



Number 27 of 2013

Electoral, Local Government and Planning and Development Act 2013



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**ELECTORAL, LOCAL GOVERNMENT AND PLANNING AND DEVELOPMENT ACT
2013**

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Number 27 of 2013

**ELECTORAL, LOCAL GOVERNMENT AND PLANNING AND DEVELOPMENT ACT
2013**

An Act to give effect to Council Directive 2013/1/EU of 20 December 2012¹ and for that purpose to amend the European Parliament Elections Act 1997; to amend the Electoral Act 1992, the Referendum Act 1994, the Electoral Act 1997, the Planning and Development Act 2000 and the Local Government Act 2001; and to provide for related matters. [22nd July, 2013]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citations, construction and commencement

1. (1) This Act may be cited as the Electoral, Local Government and Planning and Development Act 2013.
- (2) This Act, other than *Parts 8* and *9*, shall be included in the collective citation “Electoral Acts 1992 to 2013” and shall be read together with those Acts.
- (3) The European Parliament Elections Acts 1992 to 2009 and this Act (in so far as it relates to European Parliament elections) may be cited together as the European Parliament Elections Acts 1992 to 2013 and shall be read together as one.
- (4) The Referendum Acts 1992 to 2006 and this Act (in so far as it relates to referendums) may be cited together as the Referendum Acts 1992 to 2013 and shall be read together as one.
- (5) The Planning and Development Acts 2000 to 2011 and *Part 8* may be cited together as the Planning and Development Acts 2000 to 2013 and shall be read together as one.
- (6) The Local Government Acts 1925 to 2012 and *Part 9* may be cited together as the Local Government Acts 1925 to 2013 and shall be read together as one.
- (7) *Parts 4, 5* and *9* shall come into operation on such day or days as the Minister for the Environment, Community and Local Government may appoint by order or orders, either generally or with reference to any particular purpose or provision, and different

¹ OJ No. L26 of 26.1.2013, p. 27

days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—

“Act of 1992” means the Electoral Act 1992;

“Act of 1997” means the Electoral Act 1997;

“Act of 2009” means the Electoral (Amendment) Act 2009.

PART 2

EUROPEAN PARLIAMENT ELECTIONS

Amendment of section 2 of European Parliament Elections Act 1997

3. Section 2 of the European Parliament Elections Act 1997 is amended, in subsection (1)—

(a) by substituting “Articles 6, 7 and 13” for “Articles 7, 10 and 13” in the definition of “competent administrative authority”, and

(b) by substituting the following definition for the definition of “the Directive”:

“ ‘Directive’ means Council Directive 93/109/EC of 6 December 1993² laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, as amended by Council Directive 2013/1/EU of 20 December 2012 amending Directive 93/109/EC as regards certain detailed arrangements for the exercise of the right to stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals;”.

Amendment of section 10 of European Parliament Elections Act 1997

4. Section 10 of the European Parliament Elections Act 1997 is amended, in paragraph (a) of subsection (1), by substituting “fifty days” for “thirty-five days”.

Amendment of section 11 of European Parliament Elections Act 1997

5. Section 11 of the European Parliament Elections Act 1997 is amended—

(a) in subsection (2), by substituting the following paragraph for paragraph (d):

“(d) being a national of a Member State other than the State or the United Kingdom, stands deprived, as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, of the right to stand as a candidate under the

² OJ No. L329 of 30.12.93, p. 34

law of that person's home Member State, or",

and

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

“(3) Where a citizen of Ireland proposes to stand as a candidate at an election in the Member State, other than the State or the United Kingdom, in which the citizen resides, the Minister (who shall be the competent administrative authority for the State) shall, as soon as practicable and not later than five working days after receipt of notification from a Member State of a declaration made by that citizen referred to in Article 10(1) of the Directive, furnish to the Member State any information available to the Minister indicating whether the citizen stands deprived, as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, of the right to stand as a candidate under the law of the State.”.

