



DÁIL ÉIREANN

AN BILLE AIRÍ AGUS RÚNAITHE (LEASÚ), 2011 MINISTERS AND SECRETARIES (AMENDMENT) BILL 2011

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE AIRÍ AGUS RÚNAITHE (LEASÚ), 2011 —AN COISTE

MINISTERS AND SECRETARIES (AMENDMENT) BILL 2011 —COMMITTEE STAGE

Leasuithe Amendments

SECTION 1

1. In page 5, before section 1, but in Part 1, to insert the following new section:

“Short title,
commencement,
collective citation
and construction.

1.—(1) This Act may be cited as the Ministers and Secretaries (Amendment) Act 2011.

(2) *Sections 6, 7, 8, and 14(3), and Parts 3 and 4* shall come into operation on the appointed day.

(3) The Ministers and Secretaries Acts 1924 to 2007 and this Act may be cited together as the Ministers and Secretaries Acts 1924 to 2011 and shall be construed together as one Act.”

—An tAire Airgeadais.

[Acceptance of this amendment involves the deletion of section 1 of the Bill.]

SECTION 2

2. In page 5, between lines 29 and 30, to insert the following:

“Act of 1945” means the National Stud Act 1945;

“Act of 1949” means the Irish News Agency Act 1949;

“Act of 1953” means the Grass Meal (Production) Act 1953;”.

—An tAire Airgeadais.

3. In page 5, between lines 30 and 31, to insert the following:

“Act of 1976” means the Gas Act 1976;

“Act of 1983” means the Postal and Telecommunications Services Act 1983;

“Act of 1988” means the Forestry Act 1988;

“Act of 1993” means the Irish Aviation Authority Act 1993;

“Act of 1996” means the Harbours Act 1996;”.

—An tAire Airgeadais.

4. In page 5, between lines 31 and 32, to insert the following:

“Act of 1998” means the Turf Development Act 1998;”.

—An tAire Airgeadais.

[SECTION 2]

5. In page 5, after line 32, to insert the following:

““appointed day” shall be construed in accordance with *section 4*.”

—An tAire Airgeadais.

6. In page 6, to delete lines 1 and 2.

—An tAire Airgeadais.

7. In page 6, line 10, to delete “Constitution.” and substitute the following:

“Constitution;

“statutory instrument” has the same meaning as it has in the Interpretation Act 2005.”.

—An tAire Airgeadais.

SECTION 3

8. In page 6, subsection (1)(h), line 25, to delete “which” and substitute “whom”.

—An tAire Airgeadais.

9. In page 6, lines 34 and 35, to delete subsection (2).

—An tAire Airgeadais.

10. In page 7, to delete lines 19 to 26 and substitute the following:

“(e) a company or body under the control, within the meaning of section 11 of the Taxes Consolidation Act 1997, of—

(i) a company to which *paragraph (b)* applies,

(ii) a subsidiary to which *paragraph (c)* applies,

(iii) a body to which *paragraph (a)* or *(d)* applies, or

(iv) a public service body to which *paragraph (e), (f)* or *(g)* of *subsection (1)* applies,

for the time being standing prescribed by the Minister.”.

—An tAire Airgeadais.

SECTION 4

11. In page 7, before section 4, but in Part 1, to insert the following new section:

“Regulations.

4.—(1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

[SECTION 4]

(3) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House sits after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

—An tAire Airgeadais.

SECTION 5

12. In page 8, between lines 15 and 16, to insert the following subsection:

“(5) The Minister shall—

(a) within 20 days of the passing of this Act lay before the Houses of the Oireachtas, with the approval of the Minister for Finance, details of key procedures, ministerial responsibilities and target dates for each principal element involved in the preparation, announcement and enactment of the annual estimates of expenditure and such other financial measures as may be relevant to annual measures concerning the public finance of the State,

and

(b) where necessary, update these details no later than the 20th day of January each year.”.

—Seán Fleming.

SECTION 6

13. In page 8, subsection (1)(a), line 18, after “the” where it first occurs to insert the following:

“setting of certain revenues to be collected and the”.

—Seán Fleming.

SECTION 7

14. In page 8, subsection (1)(a)(i), line 40, to delete “in relation to”.

—An tAire Airgeadais.

15. In page 8, subsection (1)(a), to delete lines 43 to 48 and in page 9, to delete lines 1 to 6 and substitute the following:

“(iii) all functions (including functions conferred by or under statute) relating to remuneration (including fees, allowances and expenses), appointment and terms and conditions of service of members, or members of boards, of public service bodies;”.

—An tAire Airgeadais.

16. In page 9, subsection (1)(a)(iv), line 7, to delete “sanctioning” and substitute “sanctioning or approval”.

—An tAire Airgeadais.

17. In page 9, subsection (1)(a)(iv), line 8, to delete “statute.” and substitute the following:

“statute;

[SECTION 7]

- (v) all functions (including functions conferred by or under statute) relating to superannuation, remuneration (including allowances and expenses) and terms and conditions of service of—
 - (I) a member of either House of the Oireachtas,
 - (II) a member of a local authority (within the meaning of the Local Government Act 2001),
 - (III) a person—
 - (A) elected under the European Parliament Elections Act 1997 to be a member of the European Parliament, or
 - (B) who is regarded under that Act as having been elected to be a member of that Parliament,
 - (IV) a judge of a court established under the law of the State,
 - (V) a person who is the holder of a qualifying office within the meaning of Part IV of the Ministerial and Parliamentary Offices Act 1938,
 - (VI) the President of Ireland.”.

—An tAire Airgeadais.

18. In page 9, lines 20 to 26, to delete subsection (4) and substitute the following:

“(4) The functions of the Minister for Finance in relation to each of the following bodies are transferred to the Minister:

- (a) the Commissioners of Public Works in Ireland;
- (b) the Commission for Public Service Appointments;
- (c) the Public Appointments Service;
- (d) the Commissioner of Valuation;
- (e) the State Laboratory.”.

—An tAire Airgeadais.

SECTION 8

19. In page 9, paragraph (e), line 43, to delete “and” and in page 10, to delete lines 1 to 7 and substitute the following:

- “(f) formulate and develop policies in relation to the procurement of goods and services (including services consisting of the carrying out of works) by Departments of State or other public service bodies, and
- (g) develop procedural frameworks for the procurement of goods and services (including services consisting of the carrying out of works) by Departments of State or other public service bodies.

(2) In this section “public service body” does not include a body specified in *Schedule 1* or a subsidiary (within the meaning of section 155 of the Act of 1963) of such a body.”.

—An tAire Airgeadais.

[SECTION 8]

20. In page 10, between lines 7 and 8, to insert the following:

- “(g) to develop policies in relation to combatting the high levels of salary and pensions of senior employees of public service bodies and of excluded bodies, and
- (h) to maintain a published record of all purchase orders in respect of the procurement of goods and services by and on behalf of Departments of State and other public service bodies.”.

—Seán Fleming.

SECTION 9

21. In page 10, before section 9, to insert the following new section:

“9.—The Minister shall—

- (a) make available to the Minister for Finance upon his or her request, such officers of the Department as may be required to assist him or her in the consideration of measures to grant tax relief in order to achieve a specific policy objective in relation to the provision of a service or activity which is also funded through public expenditure,
- and
- (b) where the Minister for Finance proposes any such tax relief prepare a statement of how this relief relates to public expenditure policy relating to the relevant service or activity.”.

—Seán Fleming.

SECTION 10

22. In page 10, line 20, to delete “in so far only as” and substitute “to the extent that”.

—An tAire Airgeadais.

