AN BILLE UM FHORAIS CHULTÚIR NÁISIÚNTA, 1996
NATIONAL CULTURAL INSTITUTIONS BILL, 1996

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Interpretation.
3. Laying of orders and regulations before Houses of Oireachtas.
4. Provisions in relation to offences.
5. Expenses.
6. Repeals and transitional provision.
7. Regulations.

PART II

ESTABLISHMENT OF BORD ARD-MHÚSAEM NA hÉIREANN AND BORD LEABHARLANN NÁISIÚNTA NA hÉIREANN

8. Names of Museum and Library.
9. Museum establishment day and Library establishment day.
10. Establishment of Boards.
11. Functions of Board of Museum.
12. Functions of Board of Library.
13. Provisions relating to genealogy and heraldry.
14. Bye-laws.
15. Conferral of additional functions on Boards.
16. Authorised repositories of Boards.

[No. 47*d* of 1996]

0263

Section

17. Lending of museum heritage objects by Board of Museum.

18. Lending and disposal of library material by Board of Library.

19. Membership of Boards.

20. Terms of office of members of Boards.

21. Chairpersons of Boards.

22. Meetings and procedure of Boards.

23. Advisory Committees.

24. Committees of a Board.

25. Seals of Boards.

26. Membership of either House of Oireachtas or European Parliament.

27. Grants to Boards.

28. Gifts.

29. Directors.

30. Staff of Boards.

31. Transfer of staff of Minister to Boards.

32. Remuneration, etc., of staff.

33. Superannuation.

34. Borrowing by Boards.

35. Accounts and audits of Boards.

36. Reports and information to Minister.

37. Continuance of pending legal proceedings.

38. Transfer of property other than land.

39. Transfer of rights and liabilities.

40. Consultants and advisers.

41. Exemption from stamp duty.

PART III

INDEMNITIES IN RESPECT OF CERTAIN CULTURAL OBJECTS

42. Definitions (*Part III*).

43. Indemnities in respect of cultural objects on loan.

44. Provisions relating to indemnities.

45. Amendment of *Second Schedule.*

46. Indemnities in respect of certain cultural objects entered in register.

PART IV

Provisions relating to Heritage Collections

Section
47. Lending and acquisition of cultural objects.
48. Register of cultural objects.
49. Restriction on export of articles to which this Act applies.
50. Export licences.
51. Delegation of functions of Minister.

PART V

Acquisition of Certain Cultural Objects

52. Definition (*Part V*).
53. Acquisition of certain cultural objects by Minister.
54. Notice of proposal to make vesting orders.
55. Form and operation of vesting orders.
56. Compensation in respect of vesting orders.
57. Applications for compensation in respect of vesting orders.
58. Duty of Minister in respect of applications under *section 57*.
59. Applications to High Court for compensation under this Part.

PART VI

The National Gallery of Ireland

60. Functions of National Gallery.
61. Application of *sections 14*, *26*, *34*, *35*, *36* and *41* to National Gallery.

PART VII

Miscellaneous

62. Grant of licence for sale of intoxicating liquor.
63. Provisions relating to Marsh's Library.
64. Exemption from charge of rates on certain property.
65. Delivery of certain material to Library.
66. Amendment of section 56 of Copyright Act, 1963.
67. Advice to Heritage Council.

0264

Section
68. Amendment of National Monuments Acts, 1930 to 1994.
69. Care of archaeological objects.
70. Powers of Commissioners in relation to certain premises.

FIRST SCHEDULE

AUTHORISED REPOSITORY OF A BOARD

SECOND SCHEDULE

AUTHORISED AREA OF AN INSTITUTION

THIRD SCHEDULE

OBJECTS TO WHICH *Section 49(1)(f)* RELATES

ACTS REFERRED TO

The Act of the Irish Parliament 6 Anne c. 19	1707, c. 19
Companies Act, 1963	1963, No. 33
Copyright Act, 1963	1963, No. 10
Documents and Pictures (Regulation of Export) Act, 1945	1945, No. 29
Dublin Science and Art Museum Act, 1877	1877, c. 234
Dublin Theatres Act, 1786	1786, c. 57
European Assembly Elections Act, 1977	1977, No. 30
European Parliament Elections Act, 1993	1993, No. 30
Harbours Act, 1946	1946, No. 9
Holidays (Employees) Acts, 1973 and 1991	
Intoxicating Liquor Act, 1927	1927, No. 15
Intoxicating Liquor Act, 1988	1988, No. 16
Intoxicating Liquor Act, 1995	1995, No. 33
Licensing Acts, 1833 to 1995	
Local Government Act, 1941	1941, No. 23
Local Government Act, 1991	1991, No. 11
Local Government Act, 1994	1994, No. 8
Merchant Shipping (Salvage and Wreck) Act, 1993	1993, No. 34
Minimum Notice and Terms of Employment Acts, 1973 to 1991	
National Gallery Act, 1854	17 & 18 Vic. c. 99
National Gallery (Dublin) Act, 1865	28 & 29 Vic. c. 81
National Gallery of Ireland Acts, 1854 to 1963	
National Monuments Act, 1930	1930, No. 2
National Monuments (Amendment) Act, 1994	1994, No. 17
National Monuments Acts, 1930 to 1994	
Petty Sessions (Ireland) (Amendment) Act, 1851	1851, c. 93
Redundancy Payments Acts, 1967 to 1991	
Terms of Employment (Information) Act, 1994	1994, No. 5
Unfair Dismissals Acts, 1977 to 1993	

AN BILLE UM FHORAIS CHULTÚIR NÁISIÚNTA, 1996
NATIONAL CULTURAL INSTITUTIONS BILL, 1996

BILL

entitled

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD TO BE KNOWN AS BORD ARD-MHÚSAEM NA hÉIREANN AND A BOARD TO BE KNOWN AS BORD LEABHARLANN NÁISIÚNTA NA hÉIREANN, TO MAKE FURTHER PROVISION IN RELATION TO THE NATIONAL GALLERY OF IRELAND, TO PROVIDE FOR THE GIVING OF INDEMNITIES BY THE STATE AGAINST THE LOSS OF, OR DAMAGE TO, CULTURAL OBJECTS LOANED TO CERTAIN INSTITUTIONS, TO AMEND CERTAIN ENACTMENTS, TO MAKE FURTHER PROVISION IN RELATION TO THE NATIONAL HERITAGE AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the National Cultural Institutions Act, 1997.

(2) This Act shall, in so far as it amends or extends the Licensing Acts, 1833 to 1995, be construed as one therewith and may be cited therewith as the Licensing Acts, 1833 to 1997.

(3) This Act shall, in so far as it amends or extends the National Gallery of Ireland Acts, 1854 to 1963, be construed as one therewith and may be cited therewith as the National Gallery of Ireland Acts, 1854 to 1997.

(4) This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions (including the application of *section 6* to different enactments specified therein).

0265

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

"the Act of 1930" means the National Monuments Act, 1930;

"the Act of 1994" means the National Monuments (Amendment) Act, 1994;

"archaeological object" means any chattel whether in a manufactured or partly manufactured or an unmanufactured state which by reason of the archaeological interest attaching thereto or of its association with any Irish historical event or person has a value substantially greater than its intrinsic (including artistic) value, and the said expression includes ancient human, animal or plant remains;

"authorised repository of a Board" has the meaning assigned to it by *section 16*;

"the Board", in relation to the Museum, means the board established by *subsection (1)* of *section 10* and, in relation to the Library, means the board established by *subsection (2)* of that section, and "a Board" means, as the context may require, each of those boards or either of them;

"the Commissioners" means the Commissioners of Public Works in Ireland;

"company" means a company within the meaning of the Companies Act, 1963;

"cultural object" has the meaning assigned to it by *section 42*;

"establishment day" means, as the context may require, the Library establishment day or the Museum establishment day or both;

"functions" includes powers and duties and references to the performance of functions includes as respects powers and duties, references to the exercise of powers and the carrying out of the duties;

"the Governors and Guardians" means the Governors and Guardians of the National Gallery;

"the Library" means Leabharlann Náisiúnta na hÉireann or, in the English language, the National Library of Ireland;

"Library establishment day" means the day appointed by the Minister under *section 9*;

"library material" means—

(*a*) any material in the collection of the Library on the Library establishment day,

(*b*) any manuscript, book, within the meaning of section 56 (6) of the Copyright Act, 1963, or material, within the meaning of *section 65*, concerning human life in Ireland, the natural history of Ireland, and of the relations of Ireland with other countries, considered appropriate by the Board of the Library for inclusion in the collection of the Library,

(*c*) any library material which passed from the care of the former Ulster Office-of-Arms into the care of the Genealogical Office on the 1st day of April, 1943 (including objects of a heraldic nature), and

(*d*) any similar material;

"licence" means a licence granted under *section 50*;

"local authority" means a local authority for the purposes of the Local Government Act, 1941;

"the Minister" means the Minister for Arts, Culture and the Gaeltacht;

"the Museum" means Ard-Mhúsaem na hÉireann or, in the English language, the National Museum of Ireland;

"Museum establishment day" means the day appointed by the Minister under *section 9*;

"museum heritage object" means—

(*a*) any object in the collection of the Museum on the Museum establishment day,

(*b*) any object (including archaeological objects, objects relating to the decorative arts or natural sciences or to history or industry or folklife) over 25 years old considered appropriate by the Board for inclusion in the collection of the Museum concerning human life in Ireland, the natural history of Ireland, and of the relations of Ireland with other countries, and

(*c*) any other similar objects;

"the National Gallery" means the National Gallery of Ireland;

"public authority" means—

(*a*) a Minister of the Government,

(*b*) the Commissioners,

(*c*) a regional authority within the meaning of the Local Government Act, 1991,

(*d*) a harbour authority within the meaning of the Harbours Act, 1946,

(*e*) a health board,

(*f*) a board or other body established by or under statute,

(*g*) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government, or

(*h*) a company in which all the shares are held by a board, company, or other body referred to in *paragraph (f)* or *(g)* of this definition;

"prescribed" means prescribed by regulations made by the Minister;

0266

"the register" means the register of cultural objects established under *section 48*.

(2) A reference in this Act to a section, Part or Schedule is a reference to a section or Part of or Schedule to this Act unless it is indicated that reference to some other enactment is intended.

(3) A reference in this Act to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(4) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended or adapted, whether before or after the commencement of this section, by or under any subsequent enactment.

Laying of orders and regulations before Houses of Oireachtas.

3.—Every order (other than an order under *sections 14*, *15*, *44 (3)*, *45* and *46*) or regulation made by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Provisions in relation to offences.

4.—(1) Proceedings for a summary offence under section 25 of the Act of 1930, or *section 16*, *49* or *65* may be brought and prosecuted by the Minister.

(2) Notwithstanding section 10 (4) of the Petty Sessions (Ireland) (Amendment) Act, 1851, proceedings for an offence under this Act may be instituted within 12 months from the date when the offence came to the knowledge of the Minister.

(3) Where an offence under this Act is committed by a body corporate and is proved to have been so committed with the consent or connivance of or to be attributable to any neglect on the part of any person, being a director, manager, secretary or other officer of the body corporate, or a person who was purporting to act in any such capacity, that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(4) Where the affairs of a body corporate are managed by its members, *subsection (3)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate.

