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Number 33 of 1998

HOUSING (TRAVELLER ACCOMMODATION) ACT, 1998

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HOUSING (TRAVELLER ACCOMMODATION) ACT, 1998

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

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

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

Short title,
collective citation,
construction and
commencement.

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

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

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

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

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

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

“the Act of 1988” means the Housing Act, 1988;

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

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

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

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

“housing authority”, other than in the context of a relevant housing authority, has the meaning assigned to it by section 1(1) of the Act of 1992;

“local consultative committee” means a committee appointed under *section 21*;

“manager” means—

- (a) as respects the corporation of a county borough, the manager for the purpose of the Acts relating to the management of the county borough, and
- (b) as respects the council of a county, the corporation of a borough or an urban district council, the manager for the purposes of the County Management Acts, 1940 to 1994;

“the Minister” means the Minister for the Environment and Local Government;

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

“relevant housing authority” has the meaning assigned to it by *section 5*;

“site” means—

- (a) a site to which section 13 of the Act of 1988 (as amended by this Act) applies,
- (b) a site provided or managed under section 6 of the Act of 1992, or
- (c) any other site for caravans for travellers provided or managed with or without the assistance of a housing authority;

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

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

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

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(4) A reference in this Act to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment (including this Act). Pt.I S.2

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

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

PART II

Traveller Accommodation Programme

5.—(1) In this Part, except where the context otherwise requires— Relevant housing authority.

“relevant housing authority” means—

- (a) in the case of a county health district, the council of the county in which such county health district is situate,
- (b) in the case of a county borough, the corporation of the county borough,
- (c) in the case of a borough, the corporation of the borough,
- (d) in the case of the urban districts of Bray and Dundalk, the respective councils of those urban districts, and
- (e) in the case of any other urban district, the council of the county in which the urban district is situate,

and references to the functional area of a relevant housing authority shall be construed accordingly.

(2) Section 23(3) of the Act of 1992 shall apply to a function of a relevant housing authority under this Act in the same way as it applies to a housing authority.

6.—(1) A relevant housing authority, when making an assessment under section 9 of the Act of 1988, shall, in addition to such assessment and at such other times as the Minister may by direction specify, make an assessment of the need for sites in the functional area concerned. Assessment of accommodation needs.

(2) Subject to *subsections (3) and (4)*, section 9 of the Act of 1988 shall, with any necessary modifications, apply to an assessment under this Act.

(3) In addition to giving notice to the bodies specified in paragraphs (a) to (c) of section 9(4) of the Act of 1988, a relevant housing authority shall give notice of the intention to make an assessment under this section to the local consultative committee.

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

- (a) the estimate of travellers referred to in *subsection (5)*,
- (b) the need for sites with limited facilities referred to in section 13 of the Act of 1988 (as amended by this Act) in relation to the annual patterns of movement of travellers, otherwise than as their normal place of residence, and
- (c) the views, if any, of the local consultative committee concerned.

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

(6) A housing authority which is the council of an urban district (other than Bray Urban District Council and Dundalk Urban District Council) shall, in relation to an assessment made by it under section 9 of the Act of 1988, furnish from the assessment such information in relation to travellers, as the Minister may by direction specify, to the council of the county in which the urban district is situate and such information shall be furnished within a period as the Minister may by direction specify.

(7) When making an assessment under section 9 of the Act of 1988 a relevant housing authority shall—

- (a) inform the local consultative committee of the intention to make the assessment under that section, and
- (b) have regard to the matters specified in *paragraphs (a) and (c) of subsection (4)*.

Accommodation programme.

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

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

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

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

Notice of accommodation programme to certain bodies.

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

- (a) any relevant housing authority where the functional area of such relevant housing authority adjoins the functional

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area of the relevant housing authority preparing, amending or replacing the accommodation programme, Pt.II S.8

- (b) an urban district council which is not a relevant housing authority where the functional area of that urban district council is within or adjoins the functional area of the relevant housing authority preparing, amending or replacing the accommodation programme,
- (c) a health board where the functional area of that health board includes or adjoins the functional area of the relevant housing authority preparing, amending or replacing the accommodation programme,
- (d) the local consultative committee concerned,
- (e) such local community bodies as the relevant housing authority consider appropriate, and
- (f) such other body as the relevant housing authority concerned consider appropriate having regard to all the circumstances, including voluntary or non-profit making bodies that are engaged in the provision of accommodation, shelter and welfare or any of them in the functional area concerned.

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

Publication of notice of accommodation programme.

- (a) they propose to adopt, amend or replace an accommodation programme,
- (b) a draft of the accommodation programme, or a draft of the amendment to or replacement of it, is available for inspection at the offices of the relevant housing authority or such other office as may be specified, at specified times during a specified period, and
- (c) regard will be had to any submissions in writing received by the relevant housing authority in relation to the draft accommodation programme, or the draft of the amendment to or replacement of it, within 2 months of the publication of the notice.

