

Part 1. Preliminary and general.

This Part contains provisions normally included in legislation in relation to short title, collective citation, construction, interpretation, the making of regulations, repeals and the construction of enactments.

Head 01. Short title and collective citation. A standard provision giving a name to the Bill. This Head contains the standard provisions about short title and collective citation for a listing of acts included or previously included in the collective citation.

Head 02. Definitions and Interpretations. Standard provision to give meaning to terms used throughout the Bill. This Head defines various words and expressions used in the Bill for the purposes of defining the new administrative framework in Limerick city & county. Further interpretations may be included during the drafting process

Head 03. Regulations. This Head will enable the Minister to make regulations. It will be important that the Minister can make regulations to add to the schedules, especially the schedules that provide for specified functions.

Head 04. Commencement. Standard provision to commence each section.

Head 05. Saver. This is based on section 20 of the Principal Act, and is included to ensure that anything carried out by the local authority during the current electoral term and prior to the establishment of the office of directly elected mayor is not invalidated by the establishment of the office of directly elected mayor or by the transfer of executive functions.

Head 06. Expenses. A Standard provision.

Part 2. Office of the directly elected mayor with executive functions

This Part contains provisions for the establishment of the office of directly elected mayor with executive functions and for the roles of príomh comhairleoir and director general.

CHAPTER 1 ESTABLISHMENT OF THE OFFICE

Head 7 Establishment of the office of directly elected mayor. This Head provides for Limerick city and county to have a directly elected mayor with executive functions and the method of election.

Head 8 Establishment day. Standard provision for an establishment day. In this case the establishment day refers to the establishment of the office of directly elected mayor.

Head 9 Term of office. The first election will be held midway through the current local government cycle and the first mayor will serve an extended term from the establishment day, for the duration of the current local government cycle and for one further government cycle. In short, the mayor's first term will run until the end of the local government cycle in 2029. Subsequent elections for mayor will correspond with the local electoral cycle, and the term will match that of the councillors elected for that local electoral cycle. The outgoing mayor to continue in the role of mayor between the election and the date the new mayor takes office so that there is no period where there is no mayor. A mayor to run again for office, but only once.

Head 10 Alternative titles. The mayor's title in English and in Irish. For the avoidance of confusion, the metropolitan district and the municipal districts in Limerick city & county can no longer use the term "mayor" to refer to their cathaoirligh.

Head 11 Cessation of the role of cathaoirleach. This Head provides that the office of cathaoirleach/mayor as it currently exists will cease just as a new office of directly elected mayor with executive functions is established. The office of leas-cathaoirleach or deputy mayor will also cease.

Head 12 Membership of the local authority. The mayor shall be an ex officio member of the council but will not chair the plenary session. Upon the establishment of the office of directly elected mayor with executive functions, the number of members of the council shall be 41. The mayor will have a vote on all matters before the council in matters of oversight. Where a Minister exercises Part 21 of the Principal Act to remove by order the members of a local authority for failure to perform functions, the mayor will cease to be a member of the local authority, along with all other members. The mayor will continue to exercise the executive role as Head of the local authority but all rights afforded him or her as a member in relation to making decisions relating to reserved functions shall cease.

Head 13 Conflict of interest. As the role of mayor is both fulltime and salaried, it is a requirement that the successful candidate would cease to be involved in any other profession, business or remunerated position where there is a potential conflict of interest.

Head 14 Vacancies. This head defines the circumstances in which a vacancy can occur and is modelled on section 19(1) of the Principal Act. A vacancy in the role of mayor must be filled within 6 months of it occurring. If there is more than 6 months left in the vacated term, the election must be held within 6 months, and the person duly elected will hold the office the remaining term, which will be no less than 6 months. This is to ensure that future elections to the office of directly elected mayor are in step with the local government cycle, and the next mayoral election will take place alongside the local government elections at the end of the local government cycle in which the vacancy occurs. However, if there is less than 6 months left in the term, there is no requirement to hold an election. Instead the next mayoral elections will take place along with the local government elections.

The príomh comhairleoir will act in the role until such time as a new mayor is elected and the council will elect a temporary príomh comhairleoir for this period. This is necessary to ensure the separation of powers and functions between the elected members and the executive of the authority at all times.

If there is a vacancy in both the mayor and príomh comhairleoir roles at the same time, the council will first elect a príomh comhairleoir. That individual will then act as mayor in accordance with subhead (6), and the council will elect another member to fill the temporary role of príomh comhairleoir.

The member carrying out the responsibilities of the office to revert to the role of príomh comhairleoir once a bye election is held and a new mayor elected.

The príomh comhairleoir who is fulfilling the duties of mayor may be compensated up to the max of the amount the mayor would have received but cannot claim a príomh comhairleoir allowance in addition.

Head 15 Retirement. This Head is modelled on section 17 of the Principal Act that govern members. The first mayor will serve an extended term from the establishment day, for the duration of the current local government cycle and for one further government cycle, and will retire at the end of the local government cycle in 2029. After that, subsequent mayors will retire on the same retirement day as the council that is in place during their term of office.

Head 16 Resignation from office of directly elected mayor. This Head is modelled on Section 18 of Principal Act and provides for the mayor to step down from office. The Principal Act is used as a template so that the provisions that apply to council members will also apply to the mayor.

Head 17 Disqualification. As the mayor will be a member of the council, the provisions surrounding eligibility and disqualification for membership of the council equally apply to the office of directly elected mayor with executive functions. Consequential amendments to the Local Government Act 2001 are included in Head 176.

Head 18 Cesser of holding of office of directly elected mayor. This Head is modelled on section 16 of the Principal Act and provides that an individual ceases to be mayor when the individual is disqualified or fails to comply with sections 182 of the Principal Act (ethics) or section 20 of the local elections (Disclosure of donations and Expenditure) Act 1999. Section 182 of the Principal Act provides for disqualification in the event of being convicted of certain offences section 20 of the Local Elections Disclosure of Donations and Expenditure Act 1999 provides for

suspension or disqualification from membership where a member fails to furnish the local authority with a statement of donations and election expenses, or a statutory declaration

An individual ceases to be a member of any and all committees up to and including the plenary council upon ceasing to be mayor. In short, the individual is either both mayor and member, or neither.

Anything done by the mayor up to that date is not automatically invalidated as a result of the mayor ceasing to hold the office under this Head.

Head 19 Offence to act as mayor when disqualified. This Head provides that a person ceases to be mayor upon becoming disqualified. Section 15 of the Principal Act is used as a template so that provisions for the mayor are the same as for any individual member of the council.

Head 20 Prohibition on multiple membership. A serving councillor may run for the office of mayor, but cannot hold both offices. A serving councillor elected to the role of mayor must resign their “council seat” in favour of the role of mayor. The subsequent council vacancy is filled in the normal way as provided for in Section 19 of the Principal Act. This is the position set out in the IAG report (although not as a recommendation). This Head further clarifies the position when both local and mayoral elections are held at the same time. In this situation, a candidate who is successful in both elections is deemed to have been elected to and resigned from the council and the subsequent vacancy is filled in accordance with section 19 of the Principal Act.

Head 21 The mayor’s terms and conditions. This Head provides for a recommendation in the original detailed policy proposals approved by Government, and has been further endorsed by the IAG report. Section 142 provides for members’ expenses. The mayor will not be entitled to claim these in addition to the remuneration package agreed with the council despite being a member. Section 161 provides that a member of a local authority is not to be employed by the local authority. This will not apply to the mayor, as the role is that of office holder and not employee.

Head 22 The mayor's office. The local authority will provide the mayor with an administrative staff to be sourced from within the council staff. The assignment of individual staff members to these roles will be a matter for the director general. Separately the mayor may engage a special advisor or advisors as he or she see fit, and are based on existing provisions for special advisors in Section 11 of the Public Service Management Act 1997. In any event, the total complement of staff, including special advisors, shall not exceed 5.

