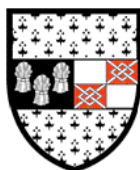


## Section 16 Manual



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](http://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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>PROVISION OF LOCAL AUTHORITY HOUSING</b>

**DESCRIPTION**

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| <p><b>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.</b></p> <p><b>2.The role of the Department of the Environment, Heritage &amp; 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 &amp; Affordable Housing' approved by Government, the most recent assessment of housing needs, progress with the</b></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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>MAINTENANCE AND MANAGEMENT OF LOCAL AUTHORITY HOUSING</b>

#### **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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>APPLICATION AND ASSESSMENT FOR RENTED LOCAL AUTHORITY HOUSING AND TRANSFER APPLICATIONS.</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>LOCAL AUTHORITY HOUSING ALLOCATION</b>

**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**



<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>HOUSING RENT SYSTEM AND RENT &amp; TENANT PURCHASE ANNUITY COLLECTION</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>HOUSE PURCHASE AND IMPROVEMENT LOAN SCHEME</b>

#### **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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<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>AFFORDABLE HOUSING LOAN</b>

#### **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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>SHARED OWNERSHIP SCHEME</b>

**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**



<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>IMPROVEMENT WORKS IN LIEU OF LOCAL AUTHORITY HOUSING</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>TENANT PURCHASE OF LOCAL AUTHORITY HOUSES</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>MORTGAGE ALLOWANCE SCHEME</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>DISABLED PERSONS GRANT</b>

**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**



<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>ESSENTIAL REPAIRS GRANTS</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>VOLUNTARY HOUSING SCHEMES</b>

**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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<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>CONTROL OF PRIVATE RENTED DWELLINGS</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>TRAVELLER ACCOMMODATION</b>

**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**

<b>DEPARTMENT:</b>	<b>HOUSING</b>
<b>SERVICE:</b>	<b>PRIVATE HOUSING SITES</b>

**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**

<b>FUNCTION:</b>	<b>Housing</b>
<b>SERVICE:</b>	<b>Acquisition of Land</b>
<b>DESCRIPTION</b>	
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.	
<b>LEGISLATION</b>	
Local Government (Ireland) Act, 1898 (S.10) amended by Local Government (No. 2) Act, 1960 (Section 11) Housing Act, 1966	
<b>REGULATIONS</b>	
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.	
<b>GUIDELINES AND CIRCULARS</b>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
Compulsory Purchase Order Procedure	
<b>PRECEDENTS</b>	

## **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 30<sup>th</sup> 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**

<b>FUNCTION:</b>	<b>ROADS</b>
<b>SERVICE:</b>	<b>Acquisition of Land</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<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>	
<b>REGULATIONS</b>	
<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>	
<b>GUIDELINES AND CIRCULARS</b>	
<p>Circular No.2/2002  Circular No.2/2003</p>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<p>Compulsory Purchase Order Procedure  Acquisition of land for the national Roads Programme December,2001.</p>	
<b>PRECEDENTS</b>	

**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)

Childcare Facilities – Guidelines for Planning Authorities (2001)

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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 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 2<sup>nd</sup> 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 animal 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 CHCL<sub>3</sub> 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.**

**SO<sub>2</sub> 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 SO<sub>2</sub>, NO<sub>x</sub>, PM<sub>10</sub> 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:**

<b>Function:</b>	<b>Environmental Protection Initiatives</b>
<b>Service:</b>	<b>Public Access to Information on the Environment:</b>

**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**

<b>Kilkenny County Development Plan,2002</b> <b>Fire and Emergency Operations Plan</b> <b>Major Emergency Plan</b>
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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**

<b>FUNCTION:</b>	<b>GENERAL PURPOSES</b>
<b>SERVICE:</b>	<b>ARTERIAL DRAINAGE</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Arterial Drainage Act, 1945  Arterial Drainage Act, 1955  Arterial Drainage (Amendment) Act, 1995</p>	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	



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

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

<b>FUNCTION:</b>	<b>Arts Service [TRANSFUNCTIONAL SERVICE]</b>
<b>SERVICE:</b>	<b>PROVISION OF ARTISTIC FEATURES</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Arts Act, 1973</p>	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b>	
<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>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	

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

<b>FUNCTION:</b>	<b>GENERAL PURPOSES</b>
<b>SERVICE:</b>	<b>SWIMMING POOLS</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Local Government Act, 1994</p>	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	

