



AN BILLE EOLAÍOCHTA AGUS TEICNEOLAÍOCHTA, 1987
SCIENCE AND TECHNOLOGY BILL, 1987

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title.
2. Commencement.
3. Name of Agency.
4. Definitions.
5. Orders.
6. Repeals.
7. Expenses.

PART II

ADDITIONAL FUNCTIONS OF AGENCY

8. Functions in relation to science and technology.
9. Science Budget.
10. Review of programmes.
11. Supply of information required by Agency.
12. Power to research.
13. Directives to the Agency.
14. Limitation of expenditure on inventions.

PART III

ADMINISTRATION

15. Chief Executive.

Section

16. Disclosure by member of Board of interest in proposed contract.
17. Membership of Houses of Oireachtas or Assembly of European Communities.
18. Expenditure by Agency.
19. Investment by Agency.
20. Acceptance of gifts by Agency.
21. Annual report and information to Minister.
22. Accounts and audits.
23. Officers and servants.
24. Power to employ consultants.
25. Prohibition of disclosure of confidential information.
26. Committees of Board.

PART IV

TRANSITIONAL PROVISIONS

27. Transfer of staff.
28. Transfer of property.
29. Transfer of rights and liabilities and continuance of pending proceedings.

ACTS REFERRED TO

European Assembly Elections Act, 1977	1977, No. 30
European Assembly Elections Act, 1984	1984, No. 6
Industrial Research and Standards Act, 1961	1961, No. 20
Industrial Research and Standards (Amendment) Act, 1979	1979, No. 33
National Board for Science and Technology Act, 1977	1977, No. 25



AN BILLE EOLAÍOCHTA AGUS TEICNEOLAÍOCHTA, 1987
SCIENCE AND TECHNOLOGY BILL, 1987

BILL

entitled

5 AN ACT TO COMBINE THE FUNCTIONS OF THE NATIONAL BOARD FOR SCIENCE AND TECHNOLOGY AND THE INSTITUTE FOR INDUSTRIAL RESEARCH AND STANDARDS IN A SINGLE BODY AND TO PROVIDE FOR RELATED MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

PRELIMINARY AND GENERAL

1.—This Act may be cited as the Science and Technology Act, 1987. Short title.

15 2.—This Act shall come into operation on the first day of January, 1988. Commencement.

3.—The body heretofore known as the Institute for Industrial Research and Standards shall be known as Eolas—The Irish Science and Technology Agency and may provide itself with a new seal. Name of Agency.

20 4.—In this Act— Definitions.

“the Act of 1961” means the Industrial Research and Standards Act, 1961, as amended by the Industrial Research and Standards (Amendment) Act, 1979;

25 “the Agency” means Eolas—The Irish Science and Technology Agency;

“the Board” means the Board of the Agency;

“the dissolved body” means the National Board for Science and Technology dissolved by *section 8 (7)* of this Act;

“functions” includes powers and duties;

30 “institution” means any institute, college, laboratory, office or service (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.

Orders.

5.—(1) The Minister may by order amend or revoke any order made by him under any provision of the Act of 1961 or this Act. 5

(2) Every order under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling any such order is passed by either House within the next twenty-one days on which that House has sat after the order has been laid before it, the order shall be annulled accordingly but without 10 prejudice to the validity of anything previously done thereunder.

Repeals.

6.—The following enactments are hereby repealed:

- (a) in the Act of 1961, sections 14, 17, 25 (5), 34, 40, 41 and 42;
- (b) the National Board for Science and Technology Act, 1977.

Expenses.

7.—The expenses incurred by the Minister in the administration of 15 this Act shall, to such extent as may be authorised by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II

ADDITIONAL FUNCTIONS OF AGENCY

Functions in relation to science and technology.

8.—(1) The Agency shall, in addition to any functions assigned to 20 it by or under the Act of 1961, have the following general functions heretofore assigned to the National Board for Science and Technology—

- (a) to act under the Minister as a body having responsibility for the furtherance of science and technology, 25
- (b) to advise the Government or the Minister on the Agency'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 and of public with private investment in science and technology 30 and to prepare proposals for public investment,
- (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 and technology, 35
- (f) to promote research,
- (g) to promote the application of science and technology to economic and social development,
- (h) to promote the development of natural resources through the application of science and technology, 40
- (i) to promote appreciation of the value of science and technology.

(2) The Agency 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 it by or under this Act.

