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*Number 53 of 2015*

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**Houses of the Oireachtas Commission (Amendment) Act 2015**

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ACTS REFERRED TO

Copyright and Related Rights Act 2000 (No. 28)

Ethics in Public Office Act 1995 (No. 22)

European Parliament (Irish Constituency Members) Act 2009 (No. 17)

Houses of the Oireachtas Commission Act 2003 (No. 28)

Houses of the Oireachtas Commission (Amendment) Act 2009 (No. 44)

Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012 (No. 50)



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*Number 53 of 2015*

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## **HOUSES OF THE OIREACHTAS COMMISSION (AMENDMENT) ACT 2015**

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An Act to amend the Houses of the Oireachtas Commission Act 2003 and the Ethics in Public Office Act 1995; and to provide for matters connected therewith.

[24th December, 2015]

**Be it enacted by the Oireachtas as follows:**

### **Definition**

1. In this Act “Principal Act” means the Houses of the Oireachtas Commission Act 2003.

### **Amendment of section 4 of Principal Act**

2. Section 4 of the Principal Act is amended—
  - (a) in paragraph (b) of subsection (2), by the substitution of “grants” for “grants-in-aid”, and
  - (b) by the insertion of the following subsections:
    - “(9) For the purposes specified in section 195 of the Copyright and Related Rights Act 2000, the Commission may, on behalf of either House of the Oireachtas or both Houses of the Oireachtas, perform any function that, by virtue of that section, either such House or both such Houses may perform.
    - (10) The functions that are performable by the Commission in accordance with subsection (9) shall be performable on behalf of the Commission by the Secretary General of the Service unless the Commission otherwise directs.”.

### **Amendment of section 5 of Principal Act**

3. Section 5 (inserted by section 2 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012) of the Principal Act is amended by—
  - (a) the substitution of the following subsection for subsection (1):

“(1) Subject to subsection (2), the expenditure incurred by the Commission in the performance of its functions during the period of 3 years from 1 January 2016, shall, with the approval of the Minister for Public Expenditure and Reform, be charged on and paid out of the Central Fund or the growing produce of that Fund by the Minister for Finance.”,

and

(b) the substitution of the following subsection for subsection (2):

“(2) Not more than the sum of €369,000,000 shall be charged on and paid out of the Central Fund or the growing produce of that Fund in accordance with subsection (1).”.

#### **Amendment of section 8 of Principal Act**

4. Section 8 of the Principal Act is amended by the substitution of the following subsection for subsection (9):

“(9) A body referred to in subsection (8) shall, as soon as may be after receiving a letter referred to in that subsection, cause a copy of the letter to be sent to the Secretary General.”.

#### **Amendment of section 13 of Principal Act**

5. Section 13 of the Principal Act is amended in paragraph (b) of subsection (4A) (inserted by section 9 of the Houses of the Oireachtas Commission (Amendment) Act 2009) by the substitution of “grant” for “grant-in-aid”.

#### **Amendment of Schedule 1 to Principal Act**

6. Schedule 1 (inserted by section 3 of the Houses of the Oireachtas Commission (Amendment) (No. 2) Act 2012) to the Principal Act is amended—

- (a) in paragraph 2, by the substitution of “Grant” for “Grant-in-aid” in each place where it occurs,
- (b) in paragraph 3(b), by the substitution of “for members” for “for non-office holding members”, and
- (c) in paragraph 4(b), by the substitution of “for members” for “for non-office holding members”.

#### **Amendment of Schedule 2 to Principal Act**

7. Schedule 2 to the Principal Act is amended by the substitution of the following paragraph for paragraph 6 (inserted by paragraph (b) of section 7 of the European Parliament (Irish Constituency Members) Act 2009):

“6. Receipts obtained by the Commission in the performance of its functions (other than receipts in respect of expenses paid by the

Commission on behalf of its members or members of staff that have been recouped by the Commission from the members or members of staff concerned).”.

**Amendment of section 8 of Ethics in Public Office Act 1995**

8. Section 8 of the Ethics in Public Office Act 1995 is amended by the insertion of the following subsections:

- “(6) The functions of the Clerk of Dáil Éireann under this section may be performed by the Clerk-Assistant of Dáil Éireann during any period when—
- (a) the Clerk of Dáil Éireann is, by reason of illness or otherwise, unable to perform those functions, or
  - (b) the office of Clerk of Dáil Éireann is vacant.
- (7) The functions of the Clerk of Seanad Éireann under this section may be performed by the Clerk-Assistant of Seanad Éireann during any period when—
- (a) the Clerk of Seanad Éireann is, by reason of illness or otherwise, unable to perform those functions, or
  - (b) the office of Clerk of Seanad Éireann is vacant.”.

**Repeals**

9. The following provisions of the Principal Act are repealed:

- (a) section 17;
- (b) section 19; and
- (c) subsection (1) of section 20.

**Short title, collective citation and commencement**

10. (1) This Act may be cited as the Houses of the Oireachtas Commission (Amendment) Act 2015.
- (2) This Act shall be included in the collective citation “Houses of the Oireachtas Commission Acts 2003 to 2015”.
- (3) This Act shall come into operation on 1 January 2016.