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

- (a) send a copy of the notice and the draft of the accommodation programme, or the draft of the amendment to or replacement of it, to the bodies notified under *section 8*, and
- (b) make arrangements for a copy of the notice to be displayed at such offices of the relevant housing authority to which the public have access, as the relevant housing authority consider appropriate.

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

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Pt.II
Preparation of
accommodation
programme.

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

(2) In preparing an accommodation programme, or a replacement of it, the relevant housing authority shall—

- (a) include the most recent assessment made by that relevant housing authority under *section 6* and any particulars concerning the accommodation needs of travellers in assessments made under section 9 of the Act of 1988,
- (b) include such particulars as the Minister may direct in relation to travellers and contained in the most recent assessment made by a housing authority under section 9 of the Act of 1988, or, where the relevant housing authority is preparing an accommodation programme for the first time, such particulars concerning the needs of travellers for accommodation in sites as may be available to the relevant housing authority or as may be acquired by them as the Minister may direct,
- (c) include a statement of the policy of the relevant housing authority concerned in relation to meeting the accommodation needs of travellers, including the accommodation needs referred to in *paragraphs (a) and (b)*,
- (d) specify the strategy of the relevant housing authority concerned for securing the implementation of the accommodation programme,
- (e) include measures for implementation by the relevant housing authority concerned or, as the case may be, any other housing authority in relation to—
 - (i) the provision of the range of accommodation required to meet accommodation needs which have been identified,
 - (ii) the provision of assistance to travellers to provide accommodation for their own use,
 - (iii) the provision of assistance to a body standing approved under section 6 of the Act of 1992 in respect of the provision or management of accommodation for travellers, and
 - (iv) the proper management, including assistance towards the management, of such accommodation for travellers, and
- (f) include any other matters as may be specified in directions issued from time to time by the Minister.

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

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- (a) the needs identified under *paragraphs (a) and (b) of subsection (2)* and any matter which may be specified under *paragraph (f) of subsection (2)*, Pt.II S.10
- (b) the distinct needs and family circumstances of travellers,
- (c) the provision of sites to address the accommodation needs of travellers other than as their normal place of residence and having regard to the annual patterns of movement by travellers, and
- (d) such other matters as the Minister may by direction specify from time to time.

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

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

- (a) summarising the matters contained in such submissions,
- (b) specifying the names of the persons who made such submissions,
- (c) specifying the response of the relevant housing authority concerned to such submissions, and
- (d) indicating whether it is proposed to proceed with the draft of the accommodation programme or of the amendment to or the replacement of it, or to proceed with the draft as varied or modified in a manner indicated in the report, or not to proceed with such draft accommodation programme.

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

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

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

Adoption of accommodation programme by manager.

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

Publication of accommodation programme.

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

- (a) publish a notice in at least one newspaper circulating in the functional area concerned stating—
 - (i) that the accommodation programme, or the amendment to or replacement of it, has been adopted,
 - (ii) the times at which, the period during which and the place where a copy of the accommodation programme, or the amendment to or replacement of it, may be inspected, and
 - (iii) that a copy of or copy of an extract from the accommodation programme, or the amendment to or replacement of it, may be purchased on payment of a fee not exceeding the reasonable costs of making such copy,
- (b) make arrangements for a copy of the notice published under *paragraph (a)* to be displayed at such offices of the relevant housing authority to which the public have access, as the relevant housing authority consider appropriate, and
- (c) furnish a copy of the accommodation programme, or the amendment to or replacement of it, to—
 - (i) the members of the relevant housing authority,
 - (ii) the Minister, and
 - (iii) the bodies notified under *section 8*.

Implementation of accommodation programme.

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

(2) A housing authority, other than a relevant housing authority, shall take such steps as are necessary for the implementation of proposals for the functional area of that housing authority which have

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been specified in an accommodation programme, or in an amendment to or replacement of it, adopted by the relevant housing authority or under *section 14* for the functional area of that relevant housing authority within which such housing authority is situate. Pt.II S.16

(3) A housing authority, other than a relevant housing authority, shall, in the performance of a function concerning the provision of accommodation for travellers, have regard to the provisions of the accommodation programme, or an amendment to or replacement of it, adopted by the relevant housing authority or under *section 14* for the functional area of that relevant housing authority within which such housing authority is situate.

17.—(1) A relevant housing authority—

- (a) shall review an accommodation programme at least once in each 3 year period or at such time as the Minister may by direction specify from time to time, and
- (b) may review an accommodation programme at any time during the period to which the accommodation programme concerned relates.