SECTION 14

23. In page 11, between lines 21 and 22, to insert the following subsection:

- “(4) (a) Any shares or stock issued to the Minister for Finance by a public body and registered in his or her name or held in trust on his or her behalf by any person, in accordance with a relevant enactment, shall on the appointed day, stand transferred to the Minister or be held in trust on behalf of the Minister, as may be appropriate, and from that day references in a relevant enactment to the Minister for Finance shall be construed as references to the Minister.
- (b) This subsection shall apply notwithstanding any restriction contained in any enactment in relation to the transfer or alienation of shares or stock to which a relevant enactment applies.
- (c) In this subsection—

“Act of 2004” means the State Airports Act 2004;

“relevant enactment” means—

[SECTION 14]

- (i) section 5 (amended by sections 6 and 14 of the Minerals Company Act 1945) or 15 of the Minerals Exploration and Development Company Act 1941,
- (ii) section 16 of the Act of 1945,
- (iii) section 6 or 14 of the Act of 1949,
- (iv) section 15 or 19 of the Act of 1953,
- (v) section 7B, 7C, 7E or 7G (inserted by section 16 of the Energy (Miscellaneous Provisions) Act 2006) of the Act of 1976,
- (vi) section 19 of the Act of 1983,
- (vii) section 17 or 22 of the Act of 1988,
- (viii) section 19 or 24 of the Act of 1993,
- (ix) section 19 of the Act of 1996,
- (x) section 10 or 11 (amended by section 6(4) and the Schedule to the Act of 2004) of the Air Navigation and Transport (Amendment) Act 1998,
- (xi) section 14 or 15 of the Act of 1998,
- (xii) section 2 (amended by section 21 of the Energy (Miscellaneous Provisions) Act 2006) of the Electricity (Supply) (Amendment) Act 2001,
- (xiii) section 10 of the Act of 2004, or
- (xiv) Regulation 40 or 45 of the European Communities (Internal Market in Electricity) Regulations 2000 (S.I. No. 445 of 2000).”

—An tAire Airgeadais.

SECTION 15

- 24.** In page 11, subsection (1), line 24, to delete “year” and substitute “financial year”.

—An tAire Airgeadais.

- 25.** In page 12, lines 1 to 7, to delete subsection (6) and substitute the following:

“(6) The Minister for Finance may make recommendations to the Minister as respects—

- (a) the proportion of the annual approved expenditure amount or revised annual approved expenditure amount, as the case may be, that, having regard to fiscal and economic conditions, he or she considers should be applied to—
 - (i) meet current expenditure requirements, and
 - (ii) meet capital expenditure requirements,
- and,

[SECTION 15]

(b) the level of appropriations-in-aid which should be raised.”.

—Seán Fleming.

SECTION 16

26. In page 12, subsection (4), lines 34 and 35, to delete paragraph (a) and substitute the following:

“(a) for the purposes of—

(i) the Presidential Establishment Acts 1938 to 1991, or

(ii) an enactment specified in *Part 2 of Schedule 3*,

and”.

—An tAire Airgeadais.

27. In page 12, subsection (4)(b), line 37, to delete “that enactment” and substitute “those Acts apply or that enactment”.

—An tAire Airgeadais.

SECTION 17

28. In page 12, subsection (1), line 42, after “by” to insert “section 4 of”.

—Seán Fleming.

29. In page 13, subsection (2), line 6, to delete “consult” and substitute “consult with each other”.

—An tAire Airgeadais.

SECTION 18

30. In page 13, lines 11 to 13, to delete subsection (2).

—Seán Fleming.

SECTION 19

31. In page 13, subsection (2), line 30, to delete paragraph (j) and substitute the following:

“(j) Financial Services Ombudsman’s Bureau;

(k) Financial Services Ombudsman Council.”.

—An tAire Airgeadais.

SECTION 20

32. In page 13, before section 20, but in Part 3, to insert the following new section:

“Purported performance of certain functions by Minister.

20.—(1) A function (including a function consisting of the power to make a statutory instrument) of the Minister for Finance performed or purportedly performed by the Minister after the commencement of this Part, shall be deemed to have been validly performed by the Minister for Finance, if, at the time of the performance or purported performance of the function, the Minister believed that the function vested in him or her by virtue of *subsection (1) or (4) of section 7*.

[SECTION 20]

(2) Where the Minister performs or purports to perform a function of the Minister for Finance, it shall, in any subsequent proceedings (whether civil or criminal), be presumed, unless the contrary is proved, that at the time of the performance or purported performance of the function the Minister believed that the function vested in him or her by virtue of *subsection (1) or (4) of section 7*.

(3) In this section “function” does not include a function of the Minister for Finance to which *section 14(3), 15, 16, 18 or 19, or Part 4, applies*.”

—An tAire Airgeadais.

33. In page 13, before section 20, but in Part 3, to insert the following new section:

“Purported performance of certain functions by Minister for Finance.

21.—(1) A function (including a function consisting of the power to make a statutory instrument) of the Minister performed or purportedly performed by the Minister for Finance shall be deemed to have been validly performed by the Minister, if, at the time of the performance or purported performance of the function, the Minister for Finance believed that the function had not been transferred to the Minister by this Act.

(2) Where the Minister for Finance performs or purports to perform a function of the Minister, it shall, in any subsequent proceedings (whether civil or criminal), be presumed, unless the contrary is proved, that at the time of the performance or purported performance of the function the Minister for Finance believed that the function vested in him or her.

(3) In this section “function” does not include—

(a) a function transferred to the Minister under *subsection (1) or (2) of section 6 or subsection (2) or (3) of section 7, or*

(b) a function of the Minister to which *section 14(3), 15, 16, 18 or 19, or Part 4, applies*.”

—An tAire Airgeadais.

34. In page 13, before section 20, but in Part 3, to insert the following new section:

“Dispute in relation to performance of functions.

22.—If any doubt, question, or dispute arises as to the Minister of the Government in whom any particular function is vested by virtue of this Act, such doubt, question, or dispute shall be determined by the Taoiseach.”

—An tAire Airgeadais.

SECTION 21

35. In page 13, before section 21, to insert the following new section:

“Amendment of Shannon Electricity Act 1925.

21.—The Shannon Electricity Act 1925 is amended—

(a) in subsection (1) of section 11, by the substitution of “Upon the request of the Minister for Public Expenditure and Reform, the Minister for Finance may” for “The Minister for Finance may”,

[SECTION 21]

(b) in subsection (2) of section 11, by the insertion of “given with the consent of the Minister for Public Expenditure and Reform” after “Minister for Finance”, and

(c) in subsection (4) of section 14, by the insertion of “after consultation with the Minister for Public Expenditure and Reform” after “Minister for Finance”.”.

—An tAire Airgeadais.

36. In page 13, before section 21, to insert the following new section:

“Amendment of section 12 of Electricity (Supply) Act 1927.

22.—Section 12 of the Electricity (Supply) Act 1927 is amended—

(a) in subsection (1), by the substitution of “with the approval of the Minister for Public Expenditure and Reform and subject to” for “subject to”, and

(b) in subsection (6), by the substitution of “shall, with the approval of the Minister for Public Expenditure and Reform, be advanced” for “shall be advanced”.”.

—An tAire Airgeadais.

37. In page 13, before section 21, to insert the following new section:

“Amendment of section 7 of State Lands (Workhouses) Act 1930.

23.—Section 7 of the State Lands (Workhouses) Act 1930 is amended by the insertion, in subsection (2), of “by the Minister for Finance, with the approval of the Minister for Public Expenditure and Reform,” after “out of the Central Fund”.”.

—An tAire Airgeadais.

38. In page 13, before section 21, to insert the following new section:

“Amendment of section 4 of Electricity (Supply) (Amendment) Act 1930.

24.—Section 4 of the Electricity (Supply) (Amendment) Act 1930 is amended by the substitution of “the Minister for Finance, after having consulted with the Minister for Public Expenditure and Reform, has formed the opinion” for “the Minister for Finance is of opinion”.”.

—An tAire Airgeadais.

39. In page 13, before section 21, to insert the following new section:

“Amendment of section 3 of Electricity (Supply) (Amendment) Act 1931.

25.—Section 3 of the Electricity (Supply) (Amendment) Act 1931 is amended by the substitution, in subsection (1), of “, with the approval of the Minister for Public Expenditure and Reform and subject to the limitation imposed by this section,” for “(subject to the limitation imposed by this section)”.”.

