Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 47 *of* 2019

HOUSING (REGULATION OF APPROVED HOUSING BODIES) ACT 2019

REVISED

Updated to 18 November 2024

This Revised Act is an administrative consolidation of the *Housing (Regulation of Approved Housing Bodies) Act 2019*. 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 *Family Courts Act 2024* (48/2024), enacted 13 November 2024, and all statutory instruments up to and including the *European Union (Cosmetic Products) (Amendment) Regulations 2024* (S.I. No. 637 of 2024), made 20 November 2024, were considered in the preparation of this Revised Act.

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HOUSING (REGULATION OF APPROVED HOUSING BODIES) ACT 2019

REVISED

Updated to 18 November 2024

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Ethics in Public Office Act 1995 (No. 22)
European Parliament Elections Act 1997 (No. 2)
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Number 47 *of* 2019

HOUSING (REGULATION OF APPROVED HOUSING BODIES) ACT 2019

REVISED

Updated to 18 November 2024

An Act to provide for the regulation of approved housing bodies for the purposes of protecting certain housing assets provided or managed by such bodies; to establish a body to be known in the Irish language as *An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe* or, in the English language, as the Approved Housing Bodies Regulatory Authority and to confer functions on it; to provide for the registration of certain persons as approved housing bodies; to provide for the setting of standards for approved housing bodies relating to governance, financial management, property and asset management and tenancy management and compliance with those standards; to provide for the carrying out of standards assessments and the monitoring of the implementation of compliance plans; to provide for the carrying out of investigations; to make provision in relation to the protection of approved housing bodies; to provide for the application, with modification, of certain provisions of the Companies Act 2014 to approved housing bodies; to provide for the cancellation of registration of approved housing bodies; to provide for the establishment of an Appeals Panel to hear appeals from certain decisions of the Approved Housing Bodies Regulatory Authority; for those purposes to amend the Housing (Miscellaneous Provisions) Act 1992; and to provide for related matters. [23*rd December*, 2019]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citation and commencement

1. (1) This Act may be cited as the Housing (Regulation of Approved Housing Bodies) Act 2019.

(2) The Housing Acts 1966 to 2014 and *section 67* and this subsection may be cited together as the Housing Acts 1966 to 2019.

(3) This Act shall come into operation on such day or days as the Minister 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 or different provisions.

Interpretation

2. In this Act—

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

"Act of 2009" means the Housing (Miscellaneous Provisions) Act 2009;

"Act of 2014" means the Companies Act 2014;

"AHB" means an approved housing body;

"Appeals Board" means an Appeals Board appointed under *section 62(3)*;

"Appeals Panel" means the Appeals Panel established under *section 61*;

F1**[**"approved housing body" means a person registered in the register in accordance with *section 28(2)(a)* as an approved housing body;**]**

"approved standards" means standards approved and published under *section 37*;

"charitable trust" means—

(a) a charitable trust within the meaning of the Charities Act 2009, or

(b) the Iveagh Trustees (also referred to as the Iveagh Trust) within the meaning of the Iveagh Trust Acts 1899 to 1961;

"chief executive" means the chief executive officer of the Regulator appointed under *section 11*;

"common areas, structures, works and services" means, F1**[**in relation to dwellings provided for the purpose of alleviating a housing need**]**, areas, structures, works and services that are, or are intended to be, common to such dwellings and enjoyed therewith, including, where relevant, access and side roads, architectural features, circulation areas, footpaths, internal common stairways, open spaces, parking areas, utility rooms and that portion of the roof or exterior of any building not intended to form or not forming part of any individual dwelling;

"communal facilities and amenities" means, F1**[**in relation to dwellings provided for the purpose of alleviating a housing need**]**, areas, structures, works and services that are, or are intended to be, common to such dwellings and enjoyed therewith and used for the common benefit or enjoyment of tenants of those dwellings, including, but not limited to, facilities for sanitation, heating, refuse, food preparation, dining, storage, laundry, child care and recreation;

"company" means a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act;

"compliance plan" has the meaning given to it by *section 39(1)*;

"constitution" means the rules, in writing, that govern the administration and control of an AHB and regulate its activities, and includes—

(a) in the case of a company, the constitution (within the meaning of section 2 of the Act of 2014) of the company,

(b) in the case of a charitable trust (within the meaning of *paragraph (a)* of the definition in this section of "charitable trust"), the deed of trust establishing the charitable trust,

(c) in the case of a charitable trust (within the meaning of *paragraph (b)* of the definition in this section of "charitable trust"), the Iveagh Trustees (also referred to as the Iveagh Trust) within the meaning of the Iveagh Trust Acts 1899 to 1961,

(d) in the case of a registered society, the rules of the registered society, and

(e) in the case of a friendly society (within the meaning of the Friendly Societies Acts 1896 to 2018), the rules of the friendly society,

but does not include any other enactment or rule of law applicable to the carrying on of the activities of the AHB;

"dwelling" has the same meaning as it has in the Act of 2009;

"eligibility criteria" has the meaning given to it by *section 25*;

"enactment" means—

(a) an Act of the Oireachtas,

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and which continued in force by virtue of Article 50 of the Constitution, or

(c) an instrument made under an Act of the Oireachtas or a statute referred to in *paragraph (b)*;

"establishment day" means the day appointed, by order, under *section 7*;

"financial year", in relation to the Regulator, means a period of 12 months ending on 31 December in any year and, in the case of the first financial year of the Regulator, means the period commencing on the establishment day and ending on 31 December in the year in which the establishment day falls;

"functional area", in relation to a housing authority, has the same meaning as it has in section 23(1) of the Act of 1992;

"housing authority" has the same meaning as it has in the Act of 1992;

"Minister" means Minister for Housing, Planning and Local Government;

"notice of non-compliance" has the meaning given to it by *section 39(2)*;

"notice of non-implementation" has the meaning given to it by *section 42(1)*;

F2**[**"purpose of alleviating a housing need" shall be construed in accordance with *section 2A*;**]**

"record" includes, in addition to any record in writing—

(a) a book or other written or printed material in any form (including in any electronic device or in machine readable form),

(b) a map, plan or drawing,

(c) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device,

(d) a film, disc, tape or other mechanical or electronic device in which visual images are embodied so as to be capable, with or without the aid of

some other mechanical or electronic equipment, of being reproduced from the film, disc, tape or other device, and

(e) a copy or part of any thing which falls within *paragraph (a)*, *(b)*, *(c)* or *(d)*;

"register" has the meaning given to it by *section 26*, and "registered" shall be construed accordingly;

"registered charitable organisation" has the same meaning as it has in the Charities Act 2009;

"registered society" means a society registered under the Industrial and Provident Societies Acts 1893 to 2018;

"Regulator" has the meaning given to it by *section 8*;

"standards assessment" has the meaning given to it by *section 38*.

F3**[Dwellings provided or managed by approved housing body for purpose of alleviating housing need**

2A. In this Act—

(a) a dwelling designated as a cost rental dwelling under Part 3 of the Affordable Housing Act 2021 provided or managed by an AHB, and

(b) a dwelling provided or managed by an AHB in relation to which the AHB received or is receiving assistance from a housing authority under section 6 of the Housing (Miscellaneous Provisions) Act 1992,

shall each be deemed to be a dwelling provided or, as the case may be, managed by an AHB for the purpose of alleviating a housing need.**]**

Expenses

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Review of Act

4. (1) The Minister shall, not later than 5 years after the establishment day, conduct a review of the operation and effectiveness of this Act and shall, not later then 6 months after the end of that period of 5 years, or on the completion of the review, whichever is the earlier, prepare a report, in writing, of the findings of the review and of the conclusions drawn from those findings and cause copies of the report to be laid before each House of the Oireachtas.

(2) In conducting a review under this section, the Minister shall consult with the Regulator and such other persons as the Minister considers appropriate for the purpose of the review.

Giving of documents

5. (1) Subject to *subsections (2)* and *(3)*, a notice, direction or other document that is required to be given to a person under this Act shall be in writing and addressed to the person concerned by name, and may be so given to the person in one or more than one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person carries on business or ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid letter to the address at which the person carries on business or ordinarily resides or, in a case in which an address for service has been furnished, to that address;

(d) by electronic means, in a case in which the person (in this paragraph referred to as "the first named person") has given notice in writing to the person giving the notice, direction or document concerned of the first named person's consent to the notice, direction or document (or notices, directions or documents of a class to which the notice, direction or document belongs) being given to the first named person in that manner.

(2) Where a notice, direction or document under this Act is to be given to a person who is the owner or occupier of land or property and the name of the person cannot be ascertained by reasonable inquiry, it may be addressed to the person by using the words "the owner" or, as the case may require, "the occupier".

(3) For the purposes of this section, a company or a registered society, as the case may be, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Offences and penalties

6. (1) A person guilty of an offence under *section 35(3)*, *55(3)* or *65(3)* shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment to a fine not exceeding €300,000 or to imprisonment for a term not exceeding 10 years or to both.

(2) A person guilty of an offence under *section 35(1)*, *36(6)*, *38(9)*, *45(6)* or *51* shall be liable—

(a) on summary conviction to a class A fine or to imprisonment for a term not exceeding 12 months or to both,

(b) on conviction on indictment to a fine not exceeding €100,000 or to imprisonment for a term not exceeding 5 years or to both.

(3) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of a person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in that capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) Where the affairs of a body corporate are managed by its members, *subsection (3)* applies in relation to the acts and defaults of a member in connection with such member's functions of management as if he or she were a director or manager of the body corporate.

(5) Summary proceedings for an offence under this Act may be brought and prosecuted by the Regulator.

(6) Where a person is convicted of an offence under this Act, the court shall order the person to pay to the Regulator the costs and expenses, measured by the court, incurred by the Regulator in relation to the investigation, detection and prosecution of the offence, unless the court is satisfied that there are special and substantial reasons for not so doing.

PART 2

Approved Housing Bodies Regulatory Authority

Establishment day

7. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Establishment of Approved Housing Bodies Regulatory Authority

8. (1) There shall stand established on the establishment day a body, which shall be known, subject to *subsection (2)*, in the Irish language, as *An tÚdarás Rialála Comhlachtaí Tithíochta Ceadaithe* or, in the English language, as the Approved Housing Bodies Regulatory Authority (in this Act referred to as the "Regulator"), to perform the functions conferred on it by this Act.

(2) The Regulator may, for operational purposes, describe itself in the Irish language as *Rialálaí na gComhlachtaí Tithíochta Ceadaithe* or, in the English language, as the Approved Housing Bodies Regulator.

(3) The provisions of the *Schedule* shall have effect in relation to the Regulator.

Functions of Regulator

9. (1) The general functions of the Regulator shall be to—

(a) establish and maintain a register of AHBs,

(b) register persons as AHBs,

(c) prepare draft standards for approval by the Minister under *section 37* and publish the approved standards,

(d) monitor and assess compliance by AHBs with this Act, in particular the approved standards,

(e) carry out investigations under *Part 5*,

(f) under *Part 6*, protect tenants and AHBs and cancel the registration of AHBs,

(g) encourage and facilitate the better governance, administration and management, including corporate governance and financial management, of AHBs by the provision of such information and advice, in such form and manner, as the Regulator considers appropriate,

(h) with a view to promoting awareness and understanding of this Act, make available such information as appears to the Regulator to be

expedient to give to the public about the operation of this Act, in such form and manner, as the Regulator considers appropriate,

(i) collect such information concerning AHBs as the Regulator considers necessary and appropriate for the purposes of the performance of the Regulator's functions, and

(j) publish such information (including statistical information) concerning AHBs as the Regulator considers appropriate.

(2) In performing its functions the Regulator shall have regard to—

(a) the policies and objectives of the Government or any Minister of the Government in so far as they affect or may relate to the functions of the Regulator,

(b) the need to cooperate with and coordinate its activities with other public authorities, the performance of whose functions may affect or relate to the functions of the Regulator (other than the functions referred to in *subsection (1)(d)*, *(e)* and *(f)*), and

(c) the resources available to the Regulator.

(3) The Regulator shall have all such powers as are necessary or expedient for the performance of its functions.

(4) Subject to this Act, the Regulator shall be independent in the performance of its functions.

(5) The Regulator may perform any of its functions through or by any member of the staff of the Regulator duly authorised in that behalf by the Regulator.

Grants to Regulator

10. In each financial year, the Minister may advance to the Regulator out of moneys provided by the Oireachtas such sums as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine for the purposes of expenditure by the Regulator in the performance of its functions.

Chief executive

11. (1) There shall be a chief executive officer of the Regulator (in this Act referred to as the "chief executive").

(2) The chief executive (other than a chief executive reappointed under *subsection (6)*) shall, subject to *subsection (4)*, be appointed by the Regulator from among persons in respect of whom a recommendation for the purposes of this section has been made by the Public Appointments Service after a competition for that purpose under section 47 of the Public Service Management (Recruitment and Appointments) Act 2004 has been held.

(3) The Public Appointments Service shall not, in relation to a competition referred to in *subsection (2)*, make a recommendation for the purposes of that subsection in respect of more than 3 persons.

(4) (a) Where a competition to appoint a chief executive is held before the establishment day, the successful candidate may be appointed by the Minister as the chief executive designate of the Regulator.

(b) Notwithstanding *subsection (2)*, the chief executive designate shall be appointed chief executive on the establishment of the Regulator.

(c) For the purposes of *subsection (5)*, the date of the person's appointment under *paragraph (a)* shall be deemed to be the date of his or her appointment under this section.

(5) The chief executive shall hold office for such period not exceeding 5 years from the date of his or her appointment as the Regulator may determine with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform.

(6) The Regulator may reappoint a person whose term of office as chief executive expires by the passage of time to be the chief executive.

