



Bille na dTeangacha Oifigiúla (Comhionannas), 2002

Official Languages (Equality) Bill, 2002

Mar a tionscnaíodh
As initiated



OFFICIAL LANGUAGES (EQUALITY) BILL, 2002

As initiated

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**BILLE NA dTEANGACHA OIFIGIÚLA (COMHIONANNAS),
2002**

Mar a tionscnaíodh

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British-Irish Agreement Act, 1999	1999, No. 1
Civil Service Commissioners Act, 1956	1956, No. 45
Civil Service Regulation Act, 1956	1956, No. 46
Civil Service Regulation Acts, 1956 and 1958	
Data Protection Act, 1988	1988, No. 25
European Assembly Elections Act, 1977	1977, No. 30
European Parliament Elections Act, 1993	1993, No. 30
Harbours Act, 1946	1946, No. 9
Harbours Act, 1996	1996, No. 11
Local Government Act, 2001	2001, No. 37
Marriages (Ireland) Act, 1844	6 & 7 Vict., c. 81
Ministers and Secretaries (Amendment) Act, 1956	1956, No. 21
Ombudsman Act, 1980	1980, No. 26
Public Service Management Act, 1997	1997, No. 27
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An tAcht um Chomhaontú na Breataine-na hÉireann, 1999	1999, Uimh. 1
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OFFICIAL LANGUAGES (EQUALITY) BILL, 2002

BILL

entitled

AN ACT TO PROMOTE RESPECT FOR IRISH AND ENGLISH
5 AS THE OFFICIAL LANGUAGES OF THE STATE; TO
PROMOTE EQUALITY OF STATUS AND EQUAL
RIGHTS AND PRIVILEGES AS TO THEIR USE, IN PAR-
TICULAR WITH RESPECT TO THEIR USE IN PARLIA-
MENTARY PROCEEDINGS, IN ACTS OF THE
10 OIREACHTAS, IN THE ADMINISTRATION OF JUSTICE,
IN COMMUNICATING WITH OR PROVIDING SERVICES
TO THE PUBLIC AND IN CARRYING OUT THE WORK
OF PUBLIC BODIES; TO SET OUT THE POWERS AND
FUNCTIONS OF SUCH BODIES WITH RESPECT TO THE
15 OFFICIAL LANGUAGES OF THE STATE; TO PROVIDE
FOR THE INDEPENDENT REVIEW BOTH OF THE
EXERCISE OF THOSE FUNCTIONS AND OF THE OPER-
ATION OF THIS ACT GENERALLY AND, FOR THOSE
PURPOSES, TO PROVIDE FOR THE ESTABLISHMENT
20 OF THE OFFICE OF THE OFFICIAL LANGUAGES COM-
MISSIONER AND TO DEFINE ITS FUNCTIONS; TO PRO-
VIDE FOR THE PUBLICATION BY THE COM-
MISSIONER OF CERTAIN INFORMATION RELEVANT
25 TO THE PURPOSES OF THIS ACT; AND TO PROVIDE
FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement. 30 1.—(1) This Act may be cited as the Official Languages (Equality) Act, 2002.

(2) This Act shall come into operation on such day or days not later than 3 years after the passing of this Act 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, 35 and different days may be so fixed for different purposes and different provisions.



**BILLE NA dTEANGACHA OIFIGIÚLA (COMHIONANNAS),
2002**

BILLE

dá ngairtear

- 5 ACHT CHUN URRAIM A CHO THÚ DON GHAEILGE AGUS
 DON BHÉARLA MAR THEANGACHA OIFIGIÚLA AN
 STÁIT; CHUN COMHIONANNAS STÁDAIS AGUS
 CEARTA AGUS PRIBHLÉIDÍ COMHIONANNA A CHO-
 THÚ I dTACA LE hÚSAÍD NA dTEANGACHA SIN, GO
10 hÁIRITHE I LEITH A nÚSAÍDE IN IMEACHTAÍ PAR-
 LAIMINTE, IN ACHTANNA AN OIREACHTAIS, I RIAR-
 ADH AN CHEARTAIS, LE LINN CUMARSÁID A
 DHÉANAMH LEIS AN bPOBAL NÓ SEIRBHÍSÍ A SHOL-
 ÁTHAR DON PHOBAL AGUS LE LINN OBAIR
15 COMHLACHTAÍ POIBLÍ A DHÉANAMH; CHUN
 CUMHACHTAÍ AGUS FEIDHMEANNA COMHLACHTAÍ
 DEN SÓRT SIN I LEITH THEANGACHA OIFIGIÚLA AN
 STÁIT A LEAGAN AMACH; CHUN SOCRÚ A DHÉAN-
 AMH MAIDIR LE hATHBHREITHNIÚ NEAMHSPLE-
20 ÁCH A DHÉANAMH AR FHEIDHMIÚ NA bhFEIDHME-
 ANNA SIN AGUS AR OIBRIÚ AN ACHTA SEO I
 gCOITINNE AGUS, CHUN NA gCRÍOCH SIN, CHUN
 SOCRÚ A DHÉANAMH MAIDIR LE BUNÚ OIFIG CHO-
 IMISINÉIR NA dTEANGACHA OIFIGIÚLA AGUS CHUN
25 A FEIDHMEANNA A MHÍNIÚ; CHUN SOCRÚ A
 DHÉANAMH MAIDIR LEIS AN gCOIMISINÉIR D'FHO-
 ILSIÚ FAISNÉIS ÁIRITHE A BHAINÉANN LE CRÍOCHA
 AN ACHTA SEO; AGUS CHUN SOCRÚ A DHÉANAMH I
 dTAOBH NITHE GAOLMHARA.
- 30 ACHTAÍTEAR AG AN OIREACHTAS MAR A LEANAS:

CUID 1

RÉAMHRÁITEACH AGUS GINEARÁLTA

- 1.—(1) Féadfar Acht na dTeangacha Oifigiúla (Comhionannas), Gearrtheideal agus
2002, a ghairm den Acht seo.

- 35 (2) Tiocfaidh an tAcht seo i ngníomh cibé lá nó laethanta, nach
 déanaí ná 3 bliana tar éis an tAcht seo a rith, a shocrófar chuige sin,
 le hordú nó le horduithe ón Aire faoin alt seo, i gcoitinne nó faoi
 threoir aon chríche nó forála áirithe agus féadfar laethanta éagsúla
40 a shocrú amhlaidh chun críoch éagsúil agus le haghaidh forálacha
 éagsúla.

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

“Commissioner” means, as the context may require, the Office of the Official Languages Commissioner established by section 21 or the holder, for the time being, of that office;

“court” includes a tribunal established under the Tribunals of Inquiry (Evidence) Acts, 1921 to 1998; 5

“draft scheme” means a draft scheme to be prepared by a public body under this Act;

“enactment” means a statute or an instrument made under a power conferred by a statute; 10

“functions” includes powers and duties and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties;

“Gaeltacht area” means an area for the time being determined to be a Gaeltacht area by order made under section 2 of the Ministers and Secretaries (Amendment) Act, 1956; 15

“Foras na Gaeilge” means the Irish language agency of An Foras Teanga responsible for the exercise of the functions of An Foras Teanga in relation to the Irish language; 20

“An Foras Teanga” means the implementation body for language established by the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland establishing Implementation Bodies done at Dublin on the 8th day of March, 1999; 25

“head” means the head of a public body;

“head of a public body” means—

(a) in relation to a Department of State, the Minister of the Government having charge of it,

(b) in relation to the Office of the Attorney General, the 30 Attorney General,

(c) in relation to the Office of the Civil Service Commissioners, the Civil Service Commissioners,

(d) in relation to the Office of the Comptroller and Auditor General, the Comptroller and Auditor General, 35

(e) in relation to the Office of the Director of Public Prosecutions, the Director of Public Prosecutions,

(f) in relation to the Office of the Houses of the Oireachtas, the Chairman of Dáil Éireann,

(g) in relation to the Office of the Information Commissioner, 40 the Information Commissioner,

(h) in relation to the Office of the Local Appointments Commissioners, the Local Appointments Commissioners,

(i) in relation to the Office of the Ombudsman, the Ombudsman, 45

(j) in relation to any other public body, the person who holds,

2.—(1) San Acht seo, ach amháin mar a n-éillionn an comhthéacs Léiriú.
a mhalaírt—

ciallaíonn “Coimisinéir”, de réir mar a éillionn an comhthéacs, Oifig Choimisinéir na dTeangacha Oifigiúla a bhunaítear le *halt 21* nó
5 sealbhóir na hoifige sin de thuras na huaire;

folaíonn “cúirt” binse arna bhunú faoi na hAchtanna um Binsí Fios-rúcháin (Fianaise), 1921 go 1998;

ciallaíonn “dréacht-scéim” dréacht-scéim a bheidh le hullmhú ag comhlacht poiblí faoin Acht seo;

10 ciallaíonn “achtachán” reacht nó ionstraim arna déanamh faoi chumhacht a thugtar le reacht;

folaíonn “feidhmeanna” cumhachtaí agus dualgais, agus aon tagairtí do chomhlíonadh feidhmeanna folaionn siad, maidir le cumhachtaí agus dualgais, tagairtí d’fheidhmiú na gcumhachtaí agus do chomhall
15 na ndualgas;

ciallaíonn “limistéar Gaeltachta” limistéar a mbeidh cinnte de thuras na huaire le hordú arna dhéanamh faoi alt 2 den Acht Airí agus Rúnaithe (Leasú), 1956, gur limistéar Gaeltachta é;

20 ciallaíonn “Foras na Gaeilge” an ghníomhaireacht Ghaeilge den Fhoras Teanga atá freagrach as feidhmiú fheidhmeanna an Fhorais Teanga i ndáil leis an nGaeilge;

25 ciallaíonn an “Foras Teanga” an comhlacht forfheidhmithe le haghaidh teanga a bunaíodh leis an gComhaontú idir Rialtas na hÉireann agus Rialtas Ríochta Aontaithe na Breataine Móire agus Thuaisceart Éireann ag bunú Comhlachtaí Forfheidhmithe arna dhéanamh i mBaile Átha Cliath an 8ú lá de Mhárta, 1999;

ciallaíonn “ceann” ceann comhlachta phoiblí;

ciallaíonn “ceann comhlachta phoiblí”—

30 (a) i ndáil le Roinn Stáit, an tAire den Rialtas atá i bhfeighil na Roinne sin,

(b) i ndáil le hOifig an Ard-Aighne, an tArd-Aighne,

(c) i ndáil le hOifig an Stiúrthóra Ionchúiseamh Poiblí, an Stiúr-thóir Ionchúiseamh Poiblí,

35 (d) i ndáil le hOifig an Ard-Reachtaire Cuntas agus Ciste, an tArd-Reachtaire Cuntas agus Ciste,

(e) i ndáil le hOifig an Ombudsman, an tOmbudsman,

(f) i ndáil le hOifig an Choimisinéara Faisnéise, an Coimisinéir Faisnéise,

40 (g) i ndáil le hOifig Choimisinéirí na Státseirbhíse, Coimisinéirí na Státseirbhíse,

(h) i ndáil le hOifig na gCoimisinéirí um Cheapacháin Áitiúla, na Coimisinéirí um Cheapacháin Áitiúla,

(i) i ndáil le hOifig Thithe an Oireachtas, Cathaoirleach Dháil Éireann,

or performs the functions of, the office of chief executive officer (by whatever name called) of the body;	
“local authority” has the meaning assigned to it by subsection (1) of section 2 of the Local Government Act, 2001;	
“the Minister” means the Minister for Arts, Heritage, Gaeltacht and the Islands;	5
“the official languages” means the Irish language (being the national language and the first official language) and the English language (being the second official language) as specified in Article 8 of the Constitution;	10
“prescribed” means prescribed by the Minister by regulations under <i>section 4</i> ;	
“proceedings” means civil or criminal proceedings before any court;	
“public body” shall be construed in accordance with the <i>First Schedule</i> ;	15
“record” includes any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act, 1988) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing;	20
“a scheme” means a scheme confirmed by the Minister under <i>section 15</i> ;	25
“service” means such service as may be prescribed, being a service offered or provided to the general public or a class of the general public by a public body;	
(2) (a) In this Act a reference to a section or schedule is a reference to a section of or Schedule to this Act unless it is indicated that reference to some other enactment is intended.	30
(b) In this Act a reference to a subsection or paragraph or subparagraph is a reference to the subsection or paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.	35
Expenses.	
3.—The expenses incurred by the Minister and any other Minister of the Government 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.	40
Regulations.	
4.—(1) The Minister may, with the consent of the Minister for Finance—	
(a) by regulations provide, subject to the provisions of this Act, for any matter referred to in this Act as prescribed or to be prescribed,	45

(j) i ndáil le haon chomhlacht poiblí eile, an duine atá i seilbh, nó a chomhlíonn feidhmeanna, oifig phríomhoifigeach feidhmiúcháin (cibé ainm a thugtar uirthi) an chomhlachta;

5 tá le “údarás áitiúil” an bhrí a shanntar dó le fo-alt (1) d’alt 2 den Acht Rialtais Áitiúil, 2001;

ciallaíonn “an tAire” an tAire Ealaíon, Oidhreachta, Gaeltachta agus Oileán;

10 ciallaíonn “na teangacha oifigiúla” an Ghaeilge (ós í an teanga náis-iúnta agus an phríomhtheanga oifigiúil í) agus an Béarla (ós é an dara teanga oifigiúil é) mar a shonraítear in Airteagal 8 den Bhunreacht;

ciallaíonn “forordaithe” forordaithe ag an Aire le rialachán faoi *alt 4*;

15 ciallaíonn “imeachtaí” imeachtaí sibhialta nó coiriúla os comhair aon chúirte;

déanfar “comhlacht poiblí” a fhirléiriú de réir an *Chéad Sceidil*;

20 folaíonn “taifead” aon mheabhrán, leabhar, pleán, léarscáil, líníocht, léaráid, saothar pictiúrtha nó grafach nó doiciméad eile, aon ghri-anaghraf, scannán nó taifeadadh (cibé acu is taifeadadh fuaimé nó taifeadadh íomhánná nó iad araon é), aon fhoirm ina gcoimeádtar sonraí (de réir bhrí an Actica um Chosaínt Sonrai, 1988), aon fhoirm eile (lena n-áirítear foirm mheaisín-inléite) nó rud eile ina ndéantar faisnéis a choimeád nó a stóráil de láimh, go meicniúil nó go leictreonach agus aon rud ar cuid nó cóip é, i bhfoirm ar bith, d'aon 25 cheann díobh sin roimhe seo nó ar teaglaim é de dhá cheann nó níos mó díobh sin roimhe seo;

ciallaíonn “scéim” scéim arna daingniú ag an Aire faoi *alt 15*;

30 ciallaíonn “seirbhís” cibé seirbhís a bheidh forordaithe, ar seirbhís i a thairgeann nó a sholáthraíonn comhlacht poiblí don phobal i gcoitinne nó d'aicme den phobal i gcoitinne;

(2) (a) San Acht seo aon tagairt d’alt nó do sceideal is tagairt í d’alt den Acht seo nó do Sceideal a ghabhann leis an Acht seo, mura gcuirtear in iúl gur tagairt d’achtachán éigin eile atá beartaithe.

