Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 33 *of* 1998

HOUSING (TRAVELLER ACCOMMODATION) ACT 1998

REVISED

Updated to 16 May 2024

This Revised Act is an administrative consolidation of the *Housing (Traveller Accommodation) Act 1998*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024* (14/2024), enacted 9 May 2024, and all statutory instruments up to and including the *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024* (S.I. No. 207 of 2024), made 14 May 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 33 *of* 1998

HOUSING (TRAVELLER ACCOMMODATION) ACT 1998

REVISED

Updated to 16 May 2024

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Housing Act, 1988	1988, No. 28
Housing Acts, 1966 to 1997	
Local Government (Planning and Development) Act, 1963	1963, No. 28
Local Government (Planning and Development) Act, 1976	1976, No. 20
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Number 33 *of* 1998

HOUSING (TRAVELLER ACCOMMODATION) ACT 1998

REVISED

Updated to 16 May 2024

AN ACT TO AMEND AND EXTEND THE HOUSING ACTS, 1966 TO 1997, THE LOCAL GOVERNMENT (PLANNING AND DEVELOPMENT) ACTS, 1963 TO 1998, THE LOCAL GOVERNMENT ACT, 1991, TO MAKE PROVISION FOR THE ACCOMMODATION NEEDS OF TRAVELLERS, TO PROVIDE FOR THE APPOINTMENT OF A NATIONAL TRAVELLER ACCOMMODATION CONSULTATIVE COMMITTEE AND LOCAL TRAVELLER ACCOMMODATION CONSULTATIVE COMMITTEES AND TO PROVIDE FOR RELATED MATTERS. [13*th July*, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Application of collectively cited *Housing Acts* restricted (1.07.1997) by *Housing (Miscellaneous Provisions) Act 1997* (21/1997), s. 14(1), S.I. No. 247 of 1997, and s. 14A as inserted (11.09.1998) by *Housing (Traveller Accommodation Act 1998* (33/1998), s. 35(b), S.I. No. 328 of 1998; as substituted (13.04.2015) by *Housing (Miscellaneous Provisions) Act 2014* (21/2014), s. 19(9), S.I. No. 121 of 2015.

Letting and sale of local authority housing.

14.—**[**(1) Notwithstanding anything contained in the Housing Acts 1966 to 2014, or in an allocation scheme made under section 22 of the Housing (Miscellaneous Provisions) Act 2009, a housing authority may—

(a) refuse to allocate, or defer the allocation of, a dwelling to which subsection (1) of the said section 22 refers, to a household where—

(i) the authority considers that any member of the household is or has been engaged in anti-social behaviour or that an allocation to that household would not be in the interest of good estate management, or

(ii) the household fails to provide information, including information relating to members residing together or proposing to reside together as part of the household, which is requested by the authority and which the authority considers necessary in connection with an allocation,

or

(b) refuse to permit a person, or defer permitting a person, to take up or resume residence or enter or be in a dwelling to which section 22(1)(a) of the said Act refers where—

(i) the authority considers that the person is or has been engaged in anti-social behaviour or that such permission would not be in the interest of good estate management, or

(ii) the tenant of the dwelling or the person concerned fails to provide information that is requested by the authority and which the authority considers necessary in connection with deciding whether to give, refuse or defer such permission.]

...

[Authorisation to occupy caravan on site

14A. Notwithstanding anything contained in the Housing Acts 1966 to 2014, a housing authority may refuse or defer an authorisation to a person to occupy a caravan on a site where—

(a) the authority considers that that person or a member of his or her household is or has been engaged in anti-social behaviour or that the occupation by that person or household member of a caravan on the site would not be in the interest of good estate management, or

(b) that person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the authority and which the authority considers necessary in respect of the application for such authorisation.**]**

C2 Reference to "a housing authority" under collectively cited *Housing Acts* construed by *Housing (Miscellaneous Provisions) Act 1992* (18/1992), s. 23(1) and (2); as substituted (27.06.2002) by *Housing (Miscellaneous Provisions) Act 2002* (9/2002), s. 16(a), S.I. No. 329 of 2002; as substituted (1.02.2010) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 4 item 5, S.I. No. 540 of 2009; and as substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1 .

Definition of housing authority and transfer of functions.

23.—[(1) A reference in the Housing Acts 1966 to 2014 to a housing authority is a reference to a local authority and references to the functional area of a housing authority shall be construed accordingly;

...]

C3 Reference to "county council", "city council" and "county council and a city council", and reference to "the administrative area of a county council", "the administrative area of a city council" and "the administrative area of a county council and the administrative area of a city council" construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 9(2), (3), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9. ...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and

(b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

C4 Application of collectively cited *Housing Acts* potentially restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 42(22), in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the *Second Schedule* that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

SECOND SCHEDULE

...

Housing Acts 1966 to 2009

...

C5 Power granted to Minister to issue guidelines and codes of practice, and a licence, consent, permission, permit, derogation or other authorisation given under collectively cited *Housing Acts 1966 to 2009* may require compliance with an issued guideline and code of practice as provided (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 63(3), 71 and sch. 2.

General provisions regarding licences etc

63. ...

(3) A person who fails to comply with the terms, conditions, restrictions or requirements of a licence, consent, permission, permit, derogation or other authorisation given by a public authority pursuant to or in accordance with these Regulations shall be guilty of an offence.

...

Guidelines and codes of practice

71. (1) The Minister may issue guidelines and codes of practice in relation to the performance of the functions of public authorities insofar as the requirements of these Regulations, the Habitats Directive or the Birds Directive apply to those functions, or in relation to the general duties of other persons to which these Regulations apply.

...

SECOND SCHEDULE

Number	Year	Short Title/Citation
		Housing Acts 1966 to 2009

C6 Power granted to Minister to give directions and issue guidelines under collectively cited *Housing Acts 1966 to 2009* (1.12.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 4, S.I. No. 449 of 2009.

Ministerial directions.

4.— (1) The Minister may, from time to time, as he or she considers appropriate, give general policy directions in writing to a housing authority in relation to the performance by the housing authority of any of its functions under the *Housing Acts 1966 to 2009* and the housing authority shall comply with any such directions.

...

Guidelines.

5.— (1) The Minister may, from time to time, as he or she considers appropriate, issue to housing authorities such guidelines in relation to the performance of their functions under the *Housing Acts 1966 to 2009* as he or she considers appropriate and housing authorities shall have regard to such guidelines in the performance of those functions.

...

C7 Certain functions under collectively cited *Housing Acts 1966 to 2009* transferred to Health Service Executive (1.01.2005) by *Health Act 2004* (42/2004), s. 59(1) and sch. 3 item 43, S. I. No. 887 of 2004.

Transfer of functions of specified bodies to Executive.

59.—(1) The functions that, immediately before the establishment day, were the functions of a specified body under or in connection with the enactments referred to in Schedule 3 are, by this Act, transferred to the Executive on that day.

...

SCHEDULE 3

Transfer of Functions and References to Functional Areas

...

43. Housing Acts 1966 to 2002

C8 Reference to "a functional area of a health board", "the Eastern Regional Health Authority" and "an Area Health Board" under collectively cited *Housing Acts 1966 to 2009* construed (1.01.2005) by *Health Act 2004* (42/2004), s. 67(2) and sch. 3 item 43, S.I. No. 887 of 2004.

Functional areas of dissolved health boards.

67.— ...

