



**AN BILLE UM BORD NAISIUNTA EOLAIOCHTA AGUS
TEICNEOLAIOCHTA, 1976
NATIONAL BOARD FOR SCIENCE AND TECHNOLOGY
BILL, 1976**

*Mar a tionscnaíodh
As initiated*

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- [No. 34 of 1976]



AN BILLE UM BORD NAISIUNTA EOLAIOCHTA AGUS
TEICNEOLAIOCHTA, 1976
NATIONAL BOARD FOR SCIENCE AND TECHNOLOGY
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BILL

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entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A
BOARD TO BE CALLED THE NATIONAL BOARD FOR
SCIENCE AND TECHNOLOGY, TO DEFINE ITS
FUNCTIONS AND TO PROVIDE FOR OTHER MATTERS 10
CONNECTED WITH THE MATTERS AFORESAID

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—In this Act—

“the Board” has the meaning assigned to it by *section 3* of this Act;

“institution” means any institute, laboratory, office or service 15
(whether under the control of a Minister or otherwise) which is
wholly or partly engaged in research and development or any other
activity related to science or technology;

“the Minister” means the Minister for Industry and Commerce;

“Science Budget” has the meaning assigned to it by *section 5* of 20
this Act.

Appointment of
establishment day.

2.—The Minister may by order appoint a day to be the establish-
ment day for the purposes of this Act.

Establishment
of Board.

3.—(1) There shall, by virtue of this section, be established on the
establishment day a board to be known as the National Board for 25
Science and Technology (in this Act referred to as the Board) to
perform the functions given to it by this Act.

(2) The Board 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
Board.

4.—(1) The Board shall, in addition to any other functions
assigned to it by or under this Act, have the following general
functions—

(a) to act under the Minister as a body having responsibility for
the furtherance of science and technology, 35

(b) to advise the Government or the Minister on the Board's
initiative or at the request of the Minister on policy for
science and technology and related matters,

- (c) to promote the co-ordination of public investment in science and technology and to prepare proposals for such investment,
- 5 (d) to provide and administer grants and other financial facilities for activities related to science and technology,
- (e) to advise the Minister at his request on any matter related to science or technology,
- (f) to promote appreciation of the value of science and technology.
- 10 (2) The Board may, subject to such conditions as the Minister may prescribe, do all such other things as arise out of or are consequential on the functions assigned to the Board by or under this Act.
- (3) Without prejudice to the generality of *subsection (1)* or (2) of this section, the Board shall have the following particular functions—
- 15 (a) to advise the Government on the need for the establishment of any new institution or on the need for revising the functions of any existing institution and on the nature or form of such institutions,
- 20 (b) to prepare and to review periodically a national programme for science and technology in consultation with relevant institutions,
- (c) to promote the co-ordination of activities related to science and technology,
- 25 (d) to promote participation in activities related to science and technology,
- (e) to engage in such activities related to science and technology as may be approved by the Minister,
- (f) to disseminate and promote the dissemination of literature and information relating to science and technology,
- 30 (g) to engage (where appropriate after consultation with the Minister for Foreign Affairs) in international activities in science and technology, including where appropriate representation of the State at conferences, meetings and seminars,
- 35 (h) to participate and promote participation in international collaborative projects in science and technology, and where appropriate to enter into agreements with comparable bodies outside the State, subject to the consent of the Minister and the Minister for Finance and where appropriate to consultation with the Minister for Foreign Affairs,
- 40 (i) to engage in studies on manpower, in consultation with the appropriate institutions, in connection with activities related to science and technology and where appropriate to promote the expansion and development of manpower for such activities,
- 45 (j) to undertake and assist, in consultation with the appropriate institutions, in the development and exploitation of inventions,
- 50 (k) to promote and organise seminars, conferences, lectures and demonstrations, whether in the State or elsewhere, relating to science and technology and related subjects.
- (4) (a) The powers and functions conferred by statute on any institution shall be deemed not to be restricted by any provisions of this Act and in the exercise of its powers and functions the Board shall have regard to the statutory functions of such institutions.
- 55 (b) The teaching functions of any educational institute, college or school shall be deemed not to be restricted by any provisions of this Act.
- 60

Science Budget.

5.—(1) The Board shall, in relation to every financial year or such other period as may be specified by the Minister, prepare a statement, based so far as possible on the programme referred to in *section 4 (3) (b)* of this Act, and including the requirements and proposals of every institution in receipt of moneys from the State and giving the Board's observations and recommendations on such requirements and proposals in the light of national policy for science and technology. 5

(2) Whenever the Board prepares a statement pursuant to subsection (1) of this section, it shall be submitted to the Minister who after consultation with the Minister for Finance shall submit it to the Government. 10

(3) Details of the financial allocations finally approved for the financial year or period in question in respect of each institution, and an accompanying commentary by the Board on national policy for science and technology, shall together constitute the Science Budget for the year or period in question. 15

(4) The Minister shall lay a copy of each Science Budget before both Houses of the Oireachtas.

