by the insertion, in subsection (1), of the following definitions:
  - “ ‘Limerick City and County Electoral Area’ has the same meaning as it has in *Part 1* of *Schedule 2* to the *Local Government (Mayor of Limerick) Act 2023*; 15
  - ‘Limerick mayoral election’ means an election, including a mayoral by-election, held in accordance with *Part 1* of *Schedule 2* to the *Local Government (Mayor of Limerick) Act 2023*;
  - ‘plebiscite’ has the same meaning as it has in *Part 6* of the *Local Government (Mayor of Limerick) Act 2023*;”, 20
- (b) in section 11, by the substitution, in subsection (2), of “European, local or Limerick mayoral election” for “European or local election”,
- (c) in section 13—
  - (i) by the substitution, in subsection (1), of “local elections, Limerick mayoral elections or plebscites,” for “local elections,”; 25
  - (ii) by the substitution, in subsection (2), of “, referendum or plebiscite” for “or referendum”, and
  - (iii) by the insertion, in subsection (5), of “or plebiscite” after “referendum” in each place it occurs, 30
- (d) in section 14, by the substitution, in paragraph (c) of subsection (2), of “European, local or Limerick mayoral election” for “European or local election”,
- (e) in section 17, by the substitution—
  - (i) in subsection (1), of “, at a local election in accordance with Part VIII of the Local Elections Regulations 1995 (S.I. No. 297 of 1995), at a Limerick mayoral election in accordance with *Part 1* of *Schedule 2* to the *Local* 35

- Government (Mayor of Limerick) Act 2023* or at a plebiscite in accordance with *Part 6* of that Act” for “or at a local election in accordance with *Part VIII* of the Local Elections Regulations 1995 (S.I. No. 297 of 1995)”, and
- (ii) in paragraph (c) of subsection (6), of “European, local or Limerick mayoral election” for “European or local election”, 5
  - (f) in section 17A, by the substitution, in subparagraph (ii) of paragraph (a) of subsection (4) of “European, local or Limerick mayoral election,” for “European or local election”,
  - (g) in section 28, by—
    - (i) the substitution, in subsection (1), of “, local elections and Limerick mayoral elections” for “and local elections”, and 10
    - (ii) the insertion of the following subsection after subsection (8):
 

“(8A) The scheme in operation under this section on the commencement of *section 36* of the *Local Government (Mayor of Limerick) Act 2023* shall apply for the purposes of a Limerick mayoral election until such time as the next scheme under this section comes into operation.”,

 15
  - (h) in section 164, by—
    - (i) the substitution, in subsection (1), of “local elections, Limerick mayoral elections in accordance with *Part 1* of *Schedule 2* to the *Local Government (Mayor of Limerick) Act 2023* or at a plebiscite in accordance with *Part 6* of that Act” for “local elections, a plebiscite under *Part 6* of the Local Government Act 2019”, and 20
    - (ii) in subsection (3), by the substitution, in subparagraph (ii) of paragraph (d), of “Local Elections Acts 1963 to 1992, the *Local Government (Mayor of Limerick) Act 2023*” for “Local Elections Acts, 1963 to 1992,” 25
  - (i) in section 165, by—
    - (i) the substitution, in paragraph (g) of subsection (1), of “*Local Government (Mayor of Limerick) Act 2023*,” for “Local Government Act 2019.”,
    - (ii) the insertion, in the said subsection (1), of the following paragraph after paragraph (g): 30
 

“(h) the poll at a Limerick mayoral election.”,

and
    - (iii) the substitution, in paragraph (f) of subsection (2), of “Limerick mayoral election or plebiscite under *Part 6* of the *Local Government (Mayor of Limerick) Act 2023*” for “or plebiscite under *Part 6* of the Local Government Act 2019”, 35
  - (j) in the Second Schedule—
    - (i) in Rule 13, by—
      - (I) the substitution, in clause (iv) of subparagraph (b) of paragraph (1) of “referendum,” for “referendum, or”, 40

- (II) the substitution, in clause (v) of subparagraph (b) of paragraph (1) of “election,” for “election.”,
- (III) the insertion, in paragraph (1), of the following clauses in subparagraph (b):
- “(vi) under *paragraph 6 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023* in the case of a Limerick mayoral election, or 5
- (vii) under *section 43 of the Local Government (Mayor of Limerick) Act 2023* in the case of a plebiscite under *Part 6* that Act.”, 10
- (IV) the substitution, in subparagraph (c) of paragraph (2), of “constituency,” for “constituency, and”,
- (V) the substitution, in subparagraph (d) of paragraph (2), of “relates, and” for “relates.”, and
- (VI) the insertion, in paragraph (2), of the following subparagraph after subparagraph (d): 15
- “(e) each member of the Limerick City and County Council for the Limerick City and County Electoral Area to which the register relates.”,
- and 20
- (ii) in Rule 14, by—
- (I) the substitution of the following clause for clause (iii) of subparagraph (a) of paragraph (4):
- “(iii) each candidate duly nominated—
- (I) for the local electoral area at a local election, or 25
- (II) for the Limerick City and County Electoral Area at a Limerick mayoral election.”,
- (II) the substitution of the following subparagraph for subparagraph (d) of paragraph (4):
- “(d) such number of copies of the register for each Dáil constituency or part of a Dáil constituency or for a local electoral area or for the Limerick City and Council Electoral Area, as the case may be, as the returning officer at a Dáil election, a local election, a Limerick mayoral election or a plebiscite or the local returning officer at a presidential election or a referendum requires for the purpose of his or her duties as returning officer or local returning officer, as the case may be, at that election or referendum,” 30
- 35
- (III) the substitution of “registration area,” for “registration area, or” in clause (ii) of subparagraph (f) of paragraph (4), 40

(IV) the substitution of the following clause for clause (iii) of subparagraph (f) of paragraph (4):

“(iii) for a local electoral area in the registration area, or”,

(V) the insertion of the following clause after clause (iii) of subparagraph (f) of paragraph (4):

“(iv) for the Limerick City and County Electoral Area at a Limerick mayoral election.”,

and

(VI) the substitution, in paragraph (5), of “to the returning officer at a Dáil election, a local election, a Limerick mayoral election or a plebiscite, the local returning officer at a presidential election or a referendum” for “to the returning officer at a Dáil election or a local election, the local returning officer at a presidential election or a referendum”.

### **Amendment of Electoral Act 1997**

37. The Electoral Act 1997 is amended—

(a) in section 2—

(i) by the insertion, in subsection (1), of the following definition:

“ ‘Limerick mayoral election’ means an election, including a mayoral by-election, held in accordance with *Schedule 2* of the *Local Government (Mayor of Limerick) Act 2023*;”,

(ii) by the insertion, in subsection (1), in the definition of “person”, of “and Part X” after “Part VI”,

(iii) by the substitution, in subsection (1), of the following definition for the definition of “political party”:

“ ‘political party’, except in Part VI, Part X and section 72, means a political party registered in the Register of Political Parties in accordance with Chapter 6 of Part 2 of the Electoral Reform Act 2022 as a party organised to contest—

(a) an election for membership of Dáil Éireann,

(b) an election for membership of the European Parliament,

(c) an election for membership of a local authority, or

(d) a Limerick mayoral election;”,

and

(iv) by the substitution, in subsection (1), in the definition of “polling day”, of “local election or a Limerick mayoral election” for “local election”,

(b) in section 3, by the substitution, in subsection (1), of “, 53, 93, 94, 95, 96, 97, 98, 100, 101, 103 or 107” for “or 53”,



- (c) in section 4, by—
- (i) the substitution, in subsection (1), of “, 56, 95 and 106” for “and 56”,
  - (ii) the substitution, in subsection (2), of “, 56, 95 or 106” for “or 56”,
  - (iii) the substitution, in paragraph (a) of subsection (3), of—
    - (I) “, 56, 95 or 106” for “or 56”, 5
    - (II) “sections 23 or 94” for “section 23”, and
    - (III) “, VI or X” for “or VI”,
  - (iv) the substitution, in paragraph (c) of subsection (3), of “, VI or X” for “or VI” in both places where it occurs,
  - (v) the substitution— 10
    - (I) in paragraph (a) of subsection (6), of “, VI or X” for “or VI”,
    - (II) in paragraph (b) of that subsection, of “, VI or X” for “or VI”,
    - and
  - (vi) the substitution, in subsection (7), of “, VI or X” for “or VI”,
- (d) in section 18, by the substitution, in subsection (2), of “the Local Elections Acts 1974 to 2014, the *Local Government (Mayor of Limerick) Act 2023*” for “the Local Elections Acts, 1974 to 1997”, 15
- (e) in section 22, by—
- (i) the substitution, in clause (I) of subparagraph (iii) of paragraph (b) of subsection (2), of “House of the Oireachtas, the Mayor of Limerick” for “House of the Oireachtas”, 20
  - (ii) the substitution, in subparagraph (iv) of paragraph (b) of subsection (2), of “House of the Oireachtas, the Mayor of Limerick” for “House of the Oireachtas”,
  - (iii) the substitution, in subparagraph (vi) of paragraph (b) of subsection (2), of “House of the Oireachtas, the Mayor of Limerick” for “House of the Oireachtas”, 25
  - (iv) the substitution, in subparagraph (ii) of paragraph (c) of subsection (2), of “House of the Oireachtas, the Mayor of Limerick” for “House of the Oireachtas”, and 30
  - (v) the substitution, in subparagraph (i) of paragraph (d) of subsection (2), of “House of the Oireachtas or the Mayor of Limerick” for “House of the Oireachtas”,
- (f) in section 23, by—
- (i) the substitution, in subsection (1), of “member of either House of the Oireachtas, the Mayor of Limerick,” for “member of either House of the Oireachtas,”, and 35

- (ii) the substitution, in subsection (2), of “member of either House of the Oireachtas, the Mayor of Limerick,” for “member of either House of the Oireachtas,”
- (g) in section 23A, by—
  - (i) the deletion, in subsection (1), of “or” in paragraph (e), 5
  - (ii) the substitution, in that subsection, of “unit, or” for “unit,” in paragraph (f),
  - (iii) the insertion, in that subsection, of the following new paragraph after paragraph (f):
    - “(g) the Mayor of Limerick,”
  - (iv) the substitution, in that subsection, of “(c) or (g)” for “or (c)”, and 10
  - (v) the substitution, in paragraph (i) of subsection (3), of “House of the Oireachtas, the Mayor of Limerick,” for “House of the Oireachtas,”
- (h) in section 23AA, by—
  - (i) the substitution, in paragraph (c) of subsection (1), of “, European or Limerick mayoral election” for “or European election”, 15
  - (ii) the deletion, in paragraph (e) of subsection (1), of “or”,
  - (iii) the substitution, in paragraph (f) of subsection (1), of “unit, or” for “unit,”
  - (iv) the insertion, in subsection (1), of the following paragraph after paragraph (f):
    - “(g) the Mayor of Limerick,” 20
  - (v) the substitution, in paragraph (a) of subsection (5), of “House of the Oireachtas, the Mayor of Limerick,” for “House of the Oireachtas,” and
  - (vi) the substitution, in paragraph (b) of subsection (5), of “European or Limerick mayoral election” for “or European election”,
- (i) in section 23AB, by— 25
  - (i) the substitution, in paragraph (c) of “, European or Limerick mayoral election” for “or European election”,
  - (ii) the deletion, in paragraph (e), of “or”,
  - (iii) the substitution, in paragraph (f), of “unit, or” for “unit,” and
  - (iv) the insertion of the following paragraph after paragraph (f): 30
    - “(g) the Mayor of Limerick,”
- (j) in section 23B, by—
  - (i) the substitution, in subsection (1), of “House of the Oireachtas, the Mayor of Limerick,” for “House of the Oireachtas,” and
  - (ii) the substitution, in subsection (3), of “House of the Oireachtas, the Mayor of Limerick,” for “House of the Oireachtas,” 35

- (k) in section 23D, by the substitution, in paragraph (a) of subsection (2), of “(a) to (g)” for “(a) to (f)”,
- (l) in section 24, by the substitution, in paragraph (a) of subsection (1), of “was a member of either House of the Oireachtas, the Mayor of Limerick or a representative in the European Parliament shall furnish to the Standards in Public Office Commission a written statement, in the form directed by the said Commission, in respect of the preceding year indicating whether during that year the member, Mayor or representative” for “was a member of either House of the Oireachtas or a representative in the European Parliament shall furnish to the Standards in Public Office Commission a written statement, in the form directed by the said Commission, in respect of the preceding year indicating whether during that year the member or representative”,
- (m) in section 24A, by—
- (i) the substitution, in paragraph (a) of subsection (1), of “European, local election or Limerick mayoral election” for “European or local election”, and
  - (ii) the insertion, in paragraph (b) of that subsection, of the following new subparagraph:
    - “(iv) the Mayor of Limerick, or”,
- (n) in section 25, by the substitution, in subsection (1), of “a member of either House of the Oireachtas, the Mayor of Limerick, a representative in the European Parliament” for “a member of either House of the Oireachtas, a representative in the European Parliament”,
- (o) in section 26, by—
- (i) the substitution, in subsection (1), of “, 46 or 93” for “or 46”, and
  - (ii) the substitution, in paragraph (c) of subsection (2), of “subparagraph (vi) of paragraph (a) of subsection (2) of section 22 or subparagraph (vi) of paragraph (a) of subsection (2) of section 46 or subparagraph (iv) of paragraph (b) of the definition of donation in subsection (1) of section 93” for “subsection (2)(a)(vi) of section 22 or subsection (2)(a)(vi) of section 46”,
- (p) in section 73, by—
- (i) the substitution, in paragraph (b), of—
    - (I) “section 23 and 94” for “section 23”, and
    - (II) “24, 48 or 95” for “24 or 48”,
  - (ii) the substitution, in paragraph (c), of “36, 56 and 106” for “36 or 56”,
- and
- (q) the insertion of the following Part after Part IX:

“PART X

SPENDING AND DONATIONS AT ELECTION FOR MAYOR OF LIMERICK

**Interpretation**

93. (1) In this Part—

‘account’ means an account in an institution in the State for the purpose of crediting and debiting money received in respect of donations; 5

‘candidate’ means a person who on or before the date of the making of an order under *paragraph 6 of Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023* appointing the polling day at a Limerick mayoral election is declared by himself or herself or by others to be a candidate at that election; 10

‘Commission’ means the Standards in Public Office Commission;

‘donation’ means any contribution given by any person—

(a) to a candidate at a Limerick mayoral election for the purpose of promoting the election of the candidate at that election or otherwise affecting the outcome of that election, or 15

(b) to a third party for the purpose of promoting the election of a candidate at the Limerick mayoral election or otherwise affecting the outcome of that election, 20

and includes all or any of the following, namely—

(i) a gift of money,

(ii) a gift of property or goods,

(iii) the conferral of a right to use—

(I) without payment or other consideration, and 25

(II) indefinitely or for a specified period of time,  
any property or goods,

(iv) the supply of services without payment or other consideration,

(v) in the case of the sale or assignment of property or the supply of a service for less than the commercial price of the property or service, the amount of the difference between the payment or value of consideration given and that commercial price, 30

(vi) in the case of a contribution made by a person in connection with an event organised for the purpose of raising funds for a candidate at a Limerick mayoral election, the proportion attributable to that contribution of the net profit, if any, deriving from the event, or 35

(vii) a payment by the person on their own behalf, or on behalf of one or more than one other person, of a fee or subscription for membership or continued membership of a political party;

‘election expenses’ means all expenses set out in the Schedule incurred in the provision of property, goods or services for use at a Limerick mayoral election during the period commencing on the date of the order under *paragraph 6 of Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023* appointing a polling day at that election and ending on polling day at that election in order— 5

- (a) to promote or oppose, directly or indirectly, the election of a candidate at the Limerick mayoral election or to solicit votes for or against a candidate,
- (b) to present the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the Limerick mayoral election or the comments of a candidate on the policy or policies of another candidate at the Limerick mayoral election, 10
- (c) otherwise to influence the outcome of a Limerick mayoral election, or 15
- (d) the expenses mentioned in the foregoing shall be those, and only those, set out in the Schedule to this Act;

‘institution’ means—

- (a) the holder of a licence under section 9 of the Central Bank Act 1971, 20
- (b) a building society incorporated or deemed to be incorporated under the Building Societies Act 1989 or a body incorporated in a corresponding manner under the law of any other Member State of the European Union,
- (c) a trustee savings bank within the meaning of the Trustee Savings Banks Act 1989, 25
- (d) An Post,
- (e) a credit institution authorised in accordance with the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014) to carry on business in the State, or 30
- (f) a credit union registered as such under the Credit Union Act 1997;

‘Limerick mayoral election’ means—

- (a) a mayoral election within the meaning of *Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*, or
- (b) a mayoral election cancelled in accordance with *paragraph 33 of that Part*; 35

‘Limerick mayoral election donation statement’ has the meaning assigned to it by section 95;

‘mayoral election agent’ has the meaning assigned to it by section 99;

‘mayoral returning officer’ means a returning officer at a Limerick mayoral election;

‘responsible person’ means, in relation to a third party, a person responsible for the organisation, management or financial affairs of the third party;

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‘third party’ means, in relation to a Limerick mayoral election, a person, other than a political party registered in the Register of Political Parties in accordance with Chapter 6 of Part 2 of the Electoral Reform Act 2022, or a candidate at a Limerick mayoral election, who, in any particular year, accepts a donation the value of which exceeds €100.

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(2) For the purposes of this Part, a body corporate and any subsidiary thereof shall be deemed to be one person.

(3) For the purposes of this Part, a person promotes the election of a candidate at a Limerick mayoral election or otherwise attempts to affect the outcome of a Limerick mayoral election if he or she—

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(a) promotes or opposes (directly or indirectly) the election of a candidate in a Limerick mayoral election to the office of Mayor of Limerick or solicits votes for or against such candidate in such election,

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(b) presents the policies or a particular policy of a candidate or the views of a candidate on any matter connected with the Limerick mayoral election or the comments of another candidate with regard to the policy or policies of a candidate at that election or otherwise, or

25

(c) otherwise attempts to influence the manner in which voters cast their votes at a Limerick mayoral election.

(4) For the purposes of this Part, none of the following is a donation:

(a) a payment, service or facility provided to a candidate out of public funds or moneys provided by an institution of the European Union or other intergovernmental organisation to which the State is a party (whether pursuant to this Act, the Oireachtas (Allowances to Members) Acts 1938 to 1998, the Ministerial and Parliamentary Offices Acts 1938 to 2018, the European Parliament (Irish Constituency Members) Act 2009, the European Parliament Elections Act 1997 or otherwise) by virtue of being a member of either House of the Oireachtas, the holder of a qualifying office (within the meaning of the Ministerial and Parliamentary Offices Acts 1938 to 2018), the holder of a position referred to in the Oireachtas (Allowances to Members) (Amendment) Act 1994, a member of the European Parliament, the holder of an elective or other public office or a member of, delegate to or representative in a body established by or under an agreement or arrangement to which the State is a party;

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- (b) benefits derived from—
- (i) a service (including the use of the individual’s motor vehicle) rendered by an individual on behalf of a candidate at a Limerick mayoral election, if the service—
    - (I) is provided free of charge, and 5
    - (II) is not provided in the course of the individual’s employment or the carrying on of any business, trade or profession by the individual,

or

  - (ii) a service (including the use of the individual’s motor vehicle) rendered at a Limerick mayoral election by an individual employed by a political party (other than an individual in the employment of a subsidiary organisation of that party that has an office outside the State), whether the individual’s remuneration is paid out of the party’s resources or out of public funds, on behalf of a candidate of that party at a Limerick mayoral election, where the individual is not in receipt of any reward or benefit in kind other than his or her normal remuneration (including recoupment of expenses) in consideration of that service; 10  
15  
20
  - (c) the publication in a newspaper, magazine or other periodical publication (including the publication of such newspaper, magazine or periodical on the internet) or the broadcast on radio or television of news, reports, articles, features, editorial, commentary (including letters to the editor of the newspaper, magazine or periodical) where such publication or broadcast is effected in the same manner as that of other material relating to issues of public interest or concern, and the newspaper, magazine or other periodical publication is not published for the purpose of promoting the interests of a candidate at a Limerick mayoral election; 25  
30
  - (d) the transmission on radio or television free of charge of a broadcast on behalf of a candidate at a Limerick mayoral election;
  - (e) election expenses incurred by a political party on behalf of a candidate at a Limerick mayoral election or funds provided to such candidate by the political party in relation to those expenses. 35
- (5) For the purposes of this Part, a donation, whether made directly or through an intermediary to a mayoral election agent or any person acting for or on behalf of a candidate at a Limerick mayoral election shall be deemed to be made to a candidate at a Limerick mayoral election if it is made to him or her or to any agent or other person acting for him or her unless the donation is passed on to a political party of which he or she is a member and a written acknowledgement is received by the said candidate from the political party in respect of the donation, in which case, it shall be deemed to be a donation to that 40

political party, and any reference to a donation or the acceptance thereof shall be construed accordingly.

- (6) Where a person makes more than one donation—
- (a) in the same year to the same Limerick mayor, or
  - (b) in relation to the same candidate at the same Limerick mayoral election,
- all such donations shall, for the purposes of this Act, be aggregated and treated as a single donation.

#### **Anonymous donations to mayoral candidate**

- 94.** (1) A candidate at a Limerick mayoral election or third party shall not, directly or through an intermediary, accept a donation exceeding €100 in value made by or on behalf of a person whose name and the address at which he or she ordinarily resides the candidate or third party does not know. 10
- (2) Where a candidate at a Limerick mayoral election, his or her mayoral election agent or a third party is given a donation that, in accordance with subsection (1), such candidate or third party is prohibited from accepting— 15
- (a) he or she shall, forthwith, forward the donation to the Commission,
  - (b) the mayoral election agent shall specify particulars of the donation in— 20
    - (i) any statement furnished by him or her to the Commission under section 95, and
    - (ii) any certificate furnished by him or her to the Commission under section 97, 25
- and
- (c) the third party shall specify particulars of the donation in any certificate furnished by him or her to the Commission under section 97.
- (3) The Commission shall dispose of a donation forwarded to it in accordance with subsection (2) in such manner as the Minister for Finance may direct. 30

#### **Limerick mayoral election donation statement**

- 95.** (1) The mayoral election agent of each candidate at a Limerick mayoral election shall, not later than 56 days after the polling day at that election, furnish to the Commission a statement (to be known and, in this Part referred to, as a ‘Limerick mayoral election donation statement’) of— 35
- (a) the value of each donation exceeding €600 received by the candidate for the purposes of that election before, on or after the making of an order under *paragraph 6 of Part 1 of Schedule 2* to 40



the *Local Government (Mayor of Limerick) Act 2023* appointing the polling day for the election,

- (b) the name and description of the donor and address at which the donor resides, or has his or her principal office, in the State,
  - (c) the date on which each donation was received, 5
  - (d) whether the donation was requested from the donor, and if so, the name of the person who requested the donation, and
  - (e) whether a receipt issued to the donor in respect of the donation, and if so, the date on which the receipt issued and the name of the person who issued the receipt, 10
- and a Limerick mayoral election donation statement shall be—
- (i) in writing,
  - (ii) signed by the mayoral election agent and the candidate concerned, and
  - (iii) in such form as the Commission shall specify. 15
- (2) A statement furnished pursuant to subsection (1) shall be accompanied by—
- (a) a statutory declaration made by the mayoral election agent concerned that, to the best of his or her knowledge and belief, the statement is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the statement, and 20
  - (b) a statutory declaration made by the candidate concerned that, to the best of his or her knowledge and belief, the statement is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the statement. 25
- (3) Upon the request of the Commission, a mayoral election agent shall provide the Commission with additional or supplemental information in relation to a Limerick mayoral election donation statement, and information provided to the Commission in compliance with that request shall— 30
- (a) be in such form as the Commission shall specify, and
  - (b) if the Commission so requests, be accompanied by—
    - (i) a statutory declaration made by the mayoral election agent concerned that, to the best of his or her knowledge and belief, the information is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the information, and 35
    - (ii) a statutory declaration made by the candidate concerned that, to the best of his or her knowledge and belief, the information is 40

accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the information.

- (4) It shall be the duty of every person who is required to furnish a statement or make a declaration in accordance with this section to make such inquiries and maintain such records as are reasonably necessary for the purpose of complying with this section. 5
- (5) Where no donations were received by a candidate exceeding €600 in relation to a Limerick mayoral election, the statement to be furnished pursuant to subsection (1), and accompanied by the statutory declarations made pursuant to subsection (2), shall confirm that no donations exceeding €600 were received in relation to the Limerick mayoral election by the candidate. 10

### **Limits on donation amounts**

96. (1) Without prejudice to subsection (2), none of the following persons, namely— 15
- (a) a candidate,
  - (b) a mayoral election agent, or
  - (c) a third party at a Limerick mayoral election,
- shall directly or through any intermediary, accept from a particular person in a particular year a donation— 20
- (i) the value of which, in a case where the first-mentioned person falls within paragraph (a) or (b), exceeds €1,000,
  - (ii) the value of which, in a case where the first-mentioned person falls within paragraph (c), exceeds €2,500, 25
  - (iii) in cash of an amount which exceeds €200, or
  - (iv) a donation of whatever value in the form of cryptocurrency.
- (2) None of the persons referred to in paragraphs (a), (b) or (c) of subsection (1) shall, directly or through any intermediary, accept a donation of whatever value given by— 30
- (a) an individual (other than an Irish citizen) who ordinarily resides outside the island of Ireland, or
  - (b) a body corporate or unincorporated body of persons that does not have an office in the State or Northern Ireland from which one, or more than one, of its principal activities is directed. 35
- (3) Where section 23A or 48A of this Act, or section 19B of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, also apply to any of the persons referred to in subsection (1), the said section 23A, 48A or 19B (as the case may be) and subsection (1) shall be construed as permitting only one donation of the value of €1,000 or €2,500, as the case may be (or 2 or more donations of a total value of 40

the said amount) to be received, in a particular year, from the same donor in relation to the same person.

- (4) Where a candidate at a Limerick mayoral election, a mayoral election agent of such a candidate or a third party is given a donation that he, she or it is prohibited from accepting by virtue of subsection (1) or (2), he, she or it shall, not later than 14 days after he, she or it receives the donation, either— 5
- (a) return the donation or, in the case of a monetary donation, such part of the donation as exceeds the appropriate monetary limit specified in subsection (1) to the person who made the donation, and, for the purposes of its being furnished to the Commission, if so required by it, make and keep a record in writing of having done so, or 10
  - (b) notify the Commission of such donation and remit the donation or, in the case of a monetary donation, such part of the donation as exceeds the appropriate monetary limit specified in subsection (1) to the Commission. 15
- (5) If a donation is accepted by or on behalf of a candidate at a Limerick mayoral election before the appointment by the candidate of a mayoral election agent, the candidate shall, upon such appointment, furnish to the mayoral election agent— 20
- (a) details of the donation, and
  - (b) all documentation created for the purposes of that donation, and thereafter the mayoral election agent shall be responsible for furnishing the relevant statement to the Commission.
- (6) In this section, ‘cryptocurrency’ means any form of digital currency that is not regulated, and in relation to which encryption techniques are used to regulate the generation of units of currency and verify the transfer of moneys. 25

#### **Political donations accounts**

97. (1) (a) Where a candidate at a Limerick mayoral election receives, for the purposes of that election, a monetary donation exceeding €100 before the appointment by him or her of a mayoral election agent, he or she shall— 30
- (i) open and maintain an account in an institution in the State, and
  - (ii) lodge that donation to that account, 35
- and all subsequent monetary donations received by the candidate, or by his or her mayoral election agent (on behalf of that candidate), for the purposes of that election shall be lodged to that account.
- (b) Where a candidate at a Limerick mayoral election receives, for the purposes of that election, a monetary donation exceeding €100 after 40

the appointment by him or her of a mayoral election agent, the mayoral election agent shall—

- (i) open and maintain an account in an institution in the State, and
- (ii) lodge that donation to that account,

and all subsequent monetary donations received by the candidate, 5  
or by his or her mayoral election agent (on behalf of that candidate), for the purposes of that election shall be lodged to that account.