—An tAire Airgeadais.

40. In page 13, before section 21, to insert the following new section:

“Amendment of section 12 of Electricity (Supply) (Amendment) (No. 2) Act 1934.

26.—Section 12 of the Electricity (Supply) (Amendment) (No. 2) Act 1934 is amended, in subsection (1), by the insertion of “with the approval of the Minister for Public Expenditure and Reform and” after “Minister for Finance may,”.”.

—An tAire Airgeadais.

41. In page 13, before section 21, to insert the following new section:

[SECTION 21]

“Amendment of section 13 of Shannon Fisheries Act 1935.

27.—Section 13 of the Shannon Fisheries Act 1935 is amended by the substitution, in subsection (1), of “, with the approval of the Minister for Public Expenditure and Reform and subject to this section,” for “(subject to the provisions of this section)”.

—An tAire Airgeadais.

42. In page 13, before section 21, to insert the following new section:

“Amendment of Local Loans Fund Act 1935.

28.—The Local Loans Fund Act 1935 is amended—

- (a) in subsection (3) (amended by section 7 of the Local Loans Fund (Amendment) Act 1940) of section 3, by the insertion of “, with the approval of the Minister for Public Expenditure and Reform,” after “the Minister shall”,
- (b) in subsection (2) of section 5, by the substitution of “the Minister may, as and when he thinks proper and having consulted with the Minister for Public Expenditure and Reform” for “the Minister may, as and when he thinks proper”,
- (c) in subsection (5) of section 5, by—
 - (i) the insertion of “, after consultation with the Minister for Public Expenditure and Reform,” after “the Minister shall”, and
 - (ii) by the insertion of “the Minister for Public Expenditure and Reform and” before “such other Minister.”,
- (d) in subsection (1) of section 8, by the insertion of “, and shall, from time to time, consult with the Minister for Public Expenditure and Reform in relation to the form of such accounts” after “in relation to the fund”,
- (e) in subsection (1) of section 17, by the insertion of “, after consultation with the Minister for Public Expenditure and Reform,” after “The Minister may”, and
- (f) in subsection (2) of section 17, by the insertion of “, after consultation with the Minister for Public Expenditure and Reform,” after “the Minister shall”.

—An tAire Airgeadais.

43. In page 14, before section 21, to insert the following new section:

“Amendment of section 15 of Seanad Electoral (University Members) Act 1937.

21.—Section 15 of the Seanad Electoral (University Members) Act 1937 is amended—

- (a) in subsection (2), by—
 - (i) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
 - (ii) the substitution of “by the Minister for Finance, with the approval of the Minister for Public Expenditure and Reform,” for “by the said Minister”, and

[SECTION 21]

(b) in subsection (3) (inserted by paragraph (c) of section 56 of the Act of 2001) by the insertion of “with the consent of the Minister for Public Expenditure and Reform and” after “the Minister for Finance may.”.

—An tAire Airgeadais.

[Acceptance of this amendment involves the deletion of section 21 of the Bill.]

SECTION 22

44. In page 14, before section 22, to insert the following new section:

“Amendment of section 3 of Local Loans Fund (Amendment) Act 1937.

22.—Section 3 of the Local Loans Fund (Amendment) Act 1937 is amended by the insertion of “, after having consulted with the Minister for Public Expenditure and Reform,” after “If and whenever the Minister”.

—An tAire Airgeadais.

45. In page 14, before section 22, to insert the following new section:

“Amendment of section 15 of Industrial Alcohol Act 1938.

23.—Section 15 of the Industrial Alcohol Act 1938 is amended by—

(a) the deletion of paragraph (a) of subsection (1), and

(b) the insertion of the following subsection:

“(1A) All moneys required from time to time by the Minister for Public Expenditure and Reform to meet payments required to be made by him to the Company in respect of any shares subscribed for or taken up by him under this Part shall, on his request, be advanced out of the Central Fund or the growing produce thereof by the Minister for Finance.”.

—An tAire Airgeadais.

46. In page 14, before section 22, to insert the following new section:

“Amendment of section 5 of Hospitals Act 1939.

24.—Section 5 of the Hospitals Act 1939 is amended, in paragraph (g), by—

(a) the insertion of “and the Minister for Public Expenditure and Reform” after “the Minister for Finance”, and

(b) the substitution of “the Minister for Finance” for “that Minister”.

—An tAire Airgeadais.

47. In page 14, before section 22, to insert the following new section:

“Amendment of District of Fergus Drainage Act 1943.

25.—The District of Fergus Drainage Act 1943 is amended—

(a) in subsection (5) of section 4, by the insertion of “, with the consent of the Minister for Public Expenditure and Reform,” after “the Minister may”, and

(b) in subsection (6) of section 4, by the insertion of “, with the consent of the Minister for Public Expenditure and Reform,” after “the Minister may”.

—An tAire Airgeadais.

48. In page 14, before section 22, to insert the following new section:

[SECTION 22]

“Amendment of Transport Act 1944.

26.—The Transport Act 1944 is amended—

- (a) in subsection (1) of section 16, by the insertion of “and the Minister for Public Expenditure and Reform” after “Minister for Finance”, and
- (b) in subsection (2) of section 22, by—
 - (i) the insertion, in paragraph (a), of “and the Minister for Public Expenditure and Reform” after “the Minister for Finance”, and
 - (ii) the insertion, in paragraph (b), of “, after consultation by him with the Minister for Public Expenditure and Reform,” after “Minister for Finance”.”.

—An tAire Airgeadais.

49. In page 14, before section 22, to insert the following new section:

“Amendment of section 21 of Act of 1945.

27.—Section 21 of the Act of 1945 is amended by the substitution of the following subsection for subsection (1):

“(1) All moneys from time to time required by the Minister for Public Expenditure and Reform to meet payments required to be made in respect of any shares subscribed for by him under this Act shall be advanced out of the Central Fund or the growing produce thereof by the Minister for Finance.”.

—An tAire Airgeadais.

50. In page 14, before section 22, to insert the following new section:

“Amendment of section 3 of Finance (Miscellaneous Provisions) Act 1945.

28.—Section 3 of the Finance (Miscellaneous Provisions) Act 1945 is amended, in subsection (1), by the insertion of “exercised after consultation by the Minister for Finance with the Minister for Public Expenditure and Reform” after “at the discretion of the Minister for Finance”.”.

—An tAire Airgeadais.

51. In page 14, before section 22, to insert the following new section:

“Amendment of Electricity (Supply) (Amendment) Act 1945.

29.—Section 40 of the Electricity (Supply) (Amendment) Act 1945 is amended in subsection (1), by the substitution of “shall, after consultation by the Minister for Finance with the Minister for Public Expenditure and Reform, be prescribed” for “shall be prescribed”.”.

—An tAire Airgeadais.

52. In page 14, before section 22, to insert the following new section:

“Amendment of section 53 of Turf Development Act 1946.

30.—Section 53 of the Turf Development Act 1946 is amended, in subsection (1) (amended by section 13 of the Turf Development Act 1981), by the insertion of “made after the Minister’s having consulted with the Minister for Public Expenditure and Reform” after “recommendation of the Minister”.”.

—An tAire Airgeadais.

SECTION 23

53. In page 14, before section 23, to insert the following new section:

[SECTION 23]

“Amendment of section 6 of Act of 1949.

23.—Section 6 of the Act of 1949 is amended, in subsection (4), by the substitution of “shall, with the approval of the Minister for Public Expenditure and Reform, be paid by the Minister for Finance” for “shall be paid”.

—An tAire Airgeadais.

54. In page 14, before section 23, to insert the following new section:

“Amendment of Sea Fisheries Act 1952.

