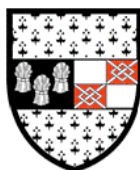


Section 16 Manual



KILKENNY COUNTY COUNCIL

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Freedom of Information Acts 1997-2003

October 2004

Kilkenny County Council
Freedom of Information Acts, 1997-2003
Section 16 Reference Book

Note:- This Section 16 Reference Book should be read in conjunction with the Section 15 Reference Book prepared under the Freedom of Information Act.

1. This Reference Book is updated in relation to DOEHLG Circulars etc. received by the Council up to 31/08/04 by Programme Group.
2. A list of monthly DOEHLG Circulars is available from the Council's FOI Officer upon request. Details of these Circulars can be viewed on the DOEHLG website www.environ.ie.
3. Copies of the Acts/Regulations listed are available for purchase from the Government Publications Sales Office..
4. A similar S/16 reference book has been prepared in respect of Kilkenny Borough Council and is available for inspection at City Hall, Kilkenny (Tel. 056 -7794000)

Any queries in relation to the Freedom of Information Acts may be referred to the Freedom of Information Officer at County Hall, Kilkenny (056-7794077)..

PG NO 1 -HOUSING

DEPARTMENT:	HOUSING
SERVICE:	PROVISION OF LOCAL AUTHORITY HOUSING

DESCRIPTION

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| <p>1. Local Authorities are the main providers of housing for people who are in need of housing and who cannot afford it from their own resources.</p> <p>2.The role of the Department of the Environment, Heritage & Local Government in relation to the provision of Local Authority housing includes (a) allocation of capital funding for the provision of housing - the allocation of housing starts for individual authorities is in accordance with each Local Authorities 'Action Plan for Social & Affordable Housing' approved by Government, the most recent assessment of housing needs, progress with the</p> |
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existing programme etc. (b) ensuring value for money through tendering procedures (c) advising Local Authorities on design, including the issue of guidelines and (d) in certain circumstances, certification of projects in accordance with the European Communities(EIA) Regulations, 1989 and the Local Government (Planning and Development) Regulations, 1994-2002.

3. Kilkenny County Council administers the construction programme for its operational area in the following manner:

- it determines composition and location of its annual housing programme each year (e.g. number of houses to be provided by way of new build and purchase, size and type of housing and where the housing is built/purchased)
- design of housing is done in house
- it estimates the cost of projects (and, if necessary, seeks the Department's approval to the proposals - see 4. below)
- it seeks and accepts tenders for the provision of housing where newly built (and, if necessary, seeks the Department's approval to the proposals - see 4. below)
- it purchases existing housing as part of the annual programme
- it makes payments on foot of contracts placed, and
- charges relevant costs against the capital allocation.

4. The Department exercises control on costs under the Local Authority housing programme through a system of cost ceilings or, where necessary, a specific budget cost generated in relation to the individual building project. Where a project consists of house types previously approved by the Department, and the Local Authority considers that the houses can be constructed within the appropriate unit cost limit (these limits, for various house types, are notified annually by the Department to the Local Authorities) they may seek tenders without prior approval from the Department. In other cases, details of the project are submitted to the Department to enable a budget cost to be generated. Subject to the lowest valid tender being accepted, the unit cost ceiling not being exceeded or the tender being not more than 110% of the approved budget cost, the Local Authority may accept the tender without the prior approval of the Department. House purchases may also be made by Local Authorities without the prior approval of the Department.

Where a Local Authority seeks specific approval from the Department in respect of a proposal, the Department generally considers the matter on the following basis:

- overall cost effectiveness in comparison with any other previous similar proposals etc.
- technical matters including design approach
- any other appropriate issues

LEGISLATION

Housing Act, 1966 (Section 56) - enables Local Authorities to provide housing
Housing Act, 1988 (Section 15) - provides for payment by the Minister in respect of housing so provided.

Housing (Miscellaneous Provisions) Act 2002

REGULATIONS

Housing (Miscellaneous Provisions) Regulations, 1988
Local Government (Planning and Development) Regulations,1994-2002

GUIDELINES AND CIRCULARS

- Assessment of Housing Needs - Circular No. N9/88, as amended
- Standard of Construction in accordance with DOELG Memorandum on the procedures to be followed and the standards to be applied in providing Local Authority dwellings -

Circular Letter No. N8/82, also, Circulars N 7/92(16) and N 4/97

- **Department of the Environment and Local Government Annual Housing Start Allocation**
- **Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995.**

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

**Scheme of Letting Priorities
Kilkenny County Development Plan.**

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	MAINTENANCE AND MANAGEMENT OF LOCAL AUTHORITY HOUSING

DESCRIPTION

Kilkenny County Council maintains and manages its own rented housing stock. This function includes determination and collection of rents through to the carrying out of ongoing maintenance and the undertaking of works to individual houses. Financial assistance is provided by the Department of the Environment Heritage and Local Government for the following schemes:

- Extensions to Local Authority houses to relieve overcrowding - under this scheme the County Council may improve or extend a dwelling for an existing tenant if the existing accommodation is overcrowded
- Extensions or alterations to Local Authority houses for disabled persons -where a disabled member of a household resident in a Local Authority rented house requires modification to the dwelling to suit their specific needs.
- Remedial works schemes under which the Local Authority may undertake major works in certain sub-standard, older or rundown estates
- Housing Management Initiatives Grants Scheme - this scheme is to encourage Local Authorities to engage in innovative management structures, including tenant involvement etc.
- The Estate Improvement Programme to assist in environmental upgrading of rundown urban estates.

Details of all the above schemes and assistance with applications are available from the Housing Department of the County Council.

LEGISLATION

-The main statutes regarding maintenance and management of Local Authority housing are:
Housing Act, 1966 (Sections 58 and 61)
Housing (Miscellaneous Provisions) Act, 1992
Housing (Miscellaneous Provisions) Act, 1997
Payment of grants by the Minister in respect of improvement or reconstruction of Local Authority dwellings is provided for in the:
Housing Act, 1988 (Section 15)

REGULATIONS

Housing Regulations, 1980
Housing (Miscellaneous Provisions) Regulations, 1988

GUIDELINES AND CIRCULARS

- The Scheme of Extensions to Local Authority houses to relieve overcrowding - Circulars N 10/95 and H 10/97
- Remedial Works Scheme - Circulars HRT 2/85 and HRT 12/95
- Housing Management Initiatives Grants Scheme - Circular HRT 1/98
- Estate Improvement Programme - Letter and enclosure of 5 December 1966 to relevant Local Authorities
- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

**Kilkenny County Council's Housing Management and Maintenance Policy
Letting Agreement & Rent Book - gives details of tenant's responsibility for maintenance**

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	APPLICATION AND ASSESSMENT FOR RENTED LOCAL AUTHORITY HOUSING AND TRANSFER APPLICATIONS.

DESCRIPTION

To apply for Local Authority accommodation it is necessary to complete an application form which can be obtained with full details from the Housing Department. Applications are assessed under the “Scheme of Letting Priorities”. In considering applications, various reports may be sought and taken into consideration e.g. Housing Liason Officer’s Report; Medical Officer’s Report and Report from other Local Authority if previously a tenant. Transfer applications from existing tenants may, also, be considered.

LEGISLATION

Housing Act, 1988 (Sections 9 and 11)

REGULATIONS

Housing (Miscellaneous Provisions) Regulations, 1988

GUIDELINES AND CIRCULARS

- Preparation of Schemes of Letting Priorities and Assessment of Housing Needs - Circulars N 6/89 and N 14/95 (24)
- Transfer Applications - Scheme of lettings Priorities
- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Scheme of Letting Priorities

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	LOCAL AUTHORITY HOUSING ALLOCATION

DESCRIPTION

The Minister for the Environment Heritage and Local Government is legally prohibited from becoming involved in individual house lettings by Local Authorities. The Minister does, however, oversee the preparation by Local Authorities of their schemes of Letting Priorities (these schemes are used by authorities to determine an applicant’s entitlement to housing) to enable a national input to the process in the interests of promoting reasonable uniformity. The Minister, also, dictates the timing and issues guidance to Local Authorities in relation to the undertaking by them of assessments of the need for Local Authority and Social Housing. As vacancies arise, Kilkenny County Council allocates houses as determined by the “Scheme of Letting Priorities “, the Council’s “Statement of Policy on Housing Management” and “Policy Statement on Counteracting Undue Social Segregation in Housing”. The “Letting Agreement” sets out the conditions applying to the tenancy and must be signed by each tenant.

LEGISLATION

Housing Act, 1988 (Sections 9 and 11)
Housing (Miscellaneous Provisions) Act, 1977 (Section 1)

REGULATIONS

Housing (Miscellaneous Provisions) Regulations, 1988

GUIDELINES AND CIRCULARS

- Preparation of Schemes of Letting Priorities and Assessment of Housing Needs - Circulars N 6/89 and N 14/95
- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

- Scheme of Letting Priorities
- Statement of Policy on Housing Management
- Policy Statement on Counteracting Undue Social Segregation in Housing

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	HOUSING RENT SYSTEM AND RENT & TENANT PURCHASE ANNUITY COLLECTION

DESCRIPTION

Rents on all Local Authority houses now allocated are based on the “Differential Rents Scheme” as updated. This scheme sets minimum and maximum rents for Local Authority houses with rents charged on the basis of household income. Kilkenny County Council tenants have the following options in relation to the method of paying rent or tenant purchase annuities:

- weekly door-to-door collection
- payment at Housing Office during office hours
- payment by Standing Order through Bank/Building Society
- payment through An Post Household Budgeting Scheme for tenants in receipt of certain Social Welfare payments
- payment through the Money Advice and Budgeting Service (MABS)

LEGISLATION

Housing Acts 1966 - 1992

REGULATIONS

GUIDELINES AND CIRCULARS

- Differential Rents Scheme
- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

- Kilkenny County Council’s Differential Rents Scheme
- Options in relation to payment methods as outlined above under Description.

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	HOUSE PURCHASE AND IMPROVEMENT LOAN SCHEME

DESCRIPTION

This scheme allows Local Authorities to assist certain households to own or improve their own homes by advancing loans to them. A person wishing to purchase a house (new or second-hand) or build a house or improve an existing house but who cannot get a loan from a financial institution may be eligible for a Local Authority loan. In order to qualify an applicant must meet an income eligibility test which takes into account the incomes of the principal and any second earner in the household. The maximum loan payable and eligibility criteria are set by the Department of the Environment Heritage and Local Government and altered from time to time by Regulation. The same limits apply in all Local Authorities. Currently, the maximum house purchase loan available is €165,000. For house improvements a maximum loan of €38,000 is available and the loan is secured by registering a charge on the property, and €15,000, where the loan is unsecured. The interest rate on loans is variable as determined by DOELG. Full details and application forms are available from the Housing Loans Department.

LEGISLATION

1. Housing Act, 1966 (Section 40)
3. Housing (Miscellaneous Provisions) Act, 1992 (Section 11)

REGULATIONS

Housing Regulations, 1980
Housing (Ammendment) Regulations, 1996
Housing (Ammendment) Regulations, 1998

GUIDELINES AND CIRCULARS

The following circulars set out the principal features of the loans schemes and guide the Local Authority in the operation of the schemes:

- Circular H 10/97
- Circular H 4/91
- Circular H 6/96
- Circular H 7/96
- Circular H 8/95
- Circular H 13/98
- Circular H 05/00

Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

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PRECEDENT

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DEPARTMENT:	HOUSING
SERVICE:	AFFORDABLE HOUSING LOAN

DESCRIPTION

This scheme allows Local Authorities to provide houses in areas where house prices have created an affordability gap for lower income house purchasers. The houses will be offered for sale to eligible first time purchasers at cost price, and, accordingly, at a significant discount from the market value of comparable houses in the area.

In order to qualify an applicant must meet an income eligibility test which takes into account the incomes of the principal and any second earner in the household. The maximum loan payable and eligibility criteria are set by the Department of the Environment Heritage and Local Government and altered from time to time by Regulation. The same limits apply in all Local Authorities. Currently, the maximum affordable house purchase loan available is €165,000. A house purchased under this scheme, if resold within 20 years, is subject to a 'claw-back'. The 'claw back' is payable on the resale price of the dwelling by the % applicable calculated in accordance with the terms of the scheme as determined by DOELG. Full details and application forms are available from the Housing Loans Department.

LEGISLATION

1. Housing Act, 1966 (Section 40)
3. Housing (Miscellaneous Provisions) Act, 1992 (Section 11)

REGULATIONS

Housing Regulations, 1980
Housing (Ammendment) Regulations, 1996
Housing (Ammendment) Regulations, 1998

GUIDELINES AND CIRCULARS

The following circulars set out the principal features of the loans schemes and guide the Local Authority in the operation of the schemes:

- Circular H 3/99
- Circular H 05/00
- Circular H 3/01
- Circular HPS 7/04

Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	SHARED OWNERSHIP SCHEME

DESCRIPTION

Shared ownership is a system whereby Local Authorities may assist certain households towards home ownership by entering into shared ownership arrangements with them. Under this scheme, home ownership is offered in a number of steps to those who cannot afford full ownership in one step in the traditional way. Initially, ownership of the house is shared between the shared owner and the Local Authority. Shared owners purchase at least a 40% share in a house of their choice and rent, at a reasonable cost, the balance from the Local Authority. The shared owners must undertake to start purchasing full ownership of the house within 25 years. To be eligible for consideration under this scheme applicants must meet certain criteria as laid down for the operation of the scheme. In general, the Local Authority on receipt of applications assesses eligibility and if satisfied in relation to all matters, arranges the transaction and deals with the shared owner over the lifetime of the agreement until the eventual outright purchase of the house by the shared owner. Full details on this scheme are available from the Housing Loans Department.

LEGISLATION

Housing (Miscellaneous Provisions) Act, 1992 (Sections 2, 3, 4 and 11)
Housing (Miscellaneous Provisions) Act, 2002 (Section 10)

REGULATIONS

Housing Regulations, 1980
Housing Regulations, 1980 (Amendment) Regulations, 1996

GUIDELINES AND CIRCULARS

The following Departmental circulars set out the principal features of the shared ownership scheme and guide the Local Authority in the operation of the scheme:

- Circular HRT 10/91
- Circular HGS 3/92
- Circular HRT 9/93
- Circular HRT 7/95 H7/98
- Circular H 05/00
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Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT



DEPARTMENT:	HOUSING
SERVICE:	IMPROVEMENT WORKS IN LIEU OF LOCAL AUTHORITY HOUSING

DESCRIPTION

Under this scheme, as an alternative to the provision of housing, Local Authorities may improve or extend a privately owned house for an approved housing applicant, in accordance with their housing needs. To qualify an applicant must be a person approved for Local Authority housing and the carrying out of the improvement works must satisfy the applicants needs and result in his/her removal from the housing waiting list. The scheme does not apply to private rented houses. Persons benefiting under the scheme are required to pay a weekly charge related to their means and the cost of the works carried out by the Local Authority, as set out under the terms of the scheme. Where the estimated cost of the works exceeds €75,000 the prior approval of the Department of the Environment Heritage and Local Government is required on the following basis:

(a) overall cost effectiveness in comparison with the provision of a Local Authority house. Full details of this scheme are available from the Housing Department.

LEGISLATION

Housing (Miscellaneous Provisions) Act, 1992 (Section 5)

REGULATIONS

GUIDELINES AND CIRCULARS

The Department provided consolidated guidelines to Local Authorities in relation to the scheme with:

- Circular N 7/02 (in replacement of Circulars N 8/91, N 10/91, N 7/95, H 10/97 and N4/98) The guidelines set out the principal features of the scheme of Improvement works in lieu of Local Authority Housing and guide the Local Authority in the operation of the scheme. Other relevant guidelines are the:
- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	TENANT PURCHASE OF LOCAL AUTHORITY HOUSES

DESCRIPTION

Tenants of a Local Authority house for at least one year may, subject to certain criteria, apply to purchase their rented house either outright or by way of annuity/shared ownership. The Department of the Environment Heritage and Local Government has set out general criteria in relation to the scheme including the basis on which the sale price of individual houses will be calculated, discounts for length of tenancy, methods of financing individual purchases etc. On receipt of applications under this scheme, the Local Authority determines the sale price, arranges, where necessary, finance for the purchase and collects loan repayments where it has provided loans to the purchaser. The valuation of the property may be contested by the purchaser on production of a certificate from a certified valuer. Full details are available from the Housing Department.

LEGISLATION

Housing Act, 1966 (Section 90) as substituted by the
Housing (Miscellaneous Provisions) Act, 1992 (Section 26)

REGULATIONS

Housing (Sale of Houses) Regulations, 1995
Housing (Sale of Houses) Regulations, 1995 (Amendment) Regulations, 1998

GUIDELINES AND CIRCULARS

The following Departmental Circulars set out the principal features of the tenant purchase scheme and guide the Local Authority in the operation of the scheme:

- Circular HRT 6/95
- Circular HRT 3/98
- Circular H 7/98

Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	MORTGAGE ALLOWANCE SCHEME

DESCRIPTION

Local Authority tenants and tenant purchasers, and tenants of houses provided under the Capital Loan and Subsidy Scheme, who return their dwelling to the Local Authority or other approved housing body, may avail of the Mortgage Allowance which reduces their monthly mortgage repayment on loan granted to them to purchase or build a house for their own occupation, subject to the mortgage being in excess of €38,000. The mortgage allowance is €11,428 payable over five years on a reducing basis and is paid in instalments directly to the lending agency. The Department of the Environment Heritage and Local Government ensures adequate finance for the operation of the scheme, sets out the overall criteria, including eligibility conditions etc. and makes payments to the lending agency. Local Authorities operate the scheme in their own areas by accepting applications, assessing eligibility and satisfying themselves as to the condition of the house returned and the adequacy of the housing being provided and confirm to the Department that an allowance is payable. The Housing Department of the County Council will provide full details of the scheme.

LEGISLATION

Housing Act, 1988 (Section 3)

REGULATIONS

Housing (Mortgage Allowance) Regulations, 1993

GUIDELINES AND CIRCULARS

The principal features of the Mortgage Allowance Scheme are set out in the following DOELG Circulars:

- Circular H 5/00
- Circular HGS 2/98
- Circular HGS 4/95
- Circular HGS 5/96
- Circular HRT 7A/91

Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	DISABLED PERSONS GRANT

DESCRIPTION

This grant, payable by Local Authorities, is for the provision of additional accommodation or the carrying out of necessary works of adaptation to a house to meet the needs of a disabled member of a household. The Department of the Environment Heritage and Local Government assists Local Authorities with costs incurred by them in paying the disabled persons grants and sets out the conditions under which such assistance will be available. The maximum grant payable cannot exceed 90% of the approved costs of the works subject to a maximum limit. The Local Authorities recoup a proportion of grant payments from the Department. Information on this grant is available from the Housing Department of the County Council.

LEGISLATION

Housing (Miscellaneous Provisions) Act, 1979

REGULATIONS

Housing (Disabled Persons and Essential Repairs Grants) Regulations, 1993

GUIDELINES AND CIRCULARS

The following Departmental circulars set out the principal features of the disabled persons grant scheme and guide the Local Authority in the operation of the scheme:

- Circular HGS 4/01
- Circular HGS 2/01
- Circular HGS 4/98
- Circular HGS 4/96
- Circular HGS 8/93

Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	ESSENTIAL REPAIRS GRANTS

DESCRIPTION

Local Authorities may pay a grant to make a house more suitable for the use of the occupants, where the dwelling cannot be made fully fit for human habitation in all respects at a reasonable cost. These grants are generally paid in respect of houses occupied by elderly persons in circumstances where the occupants do not wish to move to another location. The Department of the Environment assists Local Authorities with the costs incurred by them in paying essential repairs grants and sets out the conditions under which such assistance will be payable. On receipt of applications the Local Authority assesses eligibility, ensures that the works proposed are appropriate, determines the amount of the grant payable and pays the grant. The Local Authority recoups a proportion of grant payments from the Department. Information and application forms are available from the Housing Department of the County Council.

LEGISLATION

Housing (Miscellaneous Provisions) Act, 1979

REGULATIONS

Housing (Disabled Persons and Essential Repairs Grants) Regulations, 1993

GUIDELINES AND CIRCULARS

The following Departmental circulars set out the principal features of the Essential Repairs Grants Scheme and guide the Local Authority in the operation of the scheme:

- Circular HGS 4/01
- Circular HGS 2/01
- Circular HGS 7/98
- Circular HGS 8/93

Other relevant guidelines are the:

- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	VOLUNTARY HOUSING SCHEMES

DESCRIPTION

Kilkenny County Council, in addition to providing Local Authority Housing, supports the provision of housing by Voluntary Bodies through the following schemes:

1. *Capital Assistance Scheme* - Under this scheme, funding is made available to approved voluntary bodies to assist them in providing housing to meet the special needs of disabled, elderly or homeless persons. A minimum of three-quarters of houses built under this scheme must be reserved for approved housing applicants of the Local Authority, the homeless or tenants/tenant purchasers who are returning their existing dwellings to the Local Authority & the remaining quarter may be filled from the Voluntary Body's list of applicants in need. The Local Authority advances a loan to the Voluntary Body to provide the accommodation and the loan is fully subsidised by the Department of the Environment Heritage, and Local Government, subject to the body complying with the terms of the scheme.

