



AN BILLE EALAÍON 2002
ARTS BILL 2002

Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas

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ACTS REFERRED TO

Arts Act 1951	1951, No. 9
Arts Act 1973	1973, No. 33
Companies Act 1990	1990, No. 33
European Parliament Elections Act 1997	1997, No. 2
Freedom of Information Act 1997	1997, No. 13
Health Act 1970	1970, No. 1
Local Government Act 2001	2001, No. 37



AN BILLE EALAÍON 2002
ARTS BILL 2002

BILL

entitled

5 AN ACT TO PROMOTE THE DEVELOPMENT OF AND PAR-
TICIPATION IN THE ARTS; TO REPEAL THE ARTS ACT
1951, AND THE ARTS ACT 1973; TO CONTINUE IN
BEING AN CHOMHAIRLE EALAÍON; TO CONFER CER-
TAIN FUNCTIONS IN RELATION TO THE ARTS ON THE
10 MINISTER FOR ARTS, SPORT AND TOURISM; AND TO
PROVIDE FOR MATTERS CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

15 **1.**—(1) This Act may be cited as the Arts Act 2003.

Short title and
commencement.

(2) This Act shall come into operation on such day or days as the
Minister may appoint by order or orders either generally or with
reference to any particular purpose or provision and different days
may be so appointed for different purposes or provisions, and for
20 the repeal of different enactments effected by *section 4*.

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

“Act of 1951” means the Arts Act 1951;

“Act of 1973” means the Arts Act 1973;

“Act of 2001” means the Local Government Act 2001;

25 “arts” means any creative or interpretative expression (whether trad-
itional or contemporary) in whatever form, and includes, in particu-
lar, visual arts, theatre, literature, music, dance, opera, film, circus
and architecture, and includes any medium when used for those
purposes;

30 “city council” has the same meaning as it has in the Act of 2001;

“Council” has the meaning assigned to it by *section 8*;

“county council” has the same meaning as it has in the Act of 2001;

“deputy chairperson” shall be construed in accordance with *section 11(3)*;

“Director” has the meaning assigned to it by *section 15*;

“functions” includes powers and duties and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties; 5

“local authority” means—

(a) a city council, or

(b) a county council; 10

“Minister” means the Minister for Arts, Sport and Tourism;

“public body” means—

(a) a Minister of the Government,

(b) the Commissioners of Public Works in Ireland,

(c) a local authority, 15

(d) a health board established under the Health Act 1970,

(e) a body established by or under statute,

(f) 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 20

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

“recognised trade union or staff association” means a trade union or staff association recognised by the Council for the purposes of negotiations that are concerned with the remuneration, conditions of employment or working conditions of members of the staff of the Council; 25

“superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.

(2) In this Act— 30

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

(b) a reference 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 a reference to some other provision is intended, and 35

(c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended, whether before or after the commencement of this subsection, by or under any subsequent enactment. 40

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

4.—The Act of 1951 and the Act of 1973 are hereby repealed. Repeals.

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PART 2

MINISTER, LOCAL AUTHORITIES AND OTHER PUBLIC BODIES AND THE ARTS

5.—(1) The Minister shall promote the arts both inside the State and outside the State. Functions and directions of Minister.

10 (2) The Minister may, in the performance of his or her functions under this section, consult with—

(a) the Council, and

(b) such Ministers of the Government, public bodies or other persons as he or she considers appropriate.

15 (3) The Minister may, in relation to the performance by the Council of its functions (other than under *section 24*), give a direction in writing to the Council requiring it to comply with such policies of the Minister or the Government as are specified in the direction.

20 (4) A direction under this section may include a requirement that the Council prepare and submit to the Minister a plan specifying strategies or measures that it proposes to adopt in relation to the arts during the period to which the plan relates.

25 (5) The Minister may by direction in writing amend or revoke a direction under this section (including a direction under this subsection).

(6) The Council shall comply with a direction under this section.

30 6.—(1) A local authority shall, for the purposes of section 67 of the Act of 2001, prepare and implement plans for the development of the arts within its functional area and shall, in so doing, take account of policies of the Government in relation to the arts. Local authorities and the arts.

(2) A local authority may provide such financial or other assistance as it considers appropriate to such persons or in respect of such activities, projects or undertakings, for the purposes of—

(a) stimulating public interest in the arts,

35 (b) promoting knowledge, appreciation and practice of the arts,
or

(c) improving standards in the arts,

within its functional area.

40 7.—(1) A public body shall, in the performance of any functions that relate to the arts, have regard to Government policies relating to the arts. Public bodies and the arts.