(7) A person who is reappointed to be the chief executive under *subsection (6)* shall not hold office for periods the aggregate of which, including the period for which he or she was first appointed to be chief executive, exceeds 10 years.

(8) The chief executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as may be determined by the Regulator with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform.

(9) The chief executive shall not hold any other office or employment or carry on any business without the consent of the Regulator given with the prior approval of the Minister.

(10) The chief executive shall not be a member of the Regulator or of any committee of the Regulator, but he or she may, in accordance with procedures established by the Regulator or a committee of the Regulator, as the case may be, attend meetings of the Regulator or the committee, as the case may be, and shall be entitled to speak at and advise such meetings.

(11) The chief executive may, with the prior approval of the Minister, be removed from office by the Regulator for stated reasons.

Functions of chief executive

12. (1) The chief executive shall carry on and manage, and control generally, the administration and business of the Regulator and perform such other functions (if any) as may be determined by the Regulator.

(2) The chief executive shall perform his or her functions subject to such policies as may be determined from time to time by the Regulator and shall be accountable to the Regulator for the efficient and effective management of the Regulator and for the due performance of his or her functions.

(3) The chief executive may make proposals to the Regulator on any matter relating to its functions.

(4) The Regulator may designate a member of the staff of the Regulator to perform the functions of chief executive in the absence of the chief executive or where the position of chief executive is vacant and a member of staff so designated shall, in such absence or upon such position being vacant, perform those functions.

Delegation of functions of chief executive

13. (1) The chief executive may, with the consent of the Regulator in writing, delegate any of his or her functions to a specified member of staff of the

Regulator, and that member of staff shall be accountable to the chief executive for the performance of the functions so delegated.

(2) The chief executive shall be accountable to the Regulator for the performance of functions delegated by him or her in accordance with *subsection (1)*.

(3) The chief executive may, with the consent of the Regulator in writing, revoke a delegation made in accordance with this section.

(4) In this section "functions" does not include a function delegated by the Regulator to the chief executive subject to a condition that the function shall not be delegated by the chief executive to anyone else.

Appearance of chief executive before Committee of Public Accounts

14. (1) The chief executive shall, whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General (in this section referred to as the "Committee"), give evidence to that Committee in relation to—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Regulator is required by or under an enactment to prepare,

(b) the economy and efficiency of the Regulator in the use of its resources,

(c) the systems, procedures and practices employed by the Regulator for the purpose of evaluating the effectiveness of its operations, and

(d) any matter affecting the Regulator referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a)*, *(b)* or *(c)*) that is laid before Dáil Éireann.

(2) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of—

(a) any policy of the Government or of a Minister of the Government, or

(b) the objectives of such a policy.

Accountability of chief executive to other Oireachtas Committees

15. (1) In this section "Committee" means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in *section 14* or a Committee on Members' Interests of Dáil Éireann or a Committee on Members' Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) Subject to *subsection (3)*, the chief executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Regulator.

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give account before a Committee is a matter

to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(5) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion—

(a) the chief executive may, not later than 21 days from the date of being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)* applies, or

(b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(6) Pending the determination of an application under *subsection (5)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)* but if the High Court determines that *subsection (3)* does not apply, the chief executive shall attend before the Committee to give account for the matter.

(8) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of—

(a) any policy of the Government or of a Minister of the Government, or

(b) the objectives of such a policy.

Consultants and advisers

16. (1) The Regulator may engage such consultants and advisers as it considers necessary for the performance of its functions.

(2) The Regulator shall comply with any directions concerning the appointment of consultants and advisers which may from time to time be given to it by the Minister with the consent of the Minister for Public Expenditure and Reform.

(3) Any fees due to a consultant or adviser engaged under this section shall, having regard to guidelines issued from time to time by the Minister or by the Minister for Public Expenditure and Reform, be paid by the Regulator out of moneys at its disposal.

Transfer of employees of Housing Agency to Regulator

17. (1) In this section "Housing Agency" means the Housing and Sustainable Communities Agency.

(2) The chief executive officer of the Housing Agency, in consultation with the Regulator and with the consent of the Minister, may designate for employment by the Regulator a person who, immediately before the establishment day, was an employee of the Housing Agency.

(3) Any employee of the Housing Agency transferred to the Regulator under this section shall, on the date of transfer, become and be a member of the staff of the Regulator.

(4) Save in accordance with a collective agreement negotiated with a recognised trade union or association of employees, a person transferred under this section is entitled, while in the employment of the Regulator, to terms and conditions of employment no less favourable than those to which the person was entitled immediately before the date of his or her transfer to the Regulator.

(5) Until the terms and conditions of employment to which a person transferred under this section was entitled immediately before the date of his or her transfer to the Regulator are varied by the Regulator after consulting and reaching a collective agreement with the recognised trade union or association of employees concerned, they continue to apply to the person transferred to the Regulator.

(6) The previous service of a person transferred under this section is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

(a) the Redundancy Payments Acts 1967 to 2014;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(f) the Unfair Dismissals Acts 1977 to 2015;

(g) the Terms of Employment (Information) Acts 1994 to 2014;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 to 2019;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001;

(l) the Paternity Leave and Benefit Act 2016.

(7) The pension payments and other superannuation liabilities of the Housing Agency in respect of its former employees transferred in accordance with this section become, on the date of transfer of each employee concerned to the Regulator, the liabilities of the Regulator.

Staff of Regulator

18. (1) The Regulator shall, with the consent of the Minister given with the consent of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the Regulator as it may from time to time determine.

(2) The terms and conditions of service of a member of the staff of the Regulator shall be such as may be determined from time to time by the Regulator with the consent of the Minister given with the consent of the Minister for Public Expenditure and Reform.

(3) There shall be paid by the Regulator to the members of its staff such remuneration and allowances as, from time to time, the Regulator, with the consent of the Minister given with the consent of the Minister for Public Expenditure and Reform, determines.

Superannuation

19. (1) Subject to *subsection (2)*, the Regulator may, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, make a scheme or schemes for the granting of superannuation benefits to or in respect of the members of the staff (including the chief executive) of the Regulator.

(2) A scheme prepared and submitted under this section shall not provide for the granting of superannuation benefits to or in respect of any person where the Single Public Service Pension Scheme applies to that person by virtue of Chapter 2 of Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.

(3) A scheme under this section shall fix the time and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(4) The Regulator may, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, make a scheme amending a scheme under this section including a scheme under this subsection.

(5) A scheme under this section shall be carried out by the Regulator in accordance with its terms.

(6) A scheme under this section shall include provision for appeals from a decision relating to a superannuation benefit under the scheme.

(7) No superannuation benefits shall be granted by the Regulator to or in respect of a person on ceasing to be a member of the staff (including the chief executive) of the Regulator otherwise than—

(a) in accordance with a scheme or schemes under this section, or

(b) with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform.

(8) A scheme under this section shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(9) S *ubsection (8)* shall, with all necessary modifications, apply to an amendment to a scheme under this section as it applies to a scheme under this section.

(10) In this section—

"amending", in relation to a scheme under this section, includes revoking the scheme;

"superannuation benefit" means a pension, gratuity or other allowance payable on retirement, resignation or death.

Strategy statement

20. (1) The Regulator shall prepare and submit to the Minister for the Minister's approval, with or without amendment, a strategy statement in respect of the period of 3 years immediately following the year in which the strategy statement is so submitted—

(a) not later than 6 months after the establishment day, and

(b) thereafter not earlier than 6 months before, and not later than, the expiration of each subsequent period of 3 years following the establishment day.

(2) (a) The Regulator shall, in the preparation of a strategy statement, have regard to the need to ensure the most effective and efficient use of the resources available to it.

(b) A strategy statement shall include—

(i) a statement setting out the approach to be taken in respect of each of the Regulator's functions referred to in *section 9*,

(ii) a statement specifying the key objectives, outputs and related strategies, including use of resources, of the Regulator,

(iii) human resources activities (including training and development) to be undertaken for the staff of the Regulator,

(iv) the organisational structure of the Regulator, including corporate support and information technology and the improvements proposed to promote efficiency of operation and customer service and in general to support the strategy statement,

(v) except in the case of the strategy statement first prepared under this section, a review of the implementation of the immediately preceding strategy statement,

(vi) specification of the manner in which the Regulator proposes to assess the effectiveness of the implementation of the strategy statement, and

(vii) any other matters that the Minister may from time to time direct.

(3) A strategy statement shall be prepared in a form and manner that is in accordance with any directions issued from time to time by the Minister.

(4) As soon as practicable after approving a strategy statement, the Minister shall cause a copy of it to be laid before each House of the Oireachtas.

(5) The Regulator shall ensure that the strategy statement is published on its website as soon as practicable after copies of the strategy statement are laid before both Houses of the Oireachtas in accordance with *subsection (4)*.

Accounts of Regulator

21. (1) The Regulator shall keep in such form as may be approved by the Minister, with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of—

(a) all moneys received or expended by the Regulator, and

(b) all property, assets and liabilities of the Regulator,

including an income and expenditure account and a balance sheet and, in particular, shall keep in such form as aforesaid such special accounts (if any) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, from time to time direct.

(2) Accounts, signed by the chief executive, shall be submitted by the Regulator to the Comptroller and Auditor General for audit not later than 1 March in the year immediately following the financial year to which the accounts relate or on such earlier date as the Minister may, from time to time, specify.

(3) When audited, as referred to in *subsection (2)*, a copy of the accounts and a copy of the report of the Comptroller and Auditor General on the accounts shall be presented by the Regulator to the Minister who shall, as soon as practicable, cause copies of them to be laid before each House of the Oireachtas.

(4) In this section "accounts" means accounts kept in accordance with *subsection (1)*.

Reports to Minister

22. (1) Subject to *subsection (2)*, the Regulator shall, not later than 30 June in each year, prepare and submit to the Minister a report (in this section referred to as the "annual report") in writing on its activities during the immediately preceding year.

(2) The first annual report shall be prepared in respect of the period beginning on the establishment day and ending on 31 December in the next following year.

(3) The annual report shall contain information in relation to—

(a) progress regarding implementation of the strategy statement published under *section 20*, and

(b) such other matters as the Minister may specify.

(4) The annual report may, in respect of the period to which the report relates, include a summary from which AHBs cannot be identified of—

(a) assessment reports by the Regulator under *section 38*,

(b) compliance plans approved by the Regulator under *section 39(5)(a)*, *(6)(a)* or *section 40*, as the case may be, and

(c) the results of any investigations under *Part 5*.

(5) The Minister shall cause a copy of the annual report to be laid before each House of the Oireachtas as soon as practicable after it has been submitted to him or her in accordance with this section.

(6) The Regulator may, from time to time, prepare and submit to the Minister such other reports in relation to the activities of the Regulator as the Regulator considers appropriate.

(7) The Minister may give a direction, in writing, to the Regulator to prepare and submit to him or her a report, in writing, not later than such date as the Minister specifies in the direction, in relation to any particular matter relating to the functions of the Regulator as the Minister considers appropriate.

(8) The Regulator shall comply with a direction under *subsection (7)*.

(9) This section shall not operate to require the Regulator to include information in the annual report or other report referred to in this section that, in its opinion, would prejudice the performance by the Regulator of any of its functions under *Parts 4*, *5* and *6*.

Administrative cooperation on regulatory matters

23. (1) The Regulator shall, in so far as is consistent with the proper performance of its functions, endeavour to secure administrative cooperation between the Regulator and relevant regulators and, for that purpose, may enter into one or more than one arrangement (whether in the form of a memorandum of understanding or otherwise) from time to time with one or more of those relevant regulators for the purposes of—

(a) facilitating administrative cooperation between the Regulator and relevant regulators in the performance of their respective functions in so far as they relate to the regulation of AHBs,

(b) avoiding duplication of activities by the Regulator and any relevant regulator, or

(c) ensuring, as far as practicable, consistency between decisions made or measures taken by the Regulator and relevant regulators in so far as any part of those decisions or measures consists of, or relates to, a determination of any matters concerning the regulation of AHBs.

(2) The parties to an arrangement under this section may vary the terms of the arrangement.

(3) An arrangement under this section, or any variation of such an arrangement, shall be in writing.

(4) An arrangement under this section shall not operate to bind the Regulator or a relevant regulator.

(5) The Regulator shall provide the Minister and any relevant Minister in relation to a relevant regulator concerned with a copy of each arrangement under this section and any variation thereof.

(6) (a) An arrangement under this section shall not operate to require the Regulator to provide information to any relevant regulator if the disclosure of that information by the Regulator is prohibited by law.

(b) An arrangement under this section shall not operate to require a relevant regulator to provide information to the Regulator if the disclosure of that information by the relevant regulator is prohibited by law.

(7) In this section—

"relevant Minister" means, in relation to a relevant regulator, any Minister of the Government who performs functions in relation to the relevant regulator;

"relevant regulator" means—

(a) the Charities Regulatory Authority,

(b) the Director of Corporate Enforcement,

(c) the Registrar of Companies,

(d) the Registrar of Friendly Societies,

(e) the Residential Tenancies Board,

(f) the Health Information and Quality Authority, or

(g) any other body, or holder of an office, in whom functions are vested—

(i) relating to the regulation of activities or persons for purposes other than the purposes of this Act (where the body or office is established by or under an enactment and is prescribed by order of the Minister for the purposes of this section), or

(ii) under the law of a state (other than the State) relating to the regulation of activities or persons in that state for any purpose (where the body or office is prescribed by order of the Minister for the purposes of this section).

(8) The Minister may, by order, prescribe a body or office referred to in *subsection (7)(g)(i)* or *(ii)*, as the case may be, for the purposes of this section.

(9) An order made under *subsection (8)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Information relating to offences, etc.