24.—The Sea Fisheries Act 1952 is amended—

(a) in subsection (1) (amended by section 1 of the Sea Fisheries (Amendment) Act 1982) of section 18, by the insertion of “made after the Minister’s having consulted with the Minister for Public Expenditure and Reform” after “recommendation of the Minister”,

(b) in subsection (1) of section 21, by the insertion of “with the approval of the Minister for Public Expenditure and Reform and” before “after consultation with the Minister”,

(c) in subsection (5) of section 21, by the insertion of “, after consultation with the Minister for Public Expenditure and Reform,” after “may”,

and

(d) in section 22, by the insertion of “and the Minister for Public Expenditure and Reform” after “Minister for Finance”.

—An tAire Airgeadais.

55. In page 14, before section 23, to insert the following new section:

“Amendment of Act of 1953.

25.—The Act of 1953 is amended—

(a) in subsection (2) of section 15, by—

(i) the insertion of “, on the request of the Minister for Public Expenditure and Reform,” after “shall”, and

(ii) the insertion of “by the Minister for Finance” after “thereof”,

(b) in section 23, by—

(i) the deletion of paragraph (a) of subsection (1), and

(ii) the insertion of the following subsection:

“(1A) All moneys required from time to time by the Minister for Public Expenditure and Reform to meet payments required to be made by him in respect of any shares subscribed for by him under this Act shall, on his request, be advanced out of the Central Fund or the growing produce thereof by the Minister for Finance.”,

(c) in subsection (4) of section 23, by the insertion of “, with the approval of the Minister for Public Expenditure and Reform,” after “as the said Minister shall”,

and

[SECTION 23]

- (d) in subsection (6) of section 23 by the insertion of “, with the approval of the Minister for Public Expenditure and Reform,” after “as the Minister for Finance may”.

—An tAire Airgeadais.

56. In page 14, before section 23, to insert the following new section:

“Amendment of
Insurance Act 1953.

26.—The Insurance Act 1953 is amended—

- (a) in subsection (1) (inserted by section 1 of the Insurance Act 1983) of section 2, by the insertion of “and the Minister for Public Expenditure and Reform” after “Minister for Finance”,
- (b) in subsection (1A) (inserted by section 2 of the Insurance Act 1969) of section 2, by the insertion of “and the Minister for Public Expenditure and Reform” after “Minister for Finance”,
- (c) in subsection (4) of section 2, by the substitution of “shall, with the approval of the Minister for Public Expenditure and Reform, be advanced by the Minister for Finance” for “shall be advanced”,
- (d) in subsection (7) of section 2, by the insertion of “given after consultation with the Minister for Public Expenditure and Reform” after “directions of the Minister for Finance”, and
- (e) in subsection (1) of section 3, by the insertion of “, with the consent of the Minister for Public Expenditure and Reform,” after “may”.

—An tAire Airgeadais.

57. In page 14, before section 23, to insert the following new section:

“Amendment of
Electricity (Supply)
(Amendment) Act
1954.

27.—The Electricity (Supply) (Amendment) Act 1954 is amended—

- (a) in subsection (1) of section 5 (amended by section 4 of the Electricity (Supply) (Amendment) Act 1958), by the insertion of “and with the approval of the Minister for Public Expenditure and Reform” after “on the recommendation of the Minister”,
- (b) in subsection (1) of section 8, by—
- (i) the substitution of “The Minister for Public Expenditure and Reform may, with the consent of the Minister for Finance and subject to such conditions as the Minister for Public Expenditure and Reform may think fit” for “The Minister for Finance may, subject to such conditions as he may think fit”, and
- (ii) the substitution of “the Minister for Public Expenditure and Reform will take up and the Minister for Finance will pay” for “he will take up and pay”,
- and
- (c) in subsection (2) of section 8, by the substitution of “the Minister for Public Expenditure and Reform” for “him”.

—An tAire Airgeadais.

58. In page 14, before section 23, to insert the following new section:

[SECTION 23]

“Amendment of section 2 of Turf Development Act 1957.

28.—Section 2 of the Turf Development Act 1957 is amended—

(a) in subsection (1), by—

(i) the substitution of “with the consent of the Minister for Public Expenditure and Reform and subject to such conditions as the Minister for Public Expenditure and Reform may think fit” for “subject to such conditions as he may think fit”, and

(ii) the substitution of “the Minister for Public Expenditure and Reform will take up and the Minister for Finance will pay” for “he will take up and pay”,

and

(b) in subsection (2), by the substitution of “by the Minister for Public Expenditure and Reform” for “by him”.”.

—An tAire Airgeadais.

59. In page 14, before section 23, to insert the following new section:

“Amendment of section 11 of Transport Act 1958.

29.—Section 11 of the Transport Act 1958 is amended by the insertion, in subsection (2), of “, with the approval of the Minister for Public Expenditure and Reform,” after “shall”.”.

—An tAire Airgeadais.

60. In page 14, before section 23, to insert the following new section:

“Amendment of section 10 of Shannon Free Airport Development Company Limited Act 1959.

30.—Section 10 of the Shannon Free Airport Development Company Limited Act 1959 is amended by the substitution, in paragraph (a), of “Minister for Public Expenditure and Reform” for “Minister for Finance”.”.

—An tAire Airgeadais

61. In page 14, before section 23, to insert the following new section:

“Amendment of Petroleum and Other Minerals Development Act 1960.

31.—Section 55 (amended by section 251 of the Finance Act 1992) of the Petroleum and Other Minerals Development Act 1960 is amended by—

(a) the substitution of “the consent of the Minister for Public Expenditure and Reform” for “the consent of the Minister for Finance”, and

(b) the substitution of “may, upon the request of the Minister for Public Expenditure and Reform, be paid” for “may be paid”.”.

—An tAire Airgeadais.

62. In page 14, before section 23, to insert the following new section:

“Amendment of section 4 of Electricity (Supply) (Amendment) Act 1962.

32.—Section 4 of the Electricity (Supply) (Amendment) Act 1962 is amended by the insertion, in subsection (1), of “made after the Minister’s having consulted with the Minister for Public Expenditure and Reform” after “recommendation of the Minister”.”.

—An tAire Airgeadais.

63. In page 14, before section 23, to insert the following new section:

[SECTION 23]

“Amendment of section 2 of Sea Fisheries (Amendment) Act 1963.

33.—Section 2 of the Sea Fisheries (Amendment) Act 1963 is amended by the insertion, in paragraph (a), of “with the consent of the Minister for Public Expenditure and Reform and” after “at any time,”.

—An tAire Airgeadais.

64. In page 14, before section 23, to insert the following new section:

“Amendment of National Building Agency Limited Act 1963.

34.—The National Building Agency Limited Act 1963 is amended—

- (a) in subsection (1) of section 6, by the insertion of “with the consent of the Minister for Public Expenditure and Reform and” after “may,”,
- (b) in subsection (2) of section 6, by the insertion of “after consultation with the Minister for Public Expenditure and Reform” after “Minister for Finance”,
- (c) in subsection (1) of section 7, by the insertion of “and the Minister for Public Expenditure and Reform” after “Minister for Finance”,
- (d) in subsection (1) of section 8, by the insertion of “with the approval of the Minister for Public Expenditure and Reform” after “shall”,
- (e) by the substitution of the following section for section 10:

“10.—(1) There shall be paid into, or for the benefit of, the Exchequer, in such manner as the Minister for Public Expenditure and Reform considers appropriate, all dividends, bonuses, net proceeds of sale and other moneys received by him in respect of shares of the Company.

(2) There shall be paid into, or for the benefit of, the Exchequer, in such manner as the Minister for Finance, after having consulted with the Minister for Public Expenditure and Reform, considers appropriate—

- (a) all moneys received by the Minister for Finance in repayment of, or in payment of interest on, moneys advanced by him under section 6 of this Act, and
- (b) moneys repaid to, or recovered by, the Minister under subsection (4) or (6) of section 7 of this Act.”,

and

- (f) in subsection (a) of section 11, by the substitution of “the Minister for Public Expenditure and Reform” for “the Minister for Finance”.

