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# THE LAW ON YOUR SIDE

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A GUIDE TO YOUR RIGHTS AND  
PROTECTION UNDER THE LAW

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MARY  
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FINE GAEL 

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## A GUIDE TO YOUR RIGHTS AND PROTECTION UNDER THE LAW

I receive a number of queries regarding issues relating to the law on a daily basis. In this booklet I try to make it a bit easier to understand what protection the law gives you and to show how you can exercise your rights without enormous expense.

My constituency office is open Monday - Friday and located over Insomnia on 24 Main Street, Blackrock. If you have any queries, or need assistance on a local/national matter, please call 01-2109161. I can also meet you in your home if you have difficulty travelling.



**FINE GAEL** 

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# 1. CONSUMER RIGHTS

The purchaser of goods has a number of rights. The main ones are:

- Goods must be of **merchantable quality** – goods should be of reasonable quality taking into account what they are meant to do, their durability and their price
- Goods must be **fit for their purpose** – they must do what they are reasonably expected to do
- Goods must be **as described** - the buyer must not be misled into buying something by the description of goods or services given orally by a salesperson or an advertisement.

It is the retailer who has primary liability to the consumer. If you are not happy with the retailer's response, you should set out your complaint in writing. The retailer cannot remove his liability:

- by referring you to a manufacturer (whose guarantee is an additional protection)
- by notices saying "No Refunds" or "only credit notes on returns"
- by selling the goods in a "Sale"
- by disclaiming responsibility in "small print"

Redress may be a full refund, replacement or repair. The test in any case is what is "reasonable", ultimately adjudicated by a court. You don't have a right to a refund if you change your mind or for faults due to misuse.

Under EU law, where a defective product has caused you damage, you no longer have to prove negligence by the supplier, only that the damage was caused by the defective product. The only products exempted are unprocessed agricultural products.

## Consumer Protection Strengthened

New regulations give consumers greater rights in online trading (or any trading conducted away from the business premises, such as telephone sales). The regulations:

- Ban pre-ticked boxes – the consumer must opt in for add on purchases
- Ban surcharges on card fees
- Ban hidden charges which are not disclosed until after the consumer places the order
- Extend the cooling off period from 7 to 14 days when an order can be cancelled without reason (but the consumer will cover the cost of returning the unwanted items where the trader has informed them of this obligation)
- Require the trader to issue the refund within 14 days of the cancellation

These rules exclude financial services, health and social services, and gambling. However with families now trading on average €3,500 per year, these are important new consumer rights.

## Small Claims

If you are not happy with the response of a supplier to your complaint, **Dublin District Small Claims Office** (1st Floor, Áras Uí Dhálaigh, Inns Quay, Dublin 7; Tel: 01 888 6447), will process a claim for damages not exceeding €2,000 in respect of faulty goods, bad workmanship or poor service, once the claim is made by the consumer who paid for them. You must have bought the goods or service for private use from someone selling them in the course of business.

You must have accurate information on the name and address of the person or company against whom you are making the claim. **The Company Registration Office** ([www.cro.ie](http://www.cro.ie); Tel: 01 804 5200) can provide correct title of the company.

Key features of the procedure are:

- Complete the application form online or download it from Courts.ie and pay the €25 fee.
- The Small Claims Registrar will inform the business about your claim. The claim is treated as undisputed if the business fails to reply within 15 days.
- If undisputed, the District Court will make an order in your favour (without you having to attend court) for the amount claimed.
- The Registrar will try and broker an agreement. Failing that, a hearing of your claim will be heard by a judge of the District Court, if you so wish.
- Judge's decision, if not appealed, is enforceable with the help of the Registrar.

## Breaches of Consumer Law

The **Competition and Consumer Protection Commission** (PO Box 12585, Dublin 1; [www.consumerhelp.ie](http://www.consumerhelp.ie); Tel: 1890 432 432) gives a wide range of advice on consumer matters. They can also take action on breaches of the law but cannot pursue a claim on your behalf. They would for example take enforcement action, regarding:

- Inadequate labelling or price display notices
- Misleading advertisements
- "Sale Reductions" which are not genuine
- Publishing ads for credit which do not display the APR

The **European Consumer Centre (ECC)** also supports you if you have a problem with a supplier of goods or services in another EU Member State. Visit: [www.eccireland.ie](http://www.eccireland.ie); Tel: 879 7620.

## Public Services

Each public body has its own Consumer Complaint Procedure to handle your complaints. However, if you are not happy with the internal handling of your complaint about an action taken by a public body, you have the right, within 12 months of the incident, to take your complaint (some bodies are exempt) to the **Ombudsman** (18 Lower Leeson Street, Dublin 2; Tel: 639 5600/1890 223030, email: [ombudsman@ombudsman.gov.ie](mailto:ombudsman@ombudsman.gov.ie)).

Complaints may be made in writing, by telephone, by calling to the Ombudsman's Office, by email or by using the on-line complaint form. Remember to send in any relevant documentation or correspondence you may have.

The Ombudsman will investigate provided the action had an adverse effect on the person and it was contrary to fair or sound administration. He cannot deal with personnel matters within a public body, or with clinical judgement in the treatment of a patient, nor with cases where there is a statutory right of appeal to a Court.

Key features of the Ombudsman procedures are

- No charge, investigations in private, written reply guaranteed
- Quick preliminary investigation to decide whether to proceed
- Recommendations can specify remedial action by the public body but are not legally binding
- However, the Ombudsman can report an unresolved injustice directly to the Oireachtas
- Investigation does not prejudice your right of Court action afterwards.