24. (1) Notwithstanding any rule of law, information that, in the opinion of a person to whom this section applies, may relate to—

(a) the commission of an offence under this Act, or

(b) the contravention of this Act,

may be disclosed by that person to the Regulator or a member of or a member of staff of the Regulator.

(2) Notwithstanding *section 65*, the Regulator may provide to a person to whom this section applies any information—

(a) obtained by the Regulator in the performance of its functions, and

(b) that causes the Regulator to suspect that an offence has been committed by any person.

(3) Information provided under *subsection (2)* may be used by the person to whom it has been provided for the purpose only of the detection, investigation or prosecution of an offence.

(4) Information obtained by the Regulator, in the performance of its functions, that causes it to suspect that an offence under the law of a state (other than the State) has been committed by an AHB, may be provided by the Regulator to a person charged under the law of that state with the detection, investigation or prosecution of offences, if the person to whom the information is provided gives an undertaking, in writing, to the Regulator that the information will be used only for the purpose of the detection, investigation or prosecution of the offence concerned.

(5) In this section "person to whom this section applies" means—

(a) the Garda Síochána,

(b) the Revenue Commissioners,

(c) the Director of Corporate Enforcement,

(d) the Residential Tenancies Board,

(e) the Charities Regulatory Authority,

(f) the Health Information and Quality Authority, or

(g) any other person charged by law with the detection, investigation or prosecution of offences.

PART 3

Regulation of AHBs

Chapter 1

Registration

Eligibility criteria for application to register as AHB

25. (1) A person shall be eligible to apply under *section 27* for registration as an AHB if the person meets the criteria (in this Act referred to as the "eligibility criteria") in *subsection (2)*.

(2) The eligibility criteria are that the person—

(a) is—

(i) a company, with at least 5 directors, that is—

(I) a company limited by guarantee within the meaning of Part 18 of the Act of 2014, or

(II) a designated activity company falling within paragraph (b) of the definition of "designated activity company" in section 963 of the Act of 2014,

(ii) a registered society,

(iii) a friendly society within the meaning of the Friendly Societies Acts 1896 to 2018, or

(iv) a charitable trust, with at least 5 trustees, that is a registered charitable organisation,

and

(b) includes in its constitution—

(i) either or both of the following as its primary object or primary objects:

(I) the provision of dwellings for the purpose of the alleviation of housing need;

(II) the management of dwellings provided for the purpose of the alleviation of housing need, whether or not it provides those dwellings,

and

(ii) provisions—

(I) prohibiting the distribution of any surplus, profit, bonus or dividend to members or directors or other persons, and

(II) requiring that all of its property (both real and personal) be applied solely in furtherance of its primary object or primary objects specified in *subparagraph (i)*, except for moneys expended in the operation and maintenance of the person, including moneys paid in remuneration and superannuation of members of its staff.

(3) F4**[**...**]**

Register of AHBs

26. (1) The Regulator shall, as soon as practicable after the commencement of this section, establish and maintain in such form as it considers appropriate (including in electronic form) a register of AHBs to be known as the Approved Housing Bodies Register (in this Act referred to as "the register").

(2) The register shall be—

(a) kept at the office of the Regulator,

(b) made available for inspection by members of the public free of charge during normal business hours, and

(c) made available for inspection on the internet and by any other means that the Regulator considers appropriate.

(3) The Regulator shall make a copy of an entry in the register available, on request, on payment of such fee (if any) as may be determined by the Regulator.

F5**[Regulator to ensure certain persons are entered on register in accordance with *section 28(2)(a)***

26A. (1) The Regulator shall, on the date of the coming into operation of this section, register as an AHB in accordance with *section 28(2)(a)* each of the persons that was, immediately before that date, deemed to be registered as an AHB by virtue of *section 34(1)* and give to each such person notice of confirmation of registration and a registration number.

(2) The Regulator may require a person referred to in *subsection (1)* to provide the Regulator with the information that the person would be required to so provide if it were an applicant for registration under *section 27* and the person shall comply with the requirement.**]**

Application for registration

27. (1) A person who meets the eligibility criteria and seeks to register as an AHB shall make an application for registration to the Regulator.

(2) An application under *subsection (1)* shall—

(a) be in writing,

(b) be in a form and manner specified by the Regulator,

(c) state the name of the applicant,

(d) specify the principal place of business in the State of the applicant, and

(e) include all of the following information:

(i) where the applicant is a company, the names of the directors of the company and the address at which each director normally resides;

(ii) where the applicant is a registered society, the names of the members of the committee of management or other directing body of the society and the address at which each member normally resides;

(iii) where the applicant is a friendly society within the meaning of the Friendly Societies Acts 1896 to 2018, the names of the members of the committee of management of the society and the address at which each such member normally resides;

(iv) where the applicant is a charitable trust, the names of the trustees of the trust and the address at which each trustee normally resides;

(v) in relation to each of the directors, members and trustees referred to in *subparagraphs (i)* to *(iv)*, as the case may be, details of his or her qualifications and experience relevant to the primary object or primary objects of the applicant specified in *section 25(2)(b)(i)*;

(vi) a current tax clearance certificate;

(vii) details of the kinds of activities carried on or intended to be carried on by the applicant in furtherance of its primary object or primary objects specified in *section 25(2)(b)(i)*;

(viii) copies of—

(I) all audited accounts of the applicant together with the auditor's report on the accounts in respect of the financial year of the applicant immediately preceding the making of the application, or

(II) where the applicant was established or formed after the commencement of the period of 12 months immediately preceding the making of the application, all accounts of the applicant in respect of the period since its establishment or formation;

(ix) in a case where the applicant is, on the date of the application, providing or managing dwellings for the purpose specified in *section 25(2)(b)(i)*, details of—

(I) the number of dwellings so provided or managed, or both, as the case may be,

(II) the number of such dwellings which are—

(A) owned by the applicant, or

(B) leased by the applicant,

(III) in the case where dwellings are leased by the applicant, the duration of the term of each lease, and

(IV) such other matters in respect of the provision or management, or both, of such dwellings as the Regulator reasonably requires to enable it to perform its functions;

(x) a copy of the constitution of the applicant;

(xi) any other information which the Regulator reasonably requires to enable it to perform its functions.

(3) In this section "tax clearance certificate" means a tax clearance certificate issued to the applicant in accordance with section 1095 of the Taxes Consolidation Act 1997.

Grant or refusal of registration

28. (1) The Regulator shall grant an application for registration under *section 27* where the Regulator is satisfied that—

(a) the applicant meets the eligibility criteria,

(b) the application complies with the requirements under that section, and

(c) the applicant complies with any requirement which may be imposed by the Regulator—

(i) to verify anything contained in the application,

(ii) to supply further information in relation to the application, or

(iii) to supply the information requested under *subparagraph (ii)* by means of a statutory declaration,

and if not so satisfied shall, subject to *section 29*, refuse to grant the application.

(2) On granting the application for registration, the Regulator shall—

(a) register the person in the register as an AHB by entering in the register—

(i) the name of the AHB and the principal place of business in the State of the AHB,

(ii) the registration number issued to the AHB,

(iii) the date of registration,

(iv) the activity to which the registration relates,

(v) in the case of a company, the names of the directors of the company,

(vi) in the case of a registered society, the names of the members of the committee of management or other directing body of the society,

(vii) in the case of a friendly society within the meaning of the Friendly Societies Acts 1896 to 2018, the names of the members of the committee of management of the society,

(viii) in the case of an AHB that is a charitable trust, the names of the trustees of the trust, and

(ix) any other particulars as the Regulator considers appropriate,

and

(b) give to the person notice of confirmation of registration and a registration number.

Notice of proposed decision of Regulator to refuse application

29. Where the Regulator proposes under *section 28* to refuse to grant an application for registration it shall give the applicant notice of the proposed decision, stating the reasons.

Right to respond to notice of proposed decision

30. (1) A notice given under *section 29* shall state that, not later than 28 days from the date of the notice, the applicant for registration may make representations, in writing, to the Regulator in relation to the proposed decision to refuse to grant the application.

(2) Where a notice has been given under *section 29*, the Regulator shall not make a decision whether to grant or refuse to grant the application for registration until—

(a) it has considered the representations, if any, made by the applicant in accordance with the notice, or

(b) the period referred to in *subsection (1)* has elapsed and no representations are made by the applicant.

Notice of decision of Regulator

31. (1) Where the Regulator, having considered the representations, if any, made in accordance with the notice given under *section 29*, decides to refuse to grant the application for registration, the Regulator shall give the applicant notice of—

(a) the decision and the reasons for the decision, and

(b) the applicant's entitlement to appeal the decision to the Appeals Panel under *Part 7* not later than 21 days from the date of the notice.

(2) A decision referred to in *subsection (1)* shall take effect—

(a) where no appeal against the decision is brought under *Part 7*, on the expiration of the period specified in *subsection (1)(b)* for bringing an appeal under that Part, or

(b) in the case where an appeal is brought under *Part 7*, on the date on which the decision is confirmed on appeal or the appeal is withdrawn, abandoned or otherwise not proceeded with, as the case may be.

Correction of register

32. (1) An AHB to whom an entry in the register relates shall give notice to the Regulator of—

(a) any error that the AHB knows of in the entry, and

(b) any change in circumstances that is likely to have a bearing on the accuracy of the entry,

as soon as practicable after the AHB becomes aware of that error or change in circumstances, as the case may be.

(2) The Regulator shall, from time to time, review each entry in the register and, if the Regulator becomes aware that any particular in the register is incorrect or has ceased to be correct, it shall make such alterations to the register as it considers necessary and give notice to the AHB concerned of any such alteration.

Evidential value of entries in register

33. (1) Every document purporting to be a copy of an entry in the register and purporting to be certified by an officer of the Regulator to be a true copy

of the entry shall, without proof of the signature of the person purporting so to certify or that he or she was that officer, be received in evidence in any legal proceedings and shall, unless the contrary is proved, be deemed to be a true copy of the entry and to be evidence of the terms of the entry.

(2) Evidence of an entry in the register may be given by production of a copy of it certified under this section and it shall not be necessary to produce the register itself.

(3) If the register is kept otherwise than in legible form, references in this section to a copy of an entry in the register shall be construed as including references to a legible copy or reproduction of an entry in the register.

Certain persons deemed to be registered as AHBs

34. (1) F6**[**...**]**

(2) Notwithstanding any enactment or rule of law, the Minister shall, when requested by the Regulator, provide to the Regulator all such information in the possession or procurement of the Minister, held by the Minister for the purposes of section 6 of the Act of 1992, relating to a person who is deemed to be registered as an AHB by virtue of *subsection (1)*, as the person would be required to provide to the Regulator were it making an application for registration under *section 27*.

(3) Information provided to the Regulator by the Minister under *subsection (2)* may be used only by the Regulator in the performance of the Regulator's functions and shall not be disclosed by the Regulator to any other person for any other purpose.

(4) F6**[**...**]**

(5) F6**[**...**]**

(6) F6**[**...**]**

(7) F6**[**...**]**

(8) F6**[**...**]**

(9) F6**[**...**]**

(10) F6**[**...**]**

Prohibited conduct in relation to registration

35. (1) A person who, in purported compliance with *section 27* or *34*, as the case may be, knowingly or recklessly provides information or a particular to the Regulator that is false or misleading in a material respect, or who believes any such information or particular when provided by that person, in purported compliance with *section 27* or *34*, not to be true, shall be guilty of an offence.

(2) A person, other than an AHB, shall not—

(a) describe himself, herself or itself as an AHB, or

(b) so hold himself, herself or itself out as to indicate, or be reasonably understood to indicate, that he, she or it is an AHB.

(3) A person who contravenes *subsection (2)* shall be guilty of an offence.

Chapter 2

Information and records

Power of Regulator to require information and records

36. (1) Where the Regulator is of the opinion that it is necessary to do so for the purpose of the performance of its functions, the Regulator may give a direction to an AHB requiring it—

(a) to provide to the Regulator the information specified in the direction,

(b) to provide to the Regulator the records so specified, or

(c) to prepare, as necessary, and provide to the Regulator any plans, accounts or other documents so specified.

(2) An AHB to whom a direction is given under *subsection (1)* shall comply with the direction at such time or times, or within such period, as may be specified in the direction.

(3) The Regulator may require that information, records or other documents provided in compliance with a direction under *subsection (1)* be certified or attested as to their authenticity or correctness in such manner as the Regulator may reasonably require, including by statutory declaration.

(4) The Regulator may make copies of any records or other documents provided in compliance with a direction under *subsection (1)*.

(5) Information, records or other documents provided in compliance with a direction under *subsection (1)* shall be provided in such form and manner as the Regulator may reasonably require.

(6) A person who, in purported compliance with a direction under *subsection (1)*, knowingly or recklessly provides to the Regulator any information, record, plan, account or other document specified in the direction that is false or misleading in a material respect, or who believes any such information, record, plan, account or other document when provided by that person, in purported compliance with a direction under *subsection (1)*, not to be true, shall be guilty of an offence.

(7) This section does not limit any other power of the Regulator to require the provision of information or records or the preparation and provision of documents.

Chapter 3

Standards

Standards for AHBs

37. (1) Subject to *subsection (2)*, the Regulator shall, not later than 6 months from the date of coming into operation of this section, and thereafter as the Regulator considers necessary, or as the Minister may direct, prepare and submit to the Minister for the Minister's approval, with or without amendment, draft standards relating to—

(a) the governance of AHBs,

(b) the financial management of, and financial reporting by, AHBs,

(c) property and asset management by AHBs, and

(d) tenancy management by AHBs.