Amendment of section 12 of European Parliament Elections Act 1997

6. Section 12 (inserted by section 10 of the Act of 2009) of the European Parliament Elections Act 1997 is amended—

- (a) in subsection (2), by substituting “at or before the latest relevant time specified in rule 10 for the receipt of that candidate's nomination” for “before the expiration of the time appointed by this Act for receiving nominations”, and
- (b) in subsection (4), by substituting “the latest relevant time for delivery of the relevant candidate's nomination paper” for “the latest time for delivery of a nomination paper”.

Amendment of section 13 of European Parliament Elections Act 1997

7. Section 13 (inserted by section 10 of the Act of 2009) of the European Parliament Elections Act 1997 is amended, in subsection (2), by substituting “at or before the latest relevant time specified in rule 10 for the receipt of that candidate's nomination” for “before the expiration of the time appointed by this Act for receiving nominations”.

Amendment of section 13A of European Parliament Elections Act 1997

8. Section 13A (inserted by section 10 of the Act of 2009) of the European Parliament Elections Act 1997 is amended, in subsection (1)—

- (a) in paragraph (a), by substituting “Second Schedule, or whose candidature is deemed to have been withdrawn in accordance with rule 6(4) of that Schedule” for “Second Schedule”, and
- (b) in paragraph (c), by substituting “at or before the latest relevant time specified in rule 10 for the receipt of that candidate's nomination” for “before the expiration of the time for the receipt of nominations”.

Amendment of rule 2 of Second Schedule to European Parliament Elections Act 1997

9. The Second Schedule to the European Parliament Elections Act 1997 is amended, in rule 2, by substituting “the thirty-fifth day” for “the twenty-eighth day”.

Amendment of rule 6 of Second Schedule to European Parliament Elections Act 1997

10. The Second Schedule to the European Parliament Elections Act 1997 is amended by substituting the following rule for rule 6:

“6. (1) Where a person named as a candidate on a nomination paper is a national of a Member State, other than the State or the United Kingdom, there shall be delivered to the returning officer at the time of delivery of the nomination paper a statutory declaration in the prescribed form made by the candidate stating—

- (a) the Member State of which the person is a national,
 - (b) the person’s date and place of birth,
 - (c) the person’s last address in the person’s home Member State,
 - (d) the address in the State at which the person is ordinarily resident,
 - (e) where applicable, the locality or constituency in the person’s home Member State on the electoral roll of which the person’s name was last entered,
 - (f) that the person is not a candidate at the election in any other Member State, and
 - (g) that the person does not stand deprived of the right to stand as a candidate under the law of the person’s home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.
- (2) The returning officer, immediately after ruling on the validity of the nomination paper in accordance with paragraph (1) of rule 13, shall, in the case of each valid nomination paper, forward to the Minister a copy of the statutory declaration delivered in connection with the nomination paper, and the Minister shall, as soon as may be—
- (a) transmit a copy of the statutory declaration to the competent administrative authority of the home Member State of the person who made the statutory declaration, and
 - (b) request information from that competent administrative authority verifying whether or not that person stands deprived of the right to stand as a candidate under the law of that person’s home Member State as a result of an individual

judicial decision, or an administrative decision that may be subject to judicial remedies, and the Minister may ask for such information to be provided within a specified period of time.

- (3) The Minister shall, as soon as may be after receiving the information requested in paragraph (2)(b), notify the returning officer as to whether the person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.
- (4) If, at or before the time specified in paragraph (1) of rule 15 as the latest time for the withdrawal of candidature, the returning officer is notified under paragraph (3) that a person stands deprived of the right to stand as a candidate, the candidature of the person shall be deemed to have been withdrawn.”.

Amendment of rule 10 of Second Schedule to European Parliament Elections Act 1997

11. The Second Schedule to the European Parliament Elections Act 1997 is amended by substituting the following rule for rule 10:

- “10. (1) The earliest time for receiving nominations shall be 10 a.m. on the day (disregarding any excluded day) after the latest date for the publication of the notice of election.
- (2) Where a person named as a candidate on a nomination paper is a national of a Member State, other than the State or the United Kingdom, the latest time for receiving a nomination for that person shall be 12 noon on the seventh day (disregarding any excluded day) after the latest date for the publication of the notice of election.
 - (3) Where a person named as a candidate on a nomination paper is a citizen of Ireland or a British citizen, the latest time for receiving a nomination for that person shall be 12 noon on the fourteenth day (disregarding any excluded day) after the latest date for the publication of the notice of election.”.