## Health

HIQA (Health Information Quality Authority, George's Court, George's Lane, Dublin 7; Tel: 814 7400) has been established to set standards on safety and quality in the Health and Social Care Services, to monitor compliance, and to undertake investigations where they believe there is a serious risk to the health or welfare of a person receiving those services (or at the Minister's request). If you have a concern, HIQA (Tel: 021 240 9646; email: [concerns@hiqa.ie](mailto:concerns@hiqa.ie)) may be able to investigate. Otherwise, they can direct you to the best place to get help, advice, information and support.

## Lawyers

Complaints about misconduct, inadequate professional service or excessive fees by a solicitor can be made to the **Law Society** (Blackhall Place, Dublin 7; Tel: 879 8700 or email [complaints@lawsociety.ie](mailto:complaints@lawsociety.ie)) or by a **barrister** to the **Barristers' Professional Conduct Tribunal** (145/146 Church Street, Dublin 7; Tel: 817 5011). They can direct the lawyer concerned to take certain steps or take disciplinary action.

New laws are being considered by the Dáil which would overhaul the current system. The key changes proposed include:

- A new **Legal Services Regulatory Authority** would oversee both solicitors and barristers
- In future complaints about both barristers and solicitors would be heard by an independent **Legal Practitioners' Disciplinary Tribunal**, which would replace the present role of the Law Society and the Bar Council, and be independent of the new regulatory authority
- A **Legal Costs Adjudicator** would adjudicate on disputed legal costs

## Gardaí

Complaints about improper conduct by a member of the Gardaí can be made by a witness, or a person directly affected, within 6 months to the **Garda Síochana Ombudsman Commission** (150 Upper Abbey Street, Dublin 1; Tel: 1890 600 800). Depending on the severity of the complaint, the Garda Ombudsman Commission may refer to mediation or informal resolution, or request a Garda Investigation, which it may supervise, or conduct an investigation itself.

## 2. FINANCIAL SERVICES

The **Central Bank of Ireland** (Tel: 1890 777 777; email [enquiries@centralbank.ie](mailto:enquiries@centralbank.ie)) is responsible for the regulation of all financial services firms in Ireland. The Central Bank has a number of statutory codes of conduct which oblige financial institutions to act in a fair and transparent manner, and in the best interests of their customers.

The **Financial Services Ombudsman Bureau** (3rd Floor, Lincoln House, Lincoln Place, Dublin 2; Tel: 1890 882 090) deals with unresolved complaints from consumers about the provision of a financial service. A consumer is not entitled to make a complaint if the conduct complained of occurred more than 6 years before the complaint is made. The Ombudsman will try to resolve the issue by mediation or failing that by investigation and adjudication. Both parties involved may appeal the Ombudsman's decision to the High Court. A range of guides are available on [www.financialombudsman.ie](http://www.financialombudsman.ie).

A small business can appeal the **refusal of credit** by certain banks to the **Credit Review**

Office ([www.creditreview.ie](http://www.creditreview.ie); Tel: 1850 211 789; email: [info@creditreview.ie](mailto:info@creditreview.ie)), provided they have already used the internal review procedure of the bank. The threshold for applications that can be reviewed by the Credit Review Office is €3m. Over half of appeals have found in favour of borrowers.

The **Consumer Protection Commission** provides information to consumers on their rights and on the costs, risks and benefits of different financial products, and allows you to compare different financial products. See [www.consumerhelp.ie](http://www.consumerhelp.ie) for further information.

## Moneylending

Moneylenders who give cash loans at a high level of interest over a short period of time must be licensed by the Central Bank. Moneylenders are required to provide their customers with detailed lending agreements for signature that show the total cost of credit and the rate of interest, plus any collection charges that may apply. No other charges, such as administrative or transaction costs, are allowed to be applied by the lender. It must also notify you of your right to a ten day "cooling-off" period in which you can inform the lender in writing that you have decided not to proceed with the loan.

A moneylender is prohibited from visiting or telephoning a customer at the customer's place of work, or visiting or telephoning a customer's employer or relative without the customer's consent unless the moneylender has been consistently unable to contact the customer at home or if the moneylender is calling to serve notice of legal action.

Any complaints about moneylenders can be made to the Central Bank (Tel: 1890 777 777; email [enquiries@centralbank.ie](mailto:enquiries@centralbank.ie)).

## 3. DEALING WITH MORTGAGE ARREARS

### The Mortgage Arrears Resolution Process (MARP)

If you go over one month in arrears with your mortgage payments, the lender must inform you in writing of the situation and explain how the **mortgage arrears process works**. After a third repayment (full or partial) is missed, the lender must warn in writing of:

- The potential for legal proceedings and their cost, the risk of loss of your property, and the remaining liability even if your property is sold
- It must also advise of the importance of taking independent advice (e.g. **Money Advice and Budgeting Service (MABS)**; Tel: 0761 07 2150)

The lender must have a separate Arrears Support Unit which assesses your financial position and other personal circumstances such as overall indebtedness and previous repayment history. Lenders must assess your financial position using a Standard Financial Statement, giving you enough time to assemble the information, and must give you a copy of the completed statement.

When the assessment is complete, the lender must explore all options for alternative repayment arrangements, such as - interest only; mortgage extension; adding arrears to the outstanding capital, "ware housing" part of the mortgage; equity participation or partial write-off – to see can a sustainable arrangement be found which is acceptable to both sides.

If the lender offers an alternative repayment arrangement, they must give you a clear written

explanation of the arrangement, including your right to appeal. The lender must also advise you to take appropriate independent legal and/or financial advice.

Your participating lender will pay €250 for a consultation with an accountant of your choice.

You may choose not to accept the arrangement. If you are not offered an alternative repayment arrangement, you must be given the reasons in writing, and be informed of remaining options (e.g. voluntary surrender, trading down or voluntary sale) and the implications of each.

