



STATUTORY INSTRUMENTS.

S.I. No. 21 of 2016



SEANAD ELECTORAL (PANEL MEMBERS) (PRESCRIBED FORMS)
(AMENDMENT) REGULATIONS 2016

SEANAD ELECTORAL (PANEL MEMBERS) (PRESCRIBED FORMS)
(AMENDMENT) REGULATIONS 2016

I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 5 of the Seanad Electoral (Panel Members) Act 1947 (No. 42 of 1947) (as adapted by the Environment, Heritage and Local Government (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 193 of 2011)), hereby make the following regulations:

1. These Regulations may be cited as the Seanad Electoral (Panel Members) (Prescribed Forms) (Amendment) Regulations 2016.

2. The Seanad Electoral (Panel Members) (Prescribed Forms) Regulations 1954 to 2009 and these Regulations may be cited together as the Seanad Electoral (Panel Members) (Prescribed Forms) Regulations 1954 to 2016 and shall be construed as one.

3. The Schedule to the Seanad Electoral (Panel Members) (Prescribed Forms) Regulations 1954 (S.I. No. 91 of 1954) is amended by substituting for forms No. 2, No. 3 (inserted by Regulation 3(b) of the Seanad Electoral (Panel Members) (Prescribed Forms) Regulations 2007 (S.I. No. 116 of 2007)) and No. 18 the forms in the Schedule hereto.

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 22nd January, 2016.*

SCHEDULE

Form No. 2. Section 16(2).

SEANAD ELECTORAL (PANEL MEMBERS) ACTS 1947 TO 2015

ANNUAL REVISION OF THE REGISTER OF NOMINATING BODIES

Application for (i) registration, (ii) removal from the Register of Nominating Bodies, (iii) amendment of entry in the Register of Nominating Bodies.*

(See instructions appended to this Form.)

(1) Name of body

(2) Address

.....

(3) Objects and activities

.....

.....

(4) Functions:

(a) trades or businesses carried on for profit

.....

(b) other functions

.....

(5) Average annual revenue from subscriptions during the five years immediately preceding this application was €.....

(6) Name of the body (if any) of which the body applying for registration is a branch or to which it is affiliated or subsidiary

(7) Grounds on which eligibility for registration is claimed

.....

.....

In pursuance of section 16 of the Seanad Electoral (Panel Members) Act 1947 (as amended by the Seanad Electoral (Panel Members) Act 1954) the body named above hereby applies to the Seanad returning officer—

* (i) to be registered in respect of the panel in the Register of Nominating Bodies;

(ii) to be removed from the Register of Nominating Bodies;

(iii) to have the entry in respect of it in the Register of Nominating Bodies amended in the following way

.....
for the following reason(s)

.....
(Authentication)
.....

.....
Date.....

*Strike out whichever does not apply.

INSTRUCTIONS

- A. This application on being completed should be delivered to or sent by post to the Seanad Returning Officer, Leinster House, Dublin, so as to reach the returning officer during the period beginning on 15th January and ending at 12 o'clock noon on 14th February (or, if the latter day is a Sunday, on 13th February).
- B. Particulars in sections (3), (4), (5), (6) and (7) of the form need not be furnished by bodies applying for removal from the register or amendment of entry.
- C. The particulars required to be furnished under any heading may be given in an appended schedule if the space on this form is insufficient.
- D. The application must be authenticated in the manner required by the articles of association, rules or other regulations governing the body making the application.
- E. A copy of the articles of association, rules or regulations governing the body making an application for registration should be furnished with the application.
- F. In the statement of the grounds on which eligibility for registration is claimed (section 7 of the form) reference should be made to such of the following provisions of section 8 of the Seanad Electoral (Panel Members) Act 1947 (as amended by section 2 of the Electoral (Amendment) Act 2015), as may be relevant to the body making the application—

