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**AN BILLE EALAION, 1973**  
**ARTS BILL, 1973**

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

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AN BILLE EALAION, 1973  
ARTS BILL, 1973

**BILL**

*entitled*

AN ACT TO AMEND AND EXTEND THE ARTS ACT, 1951. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Interpretation.  
1951, No. 9.

1.—In this Act “the Principal Act” means the Arts Act, 1951.

Membership  
of Council.

2.—(1) The Council shall consist of a chairman (subsequently in this Act referred to as the Chairman) and such number (not being more than sixteen) of other members as the Taoiseach shall from time to time determine. 10

(2) In the selection of persons for appointment to membership of the Council regard shall be had to—

(a) the person's attainments or interest in or his knowledge of the arts, or his competence otherwise to assist the Council, 15

(b) securing a balanced representation as between branches of the arts.

Chairman.

3.—(1) The Chairman shall be appointed by the Taoiseach.

(2) The Chairman shall be appointed for such term as shall be determined by the Taoiseach on the occasion of his appointment and shall be paid, out of moneys at the disposal of the Council, such remuneration and allowances as the Taoiseach, after consultation with the Minister for Finance, may determine. 20

(3) The Chairman may resign his office as chairman by letter addressed to the Taoiseach and the resignation shall take effect on being accepted by the Taoiseach. 25

(4) When the Chairman ceases during his term of office as chairman to be a member of the Council, he shall also then cease to be Chairman.

Cesser of terms  
of office of  
certain members  
of Council.

4.—(1) The term of office as a member of the Council of every person who on the appropriate day is such a member shall cease on the expiration of that day. 30

(2) In this section “the appropriate day” means the day which next precedes the day on which the terms of office of the persons appointed in 1973 pursuant to paragraph 4 (1) (a) of the Schedule to the Principal Act (inserted therein by section 13 of this Act) are to commence. 35

5.—The Council shall from time to time appoint, on such terms and conditions as they shall determine and subject to the approval of the Taoiseach, a person to be the chief executive officer of the Council, and such person shall be known as and is, both in this Act and in the Schedule to the Principal Act (as amended by this Act), referred to as the Director.

Director.

6.—(1) When 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.

Membership of either House of Oireachtas by member of 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.

7.—A member of the Council shall be disqualified from holding and shall cease to hold office as such member if he is adjudged bankrupt or makes a composition or arrangement with creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude.

Disqualification of member of Council.

8.—(1) The Council may perform any of their functions through or by the Director or any of their other officers or servants.

Performance of functions of Council by officers and servants, etc. 1956, No. 45.

(2) The Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, shall not apply to an appointment as officer or servant of the Council.

9.—(1) Where the Director or any other officer or any servant in the employment of the Council, becomes a member of either House of the Oireachtas—

Membership of either House of Oireachtas by officer or servant of Council.

(a) he shall during the period (in this section referred to as the secondment period) commencing upon his becoming entitled under the Standing Orders of that House to sit therein and ending either when he ceases to be a member of that House, or, if it should sooner happen, upon his resignation or retirement from such employment or upon the termination of such employment by the Council, stand seconded from such employment,

(b) he shall not be paid by, or entitled to receive from, the Council any remuneration in respect of the secondment period.

(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 the Director or any other officer or a servant of the Council.

10.—(1) As soon as may be after the passing of this Act the Council shall prepare and submit to the Taoiseach a contributory scheme or schemes for the granting of pensions, gratuities and other allowances on retirement to or in respect of their whole-time officers and servants (including the Director).

Superannuation of officers and servants of Council.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or allowances on retirement are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) The Council may at any time prepare and submit to the Taoiseach a scheme amending a scheme previously submitted and approved under this section.

(4) A scheme submitted to the Taoiseach under this section shall, if approved of by him after consultation with the Minister for Finance, be carried out by the Council in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Taoiseach who after consultation with the Minister for Finance shall determine it and whose decision shall be final.

(6) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

**Advisory  
Committees.**

11.—(1) The Council may establish any or all of the following:

- (a) a committee to advise on painting, sculpture and architecture,
- (b) a committee to advise on music,
- (c) a committee to advise on the drama, literature and the cinema.

(2) A committee established pursuant to this section (in this section subsequently referred to as an advisory committee) shall advise the Council on any matter (being a matter on which knowledge and experience of a branch of the arts in relation to which the advisory committee is established has a bearing) on which their advice is requested.

(3) An advisory committee shall consist of a Chairman, who shall be a person who is for the time being a member of the Council, and eight ordinary members and, subject to subsection (7) of this section, the members of the advisory committee shall hold office for such term as shall be determined by the Council on the occasion of their appointment.

(4) In appointing members of an advisory committee the Council shall, so far as practicable, ensure that the committee is representative of the interest throughout the State in the branch or branches of the arts, as the case may be, in relation to which the committee is established.

(5) The Council may fill a casual vacancy occurring amongst the members of an advisory committee.

(6) Where a person who is chairman of an advisory committee ceases during his term of office as such chairman to be a member of the Council he shall also cease to be a member of the advisory committee.

(7) Each of the members of an advisory committee shall cease to hold office on the day which precedes the day on which the Taoiseach next makes appointments under paragraph 4 (1) (a) of the Schedule to the Principal Act.

(8) The Council may at any time—

- (a) remove a member of an advisory committee from office,
- (b) dissolve an advisory committee.

