



STATUTORY INSTRUMENTS.

S.I. No. 166 of 2007

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS
RATEPAYER PLEBISCITE) REGULATIONS 2007

(Prn. A7/0829)

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS
RATEPAYER PLEBISCITE) REGULATIONS 2007

The Minister for the Environment, Heritage and Local Government in exercise of the powers conferred on him by sections 4 and 129G (6) (as inserted by section 6 of the Local Government (Business Improvement Districts) Act 2006 (No. 42 of 2006)) of the Local Government Act 2001 (No. 37 of 2001) hereby makes the following Regulations—

Citation.

1. These Regulations may be cited as the Local Government (Business Improvement Districts Ratepayer Plebiscite) Regulations 2007.

Commencement.

2. These Regulations shall come into operation on 24 April 2007.

Interpretation.

3. (1) In these Regulations—

“the Act” means the Local Government Act 2001.

(2) In these Regulations, any reference to—

(a) a Schedule or article which is not otherwise identified is a reference to a Schedule or article of these Regulations, or

(b) a sub-article or paragraph which is not otherwise identified is a reference to a sub-article or paragraph of the provision in which the reference occurs.

Ratepayer Plebiscite

4. Following receipt by a rating authority of written confirmation from a BID proponent under section 129F(2)(a) of the Act, the manager of the rating authority concerned shall appoint a local authority employee to be a returning officer for the purposes of the ratepayer plebiscite.

5. The returning officer shall be responsible for the proper administration of the plebiscite.

6. (1) The returning officer shall compile a list of each rateable property in the proposed business improvement district and the name and the billing address of the ratepayer in respect of each such property.

(2) A list prepared under sub-article (1) shall constitute the electoral roll for the plebiscite.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 27th April, 2007.*

- (3) Each rateable property in the electoral roll shall be numbered consecutively.
- (4) Subject to section 129G(1) of the Act, the returning officer shall fix the last day and hour for receiving completed ballot papers.
7. The ballot paper shall be in the form set out in Schedule 1.
8. (1) Every ballot paper shall have a counterfoil attached thereto.
- (2) Every ballot paper shall, at the time of the issue thereof, be marked with an official mark, which shall be embossed or perforated so as to be visible on both sides of the paper and the number on the electoral roll of the ratepayer to whom it is being issued shall be entered on the ballot paper and the counterfoil.
- (3) A mark shall be placed in a copy of the electoral roll opposite the number of the ratepayer to denote that the number referred to in sub-article (2) has been entered on the ballot paper and the counterfoil.
- (4) The counterfoil shall be detached from the ballot paper before it is issued and shall be retained by the returning officer.
9. (1) In issuing ballot papers in accordance with section 129G(5) of the Act, the returning officer shall issue with each such ballot paper a postage-prepaid envelope addressed to the returning officer.
- (2) The returning officer shall post the ballot papers in the presence of the Cathaoirleach or such other member or members of the rating authority as may be authorised by that authority to witness such posting.
- (3) Where an envelope containing a ballot paper and postage-prepaid envelope referred to in sub-article (1) is, before the closing day of the plebiscite, returned to the returning officer as not having been delivered to the relevant ratepayer, the returning officer may readdress the envelope and send it by post to that voter.
10. The returning officer shall provide a ballot box for the reception of ballot papers returned by ratepayers.
11. The returning officer shall, immediately on receipt of postage-prepaid envelopes, place them unopened in the ballot box provided in accordance with article 10.
12. If the returning officer receives, before the close of the ballot, an envelope other than a postage-prepaid envelope and finds therein a ballot paper which would have been appropriate to send to him/her in a postage-prepaid envelope, he/she shall—
- (a) securely close the envelope,

(b) endorse thereon, and sign, a statement that the envelope has been closed by him/her with the contents intact,

(c) place the closed envelope in the ballot box provided by him/her, and

(d) thereafter treat the envelope as a postage-prepaid envelope.

13. Any ballot paper received by the returning officer after the hour on the last day fixed for receipt thereof shall not be placed in the ballot box.

14. As soon as practicable after the hour on the last day fixed for the receipt of ballot papers, the returning officer shall open the ballot box in the presence of the Cathaoirleach or such other member or members of the rating authority as may be authorised by that authority to attend at the opening of the ballot box.

15. When the ballot box has been opened, the returning officer shall do the following—

(a) take all the envelopes out of the ballot box,

(b) open the envelopes and count and note the number of ballot papers received, and

(c) compare the details on each ballot paper against the relevant entry on the electoral roll.