<b>FUNCTION:</b>	<b>GENERAL PURPOSES</b>
<b>SERVICE:</b>	<b>MAINTENANCE OF AMENITIES</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Local Government Act, 1994 Open Spaces Act, 1906</p>	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<p>Local Bye-Laws</p>	
<b>PRECEDENTS</b>	

## **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 1<sup>st</sup> January 2003 to 31<sup>st</sup> 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:**

<b>FUNCTION:</b>	<b>VETERINARY SERVICES (STAFF OFFICER YARDS)</b>
<b>SERVICE:</b>	<b>CONTROL OF DOGS</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Control of Dogs Act, 1986  Control of Dogs (Amendment) Act, 1992  Litter Pollution Act, 1997</p>	
<b>REGULATIONS</b>	
<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>	
<b>GUIDELINES AND CIRCULARS</b>	
<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 &amp; 1992 – Local Authorities Returns for 2001 and related matters LSS/102  Control of Dogs Act 1986 &amp; 1992 – Local Authorities Returns for 2001 and related matters LSS 05/02  Control of Dogs Act 1986 &amp; 1992 – Local Authorities Returns for 2003 and related matters LSS 2/04</p>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	



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

<b>FUNCTION:</b>	<b>VETERINARY SERVICES</b>
<b>SERVICE:</b>	<b>SHEEP SCAB</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Diseases of Animals Act 1966-1996.</p>	
<b>REGULATIONS</b>	
<p>Sheep Scab Orders 1905 - 1994.</p>	
<b>GUIDELINES AND CIRCULARS</b>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	

<b>FUNCTION:</b>	<b>VETERINARY SERVICES</b>
<b>SERVICE:</b>	<b>MILK AND DAIRIES</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<p>Milk and Dairies Act, 1935</p> <p>Milk and Dairies Act, 1956</p> <p>E.U. Directive 92/46</p>	
<b>REGULATIONS</b>	
<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>	
<b>GUIDELINES AND CIRCULARS</b>	
<p>Guidelines for the Registration of Milk Production Holding (Directive 92/46/EEC) produced by D.A.F.</p>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	

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

<b>FUNCTION:</b>	<b>VETERINARY SERVICES</b>
<b>SERVICE:</b>	<b>FOOD SAFETY</b>
<b>DESCRIPTION</b>	
<p>Under the Service Contract with F.S.A.I., the Council have responsibilities for food safety in the</p> <p>(a) Domestic Abattoirs  (b) Stand Alone Meat manufacturing Premises, and  (c) Meat Transport Vehicles.</p> <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>	
<b>LEGISLATION</b>	
<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>	
<b>REGULATIONS</b>	
<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**

<b>FUNCTION:</b>	<b>ACCOUNTS DEPARTMENT</b>
<b>SERVICE:</b>	<b>CONTRIBUTION TO VOCATIONAL EDUCATION COMMITTEE</b>

**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**





<b>FUNCTION:</b>	<b>GENERAL PURPOSES</b>
<b>SERVICE:</b>	<b>HIGHER EDUCATION GRANTS</b>
<b>DESCRIPTION</b>	
Kilkenny County Council awards grants to qualified students pursuing approved courses in third level institutions.	
<b>LEGISLATION</b>	
Higher Education Grants Act, 1968	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b>	
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.	
<b>PRECEDENTS</b>	

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

<p><b>DESCRIPTION</b></p> <p><b>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.</b></p>
<p><b>LEGISLATION</b></p> <p><b>Health and Safety Act, 1989</b></p>
<p><b>REGULATIONS</b></p> <p><b>Health and Safety Regulations 1989 – 1995</b></p>
<p><b>GUIDELINES AND CIRCULARS</b></p> <p><b>Annual Higher Education Grant Scheme, Application Forms and Details</b></p>
<p><b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b></p> <p><b>Parent and Ancillary Safety Statement Payments made by Kilkenny County Council</b></p>
<p><b>PRECEDENTS</b></p>

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

## **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 1<sup>st</sup> February each year and comes into force for a period of twelve months beginning on 15<sup>th</sup> February of each year. The Draft Register is published once a year on 1<sup>st</sup> 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**

<b>FUNCTION:</b>	<b>Human Resources</b>
<b>SERVICE:</b>	<b>Partnership</b>
<b>DESCRIPTION</b> The Council employs a Workplace Partnership Facilitator who serves the Workplace Partnership Committee for Kilkenny Local Authorities .	
<b>LEGISLATION</b>	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b> 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	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b> KILKENNY LOCAL AUTHORITIES ACTION PLAN.	
<b>PRECEDENTS</b>	

