Changes to Legislation: as of 5 April 2024, this Act is up to date with all changes known to be in force.

Number 42 *of* 2006

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS) ACT 2006

REVISED

Updated to 9 January 2023

This Revised Act is an administrative consolidation of the *Local Government (Business Improvement Districts) Act 2006*. 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 *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including the *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, 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 42 of 2006

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS) ACT 2006

REVISED

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ARRANGEMENT OF SECTIONS

Section

1 . Definition.

2 . Amendment of section 2 (interpretation) of Principal Act.

3 . Amendment of section 97 (the local fund) of Principal Act.

4 . Amendment of section 121 (consideration of annual financial statement and auditor's report) of Principal Act. *(Repealed)*

5 . Amendment of section 122 (audit committee) of Principal Act. *(Repealed)*

6 . Business Improvement Districts.

7 . Entry year property levy.

8 . Amendment of section 56 (power to limit rates income) of Valuation Act 2001.

9 . Short title, construction, collective citation and commencement.

ACTS REFERRED TO

Local Government Act 2001	2001, No. 37
Local Government Acts 1925 to 2004	
Valuation Act 2001	2001, No. 13

Number 42 of 2006

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS) ACT 2006

REVISED

Updated to 9 January 2023

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF BUSINESS IMPROVEMENT DISTRICTS WITHIN THE FUNCTIONAL AREAS OF RATING AUTHORITIES, TO ENABLE SCHEMES UNDER WHICH PROJECTS, SERVICES AND WORKS ARE CARRIED OUT FOR THE BENEFIT OF THOSE DISTRICTS, TO FINANCE THE SCHEMES BY PROVIDING FOR THE IMPOSITION AND COLLECTION OF A LEVY ON RATEABLE PROPERTIES SITUATED IN THOSE DISTRICTS, TO IMPROVE LOCAL AUTHORITY FUNDING BY PROVIDING FOR THE IMPOSITION AND COLLECTION OF LEVIES APPLICABLE IN RELATION TO NEWLY CONSTRUCTED PROPERTIES, TO MAKE NEW PROVISION IN RELATION TO AUDIT COMMITTEES OF LOCAL AUTHORITIES, TO AMEND THE LOCAL GOVERNMENT ACTS 1925 TO 2004 FOR ALL SUCH PURPOSES, TO AMEND THE VALUATION ACT 2001, AND TO PROVIDE FOR RELATED MATTERS.

[24*th December*, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definition.

1.— In this Act " Principal Act " means the Local Government Act 2001.

Amendment of section 2 (interpretation) of Principal Act.

2.— Section 2(1) of the Principal Act is amended by inserting the following after the definition of "local electoral area":

" ' local fund' has the meaning given to it by section 97;" .

Amendment of section 97 (the local fund) of Principal Act.

3.— Section 97 of the Principal Act is amended in subsections (3) and (4) by inserting "or a BID fund established under section 129K" after "section 109", wherever it appears.

Amendment of section 121 (consideration of annual financial statement and auditor's report) of Principal Act.

4.— F1**[**...**]**

Annotations

Amendments:

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

Amendment of section 122 (audit committee) of Principal Act.

5.— F2**[**...**]**

Annotations

Amendments:

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

Business Improvement Districts.

6.— The Principal Act is amended by inserting the following Part after Part 13:

"PART 13A

BUSINESS IMPROVEMENT DISTRICTS

Definitions (Part 13).

129A.— In this Part:

' annual BID contribution ' has the meaning assigned to it by section 129L;

' annual BID multiplier ' means the annual BID multiplier determined for a chargeable period under section 129M(2);

' BID approval date ', in relation to a BID scheme, means the date on which the rating authority concerned passes the resolution approving implementation or renewal of the scheme;

' BID company ' has the meaning assigned to it by section 129I;

' BID contribution levy ' has the meaning assigned to it by section 129N;

' BID fund ', in relation to a BID scheme, means the fund established or renewed for that scheme under section 129K;

' BID levypayer ', in relation to rateable property subject to a BID contribution levy, means the person liable to pay the levy in respect of the property under section 129N(5);

' BID proponent ' means a person specified as a proponent of a BID proposal under section 129C(2)(*a*);

' BID proposal ' has the meaning assigned to it by section 129C;

' BID scheme ' means a scheme approved by a rating authority under section 129B(1)(*b*);

' business improvement district ' means a business improvement district established under section 129B;

‘ chargeable period ’, in relation to a BID scheme, means each successive 12 month period over which the scheme is to operate, beginning on the scheme commencement date;

‘ rateable property ’ means relevant property that is rateable under the Valuation Act 2001;

‘ ratepayer ’, in relation to rateable property, means a person required to pay rates on that property;

‘ ratepayer plebiscite ’ means a plebiscite described in section 129G;

‘ scheme commencement date ’, in relation to a BID scheme, means the date that the scheme comes into force under section 129B(6)(*a*);

‘ valuation ’ means valuation within the meaning of the Valuation Act 2001;

‘ valuation list ’ means a valuation list as defined in the Valuation Act 2001.

Rating authority approval of a business improvement district scheme.

129B.— (1) Subject to and in accordance with this Part, the rating authority for an administrative area may by resolution—

(*a*) specify an area within the administrative area and establish that area as a business improvement district, and

(*b*) approve implementation of a scheme (‘BID scheme’) to carry out or provide one or more projects, services or works described in subsection (2) and which scheme is financed in whole or in part by BID contribution levies under this Part.

(2) The projects, services and works referred to in subsection (1)(*b*) shall, in the rating authority’s opinion, be—

(*a*) for the benefit of the business improvement district and those who live, work or carry on an activity in it, and

(*b*) in addition to and not instead of any project, service or work carried out or provided by the rating authority immediately before approval of the scheme.