2. *Capital Loan & Subsidy Scheme* - Under this scheme, funding is made available to approved Voluntary Bodies to assist them in providing housing for families who must be approved applicants on the Local Authority housing list and whose household income meets certain criteria. Rent is related to household income and circumstances. The Local Authority advances a loan to the Voluntary Body for building of the houses and this loan is partly repaid from rents by tenants (less an agreed maintenance charge) and the balance of the repayment is subsidised by the Department of the Environment and Local Government.

Advice and information on the above schemes is available from the Housing Department of the County Council.

LEGISLATION

-*Relevant to the Capital Assistance Scheme are the:*
Housing Act, 1988 (Section 15) and
Housing (Miscellaneous Provisions) Act, 1992 (Section 6)

-*Relevant to the Rental Subsidy Scheme is the:*
Housing (Miscellaneous Provisions) Act, 1992 (Sections 6 and 7)

REGULATIONS

Housing (Accommodation Provided by Approved Bodies) Regulations, 1993
Housing (Accommodation Provided by Approved Bodies) amendmendRegulations, 1998

GUIDELINES AND CIRCULARS

- **Circular HGS 6/92 (and the updated version of memorandum HGS 6/92)**
- **Circular HGS 3/95;**
- **Circular HGS 1/96 (45);**
- **Circular H 10/97 (12)**

set out the principal features of the Capital Assistance Scheme, and

- **Circular HRT 8/91**
- **Circular HGS 4/92**
- **Circular HRT 9/95**
- **Circular H 10/97**
- **Circular HRT 8/98**

set out the principal features of the Rental Subsidy Scheme.

These circulars guide the Local Authority in the operation of the schemes. Other guidelines include the:

- **Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995**
- **Kilkenny County Development Plan, 1994**
- **VHU 2/02 Memorandum**

PRECEDENT

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DEPARTMENT:	HOUSING
SERVICE:	CONTROL OF PRIVATE RENTED DWELLINGS

DESCRIPTION

The Local Authority is responsible for the Enforcement of Regulations under the Housing Acts relating to rent books and standards of private rental accommodation, “Housing (Standards for Rented Houses) Regulations, 1993” and, “Housing (Rent Books) Regulations 1993. The Local Authority has the power to investigate any breaches and initiate prosecution for offences which carry substantial financial penalties. Application forms and an information leaflet “Charter for Rented Housing” on the letting of residential accommodation are available from the Housing Department of the County Council, and the Private Rented Tenancies Board (PRTB).

LEGISLATION

Housing (Private Rented Dwellings) Act, 1983
Housing (Miscellaneous Provisions) Act, 1992 (Section 34)
Residential Tenancies Act 2004.

REGULATIONS

Housing (Registration of Rented Houses) Regulations, 1996
Housing (Rent Books) Regulations, 1993
Housing (Standards for Rented Houses) Regulations, 1993

GUIDELINES AND CIRCULARS

- Statutory regulations as listed above guide the Local Authority in the operation of the scheme, and other relevant guidelines are:
- Department of the Environment Handbooks - A Plan for Social Housing, 1991 and Social Housing - The Way Ahead, 1995.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	TRAVELLER ACCOMMODATION

DESCRIPTION

Local Authorities are the main providers of Traveller Accommodation - caravan parks, halting sites and housing. The role of the Department of the Environment Heritage and Local Government in relation to specific proposals for the provision of Traveller Accommodation includes provision of capital funding, ensuring openness and value for money in the tendering process and advising Local Authorities on design and technical matters including the issue of guidelines. The Local Authorities administer the construction programme at local level and the maintenance and management of their Traveller accommodation is a matter for them. These functions range from the determination and collection of rents to the carrying out of ongoing maintenance and the undertaking of works to individual houses or bays. Financial assistance is, however, provided by the Department to Local Authorities in relation to the cost of ongoing caretaking and maintenance of halting sites.

As vacancies arise, accommodation is allocated in accordance with Council policy.

LEGISLATION

Housing Act, 1966 (Section 56)
Housing Act, 1988 (Section 13 and 15)
Housing (Traveller Accommodation) Act,1998

REGULATIONS

Housing (Miscellaneous Provisions) Regulations, 1988
Local Government (Planning and Development) Regulations,1994

GUIDELINES AND CIRCULARS

- Circular N 7/92
- Circular TAU 3/97 and annual circulars regarding capital allocations. These provide the main guidance for Local Authorities in the provision of Traveller Accommodation.
- Circular TAU 3/98 re Housing (Traveller Accommodation) Act, 1998

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Kilkenny Co. Council's Traveller Accommodation Programme
Kilkenny County Development Plan

PRECEDENT

DEPARTMENT:	HOUSING
SERVICE:	PRIVATE HOUSING SITES

DESCRIPTION

Local Authorities may assist certain households to provide their own homes, by providing developed building sites at a reasonable cost. The main role of the Department of the Environment Heritage and Local Government in relation to the private sites scheme is to set out general eligibility criteria, applicants must be approved on the Local Authority Housing List, and or qualify for a Local Authority Housing Loan. Local Authorities operate the scheme in their own areas, and invite applications, assess eligibility, and set the price of individual sites.

Full details of the scheme are available from the Housing Department of the County Council.

LEGISLATION

Housing Act, 1988 (Sections 9 and 14)

REGULATIONS

GUIDELINES AND CIRCULARS

The following circulars set out the principal features of the sale of sites scheme and guide the Local Authority in the operation of the scheme:

- Circular N 6/92
- Circular N 7/91
- Circular N 8/95

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Eligibility criteria and individual site price.

PRECEDENT

FUNCTION:	Housing
SERVICE:	Acquisition of Land
DESCRIPTION	
In some instances it is necessary to acquire land to proceed with a Local Authority Housing scheme. Land can be acquired either by agreement or by Compulsory Purchase Order.	
LEGISLATION	
Local Government (Ireland) Act, 1898 (S.10) amended by Local Government (No. 2) Act, 1960 (Section 11) Housing Act, 1966	
REGULATIONS	
Housing Act, 1966 (Acquisition of Land) Regulations 1966 - S.I. No. 278 of 1966 Housing Act, 1966 (Acquisition of Land) (Amendment) Regs. 1993 S.I. No. 214 of 1993.	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
Compulsory Purchase Order Procedure	
PRECEDENTS	

P.G. 2 -ROADS/TRANSPORTATION AND SAFETY

FUNCTION: ROADS

SERVICE: DECLARATION OF PUBLIC ROADS (TAKING IN CHARGE)

DESCRIPTION

Kilkenny County has powers under the Roads Act 1993 to take into public charge estate roads etc. which have been constructed by developers to a standard acceptable to the Council; public notice is given regarding the intention to take into charge certain estate roadways.

LEGISLATION

S.11 of the Roads Act, 1993

REGULATIONS

S.I. No. 119 of 1994 Roads Regulations, 1994, Articles 5 and 14

GUIDELINES AND CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Development Standards set out in the Kilkenny County Development Plan 2002.

PRECEDENTS

FUNCTION: ROADS
SERVICE: ABANDONMENT OF PUBLIC ROADS

DESCRIPTION

In certain cases, public roads may be abandoned if they are no longer of public utility.

LEGISLATION

S.12 and S. 73(5) of the Roads Act, 1993

REGULATIONS

S.I. No. 119 of 1994 Roads Regulations, 1994, Article 14

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: COMMUNITY INVOLVEMENT IN MAINTENANCE OF LOCAL ROADS

DESCRIPTION

Community involvement in the maintenance of laneways and other minor public roads is encouraged by the advancement of 75 % grants by the Council to interested parties.

LEGISLATION

S.13(6) of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993
DOELG Circular RW 4/94

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Explanatory Memorandum

PRECEDENTS

FUNCTION: ROADS
SERVICE: ENVIRONMENTAL IMPACT ASSESSMENT

DESCRIPTION

The preparation of an E.I.A. is required in certain cases for major roads/bridge schemes .

LEGISLATION

European Communities Act, 1972

S.50 and S. 51 of the Roads Act, 1993
Planning and Development Act,2000

REGULATIONS

EC (Environmental Impact Assessment) Regs. 1989 - S.I. No. 249 of 1989

EC (Environmental Impact Assessment) Regs. 1994 - S.I. No. 84 of 1994

EC (Environmental Impact Assessment) Amendment Regs. 1996

S.I. No. 119 of 1994 Roads Regulations, 1994, Articles 8, 9, 13 and 14

Planning and Development Regulations,2001.

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: TEMPORARY DWELLINGS ON NATIONAL ROADS

DESCRIPTION

Kilkenny County Council is authorised to remove temporary dwellings from National Roads if, in the Council's opinion as Road Authority, they are causing a traffic hazard to other road users.

LEGISLATION

S. 69 of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: DANGEROUS STRUCTURES, TREES ETC.

DESCRIPTION

The Council, as Road Authority, has powers to serve notice on landowners and to remove dangerous trees etc. if necessary from public roads.

LEGISLATION

S. 70 of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS

SERVICE: UNAUTHORISED SIGNS, CARAVANS, VEHICLES ETC. ON PUBLIC ROADS

DESCRIPTION

The Council, as Roads Authority, has powers to serve notices and remove, if necessary, unauthorised signs etc. from public roads.

LEGISLATION

S. 71 of the Roads Act, 1993

REGULATIONS

S.I. No. 358 of 1998-Road Traffic (Removal, Storage and Disposal of Vehicles (Amendment) Regulations ,1998

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: EXTINGUISHMENT OF PUBLIC RIGHTS OF WAY

DESCRIPTION

The public right of way may be formally extinguished in respect of public roads where these roads are no longer required for public use.

LEGISLATION

S. 73 of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: TEMPORARY CLOSING OF ROADS

DESCRIPTION

Public roads may be temporarily closed by the Council to facilitate road works or other public events following the giving of public notice regarding the proposal.

LEGISLATION

S. 75 of the Roads Act, 1993

REGULATIONS

S.I. No. 119 of 1994 Roads Regulations, 1994, Article 12

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: DRAINAGE

DESCRIPTION

The Council is authorised to serve notice under the Roads Act, 1993 on landowners etc., in relation to the provision of drainage in respect of public roads.

LEGISLATION

S. 76 of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: PUBLIC LIGHTING

DESCRIPTION

The Council provides public lighting for public roads and places; an annual programme for the improvement of public lighting has been adopted by the Council. The E.S.B. arranges the supply ,installation and maintenance of public lighting on behalf of the Council.

LEGISLATION

S. 2(4) of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny County Council Public Lighting Programme

PRECEDENTS

FUNCTION: ROADS
SERVICE: LOCAL IMPROVEMENTS SCHEME

DESCRIPTION

This Scheme provides grant assistance to two or more landowners whose lands are served by a private road. The assistance available is assessed according to rateable valuations.

LEGISLATION

S. 2 of the Local Government (Roads and Drainage) Act, 1968
Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Local Improvements Scheme Memorandum 1997 - 2001
Annual Notification of Grant Allocation

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny County Council Standard Terms & Conditions

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: HEAVY LOAD PERMIT

DESCRIPTION

A permit is required from the Council as Road Authority in respect of heavy loads on public roads.

LEGISLATION

Road Traffic Act, 1961

REGULATIONS

S.I. No. 190 of 1963 Road Traffic (Construction, Equipment and Use of Vehicles) Regulations, 1963 to 2002, Article 17.
S.I. no.5 of Road Traffic (Construction and Use of Vehicles) Regulations, 2003.

GUIDELINES & CIRCULARS

DOELG VS 02/03

LOCAL INTERPRETATIONS, PROCEDURES & CIRCULARS

Annual Schedule of Charges

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: TRAFFIC CALMING MEASURES

DESCRIPTION

The Council is authorised to provide Traffic Calming Measures on public roads in consultation with the Gardai as Traffic Authority ; proposals may be subject to a public consultation process.

LEGISLATION

S.38 of the Road Traffic Act, 1994
Road Traffic Act,2002

REGULATIONS

Local Government (Planning and Development) Regulations, 1994

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & CIRCULARS

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: REGULATION AND CONTROL OF TRAFFIC AND PARKING

DESCRIPTION

The Council as Road Authority consults with the Gardai as Traffic Authority in relation to any proposals in regard to the control or regulation of traffic and parking on public roads or places.

LEGISLATION

Road Traffic Acts, 1961 – 2002

REGULATIONS

S.I. No. 182 of 1997 Road Traffic (Traffic and Parking) Regulations, 1997
Road Traffic (Traffic and Parking) (Amendment) Regulations, 1998
Road Traffic (Traffic and Parking) (Amendment) Regulations, 2003

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993
DOELG Circular TC 1/98
DOELG Circular TC 6/98
DOELG Circular TC 8/98

LOCAL INTERPRETATIONS, PROCEDURES & CIRCULARS

PRECEDENTS

FUNCTION: ROADS
SERVICE: MAINTENANCE AND CONSTRUCTION OF ROADS

DESCRIPTION

The Council adopts an annual and 5 year programme for the maintenance and construction of public roads; the National Roads Authority has overall Responsibility for planning and supervising the construction, improvement and maintenance of National Roads.

LEGISLATION

S. 2 and S. 13 of the Roads Act, 1993
Roads (Amendment) Act, 1998
The Wildlife (Amendment) Act, 2000.

REGULATIONS

In certain circumstances, projects are subject to the European Communities(EIA) Regulations, 1989 and the Local Government (Planning and Development) Regulations, 1994.

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993
DOELG Circular RW 7/96 (Multi-Annual Road Work Programme)
DOELG Memorandum on Grants for Non-National Roads, 1996 - 1999
DOELG Annual Notification of Non-National Road Grant Allocations
NRA Memorandum on National Roads Grants
NRA Circular Letter 5/2000 Code of Practice: National Road Projects and Archaeology
DOELG Circular RW 5/2001 Commencement of Section 46 of The Wildlife (Amendment) Act, 2000
Department of Arts, Heritage, Gaeltacht and the Islands Circular Letter of 30th March, 2001 - Hedgerow cutting in Bird Nesting Season
DOELG Memorandum on Grants for Non-National Roads, February 2001
DOELG Annual Notification of Non-National Road Grant Allocations
NRA Annual Notification of National Roads Allocations
An Foras Forbartha Geometric Design Guidelines -
RT 180 Classification, Alignment, Cross – section
RT 181 Intersections at Grade
RT 182 Road Design Aesthetics
DOELG Specification for Road Works
DOELG Surface Dressing
DOELG A Guide to Road Safety Engineering in Ireland
DOELG Guidelines – Low Cost Safety Improvement Works on Non National Roads
DOELG Guidelines and Tender Documentation for Road Marking Materials, July 2000

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

**Kilkenny County Development Plan, 1994
Multi-Annual Programme for Non-National Roads
Annual Road Works Programme**

PRECEDENTS

**FUNCTION: ROAD TRAFFIC
SERVICE: SIGNS**

DESCRIPTION

The Council as Road Authority is authorised to erect statutory road traffic and directional signs on public roads in consultation with the Gardai as Traffic Authority.

LEGISLATION

Road Traffic Acts, 1961 – 2002

REGULATIONS

**S.I. No. 181 of 1997 Road Traffic (Signs) Regulations, 1997
Road Traffic(Signs) (Amendment) Regulations, 1998
Road Traffic(Signs) (Amendment) Regulations, 2003**

GUIDELINES & CIRCULARS

**DOELG Guidance Notes 1993
DOELG Traffic Signs Manual
DOELG Circular DC 1/91 (School Traffic Sign)
DOELG Circular TC 6/98
DOELG Circular RST 1/2001
DOELG Circular RST 5/2003**

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROADS
SERVICE: ROAD OPENING LICENCE

DESCRIPTION

A road opening licence is required for the opening of trenches etc. by private persons (other than Statutory Undertakers) on public roads; licences may be issued which require satisfactory arrangements for the satisfactory reinstatement of the road surface.

LEGISLATION

S. 13 (10) (b) of the Roads Act, 1993

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Conditions attached to licence
Annual Schedule of Charges

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: CAR PARKS

DESCRIPTION

The Council, as a reserved function, may adopt Bye-laws for the regulation of public car parks under the provisions of the Road Traffic Act, 1961.

LEGISLATION

S.101 of the Road Traffic Act, 1961 as amended by S.6 of the Road Traffic Act,1968 and S.49 of the Road Traffic Act,1994.

REGULATIONS

GUIDELINES & CIRCULARS

LOCAL INTERPRETATION, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: SPEED LIMITS

DESCRIPTION

The adoption of Speed Limits Bye-Laws is a “reserved function” of the elected Council.

LEGISLATION

Road Traffic Acts, 1961 – 2002

REGULATIONS

S.I. No. 223 of 1994 Road Traffic (Special Speed Limits) Regulations, 1994

GUIDELINES & CIRCULARS

DOELG Guidance Notes 1993

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

County Kilkenny Speed Limit Bye-laws

PRECEDENTS

FUNCTION:	ROADS
SERVICE:	Acquisition of Land
DESCRIPTION	
<p>In some instances it is necessary to acquire land to proceed with a roads scheme. Land can be acquired either by agreement or by Compulsory Purchase Order.</p>	
LEGISLATION	
<p>Local Government (Ireland) Act, 1898 (S.10) amended by Local Government (No. 2) Act, 1960 (Section 11) Housing Act, 1966 Planning and Development Act 2000</p>	
REGULATIONS	
<p>Housing Act, 1966 (Acquisition of Land) Regulations 1966 - S.I. No. 278 of 1966 Housing Act, 1966 (Acquisition of Land) (Amendment) Regs. 1993 S.I. No. 214 of 1993. Housing Act,1966 (Acquisition of Land) Regulations, 2000. Housing Act,1966 (Acquisition of Land) (Amendment) Regulations,2001.</p>	
GUIDELINES AND CIRCULARS	
<p>Circular No.2/2002 Circular No.2/2003</p>	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
<p>Compulsory Purchase Order Procedure Acquisition of land for the national Roads Programme December,2001.</p>	
PRECEDENTS	

SECTION: Roads
SERVICE: Licence for Advertising Sign

DESCRIPTION

Under planning legislation, a licence is required to erect, construct, place and maintain an advertising sign on a public road.

LEGISLATION

S. 254 of the Planning and Development Act, 2000

REGULATIONS

Schedule 12 of the Planning and Development Regulations, 2001

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Conditions attached to Licence

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: PROMOTION OF ROAD SAFETY

DESCRIPTION

This is a function of the Council's Road Safety Officer working in co-operation with the Gardai and the National Road Safety Council.

LEGISLATION

S. 120 of the Road Traffic Act, 1961
S. 6 of the Local Government Act 1991
S. 31 of the Local Government Act 1994

REGULATIONS

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GUIDELINES & CIRCULARS

**DOELG Circular Letter TC 4/96
The Road to Safety 1998**

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

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PRECEDENTS

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FUNCTION: ROAD TRAFFIC
SERVICE: SCHOOL WARDENS

DESCRIPTION

School wardens operate at a number of schools locations throughout the County.

LEGISLATION

S. 96 of the Road Traffic Act, 1961, as amended by S. 6 of the Road Traffic Act, 1968

REGULATIONS

S.I. No. 181 of 1997 Road Traffic (Signs) Regulations, 1997, Article 44

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: MOTOR TAXATION
SERVICE: VEHICLE LICENSING (MOTOR TAX)

DESCRIPTION

Vehicles which are used on public roads must be licensed. The Motor Taxation Office issues Vehicle Licenses [Tax Discs] on an agency basis on behalf of the Department of the Environment, Heritage and Local Government. This service is provided by the Council's Motor Taxation Office at County Hall.