5 (3) Without prejudice to the generality of *subsection (1)* or *(2)* of this section, the Agency shall have the following particular functions—

- 10 (a) to advise the Government on the need for the establishment of any new institution or the dissolution of any existing institution or on the need for revising the functions of any existing institution and on the nature or form of such institutions,
- (b) to prepare and to review periodically a national programme for science and technology in consultation with relevant institutions,
- (c) to co-ordinate activities related to science and technology,
- 15 (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,
- 20 (f) to disseminate and promote the dissemination of literature and information relating to science and technology,
- (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,
- 25 (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,
- 30 (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,
- 35 (j) to undertake and assist, in consultation with the appropriate institutions, in the development and exploitation of inventions,
- 40 (k) to promote and organise seminars, conferences, lectures and demonstrations, whether in the State or elsewhere, relating to science and technology and related subjects,
- 45 (l) to promote the application of science and technology to the development and improvement of industrial and commercial design,
- (m) to advise and assist inventors in registering and protecting their inventions.

(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 Agency shall have regard to the statutory functions of such institutions. 5

(b) The teaching functions of any educational institute, college or school shall be deemed not to be restricted by any provisions of this Act.

(5) The Agency shall not engage in or promote any activity of a primarily military relevance without the prior approval of the Government. 10

(6) The Minister may by order assign additional functions to the Agency after consultation with the Minister for Finance and with any other Minister of the Government appearing to the Minister to be concerned. 15

(7) The National Board for Science and Technology is hereby dissolved.

Science Budget.

9.—(1) The Agency 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 8 (3) (b) of this Act, and including the requirements and proposals of every institution in receipt of moneys from the State and giving the Agency's observations and recommendations on such requirements and proposals in the light of national policy for science and technology. 20 25

(2) Whenever the Agency 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.

(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 Agency on national policy for science and technology, shall together constitute the Science Budget for the year or period in question. 30

(4) The Minister shall lay a copy of each Science Budget before both Houses of the Oireachtas. 35

Review of programmes.

10.—The Agency shall periodically conduct and publish a review of the effectiveness of the programmes provided for in the Science Budget.

Supply of information required by Agency.

11.—Any institution for which provision is made in the Science Budget shall supply to the Agency such information in such form and at such time as it may require. 40

Power to research.

12.—The Agency may, with the approval of the Minister, institute and conduct 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. 45

13.—(1) The Minister may give the Agency such general policy directives as he considers appropriate having regard to the provisions of this Act. Directives to the Agency.

5 (2) The Minister shall cause any directive given by him under subsection (1) of this section to be laid before each House of the Oireachtas within 21 days after it has been so given.

10 (3) The Agency shall comply with any directive given to it under this section and shall set out the directive in its annual report and shall include in its annual report an account of the actions which it has undertaken to give effect to the directive.

15 14.—Section 43 (5) of the 1961 Act (which imposes a limitation on expenditure by the Agency without the consent of the Minister on the development and exploitation of inventions) is hereby amended by the insertion, after “the sum of five thousand pounds”, of “or such greater sum as the Minister may from time to time by order prescribe”. Limitation of expenditure on inventions.

PART III

ADMINISTRATION

20 15.—The Board of the Agency shall appoint a person to be the Chief Executive of the Agency under a contract of service on such terms and conditions as may be agreed to by the Board with the approval of the Minister and the Minister for Finance. Chief Executive.

16.—A member of the Board who has—

- (a) any material or financial interest in any body corporate with which the Board proposes to make any contract, or
- 25 (b) any material or financial interest in any contract which the Board proposes to make,

Disclosure by member of Board of interest in proposed contract.

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

30 in the minutes of the Board.

17.—(1) Where a member of the Board is—

- (a) nominated as a member of Seanad Éireann, or
- (b) elected as a member of either House of the Oireachtas or of the Assembly of the European Communities, or
- 35 (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to such Assembly to fill a vacancy,

Membership of Houses of Oireachtas or Assembly of European Communities.

he shall thereupon cease to be a member of the Board of the Agency.

40 (2) Where an officer or servant of the Agency is—

- (a) nominated as a member of Seanad Éireann, or

(b) elected as a member of either House of the Oireachtas or of the Assembly of the European Communities, or

(c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to such Assembly to fill a vacancy, 5

he shall thereupon stand seconded from the employment of the Agency and shall not be paid by, or be entitled to receive from, the Agency any remuneration or allowances in respect of the period commencing on such nomination or election or when he is so regarded as having been elected, as the case may be, and ending when he ceases to be a member of either such House or such Assembly. 10

(3) In consequence of the foregoing provisions of this section, section 13 of the Act of 1961 shall have effect as follows:

(a) subsections (1) and (2), paragraphs (a) and (b) of subsection (3) and subsection (6) shall cease to have effect; 15

(b) the references in subsection (3) to an officer or servant who becomes a member of either House of the Oireachtas shall be construed as a reference to a person to whom subsection (2) of this section applies; 20

(c) the references to secondment and secondment period in the said section 13 shall be construed as references to secondment and the period of secondment under subsection (2) of this section.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the Assembly of the European Communities shall, while he is so entitled or is such a member, be disqualified from becoming a member of the Board or from employment by the Agency. 25

Expenditure by Agency.

