



STATUTORY INSTRUMENTS.

S.I. No. 648 of 2021

ELECTORAL (POLLING SCHEMES) REGULATIONS 2021

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I, MALCOLM NOONAN, Minister of State at the Department of Housing, Local Government and Heritage, in exercise of the powers conferred on me by section 28(1) of the Electoral Act 1992 (No. 23 of 1992) and the Housing, Local Government and Heritage (Delegation of Ministerial Functions) (No. 2) Order 2020 (S.I. No. 747 of 2020) hereby make the following Regulations –

1. These Regulations may be cited as the Electoral (Polling Schemes) Regulations 2021.

2. In these Regulations –

“local authority” means the council of the county, city or city and county to which a scheme relates;

“local electoral area” means the area by reference to which a local election is held;

“Minister” means the Minister for Housing, Local Government and Heritage;

“returning officer” means the returning officer for each Dáil constituency or part of a Dáil constituency comprised in a county, city or city and county to which a scheme relates;

“scheme” means a scheme under section 28 of the Electoral Act 1992 dividing a county, city or city and county into polling districts for the purposes of Dáil elections, European elections and local elections within the meaning of Part 4 of the Local Government Act 2001 and appointing a polling place for each polling district.

3. A scheme shall –

- (a) have a separate section for each Dáil constituency or part of a Dáil constituency to which it relates;
- (b) distinguish in each such section the part relating to each local electoral area or part of a local electoral area comprised therein;

- (c) divide a county, city or city and county into polling districts consisting, as far as practicable, of one or more electoral divisions; and
- (d) set out –
 - (i) the name of every polling district constituted thereby;
 - (ii) the electoral divisions of which every such polling district is composed or, where portion only of an electoral division is included in a polling district, the townlands or other areas included in such portion; and
 - (iii) the polling place appointed for each polling district.

4. (1) Before making a scheme, the local authority shall prepare a draft of the scheme (hereinafter referred to as a “draft scheme”) and shall –

- (a) send a copy thereof and a summary of any changes proposed to be effected thereby to each returning officer and member of Dáil Éireann for the constituency or constituencies to which the draft scheme relates, together with a statement that the local authority will consider any proposals for alteration in the draft scheme notified to it within five weeks from the day on which such copy is sent; and
- (b) give public notice, by any method which the local authority thinks necessary or desirable for the purpose of bringing the draft scheme to the attention of the public, of the preparation of the draft scheme and of the availability of copies of the draft scheme for inspection during office hours at a specified place or places (and copies of the draft scheme shall be so made available for a period of five weeks from the date that the public notice is given), together with a statement that the local authority will consider representations in relation to the draft scheme made to them within five weeks from the date that the public notice is given.

(2) The local authority shall publish a copy of the draft scheme on its website and shall furnish a copy of the draft scheme in printed form, on payment of a fee not exceeding the reasonable cost of copying, to any person making application therefor.

5. On the expiration of the five week periods specified in regulation 4(1), the local authority shall consider any proposals for alterations notified to them or any representations made to them in accordance with regulations 4(1)(a) and 4(1)(b) and may then make the scheme in accordance with the draft scheme or with such amendments of the draft scheme as they consider proper.

6. Where a scheme has been made, the local authority shall –

- (a) give public notice in such manner as they think fit of the making of the scheme and of the date on which the scheme is to come into operation;
- (b) furnish a copy of the scheme to each returning officer and member of Dáil Éireann for each constituency to which the scheme relates;
- (c) keep a copy of the scheme available for inspection during office hours at the office of the local authority; and
- (d) publish a copy of the scheme on its website and furnish a copy of the scheme in printed form, on payment of a fee not exceeding the reasonable cost of copying, to any person making application therefor.

7. The Electoral (Polling Schemes) Regulations, 2005 (S.I. No. 108 of 2005) are hereby revoked.

GIVEN under my hand,
30 November 2021

MALCOLM NOONAN,
Minister of State at the Department of Housing, Local Government
and Heritage.

EXPLANATORY NOTE

(This note is not part of the instrument and does not purport to be a legal interpretation.)

These Regulations set out the procedure to be followed by county, city and city and county councils in making schemes of polling districts and polling places for the purpose of holding elections and referendums. The Regulations revoke the Electoral (Polling Schemes) Regulations 2005 in the light of the new local government structures arising from the enactment of the Local Government Reform Act 2014.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach 6
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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