

# Government Legislation Programme: Overview

## BRIEFING

### IN DETAIL, INSIDE:

|                                 |    |
|---------------------------------|----|
| Company Law                     | 2  |
| Financial Services              | 2  |
| Planning & Environment          | 3  |
| Employment & Equality Law       | 4  |
| Data Protection & IT            | 4  |
| Energy                          | 5  |
| Real Estate                     | 6  |
| Administration of Justice       | 6  |
| Broadcasting                    | 7  |
| Intellectual Property           | 7  |
| Transport & Road Traffic        | 8  |
| Taxation & Revenue              | 8  |
| Administrative & Public Law     | 9  |
| Education                       | 10 |
| Health Services & Public Health | 11 |
| Criminal Justice                | 13 |

On 8 June 2016 the Government published its Legislation Programme for the new parliamentary term. This briefing highlights the key points, many of which are intended to give effect to the commitments made in the recently published Programme for Government 2016 (see [here](#)).

### Pre-Legislation Scrutiny

For the first time the Legislation Programme reflects a new phase to the parliamentary and legislative process. Oireachtas committees are being given the opportunity to consider the heads<sup>1</sup> of a bill<sup>2</sup> while the relevant bill is being drafted. This is to enable such parliamentary committees to contribute to the preparation of the proposed legislation, including by hearing the views of stakeholders such as experts on the subject-matter that the bill will address, and by reporting the committee's view to the relevant minister.

### Something Old, Something New

The Legislation Programme for the first term of the 32<sup>nd</sup> Dáil Éireann includes many bills that had been before the 31<sup>st</sup> Dáil and which have been restored to the order paper. Such a parliamentary step means that each of those bills resumes at the point of the legislative process that it had reached when the 31<sup>st</sup> Dáil was dissolved to allow for the General Election.

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<sup>1</sup> The "heads of a bill" are the detailed instructions from civil servants to the legislative drafters, setting out the objectives, policy and broad structure of the proposed legislation.

<sup>2</sup> A proposal for an Act of the Oireachtas is called a "bill".

Government  
Legislation  
Programme: Overview

(continued)

**Proposed Legislation: Key Points**

We set out below the key points of the Legislation Programme, according to selected industry / administrative sectors.

**Company Law**

| Bill                        | Purpose  | Status  |
|-----------------------------|--|---|
| Companies (Accounting) Bill | To transpose the EU Accounting Directive (2013/34/EU)  | <b>A “priority bill”</b><br><br>Committee reported in April 2015. No requirement for pre-legislative scrutiny |
| Statutory Audits Bill       | To further transpose some options in the EU Audit Directive 2014/56/EU and in EU Regulation 537/2014 | Heads are expected late in 2016   |

**Financial Services**

| Bill  | Purpose   | Status  |
|---|---|---|
| Financial Services and Pensions Ombudsman Bill              | To amalgamate the Offices of the Pensions Ombudsman and that of the Financial Services Ombudsman  | <b>A “priority bill”</b><br><br>Pre-legislative scrutiny to be undertaken as soon as possible |
| Single Resolution Board (Loan Facility Agreement) Bill 2016 | To provide for the lending of sums by the State to the EU Single Resolution Board   | Restored bill: completed first stage in Dáil Éireann  |
| Central Bank Consolidation Bill                             | To consolidate all of the collectively cited Central Bank Acts  | “Work is underway”  |
| Investment Limited Partnership (Amendment) Bill             | To amend some collective investment scheme enactments, the Investment Limited Partnership Act 1994 and the Limited Partnership Act 1907 | “Work is underway”  |
| Health Insurance (Amendment) Bill                           | To amend the risk equalisation credit rates and corresponding stamp duty levies payable under the Risk Equalisation Scheme              | No information available  |

Government  
Legislation  
Programme: Overview  
(continued)

