



# Relate

## Contents

The journal of developments in social services, policy and legislation in Ireland

### Page No.

- 1 Getting married**  
The rules about the solemnisation and registration of marriages have changed and you may have a choice of venue for a civil marriage ceremony.
- 2 Land law changes**  
Changes are being made in land and conveyancing law with the aim of introducing e-conveyancing.
- 4 Coroners**  
There are proposals to change the law to introduce a new Coroner Service, extend the remit of coroners and change other aspects of the role of coroners.
- 6 Local and community development**  
There are some changes in the way in which local and community development programmes are delivered.

## Getting married

The rules governing the solemnisation and registration of marriages which are contained in the Civil Registration Act 2004 came into effect on 5 November 2007. The rules in relation to capacity to marry are not changed. The main changes are that you must give notice in person of your intention to marry and you need to have a Marriage Registration Form (MRF) – in effect, a marriage licence. These changes apply to all marriages, whether religious or civil. If you propose to have a civil ceremony you may be able to choose a venue other than the Registry Office.

## Notice and Marriage Registration Form

If you want to give notice of your intention to marry, you should contact a registration office and make an appointment. This can be any registration office – it need not be where you live. A list of registrars is available on the General Register Office website: [www.groireland.ie](http://www.groireland.ie)

Both of you must go in person to the office of the registrar in order to give notice of your intention to marry. You must give at least three months' notice. So, you should arrange your initial appointment well before you need to give the three months' notice. It is possible to get an exemption from the three months' notice requirement by applying to the Circuit Court or the High Court. The rules in respect of this have not changed. However, you still need to get the MRF as described below.

The requirement for both of you to give notice in person applies except in very limited circumstances, for example, if one of you is critically ill or lives outside the State. You need to get the prior agreement of the registrar if you want to give notice by post. If you do give notice by post you are still required to attend the registrar's office in person at least 5 days before the ceremony in order to complete the declaration that there is no impediment and produce the necessary documentation. However, special arrangements can be made if both of you are seriously ill.

You must pay a notification fee of €150. The registrar looks for evidence of your names, addresses, marital status, age and nationality. If you have previously been married, you need evidence that you are now divorced or widowed. You also need your Personal Public Service Number (PPSN). You must make a written declaration that there is no impediment to the marriage. Notices of intention to marry may be published and are available for inspection at the registrar's office.

If you meet all the legal requirements, the registrar issues a Marriage Registration Form (MRF). This is an essential condition for all marriage ceremonies - it is not legal to have a marriage solemnised without this form (see below for some transitional arrangements). This then entitles you to get married. You may then marry in a civil ceremony or you may make arrangements to have a religious marriage ceremony. You must show this form to the person solemnising the marriage before the ceremony.

Both of you, as well as two witnesses and the solemniser, must sign the MRF after the marriage ceremony. One of you must return the signed form to the registrar within a month of the ceremony.

## Transitional arrangements

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There are transitional arrangements for people who gave notice of their intention to marry before 5 November 2007 but are getting married after that date.

- If you are proposing to have a Roman Catholic ceremony, you do not need an MRF. You should complete a registration form (Form A) after the ceremony. This form must be sent to the registrar in order for the marriage to be civilly registered. You must also make sure that the priest solemnising the marriage is on the Register of Solemnisers.
- If you are proposing to have a religious ceremony in accordance with the rites of another religion, you should contact your local registrar who will arrange for you to be issued with a completed MRF, provided that you are free to marry. You must also make sure that the officiating person is on the Register of Solemnisers.
- If you propose to have a civil ceremony, you should make an appointment with the registrar, who will arrange for you to get a completed MRF, provided that you are free to marry.

## Venues for marriage ceremonies

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The Act allows for the marriage ceremony to take place at a venue which is agreed by the two of you and the person solemnising the marriage. The rules about the location of religious marriage ceremonies are decided by the religious authorities involved. All marriage ceremonies must be held in a place that is open to the public. In the case of civil ceremonies, you may be able to hold the ceremony at a place other than the Registry Office. You may have to pay extra fees and expenses if you want the ceremony to be held at an alternative venue. The alternative venue must be approved by the registrar. The Minister for Health and Children has issued guidelines for venues for civil marriages, which are published on the General Register Office website. The services of an interpreter must be obtained where any of the parties to the marriage, the witnesses or the solemniser does not have sufficient knowledge of the language of the ceremony to understand it. It is the responsibility of the couple to arrange this service.