LEGISLATION

Finance (Excise Duties) (Vehicles) Act, 1952 and successive Finance Acts to 2004 and Local Government (Financial Provisions Act), 1997
Local Government Act, 1998
Motor Vehicle [Duties and Licences] Act, 2001
Motor Vehicle [Duties and Licences] Act, 2004

REGULATIONS

S.I. No. 125 of 1996 -
S.I. No. 126 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations, 1993
S.I. No. 15 of 1958 - Road Vehicles (Registration and Licensing) Order, 1958
S.I. No. 198 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) (No. 3) Regulations, 1993
S.I. No. 23 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) Regulations 1993
S.I. No. 263 of 1993 - Road Vehicles (Registration and Licensing) (Amendment) (No. 4) Regulations 1993
S.I. No. 277 of 1994 - Road Vehicles (Registration and Licensing) (Amendment) Regulations 1994
S.I. No. 338 of 1996 - Finance Act 1993 (Section 60) Regulations 1996
S.I. No. 385 of 1992 - Road Vehicles (Registration and Licensing) (Amendment) Regulations 1992
S.I. No. 405 of 1997 -
S.I. No. 409 of 1992 - Road Vehicles (Registration and Licensing) (Amendment) (No. 2) Regulations 1992
Road Vehicles (Reg. and Licensing) Amendment Regulations, 1998
Road Traffic (Licensing of Trailers and Semi-Trailers) Amendment Regulations, 1998
S.I. No. 247 of 1998 - Road Traffic (Immobilisation of Vehicles) Regulations, 1998

GUIDELINES & CIRCULARS

Circular MT 672 - Motor Tax liability of road marking vehicles
Circular MT 720 - Motor Tax liability of mobile libraries and banks
Circular MT 740 - Refund of Motor Tax
Circular MT 744 - Motor Tax liability of refuse carts
Circular MT 835 - Licensing gap on first taxing of vehicle on change of ownership
Circular MT 836 - Refund of Motor Tax
Circular MT 838 - Insertion of "special alert" in certain cases
Circular MT 863 - Dishonoured cheques
Circular MT 882 - Motor Tax liability of refuse/waste collection vehicles
Circular MT 893 - Transfer of ownership of vehicles
Circular MT 896 - Taxing of vehicle without production of vehicle registration book
Circular MT 896A - Veteran and vintage vehicles
Circular MT 899 - Motor Tax liability of off road dumpers
Circular MT 922 - Motor Tax liability of recovered vehicles
Circular MT 916 - Refund of Motor Tax (page 3 para 2)
Circular MT 1072-Changes in Motor Tax Rates and Trade Plates from 01/01/2003
Circular MT 1074-First Licensing of Car Hire vehicles
DOELG Consolidated Legislation / Circulars relating to Motor Taxation

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: MOTOR TAXATION
SERVICE: DRIVER LICENSING

DESCRIPTION

This service is provided by the Council's Motor Taxation Office at County Hall.

LEGISLATION

Road Traffic Acts, 1961 -2002

REGULATIONS

S.I. No. 234 of 1984 European Communities (Licensing of Drivers) Regulations, 1984.
S.I. No. 286 of 1989 Driving Licences (Repayment of Excise Duties) Regulations, 1989
S.I. No. 287 of 1989 European Communnities (Licensing of Drivers) Regulations, 1989
S.I. No. 384 of 1992 Mechanically Propelled Vehicles (International Circulation) Order, 1992.
S.I. No. 352 of 1999 – Road Traffic (Licensing of Drivers) Regulations, 1999.
S.I. No. 168 of 2001 – European Communities (Licensing of Drivers) Regulations, 2001.
S.I. No. 169 of 2001 – Road Traffic (Licensing of Drivers) (Amendment) Regulations, 2001.

GUIDELINES & CIRCULARS

Circular DC 4/90
Circular DC 10/91
Circular DC 3/93
Circular DC 7/93
Circular DC 5/94
Circular DC 2/95
Circular DC 2/96
Circular DC 6/96
Circular DC 2/97
Circular DC 5/97
Circular DL 02/2004

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

FUNCTION: ROAD TRAFFIC
SERVICE: PUBLIC SERVICE VEHICLES (TAXIS AND HACKNEYS)

DESCRIPTION

This service is provided by the Council's Motor Taxation Office at County Hall.

LEGISLATION

S. 82 of the Road Traffic Act, 1961, as amended by S. 57 of the Road Traffic Act, 1968
Taxi Regulation Act ,2003 [Section 37[1]][Commencement]Order 2004

REGULATIONS

S.I. No. 136 of 1995 Road Traffic (Public Service Vehicles) (Amendment) Regulations, 1995,
S.I. No. 193 of 1997 Road Traffic (Public Service Vehicles) (Amendment) Regulations, 1997
S.I. No. 47 of 1998 Road Traffic (Public Service Vehicles) (Amendment) Regulations, 1998
Road Traffic (Public Service Vehicles) (Amendment) No.2 Regulations, 1998
S.I. No.1 of 1999-Road Traffic [Public Service Vehicles][Amendment]Regulations,1999
S.I No. 51 of 1999 Road Traffic (Public Service Vehicles (Amendment) Regulations, 1999
S.I. No. 367 of 2000 Road Traffic (Public Service Vehicles) (Amendment) (No.3) Regulations, 2000.
S.I. No.3 of 2001-Road Traffic [Public Service Vehicles][Amendment]Regulations,2001
S.I. No.38 of2001-Road Traffic [Public Service Vehicles][Amendment]Regulations2001
S.I.No.411 of 2002-Road Traffic[Public Service Vehicles][Amendment]Regulations,2002
S.I.No.157 of 2004-Road Traffic [Public Service Vehicles][Amendment]Regulations,2004

GUIDELINES & CIRCULARS

DOEHLG Notes for the guidance of licensing authorities
DOEHLG Circular TC 9/1998
DOEHLG Circular RST 3/1999
DOEHLGCircular RST 3/2000
DOEHLG Circular RST 6/2000
DOEHLG Circular RST 4/2001
DOEHLG Circular RST 11/2001
DOEHLG Circular RST 3/2003

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Water Services

SERVICE: Provision of Water Supply and Sewerage Schemes

DESCRIPTION

The procedure for the provision of a major water or sewerage scheme commences with a preliminary report, DBO Applicability Report, Polluter Pays Report determining the need for the scheme, the potential benefits, location, estimated cost etc. Once the need for a scheme is determined, the detailed design of the scheme begins, usually by consultants. The scheme goes through a number of stages, each stage requiring approval from the Department of the Environment and Local Government. The work is normally carried out by Contractors.

LEGISLATION

S. 15 to 34 and S. 61 to 79 of the Public Health (Ireland) Act, 1878

Local Government Act, 1925

Water Supplies Act, 1942 (Acquisition of Water Rights)

S. 4 of the Local Government (Sanitary Services) Act, 1964

S. 72 of the Environmental Protection Agency Act, 1992

Local Government Act 2001

REGULATIONS

S. I. No. 265 of 1945 Water Supplies (Application for Provisional Order) Regulations, 1945

S. I. No. 349 of 1989 European Communities (Environmental Impact Assessment) Regulations, 1989

S. I. No. 84 of 1994 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1994

S. I. No. 419 of 1994 Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) Regulations, 1994

S. I. No. 101 of 1996 European Communities (Environmental Impact Assessment) (Amendment) Regulations, 1996

GUIDELINES & CIRCULARS

DOELG Circular L 1/74 Water and Sewerage Programmes

CONDOC for Water and Sewerage Contracts – Civil Works Contracts (3/6/96)

DOELG Circular Letter L 14/88 Irish Standards: Cover Note to be inserted in all Specifications for Sanitary Services Works

DOELG Circular Letter L 15/88 “In – House” Design Fees

DOELG Circular Letter L 1/90 Sanitary Services Capital Programme – Environment Action Programme and New Sanitary Services Projects

DOELG Circular Letter L 3/90 Sanitary Services Major Schemes Programme – Development of Proposals

DOELG Circular Letter L 9/92 Sanitary Services Major Schemes Programme – Appointment of Consultants

DOELG Circular L 5/94 Water Services: Economic and Environmental Justification of EU co-financed proposals

DOELG Circulars L 3/95, L 4/96 and L 5/97 New Version of CONDOC for Water Services Civil Works and Mechanical and Electrical Plant Contracts

DOELG Circular L 6/96 Advance Notification by Local Authorities to the Department of Arts, Culture and the Gaeltacht of Proposed Water Services Schemes

DOELG Circular Letter L 10/96 Public Water and Sewerage Small Schemes Programme

DOELG Circulars L 11/96 and L 19/97 Obligations of local authorities concerning information and publicity measures in regard to the activities of the Cohesion Fund

DOELG Circular L 4/97 Proposed Water Services Schemes requiring consent under the Foreshore Acts 1933 to 1992

DOELG Circular L 14/97 Rural Water Programme

DOELG Circular L 21/97 Maintenance of Accounts and other records for Water Services Scheme

DOELG Circular L 22/97 Water and sewerage schemes providing services to land for development

DOELG Circular L 1/98 Annual Notification – Water and Sewerage Services Investment Programme

DOELG Circular L 5/98 Serviced Land Initiative – Proposals for Water and Sewerage Schemes

DOELG Circular L 9/98 Water Services Investment Programme – Assessment of Needs

DOELG Circular L 11/98 Devolution of responsibility to local authorities for the approval of certain elements of capital projects within the Water Services Investment Programme

DOELG Circular L 12/98 Recoupment of expenditure on water services capital projects

DOELG Circular L 3/99 Water Services Investment Programme - Procurement through the use of Design/Build (DB) and Design/Build/Operate (DBO) Contracts: Interim Arrangements

DOELG Circular L 4/99 Water Services Investment Programme: Post Project Review

DOELG Circular L 5/99 Water Services Investment Programme – The Provision of Serviced Land – Interim and Temporary Facilities

DOELG Circular L 8/99 Water Services Investment Programme – Operational and Maintenance Costs of Water Services Infrastructure

DOELG Circular L 11/99 Water Services Investment Programme – Assessment of Needs

DOELG Circular L 2/2000 Water Services Investment Programme – Grouping of Small Schemes

DOELG Circular L 3/2000 Water Services Schemes and the Foreshore Acts, 1933 - 1992

DOELG Circular L 11/00 New Versions of CONDOC for Water Services Civil Works and M & E Plant Contracts

DOELG Circular L 2/01 New Versions of CONDOC for Water Services Civil Works and M & E Plant Contracts

DOELG Circular L 3/01 Revision of Procedures for Approval of Schemes and Engagement of Consultants under the Water Services Investment Programme

DoELG Circular PPP 02/01 Framework Agreement for the provision of Integrated Legal and Financial Services for the development and implementation of public private partnerships within the water services and waste management services

DoELG Circular L6/01 New versions of CONDOC for Water Service Civil Works and M & E Plant Contracts

DoELG Circular LG 11/2001 Local Government Act 2001 Implementation

DoELG Circular L 11/01 Water Services Pricing Policy – Revised Procedures for Determination/Agreement of Non-Domestic Marginal Capital Costs under Water Services Investment Programme

DoELG Circular L 13/01 National Urban Wastewater Study

DoELG Circular L 8/02 Capital Investment: Water and Sewerage Services

DoELG Circular L 11/02 Procurement Procedures for the Engagement of Consultants under the Water Services Investment Programme

DoELG Circular L 12/02 Performance Management System for DBO and Operational Contracts in the Water Sector

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny Rural Water Strategic Plan

PRECEDENTS

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SECTION: Water Services

SERVICE: Provision of Water Supply and Sewerage Schemes
Acquisition of Wayleaves

DESCRIPTION

Local Authorities in progressing a major water or sewerage scheme may need to acquire wayleaves. This is done by serving a wayleave notice on the landowner and paying the necessary compensation which permits the Council access through the land in question

LEGISLATION

S. 18 of the Public Health (Ireland) Act, 1878
Local Government Act 2001

REGULATIONS

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GUIDELINES & CIRCULARS

DOELG Circular L 1/01 Acquisition of Wayleaves

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

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PRECEDENTS

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SECTION: Water Services
SERVICE: Catchment/River Basin Based Water Management

DESCRIPTION

Since 1997 Ireland has promoted a catchment based National Strategy in relation to Water Quality. This Policy has been updated to a river basin based approach.

LEGISLATION

E.U. Water Framework Directive 2000
Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Circular Letter WQ 9/99 Catchment Based Water Management
DoELG Circular WQ 3/2000 River Basin Management Projects

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Water Services
SERVICE: Operation and Maintenance of Water Supply Schemes

DESCRIPTION

Kilkenny County Council is responsible for the operation and maintenance of public water supply schemes in its area. The maintenance of the schemes is carried out by Council staff.

LEGISLATION

S. 61 to 79 of the Public Health (Ireland) Act, 1878
Water Supplies Act, 1942
Local Government (Sanitary Services) Act, 1948
Health (Fluoridation of Water Supplies) Act, 1960
Local Government (Sanitary Services) Act, 1962
Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Circular L 4/00 Application of the Polluter Pays Principle – A Framework for Water Pricing
DOELG Circular L 16/00 Water and Waste Water Pricing – Roll Out of Policy on
Capital and Operational Cost Recovery
DoELG Circular L 11/01 Water Services Pricing Policy – Revised Procedures for
Determination/Agreement of Non-Domestic Marginal Capital Costs under Water Services Investment
Programme
DoELG Circular L 4/02 (WSP) Implementation of Water Services Pricing Policy – Model Water and
Wastewater Agreements and General Guidance
DoELG Circular L 6/02 (WSP) Implementation of Water Services Pricing Policy – General Guidance
and Information Sheets
DoELG Circular L 14/02 (WSP) Water Services Pricing Policy Implementation Non Domestic
Metering Programme
DoELG Circular L 3/03 (WSP) Water Services Pricing Policy Implementation. Non Domestic
Metering – Notes for Guidance (Issue 2)
DoELG Circular L 8/04 (WSP) Water Services Pricing Policy Implementation. Non Domestic
Metering – Notes for Guidance (Issue 3)

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Water Services

SERVICE: Operation and Maintenance of Sewerage Schemes

DESCRIPTION

Kilkenny County Council is responsible for the operation and maintenance of public sewerage schemes in its area. Under an EU Directive known as the Waste Water Directive, local authorities must treat wastewater to a certain standard. The Council has embodied the objectives set by the Directive in its sanitary improvement schemes throughout the County.

LEGISLATION

S. 15 to 34 of the Public Health (Ireland) Act, 1878

Public Health Acts Amendment Act, 1890

Local Government Act 2001

EU Directives:

EC Directive 79/923/EEC – 30/10/79 relating to quality required for shell fish waters

REGULATIONS

S. I. No. 84 of 1988 European Communities (Quality of Bathing Waters) Regulations, 1988

S. I. No. 293 of 1988 European Communities (Quality of Salmonoid Waters) Regulations, 1988

S. I. No. 155 of 1992 European Communities (Quality of Bathing Waters) Regulations, 1992

S. I. No. 145 of 1994 European Communities (Quality of Bathing Waters) (Amendment) Regulations, 1994

S. I. No. 419 of 1994 Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) Regulations, 1994

S. I. No. 41 of 1999 Protection of Groundwater Regulations, 1999

S. I. No. 208 of 1999 Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) (Amendment) Regulations, 1999

GUIDELINES & CIRCULARS

DOELG Circular L 10/88 EC Directive 86/278/EEC of 12 June 1986 on the protection of the environment and, in particular, of the soil when sewage sludge is used in agriculture

DOELG Circular L 6/94 Strategy Study on Options for Treatment and Disposal of Sewage Sludge in Ireland

DOELG Circular L 13/97 Sludge Register

DOELG Circular L 16/97 Inventory on Non-Hazardous Sludges in Ireland

DOELG Circular WQ 7/99 Environmental Protection Agency Act, 1992 (Urban Waste Water Treatment) (Amendment) Regulations, 1999

DOELG Circular L 9/99 Sludge Management

DOELG Circular L 13/99 Sludge Management

DOELG Circular L 4/00 Application of the Polluter Pays Principle – A Framework for Water Pricing

DOELG Circular L 16/00 Water and Waste Water Pricing – Roll Out of Policy on Capital and Operational Cost Recovery

DoELG Circular L11/01 Water Services Pricing Policy – Revised Procedures for

Determination/Agreement of Non-Domestic Marginal Capital Costs under Water Services Investment Programme

DoELG Circular L 4/02 (WSP) Implementation of Water Services Pricing Policy – Model Water and

Wastewater Agreements and General Guidance
DoELG Circular L 6/02 (WSP) Implementation of Water Services Pricing Policy – General Guidance and Information Sheets
DoELG Circular L 14/02 (WSP) Water Services Pricing Policy Implementation Non Domestic Metering Programme
DoELG Circular L 3/03 (WSP) Water Services Pricing Policy Implementation. Non Domestic Metering – Notes for Guidance (Issue 2)
DoELG Circular L8/04 (WSP) Water Services Pricing Policy Implementation. Non Domestic Metering – Notes for Guidance (Issue 3)

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Sludge Management Plan

PRECEDENTS

SECTION: Water Services
SERVICE: Water Quality (Drinking Water)

DESCRIPTION

Sanitary authorities are now required to ensure that all drinking water meets stringent quality standards in respect of a series of physical, chemical, toxic and microbiological parameters. Independent testing is carried out by the Environmental Protection Agency and local Health Board.

LEGISLATION

S. 67 of the Public Health (Ireland) Act, 1878
Public Health Acts Amendment Act, 1890
Local Government (Sanitary Services) Act, 1948
Health (Fluoridation of Water Supplies) Act, 1960
Local Government (Sanitary Services) Act, 1962
Local Government Act 2001

EU Directives:

Surface Water Directive 75/440/EEC
Drinking Water Directive 80/778/EEC
E.U. Water Framework Directive 2000

REGULATIONS

S. I. No. 81 of 1988 European Communities (Quality of Water intended for Human Consumption) Regulations, 1988
S. I. No. 294 of 1989 European Communities (Quality of Surface Water intended for the Abstraction of Drinking Water) Regulations, 1989
S. I. No. 177 of 2000 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000

GUIDELINES & CIRCULARS

DOELG Circulars L 6/88 and L 13/88 European Communities (Quality of Water intended for Human Consumption) Regulations, 1988
DOELG Circular Letter L 1/89 Group Water Schemes / European Communities (Quality of Water intended for Human Consumption) Regulations, 1988
DOELG Circular L 6/89 Aluminium levels in Water Supplies
DOELG Circulars L 12/89 and L 4/90 A Handbook on Implementation for Sanitary Authorities of the European Communities (Quality of Water intended for Human Consumption) Regulations, 1988
DOELG Circular L 17/89 European Communities (Quality of Surface Water intended for the Abstraction of Drinking Water) Regulations, 1989
DOELG Circular L 2/90 Environment Action Programme – Aquaculture in inland Waters
DOELG Circular Letter L 8/90 Survey of Haloforms (Trihalomethanes) in drinking water
DOELG Circular L 1/91 A Handbook on Implementation for Sanitary Authorities of The European Communities (Quality of Surface Water intended for the Abstraction of Drinking Water) Regulations,

1989
DOELG Circular Letter L 3/91 European Communities (Quality of Surface Water intended for the Abstraction of Drinking Water) Regulations, 1989 – Infringement Proceedings by the European Commission
DOELG Circular L 8/91 European Communities (Use of Sewage Sludge in Agriculture) Regulations, 1991
DOELG Circular L 15/91 The Quality of Drinking Water in Ireland – Reports for the year 1989
DOELG Circular L 1/92 Protecting water resources
DOELG Circular L 12/92 Haloforms (Trihalomethanes) in Drinking Water
DOELG Circular Letters L 14/92 and L 9/96 Protection of Drinking Water Supplies – Guidelines for Local Authorities
DOELG Circular L 15/92 The Quality of Drinking Water in Ireland – Reports for the year 1990
DOELG Circular L 8/93 The Quality of Drinking Water – Report for 1991
DOELG Circular L 2/94 Action Plans for the protection of drinking water supplies
DOELG Circular L 3/94 Lead in Drinking Water
DOELG Circular L 12/96 Fluoridation of Public Water Supplies
DOELG Circular L 7/98 Protection of Drinking Water Supplies against contamination from Cryptosporidium
DOELG Circular WQ 2/00 European Communities (Quality of Water Intended for Human Consumption) (Amendment) Regulations, 2000 (S. I. No. 177 of 2000)
DoELG Circular WQ 1/01 Water Quality (Dangerous Substances) Regulations 2001 (S.I. No. 12 of 2001)
DoELG Circular WQ 1/02 EPA Report on the Quality of Drinking Water in Ireland 2000
DoELG Circular WQ 2/02 Naturally Occurring Uranium and Drinking Water
DoELG Circular L 1/03 Drinking Water National Monitoring Programme

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Water Services
SERVICE: Water Conservation

DESCRIPTION

The objective of water conservation is to reduce the overall level of water losses in water supply systems in the County, to improve the level of supply to consumers, to lower operating costs and to protect and facilitate improved management of finite water resources.

LEGISLATION

Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Circular L 7/96 Water Conservation
DOELG Circular L 14/97 Rural Water Programme
DOELG Circular L 8/98 National Water Conservation Study
Agenda 21
EU Guidelines
DoELG Circular L 5/01 Roll out of the National Water Study
DoELG Circular L 7/01 Complete Information System - Data Capture

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Water Conservation Plan

PRECEDENTS

SECTION: Water Services

SERVICE: Connections to Public Water Supply and Sewerage Schemes

DESCRIPTION

Any person wishing to connect premises to the Council's watermains or sewerage system must apply for permission.

