



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

*Mar a tionscnaíodh
As initiated*

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

BILL

entitled

5 AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A
DEPARTMENT OF STATE TO BE KNOWN, IN THE
IRISH LANGUAGE, AS AN ROINN CAITEACHAIS PHO-
IBLÍ AGUS ATHCHÓIRITHE OR, IN THE ENGLISH
10 LANGUAGE, AS THE DEPARTMENT OF PUBLIC
EXPENDITURE AND REFORM; TO PROVIDE FOR THE
TRANSFER OF CERTAIN FUNCTIONS OF THE MINI-
STER FOR FINANCE TO THE MINISTER OF THE
GOVERNMENT HAVING CHARGE OF THAT DEPART-
15 MENT; TO CONFER FUNCTIONS ON THE SAID MINI-
STER OF THE GOVERNMENT IN RELATION TO THE
MODERNISATION AND DEVELOPMENT OF THE
PUBLIC SERVICE; FOR THOSE AND OTHER PURPOSES
TO AMEND CERTAIN ENACTMENTS; AND TO
PROVIDE FOR MATTERS CONNECTED THEREWITH.

20 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Ministers and Secretaries (Amendment) Act 2011. Short title, collective citation and construction.

25 (2) 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.

2.—In this Act—

Definitions.

“Act of 1924” means the Ministers and Secretaries Act 1924;

30 “Act of 1963” means the Companies Act 1963;

“Act of 1997” means the Electoral Act 1997;

“Act of 2001” means the Electoral (Amendment) Act 2001;

“excluded body” means a body specified in *Schedule 1* or a subsidiary (within the meaning of section 155 of the Act of 1963) of such a body;

“Minister” means the Minister for Public Expenditure and Reform;

“prescribed” means prescribed by regulations;

“statute” means— 5

(a) an Act of the Oireachtas, or

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues to be of full force and effect by virtue of Article 50 of the Constitution. 10

Public service body. 3.—(1) Subject to *subsection (2)*, each of the following is, for the purposes of this Act, a public service body, and “public service” shall be construed accordingly:

(a) the Civil Service of the State;

(b) the Civil Service of the Government; 15

(c) the Garda Síochána;

(d) the Permanent Defence Force within the meaning of the Defence Act 1954;

(e) a local authority within the meaning of the Local Government Act 2001; 20

(f) the Health Service Executive;

(g) a vocational education committee established by section 7 of the Vocational Education Act 1930;

(h) a relevant body, whose members of staff are persons to which a public service pension scheme in force immediately before the passing of this Act applies; 25

(i) a relevant body—

(i) whose members of staff are persons in respect of whom the Minister for Finance had, immediately before the passing of this Act, the power to apply the provisions of a public service pension scheme, and 30

(ii) for the time being standing prescribed by the Minister for Finance.

(2) For the purposes of this Act, an excluded body is not a public service body. 35

(3) In this section—

“public service pension scheme” means an occupational pension scheme or pension arrangement (howsoever described)—

(a) provided for under the Superannuation Acts 1834 to 1963 or any other statute, and 40

(b) made or approved by a Minister of the Government;

“relevant body” means—

(a) a body (other than a company established under the Companies Acts) established by or under statute,

5 (b) a company established under the Companies Acts all of the shares in which are held—

(i) by or on behalf of a Minister of the Government, or

(ii) by directors appointed by a Minister of the Government,

10 (c) a subsidiary within the meaning of section 155 of the Act of 1963 of—

(i) a body to which *paragraph (a)* applies, or

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

(d) a body funded, wholly or partly, out of moneys—

15 (i) provided by the Oireachtas, or

(ii) from the Central Fund or the growing produce thereof,

or

20 (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

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

standing prescribed for the time being by the Minister.

PART 2

DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM

30 **4.**—The Government may by order appoint a day to be the Appointed day.
appointed day for the purposes of this Act.

5.—(1) There shall stand established on the appointed day a Department of State to be known, in the Irish language, as an Roinn Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Department of Public Expenditure and Reform.

35 (2) The member of the Government who is in charge of the Department of Public Expenditure and Reform shall be known, in the Irish language, as an tAire Caiteachais Phoiblí agus Athchóirithe

or, in the English language, as the Minister for Public Expenditure and Reform.