Review of programmes, and supply of information required by Board.

6.—(1) The Board shall periodically conduct a review of the effectiveness of the programmes provided for in the Science Budget. 20

(2) Any institution for which provision is made in the Science Budget shall supply to the Board such information in such form and at such time as the Board may require.

Power to research.

7.—The Board may, with the approval of the Minister, institute, conduct and promote research into and studies on such problems relating to science and technology as it considers appropriate and may publish or disseminate the results of any such investigation as it considers appropriate. 25

Members of Board.

8.—(1) The members of the Board shall be a chairman and such number (not being more than ten) as the Minister may from time to time determine. 30

(2) The chairman of the Board shall be appointed from time to time as occasion demands by the Government, on the recommendation of the Minister, and may be removed from office by the Government on the recommendation of the Minister. 35

(3) The chairman of the Board may at any time resign his office as chairman by letter addressed to the Minister and the resignation shall take effect when the letter is received.

(4) Subject to the provisions of this Act, the chairman of the Board shall hold office as chairman on such terms as the Government decides when appointing him. 40

(5) A member of the Board shall be appointed by the Government on the recommendation of the Minister and may be removed from office by the Government on the recommendation of the Minister. 45

(6) The period of office of a member of the Board shall be such period, not exceeding four years, as the Government, on the recommendation of the Minister, may determine when appointing him.

(7) A member of the Board whose term of office expires by effluxion of time shall be eligible for re-appointment. 50

(8) A member of the Board may at any time resign his office as member by letter sent to the Minister, and the resignation shall take effect on receipt of the letter.

- 9.—(1) Where a member of the Board 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 Board. Membership of either House of the Oireachtas by member of Board.
- 5 (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 Board.
- 10.—A member of the Board shall be paid, out of funds at the disposal of the Board, such remuneration (if any) and such amounts in respect of expenses as the Minister, with the consent of the Minister for Finance or the Minister for the Public Service (as may be appropriate), may (in the case of remuneration) fix from time to time or (in the case of expenses) may consider reasonable. Remuneration of members of Board.
- 10 11.—A member of the Board 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, or becomes of unsound mind or fails to disclose an interest in a proposed contract. Disqualification of member of Board.
- 15 12.—(1) The Board shall as soon as may be after its establishment provide itself with a seal. Seal of Board.
- (2) The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised by the Board to act in that behalf and by the signature of an officer of the Board authorised by the Board to act in that behalf.
- 25 (3) Judicial notice shall be taken of the seal of the Board, and every document purporting to be an instrument made by the Board and to be sealed with the seal (purporting to be authenticated in accordance with this section) of the Board shall be received in evidence and shall be deemed to be such instrument without further proof unless the contrary is shown.
- 30 13.—A member of the Board who has— Disclosure by member of Board of interest in proposed contract.
- (a) any interest in any body corporate with which the Board proposes to make any contract, or
- 35 (b) any interest in any contract which the Board proposes to make,
- shall disclose to the Board the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Board relating to the contract, and the disclosure shall be recorded in the minutes of the Board.
- 40 14.—(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions. Meetings and procedure of Board.
- (2) The first meeting of the Board shall be held on or as soon as conveniently may be after the establishment day.
- 45 (3) At a meeting of the Board—

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

(b) if and so long as the chairman of the Board is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting. 5

(4) Every question at a meeting of the Board 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. 10

(5) The Board may, act notwithstanding one or more vacancies among its members.

(6) The quorum for a meeting of the Board shall be five.

(7) Subject to the provisions of this Act, the Board shall regulate its procedure by rules or otherwise. 15

Grants to Board.

15.—(1) Subject to *subsection* (2) of this section, there shall be paid to the Board out of moneys provided by the Oireachtas grants of such amounts as the Minister, with the consent of the Minister for Finance, approves to enable the Board—

(a) to meet its administrative and general expenses, and 20

(b) to discharge the liabilities incurred by the Board under this Act or otherwise.

(2) Any payment which the Board makes out of moneys received under this section shall be made in such manner and subject to such conditions as the Board thinks fit. 25

Miscellaneous powers of Board.

16.—For the purpose of the due performance of its functions the Board may provide, equip and maintain offices and other premises.

Expenditure by Board.

17.—The funds of the Board may be used—

(a) for the payment of expenses incurred by it in the performance of its functions, and 30

(b) for the making of payments, grants or loans for any purpose that, in the opinion of the Board, is conducive to the promotion and development of scientific and technological activities.

Investment by Board.

18.—The Board may invest any of its funds (not being funds to which *section 19* (4) of this Act applies) in any manner in which a trustee is empowered by law to invest trust funds. 35

Acceptance of gifts, etc., by Board.

19.—(1) The Board may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor. 40

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

5 (3) The Board may accept payment for services rendered by it to any person.