Expenses.

5.—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.

Repeals and transitional provision.

6.—(1) The Dublin Theatres Act, 1786, section 24 of the National Monuments Act, 1930, and the Documents and Pictures (Regulation of Export) Act, 1945, are hereby repealed.

(2) A licence granted under the said section 24 or the last-mentioned Act and in force immediately before the commencement of this section shall continue in force after such commencement as if granted under *section 50*.

Regulations.

7.—(1) The Minister may—

(*a*) by regulations provide for any matter referred to in this Act as prescribed or to be prescribed, and

(*b*) make regulations generally for the purpose of giving effect to this Act and, if in any respect any difficulty arises during the period of two years after the commencement of this section in bringing into operation this Act, by regulations do anything which appears to be necessary or expedient for bringing this Act into operation.

(2) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

PART II

Establishment of Bord Ard-Mhúsaem na hÉireann and Bord Leabharlann Náisiúnta na hÉireann

Names of Museum and Library.

8.—(1) The institution heretofore known as the National Museum of Science and Art shall be known as Ard-Mhúsaem na hÉireann or, in the English language, the National Museum of Ireland.

(2) The institution heretofore known as the National Library of Ireland shall be known as Leabharlann Náisiúnta na hÉireann or, in the English language, the National Library of Ireland.

Museum establishment day and Library establishment day.

9.—The Minister may by order appoint a day to be the Museum establishment day and a day to be the Library establishment day for the purposes of this Act.

Establishment of Boards.

10.—(1) On the Museum establishment day there shall stand established a board to be known as Bord Ard-Mhúsaem na hÉireann or, in the English language, the Board of the National Museum of Ireland to perform the functions conferred on it by or under this Act.

(2) On the Library establishment day there shall stand established a board to be known as Bord Leabharlann Náisiúnta na hÉireann or, in the English language, the Board of the National Library of Ireland to perform the functions conferred on it by or under this Act.

(3) A Board shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and, with the consent of the Minister, to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property subject to the subsequent provisions of this Act.

Functions of Board of Museum.

11.—(1) The principal functions of the Board of the Museum shall be to maintain, manage, control, protect, preserve, record, research and enlarge the collection of museum heritage objects for the benefit of the public and to increase and diffuse in and outside the State knowledge of human life in Ireland, of the natural history of Ireland and of the relations of Ireland in these respects with other countries.

0267

(2) The Board shall have all such powers as it considers necessary or expedient for the performance of its functions under this Act including, but without prejudice to the foregoing, the following powers:

(*a*) to conserve and restore the museum heritage objects in the collection of the Museum,

(*b*) to arrange or provide for the display of museum heritage objects in the collection of the Museum,

(*c*) to organise or arrange for the organisation of temporary exhibitions (within or outside the State) of museum heritage objects from the collection of the Museum,

(*d*) to lend, subject to the provisions of this Act, museum heritage objects in the collection of the Museum,

(*e*) to promote research and scholarship,

(*f*) to disseminate and promote the dissemination of literature and information relating to the collection of the Museum,

(*g*) to foster and promote contacts with other museums and educational establishments,

(*h*) to participate and promote participation in international collaborative heritage projects and, where appropriate, to enter into agreements, subject to the consent of the Minister, with comparable bodies outside the State,

(*i*) to engage in international activities concerning museum curatorship and other related matters including, where appropriate, representation of the State at conferences, meetings and seminars,

(*j*) to enter into agreements with other museums, cultural bodies and educational establishments in the State,

(*k*) to foster and promote the Museum as an integral part of the national culture,

(*l*) to foster and promote the Irish language in the course of the performance of its functions,

(*m*) to acquire, borrow or accept a donation or bequest of museum heritage objects,

(*n*) to catalogue the museum heritage objects in the collection of the Museum,

(*o*) to compile, publish and distribute (with or without charge) books, magazines, journals, reports or other printed matter, including aural and visual material as may be appropriate in relation to any matter connected with its functions or activities,

(*p*) to acquire and make use of copyright, patents, licences, privileges and concessions as may be appropriate in relation to any matter connected with its functions or activities,

(*q*) to produce or arrange for the production of replicas of museum heritage objects in the collection of the Museum or of souvenirs,

(*r*) to arrange for the sale of material relating to the collection, of replicas of museum heritage objects or of souvenirs or other goods,

(*s*) to engage in such activities for the purpose of raising funds for the Museum as it thinks appropriate.

Functions of Board of Library.

12.—(1) The principal functions of the Board of the Library shall be to conserve, restore, maintain and enlarge the library material in the collection of the Library for the benefit of the public and to establish and maintain a record of library material (including material relating to the Irish language) in relation to Ireland and to contribute to the provision of access by members of the public to material relating to other countries.

(2) The Board shall have all such powers as it considers necessary or expedient for the performance of its functions under this Act including, but without prejudice to the generality of the foregoing, the following powers:

(*a*) to facilitate, encourage, assist and promote the carrying out of research in the Library,

(*b*) to facilitate, encourage, assist and promote the carrying out of genealogical research,

(*c*) to facilitate, encourage, assist and promote the granting and confirming of coats of arms,

(*d*) to lend, subject to the provisions of this Act, library material,

(*e*) to arrange for the provision of a library and information service for members of the public,

(*f*) to foster and promote the Library as a national centre for reference, research, bibliographic and other information services,

(*g*) to foster and promote the Library as an integral part of the national culture,

(*h*) to foster and promote the Irish language in the course of the performance of its functions,

(*i*) to disseminate and promote the dissemination of literature and information relating to the collection,

(*j*) to foster and promote contacts with other libraries and educational establishments,

(*k*) to participate and promote participation in international collaborative library projects and, where appropriate, to enter into agreements, subject to the consent of the Minister, with comparable bodies outside the State,

(*l*) to engage in international activities concerning librarianship and other related matters including, where appropriate, representation of the State at conferences, meetings and seminars,

0268

(*m*) to enter into agreements with other libraries, cultural bodies and educational establishments in the State (including inter-library loan agreements with other libraries in the State and outside the State),

(*n*) to acquire, borrow or accept a donation or bequest of library material,

(*o*) to catalogue the material in the collection of the Library,

(*p*) to compile, publish and distribute (with or without charge) books, magazines, journals, reports or other printed matter, including aural and visual material as may be appropriate in relation to any matter connected with the functions or activities of the Board,

(*q*) to acquire and make use of copyright, patents, licences, privileges and concessions as may be appropriate in relation to any matter connected with the functions or activities of the Board,

(*r*) to produce or arrange for the production of reproductions of library material in the collection of the Library or of souvenirs,

(*s*) to arrange for the sale of material relating to the collection of the Library, of reproductions of library material or of souvenirs or other goods,

(*t*) to engage in such activities for the purpose of raising funds for the Library as it thinks appropriate.

Provisions relating to genealogy and heraldry.

13.—(1) For the avoidance of doubt, it is hereby declared that the Genealogical Office is a branch of the Library.

(2) The Board shall, from time to time as occasion requires, designate a member of its staff to perform the duty of researching, granting and confirming coats of arms and such member shall use the appellation Chief Herald of Ireland or, in the Irish language, Príomh-Aralt na hÉireann while performing such duties.

(3) The Board shall be entitled to any copyright subsisting in coats of arms granted or confirmed under this section.

(4) (*a*) The Board of the Library shall as soon as may be after the Library establishment day appoint a committee to be known as the Committee on Genealogy and Heraldry (referred to subsequently in this subsection as "the Committee") to perform such of the functions of the Board, as in the opinion of the Board, may be better or more conveniently performed by it and are assigned to it by the Board.

(*b*) There may be included in the membership of the Committee such number (not being more than half of the membership of the Committee who are entitled to vote) of persons who are not members of the Board.

(*c*) The appointment of a person to act as a member of the Committee shall be subject to such conditions as the Board may think fit to impose when making the appointment.

(*d*) A member of the Committee may be removed from office at any time by the Board.

(*e*) The acts of the Committee shall be subject to the approval of the Board.

(*f*) The Director of the National Library and the Chief Herald of Ireland shall be included in the membership of the Committee but shall not be entitled to vote.

(*g*) The Board may regulate the procedures of the Committee but, subject to any such regulation, the Committee may regulate its own procedure.

Bye-laws.

14.—(1) A Board may make bye-laws for the care, maintenance, management, control, preservation and protection of the Museum or Library, as the case may be, and the regulation of the use of the said Museum or Library and the maintenance of good order therein.

(2) Without prejudice to the generality of *subsection (1)*, bye-laws under this section may make provision in relation to one or more of the following matters:

(*a*) the regulation of access to the Museum or Library, as the case may be, and the prohibition of access thereto at specified places and at specified times,

(*b*) the protection of and the prevention of damage or injury to property in the Museum or Library, as the case may be,

(*c*) the prohibition of access to specified places in or areas of the Museum or Library, as the case may be,

(*d*) notwithstanding any provisions contained in any bequest or agreement made before the commencement of this section, the fixing of fees and charges in respect of entry to the Museum or Library, as the case may be, or any part thereof or any building or facility therein and the use of its facilities including the fixing of different fees for different circumstances and for different classes of persons and the fixing of fees for some circumstances only or for all circumstances or for some classes of persons only or for all classes of persons, subject to the consent of the Minister,

(*e*) the enforcement of bye-laws.

(3) Before making bye-laws under *subsection (2)(d)* relating to the fixing of charges in respect of entry to the Museum or Library (other than to any special exhibition or other event being held in the Museum or Library), a Board shall have regard to—

(*a*) the need to provide an enhanced service to members of the public in Ireland,

(*b*) the need to promote an increased interest in and appreciation of the collection of the Museum or the Library, as the case may be, by members of the public in Ireland, and

(*c*) the need to provide a reasonable degree of access to the Museum or Library, as the case may be, without charge, in particular, to persons under the age of 18 years.

0269

(4) Bye-laws under this section may contain all such incidental, subsidiary and ancillary provisions as a Board considers necessary or expedient for the purposes of this section.

(5) A person who contravenes a bye-law under this section shall be guilty of an offence and shall be liable, on summary conviction, to a fine not exceeding £500.

(6) Fees or charges received by a Board in pursuance of bye-laws under this section and any other income received by a Board in the performance of functions under this Act shall be disposed of by the Board for the purposes of those functions.

(7) Proceedings for an offence under this section may be brought and prosecuted by a Board.

(8) Where a bye-law is proposed to be made under *subsection (2)(d)* relating to the fixing of charges in respect of entry to the Museum or Library (other than to any special exhibition or other event being held in the Museum or Library), a draft thereof shall be laid before each House of the Oireachtas and the bye-law shall not be made until a motion approving of the draft has been passed by each such House.

(9) As soon as may be after the making of a bye-law under this section, copies of it shall be displayed in the Museum or Library, as the case may be, so as to be seen and be capable of being read by the persons using the said Museum or Library.

Conferral of additional functions on Boards.

