



**AN BILLE UM CHOMHAIRLE NAÍSIÚNTA SPÓIRT NA
hÉIREANN, 1998
NATIONAL SPORTS COUNCIL OF IRELAND BILL, 1998**

*Mar a tionscnaíodh
As initiated*

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SCHEDULE

The National Sports Council of Ireland



**AN BILLE UM CHOMHAIRLE NÁISIÚNTA SPÓIRT NA
hÉIREANN, 1998
NATIONAL SPORTS COUNCIL OF IRELAND BILL, 1998**

BILL

5

entitled

AN ACT TO MAKE PROVISION FOR THE PROMOTION, CO-
ORDINATION AND DEVELOPMENT OF SPORT IN
IRELAND AND FOR THESE PURPOSES TO ESTABLISH
10 A BODY TO BE KNOWN AS THE NATIONAL SPORTS
COUNCIL OF IRELAND, TO DEFINE ITS FUNCTIONS
AND TO PROVIDE FOR OTHER MATTERS CONNec-
TED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

15

Preliminary

1.—This Act may be cited as the Sports Council of Ireland Act, Short title.
1998.

2.—In this Act—

Interpretation.

“the Minister” means the Minister for Tourism, Sport and
20 Recreation;

“sport” means all forms of physical activity which, through casual or
organised participation, aim at expressing or improving physical fit-
ness and mental well-being, forming social relationships or obtaining
results in competitions at all levels;

25 “the establishment day” means the day appointed to by *section 3* to
be the establishment day;

“functions” includes powers and duties;

“the Council” has the meaning assigned to it by *section 4*;

30 “institution” means any organisation, whether under the control of
a Minister or otherwise, which is wholly or partly engaged in sport
or any other activity related to sport.

PART II

The Council

- Establishment day. **3.**—The Minister may by order appoint a day to be the establishment day for the purposes of this Act.
- Establishment of Council. **4.**—(1) On the establishment day there shall stand established a body to be known as the National Sports Council of Ireland (in this Act referred to as “the Council”) to perform the functions conferred on it by this Act. 5
- (2) The provisions of the *Schedule* shall have effect with respect to the Council. 10
- Functions. **5.**—(1) The Council shall have the following general functions—
- (a) to act under the Minister as a body having responsibility for the furtherance of sport,
 - (b) to advise the Government or the Minister on the Council’s initiative or at the request of the Minister on policy for sport and related matters, 15
 - (c) to carry out policy as may be specified by the Minister on sport,
 - (d) to promote the co-ordination of public investment and of private investment in sport and to prepare proposals for public investment, 20
 - (e) to administer grants and other financial support for facilities and activities relating to sport,
 - (f) to advise the Minister at his or her request on any matter related to sport, 25
 - (g) to promote, co-ordinate and develop sport,
 - (h) to play a lead role in the promotion, co-ordination and development of sport, and
 - (i) to promote appreciation of the value of sport.
- (2) Without prejudice to the generality of *subsection (1)*, the Council shall have the following particular functions— 30
- (a) to advise the Government on the need for the establishment of any new institution or the dissolution of any such existing institution or on the need for revising functions of any such existing institution and on the nature and form of such institutions, 35
 - (b) to prepare and review periodically a national programme for sport and related activities in consultation with relevant institutions,
 - (c) to exercise a national management function in relation to the national programme including ensuring that all plans and proposals of the institutions for the promotion and development of sport and related activities are aligned with the national programme, 40

- (d) to co-ordinate sporting activities and activities relating to sport,
- (e) to promote participation in sporting activities and activities relating to sport,
- 5 (f) to disseminate and promote the dissemination of information relating to sport and related activities,
- (g) to co-ordinate proposals for sport and related activities requiring funding from the Exchequer or from any State owned or controlled body or such other body as the Minister may from time to time direct,
- 10 (h) to evaluate for the Minister proposals for sport and related activities requiring funding from the Exchequer or from any State owned or controlled body or such other body as the Minister may from time to time direct.
- 15 (i) to advise on proposals for the provision of new facilities or the improvement of existing facilities,
- (j) to administer the expending of all National Lottery funds allocated to sport and related activities,
- 20 (k) to commission from other persons work to be carried out under the direction of the Council,
- (l) to enter into joint ventures relating to sporting activities and activities relating to sport,
- (m) to engage in international activities related to sport including, where appropriate, representation of the State at conferences, meetings and seminars,
- 25 (n) to participate and promote participation in international collaborative projects related to sport, and where appropriate to enter into agreements with comparable bodies outside the State,
- 30 (o) to provide and organise seminars, conferences, lectures and demonstrations, whether in the State or elsewhere, relating to sport, and
- (p) to engage in any other activities relating to sport as may be approved by the Minister.

