



Comhairle Cathrach
& Contae **Luimnigh**
Limerick City
& County Council

Seirbhísí Corparáideacha,
Comhairle Cathrach agus Contae Luimnigh,
Ceanncheathrú Chorporáideach,
Cé na gCeannaithe,
Luimneach

Corporate Services,
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14th February, 2020.

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

Casual Vacancies on Council

A Chomhairleoir, a chara,

As you are aware, two casual vacancies have arisen on the Council following the recent General Election at which both Councillors Brian Leddin and Richard O'Donoghue were elected to Dáil Éireann.

Section 13A (1) of the Local Government Act, 2001, as amended, 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 Leddin and O'Donoghue is Monday, 10th February, 2020.

The procedure to be followed for the filling of the casual vacancies 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 Returning Officer for the Seanad General Election 2020 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 completing the Seanad Electoral Roll is not later than **4pm on Wednesday, 26th February, 2020.**

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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 proposed date for the Special Meeting is **Tuesday, 25th February, 2020, at 3pm in the Council Chamber, Dooradoyle**. The agenda for the Special Meeting will issue in the normal manner in due course.

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 Special Meeting.


Councillor Brian Leddin

- Travel and Transportation Strategic Policy Committee.
- Economic Development, Enterprise and Planning Strategic Policy Committee.
- Limerick Market Trustees.
- Implementation Advisory Group on the Establishment of a Directly Elected Mayor for Limerick with Executive Functions.

Councillor Richard O'Donoghue

- Climate Action, Biodiversity and Environment Strategic Policy Committee.
- Economic Development, Enterprise and Planning Strategic Policy Committee.
- Limerick 2030 Strategic Development DAC.
- Joint Policing Committee.

Is mise le meas,


James Clune,
A/Senior Executive Officer,
Corporate Services, Governance
and Customer 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.