(3) The Ministers and Secretaries Acts 1924 to 2007 and the Documentary Evidence Act 1925 shall apply to the Department of Public Expenditure and Reform and the member of the Government who is in charge thereof as if that Department had been established by section 1 of the Act of 1924. 5

(4) For the purposes of section 6(1) of the Ministers and Secretaries (Amendment) Act 1939 the Department of Public Expenditure and Reform and the office of the Minister for Public Expenditure and Reform shall be deemed to have been established immediately upon the passing of this Act, but any order under the said section 6(1), relating to that Department or that Minister of the Government, made before the appointed day shall not be expressed to come into operation on a day that is earlier than the appointed day. 10 15

Transfer of certain expenditure functions to Minister.

6.—(1) The functions of the Minister for Finance—

(a) referred to in section 1(ii) of the Act of 1924 relating to the expenditure of the revenues of the State, in so far only as they consist of, or are connected with, the preparation of the estimate of expenditure for each financial year in respect of each supply service, and 20

(b) under subsections (2) and (4) of section 2 of the Act of 1924,

are transferred to the Minister.

(2) The functions of the Minister for Finance referred to in section 1(ii) of the Act of 1924 consisting of the supervision and control of all purchases made for or on behalf of, and all supplies of commodities and goods held by, any Department of State and the disposal thereof are transferred to the Minister. 25

(3) The functions of the Minister for Finance (other than functions conferred by or under statute) consisting of the carrying out of reviews of expenditure of public moneys are transferred to the Minister. 30

Transfer of certain other functions to Minister.

7.—(1) (a) Subject to *paragraph (b)*, the following functions of the Minister for Finance are transferred to the Minister, except in so far as they consist of the power to pay moneys out of the Central Fund: 35

(i) all functions (including functions conferred by or under statute) relating to superannuation, remuneration (including in relation to allowances and expenses), appointment and terms and conditions of service of members of staff of public service bodies; 40

(ii) all functions (including functions conferred by or under statute) relating to superannuation, remuneration (including in relation to allowances and expenses), appointment and terms and conditions of service of the chief executive officers or managing directors, as the case may be, of excluded bodies; 45

5 (iii) all functions (including functions conferred by or under statute) relating to remuneration (including in relation to allowances and expenses), appointment and terms and conditions of service of members, or members of boards, of public service bodies or excluded bodies;

(iv) the functions consisting of the sanctioning of expenses incurred in the administration of any statute.

10 (b) This subsection shall not effect the transfer to the Minister of functions of the Minister for Finance consisting of the superannuation or remuneration of members, members of boards, or members of staff of a body to which *section 19* applies.

15 (2) The functions conferred on the Minister for Finance by or under any of the provisions specified in *Part 1* of *Schedule 2* are transferred to the Minister.

(3) The functions conferred on the Minister for Finance by or under any of the provisions specified in *Part 2* of *Schedule 2* are transferred to the Minister.

20 (4) The functions of the Minister for Finance in relation to—

(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,

25 (e) the State Laboratory,

are transferred to the Minister.

8.—It shall be a function of the Minister to—

30 (a) formulate and develop, in consultation with other Ministers of the Government and public service bodies, the policies required to further modernise and develop the public service and enable the efficient and effective provision of services by public service bodies,

(b) make proposals to the Government for the implementation of such policies,

35 (c) coordinate the implementation of such policies determined by the Government as are designed to effect further modernisation and development of the public service,

40 (d) conduct regular and periodic reviews of the implementation of such policies and to report thereon to the Government,

(e) promote value for money in the provision of public services, and

Functions in relation to further modernisation and development of public service.

(f) formulate and develop policies in relation to the procurement of goods and services by, and the entering into agreements for the carrying out of works on behalf of, Departments of State and other public service bodies and develop procedural frameworks for such procurement and the entering into, and compliance with, such agreements. 5

Transfer of administration and business of Department of Finance.

9.—(1) The administration and business in connection with the performance of the functions transferred by *sections 6 and 7* are hereby transferred to the Department of Public Expenditure and Reform. 10

(2) References to the Department of Finance contained in any statute or instrument under a statute in so far as they relate to the administration and business transferred by *subsection (1)* shall, from the appointed day, be construed as references to the Department of Public Expenditure and Reform. 15

Pending legal proceedings.

