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**An Bille Rialtais Áitiúil (Méara Luimnigh), 2023**  
**Local Government (Mayor of Limerick) Bill 2023**

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*Meabhrán Miniúcháin*  
*Explanatory Memorandum*

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**EXPLANATORY MEMORANDUM**

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**Background**

Giving legislative effect to commitments made in the *Programme for Government - Our Shared Future* further to the outcome of the plebiscite in the administrative area of Limerick City and County Council, the Local Government (Mayor of Limerick) Bill 2023 paves the way for the local electors in Limerick to vote for a directly elected Mayor who will have executive powers. The Bill transfers certain functions to the Mayor and sets up supporting structures within the local authority. The Bill also makes provision for plebiscites in other local authorities that may wish to introduce such an office.

**Bill Overview**

The Bill consists of 60 sections in 7 Parts together with 3 Schedules.

*Parts 2 to 4* and *Schedules 1* and *3* contain the provisions for establishing the office of Limerick's directly elected Mayor and specify the powers and functions applicable to the role. These provisions also set out changes to the local authority's structure so the Mayor has the necessary organisational mechanisms and operational supports for the role, including the establishment of a consultative forum to facilitate engagement between the Mayor and national Government, in particular on proposed legislation and Government policy initiatives and the impacts for Limerick.

*Schedule 1* sets out the functions that are to remain with the director general (replacing the chief executive) and the Príomh Chomhairleoir (replacing the Cathaoirleach), while *Schedule 3* lists necessary modifications to the application in Limerick of certain provisions of the Local Government Act 2001, which is the Principal Act relating to local authorities' powers, functions and structures.

**Provisions of the Bill**

**PART 1**

**PRELIMINARY AND GENERAL**

*Part 1* contains standard provisions relating to the title, collective citation and commencement of the sections, definitions of terms used in the Bill, orders and regulations, expenses and savers for acts commenced prior to the vesting day (the day on which the term of office of the first person elected as Mayor commences). *Section 5* provides for the application of the Local Government Act 2001 in the case of Limerick to be subject

to the modifications contained in *Schedule 3* and any other necessary modifications that may be made by regulations.

*Section 7* provides for a review of the Act's operation and effectiveness within 3 years of the establishment of the office.

## **PART 2**

### **MAYOR OF LIMERICK**

*Section 8* provides for the Minister to appoint by order an establishment day for the office of the Mayor of Limerick.

*Section 9* contains the main provisions relating to the office of the Mayor, to be known as the 'Mayor of Limerick' or 'Méara Luimnigh' and to be elected in accordance with *Schedule 2*. It provides that the Mayor's term of office will coincide with that of the elected members (5 years) and a Mayor may be re-elected and serve up to 2 full terms. The Mayor may not engage in any other activity or occupation that might reasonably be seen to be capable of interfering or being incompatible with the role of Mayor.

*Section 10* deals with the functions of the Mayor. It provides for the transfer of functions to the Mayor from what are now the Cathaoirleach and chief executive on the vesting day, with the exception of certain functions in various enactments set out in *Schedule 1*. Executive functions that will not transfer include those relating to the administration of schemes and grants as they relate to the individual, staffing and human resources and the role of accounting officer. The section applies subject to the modifications to the Local Government Act 2001 contained in *Schedule 3*.

*Section 11* provides that a person elected as mayor and member of a local authority at the same time does not come into office as a member (i.e. as Mayor only), and an existing Councillor if successful at a by-election for Mayor ceases to be a Councillor.

*Section 12* provides for the Mayor to resign the position by means of written notice and for when this resignation comes into effect.

*Section 13* lists the circumstances under which a Mayor ceases to hold office and creates a vacancy for Mayor. These are death or resignation, removal in accordance with *Part 7*, upon disqualification under the Local Government Act 2001 or the 1999 Local Elections Act or upon an order for forfeiture of office under the Criminal Justice (Corruption Offences) Act 2018. If a vacancy arises before 31 October of the final year of the term of office, a mayoral by-election must be held within 3 months and the Príomh Chomhairleoir (new name for the Cathaoirleach) performs the functions until the new Mayor is elected. Otherwise the Príomh Chomhairleoir performs the functions for the remainder of the term. In either case, the Leas-Phríomh Chomhairleoir undertakes the functions of the Príomh Chomhairleoir. The section also dis-applies certain provisions of the Local Government Act 2001 in relation to the office of Mayor.