15.—(1) The Minister may, if he or she so thinks fit, by order—

(*a*) confer on a Board such additional functions connected with the functions for the time being of the Board or the services or activities that the Board is authorised for the time being to provide or carry on as he or she considers appropriate, and

(*b*) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on a Board of functions under this section or the performance by the Board of functions so conferred.

(2) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

(3) Where an order is proposed to be made under this section, a draft thereof shall be laid before each House of the Oireachtas and the order shall not be made until a motion approving of the draft has been passed by each such House.

Authorised repositories of Boards.

16.—(1) In this section "authorised repository of a Board" means, in relation to a Board, the premises specified in *column (2)* of the *First Schedule* opposite the mention of the Board in *column (1)* thereof.

(2) Subject to *sections 17*, *18* and *47*, a Board shall keep the museum heritage objects or, as the case may be, library material comprised in the collection of the Museum or Library, as the case may be, within the authorised repository of the Board, except in so far as it may consider it expedient to remove them temporarily for the purposes of research, restoration, security or preservation.

(3) The Minister may, with the consent of the Minister for Finance, and, after consultation with the Commissioners, by order amend the *First Schedule* by the addition to *column (2)* thereof of a reference to any premises as the Minister considers appropriate.

(4) The Minister may by order amend or revoke an order under this section including an order under this subsection.

(5) A person who removes a museum heritage object or, as the case may be, library material, comprised in the collection of the Museum or Library, as the case may be, from an authorised repository of the Board other than for a purpose specified in *subsection (2)*, *sections 17*, *18* or *47*, shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both, and

(*b*) on conviction on indictment, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding 5 years or to both.

Lending of museum heritage objects by Board of Museum.

17.—(1) The Board of the Museum shall, after consultation with the Heritage Council, draw up and publish guidelines concerning the lending of museum heritage objects in the collection of the Museum within the State and Northern Ireland.

(2) The Board may, in accordance with guidelines drawn up under this section, lend any museum heritage objects in the collection of the Museum to an institution or body within the State or in Northern Ireland for the purpose of public exhibition.

(3) Before deciding whether to lend a museum heritage object pursuant to *subsection (2)*, and in determining the period for which, and the conditions subject to which, the object is to be lent, the Board shall have regard to the following matters:

(*a*) the suitability of the place where the object is to be displayed,

(*b*) any risks to which the object is likely to be exposed,

(*c*) the personnel required to adequately monitor the care and security of the object while outside the care and management of the Board,

(*d*) the standing of the institution or body seeking to borrow the object in the local community,

(*e*) the interests of researchers and other persons using the facilities of the Museum,

(*f*) the contribution made by the institution or body to the promotion of the arts and culture,

(*g*) other public exhibitions organised by the Board.

(4) The Board shall not lend any museum heritage object pursuant to *subsection (2)* unless it is satisfied that adequate provision will be made for the safety and preservation of the object while outside of the care and management of the Board including the management and conduct of public exhibitions of the object.

0270

(5) The Board may, at its discretion, for the purpose of increasing and diffusing the knowledge of human life in Ireland, of the natural history of Ireland and of the relations of Ireland in this respect with other countries, organise within the State or in Northern Ireland public exhibitions of museum heritage objects in the collection of the Museum.

(6) Where a public exhibition of museum heritage objects is intended to be held outside the State or Northern Ireland under the management and control of the government of the country in which such exhibition is held or of a public or local authority in such country or of the governing body of a university, college, or other educational institution in such country or of an institution or association founded and maintained for the promotion of art, science or literature in such country, the Board may, at its discretion, lend to such government, authority, body, institution or association for inclusion in such exhibition such and so many of the objects in the collection of the Museum as it thinks fit so to lend.

(7) The Board shall not lend any museum heritage objects pursuant to *subsection (6)* unless it is satisfied that—

(*a*) proper provision will be made for the safety, preservation and insurance of the objects while outside the care and management of the Board including the management and conduct of any public exhibition, and

(*b*) under the law of the country in which such exhibition is held loans of objects of similar cultural significance selected from the national or other public collections of objects in such country may be made to the Government and public authorities and cultural institutions in the State.

(8) Any moneys received by the Board by virtue of a public exhibition held outside the State and Northern Ireland under this section shall be applied by the Board to conserve and enlarge the collection of the Museum.

Lending and disposal of library material by Board of Library.

18.—(1) The Board of the Library may lend any library material in the collection of the Library for the purpose of research or public exhibition and in determining the period for which, and the conditions subject to which the library material is to be lent, the Board shall have regard to the following matters:

(*a*) the interests of researchers,

(*b*) the interests of the members of the Houses of the Oireachtas,

(*c*) the suitability of the conditions in which the library material will be displayed or used for research, as the case may be,

(*d*) the physical condition and degree of rarity of the library material,

(*e*) any risks to which the library material is likely to be exposed,

(*f*) whether the loan would be inconsistent with a condition of a gift or bequest,

(*g*) the opinion of the Heritage Council.

(2) Subject to *subsection (6)*, the Board may dispose (whether by means of sale, exchange or gift) of any library material, if in the opinion of the Board, the library material—

(*a*) is by reason of damage, physical deterioration or infestation by destructive organisms not appropriate for inclusion in the collection of the Library, or

(*b*) can be disposed of without detriment to the interests of students, researchers or other members of the public, or

(*c*) is a document wholly in print, a copy of which may be made by the Board, whether by photographic or other means, or

(*d*) is a duplicate or replica of other material in the collection of another institution in the State to which members of the public have reasonable access.

(3) Before disposing of any library material under *subsection (2)*, the Board shall publish a notice in *Iris Oifigiúil* and in at least two daily newspapers circulating throughout the State stating its intention to dispose of library material pursuant to this section.

(4) Where the Board proposes to dispose of library material under *subsection (2)* to a cultural institution, the Board shall have regard to the accessibility of the material to members of the public.

(5) The power conferred on the Board by *subsection (2)* shall not be exercised in a manner inconsistent with any terms or conditions attached to a donation or bequest of library material to the Library.

(6) Any moneys received by the Board by virtue of the disposal of library material under this section shall be applied by the Board to conserve and enlarge the collection of the Library.

Membership of Boards.

19.—(1) The Board of the Museum shall consist of a chairperson and not less than 13 or more than 15 ordinary members who shall be appointed to be members of the Board of the Museum by the Minister.

(2) The Board of the Library shall consist of a chairperson and not less than 9 or more than 11 ordinary members who shall be appointed to be members of the Board of the Library by the Minister.

(3) Of the members of the Board of the Museum—

(*a*) 1 shall be appointed in accordance with *subsection (5)*,

(*b*) 1 shall be appointed in accordance with *subsection (6)*,

(*c*) 2 shall be appointed in accordance with *subsection (7)*, and

(*d*) not less than 6 shall be women and not less than 6 shall be men.

(4) Of the members of the Board of the Library—

(*a*) 1 shall be appointed in accordance with *subsection (8)*,

(*b*) 2 shall be appointed in accordance with *subsection (9)*, and

(*c*) not less than 4 shall be women and not less than 4 shall be men.

0271

(5) The person appointed to be a member of the Board of the Museum under *subsection (3)(a)* shall be selected by the Minister from a panel of not less than 2 persons who shall be nominated and, whose names shall, whenever so requested by the Minister, be submitted to him or her by the Royal Dublin Society.

(6) (*a*) The person appointed to be a member of the Board of the Museum by the Minister under *subsection (3)(b)* shall be selected by the Minister from a panel of not less than 4 persons (of whom not less than 2 shall be women and not less than 2 shall be men) who shall be nominated and, whose names shall, whenever so requested by the Minister, be submitted to him or her by the members of staff of the Board.

(*b*) The persons nominated by the members of the staff of the Board under *paragraph (a)* shall be such persons as are selected by those members in such manner as may be determined by the Minister after consultation with those members.

(7) Each person appointed to be a member of the Board of the Museum under *subsection (3) (c)* shall be selected by the Minister from a panel of not less than 4 persons who shall be nominated and, whose names shall, whenever so requested by the Minister, be submitted to him or her by the Royal Irish Academy.

(8) (*a*) The person appointed to be a member of the Board of the Library under *subsection (4)(a)* shall be selected by the Minister from a panel of not less than 4 persons (of whom not less than 2 shall be women and not less than 2 shall be men) who shall be nominated and, whose names shall, whenever so requested by the Minister, be submitted to him or her by the members of staff of the Board.

(*b*) The persons nominated by the members of the staff of the Board under *paragraph (a)* shall be such persons as are selected by those members in such manner as may be determined by the Minister after consultation with those members.

(9) Each person appointed to be a member of the Board of the Library under *subsection (4) (b)* shall be selected from a panel of not less than 4 persons who shall be nominated and, whose names shall, whenever so requested by the Minister, be submitted to him or her by the Royal Dublin Society.

(10) In the selection of persons for appointment to membership of a Board regard shall be had to the person's attainments or interest in or his or her knowledge of art, craft design, librarianship, museum curatorship, genealogy, education, management and administration, industrial relations, sales and marketing, or his or her competence otherwise to assist the Board in the performance of its functions.

Terms of office of members of Boards.

20.—(1) A member of a Board shall hold office for such period not exceeding 5 years and on such other terms and conditions as the Minister may determine when appointing him or her.

(2) A member of a Board shall not be eligible for re-appointment if he or she has served 2 consecutive terms as a member of the Board.

(3) A member of a Board may resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

(4) Each member of a Board shall be paid, out of moneys at the disposal of the Board, such remuneration (if any) and allowances for expenses incurred by him or her (if any) as the Minister may, with the consent of the Minister for Finance, determine.

(5) A member of a Board may at any time be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Board of its functions.

(6) (*a*) If a member of a Board dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Board who occasioned the casual vacancy.

(*b*) Subject to the other provisions of this section, a person appointed to be a member of a Board by virtue of this paragraph shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment for one further consecutive term as a member of the Board.

(7) A member of a Board shall be disqualified for holding and shall cease to hold office if he or she is adjudged bankrupt or makes a composition or arrangement with creditors or is sentenced by a court of competent jurisdiction to a term of imprisonment or penal servitude.

Chairpersons of Boards.

21.—(1) The Minister shall appoint a member of a Board to be chairperson of the Board.

(2) Where the chairperson of the Board ceases to be a member of the Board he or she shall also thereupon cease to be chairperson of the Board.

(3) The chairperson of the Board may at any time resign his or her office as chairperson by letter sent to the Minister and the resignation shall, unless previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(4) The chairperson of the Board shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (2)* or *(3)*, hold office until the expiration of his or her period of membership of the Board but, if he or she is re-appointed as a member of the Board, he or she shall be eligible for re-appointment as chairperson of the Board.

(5) The chairperson of the Board shall be paid such remuneration (if any) and such allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

0272

Meetings and procedure of Boards.

22.—(1) A Board shall hold such and so many meetings as may be necessary for the performance of its functions.

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

(3) The quorum for a meeting of the Board of the Library shall be 5 or such other greater number as may be determined from time to time by the Board of the Library.

(4) The quorum for a meeting of the Board of the Museum shall be 6 or such other greater number as may be determined from time to time by the Board of the Museum.