10.—Where, immediately before the appointed day, any legal proceedings are pending to which the Minister for Finance is a party and the proceedings have reference to functions transferred by this Act, the name of the Minister shall, in so far only as they so relate, be substituted for the Minister for Finance in those proceedings and the proceedings shall not abate by reason of such substitution. 20

Completion of certain matters commenced before appointed day.

11.—Anything commenced but not completed before the appointed day by or under the authority of the Minister for Finance may, in so far as it relates to a function transferred by this Act, be carried on and completed by the Minister. 25

Operation of certain instruments made before appointed day.

12.—Every instrument (including any certificate or licence) granted or made in the performance of a function transferred by this Act shall, if and in so far as it was operative immediately before the appointed day, continue to have effect from the appointed day as if it had been granted or made by the Minister. 30

Construction of references.

13.—(1) References to the Minister for Finance contained in any statute or instrument under a statute in so far as they relate to any function transferred by this Act shall, from the appointed day, be construed as references to the Minister. 35

(2) References to the Minister for Finance contained in the memorandum or articles of association of any company in so far as they relate to any function transferred by this Act shall, from the appointed day, be construed as references to the Minister.

Transfer of property, etc. to Minister.

14.—(1) All property, rights and liabilities held, enjoyed or incurred before the appointed day by the Minister for Finance in connection with any function transferred by this Act shall be and are hereby transferred to the Minister and, accordingly, without any further conveyance, transfer or assignment— 40

(a) the said property, real and personal, shall, from the appointed day, vest in the Minister, 45

(b) the said rights shall, from the appointed day, be enjoyed by the Minister, and

(c) the said liabilities shall, from the appointed day, be the liabilities of the Minister.

5 (2) All moneys, stocks, shares and securities transferred to the Minister by this section that, on the appointed day, stand in the name of the Minister for Finance shall, upon the request of the Minister, be transferred into his or her name.

10 (3) The Minister shall not, without the consent of the Minister for Finance, make a decision in relation to—

15 (a) the disposal of State land (within the meaning of the State Property Act 1954) or any other property that immediately before such disposal was owned by a Minister of the Government or the Commissioners of Public Works in Ireland, where the value of the land or property exceeds €50 million,

(b) the application or expenditure of the proceeds of any such disposal, where such proceeds exceed €50 million, or

20 (c) the application or expenditure of the proceeds of the disposal of any other property (either real or personal), where such proceeds exceed €50 million.

PART 3

PERFORMANCE OF CERTAIN FUNCTIONS

25 **15.**—(1) Each year the Government shall, upon a proposal of the Minister for Finance, make a decision approving an amount (in this section referred to as the “annual approved expenditure amount”) in respect of all supply services for the financial year immediately following the first-mentioned year. Estimates of expenditure in respect of supply services.

30 (2) Where the Government have made a decision under *subsection (1)* or this subsection, they may, upon a proposal of the Minister for Finance, make a further decision approving an amount (in this section referred to as the “revised annual approved expenditure amount”) that is greater or less than the annual approved expenditure amount, in respect of all supply services for the financial year concerned.

(3) The Minister for Finance shall consult with the Minister in relation to a proposal referred to in *subsection (1)* and a proposal referred to in *subsection (2)*.

40 (4) The Minister for Finance shall, on behalf of the Government, inform Dáil Éireann of a decision under this section as soon as may be after the decision is made.

45 (5) The aggregate of the estimates of expenditure consisting of supply grants and appropriations-in-aid in respect of supply services for a financial year prepared by the Minister in the performance of functions transferred to him or her by *section 6(1)* shall not exceed the annual approved expenditure amount or the revised annual approved expenditure amount, as the case may be, for that financial year.

(6) The Minister for Finance may make recommendations to the Minister as respects 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— 5

- (a) meet current expenditure requirements, and
- (b) meet capital expenditure requirements.

Functions in respect of Central Fund.

16.—(1) None of the provisions of this Act shall be construed as effecting a transfer from the Minister for Finance to the Minister of any function consisting of the payment, or authorisation of the payment, of moneys out of the Central Fund. 10

(2) The Central Fund (Permanent Provisions) Act 1965 is amended—

(a) in section 2, by the substitution of—

- (i) “the Minister for Public Expenditure and Reform asks Dáil Éireann” for “he asks Dáil Éireann”, and 15
- (ii) “the Minister for Public Expenditure and Reform’s considering it to be necessary” for “his considering it to be necessary”,

and 20

(b) by the insertion of the following section:

“4A.—The Minister for Finance shall not perform a function under section 2 or 4 except on the request of the Minister for Public Expenditure and Reform.”.

