



AN BILLE GINEALAIS AGUS ARALTAIS 2006
GENEALOGY AND HERALDRY BILL 2006

Mar a tionscnaíodh
As initiated

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short Title and Commencement
2. Interpretation
3. Regulations.
4. Repeals and Amendments.
5. Transitional Provisions.
6. Expenses of the Minister and Minister for Finance.

PART 2

ADMINISTRATION

7. Príomh Aralt na hÉireann (Chief Herald of Ireland).
8. Functions of Príomh Aralt na hÉireann.
9. Leas-Phríomh Aralt na hÉireann.
10. Staff of Príomh Aralt na hÉireann.
11. Annual Report.
12. Office of Arms.
13. Records of the Office of Arms.

PART 3

REGISTRATION AND GRANTING OF ARMS

14. Register of Arms.
15. Application for a Grant of Arms.

16. Grants of Arms to Individuals.
17. Grants of Arms to Bodies Corporate and Institutions.
18. Grants of Arms to Departments of State, State Agencies and Local Authorities.
19. Grants of Emeritus Arms by the State.
20. Confirmation of the Registration of a Grant of Arms.
21. Retrospective Confirmation of Grants of Arms.
22. Cancellation of Grants of Arms.
23. Heraldic Property and Rights of Use.
24. Heraldic Agents.

PART 4

NATIONAL VEXILLOLOGICAL REGISTER

25. National Vexillological Register.
26. Provision of Particulars and Registration.
27. Amending or Cancellation of Registration.
28. Designation of Vexillological Property and Rights of Use.
29. Vexillological Agents.

PART 5

GENEALOGICAL RECORDS AND SERVICES

30. Genealogical Officer.
31. Designation of Genealogical Records.
32. National Inventory of Genealogical Records.
33. Prohibition on the Export of Designated Genealogical Records.
34. Provision of Genealogical Services.
35. Provision for the Certification of Qualified Genealogical Researchers.

PART 6

GENERAL

36. Advisory Committees.
37. Appeals.
38. Searches.
39. Fees.

40. Offences and Penalties.

FIRST SCHEDULE

PARTICULARS TO BE ENTERED ON THE REGISTER OF ARMS

SECOND SCHEDULE

PARTICULARS TO BE ENTERED ON THE NATIONAL VEXILLOLOGICAL
REGISTER

THIRD SCHEDULE

ENACTMENTS REPEALED AND AMENDED

ACTS REFERRED TO

Civil Service Regulation Acts 1956 to 1996	
Companies Acts 1963 to 2001	
Copyright and Related Rights Act 2000	No. 28 of 2000
Copyright and Related Rights (Amendment) Act 2004	No. 18 of 2004
Heritage Fund Act 2001	No. 44 of 2001
Mercantile Marine Act 1955	No. 29 of 1955
National Cultural Institutions Act 1997	No. 11 of 1997
Petty Sessions (Ireland) Act 1851	c. 93 of 1851
Statistics Act 1993	No. 21 of 1993



AN BILLE GINEALAIS AGUS ARALTAIS 2006
GENEALOGY AND HERALDRY BILL 2006

BILL

entitled

5 AN ACT TO REPEAL AND TO AMEND SECTIONS OF THE
NATIONAL CULTURAL INSTITUTIONS ACT 1997; TO
ESTABLISH A HERALDIC AUTHORITY FOR IRELAND
AND PROVIDE FOR THE FUNCTIONS, DUTIES AND
10 POWERS THEREOF; TO REGULARISE AND MODERN-
ISE THE DELIVERY OF HERALDIC SERVICES BY THE
STATE; TO ESTABLISH AND MAKE PROVISION FOR
AN OFFICE OF ARMS CONSISTING OF PRÍOMH ARALT
NA HÉIREANN (CHIEF HERALD OF IRELAND) AND
15 LEAS-PHRÍOMH ARALT NA HÉIREANN (DEPUTY
CHIEF HERALD OF IRELAND); TO DEFINE,
COORDINATE AND ESTABLISH PROCEDURES FOR
THE DELIVERY OF HERALDIC, VEXILLOLOGICAL
AND GENEALOGICAL SERVICES BY THE STATE AND
20 FOR THE FORMULATION OF POLICY IN RESPECT OF
SUCH MATTERS; TO PROVIDE FOR THE MAINTEN-
ANCE, PROTECTION, LEGAL CUSTODY AND PUBLIC
ACCESSIBILITY OF RECORDS PERTAINING TO THE
FUNCTIONS ABOVE; TO PROVIDE FOR THE RETRO-
25 SPECTIVE CONFIRMATION OF GRANTS OF ARMS
MADE BY THE NON-STATUTORY GENEALOGICAL
OFFICE IN THE NAME OF THE CHIEF HERALD OF
IRELAND ON BEHALF OF THE STATE SINCE 1943 AND
TO AMEND THE LAW RELATING TO THE HERALDIC
30 FUNCTIONS OF THE STATE AND TO PROVIDE FOR
RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Genealogy and Heraldry Act. Short Title and Commencement.

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

including the application of *section 4* to different statutory provisions specified in the *Third Schedule*.

Interpretation.

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

“the Act of 1955” means the Mercantile Marine Act 1955;

“the Act of 1997” means the National Cultural Institutions Act 1997; 5

“appellation or title” shall be construed in accordance with *section 16*;

“applicant” means any person or body corporate or institution making petition unto *Príomh Aralt na hÉireann* for a Grant of Arms or for the registration of an Emblem; 10

“armorial shield” means the shield upon which the arms are depicted;

“Arms” means coat-of-arms or heraldic achievements depicted on shields, banners, letters patent or other heraldic insignia;

“Arms of Ireland” means the arms registered for Ireland — “azure 15 a harp or stringed argent” registered by the Genealogical Office November 2nd 1945 — GO. MS 111Q;

“Badge” means a “Heraldic Badge” as any object or figure, being a symbolic representation, but not displayed on a shield, granted by the Chief Herald for use by grantees of Arms as a mark of recognition or as a distinguishing token; 20

“Blazon” means the heraldic description in words of the design of the Arms and the heraldic terminology utilised for that purpose;

“the Board” means the Board of the National Library of Ireland as established by the National Cultural Institutions Act 1997; 25

“bodies corporate” means companies registered under the Companies Acts 1963 to 2001;

“body corporate” means a company registered under the Companies Acts 1963 to 2001;

“cadency” means “marks of cadency” utilised to indicate difference 30 between holders of the same Arms e.g. siblings or cadet branches of a family etc.;

“Certificate of a Grant of Arms” shall be construed in accordance with *section 20*;

“Chief Herald” shall be construed in accordance with *section 7*; 35

“civil servant” has the meaning assigned to it by the Civil Service Regulation Acts 1956 to 1996;

“coat of arms” means the Arms or heraldic achievements depicted on shields, banners, letters patent or other heraldic insignia;

“commercial genealogical research” means genealogical research 40 undertaken on behalf of the public by persons or bodies corporate for a fee;

“copyright” shall be construed in accordance with the Copyright and Related Rights Act 2000 and the Copyright and Related Rights (Amendment) Act 2004;

5 “crowns and coronets” shall be construed in accordance with *section 16*;

“differencing” means the utilisation of marks in a heraldic representation in order to distinguish between different holders of such representation;

“emblem” means any flag, pennant, banner, standard or gonfalon;

10 “Emeritus Arms” shall be construed in accordance with *section 19*;

“foreign Arms” shall be construed in accordance with *section 20*;

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

“Gaelic Chief” shall be construed in accordance with *section 16*;

“Genealogical Council” shall be construed in accordance with *section 34*;

20 “Genealogical Office” shall be construed in accordance with *section 12*;

“Genealogical Officer” shall be construed in accordance with *section 30*;

“genealogical records” shall be construed in accordance with *section 31*;

25 “genealogical services” shall be construed in accordance with *section 32*;

“genealogy” means the study of the descent of families and persons from an ancestor or ancestors by—

30 (a) tracing the descent of individuals, leading to the compilation of a Family Tree showing ancestors and ancestresses, and the ancestors’ brothers and sisters or,

(b) the tracing of all descendants of a common ancestor, leading to the compilation of an Extended Family Tree showing all collateral branches of a family or,

35 (c) tracing all ancestors of a given person through male and female lines leading to the compilation of a Total Descent Chart;

“Grant of Arms” shall be construed in accordance with *section 15*;

40 “header” means a heavy cloth strip, usually canvas, sewn to the hoist edge of a flag or emblem and often with grommets for hoisting and shall be construed in accordance with *section 28*;