(2) The Minister may, by direction in writing, require a public body to prepare a report on the performance by it of any function that relates to the arts and to submit such report to him or her.

(3) A public body shall comply with a direction under this section.

PART 3

5

AN CHOMHAIRLE EALAÍON

Continuance in
being of Council.

8.—(1) Notwithstanding the repeal of the Act of 1951 by *section 4*, An Chomhairle Ealaíon (in this Act referred to as the “Council”) shall continue in being.

(2) Notwithstanding the repeal of the Act of 1951 and the Act of 1973 by *section 4*, anything commenced but not completed before the commencement of that section by the Council may be carried on and completed by it after such commencement as if that Act had not been repealed. 10

(3) The Council shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and with the consent of the Minister and the Minister for Finance, shall have power to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property. 15
20

(4) The seal of the Council shall be authenticated by the signature of both a member and a member of the staff of the Council authorised by the Council to act in that behalf.

(5) Judicial notice shall be taken of the seal of the Council and every document purporting to be an instrument made by, and to be sealed with the seal of, the Council (purporting to be authenticated in accordance with this section) shall be received in evidence and be deemed to be such instrument without further proof. 25

Functions of
Council.

9.—(1) The general functions of the Council shall be to—

(a) stimulate public interest in the arts, 30

(b) promote knowledge, appreciation and practice of the arts,

(c) assist in improving standards in the arts,

(d) advise the Minister in relation to the performance of any of his or her functions under this Act, when so requested by the Minister, 35

(e) assist the Minister in the performance of his or her functions under this Act and in the implementation of Government policies and objectives in relation to the arts, when so requested by the Minister,

(f) furnish advice or information to a Minister of the Government (including the Minister) in relation to any matter connected with its functions, whenever the Council considers it appropriate or is requested to so do by the Minister, 40

(g) furnish advice or information to a public body in relation to any matter connected with its functions, whenever the Council considers it appropriate or is requested to so do by the public body concerned, and

5 (h) cooperate with a public body in relation to any matter connected with its functions, whenever the Council considers it appropriate.

(2) The Council may make such recommendations to the Minister in relation to matters connected with its functions as it considers
10 appropriate.

(3) The Council shall have all such powers as are necessary or expedient for the performance of its functions.

(4) The Council may perform any of its functions through or by a member of the staff of the Council duly authorised by the Council
15 to act in that behalf.

10.—(1) The Minister may, with the consent of the Minister for Finance and after consultation with the Council and such other Minister of the Government (if any) as he or she considers appropriate, by order confer on the Council such additional functions connected
20 with the functions for the time being of the Council as he or she thinks fit subject to such conditions (if any) as may be specified in the order.

Conferral of additional functions on Council.

(2) An order under this section may contain such incidental, supplementary and consequential provisions as may, in the opinion of
25 the Minister, be necessary to give full effect to the order.

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

(b) An order under this subsection shall be made in the like
30 manner, and its making shall be subject to the like consent and consultations (if any), as the order that it amends or revokes.

(4) Every order 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 such order is passed by either such House within the
35 next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

11.—(1) The Council shall consist of the following members, that
40 is to say—

Membership of Council.

(a) a chairperson, and

(b) 12 ordinary members,

each of whom shall, in the opinion of the Minister, have a special interest or knowledge in relation to the arts or matters connected
45 with the functions of the Minister or the Council under this Act.

(2) The members of the Council shall be appointed by the Minister.

(3) The Minister shall, for the purposes of *section 16(2)(b)*, designate one of the ordinary members of the Council to be deputy chairperson of the Council.

(4) The chairperson of the Council shall hold office for 5 years from the date of his or her appointment. 5

(5) Subject to *subsection (6)*, the ordinary members of the Council shall hold office for 5 years from the date of their appointment.

(6) Such 6 of the ordinary members of the Council first-appointed after the commencement of this section as the Minister determines shall hold office for 30 months. 10

(7) Of the members of the Council, not less than 6 of them shall be men and not less than 6 of them shall be women.

(8) Subject to *subsection (9)*, a member of the Council whose term of office expires by the effluxion of time shall be eligible for reappointment to the Council. 15

(9) A person to whom *subsection (8)* applies shall not be eligible for reappointment to the Council where he or she has served 2 consecutive terms of office as a member of the Council.

(10) The members of the Council who held office immediately before the commencement of *section 4* shall cease to hold office upon such commencement but any such member shall, subject to *subsection (9)*, be eligible to be reappointed as a member of the Council under this section. 20

Conditions of office of members of Council.