Amendment of rule 11 of Second Schedule to European Parliament Elections Act 1997

12. The Second Schedule to the European Parliament Elections Act 1997 is amended, in rule 11, by substituting the following paragraph for paragraph (3):

- “(3) The returning officer shall attend to receive nominations at the place specified in that behalf in the notice of election between the hours of 10 a.m. and 12 noon and between the hours of 2 p.m. and 5 p.m. on the day (disregarding any excluded day) before each of the latest dates for receiving nominations specified in rule 10 and

between the hours of 10 a.m. and 12 noon on each of the said latest dates.”.

Amendment of rule 13 of Second Schedule to European Parliament Elections Act 1997

13. The Second Schedule to the European Parliament Elections Act 1997 is amended, in rule 13—

(a) in paragraph (1), by substituting the following subparagraph for subparagraph (d)—

“(d) The returning officer shall rule invalid any nomination paper relating to a person referred to in rule 6(1) which is not accompanied by the statutory declaration referred to in that rule or where it appears to the returning officer that the said declaration does not conform with the said rule 6(1).”.

and

(b) in paragraph (7), by substituting “section 13(2), rule 6(4) or rule 27(1)” for “section 13(2) or rule 27(1)”.

Amendment of rule 15 of Second Schedule to European Parliament Elections Act 1997

14. The Second Schedule to the European Parliament Elections Act 1997 is amended, in paragraph (1) of rule 15, by substituting “latest date for receiving nominations specified in rule 10(3)” for “latest date for receiving nominations”.

Amendment of rule 19 of Second Schedule to European Parliament Elections Act 1997

15. The Second Schedule to the European Parliament Elections Act 1997 is amended, in rule 19—

(a) in paragraph (1), by substituting “that apply, under rule 10, to the candidate to whom the replacement candidates list relates and” for “by rule 10 and”,

(b) by substituting the following paragraph for paragraph (2):

“(2) Where a person nominated as a replacement candidate on a replacement candidates list is a national of a Member State, other than the State or the United Kingdom, and a statutory declaration in conformity with rule 6(1) in respect of the person concerned has not been delivered to the returning officer for the constituency concerned pursuant to the said rule 6(1), there shall be delivered to the returning officer at the time of delivery of the replacement candidates list a statutory declaration in the prescribed form made by the person stating—

(a) the Member State of which the person is a national,

(b) the person’s date and place of birth,

(c) the person’s last address in the person’s home Member State,

- (d) the address in the State at which the person is ordinarily resident,
 - (e) where applicable, the locality or constituency in the person's home Member State on the electoral roll of which the person's name was last entered,
 - (f) that the person is not a candidate at the election in any other Member State, and
 - (g) that the person does not stand deprived of the right to stand as a candidate under the law of the person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.”,
- (c) in paragraph (3)(d)(ii), by substituting, “statutory declaration referred to in that paragraph and conforming thereto is not” for “statutory declaration and attestation referred to in that paragraph and conforming thereto are not”,
- (d) in paragraph (4)(a), by substituting, “the latest time for receiving nominations specified in rule 10(3)” for “12 noon on the latest date for receiving nominations”,
- (e) in paragraph (5)(b), by substituting, “section 13, rule 6(4) or rule 27(1)” for “section 13 or rule 27(1)”,
- (f) by substituting the following paragraph for paragraph (9):
- “(9) The returning officer shall, immediately after a statutory declaration referred to in paragraph (2) is delivered to him or her, forward to the Minister a copy of the declaration and the Minister shall, as soon as may be—
 - (a) transmit a copy of the statutory declaration to the competent administrative authority of the home Member State of the person who made the statutory declaration, and
 - (b) request information from that competent administrative authority verifying whether or not that person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, and the Minister may ask for such information to be provided within a specified period of time.”,

and

- (g) by inserting the following new paragraphs:

“(10) The Minister shall, as soon as may be after receiving the information requested in paragraph (9)(b), notify the returning

officer as to whether the person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.

