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Explanatory Memorandum](#)

**AN BILLE UM GHNÓTHAÍ POBAIL, TUAITHE AGUS
GAELTACHTA (FORÁLACHA ILGHNÉITHEACHA) 2007**
**COMMUNITY, RURAL AND GAELTACHT AFFAIRS
(MISCELLANEOUS PROVISIONS) BILL 2007**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Functions of Minister.
3. Amendment of Third Schedule to Freedom of Information Act 1997.
4. Amendment of section 8 of Western Development Commission Act 1998.
5. Amendment of section 2 of Act of 2003.
6. Amendment of section 3 of Act of 2003.
7. Repeal of Arramara Teoranta (Acquisition of Shares) Acts 1949 to 2002.
8. Expenses of Ministers.
9. Short title and collective citation.

SCHEDULE

ACTS REPEALED

ACTS REFERRED TO

Alginat Industries (Ireland) Limited (Acquisition of Shares) Act 1949	1949, No. 22
Alginat Industries (Ireland) Limited (Acquisition of Shares) Act 1954	1954, No. 29
Arramara Teoranta (Acquisition of Shares) Act 2002	2002, No. 11
Freedom of Information Act 1997	1997, No. 13
Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003	2003, No. 39
Terms of Employment (Information) Acts 1994 and 2001	
Western Development Commission Act 1998	1998, No. 42



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BILL

entitled

AN ACT TO CONFIRM THE FUNCTIONS OF THE MINISTER
FOR COMMUNITY, RURAL AND GAELTACHT
AFFAIRS, TO AMEND THE FREEDOM OF INFOR-
MATION ACT 1997, TO AMEND THE WESTERN
DEVELOPMENT COMMISSION ACT 1998, TO AMEND
THE MINISTER FOR COMMUNITY, RURAL AND GAEL-
TACHT AFFAIRS (POWERS AND FUNCTIONS) ACT
2003, TO REPEAL THE ARRAMARA TEORANTA
(ACQUISITION OF SHARES) ACTS 1949 TO 2002, AND
TO PROVIDE FOR RELATED MATTERS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act, unless the context otherwise requires—

Definitions.

“Act of 2003” means the Minister for Community, Rural and Gael-
tacht Affairs (Powers and Functions) Act 2003;

“community development” includes local development and schemes
that provide support for communities in order to enable them to
improve the lives of the members of the communities;

“Department” means the Department of Community, Rural and
Gaeltacht Affairs;

“Minister” means the Minister for Community, Rural and Gael-
tacht Affairs;

“National Drugs Strategy” means national strategies approved from
time to time by the Government for the purposes of countering drug
misuse in the State;

“rural development” includes—

(a) the promotion, fostering and support of economic, social
and cultural activities in rural areas by the implemen-
tation of a broad range of schemes, and

(b) initiatives to sustain employment in, and assist in the pros-
perity of, rural areas;

“scheme”—

- (a) means programmes or measures operated, managed, delivered or sponsored, whether in whole or in part, directly or indirectly or in conjunction or co-operation with any other person (including the European Union or any Department of State), by the Department in relation to the performance of any of the functions of the Minister specified in *section 2(1)*, and 5
- (b) includes such programmes or measures provided to one community or rural area or to a class of communities or rural areas based on— 10
 - (i) the specific needs of that community or rural area or class of communities or rural areas, as the case may be,
 - (ii) the commonality of interests of that class of communities or rural areas, as the case may be, or 15
 - (iii) the geographical distribution of that class of communities or rural areas, as the case may be.

Functions of
Minister.

2.—(1) Without prejudice to the generality of any other provision of this Act, or of any other enactment, conferring functions on the Minister, the functions of the Minister are and shall be deemed to always have been to— 20

- (a) support and promote community development,
- (b) support and promote voluntary activity and philanthropy,
- (c) support and promote rural development, 25
- (d) co-ordinate the implementation of the National Drugs Strategy (including matters relating to the allocation of services and facilities to counter drug misuse in areas of the State where such misuse is significantly higher than in other areas of the State), 30
- (e) support and promote the Irish language, including the co-ordination of policy in this regard, and the development of the Gaeltacht and the Islands,
- (f) support and promote North/South co-operation within the ambit of the Minister’s functions under *paragraphs (a) to (e)*, and 35
- (g) support and promote North/South co-operation in relation to Ulster Scots heritage, culture and language.

