Changes to Legislation: as of 12 March 2024, this Act is up to date with all changes known to be in force.



Number 21 *of* 2006

NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE ACT 2006

REVISED

Updated to 9 January 2023

This Revised Act is an administrative consolidation of the *National Economic and Social Development Office Act 2006*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 21 *of* 2006

NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE ACT 2006

REVISED

Updated to 9 January 2023

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Number 21 *of* 2006

NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE ACT 2006

REVISED

Updated to 9 January 2023

AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS THE NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE COMPRISING THREE BODIES TO BE KNOWN AS THE NATIONAL ECONOMIC AND SOCIAL COUNCIL, THE NATIONAL ECONOMIC AND SOCIAL FORUM, THE NATIONAL CENTRE FOR PARTNERSHIP AND PERFORMANCE, AND SUCH OTHER BODIES AS THE TAOISEACH MAY BY ORDER ESTABLISH AND TO DEFINE THEIR FUNCTIONS AND TO DISSOLVE THE NATIONAL ECONOMIC AND SOCIAL COUNCIL, THE NATIONAL ECONOMIC AND SOCIAL FORUM AND THE NATIONAL CENTRE FOR PARTNERSHIP AND PERFORMANCE, AND TO PROVIDE FOR RELATED MATTERS.

[12*th July*, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(*a*) the enactments specified in Schedule 1, and

(*b*) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 21 of 2006	National Economic and Social Development Act 2006	Sections 7, 21, 29 and 31
...	...	...

PART 1

Preliminary and General

Short title.

1.— This Act may be cited as the National Economic and Social Development Office Act 2006.

Definitions.

2.— In this Act—

"body" means a body established by or under this Act;

"Centre" means National Centre for Partnership and Performance established by *section 6 (2)*;

"Chief Officer" means the chief officer of the Office;

"Council" means National Economic and Social Council established by *section 6 (2)*;

"Director" means the director of a body (other than the Office);

"Forum" means National Economic and Social Forum established by *section 6 (2)*;

"Office" means National Economic and Social Development Office established by *section 6 (1)*;

"social partners" means persons participating in arrangements put in place by the Government to assist in the formation of economic and social policy, and which the Taoiseach considers to be representative of the main business and employer, trade union, farming and community and voluntary sectors and, in particular, those organisations or persons which enter into arrangements approved by the Government, from time to time, to promote economic and social development through the co-ordination of their respective activities, and "social partnership" shall be construed accordingly;

"superannuation benefits" means pensions, gratuities and other allowances payable on resignation, retirement or death.

Establishment day.

3.— The Taoiseach may by order appoint a day to be the establishment day for the purposes of this Act.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (1.01.2007) by *National Economic and Social Development Office Act 2006 (Establishment Day) Order 2006* (S.I. No. 606 of 2006), art. 2.

2. The day appointed as the establishment day for the purposes of the National Economic and Social Development Office Act 2006 (No. 21 of 2006) is 1 January 2007.

Laying of orders and draft orders before Houses of Oireachtas.

4.— A draft of every order proposed to be made under this Act shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

Expenses.

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

PART 2

National Economic and Social Development Office

Establishment of National Economic and Social Development Office comprising National Economic and Social Council, National Economic and Social Forum and National Centre for Partnership and Performance.

6.— (1) There shall stand established, on the establishment day, a body to be known as the National Economic and Social Development Office or, in the Irish language, an Oifig Náisiúnta d'Fhorbairt Eacnamaíoch agus Shóisialach and in this Act referred to as the Office, to perform the functions conferred on it by this Act.

(2) There shall within the Office, on the establishment day, be established the following bodies to be known as—

(*a*) the National Economic and Social Council or, in the Irish language, an Chomhairle Náisiúnta Eacnamaíoch agus Sóisialach, and in this Act referred to as the Council,

(*b*) the National Economic and Social Forum or, in the Irish language, an Fóram Náisiúnta Eacnamaíoch agus Sóisialach, and in this Act referred to as the Forum, and

(*c*) the National Centre for Partnership and Performance or, in the Irish language, an tIonad Náisiúnta Comhpháirtíochta agus Feidhmíochta, and in this Act referred to as the Centre,

to perform the functions conferred on them by this Act.

(3) The Office shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property.

(4) The Office and each body established under *subsection (2)* and *section 7* shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

Establishment of other bodies within Office.

7.— (1) The Taoiseach may, after consultation with the Minister for Finance and any other Minister of the Government he or she considers relevant, by order establish within the Office such other bodies as he or she considers appropriate to prepare advice and reports on any aspect of any matter relating to the functions of the Office.

(2) A body established by order under *subsection (1)* shall be known by such title as may be specified in the order.