(2) Draft standards prepared under *subsection (1)* may, in particular, provide for—

(a) in the case of the governance of an AHB—

(i) the membership and governance structure and the roles and responsibilities of the board, committee of management or the trustees, as the case may be, of an AHB,

(ii) the procedures for decision-making to ensure control and oversight of an AHB,

(iii) the management of conflicts of interest including a register of interests of the members of the board or committee of management, or of the trustees, as the case may be, of an AHB, and

(iv) a code of conduct for the board, committee of management or trustees, as the case may be, of an AHB,

(b) in the case of the financial management of, and financial reporting by, an AHB—

(i) the requirements for financial and risk control,

(ii) the procedures for monitoring and assuring the financial viability of the AHB,

(iii) the keeping of proper books of account that—

(I) correctly record and explain the transactions of the AHB,

(II) enable the financial position of an AHB to be determined with reasonable accuracy at any time, and

(III) enable the accounts of the AHB to be readily and properly audited,

(iv) the requirements for internal control and audit,

(v) the requirements for strategic planning, including the preparation of financial and business plans,

(vi) the procedures for monitoring performance, and

(vii) the requirements for the confirmation and verification of compliance with statutory obligations including, in particular, obligations arising under the Charities Act 2009 and the Act of 2014,

and

(c) in the case of property and asset management and tenancy management by AHBs, policies and procedures relating to—

(i) nominations to dwellings of tenants, and allocations of dwellings to tenants, by AHBs,

(ii) the management of dwellings by AHBs, and

(iii) communication by AHBs with their tenants.

(3) Draft standards prepared under *subsection (1)* may make different provision for different categories of AHBs and for that purpose shall have regard to at least the following matters:

(a) the nature, scale and complexity of the activities of each category of AHB, including the types of dwellings provided or managed, or both, as the case may be, by each category of AHB to meet the different accommodation needs of different categories of tenants;

(b) the number of dwellings provided or managed, or both, by each category of AHB;

(c) the level of borrowings of each category of AHB;

(d) the level of financial risk associated with each category of AHB.

(4) (a) The Regulator shall publish on its website and by such other means as the Regulator considers appropriate the draft standards proposed to be submitted to the Minister under *subsection (1)* and shall allow persons to make representations, in writing, to the Regulator in relation thereto.

(b) Representations may be made under *paragraph (a)* not more than 28 days from the date of their publication, or within such further period, not exceeding 28 days, as the Regulator thinks fit.

(c) The Regulator shall consider the representations (if any) made to it in accordance with *paragraph (b)* and may amend the proposed draft standards before they are submitted to the Minister under *subsection (1)*.

(5) The Minister may give a direction to the Regulator to amend the draft standards submitted to the Minister in accordance with this section in the manner specified in the direction, and the Regulator shall comply with the direction and resubmit to the Minister the draft standards as so amended.

(6) When the Minister approves the draft standards submitted or resubmitted to the Minister in accordance with this section, the Regulator shall publish the approved standards on its website and by such other means as the Regulator considers appropriate.

(7) Standards standing approved and published under this section shall be admissible in evidence in any proceedings under this Act before a court or the Appeals Panel and, if any provision of the approved standard concerned appears to be relevant to any question arising in the proceedings it shall be taken into account in determining that question.

(8) An AHB shall comply with the approved standards.

(9) (a) The Regulator shall review the approved standards from time to time or as the Minister may direct and, as the Regulator considers necessary or as the Minister may direct, prepare amendments to the approved standards.

(b) This section shall, with all necessary modifications, apply to amendments to an approved standard, following a review under *paragraph (a)*, as it applies to a draft standard.

(10) The Regulator shall publish any amendments approved by the Minister, to an approved standard, on its website and by such other means as the Regulator considers appropriate.

PART 4

Standards Assessment and Compliance Plans

Making a standards assessment

38. (1) The Regulator may, for the purpose of monitoring compliance with the approved standards, carry out an assessment (in this Act referred to as a "standards assessment") of compliance by an AHB with the approved standards.

(2) The Regulator may, for the purposes of carrying out a standards assessment, by notice given to an AHB, require it to give to the Regulator such information relating to the approved standards as is specified in the notice (in this section referred to as "the specified information").

(3) A notice under *subsection (2)* shall—

(a) state the date on which it is given,

(b) state that the purpose of the standards assessment is to monitor compliance by the AHB with the approved standards,

(c) specify the form and manner in which the specified information shall be given, and

(d) specify a reasonable period, having regard to the circumstances in which the information is being sought, before the end of which the specified information shall be given.

(4) An AHB shall comply with a notice given to it under *subsection (2)*.

(5) The Regulator shall prepare a report in writing (in this section referred to as an "assessment report") of its standards assessment, setting out its findings and recommendations, having regard to the specified information (if any) given to it by the AHB and to any other information available to the Regulator.

(6) The Regulator shall send a draft of the assessment report to the AHB concerned together with a notice that representations on the draft may be made to the Regulator, in writing, before the end of the period specified in the notice.

(7) The Regulator shall consider any representations made to it in accordance with the notice given to it under *subsection (6)* and shall send a copy of the assessment report to the AHB concerned, with or without any amendments.

(8) The Regulator may extend the period referred to in a notice given under *subsection (3)* or *(6)*, as the case may be, on application to it in that behalf, in writing, by the AHB concerned, where the Regulator is satisfied that there is good and sufficient reason for the extension.

(9) A person who, in purported compliance with this section, knowingly or recklessly provides information to the Regulator that is false or misleading in a material respect, or who believes any such information when provided by that person, in purported compliance with this section, not to be true, shall be guilty of an offence.

Compliance plan

39. (1) The Regulator, in consequence of the findings of a standards assessment that an AHB is failing to comply with an approved standard, as set out in an assessment report under *section 38*, may, by notice given to the AHB, require it to submit to the Regulator a plan (in this Act referred to as a "compliance plan"), in the form and manner and within the period specified

in the notice, setting out the measures taken or proposed to be taken by the AHB to rectify the failure concerned.

(2) A notice given under *subsection (1)* shall state that failure to submit a compliance plan in accordance with the notice may result in the AHB being given a notice of non-compliance with the approved standard (in this Act referred to as a "notice of non-compliance").

(3) The Regulator may extend the period specified in a notice given under *subsection (1)*, on application to it in that behalf, in writing, by the AHB concerned, where the Regulator is satisfied that there is good and sufficient reason for the extension.

(4) Where an AHB fails to submit a compliance plan within the period specified in a notice under *subsection (1)* or any extension of that period under *subsection (3)*, the Regulator may give a notice of non-compliance to the AHB.

(5) Where an AHB submits a compliance plan within the period specified in a notice under *subsection (1)* or any extension of that period under *subsection (3)*, the Regulator may, give a notice to the AHB—

(a) approving the compliance plan, with or without modifications or subject to any conditions it considers appropriate, as the case may be, or

(b) stating that—

(i) it proposes to reject the compliance plan, setting out its reasons, and

(ii) the AHB may make representations to the Regulator within the period specified in the notice.

(6) The Regulator having considered the representations, if any, made to it in accordance with a notice under *subsection (5)*, may give a notice to the AHB—

(a) approving the compliance plan, with or without modifications or subject to any conditions it considers appropriate, as the case may be, or

(b) stating that it proposes to give a notice of non-compliance to the AHB and informing the AHB of the matters referred to in *subsection (8)*.

(7) Where a compliance plan is approved under *subsection (5)(a)* or *(6)(a)*, as the case may be—

(a) it shall be implemented in accordance with its terms by the AHB, and

(b) the Regulator shall, as soon as may be after the compliance plan has been so approved make an entry on the register that the plan has been so approved, including the details (in summary form) of the measures taken or proposed to be taken by the AHB pursuant to the plan.

(8) Where an AHB is given a notice under *subsection (6)(b)*, the AHB may appeal the notice to the Appeals Panel under *Part 7* not later than 21 days from the date of the notice.

Notice of non-compliance

40. (1) The Regulator may give a notice of non-compliance to an AHB—

(a) where no appeal is brought under *Part 7*, on the expiration of the period specified in *section 39(8)* for bringing an appeal, or

(b) where an appeal is brought under *Part 7* and the notice under *section 39(6)(b)* is confirmed on appeal, or the appeal is withdrawn, abandoned or otherwise not proceeded with, as the case may be.

(2) The Regulator shall, as soon as practicable after a notice of non-compliance is given to an AHB under *section 39(4)* or *subsection (1)*, as the case may be, enter on the register the particulars of the notice of non-compliance, including the details (in summary form) of the approved standard in respect of which the notice was given.

(3) An AHB to whom a notice of non-compliance is given under *section 39(4)* or *subsection (1)*, as the case may be, may submit a compliance plan to the Regulator, in the form and manner specified in *section 39(1)*, setting out the measures taken or proposed to be taken by the AHB to rectify the failure to which the notice relates.

(4) The Regulator may, by notice given to the AHB—

(a) approve, or

(b) reject, setting out its reasons,

a compliance plan submitted to it under *subsection (3)*.

(5) Where an AHB is given a notice under *subsection (4)(b)*, the AHB may appeal the notice to the Appeals Panel under *Part 7* not later than 21 days from the date of the notice.

(6) The Regulator, as soon as practicable after a compliance plan, submitted to it under *subsection (3)* following the giving of a notice of non-compliance under *section 39(4)* or *subsection (1)*, as the case may be, has been approved under *subsection (4)(a)*, shall—

(a) make an entry on the register that the plan has been so approved, including the details (in summary form) of the measures taken or proposed to be taken by the AHB pursuant to the plan, and

(b) remove the entry made on the register under *subsection (2)*.

Notice of implementation of compliance plan

41. Subject to *section 42*, the Regulator, on being satisfied that the compliance plan has been implemented in accordance with its terms, shall, as soon as practicable—

(a) give notice to the AHB of its being satisfied that the plan has been so implemented, and

(b) remove the entry made on the register under *section 39(7)* or *40(6)*, as the case may be.

Failure to implement compliance plan

42. (1) Where the Regulator is of the opinion that a compliance plan has not been or is not being implemented in accordance with its terms by an AHB, the Regulator may give a notice to the AHB—

(a) stating the date on which the notice is given,

(b) informing the AHB of its opinion and stating the reasons for its opinion,

(c) requiring the AHB, within a reasonable period specified in the notice, to confirm implementation of the compliance plan in accordance with its terms, and

(d) informing the AHB that failure to confirm implementation of the compliance plan within the period specified in the notice may result in the AHB being given a notice of non-implementation of the compliance plan (in this Act referred to as a "notice of non-implementation").

(2) Where an AHB fails to comply with a requirement of the Regulator in a notice given to the AHB under *subsection (1)*, the Regulator shall, by notice given to the AHB (in this section referred to as an "advance notice") inform the AHB that it is proposing to give a notice of non-implementation to the AHB.

(3) An advance notice shall—

(a) state the date on which the notice is given,

(b) inform the AHB of the failure to comply with a requirement in a notice given to the AHB under *subsection (1)*,

(c) specify a reasonable period within which the AHB shall comply with the requirement,

(d) inform the AHB that failure to comply with the requirement within the period specified in the notice may, subject to *subsection (4)*, result in the AHB being given a notice of non-implementation, and

(e) inform the AHB that it may make representations to the Regulator in accordance with *subsection (4)* within the period specified in the notice.

(4) Where an AHB is given an advance notice, the AHB may, within the period specified in the advance notice, make representations, in writing, to the Regulator in respect of the proposed notice of non-implementation.

(5) The Regulator shall have regard to any representations made to it in accordance with *subsection (4)* in determining whether to proceed to give the notice of non-implementation.

(6) The Regulator shall, subject to *subsection (5)*, give a notice of non-implementation to an AHB who fails to comply with a requirement in a notice given under *subsection (1)* within the period specified in the advance notice and the notice of non-implementation shall inform the AHB concerned of the matters referred to in *subsections (7)* and *(8)*.

(7) Where an AHB is given a notice of non-implementation, the AHB may appeal the notice to the Appeals Panel under *Part 7* not later than 21 days from the date of the notice.

(8) A notice of non-implementation shall come into effect—

(a) where no appeal is brought under *Part 7*, on the expiration of the period specified in *subsection (7)* for bringing an appeal under that Part, or

(b) in the case where an appeal is brought under *Part 7*, on the date on which the notice is confirmed on appeal or the appeal is withdrawn, abandoned or otherwise not proceeded with, as the case may be.

Entry on register of particulars of notice of non-implementation

43. (1) The Regulator shall, as soon as practicable after a notice of non-implementation comes into effect pursuant to *section 42*, enter on the register the particulars of the notice of non-implementation including the

details (in summary form) of the approved standard in respect of which the compliance plan has not been implemented.

(2) The AHB may at any time apply to the Regulator to have the entry made on the register under *subsection (1)* removed from the register by notice to the Regulator confirming implementation of the compliance plan and requesting that the entry be removed.

(3) The Regulator, on being satisfied that the compliance plan has been implemented in accordance with its terms, shall, as soon as practicable—

(a) give notice to the AHB of its being satisfied that the plan has been so implemented, and

(b) remove the entry made on the register under *subsection (1)*.

PART 5

INVESTIGATION

Definitions (*Part 5*)

44. (1) In this Part—

"agent", in relation to an AHB, includes a banker, solicitor or auditor to the AHB, and any person who was but is no longer an agent to an AHB;

"bank account" includes an account with any person exempt by virtue of section 7(4) of the Central Bank Act 1971 from the requirement of holding a licence under section 9 of that Act;

"inspector" means a person appointed under *section 45(1)* to be an inspector for the purposes of this Part;

"investigation" means an investigation under *section 46(1)*;

"investigation report" means a report, in writing, prepared by an inspector following the completion of an investigation;

"officer" includes, in relation to an AHB, a person who was, but is no longer an officer of the AHB;

"premises" includes vessel, aircraft, vehicle and any other means of transport, as well as land and any other fixed or movable structure.

(2) For the purposes of this Part, where records are held or maintained in electronic form, the obligation to produce or provide records includes an obligation to produce or provide those records in a legible and comprehensible printed form.