In either case, you can appeal the decision in writing to the lender's Appeals Board within **20 working days**, and the appeal must be decided within **40 business days** of being received. You must also be informed of your right to refer the matter on to the **Financial Services Ombudsman** (3rd Floor, Lincoln House, Lincoln Place, Dublin 2; Tel: 1890 882 090)

At the end of this process, you are outside the MARP and repossession proceedings can follow after three months.

The lender must not begin **legal action for repossession** until 3 months after their decision on whether to offer an alternative arrangement and at least eight months from the date your arrears were classified as a MARP case. This 8-month period does not apply if you do not co-operate with the lender.

- **Helpful Contacts**

**Mortgage Arrears Information Helpline**  
(Tel: 0761 07 4050 (9.30am to 5pm, Monday to Friday) [www.keepingyourhome.ie](http://www.keepingyourhome.ie)

**Money and Budgeting Advice Service**  
(Ground Floor, Marina House, Clarence Street, Dun Laoghaire. Tel: 0761 07 2530 Email: [dun\\_laoghaire@mabs.ie](mailto:dun_laoghaire@mabs.ie)).

**Citizens Information Centre** (Tel: 0761 07 4000, Monday to Friday, 9am to 8pm)

## Other Housing Supports:

**Mortgage to Rent Scheme:** People with trouble paying their mortgages can be considered for a switch from owning their home to renting their home as social tenants. The house must be valued at under €220,000 (Dublin) and you must qualify for social housing from your local authority. You must get legal and financial advice. Your lender will pay up to €500 for legal advice. If you take up the mortgage-to-rent option, you will no longer own your home. You should contact your mortgage lender to discuss your suitability for the mortgage-to-rent scheme.

**Rent Supplement** can help meet the cost of private rented accommodation to persons who are working under 30 hours per week and are on a low income. Tel: 8164200 (Coolock Intreo Office).

The Council offers **longer term housing supports** to persons with housing needs (Tel: 204 7008 - DLRCCO)

## Insolvency Service of Ireland

The **Insolvency Service of Ireland** (Tel: 076 106 4200; [www.isi.gov.ie](http://www.isi.gov.ie)) offers three types of debt solution if you are unable to pay your debts. In each case an independent agent seeks to work out a sustainable agreement with the financial institution, which is approved the courts and registered with the ISI.

- **Debt Relief Notice (DRN):** facilitates debt forgiveness for people who are in debt up to €20,000 and have no disposable income or assets which they could use to repay what they owe, and where their financial situation



will not improve in the next 3 years.

- A **Debt Settlement Arrangement (DSA)** deals with unsecured debt over €20,000 where both sides agree a work out over 5 years based on what can be afforded. The arrangement must be accepted by 65% of creditors (in value), and approved by the Court. If successfully complied with, the debtor will be discharged from debts specified in the DSA at the end of the period.
- A **Personal Insolvency Arrangement** provides for the settlement of both secured and unsecured debt, where people can stay in their home and at the end of a 6-year period people will be left with affordable obligations. A PIA must be accepted by 65% of creditors (Including creditors representing 50% the secured debt and 50% of the unsecured debt), and approved by the Court.

There are guidelines on how such agreements are put together (visit: [www.isi.gov.ie](http://www.isi.gov.ie))

## 4. LANDLORDS AND TENANTS

### Registration

A landlord must register with the **Private Residential Tenancies Board** (PO Box 47, Clonakilty, Co. Cork; Tel: 0818 30 30 37) within one month of the commencement of a tenancy (Fee: €90).

### Tenure

During the first six months of a tenancy the landlord is free to terminate without reason. After that, the landlord will only be entitled to terminate a tenancy for a limited number

of specified reasons which must be notified in writing. These reasons are:

- Tenant default of obligations after reasonable notice
- The landlord intends to sell the property within three months or requires it for a family member
- The landlord plans substantial refurbishment or to change the use
- The tenancy is overcrowded.

Where either side is terminating a tenancy, a minimum period of four weeks' notice must be given during the first six months rising over time to eight weeks after two years for tenants and sixteen weeks after four years for landlords.

Notice is forfeited where the reason for termination is serious default of obligations by either side. A landlord must give written notice of rent arrears and allow fourteen days to rectify before using this as grounds for termination.

### Rent

The rent set cannot exceed the open market rent for a similar property. It can only be reviewed once every twelve months. Four-weeks' notice must be given of a rent increase. The rent increase cannot be applied if the tenant has disputed the increase and referred the matter to the **Private Residential Tenancies Board** for dispute resolution (see below).

### Disputes

The obligations of landlord and tenant regarding damage, repair, deposits, house insurance, maintenance, means of contact, refunds etc. are set out in law.

A dispute about any issue relating to a tenancy

may be taken to the Board. The formal procedure involves:

- A clarification by the Board of the matters in dispute
- An offer of voluntary mediation
- Referral for binding adjudication to a Tribunal.

If a mutual agreement is reached at any stage, there will be a 28-day cooling-off period before the agreement will become a formal determination of the dispute by the Board, with binding effect. Determinations by adjudication may include the award of costs and up to €20,000 in damages. Determinations can be enforced in the Circuit Court by the Board or by an individual.

**Standard of Accommodation:** The landlord must ensure that the rental property is in a sound state, inside and out, including adequate ventilation, lighting and utility supply. Minimum standards are set for cooking, washing, toilet, heating, laundry and food storage.

If you are a private tenant and you think your accommodation is sub-standard or your landlord refuses to carry out repairs, you can ask the local authority to make the landlord comply with the standards.

**Dun Laoghaire - Rathdown County Council Environmental Health Section (205 4817)** enforce these standards and takes complaints from aggrieved tenants.

### Anti-social Behaviour by Tenants

- In private accommodation, complaints can be made against a landlord for failing to ensure his/her tenants desist from anti-social behaviour. They are made to the **Private Residential Tenancies Board** (Tel: 635 0600)

- In Council accommodation, complaints are made to the Council's Local Area Office and are followed up by an Estates Officer, who will meet with the relevant tenant. Local authority tenants sign a tenancy agreement with clear obligations about behaviour. The Council has the power to evict individuals engaged in criminal behaviour.