CHAPTER 2 THE ROLE OF THE ELECTED COUNCIL

Head 23 Position of *príomh comhairleoir*. The original policy proposals recommended that the mayor would also chair the council, however, to ensure a separation in roles of Mayor and elected Council chair, the IAG report instead recommends the creation of a new role of *príomh comhairleoir*. The elected Council will therefore be chaired by the *príomh comhairleoir* who will act as speaker of the Council. This recommendation was further supported by an examination of governance models in other jurisdictions which included several international good practice examples where the role of directly elected mayor is entirely separate from the role of local authority chair.

The *príomh comhairleoir* is elected from among the members, but in the first instance, the serving cathaoirleach at the time will automatically become the *príomh comhairleoir* until the next annual meeting unless that person ceases or is removed from office. This is to ensure continuity during the transition. The council may make a resolution to pay the *príomh comhairleoir* an allowance. This is based on section 143 of the Principal Act which provides for an allowance to be paid to the cathaoirleach at the discretion of the council. The outgoing *príomh comhairleoir* may be re-elected. .

Head 24 The *príomh comhairleoir* and council meetings. The *príomh comhairleoir* is the principal councillor at each meeting and to chair the meetings of the plenary council meetings. Provisions for a situation where the *príomh comhairleoir* is not present are outlined in this head. These provisions are based on schedule 10 paragraph (10) of the Principal Act and are included here in the main body of the Bill to provide clarity on the procedures in the event that the *príomh*

comhairleoir cannot attend a meeting. In particular, subhead (3) provides that while the mayor is a member of the council, he or she is not to be considered when electing a member to chair the meeting. This is to ensure the separation of powers and responsibilities and to avoid a conflict of interest.

The príomh comhairleoir is a member of the Corporate Policy Group (CPG). Ordinarily the cathaoirleach is the chair of the CPG. This will now fall to the mayor.

Head 25 Oversight of the directly elected mayor. This Head provides a more formal oversight by the council of the mayor and are mirrored on the oversight provisions relating to the elected council and the chief executive in Part 14 of the Principal Act and also section 132 of the Principal Act. There will be a formal structure to allow individual councillors to raise questions with the mayor, in addition to more formal structures which will provide for the council to ask the mayor to report on activities. The rules governing mayoral questions will be determined by the council and set down in standing orders. These will cover such matters as the nature of questions that can be asked, the time frame for submission of questions and other such matters as the council may determine.

Section 138 to 140 of the Principal Act that provide for a prior information to be given to the council and the ability of the council to direct that works not proceed, or that a particular thing be done will apply to the mayor. Separately the príomh comhairleoir may call a special meeting to consider any statutory obligation resting with the mayor.

Head 26 Application of the ethical framework. This Head is included to ensure that there is a clear line of reporting in the case of a breach of the ethical framework. The existing framework is extended to cover the roles of mayor, príomh comhairleoir and director general. A new subsection is being inserted into the Principal Act in relation to existing provisions where the ethics registrar becomes aware of a possible contravention. The insertion is necessary as the existing roles of Cathaoirleach and chief executive are now divided across the 3 new offices of príomh comhairleoir, directly elected mayor and director general. Subhead (3) provides for an insertion into the Principal Act where a report has been prepared by

the Public Offices Commission established by section 21 of the Ethics in Public Office Act 1995. The insertion is necessary as the existing roles of Cathaoirleach and chief executive are now divided across the 3 new offices of príomh comhairleoir, directly elected mayor and director general.

CHAPTER 3 FUNCTIONS OF THE OFFICE

Head 27 The mayor and reserved functions. The mayor will be the head of the local authority and first citizen of Limerick. Anything the mayor does must be in accordance with the policy of the council. This means that the mayor, while having a large degree of autonomy, cannot act in a way that does not fit with the policies of the plenary council. Furthermore, the mayor is obliged to carry out into effect the lawful directions of the council. This provision exists in section 132 of the Principal Act for the chief executive, and is mirrored here as the mayor will be responsible for carrying out elements of reserved functions previously carried out by the chief executive. The mayor has a statutory responsibility to advise and assist the elected council. It mirrors section 132 of the Principal Act, but also provides that the director general will support the mayor in this. The mayor has the power to perform functions under any Act that assigns executive functions to a local authority, as well as this Bill. Any existing function of the cathaoirleach will not be a function of the mayor, The Minister may issue a code of conduct for the mayor.

Head 28 Mayoral executive functions. Section 39 of Local Government Act 2019 states that some or all of the executive functions will transfer to the directly elected mayor. The purpose of this Head is to transfer legal responsibility for all executive functions to the directly elected mayor, with the exception of certain functions that relate to individual cases, applications, enforcement matters, staff matters, grant allocation and revenue gathering activities.

Mayoral executive functions will also include new executive functions to be conferred directly to the mayor, and additional functions to be conferred on Limerick, without specifying that they will be the responsibility of the mayor

Head 29. Powers to carry out functions. This Head provides for the mayor to have the power to carry out all of the executive functions that are transferred to the

office from the chief executive. Responsibility will transfer on the establishment day. The mayor will be responsible for exercising executive functions that are provided for in this Bill AND any Act that provides for executive functions to be carried out by a local authority chief executive. The mayor may delegate or assign the performance of a function (as distinct from the function itself) to the director general.

Head 30. The mayor acting by signed order. This head mirrors section 151 of the Principal Act by providing for the mayor to act by signed order in respect of certain executive functions. Allowing the council to examine mayoral orders enhances their role in the oversight of the mayor.

Head 31. The mayor and the budget. The mayor will prepare and present the budget to council with the assistance of the director general, however there will be no change to the procedure to pass the budget. The inclusion of the director general to assist the mayor provides a statutory obligation/right for the director general to assist the mayor in preparing a budget for which the director general will be accountable. The original policy proposals had suggested that the mayor's budget would pass unless a 2/3rd majority voted against it. However, the IAG report recommended that the simple majority to pass the budget was more appropriate. The provisions in Part 12 of the Principal Act that reference the chief executive will now provide for the mayor to carry out the budgetary process. All provisions relating to the accounting and audit of local authority spending will remain with the director general as a specified function.

Head 32. The mayor and the municipal districts. The mayor is elected by the entirety of the Limerick city and county electorate, and therefore does not represent any individual MD. However, as head of the local authority he or she is entitled to attend any and all MDs meetings as he or she sees fit. A municipal district may also invite the mayor to attend any meeting in order to address a particular matter.

Head 33. The mayor and local authority committees. Section 133 (1) (a) of the Principal Act provides that the cathaoirleach chairs the corporate policy group. This responsibility will move to the mayor under subhead (1), although the príomh comhairleoir will also be a member of the group.

Section 48(2) (b) of the Principal Act provides that any member may chair the strategic policy committee. Subhead (2) provides that the mayor may attend these meetings. The mayor shall be the chair of the corporate policy group. The members of the corporate policy group may request the mayor, in his or her capacity as head of the executive, to provide a report on any matter or thing related to a function for which the mayor is responsible. The mayor shall provide such a report subject to the provisions of this Head, and cannot veto the request in his or her capacity as chair of the CPG. The mayor shall have the right to attend any strategic policy committee and is a member of the audit committee.

Head 34 Mayoral programme for local government in Limerick. The mayor will draw up a programme for local government in Limerick within 3 months of election and present it to council within 4 month. This programme will be a strategic high level overview of the mayor's ambitions for Limerick city and county, while remaining within the overarching principles of national policy. The programme will form the basis from which future statutory corporate plans will flow. However as the first mayor will be elected mid-cycle, the first mayoral programme will have to complement the existing corporate plan. Subsequent mayoral programmes will form the basis from which future statutory corporate plans will flow. There is no requirement for Limerick city and county council to reopen or review their existing corporate plans. Subhead 9 provides that if the elected council decide by resolution to review the corporate plan, the review must have regard to the mayoral programme for local government.