- (c) Where a third party, in relation to promoting a candidate at a Limerick mayoral election, receives, for the purposes of that election, a monetary donation exceeding €100, the third party shall— 10

- (i) open and maintain an account in an institution in the State, and
- (ii) lodge that donation to that account,

and all subsequent monetary donations received by the third party 15  
to promote that candidate for the purposes of that election shall be lodged to that account.

- (2) A mayoral election agent shall cause a donation statement furnished by him or her under section 95 to the Commission to be accompanied by— 20

- (a) a statement provided by the institution with which the account referred to in paragraph (a) or (b) of subsection (1) is maintained specifying the transactions that have taken place in relation to that account during the period commencing on the day on which that account was opened and ending on polling day at the Limerick mayoral election, and 25

- (b) a certificate stating that—

- (i) all monetary donations received during the said period by him or her or the candidate for whom he or she is mayoral election agent have been lodged to the account opened under paragraph (a) or (b) of subsection (1), and 30

- (ii) all amounts debited from that account have been applied for the purpose of—

- (I) promoting the election of the candidate concerned, or

- (II) otherwise affecting the outcome of the said election, 35

and the certificate shall be in such form as the Commission may specify and be signed by the mayoral election agent.

- (3) A third party shall, not later than 56 days after polling day at a Limerick mayoral election, furnish to the Commission—

- (a) a statement provided by the institution with which the account referred to in paragraph (c) of subsection (1) is maintained specifying the transactions that have taken place in relation to that account during the period commencing on the day on which that account was opened and ending on polling day at the Limerick mayoral election, and 5
- (b) a certificate stating that—
- (i) all monetary donations received during the said period by the third party have been lodged to the account opened under paragraph (c) of subsection (1), and 10
- (ii) all amounts debited from that account have been applied for the purpose of—
- (I) promoting the election of a candidate concerned, or
- (II) otherwise affecting the outcome of the said election,
- and the certificate shall be in such form as the Commission may specify and be signed by the responsible person of the third party. 15
- (4) The certificate furnished pursuant to subsection (2) or (3) shall be accompanied—
- (a) by a statutory declaration made by the person by whom the certificate is furnished that, to the best of his or her knowledge and belief, the certificate is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself as to the accuracy of the certificate, and 20
- (b) where the certificate is furnished by a mayoral election agent, by a statutory declaration made by the candidate that, to the best of his or her knowledge and belief, the certificate is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself as to the accuracy of the certificate. 25
- (5) The Commission shall retain all statements, certificates and statutory declarations furnished to it in accordance with this section and shall not disclose the contents thereof to any person unless— 30
- (a) ordered by a Court to so do, or
- (b) the disclosure of such contents to another person is required in connection with an investigation conducted by the Commission. 35
- (6) Where the number of candidates standing nominated at a Limerick mayoral election is equal to one and the mayoral returning officer has declared the candidate standing nominated to be elected in accordance with the provisions of *paragraph 29(2) of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*, the requirements of this section and section 95 shall apply from the date on which the candidate was declared elected. 40

### **Registration of third parties**

98. A third party in relation to a Limerick mayoral election who receives a donation that exceeds €100 in value for the purpose of the promotion of the election of a candidate or to otherwise affect the outcome of such an election shall— 5
- (a) as soon as may be after receiving that donation, and
  - (b) before incurring any expenses or further expenses, as may be appropriate, for the purposes of promoting the election of the candidate or otherwise affecting the outcome of the election,
- furnish to the Commission a statement in writing specifying— 10
- (i) the name and address of the third party and the name and address of the responsible person or each responsible person in relation to the third party,
  - (ii) the nature, purpose and estimated amount of the donations to, and proposed expenses of, the third party in the year in which a Limerick mayoral election is held, and 15
  - (iii) the third party's connection (if any) with any political party or candidate at the election.

### **Appointment of mayoral election agent**

99. (1) (a) A candidate at a Limerick mayoral election shall— 20
- (i) before incurring any election expenses at a Limerick mayoral election, appoint an agent (in this Part referred to as 'mayoral election agent') for the purposes of this Part and to assist the candidate in relation to the election, and
  - (ii) not later than the last day for receiving nominations at the Limerick mayoral election, notify the mayoral returning officer in writing of the name of the mayoral election agent and the address of his or her office. 25
- (b) A candidate may appoint himself or herself to be his or her mayoral election agent. 30
- (c) A candidate who fails to comply with paragraph (a) within the period specified therein shall be deemed to be his or her own mayoral election agent and the appointment of any person to be the candidate's mayoral election agent shall be deemed to have been revoked. 35
- (2) A candidate may, at any time, revoke the appointment of a mayoral election agent appointed by the candidate under this section.
- (3) If a mayoral election agent dies, resigns or is otherwise unable to act as a mayoral election agent, or his or her appointment is revoked in accordance with subsection (2), the candidate concerned shall, 40
- forthwith—
- (a) appoint another person to be his or her mayoral election agent, and

- (b) notify the mayoral returning officer in writing of the name of the person so appointed and the address of the person's office.
- (4) Where a candidate at a Limerick mayoral election who has appointed himself or herself to be his or her mayoral election agent dies before he or she furnishes the Commission with the Limerick mayoral election donation statement in accordance with section 95 and a statement of election expenses in accordance with section 106, the personal representative of the candidate shall appoint himself or herself or another person to be the mayoral election agent of the candidate for the purpose of complying with this Part. 5 10
- (5) The mayoral returning officer shall as soon as may be notify the Commission in writing and give public notice of the name and the address of the office of every mayoral election agent appointed or deemed to have been appointed under this section.
- (6) A mayoral election agent appointed or deemed to have been appointed under this section shall have an office or place in or convenient to the Limerick City and County Electoral Area (within the meaning of *Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*) to which claims, notices, writs, summonses and other documents may be sent. 15 20
- (7) Any claim, notice, writ, summons or document delivered to the office of a mayoral election agent and addressed to that mayoral election agent shall be deemed to have been served on the mayoral election agent.
- (8) The provisions of this Part applicable to a mayoral election agent shall— 25
- (a) apply to a candidate—
- (i) who appoints himself or herself to be his or her mayoral election agent, or
- (ii) who is deemed to be his or her own mayoral election agent by virtue of paragraph (c) of subsection (1), 30
- and
- (b) apply to a person appointed to be a mayoral election agent in accordance with subsection (3) or (4),
- in his or her capacity as mayoral election agent. 35

#### **Making of contracts through mayoral election agent**

- 100.** (1) A contract (including a contract of employment and whether in writing or otherwise) by which any election expenses at a Limerick mayoral election exceeding €635 in value are incurred by or on behalf of a candidate at the election, shall be made by the mayoral election agent of the candidate and shall not be enforceable against the said candidate or mayoral election agent unless so made. 40

- (2) Nothing in this section shall prejudice the right of any person who is a party to a contract to recover from any other such person any moneys, other property or services due to the first-mentioned person on foot of such contract.

**Expenses and payments at Limerick mayoral election** 5

**101.** (1) Where property or services are provided to a candidate at a Limerick mayoral election—

(a) without payment or other consideration therefor, or

(b) at a price that is less than the commercial price therefor,

the provision of that property or those services shall be deemed to be an election expense and that property or those services shall be deemed to have been provided at the commercial price and shall be recorded by the mayoral election agent in the statement required to be furnished to the Commission under section 106. 10

(2) The following shall be reckoned for the purposes of this Part and shall be included in the statement to be furnished to the Commission under section 106: 15

(a) all election expenses incurred by or on behalf of a candidate at a Limerick mayoral election at any time during the period specified by an order made by the Minister under *subparagraph (1), (3) or (4) of paragraph 6 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*; 20

(b) all election expenses incurred by or on behalf of a candidate at a Limerick mayoral election at any time before the commencement of the period referred to in paragraph (a) for the provision of property or services for use at the election during that period; 25

(c) all payments made in respect of the election expenses referred to in paragraphs (a) and (b).

(3) A person shall not incur expenses at a Limerick mayoral election, or make a payment, advance or deposit at such election, on behalf of a candidate unless that person is the mayoral election agent of the candidate or a person authorised to so do by the mayoral election agent, and a person so authorised shall not incur expenses at a Limerick mayoral election, or make a payment, advance or deposit, on behalf of a candidate at such election in excess of such amount as is specified in the authorisation concerned. 30 35

(4) Where election expenses are incurred for the purposes of a Limerick mayoral election by—

(a) a political party that supports the candidature of a candidate,

(b) a body established by or on behalf of— 40

(i) a candidate at a Limerick mayoral election, or

(ii) a political party that supports the candidature of the candidate,



for the purpose of incurring election expenses or making payments in respect of such expenses or for a purpose referred to in the definition of ‘election expenses’ in section 93,

- (c) a member or subsidiary organisation (within the meaning of Part IV) of a political party that supports the candidature of the candidate, or 5
- (d) a body—
  - (i) controlled by a candidate at a Limerick mayoral election or a political party that supports the candidature of such candidate,
  - (ii) that is or appears to be so connected with or associated with such candidate or such political party that a reasonable person would believe that it is controlled or substantially influenced by the candidate or political party, 10

those election expenses shall be deemed to have been incurred by or on behalf of the candidate concerned and shall be accounted for accordingly by the mayoral election agent of the candidate and the provisions of this Part shall apply in relation thereto. 15

- (5) A person (other than a mayoral election agent or a person authorised in accordance with subsection (3)) who proposes to incur election expenses for the purposes of a Limerick mayoral election shall, before incurring any such expenses, furnish to the Commission a statement in writing specifying— 20
  - (a) the name, address and description of the person,
  - (b) the nature, purpose and estimated amount of such proposed expenses, and 25
  - (c) the person’s connection (if any) with any candidate or political party that supports the candidature of a candidate at the election.
- (6) Where election expenses are incurred by or on behalf of a candidate at a Limerick mayoral election before the appointment by the candidate of a mayoral election agent, the candidate shall, upon such appointment, furnish to the mayoral election agent, within such time as will enable the mayoral election agent to comply with section 106 in relation to such expenses, details of such expenses and vouchers relating thereto, and such election expenses shall, for the purposes of this Part, be deemed to be expenses incurred by the mayoral election agent. 35
- (7) Every payment of election expenses made pursuant to this Part shall, where the said payment exceeds €127, be supported by a voucher stating the details of the transaction to which it relates.
- (8) The publisher of a newspaper, magazine or other publication (including the publication of such newspaper, magazine or periodical on the internet) shall not publish any advertisement or notice 40

purporting to promote or oppose (directly or indirectly) the interests of a candidate at a Limerick mayoral election—

- (a) except on the request of a candidate at that election, the mayoral election agent of such candidate or a person authorised in writing by such candidate or mayoral election agent for that purpose, or 5
  - (b) in the case of a request to publish such notice or advertisement by any other person, unless that person produces to the said publisher a certificate from the Commission stating that, in relation to that election, the person has complied with subsection (5).
- (9) This section shall not operate to prevent or restrict— 10
- (a) the publication of any matter, other than an advertisement or notice referred to in subsection (8), relating to a Limerick mayoral election—
    - (i) in a newspaper, magazine or other publication (including the publication of such newspaper, magazine or periodical on the internet), or 15
    - (ii) the broadcast of such matter by radio or television,  
or
  - (b) the lawful expression of opinion on any matter of public interest relating to that election by any person. 20

**Period in respect of which election expenses are reckoned at Limerick mayoral elections**

- 102.** (1) After the Minister has made an order under *paragraph 6 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*, he or she may by order specify the period during which election expenses at the election concerned shall be reckoned for the purposes of this Part. 25
- (2) An order under subsection (1) shall specify—
- (a) a date that falls not less than 50 days and not more than 60 days before the polling day at the Limerick mayoral election concerned, to be the date on which the period shall commence, and 30
  - (b) the polling day at the election concerned, to be the date on which the period shall end.
- (3) The period during which election expenses at a Limerick mayoral election shall be reckoned shall continue for the same period as may be fixed by the Minister by order under section 12B of the Local Elections (Disclosure of Donations and Expenditure) Act 1999, for local elections. 35
- (4) Every order made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order 40

shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

**Limitation of election expenses at Limerick mayoral election**

**103.** (1) The aggregate of all election expenses that may be incurred by or on behalf of a candidate at a Limerick mayoral election in connection with his or her candidature shall not exceed €72,100. 5

(2) Expenditure incurred by a political party at a Limerick mayoral election on behalf of a candidate whose candidature is authenticated by that political party shall be deemed to be expenditure incurred by or on behalf of the candidate and shall be accounted for accordingly by the mayoral election agent of the candidate. 10

**Period for making claims in relation to Limerick mayoral election expenses**

**104.** Notwithstanding any other enactment, a claim in respect of election expenses incurred by—

(a) the mayoral election agent of a candidate at a Limerick mayoral election, or 15

(b) a person to whom subsection (5) of section 101 applies,

that is not delivered to the mayoral election agent or the person referred to in paragraph (b), as may be appropriate, before the expiration of the period of 45 days after the polling day at the election, shall not be payable by, or enforceable against, the mayoral election agent or person. 20

**Disputed claims in relation to Limerick mayoral election expenses**

**105.** Where the mayoral election agent of a candidate at a Limerick mayoral election or a person to whom subsection (5) of section 101 applies disputes any claim delivered to the mayoral election agent or person, as the case may be, before the expiration of the period specified in section 104, the person by whom the claim is made may apply to a court of competent jurisdiction for an order for payment of the amount of the claim and the court may, on being satisfied that the amount of the claim is owed, in whole or in part, to the person by the mayoral election agent or person to whom the said subsection (5) of section 101 applies, make an order for payment by the said mayoral election agent or person to whom the said subsection (5) of section 101 applies of that amount (or part thereof) to the person who made the application. 25 30

**Statements in relation to Limerick mayoral election expenses** 35

**106.** (1) (a) The mayoral election agent of a candidate at a Limerick mayoral election shall, before the expiration of the period of 56 days from the polling day for the election, furnish to the Commission—

(i) a statement (in this section referred to as a ‘statement of election expenses’) in writing of all election expenses (whether paid or not) incurred by the mayoral election agent, for the purposes of the election, and details thereof, and 40

(ii) vouchers in respect of those expenses.

- (b) A person to whom subsection (5) of section 101 applies shall, before the expiration of the period of 56 days from the polling day for the Limerick mayoral election concerned, furnish to the Commission—
- (i) a statement (in this section also referred to as a ‘statement of election expenses’) in writing of all election expenses (whether paid or not) incurred by him or her, for the purposes of the election, and details thereof, and 5
  - (ii) vouchers in respect of those expenses.
- (2) (a) A statement under paragraph (a) of subsection (1) shall be in such form as the Commission shall specify and shall be accompanied— 10
- (i) by a statutory declaration made by the mayoral election agent concerned that, to the best of his or her knowledge and belief, the statement is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the statement, and 15
  - (ii) except where the statement is furnished in circumstances to which subsection (6) applies, by a statutory declaration made by the candidate concerned that, to the best of his or her knowledge and belief, the statement is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the statement. 20
- (b) A statement under paragraph (b) of subsection (1) shall be in such form as the Commission shall specify and shall be accompanied by a statutory declaration made by the person concerned that, to the best of his or her knowledge and belief, the statement is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the statement. 25
- (3) (a) Upon the request of the Commission, a mayoral election agent shall provide the Commission with additional or supplemental information in relation to a statement under paragraph (a) of subsection (1), and the information provided to the Commission in compliance with that request shall— 30
- (i) be in such form as the Commission shall specify, and 35
  - (ii) if the Commission so requests, be accompanied—
- (I) by a statutory declaration made by the mayoral election agent concerned that, to the best of his or her knowledge and belief, the information is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the information, and 40

- (II) except where the statement is furnished in circumstances to which subsection (6) applies, by a statutory declaration made by the candidate concerned that, to the best of his or her knowledge and belief, the information is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the information. 5
- (b) Upon the request of the Commission, a person who has furnished a statement to the Commission in accordance with paragraph (b) of subsection (1) shall provide the Commission with additional or supplemental information in relation to a statement under paragraph (b) of subsection (1), and the information provided to the Commission in compliance with that request shall— 10
- (i) be in such form as the Commission shall specify, and
- (ii) if the Commission so requests, be accompanied by a statutory declaration made by the person that, to the best of his or her knowledge and belief, the information is accurate in every material respect and that he or she has taken all reasonable measures to satisfy himself or herself of the accuracy of the information. 15 20
- (4) Where an order is made by a court under section 105 after the statement of election expenses is furnished to the Commission in accordance with this section, the mayoral election agent or other person against whom the order is made, as the case may be, shall, not later than 7 days after the date of the making of the order, furnish to the Commission a copy of the order and a statement of the sum payable under the order. 25
- (5) It shall be the duty of every person who is required to furnish a statement or make a declaration in accordance with this section to make such inquiries and maintain such records as are reasonably necessary for the purpose of complying with this section. 30
- (6) Where a candidate standing nominated for a Limerick mayoral election dies—
- (a) at any time before the close of the poll at that election, or
- (b) on or after the close of poll at the Limerick mayoral election but before a statement of election expenses in respect of the candidate has been furnished to the Commission in accordance with this section, 35
- the mayoral election agent of the candidate shall furnish a statement of the election expenses of the candidate in accordance with this section. 40
- (7) This section shall apply to a mayoral election agent appointed under section 99(4), subject to the proviso that the statement of election expenses to be furnished by the said election agent shall be furnished to the Commission within the 56 days next following polling day at

the election or as soon as practicable after the expiration of that period.

### **Reimbursement of Limerick mayoral election expenses of candidates**

- 107.** (1) Subject to this section, election expenses incurred for the purposes of a Limerick mayoral election shall be reimbursed to a candidate at that election if— 5
- (a) the candidate is elected at that election to the office of Mayor of Limerick, or
  - (b) though not so elected, the number of votes credited to him or her at any stage during the counting of the votes in the poll for that election exceeds one quarter of the quota, 10
- but the amount of election expenses incurred that may be reimbursed to the candidate shall be the actual expenses incurred by the candidate but shall not exceed €18,500.
- (2) Subject to subsection (3), payments in respect of the reimbursement of election expenses under this section shall be made by the Minister for Finance, with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform, out of the Central Fund or the growing produce thereof to each candidate referred to in subsection (1), who applies therefor to the Commission in a form specified by the Commission. 15 20
- (3) No reimbursement of election expenses of a candidate shall be made unless and until the Commission—
- (a) certifies to the Minister for Public Expenditure, National Development Plan Delivery and Reform in writing that— 25
    - (i) in respect of the candidate, there has been full compliance with section 106,
    - (ii) the statement of election expenses furnished under that section is in compliance with this Part and was prepared in accordance with such guidelines (if any) issued by the Commission under this Act, and 30
    - (iii) a Limerick mayoral election donation statement has been furnished in accordance with section 95 to the Commission and such statement was prepared in accordance with guidelines issued by the Commission under this Act, 35
- and
- (b) furnishes to the Minister for Finance details of the amount of election expenses incurred by the candidate.
- (4) The Commission shall, if satisfied that a candidate at a Limerick mayoral election is eligible for reimbursement of election expenses incurred for the purpose of that election, furnish the details referred to 40

- in subsection (3) in respect of the candidate to the Minister for Finance, as soon as may be after it has considered—
- (a) the application for reimbursement of election expenses under subsection (2) in respect of that candidate, and
  - (b) the statement of election expenses furnished to it in respect of the candidate under section 106. 5
- (5) Where a candidate referred to in subsection (1) dies—
- (a) after the close of the poll at a Limerick mayoral election, and
  - (b) before making an application for the reimbursement of election expenses under this section, 10
- the personal representative of the candidate may make such application and any reimbursement of such expenses shall be made to such personal representative.
- (6) Where a candidate referred to in subsection (1) dies—
- (a) after making an application for the reimbursement of election expenses under this section, and 15
  - (b) before such reimbursement is made,
- the reimbursement of those expenses shall be made to the personal representative of the candidate.
- (7) A payment made to a candidate, or the personal representative of a candidate, as the case may be, under this section shall not be liable to income tax. 20
- (8) In this section, ‘election expenses’ includes expenditure deemed to be expenditure incurred by or on behalf of a candidate at a Limerick mayoral election by virtue of subsection (2) of section 103. 25

#### **Laying of copy of documents before each House of the Oireachtas**

- 108.** (1) The Commission shall, as soon as may be after the receipt of a statement in relation to donations under section 95, cause—
- (a) a copy of the said statement,
  - (b) copies of the statutory declarations referred to in subsection (2) of that section, 30
- to be laid before each House of the Oireachtas.
- (2) The Commission shall, as soon as may be after the receipt of a statement in relation to election expenses under section 106, cause—
- (a) a copy of the said statement, 35
  - (b) copies of the statutory declarations referred to in that section, and
  - (c) any order of the court under section 105,
- to be laid before each House of the Oireachtas.

- (3) Where a minor error or omission in a statement of election expenses is corrected in accordance with subsection (2) of section 4, the Commission shall cause a copy of the said statement as so corrected to be laid before each House of the Oireachtas.

**Relief for failure to comply with Part**

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**109.** (1) This section applies to a party to proceedings (either civil or criminal) before a court who—

(a) is or was a candidate at a Limerick mayoral election in relation to which the proceedings were brought, the mayoral election agent of such a candidate or a person to whom subsection (5) of section 101 applies, and 10

(b) contravenes section 106 or, in purported compliance with that section, furnishes to the Commission a statement of election expenses that is false or misleading in any material respect.

(2) Where it is shown to the court that the contravention, or false or misleading statement, arose— 15

(a) due to the illness of that party,

(b) in the case of such party who is or was a candidate at the Limerick mayoral election concerned, due to the death, illness, absence or misconduct of his or her mayoral election agent or of any person employed by that mayoral election agent, 20

(c) in the case of such party who is or was the mayoral election agent of a candidate at the Limerick mayoral election concerned, due to the death, illness, absence or misconduct of any person who was the mayoral election agent of such candidate or was employed by the mayoral election agent second-mentioned in this paragraph, 25

(d) in the case of such party who is or was a person to whom subsection (5) of section 101, due to the death, illness, absence or misconduct of any person employed by the person first-mentioned in this paragraph, or 30

(e) due to inadvertence or other reasonable cause not involving negligence on the part of such party to the proceedings, or the contravention, knowingly, by such party of this Part,

where the proceedings are based wholly or partly on the grounds of misconduct on the part of any person, such misconduct was without the approval or knowledge of such party to the proceedings and such party took all reasonable action to prevent such misconduct, the court may on application to it by such party, make such order granting relief for the failure, error, omission or false or misleading statement the subject of the proceedings, as it considers reasonable. 35 40

(3) An order under subsection (2)—

(a) shall relieve the candidate, mayoral election agent or person, as the case may be, the subject of the proceedings from any liability or



consequences under this Act or the Local Elections Regulations 1995 (S.I. No. 297 of 1995), as applied to Limerick mayoral elections, and

- (b) may make the granting of the relief conditional on the furnishing of a statement of election expenses in a modified form or within an extended period of time and subject to compliance with such other conditions as seem proper to the court in order to give effect to this Part. 5

#### **Power of court to require information from mayoral election agent**

- 110.** (1) The court before which proceedings referred to in section 109 are brought may order the person alleged, in those proceedings, to have— 10
- (a) contravened section 106, or
  - (b) furnished a statement of election expenses, in purported compliance with section 106, that is false or misleading in a material respect, 15
- to appear before the court for the purpose of giving evidence in relation to any matter relating to those proceedings.
- (2) Unless a person referred to in subsection (1) shows cause to the contrary, the court may order that person—
- (a) to furnish to the Commission a revised statement of election expenses in compliance with section 106, or 20
  - (b) to furnish such particulars in the possession or procurement of that person as may be required for the purpose of furnishing such statement, as the court thinks fit, within such period, to such person and in such manner as it directs, and may require that person to provide such explanation of such particulars as the court directs. 25

#### **Excess expenditure**

- 111.** Without prejudice to section 113, where the aggregate amount of all election expenses incurred or deemed to have been incurred by or on behalf of a candidate at a Limerick mayoral election exceeds the amount (in this section referred to as the ‘relevant amount’) specified in section 103, the Minister for Finance shall, upon the recommendation of the Commission, deduct an amount equal to the difference between the first-mentioned amount and the relevant amount from any sum which may be payable or become payable as a reimbursement of election expenses to the said candidate under section 107. 30 35

#### **Provisions relating to fresh Limerick mayoral election**

- 112.** The limits on election expenses at a fresh election for surviving candidates and candidates nominated at the fresh election shall be the amount specified in subsection (1) of section 103 or an order for the time being in force under subsection (1) (amended by *paragraph (b) of section 37 of the Local Government (Mayor of Limerick) Act 2023*) of section 3. 40

## Offences and penalties

113. (1) A person who contravenes—
- (a) subsection (1) or (2) of section 94,
  - (b) subsection (1), (2) or (3) of section 95,
  - (c) subsection (1), (2) or (5) of section 96, 5
  - (d) subsection (1), (2), (3) or (4) of section 97,
  - (e) section 98,
  - (f) subsection (3), (5) or (8) of section 101,
  - (g) subsection (1) of section 103, or
  - (h) section 106 (other than subsection (5)), 10
- shall be guilty of an offence and shall be liable on summary conviction to a class C fine.
- (2) A person who makes a payment in contravention of section 104 shall be guilty of an offence and shall be liable on summary conviction to a class C fine. 15
- (3) A mayoral election agent who—
- (a) in purported compliance with section 95, furnishes to the Commission a Limerick mayoral election donation statement that is false or misleading in any material respect,
  - (b) in purported compliance with section 95 or subsection (4) of section 97, furnishes to the Commission a statutory declaration that is false or misleading in any material respect, 20
  - (c) in purported compliance with subsections (2) or (3) of section 97, furnishes to the Commission a statement to which paragraph (a) of that subsection applies or a certificate to which paragraph (b) of that subsection applies that is false or misleading in any material respect, 25
  - (d) in purported compliance with subsection (1) of section 106, furnishes to the Commission a statement that is false or misleading in any material respect, or 30
  - (e) in purported compliance with subsection (2) or (3) of section 106, furnishes to the Commission a statutory declaration that is false or misleading in any material respect,
- shall be guilty of an offence and shall be liable—
- (i) on summary conviction, to a class C fine, or 35
  - (ii) on conviction on indictment, to a fine not exceeding €25,000 or imprisonment for a term not exceeding 3 years or both.
- (5) (a) A person convicted of an offence under subsection (1) consisting of a contravention of subsection (1) of section 95 shall, on each day

on which he or she fails to furnish the Limerick mayoral election donation statement concerned to the Commission after his or her having been so convicted, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €130 in respect of each such second-mentioned offence.

5

(b) A person convicted of an offence under subsection (1) consisting of a contravention of subsection (2) of section 97, shall, on each day on which he or she fails to furnish the statement or certificate concerned to the Commission after his or her having been so convicted, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €130 in respect of each such second-mentioned offence.

10

(c) A person convicted of an offence under subsection (1) consisting of a contravention of subsection (1) of section 106 or subsection (3) of section 97 shall, on each day on which he or she fails to furnish the statement or vouchers concerned to the Commission after his or her having been so convicted, be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €130 in respect of each such second-mentioned offence.