- (11) If, at or before the time specified in paragraph (1) of rule 15 as the latest time for the withdrawal of candidature, the returning officer is notified under paragraph (10) that a person stands deprived of the right to stand as a candidate, the returning officer shall delete the name of the person concerned from the replacement candidates list.”.

Amendment of rule 27 of Second Schedule to European Parliament Elections Act 1997

16. The Second Schedule to the European Parliament Elections Act 1997 is amended, in rule 27—

- (a) in paragraph (1), by substituting “latest time for receiving nominations specified in rule 10(3)” for “latest time for receiving nominations”, and
- (b) in paragraph (2), by substituting “before the latest time for receiving nominations specified in rule 10(3)” for “before the latest time for receiving nominations”.

Amendment of rule 96 of Second Schedule to European Parliament Elections Act 1997

17. The Second Schedule to the European Parliament Elections Act 1997 is amended, in rule 96—

- (a) in paragraph (1)(b), by substituting “Parliament,” for “Parliament, and”,
- (b) by inserting the following subparagraph after subparagraph (b) of paragraph (1):
 - “(bb) where the person is a national of a Member State, other than the State or the United Kingdom, the person does not stand deprived, as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, of the right to stand as a candidate under the law of that person's home Member State, and”,
- (c) in paragraph (3), by substituting “Subject to paragraphs (3A) to (3C), where”, for “Where”, and
- (d) by inserting the following paragraphs after paragraph (3):
 - “(3A) Where a statutory declaration received by the Clerk of the Dáil pursuant to a request under paragraph (1) and in compliance with that paragraph includes a declaration under subparagraph (bb) of that paragraph, the Clerk, shall, as soon as may be, and before performing the duties required by paragraph (3) in respect of that declaration, forward to the Minister a copy of the declaration, and the Minister shall, as soon as may be—

- (a) transmit a copy of the declaration to the competent administrative authority of the home Member State of the person who made the declaration, and
 - (b) request information from that competent administrative authority verifying whether or not that person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies, and the Minister may ask for such information to be provided within a specified period of time.
- (3B) The Minister shall, as soon as may be after receiving the information requested in paragraph (3A)(b), notify the Clerk of the Dáil as to whether the person stands deprived of the right to stand as a candidate under the law of that person's home Member State as a result of an individual judicial decision, or an administrative decision that may be subject to judicial remedies.
- (3C) Where a statutory declaration received by the Clerk of the Dáil pursuant to a request under paragraph (1) and in compliance with that paragraph includes a declaration under subparagraph (bb) of that paragraph, the Clerk shall perform the duties required by paragraph (3) in respect of the statutory declaration—
- (a) as soon as may be after the Clerk receives notification pursuant to paragraph (3B) that the person does not stand deprived of the right to stand as a candidate, or
 - (b) not later than twenty-five days from the date on which the Clerk received the statutory declaration under paragraph (3A),
- whichever is the sooner.”.

Minor consequential amendments of Second Schedule to European Parliament Elections Act 1997

18. The Second Schedule to the European Parliament Elections Act 1997 is amended—

- (a) in rule 20, by substituting “the latest time for receiving nominations specified in rule 10(3)” for “12 noon on the latest date for receiving nominations”,
- (b) in rule 23, by substituting “latest date for receiving nominations specified in rule 10(3)” for “latest date for receiving nominations”,
- (c) in rule 93, by deleting, in paragraph (1)(d), “or attestations”,
- (d) in rule 107, by deleting, in subparagraph (g), “or any attestation referred to in rule 6 or 19(2)”,
- (e) by deleting rule 114, and

(f) in rule 150, by deleting, in paragraph (1), the definition of “attestation”.