The Council may serve a notice on the owner of any premises which is not satisfactorily serviced, and which is not more than 100 feet from a watermain or sewer, as the case may be, requiring him/her to lay a pipe connecting the premises to the public system.

LEGISLATION

Waterworks Clauses Act, 1847

S. 8 of the Local Government (Sanitary Services) Act, 1962

Roads Act, 1993

Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Water Connection – Conditions of Connection

Sewerage Connection – Conditions of Connection

PRECEDENTS

SECTION: Water Services
SERVICE: Group and Rural Water and Sewerage Schemes

DESCRIPTION

A group of two or more householders can get together to provide themselves with a water supply or sewerage facilities where no such supply or facilities already exist. Grants are available from the Council for group schemes. The Council also assists with the design and supervision of these schemes. These Schemes are administered under the Rural Water Programme.

LEGISLATION

S. 26 of the Local Government (Sanitary Services) Act, 1948
Health (Fluoridation of Water Supplies) Act, 1960
Local Government (Sanitary Services) Act, 1962
Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Circular Letter L 1/89 Group Water Schemes / European Communities (Quality of Water intended for Human Consumption) Regulations, 1988
DOELG Circular L 2/94 Action plans for the protection of drinking water supplies
DOELG Circular Letter 5/96 Group Sewerage Schemes
DOELG Circulars L 1/97 and L 6/97 Devolution of responsibility to local authorities for group water and sewerage schemes and small public and sewerage schemes
DOELG Circulars L 8/97 and L 9/97 Grants for the provision or necessary improvement of an individual water supply to a house
DOELG Circulars L 10/97, L 11/97 and L 17/97 Subsidy towards the operational costs of Group Water Schemes
DOELG Circular L 12/97 Rural Water Grants and Subsidies
DOELG Circular L 14/97 Rural Water Programme
DOELG Circular L 18/97 Rural Water Supplies – Allocations towards the administrative costs of local authorities
DOELG Circular L 10/99 Rural Water Strategic Plans
DOELG Circular L 10/2000 Scheme of grants for (A) the development of new group water schemes and (B) the installation of water filtration and disinfection equipment in privately sourced schemes
DoELG Circular L 5/01 Roll out of the National Water Study
DoELG Circular L 13/01 National Urban Wastewater Study
DoELG Circular WQ 1/02 EPA Report on the Quality of Drinking Water in Ireland 2000
DoELG Circular L 17/02 Performance management System (PMS) for DBO and Operation and Maintenance Contracts for Group Water Schemes

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Rural Water Programme

PRECEDENTS

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SECTION: Water Services

SERVICE: Provision and Maintenance of Public Conveniences

DESCRIPTION

LEGISLATION

S. 49 of the Public Health (Ireland) Act, 1878

Public Health Acts Amendment Act, 1890

Public Health Acts Amendment Act, 1907

Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Circular Letter 7/89 Sanitary Conveniences

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Water Services
SERVICE: Nuisances (Public Health)

DESCRIPTION

The sanitary authority, if satisfied a Public Health Nuisance exists can serve Notices. If a person on whom a notice is served does not comply with the notice, the authority may apply to the District Court for a Court Order. If the Court Order is not obeyed, the sanitary authority can enter the premises, carry out the necessary works and recover the expenses of so doing from the person.

LEGISLATION

S. 107 to 127 of the Public Health (Ireland) Act, 1878
S. 32 and S. 33 of the Local Government (Sanitary Services) Act, 1948
Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Water Services
SERVICE: Temporary Dwellings – Prohibition Order

DESCRIPTION

The sanitary authority may prohibit the erection or retention of temporary dwellings on any land or water in its area.
Notice of the making of a Prohibition Order must be published. A person aggrieved by such an order may apply within fourteen days from its publication to the Minister for the Environment and Local Government for an annulment of the Order. The Minister may annul the Order or confirm it, with or without variation/s.
Once the Order comes into force, the authority must publish the fact.

LEGISLATION

S. 31 of the Local Government (Sanitary Services) Act, 1948
S. 66 of the Local Government Act, 1955
Local Government Act 2001

REGULATIONS

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

Programme Group 4 – Development Incentives & Control

FUNCTION: PLANNING AND DEVELOPMENT

SERVICE: COUNTY DEVELOPMENT PLAN/LOCAL AREA PLAN

DESCRIPTION:

Under the Planning Acts, Local Authorities are obliged to prepare and adopt Development Plans for their functional areas every 6 years. The Plan states the authority's policies for land use and for development control and promotion in its area. The Kilkenny County Development Plan was adopted in 2002. The adoption of the Plan and any subsequent variations are "reserved" functions of the elected members of the Council.

LEGISLATION:

Planning and Development Act 2000

Planning and Development (Amendment) Act 2002

REGULATIONS:

Planning and Development Regulations 2001

Planning and Development Regulations 2002

Planning and Development (No. 2) Regulations 2002

Planning and Development (Strategic Environmental Assessment) Regulations 2004

GUIDELINES AND CIRCULARS

Septic Tank Standards etc.

DOELG SR6 1991

Environmental Protection Agency Wastewater Treatment Manual, Treatment Systems for Single Houses – EPA 2000

DOEHLG Guidelines

Residential Density – Guidelines for Planning Authorities(1999)

Retail Planning – Guidelines for Planning Authorities (2000)

Childcare Facilities – Guidelines for Planning Authorities (2001)

Review of the Retail Planning Guidelines (2000) in so far as they relate to the floorspace

cap on Retail Warehouses – Briefing Paper (2003)

Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-Threshold Development

National Spatial Strategy 2002-2020

Quarries and Ancillary Activities – Guidelines for Planning Authorities (2004)

Draft Wind Energy Development Guidelines (2004)

Sustainable Rural Housing – Consultation Draft of Guidelines for Planning Authorities (2004)

SEA Directive (2001/42/EC): Assessment of the Effects of Certain

Plans/Programmes on the Environment – (DRAFT) Guidelines for Regional Authorities and Planning Authorities

South East Regional Authority
Regional Planning Guidelines – 2004

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Kilkenny County Development Plan
Variation No. 1 – Kilkenny Open Space, Sports and Recreation Study
Local Area Plans for Mooncoin, Piltown, Fiddown, Gowran, Ballyragget, Ballyhale, Knocktopher, Urlingford
Western Environs Plan
Kilkenny Housing Strategy
Kilkenny City & County Retail Study 2001
County Development Board Strategy

FUNCTION: PLANNING AND DEVELOPMENT
SERVICE: PLANNING CONTROL/ APPLICATIONS & ENFORCEMENT

DESCRIPTION

Planning permission is required for “Development” as defined in the Planning Acts and Regulations; the Planning Authority also has powers of enforcement including legal action in respect of unauthorised development.

In certain circumstances planning applications are required to be accompanied by an Environmental Impact Statement.

Where development, which is the subject of a planning application, materially contravenes the County Development Plan the consent of the elected members is required; i.e. it is a “reserved function” of the elected members.

Appeals in respect of decisions taken by Planning Authorities lie to An Bord Pleanala.

LEGISLATION

Planning and Development Acts 2000-2002

REGULATIONS

Planning and Development Regulations 2001-2002

EC (Natural Habitats) Regulations, 1997

GUIDELINES AND CIRCULARS

Septic Tank Standards etc.

DOELG SR6 1991

Environmental Protection Agency Wastewater Treatment Manual, Treatment Systems for Single Houses – EPA 2000

DOEHLG Guidelines

Residential Density – Guidelines for Planning Authorities(1999)

Retail Planning – Guidelines for Planning Authorities (2000)

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Plans/Programmes on the Environment – (DRAFT) Guidelines for Regional Authorities and Planning Authorities

South East Regional Authority
Regional Planning Guidelines – 2004

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Kilkenny County Development Plan
Variation No. 1 – Kilkenny Open Space, Sports and Recreation Study
Local Area Plans for Mooncoin, Piltown, Fiddown, Gowran, Ballyragget, Ballyhale,
Knocktopher, Urlingford
Western Environs Plan
Kilkenny Retail Strategy
Kilkenny Housing Strategy
Kilkenny City and County Retail Study 2001
Kilkenny County Council Development Contribution Scheme
Explanatory Guide to Completing your Planning Application Form
Planning and the Business Person – Information Pack

FUNCTION: PLANNING AND DEVELOPMENT
SERVICE: TOWN RENEWAL

DESCRIPTION

The Town Renewal Scheme 2000 is a tax incentive scheme designed to encourage investment in the smaller towns throughout the country. It applies to Thomastown, Callan, Castlecomer, Graiguenamanagh, Urlingford and Piltown in County Kilkenny.

LEGISLATION

Town Renewal Act 2000

GUIDELINES AND CIRCULARS

Circular UR6/00 – 2000 Town Renewal Scheme – Certification Procedures for Residential Development

Circular UR 2/01 Town Renewal Scheme – Commercial Incentives

Town Renewal Scheme – Certification Guidelines Commercial/Industrial Developments (July 2001)

UR 11/01 – Urban and Town Renewal Schemes – Extension of Residential Investor Reliefs

UR 7/02 – Urban Renewal Scheme 1999/Town Renewal Scheme 2000 – Extension of “Section 23” Relief

UR 9/02 – Consolidated Certification Guidelines for Town Renewal Scheme 2000

UR 12/02 – Time Extension for Urban and Town Renewal Schemes

UR 5/03 – Time Extension for Town Renewal Scheme

UR 15/03 – Time Extension for the Town Renewal Scheme, Urban Renewal Scheme, Living over the Shop Scheme (LOTS) and Multi-storey Car Parks Scheme

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

The Town Renewal Scheme – Information Brochure

FUNCTION: PLANNING AND DEVELOPMENT
SERVICE: URBAN AND VILLAGE RENEWAL

DESCRIPTION

Urban and Village Renewal is carried out under a grant scheme in co-operation with the Department of Environment, Heritage and Local Government under the National Development Plan Urban and Village Renewal Programme of the Regional Operational Programme 2000-2006.

LEGISLATION

REGULATIONS

GUIDELINES AND CIRCULARS

Urban and Village Renewal Programme 2000-2006

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Strategic Plan for the Implementation of the Urban and Village Renewal Measure in County Kilkenny 2001-2006

FUNCTION: PLANNING AND DEVELOPMENT
SERVICE: CONSERVATION GRANTS

DESCRIPTION

The Conservation Grant Scheme is promoted by the Department of the Environment, Heritage and Local Government and administered by Kilkenny County Council. The objective of the Scheme is to assist the owner or occupier of a structure which is protected because of its architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest to undertake conservation works on such a structure. Under the scheme a wide range of conservation works will qualify for the grant, generally amount to 50% of the cost of the works up to a maximum of €13,000. Works consisting of routine maintenance will not qualify.

LEGISLATION

REGULATIONS

GUIDELINES AND CIRCULARS

Circular PD 5/99

Application Forms and Guidance Notes

LOCAL INTERPRETATION ON PROCEDURES AND PRACTICES

Scheme of Priorities adopted by Kilkenny County Council April 2000

FUNCTION: PLANNING AND DEVELOPMENT

SERVICE: BUILDING CONTROL – COMMENCEMENT NOTICES

DESCRIPTION

Building control applies to the design and construction of new buildings, extension and material alterations to and certain changes of use of existing buildings. It also involves the lodging of Commencement Notices which are receipted in the Planning Section.

LEGISLATION

Building Control Act 1990

REGULATIONS

Building Regulations 1997-2002

GUIDELINES AND CIRCULARS

Circular HPS 12/2003 – Building Control Statistics – Commencement Notices for Residential Developments

FUNCTION: PLANNING AND DEVELOPMENT

SERVICE: DERELICT SITES

DESCRIPTION

To prevent land being or becoming a derelict site, to enable local authorities to require the taking of measures on derelict site by the owner or occupiers and in certain circumstances to acquire derelict sites by compulsory purchase order and to apply a derelict sites levy.

LEGISLATION

Derelict Sites Act 1990

REGULATIONS

Derelict Sites Regulations 2000

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS/ PROCEDURES AND PRACTICES

FUNCTION: PLANNING AND DEVELOPMENT

SERVICE: LICENSING OF SIGNS, APPLIANCES, ETC. ON PUBLIC ROADS

DESCRIPTION

A licence is required for the placing, erecting, constructing or maintaining certain appliances on public roads. The Planning Authority issue licenses, mainly for signs, on public roads.

LEGISLATION

Planning and Development Act 2000 (Section 254)

REGULATIONS

Planning and Development Regulations 2001

Planning and Development (No. 2) Regulations 2002

GUIDELINES AND CIRCULARS

Circular 7/2002 – Planning and Development Regulations 2001-Licence fees under Section 254 of the Act in respect of specified appliances, apparatus and structures.

Circular PD 3/2004

LOCAL INTERPRETATION ON PROCEDURES AND PRACTICES

Application Form and Information Notes (Licensing of Signs, Appliances, Cables, etc) - Kilkenny County Council

P.G. 5 ENVIRONMENTAL PROTECTION/FIRE AND EMERGENCY SERVICES

**DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT**

DESCRIPTION

Waste Management Plan.

Waste Management Plan for South East Region.

LEGISLATION

Section 22, Waste Management Act, 1996

Section 4, Waste Management (Amendment), Act, 2001

Section 26 Protection of the Environment Act, 2003

REGULATIONS

Waste Management (Planning) Regulations, 1997 [S.I. 137/97]

GUIDELINES AND CIRCULARS

Making of Waste Management Plans (Circular WM 1/98)

Waste Management (Prescribed Date) Regulations 2001 (Circular WM 05/01)

Waste Management (Amendment) Act 2001 (Circular 04/01)

Review of Waste Management Plans (Circular WIR 06/04)

EIA Guidance for – Consent Authorities regarding sub-threshold development (Circular BS 14/2003)

Protection of the Environment Act 2003 (Circular 06/03)

Review of Waste Management Plans (Circular 06/04)

Draft – Best Practice Guidelines of the Preparation of Waste Management Plans for Construction & Demolition Projects

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Kilkenny County Council Waste Management Plan

Waste Management Plan South East Region

PRECEDENT

DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT

DESCRIPTION

Refuse Collection.

LEGISLATION

Part IV of Waste Management Act, 1996

Section 29 & 30 Protection of the Environment Act, 2003

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT

DESCRIPTION

Disposal of Waste.

LEGISLATION

Waste Management Acts, 1996 - 2003

REGULATIONS

Waste Management (Planning) Regulations, 1997 [S.I. 137/97]
Waste Management (Licensing) Regulations, 1997 [S.I. 133/97]
Waste Management (Register) Regulations, 1997 [S.I. 183/97]
Waste Management (Farm Plastics) Regulations, 1997 [S.I. 315 of 1997]
Waste Management (Packaging) Regulations, 1997 [S.I. 183/97]
Amendment of Council Regulation EC No. 259/93 [WM 6/97]
Waste Management (Transfrontier Shipment of Waste) Regulations, 1998 [S.I. 149/98]
Waste Management (Movement of Hazardous Waste) Regulations, 1998 [S.I. 147/98]
Waste Management (Use of Sewage Sludge in Agriculture) Regulations, 1998 [S.I. 148/98]
Waste Management (Licensing) (Amendment) Regulations, 1998 [S.I. 162/98]
European Communities (Amendment of Waste Management Act, 1996) Regulations, 1998 [S.I. 166/98]
Waste Management (Miscellaneous Provisions) Regulations, 1998 [S.I. 164/98]
Waste Management (Amendment of Waste Management Act, 1996) Regulations, 1998 [S.I. 146/98]
Waste Management (Hazardous Waste) Regulations, 1998 [S.I. 163/98]
Waste Management (Permit) Regulations, 1998 [S.I. 165/98]
European Communities (Licensing of Incinerators of Hazardous Waste) Regulations, 1998 (S.I. No. 64 of 1998)
Waste Management (Packaging) (Amendment) Regulations 1998 (S.I. No. 382 of 1998)
Waste Management (Water Pollution) (Nutrient Management Planning Consultation) Regulations 1998 (S.I. No. 382).
Waste Management (Licensing) Regulations, 2000 (S.I. 185/2000)
Waste Management (Hazardous Waste) (Amendment) Regulations, 2000 (S.I. No. 73 of 2000)
Waste Management (Licensing) (Amendment) Regulations, 2001 (S.I. No. 397 of 2001)
Waste Management (Prescribed Date) Regulations, 2001 (S.I. No. 390 of 2001)
Waste Management (Farm Plastics) Regulations, 2001 [S.I. 341/01]
Waste Management (Collection Permit) Regulations, 2001 [S.I. 402/01]
Waste Management (Collection Permit) (Amendment) Regulations, 2001 [S.I. 540/01]
Waste Management (Environmental Levy) (Plastic Bag) Regulations, 2001 (S.I.No. 605 of 2001)
Waste Management (Landfill Levy) Regulations 2002 (SI 86 of 2002)
Waste Management (Licensing)(Amendment) Regulations 2002 (SI 336 of 2002)
Waste Management (Packaging) Regulations 2003 (S.I. No. 61 of 2003)
European Communities (Incineration of Waste) Regulations 2003 (S.I. No. 275 of 2003)
Waste Management (Licensing) Regulations, 2004 [S.I. 395/04]

GUIDELINES AND CIRCULARS

Investigation for Landfills 1995
Landfill Operational Practices 1997 - Landfill Restoration and Aftercare 1999
Landfill Monitoring 2nd Edition 2004
Waste Acceptance
Site Selection
BAT Notes for Landfills and Waste Transfer (April 2003)

BAT Notes for the Waste Treatment Sector (November 20003)
Waste Licensing – Waste Disposal Activities (landfill and non-landfill sites) Guidance Note for Applicants
Waste Licensing Draft Guidance on Environmental Management Systems and Reporting to the Agency
Waste Management Licensing: Aspects of Licensing Procedures – Objections and Oral Hearings
Report on Waste Licensing 1997/1999

Waste Management (Licensing) Regulations 2000 (Circular WM 04/00)
Draft Waste Management (Permit) (Amendment) Regulations 2000 (Circular WM 05/00)
Waste Management (Collection Permit) Regulations, 2001 (Circular NM 07/01)
Amendment Article 23 Waste Management (Lic) Regs 2001 (Circular WM 06/01)
Proposed Levy on landfill of waste (Circular WM08/2001)
Waste Management (Environmental Levy) Plastic Bag (Circular WP & R 1/2002)
Plastic Bag Levy Waste Management Environmental Levy (Plastic Bag) Regulations 2001 605/2001) (Circular WP & R 2/02)
Waste Management (Landfill Levy) Regulations 2002 (Circular WIR 01/02)
Waste Management (Collection Permit) Regulations 2002 – collection of animals slurries, manure and septic tank sludge (Circular WIR 03/02)
Waste Management (Licensing) (Amendment) Regulations 2002 (S.I. 336/2002) & European Communities (Amendment of Waste Management (Licensing) Regulations, 2002 (Circular WIR 04/02)
Transfrontier Shipments of Waste (Circular TFS 03/02)
Landfill Levy (Circular WIR 05/02)
Role of Local Authorities in Implementing the Plastic Bag Levy (Circular WP & R 05/02)
Arrangements for dealing with Abandoned Vehicles (Circular WP & R 06/02)
Waste Management (Packaging) Regulations, 2003 (Circular WPR 1/03)
Extension of the Ban on the Marketing, Sale & Distribution of Bituminous Coal to Four New Restricted Urban Areas (Circular AC 2/03)
European Communities (Incineration of Waste) Regulations, 2003 (Circular WIR 07/03)
Weight/Volume Related Waste Charging (WIR 13/03)
Landfill Levy (Circular WIR 17/03)
All-Ireland Contract for the Management of Waste Refrigeration and Freezers (Circular WIR 1/04)
National Seminar: Enforcement of the Waste Management (Packaging) Regulations 2003 (Circular WPR 03/04)
Waste Collection Permit Review (Circular WIR 05/04)
Weight/Volume Related Waste Charging (Circular WIR 09/04)
Government publishes Study on Chewing Gum – Fast Food Packaging and ATM Receipt Litter.
Study proposes levy or negotiated agreement options on chewing gum.

EU DIRECTIVES

Copy of EU Council Directive 1999/31/EEC on 26 April 1999 on the Landfill of Waste
EU Directives on Transfrontier Shipment of Waste WM 4/99
EU Directives 2000/53/EC of the European Parliament and of the Council of 18 September 2000 on end of life vehicles
Commission Decision of 3 May 2000 replacing Decision 94/3/EC establishing a list of wastes pursuant to Article 1(A) of Council Directive 75/442/EEC on waste and Council Decision 94/904/EC establishing a list of hazardous waste pursuant to Article 1(4) of Council Directive
Directive 2002/96/EC of the European Parliament and of the Council of 27 January 2003 on

waste electrical and electronic equipment (WEEE)
91/689/EEC on hazardous waste
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES
Waste Licence from EPA 30-2

PRECEDENT

DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT

DESCRIPTION

Provision and Operation of Waste Management Facilities.