(2) References (however expressed) in any enactment referred to in *Schedule 3* to a functional area of a health board, the Eastern Regional Health Authority or an Area Health Board are on and after the establishment day to be read as references to—

(*a*) the corresponding functional area of the Executive or that area as redefined in accordance with this section, or

(*b*) if the context so requires, the area comprising all of the corresponding functional areas of the Executive or comprising all of those areas as redefined in accordance with this section.

...

SCHEDULE 3

Transfer of Functions and References to Functional Areas

...

43. Housing Acts 1966 to 2002

Editorial Notes:

E1 Housing authority enabled to obtain, share and exchange restricted information including tax reference numbers under certain conditions (15.09.2014) by *Housing (Miscellaneous Provisions) Act 2014* (21/2014), s. 55, S.I. No. 404 of 2014.

E2 Social housing support may include provision of accommodation under Act as provided (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 19(2)(vi), S.I. No. 83 of 2011.

E3 Housing authority, in performance of its functions under collectively cited *Housing Acts*, authorised to obtain household information (14.06.2010, 1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 32, S.I. Nos. 253 of 2010, 83 of 2011, as amended.

E4 Housing authority, for purposes of its functions under collectively cited *Housing Acts*, authorised to obtain certain information in respect of certain persons (1.07.1997) by *Housing (Miscellaneous Provisions) Act 1997* (21/1997), s. 15(2), S.I. No. 247 of 1997; as substituted (1.12.2009) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 5, S.I. No. 449 of 2009.

E5 Collectively cited *Housing Acts* designated as primarily the responsibility of the Minister although conferring functions on local authorities (1.01.2002) by *Local Government Act 2001* (37/2001), s. 63(2)(a) and sch. 12 part 1, S.I. No. 588 of 2001, sch. 12 part 1, as substituted (31.12.2007) by *Water Services Act 2007* (30/2007), s. 115, S.I. No. 846 of 2007.

E6 An tArd-Chláraitheoir enabled to give prescribed, otherwise restricted, information to a housing authority for certain purposes (5.12.2005) by *Civil Registration Act 2004* (3/2004), s. 66(j), S.I. No. 764 of 2005; para. (j)(ii) substituted by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 8, not commenced as of date of revision.

PART I

PRELIMINARY AND GENERAL

Short title, collective citation, construction and commencement.

1.—(1) This Act may be cited as the Housing (Traveller Accommodation) Act, 1998.

(2) The Housing Acts, 1966 to 1997, and this Act, other than *sections 26* and *27*, may be cited together as the Housing Acts, 1966 to 1998, and shall be construed together as one Act.

(3) The Local Government (Planning and Development) Acts, 1963 to 1998, and *sections 26* and *27*, may be cited together as the Local Government (Planning and Development) Acts, 1963 to 1998, and shall be construed together as one Act.

(4) This Act shall come into operation on such day or days as, by order or orders made by the Minister, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

Annotations

Editorial Notes:

E7 Power pursuant to subs. (4) exercised (1.02.2000) by *Housing (Traveller Accommodation) Act, 1998 (Commencement) Order 2000* (S.I. No. 37 of 2000).

2. Section 25 of the Housing (Traveller Accommodation) Act, 1998, shall come into operation on the date of this order.

Dated this 1st day of February, 2000.

E8 Power pursuant to subs. (4) exercised (20.11.1998) by *Housing (Traveller Accommodation) Act, 1998 (Commencement) (No. 3) Order 2000* (S.I. No. 448 of 1998).

2. Sections 19 and 20 of the Housing (Traveller Accommodation) Act, 1998, shall come into operation on the 20th day of November, 1998.

E9 Power pursuant to subs. (4) exercised (3.11.1998) by *Housing (Traveller Accommodation) Act, 1998 (Commencement) (No. 2) Order 2000* (S.I. No. 428 of 1998).

2. Section 6 of the Housing (Traveller Accommodation) Act, 1998, shall come into operation on the 3rd day of November 1998.

E10 Power pursuant to subs. (4) exercised (16.09.1998) by *Housing (Traveller Accommodation) Act, 1998 (Commencement) Order 2000* (S.I. No. 328 of 1998).

2. The Housing (Traveller Accommodation) Act, 1998, other than sections 6, 19, 20 and 25 shall come into operation on the 11th day of September, 1998.

Interpretation.

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

"accommodation programme" shall be construed in accordance with *section 7*;

"the Act of 1963" means the Local Government (Planning and Development) Act, 1963;

"the Act of 1988" means the Housing Act, 1988;

"the Act of 1992" means the Housing (Miscellaneous Provisions) Act, 1992;

"the Act of 1997" means the Housing (Miscellaneous Provisions) Act, 1997;

"body" includes an organisation, a body established by statute, a body corporate (whether a corporation aggregate or a corporation sole) and an unincorporated body of persons;

F1**[** 'chief executive' means, as respects a local authority, a chief executive as provided for by Chapter 2 of Part 14 (as amended by the Local Government Reform Act 2014) of the Local Government Act 2001.**]**

"functions" includes powers and duties and a reference to the performance of functions includes, as respects powers and duties, a reference to the exercise of powers and the carrying out of duties;

F2**[**...**]**

"local consultative committee" means a committee appointed under *section 21*;

F2**[**...**]**

"the Minister" means the Minister for the Environment and Local Government;

"National Consultative Committee" means the National Traveller Accommodation Consultative Committee appointed under *section 19*;

F2**[**...**]**

"site" means—

(*a*) a site to which section 13 of the Act of 1988 (as amended by this Act) applies,

(*b*) a site provided or managed under section 6 of the Act of 1992, or

(*c*) any other site for caravans for travellers provided or managed with or without the assistance of a housing authority;

"traveller" means a person to whom section 13 of the Act of 1988 (as amended by this Act) applies.

(2) In this Act a reference to a section or a Part is a reference to a section or a Part of this Act unless it is indicated that reference to some other enactment is intended.

(3) In this Act a reference to a subsection or a paragraph is a reference to the subsection or the paragraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

(4) A reference in this Act to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including this Act).

Annotations

Amendments:

F1 Inserted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F2 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Expenses.

3.—Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be approved of by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Directions.

4.—The Minister may by direction amend or revoke a direction given by the Minister under this Act (including a direction under this section).

PART II

Traveller Accommodation Programme

Relevant housing authority.

5.—F3**[**...**]**

Annotations

Amendments:

F3 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Assessment of accommodation needs.

6.—F4**[**(1) A F5**[**housing authority**]** shall, for the purposes of preparing a programme under *section 7*, and at such other times as the Minister may by direction specify, in respect of the functional area concerned, make an assessment of the accommodation needs of travellers who are assessed under section 20 of the Housing (Miscellaneous Provisions) Act 2009 as being qualified for social housing support (within the meaning of that Act), including the need for sites.**]**

(2) F6**[**...**]**

F7**[**(3) Before making an assessment under this section, a F8**[**housing authority**]** shall give one month's notice of their intention to do so to—

(*a*) every local authority whose administrative area adjoins, or is contained in, the functional area of the authority preparing a programme under *section 7*,

(*b*) the Health Service Executive,

(*c*) approved bodies engaged in the provision of accommodation or shelter in the functional area concerned,

(*d*) any local consultative committee in the functional area concerned, and

(*e*) such local community bodies in the functional area concerned and any other person, as the housing authority considers appropriate.**]**

(4) Without prejudice to the generality of *subsection (1)*, a F9**[**housing authority**]**, in making an assessment shall have regard to—

(*a*) the estimate of travellers referred to in *subsection (5)*,

F10**[**(*aa*) any summary of social housing assessments prepared under section 21(c) of the Housing (Miscellaneous Provisions) Act 2009,**]**

(*b*) the need for sites with limited facilities referred to in section 13 of the Act of 1988 (as amended by this Act) in relation to the annual patterns of movement of travellers, otherwise than as their normal place of residence, and

(*c*) the views, if any, of the local consultative committee concerned.

