



**AN BILLE AIRI AGUS RUNAITHE (LEASU), 1973
MINISTERS AND SECRETARIES (AMENDMENT) BILL, 1973**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Appointed day.
3. The Department of the Public Service.
4. Establishment of the Council.
5. General functions of the Council.
6. Short title, construction and citation.

SCHEDULE

THE PUBLIC SERVICE ADVISORY COUNCIL.



AN BILLE AIRI AGUS RUNAITHE (LEASU), 1973
MINISTERS AND SECRETARIES (AMENDMENT) BILL, 1973

BILL

entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A 5
DEPARTMENT OF THE PUBLIC SERVICE AND OF A
COUNCIL TO BE KNOWN AS THE PUBLIC SERVICE
ADVISORY COUNCIL, TO DEFINE THE POWERS AND
DUTIES OF THE COUNCIL AND FOR THOSE PURPOSES 10
TO AMEND AND EXTEND THE MINISTERS AND
SECRETARIES ACTS, 1924 TO 1966.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :

Definitions.

1.—In this Act—

“ the Council ” has the meaning specified in *section 4 (1)* of this Act;

“ the Minister ” means the Minister for the Public Service; 15

“ the public service ” means the Civil Service of the Government and the Civil Service of the State and such bodies established by or under statute and financed wholly or partly by means of grants or loans made by a Minister of State or the issue of shares taken up by a Minister of State as may stand designated for the time being by 20 regulations made by the Minister after consideration of the advice (if any) of the Council in relation to the matter.

Appointed day.

2.—The Government may by order appoint a day to be the appointed day for the purposes of this Act.

The Department of the Public Service.

3.—(1) On the appointed day a Department of State to be styled 25 and known as Roinn na Seirbhíse Poiblí or (in English) the Department of the Public Service shall stand established.

(2) The member of the Government who is in charge of the Department of the Public Service shall be styled and known as Aire na Seirbhíse Poiblí or (in English) the Minister for the Public Service. 30

(3) The Department of Finance and the Department of the Public Service shall be assigned to the same person.

1925, No. 24.

(4) The Ministers and Secretaries Acts, 1924 to 1966, and the Documentary Evidence Act, 1925, shall apply to the Department of the Public Service and the member of the Government who is in charge thereof as if that Department had been established by section 1 35 of the Ministers and Secretaries Act, 1924.

1924, No. 16.

(5) For the purposes of section 6 (1) of the Ministers and Secretaries 1939, No. 36. (Amendment) Act, 1939, the Department of the Public Service and the office of Minister for the Public Service shall be deemed to have been established immediately upon the passing of this Act, but any order which is made, in relation to that Department or that Minister, under the said section 6 (1) before the appointed day shall not be expressed to come into operation on a date earlier than the appointed day.

4.—(1) On the appointed day there shall, by virtue of this section, be established a body to be known as Coiste Comhairleach na Seirbhíse Poiblí or (in English) the Public Service Advisory Council to perform the functions given to it by this Act (in this Act referred to as the Council). Establishment of the Council.

(2) The provisions of the Schedule to this Act shall apply to the Council.

5.—(1) The general functions of the Council shall be—

- (a) to advise the Minister on the organisation of the public service and on matters relating to or affecting personnel in the public service, and General functions of the Council.
- (b) whenever the Minister so requests, to advise the Minister—
 - (i) in relation to such aspect of, or matter relating to or affecting, the organisation of the public service or personnel in the public service as the Minister may specify in the request, and
 - (ii) in relation to the designation by the Minister of bodies under *section 1* of this Act.

(2) The Council shall have all such powers as are necessary for or incidental to the performance of its functions.

6.—(1) This Act may be cited as the Ministers and Secretaries (Amendment) Act, 1973. Short title, construction and citation.

(2) This Act shall be construed as one with the Ministers and Secretaries Acts, 1924 to 1966, and this Act and those Acts may be cited together as the Ministers and Secretaries Acts, 1924 to 1973.

SCHEDULE

THE PUBLIC SERVICE ADVISORY COUNCIL

1. (1) The members of the Council shall be a chairman and seven ordinary members and they shall be appointed by the Minister.

(2) One of the members shall be the Secretary for the time being of the Department of the Public Service.

(3) The chairman of the Council shall be appointed by the Minister and shall not be a person holding a whole-time position in the public service.