“heraldic property” shall be construed in accordance with *section 23*;

“heraldic representation” means a coat of arms, badge or other emblem;

“heraldry” means the science or study of all matters relating to armorial insignia; the rules, traditions and practices appertaining to the granting of arms and the depiction of such in heraldic art, letters patent, banners or otherwise as is customary, including coats-of-arms; 5

“institution” means any primary, secondary or third level educational establishment; professional, religious, scientific, agricultural, maritime, heritage, cultural, linguistic, arts, sports, trades, craft or research and development organisation etc. having charitable status and established as a body corporate; 10

“Irish body corporate” means a body corporate established under and subject to the law of the State and having its principal place of business in the State; 15

“Leas-Phríomh Aralt” shall be construed in accordance with *section 7*;

“Letters Patent” shall be construed in accordance with *section 20*;

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

“motto” means a form of words placed in a scroll accompanying a heraldic representation and may or may not be recorded in the Grant of Arms; 20

“Office of Arms” shall be construed in accordance with *section 12*;

“prescribed” means prescribed by regulations made by the Minister;

“Príomh Aralt” shall be construed in accordance with *section 7*; 25

“Register of Arms” shall be construed in accordance with *section 14*;

“repealed enactments” means enactments repealed by *section 4*;

“seal” shall be construed in accordance with *section 20*;

“supporters” means the depiction of living creatures placed at the side or sides of an armorial shield and appearing to support the shield but not meaning “internal supporters” as may be depicted on the shield; 30

“Ulster King of Arms” means the chief heraldic officer at the Heraldic Authority in operation in Ireland under the control of the British Crown from February 2nd 1552 until April 1st 1943— the title “Ulster King of Arms” was subsequently attached to the English Heraldic Authority — “Norroy and Ulster King of Arms”; 35

“Ulster’s Office” means the Heraldic Authority in operation in Ireland under the control of the British Crown from 1552 until 1943;

“vexillological property” shall be construed in accordance with *section 27*; 40

“vexillological register” shall be construed in accordance with *section 24*;

“vexillology” means the science or study of all matters relating to insignia depicted in cloth such as flags and banners, and the study of the history, traditions and practices appertaining to design and use of flags.

5 3.—(1) The Minister may make regulations— Regulations.

(a) for any purpose in relation to which regulations are provided for by any provisions of this Act,

(b) for prescribed any matter or thing referred to in this Act as prescribed or to be so prescribed,

10 (c) generally for the purpose of giving effect to this Act.

(2) If in any respect any difficulty arises during the period of two years from the commencement of this section bringing this Act into operation, the Minister may, by regulations made by him or her, do anything which appears to be necessary or expedient for the bringing of this Act into operation, and the regulations may, in so far only as may appear necessary for carrying them into effect, modify a provision of this Act if the modification is in conformity with the purposes, principles and spirit of this Act.

15 (3) A regulation under this section may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient.

20 (4) A regulation under this section shall be laid before each House of the Oireachtas as soon as may after it is made by the Minister and, if a resolution annulling the regulation is passed by either such House within twenty-one 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.

25 4.—The enactments specified in the *Third Schedule* are repealed Repeals and Amendments. or amended to the extent as specified in that Schedule.

30 5.—(1) In so far as any order, regulation, rule, agreement, application, decision or reference or order of a court made, approval, consent, notification, notice or direction given or served, requirement imposed, certificate, form, letters patent or other instrument Transitional Provisions. issued or given, register or index maintained, resolution passed, particulars given, application made or other thing done under an enactment repealed by *section 4* could have been made, given, imposed, issued, maintained, passed, served or done under a corresponding provision of this Act, it shall not be invalidated by the repeals effected by *section 4* but, except in so far as this Act otherwise provides, shall have effect as if made, given, imposed, issued, maintained, passed, served or done under that corresponding provision.

35 (2) Where any document refers to an enactment repealed by this Act and provision is made by this Act corresponding to that enactment, then, unless the context otherwise requires, that reference shall be construed as or, as may the case be, as including a reference to the corresponding provision of this Act.

Expenses of the Minister and Minister for Finance.

6.—(1) The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

(2) The expenses incurred by the Minister for Finance in the administration of this Act shall be paid out of monies provided by the Oireachtas. 5

PART 2

ADMINISTRATION

Príomh Aralt na hÉireann (Chief Herald of Ireland).

7.—(1) The office of Príomh Aralt na hÉireann (Chief Herald of Ireland) provided for in section 13 of the Act of 1997 shall continue in office after the commencement of this section notwithstanding the repeals effected by this Act. 10

(2) Príomh Aralt na hÉireann (Chief Herald of Ireland) shall be a person appointed to that office by the Minister on the recommendation of the Board of the National Library of Ireland in pursuance of its functions under section 12(2)(b) and (c) of the 1997 Act. 15

(3) Príomh Aralt na hÉireann (Chief Herald of Ireland) shall be a civil servant.

(4) A person appointed to be Príomh Aralt na hÉireann (Chief Herald of Ireland) shall hold office for a period of seven years but the Minister may, on the recommendation of the Board of the National Library delivered in writing not less than sixty days prior to the date on which the appointment is due to terminate, continue the appointment (including an appointment previously continued under this subsection) for such further period not exceeding seven years as he or she considers appropriate. 20 25

(5) A person appointed to be Príomh Aralt na hÉireann (Chief Herald of Ireland) shall, subject to *subsection (4)* hold office on such terms and conditions as may be determined by the Board of the National Library of Ireland and agreed in writing by the Minister after consultation with the Minister for Finance. 30

(6) The Board of the National Library may remove Príomh Aralt na hÉireann (Chief Herald of Ireland) from office at any time if, in the opinion of the Board, Príomh Aralt na hÉireann is incapable by reason of ill-health of performing his or her functions, or has committed stated misbehaviour or his or her removal from office appears to the Board of the National Library to be necessary for the effective performance of the functions of the office. 35

(7) The person who immediately before the commencement of this section held the office of Príomh Aralt na hÉireann under section 13 of the Act of 1997 shall on the commencement be deemed to have been appointed under this section to be Príomh Aralt na hÉireann upon terms and conditions not less favourable to him or her than those upon which he or she has held that office and *subsections (4) and (5)* do not apply to that person. 40 45

Functions of Príomh Aralt na hÉireann.

8.—(1) The principle functions of Príomh Aralt na hÉireann are—

- (a) to manage the Office of Arms as a branch of the National Library of Ireland,
- 5 (b) to promote an awareness, appreciation and knowledge of Ireland's genealogical, heraldic and vexillological heritage,
- (c) to manage and control the granting and registration of Arms,
- 10 (d) to maintain, manage and control the application process for persons or corporate bodies and institutions desiring to acquire or register Arms;
- (e) to maintain, manage and control all registers, files and archival material held at the Office of Arms,
- 15 (f) to make such grants of Arms to individuals, corporate bodies and institutions in accordance with the criteria established by this Act for that purpose and to do so by Letters Patent or by the issuance of a Certificate of Grant of Arms,
- 20 (g) to make such grants of Emeritus Arms as may be sanctioned by the Minister for and on behalf of the Government and People of Ireland to such meritorious individuals as may be determined, from time to time, by the Government of Ireland and to do so by Letters Patent,
- 25 (h) to establish and maintain registers, inventories and indexes for the purpose of the registration of grants by Letters Patent of Arms, Certificates of Grants of Arms and all documents associated with such grants,
- (i) to promote the voluntary registration of flags in use in Ireland and to record the circumstances of their creation and usage,
- 30 (j) to maintain, manage and control an inventory of designated genealogical material held by the State, State Agencies, Local Authorities or in the care of educational institutions or private archives and libraries,
- 35 (k) to maintain, manage and publish a Register of Gaelic Chiefs and to establish an independent and verifiable process for the examination of all supporting documentation lodged with the Office of Arms by a claimant or his agent to substantiate a claim to chiefship,
- 40 (l) to make recommendations to the Board of the National Library of Ireland and to the Minister on the provision of genealogical, heraldic or vexillological services by the State or State Agencies,
- 45 (m) to promote best practice in genealogical research and in the provision of such services to the public by individuals for a fee,
- (n) to publish guidelines on the provision of heraldic services and to establish and maintain standards in the preparation and depictions of Arms,

- (o) to promote research and scholarship in genealogy, heraldry and vexillology,
- (p) to foster, facilitate and make awards for academic research, scholarship, achievements and proficiency in the fields of heraldry, heraldic artistry and vexillology, 5
- (q) to compile, publish and distribute (with or without charge) books, magazines, journals, reports or other printed matter, including aural, visual, computerised and Internet accessible material as may be appropriate,
- (r) to provide for the issuance of licences to Heraldic Agents and Vexillological Agents, 10
- (s) to maintain and acquire items for display at the State Heraldic Museum,
- (t) to represent the State's heraldic authority where appropriate within the State and internationally, 15
- (u) to participate and promote participation in international collaborative heraldic, genealogical or vexillological projects and, where appropriate, to enter into agreements, subject to the consent of the Board of the National Library of Ireland, with comparable bodies outside the State, 20
- (v) to monitor the operation of this Act on behalf of the National Library of Ireland and to prepare an annual report on its operation,
- (w) to perform any other functions conferred on him or her by the Board of the National Library of Ireland. 25

(2) Príomh Aralt na hÉireann shall be ex-officio the Curator of the State Heraldic Museum.