(3) Without prejudice to the generality of subsection (2)(*a*), a BID scheme may include plans or initiatives respecting any of the following projects, services or works:

(*a*) the provision, improvement or support in the business improvement district of any of the matters described in Schedule 13;

(*b*) the improvement or beautification of streets or footpaths in the business improvement district or any land, buildings or other structures in it;

(*c*) the removal of graffiti from streets or footpaths in the business improvement district or any land, buildings or other structures in it;

(*d*) the carrying out of studies or making of reports respecting the business improvement district;

(*e*) the promotion of tourism in the business improvement district or otherwise marketing or promoting activities, performances, events or use of amenity or facilities in the business improvement district.

(4) A rating authority may not approve a scheme for implementation under subsection (1)(*b*) unless—

(*a*) the terms of the scheme provide that, subject to section 129S (respecting early termination), the scheme is to operate for at least one year from the time it is to come into force,

(*b*) the scheme has been made available to the public in accordance with section 129D and submissions from the public have been invited in accordance with section 129E,

(*c*) a ratepayer plebiscite has been held in respect of the scheme and a majority of the ratepayers who vote in the plebiscite vote in favour of its implementation, and

(*d*) having regard to submissions referred to in paragraph (*b*), the rating authority is of the opinion that the scheme is appropriate and does not conflict in a material way with the interests of the local community.

(5) It is necessary for the passing of a resolution under subsection (1) that at least one-third of the total number of members of the authority concerned vote in favour of the resolution.

(6) A BID scheme—

(*a*) comes into force on the date that—

(i) is agreed between the rating authority and the BID company responsible for the scheme, and

(ii) is specified in the resolution approving the scheme under subsection (1),

and

(*b*) subject to section 129S (respecting early termination), operates and has effect for the number of years (not exceeding 5 years) as may be specified in the terms of the scheme.

(7) The 5 year limit in subsection (6)(*b*) does not prevent a BID scheme being approved under subsection (1) for renewal for one or more further periods, each not exceeding 5 years, provided that the conditions under subsection (4) are met each time the scheme is renewed.

(8) A rating authority may not do any of the following in respect of a business improvement district for which a BID scheme is in effect:

(*a*) revise the boundaries of the business improvement district;

(*b*) consolidate the business improvement district with another business improvement district;

(*c*) divide the business improvement district into two or more business improvement districts.

BID proposal.

129C.— (1) A person proposing a scheme for approval under section 129B may submit the proposal ('BID proposal') to the rating authority concerned.

(2) The BID proposal shall—

(*a*) specify the proponent's name and provide an address for delivery of any notices to the proponent in respect of the proposal,

(*b*) define the boundaries of the area being proposed as a business improvement district (including a map showing that area),

(*c*) provide a current list of each rateable property in the proposed business improvement district,

(*d*) set out the terms of the scheme being proposed, including all of the following:

(i) a description of the objectives to be achieved under the scheme and a detailed description of the scheme itself specifying each project, service and work to be carried out or provided;

(ii) the date by which the scheme is expected to be in operation and the number of years over which the scheme is expected to operate;

(iii) the BID company that will be responsible for implementing or renewing and administering and managing the scheme in accordance with this Part;

(iv) those terms of the scheme that may be altered by consent of the rating authority and the BID company referred to in subparagraph (iii),

(*e*) specify the projects, services or works, if any, that are currently being carried out or provided by the rating authority concerned ('baseline services') and are relevant to the scheme being proposed,

(*f*) provide estimates of the following for each year over which the scheme being proposed is to operate:

(i) the expenditure that will be necessary to carry out or provide the projects, services and works under the scheme;

(ii) the projected income for the scheme and the sources of that income, including any contribution, grant or assistance from a person or public authority (other than the annual BID contribution);

(iii) the annual BID contribution,

and

(*g*) include such other information that the Minister may by regulation prescribe for purposes of this section.

(3) On request of a BID proponent, the rating authority shall provide the proponent such information that the proponent may reasonably require in order to determine and specify in the proposal the baseline services relevant to the proposed scheme.

(4) The BID proponent shall—

(*a*) deliver to the rating authority concerned a copy of the BID proposal together with an initial request that the rating authority hold a ratepayer plebiscite on the proposal, and

(*b*) provide the rating authority with such information as it reasonably requires to be satisfied that the BID proposal is not inconsistent with this Part and that the proponent has sufficient funds to meet the costs referred to in section 129H, should the proponent be required to do so under that section.

(5) On receiving the initial request for a ratepayer plebiscite under subsection (4)(*a*), the rating authority shall, as soon as practicable but subject to subsection (6), comply with sections 129D and 129E.

(6) The rating authority is not required to comply with subsection (5) until such time as the BID proponent complies with the requirements of subsections (2) and (4).

BID proposal to be available to public.

129D.— (1) A copy of a BID proposal—

(*a*) shall be made available at the principal offices of the rating authority concerned,

(*b*) may be inspected by any member of the public during normal opening hours, and

(*c*) may be purchased from the rating authority at a price not exceeding the reasonable cost of reproduction.

(2) In addition to but not instead of complying with subsection (1), the rating authority concerned may publish a copy of the BID proposal on the internet.

Public input to BID proposal.

129E.— (1) The rating authority concerned shall by way of a public notice invite submissions from the public on a BID proposal.

(2) Notice under subsection (1) shall—

(*a*) describe the proposed scheme in general terms,

(*b*) specify the area within the administrative area that is being proposed as a business improvement district,

(*c*) include a statement that, if the scheme is established, an annual BID contribution levy will be imposed on and collected from ratepayers of rateable property within the proposed business improvement district,

(*d*) specify—

(i) an address or location at which a copy of the BID proposal may be inspected pursuant to section 129D(1),

(ii) the price for which a copy of the proposal may be purchased from the rating authority under section 129D(1), and

(iii) if a copy of the proposal is also published on the internet pursuant to section 129D(2), the website address for viewing that copy,

and

(*e*) indicate that any person may, in the manner and by a date specified in the notice ('closing date'), make a submission in relation to the BID proposal.