PART 3

REGISTER OF ELECTORS

Provisions regarding register of electors due to come into force in 2014

19. The Act of 1992 is amended by inserting the following section after section 6:

“6A. (1) Notwithstanding the definition of ‘registration area’ in section 6, for the purposes of the preparation and publication of the register of electors that is due to come into force on 15 February 2014 pursuant to this Act—

- (a) Limerick County and Limerick City shall be deemed to be one registration area, which shall be referred to in this section as the ‘Limerick registration area’,
- (b) North Tipperary County and South Tipperary County shall be deemed to be one registration area, which shall be referred to in this section as the ‘Tipperary registration area’, and
- (c) Waterford County and Waterford City shall be deemed to be one registration area, which shall be referred to in this section as the ‘Waterford registration area’,

and references in this Act or an instrument under this Act to a registration area shall, to the extent that such references relate to the purposes specified in this subsection, be construed in accordance with this subsection.

(2) Notwithstanding the definition of ‘registration authority’ in section 6, for the purposes of the preparation and publication of the register of electors that is due to come into force on 15 February 2014 pursuant to this Act—

- (a) Limerick County Council shall be the registration authority for the Limerick registration area,
- (b) South Tipperary County Council shall be the registration authority for the Tipperary registration area, and
- (c) Waterford County Council shall be the registration authority for the Waterford registration area,

and references in this Act or an instrument under this Act to a registration authority shall, to the extent that such references relate to the purposes specified in this subsection, be construed in accordance with this subsection.”.

PART 4

SUPPLEMENTS TO POSTAL AND SPECIAL VOTERS LISTS

Amendment of section 15A of Act of 1992

20. The Act of 1992 is amended, in section 15A (inserted by paragraph (c) of section 76 of the Act of 1997)—

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

“(4) An application by an elector to have his or her name entered in the supplement to the postal voters list received by the registration authority on or after—

(a) the third day after the date of the dissolution of the Dáil at a general election,

(b) the third day after the date of the making of the order appointing polling day at a Dáil bye-election, or

(c) the twenty-first day (disregarding any excluded day) before polling day at a presidential, European, or local election, or a referendum,

shall not have effect in relation to that election or referendum.”,

and

(b) by substituting the following subsection for subsection (5):

“(5) As soon as practicable after—

(a) in the case of a general election, the third day after the date of the dissolution of the Dáil,

(b) in the case of a Dáil bye-election, the third day after the date of the making of the order appointing polling day, or

(c) in the case of a presidential, European, or local election, or a referendum, the twenty-first day (disregarding any excluded day) before polling day,

the registration authority shall publish a list of the names of the electors (if any) whose applications to be entered in the supplement to the postal voters list were received before that date and allowed by the registration authority.”.

Amendment to section 15B of Act of 1992

21. The Act of 1992 is amended, in section 15B (inserted by paragraph (c) of section 76 of the Act of 1997)—

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

“(4) An application by an elector to have his or her name entered in the

supplement to the special voters list received by the registration authority on or after—

- (a) the third day after the date of the dissolution of the Dáil at a general election,
 - (b) the third day after the date of the making of the order appointing polling day at a Dáil bye-election, or
 - (c) the twenty-first day (disregarding any excluded day) before polling day at a presidential, European, or local election, or a referendum,
- shall not have effect in relation to that election or referendum.”,

and

- (b) by substituting the following subsection for subsection (5):

“(5) As soon as practicable after—

- (a) in the case of a general election, the third day after the date of the dissolution of the Dáil,
- (b) in the case of a Dáil bye-election, the third day after the date of the making of the order appointing polling day, or
- (c) in the case of a presidential, European, or local election, or a referendum, the twenty-first day (disregarding any excluded day) before polling day,

the registration authority shall publish a list of the names of the electors (if any) whose applications to be entered in the supplement to the special voters list were received before that date and allowed by the registration authority.”.

PART 5

REFERENDUMS

Repeal of sections 21(c) and 22 of Referendum Act 1994

- 22.** Section 21(c) and section 22 of the Referendum Act 1994 are repealed.