(3) An order under *subsection (1)* shall—

(*a*) specify the functions of the body, and

(*b*) contain such provisions as the Taoiseach considers appropriate in relation to—

(i) the number of members of the body established by the order,

(ii) the method of their appointment, and

(iii) subject to *section 18 (1)*, their tenure of office.

(4) Any body established under this section shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

(5) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the body concerned, amend or revoke an order under *subsection (1)*.

Functions of Office.

8.— (1) The function of the Office shall be to advise the Taoiseach on all strategic matters relevant to economic and social development in the State.

(2) Without prejudice to the generality of *subsection (1)*, the Office shall perform its function under that subsection by—

(*a*) facilitating and promoting complementary programmes of research, analysis and discussions by the Council, the Forum, the Centre and any body established under *section 7*,

(*b*) providing shared administration and support services for the Council, the Forum, the Centre and any body established under *section 7*,

(*c*) submitting to the Government any reports, recommendations or conclusions of a body given to it which may arise from any research, survey or study carried out by such a body, and

(*d*) arranging for the publication of such reports, recommendations or conclusions of such body.

Functions of Council.

9.— (1) The functions of the Council shall be to analyse and report to the Taoiseach on strategic issues relating to the efficient development of the economy and the achievement of social justice and the development of a strategic framework for the conduct of relations and the negotiation of agreements between the Government and the social partners.

(2) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the Council, by order amend the functions of the Council under *subsection (1)* or confer additional functions on it connected with the activities of the Office.

(3) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the Council, by order amend or revoke an order under this section (including an order under this subsection).

(4) Any report made to the Taoiseach under *subsection (1)* may be made at the request of the Taoiseach or at the initiative of the Council.

Functions of Forum.

10.— (1) The functions of the Forum shall be—

(*a*) to advise the Taoiseach on policies to achieve greater equality and social inclusion, and such other matters as may be specified by the Taoiseach in the context of social partnership arrangements, by analysing, monitoring and evaluating relevant programmes and policies, and

(*b*) to facilitate public consultation on policy matters referred to it, from time to time, by the Government.

(2) In preparing advice under *subsection (1)*, the Forum may include reports of the work and conclusions of teams whose members are drawn from the organisations and officers of any Minister of the Government or any person represented on the Forum.

(3) The Forum shall, in performing its functions under *subsection (1)*, have regard to the views of the social partners with regard to issues arising from the implementation of any agreement entered into between them and the Government.

(4) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the Forum, by order amend the functions of the Forum under *subsection (1)* or confer additional functions on it in relation to the activities of the Office.

(5) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the Forum, by order amend or revoke an order under this section (including an order under this subsection).

(6) Any advice made to the Taoiseach under *subsection (1)* may be made at the request of the Taoiseach or at the initiative of the Forum.

Functions of Centre.

11.— (1) The functions of the Centre shall be—

(*a*) to support and facilitate organisational change and innovation based on partnership in order to bring about improved performance and mutual gains, and

(*b*) to contribute to national competitiveness, better public services, higher living standards, a better quality of life and the development of the workplace of the future.

(2) The Centre shall advise the Taoiseach on such matters relating to the deepening of workplace partnership in the public and private sectors as he or she may, from time to time, specify.

(3) The Centre may cooperate with the Department of Enterprise, Trade and Employment and any other relevant body in the funding of partnership initiatives as referred to in *subsection (1)*.

(4) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the Centre, by order amend the functions of the Centre under *subsection (1)* or confer additional functions on it connected with the activities of the Office.

(5) The Taoiseach may, after consultation with any relevant Minister of the Government who has representation on the Centre, by order amend or revoke an order under this section (including an order under this subsection).

Performance of functions.

12.— A body may perform any of its functions through or by any member of the staff of the Office duly authorised in that behalf by the body.

Composition of Office.

13.— (1) The Office shall consist of the chairpersons and deputy chairpersons of the Council, Forum, Centre and any other body established under *section 7*.

(2) The Taoiseach shall appoint one of the chairpersons referred to in *subsection (1)* to be chairperson of the Office.

(3) The term of office of the chairperson of the Office shall not be less than 2 years and not more than 5 years.

(4) The quorum for a meeting of the Office shall be decided by the Office.

Composition of Council.

14.— (1) The Council shall consist of a chairperson, a deputy chairperson and such number of ordinary members as the Taoiseach may determine in accordance with *subsection (3)*.

(2) The members of the Council shall be appointed by the Taoiseach.

