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

Number 15 *of* 2015

SPORT IRELAND ACT 2015

REVISED

Updated to 16 September 2020

This Revised Act is an administrative consolidation of the *Sport Ireland Act 2015*. 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 the *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (7/2018), enacted 24 May 2018, and all statutory instruments up to and including the *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), made 15 September 2020, 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 15 *of* 2015

SPORT IRELAND ACT 2015

REVISED

Updated to 16 September 2020

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SPORT IRELAND

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Number 15 *of* 2015

SPORT IRELAND ACT 2015

REVISED

Updated to 16 September 2020

An Act to provide for the administration and development of sport in the State; to provide for the establishment of a body to be known in the Irish language as Spórt Éireann or in the English language as Sport Ireland; to provide for the dissolution of the Irish Sports Council and the National Sports Campus Development Authority; to update the law in relation to doping in sport; and to provide for related matters.

[13 *th May*, 2015]

Be it enacted by the Oireachtas as follows:

Annotations

Modifications (not altering text):

C1 Functions transferred and references to "Department of Transport, Tourism and Sport" and "Minister for Transport, Tourism and Sport" construed (16.09.2020) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), arts. 2 and 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and Minister to Tourism, Culture, Arts, Gaeltacht, Sport and Media (30.09 2020) by *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020), in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Culture, Heritage and the Gaeltacht.

(2) References to the Department of Transport, Tourism and Sport contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Culture, Heritage and the Gaeltacht.

3. (1) The functions vested in the Minister for Transport, Tourism and Sport by or under — ...

(c) the Sport Ireland Act 2015 (No. 15 of 2015),

...

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Transport, Tourism and Sport contained in any Act or instrument made under such 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 Culture, Heritage and the Gaeltacht.

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Sport Ireland Act 2015.

(2) *Part 4* shall come into operation on the establishment day.

Annotations

Editorial Notes:

E1 Establishment day prescribed (1.10.2015) by *Sport Ireland Act 2015 (Establishment Day) Order 2015* (S.I. No. 415 of 2015).

2. The day appointed as the establishment day for the purposes of the Sport Ireland Act 2015 (No. 15 of 2015) is 1 October 2015.

Interpretation

2. (1) In this Act—

"acquisition order" has the meaning given by *paragraph 2* of *Schedule 2*;

"Act of 1999" means Irish Sports Council Act 1999;

"Act of 2002" means State Authorities (Public Private Partnership Arrangements) Act 2002;

"Act of 2006" means National Sports Campus Development Authority Act 2006;

"Act of 2012" means Public Service Pensions (Single Scheme and Other Provisions) Act 2012;

"Authority" means National Sports Campus Development Authority;

"chief executive" has the meaning given by *section 22*;

"civil partner" means civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"committee" means a committee established under *paragraph 6* of *Schedule 1*;

"company" means a company within the meaning of the Companies Act 1963;

"competitive sport" means all forms of physical activity which, through organised participation, aim at—

(a) expressing or improving physical fitness, and

(b) obtaining improved results in competition at all levels;

"Council" means Irish Sports Council;

"doping in sport" has the meaning given by *section 40*;

"establishment day" means the day appointed under *section 6*;

"financial year" means a period of 12 months ending on 31 December in any year and, in the case of the first financial year of Sport Ireland, means the period commencing on the establishment day and ending on 31 December in the year in which the establishment day falls;

"Minister" means Minister for Transport, Tourism and Sport;

"national anti-doping organisation" has the meaning given by *section 40*;

"National Aquatic Centre" means the land commonly known as the National Aquatic Centre situated at Deanstown, in the county of Dublin;

"National Framework of Qualifications" has the same meaning as it has in the Qualifications and Quality Assurance (Education and Training) Act 2012;

"prescribed" means prescribed by regulations made by the Minister;

"public authority" means—

(a) a Minister of the Government,

(b) a local authority for the purposes of the Local Government Act 2001,

(c) an education and training board, or

(d) a person established—

(i) by or under any enactment (other than the Companies Acts),

(ii) by any scheme administered by the Government, or

(iii) under the Companies Acts, in pursuance of powers conferred by or under another enactment, and financed wholly or partly, whether directly or indirectly, by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or by subscription for shares held by or on behalf of a Minister of the Government,

or

(e) a company (within the meaning of the Companies Acts), a majority of the shares in which are held by or on behalf of a Minister of the Government;

"recreational sport" means all forms of physical activity which, through casual or regular participation, aim at—

(a) expressing or improving physical fitness and mental well-being, and

(b) forming social relationships;

"sample" means a sample, or specimen, of biological material collected for the purposes of preventing doping in sport;

"site" means—

(a) the National Aquatic Centre,

(b) the land which, immediately before the establishment day, was owned by the National Sports Campus Development Authority, and

(c) any land acquired by Sport Ireland under *section 26*;

"sport" includes competitive sport and recreational sport;

"Sport Ireland" means the body established under *section 7(1)*;

"sports campus" means a campus of facilities for sporting activities, whether indoor or outdoor, and facilities and services to support such activities, which includes the National Aquatic Centre and may include an indoor arena, playing

pitches, sports training facilities, a stadium, a velodrome, administrative facilities for sport and medical and research facilities for sport;

"strategy statement" means a statement required to be prepared and submitted under *section 15(1)*;

"subsidiary" means a subsidiary (within the meaning of section 155 of the Companies Act 1963) of Sport Ireland.

(2) In this Act, references to a member, or the members, of the staff of Sport Ireland shall include references to the chief executive, other than in—

(a) *section 24*, and

(b) *paragraph 8* of *Schedule 1*.

Annotations

Modifications (not altering text):

C2 Functions transferred and references to "Department of Transport, Tourism and Sport" and "Minister for Transport, Tourism and Sport" construed (16.09.2020) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), arts. 2 and 3, in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

Note change of name of Department and Minister to Tourism, Culture, Arts, Gaeltacht, Sport and Media (30.09 2020) by *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020), in effect as per art. 1(2).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Culture, Heritage and the Gaeltacht.

(2) References to the Department of Transport, Tourism and Sport contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Culture, Heritage and the Gaeltacht.

3. (1) The functions vested in the Minister for Transport, Tourism and Sport by or under — ...

(c) the Sport Ireland Act 2015 (No. 15 of 2015),

...

are transferred to the Minister for Culture, Heritage and the Gaeltacht.