(3) For the purposes of subsection (2)(*b*), the notice may include—

(*a*) a map that clearly indicates the boundaries of the proposed business improvement district, or

(*b*) a list of the street addresses of the rateable properties within the proposed business improvement district.

(4) The closing date under subsection (2)(*e*) may not be less than 30 days after the date on which notice under this section is first published.

(5) The rating authority shall ensure that the BID proponent receives a copy of each submission made on the BID proposal.

(6) The rating authority shall prepare a report on the submissions (if any) made on the BID proposal; copies of that report shall be—

(*a*) furnished by it to the members of the authority, and

(*b*) made available by it to the public, on request and on payment to it of a fee (which fee shall not exceed the reasonable cost of making such a copy),

and, in addition to the foregoing, it may publish a copy of the report on the internet.

Next steps after public input.

129F.— (1) If, based on submissions made under section 129E, the rating authority concerned is of the view that the BID proposal may be inconsistent with the interests of the local community, the rating authority shall, as soon as practicable after the closing date under section 129E(2)(*e*) and no later than 60 days after that closing date, notify the BID proponent in writing explaining the nature of the inconsistency.

(2) Following consideration by the BID proponent of submissions made under section 129E and any notice under subsection (1) of this section, the proponent may, but not sooner than 60 days after the closing date referred to in subsection (1), deliver to the rating authority concerned—

(*a*) written confirmation of the initial request to have the BID proposal proceed to a ratepayer plebiscite, or

(*b*) written notice to withdraw the BID proposal.

(3) If the rating authority concerned does not receive written confirmation or notice under subsection (2) within 90 days after the closing date under section 129E(2)(*e*), the BID proponent is deemed to have withdrawn the BID proposal.

(4) A BID proponent who delivers notice to withdraw the BID proposal, or is deemed to have withdrawn the proposal, is liable to pay all costs incurred by the rating authority in relation to that proposal.

(5) The costs for which the BID proponent is liable under subsection (4) are recoverable as a simple contract debt in any court of competent jurisdiction and, if there is more than one such proponent, those proponents are jointly and severally liable for those costs.

BID proposal goes to ratepayer plebiscite.

129G.— (1) Within 60 days of receiving written confirmation delivered in compliance with section 129F(2)(*a*), the rating authority concerned shall, in accordance with this section and the regulations made under subsection (6), hold a plebiscite to determine the level of support for the proposal among ratepayers of rateable property in the proposed business improvement district.

(2) Each rateable property in the proposed business improvement district shall be afforded one vote in the plebiscite.

(3) The vote under subsection (2) may only be exercised—

(*a*) by the ratepayer of the rateable property at the time of the plebiscite, and

(*b*) by completing and returning a ballot paper in the form and manner prescribed under subsection (6).

(4) In the case of a rateable property where 2 or more persons own or occupy the property and are liable for rates on that property—

(*a*) they shall be considered as one ratepayer for the purposes of subsection (3)(*a*),

(*b*) they are not entitled to vote in the plebiscite unless a majority of them concurs, and

(*c*) unless the vote is signed by a majority of them, it shall be disregarded for purposes of the plebiscite.

(5) No later than 45 days after receiving written confirmation under section 129F(2)(*a*), the rating authority concerned shall send, by ordinary post or any other means that may be prescribed by regulation, all ballot papers for completion under subsection (3) to the ratepayers concerned.

(6) The Minister may make regulations—

(*a*) relating to and governing the conduct of a ratepayer plebiscite,

(*b*) prescribing the form of a ballot paper under this section and the manner in which it is to be completed and returned, and

(*c*) prescribing means other than post for the delivery and return of ballot papers under this section.

Costs of ratepayer plebiscite.

129H.— (1) If less than 20 percent of the ratepayers who vote in a ratepayer plebiscite vote in favour of having the rating authority concerned approve implementation of the BID proposal as a BID scheme, the BID proponent is liable to pay all costs incurred by the rating authority in relation to that proposal.

(2) The costs for which a BID proponent is liable under subsection (1) are recoverable as a simple contract debt in any court of competent jurisdiction and, if there is more than one such proponent, those proponents are jointly and severally liable for those costs.

BID company requirements.

129I.— (1) A BID company shall be a company limited by guarantee and formed and registered under the Companies Acts.

(2) The principal objects of the BID company shall be stated in its memorandum of association to be as follows:

(*a*) to implement or renew and administer and manage a BID scheme or, as the case may be, a scheme being proposed for purposes of this Part;

(*b*) to ensure that each project, service and work under the scheme is carried out in accordance with that scheme and this Part;

(*c*) to carry out the functions of a BID company in accordance with this Part.

(3) Subsection (2) does not prevent or restrict the inclusion of objects and powers that are—

(*a*) reasonably necessary, proper for or incidental or ancillary to attaining the principal objects referred to in subsection (2), and

(*b*) not inconsistent with this Part or any other enactment.

(4) A BID company shall have a board of directors consisting of not less than 6 members and at least two-thirds of those directors shall be—

(*a*) ratepayers of rateable property in the business improvement district or, as the case may be, in the area being proposed as a business improvement district, or

(*b*) representatives of such ratepayers.

(5) On approval of a BID scheme by a rating authority under section 129B, the rating authority is entitled to have the following representation on the board of directors for the BID company that will be implementing or renewing the scheme:

(*a*) if the board consists of less than 13 members, one of those members shall be selected by the elected council and one shall be selected by the manager;

(*b*) if the board of directors consists of 13 or more members, 2 of those members shall be selected by the elected council and 2 shall be selected by the manager.

(6) A vacancy in the membership of the board of directors under subsection (4) or (5) does not invalidate any act or proceeding of the board or impair the right of the board to act, if the number of members is not less than a quorum.

BID company to meet and adopt first budget following approval of BID scheme.