Head 35 Review of functions. The original policy document included a review of the functions being carried out by the mayor at the end of each cycle. The IAG report amended that recommendation by proposing that the review take place amid way through a term in order that any potential changes which required legislative amendments could be put in place before the start of the next term. The review will commence in January of the 3rd year. However, as a result of covid, the first mayoral term will run to 2029, and not 2024 as originally proposed. Therefore the first review will take place in early 2024 to iron out any initial teething problems. The

next review will take place in January 2027, as this would have been year 3 of the term had there been an election in 2024.

CHAPTER 4 PLANNING AND DEVELOPMENT

This chapter contains provisions for a new national structure to advance the development of the role of directly elected mayor in Limerick and a local structure and responsibilities in Limerick to support the implementation mayor of the National Planning Framework and Project Ireland 2040.

Head 36 Directly elected mayor implementation forum. Subhead (1) is based on section 18 of the Local Government Act 2019 which provides for the establishment of a committee. This new institutional structure will be created to facilitate regular engagement between national Government and the Limerick mayor at political level. It will be chaired by the Minister for Housing, Local Government and Heritage, and will be attended by other ministers as required.

Head 37. The functions of the forum. This Head provides for the forum to oversee the smooth transition of executive responsibility to the mayor, examination of new policy decisions at government level and how they impact on Limerick and consideration of new functions and powers to be transferred to Limerick and to oversee the implementation of the National Planning Framework in Limerick. The forum shall make a plan, the elements of which are set out in this head. The plan shall be updated and published on an annual basis.

Head 38 Limerick PI2040 city delivery board. A new institutional structure will be created to oversee the implementation of Project Ireland 2040 in Limerick. This structure will be chaired by the mayor and lead the implementation of the NPF in Limerick City. A formal engagement between the national PI 2040 Board and the mayor, as chair of the Limerick PI2040 Board shall take place every 6 months.

Head 39 functions of the Limerick PI2040 city delivery board.

The purpose of the Limerick PI2040 delivery board is to ensure the co-ordination of all strategic spatial planning and investment necessary to achieve the delivery of PI2040 city growth for the Limerick City Region, in line with the objectives of the

NPF, NDP and RSES, to monitor progress, including development priorities for large-scale housing and regeneration, employment and enterprise and supporting infrastructure, amenities and investment in terms of transport, water services and climate action. A formal engagement between the national PI 2040 Board and the mayor, as chair of the Limerick PI2040 Board shall take place every year.

Head 40 The mayor and rural Limerick. The Head provides that the mayor will convene a rural Limerick board to examine all aspects of rural life in Limerick. The board may devise a programme of measures to support all aspects of rural life in Limerick. These measures will focus on coordinating across all government supports in this sphere with a particular role on coordinating the various funding streams available. The measures will be derived from and complement the key deliverables set out in the Rural Development Policy 2021 – 2025 and will focus on accelerating implementation of those key deliverables..

Head 41 Planning and development. This head provides for the mayor to have a specific role in the making of city and county development plans. This may not apply to the first mayor elected, as these plans will likely be in place at that time. However, the mayor may have a role in any amendment to such plans. This head further provides a role for the mayor in relation to other major planning and development initiatives.

Head 42 Entitlement to convene and consult. This Head provides for the mayor to have the right in law to be consulted on all dimensions of national policy that were affect the well-being of Limerick. It also provides for the mayor to seek to be consulted on matters that he or she considers to be relevant to Limerick, including areas where the local authority does not have a direct mandate. The mayor will with the statutory power to convene stakeholders to consider any issue that impacts on life in Limerick, including areas in which the local authority does not have a direct mandate.

PART 3. Director General

This Part provides for the creation of a new executive position of director general.

CHAPTER 1 the establishment of the office of director general

Head 43 Establishment of the position of director general. This provides for the creation of a new post of director general, and for the cessation of the existing chief executive role. . The post of director general will start on the same day as the office of mayor. The role of chief executive is abolished to make way for the creation of both mayor and director general, and for the transfer of functions accordingly.

This head provides that the incumbent chief executive may continue in the role of director general if he or she wishes to.

Head 44. Deputy Director General: This is modelled on section 148 of the Principal Act which provides for a deputy chief executive. The director general will be able to able to appoint a staff member as deputy director general following consultation with the mayor. This is required so that the separation of specified functions from the mayor is protected by putting in place a mechanism to nominate someone to act if the director general is unavailable. Both the mayor and the príomh comhairleoir are consulted by the director general in the process.

CHAPTER 2 Duties of the director general.

Head 45. Duties of the director general: This is based on section 149(6) of the Principal Act. It provides that the director general will perform his or her duties in the same manner that a chief executive in any other local authority does. The director general will be responsible for the day-to-day running of the administration. In particular, the director general will be responsible for the allocation of resources, including staff resources.

Head 46. The director general and mayoral executive functions. This Head is included to provide clarity for the mayor and the director general in relation to the performance of functions. It provides that the mayor may delegate or assign the performance of a function (as distinct from the function itself) to the director general. The mayor and the director general will agree how the assignment of the

performance of functions will work on a practical basis. The programme of delivery will form the basis of the annual service delivery plans.

Head 47. Specified functions. This Head provides that the performance of certain executive functions currently exercised by the chief executive insofar as they relate to individual instances of those functions, e.g. allocating social housing to individuals or families, or approving individual planning applications, or granting licences or permits will not transfer to the mayor, but will instead become the legal responsibility of the director general, and be carried out in line with policies approved by the council.

Compliance and enforcement matters up to and including legal proceedings, insofar as they relate to individual instances, such as planning enforcement will also be carried out by the director general, in line with policies approved by the council.

All matters relating to waste management, litter pollution and waste related regulations arising from EU directives shall be specified functions.

Head 48. The Director General and Specified functions. This Head provides the legal basis for the director general to perform specified functions. The director general to be directly answerable to the elected council in respect of the performance of those functions and provision is made to prevent the mayor from exerting any undue influence on the performance of specified functions. The director general has the right to enter in to contracts in relation to specified functions and may delegate or otherwise assign the performance of the specified functions to a member of staff. All specified functions are carried out in accordance with the policies of the elected council. Key provisions in the Principal Act relating to prior information to elected councils, direction that works not proceed and requirement that a particular thing be done will apply to the director general in the performance of specified functions.

Head 49. The Director General as accounting officer. This subhead provides for the director general to act as accounting officer for the local authority. The

director general is responsible for the annual financial statement and has responsibility for the keeping of accounts. As accounting officer, the director general shall have responsibility for all revenue gathering activities. Other functions relating to the role of accounting officer are detailed in a schedule.

Head 50. Director General acting by signed order. This head mirrors section 151 of the Principal Act by providing for the director general to act by signed order in respect of certain specified functions. This allows the elected council to maintain oversight of the performance of specified functions. It also allows the mayor, as a member of council to see the register of specified functions.

Head 51. Attendance at local authority meetings. This Head provides the legal basis for the director general to attend meetings of the local authority. Based on section 152 of Principal Act. It is important that the director general can attend meetings.

PART 4 Removal of the directly elected mayor.

This Part contains the provisions for a legal mechanism to remove a directly elected mayor with executive functions.

Head 52. Removal of a directly elected mayor with executive functions. In its report, the IAG has set down detailed procedures for the removal and recall of the mayor, both of which are initiated by the elected Council. These build substantially on the original policy proposals which introduced the concepts of the removal and recall of the mayor. Following receipt of the comprehensive and considered advice of the Attorney General on these matters, it is proposed that only provisions allowing for the removal of the mayor will be considered at this time.

The removal of an elected official has never been legislated for at the local government level. This is therefore based on existing provisions in article 12 of the constitution for the removal of the president. This head provides that the council, in determining that there is a major failure to perform the functions, must have regard to the functions of the office as provided for in Part 2, Chapter 3 of this General

Scheme, and also have regard to the programmes of delivery of local authority services agreed between the directly elected mayor and the director general.