## Solemnisers

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A marriage may only be solemnised by a registered solemniser. A solemniser is not entitled to solemnise a marriage unless both parties are present, two witnesses over 18 years of age are present, the place where the marriage is solemnised is open to the public and the solemniser is satisfied that the parties to the marriage understand the nature of the marriage ceremony and the declarations that must be made as part of the ceremony.

The Ard-Chláraitheoir (Registrar-General) maintains a public register of solemnisers. This register includes the names of the civil registrars and the religious who are nominated by the religious bodies to be solemnisers. It is possible to have a religious solemniser temporarily registered – for example, if he/she is living abroad but wants to solemnise a specific marriage. There are provisions for appeals against the refusal to register a solemniser.

Further information  
The Marriages Unit  
General Register Office, Government Buildings  
Convent Road, Roscommon  
Lo-call: 1890 252 076 [www.groireland.ie](http://www.groireland.ie)

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## Changes to land law

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Land law and conveyancing law are complex. Some legislation dates back to feudal times and some of the relevant common law is also very old. A process of modernisation has been started. The changes which are being introduced are based on the proposals in the Law Reform Commission's *Consultation Paper on Reform and Modernisation of Land Law and Conveyancing Law* and its *Report on Reform and Modernisation of Land Law and Conveyancing Law*.

Land law deals with different types of ownership of land. Conveyancing law is concerned with the sale and transfer of land. Transfer of land may involve outright sale, leasing, mortgage or other dealing.

It is hoped that the process of modernising land law will facilitate the introduction of a system of electronic conveyancing of land (e-conveyancing).

## Property registration

It is generally considered that an e-conveyancing system can operate only in respect of registered land. At present, about 85% of land in the country, including almost all farmland, is registered. Compulsory registration applies in six counties: Carlow, Laois and Meath since 1970, and Longford, Roscommon and Westmeath since 2006. The title to non-registered land is based on deeds which are registered in the Registry of Deeds (now part of the Property Registration Authority).

The Registration of Deeds and Titles Act 2006 established the Property Registration Authority whose main function is to promote and extend registration of title to land and update land registration procedures and processes. It replaced the Registrar of Deeds and Titles.

Property Registration Authority

Chancery St, Dublin 7 [www.landregistry.ie](http://www.landregistry.ie)

## Property Services Regulatory Authority

It is proposed to establish a National Property Services Regulatory Authority. This will be the regulatory authority for auctioneers and estate agents. Management agents – that is, companies who manage properties on behalf of landlords – will be covered by this authority. Property management companies – that is, companies formed by the owners of multi-unit developments (blocks of apartments) – will not be covered by this authority. It is proposed to introduce legislation dealing with these companies after the Law Reform Commission issues its report on the subject. It has already issued a *Consultation Paper on Multi-Unit Developments*. Pending enactment of the legislation, the Minister for Justice, Equality and Law Reform has set up an Implementation Group, to assist and advise on practical matters relating to the establishment of the new body and to prepare for the new licensing system. An interim website is available at [www.npsra.ie](http://www.npsra.ie).

## Land and Conveyancing Law Reform Bill 2006

This Bill has been passed by the Seanad and is being considered by the Dáil.

The Bill aims to

- Modernise land and conveyancing law
- Simplify the law to make it more easily understood and accessible to citizens
- Simplify the conveyancing process particularly the procedures involved in order to reduce delays and costs

- Promote extension of the registration of title system and
- Facilitate the introduction of e-conveyancing of land as soon as possible.

It is a long detailed technical Bill. It proposes to repeal most of the pre-1922 legislation (about 150 different Acts) dealing with land and title to it. Among other things, it deals with issues such as trusts of land, covenants over land, contracts for sale of land, deeds and it aims to simplify the law on mortgages. While the Bill in its entirety ultimately affects all landowners and potential landowners, most people do not need to know the details concerned. There are some aspects, however, that may have an immediate effect on individual owners.

### Joint tenancies and tenancies in common

A joint tenancy is where two people jointly own land and their intention is that, when one dies, the other becomes the owner. It is more frequently used by married couples when they buy a house. (It is possible for more than two people to have a joint tenancy but it is relatively unusual.) Tenancy in common involves two or more people buying property with each retaining the right to deal with his/her share in their will. This would be the usual arrangements if, say, two friends bought a house.