(3) The Minister may, by regulations, confer on Príomh Aralt na hÉireann such additional functions in relation to the provision of heraldic, genealogical or vexillological services by the State as he or she considers appropriate following consultation with the Board of the National Library of Ireland. 30

(4) Príomh Aralt na hÉireann shall be independent in the performance of his or her functions. 35

(5) Príomh Aralt na hÉireann may do all such acts or things as are necessary or expedient for the purpose of the performance of his or her functions.

(6) Príomh Aralt na hÉireann may delegate such of his or her functions as he or she considers appropriate to a member of his or her staff. 40

Leas-Phríomh Aralt na hÉireann.

9.—(1) Leas-Phríomh Aralt na hÉireann (Deputy Chief Herald of Ireland) shall be a person appointed to that office by the Board of the National Library of Ireland.

(2) Leas-Phríomh Aralt na hÉireann (Deputy Chief Herald of Ireland) shall be a civil servant. 45

5 (3) A person appointed to be Leas-Phríomh Aralt na hÉireann (Deputy Chief Herald of Ireland) shall hold office for a period of seven years but the Board of the National Library may, continue the appointment (including an appointment previously continued under this subsection) for such further period not exceeding seven years the Board considers appropriate.

10 (4) A person appointed to be Leas-Phríomh Aralt na hÉireann (Deputy Chief Herald of Ireland) shall, subject to *subsection (3)* hold office on such terms and conditions as may be determined by the Board of the National Library of Ireland and agreed in writing by the Minister after consultation with the Minister for Finance.

15 (5) Leas-Príomh Aralt na hÉireann shall have and may perform such functions as may be determined, from time to time, by Príomh Aralt na hÉireann or the Board of the National Library of Ireland and shall be subject to the general control of Príomh Aralt na hÉireann.

20 (6) Leas-Príomh Aralt na hÉireann shall during a period of absence or incapacity of Príomh Aralt na hÉireann or where there is a vacancy in that office, perform all the functions of Príomh Aralt na hÉireann.

25 (7) The Board of the National Library may remove Leas-Phríomh Aralt na hÉireann (Deputy Chief Herald of Ireland) from office at any time if, in the opinion of the Board, Leas-Phríomh Aralt na hÉireann is incapable by reason of ill-health of performing his or her functions, or has committed stated misbehaviour or his or her removal from office appears to the Board of the National Library to be necessary for the effective performance of the functions of the office.

30 **10.—(1)** The Board of the National Library of Ireland, after consultation with Príomh Aralt na hÉireann and with the consent of the Minister, may appoint, upon and subject to such terms and conditions as may, from time to time, be determined by the Board of the National Library of Ireland, such and so many persons as shall be deemed necessary by the Board of the National Library of Ireland
35 for the effective performance of the functions of the office.

Staff of Príomh Aralt na hÉireann.

40 (2) Persons who were members of the staff of Príomh Aralt na hÉireann immediately before the commencement of this section shall, upon such commencement, become and be members of the staff of Príomh Aralt na hÉireann upon terms and conditions not less favourable to them than those that applied to their employment immediately before such commencement and those persons who were civil servants immediately before such commencement shall continue to be civil servants.

45 (3) Príomh Aralt na hÉireann with the consent of the Board of the National Library of Ireland shall designate a suitably qualified member of his or her staff, to become and be the Genealogical Officer to undertake such functions as may, from time to time, be determined by Príomh Aralt na hÉireann or the Board of the National Library of Ireland upon terms and conditions not less
50 favourable to them than those that applied to their employment immediately before their designation as the Genealogical Officer and such persons who were civil servants shall continue to be civil servants.

(4) Príomh Aralt na hÉireann shall, with the consent of the Board of the National Library of Ireland, be empowered to recruit such qualified persons as may be required on a short term contract basis to undertake such genealogical, heraldic or vexillological functions as may be determined from time to time by Príomh Aralt na hÉireann or the Board of the National Library of Ireland. 5

Annual Report.

11.—(1) Príomh Aralt na hÉireann shall, as soon as may be after the end of each year, but not later than three months thereafter, shall prepare a report in writing in both the English and the Irish languages (in this section referred to as “the report”) on the operation of this Act in the preceding year and shall furnish a copy of it to the Board of the National Library of Ireland. 10

(2) The report shall include such information in such form and regarding such matters as may be specified, from time to time, by the Board of the National Library of Ireland. 15

(3) The report shall be presented to the Minister as an appendix to the annual report prepared by the Board of the National Library of Ireland as required under section 36 of the 1997 Act.

Office of Arms.

12.—(1) The Genealogical Office established as a non-statutory body on the 1st day of April 1943 on the transfer to the State of the records and property of the Office of Ulster King of Arms by the government of the United Kingdom of Great Britain and Northern Ireland and later confirmed as a branch of the National Library of Ireland under the section 13 of the 1997 Act, is hereby abolished. 20

(2) The Board of the National Library of Ireland shall immediately on the coming into operation of this Act establish a branch of the National Library of Ireland to be designated as the Office of Arms and it shall be situate in the City of Dublin and at any other place as may be determined, from time to time, by the Minister. 25

(3) The Office of Arms may be cited as the Office of the Chief Herald of Ireland or Oifig an Phríomh Arailt na hÉireann. 30

Records of the Office of Arms.

13.—(1) All such records and property formerly in the custody of the Ulster King of Arms as established on the 2nd day of February 1552 and transferred to the custody of the State by the government of the United Kingdom of Great Britain and Northern Ireland on the first day of April 1943 and held by the Genealogical Office immediately prior to the coming in to operation of this Act shall be and become the records and property of the Office of Arms as established by *section 12* of this Act. 35

(2) Public access to the records of the Office of Arms shall be determined, from time to time, by the Board of the National Library of Ireland in accordance with the provisions of the National Cultural Institutions Act 1997. 40

PART 3

REGISTRATION AND GRANTING OF ARMS

5 **14.—**(1) A register shall be maintained by Príomh Aralt na hÉireann in which shall be recorded the names, addresses, designations and other relevant particulars of all Grants of Arms made, registered, confirmed, rescinded or amended by him or her in accordance with this Act. Register of Arms.

10 (2) This register shall be cited as the Register of Arms and shall include all such registers maintained by the Ulster King of Arms from the 2nd day of February 1552 until the 31st day of March 1943 and by the Genealogical Office from the 1st day of April 1943 until immediately prior to coming in to operation of this Act.

(3) Additions or amendments to the Register of Arms shall be published in *Iris Oifigiúil* in accordance with this Act.

15 **15.—**(1) Príomh Aralt na hÉireann shall, from time to time, set forth and publish the procedures and requirements for persons, bodies corporate and institutions or Heraldic Agents applying to the Office of Arms for a Grant of Arms under this Act. Application for a Grant of Arms.

20 (2) All citizens of the State both male and female on reaching the age of majority may apply to the Office of Arms for a Grant of Arms.

(3) All persons who are not citizens of the State but who are habitually domiciled within the State or on the island of Ireland on reaching the age of majority may apply to the Office of Arms for a Grant of Arms.

25 (4) All persons of Irish descent habitually domiciled in other jurisdictions on reaching the age of majority may apply to the Office of Arms for a Grant of Arms.

30 (5) All persons having a significant and sustained connection with the island of Ireland albeit habitually domiciled in another jurisdiction may apply to the Office of Arms for a Grant of Arms.

(6) Bodies corporate and institutions within the State may apply to the Office of Arms for a Grant of Arms.

35 (7) Bodies corporate and institutions located in other jurisdictions but having a significant and sustained connection with the island of Ireland may apply to the Office of Arms for a Grant of Arms.

(8) Departments of State, State Agencies and Local Authorities may apply to the Office of Arms for a Grant of Arms.