LEGISLATION

Waste Management Act, 1996 - 2003

REGULATIONS

Waste Management (Planning) Regulations, 1997 [S.I. 137/97]
Waste Management (Licensing) Regulations, 1997 [S.I. 133/97]
Waste Management (Licensing) Regulations, 1998 (S.I. 162/98)
Waste Management (Licensing) Regulations, 2000 (S.I. 185/2000)
Waste Management (Amendment) Act, 2001
Waste Management (Licensing) (Amendment) Regulations, 2001 (S.I. No. 397 of 2001)
Waste Management (Licensing)(Amendment) Regulations 2002 (SI 336 of 2002)
Waste Management (Licensing) Regulations, 2004 [S.I. 395/04]

GUIDELINES AND CIRCULARS

Landfill Manuals prepared under Section 62 of the Environmental Protection Act, 1992 as follows:-

Landfill Operational Practices - Restoration and Aftercare
Investigation for Landfills - Landfill Site Design
Landfill Monitoring
Waste Acceptance
Site Selection
Waste Licensing – Waste Disposal Activities (landfill and non-landfill sites) Guidance Note for Applicants
Waste Licensing Draft Guidance on Environmental Management Systems and Reporting to the Agency
Waste Management Licensing: Aspects of Licensing Procedures – Objections and Oral Hearings
Report on Waste Licensing 1997 1999
Waste Management Infrastructure – Allocation of €2.5m funding for operating costs of recycling facilities in 2002
Waste Management Infrastructural Grant Scheme WM 01/02
Waste Management Infrastructure – Management & Control Systems for Assistance granted under the Structural Funds – WIR 03/03
BAT Notes for Landfills and Waste Transfer (April 2003)
BAT Notes for the Waste Treatment Sector (November 2003)

Waste Management Infrastructure – Subvention of Operating Costs of Re-cycling facilities (Circular WIR 05/03)
Waste Management Infrastructure – Allocation of €2.5m Funding for operating costs (Circular WIR 15/03)
Waste Management Infrastructure Capital Grants Scheme (Circular WIR 1/04)
Commencement of waste licensing provisions of the Protection of the Environment Act 2003

and
Waste Management (Licensing) Regulations 2004 – Circular WIR 07/04

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES
Landfill Licence from EPA 30-2

PRECEDENT

DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT

DESCRIPTION

Recycling of Waste.

LEGISLATION

Waste Management Act, 1996 - 2003

REGULATIONS

Waste Management (Licensing) Regulations, 1997 [S.I. 133/97]

Waste Management (Register) Regulations, 1997 [S.I. 183/97]

Waste Management (Farm Plastics) Regulations, 1997 [S.I. 1997]

Waste Management (Packaging) Regulations, 1997 [S.I. 1997]

Waste Management (Packaging)(Amendment) Regulations, 1998 (S.I. 382/1998)

GUIDELINES AND CIRCULARS

DOELG Recycling for Ireland Manual 1994

DOELG Circular WM 3/98

National Spring Clean 2001 03/01

Local Environmental Partnership Fund – EAS 1/02

Use of Environment Fund to support Local Authority Enforcement Measures (Circular WIR 10/03)

All Island Contract for the Management of Waste Fridges & Freezers (Circular WPR 06/03)

Use and support of the Environment Fund to Support Local Authority Enforcement Measures (Circular WIR 16/03)

Management of Waste Fridges and Freezers – Recoupment of expenditure incurred by local authorities (Circular WPR 06/04)

Use of the Environment Fund to Support Local Authority Enforcement Measures (Circular WIR 10/04)

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT

DESCRIPTION
Street Cleaning

LEGISLATION
Public Health Acts
Litter Pollution Act, 1997

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES
Green Machines in Callan, Castlecomer, Thomastown, Graiguenamanagh
PRECEDENT

**DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT**

DESCRIPTION

Litter Control

LEGISLATION

Litter Pollution Acts 1997 to 2003

Waste Management Acts 1996 to 2003

GUIDELINES AND CIRCULARS

DOELG Circular Letter EPS 11/98 - Grants for Litter Initiatives.

Litter Pollution Act, 1997 03/99

National Anti Litter Forum 05/99

Litter Pollution Act, 1997 1/01

Litter Pollution Act, 1997 5/01

Litter Laws & Elections (Circular 02/02)

Litter Pollution Act, 1997 (Circular 05/02)

National Litter Pollution Monitoring System (Circular 06/02)

The Government's Litter Action Plan (Circular 08/02)

Litter Laws & Election/Referendum Materials (Circular EPS 10/02)

Litter Pollution Act, 1997 (Circular 01/03)

Litter Pollution Act, 1997 (Circular EP 03/03)

Litter Management in Coillte Forest Properties (EP 04/03)

National Litter Pollution Monitoring System (Circular 05/03)

Litter Pollution Acts 1997 to 2003 (Circular EP 05/04)

Litter Laws and Elections (Circular 04/04)

Litter Pollution Acts 1997 to 2003 (Circular EP 05/04)

Litter Contract Bye-Laws (Local)

Annual Report i.e. Council

"On the Spot" Fine Notices - TC 3/97

ALU 3/97 - Fixed Penalty Notices

ALU 5/97 - Public Information Campaign

ALU 4/97 - Grants for Litter Initiatives

"On the spot" Fine Notices in 2002 – Urgent Reminder (Circular RST 1/03)

REGULATIONS

Litter Pollution Regulations, 1997 [S.I. 214/97]

Litter Pollution Regulations, 1999 (S.I. 359/1999)

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Kilkenny County Council Litter Management Plan 1997

Kilkenny County Council Litter Management Plan 2003 - 2006

DEPARTMENT: ENVIRONMENT
SERVICE: WASTE MANAGEMENT

DESCRIPTION

Beach Cleaning

LEGISLATION

Litter Pollution Act, 1997 - 2003

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT: ENVIRONMENT
SERVICE: WATER POLLUTION/QUALITY CONTROL.

DESCRIPTION

The prevention of water pollution by way of licensing and monitoring of discharges. The monitoring of water quality.

LEGISLATION

Local Government (Water Pollution) Act, 1977 [No. 1 of 1997]
Local Government (Water Pollution) (Amendment) Act, 1990 [No. 21 of 1990]
Environmental Protection Act, 1992 [No. 7 of 1992]
Waste Management Act, 1996 to 2003.

REGULATIONS

National:

(a) Control:

Local Government (Water Pollution) Act, 1977 (Control of Cadmium Discharges) Regulations, 1985 [S.I. No. 294 of 1985]
Local Government (Water Pollution) Act, 1977 (Control of Hexachlorocyclohexane and Mercury Discharges) Regulations, 1986 [S.I. No. 55 of 1986]
Local Government (Water Pollution) Regulations, 1978 [S.I. No. 108 of 1978]
Local Government (Water Pollution) Regulations, 1983 [S.I. No. 36 of 1983]
European Communities (Control of Water Pollution by Asbestos) Regulations, 1990 [S.I. No. 31 of 1990]
Local Government (Water Pollution) Regulations, 1992 [S.I. No. 271 of 1992]
Isodrin, HCB, HCBd and CHCL₃ Discharges) Regulations, 1993 [S.I. No. 348 of 1993]
Local Government (Water Pollution) (Amendment) Regulations, 1996 [S.I. No. 184 of 1996]
Local Government (Water Pollution) (Amendment) Regulations, 1999 [S.I. No. 42 of 1999]
Local Government (Water Pollution) (Nutrient Management Planning Consultations), Regulations, 1998 [S.I. No. 257 of 1998]
Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Aldrin, Dieldain, Endrin,
Local Government (Water Pollution) Acts, 1977 and 1990 (Control of EDC, TRI, PER and TCB Discharges) Regulations, 1994 [S.I. No. 245 of 1994]
Local Government (Water Pollution) Acts, 1977 and 1990 (Control of Carbon Tetrachloride, DDT and Pentachlorophenol discharges) Regulations, 1996 [S.I. No. 184 of 1996]
Protection of Groundwater Regulations, 1999 (SI No. 41 of 1999)

(b) Quality:

Quality of Bathing Waters Regulations 1992, [S.I. No. 155 of 1992]
Quality of Bathing Waters (Amendment) Regulations 1994, [S.I. No. 145 of 1994]
Quality of Bathing Waters (Amendment) Regulations 1996, [S.I. No. 230 of 1996]
Quality of Bathing Waters (Amendment) Regulations 1998, [S.I. No. 177 of 1998]
Quality of Bathing Waters (Amendment) Regulations 2001, [S.I. No. 22 of 2001]
European Communities (Quality of Salmonid Water) Regulations, 1988 [S.I. No. 293 of 1988]
European Commission (Quality of Surface Water Intended for the Abstraction of Drinking Water) Regulations, 1989 [S.I. No. 294 of 1989]
European Commission (Quality of Waters Intended for Human Consumption) Regulations, 1988 [S.I. No. 81 of 1988]
European Commission (Quality of Waters Intended for Human Consumption)(Amendment) Regulations, 1999 [S.I. No. 350 of 1999]
European Commission (Quality of Waters Intended for Human Consumption)(Amendment) Regulations, 2000 [S.I. No. 177 of 2000]

European Commission (Drinking Water) Regulations, 2000 [S.I. No. 439 of 2000]
Local Government (Water Pollution)(Water Quality Standards for Phosphorus
(Regulations),1998, [S.I. 258 of 1998]
Water Quality (Dangerous Substances) Regulations, 2001 [S.I. 12 of 2001.]

GUIDELINES AND CIRCULARS

WP 4/95 re Groundwater Pollution/Dangerous Substances
WP 1/97 re Protection of water from pollution caused by nitrate from agricultural sources
WP 2/97 re Groundwater Pollution/Dangerous Substances
WP 4/97 re Water Pollution Acts, 1977 & 1990
WP 5/97 re Pollution caused by dangerous substances discharged to aquatic environment.
WP 7/97 re Measures to deal with water pollutions licences
WP 9/97 re Review of the European Communities (Quality of Bathing Water)
WP 1/98 re Local Government (Water Pollution) Acts 1977 & 1990 – Return or activities
concerned
WP 5/98 and WP6/98 re Local Government W.P. (Water Quality Standards for Phosphorus
(Regulations),1998
WP 3/98 Prevention of Fish Kill and Other Water Pollution incidents.
WP 4/98 Quality of bathing water regulations, 1998
WP 5/98 Water Quality Standards for phosphorous regulations, 1998
WP 6/98 Water Quality Standards for phosphorous regulations, 1998
WP 7/98 Discharges by Sanitary Authorities to groundwater
L 7/98 Protection of drinking water surfaces against contamination by cyrtiosporidius
WP 1/99 Return of activities for 1998 – Local Government (Water Pollution) Acts, 1977 &
1990
Protection of groundwater regulations, 1998
WQ10/99 Industry agreement to phase out phosphorous in domestic laundry detergents
WQ11/99 EPA Report on the quality of drinking water 1998 – New Drinking Water
Directive
WQ Reports on the implementation of EU Directive on Water
WQ2/00 European Communities (Quality of Water intended for human
consumption)(Amendment) Regulations 2000.
WQ 7/01 Quality of shellfish water (Amendment) Regs 2001
WQ 8/01 Proposed review of the EU Bathing Water Quality Directive (76/160/EEC)
L 9/02 Survey of combined stormwater overflows and waste water treatment plants
discharging to estuarine as coastal receiving waters
EPS9/02 Environmental Inspections Implementations of EU Council and Parliament
Recommendations.h
WQ 1/03 Quality of Drinking Water
WQ 2/03 European Communities (Quality for water intended for human
consumption)(amendment) regulations, 2003
L1/04 Implementation of National Drinking Water Regulations – European Court of
Justice
Judgement.
WSP2/04 Drinking Water National Monitoring Programme
WSP3/04 ECJ Drinking Water Monitoring Report 2002
WQ4/01 Prevention of Fish Kill and Other Water Pollution Incidents
WSP5/04 ECL Drinking Water Monitoring Report 2003

European Directives:

Urban Waste Water 91/271/EEC

Nitrates 91/676/EEC

7 Daughter Directives all amended by 90/656/EEC and 91/692/EEC

Mercury Discharges from Chlor-alkali Industries 82/176/EEC

Cadmium Discharges 83/513/EEC

Other Mercury Discharges 84/156/EEC

HCH Discharges 84/491/EEC

List One Substances 86/280/EEC amended by 88/347/EEC and 90/415/EEC

Bathing Water 76/160/EEC amended by 90/656/EEC

Drinking Water 80/776/EEC amended by 81/858/EEC, 90/656/EEC and 91/692/EEC

Related Decision 77/795/EEC on Common Procedures for Exchange of Information

Water Framework Directive 2000/60/EC

EPS 2/97 IPC

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

DEPARTMENT: ENVIRONMENT

SERVICE: AIR POLLUTION - QUALITY CONTROL.

DESCRIPTION

Licensing of discharges and monitoring of air quality. The prevention of air pollution.

LEGISLATION

Air Pollution Act, 1987 [No. 6 of 1987]

REGULATIONS

Air Pollution Act, 1987 (Air Quality Standard) Regulations, 1987 [S.I. No. 244 of 1987]

Air Pollution Act, 1987 (Licensing of Industrial Plant) Regulations, 1988 [S.I. No. 266 of 1988]

Air Pollution Act, 1987 (Authorised Fuel) Regulations, 1988 [S.I. No. 298 of 1988]

Air Pollution Act, 1987 (Emission Limit Value for Use of Asbestos) Regulations, 1990 [S.I. No. 28 of 1990]

Air Pollution Act, 1987 (Marketing, Sale & Distribution of Fuels) Regulations, 1998 [S.I. No. 118 of 1998]

Air Pollution Act, 1987 (Emission limit values for Combustion Plant) Regulations, 1996 [S.I. No. 264 of 1996]

Air Pollution Act, 1987 (Municipal Waste Incineration) Regulations, 1993 [S.I. No. 347 of 1993]

Air Pollution Act, 1987 (Sulphur Content of Heavy Fuel Oil and Gas Oil) Regulations, 2001 [S.I. No. 13 of 2001]

Air Pollution Act, 1987 (Petroleum Vapour Emissions) Regulations, 1997 [S.I. No. 375 of 1997]

Air Pollution Act, 1987 (Environmental Specifications for Petrol and Diesel Fuels) Regulations, 1999 [S.I. No. 407 of 1999]

Air Pollution Act, 1987 (Environmental Specifications for Petrol and Diesel Fuels) (Amendment) Regulations, 2000 [S.I. No. 72 of 2000]

Air Pollution Act, 1987 (Environmental Specifications for Petrol and Diesel Fuels) (Amendment) Regulations, 2001 [S.I. No. 234 of 2001]

Air Quality Framework 96/62/EEC including 3 older Directives to be replaced by new requirements under the Framework Directive.

SO₂ and Particulate 80/779/EEC, amended by 81/857/EEC, 89/427/EEC, 90/656/EEC and 91/692/EEC

Lead 82/884/EEC amended by 90/656/EEC and 91/692/EEC
Nitrogen Oxide 85/203/EEC amended by 85/580/EEC, 90/656/EEC and 91/692/EEC
Tropospheric Ozone Pollution 92/72/EEC
Air Pollution from Industrial Plants 84/360/EEC amended by 90/656/EEC and 91/692/EEC
Large Combustion Plants 88/609/EEC amended by 90/656/EEC and 94/66/EEC

GUIDELINES AND CIRCULARS

AQ2/97 - Implementation of Air Pollution Act
AQ3/97 - Implementation of Air Pollution Act.
AQ6/97 – Air Pollution Act, 1987 (petroleum vapour emissions)
EPS 2/97 IPC
AQ2/98 – Air Pollution Act, 1987 – report on implementation during 1997
AQ5/98 – Approval of assessors under article 6(1) of Air Pollution Act, 1997
AQ 1/02 National Standard authorities of Ireland Act, 1996
**AQ 2/02 Voluntary Agreement between Minister for the Environment, Local Government and
and
Solid Fuel Trade Group**
**AQ 3/02 Air Quality Standards for SO₂, NO_x, PM₁₀ lead, benzene and CO Air Quality
Standards Regs 2002**
AQ1/03 Emissions of volatile organic compounds from organic solvents, regulations 2002.
AQ2/03 Extension on the ban on the marketing, sale and distributions of bituminous coal
AQ3/03 Strategy to resource emission of trans boundary air pollution by 2010.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

**DEPARTMENT: ENVIRONMENT.
SERVICE:**

DESCRIPTION

Farm Task Survey/Nutrient Management Planning.

LEGISLATION

Waste Management Act, 1996 to 2003

Local Government (Water Pollution) Act, 1977

Local Government (Water Pollution) (Amendment) Act, 1990

REGULATIONS

Local Government (Water Pollution) (Nutrient Management Planning Consultation) Regulations, 1998 [S.I. No. 257 of 1998]

Local Government (Water Pollution) Act, 1977 (Water Quality Standards for Phosphorus) Regulations, 1998 [S.I. No. 258 of 1998]

Water Quality (Dangerous Substances) Regulations, 2001 [S.I. 12 of 2001.]

GUIDELINES AND CIRCULARS

WP 7/96 - Code of Good Agricultural Practice to Protect Waters from Pollution by Nitrates.

WP 5/98 and WP6/98 re Local Government W.P. (Water Quality Standards for Phosphorus (Regulations),1998

WM 3/01 – Waste Management (Farm Plastics) Regulations, 2001

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENT

FUNCTION:	POLLUTION CONTROL
SERVICE:	CONTROL OF NOISE POLLUTION

Description : Complaints regarding Noise Pollution may be brought to the District Court.

Legislation:

- Sections 106, 107, 108 Environmental Protection Agency Act 1992 (No. 7 of 1992)
- Section 77 Roads Act 1993

Regulations:

EPA Act 1992 (Noise) Regulations 1992 - S.I. No. 179 of 1992
Road Traffic (Construction, Equipment & Use of Vehicles) Regulations, 1963 [S.I. No. 190 of 1963]
Road Traffic (Construction, Equipment & Use of Vehicles) Regulations, 1963 to 2002
European Communities (Construction Plant & Equipment) (Permissible Noise Levels) Regulations 1988 - S.I. No. 320 of 1988
European Communities (Construction Plant & Equipment)(Permissible Noise Levels)(Amendment) Regulations, 1990 [S.I. No. 297 of 1990]
European Communities (Construction Plant & Equipment)(Permissible Noise Levels)(Amendment) Regulations, 1996 [S.I. No. 359 of 1996]
European Communities (Lawnmowers) (Permissible Noise Levels) Regulations, 1989 [S.I. No. 102 of 1989]
European Communities (Protection of Workers)(Exposure to Noise) Regulations, 1990 [S.I. No. 157 of 1990]
European Communities (Noise Emissions by equipment for use outdoors) Regulations, 2001 [S.I. No. 632 of 2001]
EPA Act 1992 (Commencement) (No. 2) Order 1994 - S.I. No. 178 of 1994

Guidelines & Circulars:

Interpretations, Procedures & Guidelines:

Function:	Environmental Protection Initiatives
Service:	Public Access to Information on the Environment:

Description-: The public have rights of access to information on the environment under existing legislation prior to the Freedom of Information Act,1997. This right of access should be used before an FOI request is considered.

Legislation:

- EU Directive 90/313/EEC on the freedom of access to information on the environment

Regulations:

Access to Information on the Environment Regulations 1996
 European Communities Act 1972 (Access to Information on the Environment) Regulations - S.I. No. 125 of 1998)

Guidelines & Circulars:

Access to information on the Environment Guidance Notes (1993), published by, and available free of charge from, the Department of the Environment, Heritage and Local Government (Environment Policy Section)

Interpretations, Procedures & Guidelines:

Circular Letters as follows:

- EPS 1/93 of 28 January 1993
- EPS 2/93 of 26 May 1993 - Access to Information on the Environment Regulations 1993
- EPS 2/95 of 8 May 1995 - Review of Access to Information on the Environment Regulations
- EPS 3/96 of 12 July 1996 - Access to Information on the Environment Regulations 1996
- EPS 01/01 – Access to Information on the Environment.

FUNCTION:
SERVICE:

ENVIRONMENTAL PROTECTION INITIATIVES
TIDY TOWNS COMPETITION

DESCRIPTION; The Council encourages new entrants to the National Tidy Towns Competition by the provision of Amenity Grants and Gardening expertise.