35 (b) San Acht seo aon tagairt d’fho-alt nó do mhír nó d’fhomhír is tagairt í don fho-alt nó don mhír nó don fhomhír den fhoráil ina bhfuil an tagairt, mura gcuirtear in iúl gur tagairt d’fhoráil éigin eile atá beartaithe.

3.—Déanfar na caiteachais a thabhdóidh an tAire agus aon Aire Caiteachais.
40 eile den Rialtas ag riadaradh an Actica seo a ioc, a mhéid a cheadóidh an tAire Airgeadais é, as airgead a sholáthróidh an tOireachtas.

4.—(1) Féadfaidh an tAire, le toiliú an Aire Airgeadais— Rialacháin.

45 (a) le rialachán, foráil a dhéanamh, faoi réir fhórálacha an Actica seo, le haghaidh aon ní dá dtagraítear san Acht seo mar ní atá forordaithe nó le forordú,

- (b) in addition to any other power conferred on him or her to make regulations, make regulations generally for the purposes of, and for the purpose of giving full effect to, this Act,
- (c) if, during the first 3 years of application of this Act to a public body specified in *subparagraph* (3), (4) or (5) of *paragraph 1* of the *First Schedule*, any difficulty arises in bringing this Act into operation in so far as it applies to that body, by regulations do anything which appears to be necessary or expedient for bringing this Act into operation in so far as it applies to that body and regulations under this paragraph may, in so far only as may appear necessary for carrying the regulations into effect, modify a provision of this Act if the modification is in conformity with the purposes, principles and spirit of this Act, and 5
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- (d) if in any other respect any difficulty arises during the period of 3 years from the commencement of this Act in bringing this Act into operation, by regulations do anything which appears to be necessary or expedient for bringing this Act into operation and regulations under this paragraph may, in so far only as may appear necessary for carrying the regulations into effect, modify a provision of this Act if the modification is in conformity with the purposes, principles and spirit of this Act. 20
- (2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 25
- (3) Where the Minister proposes to make regulations under *paragraph* (c) or (d) of *subsection* (1) or for the purposes of *paragraph 1* (5), or under *paragraph 3*, of the *First Schedule*, he or she shall cause 30 a draft of the regulations to be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.
- (4) Where the Minister proposes to make regulations under *subsection* (1)(c), he or she shall, before doing so, consult with such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government in relation to the proposed regulations. 35
- (5) Regulations prescribing a body, organisation or group ("the body") for the purposes of *paragraph 1(5)* of the *First Schedule* may 40 provide that this Act shall apply to the body only as respects specified functions of the body, and this Act shall apply and have effect in accordance with any such provision.
- (6) Every regulation under this Act (other than a regulation referred to in *subsection* (3)) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. 45
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(b) i dteannta aon chumhactha eile a thugtar dó nó di chun rialacháin a dhéanamh, rialacháin a dhéanamh i gcoitinne chun críocha an Acht seo agus chun lánéifeacht a thabhairt don Acht seo,

5 (c) más rud é, le linn na chéad 3 bliana d'fheidhm an Acht seo maidir le comhlacht poiblí a shonraítear i bhfomhír (3),
10 (4) nó (5) de mhír 1 den Chéad Sceideal, go n-éireoidh aon deacracht i ndáil leis an Acht seo a thabhairt i ngníomh a mhéid atá feidhm aige maidir leis an gcomhlacht sin, aon ní a dhéanamh le rialacháin ar dealraitheach gur gá nó gur fóirsteanach é chun an tAcht seo a thabhairt i ngníomh a mhéid atá feidhm aige maidir leis an gcomhlacht sin agus féadfar, le rialacháin faoin mír seo, a mhéid amháin is dealraitheach gur gá é chun na rialacháin a thabhairt in éifeacht, foráil den Acht seo a
15 mhodhnú má tá an modhnú i gcomhréir le críocha, prionsabail agus meon an Acht seo, agus

20 (d) más rud é, in aon slí eile, go n-éireoidh aon deacracht le linn na tréimhse 3 bliana ó thosach feidhme an Acht seo i ndáil leis an Acht seo a thabhairt i ngníomh, aon ní a dhéanamh le rialacháin ar dealraitheach gur gá nó gur fóirsteanach é chun an tAcht seo a thabhairt i ngníomh agus féadfar, le rialacháin faoin mír seo, a mhéid amháin is dealraitheach gur gá é chun na rialacháin a thabhairt in éifeacht, foráil den Acht seo a mhodhnú má tá an
25 modhnú i gcomhréir le críocha, prionsabail agus meon an Acht seo.

30 (2) Féadfaidh cibé forálacha teagmhasacha, forlíontacha agus iarmhartacha a bheith i rialacháin faoin Acht seo is dóigh leis an Aire a bheith riachtanach nó fóirsteanach chun críocha na rialachán.

35 (3) I gcás ina mbeartaíonn an tAire rialacháin a dhéanamh faoi mhír (c) nó (d) d'fho-alt (1) nó chun críocha mhír 1(5), nó faoi mhír 3, den Chéad Sceideal, cuirfidh sé nó sí faoi deara dréacht de na rialacháin a leagan faoi bhráid gach Tí den Oireachtas agus ní dhéanfar na rialacháin go dtí go mbeidh rún ag ceadú an dréachta rite ag
gach Teach acu sin.

40 (4) I gcás ina mbeartaíonn an tAire rialacháin a dhéanamh faoi fho-alt (1)(c), rachaidh sé nó sí, sula ndéanfaidh sé nó sí amhlaidh, i gcomhairle le cibé Aire eile (más ann) den Rialtas is cuí leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas i ndáil leis na rialacháin atá beartaithe.

45 (5) Féadfar, le rialacháin lena bhforordaítear comhlacht, eagraíocht nó grúpa ("an comhlacht") chun críocha mhír 1 (5) den Chéad Sceideal, a fhoráil nach mbeidh feidhm ag an Acht seo maidir leis an gcomhlacht ach amháin i leith feidhmeanna sonraithe de chuid an chomhlachta, agus beidh feidhm ag an Acht seo agus beidh éifeacht leis de réir aon fhorála den sórt sin.

50 (6) Déanfar gach rialachán faoin Acht seo (seachas rialachán dá dtagraítear i bhfo-alt (3)) a leagan faoi bhráid gach Tí den Oireachtas a luaithe is féidir tar éis a dhéanta agus má dhéanann ceachtar Teach acu sin, laistigh den 21 lá a shuífidh an Teach sin tar éis an rialachán a leagan faoina bhráid, rún a rith ag neamhniú an rialacháin, beidh an rialachán ar neamhní dá réir sin, ach sin gan dochar do bhailíocht aon ní a rinneadh roimhe sin faoin rialachán.

PART 2

ORGANS OF STATE

Use of official languages in Houses of Oireachtas.

5.—(1) A member of either House of the Oireachtas has the right to use either of the official languages in any debates or other proceedings before either such House.

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(2) Every official report of the debates and other proceedings of the Houses of the Oireachtas shall be published in each of the official languages, except that direct speech may be reported therein in the language in which it is spoken.

Acts of the Oireachtas.

6.—As soon as may be after the enactment of any Act of the 10 Oireachtas, the text thereof shall be printed and published in each of the official languages simultaneously.

Administration of justice.

7.—(1) A person may use either of the official languages in, or in any pleading in or document issuing from, any court.

(2) Every court has, in any proceedings before it, the duty to 15 ensure that any person giving evidence before it may be heard in the official language of his or her choice, and that in being so heard the person will not be placed at a disadvantage by not being heard in the other official language.

(3) For the purpose of ensuring that no person is placed at a disadvantage as aforesaid, the court may cause facilities to be made available for the simultaneous translation of the proceedings, including any evidence given or taken, from one official language into the other.

(4) Where the State or a public body is a party to civil proceedings 25 before a court—

(a) the State or the public body concerned shall use in the proceedings, the official language chosen by the other parties, unless it is established by the State or, as appropriate, the public body that reasonable notice of the 30 language chosen has not been given,

(b) if the other parties fail to choose or agree on the official language to be used in the proceedings, the State or, as appropriate, the public body shall use such official language as is reasonable, having regard to the circumstances.

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(5) Notwithstanding any other provision of this section, a person shall not be compelled to use a particular official language in any proceedings.

(6) In choosing to use a particular official language in any proceedings before a court, a person shall not be put to any inconvenience or expense over and above that which would have been incurred had he or she chosen to use the other official language.

40

5.—(1) Beidh ceart ag comhalta de cheachtar Teach den Úsáid na
Oireachtas ceachtar de na teangacha oifigiúla a úsáid in aon dios- dteangacha oifigiúla
5 póireachtaí nó in aon imeachtaí eile os comhair ceachtar Teach acu i dTithe an
sin. Oireachtais.

(2) Déanfar gach tuairisc oifigiúil ar dhíospóireachtaí agus ar
imeachtaí eile Thithe an Oireachtais a fhoilsíú i ngach ceann de na
10 teangacha oifigiúla, ach amháin go bhféadfar caint dhíreach a
thuairisciú inti sa teanga ina ndeirtear í.

6.—A luaithe is féidir tar éis aon Acht den Oireachtas a achtú, Achtanna an
déanfar an téacs den chéanna a chló agus a fhoilsíú go comhuaineach
i ngach ceann de na teangacha oifigiúla.

7.—(1) Féadfaidh duine ceachtar de na teangacha oifigiúla a úsáid Riaradh an
15 in aon chúirt nó in aon phléadáil in aon chúirt nó in aon doiciméad cheartais.
a eiseofar ó aon chúirt.

(2) Tá dualgas ar gach cúirt, in aon imeachtaí os a comhair, a chinntíú go bhféadfaidh aon duine a bheidh ag tabhairt fianaise os a
20 comhair éisteacht a fháil sa teanga oifigiúil is rogha leis nó léi, agus nach mbeidh an duine, trí éisteacht a fháil amhlaidh, faoi mhíbhuntáiste toisc nach bhfaigheann sé nó sí éisteacht sa teanga oifigiúil eile.

(3) D'fhoinn a chinntíú nach mbeidh aon duine faoi mhíbhuntáiste mar a dúradh, féadfaidh an chúirt a chur faoi deara saoráidí a chur
25 ar fáil chun na himeachtaí, lena n-áirítear aon fhianaise a thabharfar nó a ghlacfar, a aistriú go comhuaineach ó theanga oifigiúil amháin go dtí an teanga oifigiúil eile.

(4) I gcás inar páirtí in imeachtaí sibhialta os comhair cúnerte an Stát nó comhlacht poiblí—

30 (a) déanfaidh an Stát, nó an comhlacht poiblí lena mbaineann, an teanga oifigiúil a bheidh roghnaithe ag na páirtithe eile a úsáid sna himeachtaí, mura rud é go suífdh an Stát nó, de réir mar is cuí, an comhlacht poiblí nár tugadh fógra réasúnach i dtaobh na teanga a bheidh roghnaithe,

35 (b) más rud é nach ndéanfaidh na páirtithe eile an teanga oifigiúil a bheidh le húsáid sna himeachtaí a roghnú nó a chomhaontú, déanfaidh an Stát nó, de réir mar is cuí, an comhlacht poiblí, cibé teanga oifigiúil a úsáid is réasúnach, ag féachaint do na himthosca.

(5) D'ainneoin aon fhórála eile den alt seo, ní chuirfear iallach ar
40 dhuine teanga oifigiúil ar leith a úsáid in aon imeachtaí.

(6) Nuair a bheidh teanga oifigiúil ar leith á roghnú ag duine lena húsáid in aon imeachtaí os comhair cúnerte, ní chuirfear aon cheataí
nó caiteachas breise air nó uirthi thar mar a thabhófaí dá roghnódh
sé nó sí an teanga oifigiúil eile a úsáid.

PART 3
PUBLIC BODIES

Right to deal with,
and receive services
from, public bodies
in official
languages.

8.—(1) A person may communicate with and receive available services from any public body in either of the official languages, in accordance with any scheme in force in relation to such body. 5

(2) For the purposes of the exercise of a right conferred on any person by this section, it shall not be open to any person or public body or to the State to question the competency of that person in either of the official languages.

Duty of public
bodies to ensure
persons can
communicate with,
and obtain services
from, them in
official languages.

Duty of public
bodies to use
official languages
on official
stationery etc.

9.—A public body shall ensure that any member of the public can 10
communicate with and obtain available services from it in either of
the official languages, in accordance with any scheme in force in
relation to such body.

10.—A public body shall ensure that each of the official languages 15
appears on any stationery used by it and any signage or advertisements placed by it, in accordance with any scheme in force in relation to such body.

Duty of public
bodies to publish
certain documents
in both official
languages
simultaneously.