Head 53. Initiation of a removal procedure. The removal of a democratically elected individual is a serious consideration, therefore there are several standards to be met in both initiating the action and successfully achieving an outcome. A motion must be laid before council signed by more than half of the members and must contain the reasons for such a proposal. The príomh comhairleoir must advise every council member and convene a special meeting within 21 days. The meeting must be publically advertised and the existing provisions, and standing orders where they exist, will apply to the meeting. As the mayor was elected by the public, it is appropriate that the removal meeting is a public meeting. The mayor must be provided an opportunity to prepare a defence or statement in relation to the contents of the motion. This must also be circulated to each member of the council. These are included to ensure that the mayor gets a fair hearing and is not constrained by existing standing orders in relation to the conduct of meetings. In order to ensure that the removal is the democratic will of the elected Council, it is a requirement that a minimum of three quarters of councillors support a motion in order for it to pass. The process, if unsuccessful, cannot be repeated for a minimum of 12 months. This will prevent vexatious use of the mechanism.

Head 54. Procedure following a successful council motion to remove a directly elected mayor with executive functions. When the Minister is notified by the príomh comhairleoir that the motion to remove the mayor was successful, he or she must, within 7 days establish an independent panel to consider the question and provide a recommendation. This panel shall be made up of at least 3 suitably qualified persons and their role will be to investigate the motion of the council and satisfy that the grounds for removal have been met. The panel will then make recommendations to the Minister on the issue and any other recommendation they consider appropriate.

The panel shall be independent in their performance of the investigation and should endeavour to complete its investigations within 21 days; this is to ensure that there is no unnecessary delay to the process. The mayor will have the right to attend the

investigation and to make a submission in that regard. As the initial request will have come directly from the council to the Minister and the panel, it is important that the mayor also has the right to make a submission to the Minister and the panel.

The panel will make its preliminary conclusions available to the mayor and the council, and both shall have the opportunity to make an additional submission in response to the conclusions. The panel shall have regard to this additional material before finalising its recommendations. This effectively gives both the mayor and the council an opportunity to challenge the findings of the independent panel before they are presented to the Minister.

The final recommendation(s), and the reasons for it shall be published and the Minister will have regard to them when determining whether or not to sanction the removal of the mayor. If, after receiving the findings of the independent panel, the Minister decides to sign an order to remove the mayor, this order must be placed before the houses of the Oireachtas, and this must be passed by both houses. The mayor remains in office until there is a positive resolution from the houses of the Oireachtas to remove the mayor.

PART 5 – plebiscites on direct election of mayors in other administrative areas.

This Part contains the provisions necessary to allow any local authority to hold a plebiscite on the topic of directly elected mayor with executive functions for their administrative area, with the plebiscite to be held in tandem with the local government elections in 2024.

Head 55. Interpretation. Standard provision to give meaning to terms used in relation to the holding of plebiscites.

Head 56 - Plebiscite. This Head provides for the holding of plebiscites in any local authority jurisdiction. The Minister may make regulations and determine the date of the plebiscites. Any such plebiscite will likely be held on the same day as the local government elections in May/June 2024.

The onus will rest on the local authority in question to publish and distribute information to voters, and the Minister may issue guidelines in this regard.

Head 57 - Regulations. This head provides that the plebiscites are to be held in accordance with regulations to be made by the Minister.

Head 58 - Electoral offences. Standard provision.

Head 59 - Persons entitled to vote at a plebiscite. This Head is based on section 68 of the Local Government Reform Act 2014. It provides that the persons entitled to vote in the plebiscites are those entitled to vote at local elections for the jurisdiction in which the plebiscite is being held.

Head 60 - Report to Houses of Oireachtas. This head is based on section 44 of the Local Government Act 2019 and provides that action will be taken in the event of a positive outcome to the plebiscite.

Head 61 - Costs of holding plebiscites. This Head provides for the local authority in which the plebiscite is being held shall bear all the costs arising from the holding of the plebiscites in their respective areas, including the information publication and distribution costs.

PART 6 – Election of a Mayor

Chapter 1 preliminary and general

Head 62 - Interpretation. This Head defines various expressions used throughout Part 4 of the Bill which deals with the election of a Mayor of Limerick. The interpretation provisions use the approach/text in section 3 of the Presidential Elections Act 1993, article 2 of the Local Elections Regulations 1995 and section 2 of the Local Government Act 2001.

Head 63 - Forms. This Head mirrors the provision in article 3(2) of the Local Elections Regulations 1995 in relation to forms.

Head 64 - Eligibility for office of Mayor. This Head is based on section 12 of the Local Government Act 2001 regarding eligibility for election.

Head 65 - Limerick City and County Electoral Area. This Head ensures that the Limerick City and County Electoral Area is made up of the local electoral areas in the city and county of Limerick. It is based on section 40(1) (b) of the Local Government Act 2001.

Head 66 - Right to vote at mayoral elections. This Head is based on section 24 of the Local Government Act 2001 to provide, inter alia, that every local government elector registered in a local electoral area to vote at local elections can vote at the direct election.

Head 67 - Day and time of mayoral election. This Head is based on section 26 of the Local Government Act 2001. It provides for the holding of the first direct election and thereafter alongside other local elections. It also provides for the day and times for the taking of a poll at such elections. Head 5(a) provides for the taking of a poll over more than one polling day if an election is held where Covid19 restrictions apply. The new subsection (6) provides that where the Minister appoints more than one polling day for a mayoral election in accordance with the new subsection 5(a), that the provisions set out in the Fifth Schedule would apply. That Schedule sets out amendments that would take effect so that references to “polling day” are clarified.

Head 68 - Conduct of election. This Head is based on sections 27(1) and 40(3) of the Local Government Act 2001 to provide for PR-STV as the electoral system, subject to deletion of provision for the transfer of a surplus which will not arise as only one seat is to be filled. It also includes a standard provision as in section 27(6) of the 2001 Act concerning validity of an election.

Chapter 2 - Returning Officer

Head 69 - Returning officer. This Head is based on sections 27(1) and 40(3) of the Local Government Act 2001 to provide for PR-STV as the electoral system, subject to deletion of provision for the transfer of a surplus which will not arise as

only one seat is to be filled. It also includes a standard provision as in section 27(6) of the 2001 Act concerning validity of an election.

Head 70 - General duty of returning officer. This Head provides for the setting out of the general duties of the returning officer for an election to the office of Mayor of Limerick City and County. These include conducting the election in accordance with this Act, ascertaining and declaring the results of the election and furnishing to Limerick City and County Council a return of the person elected to be Mayor of Limerick City and County. This head is based on section 31 of the Electoral Act 1992 and article 5 of the Local Elections Regulations 1995.

Head 71 - Deputy returning officers. This Head provides power for the returning officer at an election to appoint one or more persons to be a deputy returning officer at an election under this Act. This head is based on section 30 of the Electoral Act 1992 and article 6 of the Local Elections Regulations 1995.

Head 72 - Expenses of returning officer. This Head provides for the expenses of the returning officer at an election to be borne by Limerick City and County Council. It also provides, on the request of the returning officer, for the making of an advance on his/her expenses at the election in relation to the conduct of the election, and the council may make an advance on such terms as it thinks fit. This Head is based on article 8 of the Local Elections Regulations 1995.

Head 73 - Mutual assistance. This Head provides for a requirement on persons who are conferred with any function in relation to an election to furnish any information and provide such assistance to any other person as he or she requires for the purpose of the election. This Head is based on article 9 of the Local Elections Regulations 1995.

Chapter 3 – Manner of Voting

Head 74 - Manner of voting. This Head mirrors article 10(1) of the Local Elections Regulations 1995 in relation to voting at polling stations.

Chapter 4 - Nominations

Head 75 - Notice of election. This head provides for giving of public notice of a mayoral election. It mirrors provisions in section 44 of the Electoral Act 1992 (for Dáil Elections) and article 11 of the Local Elections Regulations 1995.