(2) References to the Minister for Transport, Tourism and Sport contained in any Act or instrument made under such 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 Culture, Heritage and the Gaeltacht.

Expenses of Minister

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Orders and regulations

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

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

(3) Every order (other than an order made under *section 6* or an acquisition order) or regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made.

(4) Either House of the Oireachtas may, by a resolution passed within 21 days after the day on which a regulation or order is laid before it under this section, annul the regulation or order.

(5) The annulment of a regulation or order under *subsection (4)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the regulation or order before the passing of that resolution.

Repeals

5. (1) Subject to *section 45*, the Act of 1999 is repealed on the establishment day.

(2) The Act of 2006 is repealed on the establishment day.

PART 2

Sport Ireland

Chapter 1

Establishment and functions

Establishment day

6. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (1.10.2015) by *Sport Ireland Act 2015 (Establishment Day) Order 2015* (S.I. No. 415 of 2015).

Establishment of Sport Ireland

7. (1) There shall stand established on the establishment day a body to be known in the Irish language as Spórt Éireann or, in the English language, as Sport Ireland, to perform the functions conferred on it by this Act.

(2) The provisions of *Schedule 1* shall have effect in relation to Sport Ireland.

Functions of Sport Ireland

8. (1) The functions of Sport Ireland shall be the following:

(a) to develop strategies for increasing participation in recreational sport at national and local level and to co-ordinate the implementation of those strategies by all bodies (including public authorities and bodies funded from moneys provided by the Oireachtas) involved in promoting recreational sport and providing recreational facilities;

(b) to encourage the promotion, development and co-ordination of, and the achievement of excellence in, competitive sport;

(c) to support elite athletes in achieving excellence in sport;

(d) to facilitate, through the promulgation of guidelines and codes of practice, standards of good conduct, fair play and the elimination of doping in sport;

(e) to take such action as Sport Ireland considers appropriate, including testing, to combat doping in sport;

(f) to plan, implement, evaluate and monitor education and information programmes for good conduct, fair play and the elimination of doping in sport;

(g) in its capacity as the national anti-doping organisation in the State, to direct the collection of samples, to manage the testing and test results of samples and attend hearings, as required;

(h) to develop, or to continue the development of, a sports campus on the site;

(i) to manage, operate and maintain the sports campus referred to in *paragraph (h)*;

(j) to manage, operate and maintain any other facilities as may be approved by the Minister;

(k) to develop and disseminate guidelines and codes of practice promoting best practice for the protection of children in sport consistent with child protection legislation;

(l) to develop coaches and tutors at all levels in sport and, in co-operation with sporting bodies, to ensure that—

(i) quality-assured coach and tutor education programmes and qualifications are established and maintained to meet national requirements, and

(ii) those qualifications are recognised, where appropriate, within the National Framework of Qualifications;

(m) where the Minister so directs, to arrange for research to be conducted concerning competitive sport or recreational sport;

(n) to disseminate information concerning competitive sport or recreational sport;

(o) to encourage individuals and the private sector to contribute to the development of sport;

(p) to furnish and equip the sports campus, referred to in *paragraph (h)*, with such plant, machinery, equipment and apparatus as Sport Ireland considers appropriate;

(q) to encourage and promote the use of the sports campus, referred to in *paragraph (h)*, by—

(i) persons participating in sport at professional and amateur levels, and

(ii) members of the public generally;

(r) to perform any additional functions assigned to Sport Ireland under *section 9*.

(2) Without prejudice to the generality of *subsection (1)*, Sport Ireland may—

(a) develop and provide on the site such facilities and services that are complementary to the sports campus, including residential accommodation, as it considers appropriate,

(b) arrange with any institution, including an educational or scientific research institution, that is interested in the development of medical and research facilities for sport on the site and, if appropriate, elsewhere for the development of such facilities on such terms and conditions as Sport Ireland considers appropriate,

(c) arrange with any body involved in the promotion of sport at a national level for the use by that body, on such terms and conditions as Sport Ireland considers appropriate, of the site, or a part of it, for a purpose connected with sport, including the location of that body's headquarters at the site, and

(d) enter into arrangements with any person, on such terms and conditions as it considers appropriate, for the provision to Sport Ireland by that person of financial assistance (whether by way of the provision of funds or the undertaking of works) for the development or provision of a ny sports facilities or services, or both, in the sports campus, referred to in *subsection (1)(h)*, and the use by that person of those facilities and services.

(3) Subject to this Act, Sport Ireland shall have all such powers as are necessary or expedient for the performance of its functions.

(4) Without prejudice to the generality of *subsection (3)*, Sport Ireland may do any or all of the following:

(a) co-operate with, advise and, subject to the criteria, terms and conditions established under *section 11*, provide assistance (including financial assistance) to any person or body (including a public authority) in respect of any matter related to the performance of Sport Ireland's functions as Sport Ireland thinks desirable;

(b) subject to *section 12(4)*, enter into any contracts (including sponsorship agreements) and arrangements;

(c) subject to *section 12(5)*, accept gifts of money, land or other property on such terms and conditions (if any) or trusts as may be specified by the donor;

(d) make such charges as it considers appropriate, to any person other than the Minister, in consideration of the performance of its functions, for services rendered by it and the carrying on by it of activities and shall record receipts from such charges as income.

(5) Sport Ireland may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable—

(a) any amount due or owing to Sport Ireland under *subsection (4)(d)*, or

(b) any refund due or owing to Sport Ireland under *section 11(2)(b)*.

(6) Sport Ireland may, with the approval of the Minister, enter into agreements with other persons in order to perform the functions of Sport Ireland whether by means of a lease, concession or any other means.

Additional functions

9. After consulting with Sport Ireland, the Minister may, by order, assign to Sport Ireland such additional functions connected with the functions for the time being of Sport Ireland as the Minister considers appropriate for the achievement of its purposes.

Consultants and advisers

10. (1) Sport Ireland may appoint such consultants and advisers, as it considers necessary for the performance of its functions.

(2) Sport Ireland shall comply with any directions concerning the employment of consultants and advisers which may from time to time be given to it by the Minister, given with the consent of the Minister for Public Expenditure and Reform.

(3) Any remuneration due to a consultant or adviser shall, having regard to guidelines issued from time to time by the Minister or the Minister for Public Expenditure and Reform, be paid out of moneys at Sport Ireland's disposal.

