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*Number 28 of 2003*

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## **HOUSES OF THE OIREACTHAS COMMISSION ACT 2003**

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## HOUSES OF THE OIREACTHAS COMMISSION ACT 2003

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

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

### PART 1

#### PRELIMINARY AND GENERAL

**1.—(1)** This Act may be cited as the Houses of the Oireachtas Commission Act 2003. Short title and commencement.

(2) This Act comes into operation on the establishment day.

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

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

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

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

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

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

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

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

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

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

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

“Minister” means the Minister for Finance;

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

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

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

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

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

(2) In this Act—

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

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

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

## PART 2

### THE COMMISSION

Establishment of  
Commission.

3.—(1) (a) Subject to *paragraph (b)*, the establishment day for the purposes of this Act is 1 January 2004.

(b) *Section 4(8)* shall not come into operation until a resolution is passed under *subsection (2)*.

(2) (a) If Dáil Éireann by resolution so declares, *section 4(8)*, insofar as it relates to Dáil Éireann or a Committee appointed by Dáil Éireann, shall come into operation on such day as may be specified in the resolution.

(b) If Seanad Éireann by resolution so declares, *section 4(8)*, insofar as it relates to Seanad Éireann or a Committee

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appointed by Seanad Éireann, shall come into operation on such day as may be specified in the resolution. Pr.2 S.3

- (c) If Dáil Éireann and Seanad Éireann by resolution so declare, *section 4(8)*, insofar as it relates to a Committee appointed by both Dáil Éireann and Seanad Éireann, shall come into operation on such day as may be specified in the resolution.

(3) On the establishment day, there shall stand established a body to be known as *Coimisiún Thithe an Oireachtais* or, in the English language, the Houses of the Oireachtas Commission, which shall perform the functions conferred on it by or under this Act.

(4) The Commission is a body corporate with perpetual succession and it has power to sue and it may be sued in its corporate name and may hold and transfer property.

(5) Subject to this Act, the Commission is independent in the performance of its functions.

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

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

- (a) to oversee ongoing expenditure,
- (b) to pay the salaries and expenses of the Office of the Houses of the Oireachtas, including certain grants-in-aid and certain expenses in connection with the European Parliament, referred to in *Schedule 1*,
- (c) (i) subject to *subparagraph (ii)*, to exercise the functions of the Minister, including any functions regarding the making of regulations insofar as they relate to those functions, in respect of the provision of secretarial facilities as provided for in the following enactments:

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

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

- (ii) in relation to secretarial facilities referred to at *subparagraph (i)*, to obtain the consent of the Minister before reaching an agreement with any person in

relation to rates of pay, conditions of employment or superannuation rights,

- (d) to exercise the functions of the Minister under section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996,
- (e) to make legal advice available, in respect of matters arising on or after the establishment day, to—
  - (i) members of Dáil Éireann and Seanad Éireann, as regards matters arising from their membership of Dáil Éireann or Seanad Éireann, and
  - (ii) Oireachtas Committees,
- (f) subject to *subsections (6) and (7)*—
  - (i) in relation to matters arising solely from the performance by them of their parliamentary functions as members of Dáil Éireann or of a Committee appointed by Dáil Éireann, and where authorised by Dáil Éireann to do so on behalf of such members, and in accordance with the terms of such authorisation, to—
    - (I) initiate legal proceedings as plaintiff or applicant,
    - (II) seek leave to intervene in existing legal proceedings,
    - (III) seek leave to be joined as a notice party in legal proceedings,
  - (ii) in relation to matters arising solely from the performance by them of their parliamentary functions as members of Seanad Éireann or of a Committee appointed by Seanad Éireann, and where authorised by Seanad Éireann to do so on behalf of such members, and in accordance with the terms of such authorisation, to—
    - (I) initiate legal proceedings as plaintiff or applicant,
    - (II) seek leave to intervene in existing legal proceedings,
    - (III) seek leave to be joined as a notice party in legal proceedings,
  - (iii) in relation to matters arising solely from the performance by them of their parliamentary functions as members of a Committee appointed by both Dáil Éireann and Seanad Éireann, and where authorised by Dáil Éireann and Seanad Éireann to do so on behalf of such members, and in accordance with the terms of such authorisation, to—
    - (I) initiate legal proceedings as plaintiff or applicant,
    - (II) seek leave to intervene in existing legal proceedings,