**Planning & Environment**

| Bill   | Purpose   | Status  |
|--|---|---|
| Water Services Bill                            | To suspend water charges for nine months and establish an external advisory body  | <b>A “priority bill”</b><br>Pre-legislative scrutiny to be determined   |
| Wildlife (Amendment) Bill                      | To provide necessary powers to the Minister to allow the de-designation of certain Raised Bog Natural Heritage Areas, as required in line with a review approved by Government in 2014 and submitted to the European Commission in the context of ongoing legal action against Ireland  | <b>A “priority bill”</b><br>Pre-legislative scrutiny to be determined   |
| Minerals Development Bill 2015                 | To reform legislation on the exploration for and development of State minerals including changes to the regulatory regime   | Restored bill: completed Seanad Éireann and at second stage in Dáil Éireann   |
| Planning and Development (Amendment) Bill 2016 | To establish an Office of the Planning Regulator, to (a) evaluate and carry out assessments relating to planning matters and provide observations and recommendations in relation to those matters, (b) conduct reviews and examinations and (c) conduct education and training programmes and research in relation to planning matters | Restored bill: completed first stage in Dáil Éireann  |
| Heritage Bill 2016                             | To (a) regulate certain countryside activities such as burning vegetation and (b) empower Waterways Ireland to make canal bye-laws  | To be restored to Seanad Éireann order paper (at committee stage)   |
| National Monuments Bill                        | To consolidate and update legislation governing the protection and regulation of the national archaeological heritage   | “Heads approved and work is proceeding”   |
| Maritime Area and Foreshore (Amendment) Bill   | To streamline the development consent process for the foreshore including, <i>inter alia</i> , the integration of certain parts of the foreshore consent process (under the Foreshore Act 1933) with the existing on-land planning system   | Heads were approved on 23 July 2013. Pre-legislative scrutiny undertaken in February 2014. Bill may be resubmitted for further pre-legislative scrutiny |

Government  
Legislation  
Programme: Overview  
(continued)

**Employment & Equality Law**

| Bill  | Purpose  | Status   |
|---|--|--|
| Paternity Bill  | To provide for the introduction of two weeks paternity leave, and associated social welfare benefits, from September 2016  | A “priority bill”<br>Pre-legislative scrutiny to be determined                             |
| Civil Service Regulation (Amendment) Bill                         | To streamline and strengthen civil service disciplinary decision-making and appeals processes  | “Work is underway”   |
| Health & Wellbeing (Calorie Posting and Workplace Wellbeing) Bill | In part, to require all public sector employers to have and to report on a “health and wellbeing policy”   | Heads are being drafted  |
| Disability/Equality (Miscellaneous Provisions) Bill               | To allow ratification of the UN Convention on Rights of People with Disabilities and to make further technical amendments to disability and equality legislation | Heads were approved in February 2016 and pre-legislative scrutiny is to be taken “shortly” |
| Family Leave Bill   | To consolidate, with amendments, all family leave legislation  | No information is available  |

**Data Protection & IT**

| Bill  | Purpose  | Status   |
|---|--|--|
| Criminal Justice (Offences Relating to Information Systems) Bill 2016 | To give effect to aspects of Directive 2013/40/EU on attacks against information systems and replace Council Framework Decision 2005/222/JHA | Restored bill: completed first stage in Dáil Éireann                                     |
| Data Protection Bill  | To give effect in Irish law to the EU General Data Protection Regulation ((EU) 2016/679)   | Heads are expected late in 2016  |
| Data-Sharing and Governance Bill                                      | To create a general legal framework setting for public service bodies to share data, while respecting the Data Protection Acts               | Heads were approved in July 2015 and pre-legislative scrutiny is expected in Autumn 2016 |

Government  
Legislation  
Programme: Overview  
(continued)

| Bill                                     | Purpose  | Status  |
|--|--|---|
| Passenger Name Record Bill               | To give effect to the EU Passenger Name Record (“PNR”) Directive (which must be transposed into Irish law by May 2018), which obliges air carriers to provide member states’ authorities with PNR data for flights entering or departing from the EU | “Heads have yet to be prepared”               |
| Cybercrime Bill                          | To give effect to those provisions of the Council of Europe Convention on Cybercrime 2001 not already provided for in national law in order to enable ratification of the Convention   | “Preparatory work underway”                   |
| Criminal Records Information System Bill | To implement two EU Council Decisions that provide for the exchange of criminal records information between EU member states   | Replacement EU are measures under negotiation |