(3) The Minister for Finance shall not perform a function, consisting of the payment of moneys out of the Central Fund— 25

- (a) under a provision specified in *Part 1* of *Schedule 3*, or
- (b) that is performable in accordance with or for the purposes of such a provision,

except on the request of the Minister for Public Expenditure and Reform. 30

(4) The Minister for Finance shall not perform a function, consisting of the payment of moneys out of the Central Fund—

- (a) for the purposes of an enactment specified in *Part 2* of *Schedule 3*, and 35
- (b) in connection with the superannuation or remuneration of any person to which that enactment applies,

except on the request of the Minister for Public Expenditure and Reform.

Functions performable by Minister for Finance or Minister.

17.—(1) The functions conferred by or under the Ministers and Secretaries (Amendment) Act 1977 that were transferred to the Minister for Finance by the Economic Planning and Development 40

(Transfer of Departmental Administration and Ministerial Functions) Order 1980 (S.I. No. 1 of 1980) shall, in addition to being performable by the Minister for Finance, be performable by the Minister.

5 (2) The Minister for Finance and the Minister shall, from time to time, consult in relation to the performance by them of functions referred to in *subsection (1)*.

10 **18.—**(1) The Minister shall not perform a function transferred by *subsection (2) of section 7* without the consent of the Minister for Finance. Performance of certain functions transferred to Minister by *section 7*.

(2) The Minister shall not perform a function transferred by *subsection (3) of section 7* without first consulting the Minister for Finance in relation thereto.

15 **19.—**(1) The Minister for Finance shall not perform a function consisting of the superannuation or remuneration of members or members of the board, as the case may be, of a body to which this section applies or members of staff of such a body without first consulting with the Minister in relation thereto. Performance of certain functions by Minister for Finance.

(2) This section applies to the following bodies:

- 20 (a) Central Bank Commission;
- (b) Investor Compensation Company Limited;
- (c) Credit Union Advisory Committee;
- (d) National Treasury Management Agency;
- 25 (e) National Treasury Management Agency Advisory Committee;
- (f) National Development Finance Agency;
- (g) National Pensions Reserve Fund Commission;
- (h) National Asset Management Agency;
- (i) Office of the Comptroller and Auditor General;
- 30 (j) Financial Services Ombudsman's Bureau.

PART 4

AMENDMENT OF CERTAIN ENACTMENTS

35 **20.—**Section 26 of the Intoxicating Liquor (General) Act 1924 is amended, in subsection (5), by the substitution of “subject to the approval of the Minister for Public Expenditure and Reform” for “subject to the approval of the Minister for Finance”. Amendment of Intoxicating Liquor (General) Act 1924.

Amendment of Seanad Electoral (University Members) Act 1937.

21.—Section 15 of the Seanad Electoral (University Members) Act 1937 is amended, in subsection (3) (inserted by paragraph (c) of section 56 of the Act of 2001) by the substitution of “with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister” for “after consultation with the Minister”. 5

Amendment of Seanad Electoral (Panel Members) Act 1947.

22.—Section 4 of the Seanad Electoral (Panel Members) Act 1947 is amended by—

(a) the substitution of the following subsection for subsection (3):

“(3) The Minister for Finance shall, with the approval 10 of the Minister for Public Expenditure and Reform, pay to the Seanad returning officer the amount of his reasonable charges, not exceeding such amount as may, with the consent of the Minister for Public Expenditure and Reform, be sanctioned by that Minister, in respect of the perform- 15 ance by the Seanad returning officer of his duties under this Act out of the Central Fund or the growing produce thereof.”, and

(b) in subsection (3A) (inserted by paragraph (a) of section 20 57 of the Act of 2001) by the substitution of “with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister” for “after consultation with the Minister”.

Amendment of Ombudsman Act 1980.

23.—Part 1 of the First Schedule to the Ombudsman Act 1980 is amended by the insertion of “Department of Public Expenditure 25 and Reform”.

Amendment of Postal and Telecommunications Services Act 1983.