(3) Of the ordinary members of the Council—

(*a*) not less than 3 and not more than 5 shall be persons nominated by organisations which the Taoiseach considers representative of business and employer interests participating in social partnership arrangements,

(*b*) not less than 3 and not more than 5 shall be persons nominated by the Irish Congress of Trade Unions,

(*c*) not less than 3 and not more than 5 shall be persons nominated by organisations which the Taoiseach considers representative of farming and agricultural interests participating in social partnership arrangements,

(*d*) not less than 3 and not more than 5 shall be persons nominated by organisations which the Taoiseach considers representative of the community and voluntary sector participating in social partnership arrangements,

(*e*) not less than 3 and not more than 5 shall be public servants, of whom at least—

(i) one shall represent the Taoiseach, and

(ii) one shall represent the Minister for Finance, and

(*f*) not less than 3 and not more than 5 shall be persons possessing knowledge, experience and skills which the Taoiseach considers relevant to the functions of the Council.

Composition of Forum.

15.— (1) The Forum shall consist of a chairperson, a deputy chairperson and such number of ordinary members as the Taoiseach may determine in accordance with *subsection (3)*.

(2) The members of the Forum shall be appointed by the Taoiseach.

(3) Of the ordinary members of the Forum—

(*a*) 15 shall be members of either Dáil Éireann or Seanad Éireann,

(*b*) not less than 3 and not more than 5 shall be persons nominated by organisations which the Taoiseach considers representative of business and employer interests participating in social partnership arrangements,

(*c*) not less than 3 and not more than 5 shall be persons nominated by the Irish Congress of Trade Unions,

(*d*) not less than 3 and not more than 5 shall be persons nominated by organisations which the Taoiseach considers representative of farming and agricultural interests participating in social partnership arrangements,

(*e*) not less than 10 and not more than 15 shall be persons nominated by organisations which the Taoiseach considers representative of the community

and voluntary sector, especially those concerned with matters pertaining to equality and social inclusion,

(*f*) not less than 3 and not more than 5 shall be persons nominated by organisations which the Taoiseach considers representative of the local government system,

(*g*) not less than 3 and not more than 5 shall be public servants, and

(*h*) not less than 3 and not more than 5 shall be persons possessing knowledge, experience and skills which the Taoiseach considers relevant to the functions of the Forum.

Composition of Centre.

16.— (1) The Centre shall consist of a chairperson, a deputy chairperson and such number of ordinary members as the Taoiseach may determine in accordance with *subsection (3)*.

(2) The members of the Centre shall be appointed by the Taoiseach.

(3) Of the ordinary members of the Centre—

(*a*) not less than 3 and not more than 4 shall be persons nominated to represent the Taoiseach, the Minister for Finance, the Minister for Enterprise, Trade and Employment and such other Minister of the Government as the Taoiseach determines,

(*b*) not less than 3 and not more than 4 shall be persons nominated by organisations who the Taoiseach considers representative of business and employer interests participating in social partnership arrangements,

(*c*) not less than 3 and not more than 4 shall be persons nominated by the Irish Congress of Trade Unions, and

(*d*) not less than 3 and not more than 4 shall be persons possessing knowledge, experience and skills which the Taoiseach considers relevant to the functions of the Centre.

Taoiseach may by order alter composition of Council, Forum and Centre.

17.— (1) Notwithstanding *sections 14*, 15 and *16*, the Taoiseach, where he or she considers it appropriate in the circumstances, may by order alter the composition of the members of—

(*a*) the Council, in lieu of all or any part of its composition referred to in *section 14(3)*,

(*b*) the Forum, in lieu of all or any part of its composition referred to in *section 15(3)*, or

(*c*) the Centre, in lieu of all or any part of its composition referred to in *section 16(3)*.

(2) The Taoiseach may amend or revoke an order under this section.

Annotations

Editorial Notes:

E2 Power pursuant to subs. (1)(a) exercised (14.12.2010) by *National Economic and Social Council (Alteration of Composition) Order 2010* (S.I. No. 603 of 2010), art. 3.

Conditions of membership.

18.— (1) The term of office of an ordinary member of a body shall be not less than 2 years and not more than 5 years.

(2) The Taoiseach shall designate one member of each body to be the chairperson of that body.

(3) The term of office of the chairperson of a body shall be not less than 2 years and not more than 5 years.

(4) Where the chairperson of a body ceases to be a member of the body, he or she shall also thereupon cease to be chairperson of the body.

(5) Each member of a body shall hold office on such terms (other than the payment of remuneration and allowances for expenses) as the Taoiseach determines at the time of the member's appointment.

(6) There shall be paid to the members of a body such remuneration (if any) and such allowances for expenses incurred by them as the Taoiseach, with the consent of the Minister for Finance, may from time to time determine.

