



**AN BILLE UM FHORAS TALUNTAIS, 1957.
AGRICULTURAL INSTITUTE BILL, 1957.**

*Mar a tugadh isteach.
As introduced.*

ARRANGEMENT OF SECTIONS

Section.

1. Commencement.
2. Definitions.
3. Establishment of the Institute.
4. Functions of the Institute.
5. Council of the Institute.
6. Expenses of members of the Council.
7. Director of the Institute.
8. Committees of the Institute.
9. Seal of the Institute.
10. Capital Fund.
11. Endowment Fund.
12. State endowment of the Institute.
13. Expenses of the Institute.
14. Offices and premises.
15. Fees.
16. Donations.
17. Staff.
18. Superannuation.
19. Accounts and audits.
20. Annual report of the Institute.
21. Protection of Institute, members and staff against legal proceedings.
22. Expenses.
23. Short title.

SCHEDULE.

PROVISIONS RELATING TO THE COUNCIL.



AN BILLE UM FHORAS TALUNTAIS, 1957.
AGRICULTURAL INSTITUTE BILL, 1957.

BILL

entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN INSTITUTE FOR AGRICULTURAL RESEARCH TO BE KNOWN AS AN FORAS TALÚNTAIS AND TO PROVIDE FOR OTHER MATTERS CONNECTED THEREWITH. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Commencement. 1.—This Act shall come into operation on such day as the Minister may by order appoint. 10

Definitions. 2.—In this Act—
“ agriculture ” includes horticulture, forestry and bee-keeping, and also includes facilities, activities and sciences which relate to or tend to promote or improve agriculture, and cognate words shall be construed accordingly; 15

“ the chairman ” means the chairman of the Council;

“ the Council ” means the Council of the Institute;

“ facilities for carrying out agricultural research ” includes land and buildings used for or in connection with the carrying out of agricultural research; 20

“ the Institute ” means An Foras Talúntais established by this Act;

“ the Minister ” means the Minister for Agriculture;

“ research ” includes investigation, test, experiment, analysis and study. 25

Establishment of the Institute. 3.—(1) There is hereby established an Institute to be styled and known as An Foras Talúntais to fulfil the functions assigned to it by this Act.

(2) The Institute shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land. 30

Functions of the Institute. 4.—(1) The functions of the Institute are to review, facilitate, encourage, assist, co-ordinate, promote and undertake agricultural research.

(2) Without prejudice to the generality of *subsection (1)* of this section, the Institute may do all or any of the following :

- 5 (a) make grants, subject to such conditions as it may think fit to impose, to persons engaged in carrying out agricultural research for the extension and development of their facilities for carrying out agricultural research,
- 10 (b) provide such new facilities for carrying out agricultural research as it considers desirable and provide for their use, control and administration by or on behalf of the Institute or otherwise,
- 15 (c) provide for the use, control and administration by the Institute of such facilities for carrying out agricultural research as may be transferred to the Institute, with its consent,
- 20 (d) consult with and advise persons engaged in carrying out agricultural research in relation to their programmes of agricultural research,
- (e) make grants, subject to such conditions as it may think fit to impose, to assist the carrying out of specific programmes of agricultural research or specific agricultural research,
- (f) provide scholarships and other awards for the carrying out of post-graduate agricultural research,
- 25 (g) award fellowships, subject to such conditions as it may think fit to impose, to persons who have done outstanding work in relation to agricultural science or agricultural research,
- (h) provide and organise courses of study for advanced students in agricultural research and related subjects,
- 30 (i) provide and organise seminars, conferences, lectures and demonstrations on agricultural research and related subjects and on specific problems and programmes in relation thereto,
- 35 (j) disseminate, or procure the dissemination of, the results of agricultural research to interested persons, including, in particular, persons engaged in providing advisory services in relation to agriculture,
- (k) publish, or procure the publication of, the results of agricultural research.
- 40 (3) The Institute shall advise the Minister on any matter relating to agricultural research or agricultural science on which its advice is requested by him.

5.—(1) There shall be a council, to be known as the Council of An Foras Talúntais, to carry out the general government of the Institute and the administration of its affairs.

Council of the Institute.

(2) The Council shall consist of a chairman and twelve ordinary members.

50 (3) The chairman shall be appointed by the President and shall hold office for such term (not exceeding three years) and on such terms and conditions (including terms of remuneration) as may be determined by the Government at the time of his appointment.