**Energy**

| Bill                               | Purpose  | Status  |
|------------------------------------|--|---|
| Energy Bill 2016                   | To (a) change the name of the Commission for Energy Regulation and update its investigative and sanctioning powers, (b) make further provision for the internal market in electricity and repealing Directive 96/92/EC and (c) give further effect to Regulation (EU) No 1227/2011 on wholesale energy market integrity and transparency | Restored bill: completed Seanad Éireann and at second stage in Dáil Éireann |
| EirGrid Bill                       | To establish EirGrid in primary legislation  | “Initial preparatory work is underway”                                      |
| Geothermal Energy Development Bill | To provide a legislative framework for the vesting, licensing and regulation of the development of geothermal energy   | “Drafting is ongoing”   |

Government  
Legislation  
Programme: Overview  
(continued)

**Real Estate**

| Bill  | Purpose   | Status   |
|---|---|--|
| Táilte Éireann Bill   | To merge the Property Registration Authority, the Valuation Office and the Ordnance Survey Office   | Heads were approved in January 2015. "Bill is progressing" |
| Mortgages Special Court Bill / Courts (Mortgage Arrears) Bill | To establish a dedicated court to "sensitively and expeditiously" handle mortgage arrears and other personal insolvency cases, including through imposing solutions, with hearings to be held in private if requested by the debtor | "Currently under consideration"                            |
| Landlord and Tenant (Law Reform) Bill                         | To update and streamline the general law relating to landlord and tenant  | "Heads approved, work is continuing"                       |

**Administration of Justice**

| Bill  | Purpose  | Status  |
|---|--|---|
| Mortgages Special Court Bill / Courts (Mortgage Arrears) Bill | See under "Real Estate"  |   |
| Mediation Bill  | To promote mediation as a viable, effective and efficient alternative to court proceedings   | Heads were approved in February 2012. "Drafting is continuing"            |
| Courts and Civil Law (Miscellaneous Provisions) Bill          | To make provision for electronic court services and to address a wide range of other measures such as amendment of the Bankruptcy and Personal Insolvency Acts | Heads are expected in September 2016                                      |
| Civil Liability (Amendment) Bill                              | To address the position of those who have been injured catastrophically and who require life-long care and attention   | Heads were approved on 27 May 2015 and drafting is at "an advanced stage" |
| Personal Injuries Assessment Board (Amendment) Bill           | To introduce a number of amendments to improve the operation and implementation of the Personal Injuries Assessment Board Act                                  | Heads are being prepared  |

Government  
Legislation  
Programme: Overview  
(continued)

| Bill                       | Purpose   | Status  |
|----------------------------|---|---|
| Family Court Bill          | To establish a Family Court as a separate division within the existing court structures   | Heads are expected in Autumn 2016             |
| Judicial Appointments Bill | To replace the Judicial Appointments Advisory Board with a new Judicial Appointment Commission  | Heads are expected late in 2016               |
| Judicial Council Bill      | To promote excellence in the exercise by judges of their judicial functions and to provide effective remedies for complaints about judicial misconduct including lay participation in the investigation of complaints | Heads approved, drafting at an advanced stage |

**Broadcasting**

| Bill                          | Purpose   | Status               |
|-------------------------------|---|----------------------|
| Broadcasting (Amendment) Bill | To amend the Broadcasting Act 2009 on the BAI 5 year review of public funding | Heads being prepared |

**Intellectual Property**

| Bill   | Purpose  | Status                              |
|--|--|-------------------------------------|
| Amendment of the Constitution (Unified Patent Court) Bill                                      | To amend Article 29 of the Constitution to recognise the International Agreement on a Unified Patent Court   | Heads were approved on 23 July 2014 |
| Copyright and Related Rights (and Miscellaneous Intellectual Property Matters) Amendment) Bill | To implement certain recommendations of the Copyright Review Committee to modernise Irish copyright law with some other ancillary necessary legislative changes to copyright | Heads are expected in June 2016     |

