

**STATUTORY INSTRUMENTS**

**S.I. No. 362 of 2006**

**LOCAL GOVERNMENT ACT, 2001 (BYE-LAWS) REGULATIONS, 2006.**

PUBLISHED BY THE STATIONERY OFFICE  
DUBLIN

To be purchased directly from the  
GOVERNMENT PUBLICATIONS OFFICE,  
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2  
or by mail order from  
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION  
51 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Telephone: 01 6476834/35/36/37; Fax: 01 6476843)  
or through any bookseller

**PRN. A6/1116**

**Price €1.27**

**S.I. NO. 362 OF 2006**

**LOCAL GOVERNMENT ACT, 2001 (BYE-LAWS) REGULATIONS 2006**

The Minister for the Environment, Heritage and Local Government, in exercise of the powers conferred on him by sections 4, 200 and 206 of the Local Government Act, 2001 (No. 37 of 2001), hereby makes the following Regulations:-

1. These Regulations may be cited as the Local Government Act, 2001 (Bye-Laws) Regulations 2006.
2.
  - (1) In these Regulations, "the Act of 1990" means the Local Government (Water Pollution) (Amendment) Act 1990 (No. 21 of 1990);
  - (2) In these Regulations, save where the context otherwise requires, a reference to a section is a reference to a section of the Local Government Act 2001.
3. These Regulations shall come into operation on 10 July 2006.
4. A local authority shall on, or as soon as may be after, the publication by it of a notice pursuant to section 200(1), send a copy of such notice together with a copy of the relevant draft bye-law –
  - (a) to the "appropriate Minister" within the meaning of section 198(1),
  - (b) to each Superintendent of the Garda Síochána in whose district the bye-law would have application,
  - (c) in the case of a bye-law to be made under section 199(1), to any other local authority in whose functional area or part thereof the bye-law would have application,

- (d) in the case of a bye-law to be made under section 199(2) by a town council, to the council of the county in which the town is situated and of which it forms part.
5. A local authority shall on, or as soon as may be after, the publication by it of a notice pursuant to section 202(1), send a copy of the notice together with a copy of the relevant bye-law to each of the persons it notified pursuant to article 4 of these Regulations.
6. The amount prescribed for the purposes of section 206(1) shall be €75 and, accordingly, the amount of a fixed payment specified in a bye-law shall not exceed that amount.
7. A fixed payment notice provided for in a bye-law pursuant to section 206 shall be in the general form of the notice set out in the Schedule to these Regulations subject to such alterations as may be considered appropriate by the relevant local authority in the case of a particular bye-law.
8. A fixed payment notice under section 206 shall be signed on behalf of the local authority concerned by an "authorised person" within the meaning of section 204(1).
9. Where a notice is served pursuant to section 206 -
- (a) (i) the person to whom the notice applies may, during the period specified in the notice, make to the local authority specified in the notice the payment specified in the notice and such payment shall be accompanied by a copy of the notice,
  - (ii) that local authority may retain the money so paid and issue a receipt for it, and
  - (iii) no payment so received shall in any circumstances be recoverable by the person who made it.
- (b) A prosecution in respect of the alleged contravention shall not be instituted before the expiry of the period specified in the notice.

10. (1) Subsections (3) to (8) of section 199 (other than paragraph (i) of subsection (3)), sections 200, 202, 203, 204, 205 (other than subsection (1)), 206, 207, 208 and 234 shall apply in relation to bye-laws under section 21 of the Act of 1990.
  - (2) The Minister for the Environment, Heritage and Local Government shall be the appropriate Minister for the purposes of Part 19 of the Act of 2001 in relation to bye-laws under section 21 of the Act of 1990.
  - (3) Subsections (2)(e) and (4) of section 21, sections 26 and section 27(c) of the Act of 1990 shall not apply in relation to bye-laws made under section 21 of that Act.
11. (1) The Local Government Act 1994 (Bye-Laws) Regulations, 1995 (S.I. No. 360 of 1995) are hereby revoked.
  - (2) The Local Government Act 1994 (Bye-Laws) Regulations, 1999 (S.I. No. 78 of 1999) are hereby revoked.



## **EXPLANATORY NOTE**

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

These Regulations deal with certain procedural and other matters related to bye-laws made by local authorities under Part 19 of the Local Government Act, 2001. The Regulations also apply certain provisions of Part 19 of the Local Government Act, 2001 to bye-laws made under the Local Government (Water Pollution) Act 1990, and revoke two existing bye-law Regulations.