<b>FUNCTION:</b>	<b>HUMAN RESOURCES</b>
<b>SERVICE:</b>	<b>IRISH LANGUAGE DEVELOPMENT</b>
<b>DESCRIPTION</b> 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**

<b>FUNCTION:</b>	<b>GENERAL PURPOSES</b>
<b>SERVICE:</b>	<b>PIERS AND HARBOURS</b>
<b>DESCRIPTION</b>	
<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>	
<b>LEGISLATION</b>	
<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>	
<b>REGULATIONS</b>	
<b>GUIDELINES AND CIRCULARS</b>	
<b>LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES</b>	
<b>PRECEDENTS</b>	

<b>DEPARTMENT:</b>
<b>GENERAL PURPOSES</b>
<b>SERVICE:</b>
<b>MEMBERS EXPENSES</b>
<b>DESCRIPTION:</b>
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.
<b>LEGISLATION:</b>
<ul style="list-style-type: none"> <li>• Local Government Act, 1955</li> <li>• Local Government Act, 1991</li> <li>• Local Government Act 2001</li> </ul>
<b>REGULATIONS:</b>
Local Government (Expenses of Local Authority Members) Regulations, 1993
<b>GUIDELINES &amp; CIRCULARS:</b>
<ul style="list-style-type: none"> <li>• Travelling Expenses and Subsistence Allowance Abroad: Circular Letter E.L.02/2002 and E.L.02/2003</li> <li>• Expenses of Members - Circular Letter LG 2/95 of 2<sup>nd</sup> August, 1995</li> <li>• Expenses of Members - Circular Letter LGP 5/98</li> <li>• Expenses of Members –Circular Letter L G 15b 2001</li>   <li>• Expenses of Members – Circular Letter E L 01/03</li> <li>• Expenses of Members –Circular Letter LG 06/03</li> <li>• Expenses of members –Circular Letter L G 02/04</li>   <li>• Local Authority Members (Gratuity) Scheme, 1998 -Circular Letter s.16/98.</li> </ul>
<b>LOCAL INTERPRETATIONS, PROCEDURES &amp; PRACTICES:</b>
Standing Orders of Kilkenny County Council
<b>PRECEDENT:</b>
NIL

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

**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.
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**LEGISLATION**

Local Government Act, 2000
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**REGULATIONS**

Local Government (Officers) Regulations 1943
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**GUIDELINES AND CIRCULARS**

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**LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES**

Staff Handbook
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**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**

<b>FUNCTION:</b>	<b>HUMAN RESOURCES</b>
<b>SERVICE:</b>	<b>TENURE OF OFFICE</b>

**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**

**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**

**PRECEDENTS**

<b>FUNCTION:</b> HUMAN RESOURCES <b>SERVICE:</b> JOB-SHARING SCHEME
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**DESCRIPTION**

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

None
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**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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<b>FUNCTION:</b> HUMAN RESOURCES <b>SERVICE:</b> MATERNITY LEAVE
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**DESCRIPTION**

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

Maternity Protection Act 1994 The Parental Leave Act, 1998
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**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**

**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

**GUIDELINES AND CIRCULARS**

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

**LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES**

**PRECEDENTS**

**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)

**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**

<b>FUNCTION:</b> HUMAN RESOURCES <b>SERVICE:</b> SUSPENSIONS
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**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.
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**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
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**REGULATIONS**

Local Government (Officers) Regulations 1983
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**GUIDELINES AND CIRCULARS**

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**LOCAL INTERPRETATIONS, PROCEDURES AND PRACTICES**

Staff Handbook/Disciplinary Procedure
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**PRECEDENTS**

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<b>FUNCTION:</b>	<b>HUMAN RESOURCES</b>
<b>SERVICE:</b>	<b>REMOVAL FROM OFFICE</b>

**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**

<b>FUNCTION:</b>	<b>HUMAN RESOURCES</b>
<b>SERVICE:</b>	<b>RULES OF CONDUCT</b>

**DESCRIPTION**

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

None
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**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
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**PRECEDENTS**

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<b>FUNCTION:</b> HUMAN RESOURCES <b>SERVICE:</b> OFFICERS ENGAGING IN PRIVATE PRACTICE
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**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.
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**LEGISLATION**

None
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**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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<b>FUNCTION:</b> FINANCE <b>SERVICE:</b> PENSION SCHEME FOR LOCAL AUTHORITY STAFF
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**DESCRIPTION**

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

Local Government (Superannuation) Act 1980
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**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)
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**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**