24.—The Postal and Telecommunications Services Act 1983 is amended—

(a) in section 17, by the substitution of “with the consent of the Minister for Public Expenditure and Reform” for 30 “with the consent of the Minister for Finance and, where appropriate, the consent of the Minister for the Public Service”, and

(b) in paragraph (a) of subsection (1) of section 27, by the substitution of “Minister for Public Expenditure and 35 Reform” for “Minister for Finance”.

Amendment of Electoral Act 1992.

25.—The Electoral Act 1992 is amended—

(a) in subsection (2) of section 4, by the substitution of “the Minister for Finance and the Minister for Public Expenditure and Reform” for “the Minister for Finance”, 40

(b) in section 32, by—

(i) the substitution, in subsection (1), of—

(I) “Minister for Public Expenditure and Reform” for “Minister for Finance”, and

(II) “shall, upon the request of the Minister for Public Expenditure and Reform, be paid by the Minister for Finance” for “shall be paid by the said Minister”,

5 (ii) the substitution, in subsection (1A) (inserted by section 77(a) of the Act of 1997), of “Upon the request of the Minister for Public Expenditure and Reform, the Minister for Finance shall” for “The Minister for Finance shall”, and

10 (iii) the substitution, in subsection (4) (inserted by section 14 of the Act of 2001), of “with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister” for “after consultation with the Minister”, and

15 (c) by the substitution, in paragraph (7) of rule 7 (inserted by section 47(c) of the Act of 2001) of Schedule 3, of “shall, with the approval of the Minister for Public Expenditure and Reform, be paid by the Minister for Finance” for “shall be paid by the Minister for Finance”.

20 **26.—**The Presidential Elections Act 1993 is amended—

Amendment of
Presidential
Elections Act 1993.

(a) in subsection (2) of section 5, by the substitution of “sanctioned by the Minister for Finance and the Minister for Public Expenditure and Reform” for “sanctioned by the Minister for Finance”,

25 (b) in subsection (4) of section 9, by the substitution of “the Minister for Finance shall, with the approval of the Minister for Public Expenditure and Reform,” for “the Minister for Finance shall”,

30 (c) in subsection (6) (inserted by section 52(b) of the Act of 2001) of section 9, by the substitution of “and with the consent of the Minister for Public Expenditure and Reform, make such an advance” for “make such an advance”,

(d) in subsection (1) of section 11, by—

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

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

45 (e) in subsection (1A) (inserted by section 77(b) of the Act of 1997) of section 11, by the substitution of “Upon the request of the Minister for Public Expenditure and Reform, the Minister for Finance shall” for “The Minister for Finance shall”, and

(f) in subsection (3) (inserted by section 52(c) of the Act of 2001) of section 11, by the substitution of “with the consent of the Minister for Public Expenditure and Reform

and after consultation with the Minister” for “after consultation with the Minister”.

Amendment of
Referendum Act
1994.

27.—The Referendum Act 1994 is amended—

- (a) in subsection (2) of section 4, by the substitution of “sanctioned by the Minister for Finance with the consent of the Minister for Public Expenditure and Reform” for “sanctioned by the Minister for Finance”, 5
- (b) in subsection (4) of section 14, by the substitution of “the Minister for Finance shall, with the approval of the Minister for Public Expenditure and Reform,” for “the Minister for Finance shall”, 10
- (c) in subsection (6) (inserted by section 55(b) of the Act of 2001) of section 14, by the substitution of “may, with the consent of the Minister for Public Expenditure and Reform,” for “may”, 15
- (d) in subsection (1) of section 16, by—
 - (i) the substitution of “Minister for Public Expenditure and Reform” for “Minister for Finance”, and
 - (ii) the substitution of “shall, upon the request of the Minister for Public Expenditure and Reform, be paid by the Minister for Finance” for “shall be paid by the said Minister”, 20
- (e) in subsection (1A) of section 16, by the substitution, in subsection (1A) (inserted by section 77(c) of the Act of 1997), of “Upon the request of the Minister for Public Expenditure and Reform, the Minister for Finance shall” for “The Minister for Finance shall”, 25
- (f) in subsection (3) (inserted by section 55(c) of the Act of 2001) of section 16, by the substitution of “with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister” for “after consultation with the Minister”, and 30
- (g) in subsection (5) of section 47, 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 by the Minister for Finance”. 35

Amendment of Act
of 1997.