15

(6) It shall be a defence to proceedings for an offence consisting of a contravention of section 103 for a person to show that, at the time of the alleged commission of the offence, he or she did not know and had no reasonable grounds for believing that he or she had incurred election expenses greater than the aggregate specified in that section.

20

(7) Summary proceedings for an offence under this section may be brought and prosecuted by the Standards in Public Office Commission.”

25

and

(r) in the Schedule—

(i) by the substitution, in paragraph 1, of “, 52(1)(b), and for the purposes of the definition of ‘election expenses’ in Part X” for “and 52(1)(b)”,

30

(ii) by—

(I) the deletion, in subparagraph (a) of paragraph 2, of “or”, and

(II) the substitution, in the said subparagraph, of “section 46(2)(b) or, in the case of a Limerick mayoral election within the meaning of Part X, paragraphs (b), (c) and (d) of subsection (4) of the definition of “election expenses” in section 93,” for “section 46(2)(b)”,

35

and

(iii) by the substitution, in subparagraph (b) of paragraph 2, of “, local election or Limerick mayoral election within the meaning of Part X” for “or local election”.

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### **Amendment of Litter Pollution Act 1997**

**38.** (1) Section 19 of the Act of 1997 is amended, in subsection (7)—

- (a) in subparagraph (iii) of paragraph (c), by the deletion of “or”,
- (b) in subparagraph (iv) of paragraph (c), by the substitution of “European Parliament Elections Act 1997 or,” for “European Parliament Elections Act 1997”, and
- (c) in paragraph (c), by the insertion of the following subparagraphs after subparagraph (iv):

“(v) a Limerick mayoral election, including a by-election, held in accordance with *Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*, or

(vi) a plebiscite within the meaning of *Part 6 of the Local Government (Mayor of Limerick) Act 2023*,”.

(2) Section 21 of the Act of 1997 is amended, in paragraph (b) of subsection (3), by the substitution of “Local Government Act 2001, a Limerick mayoral election within the meaning of *Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*, a plebiscite within the meaning of *Part 6 of the Local Government (Mayor of Limerick) Act 2023*,” for “Local Government Act 2001,”.

(3) In this section, “Act of 1997” means the Litter Pollution Act 1997.

### **Amendment of Electoral (Amendment) Act 2004** 20

**39.** The Electoral (Amendment) Act 2004 is amended, in subsection (1) of section 35, by the substitution of “, Article 55 of the Regulations of 1995 or *paragraph 40 of Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*,” for “or Article 55 of the Regulations of 1995.”.

### **Amendment of Electoral (Amendment) Act 2006** 25

**40.** The Electoral (Amendment) Act 2006 is amended, in paragraph (b) of subsection (1) of section 15, by the insertion of “, a Limerick mayoral election, including a mayoral by-election, held in accordance with *Part 1 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023*, or a plebiscite within the meaning of *Part 6* of that Act, or” after “local election,”. 30

### **Amendment of Act of 2022**

**41.** The Act of 2022 is amended—

(a) in section 2—

(i) in the definition of “election”, by the substitution of “, a Seanad election or a Limerick mayoral election;” for “or a Seanad election;”, and 35

(ii) by the insertion of the following definition:

“ ‘Limerick mayoral election’ means an election, including a mayoral by-election, held in accordance with *Part 1 of Schedule 2 to the Local*

- Government (Mayor of Limerick) Act 2023;*
- (b) in subsection (1) of section 43—
- (i) by the substitution of the following paragraph for paragraph (c):
- “(c) a local election;”,
- and
- (ii) by the insertion of the following paragraph after paragraph (c):
- “(d) a Limerick mayoral election.”,
- (c) in paragraph (b) of section 45, by the substitution of the following subparagraph for subparagraph (iii):
- “(iii) in the case of a party which applies for registration as a party organised to contest—
- (I) a local election only,
- (II) a Limerick mayoral election only, or
- (III) both a local election and a Limerick mayoral election,
- it has at least 3 members who are, at the time the application for registration is made, members of a local authority and each of whom certifies in writing to the Registrar that he or she is a member of the party,”,
- (d) in subsection (5) of section 51—
- (i) by the substitution of “Act of 2001, or” for “Act of 2001.”, and
- (ii) by the insertion of the following paragraph after paragraph (c):
- “(d) in the case of a Limerick mayoral election relative to a party registered or seeking registration (including registration of a political party emblem) as a party organised to contest a Limerick mayoral election, after the date of the making of the order of the Minister under *paragraph 6 of Schedule 2 to the Local Government (Mayor of Limerick) Act 2023.*”,
- (e) in subsection (2) of section 67—
- (i) by the substitution of the following paragraph for paragraph (f):
- “(f) a referendum;”,
- and
- (ii) by the insertion of the following paragraph after paragraph (f):
- “(g) a Limerick mayoral election.”,
- and
- (f) in subsection (3) of section 68—
- (i) by the substitution of the following paragraph for paragraph (e):

“(e) articles 51, 57, 62, 65 and 74 of the Local Elections Regulations 1995;”,

and

(ii) by the insertion of the following paragraph after paragraph (e):

“(f) *paragraphs 37 and 42 of the Schedule 2 to the Local Government (Mayor of Limerick) Act 2023.*” 5

## PART 6

### PLEBISCITES ON DIRECT ELECTION OF MAYORS

#### Definitions (*Part 6*)

42. In this Part— 10
- “chief executive”, in relation to a local authority, has the meaning assigned to it by the Principal Act;
- “corporate policy group” has the meaning assigned to it by the Principal Act;
- “directly elected mayor” means, in relation to an administrative area of a local authority, the person— 15
- (a) elected to the office of mayor for that administrative area by the electors of that administrative area, and
  - (b) on whom are conferred— 20
    - (i) some or all of the functions for the time being performable by the chief executive of that local authority, and
    - (ii) such other functions as may be provided by or under statute;
- “elected council”, in relation to a local authority, has the meaning assigned to it by the Principal Act;
- “elector” means a person entitled to vote in a plebiscite by virtue of *section 47*;
- “local authority” means a local authority other than Limerick City and County Council; 25
- “plebiscite” means, in relation to an administrative area of a local authority, the plebiscite required to be held under this Part in respect of that administrative area;
- “proposal” means a proposal to provide by law for a directly elected mayor of the administrative area of a local authority.

#### Plebiscite 30

43. (1) (a) Where—
- (i) the corporate policy group of a local authority submits a report to the elected council of the local authority recommending a proposal and that elected council approves that proposal by resolution,

- (ii) the Minister receives from the chief executive of a local authority—
- (I) a petition signed by more than 20 per cent of the electors of the administrative area of the local authority requesting the holding of a plebiscite in relation to a proposal, and
  - (II) a certificate signed by that chief executive stating that he or she is satisfied that the petition is valid, 5
- or
- (iii) the Minister directs,
- a proposal shall be submitted to a plebiscite of the electors of the administrative area to which the proposal relates. 10
- (b) A proposal referred to in *paragraph (a)* shall be submitted to a plebiscite of the electors concerned not later than—
- (i) in a case referred to in *subparagraph (i)* of *paragraph (a)*, 12 months after the passing of the resolution,
  - (ii) in a case referred to in *subparagraph (ii)* of *paragraph (a)*, 12 months after receipt of the petition and certificate, and 15
  - (iii) in the case of a direction given under *subparagraph (iii)* of *paragraph (a)*, 12 months after the giving of the direction.
- (c) A resolution to which *subparagraph (i)* of *paragraph (a)* applies shall be submitted by the Cathaoirleach of the local authority concerned to the Minister not later than 30 days after the passing of the resolution and shall be accompanied by a copy of the report referred to in that subparagraph. 20
- (d) Where the chief executive of a local authority receives a document purporting to be a petition referred to in *clause (I)* of *subparagraph (ii)* of *paragraph (a)*, he or she shall, if satisfied that the document is a valid such petition, submit that petition and the certificate referred to in *clause (II)* of that subparagraph to the Minister not later than 30 days after having received the petition. 25
- (2) A plebiscite shall be held on such day and at such times as the Minister shall, subject to *paragraph (b)* of *subsection (1)* and *subsection (4)*, by order, appoint.
- (3) An order under *subsection (2)* shall be published in *Iris Oifigiúil* as soon as may be after it is made. 30
- (4) An order under *subsection (2)* shall appoint a day that is not earlier than 60 days, and not later than 90 days, after the making of the order.
- (5) Each plebiscite shall be conducted in accordance with regulations made by the Minister under *section 45*. 35
- (6) For the purposes of a plebiscite, *An Coimisiún Toghcháin* shall, not later than 30 days before the day appointed under *subsection (2)*, cause information relating to the proposal to be published and distributed in such manner as it considers will bring the proposal that is the subject of the plebiscite to the attention of electors in the administrative area to which the proposal relates. 40

- (7) Without prejudice to the generality of *subsection (6)*, information published and distributed in accordance with that subsection shall contain a summary of—
- (a) the functions and office that are proposed in respect of the directly elected mayor for the administrative area concerned,
  - (b) the likely effect that the establishment of such office would have on the performance by the local authority concerned of its functions and the likely nature of the relationship between the holder of that office and that local authority, 5
  - (c) the likely nature of the relationship between the holder of such office and any other body established by or under statute charged with performing functions in relation to the administrative area concerned, 10
  - (d) the likely cost and other resource implications should the proposal be implemented,
  - (e) the likely effects (if any) that the proposal would have in relation to the functions and organisational structure of any other body established by or under statute, and 15
  - (f) such further information as *An Coimisiún Toghcháin* considers appropriate.

#### **Advance polling**

44. (1) Notwithstanding *subsections (2) and (4) of section 43*, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of *An Coimisiún Toghcháin*, make an order providing that, in addition to the poll at a plebiscite provided for under *subsection (2) of section 43*— 20
- (a) an advance poll at a plebiscite may be taken on the day before the day appointed by the Minister under *subsection (2) of section 43*, and
  - (b) a poll referred to in *paragraph (a)* shall continue for such period, not being less than 12 hours, between the hours of 7 a.m. and 10.30 p.m. 25
- (2) An order under this section shall be published in *Iris Oifigiúil* as soon as may be after it is made.
- (3) The returning officer for a plebiscite to which an order under *subsection (1)* applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken. 30
- (4) In this section—
- “Covid-19” means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations; 35
- “pandemic” means an outbreak of disease—
- (a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and
  - (b) which has been declared by the World Health Organisation to be a pandemic. 40



## Regulations

45. (1) The Minister may make regulations for the purposes of this Part.
- (2) Without prejudice to the generality of *subsection (1)*, regulations under this section may make provision in relation to any one or more of the following:
- (a) the form of the ballot paper in respect of a plebiscite, including the wording of the proposal to be included on the ballot paper; 5
  - (b) arrangements and requirements relating to the publication of notices and the provision of information to electors;
  - (c) the appointment of the returning officer for the purposes of a plebiscite, his or her duties and the assignment of staff to him or her for the purposes of the plebiscite; 10
  - (d) the taking of the poll and the counting (including recounting) of votes in a plebiscite;
  - (e) the use of school premises and other premises to which the public ordinarily have access for purposes connected with a plebiscite;
  - (f) arrangements for— 15
    - (i) voting at a plebiscite in person or by post,
    - (ii) special voting at a plebiscite, and
    - (iii) voting at a plebiscite by persons who are members of the staff of the returning officer;
  - (g) voting at a plebiscite by electors who are physically ill or physically disabled; 20
  - (h) polling at a plebiscite on islands forming part of the administrative area to which the plebiscite applies;
  - (i) the issue of polling information cards;
  - (j) the maintenance of the secrecy of the ballot;
  - (k) the removal of persons misconducting themselves in polling stations; 25
  - (l) procedures to be followed in cases of disorder or obstruction at polling stations or otherwise in relation to the holding of a plebiscite;
  - (m) procedures to be followed in the case of damage to ballot boxes or damage to a polling station;
  - (n) arrangements to prevent interference with ballot boxes or ballot papers and procedures to be followed should such interference occur or be suspected of having occurred; 30
  - (o) modifications of the provisions specified in *section 46* for the purposes of that section;
  - (p) such other matters relating to the holding of a plebiscite as the Minister considers appropriate. 35
- (3) Where regulations under this section are proposed to be made, a draft of the regulations shall be laid before each House of the Oireachtas and the regulations shall

not be made until a resolution approving the draft has been passed by each such House.

#### **Electoral offences**

46. Articles 67, 95, 96, 97, 98, 99, 100, 101, 105, 106, 107, 108, 109, 110, 111, 113, 114, 115, 116, 117, 118 and 119 of the Local Elections Regulations shall apply and have effect in relation to a plebiscite as they apply and have effect in relation to a local election, subject to such modifications as shall be specified in regulations under *section 45* and any other necessary modifications. 5

#### **Persons entitled to vote in plebiscite**

47. Subject to this Part and the Local Elections Regulations as modified by regulations made under *section 45*, every person whose name is entered on the register of local government electors (within the meaning of the Act of 1992) maintained in accordance with Part II of and the Second Schedule to the Act of 1992 for the administrative area of a local authority and published in accordance with subsection (5) of section 13 of that Act shall be entitled to vote in a plebiscite in respect of that administrative area. 10 15

#### **Report to Houses of Oireachtas**

48. If a majority of the votes cast at a plebiscite held in accordance with this Part are in favour of the proposal, the Minister shall, not later than 2 years from the day appointed under *subsection (2) of section 43* in relation to the holding of that plebiscite, prepare and submit to each House of the Oireachtas a report specifying proposals for legislative measures to provide for a directly elected mayor of the administrative area in respect of which the plebiscite was held. 20

#### **Cost of holding of plebiscite**

49. The costs incurred by a local authority in the holding of a plebiscite shall be borne by that local authority. 25

#### **Repeal of Part 6 of Local Government Act 2019**

50. Part 6 of the Local Government Act 2019 is repealed.

### **PART 7**

#### **REMOVAL OF MAYOR FROM OFFICE**

#### **Definitions (*Part 7*)**

51. In this Part—

“final recommendation” has the meaning assigned to it by *subsection (7) of section 58*;

“member” means a member of Limerick City and County Council other than the Mayor;

“panel” has the meaning assigned to it by *subsection (1) of section 55*;

“preliminary recommendation” has the meaning assigned to it by *subsection (1) of section 58*;

“removal notice” has the meaning assigned to it by *subsection (2) of section 52*;

“removal order” has the meaning assigned to it by *subsection (1) of section 59*;

“removal resolution” has the meaning assigned to it by *subsection (1) of section 52*; 5

“statement of response” has the meaning assigned to it by *subsection (1) of section 53*.

### **Proposal for removal of Mayor from office**

- 52.** (1) Subject to this Part, the members may, by resolution (in this Part referred to as a “removal resolution”) at a special meeting convened under *section 54*, adopt a proposal that the Mayor be removed from office by removal order on either or both of the following grounds: 10
- (a) that the Mayor has engaged in stated misbehaviour;
  - (b) that the Mayor has—
    - (i) failed to a material extent, without reasonable cause, to perform his or her functions, and 15
    - (ii) such failure is of an extent which is likely to materially impede the effective performance by Limerick City and County Council of its functions.
- (2) Notice in writing of the intention to propose a removal resolution (in this Part referred to as a “removal notice”) shall—
- (a) be signed by at least two-thirds of the total number of the members, 20
  - (b) specify the ground or grounds, referred to in *subsection (1)*, on which the resolution is proposed,
  - (c) contain a statement of the reasons for the proposal, and
  - (d) subject to *subsection (4)*, without delay be delivered to the *Príomh Chomhairleoir*. 25
- (3) A copy of a removal notice shall, on the same day that it is delivered to the *Príomh Chomhairleoir*, be delivered to the Mayor.
- (4) A removal notice shall not be delivered to the *Príomh Chomhairleoir*—
- (a) earlier than 12 months after the election to office of the Mayor to which the notice relates, 30
  - (b) earlier than 12 months after a vote of the members on a removal resolution that was not passed in relation to that Mayor, or
  - (c) earlier than 12 months after a decision of the Minister under *subsection (5) of section 59*.
- (5) Upon receipt of a removal notice, the *Príomh Chomhairleoir* shall, without delay— 35
- (a) inform the Minister that the removal notice has been received, and

- (b) deliver a copy of the removal notice to the director general, who shall furnish a copy thereof to each member.

**Statement of response by Mayor**

- 53. (1) The Mayor may, not later than 14 days after receipt of a copy of a removal notice, deliver to the Príomh Chomhairleoir a statement (in this Part referred to as a “statement of response”) setting out his or her response to the removal notice and the statement may include any supporting documentation and information the Mayor considers to be relevant to the response. 5
- (2) The Príomh Chomhairleoir may, if he or she considers it is appropriate to do so, on the request of the Mayor made before the expiration of the period referred to in *subsection (1)*, extend that period for a further period of no longer than 7 days. 10
- (3) The Príomh Chomhairleoir shall, as soon as possible after receipt of a statement of response in accordance with this section, deliver a copy of the statement to the director general, who shall furnish a copy thereof to each member.

**Special meeting to consider proposal**

15

- 54. (1) The Príomh Chomhairleoir shall, upon receipt of a removal notice, convene a special meeting of Limerick City and County Council to consider the removal notice for a date that is not earlier than 14 days, and not later than 28 days, after the date of such receipt.
- (2) Where the period for delivery of a statement of response is extended under *subsection (2) of section 53*, the Príomh Chomhairleoir shall, if the special meeting has been convened for a date falling in that period, convene the special meeting for another date that is later than the end of that period, but not later than 28 days after receipt of the removal notice by the Príomh Chomhairleoir. 20
- (3) At a special meeting convened under this section, the Mayor— 25
  - (a) may address the members of the local authority in relation to the removal notice,
  - (b) shall be entitled to be legally represented, and
  - (c) may, with the agreement of the Príomh Chomhairleoir, be accompanied by, and consult with, such other persons as the Mayor considers appropriate.
- (4) A special meeting convened under this section may proceed in the absence of the Mayor for all or any part of the meeting. 30
- (5) It is necessary for the passing of a removal resolution at a special meeting convened under this section that—
  - (a) the members have considered—
    - (i) the removal notice in respect of which the special meeting was convened, 35  
and
    - (ii) any statement of response to that removal notice,  
and

- (b) at least three-quarters of the total number of members vote in favour of the removal resolution.
- (6) Where a special meeting is held under this section, the Príomh Chomhairleoir shall, as soon as practicable thereafter—
  - (a) inform the Minister whether the removal resolution has been passed, and 5
  - (b) where the removal resolution has been passed—
    - (i) provide to the Minister a copy of—
      - (I) the removal notice in respect of which the special meeting was convened,
      - (II) any statement of response to that removal notice delivered to the Príomh Chomhairleoir by the Mayor in accordance with *section 53*, 10
      - (III) the minutes of the special meeting, and
      - (IV) the removal resolution,
      - and
    - (ii) deliver a copy of the documents specified in *clauses (III) and (IV) of subparagraph (i)* to the director general, who shall furnish a copy thereof to the Mayor. 15

#### **Appointment of panel**

- 55.** (1) The Minister shall, within 7 days of being informed of the passing of a removal resolution, appoint a panel (in this Part referred to as a “panel”) of at least 3 persons having knowledge of or experience in local government, human resources or management to consider the removal resolution and make a recommendation to the Minister in relation to the making of a removal order. 20
- (2) A panel shall be independent in the performance of its functions.
- (3) Subject to this Part and any regulations made under *section 60*, a panel may establish its own procedures. 25
- (4) The Minister shall, as soon as possible after the appointment of a panel—
  - (a) provide the panel with a copy of the documentation specified in *subparagraph (i) of paragraph (b) of subsection (6) of section 54*, and
  - (b) inform the Mayor, the Príomh Chomhairleoir and the director general that the panel has been appointed. 30
- (5) The panel shall, without delay after its appointment, inform the Mayor of his or her right to submit a statement, or a further statement, as the case may be, to the panel in accordance with *subsection (1) of section 56* and to request an interview with the panel under *subsection (1) of section 57*. 35

### Further statement of response and additional information to panel

56. (1) The Mayor may, not later than 7 days after being informed in accordance with *subsection (4) of section 55* of the appointment of a panel, deliver to the panel a statement, or further statement, as the case may be, for consideration by the panel, setting out his or her response to the removal notice or the passing of the removal resolution, which may include any supporting documentation and information the Mayor considers to be relevant. 5
- (2) The panel may, if it considers it appropriate to do so, request the Mayor, the Príomh Chomhairleoir, the director general or any member to provide specified documentation or information within a period specified in writing by the panel and the person so requested shall comply with the request. 10
- (3) A panel may proceed in accordance with *section 58* to make a preliminary recommendation or a final recommendation notwithstanding any failure by the Mayor or other person to provide documentation or information in accordance with *subsection (2)*. 15

### Attendance before panel

57. (1) A Mayor in relation to whom a removal resolution is passed may, not later than 7 days after being informed in accordance with *subsection (4) of section 55* of the appointment of a panel, request an interview with the panel in relation to the passing of the removal resolution or the removal notice in respect of which the resolution was passed, and the panel shall conduct the interview on such day and at such time and place as shall be specified by the panel. 20
- (2) A panel may request the attendance of the Mayor, the Príomh Chomhairleoir, the director general or any member at an interview with the panel in relation to the passing of a removal resolution or the removal notice in respect of which the resolution was passed, on such day and at such time and place as shall be specified by the panel, and the person so requested shall comply with the request. 25
- (3) A panel shall give reasonable notice of the day, time and place of an interview to be conducted in accordance with *subsection (1) or (2)* and, in the case of an interview with the Mayor, the notice shall inform the Mayor of the matters specified in *subsection (4)*. 30
- (4) At an interview conducted in accordance with *subsection (1) or (2)*, the Mayor shall be entitled to—
- (a) be legally represented, and
  - (b) be accompanied by, and to consult with, such other persons as the Mayor considers appropriate, as agreed with the panel. 35
- (5) A panel may proceed in accordance with *section 58* to make a preliminary recommendation or a final recommendation notwithstanding any failure by the Mayor or other person to attend all or any part of an interview convened under *subsection (1) or (2)*. 40

## Recommendation of panel

58. (1) A panel shall, having had regard to the matters specified in *subsection (2)*, make a preliminary recommendation in writing (in this Part referred to as a “preliminary recommendation”) setting out the following matters:
- (a) the opinion of the panel as to whether the requirements of this Part and the Principal Act (as modified by this Act), and any regulations made under this Part, have been complied with in relation to the passing of the removal resolution; 5
  - (b) the opinion of the panel as to whether any of the grounds for removal specified in *subsection (1) of section 52* exist;
  - (c) a recommendation— 10
    - (i) that a removal order be made by the Minister, or
    - (ii) that a removal order not be made by the Minister;
  - (d) in the case of a recommendation under *subparagraph (i) of paragraph (c)*, the grounds for removal referred to in *subsection (1) of section 52* upon which the recommendation is made; 15
  - (e) such other recommendations (if any) as the panel considers appropriate in all the circumstances;
  - (f) the reasons for the matters specified in *paragraphs (a) to (e)*.
- (2) In making a preliminary recommendation, a panel shall have regard to—
- (a) the documentation specified in *subparagraph (i) of paragraph (b) of subsection (6) of section 54*, 20
  - (b) any statement of the Mayor delivered to it in accordance with *section 56*,
  - (c) any additional documentation and information provided to it under *section 56*, and
  - (d) the minutes of any interview held in accordance with *section 57*. 25
- (3) Subject to *subsection (5)*, the panel shall, not later than 21 days after its appointment, give notice of the preliminary recommendation (including the matters referred to in *paragraphs (a) to (f) of subsection (1)*) to the Mayor and the Príomh Chomhairleoir.
- (4) The Príomh Chomhairleoir shall, as soon as practicable after receipt of a notice under *subsection (3)*, deliver a copy of the notice to the director general, who shall furnish a copy thereof to each member. 30
- (5) The Minister may, if he or she considers it is appropriate to do so, on the request of the panel made before the expiration of the period referred to in *subsection (3)*, extend that period by such period as he or she considers necessary to enable the panel to carry out its functions. 35
- (6) A notice under *subsection (3)* shall include a statement that the Mayor, the Príomh Chomhairleoir, the director general or any member may, within 7 days of receipt of the notice (or copy thereof), provide observations to the panel on the preliminary recommendation.

- (7) The panel shall, not later than 14 days after giving notice under *subsection (3)*, having considered any observations received in accordance with *subsection (6)*, proceed to make a final recommendation in writing (in this Part referred to as a “final recommendation”) setting out the matters specified in *paragraphs (a) to (f)* of *subsection (1)*. 5
- (8) A panel shall, as soon as practicable after making a final recommendation—
- (a) deliver the final recommendation to the Minister,
  - (b) deliver a copy of the final recommendation to—
    - (i) the Mayor, and
    - (ii) the Príomh Chomhairleoir. 10
- (9) The Príomh Chomhairleoir shall, as soon as practicable after receipt of a copy of a final recommendation, deliver a copy thereof to the director general, who shall furnish a copy thereof to each member.

### **Order for removal of Mayor**

59. (1) Subject to *subsection (2)* and this Part, the Minister may, by order (in this Part referred to as a “removal order”), remove the Mayor from office on either or both of the grounds specified in *subsection (1)* of *section 52*. 15
- (2) The Minister shall not make a removal order unless—
- (a) a panel has made a final recommendation, which includes a recommendation referred to in *subparagraph (i)* of *paragraph (c)* of *subsection (1)* of *section 58*, and 20
  - (b) the Minister has considered and had regard to that recommendation of the panel.
- (3) A removal order shall specify—
- (a) the ground or grounds, specified in *subsection (1)* of *section 52*, on which the order is made, and 25
  - (b) the date on which the order is to take effect (which shall not be earlier than the day after the day on which the order is made).
- (4) Where the Minister proposes to make a removal order, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House. 30
- (5) Where the Minister decides, notwithstanding a recommendation referred to in *subparagraph (i)* of *paragraph (c)* of *subsection (1)* of *section 58*, not to make an order under this section, he or she shall, without delay, give notice to the Mayor and the Príomh Chomhairleoir of that fact.
- (6) The Príomh Chomhairleoir shall, as soon as practicable after receipt of a notice of a decision of the Minister referred to in *subsection (5)*, deliver a copy of the notice to the director general, who shall furnish a copy thereof to each member. 35



**Regulations**

60. The Minister may prescribe any matter of procedure for the purposes of this Part.

SCHEDULE 1

Sections 10, 23 and 26

Part 1

ENACTMENTS FOR PURPOSES OF SECTIONS 10 AND 23

Number and Year (1)	Short Title (2)	Provision (3)	
No. 37 of 2001	Local Government Act 2001	Sections 11(5)(b), 11(8), 31(4)(a), 31(5), 31(7), 31(9), 31(11), 33, 34(2)(e), 36, 37, 38, 74(1)(b), 104(7)(a), 133(6)(a), 134(4)(b), 140(8), 141(1)(b), 141(4), 142(2)(a), 142(5)(f), 143(1), 147, 148, 158(3), 174(7), 178(2)(b), 178(5), 180(3)(a), 189(9), 190(9), 216(2)(a), 219(1) and 220(1); Paragraphs 3(4), 4(2), 4(3), 6(1), 6(2), 6(3), 7(9), 10, 13(5)(e), 13(6) and 16(4)(c) of Schedule 10; Paragraph 3 of Schedule 14.	5  10  15  20

Part 2

ENACTMENTS FOR PURPOSES OF SECTIONS 10 AND 26

Acts

Number and Year (1)	Short Title (2)	Provision (3)	
No. 21 of 1966	Housing Act 1966	Sections 4, 34, 35, 49, 58, 61, 64, 65, 66, 67, 69, 71, 76, 77, 78, 79, 80, 81, 82, 83, 90, 91, 98, 107, 112, 116 and 117.	25  30
No. 27 of 1979	Housing (Miscellaneous Provisions) Act 1979	Sections 6 and 11.	
No. 28 of 1988	Housing Act 1988	Sections 2, 4, 10, 13, 16, 17, 18 and 29.	35
No. 18 of 1992	Housing (Miscellaneous Provisions) Act 1992	Sections 4, 5, 10, 11, 12, 18A, 18B, 34 and 37.	
No. 21 of 1997	Housing (Miscellaneous Provisions) Act 1997	Sections 3, 3A, 6(2), 9, 14, 14A, 15 and 20.	40
No. 33 of 1998	Housing (Traveller Accommodation) Act 1998	Section 25.	
No. 30 of 2000	Planning and Development Act 2000	Sections 5, 34, 46, 48, 49, 128 and Part XVI.	