40 **16.—**(1) Príomh Aralt na hÉireann shall only consider applications for grants of arms presented on an official application form and be in receipt of the required fee and all supporting documents, including the applicant's Birth Certificate or Certificate of Naturalisation or Passport and in the case of applicants resident within the State, a Tax Clearance Certificate. Grants of Arms to Individuals.

45 (2) Notice of applications by individuals for a Grant of Arms shall be listed in *Iris Oifigiúil* not more than twenty-one days following

the receipt by Príomh Aralt na hÉireann of the completed application form and required fees and supporting documentation.

(3) Príomh Aralt na hÉireann shall deliver his or her decision on each application within a period of not more than sixty days after receipt of the completed application and should Príomh Aralt na hÉireann decide to refuse an application for a Grant of Arms the reasons for his or her decision shall be delivered in writing to the applicant. 5

(4) The names of successful applicants shall be listed in *Iris Oifigiúil* not more than twenty-one days following the decision by Príomh Aralt na hÉireann to make a Grant of Arms to such applicants. 10

(5) Príomh Aralt na hÉireann shall not grant or authorise the use of crowns or coronets or supporters or other such symbols on the Arms granted for individuals under this section, which may, in his or her opinion, be inconsistent with the general principles and ethos of the democratic republican nature of the State or citizenship thereof. 15

(6) Príomh Aralt na hÉireann shall not permit the use of titles of nobility or membership of orders of chivalry or any title other than professional or occupational or other designations permitted by this Act to be entered on Letters Patent or Certificates granting arms to individuals under this section. 20

(7) Príomh Aralt na hÉireann shall not permit references to feudal baronies, manorial lordships or other such designations to be entered on Letters Patent or Certificates granting arms to individuals under this section. 25

(8) Príomh Aralt na hÉireann shall permit the ecclesiastical title and the religious office of the applicant to be depicted and entered on the Letters Patent for Grants of Arms to senior representatives of religious congregations and religious orders on the island of Ireland.

(9) Príomh Aralt na hÉireann shall not by entering an occupational, professional or ecclesiastical designation of an applicant in Letters Patent or in a Certificate of Grant of Arms confer or confirm such designation and the grantee shall not cite such as conferring or confirming any occupational, professional or ecclesiastical designation. 30
35

(10) Príomh Aralt na hÉireann shall permit the designation of Gaelic Chiefship of an applicant in Letters Patent or in a Certificate of Grant of Arms where it has been established that the applicant is the senior male descendant of the last recorded inaugurated Gaelic Chief or Chieftain of the Name and where full and complete documentary evidence for such a claim to Gaelic Chiefship has been lodged with the Office of Arms and duly investigated and where Príomh Aralt na hÉireann is satisfied that the ancestry of the applicant as lodged is factually correct. 40

(11) Príomh Aralt na hÉireann shall not by entering a designation of the Gaelic Chiefship of an applicant in Letters Patent or in a Certificate of Grant of Arms confer such a designation and the grantee shall not cite such as conferring or confirming any ancient Gaelic title or any rights, privileges or prerogatives formerly or historically or traditionally associated with such hereditary designations. 45
50

(12) Príomh Aralt na hÉireann shall when entering a designation of Gaelic Chiefship in Letters Patent or in a Certificate of Grant of Arms shall enter the following words after the full name of the

applicant—“Gaelic Chief of the Name” and then enter the surname with or without a topographical association.

(13) Príomh Aralt na hÉireann shall not permit the use of the Arms of Ireland, whether by—

- 5 (a) dimidiation,
 (b) impalement,
 (c) quartering, or
 (d) superimposition on Arms granted to individual applicants under this section.

10 (14) Príomh Aralt na hÉireann shall not authorise the use of emblems, insignia or otherwise on Arms which may be considered likely in his or her opinion to cause offence, incite hatred or bring the Office of Arms in to disrepute.

15 (15) Príomh Aralt na hÉireann shall not permit the use of a Motto by an applicant should such a Motto in the opinion of Príomh Aralt na hÉireann be considered offensive or inappropriate for the purpose of an application by an individual under this section.

20 (16) Nothing in this section shall prevent Príomh Aralt na hÉireann from retrospectively confirming grants as provided for by *section 21*.

25 **17.—**(1) Príomh Aralt na hÉireann shall only consider applications for grants of arms presented on an official application form and be in receipt of the required fee and all supporting documents, including a copy of the resolution of the body corporate duly signed by a director and the company secretary seeking a Grant of Arms, or in the case of an institution, a resolution of the governing body duly signed by the president or chairperson and the secretary of the institution seeking a Grant of Arms, a copy of the Memorandum and Articles of Association or Governing Instrument, a copy of the Certificate of Incorporation or Charter of Establishment and a Tax Clearance Certificate.

Grants of Arms to Bodies Corporate and Institutions.

35 (2) An application for a Grant of Arms under this section by a body corporate which has as its main or sole function the promotion of a particular clan or sept heritage shall provide Príomh Aralt na hÉireann with a listing of all variants of the surname or surnames concerned and, where applicable, the Irish language version of the main surname.

40 (3) Notice of applications for a Grant of Arms received under this section shall be listed in *Iris Oifigiúil* not more than twenty-one days following the receipt by Príomh Aralt na hÉireann of the completed application form and required fees and supporting documentation.

45 (4) Príomh Aralt na hÉireann shall deliver his or her decision on each application within a period of not more than sixty days after receipt of the completed application and should Príomh Aralt na hÉireann decide to refuse an application for a Grant of Arms the reasons for his or her decision shall be delivered in writing to the applicant.

(5) The names of successful applicants shall be listed in *Iris Oifigiúil* not more than twenty-one days following the decision by Príomh Aralt na hÉireann to make a Grant of Arms to such applicants.

(6) Príomh Aralt na hÉireann shall not grant or authorise the use of supporters on the Arms granted under this section. 5

(7) Príomh Aralt na hÉireann shall not permit the use of titles of nobility, claims of chiefship or membership of orders of chivalry or any title other than professional or occupational designations to be entered on Letters Patent or Certificates granting arms under this section. 10

(8) Príomh Aralt na hÉireann shall not permit references to feudal baronies, manorial lordships or other such designations to be entered on Letters Patent or Certificates granting arms under this section.

(9) Príomh Aralt na hÉireann shall not by entering an occupational, professional or ecclesiastical designation of an applicant in Letters Patent or in a Certificate of Grant of Arms confer or confirm such designation and the grantee shall not cite such as conferring or confirming any occupational, professional or ecclesiastical designation. 15
20

(10) Príomh Aralt na hÉireann shall not permit the use of the Arms of Ireland, whether by—

(a) dimidiation,

(b) impalement,

(c) quartering, or 25

(d) superimposition on Arms granted under this section.

(11) Príomh Aralt na hÉireann shall not authorise the use of emblems, insignia, corporate logos or otherwise on Grants of Arms under this section which may be considered likely in his or her opinion to cause offence, incite hatred or bring the Office of Arms in to disrepute. 30

(12) Príomh Aralt na hÉireann shall not permit the use of a Motto by an applicant should such a Motto in the opinion of Príomh Aralt na hÉireann be considered offensive or inappropriate for the purpose of an application under this section. 35

(13) Nothing in this section shall prevent Príomh Aralt na hÉireann from retrospectively confirming grants as provided for by *section 21*.

Grants of Arms to
Departments of
State, State
Agencies and Local
Authorities.

18.—(1) Príomh Aralt na hÉireann shall only consider applications for grants of arms presented on an official application form and be in receipt of the required fee and all supporting documents, including in the case of Departments of State and State Agencies, a letter of application duly signed by the appropriate Minister and in the case of Local Authorities a copy of the resolution adopted by the elected members seeking a Grant of Arms under this section. 40
45

(2) Notice of applications for a Grant of Arms received under this section shall be listed in *Iris Oifigiúil* not more than twenty-one days

following the receipt by Príomh Aralt na hÉireann of the completed application form and required fees and supporting documentation.

5 (3) The details of all grants made under this section shall be listed in *Iris Oifigiúil* not more than twenty-one days following the Grant of Arms by Príomh Aralt na hÉireann.

(4) Príomh Aralt na hÉireann shall not grant or authorise the use of supporters on the Arms granted under this section.

(5) Príomh Aralt na hÉireann shall permit the appropriate use of the Arms of Ireland on Arms granted under this section.

10 (6) Príomh Aralt na hÉireann shall not issue Certificates of a Grant of Arms under this section.

(7) Nothing in this section shall prevent Príomh Aralt na hÉireann from retrospectively confirming grants as provided for by *section 21*.