(7) A member of a body shall be disqualified from being such a member where he or she—

(*a*) ceases to represent the body or interest group which nominated him or her and where such cesser has been duly notified to the Taoiseach by the relevant body or interest group concerned,

(*b*) being a member of Dáil Éireann or Seanad Éireann on the Forum, ceases to be such a member,

(*c*) being a representative of the local government system on the Forum, ceases to be such a member,

(*d*) is adjudicated bankrupt,

(*e*) makes a composition or arrangement with creditors,

(*f*) is convicted of an indictable offence in relation to a company,

(*g*) is convicted of an offence involving fraud or dishonesty, or

(*h*) is disqualified or restricted from being a director of any company (within the meaning of the Companies Acts).

(8) A disqualification pursuant to an order of a court referred to in *subsection (7)(d)*, *(f)*, *(g)* or *(h)* shall not take effect until the ordinary time for appealing against any such order has expired, or if an appeal is lodged within that time, until any such appeal, or a further appeal therefrom is determined.

(9) A member of a body may at any time resign his or her membership by letter addressed to the Taoiseach and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Taoiseach, whichever is the later.

(10) A member of a body may at any time for stated reasons be removed from membership of the body by the Taoiseach if, in the Taoiseach's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the body to be necessary for the effective performance by it of its functions.

(11) If a member of a body dies, resigns, retires, becomes disqualified or is removed from office, the Taoiseach may appoint a person to be a member of the body to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the body who occasioned the casual vacancy.

(12) A person appointed to be a member of a body by virtue of this paragraph shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment as a member of the body.

(13) A member of a body whose period of membership expires by the effluxion of time shall be eligible for re-appointment as a member of the body.

(14) The Taoiseach shall, in so far as is practicable and having regard to relevant experience, ensure an equitable balance between men and women in the composition of a body.

Meeting of body.

19.— (1) A body shall hold such and as many meetings as may be necessary for the performance of their functions.

(2) At a meeting of a body—

(*a*) the chairperson of the body, shall, if present, be the chair-person of the meeting, and

(*b*) if so long as the chairperson of the body is not present or if the office of the chairperson is vacant, the deputy chairperson shall be chairperson of the meeting, or in the absence of the deputy chairperson the members of the body who are present shall choose one of their members to be chairperson of the meeting.

(3) A body may act notwithstanding one or more vacancies among its members.

(4) Subject to this Act, a body shall regulate, by standing orders or otherwise, its procedure and business.

Membership of either House of Oireachtas or European Parliament.

20.— (1) Where a member of the Council, the Forum (subject to *subsection (2)*), the Centre or a body established under *section 7*—

(*a*) is nominated as a member of Seanad Éireann,

(*b*) is elected as a member of either House of the Oireachtas or to be a representative in the European Parliament,

(*c*) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997, as having been elected to that Parliament to fill a vacancy, or

(*d*) becomes a member of a local authority (within the meaning of the Local Government Act 2001),

he or she shall thereupon cease to be a member of the Council, the Forum, Centre or the body, as the case may be.

(2) In *subsection (1)*—

(*a*) *paragraphs (a)* and *(b)* do not apply to a member of the Forum to whom *section 15(3)(a)* applies who is nominated as a member of Seanad Éireann or is elected as a member of either House of the Oireachtas, and

(*b*) *paragraph (d)* does not apply to a member of the Forum to whom *section 1(3)(f)* applies becoming a member of a local authority.

(3) Where a member of the staff of the Office is—

(*a*) nominated as a member of Seanad Éireann,

(*b*) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(*c*) regarded pursuant to the said Part XIII, as having been elected to that Parliament to fill a vacancy,

he or she shall thereupon stand seconded from employment by the Office and shall not be paid by, or be entitled to receive from, the Office any remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected (as the case may be), and ending when such person ceases to be a member of either House or a representative in such Parliament.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for membership of the Council, the Forum (subject to *subsection (5)*), the Centre or a body established under *section 7* or for employment in any capacity by the Office.

(5) *Subsection (4)* does not apply to a person, who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, to whom *section 15(3)(a)* applies being appointed under *section 15(2)* as a member of the Forum.

(6) A period mentioned in *subsection (3)* shall not, for the purposes of any superannuation benefit, be reckoned as service with the Office.

Committees.

21.— (1) A body may establish committees to assist and advise it in relation to the performance of any of its functions.

(2) A body may delegate to a committee established by it any of its functions which, in its opinion, can be better or more conveniently exercised or performed by a committee.

(3) A body may determine the terms of reference for any committee established by it and may regulate the procedure of any such committee.

(4) The members of a committee shall be appointed by the body which has established it.

(5) A committee shall consist of such number of members as the body which has established it thinks proper.

(6) A committee may include persons who are not members of a body or staff of the Office.

(7) A member of a committee who fails to perform his or her functions may be removed at any time for stated reasons by the body which has established it.

(8) A body may at any time dissolve a committee established by it.