(III) seek leave to be joined as a notice party in legal Pr.2 S.4 proceedings,

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

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

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

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

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

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

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

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

(3) The functions of the Minister, other than functions that relate to reaching an agreement with any person in relation to rates of pay, conditions of employment or superannuation rights, in respect of the provision of secretarial facilities under the following enactments, including functions in relation to the making of regulations, are transferred to the Commission on and from the establishment day:

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

- (b) section 2 of the Oireachtas (Allowances to Members) Act 1962 (as amended by section 11 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 and by section 33 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001).
- (4) (a) The functions of the Minister under section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996, are transferred to the Commission on and from the establishment day.
- (b) Section 4 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996 is amended by deleting the words “Where an injury is claimed to have been sustained” where they appear in subsections (1) and (2) and substituting them with “Subject to *section 4(4)(a)* of the *Houses of the Oireachtas Commission Act 2003*, where an injury is claimed to have been sustained”.
- (5) The Commission has the powers that are necessary for or incidental to the performance of its functions under this Act.
- (6) In this section “legal proceedings” means proceedings before a court or other tribunal including an arbitrator in respect of a cause of action accruing on or after the establishment day.
- (7) Legal proceedings referred to in *subsection (2)(f)* or an order made in relation to them shall not be affected by a dissolution of Dáil Éireann or a general election for Seanad Éireann after the dissolution.
- (8) (a) In any legal proceedings referred to at *subsection (2)(f)* against members of a Committee appointed by Dáil Éireann or Seanad Éireann, or a Committee appointed by both Dáil Éireann and Seanad Éireann it shall be sufficient—
- (i) where the Committee is still in existence when the proceedings are commenced, to name the Chairperson of that Committee to conduct the defence of such proceedings in such cause or matter, on behalf, or for the benefit, of all members so interested,
- (ii) where the Committee has ceased to exist before the proceedings are commenced, to name the Commission to conduct the defence of such proceedings in such cause or matter, on behalf, or for the benefit, of all members so interested.
- (b) In any legal proceedings referred to at *paragraph (a)(i)* where the Committee ceases to exist after the proceedings are commenced, the Commission shall be taken to be the Chairperson of the Committee to defend the proceedings in such cause or matter, on behalf, or for the benefit, of all members so interested.
- (c) In any legal proceedings referred to at *paragraph (a)(ii)*, it shall not be necessary for the Commission to obtain an authorisation from—

- (i) Dáil Éireann to conduct the defence of proceedings against members of a Committee appointed by Dáil Éireann, Pr.2 S.4
- (ii) Seanad Éireann to conduct the defence of proceedings against members of a Committee appointed by Seanad Éireann, or
- (iii) Dáil Éireann and Seanad Éireann to conduct the defence of proceedings against members of a Committee appointed by Dáil Éireann and Seanad Éireann.

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

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

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

6.—(1) The Commission shall prepare and publish a report in each year (in this Act referred to as the “annual report”) on the activities of the Commission in the previous year. Reports.

(2) The first annual report shall be in respect of the period beginning on the establishment day and ending on the following 31 December and shall be published not later than the following 30 June.

(3) Each subsequent annual report shall be published not later than 6 months after the end of the year to which it relates.

(4) Each annual report shall be laid by the Commission before both Houses of the Oireachtas.

(5) If requested to do so by either House of the Oireachtas or by an Oireachtas Committee authorised by the standing orders of either such House to do so, the Secretary General shall furnish to the House or Committee, on behalf of the Commission, information relating to one or more of the following:

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

7.—(1) The Chairman of Dáil Éireann is the chairperson of the Commission and is to ensure that it performs its functions efficiently. Chairperson of Commission.

(2) There shall be a deputy chairperson of the Commission (“the deputy chairperson”).

Pr.2 S.7

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

Membership and  
term of office.

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

- (a) the Chairman of Dáil Éireann;
- (b) the Chairman of Seanad Éireann;
- (c) the Secretary General;
- (d) a member appointed by the Minister (and in this Act referred to as the “Minister’s representative”), and
- (e) not more than 7 ordinary members.

(2) The Minister’s representative shall be a member of one of the Houses of the Oireachtas.

(3) (a) 4 of the ordinary members of the Commission shall be appointed by Dáil Éireann or a Committee of that House authorised by it to do so and shall be members of that House.