(5) At a meeting of a Board—

(*a*) the chairperson of the Board shall, if present, be the chairperson of the meeting, and

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

(6) At a meeting of a Board, each member of the Board present shall have a vote and every question shall be determined by a majority of votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a casting vote.

(7) A Board may act notwithstanding one or more vacancies among its members.

(8) Subject to the provisions of this Act, a Board shall regulate, by standing orders or otherwise, the procedure and business of the Board.

Advisory Committees.

23.—(1) (*a*) The Board of the Museum shall, as soon as may be after the establishment day, establish a committee to be known as the General Public Advisory Committee of the Museum to assist and advise the Board in relation to any matters pertaining to the public exhibition of museum heritage objects in the collection of the Museum and the provision of information and the dissemination of literature relating to those objects to members of the public (including any education programmes undertaken by the Board).

(*b*) The Board of the Museum may regulate the procedure of the committee established under *paragraph (a)* but, subject to any such regulation, the committee may regulate its own procedure.

(2) (*a*) The Board of the Library shall, as soon as may be after the Library establishment day, establish a committee to be known as the Readers Advisory Committee of the Library to advise the Board in relation to any matters pertaining to the provision of a library and information service to members of the public including the dissemination of literature in relation to the collection of the Library.

(*b*) The Board of the Library may regulate the procedure of the committee established under *paragraph (a)* but, subject to any such regulation, the committee may regulate its own procedure.

(3) A committee established under this section ("a committee") shall consist of a chairperson (who shall, in the case of the Museum, be a member of the Board of the Museum and, in the case of the Library, be a member of the Board of the Library) and 5 ordinary members at least one of whom shall be resident in each province.

(4) (*a*) A member of a committee shall hold office for such period not exceeding 5 years and on such other terms and conditions as the Board of the Museum or the Board of the Library, as the case may be, may determine.

(*b*) A member of a committee shall not be eligible for reappointment if he or she has served 2 consecutive terms as a member of the committee.

(5) The first meeting of a committee shall be held not more than one month after its establishment and subsequent meetings shall be held not more than 6 months after the last previous meeting.

Committees of a Board.

24.—(1) A Board may establish committees to assist and advise it in relation to the performance of its functions.

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

(3) A committee established by a Board under this section shall be chaired by a member of the Board.

(4) A Board may appoint a person to be chairperson of a committee established under this section.

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

(6) A 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.

Seals of Boards.

25.—(1) A Board shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of a Board shall be authenticated by the signature of its chairperson or another member of the Board authorised by it to act in that behalf and by the signature of an officer of the Board authorised by it to act in that behalf.

(3) Judicial notice shall be taken of the seal of a 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 *subsection (2)*) of the Board shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

0273

Membership of either House of Oireachtas or European Parliament.

26.—(1) Where a member of a Board is—

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

(*b*) elected as a member of either House of the Oireachtas or to the European Parliament, or

(*c*) regarded, pursuant to section 15 (inserted by the European Parliament Elections Act, 1993) of the European Assembly Elections Act, 1977, as having been elected to the European Parliament to fill a vacancy,

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

(2) Where a person employed by the Board is—

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

(*b*) elected as a member of either House of the Oireachtas or to the European Parliament, or

(*c*) regarded, pursuant to the said section 15, as having been elected to the European Parliament to fill a vacancy,

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

(3) 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 European Parliament shall, while he or she is so entitled or is such a member, be disqualified for becoming a member of a Board or for employment in any capacity by a Board.

(4) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period therein mentioned as service with a Board for the purpose of any pensions, gratuities or other allowances payable on resignation, retirement or death.

Grants to Boards.

27.—The Minister may, in each financial year, after consultation with a Board in relation to its proposed work programme and expenditure for that year, make grants of such amount as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas towards the expenditure incurred by the Board in the performance of its functions.

Gifts.

28.—(1) A Board may accept gifts of money, land (subject to the consent of the Minister) or other property, upon such trusts or conditions, if any, as may be specified by the donor.

(2) A Board shall not accept a gift if the trusts or conditions attached to it would be inconsistent with its functions.

(3) Any funds of a Board which are 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.

29.—(1) There shall be a chief executive officer of the Museum who shall be known as the Director of the Museum. Directors.

(2) There shall be a chief executive officer of the Library who shall be known as the Director of the Library.

(3) (*a*) The Director of the Museum shall carry on and manage and control generally the administration and business of the Museum and perform such other functions as may be determined by the Board of the Museum.

(*b*) The functions conferred on the Director of the Museum pursuant to—

(i) the National Monuments Acts, 1930 to 1994, and

(ii) the Merchant Shipping (Salvage and Wreck) Act, 1993,

shall be performed subject to the control and general superintendence of the Board of the Museum.

(*c*) The Board of the Museum may, for the purposes of *paragraph (a)*, give directions or guidelines to the Director of the Museum and he or she shall comply with any such directions and perform his or her functions in accordance with any such guidelines.

(4) (*a*) The Director of the Library shall carry on and manage and control generally the administration and business of the Library and perform such other functions as may be determined by the Board of the Library.

(*b*) The Board of the Library may, for the purposes of *paragraph (a)*, give directions or guidelines to the Director of the Library and he or she shall comply with any such directions and perform his or her functions in accordance with any such guidelines.

(5) The first Director of the Museum shall be the officer standing designated by the Minister immediately before the establishment day as the Director of the Museum and shall not, while in the service of the Board of the Museum, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the establishment day.

(6) The first Director of the Library shall be the officer standing designated by the Minister immediately before the establishment day as the Director of the Library and shall not, while in the service of the Board of the Library, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the establishment day.

(7) Each subsequent Director of the Museum shall be appointed, and may be removed from office for stated reasons, by the Board of the Museum with the consent of the Minister.

0274

(8) Each subsequent Director of the Library shall be appointed, and may be removed from office for stated reasons, by the Board of the Library with the consent of the Minister.

(9) Each subsequent Director of the Museum shall hold office for such term and upon and subject to such other terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Board of the Museum with the consent of the Minister and the Minister for Finance.

(10) Each subsequent Director of the Library shall hold office for such term and upon and subject to such other terms and conditions (including terms and conditions relating to remuneration) as may be determined by the Board of the Library with the consent of the Minister and the Minister for Finance.

(11) A Board shall act through, and its functions shall be performed in the name of the Board by a Director or another officer of the Board duly authorised in that behalf by a Director.

(12) A Director may make proposals to a Board on any matter relating to its activities.

(13) A Director shall devote the whole of his or her time to his or her duties as chief executive and shall not hold any other office or position without the consent of a Board.

(14) The Director of the Museum shall not be a member of the Board of the Museum and the Director of the Library shall not be a member of the Board of the Library.

(15) In this section—

"Director" means, as the context may require, the Director of the Museum or the Director of the Library or the Director of each of them;

"remuneration" includes allowances for expenses, benefits-in-kind and superannuation.

Staff of Boards.

30.—(1) A Board may appoint such and such number of persons to be members of the staff of the Board (an adequate number of whom should be competent in the Irish language so as to provide service through Irish as well as English) as it may determine with the consent of the Minister and the Minister for Finance.

(2) (*a*) A member of the staff of the Board (other than the Director) shall be paid, out of moneys at the disposal of the Board such remuneration and allowances for expenses incurred by him or her as the Board may, with the consent of the Minister and the Minister for Finance, determine.

(*b*) A member of the staff of the Board shall hold his or her office or employment on such other terms and conditions as the Board may, with the consent of the Minister and the Minister for Finance, determine.

(3) The grades of the staff of the Board and the number of staff in each grade shall be determined by the Board with the consent of the Minister and the Minister for Finance.

(4) Every person who immediately before the establishment day is a member of the staff of the Minister and is engaged for the performance of duties exclusively in the Museum or Library, as the case may be, shall, on that day, be transferred to, and become a member of the staff of, the Board of the Museum or the Board of the Library, as may be appropriate.

(5) Save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in *subsection (4)* shall not, while in the service of a Board, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including conditions relating to tenure of office) to which he or she was subject immediately before the establishment day.

(6) In relation to staff transferred by *subsection (4)* to the staff of a Board, previous service in, or service reckonable for the purposes of any superannuation benefits payable by or on behalf of, the Museum or Library, as the case may be, shall be reckonable for the purposes of, but subject to any other exceptions or exclusions in, the Redundancy Payments Acts, 1967 to 1991, the Holidays (Employees) Acts, 1973 and 1991, the Minimum Notice and Terms of Employment Acts, 1973 to 1991, the Unfair Dismissals Acts, 1977 to 1993 and the Terms of Employment (Information) Act, 1994.

Transfer of staff of Minister to Boards.

31.—(1) Every person who is on the day immediately before the establishment day a member of the staff of the Department of Arts, Culture and the Gaeltacht and is designated by the Minister for employment by a Board shall be transferred to and become a member of the staff of the Board on such day as may be specified by the Minister after consultation with the Board.

(2) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection (1)* shall not, while in the service of a Board, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the day specified by the Minister pursuant to *subsection (1)*.

(3) In relation to persons transferred to a Board under *subsection (1)*, previous service in the civil service shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy Payments Acts, 1967 to 1991, the Holidays (Employees) Acts, 1973 and 1991, the Minimum Notice and Terms of Employment Acts, 1973 to 1991, the Unfair Dismissals Acts, 1977 to 1993 and the Terms of Employment (Information) Act, 1994.

Remuneration, etc., of staff.

32.—Without prejudice to the requirements of *sections 30* and *31*, a Board, in determining the remuneration or allowances for expenses to be paid to members of its staff or the other terms or conditions subject to which such members hold or are to hold their employment, shall have regard to Government or nationally agreed guidelines which are for the time being extant or to Government policy concerning remuneration and conditions of employment which is so extant and, in addition to the foregoing, the Board shall comply with any directives with regard to such remuneration, allowances, terms or conditions which the Minister may give to the Board with the consent of the Minister for Finance.

0275

Superannuation.

33.—(1) A Board shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Board as it may think fit.

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

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted by a Board under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Board in accordance with its terms.

(5) Superannuation benefits granted under schemes under this section to persons who, immediately before the establishment day, were members of the staff of the Minister and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(6) No superannuation benefit shall be granted by a Board nor shall any other arrangements be entered into by the Board for the provision of such a benefit to or in respect of a member of the staff of the Board otherwise than in accordance with a scheme under this section or with the consent of the Minister and the Minister for Finance.

(7) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(8) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of a Board under *section 30* or *31*, the benefit shall be calculated by the Board in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day or such day as may be specified by the Minister pursuant to *section 31 (1)* and, for that purpose, his or her pensionable service with the Board shall be aggregated with his or her previous pensionable service and shall be paid by the Board.

(9) A scheme under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Borrowing by Boards.

34.—A Board may, for the purpose of providing for current or capital expenditure, from time to time, borrow money including money in a currency other than the currency of the State, but shall not do so without the consent of the Minister and the Minister for Finance.

Accounts and audits of Boards.

35.—(1) A Board shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods, and at such times as may be required by him or her and shall furnish to the Minister any information which he or she may require in relation to such estimates.

(2) A Board shall cause to be kept on a continuous basis proper books of account of all income and expenditure of the Board, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Board and shall keep all such special accounts as the Minister may from time to time direct.