11.—Notwithstanding any other enactment, the following documents made by or under the authority of a public body (other than a body, organisation or group standing prescribed pursuant to regulations for the purposes of clause (b) of paragraph 1(5) of the First Schedule shall be published by that body in each of the official languages simultaneously: 20

- (a) any document setting out public policy proposals;
- (b) any annual report; 25
- (c) any audited account or financial statement;
- (d) any statement of strategy required to be prepared under section 5 of the Public Service Management Act, 1997;
- (e) any document of a description or class standing prescribed for the time being, with the consent of the Minister for Finance and such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government and being a document of a description or class that is, in the opinion of the Minister, of major public importance. 30 35

Publication of
guidelines by
Minister.

12.—(1) The Minister shall issue to public bodies guidelines in relation to the preparation by public bodies of draft schemes.

(2) As soon as practicable after the commencement of this section the Minister shall prepare a draft of any guidelines that he or she proposes to issue under subsection (1) and shall send copies of the 40 draft to—

- (a) every other Minister of the Government, and
- (b) such other persons (including any other head) as he or she considers appropriate.

COMHLACHTAÍ POIBLÍ

- 8.—(1) Féadfaidh duine cumarsáid a dhéanamh le haon chomhlacht poiblí, agus seirbhísí atá ar fáil a fháil uaidh, i gceachtar de na teangacha oifigiúla, de réir aon scéime atá i bhfeidhm i ndáil leis an gcomhlacht sin.
- (2) Le linn ceart a thugtar d'aon duine leis an alt seo a bheith á fheidhmiú, ní fhéadfaidh aon duine nó aon chomhlacht poiblí nó an Stát inniúlacht an duine sin i gceachtar de na teangacha oifigiúla a thabhairt faoi cheist.
- 9.—Cinnteoidh comhlacht poiblí gur féidir le haon duine den phobal cumarsáid a dhéanamh leis, agus seirbhísí atá ar fáil a fháil uaidh, i gceachtar de na teangacha oifigiúla, de réir aon scéime atá i bhfeidhm i ndáil leis an gcomhlacht sin.
- 10 10.—Cinnteoidh comhlacht poiblí go mbeidh gach ceann de na teangacha oifigiúla ar aon stáiseanóireacht a úsáideann sé agus ar aon chomharthaí nó fógráin dá chuid, de réir aon scéime atá i bhfeidhm i ndáil leis an gcomhlacht sin.
- 15 11.—D'ainneoin aon achtacháin eile, déanfaidh comhlacht poiblí (seachas comhlacht, eagraíocht nó grúpa a bheidh forordaithe de bhun rialachán chun críocha *chlásal (b)* de *mhír 1(5)* den *Chéad Sceideal*) na doiciméid seo a leanas, a dhéanfaidh sé nó a dhéanfar faoina údarás, a fhoilsíú go comhuaineach i ngach ceann de na teangacha oifigiúla:
- 20 25 (a) aon doiciméad ina leagtar amach tograí beartais phoiblí;
- (b) aon tuarascáil bhliantúil;
- (c) aon chuntas iniúchta nó ráiteas airgeadais;
- (d) aon ráiteas straitéise a cheanglaítear a ullmhú faoi alt 5 den Acht um Bainistíocht na Seirbhise Poiblí, 1997;
- 30 35 (e) aon doiciméad de thuairisc nó d'aicme a bheidh forordaithe de thuras na huaire, le toiliú an Aire Airgeadais agus cibé Aire eile (más ann) den Rialtas is cuí leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas agus is doiciméad de thuairisc nó d'aicme a bhfuil, i dtuairim an Aire, tábhacht mhór poiblí ag baint leis.
- 12.—(1) Eiseoidh an tAire treoirlínte chuig comhlachtaí poiblí i ndáil le hullmhú dréacht-scéimeanna ag comhlachtaí poiblí.
- (2) A luaithe is indéanta tar éis thosach feidhme an ailt seo, ullmhóidh an tAire dréacht d'aon treoirlínte a bheartaíonn sé nó sí a eisiúint faoi *fho-alt (1)* agus cuirfidh sé nó sí cóipeanna den dréacht—
- 40 (a) chuig gach Aire eile den Rialtas; agus
- (b) chuig cibé daoine eile (lena n-áirítéar aon cheann eile) is cui leis nó léi.

Ceart déileáil leis na comhlachtaí poiblí, agus seirbhísí a fháil uathu, sna teangacha oifigiúla.

Dualgas comhlachtaí poiblí a chinntí gur féidir le daoine cumarsáid a dhéanamh leo, agus seirbhísí a fháil uathu, sna teangacha oifigiúla.

Dualgas comhlachtaí poiblí na teangacha oifigiúla a úsáid ar stáiseanóireacht oifigiúil, etc.

Dualgas comhlachtaí poiblí doiciméid áirithe a fhoilsíú go comhuaineach sa dá theanga oifigiúla.

An tAire d'fhoilsíú treoirlínte.

(3) The Minister shall, after considering any representations made to him or her about the draft guidelines, confirm the draft guidelines either without amendment or with such amendments as he or she considers appropriate.

(4) The Minister shall, as soon as practicable, lay before each House of the Oireachtas a copy of any guidelines issued under subsection (1). 5

(5) The Minister shall, at such intervals as he or she considers appropriate, revise any guidelines issued under subsection (1) and the provisions of this section shall apply to the issuing of such revised guidelines as they apply to the guidelines first issued. 10

Power of Minister
to require
preparation of draft
scheme.

13.—(1) The Minister may, by notice in writing to the head of a public body, require the public body to prepare and present to him or her for confirmation within such time (not being more than six months from the date of issue of the notice) as is specified in the notice, a draft scheme specifying— 15

- (a) the measures the public body proposes to adopt to ensure that a person who wishes to obtain a service from the body through either of the official languages is given equal treatment, and 20
- (b) the ways in which the body proposes to comply with its obligations under the Act in relation to the provision of services through Irish.

(2) A notice under subsection (1) shall be accompanied by a copy of the current guidelines issued by the Minister under section 12. 25

(3) Different notices may be given to a head of a public body under this section in respect of different services.

Preparation of draft
scheme by public
body.

14.—(1) On receipt of a notice under section 13, a public body shall—

- (a) publish notice of its intention to prepare a draft scheme and invite representations from any interested parties, and 30
- (b) within the time specified in the notice, prepare and present for confirmation to the Minister a draft scheme.

(2) In preparing a draft scheme the public body shall—

- (a) have regard to any guidelines issued under section 12 and in force; 35
- (b) have regard to any representations made by any interested party under subsection (1),
- (c) ensure that an adequate number of its staff are competent in the Irish language so as to be able to provide its service through Irish as well as English, 40
- (d) ensure that any particular linguistic requirements associated with the provision of services in Gaeltacht areas are met.

(3) Déanfaidh an tAire, tar éis breithniú a dhéanamh ar aon uirill a bheidh déanta chuige nó chuici maidir leis na dréacht-treoiríntí, na dréacht-treoiríntí a dhaingniú gan leasú nó fara cibé leasuithe is cuí leis nó léi.

5 (4) Déanfaidh an tAire, a luaithe is indéanta, cóip d'aon treoiríntí a eiseofar faoi *fho-alt* (1) a leagan faoi bhráid gach Tí den Oireachtas.

10 (5) Déanfaidh an tAire, ag cibé eatraimh is cuí leis nó léi, aon treoiríntí a eiseofar faoi *fho-alt* (1) a athmheas agus beidh feidhm ag forálacha an ailt seo maidir le heisiúint na dtreoiríntí athmheasta sin mar atá feidhm acu maidir leis na treoiríntí a eisíodh i gcéaduair.

15 13.—(1) Féadfaidh an tAire, le fógra i scribhinn chuig ceann comhlachta phoiblí, a cheangal ar an gcomhlacht poiblí dréacht-scéim a ullmhú agus a thiolacadh dó nó di lena daingniú laistigh de cibé tréimhse ama (nach faide ná sé mhí ó dháta eisithe an fhógra) a bheidh sonraithe san fhógra, ar dréacht-scéim í ina sonrófar—

20 (a) na bearta a bheartaíonn an comhlacht poiblí a ghlacadh chun a chinntíú go gcuirfear cóir chomhionann ar dhuine ar mian leis nó léi seirbhís a fháil ón gcomhlacht trí cheachtar de na teangacha oifigiúla; agus

(b) na bealaí ar a mbeartaíonn an comhlacht a oibleagáidí faoin Acht a chomhlíonadh i ndáil le seirbhísí a sholáthar trí Ghaeilge.

25 (2) Beidh cóip de na treoiríntí reatha a eiseoidh an tAire faoi *alt 12* ag gabháil le fógra faoi *fho-alt* (1).

(3) Féadfar fógraí éagsúla a thabhairt do cheann comhlachta phoiblí faoin alt seo i leith seirbhísí éagsúla.

14.—(1) Ar fhógra faoi *alt 13* a fháil, déanfaidh comhlacht poiblí—

30 (a) fógra a fhoilsiú á rá go bhfuil ar intinn aige dréacht-scéim a ullmhú agus uirill a lorg ó aon pháirtithe leasmhara;

(b) laistigh den tréimhse ama a bheidh sonraithe san fhógra, dréacht-scéim a ullmhú agus a thiolacadh don Aire lena daingniú.

35 (2) Le linn dréacht-scéim a ullmhú, déanfaidh an comhlacht poiblí—

(a) aird a thabhairt ar aon treoiríntí arna n-eisiúint faoi *alt 12* agus atá i bhfeidhm;

(b) aird a thabhairt ar aon uirill arna ndéanamh ag aon pháirtí leasmhar faoi *fho-alt* (1);

40 (c) a chinntíú go bhfuil lion leordhóthanach dá fhoireann inniúil sa Ghaeilge chun go mbeidh siad in ann a sheirbhís a sholáthar trí Ghaeilge chomh maith lena soláthar trí Bhéarla;

45 (d) a chinntíú go bhfreastalófar ar aon riachtanais áirithe teanga a bhaineann le seirbhísí a sholáthar i límistéir Ghaeltachta.

Cumhacht an Aire a cheangal go n-ullmhófar dréacht-scéim.

Comhlacht poiblí d'ullmhú dréacht-scéime.

(3) A draft scheme shall contain only such matters as are required to be specified under *section 13(1)* and no other matter.

Confirmation by Minister of draft schemes.

15.—(1) Upon presentation of a draft scheme to the Minister by a public body, the Minister may, after consultation with such other persons including such other (if any) Minister of the Government as the Minister considers ought to be consulted, and with the consent of the head of the public body concerned, confirm the draft scheme either without amendment or with such amendments as he or she considers appropriate.

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(2) The Minister shall, after confirmation of any draft scheme under this section, forward a copy of the scheme to the Official Languages Commissioner.

(3) A scheme shall remain in force for a period of 3 years from the date on which it is confirmed by the Minister or until a new scheme has been confirmed by the Minister pursuant to *section 16*, whichever is the later.

15

Periodic review of schemes.

16.—(1) The Minister may, at any time and shall, no later than 6 months before the expiration of the scheme, by notice in writing to the head of a public body require that body to review, within such period as may be specified in the notice, any scheme in force in relation to it.

20

(2) Upon receipt of a notice under *subsection (1)*, a public body shall conduct a review of the said scheme and shall, within the time specified in the notice, prepare and present, for confirmation by the Minister, a new draft scheme.

25

(3) *Sections 13 to 15* shall, with any necessary modifications, apply where a notice is given under *subsection (1)* as they apply where a notice is given under *section 13*.

Amendment of schemes.

17.—(1) Where the Minister is satisfied that, owing to any change—

30

- (a) in the functions of a public body, or
- (b) in the circumstance in which such functions are performed,

it may be appropriate to amend any scheme in force in relation to it, he or she may, on his or her own initiative or on request by the public body concerned, by notice in writing to the public body propose amendments to the scheme.

35

(2) The Minister may, after consultation with such other persons, including such other (if any) Minister of the Government as the Minister considers ought to be consulted, and with the consent of the head of the public body concerned, amend a scheme in the manner proposed in any notice under *subsection (1)* or in such other manner as he or she considers appropriate in the circumstances, and the scheme shall have effect thereafter subject to any such amendments.

40

(3) The Minister shall forward to the Official Languages Commissioner a copy of any scheme amended under this section.

45

(3) Ní bheidh i ndréacht-scéim ach cibé nithe a cheanglaítear a shonrú faoi *alt 13(1)* agus nithe den sórt sin amháin.

15.—(1) Ar chomhlacht poiblí do thíolacadh dréacht-scéime don Aire, féadfaidh an tAire, tar éis dul i gcomhairle le cibé daoine eile

- 5 lena n-áirítear cibé Aire eile (más ann) den Rialtas a measfaidh an tAire gur chóir dul i gcomhairle leo, agus le toiliú cheann an chomhlachta phoiblí lena mbaineann, an dréacht-scéim a dhaingniú gan leasú nó fara cibé leasuithe is cuí leis nó léi.

10 (2) Déanfaidh an tAire, tar éis aon dréacht-scéim a dhaingniú faoin alt seo, cóip den scéim a chur ar aghaidh chuig Coimisinéir na dTeangacha Oifigiúla.

(3) Fanfaidh scéim i bhfeidhm ar feadh tréimhse 3 bliana ón dáta a ndaingníonn an tAire í nó go dtí go mbeidh scéim nua daingnithe ag an Aire de bhun *alt 16*, cibé acu is déanaí.

- 15 **16.—(1)** Féadfaidh an tAire, aon tráth, agus déanfaidh an tAire, tráth nach déanaí ná 6 mhí sula rachaidh an scéim in éag, trí fhógra i scribhinn chuig ceann comhlachta phoiblí, a cheangal ar an gcomhlacht sin aon scéim atá i bhfeidhm i ndáil leis a athbhreithniú laistigh de cibé tréimhse a bheidh sonraithe san fhógra.

20 (2) Ar fhógra a fháil faoi *fho-alt (1)*, seolfaidh comhlacht poiblí athbhreithniú ar an scéim sin agus déanfaidh sé, laistigh den tréimhse ama a bheidh sonraithe san fhógra, dréacht-scéim nua a ullmhú agus a thíolacadh lena daingniú ag an Aire.