(5) A F9**[**housing authority**]** shall make an estimate of the number of traveller families and households for whom accommodation will be required within the functional area for a period which the Minister may by direction specify.

(6) F11**[**...**]**

(7) F12**[**...**]**

Annotations

Amendments:

F4 Substituted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 1(a), S.I. No. 83 of 2011.

F5 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F6 Deleted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 1(b), S.I. No. 83 of 2011.

F7 Substituted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 1(c), S.I. No. 83 of 2011.

F8 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F9 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F10 Inserted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 1(d), S.I. No. 83 of 2011.

F11 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F12 Deleted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 1(f), S.I. No. 83 of 2011.

Editorial Notes:

E11 Previous affecting provision: subs. (6) amended (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009*, s. 8 and sch. 2 part 6 item 1(e), S.I. No. 83 of 2011; deleted as per F-note above.

Accommodation programme.

7.—(1) A F13**[**housing authority**]** shall adopt as respects their functional area an accommodation programme not later than the date specified by the Minister, or within 21 days of that date as provided under *section 13*, and shall specify in that accommodation programme the accommodation needs of travellers and the provision of accommodation required to address those needs for the period specified in *section 10(1)*.

(2) A F13**[**housing authority**]** may adopt an accommodation programme together with one or more than one F13**[**housing authority**]** for the functional areas of the relevant housing authorities concerned and *subsections (1)* and *(3)* and *sections 8* to *15* shall apply to such adoption.

(3) The adoption of an accommodation programme or an amendment to or replacement of the accommodation programme by a F13**[**housing authority**]** shall be a reserved function.

(4) The Minister shall specify a date for the adoption, by a F13**[**housing authority**]**, of an accommodation programme.

Annotations

Amendments:

F13 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No 214 of 2014.

Editorial Notes:

E12 Prospective affecting provision: housing authority required to consider programmes adopted under section in making a housing services plan as provided by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), S. 15(1)(d), not commenced as of date of revision.

E13 Function under section declared to be a reserved function to be performed by the local authority, which may be delegated to municipal district members (1.06.2014) by *Local Government Act 2001* (37/2001), s. 131A and sch. 14A part 3 item 50 as amended by the 2014 Act (the adoption of a traveller accommodation programme or an amendment to, or replacement of, the programme under this section) and (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 21(4) and sch. 3 part 3 item 50 (the adoption of a traveller accommodation programme or an amendment to, or replacement of, the programme under this section). The *Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014* (S.I. No. 231 of 2014), regs. 6-10 set out rules governing the delegation of such functions and the withdrawal of such delegation.

E14 A housing authority is required to prepare a summary of the social housing assessments carried out in its area when preparing an accommodation programme under section (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2018), s. 21, S.I. No. 83 of 2011.

Notice of accommodation programme to certain bodies.

8.—Before preparing a draft of an accommodation programme or, where appropriate, a draft of an amendment to or a replacement of the accommodation programme, F14**[**a housing authority shall**]** give notice in writing of the intention to do so to—

(*a*) any F15**[**housing authority**]** where the functional area of such F15**[**housing authority**]** adjoins the functional area of the F15**[**housing authority**]** preparing, amending or replacing the accommodation programme,

(*b*) F16**[**...**]**

F17**[**(*c*) the Health Service Executive,**]**

(*d*) the local consultative committee concerned,

(*e*) such local community bodies as the F18**[**housing authority**]** consider appropriate, and

(*f*) such other body as the F19**[**housing authority**]** concerned consider appropriate having regard to all the circumstances, including voluntary or non-profit making bodies that are engaged in the provision of accommodation, shelter and welfare or any of them in the functional area concerned.

Annotations

Amendments:

F14 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F15 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F16 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F17 Substituted (1.01.2005) by *Health Act 2004* (42/2004), s. 75 and sch. 6 part 17 item 1, S.I. No. 887 of 2004.

F18 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) sch. 2 part 1, S.I. No. 214 of 2014.

F19 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Publication of notice of accommodation programme.

9.—(1) A F20**[**housing authority**]** shall, in such form as the Minister may direct, publish a notice in not less than one newspaper circulating within the functional area of that F20**[**housing authority**]** stating that—

(*a*) they propose to adopt, amend or replace an accommodation programme,

(*b*) a draft of the accommodation programme, or a draft of the amendment to or replacement of it, is available for inspection at the offices of the F20**[**housing authority**]** or such other office as may be specified, at specified times during a specified period, and

(*c*) regard will be had to any submissions in writing received by the F20**[**housing authority**]** in relation to the draft accommodation programme, or the draft of the amendment to or replacement of it, within 2 months of the publication of the notice.

(2) Within seven days of the date of publication of the notice under *subsection (1)* the F20**[**housing authority**]** shall—

(*a*) send a copy of the notice and the draft of the accommodation programme, or the draft of the amendment to or replacement of it, to the bodies notified under *section 8*, and

(*b*) make arrangements for a copy of the notice to be displayed at such offices of the relevant housing authority to which the public have access, as the F20**[**housing authority**]** consider appropriate.

(3) A F20**[**housing authority**]** shall make the draft accommodation programme, or the draft of the amendment to or replacement of it, available for inspection at the time and during the period specified pursuant to *subsection (1)*.

Annotations

Amendments:

F20 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Preparation of accommodation programme.

10.—(1) An accommodation programme shall be prepared by a F21**[**housing authority**]** in respect of a 5 year period beginning on a date as the Minister may by direction specify and be in such form and contain such information as the Minister may direct and thereafter shall be prepared in respect of each succeeding period of 5 years or each such shorter period as the Minister may direct, and shall be adopted by the F21**[**housing authority**]** by such date as the Minister may direct or in accordance with *section 17*.

(2) In preparing an accommodation programme, or a replacement of it, the F21**[**housing authority**]** shall—

(*a*) include the most recent assessment made by that F21**[**housing authority**]** under *section 6* F22**[**...**]**

(*b*) include such particulars as the Minister may direct in relation to travellers and contained F23**[**in the most recent summary of social housing assessments prepared by a housing authority under section 21(c) of the Housing (Miscellaneous Provisions) Act 2009**]**, or, where the F21**[**housing authority**]** is preparing an accommodation programme for the first time, such particulars concerning the needs of travellers for accommodation in sites as may be available to the F21**[**housing authority**]** or as may be acquired by them as the Minister may direct,

(*c*) include a statement of the policy of the F21**[**housing authority**]** concerned in relation to meeting the accommodation needs of travellers, including the accommodation needs referred to in *paragraphs (a)* and *(b)*,

(*d*) specify the strategy of the F21**[**housing authority**]** concerned for securing the implementation of the accommodation programme,

(*e*) include measures for implementation by the F21**[**housing authority**]** concerned or, as the case may be, any other housing authority in relation to—

(i) the provision of the range of accommodation required to meet accommodation needs which have been identified,

(ii) the provision of assistance to travellers to provide accommodation for their own use,

(iii) the provision of assistance to a body standing approved under section 6 of the Act of 1992 in respect of the provision or management of accommodation for travellers, and

(iv) the proper management, including assistance towards the management, of such accommodation for travellers, and

(f) include any other matters as may be specified in directions issued from time to time by the Minister.