Government  
Legislation  
Programme: Overview  
(continued)

**Transport & Road Traffic**

| Bill   | Purpose   | Status  |
|--|---|---|
| Road Traffic Bill 2016   | To provide for (a) roadside testing of drivers for non-alcohol intoxicants and (b) Ireland-UK mutual recognition of driver disqualification | Restored bill: completed Seanad Éireann and at second stage in Dáil Éireann |
| Large Public Service Vehicle Bill                                      | To provide for a new regulatory regime for large public service vehicles  | “Work is underway with Department and relevant agencies”                    |
| Merchant Shipping (International Conventions and Maritime Safety) Bill | To implement certain international maritime conventions   | “Scoping exercise is being undertaken”                                      |

**Taxation & Revenue**

| Bill  | Purpose   | Status  |
|---|---|---|
| Taxation and Certain Other Matters (International Mutual Assistance) Bill | To complete the transposition of the OECD Mutual Convention on Administrative Assistance and the EU/Switzerland Anti-Fraud Agreement  | <b>A “priority bill”</b><br>Pre-legislative scrutiny to be undertaken as soon as possible |
| Water Services Bill   | To suspend water charges for nine months and establish an external advisory body  | <b>A “priority bill”</b><br>Pre-legislative scrutiny to be determined                     |
| Knowledge Development Box (Certification of Inventions) Bill              | To create a certification scheme to ensure that non-patented inventions can apply for the knowledge-development box lower corporate tax rate, and to make amendments to the Patents Act to re-introduce substantive examination in respect of long-term patent applications | Draft heads are expected shortly  |



Government  
Legislation  
Programme: Overview  
(continued)

Administrative & Public Law

| Bill  | Purpose  | Status  |
|---|--|---|
| Public Sector Standards Bill 2015                 | To establish the Office of Public Sector Standards Commissioner and confer functions and powers on the Commissioner, repealing aspects of the Ethics in Public Office and the Standards in Public Office legislation                 | Restored bill: at committee stage in Dáil Éireann                     |
| National Shared Services Office Bill 2016         | To provide for the establishment of the National Shared Services Office which will assume certain functions of the Minister for Public Expenditure and Reform relating to the provision of certain services to public service bodies | Restored bill: completed first stage in Dáil Éireann                  |
| Commissions of Investigation (IBRC) Bill          | To address matters affecting the work of the IBRC Commission of Investigation  | <b>A “priority bill”</b><br>Pre-legislative scrutiny to be determined |
| National Archives (Amendment) Bill                | To amend the transfer of records rule from 30 years to 20 years  | “Heads expected shortly”  |
| National Cultural Institutions (No 1) Bill        | To revise and update the governance arrangements in regard to the National Gallery, the Irish Museum of Modern Art and the Crawford Art Gallery Cork, including in respect of shared services  | “Heads approved in July 2013. Work is progressing”                    |
| National Cultural Institutions (No 2) Bill        | To revise and update the governance arrangements in regard to the National Library, the National Museum and the National Archives of Ireland, including in respect of shared services  | “Heads approved in February 2014 - Work is progressing”               |
| Digital Hub Development Agency (Dissolution) Bill | To dissolve the DHDA, repeal the 2003 Act and give effect to the merger between the DHDA and Dublin City Council   | Heads are expected in July 2016                                       |

Government  
Legislation  
Programme: Overview  
(continued)

| Bill   | Purpose   | Status   |
|--|---|--|
| Irish Aviation Authority (Amendment) Bill                        | To extend the powers of the Authority with regard to its safety regulation function and to recoup costs through fees and charges for its aviation security regulation functions         | Public consultation is expected shortly  |
| Gambling Control Bill  | To provide a new licensing and regulatory framework for gambling, the executive regulatory functions of which will be performed by a body within the Department of Justice and Equality | The pre-legislative scrutiny committee has reported  |
| Electoral Commission Bill  | To establish an Electoral Commission  | The Minister for the Environment, Community and Local Government is considering a committee report from 2015 |
| National Economic and Social Development Office (Amendment) Bill | To dissolve the NESDO and place the National Economic and Social Council on a statutory footing   | Heads are expected in late 2016  |