*Section 14* deals with temporary absences in the office of Mayor due to maternity leave, illness or a good-faith other reason. The Príomh Chomhairleoir again will undertake the functions of the Mayor during such a temporary absence, with the Leas-Phríomh Chomhairleoir deputising for the Príomh Chomhairleoir.

*Section 15* provides that Limerick City and County Council will pay to the Mayor such remuneration as it determines and agrees with the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform. The Mayor may also receive an allowance for expenses incurred.

*Section 16* provides for funding by the Oireachtas for expenditure by the Mayor in performing functions under the Act.

*Section 17* provides that the Mayor will be an *ex officio* member of Limerick City and County Council and can attend, speak and vote at council meetings, with some limited exceptions, and may be questioned by the elected members in relation to the performance of his/her functions. The Mayor may also attend and participate at meetings of municipal districts' members but will not have voting rights. Removal of elected members under section 216 of the Local Government Act 2001 will not prevent the Mayor from carrying out the functions conferred on him/her by this Act.

*Section 18* provides for the Mayor to be assigned up to 5 staff from the council or up to 4 plus a special adviser.

*Section 19* enables the Mayor to appoint a special advisor with relevant experience and expertise. It sets out the main functions of the adviser, who is accountable to the Mayor. The adviser's terms and conditions of employment will be determined by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform. The appointment ceases when the Mayor ceases to hold office unless terminated sooner. A special adviser is deemed an employee of Limerick City and County Council for the duration of the appointment, and relevant provisions in the Ethics in Public Office Act 1995 apply.

*Section 20* provides for some consequential or technical amendments to sections 19, 19A, 173 and 178 of the Local Government Act 2001. It also amends Schedule 7 of that Act by increasing the number of members of Limerick City and County Council from 40 to 41 to include the Mayor.

### **PART 3**

#### **OTHER STRUCTURAL CHANGES**

This Part provides for the other structural changes relating to key positions and roles in Limerick City and County Council.

*Section 21* abolishes the offices of Cathaoirleach and Leas-Chathaoirleach of Limerick City and County Council on the vesting day.

*Section 22* provides for the chairperson role, elected and holding office in accordance with Part 5 of the Local Government Act 2001, to be known as the Príomh Chomhairleoir of Limerick City and County Council, and for the existing Cathaoirleach to become the Príomh Chomhairleoir on the vesting day.

*Section 23* provides that the functions in enactments listed in *Part 1 of Schedule 1* apply to the Príomh Chomhairleoir and that references in enactments to Cathaoirleach are to be read as Príomh Chomhairleoir where applicable to Limerick.

*Section 24* provides for the vice-chairperson role, elected and holding office in accordance with Part 5 of the Local Government Act 2001, to be known as the Leas-Phríomh Chomhairleoir of Limerick City and County Council, and that the person who was Leas-Chathaoirleach before the vesting day becomes Leas-Phríomh Chomhairleoir on that day.

*Section 25* provides that functions in enactments applicable to the Leas-Chathaoirleach of Limerick City and County Council apply to the Leas-Phríomh Chomhairleoir from the vesting day and that references in enactments to Leas-Chathaoirleach are to be read as Leas-Phríomh Chomhairleoir where applicable to Limerick.

*Section 26* provides for the role of chief executive of Limerick City and County Council to become director general of Limerick City and County Council from the vesting day, for the person who was chief executive to become the director general and for references to chief executive in enactments listed in *Part 2 of Schedule 1* (i.e. executive functions remaining with the director general) to be read as director general where applicable to Limerick.

*Section 27* provides that the Mayor may delegate by written instrument any of the executive mayoral functions to the director general, who is accountable to the Mayor when performing those functions under the superintendence and control of the Mayor. Delegated functions are performable by both the Mayor and director general. This section also provides that the Mayor may revoke such a delegation.