Head 76 - Register of political parties. This head mirrors article 12 of the Local Elections Regulations 1995 in relation to voting at polling stations. It also amends section 25(2) (a) of the Electoral Act 1992 to include the Limerick Mayor election as a category in the Register of Political Parties.

Head 77 - Necessity for nomination. This head mirrors article 13 of the Local Elections Regulations 1995 in relation to voting at polling stations.

Head 78 - Nomination of candidates. This Head provides for the nomination of candidates at the Mayoral election. It provides for the nomination of a person by that person himself or herself or, with his or her consent, by another person who is registered as a local government elector in a local electoral area within the Limerick City and County Electoral Area, as proposer. The head requires each candidate to be nominated by a separate nomination paper in the form directed by the Minister. Where a candidate is not a member of a political party their nomination is to be assented to by 60 assentors registered as local government electors, or a deposit is to be paid. It is based on article 14 of the Local Elections Regulations 1995 with necessary modifications.

Head 79 - Deposit by certain candidates. This head provides that, unless a candidate has opted to have his or her nomination assented to, this head will apply. In that case, the alternative is that the candidate or someone on his or her behalf may, before the expiration of the time limit for receiving nominations, deposit with the returning officer the sum of €1,000. If that sum is not deposited before the expiration of the time appointed for the receipt of nominations, the candidature of the candidate will be deemed to have been withdrawn. This head is based on article 15 of the Local Elections Regulations 1995.

Head 80 - Return or disposal of deposit. This Head provides for the return or disposal of a deposit at a Mayoral election. Under this head, the deposit of a candidate is returned to the candidate where, for example, he or she withdraws the candidature or dies before the close of the poll, or has not been validly nominated before the expiry of time for receipt of nominations. This Head is based on article 16 of the Local Elections Regulations 1995.

Head 81 - Time for receiving nominations. This Head provides for the earliest and latest times for receipt of nominations. This Head is based on article 17 of the Local Elections Regulations 1995.

Head 82 - Delivery of nomination papers. This Head provides for the delivery of nomination papers to the returning officer. Nomination papers must be delivered within the statutory period set out in head 106. This Head is based on article 18 of the Local Elections Regulations 1995.

Head 83 - Selection of nomination papers. This Head requires the returning officer to number the nomination papers in the order in which they are received. The first valid nomination paper received nominating a candidate is deemed to be that candidate's nomination. This Head is based on article 19 of the Local Elections Regulations 1995.

Head 84 - Ruling on validity of nomination papers. This Head provides for the procedures in relation to the ruling by the returning officer on the validity of nomination papers. This Head is based on article 20 of the Local Election Regulations 1995.

Head 85 - Publication of nominations. This Head provides that the returning officer must publish a notice stating the names and descriptions of the person nominated and the name and address of his or her proposer (if any) as soon as they have ruled a nomination paper valid. This must be displayed outside the places where they are receiving nominations. This Head is based on article 21 of the Local Election Regulations 1995.

Head 86 - Withdrawal of candidature. This Head provides for the withdrawal by a candidate of his or her candidature at a Mayoral election. This Head is based on article 22 of the Local Election Regulations 1995.

Head 87 - Publication of withdrawal. This Head provides for the publication by the returning officer of a public notice setting out details of the withdrawal at a mayoral election. This Head is based on article 23 of the Local Election Regulations 1995.

Head 88 - Obstruction of nominations. This Head provides for procedures in the event of obstruction of nominations at a Mayoral election. In the event of obstruction, the proceedings may be adjourned to later in the same day or to the following day, and if necessary may be further adjourned. This Head is based on article 24 of the Local Election Regulations 1995.

Head 89 - Procedure after nominations. Subhead (1) is based on article 25(1) of the Local Elections Regulations 1995 and provides for an election to be held if two or more candidates stand nominated. If only one candidate stands nominated they are deemed elected. Subhead (2) is based on head 28 of the Presidential Elections Act 1993 and provides that a fresh election be held in the event that no candidate is nominated at the first election.

Chapter 5 – Agents of candidates.

Head 90 - Appointment of agents. This Head provides that the candidate or the candidate's mayoral election agent may appoint one deputy agent for each polling district in the Limerick City and County Electoral Area to assist the candidate and to act a deputy for the mayoral election agent in the polling district. The revocation of the appointment is also covered.

Head 91 - General provisions as to agents.

This Head provides for matters relating to the appointment of agents at a Mayoral election. It covers the position of agents appointed to be present at the issue of ballot papers to postal voters, in polling stations, at the opening of postal ballot

boxes and at the counting of votes. This Head is based on article 26 of the Local Elections Regulations 1995.

Head 92 - Officers not to act as agents of candidates, further candidature etc.

This Head provides that a returning officer or any person employed by such officer, may not act as an agent for a candidate at that election and must not be associated in furthering the candidature of any candidate or promoting the interests of a political party at the election. The returning officer is also prohibited from employing in any capacity for the purpose of an election a person who has been employed by or on behalf of a candidate at the election or has been associated in furthering the candidature of a candidate or promoting the interests of a political party at the election. This Head is based on article 27 of the 1995 Regulations.

Chapter 6 - Death of a Candidate

Head 93 - Death of a candidate. This Head provides for potential situations at various stages during an election process where a candidate at an election dies and provides for responses to the various circumstances which are likely to arise due to such situations. Where a candidate dies after he/she is elected, the election is valid and the person is deemed to have vacated the Office. The filling of a Mayoral vacancy outside of the election process is provided for in Head 16. This Head is based, with appropriate modifications, on article 28 of the 1995 Regulations.

Chapter 7 - Postal Voting

Head 94 - Postal voting. This Head is modelled on section 40 of Presidential Act 1993 (omitting subsection (4)). It applies, with the necessary modifications, Part VII of the 1995 Regulations to the direct election of the Mayor of Limerick City and County. It provides that local government electors in the Limerick City and County Electoral Area whose names are on the postal voters list are entitled to vote by post and in no other manner and provides for the issue and return of ballot papers, and the opening of postal ballot boxes. It further specifies that a reference to an agent in any of the provisions of the 1995 Regulations relating to postal voting, being applied by this head, shall include a reference to an election agent of the candidate and any person appointed by a candidate to attend at the issue of postal ballot

papers or the opening of postal ballot boxes. The Head applies the provisions of articles 30 to 41 of the Local Elections Regulations.

Chapter 8 - Voting by Special Voters

Head 95 - Voting by special voters. This Head applies, with the necessary modifications, Part VIII of the 1995 Local Election Regulations to the direct election of the Mayor of Limerick City and County. It provides that voters with a disability, who are registered as special voters, may vote at the election of the Mayor of Limerick City and County by means of the special voting arrangement. Subsection (3) also provides for a situation where a special presiding officer is unable to gain access to the place where the special voter is ordinarily resident and allows the returning officer the flexibility to treat the special voter as if he or she was on the postal voters list and issue a postal vote to that person. Head 78(2) applies the provisions of articles 42 and 44 to 48 of the Local Elections Regulations. (Article 43 is not applied here as it is covered in subhead 78(1) above).

Chapter 9 - Arrangements for the Poll

Head 96 - Notice of poll. This Head provides for the giving of public notice by the returning officer as soon as possible after the adjournment of the election for the taking of the poll. This notice will set out the day and hours during which the poll will be taken, the names and descriptions of candidates standing nominated at the election as entered in their nomination papers and the order in which the names of the candidates will appear on the ballot paper. This Head is based on section 87 of the Electoral Act 1992 and article 50 of the Local Elections Regulations 1995.

Head 97 - Ballot papers. This Head specifies the requirements relating to the contents of the ballot paper at an election, which must be in the form specified in the Sixth Schedule, subject to any necessary modifications. It is proposed to only provide for the ballot paper to be arranged in one continuous column to accommodate Ballot Paper Templates (which assist visually impaired people). This Head is based on section 88 of the Electoral Act 1992 - see also article 51 of the Local Elections Regulations 1995 and section 37 of the Presidential Elections Act 1993.