Number and Year (1)	Short Title (2)	Provision (3)	
No. 37 of 2001	Local Government Act 2001	Sections 11(8), 28, 46, 52(5) (d) and (9), 81, 97, 98, 99, 104, 107, 108, 109(5) and (6), 110(6), (9) and (10), 112, 120, 121, 122, 128A, 128D, 128E(2), 129I(5), 129M, 129N, 129O, 129T, 132, 138, 140, 144(3)(a), 144(8), 145, 146, 147, 148, 149, 151, 152, 153, 158, 160(3) and (4), 166, 167(1) (c), 173(1), 174(7) and (8), 178(1), (2), (4) and (5), 179, 180(4)(b) and (c), 211B, 211C, 211D, 211E and 211F, 214(3), (4) and (5) and 229; Paragraphs 13(6) and 15(4) of Schedule 10.	5  10  15  20
No. 27 of 2004	Residential Tenancies Act 2004	Sections 146 and 147.	
No. 22 of 2009	Housing (Miscellaneous Provisions) Act 2009	Sections 10, 20, 22, 24, 25, 28, 29, 31, 32, 34, 43, 45, 46, 47, 48, 56, 60, 61, 64, 74, 75, 76, 98 and 99.	25
No. 4 of 2014	County Enterprise Boards (Dissolution) Act 2014	Section 6(3).	
No. 21 of 2014	Housing (Miscellaneous Provisions) Act 2014	Sections 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 22, 23, 24, 25, 26, 27, 28, 29, 39, 41, 42, 43, 45, 46, 47, 48, 53 and 55.	30
No. 25 of 2021	Affordable Housing Act 2021	Sections 6 to 21, 34, 35, 42 and 48.	

Statutory instruments

Number and Year (1)	Title (2)	Provision (3)	
S.I. No. 297 of 1995	Local Elections Regulations 1995	Regulation 4.	35
S.I. No. 341 of 2001	Waste Management (Farm Plastics) Regulations 2001	The whole instrument.	
S.I. No. 149 of 2014	European Union (Waste Electrical and Electronic Equipment) Regulations 2014	The whole instrument, other than Regulations 20(1) and (4) and 44.	40
S.I. No. 281 of 2014	European Union (End-of-Life Vehicles) Regulations 2014	The whole instrument.	
S.I. No. 282 of 2014	European Union (Packaging) Regulations 2014	The whole instrument.	45
S.I. No. 283 of 2014	European Union (Batteries and Accumulators) Regulations 2014	The whole instrument.	
S.I. No. 430 of 2015	European Union (Household Food Waste and Bio-waste) Regulations 2015	The whole instrument.	50
S.I. No. 400 of 2017	Waste Management (Tyres and Waste Tyres) Regulations 2017	The whole instrument.	

Number and Year (1)	Title (2)	Provision (3)
S.I. No. 146 of 2020	European Union (Persistent Organic Pollutants) Regulations 2020	Regulation 9(8).

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## SCHEDULE 2

### Part 1

#### ELECTION OF MAYOR

##### CHAPTER 1

##### *Preliminary and General* 5

#### **Interpretation**

1. (1) In this Part—

“ballot paper” has the meaning assigned to it by *paragraph 37*;

“certificate of political affiliation” has the meaning assigned to it by *paragraph 18*; 10

“deposit” shall be construed in accordance with *paragraph 19*;

“deputy mayoral election agent” shall be construed in accordance with *paragraph 30*;

“elector” means a person entitled, in accordance with section 24 of the Principal Act, to vote at a local election; 15

“excluded day” means a day that is a Sunday, Good Friday or a day that is a public holiday (within the meaning of the Organisation of Working Time Act 1997);

“Limerick City and County Electoral Area” has the meaning assigned to it by *paragraph 4*; 20

“local election” has the same meaning as it has in the Principal Act;

“local electoral area” means an area referred to in section 23 of the Principal Act by reference to which a local election is held;

“local government elector” means a person entitled, pursuant to section 24 of the Principal Act, to vote at a local election; 25

“mayoral by-election” has the meaning assigned to it by *section 13*;

“mayoral election” means an election held in accordance with this Part and includes a mayoral by-election held in accordance with this Part;

“mayoral election agent” has the meaning assigned to it by Part X of the Electoral Act 1997; 30

“notice of election” has the meaning assigned to it by *paragraph 15*;

“notice of poll” has the meaning assigned to it by *paragraph 36*;

“official mark” has the meaning assigned to it by *paragraph 38*;

“personation” shall be construed in accordance with *paragraph 60*;

“personation agent” has the meaning assigned to it by *paragraph 31*; 35

- “polling day” means—
- (a) in relation to the mayoral election first held after the passing of this Act, the day fixed under *subparagraph (1) of paragraph 6* for the holding of the poll at that election,
  - (b) in relation to all other mayoral elections (other than mayoral by-elections), the day fixed under *subparagraph (2) of paragraph 6*, for the holding of the poll, and 5
  - (c) in relation to a mayoral by-election, the day fixed under *subparagraph (3) of paragraph 6*;
- “postal voter” has the meaning assigned to it by *paragraph 34*; 10
- “postal voters list” means each list prepared in accordance with section 14 of the Act of 1992 of local government electors for a local electoral area situated in the Limerick City and County Electoral Area;
- “quota” has the meaning assigned to it by *paragraph 51*;
- “register of electors” has the meaning assigned to it by *paragraph 5*; 15
- “register of political parties” means the Register of Political Parties prepared and maintained under section 42 of the Act of 2022;
- “returning officer” has the meaning assigned to it by *paragraph 9* and includes a deputy returning officer appointed under *paragraph 11* in respect of functions for which he or she was so appointed; 20
- “special voter” has the meaning assigned to it by *paragraph 35*;
- “special voters list” has the same meaning as it has in section 2 of the Act of 1992.
- (2) The provisions of the Local Elections Regulations referred to in *paragraphs 34, 35, 39 and 41* shall apply to a mayoral election subject to the following modifications and any other necessary modifications: 25
    - (a) a reference in those Regulations to a local election or an election shall be construed as a reference to a mayoral election;
    - (b) a reference in those Regulations to a local electoral area shall be construed as a reference to the Limerick City and County Electoral Area; 30
    - (c) a reference in article 31 of those Regulations to Part XV shall be construed as a reference to *Chapter 14*;
    - (d) a reference in article 32 of those Regulations to article 26 shall be construed as a reference to *paragraphs 30 and 31*;
    - (e) a reference in article 40 of those Regulations to article 76 shall be construed as a reference to *paragraph 44*; 35
    - (f) a reference in article 63 of those Regulations to—
      - (i) article 10 shall be construed as a reference to *paragraph 14*,
      - (ii) article 29 shall be construed as a reference to *paragraph 34*, and

- (iii) article 43 shall be construed as a reference to *paragraph 35*;
- (g) a reference in article 70 of those Regulations to—
  - (i) article 24 shall be construed as a reference to *paragraph 28*,
  - (ii) article 28 shall be construed as a reference to *paragraph 33*, and
  - (iii) section 21 of the Act of 1994 shall be construed as a reference to *paragraph 6*; 5
- (h) article 72(2) of those Regulations shall be construed as if “separately in respect of each poll” was deleted;
- (i) the reference in article 73(2)(a) and article 73(3) of those Regulations to “register of local government electors for the local electoral area” shall be construed as a reference to “register of electors”; 10
- (j) a reference to a provision of those Regulations shall be construed as a reference to that provision as applied by this Part.

### **Forms**

- 2. A document— 15
  - (a) referred to in this Part or an enactment applied to a mayoral election in accordance with this Part, and
  - (b) required to be used for the purposes of a mayoral election,
 shall, save as otherwise provided for in this Part and subject to any necessary modifications, be in the same form as a document corresponding to the first-mentioned document that is required for the purposes of an election to Dáil Éireann. 20

### **Eligibility for office of Mayor**

- 3. Subject to sections 13 and 13A of the Principal Act, as applied and modified by *Schedule 3*, a person is eligible for election to the office of Mayor if he or she is a citizen of Ireland, or is ordinarily resident in the State, and has attained the age of 18 years— 25
  - (a) on or before polling day at the election, or
  - (b) if there is no poll, the latest day for receiving nominations at the election.

### **Limerick City and County Electoral Area**

- 4. For the purposes of a mayoral election, there shall be one electoral area (in this Part referred to as the “Limerick City and County Electoral Area”) which shall consist of the local electoral areas situated in Limerick City and County. 30

### **Right to vote at mayoral elections**

- 5. (1) For the purposes of a mayoral election and subject to the provisions of this Part, every person whose name is on the register (in this Part referred to as the “register of electors”) of local government electors prepared under Part II of the Act of 1992 for a local electoral area situated within the Limerick City and 35

County Electoral Area is entitled to vote at the poll at a mayoral election in that electoral area.

- (2) A person's name shall be taken to be on the register of electors if the name entered was, in the opinion of the returning officer or presiding officer, intended to be the person's name. 5
- (3) A person who votes at a mayoral election shall not in any subsequent legal proceedings (civil or criminal) be required to state for whom he or she voted.
- (4) A person who—
  - (a) is registered in the register of electors for a local electoral area but is not entitled to be so registered, or 10
  - (b) is not registered in the register of electors,shall not be entitled to vote at the poll at a mayoral election.

**Day and time of mayoral election and mayoral by-election**

- 6. (1) (a) The Minister may fix a day for the holding of a poll at a mayoral election first held after the passing of this Act. 15
- (b) The poll at a mayoral election first held after the passing of this Act shall be held—
  - (i) on the day fixed under *clause (a)*, or
  - (ii) where an order is made in respect of that mayoral election under *subparagraph (4)*, on the day fixed under that order, 20and shall continue for such period (which shall not be less than 12 hours) between the hours of 7.00 a.m. and 10.30 p.m. on that day.
- (2) (a) As soon as practicable after the Minister makes an order under subsection (2) of section 26 of the Principal Act fixing a day and period for the holding of polls at local elections, he or she shall make an order fixing that day and period for the holding of a poll at a mayoral election. 25
- (b) Subject to *subparagraph (4)*, the poll at a mayoral election (other than a mayoral election to which *subparagraph (1)* applies or a mayoral by-election) shall be held—
  - (i) on the day and for the period fixed under *clause (a)*, or 30
  - (ii) where an order is made in respect of the mayoral by-election under *subparagraph (4)*, on the day and for the period fixed under that order.
- (3) (a) The Minister may fix a day for the holding of a poll at a mayoral by-election.
- (b) The poll at a mayoral by-election shall be held—
  - (i) on the day fixed under *clause (a)*, or 35
  - (ii) where an order is made in respect of the mayoral by-election under *subparagraph (4)*, on the day fixed under that order,



and shall continue for such period (which shall not be less than 12 hours) between the hours of 7.00 a.m. and 10.30 p.m. on that day.

(4) Where the Minister is informed by the returning officer of a postponement under *paragraph 28*, he or she may—

(a) in the case of a mayoral election to which *subparagraph (1)* applies or a mayoral by-election to which *subparagraph (3)* applies, make an order fixing a day for the holding of a poll at the mayoral election or mayoral by-election concerned other than the day fixed under *subparagraph (1)* or *(3)*, as the case may be, and 5

(b) in the case of a mayoral election to which *subparagraph (2)* applies, make an order fixing a day and period for the holding of a poll at the mayoral election concerned other than the day fixed under *subparagraph (2)*. 10

(5) An order under this paragraph shall be published in *Iris Oifigiúil* as soon as may be after it is made.

### Advance polling

15

7. (1) Notwithstanding *paragraph 6*, the Minister may, in the public interest and where it is necessary to do so having regard to the immediate, exceptional and serious risk posed to human life and public health by a pandemic or by Covid-19 and with the consent of *An Coimisiún Toghcháin*, make an order providing that, in addition to the poll provided for under *paragraph 6*— 20

(a) an advance poll at a mayoral election may be taken on the day before the day appointed by the Minister under *paragraph 6*, and

(b) a poll referred to in *clause (a)* shall continue for such period, not being less than 12 hours, between the hours of 7.00 a.m. and 10.30 p.m.

(2) An order under this paragraph shall be published in *Iris Oifigiúil* as soon as may be after it is made. 25

(3) The returning officer for the mayoral election to which an order under *subparagraph (1)* applies shall give public notice of the day on which, and the hours during which, the advance poll provided for by that order shall be taken.

(4) In this paragraph— 30

“Covid-19” means a disease caused by infection with the virus SARS-CoV-2 and specified as an infectious disease in accordance with Regulation 6 of, and the Schedule to, the Infectious Diseases Regulations 1981 (S.I. No. 390 of 1981) or any variant of the disease so specified as an infectious disease in those Regulations; 35

“pandemic” means an outbreak of disease—

(a) occurring worldwide or over a very wide area, crossing international boundaries and affecting a large number of people, and

(b) which has been declared by the World Health Organisation to be a pandemic.

## Conduct of election

8. (1) (a) If a mayoral election is contested, the poll shall be taken according to the system of proportional representation, whereby each elector shall have one transferable vote.
- (b) In this subparagraph, “transferable vote” means a vote that is capable of being— 5
- (i) cast so as to indicate the voter’s preference for the candidates in order, and
- (ii) transferred to the next choice candidate when, owing to the deficiency in the number of the votes given for a prior choice candidate, the said prior choice candidate is excluded from the list of candidates. 10
- (2) A mayoral election shall not be invalid by reason of—
- (a) a failure to comply with any provision of this Part, or
- (b) a mistake in the use of any form provided for by this Part, 15
- if it appears to the court before which such matter is raised that—
- (i) the election was conducted in accordance with the principles laid down in this Part taken as a whole, and
- (ii) the failure or mistake did not materially affect the result of the election.

## CHAPTER 2

### *Returning Officer* 20

#### Returning officer

9. (1) The director general shall appoint such employee of Limerick City and County Council as the director general considers appropriate to be the returning officer (in this Part referred to as the “returning officer”) for the Limerick City and County Electoral Area for the purposes of a mayoral election. 25
- (2) Where a person appointed under this paragraph to be the returning officer is, for whatever reason, unable to perform the functions of returning officer, the director general shall appoint such other employee of Limerick City and County Council as the director general considers appropriate to perform the functions of returning officer, and the performance of those functions by such person shall be deemed to be the performance of those functions by the returning officer. 30

#### General duty of returning officer

10. It shall be the duty of the returning officer for a mayoral election to—
- (a) do all such acts and things as may be necessary for the effectual conduct of an election in accordance with this Part, 35
- (b) ascertain and declare the results of that election, and
- (c) give to the director general a return of the person elected as Mayor made under *subparagraph (1) of paragraph 55*.

### Deputy returning officers

11. (1) The returning officer for a mayoral election may, in writing, appoint one, or more than one, person to be deputy returning officer or deputy returning officers for the purposes of this Part and may delegate to any deputy returning officer so appointed such of the functions of the returning officer as may be specified in the appointment. 5
- (2) The returning officer may at any time revoke the appointment of a deputy returning officer appointed under *subparagraph (1)*.
- (3) A deputy returning officer at a mayoral election shall have all the rights and be subject to all the duties and liabilities of the returning officer in relation to the functions for which he or she is appointed. 10

### Expenses of returning officer

12. (1) (a) The director general shall prepare a scale of maximum charges for the returning officer in respect of every mayoral election.
- (b) Limerick City and County Council shall pay to the returning officer the reasonable charges incurred by the returning officer in respect of his or her services and expenses in relation to a mayoral election. 15
- (c) The charges paid by Limerick City and County Council in accordance with this subparagraph shall not exceed the maximum charges specified in the scale prepared under *clause (a)*. 20
- (2) (a) Limerick City and County Council shall, in respect of services and expenses other than services and expenses to which the scale of maximum charges prepared under *clause (a)* of *subparagraph (1)* applies, recoup to (or, where appropriate, pay on behalf of) the returning officer the officer's reasonable charges in relation to a mayoral election. 25
- (b) In this subparagraph, "expenses" includes—
  - (i) expenses incurred by a returning officer in respect of legal representation in proceedings before a court arising out of the performance or purported performance by the returning officer of his or her functions in respect of the mayoral election concerned (other than the trial of a petition presented to the High Court), and 30
  - (ii) damages and costs payable by the returning officer in accordance with an order of a court in respect of such proceedings, 35  
except where the court is satisfied that the returning officer has been grossly negligent in the discharge of his or her duties.
- (3) An account of charges sought to be paid in accordance with *subparagraphs (1)* and *(2)* shall be submitted by the returning officer to Limerick City and County Council at such time and in such manner as the director general may from time to time direct.
- (4) The returning officer may request Limerick City and County Council to advance to him or her such sum or sums in respect of such charges as he or she anticipates are likely to be incurred by him or her in respect of the mayoral election 40

concerned, and Limerick City and County Council may make such an advance on such terms as it deems fit.

**Mutual assistance**

13. It shall be the duty of every person upon whom any function in relation to a mayoral election is conferred under this Part and of every person appointed or employed (otherwise than by any candidate or political party) for any purpose relating to the election, to furnish such information and render such other assistance to any other such person as that other person requires for the purposes of the election. 5

CHAPTER 3

*Manner of voting* 10

**Manner of voting**

14. Subject to *subparagraph (1) of paragraph 34* and *subparagraph (1) of paragraph 35*, a person who is entitled to vote at a mayoral election shall be entitled to vote in person only and at the polling station allotted to him or her or, in case that person is authorised by a returning officer under article 61 or 62 of the Local Elections Regulations (applied to a mayoral election by *paragraph 41*), at the polling station specified in the authorisation. 15

CHAPTER 4

*Nominations*

**Notice of election** 20

15. The returning officer shall, not later than the 28th day before the polling day for a mayoral election, give public notice of the mayoral election (in this Part referred to as the “notice of election”) stating—
- (a) the times for receiving nominations,
  - (b) the requirements of *subparagraph (6) of paragraph 18*, 25
  - (c) the times and place at which nomination papers may be obtained,
  - (d) the times and place at which the returning officer shall attend to receive the nominations, and
  - (e) the day and the period fixed for the holding of the poll if the election is contested. 30

**Register of political parties**

16. On the day (disregarding any excluded day) before the latest day for the publication of the notice of election, the Registrar of Political Parties shall send to the returning officer a copy of the Register of Political Parties.

**Necessity for nomination** 35

17. A person shall not be entitled to have his or her name entered in a ballot paper as a candidate at a mayoral election unless that person has been nominated in the manner provided by this Part and the person’s nomination paper has been ruled as valid by the returning officer.

## Nomination of candidates

18. (1) At a mayoral election, a person may nominate himself or herself as a candidate or may, with his or her consent, be nominated by another person (whose name is entered on the register of electors) as proposer.
- (2) Each candidate shall be nominated by a separate nomination paper in such form as the Minister shall direct. 5
- (3) Each nomination paper shall state the names (the surname being stated first) and the address and occupation (if any) of the candidate.
- (4) (a) A candidate may include in the nomination paper the name of the political party registered in the register of political parties as a party organised to contest a mayoral election of which he or she is a candidate, provided that, at the time the nomination paper is delivered to the returning officer, a certificate (in this Part referred to as a “certificate of political affiliation”)— 10
- (i) in such form as the Minister shall direct,
  - (ii) authenticating the candidature of the candidate, and 15
  - (iii) signed by the officer or officers of such party whose name or names are entered in that register in accordance with paragraph (d) of section 47 of the Act of 2022,
- is produced to the returning officer.
- (b) Where a certificate of political affiliation is produced to the returning officer in accordance with *clause (a)*, the returning officer shall, if he or she considers it appropriate to so do, cause— 20
- (i) a statement of the name of the political party concerned and a copy of that political party’s emblem as entered in the register of political parties in accordance with paragraphs (a) and (b) of section 47 of the Act of 2022 to be specified in relation to the candidate on all the ballot papers, and 25
  - (ii) a statement of the name of that political party to be specified in relation to the candidate on all notices under this Part.
- (5) If a candidate is not a candidate of a political party registered in the register of political parties as a party organised to contest a mayoral election, the candidate shall be entitled to enter the expression “Non-Party” on the nomination paper after his or her name and, if the candidate does so, the returning officer shall cause a statement of that expression to be specified in relation to the candidate on all ballot papers and all notices under this Part in relation to the mayoral election. 30 35
- (6) If a candidate’s candidature is not authenticated by a certificate of political affiliation, then either—
- (a) the candidate’s nomination shall, before the expiration of the period for receiving nominations under *paragraph 21*, have been assented to by 60 electors (excluding the candidate and any proposer of the candidate) in the Limerick City and County Electoral Area, and each such elector is referred to in this Chapter as an “assentor”, or 40

- (b) the candidate (or someone on his or her behalf) shall, before the expiration of the period referred to in *clause (a)*, have made a deposit in accordance with *paragraph 19*.
- (7) The following provisions apply for the purposes of *clause (a)* of *subparagraph (6)*: 5
- (a) each assentor shall make a statutory declaration in such form as the Minister shall direct stating—
- (i) his or her number (including polling district letters) on the register of electors,
  - (ii) his or her place of ordinary residence in respect of which he or she is registered in the register of electors, 10
  - (iii) his or her personal contact details, including telephone numbers (if any),
  - (iv) the name of the local electoral area, in the Limerick City and County Electoral Area, on the date of the making of the statutory declaration, in which he or she is ordinarily resident, 15
  - (v) the name and address of the candidate,
  - (vi) the form of identification produced by him or her in accordance with *clause (b)*, including any number inscribed thereon that distinguishes it from similar such forms of identification in respect of other persons,
  - (vii) that he or she assents to the nomination of the candidate, and 20
  - (viii) that he or she has not assented to the nomination of any other candidate in respect of that election;
- (b) when making the statutory declaration referred to in *clause (a)*, the assentor shall produce to the person taking and receiving the declaration photographic identification prescribed for the purposes of paragraph (b) of subsection (6) of section 46 of the Act of 1992; 25
- (c) upon the assentor's having complied with *clause (b)*, he or she shall, for the purposes of the Statutory Declarations Act 1938, be deemed to be personally known to the person taking and receiving the declaration;
- (d) the assent shall have effect for the purposes only of the mayoral election next held after the making of the statutory declaration; 30
- (e) the candidate or proposer shall attach the required number of statutory declarations (that is to say, the 60 statutory declarations constituting the assents) to the nomination paper and the nomination paper delivered to the returning officer in accordance with *paragraph 22*, shall have the declarations so attached; 35
- (f) where more than the required number of statutory declarations is attached to the nomination paper, the declarations (up to the required number) first attached to the nomination paper shall be taken into account to the exclusion of any others; 40

- (g) it shall be lawful for a member of the Garda Síochána or an official of Limerick City and County Council to take and receive a statutory declaration referred to in *clause (a)* and any such declaration shall be stamped by the member or official concerned;
- (h) Limerick City and County Council and the returning officer shall arrange for the provision of forms, for the purposes of making a statutory declaration referred to in *clause (a)*, free of charge to any person who requests such a form. 5
- (8) For the purposes of *clause (a)* of *subparagraph (6)* and *subparagraph (7)*, a person whose application to have his or her name entered in the register of electors is approved by the registration authority in the Limerick City and County Electoral Area before the expiration of the period for delivery of a nomination paper to the returning officer under *paragraph 21*, shall be deemed to be an elector for the Limerick City and County Electoral Area. 10
- (9) The returning officer shall provide nomination papers— 15
- (a) during normal office hours,
- (b) on each weekday during the period beginning on the publication of the notice of election and ending at 12 noon on the latest day for receiving nominations, and
- (c) at such place or places as are named in the notice of election, 20
- and the returning officer shall supply a nomination paper or nomination papers free of charge to any person applying therefor, but the use of a paper supplied by the returning officer pursuant to this paragraph shall not be obligatory at a mayoral election, provided that the nomination paper used is in the form specified in a direction under *subparagraph (2)*. 25
- (10) In this paragraph—
- “Register of Political Parties” means the Register of Political Parties sent to the returning officer in accordance with *paragraph 16*;
- “registration authority” has the meaning assigned to it by Part II of the Act of 1992. 30

### **Deposit by certain candidates**

19. (1) A candidate at an election referred to in *clause (b)* of *subparagraph (6)* of *paragraph 18*, or someone on his or her behalf, may, before the expiration of the time appointed by *paragraph 21* for receiving nominations, deposit with the returning officer the sum of €1,000, and, if the said sum is not deposited, his or her candidature shall be deemed to have been withdrawn. 35
- (2) The deposit that may be made by or on behalf of a candidate pursuant to this paragraph may be made by means of legal tender or, with the consent of the returning officer, in any other manner.

### **Return or disposal of deposit**

20. (1) The deposit made under *paragraph 19* shall be returned where the candidate—
- (a) withdraws his or her candidature in accordance with *paragraph 26*,
  - (b) is deemed, under *subparagraph (1) of paragraph 33*, to have withdrawn his or her candidature, 5
  - (c) dies before the poll is closed,
  - (d) has not, before the expiration of the period for the receipt of nominations, been validly nominated as a candidate at the mayoral election,
  - (e) is elected, or
  - (f) is not elected but the greatest number of votes credited to him or her at any stage of the counting of the votes at the election exceeds one quarter of the quota. 10
- (2) A deposit that is not required to be returned under *subparagraph (1)* shall stand forfeited.
- (3) Where a deposit is required to be returned under *subparagraph (1)*, it shall— 15
- (a) be returned to the person by whom it was made, or
  - (b) if the person who made the deposit dies before the deposit is returned, be returned to his or her personal representative (within the meaning of the Succession Act 1965).
- (4) A deposit standing forfeited under this paragraph shall be disposed of by the returning officer in such manner as the director general shall direct. 20

### **Time for receiving nominations**

21. (1) The earliest time for receiving nominations shall be 10.00 a.m. on the day (disregarding any excluded day) next following the latest day for the publication of the notice of election. 25
- (2) The latest time for receiving nominations shall be 12 noon on the seventh day (disregarding any excluded day) next following the latest day for the publication of the notice of election.

### **Delivery of nomination papers**

22. (1) Every nomination paper shall be delivered to the returning officer by the candidate or the proposer of the candidate before the expiration of the period— 30
- (a) commencing on the earliest time for receiving nominations referred to in *subparagraph (1) of paragraph 21*, and
  - (b) ending on the latest time for receiving nominations referred to in *subparagraph (2) of that paragraph*. 35
- (2) The delivery of the nomination paper shall—
- (a) be made by the candidate in person, or



(b) where the candidate is proposed by another person, be made by the candidate in person or by the proposer of the candidate in person.