*Section 28* provides for the role of deputy chief executive of Limerick to become deputy director general of Limerick City and County Council, for the person who was deputy chief executive before the vesting day becoming deputy director general on that day and for references in enactments to the deputy chief executive to be read as deputy director general where applicable to Limerick.

*Sections 23, 25, 26 and 28* apply subject to modifications of provisions in the Local Government Act 2001 contained in *Schedule 3*.

#### **PART 4**

##### **ADDITIONAL FUNCTIONS OF MAYOR AND MAYORAL OFFICE STRUCTURES**

*Part 4* contains provisions relating to new structures to support the development of the role of the directly elected Mayor.

*Section 29* defines terms used in *Part 4*.

*Section 30* provides for the establishment of a Limerick Mayoral and Government Consultative Forum consisting of the Minister, Mayor and other Government Ministers to advise the Minister on matters affecting Limerick or the performance of the mayoral function. It will be chaired by the Minister. The forum will meet every 5 to 7 months and additionally as required. It will consider and make recommendations on issues arising from the establishment of the office of Mayor or under this Act, additional functions that should be conferred to facilitate the effective operation of the office of Mayor, funding of Limerick City and County Council for the purpose of these matters, the impact for Limerick of proposed legislation or Government policy and any other matter relating to Limerick City and County Council. The section entitles Limerick City and County Council to make submissions and representations to the forum. It provides for the Minister to arrange for secretarial and administrative support to the forum and also appropriate technical and research support, as he/she considers necessary.

*Section 31* provides that within 4 months of taking up office, the Mayor must prepare and publish a Mayoral programme setting out the key priorities and objectives for his/her term of office. In preparing the programme, the Mayor must take into account statutory obligations of the council as well as government and ministerial policies and objectives. The Mayor must present the draft programme to the elected members and consider any comments or observations made by the members prior to finalising it. The final programme must be provided to the elected members, director general and the Minister, be published on Limerick City and County Council's website and be generally available to the public.

*Section 32* provides for the establishment within 2 months of coming into office by the Mayor of a Limerick Mayoral Advisory and Implementation Committee, consisting of the Mayor, members of the council appointed by the Mayor as he/she considers appropriate and persons nominated by bodies whose functions or activities affect Limerick or the functions of Limerick City and County Council. The Mayor will chair the committee, which has the functions of assisting the Mayor in the preparation of the Mayoral programme and supporting its implementation, supporting economic, touristic, social and cultural matters, considering initiatives to sustain employment, coordinating initiatives, services and funding to support rural areas and measures concerning the regeneration of towns. The section provides that the committee may establish subcommittees to examine and report on relevant matters and for the membership of such subcommittees. The Mayor may generally regulate the procedures for the committee and any subcommittees established. The committee and any subcommittees will stand dissolved at the end of the term of office of the Mayor.

*Section 33* provides for the establishment of a Limerick Project Ireland 2040 Delivery Board, which will focus on implementation of the National Planning Framework and the National Development Plan in the Limerick area. The *ex officio* members of the delivery board will be the Mayor, director general, chief executive of Clare County Council and director of the Southern Regional Assembly and nominees of other public bodies appointed by the Mayor, who will chair the delivery board. The functions of the delivery board will be to support the implementation of the objectives of the National Planning Framework, the National Development Plan, the Limerick City and County Development Plan and the Limerick-Shannon metropolitan area strategic plan, to prepare reports on the implementation of the latter two plans and to co-ordinate initiatives, supports and funding in Limerick to support rural areas and regeneration of rural towns.

The delivery board shall meet as necessary to fulfil its functions but must hold at least one meeting each year with the Minister for Public Expenditure, National Development Plan Delivery and Reform. The delivery board may establish subcommittees as it considers appropriate to examine matters as directed by the delivery board and report to it, and the Mayor may dissolve any subcommittee.

*Section 34* provides for the establishment within 3 months of a sub-group of the delivery board - the Limerick Project Ireland 2040 Delivery Board Transport Sub-Group. The *ex officio* members of the transport sub-group are the Mayor (who chairs it), director general, chief executive of Clare County Council, director of the Southern Regional Assembly and nominees of other public bodies related to transport infrastructure appointed by the Mayor. The main functions of the transport sub-group are to collaborate with public bodies in the implementation of the plans and strategies referred to in *section 33* in relation to the provision of transport infrastructure and services in Limerick, and prepare any reports necessary in this regard to be copied to the Minister for Transport. The transport sub-group shall meet as necessary to fulfil its functions and must hold at least one meeting each year with the Minister for Transport.