(3) The financial year of a Board shall be the period of twelve months ending on the 31st day of December in any year, and for the purposes of this provision the period commencing on the date of the commencement of this section and ending on the 31st day of December, 1998, shall be deemed to be a financial year.

(4) A Board and the officers thereof, shall, whenever so requested by the Minister, permit any person appointed by him or her to examine the books and accounts of the Board in respect of any financial year or other period and shall facilitate any such examination, and the Board shall pay such fee therefor as may be fixed by the Minister.

(5) (*a*) The accounts of a Board for each year shall be prepared in such form and manner as may be specified by the Minister.

(*b*) The accounts shall be submitted as soon as may be but not later than 6 months after the end of the financial year to which they relate by the Board to the Comptroller and Auditor General for audit.

(*c*) A copy of the accounts and the auditor's report thereon shall be presented to the members of the Board and to the Minister as soon as may be but not later than 12 months after the end of the financial year to which they relate and the Minister shall cause a copy of the documents aforesaid to be laid before each House of the Oireachtas.

Reports and information to Minister.

36.—(1) As soon as may be after the end of each year, but not later than 6 months thereafter, a Board shall prepare and submit a report in writing in both the English and the Irish languages to the Minister of its activities during that year and the Minister shall cause copies thereof to be laid before each House of the Oireachtas.

(2) A report under *subsection (1)* shall include information in such form and regarding such matters as the Minister may direct.

(3) A Board shall, whenever so requested by the Minister, furnish to the Minister information in relation to such matters as he or she may specify concerning or relating to the scope of its activities generally, or in respect of any account prepared by the Board or any report specified in *subsection (1)* or *section 35*.

Continuance of pending legal proceedings.

37.—Any legal proceedings relating to a matter to which a function of a Board relates and pending immediately before the establishment day to which the Minister, any other State authority or the State is

D276

a party shall be continued with the substitution in the proceedings, in so far as they so relate, for any such party of the Board.

Transfer of property other than land.

38.—(1) On the establishment day all property (other than land, museum heritage objects and library material) including choses-in-action, which immediately before that day was the property of the Minister and was used in connection with a function of the Minister corresponding to a function of a Board shall stand vested in the Board without any assignment.

(2) The Minister may on his or her initiative and shall on the application of a Board issue a certificate in respect of specified property stating, as he or she thinks proper, that the property vested in a Board under this section or did not so vest and the certificate shall be conclusive evidence of the facts so stated.

(3) Every chose-in-action transferred by *subsection (1)* to a Board may, after the establishment day, be sued on, recovered or enforced by the Board in its own name and it shall not be necessary for the Board or the Minister to give notice to the person bound by the chose-in-action of the transfer effected by that subsection.

Transfer of rights and liabilities.

39.—(1) All rights and liabilities of the Minister arising by virtue of any contract or commitment (expressed or implied) entered into by him or her before the establishment day in relation to a function of the Minister corresponding to a function of a Board shall on that day stand transferred to the Board.

(2) The Minister may on his or her own initiative and shall on the application of a Board issue a certificate in respect of a specified contract or commitment stating, as he or she thinks proper, that the rights and liabilities of the Minister thereunder were transferred on the establishment day to a Board under this section or were not so transferred and the certificate shall be conclusive evidence of the facts so certified.

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

Consultants and advisers.

40.—A Board may from time to time engage such consultants or advisers as it may consider necessary or expedient for the performance of its functions, and any remuneration due to a consultant or adviser engaged under this section shall be paid by the Board out of moneys at its disposal having regard to guidelines issued from time to time by the Minister or the Minister for Finance and, in addition to the foregoing, the Board shall comply with any directives with regard to such consultants or advisers which the Minister may give to the Board with the consent of the Minister for Finance.

Exemption from stamp duty.

41.—Stamp duty shall not be chargeable on any conveyance, transfer or other instrument executed for the purpose of vesting property or any interest in property in a Board.

PART III

Indemnities in Respect of Certain Cultural Objects

Definitions (*Part III*).

42.—In this Part—

"authorised area of an institution" means, in relation to an institution, the premises specified in *column (2)* of the *Second Schedule* opposite the mention of the institution specified in *column (1)* thereof;

"cultural object" includes museum heritage objects, library material and any other object or thing considered appropriate to be exhibited or kept by an institution specified in the *Second Schedule*.

Indemnities in respect of cultural objects on loan.

43.—(1) Subject to the subsequent provisions of this section, the Minister may, with the consent of the Minister for Finance, in such cases and to such extent as the Minister may determine, undertake to indemnify any person for the loss of, or damage to, a cultural object kept outside the State while that object is on loan to an institution specified in the *Second Schedule* from a person resident outside the State for the purpose of public exhibition in an authorised area of the institution:

Provided that the Minister is of opinion that the public exhibition of the object will contribute materially to public understanding or appreciation of art and culture and the value of the object is shown to the satisfaction of the Minister to have been agreed on between the institution and the lender.

(2) References in this section to the loss of, or damage to, an object while on loan include references to the loss of, or damage to, the object while being taken to or returned from the place where it is to be exhibited while on loan.

Provisions relating to indemnities.

44.—(1) The aggregate amount of liability at any time of the Minister in respect of any undertakings given under *section 43 (1)* shall not exceed £150,000,000.

(2) (*a*) Subject to *paragraph (b)* the Minister shall not give an undertaking under *section 43 (1)* unless the value or, as the case may be, the aggregate value of a cultural object or objects exceeds £1,000,000.

(*b*) *Paragraph (a)* shall not apply to a cultural object lent by the Ulster Museum, the Ulster Folk and Transport Museum, the Public Record Office of Northern Ireland or such other institutions in Northern Ireland as may be designated by order by the Minister or to a cultural object forming part of an exhibition approved by the Minister for Foreign Affairs and the Minister organised by a cultural institution outside the State.

(3) Where at any time the giving of a particular undertaking or undertakings, as the case may be, would cause the aggregate amount of liability at any time of the Minister to exceed the amount standing specified for the time being in *subsection (1)*, if the Minister considers it appropriate to do so, he or she may, with the consent of the Minister for Finance, by order vary the amount standing specified by substituting an amount that is larger than the amount standing specified for the time being and, if the Minister does so, he or she shall

0277

also provide in the order that the variation shall cease to have effect on and after such date as may be so specified in the order.

(4) (*a*) The Minister may by order vary the amount standing specified for the time being in *subsection (1)* by reference to any increases in the values generally of cultural objects, such increases being determined by the Minister in such manner as he or she considers appropriate, and *subsection (1)* shall have effect in accordance with the provisions of any order under this subsection for the time being in force.

(*b*) Without prejudice to the generality of *paragraph (a)*, in making a determination under that paragraph the Minister shall have regard to the value of cultural objects sold at such auctions in the United States of America, France and the United Kingdom of Great Britain and Northern Ireland as the Minister considers appropriate and shall also have regard to any relevant art sale indexes.

(5) Any amount required to meet a liability incurred by the Minister under this section shall be advanced out of the Central Fund or the growing produce thereof and shall be repaid to the Central Fund out of moneys provided by the Oireachtas.

(6) For the purpose of providing money for any advance under this section the Minister for Finance may borrow from any person any sum or sums, and for the purpose of such borrowing he may create and issue securities bearing such rate of interest and subject to such conditions as to repayment, redemption or otherwise as he thinks fit, and shall pay the moneys so borrowed into the Exchequer.

(7) The principal of or any interest on any securities issued under this section and the expenses incurred in connection with the issue of such securities shall be charged on the Central Fund or the growing produce thereof.

(8) All moneys received by the Minister in pursuance of an undertaking given under this section shall be collected and taken in such manner as the Minister for Finance may direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(9) The Minister may by order revoke or amend an order under this section (including an order under this subsection).

(10) Where an order under *subsection (3)* is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Amendment of *Second Schedule.*

45.—(1) Subject to the subsequent provisions of this section, the Minister may by order amend the *Second Schedule*.

(2) The name of an institution shall not be inserted in *column (1)* of the *Second Schedule* pursuant to *subsection (1)* unless the Minister, after consultation with the Director of the Library, the Director of the Museum, or the Governors and Guardians, as may be appropriate, is satisfied that the institution—

(*a*) has as one of its principal functions the preservation for the benefit of the public of a collection of cultural objects,

(*b*) maintains, manages and controls a collection of national or international significance,

(*c*) is owned or funded wholly or substantially by the State or by any public or local authority, and

(*d*) is experienced in the organisation of temporary exhibitions of cultural objects originating outside the State.

(3) The name of an authorised area shall not be inserted in *column (2)* of the *Second Schedule* pursuant to *subsection (1)* unless the Minister, after consultation with the appropriate person referred to in *subsection (2)*, is satisfied that necessary measures have been taken to ensure that the area is safe for use as an area for exhibiting cultural objects to members of the public.

(4) The Minister may by order revoke or amend an order under this section (including an order under this subsection).

(5) Where an order under this section is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Indemnities in respect of certain cultural objects entered in register.

46.—(1) This section applies to a cultural object entered in the register which is in the ownership of a person other than an institution specified in the *Second Schedule* and—

(*a*) which has been in the care or under the management of the institution for an uninterrupted period not exceeding 10 years ending upon the commencement of this section or comes under such care or management after such commencement, and

(*b*) the value of which (agreed on between the institution and the owner thereof) was not less than £250,000 on the date of the agreement between the institution and the owner of the object relating to the care, control or management of the object by the institution.

(2) Subject to the subsequent provisions of this section, on the application to the Minister in that behalf by an institution specified in the *Second Schedule*, the Minister may, with the consent of the Minister for Finance, in such cases and to such extent as the Minister may determine undertake to indemnify the owner of a cultural object to which this section applies in respect of—

(*a*) the cost of repair or restoration, or

(*b*) the theft, loss or damage,

of the object while in the care or under the management of an institution specified in the *Second Schedule*.

(3) The aggregate amount of liability at any time of the Minister in respect of any undertakings given under *subsection (2) (a)* shall not exceed £10,000,000.

(4) The aggregate amount of liability at any time of the Minister in respect of any undertakings given under *subsection (2) (b)* shall not exceed £10,000,000:

0279

Provided that the Minister shall not give an undertaking in relation to a particular cultural object exceeding 10 per cent. of the value of the object (subject to a maximum amount of £1,000,000 in respect of each object).

(5) The Minister may by order vary the amounts standing specified for the time being in *subsections (3)* and *(4)* and those subsections shall have effect in accordance with the provisions of any order under this subsection for the time being in force.

(6) Where the ownership of a cultural object to which this section applies is disputed or otherwise uncertain, the Minister may give an undertaking under *subsection (2)* in relation to the object to such person as he or she considers appropriate.

(7) The giving of an undertaking under *subsection (2)* to a person in relation to a cultural object to which this section applies shall not be construed as an acknowledgement of the right of the person to ownership of the object.

(8) The Minister may by order revoke or amend an order under this section (including an order under this subsection).

(9) Where an order under this section is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

PART IV

Provisions relating to Heritage Collections

Lending and acquisition of cultural objects.