**Assistance by  
local authority  
to Council and  
certain other  
persons.**

12.—(1) A local authority for the purposes of the Local Government Act, 1941, may assist with money or in kind or by the provision of services or facilities (including the services of staff) the Council, or any person organising an exhibition or other event the effect of which when held would, in the opinion of the authority, stimulate public

interest in the arts, promote the knowledge, appreciation and practice of the arts, or assist in improving the standards of the arts.

(2) Assisting under this section shall be a reserved function.

(3) In this section "reserved function" means—

5 (a) with respect to the council of a county or an elective body for the purposes of the County Management Acts, 1940 to 1972, a reserved function for the purposes of the County Management Acts, 1940 to 1972,

10 (b) with respect to the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the county borough.

13.—(1) Section 1 of the Principal Act is hereby amended by the insertion of "the cinema," after "drama,".

Amendment of  
Principal  
Act.

15 (2) Section 3 (1) of the Principal Act is hereby amended by the insertion of "within or without the State" after "as they think fit,".

(3) Section 5 (1) of the Principal Act is hereby amended by the insertion of ", after consultation with the Minister for Finance," after "the Taoiseach".

20 (4) The Schedule to the Principal Act is hereby amended by—

(a) the substitution of the following subparagraphs for subparagraphs (1), (2) and (3) of paragraph 4:

25 " (1) (a) The Taoiseach shall, in the year 1973 and in each fifth successive year thereafter, appoint on a particular day not more than sixteen persons to be members of the Council, and the terms of office of the persons appointed hereunder on a particular day shall each simultaneously commence on such subsequent day as shall be fixed for that purpose by the Taoiseach and specified in each of the appointments.

30 (b) In case the Taoiseach when making appointments pursuant to clause (a) of this subparagraph appoints to be members of the Council less than sixteen persons, he may within the appropriate period appoint persons to be members of the Council, provided that the appointments made pursuant to this clause shall not in any particular such period be greater in number than that by which sixteen exceeds the number of persons appointed pursuant to the said clause (a) last before the period commenced.

45 (2) Subject to the provisions of this Act and of the *Arts Act, 1973*, every member appointed under subparagraph (1) of this paragraph shall, unless he sooner dies or resigns, hold office until the beginning of the day on which the terms of office of the persons next appointed pursuant to clause (a) of that subparagraph are to commence.

50 (3) Where a casual vacancy occurs in the membership of the Council the Taoiseach shall, as soon as conveniently may be, appoint a person to fill the vacancy and a person appointed pursuant to this subparagraph to membership of the Council shall hold office for the remainder of his predecessor's term."

(b) the substitution of "members other than the Chairman" for "ordinary members" in paragraph 4 (5);

60 (c) the insertion of the following new subparagraphs after subparagraph (5) of paragraph 4:

(6) A member of the Council may resign his office as such member by letter addressed to the Taoiseach and the resignation shall take effect on being accepted by the Taoiseach.

(7) The Taoiseach may remove a member of the Council from office.

(8) In this paragraph 'the appropriate period' means the period beginning on the day fixed by the Taoiseach when making appointments under subparagraph (1) (a) of this paragraph as that on which the terms of office of the persons then appointed are to commence and ending on the day which precedes the day on which the Taoiseach next makes appointments under that subparagraph.”;

(d) the substitution of the following paragraph for paragraph 6:

“Expenses 6. (1) A member of the Council, other than the Chairman, shall be paid out of the funds at the disposal of the Council, such allowances in respect of expenses as the Taoiseach, after consultation with the Minister for Finance, may determine.

(2) The Council may out of their funds, if they think fit, reimburse any member of an advisory committee established pursuant to section 11 of the *Arts Act, 1973*, for any out-of-pocket expenses incurred by him as a member of the Committee.”;

(e) the insertion of “(in addition to the Director)” after “servants” in paragraph 8 (1);

(f) the substitution of “(including the Director) and every servant” for “and servant” and the insertion of “and allowances” and “given after consultation with the Minister for Finance” after “remuneration” and “the Taoiseach”, respectively, in paragraph 8 (2); and

(g) the substitution of “Chairman” for “Director” in each place where that word occurs in paragraphs 7 and 9.

Repeals.

14.—(1) In paragraph (d) of section 3 (1) of the Principal Act “(within or without the State)” is hereby repealed.

(2) The following provisions of the Schedule to the Principal Act are hereby repealed, namely, paragraphs 2, 3 and 5, subparagraph (3) of paragraph 8, and “ordinary” in subparagraph (4) of paragraph 4.

Short title, collective citation and construction.

15.—(1) This Act may be cited as the *Arts Act, 1973*.

(2) The Principal Act and this Act may be cited together as the *Arts Acts, 1951 and 1973*, and shall be construed together as one Act.

AN BILL IN CONNECTION WITH THE ARRANGING OF THE  
ARTS BILL, 1973  
THE BILL OF LAYON AND THE BILL OF LAYON

BILL

BILLE

ARRANGING OF SECTIONS

entitled

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An Act to amend and extend the Arts Act, 1971.  
Acht do leasú agus do leathnú an Achtla Ealaíon, 1971.

Passed by both Houses of the Oireachtas,  
14th December, 1973

Rite ag dhá Theach an Oireachtais,  
14 Nollaig, 1973

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**BILLE**

**BILL**

*dá ngairtear*

*entitled*

**Acht do leasú agus do leathnú an Achta Ealaíon, 1951.**

**An Act to amend and extend the Arts Act, 1951.**

*Rite ag dhá Theach an Oireachtais,  
14 Nollaig, 1973*

*Passed by both Houses of the Oireachtas,  
14th December, 1973*

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