35 (3) The Minister may confer on the Council by order such other additional functions as he may from time to time consider necessary, which said order may be amended or revoked by order by the said Minister.

40 (4) The Council may, subject to such conditions as the Minister may direct, do all such other things as arise out of or are consequential on the functions assigned to it by or under this Act.

45 (5) An order made under *subsection (3)* 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 is passed by either such House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything done thereunder.

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

(2) Whenever the Council prepares a statement pursuant to the above, it shall be submitted to the Minister who, after consultation with the Minister for Finance, shall submit it to the Government. 10

(3) Details of financial allocations finally approved by the Government for the financial year or period in question in respect of each institution shall constitute the Sports Budget for the year or period in question. 15

(4) Each Sports Budget, together with a report on the current status of national policy for sport and of the implementation of the national programme, shall be published.

(5) The Minister shall lay a copy of each Sports Budget and accompanying report referred to in *subsection (4)* before both Houses of the Oireachtas. 20

7.—The Council shall periodically conduct and publish a review of the effectiveness of the programmes provided for in the Sports Budget.

8.—Any institution for which provision is made in the Sports Budget shall supply to the Council such information in such form and at such time as it may require. 25

9.—(1) The Council may establish committees to assist and advise it in relation to the performance of its functions.

(2) A committee may include persons who are not members of the Council. 30

(3) The Council may appoint a person to be chairperson of a committee established under this section.

(4) A member of a committee established under this Act may be removed from office at any time by the Council. 35

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

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

(7) There may be paid out of the income of the Council to members of a committee established under this section such allowances for expenses incurred by them as the Council may, with the consent of the Minister, and the Minister for Finance, determine. 40

10.—(1) The Council may make such charges as it considers appropriate in consideration for the provision by it of services. Charges for services.

5 (2) The Council may recover as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable, any amount due and owing to it.

(3) Revenues earned by the Council under this section shall be dedicated exclusively to the execution by the Council of its functions under this Act.

11.—(1) There shall be a chief officer of the Council who shall be known, and is referred to in this Act, as the Chief Executive. Chief Executive.

(2) The Chief Executive shall carry on and manage and control generally the administration and finances of the Council and perform such other functions as may be determined by the Council.

15 (3) The Chief Executive shall hold office under a contract of service in writing, containing such terms and conditions as may be approved by the Minister and the Minister for Finance.

(4) The Chief Executive shall be paid by the Council out of moneys at its disposal such remuneration and allowances for expenses incurred by him in the performance of his functions as may be determined by the Minister, with the consent of the Minister for Finance.

(5) The Chief Executive shall be appointed by the Council with the approval of the Minister.

25 (6) The Chief Executive may make proposals to the Council on any matter relating to its activities.

12.—(1) The Council may appoint such number of persons to be members of the staff of the Council as it may determine with the consent of the Minister and the Minister for Finance. Staff of Council.

30 (2) A member of the staff of the Council, other than the Chief Executive, shall be paid out of moneys at the disposal of the Council, such remuneration and allowances for expenses incurred by him as the Council may, with the consent of the Minister and the Minister for Finance, determine.

35 (3) A member of the staff of the Council shall hold office or employment on such other terms as the Council, with the consent of the Minister and the Minister for Finance, may determine.

(4) The Council may at any time for stated reasons remove any member of staff of the Council from being a member of its staff.