12.—(1) The Minister may at any time remove from office a member of the Council for stated reasons. 25

(2) A member of the Council may resign from office by notice in writing given to the Minister and the resignation shall take effect on the date on which the Minister receives the notice.

(3) A member of the Council shall cease to be qualified for office and shall cease to hold office if— 30

(a) he or she is adjudicated bankrupt,

(b) he or she makes a composition or arrangement with creditors,

(c) he or she is convicted of an indictable offence in relation to a company, 35

(d) he or she is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not,

(e) he or she is the subject of an order under section 160 of the Companies Act 1990, or

(f) he or she is sentenced to a term of imprisonment by a court of competent jurisdiction. 40

(4) A member of the Council shall, subject to the provisions of this Act, hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be

determined by the Minister, with the consent of the Minister for Finance.

5 **13.—**(1) If a member of the Council dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Council to fill the casual vacancy so occasioned in the same manner as the member of the Council who occasioned the casual vacancy was appointed. Casual vacancies among members of Council.

10 (2) A person appointed to be a member of the Council pursuant to this section shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall be eligible for reappointment as a member of the Council on the expiry of the said period.

15 **14.—**The chairperson and ordinary members of the Council shall be paid by the Council such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Finance, may determine. Remuneration of members of Council.

20 **15.—**(1) There shall be a chief executive officer of the Council (who shall be known as and is referred to in this Act as the “Director”). Director of Council.

(2) The Director shall carry on and manage, and control generally, the administration of the Council and perform such other functions (if any) as may be determined by the Council.

25 (3) The Director shall be appointed, and may be removed from office, by the Council, with the consent of the Minister.

30 (4) The Director shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Council with the consent of the Minister and the Minister for Finance.

(5) The Director shall not hold any other office or employment or carry on any business without the consent of the Council.

(6) The Director shall not be a member of the Council.

35 (7) The Director may attend meetings of the Council and may make submissions, orally or in writing, to, and otherwise advise, the Council at such meetings in accordance with the procedures of the Council under *section 16(5)*.

16.—(1) The Council shall hold such and so many meetings as may be necessary for the due fulfilment of its functions. Meetings and procedure.

40 (2) At a meeting of the Council—

(a) the chairperson of the Council shall, if present, be the chairperson of the meeting, or

45 (b) if and so long as the chairperson of the Council is not present or if that office is vacant, the deputy chairperson of the Council shall be chairperson of the meeting,

and a meeting of the Council shall not be held if and so long as the chairperson of the Council and deputy chairperson of the Council are not present, or if those offices are vacant.

(3) Every question at a meeting shall be determined by a majority of the votes of the members of the Council 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. 5

(4) The Council may act notwithstanding one or more vacancies among its members.

(5) Subject to the provisions of this Act, the Council shall regulate its procedure by rules or otherwise. 10

(6) Subject to *subsection (2)*, the quorum for a meeting of the Council shall be 5.

Membership of either House of Oireachtas or European Parliament.

17.—(1) Where a member of the Council or a member of a committee established under *section 21* or *22* is— 15

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament, 20

he or she shall thereupon cease to be a member of the Council or a member of the committee concerned.

(2) Where a member of the staff of the Council is—

- (a) nominated as a member of Seanad Éireann, 25
- (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
- (c) regarded pursuant to the said Part XIII, as having been elected to that Parliament,

he or she shall thereupon stand seconded from employment by the Council and shall not be paid by, or be entitled to receive from, the Council 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 such person ceases to be a member of either such House or a representative in such Parliament. 30 35

(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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for membership of the Council, or a committee established under *section 21* or *22*, or for employment in any capacity by the Council. 40

(4) A period mentioned in *subsection (2)* shall not, for the purposes of any superannuation benefit, be reckoned as service with the Council. 45

18.—(1) Where at a meeting of the Council any of the following matters arises, namely—

Disclosure by members of Council of certain interests.

- (a) an arrangement to which the Council is a party or a proposed such arrangement, or
- 5 (b) a contract or other agreement with the Council or a proposed such contract or other agreement,

then, any member of the Council present at the meeting who otherwise than in his or her capacity as such a member has an interest in the matter shall—

- 10 (i) at the meeting disclose to the Council the fact of such interest and the nature thereof,
- (ii) neither influence, nor seek to influence, a decision to be made in relation to the matter,
- 15 (iii) absent himself or herself from the meeting or that part of the meeting during which the matter is discussed,
- (iv) take no part in any deliberation of the Council relating to the matter, and
- (v) not vote on a decision relating to the matter.