28.—The Act of 1997 is amended—

- (a) in subsection (1) (inserted by section 50(c)(i) of the Act of 2001) of section 17, by the insertion of “by the Minister for Finance with the approval of the Minister for Public Expenditure and Reform” after “therefor”, 40
- (b) in subsection (1) of section 19, by the substitution of “shall be made by the Minister for Finance, with the approval of the Minister for Public Expenditure and Reform,” for “shall be made by the Minister for Finance”, and 45

5 (c) in paragraph (c) (amended by section 50(e)(ii) of the Act of 2001) of subsection (1) of section 21, by the substitution of “shall be made by the Minister for Finance, with the approval of the Minister for Public Expenditure and Reform,” for “shall be made by the Minister for Finance”.

29.—The European Parliament Elections Act 1997 is amended— Amendment of European Parliament Elections Act 1997.

10 (a) in subsection (2) of section 4, by the substitution of “sanctioned by the Minister for Finance with the consent of the Minister for Public Expenditure and Reform” for “sanctioned by the Minister for Finance”,

15 (b) in subsection (3) of section 15A (inserted by section 51(d) of the Act of 2001), by the substitution of “Minister for Finance shall, with the approval of the Minister for Public Expenditure and Reform” for “Minister for Finance shall”,

(c) in subsection (1) of section 18, by—

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

(ii) the substitution of “the Minister for Finance shall, upon the request of the Minister for Public Expenditure and Reform, recoup to” for “recoup to”,

25 (d) in subsection (2) of section 18, by the substitution of “, and upon the request of the Minister for Public Expenditure and Reform, recoup to” for “, recoup to”,

30 (e) in subsection (6) (inserted by section 51(f) of the Act of 2001) of section 18, by the substitution of “with the consent of the Minister for Public Expenditure and Reform and after consultation with the Minister” for “after consultation with the Minister”, and

35 (f) in paragraph (6) of rule 134 (inserted by rule jj of Schedule 1 of the Electoral (Amendment) Act 2004) of Part XV of Schedule 2, by the substitution of “shall be paid by the Minister for Finance with the approval of the Minister for Public Expenditure and Reform” for “shall be paid by the Minister for Finance”.

40 30.—Paragraph 1 of the First Schedule to the Freedom of Information Act 1997 is amended, in subparagraph (1), by the insertion of “the Department of Public Expenditure and Reform,”. Amendment of Freedom of Information Act 1997.

31.—Section 12 of the Public Service Management (Recruitment and Appointments) Act 2004 is amended by the substitution of the following paragraph for paragraph (c): Amendment of Public Service Management (Recruitment and Appointments) Act 2004.

45 “(c) the Secretary General of the Department of Public Expenditure and Reform.”.

32.—Section 9 of the Social Welfare Consolidation Act 2005 is amended by the insertion of the following subsection:

“(12) The Minister for Finance shall, in relation to the performance of his or her functions under this section, consult from time to time with the Minister for Public Expenditure and Reform.”. 5

EXCLUDED BODIES

1. A body whose activities are commercial in character and that was established by or under a statute that—
 - 5 (a) was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution, and
 - (b) continues to be of full force and effect by virtue of Article 50 of the Constitution.
- 10 2. Dublin Airport Authority, public limited company.
3. Cork Airport Authority, public limited company.
4. Shannon Airport Authority, public limited company.
5. Bord Gáis Éireann.
6. Bord na gCon.
- 15 7. Bord na Móna, public limited company.
8. Córas Iompair Éireann.
9. Coillte Teoranta.
10. Electricity Supply Board.
11. EirGrid.
- 20 12. A harbour authority within the meaning of the Harbours Act 1946 or a company to which section 7 of the Harbours Act 1996 applies.
13. Horse Racing Ireland.
14. The Irish National Stud Company, Limited.
- 25 15. The Irish Aviation Authority.
16. An Post.
17. An Post National Lottery Company.
18. Raidió Teilifís Éireann.
19. Teilifís na Gaeilge.
- 30 20. Railway Procurement Agency.
21. Voluntary Health Insurance Board.