At present, it is possible for a person who is a joint tenant to "sever" the tenancy and turn it into a tenancy in common. This means that the other joint tenant loses the expectation of ending up as the sole owner. This Bill proposes to prevent one person severing a joint tenancy without the written consent of the other joint tenant.

The Bill also updates the law on the partition of land by co-owners.

### Appurtenant rights

"Appurtenant" rights are rights which one person may have over another's property or rights which a landowner has which prevent another person doing something. They usually (but not always) involve neighbouring landowners. The most common rights are called easements and profits à prendre. An easement is a right such as a right of way over neighbouring land, a right to light or a right to support from an adjoining building. A profit à prendre is the right to go onto someone else's land and to, for example, cut timber or turf (turbary rights), hunt game, fish, mine or quarry or graze animals (pasture rights).

The Bill proposes new rules to deal with problems which may arise in relation to such rights. In particular, it provides for new rules to deal with disputes over party structures, such as party walls and fences, separating neighbours. This is designed to regulate the rights of such owners, especially where a dispute occurs over repairs or works which one owner wishes to carry

out. It also includes situations where there may not be a party structure but the buildings are so close to the boundary line that work such as repairs cannot be carried out effectively

without access from the neighbouring property. The Bill proposes to enable one landowner to get a District Court "works order" allowing such access under certain conditions.

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## Coroners Bill 2007

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The role of coroners is currently governed by the Coroners Act 1962. This Bill proposes to change a number of aspects of the law.

### Present law

At present, coroners are involved in all cases of sudden and unexpected death. They investigate the immediate case of death. They do not decide on any civil or criminal responsibility in relation to a death. At present, coroners are employed by local authorities. There are 48 coroners' districts in the State and most coroners work part time.

Certain deaths must be reported to the coroner. All doctors, registrars of death, funeral undertakers as well as people in charge of the premises in which a person died are obliged to inform the coroner (or a Garda Sergeant) if they suspect that the person died, either directly or indirectly:

- As a result of violence or misadventure
- By unfair means
- As a result of negligence or misconduct or malpractice on the part of others
- From any cause other than natural illness or disease for which the deceased had been seen and treated by a doctor within a month before the death
- In such circumstances as may require investigation.

The coroner may establish that the death was due to natural causes and, if so, he/she issues a medical certificate of the cause of death (which can then be used to register the death). Family members are not automatically entitled to any information – they get the certificate and report only if they apply to the Coroner's Court.

If, after a post-mortem, the coroner is still unable to establish the medical cause of death, an inquest may be held. An inquest is an enquiry into the cause of death, that is, when, where, how and why did the death occur. In general, an inquest must be held if the coroner considers that the death was violent or unnatural or happened suddenly or from unknown causes. A post-mortem and inquest are always required in cases of suicide.

An inquest does not involve any assessment of criminal liability. In some cases, a jury must be present at an inquest but the jury has a fairly limited role. If there are criminal proceedings involved, the inquest must be adjourned until those proceedings have been completed.

The Coroners Bill 2007 proposes a number of changes to the

role of coroner. These include the establishment of a new Coroner Service, the widening of the scope of the inquest from investigating the immediate medical cause of death to establishing the circumstances in which the deceased died and the right of family members to information about the coroner's investigations. The following is a brief summary of the Bill which is currently before the Dáil.

### The Coroner Service

The Bill proposes the establishment of a full-time national coroner service under the aegis of the Department of Justice, Equality and Law Reform. The local authorities will not be involved in the service. It is proposed to have a chief coroner, deputy coroner, a certain number of full-time coroners and a fewer number of part-time assistant coroners. The service will be organised on a regional basis – the exact boundaries have yet to be decided. There will be at least two full-time coroners and one assistant part-time coroner in each region. There will be a director of the service and coroners' officers will be employed to help the coroners carry out their functions.

One of the functions of the service will be to "liaise efficiently and sympathetically with bereaved families and interested persons involved in an investigation or inquest". The definition of family member includes a person with whom the deceased was co-habiting.

An interested person means:

- A friend of long standing of the deceased
- The personal representative of the deceased
- A beneficiary under a policy of insurance issued on the life of the deceased and the insurer
- A person whose act or omission, or that of his or her employee or agent, may have caused or contributed to the death of the deceased
- In a case where the death may have been caused by an occupational injury or disease – the deceased's trade union representative and/or the employer
- A representative of a statutory body
- A member of the Garda Síochána not below the rank of Inspector
- A person appointed by a government department to attend any inquest
- Any other person that the coroner considers has a sufficient interest.