20 (2) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

25 (3) Where at a meeting of the Council a question arises as to whether or not a course of conduct, if pursued by a member of the Council, would constitute a failure by him or her to comply with *subsection (1)*, the question may be determined by the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be

30 recorded in the minutes of the meeting.

(4) Where the Minister is satisfied that a member of the Council has contravened *subsection (1)*, the Minister may, if he or she thinks fit, remove that member from office and, in case a person is removed from office pursuant to this subsection, he or she shall thenceforth

35 be disqualified for membership of the Council.

19.—(1) Where a member of the staff of the Council has an interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Council is a party, that person shall—

Disclosure by members of staff of certain interests.

- (a) disclose to the Council his or her interest and the nature thereof,
- 45 (b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the Council or members of the staff of the Council in relation thereto, and
- (c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* shall not apply to contracts or proposed contracts of employment of members of the staff of the Council with the Council.

(3) Where a person contravenes this section, the Council may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment. 5

Prohibition of unauthorised disclosure of confidential information.

20.—(1) A person shall not disclose confidential information obtained by him or her while performing functions as—

(a) a member or member of the staff of, or an adviser or consultant to, the Council, or 10

(b) a member of a committee established under *section 21* or *22*,

unless he or she is duly authorised by the Council to so do.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000. 15

(3) In this section “confidential information” includes—

(a) information that is expressed by the Council to be confidential either as regards particular information or as regards information of a particular class or description, and 20

(b) proposals of a commercial nature or tenders submitted to the Council by contractors, consultants or any other person.

Special committees.

21.—(1) (a) The Minister may, by direction in writing, require the Council to establish one or more than one committee to advise it on such matters relating to the arts as are specified in the direction, and a committee established pursuant to such a direction is hereafter in this section referred to as a “special committee”. 25 30

(b) The number of special committees standing established, for the time being, shall not exceed 3.

(c) A special committee shall continue in being for such period as may be specified in the direction pursuant to which it was established. 35

(d) The Council shall comply with a direction under this subsection.

(2) A special committee shall consist of the following members, that is to say— 40

(a) a chairperson who shall be appointed from among the members of the Council by the Minister, and

(b) 4 ordinary members, of whom—

(i) 2 shall be appointed by the Minister, and

(ii) 2 shall be appointed by the Council. 45

(3) A special committee may include ordinary members who are not members of the Council.

5 (4) A member of a special committee who is also a member of the Council shall, upon ceasing to be a member of the Council, cease to be a member of the special committee concerned.

10 (5) (a) If a member of a special committee (other than a member to whom *paragraph (b)* refers) dies or resigns, a person shall be appointed to be a member of the special committee concerned to fill the casual vacancy so occasioned in the same manner as the member who occasioned the casual vacancy was appointed.

15 (b) If a member of a special committee who is also a member of the Council ceases to be a member of the Council, another member of the Council shall be appointed to be a member of the special committee concerned to fill the casual vacancy so occasioned in the same manner as the member who occasioned the casual vacancy was appointed.

20 (6) A person appointed to be a member of a special committee shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall be eligible for reappointment to that special committee on the expiry of the said period.

25 (7) A member of a special committee shall hold office as a member of that committee for such period as the Minister and the Council determine.

30 (8) (a) A member of a special committee appointed by the Minister may resign from office by notice in writing given to the Minister and the resignation shall take effect on the date on which the Minister receives the notice.

35 (b) A member of a special committee appointed by the Council may resign from office by notice in writing given to the Council and the resignation shall take effect on the date on which the Council receives the notice.

(9) The Council may publish any advice received by it from a special committee in such manner as it considers appropriate.

40 (10) The Council shall in the performance of its functions take into account any advice given to it by a special committee in so far as it relates to any such function.

45 **22.—**(1) The Council may establish committees (other than committees to which *section 21* applies) to advise it in relation to the performance of any or all of its functions and may determine the terms of reference and regulate the procedure of any such committee. Other committees of Council.

(2) A committee established under this section may include persons who are not members of the Council.

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

50 (4) The Council may at any time dissolve a committee established under this section.

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

(6) There may be paid by the Council to members of a committee established under *section 21* or this section such allowances for expenses (if any) incurred by them as the Council may, with the consent of the Minister and the Minister for Finance, determine. 5

Grants to Council.

23.—The Minister may, 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.

Funding of the arts.