### Multi-unit Management Companies

Before the sale of any unit in the development may take place, the developer must:

- Establish an **Owners' Management Company (OMC)** and transfer common areas of the development to that company.
- Must agree a contract with the OMC which outlines the responsibility of each to the other and deals with issues such as completion, retention money and dispute resolution; the OMC must have separate legal representation in the negotiation of the contract.
- Supply a certificate of compliance with fire safety in the development.
- Do all things that are reasonably necessary to ensure that the unit owner enjoys the rights and amenities necessary for the reasonable use and peaceful occupation of the units.

The company must hold an annual meeting and preset accounts of their income and expenditure. Members set an annual service charge to pay for the maintenance, insurance and repair of common areas. If over 75% of the members do not approve of a proposed charge, the existing charge must remain in place.

A sinking fund for refurbishment or maintenance of a non-recurring nature must be established

within three years to which owners must contribute.

Any person affected (developer, owner, etc.) may apply to the Circuit Court for an order to enforce any of their rights. The Court, instead of making an order, may direct the parties to attempt to solve the matter by mediation.

Property management companies who are often employed by the OMC to carry out works are regulated by the **National Property Regulatory Authority** (Abbey Road, Navan, Co. Meath; Tel: 046 903 3800) who will issue licenses, set standards, adjudicate on complaints and award compensation. The **Consumer Protection Commission** has produced a useful guide for people buying an apartment.

## 5. FREEDOM OF INFORMATION/DATA PROTECTION

Under the **Freedom of Information Act**, any citizen is entitled to request in writing access to any record held by a public body. No reason for the request need be given. The public body must respond to the request within a 4-week period (extendable for justifiable reasons to eight weeks). A request can only be refused on a number of specific grounds (e.g. confidentiality, security, being part of an ongoing deliberative process).

You can request a review of a refusal to issue information and this must be dealt with by a more senior official within that body. A further appeal can be brought to the **Information**

**Commissioner** (18 Lower Leeson St, Dublin 2; Tel: 1890 223 030). Charges apply for access to records; €15 for a request, €75 for review and €150 for an appeal. These are non-refundable regardless of the outcome. If a request is made up of two or more parts of information, the FOI body concerned shall treat each part of the request as a separate FOI request and a separate charge will apply.

In addition a retrieval and copying fee may be charged by the public body in respect of records granted. You will be told in advance if the retrieval fee is very large, and the officer will offer advice on narrowing your request to reduce the cost.

Under the Act, each public body will publish a publication scheme which will provide for the publication of extensive information on the nature, role, responsibilities and activities of public bodies including the structure, classes of records held, rules relating to any schemes implemented, services provided

A person has a right to amend any inaccurate information held on their personal records.

The **Data Protection Commissioner** (Canal House, Station Road, Portarlington, Co. Laois; Tel: 1890 252 231) is responsible for ensuring that anyone who retains personal information on computers meet their responsibilities and enforces obligations upon data controllers. Individuals who feel their rights are being infringed can complain to the Commissioner, who will investigate the matter, and take whatever steps may be necessary to resolve it.

## 6. CIVIL LEGAL AID

The **Legal Aid Board** (47 Upper Mount St, Dublin 2; Tel: 644 1900; www.legalaidboard.ie; email: info@legalaidboard.ie) provides legal advice and representation on civil matters to those unable to pay for such services, in the following areas mainly: Judicial separation, divorce, maintenance, domestic violence, custody of and access to children, problems relating to hire-purchase agreements, and contract disputes.

To qualify for aid, your disposable income cannot exceed €18,000. Disposable income is income after deduction of tax, USC, PRSI, mortgage/rent up to €8,000, childcare costs up to €6,000 per child and deduction of €3,500 for dependent spouse and €1,600 for each dependent child.

There are contributions that must be paid except in cases of extreme hardship, which will rise with income:

- Minimum €30 for legal advice
- Minimum €130 for legal aid

**Dun Laoghaire Citizens Information Centre** provide a Family Law Advice Clinic every 2nd and 4th Wednesday 7:00pm - 9:00pm (By appointment only.) Tel: 0761 07 7400 email: dunlaoghaire@citinfo.ie

## 7. MAKING A WILL

It is important to make a Will in order to ensure that any property or money which you have goes where you want it. Although

it is advisable to get legal advice, you may make a Will yourself and it will be valid if you ensure that it is properly signed and that your signature is witnessed by two people who are not beneficiaries under the Will.

Usually one or more **Executors** are named in a Will and it is their responsibility to distribute the assets in accordance with the Will and with the law. To put the Will into effect, the Executor has to present a copy of the Will, a death certificate and details of the deceased's property, money and debts to the Probate Office (Tel: 888 6174) which validates the Will so that it may be put into effect. Until probate is taken out, money in an account in the deceased's name only, will generally be frozen. A sworn statement of the deceased's assets and liabilities must be sent to the Revenue Commissioners. The Executor must pay off any debts that are owed, before assets are distributed in accordance with the Will.

In a Will you may dispose of your assets in whatever way you like. However, a spouse can generally claim a legal right to half of the Estate if there are no children or one third of the Estate if there are children. A parent also has an obligation to make proper provision for children in accordance with his or her means. The law does not specify what this provision requires and a child does not need to be a minor in order to apply to the Court if he or she feels that this duty has not been fulfilled.