(4) The first chairman shall be appointed as soon as conveniently may be after the commencement of this Act.

(5) The chairman may at any time resign his office by letter sent by post to the President and the resignation shall take effect as on and from the date on which the President signifies his acceptance of the resignation.

(6) The President may at any time remove the chairman from office. 5

(7) The ordinary members of the Council, of whom nine shall be persons nominated under *subsections* (8) and (9) of this section, shall be appointed by the Government and the first appointments shall be made by the Government as soon as conveniently may be after the commencement of this Act. 10

(8) Five persons shall be nominated by such agricultural and rural organisations and in such manner as may be determined by the Government by order to be ordinary members of the Council.

(9) One person shall be nominated to be an ordinary member of the Council by each of the following: 15

the Governing Body of University College, Dublin,
the Governing Body of University College, Cork,
the Governing Body of University College, Galway, and
the Board of Trinity College, Dublin. 20

(10) The provisions of the Schedule to this Act shall apply in respect of the Council.

(11) The Government may by order revoke or amend an order under this section (including this subsection).

Expenses of
members of the
Council.

6.—There may be paid, out of the income of the Institute, to members of the Council such expenses of travel and subsistence as the Council may determine. 25

Director
of the
Institute.

7.—(1) There shall be a director of the Institute (in this Act referred to as the Director). 30

(2) The Director shall be the chief officer of the Institute and shall control and direct the activities and staff of the Institute subject to the general direction of the Council. 30

(3) The first Director shall be appointed by the Government as soon as may be after the commencement of this Act and shall hold office for such term and on such terms and conditions (including terms of remuneration) as may be determined by the Government. 35

(4) Subsequently, the Director shall be appointed by the Council and shall hold office for such term and on such terms and conditions (including terms of remuneration) as may be determined by the Council. 40

(5) (a) The Government may provide by order for the payment, in such manner and subject to such conditions and limitations as may be specified in the order, of superannuation allowances by way of pension or gratuity or both for the first Director. 45

(b) The Council may provide for the payment, in such manner and subject to such conditions and limitations as it may determine, of superannuation allowances by way of pension or gratuity or both for subsequent Directors. 50

(6) The Director shall devote the whole of his time to his duties as Director and shall not hold any other office or position without the consent of the Council.

(7) The Director may make proposals to the Council on any matter relating to the activities of the Institute.

(8) The Director shall not be a member of the Council.

5 (9) (a) The Government may at any time remove the first Director from office for misconduct or incapacity.

(b) The Council, after consultation with the Minister, may at any time remove the Director, other than the first Director, from office for misconduct or incapacity.

10 (10) The Government may at any time revoke or amend an order under this section (including this subsection).

8.—(1) The Council of the Institute may appoint committees to assist and advise the Council in relation to any of its functions. Committees of the Institute.

(2) A committee may include persons who are not members of the Council.

15 (3) The Council may appoint a person to be chairman of a committee appointed under this section.

20 (4) There may be paid, out of the income of the Institute, to members of a committee duly appointed under subsection (1) of this section such expenses of travel and subsistence as the Council may determine.

9.—(1) As soon as may be after the commencement of this Act the Council shall provide and retain in its possession a seal for the Institute, and such seal shall be authenticated by the signature of the chairman or of some other member thereof authorised by the Council to act in that behalf and the signature of the Director or of a member of the staff of the Institute authorised by the Council to act in that behalf. Seal of the Institute.

30 (2) Judicial notice shall be taken of the seal of the Institute, and every document purporting to be an instrument made by the Institute and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Institute shall be received in evidence and be deemed to be such instrument without further proof unless the contrary is shown.

35 10.—(1) The Minister for Finance shall, when requested by the Council to do so, pay to the Institute, out of the monies held in the Counterpart Special Account, a sum of eight hundred and forty thousand pounds and that sum, when paid to the Institute, shall be known as the Capital Fund of An Foras Talúntais and is in this Act referred to as the Capital Fund. Capital Fund.

40 (2) The Capital Fund shall be used by the Institute solely for—

(a) making grants to persons engaged in carrying out agricultural research in respect of the capital cost of the extension and development of their facilities for carrying out agricultural research,

45 (b) defraying the capital cost of providing such new facilities for carrying out agricultural research, whether for and under the control of the Institute or otherwise, as the Institute considers desirable,

50 (c) defraying the capital cost of providing and equipping offices and premises for the Institute.