47.—(1) Without prejudice to any provisions contained in any bequest or agreement, a Board, the Governors and Guardians, the Director of the National Archives (with the consent of the National Archives Advisory Council) or any other cultural institution designated by order by the Minister, may lend to, transfer, borrow from, or exchange with any other institution referred to in this subsection or standing designated for the time being under *subsection (3)* any cultural objects in the collection of the institution on such terms and conditions as may be determined by the institutions concerned.

(2) Any dispute between one or more of the institutions referred to in *subsection (1)* or any other cultural institution designated by order by the Minister as to which of them should acquire or attempt to acquire a cultural object, shall be referred to the Minister and he or she shall, after consultation with all of the aforesaid institutions, decide which institution should acquire or attempt to acquire the object and the decision of the Minister shall be binding on all of the aforesaid institutions.

(3) The Minister may by order designate an institution, with the consent of the institution, for the purposes of *subsection (1)* or *subsection (2)*.

(4) The Minister may by order revoke or amend an order under this section (including an order under this subsection).

Register of cultural objects.

48.—(1) Subject to the provisions of this section, the Minister shall, as soon as may be after the commencement of this Part, establish and maintain a register of cultural objects of a class or classes denoted in such manner (including by reference to monetary value) as may be

determined by the Minister whose export from the State would constitute a serious loss to the heritage of Ireland (in this Act referred to as "the register").

(2) Subject to the provisions of this section, the Minister may establish and maintain a record of cultural objects of a class or classes denoted in such manner (including by reference to monetary value) as may be determined by the Minister whose export from the State has constituted a serious loss to the heritage of Ireland (in this section referred to as "the record").

(3) Before making an entry in the register or the record, the Minister may direct a Board, the Irish Manuscripts Commission or the Governors and Guardians to furnish him or her with a list of cultural objects belonging to a particular class or classes as may be specified by the Minister in the direction which, in the opinion of the Board or the Governors and Guardians, as the case may be, are outstanding examples of objects belonging to that class and whose export from the State would constitute a serious loss to the heritage of Ireland.

(4) The Minister may include in a direction under *subsection (3)* a requirement that a person or persons to whom it is given shall have regard to such considerations or matters as are specified in the direction and the person or persons shall comply with such a requirement.

(5) In preparing a list referred to in *subsection (3)*, a Board, the Irish Manuscripts Commission or the Governors and Guardians, as the case may be, shall consult with such other (if any) persons having a special knowledge of, or interest in, the matter as it considers appropriate to be consulted and shall have regard to any such consultations.

(6) (*a*) A Board, the Irish Manuscripts Commission or the Governors and Guardians may, at any time, make recommendations in writing to the Minister in relation to the inclusion of a cultural object or cultural objects in the register or the record maintained by the Minister and the Minister shall have regard to such recommendations.

(*b*) The Minister may, after consultation with the Heritage Council, enter the aforesaid object or objects, as the case may be, in the register or the record.

(7) The Minister may amend or, after consultation with the Heritage Council, delete an entry in the register or the record.

Restriction on export of articles to which this Act applies.

49.—(1) Each of the following shall be an article to which this Part applies—

(*a*) any document (other than a document wholly in print) which is not less than 70 years old of a value exceeding such an amount (if any) as may be specified by order made by the Minister,

(*b*) any painting (other than a painting in the ownership of the person who painted it) not less than 25 years old of a value exceeding such amount (if any) as may be specified by order made by the Minister which is painted entirely by hand on any medium and in any material and which either—

(i) originated in Ireland, or

(ii) has been in the State for not less than 25 years,

0279

(*c*) any document declared by an order made by the Minister under *subsection (2)* to be an article to which this Part applies,

(*d*) any cultural object entered in the register,

(*e*) any archaeological object,

(*f*) any object specified in the *Third Schedule* which is made in Ireland, is not less than 70 years old and the value of which is not less than £35,000,

(*g*) any cultural object falling within a class of cultural objects designated by order by the Minister.

(2) The Minister may by order declare any document, which is in his or her opinion of national, historical, genealogical or literary interest, to be an article to which this Part applies.

(3) The Minister may by order declare any object, which is in his or her opinion an archaeological object, to be an article to which this Part applies.

(4) The Minister may by order declare that any document, painting, cultural object entered in the register, archaeological object, any cultural object falling within a class of cultural objects designated by order by the Minister under *paragraph (g)* of *subsection (1)* or object specified in the *Third Schedule*, of a class or classes denoted in such manner as may be determined by the Minister, shall be excluded from the operation of this Part and any object so declared to be excluded shall, so long as the order is in force, cease to be an article to which this Part applies.

(5) The Minister may by order vary—

(*a*) one or more of the ages standing specified for the time being in *paragraph (a)*, *(b)* and (*f*) of *subsection (1)*, or

(*b*) the amount standing specified for the time being in *paragraph (f)* of *subsection (1)*,

and those paragraphs shall have effect in accordance with the provisions of any order under this subsection for the time being in force.

(6) The Minister may by order revoke or amend an order under this section (including an order under the subsection).

(7) It shall not be lawful for any person to export or attempt to export or sell for export any article to which this Part applies unless such person is the holder of a licence authorising the export of the article.

(8) A person who contravenes this section shall be guilty of an offence and shall be liable—

(*a*) on summary conviction—

(i) in case the offence relates to an article falling within *paragraph (d)* or *(e)* of *subsection (1)*, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both, and

(ii) in case the offence relates to any other article, to a fine not exceeding £1,500, and

(*b*) on conviction on indictment—

(i) in case the offence relates to an article falling within *paragraph (d)* or *(e)* of *subsection (1)*, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding 2 years or to both, and

(ii) in case the offence relates to any other article, to a fine not exceeding £50,000.

(9) If a person is convicted of an offence under *subsection (8)* in relation to the export of an article to which this Part applies that—

(*a*) is a cultural object entered in the register and, prior to the date of conviction, had been in the care, control or under the management of an institution owned or funded wholly or substantially by the State or by any public or local authority, or

(*b*) is an archaeological object,

the court may order the object to be forfeited.

(10) A court shall not order an object to be forfeited under *subsection (9)* in a case where a person claiming to be the owner of it or otherwise interested in it applies to be heard by the court, unless an opportunity has been given to the person to show cause why the order should not be made.

(11) Where an object is ordered by a court to be forfeited under *subsection (9)*, the object shall become and be the property of the Minister on and from the date of the order and the order shall operate to deprive the owner thereof of his or her rights in or to the object.

(12) An order under *subsection (9)* shall not take effect until the ordinary time for instituting an appeal against the order or the conviction concerned has expired or, where such an appeal is instituted, until it or any further appeal is finally decided or abandoned or the ordinary time for instituting any further appeal has expired.

(13) In proceedings for an offence under this section it shall not be necessary to negative by evidence the existence of any licence authorising the export of an article to which this Part applies and accordingly the onus of proving the issue of such a licence to the defendant shall be on the defendant.

(14) In a prosecution of a person under this section, it shall be a defence for the person to prove that he or she did not know, and had no reason to suspect that it was an article falling within *paragraph (a)*, *(b)*, *(f)* or *(g)* of *subsection (1)*.

(15) In this section "document" includes "estate records, parish and school registers, burial and cemetery records and maps".

Export licences.

50.—(1) (*a*) Subject to the provisions of this section, the Minister shall, on the application of a person in that behalf, grant to that person a licence authorising the person to export an article to which this Part applies (referred to in this Act as "a licence").

0280

(*b*) An application for a licence shall be in such form as may be prescribed or in a form to the like effect.

(2) Where an application is made to the Minister for a licence in respect of an article referred to in *section 49(1)(d)*—

(*a*) in the case of an article that for an uninterrupted period of 5 years before the commencement of this section was in the care of an institution specified in the *Second Schedule* or in any other institution owned or funded wholly or substantially by the State or by any public or local authority, the Minister may, at his or her discretion, grant or refuse to grant the licence and any such licence may be subject to such conditions and restrictions as the Minister determines and specifies in the licence,

(*b*) in the case of a cultural object that comes into the care of an institution referred to in *paragraph (a)* after the commencement of this section and remains in such care for an uninterrupted period of 10 years, the Minister may, at his or her discretion, grant or refuse to grant the licence and any such licence may be subject to such conditions and restrictions as the Minister determines and specifies in the licence,

(*c*) in any other case, the Minister shall grant the licence and any such licence may be subject to such conditions and restrictions as the Minister determines and specifies in the licence including the condition that the object shall not be exported before the expiration of one year from the date of the application for the licence.

(3) Where an application is made to the Minister for a licence in respect of an article referred to in *section 49(1)(e)*, the Minister may, at his or her discretion, grant or refuse to grant the licence and any such licence may be subject to such conditions and restrictions as the Minister determines and specifies in the licence.

(4) A licence shall remain in force for such period as may be specified therein.

(5) (*a*) A person who holds a licence shall comply with the conditions of the licence.

(*b*) A person who contravenes *paragraph (a)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

(6) Where an application is made to the Minister for a licence to export an article to which this Part applies, the Minister may request the applicant to afford the Minister such facilities as he or she may think necessary for the making within a reasonable time of copies of the article whether by photographic or other means, and in that case he or she shall not grant the licence unless the request has been complied with.

(7) Where the applicant for a licence in respect of an article to which this Part applies affords facilities for the making of copies of the article, whether by photographic or other means, the Minister may cause copies of the article to be made and may cause any copies so made to be used in any manner which he or she thinks proper.

(8) Where copyright subsists in an article referred to in *subsection (6)*, the making of copies pursuant to that subsection shall not constitute an infringement of that copyright.

Delegation of functions of Minister.

51.—(1) The Minister may by order delegate such one or more of his or her functions as he or she specifies in the order—

(*a*) under *section 50*—

(i) in relation to museum heritage objects, to the Board of the Museum or the Heritage Council,

(ii) in relation to paintings, to the Governors and Guardians, the Heritage Council or the Board of the Irish Museum of Modern Art Company, and

(iii) in relation to documents, to the Board of the Library, the Heritage Council or the Director of the National Archives,

or such class or classes of any one or more of the foregoing as he or she may specify in the order,

(*b*) under *section 4(1)*, in relation to an offence or any class of offence under section 25 of the Act of 1930, and *sections 49* and *65*, to a Board or (in relation to an offence under *section 49*) to the Governors and Guardians.

(2) The following provisions shall have effect in relation to the delegation of a function under *subsection (1)*:

(*a*) the function shall be performed by the person to whom it was delegated in his or her own name but subject to the general superintendence and control of the Minister;

(*b*) the Minister may amend or revoke an order made under this section;

(*c*) the delegation shall operate, while it is in force, to confer the function on and vest it in the person to whom it was delegated;

(*d*) the function shall, notwithstanding the delegation, continue to be vested in the Minister but shall be so vested concurrently with the person to whom it was delegated and so as to be capable of being performed by the Minister or the person;

(*e*) the delegation shall not remove or derogate from the responsibility of the Minister to Dáil Éireann or as a member of the Government for the performance of the function by the person.

(3) An order under this section may contain such ancillary or subsidiary provisions as the Minister considers necessary or expedient.

0281

PART V

Acquisition of Certain Cultural Objects

Definition (*Part V*).

