



Number 28 of 2003

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HOUSES OF THE OIREACTHAS COMMISSION ACT 2003

AN ACT TO ESTABLISH A BODY TO BE KNOWN AS COIMISIÚN THITHE AN OIREACTHAIS OR, IN THE ENGLISH LANGUAGE, THE HOUSES OF THE OIREACTHAS COMMISSION, TO PROVIDE FOR THE FUNDING, FUNCTIONS AND COMPOSITION OF THE COMMISSION, TO PROVIDE FOR THE POSITION TO BE KNOWN AS SECRETARY GENERAL OF THE OFFICE OF THE HOUSES OF THE OIREACTHAS, AND TO PROVIDE FOR CONNECTED MATTERS. [14th July, 2003]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Houses of the Oireachtas Commission Act 2003. Short title and commencement.

(2) This Act comes into operation on the establishment day.

2.—(1) In this Act, except where the context otherwise requires— Interpretation.

“annual report” has the meaning given to it by *section 6*;

“chairperson” means the person who under *section 7* holds the office of chairperson of the Commission;

“civil servant” has the meaning given to it by section 1(1) of the Civil Service Regulation Act 1956, as amended by section 17(2) of the Staff of the Houses of the Oireachtas Act 1959;

“Commission” means the Houses of the Oireachtas Commission established by *section 3*;

“deputy chairperson” means the person who under *section 7* holds the office of deputy chairperson of the Commission;

“established civil servant” has the meaning given to it by section 1(1) of the Civil Service Regulation Act 1956;

Pr.1 S.2

“establishment day” means the day appointed under *section 3* to be the establishment day for the purposes of this Act;

“functions” includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

“member of the joint staff of the Houses of the Oireachtas” has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act 1959;

“member of the staff of the Houses of the Oireachtas” has the meaning given to it by section 2 of the Staff of the Houses of the Oireachtas Act 1959;

“Minister” means the Minister for Finance;

“Minister’s representative” has the meaning given to it by *section 8*;

“officer of the Houses of the Oireachtas” has the meaning given to it by section 17(2) of the Staff of the Houses of the Oireachtas Act 1959;

“Oireachtas Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas;

“ongoing expenditure” means payments relating to the matters specified in *Schedule 1*;

“Secretary General” has the meaning given to it by *section 15*.

(2) In this Act—

(a) a reference to a section is a reference to a section of this Act, unless it is indicated that a reference to some other provision is intended,

(b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

(3) A reference to another enactment is to that enactment as amended or modified at any time by any enactment.

PART 2

THE COMMISSION

Establishment of
Commission.

3.—(1) (a) Subject to *paragraph (b)*, the establishment day for the purposes of this Act is 1 January 2004.

(b) *Section 4(8)* shall not come into operation until a resolution is passed under *subsection (2)*.

(2) (a) If Dáil Éireann by resolution so declares, *section 4(8)*, insofar as it relates to Dáil Éireann or a Committee appointed by Dáil Éireann, shall come into operation on such day as may be specified in the resolution.

(b) If Seanad Éireann by resolution so declares, *section 4(8)*, insofar as it relates to Seanad Éireann or a Committee

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appointed by Seanad Éireann, shall come into operation on such day as may be specified in the resolution. Pr.2 S.3

- (c) If Dáil Éireann and Seanad Éireann by resolution so declare, *section 4(8)*, insofar as it relates to a Committee appointed by both Dáil Éireann and Seanad Éireann, shall come into operation on such day as may be specified in the resolution.

(3) On the establishment day, there shall stand established a body to be known as *Coimisiún Thithe an Oireachtais* or, in the English language, the Houses of the Oireachtas Commission, which shall perform the functions conferred on it by or under this Act.

(4) The Commission is a body corporate with perpetual succession and it has power to sue and it may be sued in its corporate name and may hold and transfer property.

(5) Subject to this Act, the Commission is independent in the performance of its functions.

4.—(1) The functions of the Commission shall be to provide for the running of the Houses of the Oireachtas and to administer and manage the Office of the Houses of the Oireachtas. Functions of Commission.

(2) Without prejudice to the generality of *subsection (1)*, the Commission shall perform the following:

- (a) to oversee ongoing expenditure,
- (b) to pay the salaries and expenses of the Office of the Houses of the Oireachtas, including certain grants-in-aid and certain expenses in connection with the European Parliament, referred to in *Schedule 1*,
- (c) (i) subject to *subparagraph (ii)*, to exercise the functions of the Minister, including any functions regarding the making of regulations insofar as they relate to those functions, in respect of the provision of secretarial facilities as provided for in the following enactments:
- (I) section 10 of the Ministerial and Parliamentary Offices Act 1938 (inserted by section 5 of the Oireachtas (Miscellaneous Provisions) and Ministerial and Parliamentary Offices (Amendment) Act 1996 and amended by section 1 of the Oireachtas (Ministerial and Parliamentary Offices) (Amendment) Act 2001), and
 - (II) section 2 of the Oireachtas (Allowances to Members) Act 1962 (as amended by section 11 of the Oireachtas (Allowances to Members) and Ministerial and Parliamentary Offices (Amendment) Act 1992 and by section 33 of the Ministerial, Parliamentary and Judicial Offices and Oireachtas Members (Miscellaneous Provisions) Act 2001),
- (ii) in relation to secretarial facilities referred to at *subparagraph (i)*, to obtain the consent of the Minister before reaching an agreement with any person in