129J.— (1) Within 60 days after the BID approval date, the board of directors of the BID company responsible for a BID scheme shall—

(*a*) hold a meeting of those directors, and

(*b*) at that meeting, prepare and adopt a budget for the first chargeable period under the scheme, setting out the matters described in section 129L(1)(*a*) to (*c*).

(2) The provisions of section 129L(1)(*a*) to (*c*) and (2) apply in respect of the budget to be prepared and adopted for the first chargeable period under subsection (1) of this section and, for this purpose, the references in section 129L(1) and (2) to 'next chargeable period' shall be read as 'first chargeable period'.

(3) The BID company shall within 7 days after the meeting under subsection (1) submit a copy of the adopted budget to the rating authority concerned.

Separate BID fund to be established following approval of BID scheme.

129K.— (1) Within 60 days after the BID approval date, the rating authority that approves implementation of a BID scheme shall establish a fund ('BID fund') for that scheme.

(2) In the case of a BID scheme that is approved for renewal under section 129B, the BID fund previously established for that scheme is continued on that approval.

(3) The BID fund shall be separate from the local fund of the rating authority and the accounts of the BID fund shall be accounted for separately.

(4) All BID contribution levies collected by the rating authority in respect of the BID scheme shall be paid into the BID fund.

(5) Subject to subsection (6), the BID contribution levies that are collected during a chargeable period shall be paid out of the BID fund to the BID company responsible for the BID scheme as required under the terms of the scheme.

(6) The rating authority may recover from the BID fund all reasonable costs it incurs in performing functions related to the BID scheme.

Annual budget for BID scheme.

129L.— (1) In each chargeable period under a BID scheme, the BID company responsible for the scheme shall prepare and adopt a budget setting out each of the following for the next chargeable period:

(*a*) the expenditure estimated to be necessary during that next chargeable period for—

(i) carrying out the projects, services and works under the scheme,

(ii) administering and managing the scheme, and

(iii) carrying out functions in respect of the scheme in accordance with this Part;

(*b*) any income, other than the annual BID contribution under paragraph (*c*), estimated to accrue to the BID company;

(*c*) the total sum of money ('annual BID contribution') that the BID company requests the rating authority contribute towards financing the scheme for the next chargeable period by means of imposing and collecting BID contribution levies under this Part.

(2) The annual BID contribution under subsection (1)(*c*) is to be determined by the formula

$$A - B$$

where

A is the expenditure referred to in subsection (1)(*a*), and

B is the income referred to in subsection (1)(*b*).

(3) The BID company shall submit a copy of the budget for the next chargeable period to the rating authority concerned at least 14 days before that next chargeable period begins.

Annual BID multiplier.

129M.— (1) On receiving a copy of the budget adopted by a BID company under section 129J(3) or 129L(3), the rating authority concerned shall determine the annual BID multiplier to be levied against the valuation of each rateable property in the business improvement district to which the budget relates.

(2) The annual BID multiplier is to be determined by the formula

$$\frac{A + B}{C}$$

where

A is the annual BID contribution determined by the BID company pursuant to section 129L(2),

B is the total of—

(*a*) all estimated costs that the rating authority expects to incur over the next chargeable period in performing functions related to the BID scheme, and

(*b*) if the budget is for the first chargeable period of the scheme under section 129J, all costs incurred by the rating authority in relation to the BID proposal on which the scheme is based, and

C is the aggregate valuation of all rateable property situate in the relevant business improvement district according to the latest valuation list in force at the time of determining the annual BID multiplier under this section.

Annual BID contribution levy.

129N.— (1) On determining the annual BID multiplier for a chargeable period under section 129M, the rating authority shall impose and collect for that chargeable period a BID contribution levy on each rateable property in the business improvement district in respect of which the BID scheme applies.

(2) Subject to subsection (3), the amount of the BID contribution levy in respect of a rateable property described in subsection (1) is to be determined by the formula

$$A \times B$$

where

A is the annual BID multiplier for the relevant chargeable period, and

B is the valuation of the rateable property, according to the latest valuation list in force on the date that that BID multiplier is determined.

(3) If a rateable property described in subsection (1) is unoccupied on the date that the annual BID multiplier is determined, the amount of the BID contribution levy is to be determined by applying the formula set out in subsection (2) and dividing that result by 2.

(4) Notice of the BID contribution levy imposed on a rateable property under this section shall be sent by post or otherwise delivered to the person liable to pay the levy for that property under subsection (5) (the 'BID levypayer') and the notice shall include the following information:

(*a*) the amount of the BID contribution levy;

(*b*) the date by which the BID contribution levy is due and payable and the manner in which it is to be paid.

(5) The following are liable to pay the BID contribution levy for a rateable property under this section:

(*a*) the person who is in occupation of the property on the date that the annual BID multiplier is determined;

(*b*) if the property is unoccupied on the date referred to in paragraph (*a*), the person who owns the property on that date.

(6) The date specified under subsection (4)(*b*) may not be less than 14 days from the date that the notice is sent under that subsection.

(7) The BID levypayer shall pay the full amount of the BID contribution levy to the rating authority by the date specified under subsection (4)(*b*).

(8) The BID contribution levy for which a BID levypayer is liable under this section is recoverable as a simple contract debt in any court of competent jurisdiction and, if there is more than one such levypayer in respect of a rateable property subject to the levy, those levypayers are jointly and severally liable for that levy.

(9) A BID contribution levy is not invalidated by any error or defect in the statement of the name of the BID levypayer in the notice under subsection (4) or by the use of the description 'the owner' or 'the occupier' without any name or addition, and the levy is recoverable from the BID levypayer notwithstanding any such error or defect or the use of any such description.

(10) For the purposes of this section, rateable property is 'unoccupied' if the person who owns the property on the date that the annual BID multiplier is determined (the 'owner') satisfies the rating authority that—

(*a*) the owner was not occupying the property on that date,

(*b*) no other person was entitled to the use or enjoyment of the property on that date, and

(*c*) acting in good faith, the owner was genuinely unable to find a suitable tenant for the property at a reasonable rent.