25 (3) Beidh feidhm ag ailt *13* go *15*, fara aon mhodhnuithe is gá, i gcás ina dtabharfar fógra faoi *fho-alt (1)* mar atá feidhm acu i gcás ina dtabharfar fógra faoi *alt 13*.

An tAire do dhaingniú dréacht-scéimeanna.

Athbhreithniú tréimhsíúil ar scéimeanna.

17.—(1) I gcás inar deimhin leis an Aire, de bharr aon athrú— Scéimeanna a leasú.

(a) ar fheidhmeanna comhlachta phoiblí, nó

(b) ar an imthoisc ina gcomhlíontar na feidhmeanna sin,

30 go bhféadfaidh gur cuí aon scéim atá i bhfeidhm i ndáil leis an gcomhlacht sin a leasú, féadfaidh sé nó sí, ar a thionscnamh nó ar a tionscnamh féin, nó ar iarraidh ón gcomhlacht poiblí lena mbaineann, trí fhógra i scribhinn chuig an gcomhlacht poiblí, leasuite a mholadh ar an scéim.

35 (2) Féadfaidh an tAire, tar éis dul i gcomhairle le cibé daoine eile, lena n-áirítear cibé Aire eile (más ann) den Rialtas, a measfaidh an tAire gur chóir dul i gcomhairle leo, agus le toiliú cheann an chomhlachta phoiblí lena mbaineann, scéim a leasú sa tslí atá beartaithe in aon fhógra faoi *fho-alt (1)* nó i cibé slí eile is cuí leis nó 40 léi sna himthosca, agus beidh éifeacht leis an scéim dá éis sin faoi réir aon leasuithe den sórt sin.

(3) Déanfaidh an tAire cóip d'aon scéim a bheidh leasaithe faoin alt seo a chur ar aghaidh chuig Coimisinéir na dTeangacha Oifigiúla.

Failure to prepare a draft scheme.

18.—Where—

- (a) a public body fails or refuses to prepare a draft scheme in accordance with a notice issued under section 13 or 16,
- (b) after presentation by a public body of a draft scheme to the Minister for confirmation, the public body and the Minister are unable to agree the terms of the scheme, or
- (c) after receipt by a public body of a notice of proposed amendments to a scheme, the public body and the Minister are unable to agree on any amendments,

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the Minister shall report this failure, refusal or inability to each 10 House of the Oireachtas.

Duty to carry out schemes.

19.—(1) Where the Minister confirms a scheme under this Act, the public body shall proceed to carry out the scheme.

(2) Nothing in a scheme shall be construed as prohibiting a public body from implementing further measures to promote the status of 15 an official language within its organisation.

Prohibition on imposition of charges by public bodies.

20.—A public body shall not impose any charge on any person by virtue of any requirement imposed on that body by this Act.

Establishment of Office of Official Languages Commissioner.

21.—(1) There is hereby established an office to be known, in the Irish language, as Oifig Choimisinéir na dTeangacha Oifigiúla or, in the English language, as the Office of the Official Languages Commissioner and the holder of the office shall be known, in the Irish language, as Coimisinéir na dTeangacha Oifigiúla or, in the English 25 language, as the Official Languages Commissioner and is referred to in this Act as the Commissioner.

(2) The Commissioner shall be independent in the performance of his or her functions.

(3) The appointment of a person to be the Commissioner shall be 30 made by the President on the advice of the Government following a resolution passed by Dáil Éireann and by Seanad Éireann recommending the appointment of the person.

(4) The provisions of the *Second Schedule* shall have effect in relation to the Commissioner. 35

Functions of Commissioner.

22.—The functions of the Commissioner shall be, in addition to any functions conferred on him or her by any other provision of this Act—

- (a) to monitor compliance by public bodies with the provisions, purposes and spirit of this Act,
- (b) to take all necessary measures within his or her authority to ensure compliance by public bodies with the provisions, purposes and spirit of this Act,

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18.—Más rud é—

- (a) go mainneoidh nó go ndiúltóidh comhlacht poiblí dréacht-scéim a ullmhú de réir fógra a eiseofar faoi *alt 13* nó *16*,
- 5 (b) tar éis do chomhlacht poiblí dréacht-scéim a thiolcadh don Aire lena daingniú, nach mbeidh an comhlacht poiblí agus an tAire ábalta téarmaí na scéime a chomhaontú,
- (c) tar éis do chomhlacht poiblí fógra a fháil maidir le leasuithe beartaithe ar scéim, nach mbeidh an comhlacht poiblí agus an tAire ábalta comhaontú ar aon leasuithe,
- 10 déanfaidh an tAire an mhainneachtain, an diúltú nó an neamh-ábaltacht sin a thuairisciú do gach Teach den Oireachtas.

Mainneachtain
tréacht-scéim a
ullmhú.

19.—(1) I gcás ina ndaingneoidh an tAire scéim faoin Acht seo, Dualgas scéimeanna a chur i gcrích.

- 15 (2) Ní fhorléireofar aon ní i scéim mar ní a thoirmisceann ar chomhlacht poiblí bearta breise a chur i ngníomh chun stádas teanga oifigiúla a chur chun cinn laistigh dá eagraíocht.

20.—Ní dhéanfaidh comhlacht poiblí aon muirear a fhorchur ar aon duine de bhua aon cheanglais a fhorchuirtear ar an gcomhlacht sin leis an Acht seo.

Toirmeasc ar
chomhlacthaí poiblí
d'fhorchur muirear.

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CUID 4

COIMISINÉIR NA DTEANGACHA OIFIGIÚLA

- 21.—(1)** Bunaítear leis seo oifig ar a dtabharfar oifig Choimisinéir na dTeangacha Oifigiúla, sa Ghaeilge, nó *the office of the Official Languages Commissioner*, sa Bhéarla, agus tabharfar Coimisinéir na dTeangacha Oifigiúla, sa Ghaeilge, nó *the Official Languages Commissioner*, sa Bhéarla, ar shealbhóir na hoifige, agus gairtear an Coimisinéir de nó di san Acht seo.

Oifig Choimisinéir
na dTeangacha
Oifigiúla a bhunú.

- 25 (2) Beidh an Coimisinéir neamhspleách i gcomhlíonadh a fheidhmeanna nó a feidhmeanna.
- 30 (3) Is é nó is í an tUachtaráin a dhéanfaidh duine a cheapadh mar Choimisinéir, ar chomhairle an Rialtais tar éis do Dháil Éireann agus do Sheanad Éireann rún a rith ag moladh an duine a cheapadh.
- (4) Beidh éifeacht le forálacha an Dara Sceideal i ndáil leis an gCoimisinéir.

- 35 **22.—**Is iad feidhmeanna an Choimisinéara, i dteannta aon fheidhmeanna a thugtar dó nó di le haon fhoráil eile den Acht seo— Feidhmeanna an Choimisinéara.

- (a) faireachán a dhéanamh ar chomhlionadh florálacha, chríocha agus mheon an Achta seo ag comhlacthaí poiblí,
- 40 (b) gach beart riachtanach atá faoi réim a údaráis nó a húdaráis a dhéanamh chun a chinntiú go gcomhlionfaidh comhlacthaí poiblí forálacha, críocha agus meon an Achta seo,

(c) to carry out investigations, whether on his or her own initiative, on request by the Minister or pursuant to a complaint made to him or her by any person, into any failure by a public body to comply with the provisions of this Act that he or she or, as appropriate, the Minister, considers may have occurred, 5

(d) to provide, as he or she considers appropriate, advice or other assistance to the public regarding their rights under this Act,

(e) to provide, as he or she considers appropriate, advice or other assistance to public bodies regarding their obligations under this Act, 10

(f) to carry out an investigation, whether on his or her own initiative, on request by the Minister or pursuant to a complaint made to him or her by any person, into whether any provision of any other enactment relating to the status or use of an official language was not or is not being complied with. 15

Powers of
Commissioner.

23.—(1) (a) For the purpose of his or her functions under this Act the Commissioner may require any person who, in the opinion of the Commissioner, is in possession of information, or has a record or thing in his or her power or control, that is relevant to the purposes aforesaid to furnish to the Commissioner any such information, record or thing and, where appropriate, may require the person to attend before him or her for that purpose, and the person shall comply with the requirement. 20 25

(b) *Paragraph (a) of this subsection does not apply to information or so much of a record as relates to decisions and proceedings of the Government or of any committee of the Government and for the purposes of this paragraph, a certificate given by the Secretary to the Government and certifying that any information or record or part of a record so relates shall be conclusive.* 30

(2) Subject to subsection (3), no enactment or rule of law prohibiting or restricting the disclosure or communication of information shall preclude a person from furnishing to the Commissioner any such information or record, as aforesaid. 35

(3) Subject to the provisions of this Act, a person to whom a requirement is addressed under this section shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court. 40

(4) A person who fails or refuses to comply with a requirement under this section or who hinders or obstructs the Commissioner in the performance of his or her functions under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 or to imprisonment for a term not exceeding 6 months or both. 45

(5) Where an offence under subsection (4) has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect 50

5 (c) imscrúduithe a dhéanamh, cibé acu ar a thionscnamh nó ar a tionscnamh féin, ar iaraidh ón Aire nó de bhun gearán a bheidh déanta leis nó léi ag aon duine, maidir le haon mhainneachtain ag comhlacht poiblí forálacha an Acht seo a chomhlíonadh, ar mainneachtain í ar doigh leis nó léi nó, de réir mar is cuí, leis an Aire, gur féidir gur tharla sí;

10 (d) comhairle nó cúnamh eile a sholáthar, de réir mar is cuí leis nó léi, don phobal maidir lena gcearta faoin Acht seo;

15 (e) comhairle nó cúnamh eile a sholáthar, de réir mar is cuí leis nó léi, do chomhlachtaí poiblí maidir lena n-oibleagáidí faoin Acht seo,

20 (f) imscrúdú a dhéanamh, cibé acu ar a thionscnamh nó ar a tionscnamh féin, ar iaraidh ón Aire nó de bhun gearán a bheidh déanta leis nó léi ag aon duine, i dtaobh an amhlaidh nach raibh nó nach bhfuil aon fhoráil d'aon achtachán eile a bhaineann le stádas nó le húsáid teanga oifigiúla á comhlíonadh.

25 **23.—(1)** (a) Chun críche a fheidhmeanna nó a feidhmeanna faoin Acht seo, féadfaidh an Coimisinéir a cheangal ar aon duine a bhfuil, i dtuairim an Choimisiúneara, faisnéis aige nó aici, nó a bhfuil cumhacht nó rialú aige nó aici ar thaifead nó ar rud, a bhaineann leis na criocha réamhráite, aon fhaisnéis, taifead nó rud den sórt sin a thabhairt don Choimisiúneir agus, más cuí, féadfaidh sé nó sí a cheangal ar aon duine freastal os a chomhair nó os a comhair chun na críche sin, agus comhlíonfaidh an duine an ceanglas.

30 (b) Nil feidhm ag *mír* (a) den fho-alt seo maidir le faisnéis nó le cibé méid de thaifead a bhaineann le cinntí agus le himeachtaí de chuid an Rialtais nó de chuid aon choiste de chuid an Rialtais agus chun criocha na míre seo is deimhniú críochnaitheach deimhniú a thabharfaidh Rúnaí an Rialtais á dheimhniú go bhfuil aon fhaisnéis nó taifead nó cuid de thaifead bainteach amhlaidh.

35 (2) Faoi réir *fho-alt* (3),ní chuirfidh aon achtachán nó rial dlí lena dtoirmisctear nó lena sriantar faisnéis a noctadóh nó a chur in iúl cosc ar dhuine aon fhaisnéis nó taifead den sórt sin, mar a dúradh, a thabhairt don Choimisiúneir.

40 (3) Faoi réir fhórálacha an Acht seo, beidh duine a mbeidh ceanglas dirithe chuige nó chuici faoin alt seo i dteideal na ndiolúintí agus na bpribhléidi céanna a mbeadh sé nó sí ina dteideal dá mba fhinné os comhair na hArd-Chúirte é nó í.

45 (4) Aon duine a mhainneoidh nó a dhiúltóidh ceanglas faoin alt seo a chomhlíonadh nó a chuirfidh treampán nó bac ar an gCoimisiúneir le linn a fheidhmeanna nó a feidhmeanna a chomhlíonadh faoin alt seo, beidh sé nó sí ciontach i gcion agus dlífeár ar é nó í a chiontú go hachomair fineáil nach mó ná €2,000 nó priosúnacht ar feadh téarma nach faide ná 6 mhí, nó iad araon, a chur air nó uirthi.

50 (5) I gcás cion faoi *fho-alt* (4) a bheith déanta ag comhlacht corpraíte agus go gcruthófar go ndearnadh é le toiliú nó le culcheadú, nó gur éascaiodh é a dhéanamh le haon fhaillí ar thaobh, aon duine is stiúrthóir, bainisteoir, rúnaí nó oifigeach eile den tsamhail sin de chuid an chomhlachta, nó duine a d'airbheartaigh a bheith ag

Cumhachtaí an Choimisiúneara.

on the part of any director, manager, secretary or other similar officer of such body or of any person who was purporting to act in any such capacity, that officer or person, as well as such body, 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.

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(6) The Commissioner may, if he or she thinks fit, pay to any person who, for the purposes aforesaid, attends before the Commissioner or furnishes information or a record or other thing to him or her—

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(a) sums in respect of travelling and subsistence expenses properly incurred by the person, and

(b) allowances by way of compensation for loss of his or her time,

of such amount as may be determined by the Minister.

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(7) A statement or admission made by a person for the purposes aforesaid shall not be admissible as evidence against that person in any criminal proceedings.

(8) Nothing in this section—

(a) shall confer any right to production of, or access to, any record or thing subject to legal privilege, and

(b) affect any obligation as to secrecy or other restriction upon the disclosure of information imposed by statute or otherwise.

Conduct of investigations.

24.—(1) An investigation by the Commissioner under this Act shall be conducted otherwise than in public.