(b) 3 of the ordinary members of the Commission shall be appointed by Seanad Éireann or a Committee of that House authorised by it to do so and shall be members of that House.

(4) In relation to the ordinary members of the Commission referred to in *subsection (3)* and the Minister’s representative—

- (a) subject to *paragraph (b)*, the first such appointments shall be made after the passing of this Act,
- (b) no appointment referred to at *paragraph (a)* shall take effect until the establishment day,
- (c) subsequent appointments shall be made as soon as may be after the first meeting of the House, or Committee concerned, after a general election for members of that House.

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(5) Section 3 of the Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998 (as amended by section 39 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001) is amended— Pr.2 S.8

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

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

“or

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

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

and

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

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

and

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

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

(6) Subject to this section, an ordinary member of the Commission (other than an ordinary member of the Commission who is deputy chairperson and who is performing the functions of chairperson at the time of the dissolution of Dáil Éireann because the chairperson is unable to perform his or her functions) who is a member of Dáil Éireann or Seanad Éireann holds office, as may be appropriate, until—

(a) the dissolution of Dáil Éireann occurring next after his or her appointment as such member, or he or she ceases to be a member,

(b) the day before the polling day of the general election for Seanad Éireann next held after his or her appointment as such member, or he or she ceases to be a member.

(7) A member of the Commission referred to in *subsection (6)(b)* ceases to hold office as such member if he or she becomes a member of Dáil Éireann.

(8) An ordinary member of the Commission may resign his or her office at any time by letter addressed to the body that appointed him or her.

(9) The body that receives a letter under *subsection (8)*, shall cause a copy of it be sent to the Secretary General, as soon as may be after receipt of it.

(10) A person who is an ordinary member of the Commission or the Minister's representative ceases to be a member of the Commission if he or she ceases to be a member of a House of the Oireachtas.

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

- (a) the member has become incapable through ill health of effectively performing the duties of such a member,
- (b) the member has committed stated misbehaviour, or
- (c) the removal appears to the Committee to be necessary for the effective performance of the functions of the Commission.

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

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

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

(15) Where an ordinary member of the Commission ceases to be a member under *subsection (7)*, *(8)* or *(10)* or is removed under *subsection (11)*, the House of the Oireachtas of which he or she was a member immediately prior to such cesser, or a Committee of that House authorised by it to do so, may appoint another member of that House to be an ordinary member of the Commission in his or her place.

(16) Where the Minister's representative ceases to be a member of the Commission under *subsection (10)* or *(13)* or is removed from office as such a member under *subsection (14)* the Minister may appoint a member of either House of the Oireachtas to be the Minister's representative on the Commission in place of the other Minister's representative.

(17) A member of the Commission, other than the Minister's representative, ceases to hold office as such member if he or she is appointed to be a Minister of the Government, a Minister of State or Attorney General.

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(18) Subject to *section 10(3)*, the Commission may act despite one or more vacancies in its membership. Pr.2 S.8

**9.**—(1) If Dáil Éireann is dissolved, the chairperson or, if the chairperson is unable to perform his or her functions, the deputy chairperson of the Commission continues to hold office until the Chairman of Dáil Éireann is elected following such dissolution. Membership following dissolution of Dáil Éireann.

(2) The Minister shall appoint a Minister of the Government or a Minister of State to be a member of the Commission if the Minister's representative—

(a) ceases to be a member of Dáil Éireann, following a dissolution of that House, or

(b) ceases to be a member of Seanad Éireann, following a general election for that House after the dissolution referred to in *paragraph (a)*, or following his or her election to Dáil Éireann in a general election or bye-election.

(3) A member of the Commission appointed under *subsection (2)* shall hold office until Dáil Éireann next meets following the dissolution, election or bye-election referred to in *subsection (2)*.

**10.**—(1) The Commission shall hold such and so many meetings as may be necessary for the performance of its functions. Meetings.

(2) The chairperson shall fix the date, time and place of the first meeting of the Commission.

(3) The quorum for a meeting of the Commission is 4.

(4) The chairperson of the Commission shall preside at any meetings of the Commission.

(5) If the chairperson is not present at a meeting of the Commission the deputy chairperson shall preside at the meeting.

**11.**—(1) With effect from the establishment day the following are transferred to the Commission— Transfer of rights and liabilities.