- “(2) (b) a body shall not be eligible to be registered in the register in respect of any particular panel unless either—
- (I) (i) its objects primarily relate to or are connected with the interests and services mentioned in subsection 1° of Section 7 of Article 18 of the Constitution in respect of that particular panel, and
 - (ii) its activities are concerned mainly with such interests and services, or
 - (II) its members are representative of persons who have knowledge and practical experience of such interests and services;
- (c) a body which is formed or carried on wholly or substantially for profit or which carries on, as its sole or principal function, any trade or business for profit shall not be eligible for registration in the register;
- (d) the Seanad returning officer may refuse to register any body (not being an excepted body) in the register unless—
- (I) its organisation and direction are governed by articles of association, rules or other regulations which—
 - (i) provide for an annual general meeting to which all members are invited by a notice forwarding an agenda including the following items, that is to say, minutes of preceding meeting, presentation of annual report, consideration of statement of accounts as certified by the auditor, election of executive committee, election of auditors,
 - (ii) make adequate provision for the carrying on of the business of the body by an executive committee, and
 - (iii) provide for the audit and certification of accounts by a public auditor or other qualified person, and
 - (II) its average annual revenue from subscriptions during the five years immediately preceding the application for registration has been in the case of a charitable body, not less than one thousand pounds, or, in any other case, not less than two hundred and fifty pounds,
- but subject to the proviso that the requirements set out in this paragraph as to election of auditors, provision for audit and annual revenue shall not apply in the case of such bodies engaged in the promotion of scientific or general knowledge as in the opinion of the Seanad returning officer are of national importance;

- (e) a body which is composed wholly or mainly of persons who are in the employment of the State or of persons who are in the employment of local authorities and the objects of which include the advancement or protection of the interests of such persons in relation to their said employment shall not be eligible for registration in the register;

.....

(h) (i) The Association of Irish Local Government and the Local Authority Members' Association shall be registered in the register in respect of the administrative panel without application, and

- (ii) no other body shall be registered in the register in respect of that panel unless its objects and activities consist, wholly or substantially, of voluntary social services of a charitable or eleemosynary character.

(3) In paragraph (d) of subsection (2) of this section the expression "accepted body" means a body which is—

- (a) a body established under an Act of the Oireachtas for any of the following purposes:

- (i) the regulation or control of professional qualifications or conduct,
- (ii) the provision or improvement of cultural or educational facilities; or

- (b) a cultural, educational or professional organisation in receipt of a grant voted specifically for it by the Oireachtas.

(4) Each of the following bodies, and no other body, shall be a local authority for the purposes of this section:

- (a) the council of a county, the corporation of a county or other borough, the council of an urban district, the commissioners of a town or a public assistance authority,
- (b) a committee or joint committee of or appointed by any one or more of the bodies mentioned in paragraph (a) of this subsection."

Form No. 3. Section 27(1)

SEANAD ELECTORAL (PANEL MEMBERS) ACTS 1947 TO 2015

SEANAD GENERAL ELECTION

**NOTICE TO NOMINATING BODY OF RIGHT TO PROPOSE FOR
NOMINATION**

Name of Panel

To

.....

being a body registered in the register of nominating bodies in respect of the above-mentioned panel.

Notice is hereby given that the above-mentioned body has the right to propose for nomination person(s) to the panel.

A form of proposal for nomination paper is sent herewith.

Subsections (2) and (3) of section 27 of the Seanad Electoral (Panel Members) Act 1947 (as amended by the Seanad Electoral (Panel Members) Act 1954 and the Electoral (Amendment) Act 2015) make the following provisions with respect to nominations:-

“(2) A proposal for nomination to a panel by a nominating body shall be made in accordance with the following provisions:-

- (a) the proposal shall be made in writing on a proposal for nomination paper in the prescribed form;
- (b) the nominating body shall propose by one and the same proposal for nomination paper all the persons which it proposes for nomination;
- (c) the proposal for nomination paper shall contain the particulars required by the prescribed form of proposal for nomination paper to be stated therein (including a statement of the qualifications of every person thereby proposed for the panel to which he is proposed) and shall be signed by the nominating body;
- (d) where the nominating body is a body corporate, the proposal for nomination paper shall be signed by the body by affixing to such paper the seal of the body in the manner and with the counter signatures required by the constitution, articles of association, or other regulations of the body;

(e) where the nominating body is not a body corporate, the proposal for nomination paper shall be signed in the name of the body by some person having authority to sign in that name.