Legislation:

- Local Government (Planning & Development) Act 1963 - Section 6 Local Government Act 1991

Regulations:

Guidelines & Circulars:

Green Town 2000 Competition TT 1/99

Tidy Towns 2001 – Caring for our Environment

Tidy Towns Competition TT 1/03

TT 1/2004 Medals System - Tidy Towns Competition

TT 2/2004 Tidy Towns Competition 2004-10-15

Medals System – Tidy Towns Competition (Circular TT 1/2004)

Interpretations, Procedures & Guidelines:

FIRE/EMERGENCY SERVICES;

FUNCTION: FIRE SERVICES

SERVICE: FIRE BRIGADES, PREMISES, EQUIPMENT

DESCRIPTION

Kilkenny County Council has a Full and Part-time Fire Fighting Service which responds to all forms of Fire Emergencies and other Emergencies such as Road Traffic Accidents and Flooding

LEGISLATION

S. 10 of the Fire Services Act, 1981

REGULATIONS

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GUIDELINES & CIRCULARS

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LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny County Development Plan,2002 Fire and Emergency Operations Plan Major Emergency Plan
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PRECEDENTS

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FUNCTION: FIRE SERVICES
SERVICE: FIRE FIGHTING / EMERGENCIES

DESCRIPTION

Kilkenny County Council has a Full and Part-time Fire Fighting Service which responds to all forms of Fire Emergencies and other Emergencies such as Road Traffic Accidents and Flooding

LEGISLATION

Fire Services Act, 1981, Part III

REGULATIONS

European Communities [Major Accident Hazards of Certain Industrial Activities] Regulations 1986 S.I No.292 of 1986
European Communities [Control of Major Accident Hazards Involving Dangerous Substances]Regulations 2000 S.I No.476 of 2000

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny County Development Plan,2002
Fire and Emergency Operations Plan
Major Emergency Plan
Annual Schedule of Charges

PRECEDENTS

FUNCTION: FIRE SERVICES
SERVICE: FIRE SAFETY / FIRE PREVENTION

DESCRIPTION

Provision of Information and Advice on Fire Safety and Prevention and Inspection of Buildings to determine level of compliance with Fire Safety Legislation

LEGISLATION

Fire Services Act, 1981, Part III
Licensing Acts, 1833 – 1981
Registration of Clubs Acts, 1904 - 1981
Public Dance Halls Act, 1935
Public Health (Amendment) Act, 1890
Gaming and Lotteries Acts, 1956 – 1979
Licensing of Indoor Events Act 2003,Part3
Planning and Development Act 2000
Building Control Act 1990

REGULATIONS

DOEHLG Fire Safety in Places of Assembly [Ease of Escape]Regulations 1985 S.I.No.249 of 1985
DOEHLG Building Regulations 1997 S.I.No.496 of 1997
DOEHLG Planning and Development[Licensing of Outdoor Events]Regulations 2001 S.I.No. 154 of 2001

GUIDELINES & CIRCULARS

DOEHLG Guidelines in respect of fire safety in places of assembly
DOEHLG Guidelines in respect of fire safety in hotels and guesthouses
DOEHLG Guidelines in respect of fire safety in flats and apartments
DOEHLG Guidelines in respect of fire safety in nursing homes
DOEHLG Guidelines on fire safety in pre-schools
DOEHLG Guidelines in respect of Fire Safety in hostels
DOEHLG Guidelines in respect of Fire Safety in Guest Accomodation
Dept. of Education Code of Practice for Safety at Sportsgrounds
Dept. of Education Code of Practice for Safety at Outdoor Pop Concerts
DOEHLG Code of Practice for Safety at Indoor Concerts
DOEHLG Guide to Fire Precautions in Community –based Residences for Mentally-handicapped or Mentally ill People
DOEHLG Technical Guidance Documents

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

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FUNCTION: EMERGENCY SERVICES
SERVICE: CIVIL DEFENCE

DESCRIPTION

Civil Defence activities are coordinated by the Council's Civil Defence Officer

LEGISLATION

Air – Raid Precautions Act 1939 – 1946
Civil Defence Act – 2002

REGULATIONS

Conditions of Service Form C.D. / 1.
Uniforms – Appendix B C.D. 12 / 1958

GUIDELINES & CIRCULARS

Induction Training Manual
Rescue Training Manuals
Department of Defence Civil Defence Circulars on River S.A.R. 8/94, 1/97.
Health & Safety Guidelines for Civil Defence 11/91.

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES.

County Kilkenny Civil Defence Development Plan 2004 – 2007
Plan for Radiological Emergencies from Peacetime Accidents
Plan for Radiological Emergencies from Remote Wars.
Code of Practice for Volunteers
Code of Conduct for Volunteers
Grievance & Disciplinary Procedures for Volunteers

FUNCTION: FIRE SERVICES
SERVICE: PETROLEUM STORE LICENCE

DESCRIPTION

Kilkenny County Council issues licences in respect of petroleum stores

LEGISLATION

S. 21 and S. 32 to S. 35 of the Dangerous Substances Act, 1972
Air Pollution Act 1987 Sections 10,14,22 and 53.

REGULATIONS

S.I. No. 301 of 1979 Dangerous Substances (Licensing Fees) Regulations, 1979
S.I. No. 311 of 1979 Dangerous Substances (Retail and Private Petroleum Stores) Regulations, 1979
S.I. No. 312 of 1979 Dangerous Substances [Petroleum Jetties] Regulations 1979
S.I. No. 313 of 1979 Dangerous Substances (Petroleum Bulk Stores) Regulations, 1979
S.I. No. 303 of 1988 Dangerous Substances (Retail and Private Petroleum Stores) (Amendment) Regulations, 1988
Air Pollution Act 1987 [Petroleum Vapour Emissions] Regulations, 1997 S.I. No. 375 of 1997

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny Council Standard Application Forms and Details.

PRECEDENTS

FUNCTION: FIRE SERVICES
SERVICE: REGISTRATION OF EXPLOSIVES STORES

DESCRIPTION

LEGISLATION

Explosives Act, 1875

REGULATIONS

S.I. No. 42 of 1955

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny Council Standard Application Forms and Details.

PRECEDENTS

FUNCTION:	GENERAL PURPOSES
SERVICE:	ARTERIAL DRAINAGE
DESCRIPTION	
<p>The Council is responsible for the maintenance of a number of drainage schemes in the County. The Goul and Kilbride Drainage Committees hold Annual and Budget Meetings to in respect of their schemes.</p>	
LEGISLATION	
<p>Arterial Drainage Act, 1945 Arterial Drainage Act, 1955 Arterial Drainage (Amendment) Act, 1995</p>	
REGULATIONS	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

P.G.6 RECREATION/AMENITY/ARTS/CULTURE

FUNCTION:	LIBRARY SERVICES
SERVICE:	ARTS ACTIVITIES
DESCRIPTION The Council supports the arts through grants schemes, the employment of an Arts Officer and through general promotion of the arts.	
LEGISLATION Arts Act, 1973	
REGULATIONS	
GUIDELINES AND CIRCULARS Local Authorities and The Arts, Appointment of Arts Officer, Guidelines for Local Authorities - The Arts Council.	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES KILKENNY County Council Scheme of Grants for the Promotion of the Arts. Local Arts plans and development proposals	
PRECEDENTS	

FUNCTION:	Arts Service [TRANSFUNCTIONAL SERVICE]
SERVICE:	PROVISION OF ARTISTIC FEATURES
DESCRIPTION	
<p>This scheme facilitates the promotion of art in the public sector by furthering the commissioning of art in connection with various Local Authority projects.</p>	
LEGISLATION	
<p>Arts Act, 1973</p>	
REGULATIONS	
GUIDELINES AND CIRCULARS	
<p>N8/86, 24 July, 1986 - Provision of Artistic Features in Scheme</p> <p>N8/87</p> <p>N4 89, 3, March, 1989 - Provision of suitable Artistic Features in Local Authority Projects</p> <p>LS 1/97, 24 June, 1997 - Artistic Embellishment Scheme</p> <p>Public Art Research Project - Steering Group Report to Government, 1988</p>	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

FUNCTION:	LIBRARY
SERVICE:	LIBRARY SERVICE
DESCRIPTION	
<p>The County Library service has a branch network in the City and County which provides a comprehensive community service.</p>	
LEGISLATION	
<p>Local Government Act, 1994 Public Libraries Act, 1947 Local Government (Financial Provisions)(No. 2) Act, 1983</p>	
REGULATIONS	
<p>The Public Libraries Act, 1947 (Grant Regulations), 1961</p>	
GUIDELINES AND CIRCULARS	
<p>BCL 4/95 - Library Development Programmes</p>	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
<p>KILKENNY County Library Development Plan</p>	
PRECEDENTS	

FUNCTION:	GENERAL PURPOSES
SERVICE:	SWIMMING POOLS
DESCRIPTION	
<p>The Council contributes annually to the provision of public swimming facilities at Kilkenny and also employs a Water Safety Officer to encourage safe swimming practices throughout the County in conjunction with the Council Water Safety Committee.</p> <p>Part time Life Gaurds are also appointed for various locations throughout the summer months.</p>	
LEGISLATION	
<p>Local Government Act, 1994</p>	
REGULATIONS	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

FUNCTION:	GENERAL PURPOSES
SERVICE:	MAINTENANCE OF AMENITIES
DESCRIPTION	
<p>The Council can acquire land for recreational facilities and can lease it out as recreation areas and make bye-laws for its control and operation.</p>	
LEGISLATION	
<p>Local Government Act, 1994 Open Spaces Act, 1906</p>	
REGULATIONS	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
<p>Local Bye-Laws</p>	
PRECEDENTS	

P.G. 7 - AGRICULTURE, HEALTH, EDUCATION AND WELFARE

**DEPARTMENT:
VETERINARY SERVICES
SERVICE:
FOOD SAFETY DISEASES OF ANIMALS, ANIMAL WELFARE AND
AGRICULTURAL FUNCTIONS GENERALLY.**

Kilkenny County Council has entered a Service Contract with the Food Safety Authority of Ireland (F.S.A.I.) for the period from 1st January 2003 to 31st December, 2005, under F.S.A.I., Act, 1998.

Under this contract Kilkenny County Council has responsibilities for small meat plants supplying Domestic/Home Market.

The Council has statutory responsibilities for the registration and auditing of liquid milk production, producing milk for heat treatment for sale on the domestic market.

The County Council has statutory responsibility for Sheep Scab which is a notifiable Class B disease. The County Council has statutory responsibility for the issuing of Slaughter Licences to slaughter people.

The County Council has responsibility for the control of horses and the control of dogs, e.g. stray horses, stray dogs, licensing of dogs, etc.

The County Council contributes to Teagasc and pays superannuation of former employees of the County Committees of Agriculture.

Legislation

F.S.A.I. Act 1988.

Milk and Dairies Act 1935-1956

Disease of Animals Act 1966-1996.

Slaughter of Animals Act 1935.

Control of Horses Act 1996.

Control of Dogs Act 1986-1992.

Agriculture Act 1931.

Agriculture (Research, Training and Advice) Act 1988.

REGULATIONS:

Sheep Scab Orders 1905 – 1994

Abattoirs Act, 1988 Abattoirs Regulations 1989 – 2000.

Bovine Tuberculosis Order, 1986.

GUIDELINES INTERPRETATIONS, PROCEDURES AND PRACTICES.

EPA Guidance Notes on Emergency disposal of animals arising from FMD Outbreak (March, 2001).

Foot and Mouth Disease (Circular FMD 1/02)

Foot and Mouth Disease (Letter March, 2003)

Recommendations of the Expert Group in relation to Foot & Mouth Disease Controls.

Updated guidance note on emergency disposal of animals arising from foot and mouth disease.

Precautionary measures against the possible spread of FMD (Circular 08/01)

PRECEDENT:

FUNCTION:	VETERINARY SERVICES (STAFF OFFICER YARDS)
SERVICE:	CONTROL OF DOGS
DESCRIPTION	
<p>The Council deals with the licencing of dogs and the control of dogs e.g. strays. The Council employs the I.S.P.C.A. to run the Dog Shelter and the Dog Warden service.</p>	
LEGISLATION	
<p>Control of Dogs Act, 1986 Control of Dogs (Amendment) Act, 1992 Litter Pollution Act, 1997</p>	
REGULATIONS	
<p>Control of Dogs Act, 1986 (Guard Dogs) Regulations, 1988 Control of Dogs Act, 1986 (Restriction of Certain Dogs) Regulations, 1991 Control of Dogs Regulations, 1998.</p>	
GUIDELINES AND CIRCULARS	
<p>Local Authorities' Returns for 1998 and related matters LSS 06/99 Disposal by local authorities of carcasses of dead dogs LSS 8/99 Dog Licence Fees and Dog Control LSS 6/01 Control of Dogs Act 1986 & 1992 – Local Authorities Returns for 2001 and related matters LSS/102 Control of Dogs Act 1986 & 1992 – Local Authorities Returns for 2001 and related matters LSS 05/02 Control of Dogs Act 1986 & 1992 – Local Authorities Returns for 2003 and related matters LSS 2/04</p>	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

FUNCTION:	VETERINARY SERVICES (STAFF OFFICER YA RDS)
SERVICE:	CONTROL OF HORSES
DESCRIPTION	
The Council has power to deal with the control of horses e.g. strays on public property.	
LEGISLATION	
Control of Horses Act, 1996	
REGULATIONS	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
Bye Laws	
PRECEDENTS	

FUNCTION:	VETERINARY SERVICES
SERVICE:	SHEEP SCAB
DESCRIPTION	
<p>The Council deals with the control of Sheep Scab in the County. Active surveillance is conducted at the sheep marts and abattoirs in the county. All cases of sheep scab must be reported to the Council by the owners and veterinary practitioners.</p>	
LEGISLATION	
<p>Diseases of Animals Act 1966-1996.</p>	
REGULATIONS	
<p>Sheep Scab Orders 1905 - 1994.</p>	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

FUNCTION:	VETERINARY SERVICES
SERVICE:	MILK AND DAIRIES
DESCRIPTION	
<p>The Council has responsibility for the inspection of milk production holdings which supply milk for the preparation of heat treated drinking milk. The sale of raw milk is illegal in Ireland.</p>	
LEGISLATION	
<p>Milk and Dairies Act, 1935</p> <p>Milk and Dairies Act, 1956</p> <p>E.U. Directive 92/46</p>	
REGULATIONS	
<p>Milk and Dairies Regulations, 1938-1962</p> <p>European Communities (Hygienic production and placing on the market of raw milk, heat treated milk and milk based products) Regulations, 1996. (S.I. No. 9 of 1996).</p>	
GUIDELINES AND CIRCULARS	
<p>Guidelines for the Registration of Milk Production Holding (Directive 92/46/EEC) produced by D.A.F.</p>	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

FUNCTION:	VETERINARY SERVICES
SERVICE:	LICENSING OF SLAUGHTER PEOPLE
DESCRIPTION	
All slaughterpeople (Home and Export Abattoirs) must hold a slaughter person's licence which is issued by the Council.	
LEGISLATION	
Slaughter of Animals Act 1935.	
REGULATIONS	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

FUNCTION:	VETERINARY SERVICES
SERVICE:	FOOD SAFETY
DESCRIPTION	
<p>Under the Service Contract with F.S.A.I., the Council have responsibilities for food safety in the</p> <ul style="list-style-type: none"> (a) Domestic Abattoirs (b) Stand Alone Meat manufacturing Premises, and (c) Meat Transport Vehicles. <p>Part-time Veterinarians are employed to do the Ante- and Post-Mortem inspections. (Each animal slaughtered must have both, before it is stamped with the Health Mark). The Stand Alone Meat Manufacturing Premises are under the supervision of the Wholetime Veterinary Inspector and are being registered by the Council as an agent for F.S.A.I. Meat transport vehicles of the above premises are also inspected. The Council facilitates and promotes Inter Agency Working Regional Zoonosis Committees and if necessary, the setting up of Food-borne Disease Outbreak Control Teams. Thus promoting pro-active food safety at a local level between multi-disciplinary professionals. The Council facilitates the involvement of the Wholetime Veterinary Inspector in F.S.A.I. Working Groups on topical food safety issues, e.g. training of food workers.</p>	
LEGISLATION	
<p>F.S.A.I. Act, 1998 Abattoirs Act, 1988. Diseases of Animals Act, 1966 – 1996. Slaughter of Animals Act, 1935 Health Act, 1947. Animals Remedies Act, 1993. European Communities Act, 1972. E.U. Directive 92/5 E.U. Directive 91/497 E.U. Directive 91/498 E.U. Directive 95/23 E.U. Directive 94/65</p>	
REGULATIONS	
<p>Abattoirs Act, 1988 (Abattoirs) Regulations, 1989 Abattoirs Act, 1988 (Abattoirs) Amendment Regulations, 1997 Abattoirs Act, 1988 (Abattoirs) Amendment Regulations 1998 Abattoirs Act, 1988 (Veterinary Examination) Regulations, 1992. Abattoirs Act, 1988 (Health Mark) Regulations, 1992. Abattoirs Act, 1988 (Amendment) Regulations, 1997. Abattoirs Act, 1988 (Health Mark) Amendment Regulations, 1997. Abattoirs Act, 1988 (Veterinary Examination) Regulations, 1997. Abattoirs Act, 1988 (Veterinary Examination) Regulations, 1998. Abattoirs Act, 1988 (Abattoirs) (Amendment) Regulations, 1998. Abattoirs Act, 1988 (Veterinary Examination) (Amendment) Regulations, 1999.</p>	

Abattoirs Act, 1988 (Abattoirs) (Amendment) Regulations, 1999
Abattoirs Act, 1988 (Control of Designated Bovine Offal) Regulations, 1996.
Disease of Animals (Bovine Spongiform Encephalopathy)(Specified Risk Material) Order, 1997 – 1998.
E.C. (Specified Risk Material) Regulations, 2000 – 2001.
Disease of Animals (Bovine Spongiform Encephalopathy)(Specified Risk Material) Order, 2001.
E.C. (Protection of Animal at Time of Slaughter) Regulations, 1995.
E.C. (Fees for health inspection and control of fresh meat) Regulations, 1995.
Animal Remedies Regulations, 1996.
E.C. (Fresh Meat) Regulations, 1997.
E.C. (Minced Meat and Meat Preparation) Regulations, 1996.
E.C. (Meat Products and Other Products of Animal Origin) Regulations, 1995 and 1997.
E.C. (Labelling of Beef and Beef Products) Regulations, 2000.
E.C. (Rabbit Meat and Farmed Game Meat) Regulations, 1995.
E.C. (Wild Game Meat) Regulations, 1995.

GUIDELINES AND CIRCULARS

F.S.A.I. Guidance Notes No. 3, 5 and 5.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:	ACCOUNTS DEPARTMENT
SERVICE:	CONTRIBUTION TO VOCATIONAL EDUCATION COMMITTEE

DESCRIPTION

The Council make an annual contribution to the Vocational Education Committee. This is based on the valuation of commercial property.

LEGISLATION

Vocational Education Act, 1930

Vocational Education Act, 1950

Vocational Education Act, 1962

REGULATIONS

GUIDELINES AND CIRCULARS

Fin 9/90, 27 March, 1990

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

The contribution is made following receipt of the statutory demand from the Vocational Education Committee.

PRECEDENTS

FUNCTION:	GENERAL PURPOSES
SERVICE:	HIGHER EDUCATION GRANTS
DESCRIPTION	
Kilkenny County Council awards grants to qualified students pursuing approved courses in third level institutions.	
LEGISLATION	
Higher Education Grants Act, 1968	
REGULATIONS	
GUIDELINES AND CIRCULARS	
Annual Higher Education Grant Scheme, Application Forms and Details	
Local Interpretations, Procedures and Practices	
Each Local Authority may have a number of precedents/directions issued by Department of Education on interpretation of aspects of schemes.	
PRECEDENTS	

FUNCTION:	GENERAL PURPOSES/PERSONNEL
SERVICE:	HEALTH AND SAFETY OF STAFF

<p>DESCRIPTION</p> <p>Kilkenny County Council has responsibility for the health and safety of its employees. In turn all employees have responsibility to ensure that safe work practices as laid down in the Council Health and Safety Statements are adhered to. A Safety Officer has been appointed to implement the Council's safety policy.</p>
<p>LEGISLATION</p> <p>Health and Safety Act, 1989</p>
<p>REGULATIONS</p> <p>Health and Safety Regulations 1989 – 1995</p>
<p>GUIDELINES AND CIRCULARS</p> <p>Annual Higher Education Grant Scheme, Application Forms and Details</p>
<p>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</p> <p>Parent and Ancillary Safety Statement Payments made by Kilkenny County Council</p>
<p>PRECEDENTS</p>

FUNCTION:	GENERAL PURPOSES
SERVICE:	RESIDENTIAL HOMES AND SPECIAL SCHOOLS
DESCRIPTION	
<p>The Council is liable for the maintenance of children committed to special schools by the Courts. The cost of such maintenance is fixed by regulation.</p>	
LEGISLATION	
<p>Children Acts, 1908-1989</p> <ul style="list-style-type: none"> Children Act, 1908 Children Act, 1934 Children Act, 1941 Children (Amendment) Act, 1949 Children (Amendment) Act, 1957 Children (Amendment) Act, 1989 	
REGULATIONS	
<p>Education (Transfer of Departmental Administration Functions) Order, 1983 [S.I. 358, 1983]</p> <p>Children Act, 1941 (Section 21) Regulations, 1984</p>	
GUIDELINES AND CIRCULARS	
<p>Circular FIN 12/84, 28 June, 1984</p>	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
<p>Payments made by _Kilkenny County Council through general account payments on receipt of invoice/recoupment claim from special school concerned.</p>	
PRECEDENTS	

P.G. 8 - MISCELLANEOUS SERVICES

DEPARTMENT: RATES / FRANCHISE

SERVICE: PREPARATION OF THE REGISTER OF ELECTORS FOR THE ADMINISTRATIVE COUNTY OF KILKENNY INCLUDING THE BOROUGH OF KILKENNY

DESCRIPTION: The County Council prepares a new Register of Electors each year. It is published on 1st February each year and comes into force for a period of twelve months beginning on 15th February of each year. The Draft Register is published once a year on 1st November and a supplement is published prior to any election or referendum. The County Council is also responsible for the annual preparation of Postal Voters' lists, in respect of members of the Defence Forces, the Gardai Siochana, Diplomats serving abroad, certain disabled voters, and persons who cannot attend at their own polling station by reason of their occupation. The County Council also produces a Special Voters' List for certain physically disabled electors. The above services are all provided by the Franchise Section of the County Council.