Where a person has not made a Will, then the next of kin can apply for a grant of administration from the **Probate Office**. Usually an administrator is required to give a bond to the probate office as a guarantee that they will carry out their duties under the law. The obligations are similar to those of an

executor. However, where there is no Will, the assets must be distributed in accordance with the rules set out in the **Succession Act**:

- Where there is a spouse but no children, the spouse gets the entire estate.
- Where there is a spouse with children, the spouse gets two thirds and the remainder is divided equally between the children.
- Where there is neither spouse nor children the entire estate goes to the next surviving kin.

A **Divorce Decree** means the end of succession rights, but a separation may or may not involve renunciation of succession rights depending on its terms.

## 8. PLANNING

The Local Authority's Development Plan sets the framework for considering all planning applications. Planning permission is required for any proposal to erect a new building, alter an existing building, make a material change of use in an existing building or make a new or wider access to a public road.

Generally, you will not need planning permission for:

- An extension or garage conversion of 40 square metres or less to the rear of the house
- Building a garage of 25 square metres or less at the back or side of a house that does not exceed four metres in height (pitched roof) or three metres and has a similar finish to the house
- Building a front porch so long as it does not

exceed two square metres in area and is more than two metres from a public road or footpath and under four metres in height (pitched roof) or three metres (other roof)

- Capped walls, wooden fences that do not exceed 1.2 metres in height

These are guidelines only; it is most important to check with your local authority before starting to make any changes.

Any change to the use of land or buildings which will have an actual or potential impact on neighbours or the local community, then you will need planning permission, for example:

- Converting your garage into a workshop for business use
- Establishing a crèche
- Opening a bed and breakfast with more than four guest bedrooms.

The Councils' pre-planning service assists members of the public and residents groups in understanding planning applications currently part of the planning process. The service does not provide general planning advice or assistance in drafting of objections or appeals. If you call the Planning Registry, they will arrange a meeting for you with the relevant local Planner (Dun Laoghaire-Rathdown County Council: 205 4700; [planning@dlrcoco.ie](mailto:planning@dlrcoco.ie)).

Strict procedures apply to planning applications.

- The applicant must place a **notice** in a local newspaper and on the site of the proposed development not more than two weeks prior to the lodgement of the application. The site notice must remain in place for five weeks after it is lodged.
- **Objections** or comments on the application

must be made within five weeks of the lodgement of the application. To be valid, they must be accompanied by a €50 fee. A receipt will be issued to any person who lodges an objection and only persons holding such a receipt have a right to lodge an appeal to An Bord Pleanála (Tel: 1890 275 175).

- Within eight weeks of the date of lodgement, the City Manager must either make a decision or make a request to the developer for further information. A final decision must be made within eight weeks of the receipt of such additional information.
- An **appeal** to An Bord Pleanála against the decision or any of the conditions attaching to the decision must be lodged within four weeks of the decision, accompanied by a €220 fee. The Board can, if requested by either party, hold an oral hearing on the application, but this is only done in a minority of cases. The fee for a request for an oral hearing is €50. The Board is required to reach a decision within four months of an appeal but this is not always achieved. Unlike the Council, the Board is not strictly bound by the Development Plan. The decision of the Board is final and can only be appealed on a point of law.

Except in the case of developments exempt from Planning Permission, a commencement notice must be issued to Dun Laoghaire-Rathdown County Council at least seven days before the commencement of building.

All developments must be constructed in accordance with the Building Regulations. It is up to the applicant or his architect to ensure that their work conforms with these regulations. A full review of all business regulations is under

way in order to improve the quality of buildings into the future.

## Unauthorised Development

The **Planning Enforcement Section** (Tel: DLRCOCO, 205 4864, [planningenforcement@dlrcoco.ie](mailto:planningenforcement@dlrcoco.ie)) will take action against unauthorised developments. If works were carried out without obtaining planning permission, it is possible to apply for permission to retain such works. The same procedure applies as for a planning application.

## Lane Closure

Any resident or group of residents may apply to Tel: 205 4700 or email [traffic@dlrcoco.ie](mailto:traffic@dlrcoco.ie) to extinguish a public right of way in order to close a lane.

The steps involved in the process are as follows:

- A petition should be submitted showing the level of support for the proposal and the proposed method of physically closing the lane.
- A survey of services in the lane is undertaken by the Council to check that the closure is feasible.
- Notice is placed in the laneway indicating that the Council is considering the closure of the laneway and residents have four weeks to inspect the plans at the Area Office.
- Objectors have a further two weeks to submit their views/objections and can request an oral hearing on the matter. If an oral hearing is requested, an independent person will be appointed to hear both sides and draw up a report for the Council.
- A final decision is made by the Council after consideration by the Local Area Committee.

## 9. A CLEAN ENVIRONMENT

### Derelict Sites

The legal definition of dereliction is "a neglected, unsightly or objectionable condition of land or any structures on the land", or the presence of debris, which "detracts to a material degree" from the amenity of adjoining property. Generally it would not cover just an overgrown garden.

The **Derelict Sites Section** (Tel: DLRCOCO 205 4762) has the power:

- To serve a notice on the owner of a property requiring that owner to take specified action to deal with the dereliction.
- To undertake the work itself and bill the owner for it.
- To place the property on a **Register of Derelict Sites** and impose an annual levy of 3% of the market value of the property until the dereliction is rectified.

### Environmental Hazards

The **Environmental Health Officer** (Tel: Dun Laoghaire - Rathdown County Council Environmental Health Section (205 4817) has powers to investigate and to serve a legal notice on an owner in respect of conditions that give rise to an environmental hazard.

The most common use of this power would be to serve notice on owners to sort out a sewage blockage but this can only be done when the blockage is actually occurring. The powers can also be used to deal with other hazards such as the storage of hazardous materials or excessive noise.

### Graffiti/Abandoned Cars

The Council will remove graffiti, which is visible from the public road or if it is of an obscene nature (Tel: DLRCOCO 205 4817). Abandoned cars will be removed by the Council but an effort must first be made to contact the owner (Tel: DLRCOCO, 205 4817) if a licence plate is on the vehicle.