Criteria, terms and conditions of assistance

11. (1) Sport Ireland—

(a) shall establish such criteria, terms and conditions for the provision of assistance (including financial assistance) under *section 8(4)(a)* as, having regard to its functions, it considers appropriate, and

(b) may establish different criteria, terms and conditions in relation to different classes of applicants and recipients.

(2) Where, in Sport Ireland's opinion, any person or body that has applied for or received assistance under *section 8(4)(a)* fails to meet any of the applicable criteria, terms or conditions esta blished under *subsection (1)*, Sport Ireland may do one or more of the following:

(a) withhold assistance from, or refuse to provide assistance to, that person or body;

(b) demand a refund of any financial assistance provided under that paragraph to that person or body.

(3) Sport Ireland may—

(a) request any person or body applying for or receiving assistance under *section 8(4)(a)* to supply Sport Ireland with information in such form and at such time as it may require, and

(b) withhold or refuse such assistance if satisfied that any information so requested is not forthcoming.

(4) Criteria or terms and conditions established by Sport Ireland under this section may be published on the internet website of Sport Ireland as soon as practicable after their being established.

Government policy and Minister's directions

12. (1) The Minister may, in relation to the performance by Sport Ireland of its functions, give a direction in writing to Sport Ireland requiring it to comply with such policies of the Government as are specified in the direction.

(2) In the performance of its functions, Sport Ireland shall comply with a direction under *subsection (1)*.

(3) The Minister may, by direction in writing, amend or revoke a direction under this section (including a direction under this subsection).

(4) Sport Ireland shall not enter into a contract (including a sponsorship agreement) or arrangement, or accept a sponsorship, where any term or condition attached to it would be inconsistent with—

(a) Government policy (including specific guidelines on sponsorship), or

(b) Sport Ireland's functions or any actions taken in pursuit of those functions.

(5) Sport Ireland shall not accept a gift where any trust or condition attached to it would be inconsistent with—

(a) Government policy, or

(b) Sport Ireland's functions or any actions taken in pursuit of those functions.

Advice and information

13. Where the Minister so requests, Sport Ireland shall furnish the Minister with—

(a) advice on any matter relating to Sport Ireland's functions under this Act or on such matters as may be specified in the request, and

(b) information concerning the performance of its functions.

Advances by Minister to Sport Ireland

14. The Minister shall from time to time advance to Sport Ireland out of moneys provided by the Oireachtas such amount or amounts as the Minister may, given with the consent of the Minister for Public Expenditure and Reform, determine for the purposes of expenditure by Sport Ireland in the performance of its functions.

Strategy statement

15. (1) At the times set out in *subsection (2)(e)*, Sport Ireland shall prepare and submit to the Minister for his or her approval, with or without amendment, a strategy statement in respect of the period of 5 years immediately following the year in which the strategy statement is so submitted.

(2) A strategy statement shall—

(a) set out Sport Ireland's key objectives, outputs and related strategies, including use of resources of Sport Ireland,

(b) identify the relevant indicators and targets against which performance shall be measured,

(c) other than for the first strategy statement, include a review of the efficiency and effectiveness of all programmes operated by Sport Ireland during the preceding five-year period,

(d) be prepared in a form and manner in accordance with any directions issued from time to time by the Minister, and

(e) be prepared and submitted to the Minister—

(i) as soon as practicable, and in any case not later than 6 months, after the establishment day, and

(ii) thereafter, not earlier than 6 months before and not later than the expiration of each subsequent period of 5 years following the establishment day.

(3) As soon as practicable after approving a strategy statement, the Minister shall cause a copy to be laid before each House of the Oireachtas.

(4) In this section "outputs" means the goods and services (including standards of service) that are a consequence of Sport Ireland's activities.

Accounts and audits

16. (1) Sport Ireland shall keep in such form as may be approved by the Minister, given with the consent of the Minister for Public Expenditure and Reform, all proper and usual accounts of—

(a) all moneys received or expended by Sport Ireland, and

(b) all property, assets and liabilities of Sport Ireland,

including an income and expenditure account and a balance sheet and, in particular, shall keep such special accounts (if any) as the Minister may from time to time direct.

(2) Accounts, signed by the chief executive, shall be submitted by Sport Ireland to the Comptroller and Auditor General for audit as soon as may be, but not later than 3 months, after the end of the financial year of Sport Ireland to which the accounts relate.

(3) When so audited a copy of the accounts together with a copy of the report of the Comptroller and Auditor General thereon shall be presented by Sport Ireland to the Minister who shall, as soon as practicable, cause copies of them to be laid before each House of the Oireachtas.

(4) In this section "accounts" means accounts kept in accordance with *subsection (1)*.

Annual report and information to Minister

17. (1) Sport Ireland shall, as soon as may be, but not later than 6 months, after the end of each finan cial year of Sport Ireland, make a report in writing to the Minister of its activities during that year, and the Minister shall as soon as practicable cause copies of the report to be laid before each House of the Oireachtas.

(2) Each report laid before the Houses under *subsection (1)* shall include—

(a) a progress report on the implementation of the strategy statement, and

(b) information concerning such other matters as the Minister may direct.

Service agreement

18. (1) The Minister shall from time to time make an agreement with Sport Ireland (in this section referred to as a "service agreement") that, in accordance with *sections 8* and *13*, certain tasks will be carried out, advice given, functions perf ormed or standards adhered to by Sport Ireland in the

performance of functions in the public interest, and such agreement may encompass such other supplementary matters as the Minister and Sport Ireland may decide.

(2) Sport Ireland shall, without prejudice to *section 8*, carry out its functions in accordance with any such service agreement.

(3) Where a service agreement has been made under *subsection (1)*, it shall be a condition of the advance of funds under *section 14* that Sport Ireland shall seek at all times to meet the terms of the agreement.

(4) Where the Minister has sought to make a service agreement with Sport Ireland, but it has not been possible to reach such an agreement, the Minister may direct Sport Ireland to accept a service agreement on such terms as he or she may decide.

Public Private Partnership arrangements

19. (1) Sport Ireland is, subject to section 7 of the Act of 2002, a State authority for the purposes of that Act.

(2) On the establishment day, the Schedule to the Act of 2002 is amended by—

(a) inserting "Sport Ireland", and

(b) deleting "National Sports Campus Development Authority".

Subsidiaries of Sport Ireland and other matters

20. (1) Such functions of Sport Ireland as it may determine may be performed by a subsidiary and, accordingly, Sport Ireland may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, for the purpose of such performance, form and establish or acquire one or more subsidiaries.