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(2) Where the Commissioner proposes to carry out an investigation under this Act he or she shall—

(a) notify—

(i) the public body concerned,

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(ii) in a case where a complaint has been made to the Commissioner, the person who made the complaint, and

(iii) the Minister,

in writing of that fact, and

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(b) afford—

(i) the public body concerned, and

(ii) any other person who appears or, in a case where a complaint has been made to the Commissioner, is alleged to have been responsible for the matter complained of,

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an opportunity to comment on the matter and, if a complaint in relation to the matter has been made to the Commissioner, on any allegations contained in the complaint.

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gníomhú in aon cháil den sórt sin, beidh an t-oifigeach nó an duine sin, chomh maith leis an gcomhlacht sin, ciontach i gcion agus dlifear imeachtaí a thionscnamh ina choinne nó ina coinne agus é nó í a phionósú amhail is dá mbeadh sé nó sí ciontach sa chion céadluaithe.

5 (6) Féadfaidh an Coimisinéir, más cuí leis nó léi, íocaíochtaí mar a leanas a íoc le haon duine a dhéanfaidh chun na gcríoch réamhráite, freastal os comhair an Choimisinéara nó faisnéis nó taifead nó rud eile a thabhairt dó nó di—

10 (a) suimeanna i leith caiteachas taistil agus cothaithe a thabhaigh an duine go cuí, agus

(b) liúntais mar chuíteamh as a chuid nó a cuid ama a chaill-eadh,

ina mbeidh cibé méid a chinnfidh an tAire.

15 (7) Ní bheidh ráiteas nó admháil ó dhuine chun na gcríoch réamhráite inghlactha mar fhianaise i gcoinne an duine sin in aon imeachtaí coiriúla.

(8) Ní dhéanfaidh aon ní san alt seo—

20 (a) aon cheart a thabhairt chun aon taifead nó rud atá faoi réir pribhléide dlíthiúla a thabhairt ar aird nó chun rochtain a fháil ar an gcéanna, agus

(b) difear d'aon oibleagáid maidir le rúndacht nó d'aon srian-tacht eile ar nochtadh faisnéise a fhorchuirtear le reacht nó ar shlí eile.

25 **24.—(1)** Is ar shlí seachas go poiblí a sheolfar imscrúdú a dhéan-faidh an Coimisinéir faoin Acht seo. Imscrúduithe a sheoladh.

(2) I gcás ina mbeartaíonn an Coimisinéir imscrúdú a dhéanamh faoin Acht seo déanfaidh sé nó sí—

(a) fógra i scribhinn a thabhairt—

(i) don chomhlacht poiblí lena mbaineann,

30 (ii) i gcás gearán a bheith déanta leis an gCoimisinéir, don duine a rinne an gearán, agus

(iii) don Aire,

ina thaobh sin, agus

(b) deis a thabhairt—

35 (i) don chomhlacht poiblí lena mbaineann, agus

(ii) d'aon duine eile ar dealraitheach nó, i gcás gearán a bheith déanta leis an gCoimisinéir, d'aon duine eile a líomhnaítear, go raibh sé nó sí freagrach as an ní a ndearnadh gearán faoi,

40 trácht ar an ní agus, má rinneadh gearán leis an gCoimisinéir i ndáil leis an ní, ar aon liomhaintí a bhí sa ghearán.

(3) The Commissioner may—

- (a) refuse to investigate a complaint under this Act,
- (b) discontinue an investigation under this Act into such a complaint,

if he or she becomes of opinion that—

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- (i) the complaint is trivial or vexatious,
- (ii) the person making the complaint has not taken reasonable steps to seek redress in respect of the subject matter of the complaint or, if he or she has, has not been refused redress, 10
- (iii) the complaint relates solely to a matter within the power of the Ombudsman to investigate pursuant to section 4(2)(a) of the Ombudsman Act, 1980, or
- (iv) the matter complained of does not involve any contravention of the provisions of this Act. 15

(4) Subject to the provisions of this Act, the procedure for conducting an investigation shall be such as the Commissioner considers appropriate in all the circumstances of the case.

(5) The Commissioner may determine whether any person may be represented, by counsel, solicitor or otherwise, in an investigation by him under this Act. 20

Exclusions.

25.—The Commissioner shall not investigate any complaint made by or on behalf of a person if the complaint is one in relation to which the person affected by the matter complained of has initiated, in any court, civil legal proceedings and the proceedings have not 25 been dismissed for failure to disclose a cause of action or a complaint justiciable by that court, whether the proceedings have been otherwise concluded or have not been concluded:

Provided that the Commissioner may investigate the matter notwithstanding that it is one to which this section relates if it appears to the 30 Commissioner that special circumstances make it proper to do so.

Disclosure of information.

26.—Information or a record or thing obtained by the Commissioner or his or her officers in the course of the exercise by him or her of his or her functions under this Act shall not be disclosed except for the purposes of such exercise and of any statement, report 35 or notification to be made under this Act and the Commissioner or his or her officers shall not be called upon to give evidence in any proceedings of matters coming to his or her or their knowledge in the course of such exercise.

Report of findings.

27.—(1) In any case where a complaint is made to the Commissioner and the Commissioner decides not to carry out an investigation under this Act or decides to discontinue such an investigation, he or she shall send to the person who made the complaint and to the public body concerned a statement in writing of his or her reasons for 40

(3) Féadfaidh an Coimisinéir—

- (a) diúltú gearán a imscrídú faoin Acht seo,
- (b) scor d'imscrídú faoin Acht seo i dtaobh gearáin den sórt sin,

5 má thagann sé nó sí ar an tuairim—

- (i) go bhfuil an gearán fánach nó cráiteach,
- (ii) nach dearne an duine a rinne an gearán bearta réasú-nacha chun sásamh a lorg i leith ábhar an ghearáin nó, má rinne, nár diúltaiodh sásamh dó nó di,
- 10 (iii) nach mbaineann an gearán ach amháin le ní a bhfuil cumhacht ag an Ombudsman imscrídú a dhéanamh ina leith de bhun alt 4 (2) (a) den Acht Ombudsman, 1980, nó
- 15 (iv) nach bhfuil aon sárú ar fhorálacha an Acharta seo i gceist sa ní a ndearnadh gearán faoi.

(4) Faoi réir fhorálacha an Acharta seo, is é an nós imeachta le himscrídú a sheoladh cibé nós imeachta is cuí leis an gCoimisinéir in imthosca uile an cháis.

(5) Féadfaidh an Coimisinéir a chinneadh an bhféadfaidh abhcóide nó aturnae, nó an féidir ar shlí eile, ionadaíocht a dhéanamh d'aon duine in imscrídú a dhéanfaidh an Coimisinéir faoin Acht seo.

- 25 **25.**—Ní imscrídóidh an Coimisinéir aon ghearán a dhéanfaidh duine nó a dhéanfar thar ceann duine más gearán é a mbeidh Eisiámh.
imeachtaí dlíthiúla sibhialta tionscanta i ndáil leis in aon chuírt ag an duine a ndéanann an ní a ndearnadh gearán faoi difear dó nó di agus nach mbeidh na himeachtaí dife de bharr gan cúis chaingne nó gearán is inbhireithnithe ag an gcúirt sin a noctadadh, cibé acu a bheidh na himeachtaí sin tugtha chun críche thairis sin nó nach mbeidh:
- 30 Ar choinníoll go bhféadfaidh an Coimisinéir an ní a imscrídú d'ainneoin gur ní é lena mbaineann an t-alt seo más dealraitheach don Choimisinéir gur cuí déanamh amhlaidh de bharr imthosca speisialta.

- 35 **26.**—Ní dhéanfar faisnéis nó taifead nó rud a gheobhaidh an Coimisinéir nó a gheobhaidh oifigigh an Choimisinéara i gcúrsa fheidhmiú Faisnéis a noctadadh.
a fheidhmeanna nó a feidhmeanna aige nó aici faoin Acht seo a noctadadh ach amháin chun críocha an fheidhmithe sin agus chun críocha aon ráitis, tuarascála nó fógra atá le tabhairt faoin Acht seo agus ní iarrfar ar an gCoimisinéir nó ar oifigigh an Choimisinéara fianaise a thabhairt in aon imeachtaí maidir le nithe a thiocfaidh ar 40 a umhail nó ar a humhail nó ar a n-umhail i gcúrsa an fheidhmithe sin.

- 45 **27.**—(1) In aon chás ina ndéanfar gearán leis an gCoimisinéir agus Tuarascáil ar ina gcinnfidh an Coimisinéir gan imscrídú a dhéanamh faoin Acht seo nó scor d'imscrídú den sórt sin, déanfaidh sé nó sí ráiteas i scribhinn maidir leis na cúiseanna atá aige nó aici leis an gcinneadh a chur chuig an duine a rinne an gearán agus chuig an gcomhlacht poiblí lena mbaineann agus déanfaidh sé nó sí cibé ráiteas i scribhinn

the decision and shall send to such other person as he or she considers appropriate such statement in writing in relation to the matter as he or she considers appropriate.

(2) In any case where the Commissioner conducts an investigation under this Act, he or she shall prepare and submit to—

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(a) the public body concerned,

(b) to the Minister, and

(c) in a case where a complaint is made to the Commissioner, to the complainant,

a report in writing of the findings of the investigation and may include in the report any recommendations he or she considers appropriate having regard to the investigation.

(3) Without prejudice to subsection (2), the Commissioner may issue an interim report if he or she considers appropriate so to do.

(4) The Commissioner may request a public body to submit to him or her within a specified time any comments it may have regarding any findings or recommendations contained in a report under this section.

(5) If, within a reasonable time after a report containing recommendations is submitted to a public body under subsection (2), any recommendations contained in the report have not, in the opinion of the Commissioner, been implemented by that body, the Commissioner may, after considering any responses made by the public body in respect of those recommendations, make a report thereon to each House of the Oireachtas.

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(6) The Commissioner shall attach to every report under subsection (5) a copy of every response (if any) made by or on behalf of a public body to the said recommendations.

Schemes of compensation.

28.—(1) The Minister may, with the consent of the Minister for Finance, make a scheme of compensation providing for the payment out of moneys provided by the Oireachtas to such persons and of such sums as may be specified in the scheme, in respect of any failure by a public body (other than a body, organisation or group standing prescribed pursuant to regulations for the purposes of clause (b) of paragraph 1(5) of the First Schedule to comply with the provisions, purposes or spirit of this Act.

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(2) Notwithstanding paragraph (f) of section 22, a scheme under subsection (1) may not provide for the payment out of moneys in respect of any failure by a public body to comply with any other enactment relating to the status or use of an official language.

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(3) A scheme under subsection (1) may be revoked or varied by a subsequent scheme made thereunder.

Appeals to the High Court.

29.—(1) A party to an investigation under this Act or any other person affected by the findings and recommendations of the Commissioner following such an investigation may appeal to the High Court on a point of law from the decision.

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is cuí leis nó léi i ndáil leis an ní a chur chuig cibé duine eile is cuí leis nó léi.

(2) In aon chás ina seolfaidh an Coimisinéir imscrídú faoin Acht seo, déanfaidh sé nó sí tuarascáil i scribhinn a ullmhú agus a chur faoina mbráid seo a leanas—

- 5 (a) an comhlacht poiblí lena mbaineann,
- (b) an tAire, agus
- (c) i gcás ina ndéanfar gearán leis an gCoimisinéir, an gearánach,

10 maidir le fionnachtana an imscrúdaithe agus féadfaidh sé nó sí aon mholtáí is cuí leis nó léi, ag féachaint don imscrídú, a áireamh sa tuarascáil.

(3) Gan dochar *d'fho-alt* (2), féadfaidh an Coimisinéir tuarascáil eatramhach a eisiúint más cuí leis nó léi déanamh amhlaidh.

15 (4) Féadfaidh an Coimisinéir a iarraidh ar chomhlacht poiblí aon tuairimí a bheidh aige maidir le haon fhionnachtana nó moltaí atá ar áireamh i dtuarascáil faoin alt seo a chur faoina bhráid nó faoina bráid laistigh de thréimhse ama shonraithe.

20 (5) Más rud é, laistigh de thréimhse ama réasúnach tar éis tuaras-cáil a bhfuil moltaí inti a chur faoi bhráid comhlachta phoiblí faoi *fho-alt* (2), nach mbeidh, i dtuairim an Choimisinéara, aon chuid de na moltaí atá sa tuarascáil curtha i ngníomh ag an gcomhlacht sin, féadfaidh an Coimisinéir, tar éis aon fhreagraí a bhreithniú a bheidh tugtha ag an gcomhlacht poiblí i leith na moltaí sin, tuarascáil a

25 thabhairt do gach Teach den Oireachtas maidir leis an gcéanna.

(6) Cuirfidh an Coimisinéir ag gabháil le gach tuarascáil faoi *fho-alt* (5) cóip de gach freagra (más ann) a bheidh tugtha ag comhlacht poiblí nó thar a cheann ar na moltaí sin.

28.—(1) Féadfaidh an tAire, le toiliú an Aire Airgeadais, scéim
30 cútímh a dhéanamh lena bhforálfar go n-iocfar, as airgead a shol- Scéimeanna
áthróidh an tOireachtas, cibé suimeanna le cibé daoine a bheidh son- cútímh.
raithe sa scéim, i leith aon mhainneachtana ag comhlacht poiblí
(seachas comhlacht, eagraíocht nó grúpa a bheidh forordaithe de
bhun rialachán chun críocha *chlásal* (b) de *mhír* 1(5) den *Chéad
35 Sceideal*) forálacha, críocha nó meon an Achta seo a chomhlíonadh.

(2) D'ainneoin *mhír* (f) *d'alt* 22, ní fhéadfar a fhóráil le scéim faoi *fho-alt* (1) go n-iocfar airgead i leith aon mhainneachtana ag comhlacht poiblí aon achtachán eile a bhaineann le stádas nó úsáid teanga oifigiúla a chomhlíonadh.

40 (3) Féadfar scéim faoi *fho-alt* (1) a chúlghairm nó a athrú le scéim ina dhiadh sin arna déanamh faoin bhfo-alt sin.