LEGISLATION:

- Electoral Act, 1963
- Electoral (Amendment) Act, 1973
- Electoral (Amendment) Act, 1974
- Electoral (Amendment) Act, 1985
- Electoral (Amendment) Act, 1986
- Electoral (Amendment)(no.2) Act, 1986
- Electoral Act, 1992
- Presidential Elections Act, 1993
- European Parliament Elections Act, 1993
- Local Government Act, 1994 (Part 3)
- Electoral (Amendment) Act, 1995
- Electoral (Amendment) Act, 1996
- Electoral Act, 1997
- European Parliament Elections Act, 1997
- Referendum Act, 1998
- Electoral (Amendment) No.1 Act, 1998
- Electoral (Amendment) No.2 Act, 1998
- Electoral [Amendment] Act,2001
- Electoral[Amendment]Act 2002
- Local Government [No.2] Act,2003

REGULATIONS: NIL

GUIDELINES & CIRCULARS: Memorandum for the Guidance of Registration Authorities in preparation of the Register of Electors (Department of the Environment - August, 1997).

DOELG Circular F18/98 re Registration of EU Citizens at 1999 European Elections.

DOELG Circular F17/98 re Revision of Electoral Area Boundaries

LOCAL INTERPRETATIONS,PROCEDURES, PROCEDURES: NIL

PRECEDENT: NIL

DEPARTMENT:**RATES & FRANCHISE****SERVICE:****ORGANISATION OF LOCAL ELECTIONS, I.E. ELECTION OF MEMBERS TO THE LOCAL AUTHORITY, AND REVISION OF POLLING SCHEME.****DESCRIPTION:**

The County Council is responsible for the organisation of Local Elections every five years, or as often as directed by the Minister for the Environment , Heritage and Local Government and in assisting the Borough Council in the organisation of the Local Elections to their own Council. The County Council also deals with the revision of the Polling Scheme for the County, which is a decision reserved to the Elected Members of the County Council, subject to the approval of the Minister for the Environment , Heritage and Local Government. The Polling Scheme sets out the polling places for every area in the County.

The Returning Officer at all elections and referenda (with the exception of Local Elections) is the County Registrar, at the Courthouse, Kilkenny. The Returning Officer at County Council Elections is the Senior Executive Officer ,Corporate Affairs and for Borough Council Elections, the Town Clerk is the Returning Officer.

LEGISLATION:

- Local Government Electoral Act, 1963
- Electoral (Amendment) Act, 1973
- Electoral (Amendment) Act, 1974
- Electoral (Amendment) Act, 1985
- Electoral (Amendment) Act, 1986
- Electoral (Amendment)(no.2) Act, 1986
- Electoral Act, 1992
- Presidential Elections Act, 1993
- European Parliament Elections Act, 1993
- Local Government Act, 1994 (Part 3)
- Electoral (Amendment) Act, 1995
- Electoral (Amendment) Act, 1996
- Electoral Act, 1997
- European Parliament Elections Act, 1997
- Referendum Act, 1998
- Electoral (Amendment) No.1 Act, 1998
- Electoral (Amendment) No.2 Act, 1998
- Electoral [Amendment] Act,2001
- Electoral[Amendment]Act 2002
- Local Government [No.2] Act,2003
- Local Government Act, 1941
- Local Government Act, 1946
- Local Elections Act, 1972
- Local Elections Act, 1973
- Local Elections (Petitions and Disqualifications) Act, 1974
- Local Election [Disclosure of Donations and Expenditure] Act 1999

REGULATIONS:

- Electoral (Polling Schemes) Regulations, 1964
- Local Elections Regulations, 1965
- Local Elections Regulations, 1995
- Electoral [Amendment] Regulations 2004

GUIDELINES & CIRCULARS:

Memorandum for the Guidance of Returning Officers at Local Elections – June 2004
LOCAL INTERPRETATIONS, PROCEDURES & PRACTICES:
NIL

PRECEDENT:

NIL

FUNCTION:	Human Resources
SERVICE:	Partnership
DESCRIPTION The Council employs a Workplace Partnership Facilitator who serves the Workplace Partnership Committee for Kilkenny Local Authorities .	
LEGISLATION	
REGULATIONS	
GUIDELINES AND CIRCULARS Partnership 2000 and subsequent agreements between the social partners. Framework Document for partnership in Local Authorities Deepening Partnership in Local Government/Strategic Plan 2003-2005	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES KILKENNY LOCAL AUTHORITIES ACTION PLAN.	
PRECEDENTS	

FUNCTION:	HUMAN RESOURCES
SERVICE:	IRISH LANGUAGE DEVELOPMENT
DESCRIPTION The Council employs a full-time Irish Officer to oversee the promotion of the Irish language throughout the Council services.	

LEGISLATION

Local Government Act, 1994

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

KILKENNY County Council Irish Action Plan.

PRECEDENTS

FUNCTION: COMMON THEMES

SERVICE: PUBLIC PROCUREMENT - Roads, Sanitary Services etc.

DESCRIPTION

The Public Procurement process applies to Public Tenders in respect of Roads/ Bridges , Sanitary Services and other major projects.

LEGISLATION

S.15 of the City and County Management (Amendment) Act, 1955

EU Directives-

93/36/EEC Public Supplies Directive

93/37 EEC Public Works Directive

92/50/EEC Public Services Directive

89/665/EEC Public Remedies / Compliance Directive

93/38/EEC Utilities Directive

92/13/EEC Utilities Remedies Directive

REGULATIONS

S.I. 37/92 and S.I. 292/94 (Public Supplies Directive)

S.I. 36/92 and S.I. 293/94 (Public Works Directive)

S.I. 173/93 (Public Services Directive)

S.I. (38/92; 5/94 and) 309/94 (Public Remedies / Compliance Directive)

S.I. (103/93 and) 51/95 (Utilities Directive)

S.I. (104/93 and) 51/95 (Utilities Remedies Directive)

GUIDELINES & CIRCULARS

Public Procurement (1994 Edition)

DOELG Circular BC 5/87

DOELG Circular BC 7/90

DOELG Circular BC 9/90

DOELG Circular BC 4/91

DOELG Circular BC 1/92
DOELG Circular BC 2/92
DOELG Circular BC 3/92
DOELG Circular BC 5/92
DOELG Circular BC 13/92
DOELG Circular BC 7/93
DOELG Circular BC 9/93
DOELG Circular BC 4/94
DOELG Circular BC 7/94
DOELG Circular BC 5/95
DOELG Circular BC 5/96
DOELG Circular BC 1/98
DOELG Circular BC 9/98
DOELG Memorandum on the provision of houses by local authorities (N7/92)

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

**Kilkenny County Council policy re Reception of Tenders
Procurement Policy and Procedures (March 1998)**

PRECEDENTS

FUNCTION:	GENERAL PURPOSES
SERVICE:	PIERS AND HARBOURS
DESCRIPTION	
<p>The Council is responsible for the maintenance of many of the piers and landing places in the county. Major improvement works are funded in the main by Central Government grants. Many of the facilities were handed over to the Council control in the last century. Since that time control of individual facilities has been transferred from the Office of Public Works by individual designation.</p>	
LEGISLATION	
<p>Grand Juries (Ireland) Act, 1836 Grand Juries (Ireland) Act, 1853 Local Government (Ireland) Act, 1898 Harbours Act, 1946 Harbours Act, 1947 Harbours Act, 1996 Fisheries (Ireland) Act, 1846</p>	
REGULATIONS	
GUIDELINES AND CIRCULARS	
LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES	
PRECEDENTS	

DEPARTMENT:
GENERAL PURPOSES
SERVICE:
MEMBERS EXPENSES
DESCRIPTION:
Payment, to the Elected Members of the Local Authority, of expenses for attendance at meetings of the Council and representation at conferences, expenses of members attending conferences abroad, entertainment and associated expenses, and Cathaoirleach's allowance. A Members Gratuity Scheme was introduced in 1998.
LEGISLATION:
<ul style="list-style-type: none"> • Local Government Act, 1955 • Local Government Act, 1991 • Local Government Act 2001
REGULATIONS:
Local Government (Expenses of Local Authority Members) Regulations, 1993
GUIDELINES & CIRCULARS:
<ul style="list-style-type: none"> • Travelling Expenses and Subsistence Allowance Abroad: Circular Letter E.L.02/2002 and E.L.02/2003 • Expenses of Members - Circular Letter LG 2/95 of 2nd August, 1995 • Expenses of Members - Circular Letter LGP 5/98 • Expenses of Members –Circular Letter L G 15b 2001 • Expenses of Members – Circular Letter E L 01/03 • Expenses of Members –Circular Letter LG 06/03 • Expenses of members –Circular Letter L G 02/04 • Local Authority Members (Gratuity) Scheme, 1998 -Circular Letter s.16/98.
LOCAL INTERPRETATIONS, PROCEDURES & PRACTICES:
Standing Orders of Kilkenny County Council
PRECEDENT:
NIL

<u>FUNCTION:</u>	MISCELLANEOUS SERVICES
<u>SERVICE:</u>	MEETINGS OF COUNCIL
<p>Description - The Council holds Statutory and other meetings in accordance with its Standing Orders.:</p> <p><u>Legislation:</u></p> <p>Local Government Act 1955. Section 62. City and County Management Act 1955 - Estimates Meetings. <u>Local Government Act 2001</u></p> <p><u>Regulations:</u></p> <p>Application of Enactment Order 1898.</p> <p><u>Guidelines & Circulars:</u></p> <p><u>Interpretations, Procedures & Guidelines:</u></p> <p>Kilkenny County Council Standing orders for the conduct of meetings of the County Council.</p>	

FNCTION:
SERVICE:

MISCELLANEOUS SERVICES
COMMITTEES OF COUNCIL

Description- The Council operates a number of Statutory and other Committees.

Legislation:

Section 58 of the Local Government Act 1925
City and County Management (amendment) act 1955 Section 7.
Local Government (Reorganisation) act 1985 - Section 27.
Local Government Act 1991.
Local Government Act 2001

Regulations:

Guidelines & Circulars:

Strategic Policy Committee Scheme 2004-2009

Interpretations, Procedures & Guidelines:

Kilkenny County Council Standing orders for the conduct of meetings of the County Council.

DEPARTMENT:**DIRECTOR OF CORPORATE AFFAIRS****SERVICE:****SETTING UP OF STRATEGIC POLICY COMMITTEES****DESCRIPTION:**

The County Council and Borough Corporation have established a number of Strategic Policy Committees, based on the main services of the Local Authority, in order to have representatives of local interests (e.g. industry, voluntary organisations, farmers, environmentalists, etc.) working with the Elected Members of the Council in the preparation of policy.

LEGISLATION:

- Local Government Act, 1991
- Local Government Act, 1994
- Local Government Act, 2001

REGULATIONS:

NIL

GUIDELINES & CIRCULARS:

1. Better Local Government: A Programme for Change (Booklet produced by Department of the Environment, December, 1996)
2. SPC Guidelines - Department of the Environment, November 1997
3. Department of the Environment Booklet re Seminar on SPCs entitled: "Focus on Strategic Policy Committees- Update-March, 1998"

INTERPRETATIONS, PROCEDURES & GUIDELINES:

- Local Standing Orders of Kilkenny County Council
- Draft Strategic Policy Committee and Corporate Policy Group Scheme of Kilkenny County Council 2004-2009

SERVICE:

WEIGHTS AND MEASURES**DESCRIPTION:**

The verification and stamping of metrical equipment in trade use is carried out by Inspectors of Weights and Measures, who are Garda Sergeants. The County Council recoups the cost of the travelling expenses of these Inspectors, as well as claims for Manual Assistants and hire of equipment to the Department of Justice, Equality and Law Reform. The above service is to be taken over by "Forbairt" in the near future, i.e. in late 1998. The level of fees is set by the Department of Enterprise and Employment.

LEGISLATION:

- Weights and Measures Act, 1889
- Weights and Measures Act, 1904
- Legal Meteorology Act, 1996

REGULATIONS:

NIL

GUIDELINES & CIRCULARS:

NIL

INTERPRETATIONS, PROCEDURES & PRACTICES:

NIL

FUNCTION: HUMAN RESOURCES
SERVICE: RECRUITMENT OF LOCAL AUTHORITY OFFICERS AND EMPLOYEES

DESCRIPTION

The recruitment of Local Authority Officers is governed by legislation and Qualifications/Particulars of Office which are approved/declared by the Minister for the Environment and Local Government. Ministerial function was delegated under the Local Government Act, 1941 to enable Secretary/Assistant Secretaries of the Department to declare Qualifications and Particulars of Office for which the Minister is the appropriate Minister.

LEGISLATION

County Management Act, 1940.
Sections 10 & 14 of the Cork City Management Act 1929.
Sections 14 & 21 of the Limerick City Management Act 1934
Local Authorities (Officer and Employees) Act 1926
Local Authorities (Officer and Employees) Act 1983
Local Authorities (Officer and Employees) Act 1940
Sections 53 & 59 of the Local Government (Dublin) Act 1930
Local Government Act 1941, as amended
Local Government Act 1946
Section 12 (1) of the local Government Act 1955
Sections 13 & 20 of the Waterford City Management Act 1939
Section 6 (1) of the County & City Management (Amendment) Act, 1955
Local Government Act, 2000.

REGULATIONS

Local Government (Appointment of Officers) Regulations 1974
Local Government (Appointment of Officers) (Amendment) Regulations 1997
Local Officers (Irish Language) Regulations 1966

GUIDELINES AND CIRCULARS

Circular EL 7/52 - Local Government Officers
Circular EL 7/75 - Regrading of Clerical & Administrative Staff
Circular LA(P) 11/85 - Rationalisation of Rate/Revenue Collection Arrangements
Circular LA(P) 13/96 - Amendment of Qualifications
circular LA(P) 3/97 - Restructuring of Clerical Administrative Grades
Circular LA(P) 4/97 - Restructuring of Technician Grades
Circular LA(P) 6/97 - Recruitment to posts for which the Leaving Certificate is a requirement.
Qualifications for Office for various posts.
Particulars of Office for various posts.
LG[P]13/03-Protection of Employees [Fixed Term Work]Act2003#EL 9/01-Clerical Officer & Analogous Grades-Permanent & Temporary Staff-Incremental Credit
LG[P] 8/04-Assistant Staff Officer Qualifications
LG[P] 05/04 Amendment of Clerical Qualifications

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook

Precedent	File Reference
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FUNCTION:	HUMAN RESOURCES
SERVICE:	PROBATION

DESCRIPTION

A period of probation exists where a person who is not already a permanent officer of a local authority is appointed to a permanent office.

LEGISLATION

Local Government Act, 2000

REGULATIONS

Local Government (Officers) Regulations 1943
--

GUIDELINES AND CIRCULARS

--

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook

PRECEDENTS

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FUNCTION: HUMAN RESOURCES
SERVICE: DUTIES

DESCRIPTION

The assignment of duties is a matter for each County Manager under the Particulars of Office for each office approved by the Minister subject to any agreements which has been made with the staff side.

LEGISLATION

Sections 10 & 20 of the Local Government Act 1941
Local Government Act, 2000

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook

PRECEDENTS

FUNCTION:	HUMAN RESOURCES
SERVICE:	TENURE OF OFFICE

DESCRIPTION

Generally permanent Officers hold office until they resign/retire or are removed from office. Temporary Officers hold office for a specified period or until a specified work or duty has been completed/or pending the appointment of another person to hold office or as substitute officer. However Managers are now appointed for a fixed term contract.

LEGISLATION

Local Government (Tenure of Office) Order 1991
Sections 19 & 23 of the Local Government Act 1941
Section 14 of the Local Government Act 1955
Section 47 of the Local Government Act 1991
Local Government Act 2000

REGULATIONS

Local Government (Officers) Regulations 1943

GUIDELINES AND CIRCULARS

Circular LA(P) 2/92 - Local Government (Tenure of Office) Order 1991

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:	HUMAN RESOURCES
SERVICE:	CAREER - BREAKS SCHEME

DESCRIPTION

A scheme whereby a local authority may grant special leave without pay to local authority officers and employees.

LEGISLATION

None

REGULATIONS

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GUIDELINES AND CIRCULARS

Circular LA(P) 18/84 - Career Breaks Circular LA(P) 18/87 - Reduction in Local Authority Staff Numbers Circular LA(P) 1/93 - Career Breaks in the local authority service Circular LA(P) 7/86 - Career Breaks in the local authority service

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

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PRECEDENTS

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FUNCTION: HUMAN RESOURCES SERVICE: JOB-SHARING SCHEME
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DESCRIPTION

A scheme whereby posts in local authorities may be filled on a job-sharing basis.

LEGISLATION

None

REGULATIONS

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GUIDELINES AND CIRCULARS

Circular LA(P) 11/86 - Job-Sharing Scheme Circular LA(P) 18/87 - Reduction in Local Authority Staff Numbers Circular LG[P] 13/02-Local Authority Worksharing Scheme Circular LP[G] 22/04-Worksharing & Social Insurance Contributions
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LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

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PRECEDENTS

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FUNCTION: HUMAN RESOURCES SERVICE: MATERNITY LEAVE

DESCRIPTION

Scheme in regard to the granting of maternity leave to female local authority officers and employees.

LEGISLATION

Maternity Protection Act 1994 The Parental Leave Act, 1998

REGULATIONS

Maternity Protection (Disputes & Appeals) Regulations 1995 Maternity Protection (Health & Safety Leave Remuneration) Regulations 1995 Maternity Protection (Health & Safety Leave Certification) Regulations 1995 Maternity Protection (Time off for Anti-Natal and Post-Natal Care) Regulations 1995
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GUIDELINES AND CIRCULARS

Circular LA(P) 11/88 - Public Holidays in periods of Maternity Leave Circular LA(P) 15/81 - Maternity Leave Circular LG(P)/5/5/2000 Paternity Leave Circular LG(P) 5/01 changes in Adoptive Leave and Maternity Leave. Circular LG[P] 21/03-Amendment to Parental Leave Entitlement [Age] Circular LG[P] 18/04-Parental Leave &Sick Leave
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LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

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PRECEDENTS

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FUNCTION: HUMAN RESOURCES
SERVICE: HEALTH & SAFETY OF PREGNANT OFFICERS AND EMPLOYEES

DESCRIPTION

The purpose of the provisions is to protect the health and safety of workers who

- are pregnant, or
- have given birth not more than 14 weeks previously, or
- are breastfeeding, having given birth not more than 26 weeks previously.

LEGISLATION

Safety Health & Welfare at Work Act 1989

REGULATIONS

Safety Health & Welfare at Work (Pregnant Employees etc.) Regulations 1994 {S.I. No. 446 of 1994}

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION: HUMAN RESOURCES
SERVICE: ADOPTIVE LEAVE

DESCRIPTION

The Adoptive Leave Act, 1995 provides that an entitlement to adoptive leave shall be available to all adopting mothers who have an entitlement to maternity leave; it is also available to sole male adopters.

LEGISLATION

Adoptive Leave Act 1995

REGULATIONS

Adoptive Leave (Calculation of Weekly Remuneration) 1995
Adoptive Leave (Referral of Disputes and Appeals) (Part V) Regulations 1995
Social Welfare (Consolidated Payments Provisions) (Amendment) (No. 2) Regulations 1995

GUIDELINES AND CIRCULARS

Circular LA(P) 7/84 - Adoptive Leave

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION: HUMAN RESOURCES SERVICE: SICK LEAVE
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DESCRIPTION

The scheme deals with the granting of sick leave and payment of salary during sick leave/

LEGISLATION

None

REGULATIONS

Local Government (Officers) Regulations 1943
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GUIDELINES AND CIRCULARS

Circular EL 7/52 - Local Government Officers Circular LA(P) 17/80 - Sick Leave

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

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PRECEDENTS

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FUNCTION: HUMAN RESOURCES
SERVICE: OTHER LEAVE

DESCRIPTION

The granting of special leave without pay is a matter for each local authority. There are various circulars regarding the granting of leave with pay to local authority officers.