(2) The Minister may—

- (a) with the consent of the Minister for Finance, develop and implement any scheme that, in the Minister’s opinion, supports or promotes any function of the Minister specified in *subsection (1)*, 40
- (b) maintain any scheme that, in the Minister’s opinion, supports or promotes any such function, 45

(c) expand, with the consent of the Minister for Finance, any scheme.

5 (3) The Minister shall not be, or be deemed to be, an employer, within the meaning of the Terms of Employment (Information) Acts 1994 and 2001, by virtue of the provision of funding to a person or persons under any scheme.

(4) Nothing in this section shall of itself be construed to—

(a) prevent the Minister from terminating any scheme, or

10 (b) limit the generality of any functions conferred (whether by an enactment or otherwise) on another Minister of State or Department or any other agency or body of State.

3.—The Third Schedule to the Freedom of Information Act 1997 is amended in Part 1 by—

Amendment of
Third Schedule to
Freedom of
Information Act
1997.

15 (a) inserting “No. 42 of 1998” at the end of the first column of that Part,

(b) inserting “Western Development Commission Act 1998” at the end of the second column of that Part opposite the insertion made by *paragraph (a)*, and

20 (c) inserting “Section 18” in the third column of that Part opposite the insertion made by *paragraph (b)*.

4.—Section 8(5) of the Western Development Commission Act 1998 is amended by deleting “£250,000” and substituting “€1,000,000”.

Amendment of
section 8 of
Western
Development
Commission Act
1998.

25 5.—Section 2(4) of the Act of 2003 is amended by deleting *paragraph (b)* and substituting the following:

Amendment of
section 2 of Act of
2003.

“(b) the following:

30 (i) centres of population within a radius of 120 kilometres of that terminus specified in regulations made by the Minister with the consent of the Minister for Finance and the Minister for Transport;

35 (ii) centres of second level education specified in regulations made by the Minister, with the consent of the Minister for Finance and the Minister for Transport, where the Minister has reasonable grounds to believe, after consultation with the Minister for Education and Science, that the educational needs of the students concerned would be seriously prejudiced if such centres were not so specified; or

40 (iii) both centres referred to in subparagraph (i) and centres referred to in subparagraph (ii).”.

Amendment of section 3 of Act of 2003.	6.—Section 3(1)(b) and (c) of the Act of 2003 is amended by deleting “any such”.	
Repeal of Arramara Teoranta (Acquisition of Shares) Acts 1949 to 2002.	7.—The Acts specified in the Schedule are repealed.	
Expenses of Ministers.	8.—(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 moneys provided by the Oireachtas.	5
	(2) The expenses incurred by the Minister for Finance in the administration of this Act shall be paid out of moneys provided by the Oireachtas.	10
Short title and collective citation.	9.—(1) This Act may be cited as the <i>Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007</i> .	
	(2) The Western Development Commission Act 1998 and <i>section 4</i> may be cited together as the Western Development Commission Acts 1998 and 2007.	15
	(3) The Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003 and <i>sections 5</i> and <i>6</i> may be cited together as the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts 2003 and 2007.	
Section 7.	SCHEDULE	20
	ACTS REPEALED	
	1. Alginat Industries (Ireland) Limited (Acquisition of Shares) Act 1949.	
	2. Alginat Industries (Ireland) Limited (Acquisition of Shares) Act 1954.	25
	3. Arramara Teoranta (Acquisition of Shares) Act 2002.	