29.—(1) Féadfaidh páirtí in imscrídú faoin Acht seo nó aon duine eile a ndéanann fionnachtana agus moltaí an Choimisinéara tar éis imscrídú den sórt sin difear dó nó di, achomharc a dhéanamh chuig 45 an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh.

(2) Déanfar achomharc faoi *fho-alt* (1) a thionscnamh tráth nach déanaí ná 4 sheachtain tar éis fógra maidir leis na fionnachtana agus

Achomharc chuig an Ard-Chúirt.

(2) An appeal under subsection (1) shall be initiated not later than 4 weeks after notice of the relevant findings and recommendations was given to the person bringing the appeal.

(3) (a) Where an appeal under this section by a person other than a head is dismissed by the High Court, that Court may, if it considers that the point of law concerned was of exceptional public importance, order that some or all of the costs of the person in relation to the appeal be paid by the public body concerned.

5

(b) The High Court may order that some or all of the costs of a person (other than a head) in relation to a reference under this section be paid by the public body concerned.

10

(4) A decision of the High Court following an appeal under subsection (1), shall, where appropriate, specify the period within which effect shall be given to the decision.

15

(5) The decision of the High Court on an appeal or reference under this section shall be final and conclusive.

Publication of
Commentaries by
Commissioner on
practical application
etc. of Act.

30.—The Commissioner may prepare and publish commentaries on the practical application and operation of the provisions, or any particular provisions, of this Act, including commentaries based on the experience of holders of the office of Commissioner in relation to investigations and findings following investigations, of such holders under this Act.

20

Reports of
Commissioner.

31.—(1) The Commissioner shall, not later than 6 months after the end of each year, prepare and furnish to the Minister a report, in each of the official languages, on his or her activities in that year.

25

(2) The Minister shall, not later than two months after the receipt of the report, cause a copy thereof to be laid before each House of the Oireachtas.

(3) The Commissioner may, if he or she considers it appropriate to do so in the public interest or in the interests of any person, prepare and publish a report in each of the official languages in relation to any investigation carried out or other function performed by him or her under this Act or any matter relating to or arising in the course of such an investigation or performance.

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(4) In this section “report” does not include a report under section 27.

Role of
Ombudsman.

32.—Nothing in this Act shall prohibit the investigation by the Ombudsman, pursuant to subsection (2) of section 4 of the Ombudsman Act, 1980, of any action taken by or on behalf of a Department of State or other person specified in Part 1 of the First Schedule to that Act.

40

na moltaí iomchuí a thabhairt don duine a bheidh ag tionscnamh an achomhairc.

5 (3) (a) I gcás ina ndéanfaidh an Ard-Chúirt achomharc faoin alt seo ag duine, seachas ag ceann, a dhíbhe, féadfaidh an Chúirt sin, má mheasann sí gur ghabh tábhacht phoiblí eisceachtúil leis an bpont dli lena mbaineann, a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais an duine i ndáil leis an achomharc, nó iad go léir, a íoc.

10 (b) Féadfaidh an Ard-Chúirt a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais duine, seachas ceann, i ndáil le tarchur faoin alt seo, nó iad go léir, a íoc.

15 (4) Maidir le cinneadh ón Ard-Chúirt tar éis achomhairc faoi *fho-*
alt (1), sonrófar ann, i gcás inar cuí sin, an tréimhse ar laistigh di a thabharfar éifeacht don chinneadh.

(5) Is cinneadh críochnaitheach dochloíte cinneadh na hArd-Chúirte ar achomharc nó ar tharchur faoin alt seo.

20 30.—Féadfaidh an Coimisinéir tráchtairreachtaí ar fheidhm phrait-
iciúil agus ar oibriú phorálacha an Acharta seo, nó aon phorálacha áir-
ithe den Acht seo, a ullmhú agus a fhoilsiú, lena n-áirítear tráchtair-
eachtaí a bheidh bunaithe ar thaithí shealbhóirí oifig an Choimisiúneara i ndáil le himscrúduithe, agus le fionnachtana tar éis imscrúduithe, de chuid sealbhóirí den sórt sin faoin Acht seo.

An Coimisinéir
d'hoilsiú
tráchtairreachtaí
maidir le feidhm
phraiticiúil, etc. an
Acharta.

25 31.—(1) Déanfaidh an Coimisiúneoir, tráth nach déanaí ná 6 mhí tar
éis dheireadh gach bliana, tuarascáil i ngach ceann de na teangacha
oifigiúla maidir lena ghníomhaíochtaí nó lena gníomhaíochtaí sa
bhliain sin a ullmhú agus a thabhairt don Aire.

Tuarascálacha ón
gCoimisiúneoir.

30 (2) Déanfaidh an tAire, tráth nach déanaí ná dhá mhí tar éis an
tuarascáil a fháil, a chur faoi deara cóip di a leagan faoi bhráid gach
Tí den Oireachtas.

35 (3) Féadfaidh an Coimisiúneoir, más cuí leis nó léi déanamh
amhlaídhe ar mhaithe le leas an phobail nó ar mhaithe le leasanna
aon duine, tuarascáil a ullmhú agus a fhoilsiú i ngach ceann de na
teangacha oifigiúla i ndáil le haon imscrúdú a bheidh déanta aige nó
aici ná i ndáil le haon fheidhm eile a bheidh comhlíonta aige nó aici
faoin Acht seo ná i ndáil le haon ní a bhaineann le himscrúdú ná le
comhlíonadh den sórt sin ná a éiríonn i gcursa an chéanna.

(4) San alt seo, ní fholaíonn “tuarascáil” tuarascáil faoi alt 27.

ILGHNÉITHEACH

32.—Ní thoirmiscfidh aon ní san Acht seo ar an Ombudsman
imscrúdú a dhéanamh, de bhun fho-alt (2) d'alt 4 den Acht Ombuds-
man, 1980, ar aon ghníomh a rinne Roinn Stáit ná duine eile a shon-
45 raítear i gCuid 1 den Chéad Sceideal a ghabhann leis an Acht sin,
ná a rinneadh thar a cheann ná thar a ceann.

Ról an
Ombudsman.

33.—(1) Nothing in this Act shall be construed as conferring a right of action in any civil proceedings in respect of any failure to comply with any duty imposed by or under subsection (1) of section 19.

(2) Civil or criminal proceedings shall not lie in any court against the Commissioner or a member of the staff of the Commissioner in respect of anything said or done in good faith by the Commissioner or member in the course of the performance or purported performance of a function of the Commissioner or member. 5

33.—(1) Ní fhорléireofar aon ní san Acht seo mar ní a thugann ceart caingne in aon imeachtaí sibhialta i leith aon mhainneachtana aon dualgas a fhorchuirtear le *fo-alt* (1) *d'alt* 19, nó faoin bhfo-alt sin, a chomhlionadh.

Dliteanas sibhialta
nó coiriúil.

- 5 **(2)** Ní bheidh aon imeachtaí sibhialta nó coiriúla ann in aon chúirt i gcoinne an Choimisinéara nó comhalta d'fhoireann an Choimisinéara i leith aon rud a deir nó a dhéanann an Coimisinéir nó an comhalta de mheon macánta i gcúrsa comhlionadh nó comhlionadh airbheartaithe feidhme de chuid an Choimisinéara nó de chuid an 10 chomhalta.

FIRST SCHEDULE

PUBLIC BODIES

1. (1) Each of the following shall be a public body for the purposes of this Act:

Dept of Agriculture, Food and Rural Development	5
Dept of Arts, Heritage, Gaeltacht and the Islands	
Dept of Defence	
Dept of Education and Science	
Dept of Enterprise, Trade and Employment	
Dept of Finance	10
Dept of Foreign Affairs	
Dept of Health and Children	
Dept of Justice, Equality and Law Reform	
Dept of Public Enterprise	
Dept of Social, Community and Family Affairs	15
Dept of the Environment and Local Government	
Dept of the Marine and Natural Resources	
Dept of the Taoiseach	
Dept of Tourism, Sport and Recreation	
Office of the Director of Consumer Affairs	20
Central Statistics Office	
Chief State Solicitor's Office	
Office of the Civil Service and Local Appointments Commissioners	
Office of the Attorney General	25
Office of the Comptroller and Auditor General	
Office of the Director of Public Prosecutions	
Office of the Houses of the Oireachtas	
Office of the President	
Office of the Revenue Commissioners	30

(2) Agencies, Boards, State Companies (commercial and non-commercial)

a group regional authority	
a health authority and an area health board	
a regional authority	35
a university or other third level institution	
a vocational education committee	
Advisory Committee on Cultural Relations	
Aer Lingus Group plc	
Aer Rianta cpt	40
An Bord Altranais	
An Bord Bia	
An Bord Glas	
An Bord Pleanála	
An Bord Uchtála	45
An Chomhairle Leabharlanna	
An Coimisiún Logainmneacha	
An Foras Aiseanna Saothair (FÁS)	
An Implementation Body established under the British-Irish Agreement Act, 1999	50
An Post	
An tÚdarás um Ard-Oideachas	
APSO (Agency for Personal Service Overseas)	
Area Development Management Limited	
Area Partnership Boards	55
Arramara Teoranta	
Bioresearch Ireland	
Bord Fáilte Éireann	

COMHLACHTAÍ POIBLÍ

1. (1) Is comhlacht poiblí é gach ceann díobh seo a leanas chun críocha an Acharta seo:

- 5 An Roinn Talmhaíochta, Bia agus Forbartha Tuaithe
An Roinn Ealaíon, Oidhreachta, Gaeltachta agus Oileán
An Roinn Cosanta
An Roinn Oideachais agus Eolaíochta
10 An Roinn Fiontar, Trádála agus Fostaíochta
An Roinn Airgeadais
An Roinn Gnóthaí Eachtracha
An Roinn Sláinte agus Leanaí
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe
Dlí
15 An Roinn Fiontar Poiblí
An Roinn Gnóthaí Sósialacha, Pobail agus Teaghlaigh
An Roinn Comhshaoil agus Rialtais Áitiúil
Roinn na Mara agus Acmhainní Nádúrtha
Roinn an Taoisigh
20 An Roinn Turasóireachta, Spóirt agus Áineasa
Oifig an Stiúrthóra Gnóthaí Tomhaltóirí
An Phriomh-Oifig Staidrimh
Oifig an Phriomh-Aturnae Stáit
25 Oifig Choimisinéirí na Státseirbhise agus na gCoimisinéirí um Cheapacháin Áitiúla
Oifig an Ard-Aighne
Oifig an Ard-Reachtaire Cuntas agus Ciste
Oifig an Stiúrthóra Ionchúiseamh Poiblí
Oifig Thithe an Oireachtas
30 Oifig an Uachtaráin
Oifig na gCoimisinéirí Ioncaim

(2) Gníomhaireachtaí, Boird, Cuideachtaí Stáit (tráchtala agus neamhthráchtala):

- 35 grúp-údarás réigiúnach
údarás sláinte agus bord sláinte limistéir
údarás réigiúnach
ollscoil nó foras tríú leibhéal eile
coiste gairmoideachais
Comhar Cultúra Éireann
40 Grúpa Aer Lingus cpt
Aer Rianta cpt
An Bord Altranais
An Bord Bia
An Bord Glas
45 An Bord Pleanála
An Bord Uchtála
An Chomhairle Leabharlanna
An Coimisiún Logainmneacha
An Foras Áiseanna Saothair (FÁS)
50 Comhlacht Forfheidhmithe arna bhunú faoin Acht um Chomhaontú na Breatainne-na hÉireann, 1999
An Post
An tÚdarás um Ard-Oideachas
55 APSO (an Ghníomhaireacht um Sheirbhís Phearsanta Thar Lear)
Area Development Management Limited
Boird Chompháirtiochta Limistéir
Arramara Teoranta
Bith-Thaighde Éireann
60 Bord Fáilte Éireann

Bord Gáis Éireann	
Bord lascaigh Mhara	
Bord na gCon	
Bord na Leabhar Gaeilge	
Bord na Móna	5
Bord na Radharcmhastóirí	
Bord Scannán na hÉireann	
Broadcasting Commission of Ireland	
Broadcasting Complaints Commission	
Bus Átha Cliath	10
Bus Éireann	
C.E.R.T. Limited	
Central and Regional Fisheries Boards	
Central Bank of Ireland	
Chester Beatty Library	15
Coillte Teoranta	
Coiste an Asgard	
Comhairle	
Comhairle na Nimheanna	
Comhairle na nOspidéal	20
Córas Iompair Éireann	
County Enterprise Boards	
Crafts Council of Ireland	
Data Protection Commissioner	
Defence Forces Canteen Board	25
Dental Council	
District Registrars of Marriages appointed under the terms of section 57 of the Marriages (Ireland) Act, 1844	
Drug Treatment Centre Board	
Dublin Dental Hospital Board	30
Dublin Docklands Development Authority	
Dublin Institute for Advanced Studies	
Dublin Transportation Office	
Economic and Social Research Institute	
Electricity Supply Board	35
Energy Advisory Board	
Enterprise Ireland	
Fire Services Council	
Food Safety Authority of Ireland	
Forfás	40
General Medical Services Payment Board	
General Register Office	
Government Information Services	
Harbour Authorities within the meaning of the Harbours Act, 1946	45
Harbour Companies referred to in section 7 of the Harbours Act, 1996	
Health and Safety Authority	
Health Research Board	
Health Service Employers Agency	50
Hospital Bodies Administrative Bureau	
Hospitals Trust Board	
Housing Finance Agency plc	
I.D.A. Ireland	
Iarnród Éireann	55
Institiúid Teangeolaíochta Éireann	
Institute of Public Administration	
International Development Ireland Limited	
Irish Aid Advisory Committee	
Irish Aviation Authority	60
Irish Blood Transfusion Service	
Irish Council for Science, Technology and Innovation	
Irish Energy Centre	
Irish Fertiliser Industries Limited	