Appointment of inspectors

45. (1) For the purposes of this Part—

(a) the Regulator may appoint such members of its staff as it thinks fit to be inspectors for such period and subject to such terms as the Regulator may determine, and

(b) the Regulator may appoint such other persons as it thinks fit to be inspectors for such period and subject to such terms (including terms as to remuneration and allowances for expenses) as the Regulator, with

the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, may determine.

(2) The Regulator may revoke the appointment of an inspector appointed under *subsection (1)*, whether or not the appointment was for a fixed period.

(3) An appointment under *subsection (1)* ceases—

(a) if it is revoked under *subsection (2)*,

(b) if it is for a fixed period, on the expiry of that period, or

(c) if the person appointed is a member of staff of the Regulator, on the person ceasing to be such a member.

(4) An inspector shall be furnished with a certificate of his or her appointment by the Regulator.

(5) When exercising any power conferred on an inspector by this Part, the inspector shall, if requested by a person affected, produce the certificate of appointment or a copy of it and a form of personal identification to that person for inspection.

(6) A person who purports to act as an inspector for the purposes of this Part—

(a) without having been duly appointed under *subsection (1)*, or

(b) after his or her appointment ceases under *subsection (3)*,

shall be guilty of an offence.

Investigation into affairs of AHB

46. (1) Where the Regulator considers it is necessary to do so for the purposes of the performance of any of its functions, the Regulator may appoint one or more than one inspector—

(a) to investigate the affairs of an AHB, and

(b) to prepare and submit to the Regulator an investigation report.

(2) The terms of appointment of an inspector under *subsection (1)* may define the scope of the investigation to be carried out by the inspector, whether as respects the matters or the period to which it is to extend or otherwise and, in particular, may limit the investigation to matters connected with particular circumstances.

(3) Where more than one inspector has been appointed under *subsection (1)* to carry out an investigation, the investigation report shall be prepared jointly by the inspectors so appointed and this Part shall, with all necessary modifications, be construed accordingly.

Investigation reports

47. (1) An inspector appointed under *section 46(1)* to carry out an investigation may, and if so directed by the Regulator shall, make interim reports to the Regulator and, on the conclusion of the investigation, shall submit an investigation report to the Regulator.

(2) Notwithstanding anything contained in *subsection (1)*, an inspector may, at any time in the course of the investigation, without the necessity of making an interim report, inform the Regulator of matters coming to the

inspector's knowledge as a result of the investigation tending to show that an offence has been committed.

(3) The Regulator may, if it considers it appropriate—

(a) furnish a copy of an interim report or investigation report to the AHB that is the subject of the report,

(b) on request, furnish a copy of an interim report or investigation report to—

(i) any person whose conduct is referred to in the report,

(ii) the auditors of the AHB,

(iii) any other person (including a member of staff of the AHB) whose financial interests appear to the Regulator to be affected by the matters dealt with in the report, whether as a creditor of the AHB or otherwise,

(iv) the Central Bank, in any case in which the report relates, wholly or partly, to the affairs of the holder of a licence under section 9 of the Central Bank Act 1971,

(v) the Charities Regulatory Authority,

(vi) the Office of the Director of Corporate Enforcement,

(vii) the Revenue Commissioners, or

(viii) the Director of Public Prosecutions,

or

(c) cause an interim report or investigation report to be published in such manner as it considers appropriate.

(4) The Regulator may, where it considers it appropriate, direct that such part of an interim report or investigation report as is specified in the direction—

(a) be omitted from a copy furnished under *subsection (3)(a)* or *(b)(i)*, *(ii)* or *(iii)*, and

(b) not be published under *subsection (3)(c)*.

Production of documents and evidence on investigation

48. (1) An officer or agent of an AHB shall, when required to do so by an inspector—

(a) give to the inspector all information and records relating to the AHB that are in his or her possession, under his or her control or within his or her procurement,

(b) attend before an inspector to give the information concerned, and

(c) give to an inspector all such other assistance in connection with the investigation as he or she is reasonably capable of giving.

(2) An inspector may require a person (other than an officer or agent of an AHB) whom he or she considers has any information or records relating to the affairs of the AHB in the person's possession, under the person's control or within the person's procurement—

(a) to give that information or those records, as the case may be, to the inspector, and

(b) where the inspector thinks fit, to attend before the inspector to give the information concerned,

and the person shall comply with the requirement.

(3) A requirement under *subsection (1)* or *(2)* shall specify—

(a) a reasonable period within which, or a date and time on which, the person the subject of the requirement is to comply with it, and

(b) as the inspector concerned thinks fit—

(i) the place at which the person shall attend to give the information concerned or to which the person shall deliver the records concerned, or

(ii) the place to which the person shall send the information or the records concerned.

(4) If an inspector has reasonable grounds for believing that a director, member or trustee, as the case may be, of an AHB whose affairs the inspector is investigating maintains or has maintained a bank account (howsoever described), whether alone or jointly with another person and whether in the State or elsewhere, into or out of which there has been paid money that is connected with any act or omission by that director, member or trustee constituting misconduct (whether fraudulent or not) in respect of that AHB, the inspector may require that director, member or trustee to produce to the inspector all documents in the possession of that director, member or trustee, under his or her control or within his or her procurement, relating to that bank account.

(5) An inspector may examine on oath a director, member or other officer or a member of staff or agent of the AHB, or a person to whom *subsection (2)* applies, in relation to the affairs of the AHB, and may issue an oath accordingly.

Power of inspectors

49. (1) For the purposes of an investigation, an inspector shall have power to do one or more than one of the following:

(a) subject to *subsections (3)* and *(4)*, at all reasonable times to enter (if necessary by the use of reasonable force), inspect, examine and search any premises at, on or in which the inspector has reasonable grounds to believe that records (including records stored in non-legible form) of, or relating to the affairs of, the AHB are kept;

(b) secure for later inspection any premises or part of any premises referred to in *paragraph (a)* or records referred to in *paragraph (a)* kept at that premises and require that the place, or part thereof, or records be left undisturbed for so long as is reasonably necessary for the purposes of any investigation;

(c) inspect, examine and make copies of or take extracts from any such records referred to in *paragraph (a)* (including in the case of records in a non-legible form a copy of or extract from such records in a permanent legible form) or require that such a copy of or extracts therefrom be provided;

(d) without prejudice to any other power conferred by this section, require any person at the premises referred to in *paragraph (a)* or the owner or person in charge of the premises and any person employed there to give to the inspector such assistance and information and to produce to the inspector any records referred to in *paragraph (a)* that are in that person's power, possession or procurement, as the inspector may reasonably require for the purposes of an investigation or to give to the inspector such information as the inspector may reasonably require in relation to any entries in such records;

(e) require a person referred to in *paragraph (d)* by whom or on whose behalf a computer is or has been used to produce or store records or any person having control of, or otherwise concerned with the operation of, the computer, to afford the inspector access thereto and such reasonable assistance as the inspector may require;

(f) require the AHB or any employee or agent of it to give such authority, in writing, addressed to any bank that the inspector requires for the purpose of enabling the inspection of any account or accounts opened, or caused to be opened, by the AHB at such bank (or any documents relating thereto) and to obtain from such bank copies of such documents relating to such account or accounts for such period or periods as the inspector considers necessary to fulfil that purpose;

(g) remove and retain any records referred to in *paragraph (a)* for such period as the inspector reasonably considers necessary for the purposes of the performance of the inspector's functions or the functions of the Regulator under this Act, or require any person referred to in *paragraph (d)* to retain and maintain such records for such period as the inspector reasonably considers necessary for those purposes;

(h) require a person referred to in *paragraph (d)* to answer questions and to make a declaration of the truth of the answers to those questions;

(i) require any person referred to in *paragraph (d)* to provide an explanation of a decision, course of action, system or practice or the nature or content of any records referred to in *paragraph (a)*;

(j) if a person who is required to provide a particular record referred to in *paragraph (a)* is unable to provide it, require the person to state, to the best of that person's knowledge and belief, where the record is located or from whom it may be obtained;

(k) require a person referred to in *paragraph (d)* to afford the inspector such facilities and assistance within the person's power, control or responsibilities as are reasonably necessary to enable the inspector to exercise any of the powers conferred on the inspector by this Part.

(2) A requirement under *subsection (1)* shall specify a period before the end of which, or a date and time on which, the person the subject of the requirement is to comply with it.

(3) An inspector shall not enter a dwelling other than—

(a) with the consent of the occupier, or

(b) pursuant to a warrant under *subsection (4)*.

(4) A judge of the District Court, if satisfied on the sworn information of an inspector that—

(a) (i) there are reasonable grounds for suspecting that any information is, or records required by the inspector under this section are, held on any premises or any part of any premises, and

(ii) an inspector, in the exercise of powers under *subsection (1)* has been prevented from entering the premises or any part thereof,

and

(b) it is necessary that the inspector enter a dwelling and exercise therein any of the inspector's powers under this section,

may issue a warrant authorising the inspector, accompanied if necessary by other persons, at any time or times not later than 30 days from the date of issue of the warrant and on production if so requested of the warrant, to enter, if need be by reasonable force, the premises or part of the premises concerned and perform all or any such functions.

Investigation report to be evidence

50. A document purporting to be a copy of an investigation report shall, unless the contrary is shown, be evidence in any proceedings (other than proceedings for an offence)—

(a) of the matters specified therein without further proof, and

(b) of the opinion of the inspector in relation to any matter contained in the report.

Offence

51. Subject to *section 52*, a person who—

(a) withholds, destroys, conceals or refuses to provide any information or records required for the purposes of an investigation under this Part,

(b) fails or refuses to comply with any requirement of an inspector under this Part, or

(c) otherwise obstructs or hinders an inspector in the performance of functions conferred by this Act,

shall be guilty of an offence.

Saving for privileged information, etc.

52. (1) Nothing in this Part shall be taken to compel a person to produce to an inspector records, or to provide any information, that the person would be entitled to refuse to produce or provide on the grounds of legal professional privilege or authorise the taking of possession of any such records.

(2) A person, the subject of a requirement under *section 48(1)* or *(2)*, as the case may be, shall be entitled to the same immunities and privileges in respect of compliance with such requirement as if the person were a witness before the High Court.

(3) Any statement or admission made by a person pursuant to a requirement under this Part is not admissible against that person in criminal proceedings other than criminal proceedings for an offence under *section 51*, and this shall be explained to the person in ordinary language by the inspector concerned.

PART 6

INTERVENTION

CHAPTER 1

Transfer of Certain Dwellings and Protection of AHBs

Protection of tenants: requirement to transfer certain dwellings

53. (1) This section applies to the following persons:

(a) F7**[**...**]**

(b) F7**[**...**]**

(c) an AHB who, by notice given to the Regulator under *section 57(1)*, requests cancellation of its registration as an AHB;

(d) an AHB to whom notice of a proposal to cancel its registration has been given under *section 58(3)*;

(e) an AHB whose registration is cancelled under *section 57* or *58*, as the case may be.

(2) Where the Regulator considers that it is necessary to do so for the purpose of the protection of tenants of F8**[**dwellings provided for the purpose of alleviating a housing need by a person to whom this section applies**]**, the Regulator may, by notice to such person, require the person to transfer all or any of such dwellings, without prejudice to any right or interest of the tenants concerned in the dwellings, together with any common areas, structures, works and services and communal facilities and amenities that are in the ownership or under the control of that person, to an AHB identified by the Regulator or to such other person as the Regulator considers appropriate.

(3) A notice under *subsection (2)* shall set out—

(a) the reasons why the Regulator considers it necessary that the transfer required under *subsection (2)* be made,

(b) details, including their location, of the dwellings and any common areas, structures, works and services and communal facilities and amenities that are required to be transferred under *subsection (2)*,

(c) the name of the AHB or person to whom it is proposed that the transfer required under *subsection (2)* be made, and

(d) the period within which the AHB or any other person (other than the tenants of the dwellings concerned) who has any right or interest in the dwellings or any common areas, structures, works and services or communal facilities and amenities that are required to be transferred under *subsection (2)* may object, in writing, to such transfer.

(4) Where a notice under *subsection (2)* is given to a person to whom this section applies, the person shall give a copy of the notice as soon as practicable to—

(a) the housing authority in whose functional area the dwellings that are required to be transferred under *subsection (2)* are situated, and

(b) any other person (other than the tenants of the dwellings concerned) who has any right or interest in the dwellings or any common areas, structures, works and services or communal facilities and amenities that are required to be transferred under *subsection (2)*, including any

mortgagee or any other person who is the owner of any security or charge affecting those dwellings or any such common areas, structures, works and services or communal facilities and amenities.

(5) Where a person to whom this section applies to whom a notice is given under *subsection (2)*, or any other person to whom a copy of the notice is given under *subsection (4)*, objects to the proposed transfer within the period specified in the notice, the Regulator may apply to the High Court for an order under *section 54*.

Protection of AHBs

54. (1) Where the High Court is satisfied, upon the application of the Regulator, that—

(a) an offence under this Act has been or is being committed by an AHB,

(b) an AHB has failed or is failing to comply with any provision of this Act,

(c) any property (both real and personal) of an AHB has been or is being misapplied or has been or is being dealt with or managed in a manner that endangers the property or such that the property otherwise requires protection,

(d) there has been any other misconduct or mismanagement on the part of any director or other officer or member of staff of an AHB in relation to the affairs of the AHB,

(e) an unlawful or otherwise improper use of funds or resources of an AHB has occurred or is occurring,

(f) there is a serious risk to the financial viability of an AHB,

F9**[**(g) it is necessary for the purpose of the protection of the tenants of dwellings provided or, as the case may be, managed by an AHB for the purpose of alleviating a housing need,**]**

or

(h) information tending to show any matter falling within any of the preceding paragraphs has been or is being concealed or destroyed,

the High Court may make such order as it considers appropriate in the circumstances.