(3) In the case of the Association of Irish Local Government and the Local Authority Members' Association, the persons to be proposed for nomination to the administrative panel by those bodies respectively shall be chosen by the members of the body voting on the system of proportional representation by means of the single transferable vote."

The qualifications referred to in subsection (2)(c) of section 27, for the panels named in section 3 of the Seanad Electoral (Panel Members) Act 1947, are set out in Article 18.7 of the Constitution. Each panel must contain the names of persons having knowledge and practical experience of the interests and services as listed below.

(i) Cultural and Educational panel—

National Language and Culture, Literature, Art, Education and such professional interests as may be defined by law for the purpose of this panel.

(Professional interests for the purposes of this panel are defined by section 3(2) of the Seanad Electoral (Panel Members) Act 1947 as (a) law, and (b) medicine, including surgery, dentistry, veterinary medicine and pharmaceutical chemistry.)

(ii) Agricultural panel—

Agricultural and allied interests, and Fisheries;

(iii) Labour panel—

Labour, whether organised or unorganised;

(iv) Industrial and Commercial panel—

Industry and Commerce, including banking, finance, accountancy, engineering and architecture;

(v) Administrative panel—

Public Administration and social services, including voluntary social activities.

The form of proposal for nomination paper is, for convenience, in three separate parts: a first sheet, continuing sheets and a final sheet. A separate continuing sheet should be used for each candidate proposed. Each continuing sheet should state the name, address, description and qualifications for the panel of the person proposed, in the spaces provided therefor. The surname of the person proposed and the other name or names must be given in full. In the space opposite

the words “Description of person proposed for nomination,” the rank, profession or calling of the person proposed should be stated. The address and qualifications of the person proposed should be set out in the spaces provided therefor on the sheet. The particulars given should be such that the identity of the person proposed is free from doubt.

It should be indicated in the space provided if photographs of the candidate have been attached for inclusion on the ballot paper. If a candidate wishes to have his or her photograph included on the ballot paper, they must provide with the nomination paper a photograph in digitised format (Jpeg) on a CD (passport size— 35mm x 45mm) **AND** two identical printed copies of the photograph. The photograph must be taken not more than 12 months prior to the day for the closing of the poll and must be of good quality, in colour and taken to a professional standard, showing the candidate’s full face, head and shoulders only, on a light background (any colour). Each printed copy of the photograph must have the candidate’s name clearly shown on the back. If the above requirements are not complied with, the returning officer may not include the photograph on the ballot paper. In these circumstances, or if no photograph is supplied, the space for the candidate’s photograph will be left blank on the ballot paper. **THE ONUS IS ON THE CANDIDATE TO MEET THESE REQUIREMENTS.**

When completed, the “First Sheet,” the sheets marked “Continuing Sheet No.....” and the sheet marked “Final Sheet”, should be fastened together in that order and submitted as one proposal for nomination paper.

Where a nominating body purports to propose for nomination by a proposal for nomination paper more persons to a panel than such nominating body is entitled so to propose, the nomination paper shall be wholly void.

The period during which proposals for nomination by nominating bodies may be received expires on the.....day ofat.....

Seanad Returning Officer
Leinster House,
Dublin.

Form No. 18. Section 58A(1).

SEANAD ELECTORAL (PANEL MEMBERS) ACTS 1947 TO 2015

**NOTICE TO NOMINATING BODY OF RIGHT TO NOMINATE
CANDIDATE AT BYE-ELECTION**

Name of Panel

To

.....

being a body registered in the register of nominating bodies in respect of the above-mentioned panel.