(9) A body may appoint a person to be chairperson of a committee established by it.

(10) The acts of a committee shall be subject to confirmation by the body which established it save where it dispenses with the necessity for such confirmation.

(11) There shall be paid out of the income of the Office to members of a committee such allowances for expenses incurred by them in the discharge of their functions as the Office may determine with the consent of the Taoiseach and the Minister for Finance.

(12) In this section "committee" means a committee of a body established under this section.

Disclosure by members of Office, body and staff of interests.

22.— (1) A member of the Office or a body (other than the Office) who has any material or financial interest—

(*a*) in any body corporate with which the Office has made a contract or proposes to make any contract, or

(*b*) in any contract which the Office has made or proposes to make,

shall at a meeting of the Office or the body where any such matters has arisen—

(i) disclose the fact of such interest and the nature thereof,

(ii) withdraw from the meeting or that part of the meeting during which the matter is discussed,

(iii) take no part in any deliberations of the Office or the body, as the case may be, relating to the matter, and

(iv) not vote on a decision relating to the matter.

(2) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(3) Where at the meeting concerned a question arises as to whether or not a course of conduct, if pursued by a member, would constitute a failure to comply with the requirements of *subsection (1)*, the question may be determined by the chairman of the meeting whose decision shall be final and, where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.

(4) (*a*) Where the Taoiseach is satisfied that a member of the Office or a body has contravened *subsection (1)* the Taoiseach may remove that member from office.

(*b*) A person removed from office pursuant to this subsection shall thenceforth be disqualified from being a member of a body.

(5) A member of the staff of the Office who has any material or financial interest (otherwise than in his capacity as such a member) to which *subsection (1)* relates shall—

(*a*) disclose to the Office the fact of such interest and the nature thereof, and

(*b*) take no part in the negotiation of the contract or in any deliberations relating to the matter.

(6) Where a person referred to in this section fails to make a disclosure in accordance with this section, the Office, where the matter relates to the Office, or the body concerned, where the matter relates to it, shall decide the appropriate action (including removal from office or termination of contract) to be taken.

Prohibition on disclosure of information.

23.— (1) Save as otherwise provided by law, a person shall not, without the consent of the relevant body, disclose any confidential information obtained by him or her while performing, or as a result of having performed, duties as—

(*a*) a member of a body,

(*b*) a member of the staff of the Office (including the Chief Officer and Director),

(*c*) a member of a committee,

(*d*) an adviser or consultant to a body.

(2) In *subsection (1)* "confidential information" includes—

(*a*) information that is expressed by the Office or the Taoiseach to be confidential either as regards particular information or as regards information of a particular class or description,

(*b*) commercial information in relation to consultants or advisers or any other person.

(3) A person who contravenes *subsection (1)* commits an offence and is liable on summary conviction to a fine not exceeding €5,000.

(4) Nothing in *subsection (1)* shall prevent disclosure of information in a report made to a body or on behalf of a body to the Taoiseach.

(5) The Third Schedule to the Freedom of Information Act 1997 is amended by inserting in Part 1 at the end thereof:

(*a*) in column (2) of "*National Economic and Social Development Office Act 2006*", and

(*b*) in column (3) of "*Section 23*".

Annotations

Modifications (not altering text):

C2 Person holding record under section excluded from requirement to refuse an FOI request (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 41(1)(a) and sch. 3 part 1, commenced on enactment. This section is listed in sch. 3 part 1.

Enactments relating to non-disclosure of records.

41.—(1) A head shall refuse to grant an FOI request if—

(*a*) the disclosure of the record concerned is prohibited by law of the European Union or any enactment (other than a provision specified in column (3) of *Part 1* or *2* of *Schedule 3* of an enactment specified in that Schedule), or

...

SCHEDULE 3

ENACTMENTS EXCLUDED FROM APPLICATION OF *Section 41*

PART I

STATUTES

...		
No. 21 of 2006	National Economic and Social Development Office Act 2006	Section 23.
...	...	...

Chief Officer of Office.

24.— (1) There shall be a Chief Officer ("Chief Officer") of the Office.

(2) The Chief Officer shall carry on and manage and control generally the administration and business of the Office and perform such other functions as may be determined by the Office.

(3) The term of office of the Chief Officer shall not be more than 5 years.

(4) The Chief Officer shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the Taoiseach with the consent of the Minister for Finance.

(5) The Chief Officer shall be paid, out of moneys at the disposal of the Office, such allowances for expenses incurred by him or her in the performance of his or her functions as may be determined by the Taoiseach with the consent of the Minister for Finance.

(6) The Chief Officer shall be appointed and may be removed from office at any time by the Taoiseach.

(7) The Chief Officer shall not hold any other office or position without the consent of the Office.