*Section 35* enables the Mayor to request Government Ministers and public bodies to provide information to the Mayor or to consult with the Mayor in relation to any national policy or legislation that may impact on Limerick or on Limerick City and County Council.

## PART 5

### AMENDMENT OF CERTAIN ENACTMENTS IN CONNECTION WITH ELECTION FOR MAYOR

*Part 5* deals with legislative amendments necessary for holding elections of a directly elected Mayor.

*Section 36* provides for necessary minor and consequential amendments to the Electoral Act 1992. The amendments are primarily concerned with making provision for a Mayor of Limerick election and plebiscites in other local authority areas on the direct election of Mayors in general electoral law.

*Section 37* provides for necessary minor and consequential amendments to the Electoral Act 1997. It also inserts a new Part X, '*Spending and Donations at Election for Mayor of Limerick*' comprising 21 sections, into the Electoral Act 1997 (referred to hereafter as the "Act of 1997") to provide for the limitation of expenditure at a Limerick Mayoral election, the reimbursement of election expenditure and for the disclosure of both donations and election expenses. These new sections will appear as sections 93 to 113 of the amended Act of 1997. The Act of 1997 legislates for election spending and donations requirements as they apply at Dáil, Seanad, European Parliament and Presidential elections. The new Part X extends the scope of the Act of 1997 and it will now also apply in respect of a Limerick Mayoral election.

- Section 93 of the Act of 1997 provides for the interpretation of terms used in the new Part X in respect of spending and donations requirements at a Limerick Mayoral election.
- Section 94 of the Act of 1997 prohibits a candidate or third party from accepting an anonymous donation exceeding €100.
- Section 95 of the Act of 1997 provides for the furnishing of a Limerick Mayoral election donation statement to the Standards in Public Office Commission not later than 56 days after polling day. The statement is to include details of donations exceeding €600 and is to be furnished in a form directed by the Commission. The donation statement must be accompanied by a statutory declaration(s).
- Section 96 of the Act of 1997 places limits on the donation amounts that can be accepted from the same person by a candidate, Mayoral election agent or third party. The limit is €1,000 in respect of donations received by a candidate or Mayoral election agent and €2,500 for donations received by a third party. The maximum cash donation that may be accepted is €200. Donations in the form of a cryptocurrency are prohibited as are donations made from outside the island of Ireland unless made from an Irish citizen.
- Section 97 of the Act of 1997 provides that a candidate, Mayoral election agent or a third party that receives a monetary donation in excess of €100 will be required to open a political donations account. It also provides that a copy of a statement from the relevant financial institution detailing the transactions that have taken place in relation to the account should be submitted to the Standards in Public Office Commission. A certificate, signed by a Mayoral election agent or the responsible person of a third party, stating all monetary donations received into the account and all amounts debited from the account is also to be provided to the Standards in Public Office Commission together with a statutory declaration in the same matter.