## Reporting of death

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The Bill proposes that the following deaths must be reported to the coroner:

- Deaths which may have occurred in a violent or unnatural manner
- Deaths where the cause of death appears to be unknown
- Any accidental death
- A death in suspicious circumstance
- Suicide, suspected suicide or suspected assisted suicide
- If the deceased has not been seen and treated by a doctor in the 28 days before death
- Death due to possible negligence, misconduct or malpractice
- Death occurring within 24 hours of admission to a hospital or other health institution
- Deaths which may have occurred during an operation, or before recovery from the effects of anaesthetic, or from a diagnostic or therapeutic procedure regardless of the length of time between the procedure and death
- Deaths which may have occurred from a non-conventional medicine or procedure
- Maternal deaths that occur during or following pregnancy or that might be reasonably related to pregnancy
- Any death of a child in care
- Infant deaths, including Sudden Infant Death Syndrome and non-accidental injury
- Unnatural stillbirths and intra-uterine deaths
- Any death that occurs in an institution, including a hospital or other institution for the care and treatment of people who are mentally ill or have an intellectual disability administered by or on behalf of the State,
- Death of a person who was being detained involuntarily
- If the deceased was in Garda Síochána or military or prison custody at the time of death or immediately before the death
- Any death in a remand centre or a children detention school
- A death due to want of care, exposure or neglect
- Any death due to accident at work, occupational disease or industrial poisoning
- Deaths where a body is to be removed from Ireland or where a body is to be repatriated to Ireland
- Where a body is unidentified
- Where a member of the family of the deceased cannot be traced
- Where human remains are discovered
- A death in any public or private institution for the care of older or infirm people
- A death due to poisoning by alcohol, drugs or other substance
- Any death which may be due to certain diseases such as CJD or to MRSA
- Where a satisfactory certificate of the cause of death cannot be got from a doctor

## Investigation of death

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The Bill sets out the rules that will govern the investigation of death by a coroner. A coroner's investigation does not affect investigations by other statutory bodies such as the Health and Safety Authority. Such bodies will be required to keep the coroner informed about the progress of the investigation. There are provisions for investigating deaths which occurred outside the State.

The Bill provides for protocols of co-operation and information sharing between the Coroner Service and organisations such as An Garda Síochána, the Garda Ombudsman Commission and statutory bodies with responsibilities under other legislation to investigate accidents, incidents or diseases resulting in death (for example, the Health and Safety Authority, the Road Safety Authority, the Railway Safety Commission and the Air Accident Investigation Unit). The Bill sets out the various powers which coroners will have in order to enable them to conduct the investigation including having control over the body of the deceased for a period.

The coroner will issue a "Fact of Death" certificate which will make no reference to the cause of death. This certificate will enable the family members to claim benefits without waiting for the outcome of the investigation. This is not a death certificate but is designed to get over the practical problems families face while waiting for a death certificate. The coroner may authorise the family to bury or cremate the body before the investigation is complete.

The coroner will be obliged to give easily understood information to family members and any interested person whom the coroner thinks is appropriate. This includes information on whether or not a post-mortem has been carried out, whether organs or tissue have been removed and whether or not there will be an inquest.

## Inquest

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The Bill proposes that an inquest must be held if the death occurred in the following circumstances:

- In a violent or unnatural manner
- From unknown causes

- In or immediately after being in Garda Síochána, military or prison custody,
- In custody in a remand centre or a children detention school
- In an institution including a hospital or other institution for the care and treatment of people who are mentally ill or have an intellectual disability administered by or on behalf of the State where the person was being detained involuntarily
- A child in care or
- In circumstances set out in other legislation which require an inquest to be held

The purpose of an inquest will be to establish the identity of the deceased, when and where the death took place and, as

far as practicable, the circumstances in which the death took place including the medical cause of death.

The inquest will not be able to decide any question of civil or criminal liability.

The coroner will be obliged to inform family members of the inquest. The Bill includes detailed rules about the conduct of the inquest. The coroner will have extensive powers to order various examinations and to exhume bodies in certain circumstances. The Bill sets out the circumstances in which the coroner must have a jury and the rules for serving on such a jury. The coroner will be obliged to publish a written report of the inquest and may issue recommendations. Where this happens, the relevant authorities must respond within six months.