15 **19.—**(1) Príomh Aralt na hÉireann shall on direction by the Minister delivered in a prescribed manner make such Grants of Emeritus Arms to meritorious individuals as determined, from time to time, by government. Grants of Emeritus Arms by the State.

20 (2) Príomh Aralt na hÉireann shall provide for the issuance of Letters Patent for grantees under this section.

(3) Príomh Aralt na hÉireann shall not grant or authorise the use of crowns or coronets on the Arms for individuals other than grants made under *subsection (5)* of this section.

25 (4) Príomh Aralt na hÉireann shall not permit the use of titles of nobility, claims of chiefship or membership of orders of chivalry or any title other than professional or occupational designations to be entered on Letters Patent granting arms to individuals under this section.

30 (5) Notwithstanding *subsection (4)* Príomh Aralt na hÉireann may, on the advice of the Minister, utilise a title of nobility in the Letters Patent in the case of a grant under this section to a foreign dignitary or member of the diplomatic corps.

35 (6) In the case of titles of nobility of foreign dignitaries or members of the diplomatic corps, Príomh Aralt na hÉireann shall before entering such on Letters Patent, receive confirmation in writing from the embassy, consulate or diplomatic mission of the country of citizenship of the proposed grantee that such person has the right to adopt, use or so style themselves and that no objection to the use of such titles of nobility by the proposed grantee is forthcoming from the government of the country of which the proposed grantee is a citizen.

45 (7) Príomh Aralt na hÉireann shall not by entering an occupational, professional or ecclesiastical designation of an applicant in Letters Patent confer or confirm such designation and the grantee shall not cite such as conferring or confirming any occupational, professional or ecclesiastical designation.

(8) Príomh Aralt na hÉireann shall not permit the use of the Arms of Ireland, whether by—

- (a) dimidiation,
- (b) impalement,
- (c) quartering, or
- (d) superimposition on Arms granted under this section.

(9) A Grant of Arms to the President of Ireland shall be made under this section. 5

(10) A Grant of Arms under this section shall not be made to members of the Oireachtas.

(11) A Grant of Arms under this section may on the recommendation of the Board of the National Library of Ireland and with the consent of the Minister, be made to Príomh Aralt na hÉireann or Leas-Phríomh Aralt na hÉireann on retirement. 10

(12) The details of a grant made under this section shall be listed in *Iris Oifigiúil* not more than sixty days following the decision by the Minister to authorise Príomh Aralt na hÉireann to make such a Grant of Emeritus Arms. 15

(13) Nothing in this section shall prevent Príomh Aralt na hÉireann from retrospectively confirming grants as provided for by *section 21*.

Confirmation of the
Registration of a
Grant of Arms.

20.—(1) Príomh Aralt na hÉireann shall where appropriate make provision for the confirmation of the registration of a Grant of Arms by the issuance of Letters Patent delivered under the Seal of the Chief Herald of Ireland and presented bilingually in the Irish language and the English language depicting the Arms granted, blazon, motto and, where appropriate heraldic badge and banner of the grantee in full colour in accordance with the rules and practices of heraldry. 20 25

(2) Príomh Aralt na hÉireann shall where appropriate make provision for the confirmation of the registration of a Grant of Arms by the issuance of a Certificate of a Grant of Arms delivered under the Seal of Chief Herald of Ireland and presented bilingually in the Irish language and the English language for applicants in receipt of grants under *sections 16* and *17* of this Act providing in words a heraldic description of the Arms granted, motto and, where appropriate heraldic badge and banner of the grantee in accordance with the rules and practices of heraldry. 30 35

(3) Notwithstanding the requirements in *subsection (1)* and *(2)* to utilise both Official Languages, Príomh Aralt na hÉireann may make provision for the inclusion of one other language in addition to the Irish language and the English language in Letters Patent, the cost of the translation of the text in to the third language and its verification by a qualified professional shall be borne by the applicant. The Ulster Scots language shall be considered a third language for the purposes of this subsection. 40

(4) Príomh Aralt na hÉireann shall make provision where requested by a grantee of Arms under *section 16* or *19* and where appropriately documented for the recording in Letters Patent or on Certificates of a Grant of Arms of the linear descent of a grantee from his or her grandparents or great grandparents or great great grandparents or for the recording of his or her parents only. 45 50

5 (5) Príomh Aralt na hÉireann shall make provision for the registration of Arms, Heraldic Badges and associated Mottos adopted by persons or bodies corporate or institutions without official registration and habitually and demonstrably used by such applicants within the State for a period of not less than five years before the coming in to operation of this Act and shall make provision for the confirmation of such registrations in accordance with *subsection (2)* above.

10 (6) Príomh Aralt na hÉireann shall not make provision for the registration or confirmation of foreign Arms whether granted by state or official or private heraldic officers or adopted or assumed by individuals or bodies corporate or institutions.

15 (7) The Seal of the Chief Herald of Ireland shall be that adopted by the Genealogical Office and in use by that office immediately prior to the coming in to operation of this Act.

(8) Príomh Aralt na hÉireann may make provision for the electronic confirmation and registration of heraldic representations including the electronic issuance of Certificates of a Grants of Arms.

20 (9) Nothing in this section shall prevent Príomh Aralt na hÉireann from retrospectively confirming grants as provided for by *section 21*.

25 **21.—(1)** Príomh Aralt na hÉireann shall, not later than sixty days following the coming in to operation of this Act, enter on to the Register of Arms the details of Arms granted by the Genealogical Office from the first day of April 1943 to immediately prior to the coming in to operation of this Act and to include the name of the grantee, the date of the grant and the folio number and to list such grants in *Iris Oifigiúil* not later than twenty-one days following the date of entry on to the Register of Arms.

Retrospective Confirmation of Grants of Arms.

30 (2) Príomh Aralt na hÉireann shall not be required by *subsection (1)* to enter the details of such grants as may have been cancelled or rescinded by the Genealogical Office at any time from the first day of April 1943 to immediately prior to the coming in to operation of this Act.

35 (3) Príomh Aralt na hÉireann may on application by a grantee of Arms from the Genealogical Office from the first day of April 1943 to immediately prior to the coming in to operation of this Act issue a Certificate of a Grant of Arms indicating that the details of the previous grant have been entered on to the current Register of Arms
40 as established by this Act.

(4) Certificates of a Grant of Arms issued under this section shall be listed in *Iris Oifigiúil* not later than twenty-one days following the date of issue by Príomh Aralt na hÉireann.

45 **22.—(1)** Príomh Aralt na hÉireann may order the examination of all such documentation submitted by an applicant upon which a grant of Arms was made by the Genealogical Office at any period from the first day of April 1943 to immediately prior to the coming in to operation of this Act should, in his or her opinion, there be any doubt as to the veracity or completeness of such documentation.

Cancellation of Grants of Arms.

50 (2) Where documentation is discovered to be insufficient or incomplete or incorrect, the grantee or his or her lawful successors

shall be notified of the findings of the examination as provided for by *subsection (1)* and informed that the registration of such Arms has been suspended pending the production of the required documentation or clarification and that such must be produced within a period of not more than thirty six months from the date of suspension of the registration by *Príomh Aralt na hÉireann*. 5

(3) *Príomh Aralt na hÉireann* shall be empowered to effect the cancellation of an entry made on to the Register of Arms following an examination as provided for in *subsection (1)* and the failure by the grantee or his or her lawful successors to furnish such satisfactory documentation or clarification requested by *Príomh Aralt na hÉireann* within the period specified in *subsection (2)*. 10

(4) *Príomh Aralt na hÉireann* shall publish a notice of a cancellation under *subsection (2)* in *Iris Oifigiúil* not later than twenty-one days following the date of the cancellation of such a grant. 15

Heraldic Property
and Rights of Use.

23.—(1) *Príomh Aralt na hÉireann* shall make provision in Letters Patent and on Certificates of a Grant of Arms for a statement on the rights of grantees in respect of the Grant of Arms including the right of the grantee and his or her lawful successors to bear same, use, show, set forth and advance on shield or banner or otherwise in accordance with the rules, principles and practices of the Office of Arms as established by this Act and to do so without let, hindrance, molestation, interruption, controlment or challenge of any persons whatsoever whilst always accepting the authority of the Office of Arms on such matters. 20
25

(2) A Grant of Arms under *section 16* or *19* of this Act shall be and become the heraldic property of the grantee and his or her lawful successors and where appropriate, in accordance with the general principles, traditions and rules of heraldry in respect of the use of cadency and differencing. 30

(3) A Grant of Arms under *section 17* and *18* of this Act shall on the dissolution, abolition, wind-up or bankruptcy of such a grantee be suspended in the Register of Arms pending cancellation by *Príomh Aralt na hÉireann* after the expiry of a period of not more than 60 months from the date of suspension. 35

(4) Any copyright subsisting in Grants of Arms shall be transferred by *Príomh Aralt na hÉireann* to the grantee by his or her issuance of Letters Patent or Certificates of a Grant of Arms to the grantee.