(2) Sport Ireland or a subsidiary may, either by itself or with another person, with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform, promote and take part in the formation or establishment of a company, or enter into a joint venture or partnership, for the purpose of fulfilling any of its functions.

(3) Sport Ireland may, with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform, acquire, hold and dispose of shares or other interests in a company, or become a member of a company.

(4) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be determined by Sport Ireland with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform.

(5) The Minister may give a direction in writing to Sport Ireland on any matter relating to a subsidiary and Sport Ireland shall comply or secure compliance with such a direction.

(6) The Minister shall not, without the consent of the Minister for Public Expenditure and Reform, give a direction under this section in relation to the disposal or transfer of any assets or surpluses of a subsidiary.

(7) A subsidiary of the Authority shall be deemed to be a subsidiary formed and established by Sport Irelandunder this section but such subsidiary shall comply with this section and any provision in its memorandum and articles

of association that does not so comply shall, to the extent of that non-compliance, be void.

Borrowing by Sport Ireland or subsidiaries

21. Sport Ireland, or a subsidiary of Sport Ireland, may, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, borrow money (including money in a currency other than the currency of the State) for the purpose of performing any of the functions of Sport Ireland.

Chapter 2

Chief Executive

Chief executive

22. (1) There shall be a chief executive officer of Sport Ireland who shall be known as, and is referred to in this Act as, the chief executive.

(2) Subject to *subsection (5)*, the chief executive shall be appointed by Sport Ireland with the approval of the Minister, and may, with the approval of the Minister, be removed from office for stated reasons by Sport Ireland.

(3) The Minister may, before the establishment date, designate a person to be appointed the first chief executive of Sport Ireland for a term to be determined by the Minister.

(4) Where a competition to appoint a chief executive is held prior to the establishment day, the successful candidate may be appointed by the Minister as the chief executive officer designate.

(5) The first chief executive of Sport Ireland shall be appointed by the Minister.

(6) The chief executive shall—

(a) carry on, manage and control generally the administration and business of Sport Ireland,

(b) supply the Minister with such information relating to the performance of his or her functions and the implementation of the Minister's policies and priorities as the Minister may require, and

(c) perform any other functions as may be determined by Sport Ireland.

(7) The chief executive—

(a) shall hold office under a contract of service in writing for such period as may be specified in the contract and subject to such other terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined from time to time by Sport Ireland with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform, and

(b) shall be paid out of moneys at the disposal of Sport Ireland.

(8) The chief executive shall not be a member of the board of Sport Ireland or a committee, but he or she may, in accordance with procedures established by Sport Ireland or a committee, as the case may be, attend meetings of Sport Ireland or a committee and shall be entitled to speak at and advise such meetings.

(9) The chief executive shall not hold any office or occupy any other position in respect of which emoluments are payable, or carry on any business, without the consent of Sport Ireland and the approval of the Minister.

(10) The chief executive shall provide Sport Ireland with such information, including financial information, in relation to the performance of his or her functions as Sport Ireland may, from time to time, require.

(11) The functions of the chief executive may be performed in his or her absence, or when the position of chief executive is vacant, by such member of the staff of Sport Ireland as may, from time to time, be designated for that purpose by Sport Ireland.

Accountability to Committees of Oireachtas

23. (1) The chief executive shall, whenever required by a 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, give evidence to that Committee on—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which Sport Ireland is required by or under statute to prepare,

(b) the economy and efficiency of Sport Ireland in the use of its resources,

(c) the systems, procedures and practices employed by Sport Ireland for the purpose of evaluating the effectiveness of its operations, and

(d) any matter affecting Sport Ireland referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a)*, *(b)* or *(c)*) that is laid before Dáil Éireann.

(2) The chief executive shall, at the request in writing of an Oireachtas Committee, attend before it to give an account of the general administration of Sport Ireland.

(3) In the performance of the duties of the chief executive under this section, the chief executive shall not question or express an opinion on the merits of—

(a) any policy of the Government or of a Minister of the Government, or

(b) the objectives of such a policy.

Chapter 3

Staff and superannuation

Staff of Sport Ireland

24. (1) Subject to *section 38*, Sport Ireland may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform—

(a) appoint such and so many persons to be members of the staff of Sport Ireland as it may from time to time determine, and

(b) determine the grades of such staff of Sport Ireland and the number of staff in each grade.

(2) Sport Ireland may at any time remove any member of the staff of Sport Ireland from being a member of its staff.

(3) Subject to *section 38*, the terms and conditions of service, including terms and conditions relating to—

(a) remuneration, and

(b) allowances for expenses,

which shall be paid by Sport Ireland out of moneys at its disposal, of the members of the staff of Sport Ireland shall be such as Sport Ireland may from time to time, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, determine.

(4) Sport Ireland may perform any of its functions through or by any member of its staff duly authorised in that behalf by Sport Ireland.

Superannuation of staff

25. (1) The superannuation terms for members of Sport Ireland are, subject to the Act of 2012, subject to the following:

(a) in the case of members of staff of Sport Ireland who are not members of the Single Public Service Pension Scheme, Sport Ireland may prepare and submit to the Minister a scheme or schemes for the granting of superannua tion benefits to or in respect of such members of the staff of Sport Ireland, including the chief executive, as it may think fit but subject to the terms of Chapter 4 of Part 2 of the Act of 2012, as applicable;

(b) Sport Ireland shall submit to the Minister every scheme made under this section;

(c) a scheme made 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 concerned, and different times and conditions may be fixed in respect of different classes of persons;

(d) a scheme made under this section may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section;

(e) a scheme made under this section shall, where approved by the Minister, with the consent of the Minister for Public Expenditure and Reform, be carried out by Sport Ireland in accordance with its terms;

(f) a scheme made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder;

(g) a scheme made under this section shall make provision for appeals;

(h) no superannuation benefit shall be granted by Sport Ireland nor shall any arrangements be entered into by Sport Ireland for the provision of such a benefit to or in respect of a member of the staff of Sport Ireland otherwise than in accordance with a scheme under this section, under Chapter 2 of Part 2 of the Act of 2012 or with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform.

(2) The terms and conditions governing superannuation benefits granted under schemes made under this section to persons who transferred to Sport Ireland under *section 38* shall not be less favourable than those to which they were entitled immediately before that day.

(3) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to, or in respect of, a person who was transferred to the staff of Sport Ireland under *section 38* the benefit shall be calculated by Sport Ireland in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day, his or her pensionable service with Sport Ireland shall be aggregated with his or her previous pensionable service and the benefit, as so calculated, shall be paid by Sport Ireland.