Head 98 - The official mark. This Head sets out the requirements which must be complied with in relation to the official mark at an election. It specifies that the official mark must be either embossed or perforated so as to be visible on both sides of the paper. This Head is based on section 89 of the Electoral Act 1992 (see also article 52 of the Local Elections Regulations 1995 and section 38 of the Presidential Elections Act 1993).

Head 99 - Application of certain provisions of Part X of the Regulations of 1995. This Head calls up the provisions in the Local Elections Regulations which deal with ballot boxes, use of Dáil ballot boxes etc., use of schools and public premises by the returning officer, polling stations and presiding officers and poll clerks. Article 55 of the Local Elections Regulations, which deals with polling information cards, is not called up as it is envisaged that the process will operate differently at a mayoral election. The provision relating to polling information cards is set out in Head 83.

Head 100 - Polling information cards. This Head makes provision for the sending by the returning officer of a polling information card to each elector whose name is on the register of local government electors for the area in which the elector is registered. This head is based on section 92 of the Electoral Act 1992.

Chapter 10 - The Poll

Head 101 - Application of certain provisions of Part XI of the Regulations of 1995. This Head applies various provisions of the Local Elections Regulations 1995 to the taking of a poll at an election of a Mayor of Limerick City and County, subject to modifications set out in Head 45(2).

Chapter 11 - Arrangements for the Counting of the Votes

Head 102 - Time and place for counting of votes. This Head provides that the counting of votes at a Mayoral election shall commence at 9 a.m. on the day after polling day. The returning officer is required to appoint a place within or convenient to the Limerick City and County Electoral Area for the counting of votes, and to

provide suitable accommodation and equipment for the counting of votes. He or she is required to make adequate arrangements for the safety of the ballot paper and other documents at the count centre. The returning officer will also ensure, where practicable, that the place appointed at which votes will be counted is accessible to wheelchair users.

Head 103 - Attendance at counting of votes. This Head relates to the attendance at the counting of votes at a Mayoral election. The returning officer must give written notice to each candidate of details of the arrangements for the counting of votes and of the number of agents they may appoint to attend. He/she is required to give the agents of the candidates' reasonable facilities for overseeing proceedings at the count. This Head is based on article 75 of the Local Elections Regulations 1995.

Head 104 - Preliminary proceedings. This Head sets out the procedure for the opening of the ballot boxes, the opening of ballot boxes with 50 or less ballot papers, the counting of the ballot papers in each box and the mixing of ballot papers before the count. This Head is based on article 76 of the Local Elections Regulations 1995.

Head 105 - Times for counting of votes. This Head is based on article 77 of the Local Elections Regulations 1995.

Head 106 - Conduct of counting of votes. This Head is a general provision in relation to the conduct of the counting of votes which requires the returning officer to cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid. It requires him/her to ascertain and record the number of votes given to each candidate in accordance with Chapter 12. It is based on article 78 of the Local Elections Regulations 1995.

Head 107 - Handling of ballot papers by candidates or agents. This Head prohibits candidates or their agents from handling ballot papers during the counting of votes at a Mayoral election. It is based on article 79 of the Local Elections Regulations 1995. Head 123 provides that contravention of this head shall be an offence.

Chapter 12 - Rules for the Counting of the Votes

Head 108 - Definitions. This Head based on article 80(1) of the Local Elections Regulations 1995, section 118(1) of the Electoral Act 1992 and section 45 of the Presidential Elections Act 1993 to make provision for interpretation of expressions used in Chapter 12.

Head 109 - Invalid ballot papers. This Head is based on article 80(2), (3), (4) and (5) of the Local Elections Regulations 1995. Following the style of section 48 of the Presidential Elections Act 1993, this provision regarding invalid ballot papers is set out as a separate section - this differs from the Electoral Act 1992, section 118(2).

Head 110 - First count. This Head is based on article 81 of the Local Elections Regulations 1995 and provides for the procedure to be followed at the first count at an election.

Head 111 - Quota. This Head provides the formula for the calculation of the quota at an election. It provides that if at the end of any count the number of votes credited to a candidate is equal to or greater than the quota, that candidate is deemed to be elected. It is based on article 82 of the Local Elections Regulations 1995 and section 50 of the Presidential Elections Act 1993. This is comparable to a Presidential election or a Dáil bye-election where, in both such cases, only one successful candidate can emerge from the election.

Head 112 - Exclusion of candidate. This Head provides for the exclusion of a candidate; it is based on article 84 of the Local Elections Regulations 1995 with necessary amendment for a single candidate to be elected (i.e. no surplus to transfer) and with reference to section 51 of the Presidential Elections Act 1993.

Head 113 - Recount. This Head is based on article 87 of the Local Elections Regulations 1995 to provide for a recount at an election.

Head 114 - Declaration of result of poll. This Head is based on article 89 of the Local Elections Regulations 1995 and provides for the declaration of the result of the poll.

Head 115 - Return of person elected. This Head is based on article 90 of the Local Elections Regulations 1995 to provide for a return to be made following the election.

Head 116 - Decision of returning officer. This Head is based on article 91 of the Local Elections Regulations 1995.

Chapter 13 - Retention, Inspection and Disposal of Documents

Head 117 - Retention and disposal of documents by returning officer. This Head provides for the retention by the returning officer of various documents relating to the Mayoral election for a specified period and their disposal at the end of this period. This Head reflects the provisions in article 92 of the Local Elections Regulations 1995.

Head 118 - Inspection of ballot papers. This Head provides that ballot papers and other confidential documents relating to an election may be inspected only under an order of the High Court and that such an order may be made only where the documents are required for the purposes of an election petition or the prosecution of the electoral offences under Chapter 14. The Head lays down procedures in relation to the court order and in relation to the production of the documents by the returning officer. This Head reflects the provisions in article 93 of the Local Elections Regulations 1995.

Head 119 - Inspection of certain other documents. This Head provides for the inspection of documents relating to a Mayoral election retained by the returning officer other than those for which a High Court order is needed as provided for in head 101. This Head reflects article 94 of the Local Elections Regulations 1995.

Chapter 14 - Electoral Offences

Head 120 - Personation. This Head makes it an offence for a person to apply at a Mayoral election for a ballot paper in any other person's name. A person who aids or abets the commission of such an offence shall also be guilty of an offence. This Head reflects the provisions in article 95 of the Local Elections Regulations 1995 and section 134 of the Electoral Act 1992 (for Dáil elections).

Head 121 - Bribery. This Head designates the act of bribery in relation to a Mayoral election as an offence. It reflects provisions in article 96 of the Local Elections Regulations 1995 and section 135 of the Electoral Act 1992.

Head 122 - Undue influence. This Head makes it an offence for a person to use undue influence to cause a person to vote in a particular way or refrain from voting at a Mayoral election. It will also be an offence to cause a person to withdraw from being a candidate or compel a person to become a candidate. This Head reflects the provisions in article 97 of the Local Elections Regulations 1995 and section 136 of the Electoral Act 1992.

Head 123 - Breach of secrecy. This Head provides that unless authorised for some purpose by law, it shall be an offence for a person to breach the secrecy of the electoral process. This Head reflects the provisions in article 98 of the Local Elections Regulations 1995 and section 137 of the Electoral Act 1992.

Head 124 - Offences relating to ballot boxes, ballot papers, nomination papers, certificates of political affiliation, official marks, etc. This section makes it an offence for a person to take, destroy, conceal, open or in any other way tamper with ballot boxes, ballot papers, nomination papers, certificates of political affiliation or official marks at a Mayoral election. This section reflects the provisions in article 99 of the Local Elections Regulations 1995 and section 138 of the Electoral Act 1992.