(3) Such part of the Capital Fund or any unexpended balance thereof as is not required for the purpose of meeting current expenditure in relation to the grants and capital costs specified in

subsection (2) of this section shall be kept invested by the Institute in such securities as may be approved from time to time by the Minister for Finance.

(4) The interest on the Capital Fund or any unexpended balance thereof shall accrue to the Institute as income. 5

(5) In this and the next following section "the Counterpart Special Account" means the American Grant Counterpart Special Account established by the Minister for Finance in the Central Bank of Ireland pursuant to Article IV of the Economic Co-operation Agreement between the Government and the Government of the United States of America, dated the 28th day of June, 1948. 10

Endowment Fund.

11.—(1) The Minister for Finance shall, when requested by the Council to do so, pay to the Institute, out of the monies held in the Counterpart Special Account, a sum of one million pounds and that sum, when paid to the Institute, shall be known as the Endowment Fund of An Foras Talúntais and is in this Act referred to as the Endowment Fund. 15

(2) The Endowment Fund shall be kept invested by the Institute in such securities as may be approved from time to time by the Minister for Finance. 20

(3) The interest on the Endowment Fund shall accrue to the Institute as income.

State endowment of the Institute.

12.—(1) For the purpose of assisting the Institute to carry out effectively its functions under this Act, there shall be paid to the Institute in every financial year, out of monies provided by the Oireachtas, a grant towards the expenses of the Institute the amount of which shall be determined by the Minister for Finance in consultation with the Minister and the Council after due consideration of any information furnished under *subsection (2)* of this section. 25 30

(2) The Council shall furnish to the Minister such information regarding its income and expenditure as he may from time to time require.

(3) In this and the next following section "expenses" does not include expenses incurred by the Institute in relation to the grants or capital costs specified in *subsection (2)* of *section 10* of this Act. 35

Expenses of the Institute.

13.—The income of the Institute shall be applied by the Institute in payment of the expenses of the Institute including, in particular:

(a) the annual outgoings and expenses in respect of the offices, premises and equipment of the Institute, 40

(b) the remuneration and expenses of the chairman, the Director and staff of the Institute, the expenses of members of the Council and of members of committees appointed under *section 8* of this Act and the superannuation allowances of the Director and staff of the Institute, 45

(c) the cost of any agricultural research carried out by or on behalf of the Institute,

(d) the cost of grants to defray the cost of specific programmes of agricultural research or specific agricultural research, 50

(e) the cost of the provision of scholarships and other awards for the carrying out of post-graduate agricultural research,

(f) the cost of providing and organising courses of study, seminars, conferences, lectures and demonstrations, 55

(g) the cost of publication and dissemination of the results of agricultural research, and

(h) the cost of such other activities of the Institute, consistent with its functions, as may be approved by the Council from time to time.

14.—(1) The Institute shall, as soon as may be after the commencement of this Act, provide itself with offices and premises necessary for the performance of its functions. **Offices and premises.**

(2) For the purposes of subsection (1) of this section the Institute may—

- (a) purchase or take on lease any land, offices or premises, and
- (b) build, equip and maintain offices and premises.

(3) The Institute may sell or lease any land, offices or premises held by it and no longer required for the performance of its functions.

15.—The Institute may charge, receive and recover fees for agricultural research undertaken on behalf of any person and for courses of study, seminars, lectures and demonstrations provided or organised by it. **Fees.**

16.—(1) The Institute may accept gifts of money, land or other property, upon such trusts and conditions, if any, as may be specified by the person making the gift. **Donations.**

(2) The Institute shall not accept any gift if the conditions attached by the donor to the acceptance thereof are inconsistent with the functions of the Institute.

(3) Gifts accepted by the Institute under this section shall be received and applied by the Council.

17.—(1) The Institute may employ such staff as is necessary for the performance of its functions. **Staff.**

(2) Subject to the provisions of the next following subsection, the members of the staff of the Institute shall be appointed and removed by the Council.

(3) Before making an appointment to an office on the research staff of the Institute, the Council shall appoint a board, composed of persons who, in the opinion of the Council, are suitable and competent for the purpose, to examine the applications, and to recommend a person, for appointment to the office and the Council shall consider the recommendation of the board.

(4) The numbers, grades, remuneration, tenure of office and conditions of service of the members of the staff of the Institute shall be determined from time to time by the Council.