Review, amendment and replacement of accommodation programme.

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

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

18.—(1) The Minister, after consultation with the relevant housing authorities concerned, may—

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

Minister and adoption of accommodation programmes.

and the relevant housing authorities concerned shall comply with any such requirement.

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

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

National Traveller Accommodation Consultative Committee.

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

- (a) the most appropriate measures for improving, at local level, consultation with, and participation of, travellers in the provision and management of accommodation, and
- (b) general matters concerning the preparation, adequacy, implementation and co-ordination of traveller accommodation programmes.

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

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

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

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

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

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

Membership of
National
Consultative
Committee.

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

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

- (a) one person who has been nominated to the Minister by the Minister for Justice, Equality and Law Reform,
- (b) one person who has been nominated to the Minister by the General Council of County Councils,
- (c) one person who has been nominated to the Minister by the Association of Municipal Authorities of Ireland,
- (d) 2 persons who have been nominated to the Minister by the County and City Managers' Association,
- (e) 3 persons who have been nominated to the Minister by bodies representing travellers and are concerned with the accommodation for travellers as the Minister may determine,
- (f) one person from among the officers of the Minister who is an established civil servant for the purposes of the Civil Service Regulation Act, 1956, and
- (g) 2 persons who, in the opinion of the Minister, have experience in relation to accommodation for travellers or are concerned with the general welfare of travellers,

to be members of the National Consultative Committee.

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(3) The bodies referred to in *paragraphs (b), (c), (d) and (e) of subsection (2)* shall, when requested by the Minister, nominate the number of persons for consideration for appointment to the National Consultative Committee as the Minister may specify and make such nominations in accordance with any directions as may be given by the Minister from time to time, including any directions relating to an appropriate gender balance, and shall inform the Minister of the persons so nominated. Pt.II S.20

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

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

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

(7) If a member of the National Consultative Committee dies, resigns or is removed from office, the Minister may appoint a person nominated in the same manner as the member whose death, resignation or removal occasioned the casual vacancy to be a member of the National Consultative Committee to fill the casual vacancy so occasioned and a person so appointed shall hold office for the remainder of the term of office of the member whose death, resignation or removal occasioned the casual vacancy.

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

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

Local traveller accommodation consultative committee.

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

(a) may advise the appointing authority concerned,

(b) may, when requested by a local authority other than the appointing authority concerned, advise that local authority where the functional area of that local authority adjoins the functional area of the appointing authority, and

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(c) may, where it is appointed by a council of a county, advise any relevant housing authority where the functional area of such relevant housing authority is within the administrative area of the county concerned.

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

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

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

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

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

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

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

(b) the period of appointment of the members,

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

(d) services and support,

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

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

(7) In this section and *section 22*, “local authority” means—

(a) in the case of an administrative county, the council of the county, and

(b) in the case of a county borough, the corporation of a county borough,

and references to the functional area of a local authority shall be construed accordingly.

Membership of local consultative committee.

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

(a) members of the appointing authority concerned,

(b) officials of the appointing authority concerned,

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(c) representatives of local travellers and traveller bodies, and Pt.II S.22

(d) where a local consultative committee has been appointed by the council of a county, one member from each relevant housing authority (if any) within the administrative county concerned,

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

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

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

23.—Nothing in this Act shall prevent a housing authority from providing accommodation for travellers, notwithstanding that an accommodation programme which includes the functional area of that housing authority has not been adopted under this Act. Provision of accommodation for travellers generally.

PART III

Miscellaneous

24.—Nothing in this Act shall prevent a manager from exercising the powers conferred on a manager under section 2(9) of the City and County Management (Amendment) Act, 1955, (as amended by section 27 of the Act of 1988) in an emergency situation. Emergency situation.

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

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

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

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

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

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

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

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

and

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

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

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

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

Supplemental provisions to section 26.

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

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

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

28.—Section 3 of the Housing (Miscellaneous Provisions) Act, 1979, is hereby amended by the substitution of the following subsection for subsection (2) (as amended by section 24 of the Act of 1988):

“(2) This section applies to a body which—

(a) represents or promotes the formation of co-operative or voluntary groups or associations which have as an object the provision of—

(i) houses, or

(ii) sites, within the meaning of section 2 of the *Housing (Traveller Accommodation) Act, 1998*, for the accommodation of travellers,

or

(b) provides information, advice or training or conducts research in relation to—

(i) houses, or

(ii) sites, within the meaning of section 2 of the *Housing (Traveller Accommodation) Act, 1998*, for the accommodation of travellers.”.

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

“Provision of sites for caravans.

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

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

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

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

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

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

(7) In this section—

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

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

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

“(c) the provision of caravans or the provision, improvement or management by the authority of sites for caravans

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Amendment of section 13 of Act of 1988.