(3) Without prejudice to the generality of *subsection (1)*, a F21**[**housing authority**]**, in preparing an accommodation programme, shall have regard to—

(*a*) the needs identified under *paragraphs* (*a*) and (*b*) of *subsection (2)* and any matter which may be specified under *paragraph* (*f*) of *subsection (2)*,

(*b*) the distinct needs and family circumstances of travellers,

(*c*) the provision of sites to address the accommodation needs of travellers other than as their normal place of residence and having regard to the annual patterns of movement by travellers, and

(*d*) such other matters as the Minister may by direction specify from time to time.

(4) A F21**[**housing authority**]** may, having considered the submissions received in accordance with *section 9 (1)(c)*, make such changes to the draft of the accommodation programme published in accordance with *section 9(1)* or, where appropriate, the draft of the amendment to or replacement of the accommodation programme, as the F21**[**housing authority**]** considers appropriate.

Annotations

Amendments:

F21 Substituted (1.06.2014) *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F22 Deleted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 2(a), S.I. No. 83 of 2011.

F23 Substituted (1.04.2011) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), s. 8 and sch. 2 part 6 item 2(b), S.I. No. 83 of 2011.

Report by manager.

11.—The F24**[**chief executive**]** of a F24**[**housing authority**]** shall, as soon as may be after the date by which the submissions referred to in *section 9(1)(c)* are to be received, prepare a report on the submissions which have been received in accordance with that section—

(*a*) summarising the matters contained in such submissions,

(*b*) specifying the names of the persons who made such submissions,

(*c*) specifying the response of the F24**[**housing authority**]** concerned to such submissions, and

(*d*) indicating whether it is proposed to proceed with the draft of the accommodation programme or of the amendment to or the replacement of it, or to proceed with the draft as varied or modified in a manner indicated in the report, or not to proceed with such draft accommodation programme.

Annotations

Amendments:

F24 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Submission of accommodation programme to relevant housing authority.

12.—The F25**[**chief executive**]** of a F25**[**housing authority**]** shall submit the draft accommodation programme, or the draft of an amendment to or replacement of it, and the report referred to in *section 11* to the members of the F25**[**housing authority**]** not later than 3 months before the date specified for adoption by the Minister under *section 7* or *10*, or, where appropriate, the date referred to in *section 17* or *18*, and the F25**[**housing authority**]** concerned shall, as soon as may be after such submission, furnish a copy of such draft to the bodies notified under *section 8*.

Annotations

Amendments:

F25 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Adjournment of meeting.

13.—(1) A F26**[**housing authority**]** may, subject to *subsection (2)*, from time to time adjourn a meeting of such F26**[**housing authority**]** at which the motion for the adoption, amendment or replacement of the accommodation programme is being considered.

(2) A F26**[**housing authority**]** shall not adjourn a meeting referred to in *subsection (1)* if such an adjournment falls on a day that is later than 21 days after the date specified for adoption under *section 7* or *10*, or, where appropriate, the date referred to in *section 17* or *18*.

Annotations

Amendments:

F26 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Adoption of accommodation programme by manager.

14.—Where a F27**[**housing authority**]** fails to adopt an accommodation programme, or an amendment to or a replacement of it, by the date specified for such adoption under *section 7* or *10*, or, where appropriate, the date referred to in *section 17* or *18*, or within the 21 day period of such date referred to in *section 13*, the F27**[**chief executive**]** shall by order adopt the draft accommodation programme, or the amendment to or replacement of it, submitted in accordance with *section 12*, within one month of the date concerned subject to any modifications as, in the opinion of the F27**[**chief executive**]**, are considered appropriate.

Annotations

Amendments:

F27 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Publication of accommodation programme.

15.—As soon as may be after the adoption of an accommodation programme, or an amendment to or replacement of it, the F28**[**housing authority**]** shall—

(*a*) publish a notice in at least one newspaper circulating in the functional area concerned stating—

(i) that the accommodation programme, or the amendment to or replacement of it, has been adopted,

(ii) the times at which, the period during which and the place where a copy of the accommodation programme, or the amendment to or replacement of it, may be inspected, and

(iii) that a copy of or copy of an extract from the accommodation programme, or the amendment to or replacement of it, may be purchased on payment of a fee not exceeding the reasonable costs of making such copy,

(*b*) make arrangements for a copy of the notice published under *paragraph (a)* to be displayed at such offices of the relevant housing authority to which the public have access, as the F28**[**housing authority**]** consider appropriate, and

(*c*) furnish a copy of the accommodation programme, or the amendment to or replacement of it, to—

(i) the members of the F28**[**housing authority**]**,

(ii) the Minister, and

(iii) the bodies notified under *section 8*.

Annotations

Amendments:

F28 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Implementation of accommodation programme.

16.—(1) A F29**[**housing authority**]** shall, in securing the implementation of an accommodation programme, or an amendment to or replacement of an accommodation programme, take any reasonable steps as are necessary for the purpose of such implementation.

(2) F30**[**...**]**

(3) F30**[**...**]**

Annotations

Amendments:

F29 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F30 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Review, amendment and replacement of accommodation programme.

17.—(1) A F31**[**housing authority**]**—

(*a*) shall review an accommodation programme at least once in each 3 year period or at such time as the Minister may by direction specify from time to time, and

(*b*) may review an accommodation programme at any time during the period to which the accommodation programme concerned relates.

(2) A F31**[**housing authority**]** may amend or replace an accommodation programme at any time or following a review under *subsection* (*1*).

(3) Where a F31**[**housing authority**]** proposes to amend or replace an accommodation programme, the date of the adoption of the amendment or replacement shall be 7 months after the publication of the notice under *section 9*.

Annotations

Amendments:

F31 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Minister and adoption of accommodation programmes.

18.—(1) The Minister, after consultation with the F32**[**housing authorities**]** concerned, may—

(*a*) require 2 or more than 2 F32**[**housing authorities**]** to prepare jointly and adopt an accommodation programme by a date specified by the Minister, and

(*b*) require that where an accommodation programme is being prepared in accordance with *section 7(2)*, the F32**[**housing authorities**]** concerned co-ordinate such preparation and adoption in a manner, in relation to such matters and by a date, specified by the Minister,

and the F32**[**housing authorities**]** concerned shall comply with any such requirement.

(2) The Minister may, after consultation with a F32**[**housing authority**]**, require that F32**[**housing authority**]** to amend or replace an accommodation programme in a manner and by a date specified by the Minister and the F32**[**housing authority**]** concerned shall comply with any such requirement.

Annotations

Amendments:

F32 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

National Traveller Accommodation Consultative Committee.

19.—(1) The Minister shall appoint a committee to be known as the National Traveller Accommodation Consultative Committee (in this Act referred to as "the National Consultative Committee") to advise the Minister in relation to any general matter concerning accommodation for travellers and any matter referred to it by the Minister.