18.—The funds of the Agency may be used— 30

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

(b) for the making of payments, grants or loans for any purpose that, in the opinion of the Agency, is conducive to the promotion and development of scientific and technological activities. 35

Investment by Agency.

19.—The Agency may invest any of its funds (not being funds to which section 20 (3) of this Act applies) in any manner in which a trustee is empowered by law to invest trust funds.

Acceptance of gifts by Agency.

20.—(1) The Agency 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 Agency shall not accept a gift if the conditions attached to the acceptance by the donor are inconsistent with the functions of the Agency. 45

(3) Any funds of the Agency, being a gift or the proceeds of a gift to it, may, subject to any terms or conditions of the gift, be invested

in any manner in which a trustee is empowered by law to invest trust funds.

21.—(1) The Agency 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.

(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 Agency.

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

22.—(1) The Agency 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.

(2) Accounts kept in pursuance of this section shall be submitted annually by the Agency 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.

23.—(1) The Agency shall appoint such and so many persons to be officers and servants of the Agency as it may determine with the consent of the Minister and the Minister for Finance.

Officers and servants.

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

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

24.—The Agency may employ such consultants or advisers on short term contracts of service as it considers necessary for the proper discharge of its functions.

Power to employ consultants.

25.—(1) No person who is or has been a member of the Board or an officer or servant of the Agency, or an adviser or consultant to the Agency shall disclose any information classified by the Agency as confidential which has been obtained by him while performing (or as a result of having performed) duties as such member, officer, servant, adviser or consultant.

Prohibition of disclosure of confidential information.

(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 £500.

Committees of Board.

26.—(1) The Board may from time to time establish committees to perform such of the functions of the Agency 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. 5

(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.

(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 and the Minister for Finance, may think fit to impose when making the appointment. 10 15

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

(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. 20

(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. 25

PART IV

TRANSITIONAL PROVISIONS

Transfer of staff.

27.—(1) A person who, immediately before the commencement of this Act, was an officer or servant of the dissolved body shall on that commencement become and be an officer or servant of the Agency on terms and conditions not less favourable than those applicable to that person immediately before that commencement. 30

(2) A scheme approved of under section 28 of the National Board for Science and Technology Act, 1977 for the superannuation of officers and servants of the dissolved body shall be deemed to be a scheme approved of under section 35 of the Act of 1961 and may be amended accordingly. 35

(3) Section 35 (1) of the Act of 1961 is hereby amended by the insertion of "or death to or in respect of " before the words "the permanent staff". 40

Transfer of property.

28.—(1) On the commencement of this Act all property, including choses-in-action, which immediately before that commencement was the property of the dissolved body shall stand vested in the Agency without any conveyance or assignment.

(2) Every chose-in-action transferred by subsection (1) of this section to the Agency may be sued on and recovered or enforced by 45

the Agency in its own name and it shall not be necessary for the Agency to give notice to the person bound by the chose-in-action of the transfer effected by that subsection.

5 **29.—**(1) All rights and liabilities of the dissolved body shall on the commencement of this Act stand transferred to the Agency.

Transfer of rights and liabilities and continuance of pending proceedings.

10 (2) Every right and liability transferred by *subsection (1)* of this section to the Agency may be sued on, recovered or enforced by or against the Agency in its own name and it shall not be necessary for the Agency to give notice to the person whose right or liability is transferred by this section of such transfer.

(3) All legal proceedings pending immediately before the commencement of this Act to which the dissolved body was a party shall be continued with the substitution for the dissolved body of the Agency.

BILLE

dá ngairtear

Acht do chur feidhmeanna an Bhoird Náisiúnta Eolaíochta agus Teicneolaíochta agus na hInstitiúide Taighde Tionscail agus Caighdeán le chéile in aon chomhlacht amháin agus do dhéanamh socrú le haghaidh nithe gaolmhara.

An tAire Tionscail agus Tráchtála a thólaic

*Ritheadh ag Dáil Éireann,
16 Nollaig, 1987*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
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entitled

An Act to combine the functions of the National Board for Science and Technology and the Institute for Industrial Research and Standards in a single body and to provide for related matters.

*Presented by the Minister for Industry and
Commerce*

*Passed by Dáil Éireann,
16th December, 1987*

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