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Explanatory Memorandum](#)

Number 39 of 2006

**HOUSES OF THE OIREACHTAS COMMISSION
(AMENDMENT) ACT 2006**

ARRANGEMENT OF SECTIONS

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[No. **39.**] *Houses of the Oireachtas Commission* [2006.]
(Amendment) Act 2006.

ACTS REFERRED TO

Ethics in Public Office Act 1995	1995, No. 22
Freedom of Information Act 1997	1997, No. 13
Houses of the Oireachtas Commission Act 2003	2003, No. 28
Oireachtas (Allowances to Members) Acts 1938 to 1998	



Number 39 of 2006

**HOUSES OF THE OIREACTHAS COMMISSION
(AMENDMENT) ACT 2006**

AN ACT TO AMEND AND EXTEND THE HOUSES OF THE
OIREACTHAS COMMISSION ACT 2003 AND TO
PROVIDE FOR RELATED MATTERS.

[23rd December, 2006]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

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

2.—Section 2 of the Principal Act is amended in subsection (1)— Amendment of
section 2
(interpretation) of
Principal Act.

(a) by inserting the following after the definition of “Minister’s representative”:

“ ‘Office of the Houses of the Oireachtas’ means the office of the public service that is staffed by civil servants of the State, employed by the Commission, who exercise functions under the Commission in running the Houses of the Oireachtas pursuant to section 4(1);”

(b) by substituting the following for the definition of “Oireachtas Committee”:

“ ‘Oireachtas Committee’ means—

(a) a Committee (other than the Committee of Dáil Éireann and the Committee of Seanad Éireann to which section 8 of the Ethics in Public Office Act 1995 relates) appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, or

(b) a subcommittee of such a Committee;”

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Amendment of
section 4 (functions
of Commission) of
Principal Act.

3.—(1) Section 4 of the Principal Act is amended by substituting the following for subsection (1):

“(1) The functions of the Commission are—

- (a) to provide for the running of the Houses of the Oireachtas, and
- (b) to have charge of the Office of the Houses of the Oireachtas.”.

(2) Section 4 of the Principal Act is amended by inserting the following subsection after subsection (2):

“(2A) It shall also be a function of the Commission to provide translation services from one official language into the other in respect of Acts of the Oireachtas.”.

(3) Section 4 of the Principal Act is amended by inserting the following subsection after subsection (4):

“(4A) The Commission may prepare and publish guidelines for members of Dáil Éireann and Seanad Éireann in relation to the use of services and facilities provided out of public funds and—

- (a) may provide such services and facilities following a dissolution of Dáil Éireann, and
- (b) shall specify an appropriate charge for such use made other than in respect of duties as public representatives.”.

Amendment of
section 5 (funding
of Commission) of
Principal Act.

4.—Section 5 of the Principal Act is amended by substituting the following for subsections (1) and (2):

“(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 2007, shall be charged on and paid out of the Central Fund, or the growing produce thereof.

(2) Not more than the sum of €393,000,000 shall be so charged and paid out.”.

Amendment of
section 10
(meetings) of
Principal Act.

5.—Section 10 of the Principal Act is amended by inserting the following after subsection (5):

“(6) Each member of the Commission present at a meeting of the Commission shall have a vote.

(7) Every question at a meeting of the Commission shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the question shall be decided in the negative.

(8) Subject to this Act, the Commission shall regulate the procedure and business of the Commission and of any committee established under section 10A.”.

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6.—The Principal Act is amended by inserting the following section after section 10: Committees of
Commission.

“10A.—The Commission may from time to time establish such committees of the Commission as it thinks fit to do either or both of the following:

- (a) advise in relation to the performance of its functions, and
- (b) perform any of its functions, other than the Commission’s functions under this section to establish committees, as the Commission may specify.”.

7.—Section 11 of the Principal Act is amended by inserting the following after subsection (1): Amendment of
section 11 (transfer
of rights and
liabilities) of
Principal Act.