—An tAire Airgeadais.

65. In page 14, before section 23, to insert the following new section:

“Amendment of section 4 of Transport Act 1964.

35.—Section 4 of the Transport Act 1964 is amended—

- (a) in subsection (1) (inserted by section 3 of the Transport Act 1981), by the insertion of “with the consent of the Minister for Public Expenditure and Reform and” after “may,”,
- (b) in subsection (2), by the insertion of “, with the consent of the Minister for Public Expenditure and Reform,” after “may”, and

[SECTION 23]

(c) in subsection (4), by the insertion of “, with the approval of the Minister for Public Expenditure and Reform,” after “shall”.”.

—An tAire Airgeadais.

66. In page 14, before section 23, to insert the following new section:

“Amendment of section 1 of Electricity (Supply) (Amendment) Act 1971.

36.—Section 1 of the Electricity (Supply) (Amendment) Act 1971 is amended by the insertion, in subsection (1), of “with the consent of the Minister for Public Expenditure and Reform and” after “may”.”.

—An tAire Airgeadais.

67. In page 14, before section 23, to insert the following new section:

“Amendment of Act of 1976.

37.—The Act of 1976 is amended—

(a) in subsection (1) of section 9, by the substitution of “with the consent of the Minister for Public Expenditure and Reform” for “with the consent of the Minister for Finance and of the Minister for the Public Service”,

(b) in subsection (2) of section 9, by the substitution of “with the consent of the Minister for Public Expenditure and Reform” for “with the consent of the Minister for Finance and of the Minister for the Public Service”,

(c) in subsection (1) of section 22, by the insertion of “made after the Minister’s having consulted with the Minister for Public Expenditure and Reform” after “recommendation of the Minister”, and

(d) in subsection (2) of section 22, by the insertion of “, with the consent of the Minister for Public Expenditure and Reform,” after “may”.”.

—An tAire Airgeadais.

68. In page 14, before section 23, to insert the following new section:

“Amendment of section 7 of Superannuation and Pensions Act 1976.

38.—Section 7 of the Superannuation and Pensions Act 1976 is amended—

(a) in subsection (2), by—

(i) the substitution of “falls to be paid by the Minister for Public Expenditure and Reform” for “falls to be paid by the Minister”, and

(ii) the substitution of “shall, on the request of the Minister for Public Expenditure and Reform, be paid by the Minister for Finance” for “shall be paid by the Minister”,

and

(b) in subsection (3), by—

(i) the substitution of “received by the Minister for Public Expenditure and Reform” for “received by the Minister”, and

(ii) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”.”.

—An tAire Airgeadais.

69. In page 14, before section 23, to insert the following new section:

[SECTION 23]

“Amendment of section 14 of Wildlife Act 1976.

39.—Section 14 of the Wildlife Act 1976 is amended by the substitution of “the Minister for Public Expenditure and Reform” for “both the Minister for Finance and the Minister for the Public Service” in each place that it occurs.”.

—An tAire Airgeadais.

70. In page 14, before section 23, to insert the following new section:

“Amendment of National Film Studios of Ireland Limited Act 1980.

40.—The National Film Studios of Ireland Limited Act 1980 is amended—

- (a) in section 2, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”,
- (b) in subsection (1) of section 3, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”,
- (c) in subsection (2) of section 3, by—
 - (i) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
 - (ii) the substitution of “shall, with the approval of the Minister for Public Expenditure and Reform, be advanced by the Minister for Finance” for “shall be advanced”,
- (d) in section 4, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance” in each place that it occurs,
- (e) in section 5, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”,
- (f) in section 6, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”,
- (g) in section 12, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”,
- (h) in section 13, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”,
- (i) in subsection (2) of section 14, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
- (j) in paragraph (a) of subsection (1) of section 16, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”.”.

—An tAire Airgeadais.

SECTION 24

71. In page 14, before section 24, to insert the following new section:

“Amendment of Housing Finance Agency Act 1981.

24.—The Housing Finance Agency Act 1981 is amended by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance and the Minister for the Public Service” in each place that it occurs.”.

—An tAire Airgeadais.

72. In page 14, before section 24, to insert the following new section:

[SECTION 24]

“Amendment of section 8 of Kilkenny Design Workshops Limited Act 1982.

25.—Section 8 of the Kilkenny Design Workshops Limited Act 1982 is amended by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance and the Minister for the Public Service”.”.

—An tAire Airgeadais.

SECTION 24

73. In page 14, before section 24, to insert the following new section:

“Amendment of Act of 1983.

24.—(1) Section 16 of the Act of 1983 is amended by the substitution, in subsection (1), of “with the consent of the Minister for Public Expenditure and Reform” for “with the consent of the Minister for Finance and, where appropriate, the consent of the Minister for the Public Service”.

(2) Section 17 of the Act of 1983 is amended by the substitution of “with the consent of the Minister for Public Expenditure and Reform” for “with the consent of the Minister for Finance and, where appropriate, the consent of the Minister for the Public Service”.

(3) Section 24 of the Act of 1983 is amended by the insertion, in subsection (1), of “, with the consent of the Minister for Public Expenditure and Reform,” after “shall”.

(4) Section 27 of the Act of 1983 is amended—

(a) in paragraph (a) of subsection (1), by the insertion of “, the Minister for Public Expenditure and Reform” after “the consent of the Minister”, and

(b) in subsection (2), by the insertion of “and the Minister for Public Expenditure and Reform” after “the consent of the Minister for Finance”.

(5) Section 29 of the Act of 1983 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (a):

“(a) The Minister for Finance may, on the request of the Minister for Public Expenditure and Reform and after consultation with the Minister, make available to the postal company a sum not exceeding €63,500,000 to finance capital works.”,

and

(b) in subparagraph (i) of paragraph (b) of subsection (1), by the insertion of “following consultation by him with the Minister for Public Expenditure and Reform,” after “determined by the Minister for Finance,”.

(6) Section 31 of the Act of 1983 is amended, in subsection (1), by the substitution of “Upon the request of the Minister for Public Expenditure and Reform, the” for “The”.

(7) Section 46 of the Act of 1983 is amended, in subsection (9) (amended by section 11 of the Telecommunications (Miscellaneous Provisions) Act 1996), by—

(a) the substitution of “Minister for Finance shall, on the request of the Minister for Public Expenditure and Reform,” for “Minister for Finance shall”, and

[SECTION 24]

(b) the substitution of “with the consent of the Minister for Public Expenditure and Reform” for “with his consent”.

(8) The Second Schedule to the Act of 1983 is amended by the substitution, in subparagraph (2) of paragraph 3, of “the Minister for Public Expenditure and Reform, with the approval of the Minister for Finance, shall” for “the Minister for Finance shall”.

—An tAire Airgeadais.

[Acceptance of this amendment involves the deletion of section 24 of the Bill.]

SECTION 25

74. In page 14, before section 25, to insert the following new section:

“Amendment of
National Lottery Act
1986.

25.—(1) The Act of 1986 is amended—

(a) in section 12, by the substitution of the following subsection for subsection (1):

“(1) The articles of association of the Company shall be in such form consistent with this Act as shall be approved of by the Minister for Public Expenditure and Reform.”,

and

(b) in subsection (5) of section 14, by the substitution of “the Minister for Public Expenditure and Reform may determine” for “the Minister, with the consent of the Minister for the Public Service, may determine”.

(2) The amendment of section 12 of the Act of 1986 effected by this section shall not apply in respect of the articles of association of the Company (within the meaning of the Act of 1986) in force immediately before the commencement of this Part.

(3) In this section “Act of 1986” means the National Lottery Act 1986.”.

—An tAire Airgeadais.

75. In page 14, before section 25, to insert the following new section:

“Amendment of
Transport (Re-
Organisation of
Córas Iompair
Éireann) Act 1986.