(8) The functions of the Chief Officer may be performed in his or her absence or when the position of Chief Officer is vacant by such member of the staff of the Office as may, from time to time, be designated by the Office.

(9) The Chief Officer may make proposals to the Office of which he or she is the Chief Officer on any matter relating to its activities.

(10) The Chief Officer shall not be a member of any body.

(11) The Chief Officer shall be eligible for re-appointment as the Chief Officer.

Directors.

25.— (1) There shall be a Chief Officer ("Director") of each body (other than the Office).

(2) A Director shall carry on and manage and control generally the administration and business of the body to which he or she is appointed, subject as appropriate to the direction of the chairperson of the body and to the direction of the Office, and perform such other functions as may be determined by the body.

(3) The term of office of a Director shall not be more than 5 years.

(4) A Director shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the Taoiseach with the consent of the Minister for Finance.

(5) A Director shall be paid, out of moneys at the disposal of the Office, such allowances for expenses incurred by him or her in the performance of his or her functions as may be determined by the Taoiseach with the consent of the Minister for Finance.

(6) The first Directors shall be appointed and may be removed from office at any time by the Taoiseach. Each subsequent Director shall, with the consent of the Taoiseach, be appointed by the body of which he or she is to be Director and may be removed from office at any time, by the body, with the consent of the Taoiseach.

(7) The functions of a Director may be performed in his or her absence or when the position of Director is vacant by such member of the staff of the body of which he or she is Director as may, from time to time, be designated by that body.

(8) A Director shall not hold any other office or position without the consent of the body of which he or she is Director.

(9) A Director may make proposals to the body of which he or she is Director on any matter relating to its activities.

(10) A Director shall not be a member of any body.

(11) A Director shall be eligible for re-appointment as Director of the body for which he or she has been Director.

Staff of Office.

26.— (1) The Office may appoint such and such number of persons to be members of the staff of the Office as it may determine, with the consent of the Taoiseach and the Minister for Finance.

(2) A member of the staff of the Office shall be paid, out of the moneys at the disposal of the Office, such remuneration and allowances for expenses incurred by him or her as the Office with the approval of the Taoiseach, given with the consent of the Minister for Finance, may determine.

(3) A member of the staff of the Office shall hold office or employment on such terms and conditions as the Office, with the consent of the Taoiseach and the Minister for Finance, may determine.

(4) The grades of the staff of the Office, and the number of staff in each grade, shall be determined by the Office, with the consent of the Taoiseach and the Minister for Finance.

(5) Subject to *subsection (6)*, a person appointed to the Office under *subsection (1)* may be appointed to serve in such body as the Office sees fit, and shall be subject to the directions of the Director of the body concerned.

(6) Before appointing a person under *subsection (5)* to serve in a body (other than the Office) and determining the person's grade and terms and conditions of employment, the Office shall consult with the Director of the body.

(7) The Office may at any time, after consultation with the director concerned, remove any officer or employee of the Office from being its officer or employee where that officer or employee fails to perform his or her functions satisfactorily.

(8) A member of the staff of the Office, transferred under *section 42(1)* and appointed under *section 42(2)* to serve in a particular body, may, with the agreement of the member, be appointed to serve in another body.

(9) This section does not apply to Directors.

Annotations

Modifications (not altering text):

C3 Staff of the National Economic and Social Development Office appointed under subs. (5) to serve in either the National Economic and Social Forum or the National Centre for Partnership and Performance are appointed to serve in the National Economic and Social Council (1.04.2010) by *National Economic and Social Forum and National Centre for Partnership and Performance Dissolution Order 2010* (S.I. No. 140 of 2010), art. 3, in effect as per art. 1(2).

3. A member of the staff of the National Economic and Social Development Office appointed under section 42(2)(b), to serve in the Forum, section 42(2)(c), to serve in the Centre, or section 26(5), to serve in either of those bodies, of the National Economic and Social Development Office Act 2006 (No. 21 of 2006), is appointed to serve in the National Economic and Social Council.

Superannuation.

27.— (1) The Office shall prepare and submit to the Taoiseach a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff (including the Directors) of the Office as it shall think fit.

(2) Every scheme under this section shall fix the time and conditions of retirement for all persons to, or in respect of whom superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) Every scheme under this section may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted by the Office under this section shall, if approved of by the Taoiseach with the consent of the Minister for Finance, be carried out by the Office in accordance with its terms.

(5) No superannuation benefit shall be granted by the Office nor shall any other arrangements be entered into by the Office for the provision of such a benefit to or in respect of a member of the staff of the Office otherwise than in accordance with a scheme under this section or with the consent of the Taoiseach and the Minister for Finance.

(6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Taoiseach who shall refer it to the Minister for Finance, whose decision shall be final.