(5) Notwithstanding *subsection (3)* a Grant of Arms under *section 17* of this Act to an organisation promoting a particular clan or sept heritage as its main or sole function shall on the dissolution of such a grantee have such Arms declared to be and become the common heritage and property of all persons of the particular surname and its variants by *Príomh Aralt na hÉireann* in accordance with *section 17(2)* of this Act and the Arms shall not be suspended in the Register of Arms but a notation be so attached in the Register. 40
45

(6) Nothing in this section shall prevent *Príomh Aralt na hÉireann* from retrospectively confirming grants as provided for by *section 21*. 50

Heraldic Agents.

24.—(1) *Príomh Aralt na hÉireann* shall make provision for the appointment under licence of Heraldic Agents for the purpose of

providing advice and assistance to persons or bodies corporate or institutions seeking a grant of Arms from Príomh Aralt na hÉireann.

5 (2) The terms and conditions of the licence to be provided under *subsection (1)* shall be determined, from time to time, by Príomh Aralt na hÉireann and shall include an annual licence fee payable by the Heraldic Agent to Príomh Aralt na hÉireann and details of any commissions payable to the Heraldic Agent by Príomh Aralt na hÉireann.

10 (3) Applications for a licence to act as a Heraldic Agent within the State must include a current Tax Clearance Certificate for the applicant.

(4) Heraldic Agents shall be entitled to advertise, promote or otherwise their services in respect of this Act as a Heraldic Agent of Príomh Aralt na hÉireann or as an Official Irish Heraldic Agent.

15 (5) Persons or bodies corporate or institutions seeking a grant of Arms from Príomh Aralt na hÉireann and availing of the services of a Heraldic Agent as provided for in *subsection (1)* shall be clients of the said agent for the purposes of the application for a grant of Arms.

20 (6) Heraldic Agents shall have the right to recover from their clients any consultation or professional fees charged by them for the preparation and lodgement of applications for grants of Arms to Príomh Aralt na hÉireann on behalf of their clients.

25 (7) Notice of the awarding of a licence under this section shall be published in *Iris Oifigiúil* not later than twenty-one days following the date of the issuance of such a licence by Príomh Aralt na hÉireann.

PART 4

NATIONAL VEXILLOLOGICAL REGISTER

30 **25.**—(1) Príomh Aralt na hÉireann shall establish and maintain a register of emblems and shall make provision for the recording of such in a National Vexillological Register which may be cited as the “National Register of Flags”. National Vexillological Register.

35 (2) Príomh Aralt na hÉireann shall make provision for the registration of emblems designed for use by the State or Government Departments or State Agencies or Local Authorities and for the recording of such in the National Vexillological Register.

40 (3) Príomh Aralt na hÉireann shall make provision for the registration of maritime emblems by individuals, bodies corporate and institutions for use by Irish registered vessels in accordance with the 1955 Act and for the recording of such in the National Vexillological Register.

45 (4) Príomh Aralt na hÉireann shall make provision for the registration of emblems designed for use by individuals or bodies corporate or institutions and for the recording of such in the National Vexillological Register.

(5) The National Vexillological Register shall be a public register of emblems in accordance with this Act and access to the register shall be determined, from time to time, by the Board of the National

(6) Príomh Aralt na hÉireann may make provision for the operation and delivery of services under this section electronically, including application, registration, cancellation, amending and certification of emblems. 5

Provision of Particulars and Registration.

26.—(1) Príomh Aralt na hÉireann shall only consider applications for the registration of an emblem presented on an official application form and be in receipt of the required fee and all supporting documents, including a copy of the resolution of the body corporate duly signed by a director and the company secretary seeking registration, or in the case of an institution, a resolution of the governing body duly signed by the president or chairperson and the secretary of the institution seeking registration, a copy of the Memorandum and Articles of Association or Governing Instrument, a copy of the Certificate of Incorporation or Charter of Establishment and a Tax Clearance Certificate. 10 15

(2) Príomh Aralt na hÉireann shall only consider applications for the registration of an emblem under this section presented by Departments of State and State Agencies, on an official application form and be in receipt of the required fee and all supporting documents, including a letter of application duly signed by the appropriate Minister seeking to register an emblem under this section. 20

(3) Príomh Aralt na hÉireann shall only consider applications for the registration of an emblem under this section presented by a Local Authority on an official application form and be in receipt of the required fee and all supporting documents, including a copy of the resolution adopted by the elected members seeking to register an emblem under this section. 25

(4) Príomh Aralt na hÉireann shall only consider applications for the registration of an emblem presented by an individual on an official application form and be in receipt of the required fee and all supporting documents. 30

(5) Notwithstanding the provisions as set forth in *subsection (2)* on the coming in to operation of this Act, the Minister shall direct that the Presidential Standard and such emblems in use by the Defence Forces and An Garda Síochána and such emblems authorised under the 1955 Act shall be duly entered on the National Vexillogical Register. 35

(6) An application for the registration of an emblem under this section by a body corporate which has as its main or sole function the promotion of a particular clan or sept heritage shall provide Príomh Aralt na hÉireann with a listing of all variants of the surname or surnames concerned and, where applicable, the Irish language version of the main surname. 40 45

(7) For all applicants the supporting documentation presented must include a drawing in full and actual colours of the emblem to be registered and the name of its designer and a brief description of the emblem's significance and history and an outline of the proposed purpose and usage of the emblem. 50

(8) Príomh Aralt na hÉireann may decline to register any emblem which may be considered, in his or her opinion, to be offensive, likely to incite hatred or inappropriate for its declared intended purpose

or where the proposed design may give rise to confusion with existing emblems whether registered or not.

5 (9) Príomh Aralt na hÉireann may decline to register any emblem having a motto or a form of words or word thereon, which may be considered, in his or her opinion, to be offensive, likely to incite hatred or inappropriate for its declared intended purpose or where the proposed design may give rise to confusion with existing emblems whether registered or not.

10 (10) Príomh Aralt na hÉireann may not register an emblem which has a shield of arms superimposed thereon should he or she consider such to be inappropriate for its intended use by the applicant.

(11) Príomh Aralt na hÉireann shall not register an emblem which has been registered as a heraldic banner in the Register of Arms as provided for by this Act.

15 (12) Príomh Aralt na hÉireann shall not register an emblem which has, in his or her opinion, been habitually or historically or traditionally or culturally associated with a foreign country or state or province or municipality or ethnic group or military force or political movement or order of chivalry or royal household or persons, 20 leaders or other potentates whether or not such have or had an association with the island of Ireland.

(13) Príomh Aralt na hÉireann shall not register an emblem which, in his or her opinion, has been habitually or traditionally utilised as an emblem for an Irish county or for a province of Ireland or 25 for a sports organisation or for a political party or movement or associated with a historical event or otherwise for a period of not less than sixty months prior to the coming in to operation of this Act.

(14) Príomh Aralt na hÉireann shall on the registration of an emblem provide for the issuance of a Certificate of Registration to be given under the Seal of Príomh Aralt na hÉireann and for the 30 allocation of a unique registration number for each emblem so registered and notice of such shall be listed in *Iris Oifigiúil* not later than twenty-one days from the date of registration.

35 **27.—(1)** Príomh Aralt na hÉireann shall make provision for the amending or cancellation of an emblem registered on the National Vexillological Register and shall duly publish a notice of such amendments or cancellations in *Iris Oifigiúil* not later than twenty-one days from the date of the amendment or cancellation of an entry on the National Vexillological Register. Amending or Cancellation of Registration.

40 (2) Príomh Aralt na hÉireann may cancel any entry in the National Vexillological Register where it is found that the information supplied by the applicant was incomplete or incorrect or false or where the emblem registered may, in his or her opinion, contravene *section 26(12)* or *(13)* of this Act.

45 (3) A registration of an emblem under *section 26(1)* of this Act shall on the dissolution, abolition, wind-up or bankruptcy of such body corporate or institution be suspended in the National Vexillological Register pending cancellation by Príomh Aralt na hÉireann after the expiry of a period of not more than 60 months from the 50 date of suspension.