- Section 98 of the Act of 1997 provides that a third party who receives a donation which exceeds €100 in value for the purposes of promoting the election of a candidate or otherwise affecting the outcome of a Limerick Mayoral election shall register with the Standards in Public Office Commission.
- Section 99 of the Act of 1997 provides for the appointment of a Mayoral election agent and the notification of that election agent to the Mayoral returning officer not later than the last day for receipt of nominations. It also provides for the notification by the Mayoral returning officer to the Standards in Public Office Commission, and the public, of the names and details of the Mayoral election agents that are appointed.
- Section 100 of the Act of 1997 provides for the making of contracts through the Mayoral election agent, where the value of the contract exceeds €635.
- Section 101 of the Act of 1997 provides for meaning to be given to the term ‘election expenses’, which is defined with reference to the Schedule to the Act of 1997. Election expenses may only be incurred by the Mayoral election agent or by a person authorised by the Mayoral election agent to do so. The Mayoral election agent is responsible for accounting for expenditure incurred on behalf of the candidate. Expenditure incurred by a political party or by a body in support of the candidature of a candidate is deemed to have been incurred on behalf of the candidate and must be accounted for by the candidate’s Mayoral election agent.
- Section 102 of the Act of 1997 provides for the setting of the period in respect of which election expenses are reckoned at a Limerick Mayoral election. It provides that following the making of the polling day order, the Minister shall specify the election expenditure period, which is to commence between 50 and 60 days prior to polling day and end on polling day. The same spending period is to apply in respect of a local election and a Limerick Mayoral election held on the same day.
- Section 103 of the Act of 1997 provides that the limit of election expenses which may be incurred by or on behalf of a candidate at a Limerick Mayoral election be set at €72,100.
- Section 104 of the Act of 1997 provides that all claims in respect of election expenses must be lodged with the Mayoral election agent or candidate not later than 45 days after polling day.
- Section 105 of the Act of 1997 provides for arrangements to deal with disputed claims in relation to payment of Limerick Mayoral election expenses.
- Section 106 of the Act of 1997 provides that a Mayoral election agent and every person that incurs election expenses shall, within 56 days following polling day, furnish a statement of election expenses to the Standards in Public Office Commission. The statement shall be in a form directed by the Commission, and be accompanied by a statutory declaration and all relevant vouchers.
- Section 107 of the Act of 1997 provides for the reimbursement of election expenses up to the value of €18,500 to a successful candidate or to an unsuccessful candidate whose number of votes credited exceeds one quarter of the quota.
- Section 108 of the Act of 1997 provides that statements in relation to donations and election expenses (including any court orders relating to disputed claims) shall be laid before both Houses of the Oireachtas by

the Standards in Public Office Commission. The statutory declarations accompanying both donation and election expenses statements shall also be laid before each House of the Oireachtas.

- Section 109 of the Act of 1997 sets out the grounds under which an application for relief can be made before a court by a Mayoral election agent, candidate or other person required to furnish a statement, arising from their non-compliance with the new Part X of the Act.
- Section 110 of the Act of 1997 provides power to the court to require information from a Mayoral election agent.
- Section 111 of the Act of 1997 provides that any expenditure exceeding the €72,100 limit shall be deducted from a reimbursement due to the candidate notwithstanding any penalty that may apply on foot of a conviction for an offence under Part X.
- Section 112 of the Act of 1997 makes provision in respect of the submission of statements of election expenses, and the application of spending limits, in the event of a fresh Limerick Mayoral election arising from the death of a candidate.
- Section 113 of the Act of 1997 provides for offences and penalties to apply in respect of non-compliance with the donations and election expenses provisions at a Limerick Mayoral election.

*Section 38* provides for necessary minor and consequential amendments to the Litter Pollution Act 1997 in respect of the display of posters at a Mayor of Limerick election and plebiscites on the direct elections of Mayors.

*Section 39* provides for a consequential amendment to the Electoral (Amendment) Act 2004. Section 35 of the 2004 Act 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 at a polling station such a card which is not addressed to the person. This Section extends the provisions relating to the unlawful possession of a polling information card to a Mayor of Limerick election.

*Section 40* 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 of that Act 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 including a Mayor of Limerick election and plebiscites on the direct election of Mayors in this provision.

*Section 41* provides for necessary minor and consequential amendments to the Electoral Reform Act 2022. The amendments primarily include insertion of a Mayor of Limerick election in the definition of elections, and provision for the election to be included in the register of political parties. The 2022 Act is also amended to require An Coimisiún Toghcháin to promote awareness of, and encourage the public to vote at, a Mayor of Limerick election. It also provides that An Coimisiún Toghcháin may also, after a Mayor of Limerick election, prepare a report on the administration of the election.

## PART 6

### PLEBISCITES ON DIRECT ELECTION OF MAYORS

*Part 6* deals with the holding of plebiscites to consider proposals by other local authorities to provide for a directly elected mayor of their administrative area.

*Section 42* contains definitions of certain terms used in this Part of the Bill.