**Education**

| Bill                                  | Purpose  | Status  |
|---------------------------------------|--|---|
| Education (Admission to Schools) Bill | To regulate the enrolment of pupils in schools and require schools to operate enrolment policies in a transparent fashion  | <b>A “priority bill”</b><br>Pre-legislative scrutiny took place in March 2014 |
| Technological Universities Bill 2015  | To provide for the establishment of certain technological universities and for the merger of certain institutes of technology  | Restored bill: at committee stage in Dáil Éireann                             |
| Higher Education (Reform) Bill        | To modernise the legislative framework underpinning the governance and functions of the Higher Education Authority and the governance structures of the universities | Heads are currently being drafted   |

Government  
Legislation  
Programme: Overview  
(continued)

| Bill  | Purpose  | Status  |
|---|--|---|
| Qualifications and Quality Assurance (Amendment) Bill | To amend the Qualifications and Quality Assurance (Education and Training) Act 2012 to address some issues that have arisen regarding the scope of QQI's responsibilities in relation to recognition of awards and regulation of private and voluntary providers | "Work is underway in Department"                    |
| Universities (Amendment) Bill                         | To ensure compliance with Government guidelines on remuneration, allowances, pensions and staffing numbers in the university sector  | "Heads approved in October 2012. Drafting underway" |

**Health Services & Public Health**

| Bill   | Purpose   | Status  |
|--|---|---|
| Patient Safety (Licensing of Healthcare Facilities) Bill | To provide for a mandatory system of licensing for public and private healthcare facilities   | <b>A "priority bill"</b><br>Heads are expected later in 2016                |
| Medical Practitioners (Amendment) Bill 2014              | To require medical practitioners to have adequate professional indemnity insurance cover in place   | Restored bill: completed Seanad Éireann and at second stage in Dáil Éireann |
| Public Health (Alcohol) Bill 2015                        | To (a) set a minimum sale price per gram of alcohol and (b) regulate the sale of alcohol  | To be restored to Seanad Éireann order paper (at committee stage)           |
| Sale of Alcohol Bill                                     | To reform the sale of alcohol   | Pre-legislative scrutiny is to be scheduled                                 |
| Health (Miscellaneous Provisions) Bill 2016              | To provide for a range of matters including changes in respect of the standardised packaging of tobacco products and the medicines that are available on a medical card | Restored bill: completed first stage in Dáil Éireann                        |

Government  
Legislation  
Programme: Overview  
(continued)

| Bill  | Purpose   | Status  |
|---|---|---|
| New Children's Hospital Establishment Bill                        | To establish a statutory body to provide paediatric acute services in Dublin at the new children's hospital, taking over those services currently provided by Our Lady's Hospital Crumlin, Temple Street and the paediatric service at Tallaght Hospital  | Heads of bill are expected in July 2016   |
| Health Information and Patient Safety Bill                        | To provide a legislative framework for the better governance of health information, initiatives including data matching, health information resources for use in the health service and support for clinical audit and patient safety notifications. It will also provide for the extension of HIQA's remit to private health service providers | Pre-legislative scrutiny to be undertaken as soon as possible                             |
| Misuse of Drugs (Amendment) Bill                                  | To control certain drugs (including prescription medicines) which are being misused and sold illegally  | Pre-legislative scrutiny to be determined   |
| Health & Wellbeing (Calorie Posting and Workplace Wellbeing) Bill | To require food premises to display calories on menus and to require all public sector employers to have and to report on a "health and wellbeing policy"   | Heads are being drafted   |
| Health (Miscellaneous Provisions) (No 2) Bill                     | To amend the legislation regulating various medical professions including medical practitioners, dentists, nurses, pharmacists, midwives and social care professionals  | Heads were approved on 17 November 2015   |
| Health Act 2007 (Amendment) Bill                                  | To provide for the extension of the Health Information and Quality Authority's functions to encompass regulation in the area of medical ionising radiation protection   | Heads are expected at the end of 2016. Pre-legislative scrutiny will follow               |
| Open Disclosures Bill   | To support the open disclosure to patients of patient safety incidents as part of a broader package of measures aimed at improving the experience of those who are affected by adverse events within the health system  | Heads were approved in November 2015. Pre-legislative scrutiny is to take place "shortly" |