“(1A) (a) The Commission shall discharge any liabilities of the Minister which arise or have arisen in respect of a person who is or was employed—

- (i) as a civil servant of the State by the Commission,
- (ii) as a member of the joint staff of the Houses of the Oireachtas or as an officer of Dáil Éireann or Seanad Éireann, or

(iii) by—

- (I) a member of Dáil Éireann or of Seanad Éireann solely in connection with the member’s parliamentary duties, or
- (II) a qualifying party for the purposes of facilitating the parliamentary activities of its elected members,

in accordance with regulations made under the Oireachtas (Allowances to Members) Acts 1938 to 1998 for the provision of secretarial facilities.

(b) In this subsection ‘qualifying party’ means a political party registered in the Register of Political Parties which contested the last preceding general election or any subsequent bye-elections and which had a member or members elected to Dáil Éireann or elected or nominated to Seanad Éireann at that general election or at any subsequent bye-election.”.

8.—Section 13 of the Principal Act is amended in subsection (2) by inserting “provisional” before “breakdown of moneys paid out” and the said subsection (2) as so amended is set out in the Table to this section. Amendment of
section 13 (annual
estimate of ongoing
expenditure) of
Principal Act.

TABLE

(2) The second statement of estimates and subsequent statements of estimates shall include a provisional breakdown of moneys paid out by the Commission in respect of ongoing expenditure for the period covered by the immediately preceding statement of estimates.

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Amendment of
section 14
(accounts) of
Principal Act.

9.—Section 14 of the Principal Act is amended in subsection (2) by inserting “shall sign those accounts and the statement on internal financial control referred to in section 16(1)(ea) and” after “the Secretary General” and the said subsection as so amended is set out in the Table to this section.

TABLE

(2) In relation to accounts kept under this section the Secretary General shall sign those accounts and the statement on internal financial control referred to in section 16(1)(ea) and shall—

- (a) submit them annually to the Comptroller and Auditor General for audit, not later than 3 months after the accounting period to which they relate, and
- (b) immediately after the audit referred to in paragraph (a), present a copy of them, and the report of the Comptroller and Auditor General on them, to the Minister.

Amendment of
section 16
(functions of the
Secretary General)
of Principal Act.

10.—Section 16 of the Principal Act is amended in subsection (1) by inserting the following after paragraph (e):

“(ea) preparing a statement on internal financial control for the purpose of it being reviewed by the Comptroller and Auditor General in the context of the audit to which section 14(2)(a) relates.”

Seal of
Commission.

11.—The Principal Act is amended by inserting the following section after section 16:

“16A.—(1) The Commission shall provide itself with a seal.

(2) The seal of the Commission shall be authenticated by the signatures of—

- (a) the chairperson of the Commission or another member of the Commission authorised in that behalf by it, and
- (b) a member of the staff of the Commission authorised in that behalf by it.

(3) Judicial notice shall be taken of the seal of the Commission and an instrument purporting to be an instrument made by the Commission and to be sealed with its seal (purporting to be authenticated in accordance with subsection (2)) shall be received in evidence and shall be deemed to be such instrument without proof unless the contrary is shown.

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Commission by any person generally or specially authorised in that behalf by the Commission.”

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12.—Section 2 of the Freedom of Information Act 1997 is amended in the definition of “head of public body” in subsection (1) by inserting the following after paragraph (j):

Amendment of section 2 (interpretation) of Freedom of Information Act 1997.

“(ja) in relation to the Houses of the Oireachtas Commission, the chairperson of the Houses of the Oireachtas Commission,”.

13.—(1) This Act may be cited as the Houses of the Oireachtas Commission (Amendment) Act 2006.

Short title, collective citation and commencement.

(2) The Houses of the Oireachtas Commission Act 2003 (other than sections 17, 19, 20 and 21) and this Act (other than *section 12*) may be cited together as the Houses of the Oireachtas Commission Acts 2003 and 2006.

(3) This Act comes into operation on 1 January 2007.



