

3rd May, 2016.

To: The Mayor and Each Member of Limerick City and County Council

Casual Vacancy

A Chomhairleoir, a chara,

I refer to the recent Seanad Election at which Councillor Maria Byrne was elected to Seanad Éireann.

Section 13A (1) of the Local Government Act, 2001 (as inserted by Section 2 of the Local Government (No. 2) Act 2003) provides that – *“A person who is a member of either House of the Oireachtas is disqualified from being elected or co-opted to, or from being a member of, a local authority.”*

Consequently, a casual vacancy now exists in the membership of the Council which must be filled in accordance with the relevant legislation.

The procedure to be followed is as set out in Section 19 of the Local Government Act, 2001, as amended, a copy of which is attached for your information. The following points should be noted in relation to the filling of the casual vacancy:

- **A casual vacancy shall be filled by the co-option by the local authority of a person to fill the vacancy, subject to such person being nominated by the same registered political party who nominated for election or co-option the Member who caused the casual vacancy.**
- **A person is not to be proposed at a Meeting of the Local Authority for co-option without his or her prior written consent.**
- **A co-option shall be made, after due notice, at the next meeting of the local authority after the expiration of 14 days from the occurrence of the vacancy or as soon thereafter as circumstances permit.**

As the Council Meeting to be held on 23rd May, 2016, is the first such meeting after the expiration of 14 days from the date of occurrence of the vacancy, it is proposed to fill the vacancy on such occasion subject, of course, to all other requirements being met.

It will also be necessary to fill the vacancies created on the following Strategic Policy Committees / Bodies:

- Limerick Market Trustees.
- Regional Health Forum West.
- Board of Governors of St. John's Hospital.
- Board of Innovate Limerick.
- Limerick and Clare Education and Training Board.
- Stakeholder Group of Limerick 2020.
- Travel and Transportation Strategic Policy Committee.
- Economic Development, Enterprise and Planning Strategic Policy Committee.

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**Christy O'Connor,
Senior Executive Officer,
Corporate Services.**

Section 19 of Local Government Act, 2001, as amended

Casual Vacancies

19.—(1) A casual vacancy in the membership of a local authority occurs—

- (a) where *Section 16(1)* applies,
- (b) upon the death or resignation (including deemed resignation by virtue of *Section 18(4)*) of a member of a local authority,

F25 [(c) in such circumstances as are set out in articles 25, 28, 124 and 125 of the Local Elections Regulations 1995 (S.I. No. 297 of 1995),]

- (d) in such circumstances as may be prescribed by Regulations made by the Minister under *Section 27*, or
- (e) in such circumstances as are referred to in *Section 15(1)* of the Local Elections (Petitions and Disqualifications) Act, 1974.

(2) It is the duty of the meetings administrator to notify the members of the local authority in writing on becoming aware that a casual vacancy has or may have occurred.

(3) (a) A casual vacancy shall be filled by the co-option by the local authority of a person to fill the vacancy and except where *paragraph (c) or (d) or (e) of subsection (1)* apply, subject to such person being nominated by the same registered political party who nominated for election or co-option the member who caused the casual vacancy.

(b) Where the person causing the casual vacancy was a non-party candidate at his or her election to the local authority, the vacancy shall be filled by the co-option by the local authority of a person to fill the vacancy (except where *paragraph (c) or (d) or (e) of subsection (1)* apply) in accordance with such requirements and procedures as may be set out in its standing orders.

(c) A local authority shall in making standing orders consider the inclusion of provisions for the purposes of *paragraph (b)*.

- (4) (a) A co-option shall be made, after due notice, at the next meeting of the local authority after the expiration of 14 days from the occurrence of the vacancy or as soon after the expiration of the 14 days as circumstances permit.
- (b) In this subsection “due notice” means not less than 3 clear days’ notice given in writing to every member of the local authority.
- (5) A person is not to be proposed at a meeting of the local authority for co-option without his or her prior written consent.
- (6) A person co-opted to fill a casual vacancy shall be a member of the local authority until the next ordinary day of retirement of members of that local authority unless he or she sooner ceases to be a member.

Annotations:

Amendments:

F25 Substituted (2.06.2003) by *Local Government (No. 2) Act 2003 (17/2003)*, s. 4 and sch., commenced on enactment.