(4) In this section, "Single Public Service Pension Scheme" means the scheme established under section 9 of the Act of 2012.

Annotations

Editorial Notes:

E3 Power pursuant to section exercised (1.10.2015) by *Sport Ireland Employee Superannuation Scheme 2015* (S.I. No. 684 of 2016).

Chapter 4

Property

Acquisition of land by Sport Ireland

26. (1) Sport Ireland may acquire compulsorily, in accordance with *paragraphs 1* to *6* of *Schedule 2*, any land adjoining the site or any interest in or right over such land for the purpose of providing a means of access to and egress from the site and to the public road.

(2) (a) *Paragraphs 7* and *8* of *Schedule 2* shall, where appropriate, have effect in the circumstances specified in *subparagraph (1)* of *paragraph 7* for the purposes of vesting land in Sport Ireland.

(b) The making of a vesting order by virtue of *paragraph 7* of *Schedule 2* shall not of itself prejudice any claim to compensation made after the making of the order in respect of any estate or interest in or right over the land, or any part of it, to which the order relates and, accordingly, *paragraph 6* of *Schedule 2* shall apply to such a claim.

(3) In *subsection (1)*, "public road" has the meaning assigned to it in section 2 of the Roads Act 1993.

Renewal of leases

27. Notwithstanding the Landlord and Tenant Acts 1967 to 2008, Sport Ireland is entitled to withhold consent to—

(a) the renewal of a lease or a tenancy agreement in respect of,

(b) a subletting of, or

(c) a change in use of,

the site or any part of the site where such renewal, subletting or change of use, as the case may be, would prejudice the management or operation of the site.

Amendment of Stamp Duties Consolidation Act 1999

28. The Stamp Duties Consolidation Act 1999 is amended on the establishment day by inserting after section 99A the following:

"Sport Ireland

99B. Stamp duty shall not be chargeable on any instrument under which any land, easement, way-leave, water right or any right over or in respect of the land or water is acquired by Sport Ireland.".

Chapter 5

The site

Development of site

29. (1) The repeal of the Act of 2006 shall not affect the plan prepared, submitted and amended by the Authority and approved by the Minister, pursuant to section 7(3) of the Act of 2006 (in this section referred to as the "plan") and the plan shall be taken to have been made by Sport Ireland under and in accordance with this Act.

(2) Sport Ireland shall continue the development of a sports campus on the site in accordance with the plan.

(3) Sport Ireland may amend the plan from time to time during the development of the sports campus on the site and shall submit the amended plan to the Minister for his or her approval.

(4) Sport Ireland shall, before the commencement of each phase of development of the sports campus on the site specified in the plan, prepare and submit to the Minister for his or her approval a deta iled programme of works in respect of that phase of development specifying particulars of the following:

(a) the facilities and services to be developed on the site during that phase;

(b) the cost of that phase;

(c) the timetable for the development of that phase.

(5) Sport Ireland shall—

(a) in amending the plan, under *subsection (3)*, or

(b) in preparing a programme of works under *subsection (4)*,

for submission to the Minister for his or her approval, consult with such bodies involved in the promotion of sport at a national level as it considers appropriate.

(6) The Minister may approve, with any modifications as he or she considers appropriate—

(a) a plan submitted to him or her under *subsection (3)*, or

(b) a statement of works submitted to him or her under *subsection (4)*.

PART 3

Dissolution of Irish Sports Council and National Sports Campus Development Authority

Chapter 1

Dissolution and transfer of functions

Dissolution of Council and Authority

30. The Council and the Authority shall stand dissolved on and from the establishment day.

References to Council or Authority in enactments

31. References to the Council or to the Authority in any enactment (other than this Act) or any instrument made under such an enactment shall, on and after the establishment day, be construed as references to Sport Ireland.

Transfer of land and other property

32. (1) On the establishment day, all lands that, immediately before that day, were vested in the Council or the Authority and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in Sport Ireland for all the estate or interest therein that, immediately before the establishment day, was vested in the Council or the Authority, as the case may be, but subject to all trusts and equities affecting the lands concerned continuing to subsist and capable of being performed.

(2) On the establishment day, all property (other than land), including choses-in-action, that, immediately before that day, was vested in the Council or the Authority shall stand vested in Sport Ireland without any assignment.

(3) Every chose-in-action vested in Sport Ireland by virtue of *subsection (2)* may, on and from the establishment day, be sued on, recovered or enforced by Sport Ireland in its own name and it shall not be necessary for Sport Ireland, or the Council or the Authority, as the case may be, to give notice to any person bound by any such chose-in-action of the vesting by this section.

Transfer of rights and liabilities, and continuation of leases, licences and permissions granted by the Council or the Authority

33. (1) All rights and liabilities of the Council or of the Authority arising by virtue of any contract or commitment (expressed or implied) entered into by it before the establishment day shall on that day stand transferred to Sport Ireland.

(2) Every right and liability transferred by *subsection (1)* to Sport Ireland may, on and after the establishment day, be sued on, recovered or enforced by or against Sport Ireland in its own name, and it shall not be necessary for Sport Ireland, or the Council or the Authority, as the case may be, to give notice to the person whose right or liability is transferred by that subsection of such transfer.

(3) Every lease, licence, wayleave or permission granted by the Council or by the Authority in relation to land or other property vested in Sport Ireland by or under this Act, and in force immediately before the establishment day, shall continue in force as if granted by Sport Ireland.

Liability for loss occurring before establishment day

34. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the establishment day of any of the functions of the Council or of the Authority shall on and after that day, lie against Sport Ireland and not against the Council or the Authority.

(2) Any legal proceedings pending immediately before the establishment day to which the Council or the Authority is a party, that relate to a function of the Council or the Authority, shall be continued, with the substitution in the proceedings of Sport Ireland, in so far as they so relate, for the Council or the Authority and the proceedings shall not abate by reason of such substitution.

(3) Where, before the establishment day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of the agreement have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, shall, in so far as they are enforceable against the Council or the Authority, be enforceable against Sport Ireland and not the Council or the Authority.

(4) Any claim made or proper to be made by the Council or the Authority in respect of any loss or injury arising from the act or default of any person before the establishment day shall, on and after the establishment day, be regarded as having been made by or proper to be made by Sport Ireland and may be pursued and sued for by Sport Ireland as if the loss or injury had been suffered by Sport Ireland.