[Click here for Act](#)

**AN tACHT UM CHOIMISIÚN THITHE AN OIREACHTAIS
(LEASÚ) 2006
HOUSES OF THE OIREACHTAS COMMISSION
(AMENDMENT) ACT 2006**

EXPLANATORY MEMORANDUM

[This Memorandum is not part of the Act and does not purport to be a legal interpretation.]

General

The Houses of the Oireachtas Commission Act 2003 established the Houses of the Oireachtas Commission to administer the running of Dáil Éireann and Seanad Éireann, and provided for the Commission's funding for the three years to end-2006. The main purpose of the present Act is to provide for the Commission's funding for the three years 2007-2009. In addition, the Act specifies the provision of translation services from one official language into the other in respect of Acts of the Oireachtas as also being a function of the Commission and empowers the Commission to produce guidelines on Oireachtas members' use of publicly-funded facilities. The Act also makes generally technical amendments to the 2003 Act to address matters that have arisen since that Act was passed.

Provisions

Section 1 defines the 2003 Act as the Principal Act so that it can be referred to in that way throughout this Act.

Section 2 inserts a definition of "Office of the Houses of the Oireachtas" into the definitions section of the 2003 Act. It also amends the definition of "Oireachtas Committee" so as to include sub-committees of such committees but exclude the Dáil and Seanad Committees on Members' Interests.

Section 3 amends the description of the functions of the Oireachtas Commission in the 2003 Act so as to make it more appropriate and specifies the provision of translation services from one official language into the other in respect of Acts of the Oireachtas as also being a function of the Commission. It also empowers the Commission to produce guidelines on Oireachtas members' use of publicly-funded services and facilities, including after a dissolution of the Dáil, and provides that the guidelines shall specify an appropriate charge for such use made other than in respect of duties as a public representative.

Section 4 sets the maximum amount — €393 million — that the Oireachtas Commission can draw from the Central Fund to pay for its operations over the three-year period 1 January 2007 to 31 December 2009.

Section 5 lays down voting procedures for meetings of the Oireachtas Commission and empowers the Commission to regulate its own procedure and business and those of any committees it establishes.

Section 6 empowers the Oireachtas Commission to establish committees as it thinks fit, whether to perform any its functions or to advise it on the performance of its functions; except that committees may not themselves set up committees.

Section 7 declares that the Oireachtas Commission shall discharge any liabilities of the Minister for Finance which arise or have arisen in respect of, briefly, a person who is or was employed as a civil servant of the State by the Commission, or as a member of the joint staff of the Houses of the Oireachtas or as an officer of either House; or who, in accordance with secretarial facilities regulations, is or was employed by a member of the Dáil or Seanad solely in connection with the member's parliamentary duties, or by a registered political party which had a member or members elected to the Dáil or elected or nominated to the Seanad at the last preceding election.

Section 8 amends section 13 of the 2003 Act, under which the Oireachtas Commission must present each year to the Dail, and then send to the Minister for Finance, an estimate of its expected expenditure in the following year. The estimate must include a breakdown of the Commission's expenditure in the year covered by the previous estimate. This section recognises that that breakdown will be a *provisional* one.

Sections 9 and *10* provide that the functions of the Secretary General of the Office of the Houses of the Oireachtas include signing the annual accounts of the Oireachtas Commission and preparing and signing the statement on internal financial control that accompanies those accounts.

Section 11 requires the Oireachtas Commission to provide itself with a seal, sets out how the seal is to be authenticated and provides for judicial notice to be taken of the seal. It also provides that the Commission may, either generally or for a specific purpose, authorise a person to enter into any contract or instrument which, if entered into by a person other than a body corporate, would not require to be under seal.

Section 12 clarifies that for Freedom of Information purposes, the Chairperson of the Houses of the Oireachtas Commission is the head of the Commission.

Section 13 contains short title and construction provisions and provides for commencement on 1 January 2007.

An Roinn Airgeadais,
Nollaig 2006.