



Number 34 of 2015

Houses of the Oireachtas (Appointments to Certain Offices) Act 2015



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**HOUSES OF THE OIREACHTAS (APPOINTMENTS TO CERTAIN OFFICES) ACT
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[No. 34.]

*Houses of the Oireachtas
(Appointments to Certain Offices) Act 2015.*

[2015.]

ACTS REFERRED TO

Houses of the Oireachtas Commission (Amendment) Act 2009 (No. 44)

Houses of the Oireachtas Commission Act 2003 (No. 28)

Houses of the Oireachtas Commission Acts 2003 to 2013

Staff of the Houses of the Oireachtas Act 1959 (No. 38)



Number 34 of 2015

**HOUSES OF THE OIREACHTAS (APPOINTMENTS TO CERTAIN OFFICES) ACT
2015**

An Act to amend and extend the Staff of the Houses of the Oireachtas Act 1959 and the Houses of the Oireachtas Commission Act 2003 and to provide for related matters.

[15th October, 2015]

Be it enacted by the Oireachtas as follows:

Amendment of Staff of the Houses of the Oireachtas Act 1959

1. (1) In this section “Act of 1959” means the Staff of the Houses of the Oireachtas Act 1959.

(2) The Act of 1959 is amended by substituting the following section for section 5:

“Appointment of Clerk and Clerk-Assistant of Dáil Éireann

5. (1) The Clerk of Dáil Éireann shall be appointed by the Houses of the Oireachtas Commission on a recommendation (the ‘relevant recommendation’) that is made by the Chairman of Dáil Éireann and which complies with subsection (2) of this section.

(2) The choice of the person to be the subject of the relevant recommendation shall be made by the Chairman of Dáil Éireann from amongst the one or more persons who are selected for the purpose of his or her making that recommendation by the committee known as the Top Level Appointments Committee, following a competition conducted by it that complies with subsection (3) of this section.

(3) The foregoing competition shall be an open one, that is to say the terms of the competition with respect to the eligibility of persons to compete in it shall not be such as to limit such eligibility to persons who are civil servants.

(4) The Clerk-Assistant of Dáil Éireann shall be appointed by the Houses of the Oireachtas Commission on the recommendation of the Chairman of Dáil Éireann.

(5) The reference in subsection (2) of this section to the committee known as the Top Level Appointments Committee includes a reference to any body that replaces that committee.”.

(3) The Act of 1959 is amended by substituting the following section for section 6:

“Appointment of Clerk and Clerk-Assistant of Seanad Éireann

6. The Clerk of Seanad Éireann and the Clerk-Assistant of Seanad Éireann shall each be appointed by the Houses of the Oireachtas Commission on the recommendation of the Chairman of Seanad Éireann.”.

(4) The Act of 1959 is amended by inserting the following section after section 6 (inserted by *subsection (3)*):

“Term of office of certain appointees

6A. (1) This section applies to each of the following:

- (a) the office of Clerk of Dáil Éireann;
- (b) the office of Clerk-Assistant of Dáil Éireann;
- (c) the office of Clerk of Seanad Éireann; and
- (d) the office of Clerk-Assistant of Seanad Éireann.

(2) A reference in this section to a person’s appointment to an office or position for a term is a reference to his or her appointment to the office or position for a term that is subject to the operation of the provisions of the Regulation Act and any other relevant enactment.

(3) A person may be appointed to an office to which this section applies for a term specified by the Houses of the Oireachtas Commission to be a period of a number of years (or a number of years and months or days).

(4) This section shall not be construed as preventing the exercise of powers under the Regulation Act, or any other relevant enactment, so as to provide for the appointment of a person to a position in the civil service (other than one referred to in subsection (1) of this section) for a term of the kind referred to in subsection (3) of this section.”.

(5) The amendments of the Act of 1959 made by this section shall apply with respect to a vacancy existing in any of the relevant offices immediately before the passing of this Act as well as with respect to any vacancy arising in them after such passing.

Amendment of section 13 of Houses of the Oireachtas Commission Act 2003

2. Section 13(3) of the Houses of the Oireachtas Commission Act 2003 is amended, in paragraph (b), by deleting “not later than 30 days”.

Amendment of section 15 of Houses of the Oireachtas Commission Act 2003

3. Section 15 (inserted by the Houses of the Oireachtas Commission (Amendment) Act 2009) of the Houses of the Oireachtas Commission Act 2003 is amended by inserting the following after subsection (3):

“(4) Without prejudice to the power of the Secretary General to assign responsibility for performance of the functions for which he or she is

responsible to members of the staff of the Commission, the functions of the Secretary General may be performed—

- (a) during any period of absence on the part of the Secretary General, by such member or members of the staff of the Commission as may have been authorised for that purpose by a direction given by the Secretary General or, in the absence of such a direction, by such member or members of the staff of the Commission as the Commission may authorise for that purpose, or
- (b) during any period in which the office of Secretary General is vacant, by such member or members of the staff of the Commission as the Commission may authorise for that purpose.”.

Short title and collective citation

- 4. (1) This Act may be cited as the Houses of the Oireachtas (Appointments to Certain Offices) Act 2015.
- (2) The Houses of the Oireachtas Commission Acts 2003 to 2013 and *sections 2 and 3* may be cited together as the Houses of the Oireachtas Commission Acts 2003 to 2015.