(3) The returning officer shall—

(a) between the hours of 10.00 a.m. and 12 noon and between the hours of 2.00 p.m. and 5.00 p.m. on the day (disregarding any excluded day) immediately preceding the latest day for receiving nominations, and 5

(b) between the hours of 10.00 a.m. and 12 noon on such latest day,

attend at the place specified in that behalf in the notice of election for the purpose of receiving nominations.

**Selection of nomination papers**

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23. The returning officer shall affix numbers to the nomination papers nominating candidates for a mayoral election in the order in which they are received, and the first valid nomination paper received by the returning officer nominating a candidate for the mayoral election shall constitute the nomination of that candidate.

**Ruling on validity of nomination papers**

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24. (1) (a) The returning officer shall rule on the validity of each nomination paper not later than one hour after its delivery and may rule that it is invalid if he or she considers that—

(i) the paper is not properly made out or signed, or

(ii) in the case of a nomination to which *clause (a) of subparagraph (6) of paragraph 18* applies, there has been a failure to comply with that clause or *subparagraph (7) of that paragraph*. 20

(b) The returning officer shall not rule that a nomination paper is invalid by reason only of an assentor's having assented to the nomination of more than one candidate at the same election. 25

(2) Only the returning officer, the candidate to whom a nomination paper relates, that candidate's proposer (if any) and one other person designated by the candidate or proposer, as the case may be, shall be entitled to attend while the said nomination paper is being ruled upon by the returning officer unless the returning officer gives permission for any other person to so attend. 30

(3) The returning officer shall object to the name of a candidate on a nomination paper if such name—

(a) is not a name by which the candidate is commonly known,

(b) is misleading and likely to cause confusion,

(c) is unduly long, or 35

(d) contains a political reference,

and where the returning officer so objects, he or she shall allow the candidate or proposer, as may be appropriate, to amend the name and, if it is not so amended to the returning officer's satisfaction, the returning officer may—

- (i) amend it, as he or she thinks fit, after consultation with the candidate or proposer (if present), or
  - (ii) rule that the nomination paper is invalid by reason of its not having been properly made out.
- (4) The returning officer shall object to the description of a candidate in a nomination paper that, in the opinion of the returning officer—
- (a) is incorrect,
  - (b) is insufficient to identify the candidate,
  - (c) is unnecessarily long, or
  - (d) contains a political reference other than—
    - (i) a reference to a public or elected office held, or formerly held, by the candidate, or
    - (ii) an entry made pursuant to *subparagraph (4) or (5) of paragraph 18*,
 and where the returning officer so objects, he or she shall allow the candidate or proposer, as may be appropriate, to amend the description and, if it is not so amended to the returning officer's satisfaction, the returning officer may—
    - (I) amend or delete it, as he or she thinks fit, after consultation with the candidate or proposer (if present), or
    - (II) rule that the nomination paper is invalid as not having been properly made out.
- (5) (a) The returning officer at a mayoral election shall, after having ruled on the validity of a nomination paper—
- (i) record his or her decision on the nomination paper and shall sign the record, and
  - (ii) where he or she rules in accordance with this paragraph that the nomination is invalid, include in that record a statement of the reasons for the ruling.
- (b) The decision of the returning officer under this paragraph shall be final subject only to reversal on a petition questioning the election.
- (6) The returning officer shall, by notice in writing, deliver by post or otherwise to the candidate concerned confirmation of the returning officer's ruling under this paragraph.
- (7) A person in respect of whom a nomination paper has been ruled to be valid under this paragraph shall stand nominated to be a candidate in a mayoral election unless his or her candidature is—
- (a) withdrawn in accordance with *paragraph 26*, or
  - (b) deemed to have been withdrawn under *subparagraph (1) of paragraph 19* or *subparagraph (1) of paragraph 33*.

### **Publication of nominations**

25. The returning officer shall, as soon as practicable after ruling that a nomination paper is valid, cause a notice to be displayed outside the place at which the officer is receiving nominations in respect of the mayoral election concerned stating the name and description of the person nominated in the paper and the name and address of the person's proposer (if any). 5

### **Withdrawal of candidature**

26. A candidate may withdraw his or her candidature for the election by a notice of withdrawal signed by the candidate and delivered—
- (a) in person by the candidate or by the candidate's proposer, or 10
  - (b) by some other person (where the returning officer is satisfied that neither the candidate nor the proposer is able to comply with *clause (a)*),
- to the returning officer not later than 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations, but delivery of the notice in the manner specified in *clause (b)* shall not be valid unless it is signed by both the candidate and the person effecting delivery. 15

### **Publication of withdrawal**

27. The returning officer shall, immediately upon delivery to him or her of a notice of withdrawal in accordance with *paragraph 26*, give public notice—
- (a) of the withdrawal of the candidature of the candidate, and 20
  - (b) in the case of the withdrawal of the candidature of a candidate who was nominated by a proposer, of the name of the proposer.

### **Obstruction of nominations**

28. (1) If the proceedings for or in connection with the nomination of candidates at a mayoral election are obstructed by violence, the returning officer may— 25
- (a) adjourn the proceedings to a later hour on the same day,
  - (b) adjourn the proceedings to the day (disregarding any excluded day) immediately following the first-mentioned day, or
  - (c) if the returning officer considers necessary, postpone the proceedings until such time or day as the obstruction has ceased. 30
- (2) Where any proceedings for or in connection with the nomination of candidates are adjourned or postponed under *subparagraph (1)*, the returning officer shall—
- (a) postpone the latest time for receiving nominations for a period equal to the period of the postponement under *subparagraph (1)*, and
  - (b) inform the Minister of the postponement who may, by order, appoint the day for the taking of the poll at the election. 35

### **Procedure after nominations**

29. (1) If at 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations the number of candidates standing nominated at

the mayoral election is 2 or more, the returning officer shall adjourn the election and shall take a poll in accordance with this Part.

- (2) If at 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations one candidate only stands nominated at the mayoral election, the returning officer shall forthwith— 5
- (a) declare the said candidate to be elected to be Mayor, and
  - (b) comply with *paragraph 55*.
- (3) Where, at 12 noon on the day (disregarding any excluded day) next following the latest day for receiving nominations, no person stands nominated as a candidate at a mayoral election— 10
- (a) the returning officer shall so inform the Minister,
  - (b) the order under *paragraph 6* in respect of the mayoral election shall stand revoked,
  - (c) a new mayoral election shall be held in accordance with this Part, and
  - (d) the Minister shall, as soon as practicable, make an order under *paragraph 6* 15 for the purposes of the new mayoral election.

## CHAPTER 5

### *Agents of candidates*

#### **Appointment of deputy mayoral election agents**

30. (1) A candidate or his or her mayoral election agent may appoint with respect to any polling district in the Limerick City and County Electoral Area one person (in this Part referred to as a “deputy mayoral election agent”) to assist the candidate in the polling district and to act therein as deputy for the candidate’s mayoral election agent. 20
- (2) The appointment of a deputy mayoral election agent may be revoked by the candidate or his or her mayoral election agent. 25
- (3) Where the appointment of a deputy mayoral election agent under this paragraph is revoked or a deputy mayoral election agent under this paragraph dies, resigns or becomes incapable of acting during a mayoral election, another deputy mayoral election agent may be appointed under this paragraph in his or her place. 30
- (4) A candidate or his or her mayoral election agent shall immediately after the appointment of a deputy mayoral election agent under this paragraph give written notice of his or her appointment and details of his or her name and address to the returning officer.

#### **General provisions as to agents**

31. (1) A candidate at a mayoral election or his or her mayoral election agent may appoint persons (in this paragraph referred to as “agents”) to be present on his or her behalf— 35
- (a) at the issue of ballot papers to postal voters,

- (b) in polling stations,
  - (c) at the opening of the postal ballot boxes, and
  - (d) at the counting of the votes.
- (2) Subject to *subparagraph (3)*, the number of agents who may be appointed to be present on behalf of any candidate shall be fixed by the returning officer and the same number shall be fixed in respect of each candidate. 5
  - (3) A candidate or his or her mayoral election agent may appoint one person (in this Part referred to as a “personation agent”) to be present as the candidate’s agent in each polling station for the purpose of assisting in the detection of personation, and such appointment shall be in writing and shall be produced to the presiding officer for the polling station concerned. 10
  - (4) An appointment under this paragraph may be revoked by the candidate or his or her mayoral election agent.
  - (5) A candidate or his or her mayoral election agent shall, not later than the time for the commencement of the issue of ballot papers to postal voters, give written notification to the returning officer of the name and address of every agent appointed by the candidate or his or her mayoral election agent to be present at the issue of the said ballot papers, and the returning officer may refuse to admit to the place where the ballot papers are to be issued any agent whose name and address are not so notified. 15  
20
  - (6) (a) A candidate or his or her mayoral election agent shall, not later than 2 days (disregarding any excluded day) before the polling day, notify the returning officer in writing of—
    - (i) the name and address of every personation agent appointed by the candidate or his or her mayoral election agent, and 25
    - (ii) the polling station for which the personation agent is appointed.
  - (b) A personation agent appointed in accordance with this paragraph and whose name and address have been duly notified to the returning officer shall be entitled to be present in the polling station referred to in the notification during the period commencing 30 minutes before the time fixed under *paragraph 6* for the commencement of the poll and ending when the presiding officer has complied with article 72 of the Local Elections Regulations (applied to a mayoral election by *paragraph 41*). 30
  - (7) A candidate or his or her mayoral election agent shall, not later than 2 days (disregarding any excluded day) before the polling day, notify the returning officer in writing of the name and address of every agent appointed by the candidate or his or her mayoral election agent to be present at the opening of the postal ballot boxes, and the returning officer may refuse to admit to the place where the postal ballot boxes are to be opened any agent whose name and address have not been so notified. 35  
40
  - (8) A candidate or his or her mayoral election agent shall, not later than 2 days (disregarding any excluded day) before the polling day, notify the returning officer in writing of the name and address of every agent appointed by the

candidate or his or her mayoral election agent to be present at the counting of the votes, and the returning officer may refuse to admit to the place where the votes are to be counted any agent whose name and address have not been so notified.

- (9) Where the appointment of an agent under this paragraph is revoked or an agent appointed under this paragraph dies, resigns or becomes incapable of acting during a mayoral election, the candidate or his or her mayoral election agent may appoint another person (in this paragraph also referred to as an “agent”) to replace the said agent and, where an appointment is made under this subparagraph, the candidate or his or her mayoral election agent shall forthwith notify the returning officer in writing of the name and address of the person appointed under this subparagraph. 5 10
- (10) A candidate may lawfully do or assist in the doing of any thing that may lawfully be done on the candidate’s behalf by a mayoral election agent, deputy mayoral election agent or an agent appointed under this paragraph and may be present (in addition to, or in substitution for, any such agent) at any place at which any such agent may be present in accordance with this Part. 15
- (11) Anything required by this Part to be done in the presence of the mayoral election agent or other agent of a candidate shall not be invalidated by reason only of the agent’s not being present at the time and place appointed for the doing of such thing. 20

**Officers not to act as agents of candidates, further candidature etc.**

32. (1) A returning officer or a person employed by such officer for any purpose relating to a mayoral election shall not act as an agent for a candidate at that election and shall not further, or assist in the furthering of, the candidature of a candidate or promote or assist in the promotion of the interests of a political party at the election. 25
- (2) A returning officer shall not employ in any capacity for the purposes of the mayoral election—
- (a) a person who is or has been employed by or on behalf of a candidate in or in connection with a mayoral election, 30
  - (b) a person who is furthering or has furthered the candidature of a candidate in a mayoral election,
  - (c) a person who is assisting or has assisted in the furthering of such candidature,
  - (d) a person who is promoting or has promoted the interests of a political party in a mayoral election, or 35
  - (e) a person who is assisting or has assisted in the promotion of such interests.

*Death of candidate***Death of candidate**

33. (1) Where, not less than 48 hours before the latest time for receiving nominations for a mayoral election, the returning officer becomes satisfied that a candidate standing nominated for the election has died— 5
- (a) the candidature of the candidate shall be deemed to have been withdrawn, and
  - (b) the returning officer shall immediately give public notice to that effect.
- (2) Where, during the period beginning 48 hours before the latest time for receiving nominations and ending on the time fixed under *paragraph 6* for the commencement of the poll, the returning officer becomes satisfied that a candidate standing nominated for the election has died, the following provisions shall apply: 10
- (a) if notice of poll has been given, then, notwithstanding an order under *paragraph 6* in relation to the mayoral election, the poll shall stand cancelled and the returning officer shall give public notice of the cancellation; 15
  - (b) all acts done in connection with the mayoral election (other than a ruling of the returning officer under *paragraph 24*) shall be void;
  - (c) a ruling of the returning officer under *paragraph 24* that a nomination of a candidate is valid shall be deemed to be a ruling for the purposes of the election to which the notice of election referred to in *clause (d)* applies; 20
  - (d) all the proceedings for the mayoral election shall be commenced afresh, but a fresh nomination or consent shall not be necessary in respect of any candidate who stood nominated at the time of giving the public notice under *clause (a)*; 25
  - (e) the returning officer shall forthwith publish a notice of election under *paragraph 15* for the purposes of a new mayoral election;
  - (f) at the election to which a notice of election referred to in *clause (e)* applies—
    - (i) the earliest time for receiving nominations shall be 10.00 a.m. on the day (disregarding any excluded day) next following the date of the publication of that notice of election, and 30
    - (ii) the latest time for receiving nominations shall be 12 noon on the third day (disregarding any excluded day) next following the said date;
  - (g) the poll at the election to which a notice of election referred to in *clause (e)* shall be held— 35
    - (i) on the seventh day (disregarding any excluded day) after the latest day for receiving nominations during such period (which shall not be less than 12 hours between the hours of 7.00 a.m. and 10.30 p.m.) as shall be fixed by the returning officer, or 40

(ii) on such day as may be fixed by order under *paragraph 6* and during the period provided for in relation to that order under that paragraph, whichever occurs later;

(h) *paragraph 16* shall not apply in relation to the fresh mayoral election and references to the Register of Political Parties contained in *paragraph 18* shall, in relation to the fresh mayoral election, be construed as references to the copy of that Register sent to the returning officer in relation to the mayoral election to which the notice of poll referred to in *clause (a)* related. 5

(3) Where, at any time after the commencement of the poll at a mayoral election and before the close of such poll, the returning officer becomes satisfied that a candidate standing nominated for election has died— 10

(a) all votes cast at the mayoral election shall be disregarded and the ballot papers shall be destroyed by the returning officer, and

(b) *clauses (b) to (g) of subparagraph (2)* shall apply.

(4) Where a candidate at a mayoral election dies in circumstances other than those referred to in *subparagraph (1), (2) or (3)* the death of that candidate shall not invalidate his or her nomination or any preference recorded for the candidate and, if the candidate is elected, such election shall not be invalidated by reason of the candidate's death, but he or she shall be deemed to have vacated the office of Mayor on the day of his or her death and a by-election shall be held in accordance with this Part. 15 20

(5) Where a poll is cancelled under this paragraph, all ballot papers issued to postal voters and special voters relating to that poll shall be disregarded and the returning officer shall destroy all ballot papers received for inclusion in that poll.

## CHAPTER 7

25

### *Postal voting*

#### **Postal voting**

34. (1) Every elector whose name is, at the time of a mayoral election, entered in the postal voters list for the Limerick City and County Electoral Area (in this Part referred to as a "postal voter") shall be entitled to vote in that Area at the poll at the election by sending a ballot paper by post to the returning officer for the Limerick City and County Electoral Area and shall not be entitled to vote at the election in any other manner. 30

(2) The returning officer shall, as soon as practicable after the adjournment of an election for the purpose of taking a poll, send to each elector whose name is on the postal voters list for the Limerick City and County Electoral Area, a ballot paper and a form of receipt for such ballot paper and, if the ballot paper duly marked by the said elector and accompanied by the said receipt duly signed by the elector, is received by the returning officer before the close of the poll, it shall be counted by the returning officer and treated for all purposes in the same manner as a ballot paper placed in a ballot box in the ordinary way at the taking of a poll. 35 40



- (3) This Chapter shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to section 14(1)(c) of the Act of 1992 subject to the following modifications:
- (a) an elector whose name is so entered in the postal voters list, in order to cast his or her vote, shall, in the presence of an authorised person and no other person, do the following things in the following order:
    - (i) produce to the authorised person a ballot paper (in relation to which the person shall establish that it is unmarked) and a form of declaration of identity;
      - (ii) complete and sign the said declaration of identity;
      - (iii) hand the declaration of identity to the authorised person who shall, on being satisfied as to the identity of the person who has signed the declaration of identity, witness the signature;
      - (iv) mark, in secret, the ballot paper;
      - (v) place the marked ballot paper in the ballot paper envelope and effectually seal such envelope;
      - (vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope;
  - (b) a reference to “receipt”, in relation to documents appropriate to such electors, shall be construed as a reference to “declaration of identity”; and
  - (c) a reference to “receipt duly signed”, in relation to such documents, shall be construed as a reference to “declaration of identity duly signed and witnessed”.
- (4) This Chapter shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to section 63 of the Electoral Act 1997 subject to the following modifications:
- (a) an elector whose name is so entered in the postal voters list, in order to vote, shall in a Garda Síochána station in the presence of a member of the Garda Síochána do the following things in the following order:
    - (i) produce to the member of the Garda Síochána the envelope addressed to the elector pursuant to article 33(3) (applied by *subparagraph (7)*) of the Local Elections Regulations, the ballot paper (in relation to which the member of the Garda Síochána shall establish that it is unmarked) and a form of declaration of identity;
    - (ii) complete and sign the said declaration of identity;
    - (iii) hand the declaration of identity to the member of the Garda Síochána who shall, on being satisfied as to the identity of the person who has signed the declaration, witness the signature and stamp the declaration of identity with the stamp of the Garda Síochána station and destroy the envelope addressed to the elector;

- (iv) mark, in secret, the ballot paper;
  - (v) place the marked ballot paper in the ballot paper envelope and effectually seal such envelope;
  - (vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope; 5
- and shall send the last-mentioned envelope by post to the returning officer;
- (b) a reference to “receipt”, in relation to documents appropriate to such electors, shall be construed as a reference to “declaration of identity”; and
  - (c) a reference to “receipt duly signed”, in relation to such documents, shall be construed as a reference to “declaration of identity duly signed and witnessed and stamped with the stamp of the Garda Síochána station”. 10
- (5) This Chapter shall apply to the issue of ballot papers to, and the return of such ballot papers by, electors whose names are entered in the postal voters list pursuant to the Electoral (Amendment) Act 2006, subject to the following modifications: 15
- (a) an elector whose name is so entered in the postal voters list, in order to vote, shall in the presence of the relevant official of the prison in which he or she is detained do the following things in the following order:
    - (i) produce to the relevant official the envelope addressed to the elector pursuant to article 33(3) (applied by *subparagraph (7)*) of the Local Elections Regulations, the ballot paper (in relation to which the relevant official shall establish that it is unmarked) and a form of declaration of identity in the form directed by the Minister; 20
    - (ii) complete and sign the declaration of identity;
    - (iii) hand the declaration of identity to the relevant official who shall, on being satisfied as to the identity of the person who has signed the declaration, witness the signature and stamp the declaration of identity with the stamp of the prison and destroy the envelope addressed to the elector; 25
    - (iv) mark, in secret, the ballot paper; 30
    - (v) place the marked ballot paper in the ballot paper envelope and effectually seal such envelope;
    - (vi) place the ballot paper envelope and the completed declaration of identity in the covering envelope and effectually seal that envelope; 35

and shall hand the last-mentioned envelope to the relevant official who shall send it or cause it to be sent by post to the returning officer; 35
  - (b) a reference to “receipt”, in relation to documents appropriate to such electors, shall be construed as a reference to “declaration of identity”;
  - (c) a reference to “receipt duly signed”, in relation to such documents, shall be construed as a reference to “declaration of identity duly signed and witnessed and stamped with the stamp of the prison”; and 40

(d) a reference to “sign”, in relation to an elector who is unable to write, shall be construed as a reference to the making by the elector of his or her mark.

(6) In this paragraph—

“authorised person” means a person appointed by the Secretary General of the Department of Foreign Affairs to be an authorised person for the purposes of this paragraph; 5

“ballot paper envelope” has the meaning specified in article 33(3) (applied by *subparagraph (7)*) of the Local Elections Regulations;

“covering envelope” has the meaning specified in article 33(3) (applied by *subparagraph (7)*) of the Local Elections Regulations; 10

“relevant official” has the same meaning as it has in section 1 of the Electoral (Amendment) Act 2006.

(7) Articles 31 to 41 of the Local Elections Regulations shall, subject to the modifications specified in *subparagraph (2)* of *paragraph 1*, apply and have effect in relation to postal voting at a mayoral election and, in sending out, receiving and otherwise dealing with the ballot papers of postal voters, the returning officer shall comply with those provisions. 15

(8) A reference to an agent in articles 31 to 41 of the Local Elections Regulations shall be deemed to include a reference to the mayoral election agent and any person appointed by a candidate or the mayoral election agent to be present at the issue of ballot papers to postal voters or the opening of postal voters ballot boxes. 20

## CHAPTER 8

### *Voting by Special Voters*

#### **Voting by special voters**

35. (1) Every elector whose name is, at the time of a mayoral election, entered in the special voters list for the Limerick City and County Electoral Area (in this Part referred to as a “special voter”) shall be entitled to vote in that Area at the poll at the election in the manner described in article 46 of the Local Elections Regulations and shall not be entitled to vote in any other manner. 25

(2) Where a person is entered on the special voters list under section 17 of the Act of 1992 but the place where the special voter is ordinarily resident is not accessible to the special presiding officer and as a consequence the special voter would be unable to vote at the poll at the election in accordance with section 82 of the Act of 1992, the returning officer shall, as circumstances may require— 30

(a) issue a postal vote to that special voter as if that voter was a postal voter entered on the postal voters list under section 14(1)(d) of the Act of 1992, and in that case Part XIII of that Act shall apply, or 35

(b) apply Part XIV of the Act of 1992 to voting by that special voter with the modification that references in that Part to “member of the Garda Síochána” shall be read as references to “relevant official in the place where the special voter is ordinarily resident”. 40

(3) Articles 44 to 48 of the Local Elections Regulations shall, subject to the modifications specified in *paragraph 1(2)*, apply and have effect in relation to voting by special voters at a mayoral election and the returning officer shall in delivering, receiving and otherwise dealing with the ballot papers of special voters, comply with those articles. 5

(4) In this paragraph—

“ballot paper envelope” has the meaning specified in article 45(c) (applied by *subparagraph (3)*) of the Local Elections Regulations;

“covering envelope” has the meaning specified in article 45(d) (applied by *subparagraph (3)*) of the Local Elections Regulations; 10

“special presiding officer” means a person appointed to be a special presiding officer pursuant to article 44 (applied by *subparagraph (3)*) of the Local Elections Regulations.

## CHAPTER 9

### *Arrangements for Poll* 15

#### **Notice of poll**

36. Where a mayoral election is adjourned for the purpose of taking a poll, the returning officer shall, as soon as practicable after the adjournment, publish a notice (in this Part referred to as the “notice of poll”) stating—

(a) the day on which, and the hours during which, the poll shall be taken, 20

(b) the names and descriptions of the candidates standing nominated at the mayoral election as entered in their nomination papers, and of their proposers (if any), and

(c) the order in which the names of those candidates shall appear on the ballot papers. 25

#### **Ballot papers**

37. (1) Subject to *clause (b)* of *subparagraph (2)*, the ballot of a voter at a mayoral election shall consist of a paper (in this Part referred to as a “ballot paper”) in the form specified in *Part 2*.

(2) Ballot papers shall be prepared by the returning officer in accordance with the following provisions: 30

(a) a ballot paper shall contain the names (arranged alphabetically in the order of the surnames or, if there are 2 or more candidates bearing the same surname, in the alphabetical order of their other names or, if their surnames and other names are the same, in such order as shall be determined by lot by the returning officer) and descriptions of the candidates standing nominated at the election, set out in their respective nomination papers; 35

(b) a ballot paper may include a photograph of each candidate and the registered emblem of the candidate’s political party (if any) and the form of the ballot paper as specified in *Part 2* may be adjusted accordingly in accordance with directions by the Minister; 40

- (c) the surname of each candidate and the name of the candidate’s political party (if any) or, if appropriate, the expression “Non-Party” shall be printed in large capitals, the candidate’s surname and other name shall be printed in small capitals and the address and occupation of the candidate (if any) as appearing in the relevant nomination paper, shall be printed in ordinary characters; 5
- (d) the list of candidates shall be arranged—
- (i) in alphabetical order, and
- (ii) in one continuous column,
- and the space on the ballot paper within which the candidate’s name and description appears shall be the same for each candidate; 10
- (e) the ballot papers shall be numbered consecutively on the back and the back of the counterfoil attached to each ballot paper shall bear the same number;
- (f) the numbers on the ballot papers shall be printed in the smallest characters compatible with legibility and shall be printed on or about the centre of the paper; 15
- (g) apart from anything permitted by the form specified in *Part 2* and the modifications thereof which may be provided for under *clause (b)*, nothing shall appear on the ballot paper except in accordance with these provisions.
- (3) A notice containing a copy of the ballot paper in large print shall be displayed by the presiding officer in the polling station. 20

**Official mark**

38. (1) A ballot paper shall, at the time of issue, be marked with an official mark (in this Part referred to as the “official mark”), which shall either be embossed or perforated so as to be visible on both sides of the paper, and the returning officer shall provide a sufficient number of marking instruments for this purpose. 25
- (2) The returning officer shall ensure that the official mark is kept secret before the taking of the poll and that no mark previously used at a mayoral election shall be used at an election under this Part before the expiry of the 10 years next after such previous use. 30

**Application of certain provisions of Part X of Local Elections Regulations**

39. Articles 53, 54, 56, 57 and 58 of the Local Elections Regulations shall, subject to the modifications specified in *paragraph 1(2)*, apply and have effect in relation to the arrangements for the poll at a mayoral election.

**Polling information cards**

40. (1) Where a poll is to be taken at a mayoral election, the returning officer shall send to every elector whose name is on the register of electors and is not on the postal voters list or the special voters list a card (in this paragraph referred to as a “polling information card”), in such form as may be directed by the Minister, which shall inform the elector of his or her number (including polling district letter) on the register of local government electors and of the place at which he or 40

she shall be entitled to vote, and contain a statement in relation to the specified documents referred to in article 73 of the Local Elections Regulations (applied to a mayoral election by *paragraph 1(2)*), and, where appropriate, include other information concerning the poll, including the address of the polling station.

- (2) A polling information card shall be addressed to the elector at the address in respect of which he or she is registered in the register of electors and shall be delivered to that address not later than the third day before the polling day. 5
- (3) Delivery of a polling information card by post shall be effected without prepayment of charges therefor and by the earliest practicable post.
- (4) No action or other proceedings shall lie against a returning officer in respect of— 10
  - (a) any failure to send or deliver a polling information card, or
  - (b) any error or misstatement in a polling information card.

## CHAPTER 10

### *Poll*

#### **Application of Part XI of Regulations of 1995** 15

41. Articles 59 to 73 of the Local Elections Regulations shall, subject to the modifications specified in *paragraph 1(2)*, apply and have effect in relation to the taking of the poll at a mayoral election.