26.—The Transport (Re-Organisation of Córas Iompair Éireann) Act 1986 is amended—

(a) in section 10, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance and, where appropriate, the Minister for the Public Service”,

(b) in subsection (1) of section 11, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance and, where appropriate, the Minister for the Public Service”, and

(c) in section 12, by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance and, where appropriate, the consent of the Minister for the Public Service”.

—An tAire Airgeadais.

76. In page 14, before section 25, to insert the following new section:

[SECTION 25]

“Amendment of Act of 1988.

27.—The Act of 1988 is amended—

- (a) in paragraph (a) of subsection (1) of section 26, by the substitution of “may, with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister,” for “, after consultation with the Minister, may”,
 - (b) in subsection (2) of section 26, by the insertion of “after consultation with the Minister for Public Expenditure and Reform” after “Minister for Finance”,
 - (c) in subsection (1) of section 27, by the insertion of “, on the request of the Minister for Public Expenditure and Reform,” after “may”,
 - (d) in section 28, by—
 - (i) the deletion, in subsection (1), of “, 26 or 27”, and
 - (ii) the insertion of the following subsection:

“(1A) All money from time to time required by the Minister for Finance to meet sums which become payable by him under section 26 or 27 shall, on the request of the Minister for Public Expenditure and Reform, be advanced by him from the Central Fund or the growing produce thereof.”,
 - (e) in subsection (11) of section 44, by—
 - (i) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
 - (ii) the substitution of “shall, on the request of the Minister for Public Expenditure and Reform, be advanced by the Minister for Finance” for “shall be advanced”,
- and
- (f) in subsection (3) of section 49, by the substitution of “shall, with the approval of the Minister for Public Expenditure and Reform, be advanced” for “shall be advanced”.”.

—An tAire Airgeadais.

77. In page 14, before section 25, to insert the following new section:

“Amendment of section 69 of Finance Act 1988.

28.—Section 69 of the Finance Act 1988 is amended by the insertion of “after consultation with the Minister for Public Expenditure and Reform,” after “Minister for Finance may,”.”.

—An tAire Airgeadais.

78. In page 14, before section 25, to insert the following new section:

“Amendment of section 6 of Public Hospitals (Amendment) Act 1990.

29.—Section 6 of the Public Hospitals (Amendment) Act 1990 is amended by the insertion of “, on the request of the Minister for Public Expenditure and Reform,” after “shall”.”.

—An tAire Airgeadais.

79. In page 14, before section 25, to insert the following new section:

[SECTION 25]

“Amendment of section 14 of Dublin Institute of Technology Act 1992.

30.—Section 14 (inserted by section 41 of the Institutes of Technology Act 2006) of the Dublin Institute of Technology Act 1992 is amended by the insertion, in subsection (9), of “, the Minister for Public Expenditure and Reform” after “consult with the Minister”.”.

—An tAire Airgeadais.

80. In page 14, before section 25, to insert the following new section:

“Amendment of section 13 of Regional Technical Colleges Act 1992.

31.—Section 13 (inserted by section 15 of the Institutes of Technology Act 2006) of the Regional Technical Colleges Act 1992 is amended by the insertion, in subsection (9), of “, the Minister for Public Expenditure and Reform” after “consult with the Minister”.”.

—An tAire Airgeadais.

SECTION 26

81. In page 15, before section 26, to insert the following new section:

“Amendment of section 41 of Act of 1993.

26.—Section 41 of the Act of 1993 is amended, in subsection (13), by—

- (a) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
- (b) the insertion of “by the Minister for Finance, on the request of the Minister for Public Expenditure and Reform” after “the growing produce thereof”.”.

—An tAire Airgeadais.

SECTION 28

82. In page 16, before section 28, to insert the following new section:

“Amendment of Act of 1996.

28.—The Act of 1996 is amended—

- (a) in paragraph (e) of subsection (1) of section 19, by—
 - (i) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
 - (ii) the insertion of “by the Minister for Finance, on the request of the Minister for Public Expenditure and Reform” after “thereof”,
- (b) in subsection (1) (amended by section 6 of the Harbours (Amendment) Act 2000) of section 25, by the insertion of “on the request of the Minister for Public Expenditure and Reform, and” after “Minister for Finance”,
- (c) in paragraph (a) of subsection (2) of section 25, by the insertion of “the Minister for Public Expenditure and Reform and” after “with”,
- (d) in section 26, by—
 - (i) the deletion, in subsection (1), of “or 25”, and
 - (ii) the insertion of the following subsection:

[SECTION 28]

“(1A) All money from time to time required by the Minister for Finance to meet sums which become payable by him under section 25 shall, on the request of the Minister for Public Expenditure and Reform, be advanced by him from the Central Fund or the growing produce thereof.”,

(e) in section 41, by the substitution of the following subsection for subsection (10):

“(10) All money from time to time required by the Minister or the Minister for Public Expenditure and Reform to meet sums which are, or may become, payable by him or her under this section shall, with the approval of the Minister for Public Expenditure and Reform, be advanced by the Minister for Finance out of the Central Fund or the growing produce thereof.”,

and

(f) in subsection (3) of section 101, by the substitution of “shall, with the approval of the Minister for Public Expenditure and Reform, be advanced” for “shall be advanced”.”.

—An tAire Airgeadais.

SECTION 29

83. In page 17, before section 29, to insert the following new section:

“Amendment of section 33 of Dublin Docklands Development Authority Act 1997.

29.—Section 33 of the Dublin Docklands Development Authority Act 1997 is amended—

(a) in subsection (1), by the insertion of “the request of the Minister for Public Expenditure and Reform and” after “on”, and

(b) in subsection (2), by the insertion of “, after consultation with the Minister for Public Expenditure and Reform” after “Minister for Finance”.”.

—An tAire Airgeadais.

84. In page 17, paragraph (b), line 15, to delete “Reform” and substitute “Reform,”.

—An tAire Airgeadais.

SECTION 31

85. In page 17, before section 31, to insert the following new section:

“Amendment of Hepatitis C Compensation Tribunal Act 1997.

31.—(1) Section 7B (inserted by section 4 of the Hepatitis C Compensation Tribunal (Amendment) Act 2006) of the Act of 1997 is amended—

(a) by the insertion, in subsection (2), of “given with the approval of the Minister for Public Expenditure and Reform” after “Minister for Finance”, and

(b) the insertion, in paragraph (b) of subsection (4), of “and the Minister for Public Expenditure and Reform” after “with the Minister”.

(2) Section 10 of the Act of 1997 is amended by—

[SECTION 31]

- (a) the insertion, in subsection (2), of “given with the approval of the Minister for Public Expenditure and Reform” after “Minister for Finance”,
- (b) the insertion, in subsection (3), of “given with the approval of the Minister for Public Expenditure and Reform” after “Minister for Finance”, and
- (c) the insertion, in paragraph (b) of subsection (6), of “and the Minister for Public Expenditure and Reform” after “with the Minister”.

(3) Section 11 of the Act of 1997 is amended by—

- (a) the insertion, in subsection (2), of “given with the approval of the Minister for Public Expenditure and Reform” after “Minister for Finance”,
- (b) the insertion, in subsection (3), of “given with the approval of the Minister for Public Expenditure and Reform” after “Minister for Finance”, and
- (c) the insertion, in paragraph (c) of subsection 8, of “and the Minister for Public Expenditure and Reform” after “with the Minister”.

(4) In this section “Act of 1997” means the Hepatitis C Compensation Tribunal Act 1997.”.

—An tAire Airgeadais.

86. In page 17, before section 31, to insert the following new section:

“Amendment of section 6A of Merchant Shipping (Commissioners of Irish Lights) Act 1997.

32.—Section 6A (inserted by section 5 of the Merchant Shipping (Miscellaneous Provisions) Act 1998) of the Merchant Shipping (Commissioners of Irish Lights) Act 1997 is amended—

- (a) in subsection (1), by—
 - (i) the insertion of “, the Minister for Public Expenditure and Reform” after “with the consent of the Minister”, and
 - (ii) the substitution of “by the Minister for Public Expenditure and Reform” for “by the Minister for Finance”,
- and
- (b) in subsection (3), by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”.”.