	Bord Gáis Éireann
	Bord Iascaigh Mhara
	Bord na gCon
	Bord na Leabhar Gaeilge
5	Bord na Móna
	Bord na Radharcmhastóirí
	Bord Scannán na hÉireann
	Coimisiún Craolacháin na hÉireann
10	An Coimisiún um Ghearáin Chraolacháin
	Bus Átha Cliath
	Bus Éireann
	An Chomhairle um Oideachas, Earcaiocht agus Oiliúint (C.E.R.T. Limited)
	An Príomh-Bhord Iascaigh agus Boird Iascaigh Réigiúnacha
15	Banc Ceannais na hÉireann
	Leabharlann Chester Beatty
	Coillte Teoranta
	Coiste an Asgard
20	Comhairle
	Comhairle na Nimheanna
	Comhairle na nOspidéal
	Córas Iompair Éireann
	Boird Fiontar Contae
	Comhairle Cheardaiochta na hÉireann
25	An Coimisinéir Cosanta Sonrai
	Bord Ceaintín na bhFórsaí Cosanta
	An Chomhairle Fiaclóireachta
	Cláraitheoirí Ceantair Póstaí arna gceapadh faoi théarmaí alt 57 den <i>Marriages (Ireland) Act, 1844</i>
30	Bord an Láirionaid Cóireála Drugáí
	Bord Ospidéal Déidliachta Bhaile Átha Cliath
	Údarás Forbartha Dugthailte Bhaile Átha Cliath
	Institiúid Ard-Léinn Bhaile Átha Cliath
	Oifig Iompair Bhaile Átha Cliath
35	An Institiúid Taighde Eacnamaiochta agus Sóisialta
	Bord Soláthair an Leictreachais
	An Bord Comhairleach Fuinnimh
	Fiontraíocht Éireann
	Comhairle na Seirbhísí Dóiteáin
40	Údarás Sábháilteachta Bia na hÉireann
	Forfás
	An Bord Seirbhísí Liachta Ginearálta (Íocaiochtaí)
	An Phriomh-Oifig Chláirúcháin
	Seirbhísí Eolais an Rialtais
45	Údarás Chuain de réir bhrí an Acharta Cuanta, 1946
	Cuideachtaí Cuain dá dtagraítear in alt 7 den Acht Cuanta, 1996
	An tÚdarás Sláinte agus Sábháilteachta
	An Bord Taighde Sláinte
50	An Ghníomhairesacht um Fhostóirí Seirbhise Sláinte
	Biúró Riaracháin na gComhlachtaí Ospidéil
	Bord Iontaobhais na nOspidéal
	An Ghníomhairesacht Airgeadais do Thithe cpt
	G.F.T. Éireann
55	Iarnród Éireann
	Institiúid Teangeolaíochta Éireann
	An Foras Riaracháin
	<i>International Development Ireland Limited</i>
	Coiste Comhairleach na hÉireann um Chúnamh
60	Údarás Eitlíochta na hÉireann
	Seirbhís Fuilaistriúcháin na hÉireann
	Comhairle na hÉireann um Eolaíocht, Teicneolaíocht agus Nuáil
	Láirionad Fuinnimh na hÉireann
65	Tionscail Leasacháin na hÉireann Teoranta

Irish Horseracing Authority	
Irish Museum of Modern Art	
Irish National Petroleum Corporation Limited	
Irish National Stud Company Limited	
Irish Productivity Centre	5
Irish Red Cross Society	
Irish Telecommunications Investments plc	
LEADER Groups	
Leopardstown Park Hospital Board	
Levy Appeals Tribunal	10
Local Employment Service Boards	
Local Government Computer Services Board	
Local Government Management Services Board	
Marine Institute	
Medical Bureau of Road Safety	15
National Authority for Occupational Safety and Health	
National Building Agency Limited	
National Cancer Registry Board	
National Committee for Development Education	
National Concert Hall	20
National Council for Ageing and Older People	
National Council for Educational Awards	
National Economic and Social Council	
National Economic and Social Forum	
National Gallery of Ireland	25
National Library of Ireland	
National Microelectronics Applications Centre Ltd.	
National Milk Agency	
National Museum of Ireland	
National Rehabilitation Board	30
National Roads Authority	
National Safety Council	
National Social Work Qualification Board	
National Standards Authority of Ireland	
National Technology Park Plassey Ltd.	35
National Theatre Society Limited (Abbey Theatre)	
National Treasury Management Agency	
Nítrigin Éireann Teoranta	
Office for Health Management	
Office of the Director of Telecommunications Regulation	40
Office of the Paymaster General	
Ordnance Survey Ireland	
Patents Office	
Pharmaceutical Society of Ireland	
Postgraduate Medical and Dental Board	45
Public Voluntary Hospitals	
Radiological Protection Institute of Ireland	
Radio Telefís Éireann	
Raidió na Gaeltachta	
Refugee Agency	50
Registrars of Births, Deaths and Roman Catholic Marriages	
Registration Council for Secondary Teachers	
Registry of Deeds	
Rights Commissioners	
Shannon Free Airport Development Company Limited (SFADCo)	55
Standards in Public Office Commission	
State Laboratory	
Teagasc	
TEASTAS	60

	Údarás Rásáiochta Capall na hÉireann
	Áras Nua-Ealaíne na hÉireann
	Corparáid Náisiúnta Pheitrilíam na hÉireann Teoranta
	Comhlacht Graí Náisiúnta na hÉireann Teoranta
5	Airmheán Táirgíulachta na hÉireann
	Cumann Croise Deirge na hÉireann
	Infheistíochtaí Teileachumarsáide na hÉireann cpt
	Grúpaí LEADER
10	Bord Ospidéal Pháirc Bhaile na Lobhar
	An Binse Achomhairc Tobhach
	Boird Seirbhísé Fostaiochta Áitiúla
	An Bord Seirbhísí Ríomhaire Rialtais Áitiúil
	An Bord Seirbhísí Bainistíochta Rialtais Áitiúil
15	Foras na Mara
	An Lia-Bhiúró um Shábhálteacht ar Bhóithre
	An tÚdarás Náisiúnta um Shábhálteacht agus Sláinte Ceirde
	An Ghníomhaireacht Foirgníochta Náisiúnta Teoranta
	An Bord um an gClárlann Náisiúnta Ailse
20	An Coiste Náisiúnta um Oideachas Foráis
	An Ceoláras Náisiúnta
	An Chomhairle Náisiúnta um Dhul in Aois agus Daoine
	Scothaosta
	Comhairle Náisiúnta na gCáiliúchtaí Oideachais
25	An Chomhairle Náisiúnta Eacnamaíoch agus Sóisialach
	An Fóram Náisiúnta Eacnamaíoch agus Sóisialach
	Dánlann Náisiúnta na hÉireann
	Leabharlann Náisiúnta na hÉireann
	An Lárionad Náisiúnta um Fheidhmiú na Micrileictreonaice
	Teo.
30	An Ghníomhaireacht Náisiúnta Bainne
	Ard-Mhúsaem na hÉireann
	An Bord Náisiúnta Athshlánúcháin
	An tÚdarás um Bóithre Náisiúnta
	An Chomhairle Sábhálteachta Náisiúnta
35	An Bord Cáiliúchtaí Náisiúnta d'Obair Shóisialta
	An tÚdarás um Chaighdeáin Náisiúnta na hÉireann
	<i>National Technology Park Plassey Ltd.</i>
	An Chuideachta Amharclann Náisiúnta Teoranta
	(Amharclann na Mainistreach)
40	Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta
	Nítrigin Éireann Teoranta
	An Oifig Bainistíochta Sláinte
	Oifig an Stiúrthóra Rialála Teileachumarsáide
	Oifig an Phámháistir Ghinearálta
45	Suirbhéireacht Ordanáis Éireann
	Oifig na bPaitinní
	Cumann Cógaiseoirí na hÉireann
	An Bord Míochaine agus Déidliachta Iarchéime
	Ospidéil Shaorálacha Phoiblí
50	An Institiúid Éireannach um Chosaint Raideolaíoch
	Radio Telefís Éireann
	Raidió na Gaeltachta
	An Ghníomhaireacht Dídeanaithe
	Cláraitheoirí Breitheanna, Básanna agus Póstaí Caitliceacha
55	Rómhánacha
	Comhairle Chláraitheachta na Meánmhúinteoirí
	Clárlann na nGníomhas
	Coimisinéirí um Chearta
	Cuideachta Forbartha Aerfort Neamhchustam na Sionna
60	Teoranta (SFADCo)
	An Coimisiún um Chaighdeáin in Oifigí Poiblí
	An tSaotharlann Stáit
	Teagasc
	TEASTAS
65	Teilifís na Gaeilge

Teilifis na Gaeilge	
Temple Bar Properties Limited	
Temple Bar Renewal Limited	
the Aquaculture Licences Appeals Board	
the Army Pensions Board	5
the Arts Council (An Chomhairle Ealaíon)	
the Censorship of Films Appeals Board	
the Censorship of Publications Appeals Board	
the Censorship of Publications Board	
the Combat Poverty Agency	10
the Commission for Electricity Regulation	
the Commissioners of Charitable Donations and Bequests for Ireland	
the Commissioners of Public Works	
the Companies Registration Office	15
the Competition Authority	
the Courts Service	
the Criminal Injuries Compensation Tribunal	
the Defence Forces	
the Employment Appeals Tribunal	20
the Environmental Protection Agency	
the Equality Authority	
the Garda Síochána	
the Garda Síochána Complaints Appeals Board	
the Garda Síochána Complaints Board	25
the Heritage Council	
the Human Rights Commission	
the Information Society Commission	
the Ireland — United States Commission for Educational Exchange	30
the Irish Manuscripts Commission	
the Irish Medicines Board	
the Irish Prison Service	
the Irish Sports Council	
the Irish Water Safety Association	35
the Labour Court	
the Labour Relations Commission	
the Land Registry	
the Law Reform Commission	
the Legal Aid Board	40
the Medical Council	
the Mining Board	
the National Archives	
the National Archives Advisory Council	
the National Centre for Guidance in Education	45
the National Competitiveness Council	
the National Council for Curriculum and Assessment	
the National Council for Forest Research and Development (COFORD)	
the National Council for Vocational Awards	50
the National Lottery	
the Office of the Appeal Commissioners for the purposes of the Tax Acts	
the Office of the Chief Medical Officer for the Civil Service	
the Office of the Information Commissioner	55
the Office of the Official Censor of Films	
the Office of the Ombudsman	
the Office of the Registrar of Friendly Societies	
the Pensions Board	
the Probation and Welfare Service	60
the Rent Tribunal	
the Social Welfare Tribunal	
the Valuation Office	

	<i>Temple Bar Properties Limited</i>
	<i>Temple Bar Renewal Limited</i>
	An Bord Achomhairc um Cheadúnais Dobharshaothraithe
5	Bord na nArm-Phinsean
	An Chomhairle Ealaíon
	An Bord Achomhairc um Scrúdóireacht Scannán
	An Bord Achomhairc um Chinsireacht Foilseachán
	An Bord um Chinsireacht Foilseachán
10	An Ghníomhaireacht do Chomhrac na Bochtaine
	An Coimisiún um Rialál Leictreachais
	Coimisinéirí na dTabhartas agus na dTiomnachaí Carthanúla d'Éirinn
	Coimisinéirí na nOibreacha Poiblí
15	An Oifig um Chlárú Cuideachtaí
	An tÚdarás Iomaíochta
	An tSeirbhís Chúirteanna
	An Binse Cúitimh i leith Díobhálacha Coiriúla
	Óglaigh na hÉireann
20	An Binse Achomhairc Fostaíochta
	An Ghníomhaireacht um Chaomhnú Comhshaoil
	An tÚdarás Comhionannais
	An Garda Siochána
	An Bord Achomhairc um Ghearáin i gcoinne an Gharda Siochána
25	An Bord um Ghearáin i gcoinne an Gharda Siochána
	An Chomhairle Oidhreachta
	An Coimisiún um Chearta an Duine
	Coimisiún na Sochaí Faisnéise
30	Coimisiún na hÉireann-na Stát Aontaithe um Malartú Oide- achasúil
	Coimisiún Lámhscribhinní na hÉireann
	Bord Leigheasra na hÉireann
	Seirbhís Phriosúin na hÉireann
35	Comhairle Spóirt na hÉireann
	An Comhlachas Snáhma agus Tarrthála
	An Chúirt Oibreacrais
	An Coimisiún um Chaidreamh Oibreacrais
	Clárlann na Talún
40	An Coimisiún um Athchóiriú an Dlí
	An Bord um Chúnamh Dlíthiúil
	Comhairle na nDochtúirí Leighis
	An Bord Mianadóireachta
	An Chartlann Náisiúnta
45	An Chomhairle um an gCartlann Náisiúnta
	An Lárionad Náisiúnta um Threoir san Oideachas
	An Chomhairle Náisiúnta Iomaiochais
	An Chomhairle Náisiúnta Curaclaim agus Measúnachta
	An Chomhairle Náisiúnta um Thaighde agus Forbairt Forao- ise (COFORD)
50	Comhairle Náisiúnta na gCáilíochtaí Gairmoideachais
	An Crannchur Náisiúnta
	Oifig na gCoimisinéirí Achomhairc chun críocha na nAcht- anna Cánoch
	Oifig an Phriomh-Dhochtúra Oifigiúil don Státseirbhís
55	Oifig an Choiimisinéara Faisnéise
	Oifig Scrúdóir Oifigiúil na Scannán
	Oifig an Ombudsman
	Oifig Chláraitheoir na gCara-Chumann
	An Bord Pinsean
60	An tSeirbhís Phromhaidh agus Leasa
	An Binse Cíosa
	An Binse Leasa Shóisialaigh
	An Oifig Luachála

the Valuation Tribunal	
Údarás na Gaeltachta	
Veterinary Council	
Voluntary Health Insurance Board	
Western Development Commission	5
Women's Health Council	

(3) a local authority,

(4) a health board,

(5) any body, organisation or group standing prescribed for the time being, with the consent of such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, and being—

(a) a body, organisation or group that receives moneys directly from a Minister of the Government, a Department of State or the Central Fund in circumstances where the amount or aggregate of the amounts so received constitutes 50 per cent or more of the current expenditure of that body, organisation or group in a financial year,

(b) a body, organisation or group that at the date of the coming into operation of this Schedule is a public body but subsequently comes under private ownership and control,

(c) any other body, organisation or group on which functions in relation to the general public or a class of the general public stand conferred by any enactment, or

(d) any other body, organisation or group appointed by the Government or a Minister of the Government.