Recalculation of levy in event of total destruction or demolition of property.

129O.— (1) If, during a chargeable period, a rateable property subject to a BID contribution levy is demolished or destroyed to the extent that it is incapable of rateable occupation by the owner of the property, the BID levypayer may apply in writing to the rating authority concerned for a refund or credit on the amount of the levy paid or payable for the chargeable period.

(2) On receiving the application and being satisfied that the condition described in subsection (1) has been met, the rating authority shall prorate the amount of the BID contribution levy that was paid or is payable for that portion of the chargeable period during which the property is incapable of rateable occupation and that prorated amount shall be—

(*a*) refunded to the applicant BID levypayer, in the case where the levy has already been paid in full,

(*b*) refunded to the applicant BID levypayer to the extent that any partial payment of the levy that has been made would result in an overpayment because of the application of this subsection, or

(*c*) if paragraphs (*a*) and (*b*) do not apply, credited to the account of the applicant BID levypayer.

Recalculation of levy if valuation amended during chargeable period.

129P.— (1) This section applies if—

(*a*) a BID levypayer has paid the BID contribution levy payable in respect of a rateable property for a chargeable period,

(*b*) the valuation of the property changes during that chargeable period because of amendment to the valuation list described in section 28 of the Valuation Act 2001, and

(*c*) the BID levypayer has not received a refund or credit under section 129O in respect of the rateable property for that chargeable period.

(2) As soon as reasonably practicable after amendment of the valuation of the rateable property described in subsection (1), the BID contribution levy for that rateable property shall be recalculated by the rating authority under section 129N(2) or (3), as the case may be, using the same BID multiplier but the amended valuation for the property, and the recalculated amount shall be prorated based on the number of days remaining in the relevant chargeable period, beginning with the date that the valuation is amended.

(3) If, as a result of the recalculation under subsection (2), the payment of the BID contribution levy described in subsection (1)(*a*) involved an overpayment and there are no arrears of BID contribution levies outstanding on the property concerned or if there are such arrears they are less than the amount of the overpayment, then the rating authority shall pay to the BID levypayer concerned a refund in the amount of the overpayment less the amount of any such arrears owing.

(4) If, as a result of the recalculation under subsection (2), the payment of the BID contribution levy described in subsection (1)(*a*) involved an underpayment, then—

(*a*) the BID levypayer is liable for the balance owing,

(*b*) the balance owing may be recovered from the BID levypayer by the same means provided under section 129N, and

(*c*) the provisions of section 129N(4) to (9) apply for the purposes of that recovery.

(5) If—

(*a*) the amended valuation for the rateable property referred to in subsection (2) is consequently the subject of an appeal under Part 7 of the Valuation Act 2001, and

(*b*) after all appeals under that Part have been exhausted, the final valuation of the property for the relevant chargeable period is different than it was for purposes of the recalculation under subsection (2),

the rating authority shall recalculate the BID contribution levy for that property under section 129N(2) or (3), as the case may be, using the same formula applied in those provisions except where 'B' is now the final valuation of the property referred to in paragraph (*b*) of this subsection.

(6) If, as a result of recalculation under subsection (5), the amount of money paid by the BID levypayer for the relevant chargeable period involved an overpayment or an underpayment, then—

(*a*) in the case of an overpayment, subsection (3) applies, and

(*b*) in the case of an underpayment, subsection (4) applies.

Care and management of BID contribution levies.

129Q.— All BID contribution levies imposed and to be collected pursuant to this Part are placed under the care and management of the rating authority concerned.

129R.— (1) A BID company responsible for a BID scheme shall keep all proper and usual accounts of moneys received or spent by it, including an income and expenditure account and a balance sheet.

Keeping of accounts and financial statements.

(2) Without limiting subsection (1), the BID company shall establish, operate and maintain financial systems, accounts, reporting and record keeping procedures, including the preparation of annual financial statements, which are based on generally accepted accounting principles and practices.

(3) The BID company shall—

(*a*) submit to the rating authority a copy of its annual audited accounts no later than 12 weeks after the close of the financial year of the BID company to which those accounts relate, and

(*b*) on request of any person, provide a copy of those accounts at a price not exceeding the reasonable cost of reproduction.

(4) The rating authority may also require the preparation and submission to it of statements of the financial position of the BID company.

(5) Statements of financial position submitted shall contain such detail and be prepared and submitted at such intervals as may be specified by the rating authority.

Early termination of BID schemes.

129S.— (1) The rating authority that approves implementation or renewal of a BID scheme may by resolution terminate the scheme if any of the following apply:

(*a*) in the opinion of the rating authority, the BID company responsible for the scheme—

(i) will have insufficient finances to meet its liabilities for the current chargeable period and the rating authority has offered the BID company a reasonable opportunity to arrange for—

(A) financing the shortfall, or

(B) a reduction in the projects, services or works under the scheme which is sufficient to offset the shortfall,

(ii) is not carrying out or providing the projects, services or works in accordance with the scheme, or

(iii) is not in compliance with any provision in this Part;

(*b*) the rating authority is unable, due to any cause beyond its control, to perform its functions in relation to the BID scheme.

(2) It is necessary for the passing of a resolution under subsection (1) that at least one-third of the total number of members of the authority concerned vote in favour of the resolution.

(3) At least 28 days before the date of the termination, the rating authority shall give written notice to the BID company of its intention to terminate the BID scheme under subsection (1).

(4) The BID company responsible for a BID scheme may terminate the scheme if any of the following apply:

(*a*) the BID company will have insufficient finances to meet its liabilities for the current chargeable period and it has made a reasonable effort to arrange for—

(i) financing the shortfall, or

(ii) a reduction in the projects, services or works under the scheme which is sufficient to offset the shortfall;

(*b*) the BID company is unable, due to any cause beyond its control, to carry out or provide the projects, services or works under the scheme;

(*c*) the projects, services or works to be carried out or provided under the scheme are no longer required.