LEGISLATION

None

REGULATIONS

Local Government (Officers) Regulations 1943

GUIDELINES AND CIRCULARS

Circular EL 12/71 - Interviews
Circular EL 59/75 - Marriage
Circular LA(P) 10/81 - Training with Defence Forces
Circular LA(P) 18/80 - Death/Family circumstances/anticipation of annual leave
Circular LA(P) 4/96 - Devolution of responsibility for Personnel matters
Circular LA(P) 4/98 - Fee and study leave for third level courses of education
Circular LA(P) 12/88 - Special leave on the death of a child
Circular LA(P) 19/80 - Study/Exam
Circular LG[P] 11/02-Term Time Leave Scheme

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

General principles for the granting of special leave with pay in cases which are not provided for in the various circular letters.
Granting of special leave without pay immediately following a Career Break.
The Term Time Leave Scheme provides for unpaid leave for the purpose of allowing working parents or carers match their working arrangements to the main summer holidays of their children ,or to care for a family member who has a disability that gives rise to the need for care on a continuing or frequent basis.

PRECEDENTS

Granting of special leave without pay immediately following a Career Break
The period of term time leave shall be unpaid special leave.

FILE REFERENCE

EL 1/51 onwards

FUNCTION: HUMAN RESOURCES SERVICE: OFFICERS (MEMBERSHIP OF LOCAL AUTHORITIES)
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DESCRIPTION

Persons holding posts at the middle and higher levels under a local authority are prohibited from holding such posts on becoming a member of the local authority concerned. In addition, the holders of any “major office” under a local authority are prohibited from holding office on becoming a member of any other local authority whose functional area is, or is situated within (a) the same county or county borough, or (b) any county or county borough adjoining the county or county borough within which the employing local authority is situated.

LEGISLATION

Local Government (Officers) Order 1952, Order Section 21 (2) Local Government Act, 1955
Local Elections (Petitions & Disqualification) Order 1974
Local Elections (Petitions & Disqualification) Order 1976
Local Elections (Petitions & Disqualification) Act 1974
Local Government Act, 2000

REGULATIONS

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION: HUMAN RESOURCES
SERVICE: SUSPENSIONS

DESCRIPTION

Local authorities have the power to impose suspensions (not exceeding two months) from performance of duties. The approval of the Minister is required where an extension in excess of 2 months is sought by the local authority.

LEGISLATION

Section 10(5) of the Cork City Management Act 1929
Section 6(2) of the County Management Act 1940
Section 14(4) of the Limerick City Management Act 1934
Section 53(5) of the Local Government (Dublin) Act 1930
Section 27 of the Local Government Act 1941
Section 18 of the Local Government Act 1955
Section 49 of the Local Government Act 1994
Section 13(5) of the Waterford City Management Act 1939

REGULATIONS

Local Government (Officers) Regulations 1983

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook/Disciplinary Procedure

PRECEDENTS

FUNCTION: HUMAN RESOURCES
SERVICE: REMOVAL FROM OFFICE

DESCRIPTION

The Minister may, by order, remove a holder from his/her office if the statutory grounds exist, viz. unfitness for office or failure to carry out a lawful order into effect or other misconduct.

Section 26 of the Local Government Act 1941, as amended, provides that the local authority may remove a holder of any office from office with the consent of the appropriate Minister. The procedure to be followed and the conditions to be fulfilled are set out in the regulations. There are also provisions regarding the removal of a County Manager.

LEGISLATION

Section 10 (5) of the Cork City Management Act 1929
Section 6 of the County Management Act 1940
Section 14 (4) of the Limerick City Management Act 1934
Section 53(5) of the Local Government (Dublin) Act 1930
Sections 24, 25 & 26 of the Local Government Act 1941
Section 17 of the Local Government Act 1955
Section 13 (5) of the Waterford City Management Act 1939
Local Government Act, 2000

REGULATIONS

Local Government (Officers) Regulations 1943

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook/Disciplinary Procedure

PRECEDENTS

FUNCTION: HUMAN RESOURCES
SERVICE: APPEALS TO THE MINISTER IN RELATION TO PAY, DUTIES AND CONDITIONS OF SERVICE

DESCRIPTION

An officer may make an appeal to the Minister if he/she is aggrieved by a decision which the local authority has made in relation to his/her remuneration, duties or conditions of service.

LEGISLATION

Section 10 of the Local Government Act 1941
Section 12 of the Local Government Act 1955

REGULATIONS

Local Government (Officers) Regulations 1943

GUIDELINES AND CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook

PRECEDENTS

FUNCTION: HUMAN RESOURCES
SERVICE: EXTENSION BEYOND THE AGE LIMIT

DESCRIPTION

Officers who cease to hold office on reaching the retirement age are not retained in a temporary capacity beyond retirement age except in exceptional circumstances.

LEGISLATION

Age Limit Order 1957

REGULATIONS

GUIDELINES AND CIRCULARS

Circular LA(P) 23/86 - Age Limit Extension

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook

PRECEDENTS

On the basis of any sanction previously conveyed in circumstances where experience was necessary for the completion of a specific project/scheme.

FILE REFERENCE

E.L. 7/85

FUNCTION:	HUMAN RESOURCES
SERVICE:	REMOVAL EXPENSES

DESCRIPTION

Scheme in regard to payment of expenses in relation to permanent and pensionable officers who secure a promotion to an office in another local authority carrying a maximum salary higher than the maximum attaching to their existing office.

LEGISLATION

None

REGULATIONS

GUIDELINES AND CIRCULARS

Circular EL 13/78 - Removal Expenses
Circular EL 6/79 - Removal Expenses
Circular LA(P) 10/96 - Removal Expenses
Circular LA(P) 10/97 - Removal Expenses
Circular LA(P) 21/87 - Removal Expenses
Circular LA(P) 4/96 - Devolution of responsibility for Personnel Matters
Circular LG[P] 10/04-Removal of Expenses

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Removal Expenses - list of previous cases

PRECEDENTS

Removal Expenses - list of previous cases

FILE REFERENCE

EL 227/15/39

FUNCTION: HUMAN RESOURCES
SERVICE: (A) FEES FOR EDUCATION COURSES (B) TRAINING LEVY
SCHEME

DESCRIPTION

- (a) This scheme relates to the recoupment of course and examination fees for certain third level courses of education by local authority officers from their respective local authority.
- (b) The Training Levy Scheme, which has been in operation since 1978 is funded on a voluntary basis by local authorities and they can recoup a certain percentage of costs in relation to approved courses. The scheme is administered by the Department.

LEGISLATION

None

REGULATIONS

GUIDELINES AND CIRCULARS

- (a) Circular LA(P) 4/98 - Fee & Study Leave for Third Level Courses of Education.
- (b) Circular LA(P) 8/97 - Local Authority Training Levy (1997)
Circulars LA(P) 6/83 and LA(P) 12/85 - Fees for third-level courses of education.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

FUNCTION:	HUMAN RESOURCES
SERVICE:	RULES OF CONDUCT

DESCRIPTION

Circulars and memorandum which issued to each local authority regarding the conduct of local authority officers.

LEGISLATION

None

REGULATIONS

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GUIDELINES AND CIRCULARS

Circular EL 2/60 - Rules of Conduct
Circular El 48/74 - Rules of Conduct for Officers of Local Authorities

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

Staff Handbook

PRECEDENTS

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FUNCTION: HUMAN RESOURCES SERVICE: OFFICERS ENGAGING IN PRIVATE PRACTICE

DESCRIPTION

Prohibition on local authority officers from engaging in outside occupations which would impair or be in conflict with the performance of their duties as local authority officers.

LEGISLATION

None

REGULATIONS

Local Government (Officers) Regulations 1984
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GUIDELINES AND CIRCULARS

Circular LA(P) 10/84 - Engaging in private practice Circular LA(P) 3/96 - Engaging in private practice and declaration of interests
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LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

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PRECEDENTS

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FUNCTION: FINANCE
SERVICE: PENSION SCHEME FOR LOCAL AUTHORITY STAFF

DESCRIPTION

A scheme for the granting of pension and gratuity benefits to pensionable staff employed by Local Authorities, VEC's and other bodies.

LEGISLATION

Local Government (Superannuation) Act 1980

REGULATIONS

S.I. No 125 of 1990 Local Government (Transfer of Service)(Amendment) Scheme 1990
S.I. No 126 of 1990 Local Government (Superannuation Revision) (Consolidation) (Amendment) Scheme 1990
S.I. No 184 of 1992 Local Government (Superannuation) (Purchase) Scheme 1992
S.I. No 239 of 1989 Local Government Employees (Spouses and Children Contributory Pension) (Amendment) Scheme 1989
S.I. No 240 of 1989 Local Government Officers (Spouses & Children Contributory Pension) (Amendment) Scheme 1989
S.I. No 241 of 1989 Local Government Employees (Widows & Orphans Ex-Gratia Pension) (Amendment) Scheme 1989
S.I. No 242 of 1989 Local Government Officers (Widows & Orphans Ex-Gratia Pension) (Amendment) Scheme 1989
S.I. No 243 of 1989 Local Government (Transfer of Service) (Amendment) Scheme 1989
S.I. No 290 of 1993 Local Government (Superannuation) Act 1956 (Consolidation) (Managers) Scheme 1993
S.I. No 291 of 1993 Local Government (Superannuation Revision) (Consolidation) (Managers) Scheme 1993
S.I. No. 292 of 1992 Local Government (Superannuation) Act 1956 (Consolidation) (Amendment) Scheme 1992
S.I. No 293 of 1992 Local Government (Superannuation Revision) (Consolidation) (Amendment) Scheme 1992
S.I. No 298 of 1984 Local Government (Transfer of Service) Scheme 1984
S.I. No 313 of 1987 Local Government Officers (Widows & Orphans Ex-Gratia Pension) (Amendment) Scheme 1987
S.I. No 314 of 1987 Local Government Employees (Widows & Orphans Ex-Gratia Pension) (Amendment) Scheme 1987
S.I. No 315 of 1987 Local Government (Superannuation Revision) (Consolidation) (Amendment) Scheme 1987
S.I. No 316 of 1987 Local Government (Superannuation) Act 1956 (Consolidation) Scheme 1987
S.I. No 318 of 1984 Local Government Employees (Widows & Orphans Contributory Pension) Scheme 1984
S.I. No 319 of 1984 Local Government Employees (Widows & Orphans Ex-Gratia Pension) Scheme 1984
S.I. No 320 of 1984 Local Government Officers (Widows & Orphans Ex-Gratia Pension) Scheme 1984
S.I. No 321 of 1984 Local Government Officers (Widows & Orphans Contributory Pension) Scheme 1984
S.I. No 340 of 1991 Local Government (Superannuation) Act 1956 (Consolidation) (Managers) Scheme 1991
S.I. No 341 of 1991 Local Government (Superannuation Revision) (Consolidation) (Managers)

Scheme 1991

S.I. No 346 of 1984 Local Government (Superannuation) (Gratuities) Regulations 1984

S.I. No 363 of 1986 Local Government Employees (Spouses & Children Contributory Pension) Scheme 1986

S.I. No 364 of 1986 Local Government Officers (Spouses & Children Contributory Pension) Scheme 1986

S.I. No 367 of 1995 Local Government (Superannuation) (Removal of Controls) Scheme 1995

S.I. No 368 of 1995 Local Government (Superannuation) (Purchase) (Amendment) Scheme 1995

S.I. No 421 of 1986 Local Government (Superannuation) (Purchase) Scheme 1986

S.I. No 54 of 1995 Local Government (Superannuation) (Gratuities) (Amendment) Regulations 1995

S.I. No 74 of 1992 Local Government (Early Retirement and Voluntary Redundancy) (Superannuation) Scheme 1992

GUIDELINES AND CIRCULARS

A guide to the local authority superannuation scheme is available from Superannuation Section, Custom House, Dublin 1. Information is also available on the Local Authority Superannuation Computer System.

LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES

PRECEDENTS

SECTION: Finance
SERVICE: Annual Budget

DESCRIPTION

The Council is required to prepare a budget each year. The Budget is considered by the Council at the Statutory Meeting which is held each year during the annual statutory period. Public notice of the Budget Meeting is given in the local press. The rate in the £ is also adopted at the Budget Meeting.

LEGISLATION

S. 7 to S. 11 of the City and County Management (Amendment) Act, 1955
S. 9 to S. 14 of the Local Government (Financial Provisions) Act, 1978
S. 9 of the Local Government (Financial Provisions) (No. 2) Act, 1983
S. 55(3) of the Local Government Act, 1991
Part VIII of the Local Government Act, 1994
S. 13 of the Local Government (Financial Provisions) Act, 1997

REGULATIONS

S.R.&O.1946. No. 273 Public Bodies Order, 1946, Articles 53 to 59
S. I. No. 155 of 1955 Public Bodies (Temporary Provisions) Order, 1955
S. I. No. 167 of 1975 Public Bodies (Amendment) Order, 1975
S. I. No. 173 of 1977 Public Bodies (Amendment) Order, 1977
S. I. No. 340 of 1985 Public Bodies (Amendment) Order, 1985
S. I. No. 271 of 1987 Public Bodies (Amendment) (No. 4) Order, 1987
S. I. No. 172 of 1993 Local Government Act, 1991 (Removal of Controls) Regulations, 1993
S. I. No. 275 of 1993 Public Bodies (Amendment) Order, 1993
S. I. No. 367 of 1998 Public Bodies (Amendment) Order, 1998

GUIDELINES & CIRCULARS

DOELG Circular FIN 18/92 Central Management Charge
DOELG Circular FIN 16/96 Local Authority Estimates of Expenses
DOELG Circular FIN 21/96 Local Authority Funding
DOELG Circular FIN 14/97 Local Authority Estimates of Expenses
DOELG Circular FIN 16/97 Local Authority Estimates of Expenses
DOELG Circular FIN 18/97 Local Authority Funding
DOELG Circular FIN 20/97 Local Authority Funding
DOELG Circular FIN 2/98 Local Authority Funding
DOELG Circular FIN 16/98 Local Authorities Estimates
DOELG Circular FIN 17/98 Local Authority Estimates
DOELG Circular FIN 18/98 Local Authority Estimates of Expenses (Rate of 1p in £IR)
DOELG Circular FIN 21/98 Local Authority Estimates – Capping of Rates

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Annual Estimate of Expenses
Schedules of Charges

PRECEDENTS

SECTION: Finance
SERVICE: Abstract of Accounts

DESCRIPTION

The end-of-year accounts of a local authority are called the “Abstract of Accounts”. The Abstract is prepared on a receipts and expenditure basis in respect of the Revenue Account and on a receipts and payments basis in respect of the Capital Account. The Abstract also includes memorandum statements of debtors, creditors and collection accounts

LEGISLATION

Local Government (Financial Provisions) Act, 1997

REGULATIONS

S.R.&O. 1946. No. 273 Public Bodies Order, 1946 Articles 6 to10, 16, 23, 25, 30, 32, 84, 99 and 100
S. I. No. 340 of 1985 Public Bodies (Amendment) Order, 1985
S. I. No. 173 of 1977 Public Bodies (Amendment) Order, 1977

GUIDELINES & CIRCULARS

DOELG Circular FIN 18/92 Central Management Charge

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

Kilkenny County Council Annual Abstract of Accounts.

PRECEDENTS

SECTION: Finance
SERVICE: Audit of Accounts

DESCRIPTION

The Local Government Auditor is appointed by the Minister for the Environment and Local Government to audit the accounts of the Local Authority and to report on them. Notice of the commencement of the audit is published and members of the public are entitled to bring to the attention of the auditor any item of the accounts which they believe to be incorrect.

LEGISLATION

S. 12 and S.18 to 21 of the Local Government (Ireland) Act, 1871
S. 18 to 21 of the Local Government (Ireland) Act, 1902
S. 61(3) of the Local Government Act, 1925
S. 67 to 71 and S. 86 of the Local Government Act, 1941
S. 68 and S. 94 of the Local Government Act, 1946
S. 48 to 49 of the Local Government Act, 1955
S. 15 of the Local Government (Financial Provisions) Act, 1997

REGULATIONS

S.R&O. 1946. No. 273 Public Bodies Order, 1946, Articles 14 to 26, 106

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Finance
SERVICE: Treasury Management

DESCRIPTION

Management of the Council's cash transactions including banking, borrowing, leasing and investments.

LEGISLATION

S. 42 of the Local Government Act, 1955
Local Government (No. 2) Act, 1960

REGULATIONS

S.R.&O. 1946. No. 273 Public Bodies Order, 1946 Articles 12, 13, 43 and 47 to 50
S. I. No. 129 of 1991 Public Bodies (Amendment) Order, 1991

GUIDELINES & CIRCULARS

DOELG Fin 23/98 - ESB Global Valuation
DOELG Fin(D)2/98 – Local Loans Fund Interest Rate
DOELG Fin 24/98 - Local Government Funding 1997 & 1998
DOELG Fin 3/99 – Re: Local Government Act 1998
DOELG Fin 27/98 – Equalisation Fund Payments
DOELG – fin 2/98 – Euro Conversion Rate

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Finance
SERVICE: Arranging of Insurance Cover

DESCRIPTION

It is the responsibility of the Head of Finance to ensure that insurance cover is arranged for all risks, in particular, Public Liability, Employers Liability and Fire.

LEGISLATION

Local Authorities (Mutual Assurance) Act, 1926
Local Authorities (Mutual Assurance) Act, 1928
Local Authorities (Mutual Assurance) Act, 1935
S. 73 of the Local Government Act, 1946

REGULATIONS

S.R.&O. 1946. No. 273 Public Bodies Order, 1946 Article 11

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Finance

SERVICE: Receipting, Lodging and Managing of Cash & Cheques Collected

DESCRIPTION

Payments are received for Council services at the Receipts (Cash) Office, County Hall. Receipts are issued for all payments. The Office is also responsible for lodging and security of monies received.

LEGISLATION

S. 8 of the Local Government Act, 1946

REGULATIONS

S.R.&O. 1946. No. 273 Public Bodies Order, 1946 Articles 42 to 46, 79 and 80

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Finance
SERVICE: Contribution to Vocational Education Committee

DESCRIPTION

The Council makes an annual contribution to the Vocational Education Committee. It is based on the valuation of commercial property.

LEGISLATION

Vocational Education Acts, 1930 to 1962

REGULATIONS

GUIDELINES & CIRCULARS

DOELG Circular Letter FIN 9/90 VEC Statutory Demands / Superannuation

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: Finance
SERVICE: Internal Audit

DESCRIPTION

The Internal Audit Section carries out appraisal and review of the Council's operations, in the light of Value for Money audits carried out by the Department of the Environment Heritage and Local Government. Reports on findings are presented to the Management Team.
The accounts of every officer who receives money on behalf of the Council are checked regularly by the Section. In cases of irregularity, an investigation is carried out and a report is made to management for appropriate action to be taken.

LEGISLATION

S. 14 and 15 of the Local Government (Financial Provisions) Act, 1997

REGULATIONS

S.R.&O. 1946. No. 273 Public Bodies Order, 1946 Articles 6, 45 and 46

GUIDELINES & CIRCULARS

DOELG Value for Money Studies Nos. 1-15

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: General Administration
SERVICE: Malicious Injury Claims

DESCRIPTION

Payment of compensation is limited to damage caused in the following cases:

1. By at least three persons riotously assembled together, or
2. As a result of an act committed maliciously by a person acting on behalf of or in connection with an unlawful organisation, or
3. As a result of an act committed maliciously by a person acting on behalf of, or in connection with, an organisation outside the State that engages in, promotes, encourages or advocates the use of violence for purposes related to the conduct or administration of the affairs of the State or Northern Ireland.

The Minister for the Environment and Local Government refunds to the Council the full amount of any compensation awarded, together with any legal costs incurred.

LEGISLATION

Malicious Injuries Act, 1981
Malicious Injuries (Amendment) Act, 1986

REGULATIONS

GUIDELINES & CIRCULARS

LOCAL INTERPRETATIONS, PROCEDURES & GUIDELINES

PRECEDENTS

SECTION: General Administration
SERVICE: Coroners

DESCRIPTION

The Council is responsible for the employment of coroners for Kilkenny County and City and the expenses associated with inquests / post-mortem examinations.

LEGISLATION

Coroners Act, 1962

REGULATIONS

GUIDELINES & CIRCULARS

Department of Justice Circular Letter of 14/5/97
Department of Justice Periodic Circular Letters revising rates