

4th March, 2016.

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

Casual Vacancies

A Chomhairleoir, a chara,

A number of casual vacancies have arisen over the past few weeks due to (i) the untimely death of Councillor Joe Crowley, RIP; and (ii) the recent General Election at which both Councillors Tom Neville and Maurice Quinlivan were elected to Dáil Éireann. As you are aware, there is also a casual vacancy due to the resignation of Councillor Shane Clifford.

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."

Section 126 of the Electoral Act, 1992 provides that - "On the completion of the counting of the votes, the returning officer shall determine and declare the result of the poll and the candidates deemed to be elected shall thereupon stand elected." A person standing elected is immediately disqualified from membership of a local authority. The effective date in this case in respect of Councillors Neville and Quinlivan is Saturday, 27th February, 2016.

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 casual vacancies:

- **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.

The Returning Officer for the Seanad General Election 2016 has been in contact with this office advising that the latest date and time by which co-options to Local Authorities must be notified for the purpose of compiling the Seanad Electoral Roll is not later than **4pm on Friday, 18th March, 2016.**

In order to meet this deadline, the Mayor has indicated that he will call a Special Meeting of the Council for the purpose of the filling of these vacancies subject, of course, to all other requirements being met. The date for the Special Meeting has not yet been set.

The position in relation to the filling of vacancies on Strategic Policy Committees and other Bodies, details as set out below, will be dealt with at the Ordinary March Council Meeting.

Councillor Shane Clifford

- **Home and Social Development Strategic Policy Committee.**
- **Travel and Transportation Strategic Policy Committee.**
- **Limerick Market Trustees.**
- **Board of Innovate Limerick.**
- **Audit Committee.**
- **Stakeholder Group of Limerick 2020.**

Councillor Joe Crowley

- **Community, Leisure and Emergency Services Strategic Policy Committee.**
- **Environment Strategic Policy Committee.**
- **Association of Irish Local Government (AILG).**
- **Standing Policy Council of AILG.**
- **Limerick Market Trustees.**
- **Hunt Museums' Trust.**
- **Board of Management of St. Munchins Community Development Company Limited.**
- **Limerick Marketing Board.**

Councillor Tom Neville

- **Travel and Transportation SPC.**
- **Home and Social Development SPC.**
- **Stakeholder Group of Limerick 2020.**

Councillor Maurice Quinlivan

- **Travel and Transportation SPC.**
- **Home and Social Development SPC.**

Is mise le meas,



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.