—An tAire Airgeadais.

87. In page 17, before section 31, to insert the following new section:

“Amendment of section 44 of National Cultural Institutions Act 1997.

33.—Section 44 of the National Cultural Institutions Act 1997 is amended by the substitution, in subsection (5), of “shall, on the request of the Minister for Public Expenditure and Reform, be advanced by the Minister for Finance” for “shall be advanced”.”.

—An tAire Airgeadais.

88. In page 17, before section 31, to insert the following new section:

[SECTION 31]

“Amendment of section 38 of Universities Act 1997.

34.—Section 38 of the Universities Act 1997 is amended by the insertion, in subsection (2), of “, the Minister for Public Expenditure and Reform” after “with the Minister”.”.

—An tAire Airgeadais.

89. In page 17, before section 31, to insert the following new section:

“Amendment of Act of 1998.

35.—The Act of 1998 is amended—

(a) in section 12, by the substitution of the following subsection for subsection (3):

“(3) The cost of such share shall, on the request of the Minister for Public Expenditure and Reform, be advanced to the Minister by the Minister for Finance out of the Central Fund or the growing produce thereof.”.

and

(b) in section 13, by the substitution of the following subsection for subsection (2):

“(2) The cost of such shares shall, on the request of the Minister for Public Expenditure and Reform, be advanced to the subscribers by the Minister for Finance, out of the Central Fund or the growing produce thereof.”.”.

—An tAire Airgeadais.

90. In page 17, before section 31, to insert the following new section:

“Amendment of section 29 of Fisheries (Amendment) Act 1999.

36.—Section 29 of the Fisheries (Amendment) Act 1999 is amended by the insertion, in subsection (1), of “after the Minister’s having consulted with the Minister for Public Expenditure and Reform” after “on the recommendation of the Minister”.”.

—An tAire Airgeadais.

91. In page 17, before section 31, to insert the following new section:

“Amendment of section 37 of Electoral (Amendment) Act 2001.

37.—Section 37 of the Electoral (Amendment) Act 2001 is amended—

(a) in subsection (1), by the insertion of “, on the request of the Minister for Public Expenditure and Reform,” after “shall”,

(b) in subsection (2), by the insertion of “with the approval of the Minister for Public Expenditure and Reform and” after “may,”, and

(c) in subsection (5), by the insertion of “Minister for Public Expenditure and Reform” for “Minister for Finance”.”.

—An tAire Airgeadais.

92. In page 17, before section 31, to insert the following new section:

“Amendment of section 12 of Horse and Greyhound Racing Act 2001.

38.—Section 12 of the Horse and Greyhound Act 2001 is amended, in subsection (5), by the insertion of “and the Minister for Public Expenditure and Reform” after “Minister for Finance”.”.

[SECTION 31]

—An tAire Airgeadais.

93. In page 17, before section 31, to insert the following new section:

“Amendment of section 106 of Local Government Act 2001.

39.—Section 106 of the Local Government Act 2001 is amended—

(a) by the substitution of the following subsection for subsection (5):

“(5) The Minister may, after consultation with the Minister for Finance and the Minister for Public Expenditure and Reform, make regulations in relation to borrowing by local authorities.”,

and

(b) by the substitution of the following subsection for subsection (8):

“(8) The appropriate Minister may, after consultation with the Minister for Finance and the Minister for Public Expenditure and Reform, sanction borrowing by a local authority in a currency other than the currency of the State.”.

—An tAire Airgeadais.

94. In page 17, before section 31, to insert the following new section:

“Amendment of Schedule 1 to Ombudsman for Children Act 2002.

40.—Part 1 of Schedule 1 to the Ombudsman for Children Act 2002 is amended, in paragraph (1), by the insertion of “Department of Public Expenditure and Reform;”.

—An tAire Airgeadais.

95. In page 17, before section 31, to insert the following new section:

“Amendment of Houses of the Oireachtas Commission Act 2003.

41.—The Houses of the Oireachtas Commission Act 2003 is amended—

(a) in subsection (1) (inserted by section 6 of the Houses of the Oireachtas Commission (Amendment) Act 2009) of section 5, by—

(i) the insertion of “, with the approval of the Minister for Public Expenditure and Reform,” after “shall”, and

(ii) the insertion of “by the Minister for Finance” after “thereof”,

and

(b) in subsection (5)(a) of section 13, by

(i) the insertion of “, with the approval of the Minister for Public Expenditure and Reform,” after “shall”, and

(ii) the insertion of “by the Minister for Finance” after “Central Fund”.

—An tAire Airgeadais.

96. In page 17, before section 31, to insert the following new section:

“Amendment of First Schedule to Official Languages Act 2003.

42.—The First Schedule to the Official Languages Act 2003 is amended, in subparagraph (1) of paragraph 1, by the insertion of “Department of Public Expenditure and Reform”.

[SECTION 31]

—An tAire Airgeadais.

97. In page 17, before section 31, to insert the following new section:

“Amendment of section 36 of Civil Liability and Courts Act 2004.

43.—Section 36 of the Civil Liability and Courts Act 2004 is amended by the insertion of “and on the request of the Minister for Public Expenditure and Reform” after “indemnified”.”.

—An tAire Airgeadais.

98. In page 17, before section 31, to insert the following new section:

“Amendment of section 25 of Electoral (Amendment) Act 2004.

44.—Section 25 of the Electoral (Amendment) Act 2004 is amended—

(a) in subsection (1), by—

(i) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and

(ii) the insertion of “by the Minister for Finance with the approval of the Minister for Public Expenditure and Reform” after “thereof”,

and

(b) in subsection (2), by the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”.”.

—An tAire Airgeadais.

SECTION 32

99. In page 18, before section 32, to insert the following new section:

“Amendment of Social Welfare Consolidation Act 2005.

32.—The Social Welfare Consolidation Act 2005 is amended—

(a) in section 4, by—

(i) the substitution, in subsection (4), of “Minister for Public Expenditure and Reform” for “Minister for Finance”,

(ii) the deletion, in paragraph (a) of that subsection, of “13, 14, 15, 16, 17, 20(2)(d), 22, 23, 25(1)(d)”, and

(iii) the insertion of the following subsection:

“(4A) The making of regulations under or for the purposes of section 13, 14, 15, 16, 17, 20(2)(d), 22, 23 or 25(1)(d) by the Minister shall be subject to the consent of the Minister for Finance given after consultation by the Minister for Finance with the Minister for Public Expenditure and Reform.”,

and

(b) in section 9, by the insertion of the following subsection:

“(12) The Minister for Finance shall, in relation to the performance by him or her of his or her functions under this section, consult from time to time with the Minister for Public Expenditure and Reform.”.”.

[SECTION 32]

—An tAire Airgeadais.

[Acceptance of this amendment involves the deletion of section 32 of the Bill.]

NEW SECTIONS

100. In page 18, before Schedule 1, to insert the following new section:

“Amendment of section 13 of Health (Repayment Scheme) Act 2006.

33.—Section 13 of the Health (Repayment Scheme) Act 2006 is amended by—

(a) the insertion, in subsection (2), of “given with the approval of the Minister for Public Expenditure and Reform” after “Minister for Finance”, and

(b) the insertion, in paragraph (b) of subsection (4), of “and the Minister for Public Expenditure and Reform” after “with the Minister”.”.

—An tAire Airgeadais.

101. In page 18, before Schedule 1, to insert the following new section:

“Amendment of Charities Act 2009.

34.—The Charities Act 2009 is amended by the substitution of the following section for section 17:

“17.—The Authority may, from time to time, with the consent of the Minister, the Minister for Public Expenditure and Reform and the Minister for Finance and subject to such conditions (if any) as those Ministers of the Government may specify, borrow money (whether on the security of the assets of the Authority or not).”.

—An tAire Airgeadais.