Provisions consequent upon the conferral of functions on, or transfer of assets and liabilities to, Sport Ireland

35. (1) Anything commenced and not completed before the establishment day by or under the authority of the Council or the Authority may, in so far as it relates to a function conferred on Sport Ireland under this Act, be carried on or completed on or after that day by Sport Ireland.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, by the Council or the Authority, if and in so far as it was operative immediately before the establishment day, shall have effect on and after that day as if it had been granted or made by Sport Ireland.

(3) References to the Council or the Authority in the memorandum of association or articles of association of any company relating to a function conferred on Sport Ireland by this Act shall, on and after the establishment day, be construed as references to Sport Ireland.

(4) All moneys, stocks, shares and securities transferred by *section 32* that, immediately before the establishment day, were standing in the name of the Council or the Authority shall, on the request of Sport Ireland, be transferred into its own name.

(5) A certificate signed by the Minister that any property, right or liability has or has not vested in Sport Ireland under *section 32* or *33* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Final accounts and annual report of Council

36. (1) Sport Ireland shall, in respect of the period specified in *subsection (3)(a)*, prepare final accounts of the Council.

(2) Notwithstanding the making of an order under *section 6* by the Minister, section 26 of the Act of 1999 continues in force and has effect, with the necessary modifications, in relation to and for the purpose of accounts drawn up under *subsection (1)*.

(3) The accounts drawn up under *subsection (1)* shall—

(a) cover the period up to and including the establishment day,

(b) unless otherwise specified by the Minister, be finalised not later than 6 months after the establishment day, and

(c) along with the auditor's report thereon, be presented to the Minister not later than 30 days after the period mentioned in *paragraph (b)* and the Minister shall cause a copy of these documents to be laid before each House of the Oireachtas.

(4) For the purposes of *subsection (3)(a)*, the Minister may specify a period that is longer or shorter than a financial year of the Council.

(5) Sport Ireland shall prepare the final annual report in respect of the Council and submit the report to the Minister not later than 6 months after the dissolution day.

Final accounts and annual report of Authority

37. (1) Sport Ireland shall, in respect of the period specified in *subsection (3)(a)*, prepare final accounts of the Authority.

(2) Notwithstanding the making of an order under *section 6* by the Minister, section 20 of the Act of 2006 continues in force and has effect, with the necessary modifications, in relation to and for the purpose of accounts drawn up under *subsection (1)*.

(3) The accounts drawn up under *subsection (1)* shall—

(a) cover the period up to and including the establishment day,

(b) unless otherwise specified by the Minister, be finalised not later than 6 months after the establishment day, and

(c) along with the auditor's report thereon, be presented to the Minister not later than 30 days after the period mentioned in *paragraph (b)* and the Minister shall cause a copy of these documents to be laid before each House of the Oireachtas.

(4) For the purposes of *subsection (3)(a)*, the Minister may specify a period that is longer or shorter than a financial year of the Authority.

(5) Sport Ireland shall prepare the final annual report in respect of the Authority and submit the report to the Minister not later than 6 months after the dissolution day.

Chapter 2

Transfer of staff and superannuation

Transfer of staff of Council and Authority

38. (1) Sport Ireland shall, on the establishment day, accept into its employment each person who immediately before that day was a member of staff of the Council or the Authority.

(2) Save in accordance with any collective agreement negotiated with a recognised trade union or staff association, the acceptance of a person into Sport Ireland's employment under *subsection (1)* shall be on such terms and conditions of service relating to remuneration as are not less favourable to him or her than the terms and conditions of service relating to remuneration to which the person was subject immediately before that day.

(3) In relation to persons transferred to the staff of Sport Ireland under *subsection (1)*, previous service with the Council or the Authority shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following enactments:

(a) the Redundancy Payments Acts 1967 to 2012;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(d) the Unfair Dismissals Acts 1977 to 2007;

(e) the Organisation of Working Time Act 1997;

(f) the Parental Leave Acts 1998 and 2006.

Superannuation

39. (1) Save in accordance with any collective agreement negotiated with a recognised trade union or staff association, with the approval of the Minister, given with the consent of the Minister for Public Expenditure and Reform, a person who was accepted into the employment of Sport Ireland in accordance with *section 38* who, immediately before the establishment day, was a member of a staff superannuation scheme shall, on and after the establishment day, continue to be a member of such scheme in accordance with its terms and conditions in force from time to time.

(2) Every scheme or arrangement in relation to superannuation administered by the Council or the Authority immediately prior to the establishment day shall, on and after the establishment day, continue in force as if made by Sport Ireland who shall have like power s (including the power to amend a scheme or arrangement) in relation to every such scheme or arrangement as the Council or the Authority had immediately prior to its dissolution.

(3) A person referred to in *subsection (1)* shall not, on the establishment day, become a Scheme member within the meaning of section 10 of the Act of 2012.

PART 4

Anti-Doping

Definitions for *Part 4*

40. In this Part—

F1[‘Act of 2018’ means the Data Protection Act 2018;]

“anti-doping organisation” means a signatory to the World Anti-Doping Code that is responsible for adopting rules for initiating, implementing or enforcing any part of the doping control process including, without limitation, the International Olympic Committee, the International Paralympic Committee, WADA, international federations for sport, national anti-doping organisations and other major event organisations that conduct doping testing at their sports events;

“anti-doping rule violation” shall be construed in accordance with the Irish Anti-Doping Rules;

F1[‘Data Protection Regulation’ means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[51] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);]

“doping in sport” means the occurrence of one, or more, anti-doping rule violations;

“Irish Anti-Doping Rules” means the rules made by Sport Ireland under *section 42*;

“national anti-doping organisation” has the same meaning as it has in the World Anti-Doping Code;

F2[‘personal data’ means personal data within the meaning of the Data Protection Regulation;]

F2[‘processing’ means processing within the meaning of the Data Protection Regulation;]

“relevant purpose” means the purpose of preserving the integrity of sport through the detection, prevention and elimination of doping in sport, including the application of sanctions in connection with such doping, on public interest grounds and for the benefit of sportspersons generally;

“sensitive personal data” has the same meaning as it has in the Data Protection Acts 1988 and 2003;

“UNESCO Anti-Doping Convention” means the International Convention Against Doping in Sport adopted by the UNESCO General Conference at Paris on 19 October 2005, as amended;

“WADA” means the World Anti-Doping Agency constituted in 1999 by the Constitutive Instrument of Foundation of the Agence Mondiale Antidopage;

“World Anti-Doping Code” means the World Anti-Doping Code adopted by the Foundation Board of WADA on 5 March 2003 at Copenhagen, as amended from time to time.