Head 125 - Disorderly conduct at election meeting. This Head makes it an offence for a person to behave in a disorderly way at a public meeting relating to a Mayoral election. A person who aids and abets such an offence will also be guilty

of an offence. This Head reflects the provisions in article 100 of the Local Elections Regulations 1995 and section 139 of the Electoral Act 1992.

Head 126 - Omission of name and address of printer and publisher from election documents. This Head provides that it is an offence not to show the name and address of the printer and publisher at the front of all promotional material for candidates at a Mayoral election. This does not apply to any documents printed, published or posted by a returning officer. This Head reflects provisions in article 101 of the Local Elections Regulations 1995 and section 140 of the Electoral Act 1992.

Head 127 - Nominating or withdrawing a candidate without consent. This Head provides that it shall be an offence to nominate or withdraw the candidature of another person without the consent of that person. This Head reflects the provisions in article 102 of the Local Elections Regulations 1995 and in section 141 of the Electoral Act 1992.

Head 128 - Forged certificate of political affiliation. This Head provides that it shall be an offence to submit a forged certificate of political affiliation to a returning officer. It reflects the provisions in article 103 of the Local Elections Regulations 1995 and section 142 of the Electoral Act 1992.

Head 129 - False declaration on nomination paper. This Head provides that it shall be an offence to make a false declaration on a nomination paper. It reflects provisions in article 104 of the Local Elections Regulations 1995 and section 143 of the Electoral Act 1992.

Head 130 - Officer acting as agent of candidate or furthering a candidature. This Head makes it an offence for a returning officer, deputy returning officer or any person employed by any such officer in connection with an election to act as an agent of a candidate, or to actively further a candidature, or promote the interests of any political party at a Mayoral election. This section reflects provisions in article 105 of the Local Elections Regulations 1995 and section 144 of the Electoral Act 1992.

Head 131 - Obstruction of nomination or poll. This Head makes it an offence to cause an obstruction by violence at the nomination of candidates or at the poll at a Mayoral election. It reflects provisions in article 106 of the Local Elections Regulations 1995 and section 145 of the Electoral Act 1992.

Head 132 - Damages for breach of duty by officers, etc. This Head provides for damages resulting from breach of duty by any person who has Mayoral election functions and duties. It reflects provisions in section 159 of the Electoral Act 1992.

Head 133 - Interference with or destruction of postal ballot papers. This Head provides that it shall be an offence to interfere with or destroy postal ballot papers. It shall also be an offence to aid and abet the commission of such an offence. It reflects provisions in article 107 of the Local Elections Regulations 1995 and section 146 of the Electoral Act 1992.

Head 134 - Obstruction of or interference with electors. This Head makes it an offence to interfere with or obstruct an elector on polling day. There are restrictions on the promotion of candidates, within 50 metres of the polling station during, and for 30 minutes before and after, polling times. It reflects provisions in article 108 of the Local Elections Regulations 1995 and section 147 of the Electoral Act 1992.

Head 135 - Personation agent leaving polling station without permission. This Head prohibits a personation agent from leaving a polling station during the period fixed for the taking of the poll without the prior permission of the presiding officer. It reflects provisions in article 109 of the Local Elections Regulations 1995 and section 148 of the Electoral Act 1992.

Head 136 - Prohibition on voting by person registered as elector when not entitled to be so registered. This Head makes it an offence for a person who is not entitled to be registered as a voter or is not registered, to vote. It reflects the provisions in article 110 of the Local Elections Regulations 1995 and section 149 of the Electoral Act 1992.

Head 137 - Unlawful marking of ballot papers by person acting as companion.

This Head designates as an offence the unlawful marking of a ballot paper by a person acting as a companion at a Mayoral election. It reflects the provisions in article 111 of the Local Elections Regulations 1995 and section 150 of the Electoral Act 1992.

Head 138 - False statement of withdrawal or death of a candidate. This Head makes it an offence to publish a false statement of the withdrawal or death of a candidate between the date of publication of the notice of election and the date on which the return is made to the local authority of the person elected to be Mayor. It reflects provisions in article 112 of the Local Elections Regulations 1995 and section 151 of the Electoral Act 1992.

Head 139 - Misleading statement as to process of voting. This Head designates as an offence the making or publishing of a statement which is likely to mislead voters as to the process of voting. It reflects the provisions article 113 of the Local Elections Regulations 1995 and section 152 of the Electoral Act 1992.

Head 140 - Handling of ballot papers by candidate or agent. This Head makes it an offence for ballot papers to be handled by candidates or agents during the counting of votes at a Mayoral election. It reflects provisions in article 114 of the Local Elections Regulations 1995 and section 153 of the Electoral Act 1992.

Head 141 - Unauthorised inspection of documents. This Head makes the unauthorised inspection of ballot papers an offence. It reflects provisions in article 115 of the Local Elections Regulations 1995 and section 154 of the Electoral Act 1992.

Head 142- Corrupt withdrawal of petition. This Head makes the corrupt withdrawal of a petition an offence. It is based on section 155 of the Electoral Act 1992.

Head 143 - Limitation of time for prosecution of offence. This Head restates the law in relation to the limitation on the time for the prosecution of an offence

committed in connection with a Mayoral election. It reflects the provisions in article 116 of the Local Elections Regulations 1995 and section 156 of the Electoral Act 1992.

Head 144 - Penalties. This Head provides for penalties in respect of the various offences provided for under this Chapter. The terms of imprisonment for summary conviction or conviction on indictment reflect those in article 117 of the Local Elections Regulations 1995 and in section 157 of the Electoral Act 1992. The fines closely resemble the fines in that article and section when converted to Euro.

Head 145 - Compensation where certain charge is unjustly made or not prosecuted. This Head provides for the payment of compensation by a personation agent where he or she has made a charge of personation against a person who has been arrested on foot of that charge and either the personation agent fails to appear before the court to support the charge or the court acquits the person and finds that the charge was made without reasonable or just cause. This Head reflects the provisions in article 118 of the Local Elections Regulations 1995 and section 158 of the Electoral Act 1992.

Head 146 - Certificate of returning officer to be prima facie evidence. This Head provides that in any civil or criminal proceedings in relation to an alleged offence at a Mayoral election the certificate of a returning officer of the due holding of the election, or that a particular person was a candidate at the election, shall be prima facie evidence of the fact. It reflects provisions in article 119 of the Local Elections Regulations 1995 and 160 of the Electoral Act 1992.

Chapter 15 Spending and Donations at an Election of the Mayor of Limerick.

Head 147 – Insertion of Part X in Electoral Act of 1997. Head inserts a new Part X, comprising 21 sections, into the Electoral Act 1997 to provide for the limitation of expenditure at a mayoral election and for the disclosure of donations. These new sections will appear as sections 91 to 111 of the amended Electoral Act 1997. The Act of 1997 legislates for election spending and donations requirements as they apply at Dáil, Seanad, European Parliament and Presidential elections.

Chapter 16 Petitions

Head 148 - Interpretation (Chapter 16). This Head contains definitions of the terms used in Chapter 16.

Head 149 - Questioning a mayoral election. This Head provides that a mayoral election may only be questioned by a petition to the High Court and if the High Court grants leave to the petitioner.

Head 150 - Presenting of petition. This Head sets out the requirements in relation to the presentation of a petition.

Head 151 - Security for costs. This Head deals with security for costs and sets the amount that must be lodged with the court by the petitioner. This amount is €6,350, same as the converted £5,000 for a Dáil election petition.

Head 152 - Particulars in petition. This Head identifies the particulars that must be set out in a petition. It is based on Rule 5, Third Schedule of the Electoral Act 1992 and section 6 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 153 - Grounds for petition. This Head sets out the grounds for questioning a mayoral election and it is based on Rule 4, Third Schedule of the Electoral Act 1992 and section 5 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 154 - Trial of petition. This Head deals with the trial of a petition. It is based on Rule 6, Third Schedule of the Electoral Act 1992 and section 7 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 155 - Counting of votes afresh. This Head provides that a court can order that the votes be counted afresh and it sets out the procedures to be followed in such a case. This Head is based on Rule 7, Third Schedule of the Electoral Act 1992 and section 8 of the Local Elections (Petitions and Disqualification) Act 1974.