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

Superannuation.	13. —There shall be a standard superannuation scheme as for new statutory State-sponsored bodies.	
Power to employ consultants.	14. —The Council may employ such consultants or advisers on short term contracts of service as it considers necessary for the proper discharge of its functions.	5
Prohibition of disclosure of confidential information.	15. —(1) No person who is or has been a member of the Council or an employee of the Council, or an adviser or consultant to the Council, shall disclose any information classified by the Council as confidential which has been obtained by him or her while performing, or as a result of having performed, duties as such member, employee, adviser or consultant. (2) Contraventions of <i>subsection (1)</i> shall be offences which shall be adequately penalised.	10
Membership of Houses of Oireachtas or of European Parliament.	16. —(1) Where a member of the Council is nominated as a member of the Seanad or elected to either House of the Oireachtas or the European Parliament, or regarded as having been elected to the European Parliament to fill a vacancy, that person shall thereupon cease to be a member of the Council. (2) When a person who is a member of the staff of the Council is nominated as a member of the Seanad, or elected to either House of the Oireachtas or the European Parliament, or regarded as having been elected to the European Parliament to fill a vacancy, that person shall thereupon stand seconded from employment by the Council with consequential repercussions on remuneration, allowances and superannuation. (3) A person who is for the time being entitled to sit as a member of either House of the Oireachtas or the European Parliament shall, while that person is so entitled, be disqualified from becoming a member of the Council or the staff of the Council.	15 20 25
Advances by Minister to Council.	17. —The Minister may from time to time, with the consent of the Minister for Finance, advance to the Council out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by the Council in the performance of its functions.	30
Accounts and audit of Council.	18. —(1) The Council shall observe the standard procedures in relation to the keeping of all proper and usual accounts of all moneys received or expended by the Council and, in particular, shall keep all such special accounts as the Minister may from time to time direct. (2) The Council shall observe the standard procedures in relation to the submitting of the accounts to the Comptroller and Auditor General, and the presentation of a copy of the accounts and the related Comptroller and Auditor General's report to the Minister, who shall in turn cause copies to be laid before each House of the Oireachtas.	35 40
Gifts.	19. —(1) The Council may accept gifts of money, land or other property upon such trusts or conditions, if any, as may be specified by the donor.	45

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

5 **20.**—The Council may accept sponsorships subject to the proviso that no conditions are attached which would be inconsistent with its functions. Sponsorships.

10 **21.**—The Council may, for the purpose of providing for current or capital expenditure, from time to time borrow money, whether on the security of the assets of the Council or otherwise, 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. Borrowing by Council.

22.—(1) The Council may, with the consent of the Minister and the Minister for Finance, invest funds of the Council in such a manner as it thinks fit. Investments.

15 (2) The proceeds of the disposal of land or an interest in land by the Council shall be disposed of in such manner as the Minister may, with the consent of the Minister for Finance, direct.

20 **23.**—The Council, with the approval of the Minister, may provide scholarships and other awards for the education and training of persons in sport and related activities. Scholarships and grants.

25 **24.**—(1) The Council shall provide the Minister, not later than six months after the end of each financial year of the Council, with a report in writing of its activities during that year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas. Reports and information to the Minister.

(2) Each report shall include information regarding such matters as the Minister may direct.

30 (3) The Council shall, whenever requested by the Minister, furnish to him information relating to such matters as may be specified, other than information on day-to-day activities of the Council.

25.—(1) Not less than three months before the end of each financial year of the Council, it shall furnish to the Minister a report in writing— Annual estimates.

35 (a) outlining its proposed activities, other than day-to-day activities, in the financial year immediately following,

(b) giving estimates of its expenditure in that year in relation to each of these activities, and

(c) giving estimates of its income in that year,

40 and it shall not carry out any of these activities or incur any such expenditure until the report has been approved by the Minister and the Minister for Finance.

(2) The Council shall not during any financial year—

- (a) carry on any activity, other than day-to-day activities, not specified in the report under *subsection (1)* in relation to that year, or
- (b) incur any expenditure in relation to any activity in excess of the estimates of the expenditure given in that report without the prior approval of the Minister and the Minister for Finance. 5

Publications.

26.—The Council may publish in the name of the Council information arising from the activities of the Council. 10

Expenditure by Council.

27.—The funds of the Council may be used for the payment of expenses incurred by it in the performance of its functions.