28.—(1) The individual or body corporate or institution shall be entitled to any copyright subsisting in emblems registered in their name in the National Vexillological Register.

(2) The State shall be entitled to any copyright subsisting in emblems registered by it or by State Agencies in the National Vexillological Register. 5

(3) Local Authorities shall be entitled to any copyright subsisting in emblems registered in their name in the National Vexillological Register.

(4) The rights of use of any emblem registered in the National Vexillological Register shall be a matter for those entitled to any copyright subsisting in such emblems. 10

(5) Príomh Aralt na hÉireann shall advocate the placing of the register number as provided for in *section 26(14)* by the manufacturer of such emblems on the header in the following manner ® 15 followed by the registration number as indicated on the Certificate of Registration of the said emblem.

29.—(1) Príomh Aralt na hÉireann shall make provision for the appointment under licence of Vexillological Agents for the purpose of providing advice and assistance to persons or corporate entities or institutions seeking to register an emblem with Príomh Aralt na hÉireann. 20

(2) The terms and conditions of the licence to be provided under *subsection (1)* shall be determined, from time to time, by Príomh Aralt na hÉireann and shall include an annual licence fee payable 25 by the Vexillological Agent to Príomh Aralt na hÉireann.

(3) Applications for a licence to act as a Vexillological Agent within the State must include a current Tax Clearance Certificate for the applicant.

(4) Vexillological Agents shall be entitled to advertise, promote 30 or otherwise their services in respect of this Act as a Vexillological Agent of Príomh Aralt na hÉireann.

(5) Persons or bodies corporate or institutions availing of the services of a Vexillological Agent as provided for in *subsection (1)* shall be clients of the said agent. 35

(6) Vexillological Agents shall have the right to recover from their clients any consultation or professional fees charged by them for the preparation and lodgement of applications for registration of emblems by Príomh Aralt na hÉireann on behalf of their clients.

(7) Notice of the awarding of a licence under this section shall be published in *Iris Oifigiúil* not later than twenty-one days following the date of the issuance of such a licence by Príomh Aralt na hÉireann. 40

PART 5

GENEALOGICAL RECORDS AND SERVICES

5 30.—(1) In accordance with *section 10(3)* of this Act, Príomh Genealogical
Aralt na hÉireann shall assign the following functions and Officer.
responsibilities to a member of his or her staff who shall use the
appellation Genealogical Officer whilst in the performance of such.

- (a) to receive, record, maintain and make accessible for
research genealogical material at the Office of Arms.
- 10 (b) to undertake where appropriate genealogical research at
the Office of Arms in pursuance of its functions under
this Act.
- (c) to establish and maintain a National Inventory of Genea-
logical Records.
- 15 (d) to make the National Inventory of Genealogical Records
electronically accessible to researchers and the public.
- (e) to liaise with departments of state, state agencies, univer-
sities, institutions, libraries, archives and other such
places of deposit or custody of genealogical records.
- 20 (f) to liaise with voluntary genealogical organisations and per-
sons or bodies corporate providing commercial genea-
logical research to the public.
- (g) to liaise with institutions providing courses in genealogy
and genealogical research.
- 25 (h) to establish and maintain a panel of suitably qualified gene-
alogists to undertake, from time to time, research assign-
ments for and on behalf of Príomh Aralt na hÉireann.
- (i) to advise Príomh Aralt na hÉireann on the custody,
accessibility and quality of genealogical material held by
the Office of Arms and elsewhere.
- 30 (j) to undertake such other duties and functions as may be
assigned to him or her, from time to time, by Príomh
Aralt na hÉireann.

(2) The Genealogical Officer shall be a certified genealogist hav-
ing successfully completed a suitable course at a recognised third
35 level institution or shall have been a full time commercial genealogist
for a period of not less than five years prior to his or her
appointment.

(3) During the period of his or her appointment the Genealogical
Officer may not undertake commercial genealogical research assign-
40 ments for the public or undertake any such research at the Office of
Arms save that undertaken at the direction of Príomh Aralt na
hÉireann.

(4) During the period of his or her appointment the Genealogical
Officer may not be a member of any organisation or body corporate
45 representing persons or bodies corporate engaged in commercial
genealogical research.

Designation of
Genealogical
Records.

31.—(1) Records, files or other written or photographic or printed material may be designated as genealogical records by Príomh Aralt na hÉireann and details of each record or class of records so designated as genealogical records shall be entered on a national inventory of genealogical records. 5

(2) Príomh Aralt na hÉireann shall make provision for the examination and designation of such records in the custody of departments of state, state agencies or local authorities that he or she may consider as having a genealogical potential or interest and shall have such records designated as genealogical records. 10

(3) Príomh Aralt na hÉireann shall make provision for such parish registers, burial registers, school registers and other such records in the custody of churches, burial boards, schools, institutions or other organisations to be designated as genealogical records.

(4) Príomh Aralt na hÉireann shall make provision for records in the custody of persons, bodies corporate or institutions that he or she may consider as having a genealogical potential or interest and shall have such records designated as genealogical records. 15

(5) Príomh Aralt na hÉireann in addition to the designation of a record or class of records to be genealogical records may, should he or she consider it necessary, ask the Minister to register such records under section 49(2) of the 1997 Act. 20

(6) The designation of records of any kind as genealogical records and the listing of the details of such records in a national inventory by Príomh Aralt na hÉireann shall not affect in any way the lawful ownership of such records. 25

National Inventory
of Genealogical
Records.

32.—(1) Príomh Aralt na hÉireann shall establish and maintain in an electronic format an inventory of genealogical records or records of genealogical potential or interest to be known as the National Inventory of Genealogical Records. 30

(2) The National Inventory of Genealogical Records shall contain details of all such records as may be designated as genealogical records in accordance with *section 31* and details of such records as Príomh Aralt na hÉireann shall, from time to time, determine.

(3) Príomh Aralt na hÉireann shall make provision for the inclusion of information in the National Inventory of Genealogical Records as may be supplied by persons, bodies corporate or institutions concerning records within their custody or located by them in repositories or libraries or archives or institutions in Ireland or elsewhere. 35
40

(4) The National Inventory of Genealogical Records shall be published in an electronic format and be available to persons through the Internet.

Prohibition on the
Export of
Designated
Genealogical
Records.

33.—(1) Príomh Aralt na hÉireann shall advise the Minister on matters concerning designated genealogical records or class of records which may, in his or her opinion, require action by the Minister in accordance with section 49(2) of the 1997 Act. 45

(2) Príomh Aralt na hÉireann shall advise the Minister of any designated genealogical records or class of records which, in his or her opinion, are potentially at risk of removal from the State. 50

34.—(1) Príomh Aralt na hÉireann shall maintain a directory of organisations, bodies corporate and institutions providing genealogical services to the public whether free of charge, for a fee or by membership.

Provision of
Genealogical
Services.

5 (2) Príomh Aralt na hÉireann shall advise the Minister on the delivery of genealogical services by the State or state agencies or local authorities and shall prepare an annual statement on the current standard of the delivery of such services and make recommendations thereon.

10 (3) Príomh Aralt na hÉireann shall advise the Heritage Council on the delivery of genealogical services by the State or state agencies or local authorities or bodies corporate or institutions and shall prepare an annual statement on the current standard of the delivery of such services and make recommendations thereon.

15 (4) Príomh Aralt na hÉireann shall make provision for an ongoing structured consultative process to involve and to seek the advice of persons, bodies corporate and institutions delivering genealogical services in the State or on the island of Ireland and shall establish a committee of the representatives of voluntary organisations, state agencies, bodies corporate and institutions delivering such services. This committee may be cited as the Genealogical Council and shall meet at least twice annually to review the delivery of genealogical services in Ireland.

20
25 (5) Príomh Aralt na hÉireann shall set forth principles of best practice, quality of service and customer care for all involved in the delivery of genealogical services and have such published and displayed in a prominent location in each department of State, state agency, local authority, body corporate or institution providing such services to the public.

30 35.—(1) Príomh Aralt na hÉireann shall make provision for the training of persons in all aspects of genealogical research in conjunction with a third level educational institution and make provision for the certification of persons successfully completing such training as qualified genealogical researchers.

Provision for the
Certification of
Qualified
Genealogical
Researchers.

35 (2) Príomh Aralt na hÉireann may recognise such other certified courses in genealogical research provided by persons, bodies corporate or institutions and by so doing, accept such certification as persons qualified to undertake genealogical research.