24.—(1) The Council may, for the purposes of— 10

(a) stimulating public interest in the arts,

(b) promoting knowledge, appreciation or practice of the arts,
or

(c) improving standards in the arts, or

(d) otherwise assisting in the development or advancement of the arts, 15

advance such amount of moneys as it determines to such persons or in respect of such activities as it considers appropriate out of moneys at its disposal upon such terms and conditions as it determines.

(2) The Council shall be independent in the performance of its functions under this section. 20

Accounts and audits.

25.—(1) The Council shall keep in such form and in respect of each financial year all proper and usual accounts of moneys received or expended by it, including an income and expenditure account, a cash flow statement and a balance sheet, and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister may, with the consent of the Minister for Finance, from time to time direct. 25

(2) Accounts kept in pursuance of this section shall be submitted not later than 3 months after the end of the financial year to which they relate by the Council to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the accounts, statement and balance sheet and of such other (if any) accounts kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct, and a copy of the report of the Comptroller and Auditor General on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas. 30 35

(3) In this section “cash flow statement” means, in relation to a financial year, an account showing the derivation of all moneys received by the Council during that year and the purposes to which they were applied. 40

Annual report and information.

26.—(1) The Council shall not later than 3 months after the end of each financial year prepare and submit to the Minister a report (in both the Irish language and the English language) on its activities during the immediately preceding financial year and the Minister 45

shall, as soon as may be, cause copies of the report to be laid before each House of the Oireachtas.

5 (2) A report to which *subsection (1)* applies shall include particulars of all gifts received by the Council during the financial year to which the report relates.

10 (3) Each of the chairpersons of the standing committees established under *section 21* shall prepare or cause to be prepared a report on the activities of the standing committee of which he or she is chairperson during the immediately preceding financial year and each such report shall be included in the report under *subsection (1)* that relates to that financial year.

27.—The Third Schedule to the Freedom of Information Act 1997 Freedom of information.
is hereby amended by—

15 (a) the insertion of “*Arts Act 2003*” in the second column of Part 1, and

(b) the insertion of “*section 20*” in the third column of that Part.

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

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

25 29.—(1) The Council shall appoint, with the consent of the Minister and the Minister for Finance, such and so many persons to be members of the staff of the Council as it may from time to time determine. Staff.

(2) The terms and conditions of service of a member of the staff of the Council shall, with the consent of the Minister and the Minister for Finance, be such as may be determined from time to time by the Council.

30 (3) There shall be paid by the Council to the members of its staff such remuneration and allowances as, from time to time, the Council, with the consent of the Minister and the Minister for Finance, determines.

35 (4) Notwithstanding the repeal of the Act of 1951 (effected by *section 4*), every person who immediately before the commencement of that section was a member of the staff of the Council shall continue to be a member of the staff of the Council and, save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, each such person shall
40 not, after such commencement, be subject 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 said commencement.

45 (5) The Council shall ensure that such and such number of members of the staff of the Council are sufficiently fluent in both the Irish language and the English language as will enable the Council to perform its functions through the medium of either such language.

Remuneration of staff.

30.—The Council shall, 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, have regard to Government or nationally agreed guidelines which are for the time being extant and to Government policy concerning remuneration and conditions of employment that is so extant and, in addition to the foregoing, the Council shall comply with any directives with regard to such remuneration, allowances, terms or conditions that the Minister may give to the Council with the consent of the Minister for Finance.

Superannuation.

31.—(1) The Council may prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such of the members of its staff (including the Director) as the Council shall 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) The Council may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved under this section or a scheme to which *subsection (5)* applies.

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

(5) Notwithstanding the repeal of the Act of 1951 (effected by *section 4*), any scheme for the granting of superannuation benefits to or in respect of any members of staff of the Council in operation immediately before the commencement of the said *section 4* shall continue in operation after such commencement.

(6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit in pursuance of a scheme 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.

(7) No superannuation benefit shall be granted by the Council to or in respect of any of its staff (including the Director) who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section.

(8) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.

5 **32.**—(1) The Minister may, by notice in writing, require the Council to produce to him or her, or such person as may be named in the notice, all such books of account, records or other documents (including documents stored in non-legible form) relating to the Council as are specified in the notice. Examination of accounts.

10 (2) The Minister or a person specified in a notice under *subsection (1)* may make and retain copies of, or copies of extracts from, any books of account, records or other documents (including documents stored in non-legible form) produced to him or her pursuant to a requirement under that subsection.

(3) The Council shall comply with a requirement in a notice under this section.

15 (4) A notice under this section shall be addressed to the Council and may be served on the Council by leaving it at, or sending it by post in a registered prepaid letter to, the principal office of the Council.