PART 6

STATUTORY COMMITTEE

Amendment of section 5 of Act of 1997

- 23.** Section 5 (inserted by section 9 of the Act of 2009) of the Act of 1997 is amended by inserting the following subsection after subsection (1):

“(1A) If—

- (a) a Constituency Commission has presented its report in accordance with section 9(1)(b),
- (b) after such presentation the total number of members of the European Parliament to be elected in the State specified pursuant to the treaties governing the European Union is different from the total number to which the Constituency Commission had regard in preparing its report in accordance with paragraph (a) of section 6(3), and
- (c) a Constituency Commission is not due to be established and to present a report pursuant to this Part before the date of the next European Parliament election,

the Minister shall, by order, establish a committee whose function shall be to make a report in relation to the constituencies for the election of members of the European Parliament, and the provisions of subsections (2) and (3) of this section, subsections (2)(b) to (f), (3) and (4) of section 6, section 7, section 8, and sections 11 to 15, shall, subject to the following modifications, apply to such a committee:

- (i) references to ‘Constituency Commission’ or ‘Commission’ shall be read as ‘committee established under section 5(1A)’, wherever they occur;
- (ii) in subsection (3) of section 5, ‘subsection (1)’ shall be read as ‘subsection (1A)’;
- (iii) in subsection (3) of section 6, ‘subsection (1)(b)’ shall be read as ‘section 5(1A)’;
- (iv) in section 8—
 - (I) ‘reports’ shall be read as ‘report’, wherever it occurs, and
 - (II) ‘section 9’ shall be read as ‘section 9A’, wherever it occurs;
- (v) in subsection (1) of section 15, ‘section 10’ shall be read as ‘section 10A’.”.

Amendment of section 6 of Act of 1997

24. Section 6 (inserted by section 9 of the Act of 2009) of the Act of 1997 is amended, in paragraph (a) of subsection (3), by substituting “shall be such” for “shall be 12 or such other”.

Report of committee established under section 5(1A)

25. The Act of 1997 is amended by inserting the following section after section 9:

“9A. (1) Not later than 2 months after its establishment, a committee

established under section 5(1A) shall present to the Chairman of the Dáil a report containing the recommendations of the committee in relation to the constituencies for the election of members of the European Parliament and any alteration of those constituencies which the committee considers appropriate.

- (2) Upon the presentation by a committee of the report to be presented under this section, the committee shall stand dissolved.
- (3) As soon as may be after the receipt of a report of a committee under this section, the Chairman of the Dáil shall cause such report to be laid before each House of the Oireachtas.”.

Committee established under section 5(1A) to invite and consider submissions

26. The Act of 1997 is amended by inserting the following section after section 10:

“10A.(1) A committee established under section 5(1A) shall, as soon as may be after its establishment, give public notice of its intention to make a report relating to the constituencies for the election of members of the European Parliament.

- (2) The public notice referred to in subsection (1) shall indicate that—
 - (a) any person may make a submission to the committee in such manner and within such period (which shall be not less than one month after the date of the giving of the notice) as shall be specified in the notice, and
 - (b) submissions received by the committee in the manner and within the period specified in the notice shall be made available free of charge by the committee, to any person wishing to examine them, in such manner and within such period as shall be specified in the notice.
- (3) Any submissions received by the committee under this section shall be made available free of charge by the committee, to any person wishing to examine them, in accordance with a public notice referred to in subsection (1).
- (4) The committee shall consider every submission made to it in accordance with a public notice referred to in subsection (1).”.

PART 7

DISCLOSURE OF DONATIONS

Amendment of section 24 of Act of 1997

27. Section 24 of the Act of 1997 is amended, in paragraph (b) (inserted by section 6 of the Electoral (Amendment) Act 1998) of subsection (1)—

(a) by substituting the following subparagraphs for subparagraphs (iii) and (iv):

“(iii) whether during that period or year, as the case may be, the party received a donation exceeding in value the relevant amount specified in subsection (4),

(iv) in respect of each donation (if any), the value of the donation and the name, description and postal address of the person by or on whose behalf the donation was made,”

and

(b) by inserting the following subparagraphs after subparagraph (iv):

“(v) the date on which the donation was received,

(vi) whether the donation was requested from the donor, and if so, the name and postal address of the person who requested the donation, and

(vii) 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.”.