(4) Any funds of the Board, being a gift or the proceeds of a gift to it, may, subject to any terms or conditions of the gift, be invested by the Board in any manner in which a trustee is empowered by law to invest trust funds.

10 20.—(1) The Board shall make annually, at such date as the Minister may direct, a report to the Minister of its proceedings under this Act during the period of twelve months ending on that date, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas. Annual report and information to Minister.

15 (2) The report submitted to the Minister pursuant to *subsection (1)* of this section shall contain such information as the Minister may direct regarding the functions of the Board under this Act.

20 (3) The Board shall supply the Minister with such information regarding the performance of its functions as he may from time to time require.

25 21.—(1) The Board shall keep, in such form as may be approved by the Minister with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expenses incurred by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister or the Minister for Finance may from time to time direct. Accounts and audits.

30 (2) Accounts kept in pursuance of this section shall be submitted annually by the Board to the Comptroller and Auditor General for audit and immediately after such audit a copy of the income and expenditure account and of the balance sheet and of such other of the accounts kept pursuant to *subsection (1)* of this section as the Minister, with the consent of the Minister for Finance, may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas. 35

22.—(1) The Board may from time to time establish committees to perform such of the functions of the Board as, in the opinion of the Board, may be better or more conveniently performed by a committee and are assigned to a committee by the Board. Committees of Board.

40 (2) A committee established under this section may, if the Board thinks fit, include in its membership persons who are not members of the Board.

45 (3) The appointment of a person to act as a member of a committee established under this section shall be subject to such conditions (including conditions as to terms and the tenure of office of the member) as the Board, with the consent of the Minister for the Public Service, may think fit to impose when making the appointment.

(4) A member of a committee established under this section may be removed from office at any time by the Board.

50 (5) The Board may at any time dissolve a committee appointed under this section.

(6) The acts of a committee established under this section shall be subject to the approval of the Board.

(7) The Board may regulate the procedure of committees established under this section but, subject to any such regulation, committees established under this section may regulate their own procedure.

Power to employ consultants.

23.—The Board may employ such consultants or advisers as it considers necessary for the proper discharge of its functions.

Prohibition of disclosure of confidential information.

24.—(1) No person who is an officer or servant of, or an adviser or consultant to, the Board shall disclose any information obtained by him while performing duties as such officer, servant, adviser or consultant. 10

(2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £50. 15

Performance of functions of Board by officers or servants.

25.—The Board may perform any of its functions through or by any of its officers or servants duly authorised by the Board in that behalf.

Officers and servants of Board.

26.—(1) The Board shall appoint such and so many persons to be officers and servants of the Board as the Board from time to time thinks proper. 20

(2) The Board shall from time to time determine the numbers, grades, tenure of office and conditions of service of the officers and servants of the Board. 25

(3) An officer or servant of the Board shall be paid such remuneration and allowances as the Board, with the consent of the Minister for the Public Service, may from time to time determine.

(4) The Board may at any time remove any officer or servant of the Board from being its officer or servant. 30

Superannuation of officers and servants of Board.

27.—(1) As soon as conveniently may be after the establishment day, the Board shall prepare and submit to the Minister and the Minister for the Public Service for approval, a scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such wholetime officers or wholetime servants of the Board as it thinks fit. 35

(2) The Board may at any time prepare and submit to the Minister and the Minister for the Public Service a scheme amending a scheme under this section.

(3) A scheme submitted to the Minister and the Minister for the Public Service under this section shall, if approved of, be carried out by the Board in accordance with its terms. 40

(4) A scheme submitted and approved of under *subsection (1)* of this section shall fix the time and conditions of retirement for all persons to whom pensions, gratuities or other allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons. 45

(5) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity, or other allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister, who shall refer it to the Minister for the Public Service, 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.

28.—(1) Where a person who is either an officer or a servant in the employment of the Board becomes a member of either House of the Oireachtas— Secondment of employee of Board becoming member of Oireachtas.

(a) he shall, during the period commencing upon his becoming entitled under the Standing Orders of that House to sit therein and ending 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 Board, stand seconded from such employment;

(b) he shall not be paid by, or entitled to receive from, the Board any salary or wages, as the case may be, in respect of that 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 being an officer or servant of the Board.

29.—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 moneys provided by the Oireachtas. Expenses.

30.—This Act may be cited as the National Board for Science and Technology Act, 1976. Short title.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do dhéanamh socrú chun bord abhunú dá ngairfear an Bord Náisiúnta Eolaíochta agus Teicneolaíochta, do mhíniú a fheidhmeanna agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

*An tAire Tionscail agus Tráchtála a thíolaic,
25 Lúnasa, 1976*

BAILE ATHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

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

Clóbhualte ag CAHILL (1976) LIMITED.

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(as initiated)

entitled

An Act to provide for the establishment of a board to be called the National Board for Science and Technology, to define its functions and to provide for other matters connected with the matters aforesaid.

*Presented by the Minister for Industry and
Commerce, 25th August, 1976*

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