



STATUTORY INSTRUMENTS.

S.I. No. 167 of 2019



OIREACHTAS (MINISTERIAL AND PARLIAMENTARY OFFICES)
(SECRETARIAL FACILITIES) (AMENDMENT) REGULATIONS 2019.

S.I. No. 167 of 2019

Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities)
(Amendment) Regulations 2019.

The Houses of the Oireachtas Commission, in exercise of the powers conferred on it by section 2(1)(c) of the Oireachtas (Allowances to Members) Act 1962 (No. 32 of 1962) (section 2 having been replaced by the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 (No. 3 of 1992), and paragraph (c) having been inserted by the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996 (No. 39 of 1996)), and by section 10(5) and (13) (inserted by section 2 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2014 (No. 6 of 2014)) of the Ministerial and Parliamentary Offices Act 1938 (No. 38 of 1938), and by section 4(3) of the Houses of the Oireachtas Commission Act 2003 (No. 28 of 2003) (as amended by section 3(c) of the Houses of the Oireachtas Commission (Amendment) Act 2018 (No. 41 of 2018)) as well as by the amendment of Schedule 1 to that Act (as inserted by section 3 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012 (No. 50 of 2012)) by section 6 of the Houses of the Oireachtas Commission (Amendment) Act 2015 (No. 53 of 2015), hereby makes the following regulations:

Citation and collective citation

1. (a) These Regulations may be cited as the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) (Amendment) Regulations 2019.
- (b) The Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) Regulations 2016 (S.I. No. 599 of 2016), the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) (Amendment) Regulations 2018 (S.I. 426 of 2018) and these Regulations may be cited together as the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) Regulations 2016 to 2019, and shall be construed together as one.

Definition

2. In these Regulations “Regulations of 2018” means the Oireachtas (Ministerial and Parliamentary Offices) (Secretarial Facilities) (Amendment) Regulations 2018.

Qualifying parties and group member – Joint Committee on Climate Action

3. (1) The following Regulation is inserted after Regulation 3 of the Regulations of 2018—

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 23rd April, 2019.*

- “3A. (1) For the purpose of this Regulation and Schedule 1, a participating party means a qualifying party at least one member of which in his or her capacity as a member of Dáil Éireann or a member of Seanad Éireann has been appointed to the Joint Committee, and remains a participating party so long as at least one appointment to that Committee of a member of that party subsists.
- (2) A participating party is, so long as it remains a participating party, entitled to secretarial facilities consisting of employees in accordance with the allocation set out in Part 1 of Schedule 1.
- (3) The Commission must, subject to such conditions as the Commission directs, provide the Group member with additional secretarial facilities consisting of employees in accordance with the allocation set out in Part 2 of Schedule 1, where like provision was made to the Group member under Regulation 3.
- (4) The allocations referred to in paragraphs (2) and (3) and Schedule 1 must be applied subject to the following:
- (a) each employee is to be retained at the grade of senior administrator;
 - (b) employees to which the Group member or a participating party is entitled under this Regulation may engage in work sharing arrangements analogous to those contemplated by Regulation 3(1), Regulation 5(1), and paragraphs (1)(a), (2), and (3)(a) of Regulation 7 of the Principal Regulations; and
 - (c) an allocation of an employee or employees under this Regulation does not prejudice the entitlement under the Principal Regulations of the Group member or a participating party to secretarial assistance consisting of employees.
- (5) (a) Every participating party and the Group member are each entitled to secretarial facilities consisting of one suite of computer equipment specified in Part 1 of Schedule 2 and to the other facilities specified in Part 2 of that Schedule for each employee or equivalent to one-half of an employee provided for by this Regulation and Schedule 1.

- (b) Should any of the employees, being an employee to which a participating party or the Group member is entitled under this Regulation, engage in work sharing arrangements analogous to those contemplated by Regulation 3(1), Regulation 5(1), and paragraphs (1)(a), (2), and (3)(a) of Regulation 7 of the Principal Regulations, a maximum of one additional suite of computer equipment, as specified in Part 1 of Schedule 2, may be issued to the participating party or member in question.
- (c) Any reference in Schedule 2 to a person as being employed under Regulation 3 shall be construed as applying to persons who are employed or, as contemplated by paragraph (6)(a), who continue to be employed under this Regulation.
- (6) (a) A person providing secretarial facilities under this Regulation is the employee of the Group member or participating party to whom or to which the facility is provided under a contract of employment made between them (which contract may be one that was entered into in furtherance of Regulation 3).

(b) Each participating party and the Group member must to the greatest extent achievable arrange the party's or member's statutory obligations towards any such employee so that that employee does not remain in the party's or member's employment in consequence of this Regulation later than the termination date specified in sub-paragraph (c); subject to any such statutory obligation that unavoidably endures longer, the member's or participating party's entitlement under this Regulation to secretarial facilities consisting of employees ceases on the termination date.

(c) The termination date is the date on which—

 - (i) in the case of a qualifying party, that party ceases to be a participating party or, in the case of the Group member, the date that member ceases to be a member of the Joint Committee,
 - (ii) the date of the disbandment of the Joint Committee, or
 - (iii) the date of dissolution of the 32nd Dáil Éireann,

whichever first occurs.

- (d) An entitlement to secretarial facilities in accordance with paragraph (5) and Schedule 2 endures no longer than the entitlement to secretarial facilities consisting of employees as delimited by sub-paragraphs (b) and (c).
- (7) The following are not to be reckoned in the number of persons employed under this Regulation—
- (a) persons employed as substitutes for persons providing secretarial facilities, including a substitute who remains employed for a period of time upon the return of a person providing secretarial facilities, that period being determined by the Commission, or
 - (b) persons on unpaid leave, career breaks or secondment to other employment.
- (8) A person providing secretarial facilities must provide those facilities for—
- (a) a participating party, in Leinster House, or at the address of the party’s headquarters included in the Register of Political Parties maintained pursuant to section 25 of the Electoral Act 1992 as replaced by section 11 of the Electoral (Amendment) Act 2001,
 - (b) the Group member, in Leinster House or at or nearby the member’s residence,
- in accordance with the wishes of the member or the participating party, as the case may be.”
- (2) (a) Paragraph (1) is deemed to have come into operation on 2 March 2019.
- (b) For the avoidance of doubt, it is hereby confirmed that Regulation 3 of the Regulations of 2018 ceased to have effect in accordance with paragraph (9) of that Regulation immediately before paragraph (1) of this Regulation is deemed to have come into operation.

Amendment of Schedule 2 to the Regulations of 2018

4. Schedule 2 of the Regulations of 2018 is amended by the substitution of “Part 1” for “Part 2” where the latter heading first occurs in that Schedule, and by the deletion of the word “or” in paragraph 2(b) of Part 2 of that Schedule as so amended.



The Houses of the Oireachtas Commission Seal,

Affixed hereto

Was authenticated by

Member of the Houses of the Oireachtas Commission:

Dated: 16th April 2019

SEÁN Ó FEARGHAÍL,

Ceann Comhairle.



Member of staff of the Commission authorised by the Commission:

Dated: 16th April 2019

ANNE-MARIE FAHY,

Secretary

Houses of the Oireachtas Commission.

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