*Section 43* sets out the process for initiating a proposal to hold a plebiscite, which can be in the following ways:

- The corporate policy group of a local authority submits a report to the elected council recommending a proposal and the council approves that proposal by resolution;
- The Minister receives a petition requesting a plebiscite signed by more than 20% of the electors in a local authority that is certified as valid by the chief executive;
- The Minister so directs.

A resolution by the council on the proposal of the corporate policy group with the group's report or a valid petition must be submitted by the Cathaoirleach (in the case of a resolution) or the chief executive (in the case of a petition) of the local authority concerned to the Minister not later than 30 days after the passing of the resolution or receipt of the petition.

The plebiscite must be held within 12 months and the Minister sets the date by order made between 60 and 90 days before the date on which it is held. An Coimisiún Toghcháin is to arrange for the distribution of information to bring the proposal to the attention of the electors, including a summary of the functions of a directly elected mayor, the likely cost and resource implications, the likely impact of an office of mayor on the local authority's performance of functions, and the nature of the relationship between the authority and an elected mayor.

*Section 44* provides for advance polling for a plebiscite. Where it is in the public interest in certain circumstances such as a pandemic or due to Covid-19, it enables the Minister to make a relevant order with the consent of An Coimisiún Toghcháin to enable an advance poll at a plebiscite to be taken on the day before the day appointed for the poll. It requires that notice for such an advance poll be published in *Iris Oifigiúil*, and the relevant returning officer must give public notice of the time and day of the advance poll.

*Section 45* provides for regulations to be made by the Minister that apply to the conducting of plebiscites under this Act. Regulations made under this section may provide, *inter alia*, for:

- The form of the ballot paper in respect of a plebiscite, including the wording of the proposal to be included on the ballot paper;
- Arrangements and requirements relating to the publication of notices and the provision of information to electors;
- The appointment of the returning officer for the purposes of the plebiscite;
- The taking of the poll and counting of votes; and
- Arrangements for voting at the plebiscite.

Where regulations are proposed to be made under this section, a draft is to be laid before each House of the Oireachtas and the regulations shall

not be made until a resolution approving the draft has been passed by each House.

*Section 46* provides that certain statutory provisions, relating to electoral offences, of the Local Elections Regulations 1995 apply and have effect in relation to a plebiscite subject to any necessary modification specified in the regulations made under *section 45*.

*Section 47* provides that the persons entitled to vote in the plebiscites are those entitled to vote at local elections for the local authority administrative area in which the plebiscite is being held.

Where the outcome of a plebiscite is in favour of a directly elected mayor, *section 48* requires the Minister within 2 years to submit a report to the Oireachtas containing proposals for legislative measures to provide for a directly elected Mayor of that administrative area.

*Section 49* provides that costs incurred by a local authority in holding a plebiscite are to be borne by that local authority.

*Section 50* provides for the repeal of Part 6 of the Local Government Act 2019, which this Part replaces.

## **PART 7**

### **REMOVAL OF MAYOR FROM OFFICE**

*Part 7* sets out the procedure applicable to any proposal to remove Limerick's directly elected Mayor from office.

*Section 51* defines certain terms used in this Part of the Bill.

*Section 52* provides that the local authority's elected members may adopt a proposal to remove the Mayor from office on the grounds of misbehaviour or failure to perform functions. Notice of a removal proposal must be signed by at least two-thirds of the total members and specify the ground(s) and reasons for the proposal. The notice is to be furnished to the Príomh Chomhairleoir and Mayor, and the Príomh Chomhairleoir is to inform the Minister and arrange for all the members to be copied. *Subsection (4)* specifies certain circumstances whereby such a notice may not be furnished to the Príomh Chomhairleoir.

*Section 53* provides that the Mayor will have the opportunity to respond with a statement within 14 days, extendable by 7 days, of receiving notice of a removal proposal. It requires the Príomh Chomhairleoir to arrange for the elected members to receive a copy of such statement.

*Section 54* requires the Príomh Chomhairleoir to convene a special meeting to consider the removal notice. At the meeting the Mayor will be given the opportunity to address the members and may be legally represented. It is a requirement that at least three-quarters of councillors support a motion, having considered the notice and any response, in order for a resolution on the removal notice to be passed. The Minister is to be informed of the outcome of the special meeting.