(5) At least 28 days before the date of the termination, the BID company shall give written notice to the rating authority concerned of its intention to terminate the BID scheme under subsection (4).

Final accounting of BID fund on termination of BID scheme.

129T.— (1) As soon as is reasonably practicable after termination of a BID scheme under section 129S or after a scheme is no longer in force and is not renewed, the rating authority concerned shall give written notice of the termination to—

(*a*) if the termination occurs during a chargeable period under the scheme, those persons liable to pay a BID contribution levy for that chargeable period, and

(*b*) if the scheme is no longer in force and is not renewed under section 129B, those persons most recently liable to pay the BID contribution levy when the scheme was in force.

(2) The written notice referred to in subsection (1) shall explain if a refund is to be made under subsection (4).

(3) Subsection (4) applies if, after deducting—

(*a*) all costs incurred by the rating authority in performing functions related to the BID scheme, and

(*b*) all costs that the rating authority expects to incur in the performance of its functions under this part,

there is a credit to the relevant BID fund that would, when divided between the BID levypayers who paid the most recent BID contribution levy owing before the scheme's termination (and divided on a basis proportionate to their contribution

to the annual BID contribution for the most recent chargeable period), enable a refund of at least €50 to each of those levypayers.

(4) The rating authority shall—

(*a*) after making the deductions described in subsection (3)(*a*) and (*b*), calculate the amount of the credit to the relevant BID fund that is to be refunded to each BID levypayer described in that subsection, and

(*b*) make arrangements for those refunds to be made.

(5) If subsection (3) does not apply, the rating authority shall transfer the credit balance in the relevant BID fund to the credit of the local fund of the rating authority.".

Entry year property levy.

7.— The Principal Act is amended by inserting the following Part after Part 19:

"PART 19A

ENTRY YEAR PROPERTY LEVY

Definitions.

211A.— In this Part:

' entry date ', in relation to qualifying property, means the date on which the first rateable valuation for that property is entered on the valuation list;

' entry year ', in relation to qualifying property, means the financial year in which the property is first entered on a valuation list;

' levypayer ', in relation to qualifying property, means the person liable to pay the levy in respect of that property under section 211B(6);

' post-entry year ' means the financial year following the entry year for a qualifying property;

' qualifying property ' means property that is subject to the levy under section 211B(1);

' rating authority area ' has the same meaning as in the Valuation Act 2001;

' relevant property ' has the same meaning as in the Valuation Act 2001.

Entry year property levy.

211B.— (1) When newly erected or newly constructed relevant property comes into being in a rating authority area and the property is first entered on the valuation list relating to that area, the rating authority concerned shall impose and collect a levy in respect of that property in accordance with this section.

(2) Property that is not rateable pursuant to section 15(2), (3) or (4) of the Valuation Act 2001 is not subject to the levy under subsection (1) of this section.

(3) Subject to subsection (4), the amount of the levy under subsection (1) is to be determined by the formula

$$(A \times B) \times (C/D)$$

where

A is the annual rate on valuation that was determined by the rating authority for the entry year pursuant to section 103(7)(*b*)(i),

B is the rateable valuation of the property,

C is the number of days remaining in the entry year, beginning with the entry date, and

D is the total number of days in the entry year.

(4) If qualifying property is unoccupied on the entry date, the amount of the levy is to be determined by applying the formula set out in subsection (3) and dividing that result by 2.

(5) Notice of the levy shall be sent by post or otherwise delivered to the person liable to pay the levy for the qualifying property under subsection (6) (the 'levypayer') and the notice shall include the following information:

(*a*) the amount of the levy;

(*b*) the date by which the levy is due and payable and the manner in which it is to be paid.

(6) The following are liable to pay the levy under this section:

(*a*) the person who is in occupation of the qualifying property on the entry date;

(*b*) if the qualifying property is unoccupied on the entry date, the person who owns the property on that date.

(7) The date specified under subsection (5)(*b*) may not be less than 14 days from the date that the notice is sent under that subsection.

(8) The levypayer shall pay the full amount of the levy to the rating authority by the date specified under subsection (5)(*b*).

(9) The levy for which a levypayer is liable under this section is recoverable as a simple contract debt in any court of competent jurisdiction and, if there is more than one levypayer in respect of the qualifying property, those levypayers are jointly and severally liable for that levy.

(10) A levy is not invalidated by any error or defect in the statement of the name of the levypayer in the notice under subsection (5) or by the use of the description 'the owner' or 'the occupier' without any name or addition, and the levy is recoverable from the levypayer notwithstanding any such error or defect or the use of any such description.

(11) For the purposes of this section and section 211E, qualifying property is 'unoccupied' if the person who owns the property on the entry date (the 'owner') satisfies the rating authority that—

(*a*) the owner was not occupying the property on that date,

(*b*) no other person was entitled to the use or enjoyment of the property on that date, and

(*c*) acting in good faith, the owner was genuinely unable to find a suitable tenant for the property at a reasonable rent.

Recalculation of levy in event of total destruction or demolition of property.

211C.— (1) If during the entry year qualifying property is demolished or destroyed to the extent that it is incapable of rateable occupation by the owner of the property, the levypayer may apply in writing to the rating authority concerned for a refund or credit on the amount of the levy paid or payable under section 211B.

(2) On receiving the application and being satisfied that the condition described in subsection (1) has been met, the rating authority shall prorate the amount of the levy that was paid or is payable for that portion of the entry year during which

the property is incapable of rateable occupation and that prorated amount shall be—

(*a*) refunded to the applicant levypayer, in the case where the levy has already been paid in full,

(*b*) refunded to the applicant levypayer to the extent that any partial payment of the levy that has been made would result in an overpayment because of the application of this subsection, or

(*c*) if paragraphs (*a*) and (*b*) do not apply, credited to the account of the applicant levypayer.

Recalculation of entry year levy if rateable valuation amended.