### Noise

The law does not specify an exact standard of noise that is illegal, but if noise is coming from a home or business which is continuous, repeated, loud and occurring at such times and of such duration that it affects the quality of life of the person, then a successful action could be taken.

Before taking a complaint to the Court, you should first approach the person causing the noise and try to come to a mutually acceptable solution.

If you have tried to resolve the problem amicably and this has not worked, you may then refer your complaint to the Council (Tel: DLRCOCO 2047 954), the **Environmental Protection Authority** (Tel: 053 916 0600) or you can take your complaint directly to your local District Court.

If you decide to take your complaint to the Court, you do not need a solicitor, you simply serve a particular form of notice on the person causing the problem and the Court will have a hearing at which it can order abatement of the noise.

**Private Residential Tenancies Board** (Tel: 0818 30 30 37): If a property is rented, a complaint about the landlord's failure to take steps to

abate noise nuisance should be submitted to the PRTB.

The programme for government includes a commitment to enact new laws which would include "on the spot fines".

## Litter

The owner or occupier of property that can be seen from a public place is obliged to keep the property free of litter. This obligation would apply to the front garden of a home and to the footpath immediately outside. There is an even stricter obligation in respect of the owner of any property to which the public has access. Operators of mobile food outlets have an obligation to clean up any litter arising from their operation within a radius of 100 metres and to provide appropriate bins. (Complaints to; Tel: 205 4817)

## Dogs

The owner of dogs over four months old must have a dog licence. The dog must be under effective control if it is outside the home. Dogs must have a collar that bears the name and address of the owner inscribed on it. Dogs must be kept on a leash except in areas provided for by City Bye-Laws. A person in charge of a dog is obliged under litter law to remove dog faeces and dispose of it in a suitable sanitary manner. Excessive dog barking which causes a nuisance is open to challenge under the provisions of noise regulations. Additional rules apply to dogs such as Pit Bulls, Alsatians, Rottweilers and Dobermann Pinschers providing that they must be muzzled whenever they are in a public place and kept on a short, strong lead by a person over 16. Dog licences are issued by your local

Post Office. Enforcement is by the Council (Tel: DLRCOCO, 205 4771) who will also erect signage warning owners of their obligations at heavily used locations.

Other useful information can be got from the **Irish Society from the Prevention of Cruelty to Animals** (Tel: 1890 515 515).

The City Council has introduced a ban on dogs it regards as dangerous within its own housing estates. The banned dogs include Pit Bull Terriers, Rottweilers, Alsatians, Dobermann Pinscher, Bull Mastiff, and Japanese Akita and Tosa. Existing tenants who own such dogs may keep them but only if the animal is licensed, micro-chipped, neutered and wears a muzzle/lead in public areas.

Dog fouling: A person with a dog is responsible for removing any faeces and shall ensure that it is properly disposed of. The maximum fine amounts to €150.

## 10. EMPLOYMENT RIGHTS

The **Workplace Relations Customer Service** (Tel: 1890 808 090) provides information to employees and employers about employment rights.

All complaints can now be submitted via a Single Complaint Form, which has replaced the 30 forms previously in use. This form can be submitted online at [www.workplacelrelations.ie](http://www.workplacelrelations.ie). The **National Employment Rights Authority** (Tel: 059 917 8990) monitors employment conditions through its inspection services.



## Reform of Workplace Relations Services

Disputes or complaints are currently addressed by means of adjudication by a Rights Commissioner, the Employment Appeals Tribunal, an Equality Officer or the Labour Court or by means of NERA inspection depending on the legislation involved.

New laws (soon to be enacted) will replace the existing complex system of five different bodies with a straightforward two-tier system:

- The Workplace Relations Commission will deal with all cases in the first instance
- The Labour Court will deal with all cases on appeal

## Statutory Rights

Every worker is deemed to have a **contract of employment** with his employer. You are entitled to a written statement of its terms on request.

Basic rights specified by law include:

- Maximum 48 working hours (averaged over 4 or more months) and minimum rest breaks
- Four weeks paid holidays in every 12 months for full-time workers (8 hours paid leave for every 100 hours worked for part-time workers) plus 9 public holidays. You are entitled to be consulted by your employer about the timing of annual leave
- Maternity Leave for a minimum of 26 weeks, during which 70% of your average weekly earnings in the second last tax year is paid by the Department of Social Protection, a right to opt for a further 16 weeks maternity leave (unpaid), to time off for pre-natal and post-natal care, and to full reinstatement in

your job. To preserve these rights you must give your employer at least 4 weeks notice of your intention to take maternity leave and provide a medical certificate

- Parental Leave is available for each child but is limited to 14 weeks in a 12-month period. This leave is unpaid. You must give your employer at least 6 weeks written notice and it should state the starting date and return date. Both parents have an equal separate entitlement to parental leave
- Equal pay for work of equal value with the same employer or by an associated employer in the same place or at a separate premises
- No discrimination on grounds of age, ethnic origin, sex, disability, marital status or sexual orientation in advertisement for positions, in recruitment procedures or in terms of employment. Maximum age limits in recruitment are still lawful, but only if they are based on reasonable grounds in terms of the cost or period of time involved in training for the job
- A representative on safety matters who may request an industrial inspector to investigate any danger and consult with the employer to secure a safe workplace. There must be a written safety statement dealing with hazards and safeguards. The **Health and Safety Authority** (Tel: 1890 289 389) monitors safety at work
- Minimum hourly wages of €8.65 per hour and a premium for Sunday working (often 100%)
- If required to be available on stand-by during a period, you are entitled to be paid for 25% of the time even if not required to work
- Protection from sexual harassment

- A minimum period of notice of dismissal (of 1-8 weeks depending on years of service)
- Observation of the terms and conditions agreed in any collective agreement by a new employer who takes over ownership of a business
- A Statutory Redundancy Lump Sum once you have 2 years of service (sum = 2 weeks of pay for every year of service + one further weeks pay)
- Part-time workers to participate on an equal basis with full-time workers in any Pension Scheme operated by an employer
- Right to a facility from your employer for you to put contributions into a Personal Retirement Savings Account (which are tax free). The employer is not obliged to contribute
- All employee rights apply equally to full-time and part-time employees.