Head 156- Statement of case to Supreme Court. This Head allows the court or any party to the petition to state a case for the opinion of the Supreme Court on any question of law arising at the trial. This Head is based on Rule 18, Third Schedule of the Electoral Act 1992 and section 23 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 157- Matters relating to final order on trial of petition. This Head provides that the court shall determine the matter at issue in the petition. If the court does not dismiss the petition it shall where appropriate include in its order a declaration of the correct result of the mayoral election or if it is unable to determine the correct result the court can declare that the election or a specified part of it was void. This Head is based on section 132 and Rule 12, Third Schedule of the Electoral Act 1992 and section 14 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 158 - Appeal to Supreme Court. This Head allows any party to a petition a right to appeal the decision of a court to the Supreme Court on a question of law. This provision is largely based on section 57(8) of the Presidential Elections Act 1993

Head 159 - Fresh mayoral election. This Head makes provision for the holding of a fresh mayoral election where the court declares that the election or any part of it was void.

Head 160 - Withdrawal of petition. This Head deals with the withdrawal of a petition. It provides that a petition may only be withdrawn by leave of the court and if there is more than one petitioner, all of them must consent to the withdrawal. Head 125 makes the corrupt withdrawal of a petition an offence. This Head is based on Rule 8, Third Schedule of the Electoral Act 1992 and section 9 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 161 - Substitution of new petitioner following withdrawal. This Head allows for the substitution of a new petitioner on the withdrawal of a petition. If the court considers that the withdrawal was corrupt, it can direct that the security for costs given by the original petitioner remain as security for the substituted petitioner.

This Head is based on Rule 9, Third Schedule of the Electoral Act 1992 and section 11 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 162 - Abatement of petition. This Head allows for the substitution of a new petitioner on the withdrawal of a petition. If the court considers that the withdrawal was corrupt, it can direct that the security for costs given by the original petitioner remain as security for the substituted petitioner. This Head is based on Rule 9, Third Schedule of the Electoral Act 1992 and section 11 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 163 - Effect of certain declarations by court. This Head deals with the situation where the court finds that a person was not duly elected as Mayor or was not qualified for election as Mayor or that the whole or part of the election was void. In these circumstances the relevant person shall cease to be Mayor and a vacancy will exist. The court can also declare that another specified person was ascertained to have been elected and that person shall stand elected. This Head is based on Rule 13, Third Schedule of the Electoral Act 1992 and section 15 of the Local Elections (Petitions and Declarations) Act 1974.

Head 164 - No action to be taken in certain circumstances to fill mayoral vacancy. This Head provides that where a petition is proceeding or pending and the Mayor dies or resigns or otherwise ceases to be Mayor, the vacancy will not be filled until the petition has been determined by the court. This Head is based on section 18 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 165 - Witnesses. This Head allows the court to direct the attendance of witnesses. This Head is based on Rule 15 of the Electoral Act 1992 and section 20 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 166 - Costs of petition. This Head determines that costs in relation to a petition will be at the discretion of the court. The court may order any or all of the costs to be paid by persons who appear to it to have committed electoral offences in relation to the election. The Head is based on Rule 16, Third Schedule of the

Electoral Act 1992 and section 21 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 167 - Further provisions regarding costs. This Head provides that costs incurred by the returning officer at the trial of a petition will be paid by Limerick City and County Council. In addition, costs awarded against the returning officer will be paid by Limerick City and County Council unless the court finds that he was grossly negligent and directs that the costs be paid by him personally. This Head is based on Rule 17, Third Schedule of the Electoral Act 1992 and is similar to section 22 of the Local Elections (Petitions and Disqualifications) Act 1974.

Head 168 - Service of documents. This Head relates to service of documents in connection with a petition. It is based on Rule 19, Third Schedule of the Electoral Act 1992 and section 26 of the Local Elections (Petitions and Disqualifications) Act 1974.

Chapter 17 Miscellaneous

Head 169 - Application of certain provisions of Part XVI of Regulations of 1995. This Head applies, with modifications, Regulations 121 and 123 of the Local Elections Regulations 1995 and deals with the secrecy of the ballot and the publication of notices.

Chapter 18 Minor and Consequential Amendments

Head 170 - Amendments to Act of 1992. This Head provides for necessary minor and consequential amendments to the Electoral Act 1992. The amendments are primarily concerned with making provision for a mayoral election in general electoral law.

Head 171 - Amendments to European Parliament Elections Act 1997. This Head provides for necessary minor and consequential amendments to the European Parliament Elections Act 1997. It provides that the Mayor of Limerick City and County will not be eligible for election as a member or for membership of the European Parliament.

Head 172 - Amendments to Litter Pollution Act 1997. This Head provides for necessary minor and consequential amendments to the Litter Pollution Act 1997 in respect of the display of posters at a mayoral election.

Head 173 - Amendments to Electoral Act 1997. This Head provides for necessary minor and consequential amendments arising as a result of head 172 of the Bill, which inserts a new Part X into the Electoral Act 1997. The 1997 Act legislates for election spending and donations requirements as they apply at a Dáil, European Parliament and Presidential election. The new Part X extends the scope of the 1997 Act and it will now also apply in respect of a mayoral election.

Head 174 - Amendment to Electoral (Amendment) Act 2004. This Head provides for a consequential amendment to the Electoral (Amendment) Act 2004. Section 35 of the Electoral (Amendment) Act 2004 provides for the unlawful possession of a polling information card and makes it an offence for a person to interfere with a polling information card, or present such a card at a polling station which is not addressed to the person. Head 57 extends the provisions relating to the unlawful possession of a polling information card to a mayoral election.

Head 175 - Amendment to Electoral (Amendment) Act 2006. This Head provides for a necessary minor and consequential amendment to the Electoral (Amendment) Act 2006. The 2006 Act provides for postal voting by prisoners. Section 15 enables a prisoner released from prison to have their name deleted from the postal voters list, on notifying the registration authority in writing on or before the second day after the dissolution of the Dáil (general election) or on or before the second day after a polling day order (all other elections and referendums). They can then vote in person at their local polling station in the normal way. The amendment has the effect of extending the types of election to which this provision.

PART 7 – consequential amendments

Head 176 Amendments to the LGA 2001. This Head provides for the consequential amendments to the Principal Act. While it is intended that this General Scheme will lead to a standalone Bill, there are some instances where it is necessary to amend the Principal Act either by inserting language that refers to the mayor, director general and príomh comhairleoir where necessary or by stating that the provisions of certain sections in the Principal Act will not apply to Limerick city and county council once the mayor is in place. Consequential amendments are listed in Schedule 7.

Schedules

Schedule 1. Executive functions in other legislation designated as specified functions. This schedule lists individual sections from other legislation, which are specified functions. The performance of these specified functions shall be the responsibility of the director general.

Schedule 2. Specified functions in relation to staffing and human resources. This schedule lists specific sections in the Principal Act that relate to staffing and human resources. While Head X provides that such functions are specified functions, this schedule is included at this time for the avoidance of confusion.

Schedule 3, Service level agreements. This Head lists service level agreements, the performance of which shall be specified functions

Schedule 4 specified functions arising from the role of accounting officer. This schedule lists specific sections in the Principal Act that relate to the role of accounting officer. While Head X provides that these functions are specified functions, this schedule is included at this time for the avoidance of confusion.

Schedule 5. Schedule 5 provides a table of amendments to be applied in the case where an election is to be held over more than one day due to public health concerns

Schedule 6 the ballot paper. Schedule 6 shows the form that the ballot paper will take

Schedule 7. Consequential amendments to the Local Government Act 2001. This schedule contains a table of insertions to be made to the Principal Act as a

result of the establishment of the office of directly elected mayor, príomh comhairleoir and director general.