52.—In this Part "a cultural object to which this Part applies" means a cultural object that—

(*a*) is entered in the register, and

(*b*) for an uninterrupted period of 5 years before the commencement of this section was in the care of an institution specified in the *Second Schedule* or in any other institution owned or funded wholly or substantially by the State or by any public or local authority.

Acquisition of certain cultural objects by Minister.

53.—(1) Whenever the owner of a cultural object to which this Part applies requests the return of the object from an institution referred to in *section 52*, then, if it appears to the Minister that the common good requires that the object should be in the ownership, care and control of the State, the Minister may, with the consent of the Minister for Finance, acquire the object by agreement with the owner thereof or, in default of agreement, compulsorily by order made by the Minister (in this Part referred to as a "vesting order") acquire the object.

(2) Whenever the owner of a cultural object to which this Part applies makes a request referred to in *subsection (1)*, the Minister shall notify the owner within 2 weeks from the date of the request that he or she will decide within 6 weeks from the date of such request whether he or she proposes to acquire the object and the owner shall not be entitled to the return of the object during the said period of 6 weeks and upon the expiration of that period the Minister shall cause the object to be returned to the owner unless he or she proposes to acquire the object under this section and has notified him or her accordingly before such expiration.

(3) Where the Minister acquires a cultural object to which this Part applies by agreement with the owner thereof, the object shall thereupon vest in the Minister for the benefit of the State.

(4) The price or compensation payable on the acquisition of a cultural object to which this Part applies shall be paid out of moneys provided by the Oireachtas.

Notice of proposal to make vesting orders.

54.—(1) Where the Minister proposes to make a vesting order, the Minister shall—

(*a*) publish in *Iris Oifigiúil* and in such newspapers as the Minister thinks fit notice of the proposal, indicating that any person who claims to be entitled to compensation may submit his or her claim to the Minister and indicating the time within which a claim aforesaid may be submitted to the Minister, and

(*b*) give a copy of the notice referred to in *paragraph (a)* to every owner of a cultural object to be acquired by the vesting order.

(2) A notice under *subsection (1)* may be given to the person concerned—

(*a*) by delivering it to him or her,

(*b*) by leaving it at the address at which the person ordinarily resides, or

(*c*) by sending it by post in a prepaid registered letter addressed to the person at the address at which he or she ordinarily resides or, in the case of a company (within the meaning of the Companies Act, 1963) at its registered office or, in the case of any other body, at its principal office or place of business.

Form and operation of vesting orders.

55.—A vesting order shall be in the prescribed form and shall be expressed and shall operate to vest the cultural object to which it relates in the Minister free from encumbrances and all rights, titles and interests of any kind over or in respect of the object on a specified date not earlier than 21 days after the making of the order.

Compensation in respect of vesting orders.

56.—Whenever the Minister makes a vesting order, he or she shall be liable to pay compensation in accordance with the provisions of this Part in respect of the cultural object acquired by the order.

Applications for compensation in respect of vesting orders.

57.—(1) Any person claiming to be the owner of a cultural object acquired by a vesting order may apply to the Minister for compensation in respect of the object.

(2) An application for compensation under this section shall be made in such form as may be prescribed or in a form to the like effect.

(3) An application for compensation under this section shall be made to the Minister within 3 months (or such longer period, not exceeding 6 months, as the Minister may in any particular case allow) from the date upon which the notice of the proposal to acquire the cultural object the subject of the application was published in *Iris Oifigiúil* pursuant to this section.

Duty of Minister in respect of applications under *section 57*.

58.—(1) The Minister shall, within 3 months from the date of the receipt of an application for compensation under this Part duly made to him or her, consider the application and, as he or she thinks fit, either—

(*a*) make an offer in writing to the applicant in respect of a specified sum of compensation under this section in respect of the cultural object to which the application relates, or

(*b*) inform the applicant in writing that he or she does not intend to make to the applicant any such offer including his or her reasons therefor.

(2) Where an applicant accepts an offer of compensation made under *subsection (1)*, he or she shall be estopped from making any further claim for compensation under this Part.

Applications to High Court for compensation under this Part.

59.—(1) A person who has applied to the Minister under the foregoing provisions of this Part for compensation in respect of a cultural object acquired by a vesting order and has either refused an offer of compensation made to him or her by the Minister in respect of the aforesaid object or has been informed by the Minister that he or she does not intend to make any such offer, may apply to the High Court in a summary manner for compensation under this section in respect of the object.

0282

(2) An application under *subsection (1)* shall be made not later than 3 months after whichever of the following dates is applicable, that is to say—

(*a*) the date on which the applicant refused the offer by the Minister of a specified sum of compensation, or

(*b*) the date on which the applicant was informed by the Minister that he or she did not intend to make any such offer.

(3) On application to it under *subsection (1)*, the High Court, shall, if it is satisfied that the applicant is entitled to compensation under this section—

(*a*) award to the applicant compensation under this section,

(*b*) fix the amount of such compensation in accordance with this section, and

(*c*) order that the compensation so awarded and fixed shall be paid to the applicant by the Minister.

(4) In assessing the compensation payable to a person under this section, the High Court shall have regard to the fact that the Minister may refuse to grant a licence to a person in respect of the cultural object concerned.

(5) An order under *subsection (3)* may contain such consequential or supplementary provisions as the High Court considers appropriate.

(6) The High Court may make such order (if any) as it considers just for the payment of all or part of any costs incurred by a person in respect of an application for compensation under this section.

(7) The High Court shall, on application to it in that behalf by the Minister within one month of the making of an order under *subsection (3)*, by order discharge the order, direct the return of the cultural object to the applicant concerned, annul the vesting order made by the Minister and, if it so thinks fit, award such compensation as it considers appropriate in respect of any loss incurred by the applicant by virtue of the retention by the institution of the object after the request of the applicant for its return.

PART VI

The National Gallery of Ireland

Functions of National Gallery.

60.—(1) It shall be a function of the Governors and Guardians—

(*a*) to increase and diffuse in or outside the State knowledge of the visual arts by whatever means they consider appropriate,

(*b*) to dispose of land or an interest in land subject to the consent of the Minister, and to dispose of any other property (other than cultural objects in the collection of the National Gallery), and

(*c*) to engage in such activities for the purpose of raising funds for the purposes of the National Gallery as they think appropriate.

(2) The functions aforesaid are in addition to and not in substitution for any functions conferred on the Governors and Guardians by the National Gallery of Ireland Acts, 1854 to 1963.

Application of *sections 14, 26, 34, 35, 36* and *41* to National Gallery.

61.—(1) *Sections 26, 34, 35, 36* and *41* shall apply in relation to the National Gallery as they apply in relation to a Board with the modification that the references to a Board shall be construed as references to the Governors and Guardians and with any other necessary modifications.

(2) *Section 14* shall apply in relation to the National Gallery as it applies in relation to a Board with the modification that the references to a Board shall be construed as references to the Governors and Guardians and the references to the Museum or Library shall be construed as references to the National Gallery and with any other necessary modifications.

PART VII

MISCELLANEOUS

Grant of licence for sale of intoxicating liquor.

62.—(1) Subject to *subsection (5)*, the Minister may, if he or she thinks it proper that an on-licence should be granted to a person or persons, being the Board or the Governors and Guardians or the board of any institution specified in the *Second Schedule* in respect of any particular part of premises occupied by the person or persons and vested in the Commissioners or the Minister, as the case may be, issue to the person or persons, a certificate approving of the grant of the licence.

(2) The Revenue Commissioners shall grant the licence on the presentation of the certificate to them.

(3) The Minister, if he or she so thinks proper, may from time to time issue to the person or persons referred to in *subsection (1)*, a certificate approving of the renewal of the licence.

(4) (*a*) The Minister, if he or she thinks it proper that the licence should be transferred or extended to another part of the premises occupied by a person or persons referred to in *subsection (1)* and vested in the Commissioners or should cease to apply to any part of the premises aforesaid, may issue to the person or persons aforesaid a certificate approving of the alterations.

(*b*) Whenever such a certificate is presented to the Revenue Commissioners, they shall amend the licence accordingly.

(5) The Minister shall not issue a certificate under this section in respect of the whole or any part of a premises unless the premises are specified in *column (2)* of the *Second Schedule*.

(6) Notwithstanding section 2 (as amended by section 25 of the Intoxicating Liquor Act, 1988, and section 2 of the Intoxicating Liquor Act, 1995) of the Intoxicating Liquor Act, 1927, it shall be lawful for any person to sell or expose for sale any intoxicating liquor on any premises or any part of premises to which an on-licence granted under this section relates, or to open or keep open such premises for the sale of intoxicating liquor, or to permit any intoxicating liquor to be consumed on such premises at any time during which members of the public are permitted to enter and remain on such premises.

0283

(7) In this section "on-licence" has the meaning assigned to it by the Intoxicating Liquor Act, 1927.

Provisions relating to Marsh's Library.

63.—(1) Notwithstanding section 2 of the Act of 1707, the Minister may, with the consent of the Governors and Guardians of Marsh's Library, appoint two persons to be Governors and Guardians of Marsh's Library in addition to the persons appointed as such Governors and Guardians by virtue of that section.

(2) The provisions of *section 20* (other than *subsection (4)*) shall apply, with any necessary modifications, to a Governor and Guardian appointed under this section as they apply to the members referred to in that section.

(3) In this section "the Act of 1707" means The Act of the Irish Parliament 6 Anne c.19 (which Act provided *inter alia* for the establishment of the Library now known as Marsh's Library).

Exemption from charge of rates on certain property.

64.—Property occupied, on or after the commencement of this section, by—

(*a*) the Museum,

(*b*) the Library,

(*c*) the National Gallery,

(*d*) the Irish Museum of Modern Art Company,

(*e*) the Arts Council,

(*f*) the Heritage Council,

(*g*) the National Concert Hall Company,

(*h*) the Chester Beatty Library, or

(*i*) the National Theatre Society Limited,

shall be exempt from the rate chargeable by a local authority.

Delivery of certain material to Library.

65.—(1) Subject to the provisions of this section, the publisher of any material to which this section applies shall, within one month or such longer period as the Board of the Library may in any particular case allow after its publication, deliver at his or her own expense, a copy of the material—

(*a*) to the Board of the Library, or

(*b*) if the Library establishment day falls after the expiration of the period aforesaid, to the Minister,

and the Board or the Minister, as the case may be, shall, as soon as may be after such delivery, give a written receipt to the publisher for material so delivered.

(2) The publisher of material to which this section applies that relates substantially or primarily to Ireland shall, if written demand for any such material is made by the Board of the Library not later than 12 months after its publication, deliver a copy of the material to the board within one month after receipt of the demand or, if the demand was made before its publication, within one month or such longer period as the Board may in any particular case allow after its publication.

(3) The Board, with the consent of the Minister, or, before the Library establishment day, the Minister, may make such regulations as the Board or the Minister, as the case may be, considers appropriate in relation to the quality and format of material to which this section applies in cases where the copies of such material are not of uniform quality or can be published in different formats.