Amendment of section 15 of Act of 1988.

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referred to in section 13 (as amended by the *Housing (Traveller Accommodation) Act, 1998*) for persons to whom that section applies;”.

Amendment of section 50 of Local Government Act, 1991.

31.—Section 50 of the Local Government Act, 1991, is hereby amended in subsection (2) by the insertion after paragraph (b) of the following paragraph:

“(bb) particulars of the activities of the local consultative committee and the steps taken to secure the implementation of an accommodation programme for the functional area concerned under the *Housing (Traveller Accommodation) Act, 1998*, during the period to which the report refers;”.

Amendment of section 10 of Act of 1992.

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

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

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

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

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

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

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

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

and such temporary dwelling could, in the opinion of the housing authority within whose functional area such temporary dwelling has been erected, placed, occupied or otherwise retained, appropriately be accommodated on any site provided, managed or controlled under

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section 13 of the Act of 1988 (as amended by the *Housing (Traveller Accommodation) Act, 1998*), or any site provided or managed under section 6, the housing authority may serve a notice on that person requiring that person, within a specified period, to remove such temporary dwelling to the said site,

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

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

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

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

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

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

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

and

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

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

Amendment of section 34 of Act of 1992.

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

Amendment of section 1 of Act of 1997.

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

- (a) the insertion in paragraph (b) of the definition of “anti-social behaviour” after “house is situate” of “or a site”,
- (b) the insertion of the following definition after the definition of “anti-social behaviour”:

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

- (c) the insertion in paragraph (b) of the definition of “estate management” after “1997” of “or a site”,
- (d) the insertion in the definition of “respondent” of “or where appropriate under section 3A” after “section 3”, and
- (e) the insertion of the following definitions after the definition of “respondent”:

“ ‘site’ means—

- (a) a site to which section 13 of the Housing Act, 1988, (as amended by the *Housing (Traveller Accommodation) Act, 1998*) applies, and
- (b) a site provided or managed under section 6 of the Housing (Miscellaneous Provisions) Act, 1992;”, and

“ ‘site excluding order’ has the meaning assigned to it by section 3A;”.

Amendment of Act of 1997.

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

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

“Site excluding orders.

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

(2) A housing authority or an approved body may, in respect of a site provided by the housing authority or the

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approved body under the *Housing Acts, 1966 to 1998*, apply to the District Court for a site excluding order against a respondent whom the housing authority or the approved body believe to be engaging in anti-social behaviour and where the housing authority or the approved body—

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- (a) having consulted the authorised person concerned and the health board in whose functional area the site is situate, believe that such authorised person may be deterred or prevented by violence, threat or fear from pursuing an application for a site excluding order, and
- (b) consider that, in the interests of good estate management, it is appropriate, in all the circumstances, to apply for a site excluding order.

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

- (a) direct the respondent, if residing at the site in respect of which the application was made, to leave that site, and
- (b) prohibit the respondent, whether or not the respondent is or is not residing at the site, for the period during which the order is in force, from entering or being in the vicinity of that site or any other specified site or being on or being in or in the vicinity of any specified site.

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

(5) Where a site excluding order has

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

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

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

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

- (a) require the respondent, within a specified period, or
- (b) permit the respondent, on such conditions as the court may specify,

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

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

- (a) 'excluding order' shall be construed and have effect as including a reference to a site excluding order,
- (b) 'interim excluding order' shall be construed and have effect as including a reference to an interim site excluding order,
- (c) 'house' or 'housing estate' shall be construed and have effect

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as including a reference to a Pt.III S.35 site, and

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

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

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

and

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

"Authorisation to occupy caravan on site.

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

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

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

36.—The Act of 1997 is hereby amended—

Miscellaneous amendments to Act of 1997.

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

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

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



[CLICK HERE FOR ACT](#)

**ACHT NA dTITHE (CÓIRÍOCHT DON LUCHT SIÚIL), 1998
HOUSING (TRAVELLER ACCOMMODATION) ACT, 1998**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

EXPLANATORY AND FINANCIAL MEMORANDUM

Background

The Act is designed to put in place a legislative framework to facilitate implementation of the Government's commitments in relation to meeting the accommodation needs of travellers, as set out in "An Action Programme for the Millennium" and in "Partnership 2000 for Inclusion, Employment and Competitiveness".