Notice is hereby given that the above-mentioned body has the right to nominate one person to the panel.

A Form of Nomination Paper is sent herewith.

Subsections (2) and (3) of section 58A of the Seanad Electoral (Panel Members) Act 1947 (as amended by the Seanad Electoral (Panel Members) Act 1954 and the Electoral (Amendment) Act 2015) make the following provisions with respect to nominations of candidates by nominating bodies to fill a casual vacancy in respect of the nominating bodies sub-panel of a particular panel:—

“(2) A nomination such as aforesaid shall be made in accordance with the following provisions:

- (a) the nomination shall be made in writing on a nomination paper in the prescribed form;
- (b) the nomination paper shall contain the particulars required by the prescribed form of nomination paper to be stated therein, and in particular, a statement of the qualification of the person thereby nominated for the panel mentioned in the relevant Seanad bye-election order, and shall be signed by the nominating body;
- (c) where the nominating body is a body corporate, the nomination paper shall be signed by the body by affixing to such paper the seal of the body in the manner and with the counter-signatures required by the constitution, articles of association, or other regulations of the body;
- (d) where the nominating body is not a body corporate, the nomination paper shall be signed in the name of the body by some person having authority to sign in that name;
- (e) the nomination paper shall be delivered to or sent by post to the Seanad Returning Officer.

(3) In the case of the Association of Irish Local Government and the Local Authority Members' Association, the person nominated under this section shall be chosen by the members of the body voting on the system of proportional representation by means of the single transferable vote."

The qualifications referred to in subsection (2)(b) of section 58A, for the panels named in section 3 of the Seanad Electoral (Panel Members) Act 1947, are set out in Article 18.7 of the Constitution. Each panel must contain the names of persons having knowledge and practical experience of the interests and services as listed below.

(i) Cultural and Educational panel:—

National Language and Culture, Literature, Art, Education and such professional interests as may be defined by law for the purpose of this panel.

(Professional interests for the purposes of this panel are defined by section 3(2) of the Seanad Electoral (Panel Members) Act 1947 as (a) law, and (b) medicine, including surgery, dentistry, veterinary medicine and pharmaceutical chemistry.)

(ii) Agricultural panel:—

Agriculture and allied interests, and Fisheries;

(iii) Labour panel:—Labour, whether organised or unorganised;

(iv) Industrial and Commercial panel:—

Industry and Commerce, including banking, finance, accountancy, engineering and architecture;

(v) Administrative panel:—

Public Administration and social services, including voluntary social activities.

In completing the form of nomination paper, the surname of the person nominated and the other name or names must be given in full. In the space opposite the words "Description of person nominated" the rank, profession or calling of the person nominated should be stated. The address and qualification of the person nominated should be set out in the spaces provided therefor on the form. The particulars given should be such that the identity of the person nominated is free from doubt.

Where a nominating body purports to nominate more than one person by the same nomination paper or by separate nomination papers, the nomination paper or nomination papers shall be wholly void.

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The period during which nominations may be received expires on the day
of, at o'clock.

Seanad Returning Officer
Leinster House,
Dublin.



GIVEN under my Official Seal,
19 January 2016.

ALAN KELLY,
Minister for the Environment, Community and
Local Government.

EXPLANATORY NOTE

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

These Regulations provide for the implementation of section 2 of the Electoral (Amendment) Act 2015 which provides for the Association of Irish Local Government and the Local Authority Members' Association to be registered, in respect of the administrative panel, in the register of nominating bodies for Seanad (panel member) elections. These regulations amend the Seanad Electoral (Panel Members) (Prescribed Forms) Regulations 1954 by prescribing a revised form for the annual revision of the register of nominating bodies and revised forms for the nomination of candidates at a Seanad General Election and a Seanad Bye-Election.

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