(4) In this section—

"engraving" has the meaning assigned to it by section 2 of the Copyright Act, 1963;

"material to which this section applies" means material that is of such class as may be specified in regulations made by the Board of the Library with the consent of the Minister or, before the Library establishment day, by the Minister and in this definition "material" includes any engraving, photograph, play script, cinematograph film, microfilm, video recording, sound recording, record, diskette, magnetic tape, compact disc, or other thing which has been published and on or in which information is written, recorded, stored or reproduced but does not include local records or local archives within the meaning, in each case, of section 65 of the Local Government Act, 1994, or books within the meaning of section 56 of the Copyright Act, 1963;

"publisher" other than in *subsection (2)* means—

(*a*) in relation to material to which this section applies, a person resident in the State who publishes or causes to be published the material to the public or a section of the public, and

(*b*) in relation to material to which this section applies that relates substantially or primarily to Ireland, a person who distributes but does not publish or cause to be published the material in the State to the public or a section of the public,

and in *subsection (2)* has the meaning assigned to it by *paragraph (b)*.

(5) A publisher who contravenes this section shall be liable on summary conviction to a fine not exceeding £500 and the value of the library material and the fine shall be paid to the Board.

(6) The Minister may by order apply this section, with such modifications and adaptations as he or she considers necessary, to one or more of the institutions or bodies referred to in section 56 of the Copyright Act, 1963.

Amendment of section 56 of Copyright Act, 1963.

66.—(1) Section 56 of the Copyright Act, 1963, is hereby amended by—

(*a*) in subsection (1)—

(i) by the substitution of "any book published" for "any book first published in the State",

(ii) by the substitution of "Board of the National Library of Ireland" for "trustees of the National Library of Ireland" in each place where it occurs, and

(iii) by the substitution of "Board of the British Library" for "trustees of the British Museum" in each place where it occurs,

0284

(*b*) in subsection (2), by the substitution of "any book published" for "any book first published in the State",

(*c*) in subsection (3)—

(i) by the substitution of "Board of the National Library" for "trustees of the National Library of Ireland", and

(ii) by the substitution of "Board of the British Library" for "trustees of the British Museum", and

(*d*) in subsection (5), by the substitution of "£500" for "twenty pounds".

(2) The said section 56 shall be construed as if the references to a publisher were references to a publisher within the meaning of the definition of "publisher" in *section 65(4)* modified so that references in that definition to material to which that section applies are construed as references to a book.

(3) Subsection (1) of the aforesaid section 56, in so far as it relates to the publisher (within the meaning of *paragraph (b)* of the definition of "publisher" in *section 65*), shall apply only to the Library and to a book that relates substantially or primarily to Ireland and then only if written demand for a copy thereof is made in accordance with *subsection (2)* of *section 65* by the Board of the Library.

Advice to Heritage Council.

67.—The Minister may direct a Board, the Director of the National Archives or the Governors and Guardians from time to time as occasion requires to make available to the Heritage Council such advice as it may require to assist it in the performance of its functions.

Amendment of National Monuments Acts, 1930 to 1994.

68.—(1) The reference in section 25(2) of the Act of 1930, to the Minister for Education shall be construed as a reference to the Board of the Museum.

(2) The Act of 1994 is hereby amended as follows:

(*a*) by the substitution of the following section for section 3:

"Disposal of archaeological objects by State.

3.—(*a*) Subject to the provisions of this section, where, after the commencement of this section, an archaeological object becomes the property of the State, the Director may, at his or her discretion, if he or she is of opinion that the object is not of sufficient archaeological or historical interest to justify its retention by the State, dispose of the object by whatever means he or she thinks fit.

(*b*) Where an archaeological object becomes the property of the State and the Director is of opinion that the object is predominantly more of local rather than national interest, the Director may place the object in the care of a designated museum.

(*c*) An archaeological object that has been placed in the care of a designated

museum under paragraph (*b*) shall not be disposed of other than by means of its transfer into the care of another designated museum or the National Museum of Ireland.

(*d*) Any dispute between a designated museum and the Director as to where an archaeological object should be kept shall be referred to the Minister and he or she shall, after consultation with the designated museums, decide which museum should keep the object and the decision of the Minister shall be final and shall be carried into effect.

(*e*) The Minister may make regulations in relation to the care and management of archaeological objects kept in designated museums pursuant to this section.

(*f*) The Director may, with the consent of the Minister, designate museums (referred to in this section as 'designated museums') in the ownership and control of local authorities for the purposes of this section.

(*g*) The Director shall, if so required by the Minister, revoke a designation under paragraph (*f*).

(*h*) Where a designation is revoked under paragraph (*g*), any archaeological object in the care of the museum concerned on the date of such revocation shall be transferred, as soon as may be, to the National Museum of Ireland or such designated museum as the Minister may direct."

and

(*b*) in section 6—

(i) by the substitution in subsection (1) of "The Director or any other person authorised by the Board of the Museum" for "The Director", and

(ii) by the substitution in subsection (2) of "the Minister or, whenever so requested by the Minister, the Board of the Museum" for "the Minister".

Care of archaeological objects.

69.—(1) Where a dispute arises between the Museum and a public authority or a local authority, as the case may be, concerning the care, control and management of an archaeological object to which this section applies, the matter shall be determined by the Minister after consultation with the Heritage Council whose decision in relation thereto shall be binding on the parties concerned.

0285

(2) This section applies to an archaeological object that—

(*a*) is in the ownership of the State,

(*b*) is in the care of a public or local authority, as the case may be, before the commencement of the Act of 1994, and

(*c*) has not at any time been in the care of the Museum.

Powers of Commissioners in relation to certain premises.

70.—(1) In this section—

"improvement", in relation to the premises, includes structural or other alterations or additions to the premises, the installation on the premises of any plant, machinery or equipment and the construction of any building (or other structure) on the premises;

"premises" means, in relation to the Museum, any building or part of a building or other land occupied by the Museum and, in relation to the Library, means any building or part of a building or other land occupied by the Library.

(2) The Commissioners shall carry out, or cause to be carried out on their behalf, under the general superintendence of the Minister, and upon and subject to such terms and conditions as may be agreed upon by the Commissioners and the Museum or the Library, as the case may be, such work as, in the opinion of the Commissioners, is necessary or expedient for the maintenance, upkeep, repair, renovation and improvement of the premises.

Section 16.

FIRST SCHEDULE

Authorised Repository of a Board

Name of Board (1)	Premises (2)
Board of the National Library of Ireland	The premises known as the National Library building Kildare Street, Dublin, erected by the Commissioners, pursuant to the provisions of the Dublin Science and Art Museum Act, 1877.
Board of the National Museum of Ireland	The premises known as the Science and Art Museum building Kildare Street, Dublin, erected by the Commissioners, pursuant to the provisions of the Dublin Science and Art Museum Act, 1877 and the premises known as the Natural History Museum building, Merrion Street, Dublin, erected pursuant to the provisions of the National Gallery Act, 1854.

SECOND SCHEDULE

Section 42.

AUTHORISED AREA OF AN INSTITUTION

Name of Institution (1)	Premises (2)
Chester Beatty Library	The premises known as the Clock Tower building and those parts of other buildings at Dublin Castle, Dublin, occupied by the Chester Beatty Library.
Crawford Gallery	Those parts of Cork Vocational Education Committee premises at Emmett Place, Cork, occupied by the Crawford Gallery.
Hugh Lane Municipal Gallery of Modern Art	Those parts of the premises known as Charlemont House, Parnell Square, Dublin, occupied by the Hugh Lane Gallery.
Irish Museum of Modern Art Company	Those parts of the premises known as the Royal Hospital, Kilmainham, Dublin, occupied by the Irish Museum of Modern Art Company.
National Museum of Ireland	The premises known as the Science and Art Museum building on Kildare Street, Dublin, erected by the Commissioners pursuant to the provisions of the Dublin Science and Art Museum Act, 1877, and the premises known as Collins Barracks, Dublin.
National Library of Ireland	The premises known as the National Library building on Kildare Street, Dublin, erected by the Commissioners, pursuant to the provisions of the Dublin Science and Art Museum Act, 1877.
National Gallery of Ireland	The premises known as the National Gallery building erected for use by the Governors and Guardians of the National Gallery by virtue of the National Gallery (Dublin) Act, 1865 and the building known as "the North Wing", National Gallery, Merrion Square, Dublin, as vested in the Commissioners.
Hunt Museum, Limerick	The premises known as the Custom House, Limerick, and extension thereto, as vested in the Commissioners, as occupied by the Hunt Museum.
Royal Irish Academy	19 Dawson Street, Dublin.

0286

Section 49.

THIRD SCHEDULE

OBJECTS TO WHICH *Section 49(1)(f)* RELATES

Each of the following shall be decorative art objects for the purposes of *section 49*:

(1) toys, games,

(2) glassware,

(3) articles of goldsmiths' or silversmiths' wares,

(4) furniture,

(5) optical, photographic or cinematographic apparatus,

(6) musical instruments,

(7) clocks and watches and parts thereof,

(8) articles of wood,

(9) pottery (including ceramics),

(10) tapestries,

(11) carpets,

(12) wallpaper,

(13) arms,

(14) costumes,

(15) antique objects.

0287

0288

AN BILLE UM FHORAIS CHULTÚIR NÁISIÚNTA, 1996

BILLE

dá ngairtear

Acht do dhéanamh socrú chun bord ar a dtabharfar Bord Ard-Mhúsaem na hÉireann, agus bord ar a dtabharfar Bord Leabharlann Náisiúnta na hÉireann, a bhunú, do dhéanamh socrú breise i ndáil le Dánlann Náisiúnta na hÉireann, do dhéanamh socrú maidir leis an Stát do thabhairt slánaíochtaí ar chailleadh rudaí cultúrtha a thugtar ar iasacht d'fhorais áirithe nó ar dhamáiste don chéanna, do leasú achtachán áirithe, do dhéanamh socrú breise i ndáil leis an oidhreacht náisiúnta agus do dhéanamh socrú i dtaobh nithe eile a bhaineann leis na nithe réamhráite.

Ritheadh ag Dáil Éireann,
19 *Márta,* 1997

NATIONAL CULTURAL INSTITUTIONS BILL, 1996

BILL

entitled

An Act to provide for the establishment of a board to be known as Bord Ard-Mhúsaem na hÉireann and a board to be known as Bord Leabharlann Náisiúnta na hÉireann, to make further provision in relation to the National Gallery of Ireland, to provide for the giving of indemnities by the State against the loss of, or damage to, cultural objects loaned to certain institutions, to amend certain enactments, to make further provision in relation to the national heritage and to provide for other matters connected with the matters aforesaid.

Passed by Dáil Éireann,
19*th March,* 1997

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 tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
4 - 5 BÓTHAR FHEARCHAIR, BAILE ÁTHA CLIATH 2,
(Teil: 01 - 6613111 — fo-líne 4040/4045; Fax: 01 - 4752760)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE,
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
4 - 5 HARCOURT ROAD, DUBLIN 2,
(Tel: 01 - 6613111 — ext. 4040/4045; Fax: 01 - 4752760)
or through any bookseller.

£5.20

ISBN 0-7076-4172-1

9 780707 641720

Wt. P48381/B/3. 850. 3/97. Cahill. (X30179). G.16.