Government  
Legislation  
Programme: Overview  
(continued)

| Bill  | Purpose  | Status                  |
|---|--|-------------------------|
| Public Health (Sale of Tobacco Products and Non-Medicinal Nicotine Delivery Systems) Bill | To, generally, regulate the sale and distribution of tobacco products and specifically to introduce licensing systems for the sale of (a) tobacco products and (b) non-medicinal nicotine delivery systems | Heads are being drafted |

**Criminal Justice**

| Bill   | Purpose   | Status   |
|--|---|--|
| Criminal Justice (Offences Relating to Information Systems) Bill 2016        | See under “Data Protection & IT”  |  |
| Criminal Justice Bill  | To respond to organised crime and in particular to enhance the law on seizure of proceeds of crime  | Pre-legislative scrutiny to be determined                          |
| Criminal Justice (Victims of Crime) Bill                                     | To give effect to EU Directive 2012/29 establishing minimum standards on the rights, support and protection of victims of crime                               | Pre-legislative scrutiny completed in October 2015                 |
| Criminal Justice (Corruption) Bill   | To replace outdated legislation, meet international commitments to the Council of Europe, OECD and UN, and give effect to some Mahon Tribunal recommendations | Pre-legislative scrutiny completed in 2013; drafting is continuing |
| Criminal Justice (Money Laundering and Terrorist Financing) (Amendment) Bill | To give effect to the Fourth EU Money Laundering Directive  | Heads of bill expected at the end of 2016                          |

*Further information is available from:*

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**Peter Osborne**

*Consultant, Corporate*

DDI +353-1-611 9159  
EMAIL [peter.osborne@mccannfitzgerald.com](mailto:peter.osborne@mccannfitzgerald.com)



**Martina Firbank**

*Senior Associate, Legal  
Information & Knowhow*

DDI +353-1-611 9124  
EMAIL [martina.firbank@mccannfitzgerald.com](mailto:martina.firbank@mccannfitzgerald.com)



**Imelda Higgins**

*Senior Associate, Legal  
Information & Knowhow*

DDI +353-1-611 9172  
EMAIL [imelda.higgins@mccannfitzgerald.com](mailto:imelda.higgins@mccannfitzgerald.com)



**Heather Mahon**

*Senior Associate, Legal  
Information & Knowhow*

DDI +353-1-607 1206  
EMAIL [heather.mahon@mccannfitzgerald.com](mailto:heather.mahon@mccannfitzgerald.com)



**Frances Bleahene**

*Senior Associate, Legal  
Information & Knowhow*

DDI +353-1-607 1466  
EMAIL [frances.bleahene@mccannfitzgerald.com](mailto:frances.bleahene@mccannfitzgerald.com)

*Alternatively, your usual contact in McCann FitzGerald will be happy to help you further.*

This document is for general guidance only and should not be regarded as a substitute for professional advice. Such advice should always be taken before acting on any of the matters discussed.



# MCCANN FITZGERALD

## **Principal Office**

Riverside One  
Sir John Rogerson's Quay  
Dublin 2  
D02 X576  
Tel: +353-1-829 0000

## **London**

Tower 42  
Level 38C  
25 Old Broad Street  
London EC2N 1HQ  
Tel: +44-20-7621 1000

## **New York**

Tower 45  
120 West 45th Street  
19th Floor  
New York, NY 10036  
Tel: +1-646-952 6001

## **Brussels**

40 Square de Meeûs  
1000 Brussels  
Tel: +32-2-740 0370

## **Email**

[inquiries@mccannfitzgerald.com](mailto:inquiries@mccannfitzgerald.com)

[www.mccannfitzgerald.com](http://www.mccannfitzgerald.com)