(2) Without prejudice to the generality of *subsection (1)*, the National Consultative Committee may advise the Minister in relation to—

(*a*) the most appropriate measures for improving, at local level, consultation with, and participation of, travellers in the provision and management of accommodation, and

(*b*) general matters concerning the preparation, adequacy, implementation and co-ordination of traveller accommodation programmes.

(3) The Minister may provide such secretarial and administrative support, technical and professional advice and assistance towards research to the National Consultative Committee as the Minister considers necessary or appropriate.

(4) The Minister shall fix the date, time and place of the first meeting of the National Consultative Committee.

(5) The National Consultative Committee may regulate by standing order or otherwise, its procedure and business.

(6) The proceedings of the National Consultative Committee shall not be invalidated by any vacancies among the membership.

(7) The National Consultative Committee shall, in respect of each year and by such date as the Minister may direct, prepare and submit a report in writing to the Minister on its activities during that year and the Minister shall cause copies of such report to be laid before each House of the Oireachtas.

(8) The expenses of the National Consultative Committee may be paid for by the Minister out of moneys provided by the Oireachtas.

Membership of National Consultative Committee.

20.—(1) The National Consultative Committee shall consist of not more than 12 members.

(2) The Minister shall appoint a chairperson of the National Consultative Committee and—

(*a*) one person who has been nominated to the Minister by the Minister for Justice, Equality and Law Reform,

(*b*) one person who has been nominated to the Minister by the General Council of County Councils,

(*c*) one person who has been nominated to the Minister by the Association of Municipal Authorities of Ireland,

(*d*) 2 persons who have been nominated to the Minister by the County and City Managers' Association,

(*e*) 3 persons who have been nominated to the Minister by bodies representing travellers and are concerned with the accommodation for travellers as the Minister may determine,

(*f*) one person from among the officers of the Minister, who is an established civil servant for the purposes of the Civil Service Regulation Act, 1956, and

(*g*) 2 persons who, in the opinion of the Minister, have experience in relation to accommodation for travellers or are concerned with the general welfare of travellers,

to be members of the National Consultative Committee.

(3) The bodies referred to in *paragraphs (b), (c), (d)* and *(e)* of *subsection (2)* shall, when requested by the Minister, nominate the number of persons for consideration for appointment to the National Consultative Committee as the Minister may specify and make such nominations in accordance with any directions as may be given by the Minister from time to time, including any directions relating to an appropriate gender balance, and shall inform the Minister of the persons so nominated.

(4) The term of office of a member (including the chairperson) of the National Consultative Committee shall not exceed 3 years.

(5) A member of the National Consultative Committee may at any time be removed from office by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of effectively participating in the work of the National Consultative Committee, or has committed stated misbehaviour, or such removal appears to the Minister to be necessary or desirable for the effective performance by the National Consultative Committee of its functions under *subsections (1)* and (*2*) of *section 19*.

(6) A member of the National Consultative Committee may at any time resign his or her office by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.

(7) If a member of the National Consultative Committee dies, resigns or is removed from office, the Minister may appoint a person nominated in the same manner as

the member whose death, resignation or removal occasioned the casual vacancy to be a member of the National Consultative Committee to fill the casual vacancy so occasioned and a person so appointed shall hold office for the remainder of the term of office of the member whose death, resignation or removal occasioned the casual vacancy.

(8) A member of the National Consultative Committee whose term of office expires by the effluxion of time, including a member appointed to fill a casual vacancy in accordance with *subsection* (*7*), shall be eligible for re-appointment as a member of the National Consultative Committee.

Local traveller accommodation consultative committee.

21.—(1) A F33**[**housing authority**]** (in this section and in *section 22* referred to as an "appointing authority") shall appoint a committee which shall be known as the local traveller accommodation consultative committee (in this Act referred to as a "local consultative committee") to advise on the provision and management of accommodation for travellers.

(2) Without prejudice to *subsection (1)*, a local consultative committee—

(*a*) may advise the appointing authority F33**[**concerned, and**]**

(*b*) may, when requested by a F33**[**housing authority**]** other than the appointing authority concerned, advise that F33**[**housing authority**]** where the functional area of that F33**[**housing authority**]** adjoins the functional area of the appointing F33**[**authority.**]**

(*c*) F34**[**...**]**

(3) Without prejudice to the generality of *subsection (1)* or any other provision of this Act, a local consultative committee may—

(*a*) advise in relation to the preparation and implementation of any accommodation programme for the functional area of the appointing authority concerned,

(*b*) advise on the management of accommodation for travellers, and

(*c*) provide a liaison between travellers and members and officials of the appointing authority concerned.

(4) The appointing authority may provide such secretarial and administrative support including expenses and other costs to the local consultative committee as such appointing authority, having regard to any directions issued by the Minister, consider necessary or appropriate.

(5) The Minister may issue directions to an appointing authority in relation to—

(*a*) the number and composition, including an appropriate gender balance, of the membership,

(*b*) the period of appointment of the members,

(*c*) the terms of reference of the local consultative committee, and

(*d*) services and support,

and the appointing authority concerned shall comply with any such directions.

(6) The proceedings of a local consultative committee shall not be invalidated by any vacancies among the membership.

(7) F35**[**...**]**

Annotations

Amendments:

F33 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F34 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F35 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Membership of local consultative committee.

22.—(1) An appointing authority shall, in accordance with any directions issued by the Minister under *section 21(5)*, appoint a chairperson of the local consultative committee and the membership of such committee which shall comprise the following—

(*a*) members of the appointing authority concerned,

(*b*) officials of the appointing authority F36**[**concerned, and**]**

(*c*) representatives of local travellers and traveller bodies, F37**[**...**]**

(*d*) F37**[**...**]**

and the number of members referred to in F38**[***paragraph (a)***]** shall not exceed one half of the membership of the local consultative committee and the number of representatives referred to in *paragraph (c)* shall not be less than one quarter of the membership of the local consultative committee.

(2) A local consultative committee may regulate, by standing order or otherwise, its procedure and business.

(3) The making of an appointment under this section shall be a reserved function.

Annotations

Amendments:

F36 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F37 Deleted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F38 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

Editorial Notes:

E15 Function under section declared to be a reserved function to be performed by the local authority, which may be delegated to municipal district members (1.06.2014) by *Local Government Act 2001* (37/2001), s. 131A and sch. 14A part 3 item 51 (the making of an appointment to a local traveller accommodation consultative committee under this section) and (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 21(4) and sch. 3 part 3 item 51 (the making of an appointment to a local traveller accommodation consultative committee under this section). The *Local Government (Performance of Reserved Functions in Respect of Municipal District Members) Regulations 2014* (S.I. No. 231 of 2014), regs. 6-10 set out rules governing the delegation of such functions and the withdrawal of such delegation.

Provision of accommodation for travellers generally.

23.—Nothing in this Act shall prevent a housing authority from providing accommodation for travellers, notwithstanding that F39**[**the housing authority concerned has not adopted an accommodation programme**]** under this Act.

Annotations

Amendments:

F39 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

PART III

Miscellaneous

Emergency situation.

24.—Nothing in this Act shall prevent a F40**[**chief executive**]** from exercising the powers conferred on a F40**[**chief executive**]** F41**[**under subsections (4) and (5) of section 138 of the Local Government Act 2001,**]** in an emergency situation.

Annotations

Amendments:

F40 Substituted (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 5(3) and sch. 2 part 1, S.I. No. 214 of 2014.