(2) On the hearing of an application under this section, the High Court may—

(a) dismiss the application,

(b) adjourn the hearing conditionally or unconditionally, or

(c) make—

(i) an interim order,

(ii) an interlocutory order, or

(iii) a permanent order,

under this section.

(3) An application by the Regulator for an interim order under this section may be made *ex parte*.

(4) In this section "order" includes—

(a) an order suspending or removing any director or other officer or member of staff of the AHB,

(b) an order appointing such person or persons as the High Court considers appropriate to act as a director or other officer of the AHB in addition to, or instead of, any existing director or other officer,

(c) an order vesting any or all of the property of an AHB in another AHB identified by the Regulator, or such other person as the High Court considers appropriate, subject and without prejudice to any right or interest of any third party (including any tenant of a dwelling to which the order applies and any mortgagee or other person who is the owner of any security or charge affecting any such dwelling or any common areas, structures, works and services or communal facilities and amenities to which the order applies) in the property so vested that exists on the date of the order,

(d) an order prohibiting the removal, sale or application of any property of the AHB without the Regulator's consent,

(e) an order directing any person who is a debtor of the AHB not to pay such person's debt to the AHB during such period as may be specified in the order, or to pay it to such person as may be so specified in satisfaction of the debt to the AHB, and

(f) an order restricting or prohibiting the entering into, by the AHB, of such agreements, or agreements of such a class, as may be specified in the order.

Chapter 2

Notice to Regulator of Certain Events and Examinership

Notice to Regulator of certain events

55. (1) An AHB shall give notice, in writing, to the Regulator—

(a) as soon as practicable, if it no longer satisfies the eligibility criteria or any of them,

(b) in a case where the AHB is a company—

(i) not later than 7 days from the date of publication of a notice under section 730(1) of the Act of 2014 of the intention of the Registrar of Companies to strike off the company, or

(ii) not later than 7 days from the date an application is made under section 731 of the Act of 2014 to the Registrar of Companies to be struck off the register,

(c) in a case where the AHB is a registered society—

(i) not later than 7 days from—

(I) the date it requests the cancelling of its registry, or

(II) the date of receipt by it of a notice proposing cancelling of its registry,

as the case may be, under section 9 of the Industrial and Provident Societies Act 1893, or

(ii) as soon as practicable of any proposal to dissolve the society under paragraph (a) or (b), as the case may be, of section 58 of the Industrial and Provident Societies Act 1893,

(d) in a case where the AHB is a friendly society within the meaning of the Friendly Societies Acts 1896 to 2018 —

(i) not later than 7 days from—

(I) the date it requests cancelling of its registry, or

(II) the date of receipt by it of a notice proposing cancelling of its registry,

as the case may be, under section 77 of the Friendly Societies Act 1896, or

(ii) as soon as practicable of any proposal to terminate or dissolve the society under paragraph (a), (b), (c) or (d), as the case may be, of section 78 of the Friendly Societies Act 1896,

(e) in a case where the AHB is a charitable trust, as soon as practicable of any proposal to revoke the charitable trust in accordance with its constitution,

(f) in a case where the AHB is a registered charitable organisation, not later than 7 days from the date an entry is made in the register of charitable organisations established under section 39 of the Charities Act 2009—

(i) under section 43(11) of that Act, that it has ceased to be registered, or

(ii) under section 44(12)(b) of that Act, that it has ceased to be deemed to be a registered charitable organisation,

(g) not later than 7 days from the date on which any improvement notice (within the meaning of section 18A of the Act of 1992) is given to an AHB,

(h) not later than 7 days from the date on which any prohibition notice (within the meaning of section 18B of the Act of 1992) is given to an AHB,

(i) of any other matter that may—

(i) materially affect or might reasonably be expected to materially affect its status as an AHB,

(ii) bring or might reasonably be expected to bring the AHB into disrepute, or

(iii) threaten or might reasonably be expected to threaten the stability, efficiency, operations and general viability of the AHB,

before the occurrence of the event or, where that is not practicable because of the nature of the event concerned or the circumstances in which it has arisen, as soon as practicable after the occurrence of the event.

(2) An AHB which is a company shall give notice, in writing, to the Regulator—

(a) before or, where that is not practicable because of the nature of the event concerned or the circumstances in which it has arisen, as soon as practicable after, the appointment of a receiver to the AHB,

(b) before the presentation by the company or by a director of the company, as the case may be, of a petition to the court under Chapter 2 of Part 11 of the Act of 2014 for the winding up of the company,

(c) before or, where that is not practicable because of the nature of the event concerned or the circumstances in which it has arisen, as soon as practicable after, the passing of a resolution for a members' voluntary winding up of the company under Chapter 3 of Part 11 of the Act of 2014,

(d) at least 10 days before the date of a creditors' meeting that has been summoned in the case of a creditors' voluntary winding up of the company under Chapter 4 of Part 11 of the Act of 2014,

(e) forthwith on the appointment of a provisional liquidator or liquidator to the company under any provision of the Act of 2014.

(3) An AHB which fails to give notice to the Regulator under any of *paragraphs (b)* to *(f)* of *subsection (1)* or under *subsection (2)* shall be guilty of an offence.

Examinership: modification of Part 10 of Act of 2014 for purposes of application to AHBs

56. (1) For the purposes of the application of Part 10 of the Act of 2014 to a company that is an AHB, that Part shall apply to such a company subject to the modifications specified in *subsection (2)* and any other modifications necessary for those purposes.

(2) The modifications referred to in *subsection (1)* are that—

(a) in section 508(1), the following definitions are inserted:

" 'approved housing body', 'dwelling' and 'Regulator' have the meanings given to them, respectively, by *section 2* of the *Housing (Regulation of Approved Housing Bodies) Act 2019*;",

(b) in section 510, the following subsection is inserted after subsection (5):

"(6) Where the company referred to in section 509 is an approved housing body, the following provisions shall apply:

(a) a petition may be presented by—

(i) any of the persons referred to in paragraph (a), (b), (c) or (d) of subsection (1) (including by any one or more of such persons acting together),

(ii) the Regulator, or

(iii) one or more of such persons and the Regulator acting together;

(b) if the Regulator does not present a petition—

(i) the petitioner shall, before the petitioner presents the petition at the office of the court, cause to be received by the Regulator a notice, in writing, of the petitioner's intention to present the petition, and shall serve a copy of the petition on the Regulator as soon as may be after the presentation of it at that office,

(ii) the Regulator shall be entitled to appear and be heard at any hearing relating to the petition.",

(c) in section 516, the following subsection is inserted after subsection (4):

"(5) If—

(a) the company concerned, being an approved housing body, is a company referred to in section 509, and

(b) the Regulator does not propose to present, or has not presented, (whether alone or acting together with other persons) a petition in relation to the company,

the independent expert shall, as soon as may be after it is prepared, supply a copy of the report prepared by him or her under section 511 to the Regulator and subsections (2) and (3) shall not apply to such a copy.",

(d) in section 533—

(i) the following subsection is inserted after subsection (7):

"(7A) If the company concerned is a company referred to in section 510(6), the examiner shall, as soon as may be after it is prepared, supply a copy of the report prepared by him or her under subsection (2) to the Regulator, and subsections (5) and (6) shall not apply to such a copy.",

and

(ii) in subsection (8), the following paragraph is inserted after paragraph (f):

"(fa) if the company concerned is a company referred to in section 510(6) - the Regulator;",

(e) in section 534(6) —

(i) in paragraph (a), "and" is deleted, and

(ii) the following paragraph is inserted after paragraph (a):

"(aa) if the company concerned is a company referred to in section 510(6) - the Regulator, and",

(f) in section 539(1), the following paragraph is inserted after paragraph (g):

"(ga) in the case of a company referred to in section 510(6), include proposals for the protection of F10**[**dwellings provided or, as the case may be, managed for the purpose of alleviating a housing need,**]**",

(g) in section 540, the following subsection is inserted after subsection (12):

"(13) Without prejudice to subsections (1) to (11), in the case of a company referred to in section 510(6), the examiner shall also afford the Regulator an opportunity to consider the proposals for a compromise or scheme of arrangement and, for this purpose, shall furnish to the Regulator a statement containing the like information to that referred to in subsection (11).",

(h) in section 541(2), the following paragraph is inserted after paragraph (d):

"(da) if the company concerned is a company referred to in section 510(6) - the Regulator;",

and

(i) in section 553(3), the following paragraph is inserted after paragraph (b):

"(ba) if the company to which the order relates is a company referred to in section 510(6) - the Regulator;".

Chapter 3

Cancellation of Registration of AHB

Cancellation of registration where AHB requests

57. (1) An AHB may by notice, in writing, to the Regulator request cancellation of its registration as an AHB.

(2) A notice under *subsection (1)* shall be in such form and manner, and contain such information, as the Regulator may specify.

(3) For the purposes of the consideration by the Regulator of the request under *subsection (1)*, an AHB shall give to the Regulator—

F11**[**(a) information on its proposals relating to dwellings provided or managed by it,**]**

F12**[**(aa) without prejudice to *paragraph (a)*, information on its proposals, having regard to the terms and conditions of any assistance given to the AHB under section 6 of the Act of 1992, or under Part 3 of the Affordable Housing Act 2021, relating to dwellings provided or managed by it for the purpose of alleviating a housing need, and**]**

(b) such other information, specified by the Regulator under *subsection (2)*, as the Regulator may reasonably require for the purposes of this section.

(4) An AHB shall give a copy of a notice under *subsection (1)* to each housing authority in whose functional area any dwellings referred to in F11**[***subsection (3)(aa)***]** are situated and shall, where requested by the Regulator, confirm, in writing, to the Regulator that such a copy has been so given.

F11**[**(5) A housing authority to whom a copy of a notice under *subsection (1)* is given under *subsection (4)* may make representations, in writing, to the Regulator concerning the information referred to in *subsection (3)(aa)* contained in the notice.**]**

(6) The Regulator shall grant a request in a notice under *subsection (1)* for cancellation of the registration of an AHB unless—

(a) the Regulator, having considered the information in the notice and the representations, if any, made by a housing authority in accordance with *subsection (5)*,considers that any proposals referred to in *subsection* F11**[***(3)(aa)***]** are not in compliance with the terms and conditions referred to in *subsection* F11**[***(3)(aa)***]**,

(b) the Regulator considers that removal is sought with a view to enabling the AHB to distribute its assets to members,

(c) a standards assessment under *section 38* has been commenced and has not yet been completed,

(d) an investigation under *Part 5* into the affairs of the AHB concerned has been commenced and has not yet been completed,

(e) there are legal proceedings under this Act pending in relation to the AHB concerned and not yet finally determined or withdrawn, as the case may be, or

(f) for any other reason the Regulator reasonably considers that granting the request would prejudice the performance of the Regulator's functions.

(7) The Regulator shall give notice to the AHB of its decision whether to grant or refuse to grant the request by notice under *subsection (1)* for cancellation of its registration and, in the case where the granting of the request is refused, of the reasons for that decision.

(8) An AHB may appeal to the Appeals Panel under *Part 7*, not later than 21 days from the date of the notice under *subsection (7)*, against a decision of the Regulator to refuse to grant the request by the AHB, by notice under *subsection (1)*, for cancellation of its registration.

(9) A notice under *subsection (7)* shall inform the AHB of the right of appeal conferred by *subsection (8)* and of the period referred to in *subsection (7)* within which an appeal may be brought under *Part 7*.

(10) A decision referred to in *subsection (7)* to grant a request by an AHB, by notice under *subsection (1)*, for cancellation of its registration shall take effect on the expiration of 14 days, or such longer period as may be determined by the Regulator, from the date of the notice under *subsection (7)*.

(11) A decision referred to in *subsection (7)* to refuse to grant a request, by an AHB, by notice under *subsection (1)*, for cancellation of its registration shall take effect—

(a) where no appeal against the decision is brought under *Part 7*, on the expiration of the period specified in *subsection (8)* for bringing an appeal under that Part, or

(b) in the case where an appeal is brought under *Part 7*, on the date on which the decision is confirmed on appeal or the appeal is withdrawn, abandoned or otherwise not proceeded with, as the case may be.

Cancellation of registration on specified grounds

58. (1) At any time, the Regulator may cancel the registration of an AHB on any one or more of the grounds specified in *subsection (2)*.

(2) The following are the grounds referred to in *subsection (1)*:

(a) that the AHB has been convicted of—

(i) an offence under this Act,

(ii) any indictable offence (other than an offence under this Act) in relation to a company or any other body corporate, or

(iii) an offence involving fraud or dishonesty, whether in connection with a company or not;

(b) that the AHB has failed or is failing to comply with any provision of, or a requirement or direction under, this Act;

F13**[**(c) in the case of an AHB other than an AHB referred to in *section 26A*, that the AHB no longer satisfies the eligibility criteria or any of them;**]**

(d) that there are grounds on which the Regulator would be entitled or required to refuse an application under *section 27* for the registration of the AHB F13**[**.**]**

(e) F14**[**...**]**

F13**[**(3) If the Regulator proposes to cancel the registration of an AHB under *subsection (1)*, the Regulator shall give notice of the proposal and of the reasons for it to the AHB and, in so far as it is practicable, to each housing authority in whose functional area any dwellings provided or managed by the AHB for the purpose of alleviating a housing need are situated.**]**

(4) A notice of a proposal under *subsection (3)* shall include a statement that within the period specified in the notice, being a period of not less than 21 days from the date of the notice—

(a) the AHB shall give to the Regulator—

F13**[**(i) information on its proposals relating to dwellings provided or managed by it for the purpose of alleviating a housing need, and**]**

(ii) such other information, specified in the notice, as the Regulator may reasonably require for the purposes of this section,

and

(b) the AHB and housing authority may make representations, in writing, to the Regulator concerning the matter which is the subject matter of the proposal.