2. The term of office of a member of the Council (other than the member who is the Secretary of the Department of the Public Service) shall be such period not exceeding four years as the Minister may determine when appointing him.

3. A member of the Council who ceases for any reason to hold office shall not be eligible for re-appointment as a member until a period of four years from such cesser has elapsed.

4. (1) A member of the Council may be removed from office by the Minister.

(2) A member of the Council may resign his office as a member by letter addressed to the Minister and the resignation shall take effect when the letter is received.

5. (1) Where a member of the Council is nominated either as a candidate for election to either House of the Oireachtas or as a member of Seanad Éireann, he shall thereupon cease to be a member of the Council.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming a member of the Council. 10

6. A member of the Council shall be disqualified from holding and shall cease to hold office if he is adjudicated a bankrupt or makes a composition or arrangement with creditors or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude or ceases to be ordinarily resident in the State. 15

7. A member of the Council shall be paid by the Minister such amounts in respect of expenses as the Minister considers reasonable.

8. The chairman of the Council and each ordinary member of the Council at a meeting thereof shall have a vote.

9. (1) The Council shall hold such and so many meetings as may be necessary for the performance of its functions. 20

(2) The Minister shall fix the date, time and place of the first meeting of the Council.

10. (1) The quorum for a meeting of the Council shall be four members. 25

(2) At a meeting of the Council—

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

(b) if and so long as the chairman of the Council is not present or the office of chairman is vacant, the members of the Council who are present shall choose one of their number to be chairman of the meeting. 30

11. Every question at a meeting of the Council on which there is disagreement among the members present 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, the chairman of the meeting shall have a second or casting vote. 35

12. The Council may act notwithstanding one or more than one vacancy among its members.

13. Subject to the provisions of this Schedule, the Council shall regulate, by standing orders or otherwise, its procedure and business. 40

14. (1) The Council shall report annually to the Minister on the organisation of the public service and on personnel practices in the public service. The Council shall make its first report under this paragraph not later than eighteen months after the appointed day and the report shall relate to the period of twelve months beginning on that day. Each subsequent report shall relate to the period of twelve months beginning immediately after the period to which the latest previous report related and shall be made not later than six months after the end of the period to which it relates. 45 50

(2) The Minister shall cause copies of every such report to be laid before each House of the Oireachtas.

DEPARTMENT OF LEGAL POLICY
MINISTRY OF LEGAL AFFAIRS
(1973)

BILL BILLE

enacted enacted

An Act to provide for the establishment of a Department of the Public Service and of a Council to be known as the Public Service Advisory Council, to define the powers and duties of the Council and for those purposes to amend and extend the Ministers and Secretaries Act 1966.

Acte de dispoziție pentru creșterea
Departamentului Serviciilor
Publice și a Consiliului
Advisiv al Serviciilor
Publice, pentru a defini
puterile și atribuțiile
Consiliului și pentru a
modifica și extinde
Legea din 1966 privind
Ministri și Secretari.

Enacted by the Parliament of the Republic of the Gambia
11th July 1973

PRINTED BY THE STATIONERY OFFICE
DUBLIN
FOR THE GOVERNMENT OF THE GAMBIA
1973

PRINTED BY THE STATIONERY OFFICE
DUBLIN
FOR THE GOVERNMENT OF THE GAMBIA
1973

BILLE

BILL

dá ngairtear

entitled

Acht do dhéanamh socrú chun Roinn Seirbhíse Poiblí agus Coiste ar a dtabharfar Coiste Comhairleach na Seirbhíse Poiblí a bhunú, do shainiú cumhachtaí agus dualgais an Choiste agus chun na gcríocha sin do leasú agus do leathnú na nAchtanna Airí agus Rúnaithe, 1924 go 1966.

An Act to provide for the establishment of a Department of the Public Service and of a Council to be known as the Public Service Advisory Council, to define the powers and duties of the Council and for those purposes to amend and extend the Ministers and Secretaries Acts, 1924 to 1966.

*Rite ag dhá Theach an Oireachtais,
11 Iúil, 1973*

*Passed by both Houses of the Oireachtas,
11th July, 1973*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE

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

To be purchased through any bookseller, or directly from the Government Publications Sale Office, G.P.O. Arcade, Dublin.

Cló-bhuailte ag CAHILL & Co., LIMITED

Printed by CAHILL & Co., LIMITED