F41 Substituted (1.01.2002) by *Local Government Act 2001* (1/2014), s. 5(3) and sch. 4, S.I. No. 588 of 2001.

Loans for caravans or sites.

25.—(1) Subject to *subsection (2)*, a housing authority may make a loan for the—

(*a*) acquisition or repair of a caravan within the meaning of section 13 of the Act of 1988 (as amended by *section 29*), or

(*b*) acquisition of land for the purpose of providing a site and any construction works required for such purpose.

(2) The Minister shall, with the consent of the Minister for Finance, specify terms and conditions for loans made under *subsection* (*1*)

(3) Subsections (2) to (14) of section 11 of the Act of 1992 shall apply, to such extent as may be appropriate and with any necessary modifications, to a loan made under this section.

Annotations

Modifications (not altering text):

C9 Functions transferred and references to "Cathaoirleach" or "Cathaoirligh", "Leas-Chathaoirleach", "chief executive" and "deputy chief executive" construed (16.05.2024) by *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), ss. 10, 23, 25, 26, 28 and sch. 1 parts 1, 2, S.I. No. 207 of 2024.

Functions of Mayor

10. (1) All functions (other than functions conferred by or under an enactment specified in Part 1 of Schedule 1) that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Mayor.

(2) All functions (other than functions conferred by or under an enactment specified in Part 2 of Schedule 1) that, immediately before the vesting day, vested in the chief executive of Limerick City and County Council shall, on and after that day, vest in the Mayor.

(3) From the vesting day, a reference in any enactment (other than an enactment specified in Part 1 of Schedule 1) to Cathaoirleach shall, in so far as the reference applies to the Cathaoirleach of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

(4) From the vesting day, a reference in any enactment (other than an enactment specified in Part 2 of Schedule 1) to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the Mayor, or as including a reference to the Mayor, as the context requires.

(5) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Functions of Príomh Chomhairleoir

23. (1) All functions conferred by or under an enactment specified in Part 1 of Schedule 1 that, immediately before the vesting day, vested in the Cathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Príomh Chomhairleoir.

(2) From the vesting day, a reference in an enactment specified in Part 1 of Schedule 1 to Cathaoirleach or Cathaoirligh shall, in so far as that reference applies to the Cathaoirleach of Limerick City and County Council, be construed as a reference to the Príomh Chomhairleoir, or as including a reference to the Príomh Chomhairleoir, as the context may require.

(3) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Functions of Leas-Phríomh Chomhairleoir

25. (1) All functions conferred by or under any enactment that, immediately before the vesting day, vested in the Leas-Chathaoirleach of Limerick City and County Council shall, on and after that day, vest in the Leas-Phríomh Chomhairleoir.

(2) From the vesting day, a reference in any enactment to Leas-Chathaoirleach shall, in so far as that reference applies to the Leas-Chathaoirleach of Limerick City and County Council, be construed as a reference to the Leas-Phríomh Chomhairleoir, or as including a reference to the Leas-Phríomh Chomhairleoir, as the context may require.

(3) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

Director general

26. (1) The chief executive of Limerick City and County Council shall, on and after the vesting day, be known as the director general of Limerick City and County Council and is in this Act referred to as the "director general".

(2) The person who, immediately before the vesting day, was the chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with subsection (1).

(3) On and after the vesting day, a reference in an enactment specified in Part 2 of Schedule 1 to chief executive shall, in so far as that reference applies to the chief executive of Limerick City and County Council, be construed as a reference to the director general, or as including a reference to the director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

Deputy director general

28. (1) On and after the vesting day, a deputy chief executive appointed by the director general under section 148 of the Principal Act shall be known as the deputy director general of Limerick City and County Council and is, in this Act, referred to as the "deputy director general".

(2) The person who, immediately before the vesting day, was the deputy chief executive of Limerick City and County Council shall, on and after that day, continue in office and be referred to in accordance with subsection (1).

(3) On and after the vesting day, a reference in any enactment to deputy chief executive shall, in so far as the reference applies to the deputy chief executive of Limerick City and County

Council, be construed as a reference to the deputy director general, or as including a reference to the deputy director general, as the context may require.

(4) This section shall apply subject to the modifications of the Principal Act specified in Schedule 3.

...

SCHEDULE 1

PART 1

Enactments for Purposes of Sections 10 and 23

Number and Year (1)	Provision (2)	Extent of Modification (3)
No. 37 of 2001	Local Government Act 2001	Sections 11(5)(b), 11(8), 31(4)(a), 31(5), 31(7), 31(9), 31(11), 33, 34(2)(e), 36, 37, 38, 104(7)(a), 133(6)(a), 134(4)(b), 140(8), 141(1)(b), 141(4), 142(2)(a), 142(5)(f), 143(1), 147, 148, 158(3), 174(8), 178(2)(b), 178(5), 180(3)(a), 189(9), 190(9), 216(2)(a), 219(1) and 220(1); paragraphs 3(4), 4(2), 4(3), 6(1), 6(2), 6(3), 7(9), 10, 13(5)(e), 13(6) and 16(4)(c) of Schedule 10; paragraph 3 of Schedule 14.

PART 2

Enactments for Purposes of Sections 10 and 26

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 33 of 1998	Housing (Traveller Accommodation) Act 1998	Section 25
...	...	...

C10 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 33 of 1998	Housing (Traveller Accommodation) Act 1998	Section 25(2)
...	...	...

Editorial Notes:

E16 Provision for payment of interest on money owing under this section and its repayment made (14.06.2010) by *Housing (Miscellaneous Provisions) Act 2009* (22/2009), ss. 33, 34, S.I. No. 253 of 2010.

Amendment of section 19 of Act of 1963.

26.—(1) Section 19 of the Act of 1963 is hereby amended in subsection (2) by—

(*a*) the insertion in paragraph (*a*) of the following after subparagraph (v) (inserted by the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997)):

"(vi) for the provision of accommodation for travellers and the use of particular areas for that purpose, and",

and

(*b*) the insertion in paragraph (*b*) of the following after subparagraph (iv) (inserted by the European Communities (Natural Habitats) Regulations, 1997 (S.I. No. 94 of 1997)):

"(v) for the provision of accommodation for travellers and the use of particular areas for that purpose.".

(2) Section 19 of the Act of 1963 is hereby amended by the insertion after subsection (9) of the following:

"(10) In this section 'traveller' has the meaning assigned to it by *section 2* of the *Housing (Traveller Accommodation) Act, 1998.*".

Supplemental provisions to *section 26*.

27.—(1) A planning authority may, when complying with the provisions of paragraphs (*a*)(vi) (inserted by *section 26*) and (*b*) (v) (inserted by *section 26*) of section 19(2) of the Act of 1963, include those objectives in a variation of the development plan under section 20(1) of the Act of 1963 or a new development plan under section 20(1) of the Act of 1963 (as amended by section 43(1)(*e*) of the Local Government (Planning and Development) Act, 1976) of which notice under section 21(1)(*b*) of the Act of 1963 is published after the coming into operation of *section 26*.

(2) Notwithstanding the provisions of section 39 of the Act of 1963, any thing done or act carried out by a housing authority for the purpose of implementing an accommodation programme shall be deemed not to contravene a development plan in the period between the coming into operation of *section 26* and compliance with paragraphs (*a*)(vi) (inserted by *section 26*)) and (*b*)(v) (inserted by *section 26*) of section 19(2) of the Act of 1963.