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

(b) all liabilities incurred before that day by the Office of the Houses of the Oireachtas in the performance by it of its functions,

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

(i) the said property, shall on that day vest in the Commission for all the estate, term or interest for which, immediately before that day, it was vested in the Office of the Houses of the Oireachtas, but subject to all trusts and equities affecting the property and capable of being performed,

Pr.2 S.11

- (ii) those rights shall, as and from that day be enjoyed by the Commission, and
- (iii) those liabilities shall, as and from that day, be liabilities of the Commission.

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

Staff of  
Commission.

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

(2) Every person referred to in *subsection (1)* who was a civil servant before the establishment day continues to be a civil servant after that day.

(3) The Commission shall—

- (a) appoint persons to be members of the joint staff of the Houses of the Oireachtas, and be the employer of those persons,
- (b) determine, subject to *paragraph (c)*, staff requirements,
- (c) obtain the consent of the Minister to appoint staff at or above the grade of or equivalent to Principal (Higher),
- (d) appoint persons to scheduled occupations within the meaning of section 2(1) of the Civil Service Commissioners Act 1956, and be the employer of those persons,
- (e) where it considers it appropriate to do so, recommend to the Government the dismissal of an established civil servant employed in the Office of the Houses of the Oireachtas,
- (f) dismiss a civil servant employed in the Office of the Houses of the Oireachtas who is not an established civil servant or who is in a probationary position within the meaning of section 7 of the Civil Service Regulation Act 1956, as amended by section 7 of the Civil Service Regulation (Amendment) Act 1958.

(4) (a) References in any enactment to members of the staff of the Houses of the Oireachtas shall be construed as references—

- (i) to members of the staff of the Commission who immediately before the establishment day were members of the staff of the Houses of the Oireachtas, and
- (ii) to persons appointed after that day to be members of the staff of the Commission and who occupy positions corresponding to positions before the establishment day on the staff of the Houses of the Oireachtas.

(b) References in any enactment to members of the joint staff of the Houses of the Oireachtas shall be construed as references—

Pr.2 S.12

- (i) to members of the staff of the Commission who immediately before the establishment day were members of the joint staff of the Houses of the Oireachtas, and
- (ii) to persons appointed after that day to be members of the staff of the Commission and who occupy positions corresponding to positions before the establishment day on the joint staff of the Houses of the Oireachtas.

**13.—(1)** The Commission shall prepare and publish a statement of estimates of the amount of moneys required by it in respect of ongoing expenditure for—

Annual estimate of ongoing expenditure.

- (a) in the case of the first statement, the period beginning on the establishment day and ending on the following 31 December, and
- (b) in the case of every subsequent statement, the period of 12 months starting on 1 January in each year.

(2) The second statement of estimates and subsequent statements of estimates shall include a breakdown of moneys paid out by the Commission in respect of ongoing expenditure for the period covered by the immediately preceding statement of estimates.

(3) In each year a statement of estimates of the Commission shall be—

- (a) presented to Dáil Éireann, on a motion that Dáil Éireann take note of the statement, by a member of the Commission who is a member of Dáil Éireann, or any other member of Dáil Éireann nominated by the Commission for that purpose, and
- (b) when Dáil Éireann has taken note of the statement in accordance with *paragraph (a)*, furnished by the Secretary General to the Minister not later than 30 days before the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of the Expenditure in that year.

(4) If, in any year, the Commission fails to prepare and publish a statement of estimates in accordance with this section, the Minister shall make such provision as he or she sees fit for the purposes of the presentation by the Minister to Dáil Éireann of the Estimates of the Receipts and Estimates of the Expenditure in that year.

- (5) (a) If, in any year, the chairperson of the Commission shows to the satisfaction of the Minister in a document provided by him or her, that the expenditure incurred by the Commission to be charged on and paid out of the Central Fund under *section 5(1)* will exceed the sum referred to in *section 5(2)* before further provision can be made by the Oireachtas in relation to the funding of the Commission, additional expenditure of the Commission not exceeding one half of the ongoing expenditure for the

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period covered in the statement of estimates last prepared and published under this section shall be charged on and paid out of the Central Fund.

- (b) *Subsection (5)(a)* may be applied only in respect of one year and after such application shall not have effect in relation to any other year.

Accounts.

**14.—(1)** The Commission shall keep in such form, and in respect of such accounting periods as may be approved of by the Minister, all proper and usual accounts of all moneys received or expended by it and shall keep any special accounts that the Minister may from time to time direct.