(5) The Regulator may extend the period referred to in a notice of a proposal under *subsection (3)*, on application to it in that behalf, in writing, by the AHB or a housing authority referred to in that subsection, where the Regulator is satisfied that there is good and sufficient reason for the extension.

(6) Where notice of a proposal has been given under *subsection (3)*, the Regulator shall not decide the matter until—

(a) the AHB and each housing authority concerned has, within the period specified in the notice—

(i) made representations, in writing, to the Regulator concerning the proposal, or

(ii) notified the Regulator, in writing, that it does not intend to make representations,

or

(b) the AHB and each housing authority concerned has not—

(i) made any representations, or

(ii) notified the Regulator that it does not intend to make representations,

and the period referred to in *subsection (4)* has elapsed.

(7) Before deciding whether or not to cancel the registration of an AHB under *subsection (1)* the Regulator shall —

(a) consider any information given and representations made during the period referred to in *subsection (4)*, and

(b) in so far as it is practicable to do so, consult with each housing authority to which notice of a proposal has been given under *subsection (3) .*

(8) The Regulator shall give notice to the AHB of a decision to cancel the registration of the AHB under *subsection (1)* and of the reasons for the decision.

(9) An AHB may appeal to the Appeals Panel under *Part 7*, not later than 21 days from the date of the notice under *subsection (8)*, against the decision of the Regulator to cancel the registration of the AHB under *subsection (1)*.

(10) A notice under *subsection (8)* shall inform the AHB of the right to appeal conferred by *subsection (9)* and of the period referred to in *subsection (9)* within which an appeal may be brought under *Part 7*.

(11) A decision to cancel the registration of an AHB under *subsection (1)* shall take effect—

(a) where no appeal against the decision is brought under *Part 7*, on the expiration of the period specified in *subsection (9)* for bringing an appeal under that Part, or

(b) in the case where an appeal is brought under *Part 7*, on the date on which the decision is confirmed on appeal or the appeal is withdrawn, abandoned or otherwise not proceeded with, as the case may be.

(12) This section does not apply where—

(a) an investigation under *Part 5* into the affairs of the AHB concerned has been commenced and has not yet been completed, or

(b) there are legal proceedings under this Act pending in relation to the AHB concerned and not yet finally determined or withdrawn, as the case may be.

Cancellation of registration where AHB ceases to exist

59. If an AHB ceases to exist, whether by dissolution or otherwise, the Regulator shall cancel the registration of the AHB.

Removal from register following cancellation of registration

60. (1) Where, under *section 57*, *58* or *59*, the registration of an AHB is cancelled, the Regulator shall, as soon as practicable—

(a) subject to *paragraph (b)*, remove from the register all of the information entered in relation to the AHB,

(b) enter in the register a statement—

(i) that the registration of the AHB has been cancelled, and

(ii) of the reasons for that cancellation,

and

(c) give notice to—

(i) the Residential Tenancies Board,

(ii) in so far as it is practicable to do so, each housing authority in whose functional area any F15**[**dwellings provided or, as the case may be, managed by the AHB concerned for the purpose of alleviating a housing need**]** are situated, and

(iii) in the case of a registered charitable organisation, the Charities Regulatory Authority,

that the registration of the AHB has been cancelled.

(2) A person in respect of whom the registration of that person as an AHB has been cancelled under *section 57* or *58* may apply to the Regulator for registration under *section 27*.

PART 7

Appeals

Appeals Panel

61. (1) The Minister shall, as soon as practicable after the establishment day, establish an Appeals Panel to determine the appeals provided for in this Act and appoint at least 10 people who, in the opinion of the Minister, have experience or expertise in matters relating to the hearing of appeals or the functions of the Regulator (other than members of the Regulator or staff of the Regulator) to be members of that Panel.

(2) A person shall not be appointed to the Appeals Panel if he or she is a person to whom any of *paragraphs (a)* to *(g)* of *subsection (10)* is applicable.

(3) A member of the Appeals Panel shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Minister determines.

(4) The Minister shall appoint a chairperson of the Appeals Panel from among the members of the Appeals Panel.

(5) A member of the Appeals Panel whose term of membership of the Appeals Panel expires shall be eligible for reappointment as a member of the Appeals Panel.

(6) A member of the Appeals Panel is entitled to be paid such remuneration, fees or allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

(7) A member of the Appeals Panel may at any time resign from office by giving notice to the Minister of his or her resignation.

(8) A resignation under *subsection (7)* takes effect on the day on which the Minister receives the notice.

(9) The Minister may at any time remove from office a member of the Appeals Panel if, in the opinion of the Minister—

(a) the member has become incapable through ill-health of effectively performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the removal of the member appears to the Minister to be necessary for the effective performance by the Appeals Panel of its functions.

(10) A member of the Appeals Panel shall cease to be qualified for office and shall cease to hold office if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is sentenced by a court of competent jurisdiction to a term of imprisonment,

(d) is convicted on indictment of an offence, or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,

(e) is convicted of an offence involving fraud or dishonesty,

(f) has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act.

(11) If a member of the Appeals Panel dies, resigns, ceases to be qualified for office or is removed from office, the Minister may appoint a person to be a member of the Appeals Panel to fill the casual vacancy so occasioned.

(12) A person appointed to be a member of the Appeals Panel pursuant to *subsection (11)* —

(a) holds office for so much of the term of office of the member who occasioned the casual vacancy concerned as remains unexpired at the date of the appointment, and

(b) is eligible for reappointment as a member of the Appeals Panel on the expiry of that period.

(13) The Appeals Panel shall be independent in the performance of its functions.

(14) *Paragraph 9* of the *Schedule* shall apply in respect of a member of the Appeals Panel, subject to the modification that references in that paragraph to the Regulator shall be construed as references to the Appeals Panel.

(15) The Minister shall provide such support of an administrative nature to the Appeals Panel as the Minister in his or her opinion determines is necessary to enable the Appeals Panel to perform its functions.

Appeals Board

62. (1) An appeal referred to in *section 31(1)(b)*, *39(8)*, *40(5)*, *42(7)*, *57(8)*, or *58(9)*, as the case may be, shall—

(a) be lodged with the Appeals Panel within the period specified in *section 31(1)(b)*, *39(8)*, *40(5)*, *42(7)*, *57(8)* or *58(9)*, as the case may be, and

(b) state the grounds for the appeal.

(2) An appeal shall be accompanied by such fee (if any) as may be determined by the Regulator with the approval of the Minister.

(3) Upon receipt by the Appeals Panel of an appeal, an Appeals Board of 3 persons shall be appointed by the chairperson of the Appeals Panel from among the members of the Appeals Panel to determine the appeal.

(4) The chairperson of an Appeals Board shall be appointed by the chairperson of the Appeals Panel from among the members of the Appeals Board.

(5) The Minister shall provide such support of an administrative nature to an Appeals Board as the Minister in his or her opinion determines is necessary to enable the Appeals Board to perform its functions.

(6) In relation to an appeal falling, to be determined by an Appeals Board, the Appeals Board—

(a) shall establish the procedures to be followed regarding the making of submissions to the Appeals Board and their form, and

(b) may establish the procedures to be followed regarding—

(i) the holding of a hearing and the period within which it shall be heard,

(ii) the examination by the Appeals Board of the parties to the appeal or other persons,

(iii) requests by the Appeals Board for information or further information, for the purposes of the appeal, from the parties to the appeal or other persons,

(iv) provision by the Appeals Board to the parties to the appeal of information received by the Appeals Board for the purposes of the appeal,

(v) the period within which the Appeals Board shall, from the date of completion by it of a hearing or hearings in relation to an appeal make its determination in relation to the matter,

(vi) any other matter as the Appeals Board considers appropriate for the proper performance of its functions.

(7) An Appeals Board shall be independent in the performance of its functions.

Appeal

63. (1) For the purposes of the appeal for which an Appeals Board is appointed, the Appeals Board—

(a) shall request submissions from the parties to the appeal and the parties shall furnish the submissions to the Appeals Board within the period specified in the request,

(b) following consideration of the submissions, may hold a hearing, and

(c) may request such information from the parties to the appeal, or any other person as the Appeals Board considers necessary for the proper performance of its functions, and the parties to the appeal or other person, as the case may be, shall furnish the information to the Appeals Board within the period specified in the request.

(2) An Appeals Board may refuse to hear an appeal, where, in the opinion of the Appeals Board, the appeal is not made in good faith or is frivolous or vexatious.

(3) If a hearing is held—

(a) each of the parties to the appeal is entitled to be heard at the hearing, and

(b) the Appeals Board may adjourn the hearing of a matter at any stage in the proceedings until a date specified by the Appeals Board.

(4) A witness before an Appeals Board shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(5) A decision by a majority of the members of an Appeals Board shall suffice for any purpose.

(6) In considering an appeal under this Part an Appeals Board shall consider—

(a) submissions from the parties to the appeal,

(b) the evidence presented at any hearing of the matter, and

(c) all information furnished to the Appeals Board.

(7) On completion of its consideration of the appeal, the Appeals Board shall make a decision determining the appeal as soon as practicable in all the circumstances of the case, which may be a determination to—

(a) affirm the decision of the Regulator, or

(b) quash the decision of the Regulator and direct the Regulator, for stated reasons, to reconsider its decision within a specified period.

(8) The appeals board shall notify the parties to the appeal of its determination under *subsection (7)* as soon as practicable after it is made.

(9) In the case of a determination under *subsection (7)(b)*, the Regulator shall reconsider its decision within the specified period or the specified period as extended for a further period by the Appeals Board following—

(a) a request from the Regulator,

(b) consultation with the parties to the appeal, and

(c) the Appeals Board being satisfied that there is good and sufficient reason for so extending.

Appeal on question of law

64. (1) Within 3 months from the date on which an appeal is determined by an Appeals Board any party to the appeal may appeal to the High Court on a question of law arising from the determination.

(2) An appeal shall, by leave of the High Court, lie from a determination of that Court on a question of law under *subsection (1)* to the Court of Appeal.

PART 8

Miscellaneous

Prohibition on unauthorised disclosure of confidential information

65. (1) A relevant person shall not disclose confidential information obtained by him or her while performing functions under this Act unless he or she is required by law, or duly authorised by the Regulator, to so do.

(2) A relevant person does not contravene *subsection (1)* if the disclosure is—

(a) made to the Regulator,

(b) made to a Minister by or on behalf of the Regulator or in compliance with this Act, or

(c) otherwise permitted by law.

(3) A person who contravenes *subsection (1)* shall be guilty of an offence.

(4) In this section—

"confidential information" includes information that is expressed by the Regulator to be confidential either as regards particular information or as regards information of a particular class or description;

"relevant person" means—

(a) a member of the Regulator,

(b) a member of the staff of the Regulator,

(c) an adviser or consultant to the Regulator or a member of the staff of such adviser or consultant,

(d) a member of a committee established under *paragraph 7* of the *Schedule*,

(e) an inspector appointed under *section 45(1)*, or

(f) any other person engaged under a contract for services by the Regulator or a member of staff of such person.

Report of Minister

66. (1) The Minister shall, not later than 12 months after the coming into operation of this section, following consultation with the Regulator, AHBs and housing authorities, arrange for the preparation of a report relating to the transfer of dwellings provided by AHBs for the purpose specified in *section 25(2)(b)(i)* and any matters arising on such transfer, including legal and financial matters and matters relating to consultation, for the purposes of such transfer, with the Regulator, the Residential Tenancies Board and the AHBs, housing authorities and any third party concerned (including tenants of the dwellings to be transferred and any mortgagee or other person who is the owner of any security or charge affecting those dwellings).

(2) A copy of the report prepared under *subsection (1)* shall be laid by the Minister before each House of the Oireachtas.

(3) The Minister shall arrange for a report laid before both Houses of the Oireachtas in accordance with *subsection (2)* to be published on the internet as soon as practicable after a copy of the report is so laid.

PART 9

Consequential Amendments and Transitional Provisions

Amendments of Act of 1992

67. The Act of 1992 is amended—

(a) in section 1(1), by inserting the following definition:

" 'approved housing body' has the meaning given to it by the *Housing (Regulation of Approved Housing Bodies) Act 2019*;",

(b) in section 4(1)(b)(i), by substituting "an approved housing body" for "an approved body",

(c) in section 6—

(i) in subsection (1) —

(I) in paragraph (b), by substituting "subject to subsection (8A), an approved housing body," for "a body standing approved of for the purposes of this section,", and

(II) by substituting "or approved housing body" for "or body",

(ii) in subsection (2) —

(I) in paragraphs (b), (c) and (e), by substituting "approved housing body" for "body" in each place where it occurs, and

(II) in paragraph (ea) by substituting "an approved housing body" for "a body" in both places where it occurs,

(iii) in subsection (4) —

(I) by substituting "or an approved housing body" for "or a body", and

(II) by substituting "or approved housing body" for "or body" in each place where it occurs,

(iv) by deleting subsections (6) and (7), and

(v) by inserting the following subsection after subsection (8):

"(8A) Where, by virtue of *section 69* of the *Housing (Regulation of Approved Housing Bodies) Act 2019*, a person is receiving existing assistance (within the meaning of *subsection (2)(b)* of the said *section 69*), that person shall not receive from a housing authority any assistance under this section that is not existing assistance.",

(d) in section 7—

(i) in subsection (1)(a), by substituting "an approved housing body," for "a body approved of for the purposes of section 6,", and

(ii) in subsection (2) —

(I) in paragraph (j), by substituting "approved housing body" for "body" in both places, and

(II) in paragraph (k), by substituting "an approved housing body" for "a body",

and

(e) in section 32—

(i) in paragraph (b), by substituting "an approved housing body," for "a body standing approved of for the purposes of section 6,", and

(ii) by substituting "approved housing body" for "approved body".