Amendment of section 3 of Housing (Miscellaneous Provisions) Act, 1979.

28.—F42**[...]**

Annotations

Amendments:

F42 Repealed (27.06.2002) by *Housing (Miscellaneous Provisions) Act 2002* (9/2002), s. 4 and sch. 1, S.I. No. 329 of 2002.

Amendment of section 13 of Act of 1988.

29.—Section 13 of the Act of 1988 is hereby amended by the substitution of the following section for section 13:

"Provision of sites for caravans.

13.—(1) This section applies to persons belonging to the class of persons who traditionally pursue or have pursued a nomadic way of life.

(2) A housing authority may provide, improve, manage and control sites for caravans used by persons to whom this section applies, including sites with limited facilities for the use by such persons otherwise than as their normal place of residence or pending the provision of permanent accommodation under an accommodation programme within the meaning of *section 7* of the *Housing (Traveller Accommodation) Act, 1998*, and may carry out any works incidental to such provision, improvement, management or control, including the provision of services for such sites.

(3) Section 56(2) of the Principal Act shall apply in connection with the provision of sites under this section as it applies in connection with the provision of dwellings under that section.

(4) A housing authority may, in respect of the use of a site provided by them under this section or of any service or facilities provided or made available in connection with such a site, make such charges as the housing authority see fit.

(5) Any charge due to a housing authority under subsection (4) shall be recoverable by them as a simple contract debt in a court of competent jurisdiction.

(6) The Minister may issue guidelines for the purpose of this section and a housing authority shall have regard to any such guidelines.

(7) In this section—

'caravan' means any structure designed or adapted for human habitation which is capable of being moved from one place to another, whether by towing or transport on a vehicle or trailer, and includes a motor vehicle so designed or adapted and a mobile home, but does not include a tent;

'sites with limited facilities' means sites which, having regard to the temporary nature of such sites or the short duration of periods of use, have sufficient water, facilities for solid and liquid waste disposal and hard surface parking area for caravans.".

Amendment of section 15 of Act of 1988.

30.—Section 15 of the Act of 1988 is hereby amended in subsection (1) by the substitution of the following paragraph for paragraph (*c*):

"(*c*) the provision of caravans or the provision, improvement or management by the authority of sites for caravans referred to in section 13 (as amended by the *Housing (Traveller Accommodation) Act, 1998*) for persons to whom that section applies;".

Annual report and activities of a local consultative committee.

F43**[31.**—An annual report of a local authority prepared in accordance with section 221 of the Local Government Act, 2001, shall record particulars of the activities of the local consultative committee and the steps taken to secure the implementation of an accommodation programme for the functional area concerned during the period to which the annual report relates.**]**

Annotations

Amendments:

F43 Substituted (1.01.2002) by *Local Government Act 2001* (37/2001), s. 244, S.I. No. 588 of 2001.

Amendment of section 10 of Act of 1992.

32.—Section 10 of the Act of 1992 is hereby amended by—

(*a*) the substitution of the following subsection for subsection (1):

"(1) Where, without lawful authority, a person erects, places, occupies or otherwise retains a temporary dwelling in a public place and such temporary dwelling—

(*a*) is within a five mile radius of any site provided, managed or controlled by a housing authority under section 13 of the Act of 1988 (as amended by the *Housing (Traveller Accommodation) Act, 1998*), or any site provided or managed under section 6 and the temporary dwelling concerned could, in the opinion of the housing authority within whose functional area such temporary dwelling has been erected, placed, occupied or otherwise retained, appropriately be accommodated on that site, the housing authority may serve a notice on that person requiring that person, within a specified period, to remove the said temporary dwelling to the said site,

(*b*) is, in the opinion of the housing authority concerned—

(i) unfit for human habitation due to lack or inadequacy of water supply, sanitation or other essential services, or

(ii) likely to obstruct or interfere with the use of public or private amenities or facilities, or the maintenance of such amenities or facilities, or

(iii) likely to constitute or constitutes a significant risk to personal health, public health, or safety,

and such temporary dwelling could, in the opinion of the housing authority within whose functional area such temporary dwelling has been erected, placed, occupied or otherwise retained, appropriately be accommodated on any site provided, managed or controlled under section 13 of the Act of 1988 (as amended by the *Housing (Traveller Accommodation) Act, 1998*), or any site provided or managed under section 6, the housing authority may serve a notice on that person requiring that person, within a specified period, to remove such temporary dwelling to the said site,

(*c*) is within a one mile radius of any site provided, managed or controlled by a housing authority under section 13 of the Act of 1988 (as amended by the *Housing (Traveller Accommodation) Act, 1998*), or any other traveller accommodation provided, managed or controlled by a housing authority under the *Housing Acts, 1966 to 1998*, or any traveller housing accommodation provided or managed under section 6 and the housing authority within whose functional area such temporary dwelling has been erected, placed, occupied or otherwise retained is of the opinion that, whether by reason of being one of a number of such temporary dwellings or otherwise, such temporary dwelling—

(i) is causing a nuisance or obstruction to the occupants of that site or traveller accommodation or other dwellings within the vicinity of that site or that traveller accommodation, or

(ii) creates a risk to the quality of water, sanitary, electrical or other services associated with that site or traveller accommodation or other dwellings within the vicinity of that site or traveller accommodation,

the housing authority concerned may serve a notice on that person requiring that person, within a specified period, to remove the said temporary dwelling,

but where the site specified in a notice under paragraph *(a)* or paragraph *(b)* is a site provided by a housing authority other than the housing authority serving such notice or a body standing approved for the purposes of section 6, such notice shall not be served until the consent of the housing authority or body concerned to such service has been obtained.",

(*b*) the substitution in subsection (2) of the following paragraph for paragraph (*b*):

"(*b*) the location of the site to which the temporary dwelling is required to be removed, or where a notice is served under subsection (1)(c), that the temporary dwelling is required to be removed to at least a distance of one mile from the specified site,",

and

(*c*) the substitution in subsection (5) of the following paragraph for paragraph (*a*):

"(*a*) to the site specified in the notice or, where a notice is served under subsection (1)(*c*), to a location that is not less than one mile from the site referred to in than subsection, or".

Amendment of section 34 of Act of 1992.

33.—Section 34 of the Act of 1992 is hereby amended in subsection (1) by the substitution of "18, 20 or 20A" for "18 or 20".

Amendment of section 1 of Act of 1997.

34.—Section 1 of the Act of 1997 is hereby amended in subsection (1) by—

(*a*) the insertion in paragraph (*b*) of the definition of "antisocial behaviour" after "house is situate" of "or a site",

(*b*) the insertion of the following definition after the definition of "antisocial behaviour":

"'caravan' has the meaning assigned to it by section 13 of the Housing Act, 1988 (as amended by the *Housing (Traveller Accommodation) Act, 1998*);",

(*c*) the insertion in paragraph *(b)* of the definition of "estate management" after "1997" of "or a site",

(*d*) the insertion in the definition of "respondent" of "or where appropriate under section 3A" after "section 3", and

(*e*) the insertion of the following definitions after the definition of "respondent":

"'site' means—

(*a*) a site to which section 13 of the Housing Act, 1988, (as amended by the *Housing (Traveller Accommodation) Act, 1998*) applies, and

(*b*) a site provided or managed under section 6 of the Housing (Miscellaneous Provisions) Act, 1992;", and

"'site excluding order' has the meaning assigned to it by section 3A;".