211D.— (1) This section applies if—

(*a*) the levypayer has paid the levy payable in respect of qualifying property under section 211B,

(*b*) the rateable valuation of the property changes during the entry year because of amendment to the valuation list described in section 28 of the Valuation Act 2001, and

(*c*) the levypayer has not received a refund or credit under section 211C in respect of the property.

(2) As soon as reasonably practicable after amendment of the rateable valuation of the property described in subsection (1), the entry-year levy for that property shall be recalculated by the rating authority under section 211B(3) or (4), as the case may be, using the same annual rate on valuation but the amended rateable valuation for the property, and the recalculated amount shall be prorated based on the number of days remaining in the entry year, beginning with the date that the rateable valuation is amended.

(3) If, as a result of the recalculation under subsection (2), the payment of the levy described in subsection (1)(*a*) involved an overpayment, then the rating authority shall pay to the levypayer a refund in the amount of that overpayment.

(4) If, as a result of the recalculation under subsection (2), the payment of the levy described in subsection (1)(*a*) involved an underpayment, then—

(*a*) the levypayer is liable for the balance owing,

(*b*) the balance owing may be recovered from the levypayer by the same means provided under section 211B, and

(*c*) the provisions of section 211B(5) to (10) apply for the purposes of that recovery.

(5) If—

(*a*) the amended rateable valuation for the property referred to in subsection (2) is consequently the subject of an appeal under Part 7 of the Valuation Act 2001, and

(*b*) after all appeals under that Part have been exhausted, the final rateable valuation of the property for the entry year is different than it was for purposes of the recalculation under subsection (2),

the rating authority shall recalculate the entry-year levy for that property under section 211B(3) or (4), as the case may be, using the same formula applied in those provisions except where 'B' is now the final rateable valuation for the property referred to in paragraph (*b*) of this subsection.

(6) If, as a result of recalculation under subsection (5), the amount of money paid by the levypayer in respect of the entry-year levy involved an overpayment or an underpayment, then—

(*a*) in the case of an overpayment, subsection (3) applies, and

(*b*) in the case of an underpayment, subsection (4) applies.

Post-entry year property levy in specified circumstances.

211E.— (1) If qualifying property is first entered on the valuation list relating to a rating authority area after the rating authority concerned determines the annual rate on valuation for the post-entry year pursuant to section 107(3)(*b*)(i), the rating authority shall impose and collect an additional levy in respect of that property in accordance with this section.

(2) Subject to subsection (3), the amount of the levy under subsection (1) is to be determined by the formula

A x B

where

A is the annual rate on valuation that was determined by the rating authority for the post-entry year pursuant to section 103(7)(*b*)(i), and

B is the rateable valuation of the property.

(3) If the property referred to in subsection (1) is unoccupied on the entry date, the amount of the levy is to be determined by applying the formula set out in subsection (2) and dividing that result by 2.

(4) Notice of the levy shall be sent by post or otherwise delivered to the levypayer and the notice shall include the following information:

(*a*) the amount of the levy;

(*b*) the date by which the levy is due and payable and the manner in which it is to be paid.

(5) The date specified under subsection (4)(*b*) may not be less than 14 days from the date that the notice is sent under that subsection.

(6) The levypayer shall pay the full amount of the levy to the rating authority by the date specified under subsection (4)(*b*).

(7) The provisions of section 211B(9) and (10) apply for purposes of recovery of the levy under this section and any references in those provisions to section 211B shall be construed as references to this section.

(8) The provisions of section 211C apply in respect of a qualifying property that may be subject to the post-entry year levy under this section and, for that purpose, the following rules of construction apply:

(*a*) any references in those provisions to section 211B shall be construed as references to this section;

(*b*) any references in those provisions to 'entry year' shall be construed as references to 'post-entry year'.

Recalculation of post-entry year levy if rateable valuation amended.

211F.— (1) This section applies if—

(*a*) the levypayer has paid the levy payable in respect of qualifying property under section 211E,

(*b*) the rateable valuation of the property changes during the post-entry year because of amendment to the valuation list described in section 28 of the Valuation Act 2001, and

(*c*) the levypayer has not received a refund or credit in respect of the property pursuant to section 211E(8).

(2) As soon as reasonably practicable after amendment of the rateable valuation of the property described in subsection (1), the post-entry year levy for that property shall be recalculated by the rating authority under section 211E(2) or (3), as the case may be, using the same annual rate on valuation but the amended rateable valuation for the property, and the recalculated amount shall be prorated based on the number of days remaining in the post-entry year, beginning with the date that the rateable valuation is amended.

(3) If, as a result of the recalculation under subsection (2), the payment of the levy described in subsection (1)(*a*) involved an overpayment, then the rating authority shall pay to the levypayer a refund in the amount of that overpayment.

(4) If, as a result of the recalculation under subsection (2), the payment of the levy described in subsection (1)(*a*) involved an underpayment, then—

(*a*) the levypayer is liable for the balance owing,

(*b*) the balance owing may be recovered from the levypayer by the same means provided under section 211E, and

(*c*) the provisions of section 211E(4) to (7) apply for the purposes of that recovery.

(5) If—

(*a*) the amended rateable valuation for the property referred to in subsection (2) is consequently the subject of an appeal under Part 7 of the Valuation Act 2001, and

(*b*) after all appeals under that Part have been exhausted, the final rateable valuation of the property for the post-entry year is different than it was for purposes of the recalculation under subsection (2),

the rating authority shall recalculate the post-entry year levy for that property under section 211E(2) or (3), as the case may be, using the same formula applied in those provisions except where 'B' is now the final rateable valuation for the property referred to in paragraph (*b*) of this subsection.

(6) If, as a result of recalculation under subsection (5), the amount of money paid by the levypayer in respect of the post-entry year levy involved an overpayment or an underpayment, then—

(*a*) in the case of an overpayment, subsection (3) applies, and

(*b*) in the case of an underpayment, subsection (4) applies.".