16. A ballot paper—

(a) which does not bear the official mark, or

(b) on which the mark “x” or any other mark which, in the opinion of the returning officer, clearly indicates a vote, is not placed at all or is not so placed as to indicate a vote in favour or a vote against the BID proposal, or

(c) on which the mark “x” or any other mark which, in the opinion of the returning officer, clearly indicates a vote, is so placed as to indicate both a vote in favour of and a vote against the BID proposal, or

(d) on which the details do not correspond with the details on the relevant entry on the electoral roll, or

(e) which has not been signed

shall be invalid, but a ballot paper shall not be invalid by reason only of its bearing the figure “1” or the word “one” or any other mark which, in the opinion of the returning officer, clearly indicates a vote in favour or a vote against the BID proposal.

17. The returning officer shall cause the ballot papers to be scrutinised for the purpose of discovering any papers liable to be rejected as invalid.

18. The returning officer shall endorse the word “rejected” on any ballot paper which is invalid and prepare a statement showing the number of ballot papers rejected under paragraphs (a) to (e) of article 16.

19. The returning officer shall, rejecting any ballot papers that are invalid, arrange them in parcels according to the votes recorded on them and shall count and record the number of votes given in favour of the BID proposal which is the subject of the plebiscite and the number of votes given against that proposal and shall ascertain the total number of valid ballot papers.

20. The returning officer, having counted the valid votes and ascertained the number of votes in favour of and against the BID proposal, shall declare the result of the plebiscite in the form set out in Schedule 2.

21. The returning officer shall prepare and publish in at least one newspaper circulating in the area of the proposed business improvement district the result of the ratepayer plebiscite.

22. The returning officer shall take all proper precautions for the security of the ballot papers, and other documents relating to the plebiscite.

23. Every person attending the proceedings in connection with the issue, receipt or counting of ballot papers shall maintain and aid in maintaining the secrecy of the voting.

SCHEDULE 1

FORM OF BALLOT PAPER.

No. on electoral roll.....

To (Insert Name and Billing Address of the Ratepayer)

(Insert name of rating authority) has received a proposal, under section 129C(1) (as inserted by section 6 of the Local Government (Business Improvement Districts) Act 2006 (No. 42 of 2006)) of the Local Government Act 2001 (No. 37 of 2001) from *(Insert name and address of BID proponent)* to implement a business improvement district scheme.

Under Section 129G(1) (as inserted by section 6 of the Local Government (Business Improvement Districts) Act 2006) of the Local Government Act 2001, *(Insert name of rating authority)* is required to hold a plebiscite to determine the level of support for the BID proposal among ratepayers of rateable property in the proposed business improvement district. The BID proposal is available for inspection at *(insert address/location and (as applicable) website address at which a copy of the proposal may be inspected)*.

As a ratepayer in the proposed business improvement district, do you approve of the BID proposal? If you approve, please place the mark “x” in the box opposite the word “YES” below. If you do not approve, please place the mark “x” in the box opposite the word “NO” below.

This ballot paper should be returned so as to reach the address on the enclosed envelope before.....o'clock on the (*insert last date for receiving completed ballot papers*).

YES	
NO	

Signature of Ratepayer/Ratepayers[1].....

Address.....

Date.....

[1] Section 129G(4) (as inserted by section 6 of the Local Government (Business Improvement Districts) Act 2006) of the Local Government Act 2001 provides that in the case where 2 or more persons own or occupy a rateable property and are liable for rates on that property, they shall be considered as one ratepayer for the purposes of the ratepayer plebiscite. In those circumstances, the persons concerned are not entitled to vote in the plebiscite unless a majority of them concurs and unless the vote is signed by a majority of them.

SCHEDULE 2.

FORM OF DECLARATION OF RESULT OF RATEPAYER PLEBISCITE.

I, the undersigned, being the returning officer at the ratepayer plebiscite held to determine the level of support among ratepayers of rateable property for a proposal for a business improvement district scheme from (*insert name of BID proponent*) hereby declare the result of the said plebiscite as follows—

Number of votes in favour of BID proposal

Number of votes against BID proposal

Signed.....

Returning Officer.

Dated this.....



GIVEN under my Official Seal,
24 April 2007

DICK ROCHE

Minister for the Environment, Heritage and Local Government.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations set out the procedures to be followed by a rating authority in conducting a ratepayer plebiscite to determine the level of support for a proposal for a business improvement district scheme, under Part 13A of the Local Government Act 2001.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHAN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
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