2. A body organisation or group standing prescribed pursuant to regulations for the purposes of *clause (b)* of *paragraph 1(5)* shall be a public body only as respects functions referred to in that clause.

3. The Minister may, with the consent of such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, by regulations amend *subparagraph (2)* of *paragraph 1* by the deletion of a reference to any public body.

4. A reference in *paragraph 1* to any particular Department of State shall be construed as—

(a) including a reference to a body, organisation or group specified in relation to that Department of State in the Schedule to the Ministers and Secretaries Act, 1924 (not being another public body specified in that paragraph), and

(b) not including any other body, organisation or group.

Section 21.

SECOND SCHEDULE

THE OFFICIAL LANGUAGES COMMISSIONER

1. Subject to the provisions of this Schedule, a person appointed to be the Commissioner shall hold the office for a term of 6 years

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5 An Binse Luachála
Údarás na Gaeltachta
Comhairle na dTréidlianna
An Bord Árachais Sláinte Shaorálaigh
Coimisiún Forbartha an Iarthair
Comhairle Sláinte na mBan

(3) údarás áitiúil,

(4) bord sláinte,

10 (5) aon chomhlacht, eagraiocht nó grúpa a bheidh forordaithe de
thuras na huaire, le toiliú cibé Aire eile (más ann) den Rialtas is cui
leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas,
agus arb éard a bheidh ann—

15 (a) comhlacht, eagraiocht nó grúpa a fhaigheann airgead go
díreach ó Aire den Rialtas, ó Roinn Stáit nó ón bPríomh-
Chiste in imthosca inarb éard é an méid, nó comhiomlán
na méideanna, a fhaightear amhlaidh 50% nó níos mó de
chaiteachas reatha an chomhlachta, na heagraíochta nó
an ghrúpa sin i mbliain airgeadais,

20 (b) comhlacht, eagraiocht nó grúpa ar comhlacht poiblí é nó í
ar an dáta a dtiocfaidh an Sceideal seo i ngníomh ach a
thagann faoi úinéireacht phríobháideach agus faoi rialú
priobháideach ina dhiaidh sin,

25 (c) aon chomhlacht, eagraiocht nó grúpa eile a bhfuil feidhm-
eanna i ndáil leis an bpobal i gcoitinne, nó le haicme den
phobal i gcoitinne, tugtha dó nó di le haon achtachán,

(d) aon chomhlacht, eagraiocht nó grúpa eile a bheidh ceaptha
ag an Rialtas nó ag Aire den Rialtas.

2. Ní comhlacht poiblí comhlacht, eagraiocht nó grúpa a bheidh
forordaithe de bhun rialachán chun críocha *chlásal* (b) de *mhír 1* (5)
30 ach amháin i leith feidhmeanna dá dtagraítear sa *chlásal* sin.

3. Féadfaidh an tAire, le toiliú cibé Aire eile (más ann) den
Rialtas is cui leis an Aire ag féachaint d'fheidhmeanna an Aire eile
sin den Rialtas, *fomhír* (2) de *mhír 1* a leasú, le rialacháin, trí thagairt
d'aon chomhlacht poiblí a scriosadh.

35 4. Déanfar tagairt i *mír 1* d'aon Roinn áirithe Stáit a fhorléiriú—

(a) mar thagairt a fholaíonn tagairt do chomhlacht, d'eagraiocht
nó do ghrúpa atá sonraithe i ndáil leis an Roinn Stáit sin
sa Sceideal a ghabhann leis an Acht Airí agus Rúnaithe,
1924 (nach comhlacht poiblí eile é atá sonraithe sa mhír
sin), agus

(b) mar thagairt nach bhfolaíonn aon chomhlacht, eagraiocht
nó grúpa eile.

AN DARA SCEIDEAL

Alt 21.

COIMISINÉIR NA DTEANGACHA OIFIGIÚLA

45 1. Faoi réir fhorálacha an Sceidil seo, beidh duine a cheapfar mar
Choimisinéir i seilbh oifige go ceann téarma 6 bliana agus féadfar é

and may be re-appointed to the office for a second or subsequent term.

2. A person appointed to be the Commissioner—

(a) may at his or her request be relieved of office by the President,

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(b) may be removed from office by the President but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy and then only upon resolutions passed by Dáil Éireann and by Seanad Éireann calling for his or her removal,

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(c) shall in any case vacate the office on attaining the age of 67 years.

3. (1) Where a person who holds the office of Commissioner is—

(a) nominated as a member of Seanad Éireann,

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

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(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,

20

he or she shall thereupon cease to be the Commissioner.

(2) 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 or a local authority shall, while he or she is so entitled or is such a member, be disqualified for being appointed to be the Commissioner.

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4. A person who holds the office of Commissioner shall not hold any other office or employment in respect of which emoluments are payable or be a member of the Reserve Defence Force.

5. The Commissioner shall be paid, out of moneys provided by the Oireachtas, such remuneration and allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

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6. (1) The Minister may make and carry out, in accordance with its terms, a scheme or schemes for the granting of pensions, gratuities or allowances on retirement or death to, or in respect of, persons who have held the office of Commissioner.

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(2) The Minister may at any time make and carry out, in accordance with its terms, a scheme or schemes amending or revoking a scheme under this paragraph.

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(3) A scheme under this paragraph 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

nó í a athcheapadh chun na hoifige don dara téarma nó do théarma dá éis.

2. Aon duine a cheapfar mar Choimisinéir—

- 5 (a) féadfaidh an tUachtarán, ar an duine á iarraidh sin, é nó í a scaoileadh ó oifig.
- (b) féadfaidh an tUachtarán é nó í a chur as oifig ach ní chuir-fear as oifig é nó í ach amháin mar gheall ar mhí-iompar sonraithe, éagumas nó féimheacht ná ansin féin ach tar éis do Dháil Éireann agus do Sheanad Éireann rúin a rith ag éileamh é nó í a chur as oifig.
- 10 (c) éireoidh sé nó sí as oifig ar chaoi ar bith ar 67 mbliana d'aois a shlánú.

3. (1) Más rud é, i gcás duine a shealbháonn oifig an Choimisinéara—

- 15 (a) go n-ainmneofar é nó í mar chomhalta de Sheanad Éireann,
- (b) go dtoghfar é nó í mar chomhalta de cheachtar Teach den Oireachtas nó d'údarás áitiúil nó chun Parlaimint na hEorpa, nó
- 20 (c) go measfar, de bhun alt 15 (a cuireadh isteach leis an Acht um Thoghcháin do Pharlaimint na hEorpa, 1993) den Acht um Thoghcháin do Thionól na hEorpa, 1977, é nó í a bheith tofa chun Parlaimint na hEorpa chun folúntas a lónadh,

25 scoirfidh sé nó sí, air sin, de bheith ina Choimisinéir nó ina Coimisinéir.

30 (2) Duine a bheidh de thuras na huaire i dteideal faoi Bhuan-Orduithe ceachtar Tí den Oireachtas suí sa Teach sin nó is comhalta de Pharlaimint na hEorpa nó d'údarás áitiúil, beidh sé nó sí, fad a bheidh sé nó sí i dteideal amhlaidh nó ina chomhalta nó ina comhalta den sórt sin, dícháilithe chun a cheaptha nó a ceaptha mar Choimisinéir.

35 4. Aon duine a bheidh i seilbh oifig an Choimisinéara ní shealbh-óidh sé nó sí aon oifig nó fostaithe eile a bhfuil diolaiochtaí iníochta ina leith ná ní bheidh sé nó sí ina chomhalta nó ina comhalta de na hÓglaigh Cúltaca.

5. Íocfar leis an gCoimisinéir, as airgead a sholáthroidh an tOireachtas, cibé luach saothair agus cibé liúntais i leith caiteachas a chinnfidh an tAire ó am go ham le toiliú an Aire Airgeadais.

40 6. (1) Féadfaidh an tAire scéim nó scéimeanna a dhéanamh agus a chur i gcrích de réir a téarmaí, is scéim nó scéimeanna chun pinsin, aiscí nó liúntais a dheonú, ar scor nó ar bhás, do dhaoine a bhí i seilbh oifig an Choimisinéara nó i leith na ndaoine sin.

45 (2) Féadfaidh an tAire, tráth ar bith, scéim nó scéimeanna lena leasaítear nó lena gcúlghairtear scéim faoin mír seo a dhéanamh agus a chur i gcrích de réir a téarmaí.

(3) Déanfar scéim faoin mír seo a leagan faoi bhráid gach Tí den Oireachtas a luaithe is féidir tar éis a déanta agus, má dhéanann ceachtar Teach acu sin, laistigh den 21 lá a shuífidh an Teach sin tar

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.

7. (1) The Minister may appoint to be members of the staff of the Commissioner such number of persons as the Minister may, with the consent of the Minister for Finance, determine from time to time. 5

(2) Members of the staff of the Commissioner shall be civil servants in the Civil Service of the State (within the meaning of the Civil Service Regulation Act, 1956).

(3) The Minister may delegate to the Commissioner the powers exercisable by him or her under the Civil Service Commissioners Act, 1956, and the Civil Service Regulation Acts, 1956 and 1958, as the appropriate authority in relation to members of the staff of the Commissioner and, if the Minister does so, then so long as the delegation remains in force— 10
15

(a) those powers shall, in lieu of being exercisable by the Minister, be exercisable by the Commissioner, and

(b) the Commissioner shall, in lieu of the Minister, be for the purposes of this Act the appropriate authority in relation to members of the staff of the Commissioner. 20

8. (1) The Commissioner shall keep, in such form as may be approved of by the Minister, all proper and usual accounts of all moneys received or expended by him or her and all such special accounts (if any) as the Minister may direct.

(2) Accounts kept in pursuance of this paragraph in respect of each year shall be submitted by the Commissioner in the following year on a date not later than a date specified by the Minister to the Comptroller and Auditor General for audit and, as soon as may be after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister may specify, together with the report of the Comptroller and Auditor General on the accounts, shall be presented by the Commissioner to the Minister who shall cause copies of the documents presented to him or her to be laid before each House of the Oireachtas. 25
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9. The Commissioner may delegate to a member of the staff of the Commissioner any of the functions of the Commissioner (other than those under this paragraph or section 27) and references in this Act to the Commissioner shall be construed, where appropriate having regard to any delegation under this paragraph, as including references to any person to whom functions stand delegated by the delegation. 35
40

éis an scéim a leagan faoina bhráid, rún a rith ag neamhniú na scéime, beidh an scéim ar neamhní dá réir sin, ach sin gan dochar do bhailliocht aon ní a rinneadh roimhe sin faoin scéim.

7. (1) Féadfaidh an tAire cibé líon daoine a chinnfidh an tAire ó

5 am go ham, le toiliú an Aire Airgeadais, a cheapadh le bheith ina gcomhaltaí d'fhoireann an Choimisinéara.

(2) Beidh comhaltaí d'fhoireann an Choimisinéara ina stát-seirbhísigh i Státseirbhís an Stáit (de réir bhrí Acht Rialuithe na Stát-Sheirbhíse, 1956).

10 (3) Féadfaidh an tAire na cumhactaí is infheidhmithe aige nó aici faoi Acht Choimisinéirí na Stát-Sheirbhíse, 1956, agus faoi Achtanna Rialaithe na Státseirbhíse, 1956 agus 1958, mar an t-údarás iomchuí i ndáil le comhaltaí d'fhoireann an Choimisinéara a tharmligean chun an Choimisinéara agus, má dhéanann an tAire amhlaidh, ansin, fad

15 a fhanfaidh an tarmligean i bhfeidhm—

(a) beidh na cumhactaí sin, in ionad iad a bheith infheidhmithe ag an Aire, infheidhmithe ag an gCoimisinéir, agus

(b) is é nó is í an Coimisinéir, in ionad an Aire, an t-údarás iomchuí chun críocha an Acharta seo i ndáil le comhaltaí d'fhoireann an Choimisinéara.

20 8. (1) Coimeádfaidh an Coimisinéir, i cibé foirm a cheadóidh an tAire, na cuntais go léir is cuí agus is gnách ar an airgead go léir a gheobhaidh nó a chaithfidh sé nó sí agus na cuntais speisialta sin go léir (más ann) a ordóidh an tAire.

25 (2) Déanfaidh an Coimisinéir cuntais a choimeádfar de bhun na míre seo i leith gach bliana a chur faoi bhráid an Ard-Reachtaire Cuntas agus Ciste an bhliain ina dhiaidh sin, ar dháta nach déanai

ná dáta a shonróidh an tAire, lena n-iniúchadh agus, a luarthe is féidir tar éis an iniúchta, déanfaidh an Coimisinéir cóip de na cuntais

30 sin, nó de cibé sleachta as na cuntais sin a shonróidh an tAire, mar

aon le tuarascáil an Ard-Reachtaire Cuntas agus Ciste maidir leis na cuntais, a thíolacadh don Aire agus cuirfidh seisean nó sise faoi deara

35 cóipeanna de na doiciméid a thíolcadh dó nó di a leagan faoi bhráid gach Tí den Oireachtas.

40 9. Féadfaidh an Coimisinéir aon fheidhm de chuid an Choimisinéara (seachas feidhmeanna faoin mír seo nó faoi *alt 27*) a tharmligean chuig comhaltaí d'fhoireann an Choimisinéara agus déanfar tagairtí san Acht seo don Choimisinéir a fharléiriú, más cuí ag féachaint d'aon tarmligean faoin mír seo, mar thagairtí a fholaíonn tagairtí d'aon duine a mbeidh feidhmeanna tarmligthe chuige nó chuici leis an tarmligean.