SCHEDULE 2

FUNCTIONS TRANSFERRED TO MINISTER

PART 1

FUNCTIONS PERFORMABLE WITH CONSENT OF MINISTER FOR FINANCE

Number and Year (1)	Short Title (2)	Provision (3)	
No. 26 of 1925	Shannon Electricity Act 1925	Section 14(4)	5
No. 33 of 1925	Arterial Drainage Act 1925	Section 16(1)	
No. 42 of 1934	Slaughter of Cattle and Sheep Act 1934	Section 41	10
No. 26 of 1935	Agricultural Produce (Cereals) Act 1935	Section 20	
No. 9 of 1941	Dairy Produce (Price Stabilisation) (Amendment) Act 1941	Section 9	
No. 13 of 1941	Minerals Exploration and Development Company Act 1941	Section 10	15
No. 31 of 1945	National Stud Act 1945	Section 24	
No. 9 of 1946	Harbours Act 1946	Section 120	
No. 35 of 1947	Minerals Company Act 1947	Section 3	
No. 12 of 1950	Transport Act 1950	Section 28	20
No. 28 of 1951	Grain Storage Act 1951	Sections 4 and 5	
No. 19 of 1953	Turf Development Act 1953	Section 7	
No. 17 of 1954	Electricity Supply (Amendment) Act 1954	Sections 3 and 4	
No. 10 of 1957	Turf Development Act 1957	Sections 1, 2(1) and 11	25
No. 30 of 1964	Transport Act 1964	Section 5	
No. 22 of 1969	Grass Meal (Production) Act 1969	Section 2	
No. 30 of 1976	Gas Act 1976	Sections 8A, 23 and 24	30
No. 5 of 1979	Údarás na Gaeltachta Act 1979	Sections 10(5) and 24	
No. 36 of 1980	Irish Film Board Act 1980	Section 11	
No. 15 of 1985	Transport Act 1985	Section 2	
No. 9 of 1986	Industrial Development Act 1986	Sections 19 and 24	35
No. 15 of 1987	Labour Services Act 1987	Section 15	
No. 18 of 1988	Agriculture (Research, Training and Advice) Act 1988	Section 16	
No. 26 of 1988	Forestry Act 1988	Section 24	
No. 7 of 1989	Safety, Health and Welfare at Work Act 1989	Section 23	40
No. 19 of 1990	Industrial Relations Act 1990	Section 30	
No. 25 of 1990	Pensions Act 1990	Section 20A	
No. 2 of 1991	Marine Institute Act 1991	Section 14	
No. 7 of 1992	Environmental Protection Agency Act 1992	Section 47	45
No. 14 of 1993	Roads Act 1993	Section 25	
No. 29 of 1993	Irish Aviation Authority Act 1993	Section 26	

	Number and Year (1)	Short Title (2)	Provision (3)
	No. 16 of 1994	Health Insurance Act 1994	Section 24
	No. 18 of 1994	Irish Horseracing Industry Act 1994	Section 30
	No. 22 of 1994	An Bord Bia Act 1994	Section 23
5	No. 25 of 1994	Milk (Regulation of Supply) Act 1994	Section 17(4)
	No. 29 of 1995	Irish Medicines Board Act 1995	Section 17
	No. 4 of 1996	Voluntary Health Insurance (Amendment) Act 1996	Section 2(5A)
10	No. 11 of 1996	Harbours Act 1996	Section 23
	No. 28 of 1996	National Standards Authority of Ireland Act 1996	Section 14
	No. 7 of 1997	Dublin Docklands Development Authority Act 1997	Section 30(1)
15	No. 11 of 1997	National Cultural Institutions Act 1997	Sections 34 and 44(3)
	No. 37 of 1997	Merchant Shipping (Commissioners of Irish Lights) Act 1997	Section 6A
	No. 21 of 1998	Employment Equality Act 1998	Section 55(2)
20	No. 24 of 1998	Air Navigation and Transport (Amendment) Act 1998	Section 13
	No. 26 of 1998	Turf Development Act 1998	Section 22
	No. 29 of 1998	Food Safety Authority of Ireland Act 1998	Section 23
25	No. 42 of 1998	Western Development Commission Act 1998	Section 24
	No. 13 of 1999	Health (Eastern Regional Health Authority) Act 1999	Section 21(13)
	No. 1 of 2000	Comhairle Act 2000	Section 21
30	No. 8 of 2001	Teaching Council Act 2001	Section 20
	No. 25 of 2001	Mental Health Act 2001	Section 41
	No. 43 of 2001	Ordnance Survey Ireland Act 2001	Section 9
	No. 48 of 2001	Air Navigation and Transport (Indemnities) Act 2001	Sections 3, 7 and 8
35	No. 54 of 2001	Family Support Agency Act 2001	Section 24
	No. 55 of 2001	Transport (Railway Infrastructure) Act 2001	Sections 15 and 16
	No. 2 of 2002	Sustainable Energy Act 2002	Section 23
	No. 14 of 2002	Competition Act 2002	Section 43(2)
40	No. 20 of 2002	Communications Regulation Act 2002	Section 29
	No. 23 of 2003	Digital Hub Development Act 2003	Section 30
	No. 44 of 2003	Companies Auditing and Accounting Act 2003	Section 14(9)
45	No. 46 of 2003	Personal Injuries Assessment Board Act 2003	Section 75
	No. 27 of 2004	Residential Tenancies Act 2004	Section 175
	No. 10 of 2005	Safety, Health and Welfare at Work Act 2005	Section 46
50	No. 13 of 2005	Air Navigation and Transport (Indemnities) Act 2005	Sections 3, 8 and 9

