



**AN BILLE UM INSTITUTEUM TEICNEOLAÍOCHTA BHAILE
ÁTHA CLIATH (LEASÚ), 1994
DUBLIN INSTITUTE OF TECHNOLOGY (AMENDMENT)
BILL, 1994**

*Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann*

ARRANGEMENT OF SECTIONS

Section

1. The Principal Act.
 2. Appointment of Commission.
 3. Amendment of section 9 of the Principal Act.
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 5. Default provisions.
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ACT REFERRED TO

Dublin Institute of Technology Act, 1992

1992, No. 15



AN BILLE UM INSTITIÚID TEICNEOLAÍOCHTA BHAILE
ÁTHA CLIATH (LEASÚ), 1994
DUBLIN INSTITUTE OF TECHNOLOGY (AMENDMENT)
BILL, 1994

BILL

5

entitled

AN ACT TO AMEND THE DUBLIN INSTITUTE OF
TECHNOLOGY ACT, 1992.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

The Principal Act. 1.—In this Act “the Principal Act” means the Dublin Institute of 10
Technology Act, 1992.

Appointment of 2.—(1) Where the Minister is satisfied, after considering the report
Commission. of a person appointed under section 21 of the Principal Act, that the
affairs of the Institute are not being managed in an effective manner,
the Minister may by order appoint a person or a body of persons, 15
hereinafter referred to as the Commission, to carry out such and so
many of the functions of the Governing Body, the Chairman and the
President or of any of them as the Minister may determine and upon
such appointment that body or person shall cease to exercise the
functions thereby vested in the Commission. 20

(2) A Commission appointed under *subsection (1)* shall have all
such powers as are necessary or expedient for the purpose of carrying
out the functions so vested and shall be appointed on such terms and
for such period as the Minister decides, provided that in no case shall 25
a Commission be appointed for a period longer than two years.

(3) Upon the appointment of a Commission the Governing Body,
the Chairman and the President shall be informed of the reasons
therefor and that body or person may, within fourteen days from the
date of the appointment of the Commission, show cause to the Mini-
ster why any functions vested in the Commission should not have 30
been so vested and request the Minister to re-vest those functions in
that body or person.

(4) A Commission may consult with and request information con-
cerning the management of the affairs of the Institute from the Gov-
erning Body, the Chairman or the President, and in any such case 35
that body or person shall provide any such information as is
requested.

(5) The Minister may—

(a) remove a Commission, or any member thereof, from office,
or

(b) vary the number of persons on the Commission.

5 (6) Where a Commission or a member thereof is removed from office within the two year term referred to in *subsection (2)*, or where a member resigns or dies in office, the Minister may appoint another Commission or member as appropriate for the remainder of that term.

10 (7) Upon the termination of the appointment of a Commission, unless the Minister appoints another Commission, and in any case at the end of two years from the date of the first appointment, the functions vested in the Commission shall revert in the then acting Governing Body, Chairman or President.

15 (8) At any time prior to the termination of the appointment of a Commission, the Minister may by order revert any of the functions to which an order under *subsection (1)* applies in the body or person to which the order relates.

20 (9) The remuneration, if any, of every person appointed under *subsection (1)* or *subsection (6)* shall be paid out of moneys provided by the Oireachtas under the Principal Act.

25 (10) Every order made under *subsection (1)* shall be laid before each House of the Oireachtas as soon as may be after it is made, and it shall not have effect unless and until a resolution has been passed by each House confirming the order, provided that if either House fails to pass such a resolution within 28 days of the order having been so laid and neither House has made a resolution annulling the order, the order shall have effect at the end of that period.

30 (11) Where an order to which *subsection (10)* relates takes effect due to the failure of either House to pass a resolution confirming the order, that House may, within the next 21 days during which it has sat after the making of the order, pass a resolution annulling the order and the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

35 3.—Section 9 of the Principal Act is hereby amended by the insertion of the following subsection:

Amendment of section 9 of the Principal Act.

40 “(4) Where an office of President becomes vacant, the Minister may appoint a person to be the President temporarily until a permanent appointment to the office is made and such temporary appointment may be terminated by the Minister at any time.”

4.—(1) Upon the expiration of the term of office of the Governing Body, the ordinary members shall be appointed by the Minister, on the recommendation of the Vocational Education Committee, in accordance with the following provisions:

Governing Body.