Purpose of the Act

The Act amends and extends the Housing Acts, 1966 to 1997, the Local Government Act, 1991 and the Local Government (Planning and Development) Acts, 1963 to 1998:—

- (a) to provide that each major housing authority (i.e. each county council, county borough, borough corporation and Bray and Dundalk urban district councils) prepare and have adopted a five year programme, subject to periodic review, for the provision of traveller accommodation in their area;
- (b) to provide that adoption of programmes will be a reserved function (i.e. adopted by resolution of the members of the council) but, in the event that the members fail to adopt a programme by a date to be specified by the Minister, (i.e. the Minister for the Environment and Local Government) the manager will be required to adopt the programme, by order, within one month of the latest date for its adoption by the members and subject to such modifications, if any, as the manager considers necessary;
- (c) to provide for a public notification and consultation process in respect of the preparation of traveller accommodation programmes including an opportunity to comment on draft programmes;
- (d) to require housing authorities to take reasonable steps to secure the implementation of traveller accommodation programmes for their functional area;
- (e) to provide for the establishment of the National Traveller Accommodation Consultative Committee on a statutory basis to advise the Minister on any general aspect of traveller accommodation;

- (f) to provide for the establishment by each county council and county borough council of a local traveller accommodation consultative committee to facilitate consultation with travellers about the preparation and implementation of traveller accommodation programmes;
- (g) to extend statutory backing for the provision of financial support to housing authorities and the voluntary sector for the provision and management of traveller accommodation;
- (h) to extend the range of options available to travellers to acquire appropriate accommodation by introducing a statutory framework for housing authority loans for caravans or sites for caravans;
- (i) to enhance the powers available to housing authorities to control unauthorised temporary dwellings in their functional area;
- (j) to amend the Local Government (Planning and Development) Acts, 1963 to 1998, to ensure that county and urban development plans specifically include objectives concerning the provision of traveller accommodation;
- (k) to provide that annual reports prepared by county councils and county borough corporations include details of the steps taken to secure implementation of traveller accommodation programmes for their functional area and information concerning the proceedings of the relevant local traveller accommodation consultative committee;
- (l) to extend to halting sites the powers available to local authorities under the Housing (Miscellaneous Provisions) Act, 1997, relating to anti-social behaviour.

PRELIMINARY AND GENERAL

PART I

Section 1 gives the short title of the Act and provides for collective citation, construction and commencement.

Interpretation

Section 2 is the general interpretation section and includes definitions of terms used in the Act. Since the Act, other than *sections 25* and *26*, is being construed with the Housing Acts, 1966 to 1997, definitions in those Acts also apply, as appropriate. Certain other terms, the use of which is limited to particular Parts or sections of the Act, are defined in those Parts or sections.

Expenses

Section 3 is a standard provision and provides that any expenses incurred by the Minister in the administration of the Act will be paid out of moneys provided by the Oireachtas.

Directions

Section 4 enables the Minister to amend or revoke any directions given under the Act.

TRAVELLER ACCOMMODATION PROGRAMMES

PART II

Relevant housing authorities (as defined) will be obliged under this Part to carry out assessments of the need for accommodation for travellers on sites for caravans and to adopt and implement 5 year accommodation programmes to meet the needs identified. Other housing authorities (i.e. urban district councils other than Bray and Dundalk) will be required to carry out assessments of traveller needs for housing and may be involved in developing specific projects for the provision of accommodation under the programme.

Interpretation

Section 5 is the interpretation section for *Part II*. The 29 county councils, 5 county boroughs, 5 borough corporations and Bray and Dundalk urban district councils are “relevant housing authorities” for the purposes of this Part. The existing power of the Minister to transfer functions, in certain circumstances, between housing authorities applies to functions of a relevant housing authority.

Assessment of Accommodation Needs

Section 6 provides that relevant housing authorities make an assessment of the need for sites for caravans to accommodate travellers when assessing the housing accommodation needs of travellers under section 9 of the Housing Act, 1988, or at such other times as the Minister may direct. Notice of the assessments must be given to the local traveller accommodation consultative committee and regard had to the views, if any, of such committee. In assessing the need for sites for caravans the relevant housing authority must have regard to the estimated growth in the need for accommodation in the area in the period to be specified by the Minister (e.g. the duration of a 5 year programme) and the need for transient halting sites. Any information held by other housing authorities (i.e. urban district councils) in relation to the needs of travellers for housing accommodation must be made available to the relevant housing authority. The results of the assessments will form the basis for, and be an important first step in, the preparation of the 5 year programme for the area.

5 Year Accommodation Programmes

Section 7 requires each relevant housing authority to adopt a 5 year traveller accommodation programme by resolution of the members of the authority by a date to be specified by the Minister. A further period of up to 21 days is allowed under *section 13* where the meetings at which the adoption of a programme is being considered may be adjourned. This section also facilitates those relevant housing authorities which may wish to combine to adopt a programme jointly with another authority. *Section 14* provides for the situation where members fail to comply with the obligation to adopt a programme by the date specified.