## Unfair Dismissals

The Unfair Dismissals Act protects all employees working at least eight hours per week who have had a least a year's continuous service with the same employer. Dismissal will be presumed to have been unfair unless the employer can show grounds justifying the dismissal such as the competence or conduct of the employee or circumstances of redundancy. The Act also outlaws unfair selection for redundancy. Employers are obliged to give written reasons for dismissal within fourteen days if asked.

An employee must take a case for unfair dismissal within six months of dismissal. S/he may take the case for hearing before the **Rights Commissioner** if the employer is

agreeable. It can alternatively be taken directly to the **Employment Appeals Tribunal**. Where an employee has been unfairly dismissed, s/he can be awarded reinstatement, or financial compensation. If an employer fails to comply with the terms of an award, the **National Employment Rights Authority** may bring the matter to court on behalf of the employee.

Under new laws (soon to be enacted), an unfair dismissal case will be heard by an **Adjudication Officer** of the Workplace Relations Commission. It would be possible to appeal a decision to the **Labour Court**.

## Unfair Treatment

Grievances about unfair treatment under an employment contract can be taken up by writing to the **Rights Commissioner Service** (Tel: 613 6700). An employer can refuse to have a complaint heard by the Rights Commissioner. The employee may then bring the matter to the **Labour Court** (Tel: 613 6666) providing he/she agrees to be bound by the findings. The employer is then obliged to respond to the complaint, but the adjudication is not binding.

## Other Relevant Contacts:

The **Equality Authority** (Tel: 1890 245 245) can advise on cases of inequality or discrimination.

The **Pension Ombudsman** (36 Upr Mount St, Dublin 2; Tel: 647 1650) investigates and decides complaints and disputes involving occupational pension schemes and Personal Retirement Savings Accounts.

## 11. TRAFFIC REGULATION

Any resident is entitled to submit a request for a change in traffic regulation. Such requests are considered by a **Traffic Advisory Group** of the City Council, consisting of Traffic Engineers and Gardaí. Usually a traffic survey is taken and decisions usually follow national guidelines, unless special circumstances, such as a record of accidents, prevail.

## 12. A GUIDE TO LOCAL SERVICES

### Garda Stations

Blackrock 666 5200

Cabinteely Garda Station 666 5400

Dún Laoghaire 666 5000

**Fire Stations** In the event of a fire ring:  
Emergency Number 999

### Hospitals

Blackrock Clinic, Rock Rd., Blackrock 283 2222

St. Columcille's Hospital, Loughlinstown,  
Co. Dublin. 282 5800

St. Michael's Hospital, Dún Laoghaire,  
Co. Dublin. 280 6901

Beacon Hospital, Beacon Court, Bracken Road,  
Sandyford Industrial Estate, Dublin.  
18 293 6600

National Rehabilitation Hospital,  
Rochestown Ave., Dún Laoghaire 235 5000

St. John of God's, Stillorgan, Co. Dublin  
277 1400

Temple Street Children's, Temple Street North,  
Dublin 1, 874 4200

St. Vincent's University Hospital, Elm Park,  
Merrion Road, Dublin 4, 221 4000

### HSE Local Health Centres

Blackrock Health Centre  
George's Avenue, Blackrock, Co. Dublin.  
288 2980/8423/5406

Cabinteely Health Centre  
Meadowvale, Clonkeen Road, Cabinteely,  
Co. Dublin. 289 6195/6197

Dalkey Health Centre  
Kilbagnet Close, Dalkey, Co. Dublin  
285 9291/9233

Dún Laoghaire Health Centre  
Centenary House, York Road, Dún Laoghaire  
(entrance on Tivoli Terrace South) 280 8471

Our Lady's Clinic Patrick Street  
(Dental/Social Work) Dún Laoghaire,  
Co. Dublin. 280 8403

Loughlinstown Health Centre  
Loughlinstown Drive, Loughlinstown,  
Co. Dublin. 282 2122/2463

Sallynoggin Health Centre  
Upper Glenageary Road, Sallynoggin,  
Co. Dublin. 280 0786/6754

Shankill Health Centre  
Lower Road, Shankill, Co. Dublin.  
282 0344

Stillorgan Health Centre St. Brigid's,  
Church Road, Stillorgan, Co. Dublin.  
217 2918

South Dublin -Caroline Peppard (HSE)  
463 2813

## HSE Services

Dún Laoghaire Local Health Office,  
Tivoli Road, Dún Laoghaire, Co. Dublin.  
284 3579 / 236 5200

Principal Speech and Language Therapist:  
Based at Loughlinstown Health Centre.  
282 2122

Homehelp, Social Workers, Dental Service,  
Foster Programme: Based at Patrick Street,  
Dún Laoghaire. 491 6400

## Citizens' Information

Dún Laoghaire Citizens' Information Centre  
Clarence St. 2844544

## Money Advice & Budgeting Service Dún Laoghaire

Clarence St. 2302002

## Social Welfare Service

Dún Laoghaire Social Welfare Office  
18-21 Cumberland St. 214 5540

Dún Laoghaire Citizens' Information Centre,  
Clarence Street, 076 107 7400

Dún Laoghaire Rathdown Switchboard/  
Customer Information/Complaints 205 4700

## Irish Water

Irish Water is the new national water utility responsible for the delivery of water services to homes and businesses in Ireland. Please contact Irish Water for more information, or to report an issue with:-