PART 8

PLANNING AND DEVELOPMENT

Amendment of Chapter I of Part II of Planning and Development Act 2000

28. Chapter I of Part II of the Planning and Development Act 2000 is amended by inserting the following sections after section 11:

“Extension of certain development plans and restriction of section 11

11A. (1) In this section—

‘specified planning authority’ means—

(a) in respect of its administrative area, a town council, or

(b) in respect of its administrative area, North Tipperary County Council, South Tipperary County Council, Limerick County Council, Limerick City Council, Waterford County Council or Waterford City Council;

‘town council’ means the town council of a town set out in Part 1 of Schedule 6 to the Local Government Act 2001 and to which section 11(4) of that Act relates.

(2) Except as provided for by section 11B(2), subsection (1) of section 11 shall not apply to a specified planning authority—

(a) where the specified planning authority decides not to review its

development plan, or

- (b) where a notice of intention to review its development plan has been given by the specified planning authority under that subsection and it decides by virtue of this section not to review, or not to continue to review, that plan,

and, accordingly, the development plan shall continue to have effect until such time as a development plan that includes the administrative area of the specified planning authority is made for the purposes of section 11B.

- (3) A decision by a specified planning authority under subsection (2) shall not have effect unless notice of the making of the decision—
 - (a) is given in writing to the Minister,
 - (b) where the planning authority is a town council, is given in writing to the council of the county in which the town council is situated, and
 - (c) is published in a newspaper circulating in the area to which the development plan concerned relates.
- (4) A notice of the making of a decision by a specified planning authority under subsection (2) may be published by it on the internet.

Development plans for new administrative areas to be provided for

11B. (1) Where after the passing of the *Electoral, Local Government and Planning and Development Act 2013* provision is made by law which has the effect of amalgamating the administrative areas of—

- (a) North Tipperary County Council and South Tipperary County Council,
- (b) Limerick County Council and Limerick City Council, or
- (c) Waterford County Council and Waterford City Council,

then, the council for each of the areas so amalgamated shall be its planning authority and shall, within 12 months of the making of regional planning guidelines that take into account the amalgamation of the administrative areas concerned, commence the preparation of a development plan for its administrative area.

- (2) For the purposes of subsection (1) and the preparation of a development plan referred to in that subsection, this Chapter shall have effect—
 - (a) as if the reference to 6 years in section 9(1) were a reference to not more than 3 years after the making of the regional planning guidelines referred to in subsection (1), and
 - (b) as if the reference to 4 years in section 11(1) were a reference to within the period of 12 months referred to in subsection (1).

- (3) Pending the making, by a planning authority to which subsection (1) relates, of its development plan consequent on the preparation of that plan, the development plans within the planning authority's administrative area (including any development plan to which section 11C relates) shall continue to apply to the extent provided for by each of those plans.
- (4) After the making of a development plan in accordance with this section by a planning authority referred to in subsection (1), the obligation under section 9 to make a development plan every 6 years, together with the prior compliance with the requirements of section 11, shall apply to the authority.

Development plans and dissolution of certain planning authorities

11C. Where after the passing of the *Electoral, Local Government and Planning and Development Act 2013* provision is made by law for the dissolution of town councils (being town councils within the meaning of section 11A(1)) then, irrespective of whether or not any relevant decision was made pursuant to section 11A(2)—

- (a) the development plan for the administrative area of such a town council (in this section referred to as the 'dissolved administrative area') shall continue to have effect to the extent provided for by that plan and be read together with the development plan for the administrative area within which the dissolved administrative area is situated, and
- (b) a development plan as so read in accordance with paragraph (a) shall, except where section 11B(2) applies, be reviewed in accordance with the requirements of section 9 as that section applies to the development plan for the administrative area within which the dissolved administrative area is situated.”.

PART 9

LOCAL GOVERNMENT

Amendment of section 144 of Local Government Act 2001

29. Section 144 of the Local Government Act 2001 is amended, in subsection (1A) (inserted by section 16 of the Local Government (Miscellaneous Provisions) Act 2012), by inserting the following paragraph after paragraph (b):

- “(c) In the case of Waterford County and Waterford City, in this Chapter referred to as a 'group of authorities', the same person shall be manager for the county and city concerned.”.