Amendment of Act of 1997.

35.—The Act of 1997 is hereby amended by—

(*a*) the insertion of the following section after section 3:

"Site excluding orders.

3A.—(1) A person who is authorised, including a person who is jointly authorised, by a housing authority or an approved body to occupy a caravan on a site (in this section referred to as an 'authorised person') may apply to the District Court for a site excluding order against another person (in this Act referred to as the 'respondent') whom the authorised person making the application believes to be engaging in antisocial behaviour.

(2) A housing authority or an approved body may, in respect of a site provided by the housing authority or the approved body under the *Housing Acts, 1966* to *1998*, apply to the District Court for a site excluding order against a respondent whom the housing authority or the approved body believe to be engaging in anti-social behaviour and where the housing authority or the approved body—

(*a*) having consulted the authorised person concerned and the health board in whose functional area the site is situate, believe that such authorised person may be deterred or prevented by violence, threat or fear from pursuing an application for a site excluding order, and

(*b*) consider that, in the interests of good estate management, it is appropriate, in all the circumstances, to apply for a site excluding order.

(3) Where, following an application under this section, the District Court, or the Circuit Court on appeal from the District Court, is of the opinion that there are reasonable grounds for believing that the respondent is or has been engaged in anti-social behaviour, it may by order (in this Act referred to as a 'site excluding order')—

(*a*) direct the respondent, if residing at the site in respect of which the application was made, to leave that site, and

(*b*) prohibit the respondent, whether or not the respondent is or is not residing at the site, for the period during which the order is in force, from entering or being in the vicinity of that site or any other specified site or being on or being in or in the vicinity of any specified site.

(4) A site excluding order may, if the court thinks fit, prohibit the respondent from causing or attempting to cause any intimidation, coercion, harassment or obstruction of, threat to, or interference with the authorised person referred to in either subsection (1) or subsection (2) or other occupant of any site concerned.

(5) Where a site excluding order has been made the authorised person concerned, where the application was made under subsection (1), or the housing authority or approved body, where the application was made under subsection (2), or the respondent may apply to have such site excluding order varied and the District Court, or the Circuit Court, on hearing such application for variation shall make such order as it considers appropriate in the circumstances.

(6) A site excluding order, whether made by the District Court or the Circuit Court on appeal from the District Court, shall, subject to subsection (7) and section 9, expire 3 years after the date of its making or on the expiration of such shorter period as specified in the order.

(7) On or before the expiration of a site excluding order to which subsection (6) relates, a further site excluding order may be made by the District Court, or by the Circuit Court, on appeal from the District Court, for a period of 3 years or such shorter period as specified in the

order and the order shall take effect from the date of expiration of the first-mentioned site excluding order.

(8) A site excluding order under this section may if the court thinks fit or appropriate—

(*a*) require the respondent, within a specified period, or

(*b*) permit the respondent, on such conditions as the court may specify,

to remove from the site any caravan owned and occupied by the respondent on that site.

(9) Sections 4 to 12 shall apply, with any necessary modifications, to a site excluding order under this section and for this purpose references in those sections to—

(*a*) 'excluding order' shall be construed and have effect as including a reference to a site excluding order,

(*b*) 'interim excluding order' shall be construed and have effect as including a reference to an interim site excluding order,

(*c*) 'house' or 'housing estate' shall be construed and have effect as including a reference to a site, and

(*d*) 'tenant' shall be construed and have effect as including a reference to an authorised person making an application under subsection (1) or referred to in subsection (2)(*a*).

(10) Subsections (4), (5) and (8) shall apply to an interim site excluding order as they apply to a site excluding order.

(11) In this section 'approved body' has the meaning assigned to it by section 13(2);",

and

(*b*) the insertion of the following section after section 14:

"Authorisation to occupy caravan on site.

14A.—Notwithstanding anything contained in the *Housing Acts, 1966* to *1998*, a housing authority may refuse or defer an authorisation to a person to occupy a caravan on a site where—

(*a*) the housing authority considers that that person is or has been engaged in anti-social behaviour or that the occupation by that person of a caravan on the site would not be in the interest of good estate management, or

(*b*) that person fails to provide information, including information relating to persons residing or to reside with that person, which is requested by the housing authority and which the housing authority considers necessary in respect of the application for such authorisation.".

Miscellaneous amendments to Act of 1997.

36.—The Act of 1997 is hereby amended—

(*a*) in section 10 by the insertion in subsection (1) after "section 3," of "3A,",

(*b*) in section 11 by the insertion after "section 3," of "3A," and

(*c*) in section 21 by the insertion after "section 3," of "3A,".

Number 33 *of* 1998

HOUSING (TRAVELLER ACCOMMODATION) ACT 1998

REVISED

Updated to 12 September 2018

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Housing Acts 1966 to 2024: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 1(2)(b)). The Acts in this group are:

- *Housing Act 1966* (21/1966)
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Housing Act 1988* (28/1988), other than ss. 27 and 28
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992), other than ss. 29 and 30 and ss. 38(3) and (4)
- *Housing (Miscellaneous Provisions) Act 1997* (21/1997), other than ss. 16, 17 and 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26 and 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), other than ss. 17 to 20, 22, 23 and 24 and schs. 2 and 3
- *Housing (Miscellaneous Provisions) Act 2004* (43/2004), other than s. 2
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009), other than s. 100
- *Housing (Amendment) Act 2013* (22/2013)
- *Local Government Reform Act 2014* (1/2014), ss. 1(4), 5(3), sch. 2 part 1, sch. 4 paras. 1 and 14m and sch. 4 para. 16, in so far as they relate to the Housing Act 1966
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014)
- *Residential Tenancies (Amendment) Act 2015*(42/2015), ss. 1(3), 15, 85, 87
- *Housing (Regulation of Approved Housing Bodies) Act 2019* (47/2019), s. 67
- *Affordable Housing Act 2021* (25/2021)
- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024), s. 65

Acts previously included in this collective citation and construction but now repealed are:

- *Housing Act 1969* (16/1969)
- *Housing Act 1970* (18/1970)
- *Housing Act 1984* (1/1984)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at

www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1979, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024* (7/2024)
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014)
- *Local Government Reform Act 2014* (1/2014)
- *Housing (Miscellaneous Provisions) Act 2009* (22/2009)
- *Health Act 2004* (42/2004)
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002)
- *Local Government Act 2001* (37/2001)

All Acts up to and including *Employment (Collective Redundancies and Miscellaneous Provisions) and Companies (Amendment) Act 2024* (14/2024), enacted 9 May 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Housing (Traveller Accommodation) Act, 1998 (Commencement) Order 2000* (S.I. No. 37 of 2000)
- *Housing (Traveller Accommodation) Act, 1998 (Commencement) (No. 3) Order 2000* (S.I. No. 448 of 1998)
- *Housing (Traveller Accommodation) Act, 1998 (Commencement) (No. 2) Order 2000* (S.I. No. 428 of 1998)
- *Housing (Traveller Accommodation) Act, 1998 (Commencement) Order 2000* (S.I. No. 328 of 1998)

All statutory instruments up to and including *Local Government (Mayor of Limerick) and Miscellaneous Provisions Act 2024 (Commencement) (No. 2) Order 2024* (S.I. No. 207 of 2024), made 14 May 2024, were considered in the preparation of this revision.