Section 8 provides for the prior notification to the public authorities specified, the local traveller accommodation consultative committee, local community bodies and other bodies considered appropriate of an authority’s intention to prepare a draft of an accommodation programme, or a draft amendment to or a draft replacement of a programme.

Public Consultation

In addition to the requirement under section 8 for prior notice to local community bodies, *section 9* provides for formal procedures for consultation with the public before a programme, or an amendment to or a replacement of a programme, is adopted. A notice must be

published in not less than one newspaper circulating in the area indicating where, and the time during which, a copy of the draft may be inspected. A period of 2 months from the date of publication of the notice will be allowed for the making to the authority of submissions, to which the relevant housing authority must have regard. There is also provision for the local community bodies notified earlier in the preparation process to be supplied with a copy of the published notice and of the proposed draft.

Form and Content of Accommodation Programmes

Section 10 provides for the form and content of accommodation programmes. The first programme will be for a specified 5 year period and for subsequent programmes each succeeding period of 5 years or each such shorter period as the Minister shall direct. The section sets out those matters which must be included in a programme (i.e. information on the accommodation needs of travellers obtained from various sources). Such sources may include the most recent assessment of housing needs carried out under section 9 of the Housing Act, 1988, or where those sources are not adequate or up to date, such other sources of information as the Minister may direct. The programme must include a statement of the authority's policy as to how the accommodation needs are to be met and a strategy to secure implementation of the programme. The programme must also contain specific measures across a range of options and may include the direct provision and management of accommodation by housing authorities or assistance from such authorities to travellers or voluntary bodies for the provision or management by them of accommodation. In preparing programmes regard must be had to the accommodation needs which have been identified including the need for transient halting sites and the distinct needs and family circumstances of travellers. The Minister may issue directions as to other matters which must be included in a programme or to which regard must be had in preparing a programme. Regard must also be had to any submissions received in accordance with the provisions of *section 9* and the relevant housing authority is empowered to amend a draft in the light of such submissions.

Procedures for Adoption of Accommodation Programmes

Sections 11 and *12* provide for the submission of the draft to the members of the authority, together with a report on the submissions received and the authority's response, at least three months before the date by which the draft must be adopted. Copies of the draft programme must be forwarded to bodies notified at the earlier stages of the process.

Section 13 allows for the adjournment of a meeting, at which the adoption of a draft programme or an amendment to or replacement of a programme is being considered, for up to a maximum of 21 days after the date specified for its adoption.

Section 14 provides that, where the members of the authority fail to adopt a programme or an amendment to or a replacement of a programme, the county or city manager, as the case may be, must do so, by order, within one month. The manager may make any modifications which he/she considers are appropriate before adopting the programme, or the amendment to, or the replacement of the programme.

Section 15 provides for the publication of a notice that a programme, or an amendment to or a replacement of a programme, has been adopted and stating where copies may be inspected or purchased. There is also a requirement on the relevant housing authority

to furnish copies to members of the authority, the Minister, and bodies notified at earlier stages of the process and to make arrangements for the notice to be displayed at such offices of the relevant housing authority to which the public have access as considered appropriate by the housing authority.

Implementation and Review of Accommodation Programmes

Section 16 places an obligation on the relevant housing authority which adopted the programme and other housing authorities within the functional area concerned (i.e. any urban district councils), to take such reasonable steps as are necessary to implement the programme. There is also an obligation on other housing authorities (i.e. urban district councils) to have regard to the provisions of the accommodation programme when performing any of their functions in relation to traveller accommodation.

Section 17 provides for the review of programmes. A review must be conducted at least once every 3 years or at such other time as the Minister may direct. This provision also allows more frequent reviews to be conducted by the authority if circumstances require it. An authority may amend or replace a programme on foot of such review; any such amendment or replacement is to be made within a period of seven months. Any amendment to or replacement of a programme is subject to the same procedures and requirements, including public consultation, as the original programme.

Section 18 empowers the Minister to require that a programme be adopted jointly by 2 or more authorities, that the preparation and adoption of programmes be co-ordinated in a specified manner, or that a programme be amended in a specified manner in the interests of ensuring co-ordination of accommodation programmes. Provision is also made for prior consultation with the local authorities concerned and the specification of dates by which the Minister's requirements are to be carried out.

National Traveller Accommodation Consultative Committee

Section 19 provides for the appointment and terms of reference of a National Traveller Accommodation Consultative Committee to advise the Minister in relation to general traveller accommodation issues. There is provision for the Minister to seek the advice of the Committee on specific issues. The Committee also has discretion to choose issues on which it wishes to advise. The Minister is required to make the arrangements for the first meeting of the Committee; otherwise it is a matter for the Committee to conduct its business as it sees fit. The Minister may provide secretarial services and support and advice to enable the Committee to conduct its business. The committee shall submit an annual report to the Minister which shall be laid before each House of the Oireachtas. In view of the importance of ensuring consultation between travellers and the authorities concerned at national level, a National Traveller Accommodation Consultative Group was established in December, 1996, on a non-statutory basis.