## CHAPTER 11

### *Arrangement for counting of votes*

#### **Time and place for counting of votes** 20

42. (1) The counting of the votes at a mayoral election shall commence not later than the hour of 9.00 a.m. on the day next following the polling day.
- (2) The returning officer shall—
  - (a) appoint a place within the Limerick City and County Electoral Area or convenient to that area as the place at which he or she shall count the votes cast in the election, 25
  - (b) at the place so appointed, provide suitable accommodation and all furniture and equipment necessary for counting the votes in accordance with *Chapter 12*, and 30
  - (c) make adequate arrangements for the safe custody of the ballot papers and other documents relating to the election.
- (3) The returning officer shall, where practicable, ensure that a place appointed under *subparagraph (2)* is accessible to wheelchair users.

#### **Attendance at counting of votes** 35

43. (1) Not less than 4 days (disregarding any excluded day) before the polling day, the returning officer shall notify each candidate in writing of the time and place at which he or she shall proceed to count the votes and of the number of agents each candidate may appoint to be present at the counting of the votes.

- (2) The returning officer, the assistants and clerks of the returning officer, members of the Garda Síochána on duty and the mayoral election agent and agents appointed under *subparagraph (8) of paragraph 31* of each candidate may be present at the counting of the votes and no other person shall be present without the permission of the returning officer. 5
- (3) The returning officer shall give the mayoral election agent and the agents appointed under *subparagraph (8) of paragraph 31* of each candidate all such reasonable facilities for overseeing the proceedings at the counting of the votes (including, in particular, facilities for satisfying themselves that the ballot papers have been correctly sorted) and all such information with respect thereto as the returning officer can give them consistent with the orderly conduct of the proceedings and the performance of the functions of the returning officer. 10

### **Preliminary proceedings**

44. (1) At the time fixed by the returning officer and at the place appointed under *subparagraph (2) of paragraph 42*, the returning officer shall, in the presence of the agents of the candidates, open the ballot boxes and extract the ballot papers therefrom. 15
- (2) For the purposes of *subparagraph (1)*, the manner in which a ballot box, being a box containing not more than 50 ballot papers, shall be opened shall be such that, although the box is opened in the presence of the agents of the candidates, the preferences on the individual ballot papers cannot be read by those agents or other persons present at the count. 20
- (3) (a) The ballot papers extracted by the returning officer from each ballot box shall be counted and their total number shall be compared with the number shown in the appropriate ballot paper account. 25
- (b) The returning officer shall—
- (i) prepare a statement of the result of the comparison under *clause (a)*, and
- (ii) on request, allow the mayoral agent or agent appointed under *subparagraph (8) of paragraph 31* of any candidate to make and keep a copy of the statement. 30
- (4) Where the statement referred to in *subparagraph (3)* is prepared by a deputy returning officer, the deputy returning officer shall give the statement to the returning officer as soon as practicable after its preparation.
- (5) The returning officer shall mix together the whole of the ballot papers and shall proceed to count the votes in accordance with *Chapter 12*. 35
- (6) The returning officer shall, while counting and recording the number of ballot papers, cause the said papers to be kept face upwards and shall take due precautions to prevent any person from seeing the numbers printed on the backs of the said papers.

### **Times for counting of votes**

45. The returning officer shall, as far as practicable, proceed continuously with the counting of votes, except during time for necessary rest and refreshment. 40

## **Conduct of counting of votes**

46. The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid and shall, in accordance with *Chapter 12*, ascertain and record the number of votes given to each candidate.

## **Handling of ballot papers by candidates or agents** 5

47. Candidates or their agents shall not handle ballot papers during the counting of votes.

### CHAPTER 12

#### *Rules for counting of votes*

## **Definitions**

48. (1) In this Chapter— 10
- “continuing candidate” means any candidate not deemed to be elected and not excluded;
- “count” means any and all of the following:
- (a) all the operations involved in the counting of the first preferences recorded for candidates; 15
- (b) all the operations involved in the transfer of the votes of a candidate excluded from the count;
- (c) all the operations involved in the transfer of the votes of 2 or more candidates who have been excluded from the count together;
- “first preference” means the elector’s first choice candidate to be Mayor indicated by any mark that, in the opinion of the returning officer, indicates that choice; 20
- “next available preference” means a preference which, in the opinion of the returning officer, is a second or subsequent preference recorded in consecutive order for a continuing candidate, the preferences next in order on the ballot paper for candidates already excluded being disregarded; 25
- “original vote”, in relation to any candidate, means a vote derived from a ballot paper on which a first preference is recorded for that candidate.
- (2) For the purposes of this Chapter, the deeming of a person to be elected to the office of Mayor shall not operate to prejudice the declaration of the result of the poll at the mayoral election concerned, and references to a candidate’s being deemed to be elected shall be construed accordingly. 30

## **Invalid ballot papers**

49. (1) Any ballot paper—
- (a) that does not bear the official mark, 35
- (b) on which the figure “1” standing alone, or the word “one” or any other mark that, in the opinion of the returning officer, indicates a first preference, is not placed at all or is not so placed as to indicate a first preference for a candidate,



(c) on which the figure “1” standing alone indicating a first preference, or the word “one” or any other mark that, in the opinion of the returning officer, indicates a first preference, is set opposite the name of more than one candidate, or

(d) on which anything is written or marked that, in the opinion of the returning officer, is calculated to identify the elector, 5

shall be invalid and not counted, but the ballot paper shall not be invalid by reason only of carrying the words “one”, “two”, “three” (and so on) or any other mark which, in the opinion of the returning officer, clearly indicates a preference or preferences. 10

(2) The returning officer shall—

(a) endorse “rejected” on any ballot paper that under this paragraph is invalid and not to be counted,

(b) prepare a statement in writing of the number of ballot papers rejected under each of the *clauses (a), (b), (c) and (d) of subparagraph (1)*, and 15

(c) permit any candidate, mayoral agent or agent appointed under *subparagraph (7) or (8) of paragraph 31* to make and keep a copy of that statement.

(3) Where the statement referred to in *subparagraph (2)* is prepared by a deputy returning officer the statement shall be given to the returning officer as soon as practicable after its preparation. 20

(4) The returning officer may endorse on any ballot paper that he or she does not reject as invalid an indication of the officer’s decision on it without, however, interfering with any mark placed by the elector on the ballot paper.

**First count** 25

50. After the ballot papers have been mixed in accordance with *subparagraph (5) of paragraph 44*, the returning officer shall—

(a) reject any ballot papers that are invalid in accordance with *paragraph 49*,

(b) arrange the remaining ballot papers in parcels according to the first preferences recorded for each candidate, 30

(c) count the number of ballot papers in each such parcel and make a record in writing of the number of valid ballot papers, and

(d) credit each candidate with a number of votes equal to the number of valid ballot papers on which a first preference has been recorded for such candidate and the returning officer shall ascertain the number of all valid ballot papers. 35

**Quota**

51. (1) After the returning officer has recorded the number of all valid ballot papers in accordance with *paragraph* , he or she shall then divide the number of all valid ballot papers by 2 and the result increased by one (any fractional remainder being 40

disregarded) shall be the number (in this Part referred to as the “quota”) of votes sufficient to secure the election of a candidate.

- (2) Where, at the end of any count—
  - (a) the number of votes credited to a candidate is equal to or greater than the quota, that candidate shall be deemed to be elected and no further transfer of votes shall be made, or 5
  - (b) the number of votes credited to a continuing candidate exceeds the total of all the votes credited to the other continuing candidates, that candidate shall be deemed to be elected and no further transfer of votes shall be made.

**Exclusion of candidate** 10

- 52. (1) Where, at the end of any count, no candidate has reached the quota and no candidate can be deemed to be elected under *clause (b) of subparagraph (2) of paragraph 51*, the returning officer shall—
  - (a) exclude the candidate credited with the lowest number of votes and examine all the ballot papers of that candidate, 15
  - (b) arrange the transferable ballot papers in sub-parcels according to the next available preferences recorded thereon for continuing candidates,
  - (c) transfer each such sub-parcel to the candidate for whom the preference is recorded,
  - (d) place that sub-parcel on top of the parcel of ballot papers of the candidate to whom the transfer is made, 20
  - (e) credit the candidate with a number of votes equal to the number of ballot papers in the sub-parcel transferred to him or her in accordance with *clause (c)*,
  - (f) make a separate sub-parcel of the non-transferable ballot papers and set them aside as finally dealt with. 25
- (2) Where the total of the votes of the 2 or more lowest candidates is less than the number of votes credited to the next highest candidate, the returning officer shall, in one operation, exclude such 2 or more lowest candidates if—
  - (a) the number of votes credited to the second lowest candidate is greater than one quarter of the quota, or 30
  - (b) where the number of votes credited to any one of such 2 or more lowest candidates does not exceed one quarter of the quota, it is clear that the exclusion of the candidates separately in accordance with *subparagraph (1)* could not result in a number of votes exceeding one quarter of the quota being credited to any such candidate. 35
- (3) (a) If, when a candidate falls to be excluded under this paragraph, 2 or more of the lowest placed candidates have each the same number of votes—
  - (i) regard shall be had to the number of original votes credited to each of those candidates, and the candidate with the lowest number of original votes shall be excluded, 40

- (ii) regard shall, in a case where the numbers of original votes are equal, be had to the total numbers of votes credited to those candidates at the first count at which they had an unequal number of votes, and the candidate with the lowest number of votes at that count shall be excluded, and
  - (iii) the returning officer shall determine by lot which candidate or candidates shall be excluded where the numbers of votes credited to those candidates were equal at all counts thus far. 5
- (b) A determination by lot for the purposes of *clause (a)* shall be conducted as follows:
  - (i) the names of the candidates concerned shall be written on similar slips of paper; 10
  - (ii) the slips shall then be folded so as to prevent the identification of any such candidate therefrom;
  - (iii) the slips shall then be mixed together;
  - (iv) each slip shall then be drawn at random by the returning officer. 15
- (c) The candidate or candidates shall be excluded in the order in which their names are drawn.
- (4) In this paragraph—
  - “non-transferable ballot paper” means a ballot paper on which no subsequent preference is recorded for a continuing candidate, and includes a ballot paper— 20
    - (a) on which the names of 2 or more candidates (whether continuing candidates or not) are marked with marks that, in the opinion of the returning officer, indicate the same order of preference and are next in order of preference,
    - (b) on which the name of the candidate next in order of preference (whether a continuing candidate or not) is marked with a mark that, in the opinion of the returning officer, does not follow consecutively after some other mark on the ballot paper, or with 2 or more marks indicating different orders of preference, or 25
    - (c) that is void for uncertainty;
  - “transferable ballot paper” means a ballot paper on which— 30
    - (a) a subsequent preference is indicated for a continuing candidate, or
    - (b) subsequent preferences are indicated in consecutive numerical order for continuing candidates.

**Recount**

- 53. (1) (a) Any candidate or the mayoral election agent of a candidate may, at the conclusion of any count, request the returning officer to re-examine and recount all or any of the ballot papers examined during that count, and the returning officer shall accede to that request without making any alterations to the arrangement of the ballot papers in their respective parcels, save where 35

such alterations may be necessary in consequence of any error discovered in the recount.

- (b) Nothing in this subparagraph shall be construed as obliging the returning officer to re-examine or recount any particular parcel of ballot papers more than once. 5

(2) The returning officer may, at his or her discretion—

- (a) recount ballot papers once, or
- (b) recount ballot papers more than once if he or she is not satisfied as to the accuracy of any particular count,

and the power of a returning officer under this paragraph shall extend to ballot papers examined at an earlier count than the immediately preceding count. 10

(3) (a) Not more than one request may be made by any candidate or his or her mayoral election agent for a re-examination and recount of all parcels of ballot papers, and the returning officer shall accede to that request.

(b) In a re-examination and recount pursuant to a request under this paragraph, the number or order of ballot papers in any parcel shall not be altered. 15

(c) Nothing in this subparagraph shall be construed as obliging the returning officer to re-examine or recount any particular parcel of ballot papers more than once, but if in the course of the examination and recount an error is discovered that, in the opinion of the returning officer, is a significant error likely to affect the result of the election, the returning officer shall count all the papers afresh from the point at which the error occurred. 20

(d) Nothing in this subparagraph shall be construed as obliging the returning officer to accede to a request under this paragraph that, in the opinion of the returning officer, is frivolous or vexatious. 25

(e) A request under this subparagraph may be made at the conclusion of a count only.

(4) Where, in the course of a re-examination and recount under this paragraph, the returning officer discovers an error in the original examination and count, he or she shall, where necessary, amend any results previously announced by him or her. 30

(5) Where a candidate or his or her mayoral election agent withdraws a request made by him or her under *subparagraph (3)*, the returning officer may, at his or her discretion, decide not to proceed or proceed further with the re-examination and recount. 35

### **Declaration of result of poll**

54. Upon the completion of the counting of the votes of a poll at a mayoral election, the returning officer shall determine and declare the result of the poll and the candidate deemed to be elected shall stand elected.

## **Return of person elected**

55. (1) The returning officer shall, by certificate in writing, make a return of the person elected to be Mayor to the director general—
- (a) as soon as practicable after the result of the poll has been declared in accordance with *paragraph 54*, or 5
  - (b) where no poll takes place by reason of one candidate only having been nominated at the mayoral election, when such person has been declared elected in accordance with *subparagraph (2) of paragraph 29*.
- (2) A certificate referred to in *subparagraph (1)* shall—
- (a) state the name and description of the person elected to be Mayor, and 10
  - (b) be signed by the returning officer.
- (3) The returning officer shall give public notice of the name and description of the candidate elected and, in the case of a contested election of—
- (a) the total number of votes cast for each candidate (whether or not elected to be Mayor), 15
  - (b) any transfer of votes, and
  - (c) the total number of votes credited to each candidate at the end of the count at which such transfer took place.
- (4) The returning officer shall send a copy of the notice referred to in *subparagraph (3)* to the Minister. 20

## **Decision of returning officer**

56. The decision of the returning officer (whether expressed, or implied by his or her acts), on any question that arises in relation to—
- (a) the exclusion of any candidate under *paragraph 52*, or
  - (b) any ballot paper or transfer of votes, 25
- shall be final, subject only to reversal on a petition questioning the election.

## CHAPTER 13

### *Retention, inspection and disposal of documents*

#### **Retention and disposal of documents by returning officer**

57. (1) On the completion of the counting of the votes, the returning officer shall place in separate sealed packets— 30
- (a) the counted ballot papers,
  - (b) the ballot papers rejected at the counting of the votes,
  - (c) the unused and spoilt ballot papers, and
  - (d) the counterfoils of ballot papers issued at polling stations, 35

and shall mark on each such packet particulars of its contents and the date of the polling day at the election.

- (2) The returning officer shall also place in separate sealed packets—
- (a) the marked copies of the register of electors,
  - (b) the ballot paper accounts and the statement prepared in accordance with *paragraph 44*, 5
  - (c) the nomination papers of the candidates (whether valid or invalid) and the certificates of political affiliation, and
  - (d) the authorisations to electors to vote at other polling stations,
- and shall mark on each such packet particulars of its contents and the date of the polling day at the election. 10
- (3) The returning officer shall—
- (a) retain—
    - (i) the documents referred to in *subparagraphs (1) and (2)*,
    - (ii) the documents referred to in article 41 of the Local Elections Regulations (applied by *paragraph 34*), and 15
    - (iii) the documents referred to in paragraph (2) of article 47 (applied by *subparagraph (3) of paragraph 35*) of the Local Elections Regulations, for the period of 6 months commencing on the date of the certificate of the return under *paragraph 55*, and 20
  - (b) upon the expiration of that period, shall cause those documents to be destroyed unless—
    - (i) otherwise directed by an order of a court having jurisdiction to decide petitions questioning the election, or
    - (ii) the returning officer has reason to believe that the documents may be 25 required for a purpose referred to in *subparagraph (2) of paragraph 58*.

### **Inspection of ballot papers**

58. (1) No person shall be permitted to inspect any of the following documents except in accordance with an order of the High Court:
- (a) the counterfoils of the ballot papers sent to postal voters under article 33 of the Local Elections Regulations (applied by *paragraph 34*); 30
  - (b) the counterfoils of the ballot papers delivered to special voters under article 46 of the Local Elections Regulations (applied by *subparagraph (3) of paragraph 35*);
  - (c) the documents referred to in paragraphs (2) and (3) of article 41 of the Local Elections Regulations (applied by *paragraph 34*); 35
  - (d) the documents referred to in *subparagraph (1) of paragraph 57*.

- (2) An order referred to in *subparagraph (1)* shall not be made unless the court is satisfied that the inspection of the documents concerned is required for the purpose of—
- (a) bringing or prosecuting an offence under *Chapter 14*, or
  - (b) a petition under *Chapter 15*. 5
- (3) An order referred to in *subparagraph (1)* may be made subject to such conditions as to persons, time and place and manner of inspection as the court considers necessary or expedient and shall make provision to ensure that the manner in which any vote was cast shall not be disclosed.
- (4) Where an order is made under *subparagraph (1)*, the production by a returning officer of a document referred to in that subparagraph for inspection shall be sufficient to prove that the document relates to the specified election, and any endorsement appearing on any packet so produced shall, until the contrary is shown, be sufficient evidence that the contents of such packet are what they are stated to be in such endorsement. 10  
15

### **Inspection of certain other documents**

59. (1) All documents relating to a mayoral election retained by the returning officer in accordance with *paragraph 57* (other than documents referred to in *paragraph 58*) shall be open to inspection by members of the public at such time and under such conditions as may be specified by the returning officer. 20
- (2) The returning officer shall supply copies of, or copies of extracts from, documents to which *subparagraph (1)* applies upon the request of any person and on the payment by such person of a fee to defray the reasonable cost of making such copies.

## CHAPTER 14 25

### *Electoral offences*

#### **Personation**

60. (1) A person who—
- (a) applies for a ballot paper for a mayoral election in the name of another person (whether or not living and whether or not fictitious), or 30
  - (b) having obtained a ballot paper for a mayoral election in his or her name applies for another such ballot paper (except in circumstances to which article 64 (applied by *paragraph 41*) of the Local Elections Regulations applies),
- shall be guilty of an offence. 35
- (2) A person to whom a ballot paper has been issued in accordance with article 33 (applied by *paragraph 34*) of the Local Elections Regulations shall be deemed to have obtained a ballot paper for the purposes of *subparagraph (1)*.
- (3) A person who aids, abets, counsels or procures the commission of an offence under *subparagraph (1)* shall be guilty of an offence. 40

## **Bribery**

61. (1) A person shall not, in relation to a mayoral election—
- (a) give valuable consideration to any person—
    - (i) for the purpose of inducing any person to vote in a mayoral election,
    - (ii) for the purpose of procuring the election of any person as Mayor or the vote of any voter in a mayoral election, or 5
    - (iii) on account of a voter having voted in a mayoral election,
  - (b) procure by means, or in consequence, of valuable consideration having been given to any person, the election of any person as Mayor or the vote of any voter in a mayoral election, 10
  - (c) withdraw, or refrain from withdrawing, one's candidature in a mayoral election in consequence of the giving of valuable consideration to any person,
  - (d) induce by means, or in consequence, of valuable consideration having been given, to any person the withdrawal of the candidature in a mayoral election of any person or the decision of any candidate in a mayoral election not to withdraw his or her candidature, or 15
  - (e) receive, or enter into an agreement for the receipt of, valuable consideration for a person's voting or agreeing to vote in a mayoral election.
- (2) A person who contravenes *subparagraph (1)* shall be guilty of an offence. 20
- (3) A person who aids, abets, counsels or procures the commission of an offence under this paragraph shall be guilty of an offence.
- (4) In this paragraph—
- “give”, “induce” and “procure” include agreeing or promising or attempting to give, induce or procure, as the case may be, whether directly or indirectly; 25
- “valuable consideration” includes the giving, lending or agreeing to give or lend, or the offer or promise to procure or to attempt to procure, any money, money's worth or valuable security or any office, place or employment to or for any person;
- “vote” includes voting in a particular way or refraining from voting. 30

## **Undue influence**

62. (1) A person who, in relation to a mayoral election, directly or indirectly—
- (a) uses, or threatens to use, force or violence or uses, or threatens to use, any restraint against any person,
  - (b) inflicts, or threatens to inflict, any spiritual or temporal loss or injury on any person, or 35
  - (c) causes, or threatens to cause, any such loss or injury to any person,
- for the purpose of inducing or compelling any person to—



(i) vote or refrain from voting in a mayoral election,	
(ii) vote or refrain from voting—	
(I) for a particular person, or	
(II) in a particular manner,	
in a mayoral election,	5
(iii) stand as a candidate in a mayoral election, or	
(iv) withdraw, or refrain from withdrawing, his or her candidature in a mayoral election,	
shall be guilty of an offence.	
(2) A person who, in relation to a mayoral election, directly or indirectly—	10
(a) uses, or threatens to use, force or violence or uses, or threatens to use, any restraint against any person,	
(b) inflicts, or threatens to inflict, any spiritual or temporal loss or injury on any person, or	
(c) causes, or threatens to cause, any such injury or loss to any person,	15
for the purpose of impeding or preventing any person from—	
(i) standing as a candidate in a mayoral election, or	
(ii) exercising his or her right to vote in a mayoral election,	
shall be guilty of an offence.	
<b>Breach of secrecy</b>	20
63. (1) A person who is present at the issue of ballot papers to postal voters, voting by special voters or the opening of postal ballot boxes at a mayoral election and who—	
(a) before the poll at that election closes, discloses to any person any information obtained while so present relating to the official mark,	25
(b) attempts, while so present, to ascertain the number on the back of any ballot paper or the candidate for whom any vote is given on any ballot paper, or	
(c) discloses to any person the number on the back of any ballot paper or the candidate for whom any vote is given on any ballot paper,	
shall, unless authorised by law to so do, be guilty of an offence.	30
(2) A person admitted to a polling station for any reason at a mayoral election who discloses to any person—	
(a) the name or number on the register of electors of an elector who has not applied for a ballot paper,	
(b) the name or number on the register of electors of an elector who voted at a polling station in that election, or	35

(c) any information relating to the official mark,

before the poll closes shall, unless authorised by law to so do, be guilty of an offence.

(3) A person who—

(a) while present at the counting of the votes at a mayoral election, ascertains or attempts to ascertain the number on the back of any ballot paper, or 5

(b) discloses to any person information obtained while so present as to the candidate for whom any vote is given on any ballot paper,

shall, unless authorised by law to so do, be guilty of an offence.

(4) A person who, at a mayoral election— 10

(a) interferes with or attempts to interfere with an elector when the elector is marking a ballot paper, or

(b) while in a polling station, obtains or attempts to obtain information as to the candidate for whom any elector in the station proposes to vote or has voted,

shall, unless authorised by law to so do, be guilty of an offence. 15

(5) A person who, at a mayoral election, discloses to any person information obtained in a polling station relating to—

(a) the candidate for whom an elector in that station proposes to vote or has voted, or

(b) the number on the back of the ballot paper issued to an elector at that station, shall, unless authorised by law to so do, be guilty of an offence. 20

(6) A person who directly or indirectly induces an elector at a mayoral election to display a ballot paper after the elector has marked it so as to make known to any person the name of the candidate for whom the elector voted or did not vote shall, unless authorised by law to so do, be guilty of an offence. 25

(7) A person who, at a mayoral election—

(a) interferes, or attempts to interfere, with the receipt, marking or return of a ballot paper by any postal voter, or

(b) attempts to obtain information as to the candidate for whom any such voter voted or did not vote, 30

shall, unless authorised by law to so do, be guilty of an offence.

**Offences relating to ballot boxes, ballot papers, nomination papers, certificates of political affiliation, official marks, etc.**

64. A person who—

(a) wilfully and without lawful authority, takes, destroys, conceals, opens or otherwise interferes with— 35

(i) any ballot box,

- (ii) any packet of ballot papers,
- (iii) any packet of papers or documents of any kind then in use or intended to be used for the purposes of a mayoral election,
- (iv) any ballot paper account or marked copy of a register of electors prepared or used for the purposes of the election, or 5
- (v) any unused ballot paper,
- (b) maliciously destroys, tears, or defaces a ballot paper,
- (c) forges or counterfeits a ballot paper or the official mark on a ballot paper,
- (d) without lawful authority, supplies a ballot paper to any person,
- (e) fraudulently puts into a ballot box any paper other than the ballot paper that the person is authorised by law to put in it, 10
- (f) without lawful authority, removes a ballot paper from a polling station,
- (g) forges or fraudulently defaces or fraudulently destroys—
  - (i) any nomination paper,
  - (ii) any certificate of political affiliation, 15
  - (iii) any authorisation under article 61 or 62 of the Local Elections Regulations (applied by *paragraph 41*),
  - (iv) any official envelope or form of declaration of identity or form of receipt used in connection with special voting or voting by post, or
  - (v) any other form or document used at a mayoral election, 20
- (h) produces to the returning officer a document purporting to be a nomination paper knowing it to be forged,
- (i) counterfeits the official mark, or
- (j) wilfully and without lawful authority—
  - (i) removes, destroys or damages any instrument used for placing the official mark on ballot papers, or 25
  - (ii) makes or has in his or her possession any device or instrument used or designed to be used to produce a counterfeit of the official mark,

shall be guilty of an offence.

**Disorderly conduct at election meeting** 30

65. (1) A person who, during the period commencing on the date of publication of the notice of election and ending on the date on which the return is made of a person elected to be the Mayor under *paragraph 55*, acts in a disorderly manner at a lawful public meeting held in connection with a mayoral election shall be guilty of an offence. 35
- (2) A person who aids, abets, counsels or procures the commission of an offence under *subparagraph (1)* shall be guilty of an offence.

### **Omission of name and address of printer and publisher from election documents**

66. (1) A person who prints, publishes, or posts, or causes to be printed, published or posted, any notice, bill, poster or similar document promoting or furthering the candidature of a candidate in a mayoral election that does not bear upon its face the name and address of the printer and the publisher thereof shall be guilty of an offence. 5
- (2) *Subparagraph (1)* shall not apply as respects a notice, bill, poster or similar document printed, published or posted by a returning officer.
- (3) In this paragraph, “print” includes any process for producing copies of a notice, bill, poster or similar document, other than copying it by hand. 10

### **Nominating or withdrawing candidate without consent**

67. (1) A person shall not—
- (a) nominate another person to be a candidate in a mayoral election, or
- (b) withdraw, purport to withdraw or attempt to withdraw the candidature of a candidate in a mayoral election, 15
- without the consent of the person referred to in *clause (a)* or the candidate referred to in *clause (b)*, as may be appropriate.
- (2) A person who contravenes *subparagraph (1)* shall be guilty of an offence.

### **Forged certificate of political affiliation**

68. A person who produces to a returning officer a forged document purporting to be a certificate of political affiliation that that person knows to be forged shall be guilty of an offence. 20

### **False declaration on nomination paper**

69. (1) An ineligible person who makes a declaration on a nomination paper at a mayoral election that he or she believes himself or herself to be eligible for election at that election shall be guilty of an offence. 25
- (2) A person who makes a declaration on a nomination paper at a mayoral election that he or she believes an ineligible person to be eligible for election at that election shall be guilty of an offence.
- (3) In proceedings for an offence under this paragraph, it shall be a defence for the defendant to show that he or she had reasonable grounds for believing that the candidate was eligible for election. 30
- (4) In this paragraph, “ineligible person” means a person who is not eligible to be elected to be Mayor.

### **Officer acting as agent of candidate or furthering candidature**

70. A returning officer, deputy returning officer or any person employed by any such officer who, for any purpose relating to a mayoral election— 35
- (a) acts as mayoral election agent or other agent for any candidate at that election, or

- (b) furthers or promotes the candidature of any candidate or the interests of any political party at that election,

shall be guilty of an offence.