Expenses.

28.—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. 15

Section 4.

SCHEDULE

The National Sports Council of Ireland

Legal identity of the Council and of its members and provisions regarding procedure in carrying out business

1. The Council 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 any rights in, over or under land or water, and to acquire, hold and dispose of any other property. 20 25
2. The Council shall consist of a chairperson and eight ordinary members, who shall be appointed to be members of the Council by virtue of their experience in fields of expertise relevant to the functions of the Council.
3. The chairperson may at any time resign his or her office by letter addressed to the Minister. 30
4. The Minister may at any time remove the chairperson of the Council from office.
5. The chairperson of the Council shall hold office on such terms and conditions as the Minister may, with the consent of the Minister for Finance, determine. 35
6. The chairperson shall be paid out of moneys at the disposal of the Council, such remuneration and allowances for expenses incurred by him or her as the Minister may, with the consent of the Minister for Finance, determine. 40
7. Each ordinary member of the Council shall hold office on such terms and conditions as the Minister may, with the consent of the Minister for Finance, determine.

8. (1) The term of office of the chairperson of the Council shall be five years.
- (2) (a) The term of office of an ordinary member of the Council shall be five years.
- 5 (b) The term of office of three, determined by the Minister by lot, of the first eight persons appointed to be ordinary members of the Council shall be three years.
- (c) The term of office of three, determined by the Minister by lot, of the first eight persons appointed to be ordinary members of the Council shall be four years.
- 10
9. (1) If a member of the Council dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Council to fill the resultant casual vacancy and the person so appointed shall be appointed in the same manner as the member of the Council who occasioned the casual vacancy.
- 15
- (2) A person appointed to be a member of the Council by virtue of *subparagraph (1)* 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 as a member of the Council.
- 20
10. A member of the Council, whose term of office expires by effluxion of time, shall be eligible for re-appointment as a member of the Council.
- 25
11. The Minister may, at any time, remove an ordinary member of the Council from office if his or her removal appears necessary for the effective performance by the Council of its functions.
12. A vacancy of the Council shall be filled within sixty days.
- 30
13. An ordinary member of the Council may resign his or her office as a member by letter addressed to the Minister.
14. A member of the Council shall be disqualified from holding and shall cease to hold office if he or she is adjudged bankrupt or makes a composition or arrangement with creditors or is convicted on indictment by a court of competent jurisdiction or ceases to be ordinarily resident in the State.
- 35
15. Each ordinary member of the Council shall be paid, out of moneys at the disposal of the Council, 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, sanction.
- 40
16. The Council shall hold such and so many meetings as may be necessary for the performance of its functions.
17. The Minister may fix the date, time and place of the first meeting of the Council.
- 45
18. The quorum for a meeting of the Council shall be four.

19. At a meeting of the Council—
 - (a) the chairperson of the Council shall, if present, be the chairperson of the meeting, and
 - (b) if and so long as the chairperson of the Council is not present or if the office of chairperson is vacant, the members of the Council who are present shall choose one of their number to be chairperson of the meeting. 5
20. The chairperson of the Council, and each ordinary member of the Council, present at a meeting shall have a vote.
21. Every question at a meeting of the Council shall be determined by a majority of the votes of the members present and voting on the question and in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote. 10
22. The Council may act notwithstanding one or more than one vacancy among its members, provided there is a quorum. 15
23. The Council shall regulate, by standing orders, the procedure and business of the Council.
24. The Council shall, as soon as may be after its establishment, provide itself with a seal. 20
25. The seal of the Council shall be authenticated by the signature of the chairperson of the Council or of some other member if authorised by the Council to act in that behalf and the signature of an officer of the Council authorised by the Council to act in that behalf. 25
26. Judicial notice shall be taken of the seal of the Council and every document purporting to be an instrument made by the Council and to be sealed with the seal of the Council shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown. 30
27. Any member of the Council who has—
 - (a) any material or financial interest in any area of the Council, or
 - (b) any material or financial interest in any contract which the Council makes or proposes to make, 35

shall disclose to the Council the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Council relating to the area of operation or contract, and the disclosure shall be recorded in the minutes of the Council.