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## Local and community development

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A range of local development initiatives and structures have been put in place over the past 20 years. The Local Development Social Inclusion Programme under the National Development Plan 2000-2006 was managed by Pobal (formerly Area Development Management) on behalf of the Department of Community, Rural and Gaeltacht Affairs (DCRGA) and delivered by 71 different groups: 38 Area Partnerships, 31 Community Partnerships and 2 Territorial Pacts. The EU LEADER+ (Links between Actions for the Development of the Rural Economy) programme was delivered by 22 Local Action Groups. The LEADER National Rural Development Programme provided funding for 13 areas not included in the LEADER+ Programme and also supported 3 national organisations. In effect there were 38 bodies delivering local rural development programmes.

It was decided in 2004 to improve the arrangements under which community and local development initiatives were delivered and to improve cohesion and focus across the various measures. The various groups were asked to propose improvements in their areas. The overall aim is to have one local development company in any given area and fewer local development companies in total. The move to a more integrated approach was overseen by the County/City Development Boards (CDBs). CDBs are involved in the preparation and implementation of the county/city Strategy for Economic, Social and Cultural Development. This strategy aims to guide all public services and local development activities locally and to ensure greater coherence in the planning and delivery of services at local level. CDBs were asked to consider and endorse work plans prepared by the various community and local development agencies.

The aims of this integration process were to:

- Improve services
- Streamline structures so as to avoid overlaps, duplication and undue administrative overheads
- Bring transparency, co-ordination and improved control to the funding and operation of local and community development measures and
- Strengthen the democratic accountability of agencies and service providers

In March 2007, the Government decided on revised areas of coverage for local development companies. It outlined the arrangements in relation to the membership of the boards of these bodies in July 2007. LEADER and Partnership groups have been asked to give effect to this decision. In October 2007, the Department of Community, Rural and Gaeltacht Affairs issued *Guidelines on the Governance of Integrated Local Development Companies and Urban Based Partnerships*. This realignment of local delivery structures means that all areas will be covered. The number of local development delivery bodies will be reduced from 71 to 55-38 integrated LEADER/Partnership bodies in rural areas and 17 Partnerships covering urban areas. Funding under the National Development Plan 2007-2013 and the EU Rural Development programme will then be channelled through these groups.

## EU Rural Development Programme 2007-2013

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The EU Rural Development Programme 2007-2013 involves spending of €5.78 billion, of which €2.33 billion will come from the EU Agriculture Fund for Rural Development and the rest from the Irish Government. The programme covers a range of schemes including REPS/Natura, Disadvantaged Areas and Early Retirement.

The programme also provides for the continuation of LEADER programme activities – effectively the LEADER programme is being mainstreamed. A total of €425m (€234m from the EU) is provided for activities which aim to support improvements to the quality of life in rural areas and the diversification and development of the rural economy. The programme is to be delivered by the Department of Community, Rural and Gaeltacht Affairs (DCRGA) through a network of Local Action Groups. The selection process for the Local Action Groups is currently underway. The Rural Development Programme sets out the criteria for selection.

Measures are being put in place to ensure that there is co-ordination and non-duplication with other local development activities. County Development Boards have responsibility for co-ordinating the delivery of measures locally through local authorities and area development groups. Local Action Groups will be obliged to have cross-representation arrangements with County Development Boards and to have business plans endorsed by them. The DCRGA has set criteria for Local Action Groups delivering nationally funded local community initiatives on its behalf.

## Support for local and community development

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Support for local and community development is provided by a range of programmes. The funding for these programmes is being continued under the National Development Plan 2007-2013 (see below). These programmes aim to improve the capacity of disadvantaged communities to participate in local development, training, education and employment opportunities. The main programmes are:

### Community Development Programme

The Community Development Programme (CDP) is designed to reduce social exclusion by targeting support at disadvantaged and socially excluded communities in order to improve their capacity to benefit from social and economic development.

Community Development Projects are normally funded on the basis of three-year renewable contracts based on workplans submitted to the DCRGA and endorsed by the City/County Development Board.

### Scheme of community support for older people

This is designed to direct funding to initiatives to improve the security of vulnerable older people.

### Funding scheme to support the role of federations, networks and umbrella bodies

This is designed to support national representative federations, networks and umbrella bodies in the community

and voluntary sector in providing support to their member groups.