102. In page 18, before Schedule 1, to insert the following new section:

“Amendment of section 22 of Social Welfare and Pensions Act 2009.

35.—Section 22 of the Social Welfare and Pensions Act 2009 is amended by the substitution, in subsection (10), of “shall, with the approval of the Minister for Public Expenditure and Reform, be advanced by the Minister for Finance” for “shall be advanced”.”.

—An tAire Airgeadais.

103. In page 18, before Schedule 1, to insert the following new section:

“PART 5*

MISCELLANEOUS

Seconded staff of National Treasury Management Agency.

36.—For the purposes only of any principle or rule of law relating to the performance of the functions of a Minister of the Government, any member of staff of the National Treasury Management Agency for the time being assigned to perform functions in the Department of Finance shall, notwithstanding section 7(4) of the National Treasury Management Agency Act 1990, be deemed to be an officer of the Minister for Finance.”.

—An tAire Airgeadais.

[*Note: The proposed new Part comprehends the inclusion of amendment number 104.]

[*NEW SECTIONS*]

104. In page 18, before Schedule 1, to insert the following new section:

“Independence of Revenue Commissioners.

37.—(1) The Revenue Commissioners shall be independent in the performance of their functions under, or for the purposes of, a relevant enactment.

(2) Neither section 9(3) of the Act of 1924 nor Article 9 of the Revenue Commissioners Order 1923 (S.I. No. 2 of 1923) shall apply to the Revenue Commissioners in the performance by them of their functions under, or for the purposes of, a relevant enactment.

(3) In this section—

“relevant enactment” means—

- (a) the Capital Acquisitions Tax Consolidation Act 2003 or any statute amending, or extending the application of, that Act,
- (b) the Capital Gains Tax Acts,
- (c) the Customs Acts or any instrument relating to customs made under statute,
- (d) the Tax Acts,
- (e) Part 18A, 18B, 18C, or 18D of the Taxes Consolidation Act 1997,
- (f) any statute relating to the duties of excise or the management of those duties,
- (g) the Stamp Duties Consolidation Act 1999 or any statute amending, or extending the application of, that Act,
- (h) the Value-Added Tax Consolidation Act 2010 or any statute amending, or extending the application of, that Act,
- (i) any instrument made under any of the foregoing statutes, or
- (j) any statutory instrument relating to any tax, duty, charge or levy that is placed under the care and management of the Revenue Commissioners;

“statutory instrument” has the same meaning as it has in the Interpretation Act 2005.”.

—An tAire Airgeadais.

SCHEDULE 2

105. In page 20, to delete lines 7 and 8.

—An tAire Airgeadais.

106. In page 20, between lines 12 and 13, to insert the following:

No. 23 of 1938	Industrial Alcohol Act 1938	Paragraph 4(d) (inserted by section 10(c) of the Industrial Alcohol (Amendment) Act 1980) of Schedule
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”.

[SCHEDULE 2]

—An tAire Airgeadais.

107. In page 20, between lines 16 and 17, to insert the following:

“

No. 21 of 1944	Transport Act 1944	Section 17(3)
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”

—An tAire Airgeadais.

108. In page 20, line 20, to delete “Section 28” and substitute “Sections 28 and 29 (5)”.

—An tAire Airgeadais.

109. In page 20, between lines 21 and 22, to insert the following:

“

No. 11 of 1953	Grass Meal (Production) Act 1953	Section 21
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”

—An tAire Airgeadais.

110. In page 20, line 25, to delete “, 2(1)”.

—An tAire Airgeadais.

111. In page 20, between lines 26 and 27, to insert the following:

“

No. 12 of 1958	Greyhound Industry Act 1958	Section 17
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”

—An tAire Airgeadais.

112. In page 20, between lines 33 and 34, to insert the following:

“

No. 26 of 1982	Kilkenny Design Workshops Limited Act 1982	Section 10
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”

—An tAire Airgeadais.

113. In page 20, between lines 35 and 36, to insert the following:

“

No. 28 of 1986	National Lottery Act 1986	Section 16
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”

—An tAire Airgeadais.

114. In page 20, between lines 36 and 37, to insert the following:

“

No. 27 of 1987	Transport Act 1987	Section 3
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”

—An tAire Airgeadais.

115. In page 20, line 42, to delete “Section 30” and substitute “Section 30(2)”.

—An tAire Airgeadais.

116. In page 21, line 11, to delete “Section 14” and substitute “Sections 14 and 15 (5)”.

—An tAire Airgeadais.

117. In page 21, lines 15 and 16, to delete “Sections 34 and 44(3)” and substitute “Sections 34, 43(1), 44(3) and 46(2)”.

—An tAire Airgeadais.

- 118.** In page 21, line 20, to delete “Section 13” and substitute “Sections 13 and 22 (3)(g)”.

—An tAire Airgeadais.

- 119.** In page 21, to delete lines 27 and 28.

—An tAire Airgeadais.

- 120.** In page 21, between lines 28 and 29, to insert the following:

“

No. 23 of 1999	Electricity Regulation Act 1999	Paragraph 24 of Schedule 1
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”

—An tAire Airgeadais.

- 121.** In page 21, between lines 31 and 32, to insert the following:

“

No. 1 of 2001	Aviation Regulation Act 2001	Section 25
No. 34 of 2001	Adventure Activities Standards Authority Act 2001	Section 29

”

—An tAire Airgeadais.

- 122.** In page 21, line 36, to delete “Sections 15 and 16” and substitute “Section 15”.

—An tAire Airgeadais.

- 123.** In page 21, between lines 46 and 47, to insert the following:

“

No. 15 of 2004	Electoral (Amendment) Act 2004	Section 29(2) and (3)
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”

—An tAire Airgeadais.

- 124.** In page 22, between lines 6 and 7, to insert the following:

“

No. 8 of 2006	Sea-Fisheries and Maritime Jurisdiction Act 2006	Section 64
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”

—An tAire Airgeadais.

[Note: A printer error has led to incorrect line references in page 22 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 22 of the Bill.]

- 125.** In page 22, line 7, to delete “Section 27” and substitute “Section 13”.

—An tAire Airgeadais.

[Note: A printer error has led to incorrect line references in page 22 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 22 of the Bill.]

[SCHEDULE 2]

126. In page 22, line 10, to delete “26(3)” and substitute “26”.

—An tAire Airgeadais.

[Note: A printer error has led to incorrect line references in page 22 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 22 of the Bill.]

127. In page 22, to delete line 20.

—An tAire Airgeadais.

[Note: A printer error has led to incorrect line references in page 22 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 22 of the Bill.]

128. In page 22, between lines 22 and 23, but in Part 1, to insert the following:

“ORDERS

S.I. Number (1)	Order (2)	Provision (3)
S.I. No. 279 of 1986	Health Research Board (Establishment) Order 1986	Article 30
S.I. No. 109 of 2000	Pre-Hospital Emergency Care Council (Establishment) Order 2000	Article 30(1)

”

—An tAire Airgeadais.

[Note: A printer error has led to incorrect line references in page 22 of the Bill. The line references in this amendment refer to the actual number of lines of text in page 22 of the Bill.]

SCHEDULE 3

129. In page 23, between lines 19 and 20, but in Part 1, to insert the following:

“

No. 28 of 2003	Houses of the Oireachtas Commission Act 2003	Sections 5 and 13
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”

—An tAire Airgeadais.

TITLE

130. In page 5, line 17, after “SERVICE;” to insert the following:

“TO DEEM MEMBERS OF STAFF OF THE NATIONAL TREASURY MANAGEMENT AGENCY ASSIGNED TO PERFORM FUNCTIONS IN THE DEPARTMENT OF FINANCE TO BE OFFICERS OF THE MINISTER FOR FINANCE FOR CERTAIN PURPOSES; TO PROVIDE THAT THE REVENUE COMMISSIONERS SHALL BE INDEPENDENT IN THE PERFORMANCE OF CERTAIN OF THEIR FUNCTIONS;”

—An tAire Airgeadais.