(2) In relation to accounts kept under this section the Secretary General shall—

- (a) submit them annually to the Comptroller and Auditor General for audit, not later than 3 months after the accounting period to which they relate, and
- (b) immediately after the audit referred to in *paragraph (a)*, present a copy of them, and the report of the Comptroller and Auditor General on them, to the Minister.

(3) The Minister shall lay copies of the audited accounts and the report referred to in *subsection (2)* before each House of the Oireachtas.

(4) Whenever required to do so by a Committee of Dáil Éireann established under the standing orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, the Secretary General shall give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account of the Commission subject to audit by the Comptroller and Auditor General,
- (b) the economy and efficiency of the Commission in the use of its resources,
- (c) the systems, procedures and practices employed by the Commission for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Commission referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (insofar as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann.

(5) In performing functions under *subsection (4)*, the Secretary General shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

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

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

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

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

Functions of the  
Secretary General.

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

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such assignments, in order to ensure coherence of policy across the Office of the Houses of the Oireachtas, and ensuring that, where appropriate, the responsibility for the performance of those functions is further assigned to other members of the staff of the Commission of an appropriate grade or rank,

- (i) providing progress reports on the implementation of the strategic plan, as defined in *subsection (4)(b)*, annually to the Commission.

(2) Nothing in *subsection (1)* shall be construed as preventing or limiting the Secretary General from carrying out, on behalf of the Commission, any other function of the Commission.

(3) The Secretary General shall be accountable to the Commission in carrying out the duties or functions referred to in *subsection (1)*.

- (4) (a) As soon as practicable after the establishment day, and after that within 6 months before each third anniversary of the establishment day or such other times as the Commission may direct, the Secretary General shall prepare and submit to the Commission, for approval with or without amendment by the Commission, a strategic plan for the following 3 year period.

- (b) For the purposes of this section, “strategic plan” means a plan that shall—

- (i) comprise the key objectives, outputs and related strategies including the use of resources of the Commission taking due account of relevant directions issued by the Government to Government Departments and Offices,

- (ii) be prepared in a form and manner in accordance with any directions issued from time to time by the Commission, and

- (iii) have regard to the need to make efficient use of the resources of the Commission.

- (c) As soon as practicable after the strategic plan has been approved, the Commission shall cause a copy of it to be laid before each House of the Oireachtas.

- (d) The Freedom of Information Act 1997 shall not apply to a record containing the following during the period of 5 years immediately following its creation:

- (i) a strategic plan that has not been approved under *paragraph (a)*,

- (ii) a preliminary or other draft of the whole or part of the material contained in a strategic plan,

- (iii) the unamended version of a strategic plan that is approved under *paragraph (a)* with amendment, or

- (iv) a direction under *subsection (5)* in connection with the obligations of the Secretary General under *subsection (4)(a)* and *(b)*.

(5) Subject to any other Act, but notwithstanding anything in this Act, the Commission may give directions to the Secretary General, in writing, in connection with the obligations of the Secretary General under *subsections (1) to (4)* other than *subsection (1)(g)*. Pr.2 S.16

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

- (i) provide policy advice in relation to the subject matter of the assignment and related matters,
- (ii) achieve the outputs specified in the assignment,
- (iii) assume responsibility for the statutory schemes or programmes specified in the assignment,
- (iv) assume responsibility for the delivery of quality services in respect of the area of the assignment,
- (v) ensure that the expenditure made in respect of the area of the assignment accords with the purpose for which the expenditure was chargeable to the accounts of the Commission and that value for money was obtained, and
- (vi) perform, on behalf of the Secretary General, functions in respect of appointments, performance and discipline of personnel in the area of the assignment, other than dismissals, that are the responsibility of the Secretary General under *subsection (1)(g)*.

(b) A member of staff of the Commission to whom the responsibility for the performance of functions has been assigned shall be accountable for the performance of those functions to the Secretary General and to such other members of staff of the Commission (if any) as may be specified under the assignment.

(7) The Secretary General, or any other member of staff of the Commission who is designated for the purposes of this section by the Secretary General, and to whom the relevant responsibility for the performance of functions has been assigned, and, when requested to do so in writing by an Oireachtas Committee authorised in that behalf to make the request in connection with the subject-matter before that Committee, shall appear before the Committee in relation to any strategic plan that has been laid before each House of the Oireachtas under *subsection (4)(c)*.