18.—(1) As soon as conveniently may be after the commencement of this Act, the Council shall prepare and submit to the Minister for Finance a scheme or schemes for the granting of superannuation allowances by way of pension or gratuity or both for its permanent staff. **Superannuation.**

(2) A scheme submitted to the Minister for Finance under this section shall, if approved of by the Minister for Finance, be carried out by the Institute in accordance with its terms.

(3) The Council may at any time, with the approval of the Minister for Finance, amend a scheme under this section.

(4) A scheme submitted and approved of under this section shall fix the time and conditions of retirement for all persons to whom allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(5) If any dispute arises as to the claim of any person to, or the amount of, any allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister for Finance for determination by him. 5

Accounts and audits.

19.—(1) The Council shall keep, in such form as may be approved by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts of all monies received or expended by it. 10

(2) Accounts kept in pursuance of this section shall be submitted annually by the Council to the Comptroller and Auditor General for audit at such times as the Minister, with the concurrence of the Minister for Finance, directs and the accounts when so audited shall, together with the report of the Comptroller and Auditor General thereon, be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas. 15

Annual report of the Institute.

20.—(1) The Council shall, as soon as conveniently may be after the end of every financial year, prepare and submit to the Minister a report of the work of the Institute in that financial year. 20

(2) A copy of every report submitted by the Council to the Minister under this section shall, within two months after its receipt from the Council, be submitted to the Government and laid before each House of the Oireachtas. 25

Protection of Institute, members and staff against legal proceedings

21.—No action or proceeding shall lie (except in the case of wilful neglect or default) against the Institute, a member of the Council, the Director, or any of the staff of the Institute by reason of, or arising out of, the carrying out of any agricultural research in accordance with this Act or the publication by or on behalf of the Institute of the results thereof. 30

Expenses.

22.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas. 35

Short title.

23.—This Act may be cited as the Agricultural Institute Act, 1957.

Section 5.

SCHEDULE.

PROVISIONS RELATING TO THE COUNCIL.

40

Term of Office.

1. The term of office of an ordinary member of the Council shall be three years.

Eligibility of outgoing members.

2. A member of the Council whose term of office expires by effluxion of time shall be eligible for re-appointment.

Resignation.

3. An ordinary member of the Council may resign his office as member of the Council by letter sent by post to the Council, and the resignation shall take effect as on and from the date which is one month after the date of the receipt of the letter, if the resignation is not previously withdrawn in writing. 45

4. The Government may at any time, on the advice of the Council, **Removal.**
remove an ordinary member of the Council from office.

5. (1) A casual vacancy occurring among the ordinary members **Casual vacancies.**
of the Council shall be filled by appointment by the Government
and, where the vacancy occurs among the members nominated under
subsection (8) or subsection (9) of section (5) of this Act, the
appointment shall be of a person nominated by the organisation or
body which nominated the member occasioning the vacancy.

(2) A person appointed under this paragraph shall hold office
10 for the remainder of his predecessor's term.

6. (1) The Council shall hold at least three meetings in every **Meetings.**
year which commences after the commencement of this Act.

(2) The Council may hold special meetings at any time at the
request of the chairman or five ordinary members of the Council.

15 7. (1) The quorum for a meeting of the Council shall be five. **Procedure.**

(2) At a meeting of the Council—

(a) the chairman shall, if present, be chairman of the meeting,

(b) if and so long as the chairman is not present or if the
office of chairman is vacant, the members of the Council
20 who are present shall choose one of their number to be
chairman of the meeting.

(3) Every question at a meeting of the Council shall be
determined by a majority of the votes of the members present and
voting on the question, and in the case of an equal division of votes,
25 the chairman of the meeting shall have a second or casting vote.

(4) The Council may act notwithstanding one or more vacancies
among its members.

(5) Subject to the provisions of this Act, the Council shall
regulate, by standing orders or otherwise, the procedure and
30 business of the Council and of the committees appointed under
section 8 of this Act.

BILLE

(mar a tugadh isteach)

dá ngairmtear

Acht do dhéanamh socrúithe chun institiúid taighde thalmhaíochta dá ngairmfear An Foras Talúntais a bhunú agus do dhéanamh socrúithe i dtaobh nithe eile a bhaineas leis sin.

Do hordáíodh ag Dáil Éireann a chlóbhualadh, 6 Samhain, 1957.

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN TSOILÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuaire, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

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[*Luach : Scilling Glan.*]

BILL

(as introduced)

entitled

An Act to provide for the establishment of an institute for agricultural research to be known as An Foras Talúntais and to provide for other matters connected therewith.

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