Number and Year (1)	Short Title (2)	Provision (3)	
No. 21 of 2005	Grangegorman Development Agency Act 2005	Section 15(1)	
No. 24 of 2005	Land Act 2005	Section 3	
No. 31 of 2005	Railway Safety Act 2005	Section 27	
No. 14 of 2006	Road Safety Authority Act 2006	Section 27	5
No. 19 of 2006	National Sports Campus Development Authority Act 2006	Section 29	
No. 7 of 2007	National Oil Reserves Agency Act 2007	Sections 26(3) and 27	
No. 19 of 2007	Consumer Protection Act 2007	Section 29	10
No. 20 of 2007	Pharmacy Act 2007	Paragraph 18(1) of Schedule 1	
No. 25 of 2007	Medical Practitioners Act 2007	Section 33	
No. 11 of 2008	Electricity Regulation (Amendment) (Eirgrid) Act 2008	Section 6	15
No. 15 of 2008	Dublin Transport Authority Act 2008	Section 30	
No. 6 of 2009	Charities Act 2009	Section 17	
No. 18 of 2009	Broadcasting Act 2009	Sections 35 and 107	
No. 10 of 2010	Inland Fisheries Act 2010	Section 43	20

PART 2

FUNCTIONS PERFORMABLE AFTER CONSULTATION WITH MINISTER FOR FINANCE

Number and Year (1)	Short Title (2)	Provision (3)	
No. 5 of 2009	Financial Emergency Measures in the Public Interest Act 2009	Section 13	25
No. 41 of 2009	Financial Emergency Measures in the Public Interest (No. 2) Act 2009	Section 7	30
No. 38 of 2010	Financial Emergency Measures in the Public Interest Act 2010	Section 10	

FUNCTIONS OF MINISTER FOR FINANCE PERFORMABLE ON REQUEST OF
MINISTER

PART 1

5	Number and Year (1)	Short Title (2)	Provision (3)
	No. 38 of 1938	Ministerial and Parliamentary Offices Act 1938	Sections 12, 24 and 32
10	No. 16 of 1961	Courts of Justice and Courts Officers (Superannuation) Act 1961	Section 8
	No. 39 of 1961	Courts (Supplemental Provisions) Act 1961	Section 46(4)
15	No. 23 of 1991	Courts (Supplemental Provisions) (Amendment) Act 1991	Section 11
	No. 8 of 1993	Comptroller and Auditor General (Amendment) Act 1993	Sections 14(3) and 15(5)
	No. 25 of 1999	Courts (Supplemental Provisions) (Amendment) Act 1999	Section 3

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PART 2

	Number and Year (1)	Enactment (2)
	No. 19 of 1952	Ministerial and Parliamentary Offices (Amendment) Act 1952
25	No. 21 of 1968	Courts (Supplemental Provisions) (Amendment) (No. 2) Act 1968
	No. 32 of 1983	Oireachtas (Allowances to Members) and Ministerial, Parliamentary and Judicial Offices (Amendment) Act 1983
30	No. 5 of 1998	Oireachtas (Allowances to Members) and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 1998
	No. 15 of 2000	Courts (Supplemental Provisions) (Amendment) Act 2000