### Funding scheme for training and supports in the community and voluntary sector

This is designed to develop support and training availability across the community and voluntary sector.

### The CLÁR programme (Ceantair Laga Árd-Riachtanais)

The CLÁR Programme originally covered those rural areas which had suffered an average population loss of 50% between 1926 and 1996 and the Cooley Peninsula. Coverage was extended in 2006 to include areas with an average population loss of 35% between 1926 and 2002. Kildare, Wicklow and Dublin are now the only counties not included in CLÁR. The CLÁR schemes cover developments such as village, housing and schools enhancement, electricity conversion/ installation, roads, water supply, sewerage schemes, health, coastal, sports and community projects.

### The RAPID programme (Revitalising Areas by Planning, Investment and Development)

This programme targets the 46 areas with the greatest concentration of disadvantage for priority funding under the National Development Plan and aims to achieve better co-ordination of service delivery at local level.

Further information on these programmes is available at: [www.pobail.ie](http://www.pobail.ie)

## Social Finance Foundation

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The Social Finance Foundation is a not-for-profit organisation set up to implement the Social Finance Initiative announced in Budget 2006. It provides repayable loans to support social and developmental projects and social enterprise in local communities. Its funding has come from the banking sector. The main focus for its lending is on community-based projects, social infrastructure and local development.

Social Finance Foundation

Arthur Cox Building,

Earlsfort Terrace,

Dublin 2

Tel: (01) 619 0043

[www.sff.ie](http://www.sff.ie)

The Citizens Information Board is the statutory body which supports the provision of information, advice and advocacy on the broad range of social and civil services to the public. It provides the Citizens Information website and supports the voluntary network of Citizens Information Services and the Citizens Information Phone Service.

## Head Office

7th Floor t + 353 1 605 9000  
Hume House f + 353 1 605 9099  
Ballsbridge e [info@ciboard.ie](mailto:info@ciboard.ie)  
Dublin 4 w [www.citizensinformationboard.ie](http://www.citizensinformationboard.ie)

## National Development Plan

The National Development Plan 2007-2013 (NDP) involves proposals for spending €148 billion over the period of the plan. The main aims of the plan are to:

- Tackle structural infrastructure deficits
- Enhance enterprise development, science, technology and innovation, working age training and skills provision
- Integrate regional development within the National Spatial Strategy framework of gateway cities and hub towns
- Invest in long-term environmental sustainability
- Realise the opportunities of strengthened all-island collaboration in areas of mutual interest
- Deliver a multi-faceted programme for social inclusion and improvements in the quality of life

The NDP has five investment priorities:

- Economic Infrastructure (transport, energy, environmental services, communications)
- Enterprise, Science and Innovation (this includes rural social and economic development)
- Human Capital (training and skills development, higher education, schools development)
- Social Infrastructure (housing, health infrastructure, prisons, sports, culture and heritage)
- Social Inclusion (see below)

### Social Inclusion Investment

The NDP proposes the spending of about €50 billion on social inclusion measures. This covers the following programmes:

**Children programme:** spending €12 billion on childcare services, child protection and recreational facilities for children, educational help for children from disadvantaged communities and those with special needs and juvenile justice

**Working age – Education:** spending €4 billion on programmes to support further education, student support and third level access

### Working age – Social and economic participation:

spending €1.2 billion on an activation programme directed at people of working age and back to work/education schemes

**Working age – Justice:** spending €300 million on rehabilitation of offenders

**Older people:** this involves spending just under €10 billion to help older people live independently at home and to provide investment in residential care facilities

**People with disabilities:** spending €19 billion to support the provision of programmes and services for people with disabilities in accordance with the National Disability Strategy

**Horizontal Programme:** €0.8 billion to support immigrant integration, language support, the social and economic advancement of members of the Traveller Community, the National Action Plan Against Racism and programmes and measures to combat gender inequality.

### Local and community development (1.9 billion)

This will cover five main areas:

- Community Development and Services (€861 million)
- RAPID (€67 million)
- Local Development Social Inclusion (€417 million)
- Volunteers and Volunteering Supports (€197 million)
- National Drugs Strategy (€319 million)

### Rural development

The NDP also provides for a range of measures to support rural development. The CLÁR Programme is allocated €141 million and the Rural Social Scheme is allocated €214 million.

Further information on the NDP is available at [www.ndp.ie](http://www.ndp.ie)

Citizens Information 

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