#### **Obstruction of nomination or poll**

- 71. A person who at a mayoral election obstructs by violence the nomination of candidates or the poll shall be guilty of an offence. 5

#### **Damages for breach of duty by officers, etc.**

- 72. A person in whom functions vest under this Part who, without reasonable cause, fails or refuses to perform any such function shall be liable to an action for damages in respect of any loss or damage incurred by any other person by reason of the failure or refusal concerned. 10

#### **Interference with or destruction of postal ballot papers**

- 73. (1) Any person who, wilfully and without lawful authority—
  - (a) takes, destroys, conceals, opens or otherwise interferes with any ballot paper or other document sent to a postal voter at a mayoral election under this Part, 15
  - or
  - (b) supplies any such ballot paper or other document to a person other than the person lawfully entitled to receive it,shall be guilty of an offence.
- (2) A person who aids, abets, counsels or procures the commission of an offence under this paragraph or who causes or incites any other person to commit such an offence shall be guilty of an offence. 20

#### **Obstruction of or interference with electors**

- 74. (1) A person who, wilfully and without lawful authority, interferes with, obstructs or impedes an elector— 25
  - (a) going to or from a polling station, or
  - (b) in or in the vicinity of a polling station,shall be guilty of an offence.
- (2) A person who, during the specified period—
  - (a) loiters or congregates with other persons, 30
  - (b) attempts to induce, by any means—
    - (i) an elector to vote for a particular candidate or candidates, or
    - (ii) an elector to vote in a particular way or refrain from voting,
  - (c) displays or distributes any notice, sign, poster, card, circular or other document (other than a notice, sign or poster displayed by the returning officer) relating to the election concerned, or 35

(d) uses or causes to be used any loud-speaker or other public address mechanism to publish or broadcast matter relating to the election,

in or in the curtilage of a polling station or in any place within 50 metres of such station, for the purpose of—

(i) promoting the interest of a political party or promoting or furthering the candidature of a candidate or candidates, or 5

(ii) soliciting votes for a candidate or candidates or for any contrary purpose, shall be guilty of an offence.

(3) For the purpose of this paragraph, a polling station shall be deemed to include all parts of the building and any land within the curtilage of the building in which the polling station is situated and the distance referred to in *subparagraph (2)* shall be measured from any entrance to the polling station or to the curtilage thereof. 10

(4) In this paragraph, “specified period” means, in relation to a poll at a mayoral election, the period— 15

(a) commencing 30 minutes before the time appointed for the taking of the poll (including a poll that has been adjourned under article 69 (applied by *paragraph 41*) of the Local Elections Regulations), and

(b) ending 30 minutes after the close of the poll.

**Personation agent leaving polling station without permission** 20

75. (1) A personation agent shall not, during the hours fixed under *paragraph 6* for the holding of the poll at a mayoral election, leave the polling station to which the personation agent is appointed without first obtaining the permission of the presiding officer and depositing with the presiding officer all registers, books and documents in which the personation agent has made any note, writing or mark during the poll. 25

(2) A personation agent who contravenes *subparagraph (1)* shall be guilty of an offence.

(3) A personation agent who contravenes *subparagraph (1)* shall not return to the polling station referred to in that subparagraph without first obtaining the permission of the presiding officer. 30

**Prohibition on voting by person registered as elector when not entitled to be so registered**

76. (1) A person—

(a) who is registered in the register of electors but is not entitled to be so registered, or 35

(b) who is not registered in that register, shall not vote at a mayoral election.

(2) A person who contravenes *subparagraph (1)* shall be guilty of an offence.

### **Unlawful marking of ballot papers by person acting as companion**

77. A person who contravenes paragraph (8) or (9) of article 65 (applied by *paragraph 41*) of the Local Elections Regulations shall be guilty of an offence.

### **False statement of withdrawal or death of candidate**

78. A person who, between the date of publication of the notice of election and the date on which the return is made of the person elected to be Mayor under *paragraph 55*, publishes a false statement of the withdrawal or death of a candidate at the election that he or she knows to be false shall be guilty of an offence. 5

### **Misleading statement as to process of voting**

79. Any person who, before or during a mayoral election, makes or publishes any statement that is likely to mislead voters as to the process of voting at the election and that he or she knows to be so misleading shall be guilty of an offence. 10

### **Handling of ballot papers by candidate or agent**

80. A candidate in a mayoral election or a mayoral agent or other agent of such a candidate who handles a ballot paper during the counting of the votes at a mayoral election shall be guilty of an offence. 15

### **Unauthorised inspection of documents**

81. A person who, without lawful authority, inspects a document to which *paragraph 58* applies shall be guilty of an offence.

### **Corrupt withdrawal of petition**

82. A person who makes an agreement or gives an undertaking to withdraw a petition presented under *Chapter 15*—

(a) in consideration of any payment,

(b) in consideration of the person deemed to have been elected to the office of Mayor relinquishing that office, or 25

(c) for any substantive reason not stated in the affidavit referred to in *subparagraph (4) of paragraph 98*,

shall be guilty of an offence.

### **Limitation of time for prosecution of offence**

83. Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under *paragraph 66, 75 or 80* may be instituted— 30

(a) not later than 12 months from the date of the offence, or

(b) in the case of an offence committed in relation to a mayoral election as respects which proceedings are before the High Court under *Chapter 15*—

(i) not later than 12 months from the date of the offence, or 35

(ii) not later than 3 months from the conclusion of those proceedings,

whichever occurs later, but proceedings for an offence to which this clause applies shall not be instituted after the expiration of 2 years from the date of the offence.

## Penalties

84. (1) A person guilty of an offence under this Chapter (other than an offence referred to in *subparagraph (2)*) shall be liable—
- (a) on summary conviction, to a class D fine or imprisonment for a period not exceeding 6 months or both, or 5
  - (b) on conviction on indictment, to a fine not exceeding €3,200 or imprisonment for a period not exceeding 2 years or both.
- (2) A person guilty of an offence under *paragraph 66, 75 or 80* shall be liable on summary conviction to a fine not exceeding €600 or imprisonment for a period not exceeding 3 months or both. 10

## Compensation where certain charge is unjustly made or not prosecuted

85. Where any person is arrested under article 67 of the Local Elections Regulations (applied by *paragraph 41*) on a charge made by a personation agent that such person has committed the offence of personation and either such personation agent (or someone on the agent's behalf) fails to appear before the court and support the charge, or the court acquits the person of having committed the offence and finds that the charge was made by the personation agent without reasonable or just cause, the court may, at the request of the person so charged but not otherwise, order the personation agent to pay to the person such sum not exceeding €600 as the court shall think proper by way of damages, and such sum when duly paid shall be accepted by the person so charged in full satisfaction of all claims by that person in respect of damages arising from the said charge and arrest and detention thereon. 15 20

## Certificate of returning officer to be *prima facie* evidence

86. In any proceedings for an offence in relation to a mayoral election, a document purporting to be signed by the returning officer for that election certifying that the election was duly held and that a particular person was a candidate in the election shall be evidence unless the contrary is shown of those matters stated. 25

## CHAPTER 15

### *Petitions*

## Interpretation

87. In this Chapter—
- “costs” includes charges and expenses;
  - “electoral offence” means an offence under—
    - (a) *Chapter 14*, or
    - (b) Part X of the Electoral Act 1997; 35
  - “petition” means a petition presented to the High Court under this Chapter.

## Questioning mayoral election

88. (1) A mayoral election shall not be questioned except by a petition.



- (2) A petition shall not be presented under this Chapter without the leave of the High Court.
- (3) An application for leave to present a petition under this Chapter may be made to the High Court—
- (a) not later than 14 days after the day on which the returning officer declares the result of the mayoral election, 5
  - (b) in the case of an allegation of a contravention of *subparagraphs (1) or (3) of paragraph 61*, not later than 14 days after the day on which the contravention is alleged to have occurred, or
  - (c) in the case of an allegation of a failure (before, on or after the returning officer declares the result of the mayoral election) to comply with Part X of the Electoral Act 1997, not later than 14 days after the laying of a copy of a statement of election expenses before each House of the Oireachtas in accordance with section 106 of that Act. 10
- (4) An application to which *clause (b) or (c) of subparagraph (3)* applies may be made even where the High Court has already considered and adjudicated upon a petition presented by or on behalf of a person other than the person who or on whose behalf the application is made in relation to the declaration of the result of the mayoral election concerned. 15
- (5) An application for leave to present a petition under this Chapter may be made by— 20
- (a) a person whose name is entered on the register of electors,
  - (b) a person who would be entitled to have his or her name entered in that register were he or she to apply to have his or her name so entered, or
  - (c) the Director of Public Prosecutions if it appears to him or her that grounds exist for believing that the result of the mayoral election concerned may have been affected by the commission of an offence under this Part. 25
- (6) The High Court shall, upon an application under this paragraph, grant leave to present a petition under this Chapter if, in relation to the mayoral election concerned, it is satisfied that there is *prima facie* evidence of a ground referred to in *paragraph 92*. 30

### Presenting of petition

89. (1) A petition shall be presented to the High Court by lodging it in the Central Office of that court not later than 3 days after the grant of leave under *paragraph 88*.
- (2) Where a petition is presented to the High Court in accordance with *subparagraph (1)*, the person (in this Chapter referred to as the “petitioner”) by whom, or on whose behalf, the petition is presented shall, as soon as may be after its having been so presented, give a copy of the petition to— 35
- (a) the person deemed to be elected Mayor in accordance with the declaration under *paragraph 54*, 40
  - (b) the Minister,

- (c) the returning officer,
- (d) the director general, and
- (e) the Director of Public Prosecutions, unless the petitioner is the Director of Public Prosecutions.

**Security for costs** 5

90. (1) The Central Office shall not accept the lodgement of a petition under *subparagraph (1) of paragraph 89* until the petitioner lodges with that office—
- (a) security in the sum of €6,350, or
  - (b) such lesser sum as the High Court may require in accordance with *subparagraph (2)*, 10
- for costs that may become payable by the petitioner should the High Court adjudicate against the petitioner on the question to which the petition relates.
- (2) Where the High Court is satisfied that—
- (a) a petitioner is unable to lodge the sum specified in *subparagraph (1)*, or
  - (b) to require a petitioner to lodge the said sum would cause the petitioner undue financial hardship, 15
- the court may require the petitioner to lodge such lesser amount as the court considers appropriate.
- (3) The security required to be given by a petitioner in accordance with this paragraph shall be given by— 20
- (a) recognisances entered into by any number, not exceeding 4, of sureties satisfactory to the court,
  - (b) a deposit of money by the petitioner, or
  - (c) partly by such recognisances and partly by such deposit.
- (4) This paragraph shall not apply to a petition presented by the Director of Public Prosecutions. 25

**Particulars in petition**

91. A petition shall be signed and dated by the petitioner and shall specify—
- (a) the mayoral election to which it relates,
  - (b) the grounds on which it is based, 30
  - (c) the nature of the remedy sought, and
  - (d) the name and address of the petitioner and of the petitioner’s solicitor or agent (if any).

**Grounds for petition**

92. (1) A mayoral election may be questioned on the grounds that— 35
- (a) the candidate at a mayoral election was not eligible for election, or

- (b) the result of the mayoral election in accordance with a declaration made under *paragraph 54* was likely to have been affected by—
  - (i) the commission of an electoral offence,
  - (ii) the obstruction of, or interference with, the conduct of the election,
  - (iii) mistake or other irregularity, or 5
  - (iv) the failure by the returning officer to conduct the election in accordance with this Part.
- (2) A mayoral election shall not be declared invalid by reason only of—
  - (a) a failure to comply with Part X of the Electoral Act 1997, or
  - (b) any mistake in the use of forms provided for in that Part, 10

if it appears to the High Court, upon the hearing of a petition under this Chapter, that a candidate or party, as the case may be, acted in good faith and complied with the principles of that Part taken as a whole and that such failure or mistake did not materially affect the result of the election.
- (3) Notwithstanding any other provision of this Chapter, a petition shall not be dismissed by reason only of an informality in its contents that does not materially affect its substance. 15

### **Hearing of petition**

- 93. (1) A petition shall be heard by the High Court.
- (2) The High Court shall fix the earliest practicable date to be the date for the commencement of the hearing of the petition. 20
- (3) Where, after the commencement of the hearing of a petition under this Chapter and before final judgment is given in relation to the petition, the person to whose election the petition relates dies or resigns, the High Court may, if it considers that the interest of justice so require, continue to hear the petition. 25
- (4) The Director of Public Prosecutions may at any stage be joined as a party to the proceedings consisting of the hearing of a petition by the High Court on either his or her application or the direction of the court.
- (5) Upon the direction of the High Court, the returning officer for the Limerick City and County Electoral Area shall— 30
  - (a) attend the hearing of a petition under this Chapter, and
  - (b) give all such assistance to the court as it may require.
- (6) *Subparagraph (5)* is without prejudice to the returning officer's being a party to the proceedings concerned or being called as a witness in such proceedings.

### **Matters relating to final order on trial of petition**

35

- 94. (1) The order of the High Court, upon the hearing of a petition under this Chapter, shall contain a declaration deciding the question in the petition.
- (2) A decision under *subparagraph (1)* shall consist of—

- (a) the dismissal of the petition and the upholding of the result declared under *paragraph 54* of the poll in the mayoral election concerned, or
  - (b) a declaration that the mayoral election concerned was, in whole or in part, not conducted in accordance with this Part.
- (3) Where the High Court makes a declaration under *clause (b)* of *subparagraph (2)*, it shall include with the declaration a statement of its reasons. 5
- (4) The court shall, as soon as practicable after it has made a decision under *subparagraph (1)*, give a copy of the decision to—
- (a) the person to whose election the decision relates,
  - (b) the Minister, 10
  - (c) the returning officer,
  - (d) the director general, and
  - (e) the Director of Public Prosecutions, unless the petitioner is the Director of Public Prosecutions.
- (5) The court shall have power to make such amendments in the return of the person elected made to the director general by the returning officer under *paragraph 55* as it considers necessary in consequence of its decision on a petition. 15
- (6) As soon as practicable after a copy of the decision is given to the director general in accordance with *subparagraph (4)*, the director general shall inform the members of Limerick City and County Council of the terms of the decision. 20

**Counting of votes afresh**

95. (1) The High Court may, upon the hearing of a petition under this Chapter and in addition to the order under *paragraph 94*, make an order directing that—
- (a) all votes cast in the poll concerned be counted afresh, or
  - (b) all votes so cast and recorded on the ballot papers contained in a particular parcel be so counted. 25
- (2) Subject to *subparagraphs (3)* and *(4)*, votes to which an order under this paragraph applies shall be counted afresh under the direction of the High Court, and *Chapter 12* shall apply *mutatis mutandis* to such counting.
- (3) Where votes are counted afresh in accordance with an order under this paragraph, the following preferences on a ballot paper shall be disregarded: 30
- (a) preferences recorded on ballot papers that are invalid by virtue of *subparagraph (1)* of *paragraph 49*;
  - (b) preferences recorded on forged or counterfeited ballot papers;
  - (c) preferences recorded for any person who, with respect to the mayoral election, is found by the court not to have been eligible to be elected to be Mayor. 35
- (4) The court shall have power to reverse any decision of the returning officer at the original count.

- (5) The costs of complying with an order under this paragraph shall be paid out of moneys provided by Limerick City and County Council.

### **Appeal to Supreme Court**

96. (1) Subject to *subparagraph (2)*, the decision of the High Court under *paragraph 95* shall be final. 5
- (2) Any party to proceedings in the hearing of a petition may appeal the decision of the High Court under *paragraph 95* to the Supreme Court on a point of law only.

### **New mayoral election**

97. (1) Subject to *subparagraph (2)*, where the High Court makes a declaration under *clause (b) of subparagraph (2) of paragraph 94*, a new mayoral election shall be held in accordance with this Part and, accordingly a notice of election in respect of such election shall be published in accordance with *paragraph 15* not later than 3 months after the making of the declaration. 10
- (2) *Subparagraph (1)* shall not apply if the holding of the new election would, but for this paragraph, take place during the period of 3 months before the 1st day of May in any year in which an election referred to in section 26 of the Principal Act is required to be held. 15

### **Withdrawal of petition**

98. (1) A petition shall not be withdrawn without the leave of the High Court.
- (2) The High Court shall not grant leave to withdraw a petition unless it is satisfied that the notice given under *subparagraph (5)* was reasonable. 20
- (3) Where a petition was presented by, or on behalf of, more than one person, the High Court shall not grant leave to withdraw the petition unless it is satisfied that each such person agrees to the withdrawal.
- (4) An application for leave to withdraw a petition in accordance with this paragraph shall be accompanied by an affidavit sworn by the applicant stating— 25
- (a) the reasons for the proposed withdrawal, and
- (b) that, to the best of the applicant's knowledge and belief, no agreement or undertaking has been made or entered into in relation to the withdrawal of the petition— 30
- (i) in consideration of any payment,
- (ii) in consideration of the person deemed to have been elected to the office of Mayor relinquishing that office, or
- (iii) for any substantive reason not stated in the affidavit,
- and, in the case of an intention to make an application to which *subparagraph (3)* applies, each petitioner shall, unless the High Court otherwise directs, swear an affidavit under this subparagraph. 35
- (5) A petitioner who intends to apply for leave to the High Court to withdraw a petition shall, before making the application—

- (a) publish a notice in at least 2 daily newspapers circulating in the Limerick City and County Electoral Area of his or her intention to so apply stating the time and place at which the application shall be made and that any person to whom *subparagraph (5) of paragraph 88* applies may apply to the court to be substituted for the petitioner in the proceedings concerned, and 5
- (b) except in the case of a petition presented by the Director of Public Prosecutions, give to the Director of Public Prosecutions a notice of the time and place at which the application shall be made and a copy of the affidavit referred to in *subparagraph (4)*,
- and, in the case of an application to which *clause (b)* applies, the Director of Public Prosecutions may be represented at the hearing of, and may oppose, the application. 10
- (6) The grant of leave by the High Court to withdraw a petition shall not affect the liability of any person for the costs incurred up until the date of such grant in relation to the petition. 15
- (7) On the hearing of an application by a petitioner under this paragraph, any person to whom *subparagraph (5) of paragraph 88* applies may apply to the High Court to be substituted for the petitioner in proceedings for the hearing of the petition concerned.
- (8) Upon an application to withdraw a petition under this paragraph, the High Court may, instead of granting leave to withdraw the petition and where it considers appropriate, direct that a person who makes an application under *subparagraph (7)* shall, in the proceedings for the hearing of the petition, be substituted for the petitioner who made the first-mentioned application, and references in this Chapter to petitioner shall be construed as including references to a person so substituted. 20 25

### **Substitution of new petitioner following withdrawal**

99. (1) Where the High Court—
- (a) gives a direction under *subparagraph (8) of paragraph 98*, and
- (b) is of the opinion that the petitioner applied for leave to withdraw the petition concerned pursuant to an agreement or undertaking referred to in *paragraph 82*, 30
- the court may direct that the security for costs given by that petitioner shall continue to be the security for the costs that may be incurred by the person (in this paragraph referred to as the “substituted petitioner”) whose name was substituted in the proceedings for the hearing of the petition in accordance with the said direction and that, to the extent only of the sum named in the security or of which the security consists, the first-mentioned petitioner and his or her sureties (if any) shall be liable to pay the costs of the substituted petitioner. 35
- (2) Where the High Court— 40
- (a) gives a direction under *subparagraph (8) of paragraph 98* but does not give a direction under *subparagraph (1)*, or

(b) substitutes a petitioner under *subparagraph (4) of paragraph 100*,  
the security required by *paragraph 90* in the case of a new petition, and subject  
to the like conditions, shall be given by the substituted petitioner, and in case  
such security is not so given, no further proceedings shall be had on the petition  
and the petition shall abate, but the abatement shall not affect the liability of any 5  
person (or of the estate of such person) for the payment of costs previously  
incurred.

#### **Abatement of petition**

100. (1) (a) Where a petitioner dies before final judgment is given in proceedings in  
relation to the petition concerned, proceedings in relation to the petition shall 10  
stand abated.
- (b) *Clause (a)* shall not apply where the petition was presented by more than one  
petitioner unless all such petitioners die before final judgment is given in  
relation to the petition.
- (2) The abatement of proceedings under *subparagraph (1)* shall not affect the 15  
liability of any person to pay costs incurred prior to such abatement.
- (3) Any person to whom *subparagraph (4) of paragraph 88* applies may, not later  
than 14 days after the abatement of proceedings in relation to a petition under this  
paragraph, apply to the High Court to be substituted for the deceased petitioner in  
the proceedings. 20
- (4) Upon an application under *subparagraph (3)*, the High Court may, where it  
considers appropriate, direct that the applicant be substituted for the deceased  
petitioner, and references in this Chapter to petitioner shall be construed as  
including references to a person so substituted.
- (5) Upon the giving of a direction under *subparagraph (4)*, the proceedings 25  
concerned shall be continued.

#### **Effect of certain declarations by court**

101. (1) Where, on the hearing of a petition under this Chapter, the High Court decides  
that—
- (a) the person deemed to be elected Mayor in accordance with the declaration 30  
under *paragraph 54* was not eligible to be elected to be Mayor, or
- (b) the mayoral election concerned was, in whole or in part, not conducted in  
accordance with this Part,
- the person to whom the declaration relates shall cease to be deemed to have been  
elected Mayor on the day immediately following the day on which a copy of the 35  
decision is given to the director general in accordance with *subparagraph (4) of  
paragraph 94* and that office shall, save in the case of a decision to which  
*subparagraph (2)* applies, stand vacant.
- (2) Where the High Court decides under *paragraph 94* that, but for—

(a) the person deemed to have been elected Mayor in accordance with the declaration under *paragraph 54* having been ineligible to be elected to be Mayor, or

(b) the mayoral election having been, in whole or in part, not conducted in accordance with this Part, 5

the result of the poll at the election concerned would have necessitated the making of a declaration by the returning officer under *paragraph 54* that would have resulted in another candidate having been deemed to be elected Mayor at that election, that candidate shall, from the day immediately following the day on which a copy of the decision is given to the director general in accordance with *subparagraph (4) of paragraph 94*, stand so elected. 10

**No action to be taken in certain circumstances to fill mayoral vacancy**

102. An election for the filling of a vacancy in the office of Mayor shall not be held and a notice of election shall not be published in accordance with *paragraph 15* during any period commencing on the presentation of a petition under this Chapter and ending on the giving of final judgment in relation to such petition. 15

**Witnesses**

103. (1) The High Court may, at any time during proceedings in the hearing of a petition and in addition to any person called to give evidence by a party to the proceedings, direct that a particular person attend and give evidence at the hearing, and where the court so directs the cost (including witness expenses) of the person's so attending shall be regarded as part of the costs of the petition. 20

(2) A person to whom a direction under *subparagraph (1)* is given shall comply with that direction.

(3) A person who is called to give evidence at the trial of a petition shall not be excused from answering any question relating to an electoral offence on the grounds that the answer to the question might incriminate or tend to incriminate that person, or on grounds of privilege. 25

(4) Evidence given by a person at the hearing of a petition shall not be admissible as evidence in any proceedings for an offence (other than the offence of perjury) brought against that person. 30

**Costs of petition**

104. The costs (other than the costs of counting votes afresh under *paragraph 95*) of, and incidental to, a petition shall be determined by the High Court and the court shall—

(a) have the power to order such costs (or any part thereof) of any party to proceedings at the hearing of the petition to be paid by any other such party, and 35

(b) where the court orders the petitioner to pay such costs to any such party, directs that all or part of those costs be paid out of the security given by the petitioner in accordance with *paragraph 90*. 40



### Further provisions regarding costs

105. (1) Subject to *subparagraph (4)*, the costs and other expenses incurred on behalf of a returning officer at the trial of a petition shall be paid out of moneys provided by Limerick City and County Council.
- (2) Costs awarded to the returning officer in proceedings for the hearing of a petition shall be— 5
- (a) payable to Limerick City and County Council, and
  - (b) recoverable by Limerick City and County Council as a simple contract debt in any court of competent jurisdiction.
- (3) Subject to *subparagraphs (4) and (5)*, costs awarded against the returning officer at the trial of a petition shall be paid out of moneys provided by Limerick City and County Council. 10
- (4) Where the High Court is satisfied that the returning officer has been grossly negligent in the discharge of his or her duties, it may order that the returning officer shall be personally liable for any costs awarded against him or her by the court. 15
- (5) Where an order is made under *subparagraph (4)*, any costs awarded against the returning officer concerned, that are paid out of moneys provided by Limerick City and County Council, shall be—
- (a) a simple contract debt due to Limerick City and County Council by the returning officer, and 20
  - (b) recoverable by Limerick City and County Council in any court of competent jurisdiction.

### Service of documents

106. A copy of an order, petition or other document that is required to be served on or given to a person under this Chapter shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways: 25
- (a) by delivering it to the person;
  - (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or 30
  - (c) by sending it by post in a prepaid registered letter addressed to the person at the address at which the person ordinarily resides, or in a case in which an address for service has been furnished, at that address.

Part 2

FORM OF BALLOT PAPER

(FRONT OF PAPER)

**Toghchán do Mhéara Luimnigh**

**Mayor of Limerick election**

5

**TREORACHA**

1. Scríobh an figiúr 1 sa bhosca le hais an chéad iarrthóra is rogha leat, scríobh an figiúr 2 sa bhosca le hais an dara hiarrthóir is rogha leat, agus mar sin de.
2. Fill an páipéar ionas nach bhfeicfear do vóta. Taispeáin cúl an pháipéir don oifigeach ceannais, agus cuir sa bhosca ballóide é.

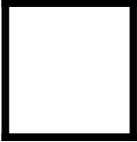
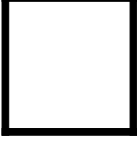
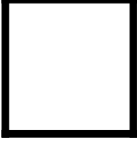
10

**INSTRUCTIONS**

1. Write 1 in the box beside the candidate of your first choice, write 2 in the box beside the candidate of your second choice, and so on.
2. Fold the paper to conceal your vote. Show the back of the paper to the presiding officer and put it in the ballot box.

15

<b>DOYLE – LIBERAL SOCIALISTS</b> MARY DOYLE, of 10 High Street, Knockmore, Nurse.	Emblem	Photograph	<input type="checkbox"/>	
<b>LYNCH – URBAN PARTY</b> JANE ELLEN LYNCH, of 12 Main Street, Ardstown, Shopkeeper.	Emblem	Photograph	<input type="checkbox"/>	20
<b>MURPHY</b> PATRICK MURPHY, of 12 Main Street, Ballyduff, Carpenter.		Photograph	<input type="checkbox"/>	25
<b>Ó BRIAIN — CUMANN NA SAORÁNACH</b> SÉAMUS Ó BRIAIN, as 10 An tSráid Ard, Carn Mór, Oide Scoile.	Emblem	Photograph	<input type="checkbox"/>	
<b>O'BRIEN – NON-PARTY</b> EAMON O'BRIEN, of 22 Wellclose Place, Knockbeg, Barrister.			<input type="checkbox"/>	30

<b>O'BRIEN – THE INDEPENDENT PARTY</b> ORLA O'BRIEN, of 103 Eaton Brae, Cahermore, Solicitor.	Emblem	Photograph		
<b>O'CONNOR — NATIONAL LEAGUE</b> CAROLINE O'CONNOR, of 7 Green Street, Carnmore, Engineer.	Emblem	Photograph		5
<b>THOMPSON — RURAL PARTY</b> WILLIAM H. THOMPSON, of Dereen, Ballyglass, Farmer.	Emblem	Photograph		10

(Back of Paper)

Uimhir/Number .....

Toghchán do Mhéara Luimnigh 15

Mayor of Limerick election

(Back of Counterfoil)

Comhdhuille Uimhir

Counterfoil No. ....



Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(b) subsection (2)(c) were deleted,</p> <p>(c) the following subsection were substituted for subsection (3):</p> <p>“(3) Subject to <i>section 9</i> of the <i>Local Government (Mayor of Limerick) Act 2023</i>, any reference in any other enactment to the lord mayor, mayor, chairman, deputy lord mayor, deputy mayor or vice-chairman or cognate words shall, in the case of Limerick City and County Council, where the context so requires, be read as a reference to the <i>Príomh Chomhairleoir</i>, or the <i>Leas-Phríomh Chomhairleoir</i>, of Limerick City and County Council.”,</p> <p>(d) subsection (6) were deleted, and</p> <p>(e) the following subsection were inserted:</p> <p>“(6A) The Mayor of Limerick may nominate, from among the other members of Limerick City and County Council, a member for the purpose of representing the Mayor at any ceremony or event in that capacity and that member shall be entitled to act in that capacity for such purpose.”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>
7.	Section 32	<p>Section shall apply as if—</p> <p>(a) in subsection (1A)—</p> <p>(i) “Limerick City Council or” were deleted in paragraph (a),</p> <p>(ii) “(other than a municipal district situated in Limerick City and County Council)” were inserted after “municipal district” where it first occurs in paragraph (c), and</p> <p>(b) subsection (4) were deleted.</p>	<p>35</p> <p>40</p>
8.	Section 34	<p>Section shall apply as if the following subsection were substituted for subsection (1):</p>	



Reference Number (1)	Provision (2)	Extent of Modification (3)	
		(d) in subsection (7), “the Mayor of Limerick” were substituted for “the chief executive”.	5
14.	Section 120	Section shall, in addition to its applying to the director general by virtue of <i>subsection (3) of section 26</i> , apply as if “Mayor of Limerick” were substituted for “chief executive” in each place that it occurs in subsection (4).	10
15.	Section 126H	Section shall apply as if, in subsection (6)— (a) “Limerick City and County Council or the Southern Regional Assembly” were substituted for “a local authority or regional assembly”, and (b) “, or the Mayor of Limerick” were inserted after “as the case may be”.	15
16.	Section 128C	Section shall apply as if the following were substituted for paragraph (b) of subsection (2):  “(b) the Mayor of Limerick or such other person employed by, or seconded to, Limerick City and County Council (either by name or by reference to the person for the time being holding or exercising the functions of a particular post in that authority) standing nominated for the time being by the director general of Limerick City and County Council, following consultation with the Mayor of Limerick,”.	20  25  30
17.	Section 132	Section shall, in addition to its applying to the director general by virtue of <i>subsection (3) of section 26</i> , apply in respect of functions vesting in the Mayor by virtue of <i>subsection (2) of section 10</i> as if— (a) in subsection (1)— (i) “the Mayor of Limerick” were substituted for “every chief executive”, and (ii) “Limerick City and County Council” were substituted for “a local authority or a joint body for which he or she is chief executive”, (b) in subsection (3)— (i) “the Mayor of Limerick” were substituted for “every chief executive”,	35  40  45  50

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(ii) “Limerick City and County Council” were substituted for “a local authority or a joint body for which he or she is chief executive”,</p> <p>(iii) “of Limerick City and County Council” were substituted for “of which he or she is chief executive”, and</p> <p>(iv) “the Mayor of Limerick” were substituted for “the chief executive” in paragraph (b),</p> <p>(c) in subsection (5)—</p> <p>(i) “Mayor of Limerick” were substituted for “chief executive” in each place that it occurs,</p> <p>(ii) “Limerick City and County Council” were substituted for “a local authority or a joint body for which he or she is chief executive”, and</p> <p>(iii) “or joint body” were deleted,</p> <p>(d) in subsection (6)—</p> <p>(i) “or a Mayoral report as provided for in section 136(2A)” were inserted after “management report as provided for in section 136(2)”,</p> <p>(ii) “Mayor of Limerick” were substituted for “chief executive”, and</p> <p>(iii) “or joint body” were deleted,</p> <p>(e) in subsection (7), “Mayor of Limerick” were substituted for “chief executive” in each place that it occurs, and</p> <p>(f) in subsection (8)—</p> <p>(i) “Mayor of Limerick” were substituted for “chief executive”, and</p> <p>(ii) “response of the Mayor of Limerick” were substituted for “chief executive’s response”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
18.	Section 133	<p>Section shall apply as if—</p> <p>(a) in subsection (1)—</p> <p>(i) in paragraph (a), “Mayor of Limerick” were substituted for “Cathaoirleach of the local authority”, and</p> <p>(ii) the following paragraph were inserted after paragraph (a):</p> <p>“(aa) the Príomh Chomhairleoir of Limerick City and County Council,”,</p> <p>(b) in subsection (3)—</p> <p>(i) “The Mayor of Limerick” were substituted for “The chief executive”, and</p> <p>(ii) “Limerick City and County Council” were substituted for “the local authority”,</p>	<p>40</p> <p>45</p> <p>50</p> <p>55</p>



Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(c) in paragraph (a) of subsection (4)—</p> <p>(i) “The Mayor of Limerick” were substituted for “The chief executive”, and</p> <p>(ii) “the draft budget of Limerick City and County Council” were substituted for “the local authority’s draft budget”,</p> <p>(d) in subsection (5)—</p> <p>(i) in paragraph (a)—</p> <p>(I) “the director general of Limerick City and County Council or the Mayor of Limerick” were substituted for “the chief executive” where it first occurs, and</p> <p>(II) “the director general of Limerick City and County Council or the Mayor of Limerick, as the case may be” were substituted for “the chief executive” where it second occurs, and</p> <p>(ii) in paragraph (b), “The director general of Limerick City and County Council or the Mayor of Limerick, as the case may be,” were substituted for “A chief executive”,</p> <p>(e) in subsection (6)—</p> <p>(i) the following paragraph were substituted for paragraph (a):</p> <p>“(a) Where the policy group requests a report under subsection (5)—</p> <p>(i) the Príomh Chomhairleoir of Limerick City and County Council may at the time of such request by direction in writing signed and dated by him or her and given to the director general of Limerick City and County Council or the Mayor of Limerick, or</p> <p>(ii) the Mayor of Limerick may at the time of such request by direction in writing signed and dated by him or her and given to the director general of Limerick City and County Council,</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>require the person to whom the direction is given to refrain from doing any particular act, matter or thing related to the subject matter of the report and specifically mentioned in the direction and which Limerick City and County Council or the person to whom the direction is given can lawfully refrain from doing.”, and</p> <p>(ii) in paragraph (e), “The director general of Limerick City and County Council or the Mayor of Limerick, as the case may be,” were substituted for “The chief executive”,</p> <p>(f) in subsection (7)—</p> <p>(i) “Limerick City and County Council” were substituted for “a local authority” in each place that it occurs, and</p> <p>(ii) “, the Mayor of Limerick or the director general of Limerick City and County Council” were substituted for “or chief executive”,</p> <p>(g) in subsection (9), “the Mayor of Limerick or the director general of Limerick City and County Council” were substituted for “the chief executive”, and</p> <p>(h) in subsection (10), “the Mayor of Limerick, the director general of Limerick City and County Council, every” were substituted for “chief executive” in paragraph (b).</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
19.	Section 134	Section shall apply as if “the Mayoral programme and such policies and objectives” was substituted for “such policies and objectives” in subsection (7).	40
20.	Section 136	<p>Section shall apply as if—</p> <p>(a) in subsection (1)—</p> <p>(i) “the Mayor of Limerick or director general of Limerick City and County Council” were substituted for “a chief executive” where it first occurs,</p> <p>(ii) the following paragraph were substituted for paragraph (a):</p> <p>“(a) by the elected council, or the Príomh Chomhairleoir of Limerick City and County Council,”</p>	<p>45</p> <p>50</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(iii) “Limerick City and County Council” were substituted for “a local authority for which he or she is the chief executive” in paragraph (b),</p> <p>(iv) “Limerick City and County Council” were substituted for “a local authority for which he or she is the chief executive” in paragraph (c),</p> <p>(v) “Limerick City and County Council” were substituted for “a local authority for which he or she is the chief executive” in paragraph (d),</p> <p>(vi) “the Mayor of Limerick or the director general of Limerick City and County Council” were substituted for “he or she” in paragraph (e),</p> <p>(vii) “council, municipal district members, Príomh Chomhairleoir of Limerick City and County Council, Cathaoirleach, committee, chairperson or joint body concerned (as the case may be)” were substituted for “council, municipal district members, Cathaoirleach, committee, chairperson or joint body concerned (as the case may be)”, and</p> <p>(viii) “the Mayor of Limerick or the director general of Limerick City and County Council” were substituted for “such chief executive”,</p> <p>(b) in subsection (2), “the director general of Limerick City and County Council shall prepare” were substituted for “the chief executive shall prepare”,</p> <p>(c) the following subsection were inserted after subsection (2):</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>“(2A) Subject to subsections (3) and (4), on or before the seventh day of each month, or such other date in each month set by resolution of the council, the Mayor shall prepare a report, to be known as the Mayoral report, in relation to the performance of his or her executive functions during the preceding calendar month, including implementation of policy or other matters required by the council in the exercise of its reserved functions, and the provision of services by the council, and shall on the set day furnish a copy of the Mayoral report to each member of Limerick City and County Council.”,</p> <p>(d) in subsection (3), “and Mayoral report” were inserted after “management report” in each place that it occurs,</p> <p>(e) in subsection (5), “and Mayoral report” were inserted after “management report”, and</p> <p>(f) in subsection (6), “and Mayoral reports” were inserted after “management reports”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p>
21.	Section 138	Section shall, in addition to its applying in respect of the functions of the director general by virtue of <i>subsection (3) of section 26</i> , apply in respect of the functions vesting in the Mayor by virtue of <i>subsection (2) of section 10</i> as if “Mayor of Limerick” were substituted for “chief executive” in each place that it occurs.	35
22.	Section 139	Section shall apply as if “director general of Limerick City and County Council or Mayor of Limerick, as the case may be,” were substituted for “chief executive” in subsection (2).	40
23.	Section 140	Section shall, in addition to its applying to the director general by virtue of <i>subsection (3) of section 26</i> , apply to the Mayor as if “Mayor of Limerick” were substituted for “chief executive” in each place that it occurs.	45

Reference Number (1)	Provision (2)	Extent of Modification (3)	
24.	Section 144	<p>Section shall apply as if—</p> <p>(a) in subsection (1), “Subject to <i>section 26 of the Local Government (Mayor of Limerick) Act 2023, for every</i>” were substituted for “For every”,</p> <p>(b) in paragraph (a) of subsection (3), “the Mayor of Limerick or the director general of Limerick City and County Council, as may be appropriate” were substituted for—</p> <p>(i) “a chief executive”, and</p> <p>(ii) “the chief executive of a city and county council”, and</p> <p>(c) in subsection (4), “or, in the case of Limerick City and County Council, the Mayor of Limerick or the director general of Limerick City and County Council in accordance with <i>section 10 or 26, as the case may be, of the Local Government (Mayor of Limerick) Act 2023</i>” were inserted after “local authority concerned”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
25.	Section 149	<p>Section shall, in addition to its applying in respect of the functions of the director general by virtue of <i>subsection (3) of section 26</i>, apply in respect of the functions vesting in the Mayor by virtue of <i>subsection (2) of section 10</i> as if—</p> <p>(a) in subsection (2)—</p> <p>(i) “The Mayor of Limerick is responsible for” were substituted for “In respect of each local authority for which he or she is chief executive, a chief executive is responsible for”, and</p> <p>(ii) “Limerick City and County Council” were substituted for “each such local authority” in paragraph (a),</p> <p>(b) the following subsection were substituted for subsection (3):</p> <p>“(3) For the purposes of discharging the responsibilities set out under subsection (2), the Mayor of Limerick shall—</p> <p>(a) exercise and perform the executive functions of Limerick City and County Council, and</p> <p>(b) for that purpose carry on and manage and control generally the administration and business of that local authority.”,</p> <p>(c) the following subsection were substituted for subsection (5):</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p> <p>45</p> <p>50</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)
		<p>“(5) All such matters and things, including the making of contracts and the affixing of the official seal, as are necessary for or incidental to the exercise or performance of the executive functions of Limerick City and County Council shall, subject to this Act or any regulations made under it, be done by the Mayor of Limerick.”, 5</p> <p>(d) the following subsection were substituted for subsection (6): 10</p> <p>“(6) Subject to law, the executive functions of the Mayor of Limerick shall be performed in accordance with the policy of Limerick City and County Council as determined by the elected council in accordance with Chapter 1 of this Part.”, 15</p> <p>(e) in subsection (7), “The Mayor of Limerick” were substituted for “The chief executive”, and 20</p> <p>(f) in subsection (8), “The Mayor of Limerick” were substituted for “The chief executive”. 25</p>
26.	Section 151	<p>Section shall, in addition to its applying in respect of the functions of the director general by virtue of <i>subsection (3) of section 26</i>, apply in respect of the functions vesting in the Mayor by virtue of <i>subsection (2) of section 10</i> as if— 30</p> <p>(a) in subsection (1)— 35</p> <p>(i) “Mayor of Limerick” were substituted for “chief executive” where it first occurs, and</p> <p>(ii) “Limerick City and County Council” were substituted for “each local authority for which he or she is chief executive”, 40</p> <p>(b) in subsection (2)—</p> <p>(i) “the Mayor of Limerick” were substituted for “a chief executive” in paragraph (a), and 45</p> <p>(ii) “the Mayor of Limerick” were substituted for “the chief executive” in paragraph (d),</p> <p>(c) in subsection (3)—</p> <p>(i) “The Mayor of Limerick” were substituted for “Every chief executive”, 50</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)
		<p>(ii) “Limerick City and County Council” were substituted for “each local authority for which he or she is chief executive”, and</p> <p>(iii) “Limerick City and County Council” were substituted for “such local authority”,</p> <p>(d) in subsection (4)—</p> <p>(i) “Limerick City and County Council” were substituted for “a local authority”,</p> <p>(ii) “Mayor of Limerick” were substituted for “chief executive”, and</p> <p>(iii) “Limerick City and County Council” were substituted for “the local authority”,</p> <p>(e) in subsection (5)—</p> <p>(i) “Limerick City and County Council” were substituted for “a local authority”,</p> <p>(ii) “Mayor of Limerick” were substituted for “chief executive for the local authority”, and</p> <p>(iii) “by the Mayor of Limerick” were substituted for “by the chief executive”,</p> <p>(f) in subsection (6)—</p> <p>(i) “the Mayor of Limerick” were substituted for “a chief executive”, and</p> <p>(ii) “the Mayor of Limerick” were substituted for “such chief executive” in each place that it occurs,</p> <p>(g) in subsection (7)—</p> <p>(i) “the Mayor of Limerick” were substituted for “a chief executive” in each place that it occurs, and</p> <p>(ii) “the Mayor of Limerick” were substituted for “such chief executive” in each place that it occurs,</p> <p>(h) in subsection (8), “the Mayor of Limerick or Limerick City and County Council” were substituted for “a chief executive or a local authority”, and</p> <p>(i) in subsection (10), “the Mayor of Limerick” were substituted for “a chief executive”.</p>
27.	Section 153	<p>Section shall, in addition to its applying to the director general by virtue of <i>subsection (3) of section 26</i>, apply in respect of the functions vesting in the Mayor by virtue of <i>subsection (2) of section 10</i> as if—</p> <p>(a) in subsection (1)—</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)
		<p>(i) “Mayor of Limerick” were substituted for “chief executive for a local authority”, and 5</p> <p>(ii) the following paragraph were substituted for paragraph (a):</p> <p>“(a) shall act for and on behalf of Limerick City and County Council in relation to executive functions vested in the Mayor of Limerick by virtue of <i>subsection (2) of section 10 of the Local Government (Mayor of Limerick) Act 2023</i> in every action or other legal proceeding whether civil or criminal, instituted by or against Limerick City and County Council, and” and 10</p> <p>(b) in subsection (2)—</p> <p>(i) “Limerick City and County Council” were substituted for “the local authority”, 20</p> <p>(ii) “Mayor of Limerick” were substituted for “chief executive for that authority”, and</p> <p>(iii) “Limerick City and County Council” were substituted for “such local authority”. 25</p>
28.	Section 154	<p>Section shall apply as if—</p> <p>(a) in subsection (2)—</p> <p>(i) “The director general of Limerick City and County Council” were substituted for “A chief executive for a local authority”, 30</p> <p>(ii) “, or such of any functions delegated to him or her by the Mayor of Limerick under <i>section 27 of the Local Government (Mayor of Limerick) Act 2023,</i>” were inserted after “such of his or her functions”, 35</p> <p>(iii) “Limerick City and County Council” were substituted for “any local authority for which he or she is chief executive”, and 40</p> <p>(iv) “director general of Limerick City and County Council” were substituted for “chief executive”, 45</p> <p>(b) in subsection (3), as if “the director general of Limerick City and County Council” were substituted for “the chief executive” in each place that it occurs, 50</p> <p>(c) in subsection (4), as if—</p>



Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(i) “Without prejudice to <i>subsection (4) of section 27 of the Local Government (Mayor of Limerick) Act 2023</i>, where a function” were substituted for “Where a function”,</p> <p>(ii) “the director general of Limerick City and County Council” were substituted for “the chief executive”, and</p> <p>(iii) “the director general of Limerick City and County Council” were substituted for “such chief executive”,</p> <p>(d) in subsection (5), as if “The director general of Limerick City and County Council” were substituted for “The chief executive”, and</p> <p>(e) in subsection (6), as if “the director general of Limerick City and County Council” were substituted for “the chief executive”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p>
29.	Section 159	<p>Section shall apply as if—</p> <p>(a) in subsection (1)—</p> <p>(i) “The director general of Limerick City and County Council” were substituted for “The chief executive”, and</p> <p>(ii) “the functions of Limerick City and County Council for which he or she is responsible and the carrying out by the Mayor of Limerick of his or her functions or functions of Limerick City and County Council for which he or she is responsible” were substituted for “the functions of the local authorities for which he or she is responsible”,</p> <p>(b) “the director general of Limerick City and County Council or the Mayor of Limerick” were substituted for “chief executive” in subsection (2), and</p> <p>(c) in subsection (3), “the director general of Limerick City and County Council or the Mayor of Limerick” were substituted for “the chief executive”.</p>	<p>25</p> <p>30</p> <p>35</p> <p>40</p>
30.	Section 174	<p>Section shall, in addition to subsections (7) and (8) applying to the director general by virtue of <i>subsection (3) of section 26</i>, apply as if the following subsection were substituted for subsection (7):</p>	45

Reference Number (1)	Provision (2)	Extent of Modification (3)
		<p>“(7) Where the ethics registrar, or director general of Limerick City and County Council in relation to paragraph (c), becomes aware of a possible contravention of this Part it is his or her duty to bring the matter to the attention of—</p> <p>(a) the director general of Limerick City and County Council, in case the matter relates to any other employee,</p> <p>(b) the Príomh Chomhairleoir of Limerick City and County Council and the Mayor of Limerick, in case the matter relates to the director general of Limerick City and County Council,</p> <p>(bb) the Príomh Chomhairleoir of Limerick City and County Council and the director general of Limerick City and County Council, in case the matter relates to the Mayor of Limerick,</p> <p>(c) the Príomh Chomhairleoir of Limerick City and County Council, in case the matter relates to the ethics registrar,</p> <p>(d) the director general of Limerick City and County Council and the Mayor of Limerick, in case the matter relates to the Príomh Chomhairleoir of Limerick City and County Council,</p> <p>(e) the Príomh Chomhairleoir of Limerick City and County Council, the director general of Limerick City and County Council and the Mayor of Limerick, in case the matter relates to a member of Limerick City and County Council other than the Príomh Chomhairleoir of Limerick City and County Council, and</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		(f) in any other case, the director general of Limerick City and County Council.”.	5
31.	Section 176	Section shall apply as if— (a) in subsection (1), “the performance by the Mayor of Limerick or Limerick City and County Council” were substituted for “the performance by the local authority concerned”, and (b) in subsection (2), “the performance by the Mayor of Limerick or Limerick City and County Council” were substituted for “the performance by the local authority”.	10 15
32.	Section 178	Section shall, in addition to paragraph (b) of subsection (2) and subsection (5) applying to the <i>Príomh Chomhairleoir</i> by virtue of <i>subsection (2) of section 23</i> , and subsections (1), (2), (4) and (5) applying to the director general by virtue of <i>subsection (3) of section 26</i> , apply to the Mayor as if— (a) the following subsection were substituted for subsection (1): “(1) This section applies where the Mayor of Limerick has actual knowledge that he or she or a connected person has a pecuniary or other beneficial interest in, or which is material to, any matter which is proposed or otherwise arises from or as regards the performance by Limerick City and County Council of any of its functions under this or any other enactment.”, (b) the following subsection were substituted for subsection (2): “(2) Where subsection (1) relates to the Mayor of Limerick, he or she shall comply with the following requirements: (a) he or she shall neither influence nor seek to influence a decision of Limerick City and County Council as regards the matter;	20 25 30 35 40 45

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(b) he or she shall, as soon as may be, disclose in writing the nature of his or her interest or the fact of a connected person’s interest, to the Príomh Chomhairleoir of Limerick City and County Council who shall furnish such written disclosure to the ethics registrar without delay.”,</p> <p>(c) the following subsection were substituted for subsection (4): “(4) Where a function would normally be dealt with by the Mayor of Limerick, the function shall be delegated by him or her in accordance with <i>section 27 of the Local Government (Mayor of Limerick) Act 2023</i>, after disclosure under subsection (2).”, and</p> <p>(d) the following subsection were substituted for subsection (5): “(5) The Mayor of Limerick shall inform the Príomh Chomhairleoir of Limerick City and County Council of any delegation under subsection (4).”.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p>
33.	Section 180	<p>Section shall apply as if—</p> <p>(a) the following paragraph were substituted for paragraph (a) of subsection (3): “(a) Where a report prepared by the Commission relates to—</p> <p>(i) the director general of Limerick City and County Council, it shall be furnished to the Príomh Chomhairleoir of Limerick City and County Council and the Mayor of Limerick,</p> <p>(ia) the Mayor of Limerick, it shall be furnished to the Príomh Chomhairleoir of Limerick City and County Council and the director general of Limerick City and County Council,</p>	<p>30</p> <p>35</p> <p>40</p> <p>45</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		<p>(ii) the Príomh Chomhairleoir of Limerick City and County Council, it shall be furnished to the Leas-Phríomh Chomhairleoir of Limerick City and County Council, the director general of Limerick City and County Council and the Mayor of Limerick,</p> <p>(iii) any other member of Limerick City and County Council, it shall be furnished to the Príomh Chomhairleoir of Limerick City and County Council, the director general of Limerick City and County Council and the Mayor of Limerick,</p> <p>(iv) any employee of Limerick City and County Council other than the director general of Limerick City and County Council, it shall be furnished to the director general of Limerick City and County Council, and</p> <p>(v) any other person to whom subsection (1) or (2) of section 167 relates, it shall be furnished to the director general of Limerick City and County Council.”, and</p> <p>(b) “, (ia)” were inserted after “subparagraph (i)” in paragraph (a) of subsection (4).</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p> <p>40</p>
34.	Section 214	<p>Section shall, in addition to its applying to the director general by virtue of <i>subsection (3) of section 26</i>, apply to the Mayor as if, in subsection (5)—</p> <p>(a) “the Mayor of Limerick” were substituted for “a chief executive”,</p> <p>(b) “Limerick City and County Council” were substituted for “a local authority for which he or she is chief executive”, and</p>	<p>45</p> <p>50</p>

Reference Number (1)	Provision (2)	Extent of Modification (3)	
		(c) “Limerick City and County Council” were substituted for “the local authority” in each place that it occurs.	5
35.	Section 218	Section shall apply as if the following subsection were inserted after subsection (1): “(1A) The Mayor of Limerick shall not be eligible to be appointed a commissioner under this section.”.	10
36.	Section 229	Section shall, in addition to its applying in respect of the functions of the director general by virtue of <i>subsection (3) of section 26</i> , apply in respect of the functions vesting in the Mayor by virtue of <i>subsection (2) of section 10</i> as if “Mayor of Limerick” were substituted for “chief executive” in each place that it occurs.	15
37.	Section 234	Section shall apply as if the reference to chief executive in subsection (1) included a reference to— (a) the director general, and (b) the Mayor.	20
38.	Schedule 8	Act shall apply as if Schedule were deleted.	25
39.	Schedule 10	Schedule shall apply as if— (a) “, or <i>section 54 of the Local Government (Mayor of Limerick) Act 2023</i> ,” were inserted after “section 34 or 146” in subparagraph (3) of paragraph 1, (b) “, or <i>section 54 of the Local Government (Mayor of Limerick) Act 2023</i> ,” were inserted after “section 34 or 146” in subparagraph (3) of paragraph 7, and (c) “(other than the Mayor of Limerick)” were inserted after “one of the members” in subparagraph (3) of paragraph 10.	30  35



# BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú maidir le hoifig méara do limistéar riaracháin Chomhairle Cathrach agus Contae Luimnigh a bhunú agus maidir le duine a thoghadh chun na hoifige sin; do dhéanamh socrú maidir le feidhmeanna áirithe a thabhairt don mhéara sin; do dhéanamh socrú maidir le hathruithe struchtúracha coimhdeacha i dtaca le Comhairle Cathrach agus Contae Luimnigh do rialú an limistéar riaracháin sin; do dhéanamh socrú maidir le pobalbhreitheanna a ghlacadh i dtaobh socrú a dhéanamh maidir le hoifigí méaraí do na limistéir riaracháin arb i ndáil leo a ghlacfar na pobalbhreitheanna sin a chruthú agus maidir le toghthóirí na limistéar riaracháin sin do thoghadh daoine chun na n-oifigí sin; chun na gcríoch sin, do leasú an Achta Toghcháin, 1992, an Achta Toghcháin, 1997, an Achta um Thruailliú ó Bhruscar, 1997, an Achta Toghcháin (Leasú), 2004, an Achta Toghcháin (Leasú), 2006 agus an Achta um Athchóiriú Toghcháin, 2022, do dhéanamh an tAcht Rialtais Áitiúil, 2001 a chur chun feidhme, fara modhnuithe, agus a leasú, agus d'aisghairm Chuid 6 den Acht Rialtais Áitiúil, 2019; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

An tAire Tithíochta, Rialtais Áitiúil agus  
Oidhreacht a thíolaic,

3 Lúnasa, 2023

# BILL

(as initiated)

entitled

An Act to provide for the establishment of an office of mayor for the administrative area of Limerick City and County Council and the election of a person to that office; to provide for the conferral of certain functions on the said mayor; to provide for ancillary structural changes in connection with the governance of that administrative area by Limerick City and County Council; to provide for the holding of plebiscites on the question of providing for the creation of offices of mayors for the administrative areas in relation to which such plebiscites are held and the election by the electors of those administrative areas of persons to such offices; for those purposes to amend the Electoral Act 1992, the Electoral Act 1997, the Litter Pollution Act 1997, the Electoral (Amendment) Act 2004, the Electoral (Amendment) Act 2006 and the Electoral Reform Act 2022, to apply with modifications and amend the Local Government Act 2001, and to repeal Part 6 of the Local Government Act 2019; and to provide for matters connected therewith.

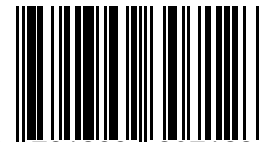
Presented by the Minister for Housing, Local  
Government and Heritage,

3rd August, 2023

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,  
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