PART 6

40 GENERAL

36.—(1) The Board of the National Library of Ireland as soon as may be possible following the coming in to operation of this Act, shall appoint a Standing Advisory Committee on Heraldry and Vexillology, hereinafter cited as “the Heraldry Committee” to assist and advise Príomh Aralt na hÉireann and to undertake such functions as may be assigned to such a committee, from time to time, by the Board or such as may be referred to the committee, from time to time, by Príomh Aralt na hÉireann.

Advisory
Committees.

(2) The Board of the National Library of Ireland as soon as may be possible following the coming in to operation of this Act, shall appoint a Standing Committee on Genealogy and Genealogical Services, hereinafter cited as “the Genealogy Committee” to assist and advise Príomh Aralt na hÉireann and to undertake such functions as may be assigned to such a committee, from time to time, by the Board or such as may be referred to the committee, from time to time, by Príomh Aralt na hÉireann. 5

(3) There may be included in the membership of “the Heraldry Committee” and “the Genealogy Committee” such number (not being more than half the membership of each committee entitled to vote) of persons who are not members of the Board of the National Library of Ireland and shall include, in each case, Príomh Aralt na hÉireann who shall not be entitled to vote. 10

(4) The appointment of a person to act as a member of each committee shall be subject to such conditions as the Board may think fit to impose when making the appointment and may be removed from office at any time by the Board. 15

(5) In the case of “the Heraldry Committee” the Board of the National Library of Ireland shall request the Minister to have an officer of the Permanent Defence Forces and an officer of the Naval Service appointed to be members of the committee. 20

(6) In the case of “the Genealogy Committee” the Board of the National Library of Ireland shall appoint a representative of such persons or bodies corporate engaged in genealogical research for a fee and a representative of the voluntary genealogical organisations in Ireland. 25

(7) The Board of the National Library of Ireland may regulate the procedures of the committees but, subject to any such regulation, the committees may regulate their own procedures. 30

Appeals.

37.—(1) The Standing Advisory Committee on Heraldry and Vexillology, hereinafter “the Heraldry Committee”, shall be empowered to hear any appeal arising from any decision by Príomh Aralt na hÉireann in respect of:

- (a) a refusal to grant arms or to register an emblem; 35
- (b) a decision to grant arms or to register an emblem;
- (c) a refusal to alter, amend or cancel a registration;
- (d) a decision to alter, amend or cancel a registration;

(2) Príomh Aralt na hÉireann shall in consultation with the Board of the National Library of Ireland establish procedures for the lodging of an appeal in respect of matters in *subsection (1)* by any applicant seeking a Grant of Arms or the registration of an emblem or by any person or persons or body corporate or institution seeking to object to a decision on such matters. 40

(3) Any person or persons or body corporate or institution seeking to lodge an appeal in respect of matters covered by *subsection (1)(a)*, *(c)* or *(d)* shall be required to do so within sixty days of the date of such a decision by Príomh Aralt na hÉireann and in respect of matters covered by *subsection (1)(b)* within thirty days of the date 45

of publication of such a decision by Príomh Aralt na hÉireann in *Iris Oifigiúil*.

5 (4) The Standing Advisory Committee on Heraldry and Vexillology shall convene to hear an appeal not later than sixty days following the receipt of such by Príomh Aralt na hÉireann and shall deliver its decision on any appeal within a period of not more than sixty days thereafter and such a decision may, at the discretion of the committee, have conditions or recommendations attaching thereto.

10 (5) Any person or persons or body corporate or institution availing of the appeals process as set forth in this section shall accept the decision of the Standing Advisory Committee on Heraldry and Vexillology as final in respect of such appeal and notice of each decision shall be published in *Iris Oifigiúil* in the following manner “appeal upheld” with or without conditions or recommendations
15 attached or “appeal denied” as appropriate.

38.—(1) Príomh Aralt na hÉireann shall make provision for the search by the public of such registers maintained by the Office of Arms and the indexes thereto in accordance with the provisions of the 1997 Act. Searches.

20 (2) Príomh Aralt na hÉireann may on application in writing make provision for the files appertaining to granting of Arms or the registration of emblems to be made available for research in accordance with the provisions of the 1997 Act.

39.—(1) There shall be payable to Príomh Aralt na hÉireann fees of such amounts (if any) as may be prescribed in respect of— Fees.

(a) any performance of such functions of Príomh Aralt na hÉireann as may be prescribed, and

(b) such other amounts as may be prescribed.

30 (2) The amounts of such fees payable to Príomh Aralt na hÉireann shall be published in *Iris Oifigiúil* including any and all amendments thereto.

35 (3) A fee under this Act that is due and unpaid may be recovered from the person or persons or body corporate or institution by whom or by which it is payable as a simple contract debt in any court of competent jurisdiction.

(4) Amounts received under this Act in respect of fees shall be disposed of in accordance with the directions of the Board of the National Library with the consent of the Minister.

40.—(1) Any person or persons or body corporate or institution providing particulars or information to Príomh Aralt na hÉireann in respect of an application under this Act that the applicant knows to be false or misleading is guilty of an offence. Offences and Penalties.

45 (2) Any person or persons or body corporate or institution in receipt of Letters Patent or a Certificate of Registration that deletes or alters, or permits or procures the deletion or alteration of the information contained therein shall be guilty of an offence.

(3) It shall be an offence to alter or delete or cause to alter or delete or procure the alteration or deletion of particulars entered on any register or record maintained by Príomh Aralt na hÉireann save in accordance with this Act.

(4) A person guilty of an offence under this section shall be liable on summary conviction, to a fine not exceeding €2,000 or imprisonment for a term not exceeding 6 months or both. 5

(5) Notwithstanding the provisions of section 10(4) of the Petty Sessions (Ireland) Act, 1851, prosecutions for a summary offence under this Act may be brought by Príomh Aralt na hÉireann at any time within 12 months from the date on which evidence that, in the opinion of Príomh Aralt na hÉireann, is sufficient to justify the bringing of the proceedings comes to his or her notice. 10

(6) Where an offence under this Act is committed by a body corporate or an institution and is proved to have been so committed with the consent, connivance or approval of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other officer of the body corporate or institution, or any other person who was acting or purporting to act in any such capacity, that person as well as the body corporate or institution shall be guilty of an offence and be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence. 15 20

FIRST SCHEDULE

PARTICULARS TO BE ENTERED ON THE REGISTER OF ARMS

Name and Address of Grantee 25
Date of Grant
Blazon
Herald and Heraldic Artist
Letters Patent reference
Certificate of Grant of Arms reference 30
Signature of Chief Herald of Ireland / Deputy Chief Herald of Ireland

SECOND SCHEDULE

PARTICULARS TO BE ENTERED ON THE NATIONAL VEXILLOLOGICAL REGISTER

Name and Address of Applicant 35
Date of Registration
Blazon or Description of Emblem
Purpose of Emblem
Designer of Emblem 40
Certificate of Registration reference
Signature of Chief Herald of Ireland / Deputy Chief Herald of Ireland

THIRD SCHEDULE

ENACTMENTS REPEALED AND AMENDED

Enactments Repealed

5	Session and Chapter or Number and Year	Short Title	Extent of Repeal
	No. 11 of 1997	National Cultural Institutions Act, 1997	Section 12(2)(c)
			Section 13 deleted

Enactments Amended

10	Session and Chapter or Number and Year	Short Title	Extent of Amendment
	No. 11 of 1997	National Cultural Institutions Act, 1997	Section 13 insert new
15			Section 13 The Board shall provide such heraldic and vexillological and other services in accordance with the provisions of the Genealogy and Heraldry Act, 2006
20	No. 11 of 1997	National Cultural Institutions Act, 1997	Section 48 insert new
25			Section 48(6)(c) The Minister may, after consultation with Príomh Aralt na hÉireann, enter aforesaid object or objects, as the case may be, on the register or the record.
30	No. 29 of 1955	Mercantile Marine Act, 1955	Section 10(4) insert new
35			Section 10(4) The Minister shall have any flag warrant issued or revoked under this Section registered with Príomh Aralt na hÉireann in accordance with the provisions of the Genealogy and Heraldry Act, 2006
40	No. 21 of 1993	Statistics Act, 1993	Section 35 insert
45			After the words “the date of the relevant census” insert the following words “and in the case of the 1926 census of population this Act shall cease to apply after 80 years”.
50	No. 44 of 2001	Heritage Fund Act, 2001	Section 9(2) insert
55			Section 9(2)(i) After the word “Limited” delete the word “and”

Session and Chapter or Number and Year	Short Title	Extent of Amendment
		Section 9(2)(j) After the word “Archives” insert the word “and”
		Section 9(2)(k) Príomh Aralt na hÉireann.

5