*Section 55* provides that, where a removal resolution has been passed, the Minister will establish an independent panel of at least 3 people with relevant expertise to consider the matter and make a recommendation to the Minister in relation to the making of a removal order. The panel is to inform the Mayor of his/her right to submit a further statement to the panel and to request an interview with the panel.

*Section 56* deals with the provision of a further statement by the Mayor to the panel and the panel's power to request specified documentation or

information from the Mayor, Príomh Chomhairleoir, other members or director general.

*Section 57* enables the panel to request an interview with the Mayor, Príomh Chomhairleoir, other member or director general. The Mayor may request an interview with the panel, and notice of the date and venue of an interview with the Mayor must inform the Mayor of his/her right to be legally represented or accompanied by other persons as agreed with the panel. The panel may make a recommendation in circumstances where the Mayor or other party does not attend an arranged interview.

*Section 58* deals with the recommendation to the Minister of the panel regarding the Mayor's removal. Having considered the matter, in the first instance the panel makes a preliminary recommendation setting out the opinions, grounds, recommendations and reasons specified in *subsection (1)* having regard to the matters set out in *subsection (2)*.

Notice of the preliminary recommendation is to be given to the Mayor, Príomh Chomhairleoir, other members and the director general, who will have the opportunity to provide observations on it within 7 days. Having considered any such observations, the panel must then proceed to make its final recommendation, which is provided to the Minister and copied to the other parties.

*Section 59* relates to the order for removing the Mayor from office, which may only be made by the Minister if recommended by the panel. A removal order must specify the grounds on which it was made and the date on which it is to take effect. If the Minister decides not to make an order on foot of a recommendation to remove the Mayor, he/she must notify the Mayor, Príomh Chomhairleoir, other members and the director general of that fact. If the Minister accepts the recommendation and decides to make an order to remove the Mayor, the draft order must be laid before each House of the Oireachtas and be approved *by each House before it can be made*.

*Section 60* enables the Minister to make regulations on any matters of procedure for the purposes of this Part of the Bill.

## **SCHEDULES**

### **SCHEDULE 1**

*Schedule 1* relates to *sections 10, 23 and 26* of the Bill and lists functions in various enactments that will not transfer to the Mayor. It has two Parts.

*Part 1* lists the sections in the Local Government Act 2001 that contain functions currently applicable to local authority Cathaoirligh that will remain with the Príomh Chomhairleoir of Limerick City and County Council.

*Part 2* lists sections in various Acts and Regulations, including the Local Government Act 2001, that relate to functions currently applicable to local authority chief executives that will remain with the director general of Limerick City and County Council.

### **SCHEDULE 2**

*Schedule 2* of the Bill provides for an electoral code for the election of the Mayor of Limerick and is largely based on the Local Elections Regulations 1995, the legislative code for local elections. *Schedule 2* has 2 parts.

*Part 1* has 15 chapters. *Chapter 1* provides for preliminary and general matters. *Chapter 2* provides for the appointment of a returning officer. *Chapter 3* provides for the manner of voting. *Chapter 4* provides for the

nomination process. *Chapter 5* provides for agents of candidates. *Chapter 6* provides for procedures in the event of the death of a candidate. *Chapter 7* provides for postal voting. *Chapter 8* provides for voting by special voting. *Chapter 9* provides for the arrangements for the poll. *Chapter 10* provides for the poll. *Chapter 11* provides for arrangements for the counting of the votes. *Chapter 12* provides for the rules for the counting of the votes. *Chapter 13* provides for the retention, inspection and disposal of documents. *Chapter 14* provides for electoral offences. *Chapter 15* provides for petitions.

*Part 2* provides for the format of the ballot paper.

### **SCHEDULE 3**

*Schedule 3* relates to *section 5* of the Bill and provides for necessary modifications to how certain provisions in the Local Government Act 2001 are to be read in relation to Limerick City and County Council following the Mayor taking up office. As well as catering for the existence of the Mayor and for functions in which both the Mayor and director general will have a role, some of the modifications also cater for the change in titles provided for in *sections 22, 24* and *26* of the Bill.

*An Roinn Tithíochta, Rialtais Áitiúil agus Oidhreachta,  
Lúnasa, 2023.*