- Water Supply
- Water Quality
- Waste water

1890 278 278 (LoCall)

Out-of-Hours Contact 677 8844

## Dún Laoghaire Rathdown County Council

Switchboard 205 4700

Customer Services 205 4888

Complaints 205 4888

Emergency Out of Hours Services 677 8844

## Housing

Disabled Persons' Grant 205 4847

Anti – Social Behaviour 205 4828

Affordable Housing 204 7920

Estate Management 2205 4759

Homeless Section 205 4828

Home Improvement Grants 2054 4756

Home Purchase Loans 205 4836

Homeless Advice 205 4828

Rents Section 205 4841

Rent Supplement 1 800 454 454

Money Advice & Budgeting Service (MABS)  
0761 07 2530

Rental Accommodation Scheme (RAS)  
204 7264

Mortgage Allowance Scheme 205 4885

Housing Grants 205 4847

## Planning

Derelict Sites 205 4762

Planning Applications 205 4859

Planning Appeals 205 4867

Enforcement 205 4864

## **Roads and Traffic**

Abandoned Cars 205 4817  
Street Signs 205 4879  
Road Sweeping 205 4810  
Road and Street Maintenance 205 4879  
Parking Control 205 4884  
Road Safety 205 4813  
Gully Cleaning 205 4700 Ext 4258  
Street Lighting 205 4809  
Footpaths 204 7958  
Potholes 205 4879

## **Waste, Water & Environmental Services**

Recycling Services 205 4810  
Burst Water Mains 205 4831  
Bins and Waste services 205 4810  
Flooding After Hours Service 677 8844  
Litter Wardens 205 4351  
Bonfires 205 4848  
Report Derelict Site or Property 205 4762  
Control of Dogs and Horses 205 4771  
Cemeteries 204 7275/ 205 4321/4848  
Control of Intoxicating Liquor 205 4759  
Dog Fouling 2054 8817, 1800 403 503  
Domestic Waste charges 205 4747  
Dog Licences 205 4771  
Dog Pound 278 3564  
Blocked Gullies 205 4817

## **Community Services**

Higher Education Grants 205477  
Arts Grants 271 9528  
Football Pitches 205 4341  
Heritage Office 205 4868  
Beaches 205 4759  
Vote Registration 205 4880  
Forum for Older People 271 9501

## **Libraries**

Blackrock Library 288 8117  
Cabinteely Library 285 5363  
Dalkey Library 285 5317  
Deansgrange Library 285 0860  
Dún Laoghaire Library 280 1147  
Shankill Library 282 3081

## **Swimming Pools**

Monkstown Blue Pool 2301458  
Loughlinstown Leisure Centre 2823344  
Meadowbrook Leisure Centre 2995610

## 13. A GUIDE FOR SENIOR CITIZENS

### Useful Contacts

Age Action 475 6989  
Alone 679 1032  
Alzheimer Society of Ireland 207 3800  
Aware 661 7211  
Citizens Information Services 0761 07 4000  
Deaf Hear 817 5700  
Dementia Services Information and Development Centre 416 2035  
Department of Health 635 4000  
Department of Social Inclusion 704 3245  
Department of Social Protection 1890 50 0000  
Friends of the Elderly 873 1855  
Home Instead Senior Care 1890 989 755  
Independent Age 051 399 989  
Irish Hospice Foundation 679 3188  
Irish Patients Association 272 2555  
MABS (Money Advice & Budgeting Service) 0761 07 2000  
Mental Health Ireland 284 1166  
My Home from Home  
[www.myhomefromhome.ie](http://www.myhomefromhome.ie)  
Nursing Homes Ireland 429 2570  
Pensions Authority 1890 656 565  
Pensions Ombudsman 647 1650  
Samaritans 1850 60 90 90  
St. Vincent De Paul 838 6990  
Sustainable Energy Ireland 1850 376 666  
Third Age 046 955 7766

### Older People's Organisations

Active Retirement Ireland 873 3836  
Age Action 475 6989  
Console 1800 201 890  
Crime Victims Helpline 116 006  
[disABILITY.IE](http://disABILITY.IE) [www.disability.ie](http://www.disability.ie)  
Energy Action Ltd 454 5464  
Friends of the Elderly 873 1855  
Hearing Loss Ireland 817 5700  
Independent Age 051 399 989  
Irish Association of Older People 214 0737  
Irish Senior Citizens Parliament 856 1243  
Meals on Wheels [www.hse.ie](http://www.hse.ie)  
National Council for the Blind (NCBI) 830 7033  
Nursing Homes Ireland 429 2570  
Older Women's Network Ireland (OWN) [www.ownireland.ie](http://www.ownireland.ie)  
Retirement Planning Council of Ireland 478 9471  
Parkinsons Association of Ireland 872 2234  
[Seniorcare.ie](http://Seniorcare.ie) [info@seniorcare.ie](mailto:info@seniorcare.ie)  
SONAS apc 260 8138  
Volunteer Stroke Scheme 455 9036  
Senior Help Line 1850 440 444

Disclaimer: Every reasonable effort has been made to ensure that the content of this information guide is accurate at time of going to print. No liability is accepted for any errors or omissions or outdated information.

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# MARY MITCHELL O'CONNOR TD

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**FINE GAEL** 

## YOUR LOCAL FINE GAEL TEAM

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Cllr. John Bailey, Cllr. Maria Bailey, Cllr. Marie Baker,  
Cllr. Mary Fayne, Cllr. Pat Hand, Cllr. Josepha Madigan,  
Cllr. Brian Murphy, Cllr. Neale Richmond, Cllr. Barry Saul,  
Cllr. Patricia Stewart, Cllr. Barry Ward and Brian Hayes MEP.