Annotations

Amendments:

F1 Inserted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 229(a)(i), (ii), S.I. No. 174 of 2018.

F2 Substituted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 229(a)(iii), (iv), S.I. No. 174 of 2018.

[51] OJ No. L 119, 4.5.2016, p.1

National anti-doping organisation

41. Sport Ireland is designated as the national anti-doping organisation for the State and shall perform the functions and obligations of such an organisation referred to in the following:

(a) the World Anti-Doping Code;

(b) the UNESCO Anti-Doping Convention;

(c) the Irish Anti-Doping Rules.

Anti-doping and Irish Anti-Doping Rules

42. (1) Having had regard to the relevant purpose, Sport Ireland—

(a) shall implement such measures as it considers appropriate for the delivery of a comprehensive, co-ordinated and effective response to doping in sport, and

(b) may provide services relating to anti-doping, including services relating to testing and education, to organisations that are code-compliant with the code mentioned in *section 41(a)*, as it considers appropriate.

(2) Sport Ireland shall, having had regard to the relevant purpose, make the Irish Anti-Doping Rules which shall include, amongst other things, rules and arrangements relating to the following:

(a) application of rules;

(b) violations of rules;

(c) prohibited substances and methods;

(d) therapeutic use of substances and methods;

(e) testing of sportspersons;

(f) intelligence relating to doping in sport;

(g) disqualifications;

(h) disciplinary procedures;

(i) sanctions;

(j) implementation, reporting and publication of decisions.

(3) Sport Ireland may amend the Irish Anti-Doping Rules.

(4) F3**[**Subject to compliance with the Data Protection Regulation and the Act of 2018, Sport Ireland shall**]**, for the relevant purpose, provide information to, and obtain information from, including personal data, the following:

(a) the Health Products Regulatory Authority;

(b) the Garda Síochána;

(c) the Revenue Commissioners;

(d) other anti-doping organisations that are code-compliant with the code mentioned in *section 41(a)*;

(e) any other public body, considered necessary by the Minister having had regard to the relevant purpose, that may be approved by the Minister.

Annotations

Amendments:

F3 Substituted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 229(b), S.I. No. 174 of 2018.

Data protection

43. (1) Sport Ireland shall perform its functions and obligations in accordance with the F4**[**Data Protection Regulation and the Act of 2018**]**.

(2) Sport Ireland may, for the relevant purpose, make such arrangements, including contractual obligations, as it considers appropriate with the persons, bodies or organisations referred to in *section 42(4)* for the purpose of processing personal data.

(3) F5**[**...**]**

Annotations

Amendments:

F4 Substituted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 229(c)(i), S.I. No. 174 of 2018.

F5 Deleted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 229(c)(ii), S.I. No. 174 of 2018.

Persons engaged in sport

44. (1) This section applies to a person to which the Irish Anti-Doping Rules apply.

(2) A person that fails to comply with the Irish Anti-Doping Rules shall not, subject to those Rules, be eligible—

(a) for funding from Sport Ireland, or

(b) to represent the State in sport.

Continuance of Irish Anti-Doping Rules

45. (1) The repeal of the Act of 1999 by *section 5* shall not affect the operation of the rules made by the Council, under that Act, in being immediately before the establishment day and called the Irish Anti-Doping Rules.

(2) The rules referred to in *subsection (1)* shall be deemed to be Irish Anti-Doping Rules made by Sport Ireland under *section 42*.

SCHEDULE 1

Sport Ireland

Section 7(2)

Structure and seal

1. (1) Sport Ireland shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister for Public Expenditure and Reform have power to acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property.

(2) The seal of Sport Ireland shall be authenticated by—

(a) the signature of the chairperson or another member of Sport Ireland, and

(b) the signature of a member of Sport Ireland's staff,

authorised by Sport Ireland to act in that behalf.

(3) Judicial notice shall be taken of the seal of Sport Ireland and any document purporting to be an instrument made by, and to be sealed with the seal of, Sport Ireland shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.

Members of Sport Ireland

2. (1) Sport Ireland shall consist of 13 members, one of whom shall be a chairperson.

(2) The members of Sport Ireland shall be appointed by the Minister and shall be persons, who, in the opinion of the Minister, have experience of, or have shown capacity in, matters relevant to the functions of Sport Ireland.

(3) The chairperson of Sport Ireland shall be appointed by the Minister from among the members of Sport Ireland.

(4) The chairperson of Sport Ireland shall hold office for a period of 5 years from the date of his or her appointment.

(5) Other than the chairperson—

(a) at least one member of Sport Ireland shall be a person who has wide experience and competence in relation to financial matters, and

(b) at least one other member of Sport Ireland shall be a person who has wide experience and competence in relation to legal matters.

(6) The Minister shall, in so far as is practicable, endeavour to ensure that among the members of Sport Ireland there is an equitable balance between men and women.

(7) Subject to *subparagraph (8)*, a person who is appointed to be a member of Sport Ireland shall hold office for the period of 5 years from the date of his or her appointment.

(8) The persons, other than the chairperson, who are first appointed to be members of Sport Ireland shall hold office as follows:

(a) 4 of such members shall hold office for the period of 3 years from the date of their appointment;

(b) 4 of such members shall hold office for the period of 4 years from the date of their appointment;

(c) the remaining members shall hold office for the period of 5 years from the date of their appointment.

(9) The members of Sport Ireland who are to hold office for the periods specified in *subparagraphs (8)(a)* and *(b)* shall be decided by lot to be drawn in such manner as shall be decided by the Minister.

(10) A person who has served 2 consecutive or non-consecutive terms as a member of Sport Ireland shall not be eligible for re-appointment.

Resignation, removal, etc., of members

3. (1) For the purposes of *paragraph 2(10)*, a person who fills or occasions a casual vacancy shall be considered to have served a term as a member of Sport Ireland even though he or she held office for only part of the term.

(2) A member of Sport Ireland may, at any time, resign office by letter addressed to the Minister and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Minister, whichever is later.

(3) The Minister may, at any time, remove from office a member of Sport Ireland where, in the Minister's opinion—

(a) the member has become incapable through ill health of effectively performing the duties of the office,

(b) the member has committed stated misbehaviour, or

(c) the removal appears necessary for the effective performance of Sport Ireland's functions.