(7) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next 21 days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything done thereunder.

Consultants and advisers.

28.— The Office, at the request of a body, may, from time to time, engage such consultants or advisers as it may consider for the performance of the functions of that body, and any fees due to a consultant or adviser engaged under this section shall be paid by the Office out of moneys at its disposal.

Advances by Taoiseach to Office.

29.— (1) The Taoiseach may, from time to time, with the consent of the Minister for Finance, advance to the Office out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by the Office in the performance of its functions.

(2) In making advances under *subsection (1)* the Taoiseach shall indicate the moneys to be provided to fund the activities of each body as well as the common services provided by the Office.

Seal of Office.

30.— (1) The Office shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Office shall be authenticated by the signature of—

(*a*) two members of the Office,

(*b*) a member of and an officer of the Office, or

(*c*) two officers of the Office,

authorised by the Office to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Office and every document purporting to be an instrument made by the Office and to be sealed with the seal of the Office (purporting to be authenticated in accordance with *subsection (2)*) shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

(4) Any contract or instrument which if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Office by a member of the staff of the Office or a person generally or specially authorised by the Office for that purpose.

Accounts and audits of Office.

31.— (1) The Office shall keep in such form as may be approved of by the Taoiseach with the concurrence of the Minister for Finance all proper and usual accounts of all moneys received or expended by the Office including an income and expenditure account and balance sheet and, in particular, shall keep all such special accounts as the Taoiseach may from time to time direct.

(2) Accounts kept in pursuance of this section shall be submitted not later than 3 months after the end of the financial year of the Office to which they relate to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account and of the balance sheet and of such other (if any) of its accounts as the Taoiseach may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Taoiseach as soon as may be and the Taoiseach shall cause copies of each of the documents aforesaid to be laid before each House of the Oireachtas.

Appearance of chief officer and directors before Committee of Public Accounts and other Oireachtas Committees.

32.— (1) Whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General—

(*a*) the Chief Officer shall give evidence to that Committee on the expenditure of the Office, and

(*b*) the Director of a body shall give evidence to that Committee on the expenditure of the body of which he or she is the Director.

(2) From time to time, and whenever requested—

(*a*) the Chief Officer shall account for the performance of the functions of the Office, and

(*b*) the Director of a body shall account for the performance of the functions of the body of which he or she is the Director,

to a Committee of one or both Houses of the Oireachtas and shall have regard to any recommendations of such Committee relevant to those functions.

Strategic plan.

33.— (1) The Office shall prepare and submit to the Taoiseach for approval, with or without amendment by the Taoiseach, a strategic plan for the Office not later than 6 months after the establishment day and at least every 3 years from the submission date of the first statement.

(2) Each strategic plan prepared and submitted by the Office under *subsection (1)* shall incorporate a strategic plan for each body.

(3) The Taoiseach shall lay a strategic plan which has been approved by him or her under *subsection (1)* before the Houses of the Oireachtas, to debate its contents.

(4) The Office shall, as soon as may be after each financial year of the Office, but not later than 6 months thereafter, submit a progress report in relation to the strategic plan, including the strategic plan for each body, during the year to the Taoiseach for his or her comment and, after having received any such comment, shall submit the report including any such comment to the relevant Oireachtas Committee, and whenever requested by the Committee—

(*a*) the Chief Officer, in relation to the strategic plan of the Office, and

(*b*) the Director of a body, in relation to the strategic plan for the body of which he or she is the Director,

shall give the Committee an account of the progress of the plan during the year and shall have regard to any recommendations of the Committee in respect of the strategic plan.

(5) In this section " relevant Oireachtas Committee " means a Committee of one or both Houses of the Oireachtas established under the Standing Orders of a House of the Oireachtas to examine and report to each such House on matters relating to the Public Service.

Reports and information to Taoiseach.

34.— (1) As soon as may be after the end of each financial year of the Office, but not later than 6 months thereafter, the Office shall make a report to the Taoiseach of its activities during the year and the Taoiseach shall cause copies of the report to be laid before each House of the Oireachtas.

(2) Each report under *subsection (1)* shall include information on the activities of the Council, the Forum, the Centre and any body established under *section 7* and shall be in such form and regarding such matters as the Taoiseach may direct.

(3) The Office or a body shall, whenever so requested by the Taoiseach, furnish to him or her information in relation to such matters as he or she may specify concerning or relating to the scope of its activities.

(4) The Office or a body shall furnish to the Taoiseach such information regarding its income and expenditure, and in such form, as he or she may from time to time require.

Taoiseach may dissolve Council, Forum, Centre or body.

35.— (1) The Taoiseach may, after consultation with the Office and any relevant Minister of the Government who has representation on the body concerned, by order dissolve the Council, the Forum, the Centre or any body established under *section 7*.