Construction of certain references in other Acts or instruments made under Acts

68. References in—

(a) any Act of the Oireachtas, other than this Act, passed before the coming into operation of this section,

(b) any instrument made under an Act of the Oireachtas, other than this Act, before the coming into operation of this section, or

(c) any contract, agreement, arrangement or other document entered into by the Minister or a housing authority, as the case may be, before the coming into operation of this section,

to—

(i) an approved housing body,

(ii) a housing body approved under section 6 of the Act of 1992,

(iii) an approved body or a body approved, under, or for the purposes of, section 6 of the Act of 1992, or

(iv) to a body approved of or standing approved of, under, or for the purposes of, section 6 of the Act of 1992,

as the case may be (howsoever described), shall, on and after the coming into operation of this section, unless the contrary intention appears, be construed as references to an approved housing body (within the meaning of this Act), save where other provision is made as respects the construction of the references in *paragraphs (i)* to *(iv)*, as the case may be, by any Act of the Oireachtas (other than this Act) passed before that coming into operation.

Transitional provisions: certain assistance under section 6 of Act of 1992 to be continued on cancellation of registration under *section 58*

69. (1) In this section "relevant day" means the day on which the decision to cancel the registration of an AHB takes effect under *section 58*.

(2) This section applies to a person—

(a) in respect of whom the registration of the person as an AHB has been cancelled under *section 58* with effect from the relevant day, and

(b) who, before the relevant day, was receiving assistance (other than assistance under section (6)(2)(d) of the Act of 1992) from a housing authority under section 6 of the Act of 1992 (in this section referred to as the "existing assistance").

(3) A person to whom this section applies may, notwithstanding section 6 of the Act of 1992 and subject to the condition specified in *subsection (4)* and to the terms and conditions of the existing assistance, continue to receive the existing assistance from the relevant day.

(4) The condition referred to in *subsection (3)* is that the person to whom this section applies continues to comply with the terms and conditions of the existing assistance.

(5) Where a person to whom this section applies continues to receive the existing assistance by virtue of this section, this Act, subject to all necessary modifications, shall apply to the person, for the duration of the term of

the existing assistance and subject to the terms and conditions of the existing assistance, as if the person were an AHB.

(6) Where a person to whom this section applies continues to receive the existing assistance by virtue of this section, such person shall not receive from a housing authority any assistance under section 6 of the Act of 1992 that is not existing assistance.

Transitional provisions: payment of grant under section 6(2)(d) of Act of 1992

70. (1) In this section "relevant day" means the day on which the decision to cancel the registration of an AHB takes effect under *section 57* or *58*, as the case may be.

(2) This section applies to a person—

(a) in respect of whom the registration of the person as an AHB has been cancelled under *section 57* or *58*, as the case may be, with effect from the relevant day, and

(b) who, before the relevant day, has been approved for the giving of a grant under section 6(2)(d) of the Act of 1992 and the grant has not yet been paid (in this section referred to as the "unpaid grant").

(3) The unpaid grant may, notwithstanding section 6 of the Act of 1992, be paid to a person to whom this section applies, subject to the condition specified in *subsection (4)* and to the terms and conditions of the payment of the grant.

(4) The condition referred to in *subsection (3)* is that the person to whom this section applies complies with the terms and conditions on which the grant is payable.

SCHEDULE

Approved Housing Bodies Regulatory Authority

Section 8

1. (1) The Regulator shall be a body corporate with perpetual succession and an official seal and may sue, or may be sued, in its corporate name.

(2) The Regulator may, with the consent of the Minister and the Minister for Public Expenditure and Reform, acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property.

(3) The seal of the Regulator shall be authenticated by the signatures—

(a) of 2 members of the Regulator, or

(b) of both a member of the Regulator and a member of the staff of the Regulator,

authorised by the Regulator to act in that behalf.

(4) Judicial notice shall be taken of the seal of the Regulator, and every document purporting—

(a) to be an instrument made by the Regulator, and

(b) to be sealed with the seal of the Regulator authenticated in accordance with *subparagraph (3)*,

shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.

2. (1) The Regulator shall consist of not more than 11 and not less than 5 members, one of whom shall be the chairperson of the Regulator.

(2) The members of the Regulator shall be appointed by the Minister.

(3) The chairperson of the Regulator shall be appointed by the Minister from among the members of the Regulator.

(4) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of the Regulator there is an equitable balance between men and women.

(5) The members of the Regulator shall be appointed by the Minister from among persons who, in the opinion of the Minister, have experience and expertise in relation to matters connected with the functions of the Regulator which would enable such persons to make a substantial contribution to the performance by the Regulator of its functions.

(6) A member of the Regulator shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(7) Subject to *subparagraph (8)*, a member of the Regulator whose term of office expires by the passage of time shall be eligible for reappointment to the Regulator.

(8) A person who is reappointed to the Regulator in accordance with *subparagraph (7)* shall not hold office for periods the aggregate of which,

including the period for which he or she was first appointed as a member, exceeds 10 years.

3. (1) A member of the Regulator may resign from office by giving notice to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.

(2) The Minister may at any time remove from office a member of the Regulator if, in the Minister's opinion—

(a) the member has become incapable through ill-health of effectively performing the functions of the office,

(b) the member has contravened, or failed to discharge a duty imposed by, a provision of the Ethics in Public Office Act 1995 that by a regulation made under section 3 of that Act applies to that member,

(c) in performing functions under this Act, the member has not complied with a code of conduct under section 10(3) of the Standards in Public Office Act 2001,

(d) the member has committed stated misbehaviour, or

(e) the removal of the member appears to the Minister to be necessary for the effective performance by the Regulator of its functions.

4. (1) A person shall be disqualified from and shall cease to hold office as a member of the Regulator or a committee of the Regulator if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is sentenced by a court of competent jurisdiction to a term of imprisonment,

(d) is convicted on indictment of an offence, or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,

(e) is convicted of an offence involving fraud or dishonesty,

(f) has a declaration under section 819 of the Act of 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Act of 2014, whether by virtue of that Chapter or any other provision of that Act.

(2) A member of the Regulator shall, subject to the provisions of this Act, hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.

5. (1) If a member of the Regulator dies, resigns, ceases to be qualified for office or is removed from office, the Minister may appoint a person to be a member of the Regulator to fill the casual vacancy so occasioned in the same manner as the member of the Regulator who occasioned the casual vacancy was appointed.

(2) A person appointed to be a member of the Regulator pursuant to *subparagraph (1)* shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to *paragraph 2(8)*, be eligible for reappointment as a member of the Regulator on the expiry of the said period.

6. (1) The Regulator shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

(2) The Minister shall fix the date, time and place of the first meeting of the Regulator.

(3) At a meeting of the Regulator—

(a) the chairperson of the Regulator shall, if present, be the chairperson of the meeting, or

(b) if and so long as the chairperson of the Regulator is not present or if that office is vacant, the other members of the Regulator who are present shall choose one of their number to be chairperson of the meeting.

(4) At a meeting of the Regulator—

(a) subject to *clause (c)*, each member of the Regulator present has one vote,

(b) every question shall be determined by consensus, but where in the opinion of the chairperson or other person presiding consensus is not possible, the question shall be determined by a majority of the votes of the members present and voting on the question, and

(c) in the case of an equal division of votes in circumstances to which *clause (b)* relates, the chairperson of the meeting has a second or casting vote.

(5) Subject to the provisions of this Act, the Regulator shall regulate its procedure by rules or otherwise (including procedures for electronic meetings).

(6) The Regulator may hold or continue a meeting by the use of any means of communication by which all the members can hear and be heard at the same time (in this Schedule referred to as an "electronic meeting").

(7) Subject to *subparagraph (8)*, the Regulator may act notwithstanding one or more vacancies among its members.

(8) The quorum for a meeting of the Regulator, unless the Minister otherwise directs, shall be—

(a) 4, where the Regulator consists of less than 8 members, and

(b) 5, where the Regulator consists of 8 members or more.

7. (1) The Regulator may establish committees, consisting in whole or in part of persons who are members of the Regulator, to—

(a) assist and advise it in relation to the performance of any or all of its functions, and

(b) perform such functions of the Regulator as may stand delegated to them under *paragraph 8*.

(2) In appointing members of a committee established under this paragraph, the Regulator shall—

(a) have regard to the range of qualifications and experience necessary for the proper and effective discharge of the functions of the committee, and

(b) in so far as is practicable, endeavour to ensure that among the members of the Regulator there is an equitable balance between men and women.

(3) There may be paid by the Regulator to members of a committee established under this paragraph such allowances for expenses (if any) incurred by them as the Regulator may, with the consent of the Minister and the Minister for Public Expenditure and Reform, determine.

(4) A member of a committee established under this paragraph may be removed from office at any time by the Regulator.

(5) The acts of a committee shall be subject to confirmation by the Regulator, unless the Regulator otherwise determines.

(6) The Regulator may determine the terms of reference and regulate the procedure of a committee established under this paragraph.

(7) The Regulator may appoint a person to be chairperson of a committee established under this paragraph.

(8) A committee established under this paragraph shall provide the Regulator with such information as the Regulator may from time to time require, in respect of its activities and operations, for the purposes of the performance of the functions of the Regulator.

(9) The Regulator may at any time dissolve a committee established under this paragraph.

8. The Regulator may, with the consent of the Minister, delegate such one or more of its functions as it considers appropriate to a committee established under *paragraph 7*.

9. (1) Where a member of the Regulator, a member of a committee established under *paragraph 7* or the chief executive is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a member of the Regulator, the committee concerned or chief executive, as the case may be.

(2) Where a member of the staff of the Regulator is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,

he or she shall thereupon stand seconded from employment by the Regulator and shall not be paid by, or be entitled to receive from, the Regulator any remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been so elected (as the case may be), and ending when such person ceases to be a member of either such House, or a representative in such Parliament.

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for being a member of the Regulator or a committee established under *paragraph 7*, the chief executive or a member of the staff of the Regulator.

(4) A period mentioned in *subparagraph (2)* shall not, for the purposes of any superannuation benefit, be reckoned as service with the Regulator.

10. (1) Where at a meeting of the Regulator or a committee established under *paragraph 7*, a member of the Regulator or the committee, as the case may be, present at the meeting who, otherwise than in his or her capacity as such member, has a material interest in any matter which falls to be considered by the Regulator or that committee, such member shall—

(a) at the meeting disclose to the Regulator or the committee the fact of such interest and the nature thereof,

(b) neither influence nor seek to influence a decision to be made in relation to the matter,

(c) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed,

(d) take no part in consideration of the matter, and

(e) not vote on a decision relating to the matter.

(2) Where a material interest is disclosed pursuant to this paragraph, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member of the Regulator or the committee established under *paragraph 7*, as the case may be, by whom the disclosure is made shall not be counted in the quorum for the meeting.

(3) Where at a meeting of the Regulator or a committee established under *paragraph 7* a question arises as to whether or not a course of conduct, if pursued by a member of the Regulator or the committee, as the case may be, would constitute a failure by such member to comply with the requirements of *subparagraph (1)*, the question may, subject to *subparagraph (4)*, be determined by the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.

(4) Where, at a meeting of the Regulator or a committee established under *paragraph 7*, the chairperson of the meeting is the member in respect of whom a question to which *subparagraph (3)* applies falls to be determined, then the other members of the Regulator or of the committee attending the meeting shall choose one of their number to be chairperson of the meeting for the purpose of determining the question concerned.

(5) Where the Minister is satisfied that a member of the Regulator has contravened *subparagraph (1)*, the Minister may, if he or she thinks fit, remove that member from office and, where a person is removed from office pursuant to this subparagraph, he or she shall thenceforth be disqualified for membership of the Regulator.

(6) Where the Regulator is satisfied that a member of a committee established under *paragraph 7* has contravened *subparagraph (1)*, the Regulator may, if it thinks fit, remove that member from office and, where a person is removed from office pursuant to this subparagraph, he or she shall thenceforth be disqualified for membership of the Regulator or such a committee.

(7) In this paragraph and paragraph 11 "material interest" shall be construed in accordance with section 2(3) of the Ethics in Public Office Act 1995.

11. (1) Where a member of the staff of the Regulator has a material interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Regulator is a party, that person shall—

(a) disclose to the Regulator the fact of such interest and the nature thereof,

(b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the Regulator or members of the staff of the Regulator in relation thereto, and

(c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subparagraph (1)* shall not apply to contracts or proposed contracts of employment of members of the staff of the Regulator with the Regulator.

(3) Where a person contravenes this paragraph, the Regulator may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment.

Number 47 *of* 2019

HOUSING (REGULATION OF APPROVED HOUSING BODIES) ACT 2019

REVISED

Updated to 18 November 2024

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

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)). The Acts in this group are:

- *Housing Act 1966* (21/1966)
- *Housing Act 1969* (16/1969)
- *Housing Act 1970* (18/1970)
- *Housing (Miscellaneous Provisions) Act 1979* (27/1979)
- *Housing Act 1984* (1/1984)
- *Housing Act 1988* (28/1988), other than ss. 27 and 28
- *Housing (Miscellaneous Provisions) Act 1992* (18/1992), other than ss. 29, 30, 38(3), (4)
- *Housing (Miscellaneous Provisions) Act 1997* (21/1997), other than ss. 16, 17, 24(3)
- *Housing (Traveller Accommodation) Act 1998* (33/1998), other than ss. 26 and 27
- *Housing (Miscellaneous Provisions) Act 2002* (9/2002), apart from ss. 17-20, 22, 23, 24 and schs. 2, 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, 14, 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 and 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

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual

amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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. 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.