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

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Superannuation.

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

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

Application of Civil  
Service  
Commissioners Act  
1956.

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

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

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

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

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

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

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

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

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

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

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

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

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

[2003.]

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(iii) in all other respects, the Houses of the Oireachtas Commission, Pr.2 S.20

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

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

(a) in section 20—

- (i) in paragraph (a), by inserting “following consultation by him with the Houses of the Oireachtas Commission,” after “Chairman of Dáil Éireann,”,
- (ii) in paragraph (b), by inserting “following consultation by him with the Houses of the Oireachtas Commission,” after “Chairman of Seanad Éireann,”,
- (iii) in paragraph (c), by substituting “Chairman of Dáil Éireann, the Chairman of Seanad Éireann and the Houses of the Oireachtas Commission”, for “Chairman of Dáil Éireann and the Chairman of Seanad Éireann,”,
- (iv) in paragraph (d), by inserting “and the Houses of the Oireachtas Commission,” after “Chairman of Seanad Éireann,”,

(b) in section 21—

- (i) in subsection (1)—
  - (I) by substituting the following for the definition of “the appropriate authority”: “ ‘the appropriate authority’ means the Houses of the Oireachtas Commission;”, and

(II) by deleting the definition of “the chairman”,

(ii) by substituting the following for subsection (2):

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

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

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

“(3) (a) The Chairman of Dáil Éireann may terminate the suspension of a civil servant to whom this section applies who is

suspended under paragraph (a) of subsection (2) of this section,

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

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

“(4) Where the Chairman of Dáil Éireann or the Chairman of Seanad Éireann terminates the suspension of a civil servant under subsection (3) of this section and restores him or her to duty—

(a) the appropriate authority, if satisfied that considerations of equity so require, shall direct that ordinary remuneration, in whole or in part, as the appropriate authority may direct, shall be paid to that civil servant in respect of the period of suspension,

(b) before the appropriate authority decides not to give a direction under paragraph (a) of this subsection or decides to give a direction under that paragraph for payment of part only of ordinary remuneration, the civil servant shall be invited by the Commission to make representations to it in relation to the matter and the Commission shall consider any such representation made to it.”.

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

(a) in section 5—

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

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Commission Act 2003.*

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(b) in section 6—

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

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

(d) in section 8(1)—

- (i) by substituting “The Houses of the Oireachtas Commission,” for “The Chairman of Dáil Éireann, after consultation with the Chairman of Seanad Éireann,”, and
- (ii) by substituting “as it may determine.” for “as he may, with the sanction of the Minister, determine.”.

SCHEDULE 1

Section 2.

ONGOING EXPENDITURE

1. Administration:

- (a) salaries, wages and allowances in respect of members of staff of the Houses of the Oireachtas;
- (b) travel and subsistence;
- (c) incidental expenses;
- (d) postage and telecommunications services;
- (e) office machinery and other office supplies;
- (f) office premises expenses.

2. Other services:

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

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- (b) expenses of delegates to other parliamentary assemblies;
- (c) televising of proceedings of Dáil Éireann and Seanad Éireann and other services;
- (d) grant-in-aid in respect of inter-parliamentary activities;
- (e) grant-in-aid to British-Irish Inter-Parliamentary Body;
- (f) allowances to or in respect of former members of the Houses of the Oireachtas;
- (g) grant to Irish Parliamentary (former Members) Society;
- (h) grant-in-aid in respect of “*Ciste Pinsean Thithe an Oireachtas*”;
- (i) pension scheme for secretarial assistants;
- (j) expenses relating to Oireachtas Committees.

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

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

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

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

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

Section 5.

## SCHEDULE 2

### RECEIPTS OF THE COMMISSION

- 1. Sales of parliamentary publications.
- 2. Sales of televised proceedings of Dáil Éireann and Seanad Éireann.
- 3. Sales of services of Broadcasting Unit.
- 4. Net income of catering and bar services.
- 5. Members’ contributions under the European Parliament (Irish Representatives) Pension Scheme, 1979.

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6. Any other receipts obtained by the Commission in the perform- SCH. 2  
ance of its functions except where they consist of expenses paid by  
the Commission on behalf of its members and staff which have been  
recouped by it from them.

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BAILE ÁTHA CLIATH  
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