45 (a) six persons shall be nominated by the Vocational Education Committee;

(b) two persons, one of whom shall be a woman and one a man, being members of the academic staff of the Institute who are employed on a permanent, full-time basis or who are

required, during the period beginning on the 1st day of September preceding the election and ending on the following 31st day of August, to teach not less than 280 time-tabled hours in the Institute or such other number of hours as the Minister may, from time to time, specify, shall be elected by that staff in accordance with regulations made by the Governing Body; 5

(c) one person, being a member of the staff (other than the academic staff) of the Institute who are employed on a permanent, full-time basis or who are required, during the period beginning on the 1st day of September preceding the election and ending on the following 31st day of August, to work not less than 50 per cent. of the number of hours which a full-time member of such staff is required to work, shall be elected by that staff in accordance with regulations made by the Governing Body; 10 15

(d) two persons, one of whom shall be a woman and one a man, being registered students of the Institute, shall be chosen in accordance with regulations made by the Governing Body and for the purposes of this provision registered students shall include full-time officers of the Students Union, or other student representative body, recognised by the Governing Body for that purpose; 20

(e) one person shall be nominated by the Irish Congress of Trade Unions; 25

(f) one person shall be nominated by the University of Dublin;

(g) five persons shall be nominated by the Vocational Education Committee from among persons nominated to that Committee by such organisations as the Institute on the recommendation of the Academic Council considers require representation having regard to the particular courses provided by the Institute, excluding interests otherwise represented on the Governing Body. Such organisations shall be representative of industry, agriculture, commerce, the professions and other interests as appropriate to the activities of the Institute. 30 35

(2) In making recommendations to the Minister pursuant to *subsection (1)*, the Vocational Education Committee shall—

(a) ensure that not fewer than seven of those so recommended are women and not fewer than seven are men, and 40

(b) make such recommendations subject to such directives as may be issued by the Minister from time to time, including directives relating to an appropriate gender balance among the persons nominated by the Vocational Education Committee under *paragraph (a) of subsection (1)*. 45

(3) *Subsection (1)* is in substitution for subsection (4) of section 6 of the Principal Act, which is hereby repealed, and any reference in the Principal Act to that subsection shall be read as a reference to *subsection (1)* of this section.

(4) The provisions of *paragraph (b) of subsection (1)* shall apply, with effect from the 1st day of April, 1994, so far as it relates to the eligibility of staff to take part in any election to which that paragraph applies. 50

5.—(1) Where the Vocational Education Committee—

Default provisions.

(a) fails to make recommendations in accordance with *section 4*, or

5 (b) makes recommendations which do not allow the Minister to implement directives issued by her,

then the Minister, by notice in writing, shall inform the Vocational Education Committee of the nature of its default and, within one month of the date of that notice, the Vocational Education Committee shall make such revised recommendations as will amend that default.

15 (2) Where, at the end of the month provided for in *subsection (1)*, the Vocational Education Committee remains in default, the Minister shall inform it, by notice in writing, of the nature of that default and may thereafter appoint any body of persons as the Minister thinks fit to perform the functions of the Governing Body.

(3) The remuneration, if any, of every person appointed under *subsection (2)* shall be paid out of moneys provided by the Oireachtas under section 16 of the Principal Act.

20 (4) The body appointed under *subsection (2)* shall exercise the functions of the Governing Body for a period of one year or for such lesser period as the Minister, on its appointment, shall determine and at the end of that period the Minister shall appoint a Governing Body under section 6 of the Principal Act, or another body under this section where *subsection (1)* continues to apply.

25 6.—The Second Schedule to the Principal Act is hereby amended by the insertion of the following in subparagraph (1) of paragraph 6: Amendment of the Second Schedule to the Principal Act.

“or

30 (f) who was appointed on foot of an election by the academic staff or by the non-academic staff of the Institute, ceases to be a member of such staff,”

7.—(1) Where the term of office of the Governing Body comes to an end before that body has made valid regulations in respect of the holding of any or all of the elections provided for in *section 4*, the Minister may appoint a Governing Body with such lesser number of members than is provided for in *subsection (1)* of that section, as can be appointed in the absence of such regulations. Failure by Governing Body to make regulations.

40 (2) A Governing Body appointed under *subsection (1)* shall, within two months of the date of the notice of its appointment, make the regulations referred to in *subsection (1)* and shall cause the elections, referred to therein, to be held in accordance with such regulations.

45 (3) Upon the holding of the elections referred to in *subsection (1)* and within one month of the date thereof, the Minister shall appoint those remaining members of the Governing Body recommended for appointment by the Vocational Education Committee.

(4) This section shall be deemed to have come into effect on the 1st day of January, 1994.

Short title,
collective citation
and construction.

8.—(1) This Act may be cited as the Dublin Institute of Technology (Amendment) Act, 1994.

(2) The Principal Act and this Act may be cited together as the Dublin Institute of Technology Acts, 1992 and 1994, and shall be construed as one.

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AN BILLE UM INSTITIÚID
TEICNEOLAÍOCHTA BHAILE ÁTHA
CLIATH (LEASÚ), 1994

BILLE

dá ngairtear

Acht do leasú an Achta um Institiúid
Teicneolaíochta Bhaile Átha Cliath, 1992.

An tAire Oideachais a thfolaic

*Ritheadh ag Dáil Éireann,
30 Samhain, 1994*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha
Cliath 2, nó trí aon díoltóir leabhar.

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DUBLIN INSTITUTE OF
TECHNOLOGY (AMENDMENT) BILL,
1994

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entitled

An Act to amend the Dublin Institute of
Technology Act, 1992.

Presented by the Minister for Education

*Passed by Dáil Éireann,
30th November, 1994*

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