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(MISCELLANEOUS PROVISIONS) BILL 2007**

EXPLANATORY AND FINANCIAL MEMORANDUM

1. Purpose of the Bill

The purpose of the Bill is to confirm and to secure an integrated statutory basis for the broad range of functions and responsibilities of the Minister for Community, Rural and Gaeltacht Affairs. The Bill aims to secure a clearer statutory mandate for functions previously transferred to the Minister by way of Statutory Instrument/Transfer of Functions Orders, along with new programmes introduced by the Minister since 2002.

In addition to this, the Bill provides for a number of technical amendments to existing legislation.

Key aspects of the Bill, including the technical amendments to existing legislation, are:

- to confirm the powers, functions and responsibilities of the Minister;
- to provide for the inclusion in the Third Schedule in the Freedom of Information Act 1997, of section 18 of the Western Development Commission Act 1998;
- to amend section 8(5) of the Western Development Commission Act 1998, raising to €1 million the limit of financial or other material aid to enterprises or projects, which the Western Development Commission can provide without the consent of the Minister, under section 8(c) of the Western Development Commission Act 1998;
- to amend section 2(4) of the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003 in respect of transport services for islands students and sections 3(1)(b) and 3(1)(c) of that Act in respect of clarifying the Minister's remit in respect of specified functions in relation to aerodromes and ancillary facilities connected with the provision of air services between the islands and the mainland;

- to repeal the Arramara Teoranta (Acquisition of Shares) Acts 1949-2002.

2. *Principal Elements of the Bill*

The Bill comprises nine Sections and a Schedule.

Section 1 contains “interpretations” and “definitions” of terms that are used throughout the Bill.

Section 2 outlines the functions and responsibilities of the Minister for Community, Rural and Gaeltacht Affairs, including his/her power to develop, implement, maintain, expand or terminate any scheme that in his/her opinion supports or promotes such functions of the Minister specified in section 2(1) of the Bill. Such functions include community development, voluntary activity and philanthropy, rural development, the National Drugs Strategy, the Irish language, including the co-ordination of policy in this regard and the development of the Gaeltacht and the Islands, North/South co-operation, including matters in relation to Ulster Scots heritage, culture and language. Appropriate consultation with other Ministers is provided for in the Bill.

Section 3 provides for the inclusion in the Third Schedule in the Freedom of Information Act 1997 of section 18 of the Western Development Commission Act 1998. The effect of Section 3 is that this provision can no longer be cited as grounds for refusing access to records sought under the FOI Acts.

Section 4 provides for the raising to €1 million of the limit of financial or other material aid to enterprises or projects, which the Western Development Commission can provide without seeking the formal consent of the Minister, under section 8(c) of the Western Development Commission Act 1998.

Section 5 provides for the amendment of section 2 of the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003. That provision enables the Minister to pay subsidies in respect of travel by islands students to second level schools on the mainland within the radius of 120 kilometres of the terminus.

The effect of the provision proposed at Section 5 would enable the Minister to also pay subsidies in respect of travel by islands students to second level schools on the mainland *outside* the radius of 120 kilometres of the terminus. This would be subject to consultation with appropriate Ministers.

Section 6 provides for the amendment of section 3 of the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003. It clarifies the Minister’s remit in respect of specified functions in respect of both existing and *new* aerodromes and ancillary facilities connected with the provision of air services between the islands and the mainland.

Section 7 provides for the repeal of the Arramara Teoranta (Acquisition of Shares) Acts 1949-2002, following the transfer of the State shareholding in the former commercial State body Arramara Teoranta to Údarás na Gaeltachta with effect from 16 October 2006.

Section 8 deals with the expenses incurred by Ministers in the administration of this Act.

Section 9 sets out short title and collective citations for this Act. This Act will be cited as the *Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007*.

The *Schedule* of the Act lists the legislation that is being repealed. It provides for the repeal of the Arramara Teoranta (Acquisition of Shares) Acts 1949-2002 following the transfer of the State shareholding in the former commercial State body Arramara Teoranta to Údarás na Gaeltachta.

3. *Financial Implications of the Bill*

There will be no significant additional costs to the Exchequer arising from this proposal.

An Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta,
Aibreán 2007.