(2) An order under this section shall contain such provisions as the Taoiseach thinks necessary or expedient consequential on the dissolution.

Annotations

Editorial Notes:

E3 Power pursuant to section exercised (1.04.2010) by *National Economic and Social Forum and National Centre for Partnership and Performance Dissolution Order 2010* (S.I. No. 140 of 2010), art. 2, in effect as per art. 1(2).

2. The National Economic and Social Forum and the National Centre for Partnership and Performance are dissolved.

Amendment of First Schedule to Freedom of Information Act 1997.

36.— The First Schedule to the Freedom of Information Act 1997 is amended by inserting after "the National Council for Curriculum and Assessment," the following:

"the National Economic and Social Development Office," .

PART 3

Transitional Provisions

Dissolution of non-statutory NESC, NESF and NCPP.

37.— (1) On the establishment day—

(*a*) the National Economic and Social Council established on 2 November 1973,

(*b*) the National Economic and Social Forum established on 23 June 1993, and

(*c*) the National Centre for Partnership and Performance established on 26 July 2000,

shall stand dissolved.

(2) In this Part "dissolved body" means a body dissolved under this section.

Transfer of other property.

38.— On the establishment day all property other than land, including choses-in-action, which immediately before that day was the property of a dissolved body shall stand vested in the Office without any assignment.

Transfer of rights and liabilities.

39.— (1) All rights and liabilities of a dissolved body arising by virtue of any contract or commitment (expressed or implied) entered into by that body before the establishment day shall on that day stand transferred to the Office.

(2) Every right and liability transferred by *subsection (1)* may, on and after the transfer, be sued on, recovered or enforced by or against the Office in its own name and it shall not be necessary for the Office to give notice to the person whose right or liability is transferred by this section of such transfer.

Final accounts of dissolved bodies.

40.— (1) Final accounts of each dissolved body shall be drawn up by the Office, as soon as may be after the establishment day but not later than one year thereafter, in such form as may be approved of by the Taoiseach in respect of the accounting year or part of an accounting year of the dissolved body ending immediately before the establishment day.

(2) Accounts prepared pursuant to this section shall be submitted as soon as may be by the Office to the Comptroller and Auditor General for audit, and, immediately after the audit, a copy of the accounts as audited and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Taoiseach who shall cause copies thereof to be laid before each House of the Oireachtas.

Pending legal proceedings.

41.— Any legal proceedings pending on the establishment day in any court or tribunal to which a dissolved body is a party shall continue with the substitution of the Office for such party and shall not abate by reason of such substitution.

Transfer of staff.

42.— (1) Every person who, on the day immediately before the establishment day, is a member of the staff of a dissolved body shall, on that day, be transferred to and become a member of the staff of the Office.

(2) A member of the staff, transferred under *subsection (1)*, of a dissolved body which is referred to in—

(*a*) *section 37(1)(a)*, shall be appointed to serve in the Council,

(*b*) *section 37(1)(b)*, shall be appointed to serve in the Forum, and

(*c*) *section 37(1)(c)*, shall be appointed to serve in the Centre,

unless otherwise agreed by the member under *section 26(8)*.

(3) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection(1)* shall not, while in the service of the Office, be brought to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the establishment day.

(4) In this section "recognised trade union or staff association" means a trade union or staff association recognised by the Office for the purposes of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees.

Annotations

Modifications (not altering text):

C4 Provision for appointments to National Economic and Social Council made (1.04.2010) by *National Economic and Social Forum and National Centre for Partnership and Performance Dissolution Order 2010* (S.I. No. 140 of 2010), art. 3, in effect as per art. 1(2).

3. A member of the staff of the National Economic and Social Development Office appointed under section 42(2)(b), to serve in the Forum, section 42(2)(c), to serve in the Centre, or section 26(5), to serve in either of those bodies, of the National Economic and Social Development Office Act 2006 (No. 21 of 2006), is appointed to serve in the National Economic and Social Council.

Number 21 *of* 2006

NATIONAL ECONOMIC AND SOCIAL DEVELOPMENT OFFICE ACT 2006

REVISED

Updated to 9 January 2023

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was first passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions. A version without annotations, showing only textual amendments, is also available.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Freedom of Information Act 2014* (30/2014)

All Acts up to and including *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *National Economic and Social Council (Alteration of Composition) Order 2010* (S.I. No. 603 of 2010)
- *National Economic and Social Forum and National Centre for Partnership and Performance Dissolution Order 2010* (S.I. No. 140 of 2010)
- *National Economic and Social Development Office Act 2006 (Establishment Day) Order 2006* (S.I. No. 606 of 2006)

All statutory instruments up to and including *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this revision.