Section 20 provides for the composition and methods of selection of the membership of the Committee which will have a maximum of 12 members, including the chairperson. A number of national bodies are to be represented on the Committee and the proposed membership is designed to achieve a balance between public authorities, and travellers or traveller organisations. In addition, two of the members will be persons who, in the opinion of the Minister, have experience in relation to accommodation for travellers or are concerned with their general welfare. The term of office is a maximum of three years

but members may be eligible for reappointment. The section contains standard provisions in relation to the removal of members from office, resignations, the filling of vacancies, etc.

Local Traveller Accommodation Consultative Committees

Section 21 will require the 29 county councils and 5 county borough corporations each to appoint a local traveller accommodation committee to facilitate consultation between local authorities and travellers and to advise on any aspect of accommodation for travellers. The committee may advise the authority which appointed it and, where requested, any other adjoining county council or county borough corporation. A committee appointed by a county council may also advise any urban district council or borough corporation in that county. Issues on which the committee may advise include the preparation of and implementation of accommodation programmes for the area and the management of accommodation. There are a number of matters about which the committee must be consulted such as the making of an assessment of the need for accommodation; the preparation of a draft accommodation programme, etc. The Minister may issue directions about the composition, periods of appointment, terms of reference and the services and support to be provided by the authorities to the committees. The proceedings of the Committee will not be invalidated by vacancies among the membership.

Section 22 provides for the appointment of a chairperson and sets out in greater detail the requirements as to the interests to be represented on the committee. The making of an appointment is a reserved function. Representation is limited to the members and officials of the authority concerned and representatives of local travellers and traveller bodies. The 5 borough corporations and the urban district councils of Bray and Dundalk must also have a representative on the county committee in whose area they are situated. Limits on the representation of each interest are specified to ensure that a working balance is established. A committee has discretion to organise its procedure and business as it sees fit.

Section 23 is a saver provision designed to ensure that a housing authority is not prevented from providing accommodation for travellers during the period between the coming into force of the Act and the date on which an accommodation programme in respect of their area has been adopted.

MISCELLANEOUS

PART III

Section 24 is a provision to ensure that a manager of a local authority is not prevented from exercising his/her powers in relation to the carrying out of works necessary for the provision of a reasonable standard of accommodation for any person, including travellers, in an emergency situation.

Section 25 provides local authorities with powers to give loans for the provision of private traveller specific accommodation, i.e. caravans or sites for caravans. It covers the acquisition of land and the construction of serviced units and hardstand associated with sites for caravans. It also provides for the making of loans for caravan replacement or repair. Any loans scheme will be subject to terms and conditions to be specified by the Minister for the Environment and Local Government with the consent of the Minister for Finance.

County and City Development Plan

Sections 26 and 27 provide for the amendment of the Local Government (Planning and Development) Act, 1963, and for consequential provisions to ensure that planning authorities include objectives in relation to the provision of accommodation for travellers and the use of particular areas for that purpose in county or urban development plans. Such objectives may be included in the development plan either by a variation of an existing plan or when a new development plan is adopted. There is also a saver provision for the period, if any, between the adoption of a programme and the date by which objectives in relation to the provision of accommodation for travellers have been included in a development plan. This provision will enable a housing authority, for the period in question only, to implement an adopted accommodation programme (which will have been subject to a public consultation process) without contravening the development plan.

Sites for Caravans

Sections 28 and 30 provide for technical amendments of section 3 of the Housing (Miscellaneous Provisions) Act, 1979, and section 15 of the Housing Act, 1988, to give statutory backing for schemes of financial assistance to—

- (a) voluntary bodies providing sites for travellers' caravans, and
- (b) local authorities for the provision of caravans or the maintenance, as well as the provision or improvement as at present, of sites for travellers' caravans.

Section 29 provides for the amendment of section 13 of the Housing Act, 1988, to provide for the issue of guidelines by the Minister in relation to sites for caravans to which housing authorities shall have regard. The amended provision also clarifies that the powers of housing authorities to provide, improve, manage and control sites, extends to sites with limited facilities in specified situations, such as—

- (a) transient sites (i.e. for stays of short duration), and
- (b) pending the provision of permanent accommodation under an accommodation programme.

Information on Progress of Accommodation Programmes

Section 31 provides for the amendment of the Local Government Act, 1991, to require that the annual report by a county council or a county borough corporation under section 50 of that Act includes information on the activities of the local traveller accommodation consultative committee and on progress made in implementing an accommodation programme.