Amendment of section 56 (power to limit rates income) of Valuation Act 2001.

8.— Section 56 of the Valuation Act 2001 is amended by substituting the following for subsection (2):

"(2) The Minister for the Environment, Heritage and Local Government shall, with the consent of the Minister for Finance, make an order requiring a rating authority to exercise its powers to make rates in such a manner as to secure that the total amount liable to be paid to it in respect of rates made by it in the appropriate year does not exceed an amount determined by the formula

A x (B + C)

where

A is the figure specified in subsection (3),

B is the total amount liable to be paid to the rating authority in respect of rates levied by it in the preceding year, and

C is an amount determined by the formula

D x (E + F)

where

D is the annual rate on valuation that was levied by the rating authority for the preceding year pursuant to section 103 (7)(*b*)(i) of the Local Government Act 2001,

E is the aggregate valuation of relevant properties in the area that, pursuant to the exercise of a revision officer's powers under section 28(4)(*b*) of this Act, were included on the valuation list for the preceding year, as that list was amended for that area in relation to those properties under section 28(10), and

F is the total increase, if any, in valuations for relevant properties in the area that occurred during the preceding year pursuant to the exercise of a revision officer's powers under section 28(4)(*a*) and which exercise resulted in amendments to the valuation list for that preceding year in accordance with section 28(10).".

Short title, construction, collective citation and commencement.

9.— (1) This Act may be cited as the Local Government (Business Improvement Districts) Act 2006.

(2) *Sections 2* to *7* and the Local Government Acts 1925 to 2004, may be cited together as the Local Government Acts 1925 to 2006.

(3) *Section 8* and the Valuation Act 2001 may be cited together as the Valuation Acts 2001 and 2006.

(4) *Sections 2* to *6* come into operation on such day or days as the Minister for the Environment, Heritage and Local Government, may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to subs. (4) exercised (24.04.2007) by *Local Government (Business Improvement Districts) Act 2006 (Commencement) Order 2007* (S.I. No. 165 of 2007).

2. The day fixed, on which sections 2, 3 and 6 of the Local Government (Business Improvement Districts) Act 2006 come into operation, is 24 April 2007.

Number 42 *of* 2006

LOCAL GOVERNMENT (BUSINESS IMPROVEMENT DISTRICTS) ACT 2006

REVISED

Updated to 9 January 2023

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.

Related legislation

Local Government Acts 1925 to 2022: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), s. 3(3)). The Acts in this group are:

- *Local Government Act 1925* (5/1925)
- *Local Government Act 1927* (3/1927)
- *Local Government Act 1941* (23/1941)
- *Local Government Act 1946* (24/1946)
- *Local Government Act 1955* (9/1955)
- *Local Government (No. 2) Act 1960* (40/1960)
- *Local Government (Buncrana) Act 1968* (2/1968)
- *Local Government (Rateability of Rents) (Abolition) Act 1971* (15/1971), in so far as it amends *Local Governmet Acts 1925 to 1967*
- *Local Government (Financial Provisions) Act 1978* (35/1978)
- *Local Government (Financial Provisions) Act 1983* (21/1983)
- *Local Government (Financial Provisions) (No. 2) Act 1983* (10/1983)
- *Local Government (Reorganisation) Act 1985* (7/1985)
- *Local Government Act 1991* (11/1991)
- *Local Government Act 1994* (8/1994)
- *Local Government (Financial Provisions) Act 1997* (29/1997)
- *Local Government Act 1998* (16/1998)
- *Local Government (Financial Provisions) Act 2000* (6/2000)
- *Local Government Act 2001* (37/2001), other than ss. 263, 164, 211, Part 23 and Part 24
- *Local Government Act 2003* (8/2003)
- *Local Government (No. 2) Act 2003 (No. 17 of 2003)* (17/2002)
- *Electoral (Amendment) Act 2004* (15/2004), ss. 34
- *Local Government (Business Improvement Districts) Act 2006* (42/2006), ss. 2, 3, 4, 5, 6, 7
- *Copyright and Related Rights (Amendment) Act 2007* (39/2007), Part 3
- *Water Services Act 2007* (30/2007), ss. 1(7), 13 and 115
- *Local Government (Miscellaneous Provisions) Act 2012* (17/2012), Part 4
- *Electoral, Local Government and Planning and Development Act 2013* (27/2013), Part 9

- *Local Government Reform Act 2014* (1/2014), other than ss. 1(3)-(8), 5(3)-(5) and sch. 2
- *Housing (Miscellaneous Provisions) Act 2014* (21/2014), s. 57
- *Planning and Development (Housing) and Residential Tenancies Act 2016* (17/2016), ss. 1(2)(c), 52
- *Local Government Act 2019* (1/2019)
- *Local Government Rates and other Matters Act 2019* (24/2019), other than ss. 23, 24, 25, 26
- *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2023), s. 2

Valuation Acts 2001 to 2020: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Residential Tenancies and Valuation Act 2020* (7/2020), s. 1(3)). The Acts in this group are:

- *Valuation Act 2001* (13/2001)
- *Local Government (Business Improvement Districts) Act 2006* (42/2006), s. 8
- *Local Government Reform Act 2014* (1/2014), ss. 1(3), 5 and sch. 2 part 6 in so far as it relates to *Valuation Act 2001*
- *Health Service Executive (Financial Matters) Act 2014* (17/2014), s. 16
- *Water Services Act 2014* (44/2014), s. 12
- *Valuation (Amendment) Act 2015* (10/2015)
- *Landlord and Tenant (Ground Rents) (Amendment) Act 2019* (42/2019), s. 6
- *Residential Tenancies and Valuation Act 2020* (7/2020), s. 14

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 1972, 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 Reform Act 2014* (1/2014)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Local Government (Business Improvement Districts) Act 2006 (Commencement) Order 2007* (S.I. No. 165 of 2007)

All statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.