Unauthorised Encampments on Public Land

Section 32 provides for improvements in the powers available to housing authorities to require the removal of an unauthorised temporary dwelling (e.g. a caravan etc. parked in a public place). Under the revised provisions a housing authority will be empowered to serve a notice to move in the situations summarised below. In the event of non-compliance with the terms of the notice the housing authority may remove the temporary dwelling to the specified location, or, in the case of the category at subsection (1)(c), to a place which is not less than one mile from the accommodation concerned.

— *Site within 5 miles*

Notice may be served to remove the temporary dwelling to a serviced site, including a site with limited facilities, within a 5 mile radius, where the temporary dwelling could be appropriately accommodated. The site to which the temporary dwelling may be removed may be in the functional area of the housing authority serving the notice or, with the agreement of the other authority, in the area of another housing authority, or, with the agreement of a voluntary organisation, a site provided by that organisation.

— *Any site within or outside the functional area*

Where the temporary dwelling is in poor condition or in other defined circumstances the notice may require removal of the temporary dwelling to any serviced site, including a site with limited facilities, in their functional area, or, with the agreement of the other authority, to a site in the functional area of another housing authority, or, with the agreement of a voluntary organisation, to a site provided by that organisation.

— *Anywhere outside 1 mile radius*

Where the temporary dwelling is illegally parked within a radius of 1 mile from any traveller accommodation provided by or with the assistance of the authority or any other housing authority and in other circumstances defined, the notice may require removal of the temporary dwelling to anywhere outside a 1 mile radius of the accommodation in question.

Section 33 provides for the application of the penalties provisions of section 34 of the Housing (Miscellaneous Provisions) Act, 1992 to contravention of any regulations made under section 20A of the 1992 Act. This would include contraventions of the Housing (Registration of Rented Houses) Regulations, 1996.

Anti-Social Behaviour and Good Estate Management

Sections 34 to 36 provide for the application to bays on sites for caravans provided by local authorities or approved voluntary bodies of a number of sections of the Housing (Miscellaneous Provisions) Act, 1997, which give improved powers to local authorities and voluntary bodies to assist them in addressing problems arising from drug dealing and anti-social behaviour. The 1997 Act applies only to local authority and voluntary housing and housing estates and includes group housing or standard housing let to travellers. The amendments are necessary to extend the application of appropriate provisions to sites for caravans.

Sections 34 and 36 provide for the necessary amendment of the definitions of a number of terms used in, and other technical amendments to, relevant sections of the 1997 Act. “Anti-social behaviour” is being extended to include drug dealing and serious activities such as violence, intimidation and other behaviour causing or likely to cause serious danger, injury or fear to persons on a halting site. The term “estate management” will also be similarly extended to halting sites.

Section 35 provides for the making of a “site excluding order” where the authorised occupier of a caravan on a site owned by the housing authority or an approved body applies to the District Court for such an excluding order against a person whom the occupier believes to be engaged in anti-social behaviour. A housing authority or an approved body may also seek such an order, after consultation with the authorised occupier concerned and the local health board, where the authority or body believe that the occupier would be

intimidated from seeking an order and that it is in the interest of good estate management. The procedural arrangements that apply to an excluding order under sections 4 to 12 of the 1997 Act are being applied to site excluding orders. An additional provision is being introduced enabling the Court, if it thinks fit or appropriate, when making a site excluding order, to require or permit a person who is the subject of such an order to have access to the site for the purpose of removing a caravan owned by that person.

A housing authority may also refuse or defer an authorisation to a person to occupy a caravan on a site if the authority considers that the person is or has been engaged in anti-social behaviour, or that it would be in the interest of good estate management or if the person fails to provide certain requested information which is required to assess the application for the authorisation.

Financial Implications

It is not possible at this stage to estimate the cost of implementing local five year traveller accommodation programmes. This will depend on the number of units of accommodation to be provided under the programmes, the mix of accommodation and the phasing of projects. A sum of £11 million has been provided in 1998 for the provision of halting sites and group housing schemes for travellers. It is envisaged that traveller accommodation programmes adopted in accordance with the provisions of the Act will be implemented over the period 1999—2004, and that the annual provision for halting sites and group housing schemes will have to be increased towards a full-year cost of about £17 million (1998 prices). This compares with an outturn of £9.5 million in 1997 and £6.5 million in 1996. In addition travellers will be accommodated in standard local authority housing the costs of which are met from within the local authority housing construction programme.

The only other direct Exchequer costs arising from the Bill are the expenses of the National Traveller Accommodation Consultative Committee, the provision for which is £10,000 in 1998. In addition, local authorities will incur limited, but unquantifiable, extra staff costs in the preparation of programmes, consultations with travellers etc.

*An Roinn Comhshaoil agus Rialtais Áitiúil,
Iúil, 1998.*