(4) A person shall be disqualified for holding, and shall cease to hold, office as a member of Sport Ireland or a committee if he or she—

(a) is adjudged bankrupt,

(b) makes a composition or arrangement with his or her creditors,

(c) is convicted of an offence involving fraud or dishonesty, whether or not in connection with a company,

(d) is convicted of an indictable offence,

(e) has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act,

(f) has a conflict of interest of such significance that, in the opinion of the Minister, requires that he or she should not hold or should cease to hold such office, or

(g) fails to make a disclosure under *paragraph 9*.

Replacement of members

4. (1) Where a member of Sport Ireland dies or becomes disqualified for, resigns or is removed from, office, the Minister may appoint a person to be a member of Sport Ireland to fill the resultant casual vacancy.

(2) A person appointed to be a member of Sport Ireland under *subparagraph (1)* shall hold office for the remainder of the term of office of the member of it who occasioned the casual vacancy and shall, subject to *paragraph 2*, be eligible for reappointment as a member of Sport Ireland on the expiry of the period.

Meetings and procedure

5. (1) Sport Ireland shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The quorum for a meeting of Sport Ireland, unless the Minister otherwise directs, shall be 5.

(3) At a meeting of Sport Ireland—

(a) the chairperson of Sport Ireland shall, if present, be the chairperson of the meeting, and

(b) if and so long as the chairperson of Sport Ireland is not present or if the office is vacant, the members of Sport Ireland who are present shall choose one of their number to be chairperson of the meeting.

(4) Each member of Sport Ireland (including its chairperson) present at a meeting of Sport Ireland shall have a vote.

(5) At a meeting of Sport Ireland, a question on which a vote is required shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(6) Subject to *subparagraph (2)*, Sport Ireland may act notwithstanding one or more vacancies among its members.

(7) Subject to this Act, Sport Ireland shall regulate, by standing order or otherwise, its own procedure and business.

Committees

6. (1) Sport Ireland may—

(a) establish committees to assist and advise it on matters relating to any of its functions, and

(b) subject to *subparagraph (6)*, appoint the chairperson and other members of a committee established under this paragraph.

(2) A committee shall consist of a chairperson and such number of other members as Sport Ireland may determine and may include persons who are not members of Sport Ireland and its staff.

(3) As soon as practicable after the establishment day, Sport Ireland shall establish a committee, to be known as the Anti-Doping Committee of Sport Ireland, to—

(a) assist and advise Sport Ireland in relation to the performance of its functions under *section 8(1)(d)* to *(g)*, and

(b) exercise such powers and carry out such duties relating to that function as Sport Ireland may from time to time delegate to the committee.

(4) Without prejudice to the generality of *subparagraph (1)*, Sport Ireland shall establish—

(a) a committee to assist and advise in relation to its functions relating to the development of a national sports campus on the site,

(b) a committee to assist and advise in relation to its functions relating to the development of coaching and coaches,

(c) a committee to assist and advise in relation to its functions relating to high performance sport.

(5) Where a power or duty is delegated under *subparagraph (3)* or *(4)*, the power shall be exercised or the duty carried out in the name of the committee established under that subparagraph but subject to the general superintendence and control of Sport Ireland.

(6) The Minister, having consulted with the chairperson of Sport Ireland, shall appoint chairpersons of committees established under *subparagraph (3)* or *(4)*.

(7) A member of a committee may be removed at any time from membership of the committee by—

(a) Sport Ireland, where the member was appointed under *subparagraph (1)*, or

(b) the Minister, where the member was appointed under *subparagraph (6)*.

(8) Sport Ireland may at any time dissolve a committee, but the committees established under *subparagraph (3)* or *(4)* shall not be dissolved without the Minister's prior consent.

(9) Sport Ireland may—

(a) determine the terms of reference of a committee, and

(b) regulate the procedure and business of a committee but, subject to any such regulation, a committee may regulate its own procedure and business.

(10) A committee may act notwithstanding one or more vacancies in its membership.

Remuneration and expenses of members

7. A member of Sport Ireland shall be paid by Sport Ireland, out of moneys at its disposal, such remuneration (if any) and allowances for expenses incurred by him or her (if any) as the Minister may from time to time, with the consent of the Minister for Public Expenditure and Reform, determine.

Membership of either House of Oireachtas, European Parliament or local authority

8. (1) Where a member of Sport Ireland or a committee, or a director of a subsidiary, the ch ief executive or other member of the staff of Sport Ireland or a subsidiary—

(a) accepts a nomination as a member of Seanad Éireann,

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

(d) is elected or co-opted as a member of a local authority,

he or she shall thereupon—

(i) in the case of a member of Sport Ireland or a committee, a director of a subsidiary or the chief executive, cease to be a member of Sport Ireland or the committee, a director of the subsidiary or the chief executive, and

(ii) in the case of a member of the staff of Sport Ireland or a subsidiary, stand seconded from employment by Sport Ireland or the subsidiary and shall not be paid by, or be entitled to receive from, Sport Ireland or the subsidiary any remuneration or allowances for expenses in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected or on such election or co-option, and ending when he or she ceases to be a member of either such House, a member of such Parliament or a member of the local authority.

(2) Without prejudice to the generality of *subparagraph (1)*, that paragraph shall be construed as prohibiting the reckoning of a period therein mentioned as service with Sport Ireland or a subsidiary for the purpose of any superannuation benefits payable under *section 25* or otherwise.

(3) A person who is for the time being—

(a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,

(b) a member of the European Parliament, or

(c) entitled under the Standing Orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled under *clause (a)* or *(c)* or is such a member under *clause (b)*, be disqualified for being a member of Sport Ireland or a committee, a director of a subsidiary, the chief executive or a member of the staff of Sport Ireland or a subsidiary.

Disclosure of interests

9. (1) Where a member of Sport Ireland or a committee, a director of a subsidiary, a member of the staff of Sport Ireland or a subsidiary or a consultant or adviser engaged by Sport Ireland or a subsidiary has any pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by Sport Ireland, a committee or a subsidiary, he or she shall—

(a) disclose to Sport Ireland, the committee or subsidiary the nature of the interest in advance of any consideration of the matter,

(b) neither influence nor seek to influence a decision relating to the matter,

(c) take no part in any consideration of the matter,

(d) withdraw from a meeting at which the matter is being discussed or considered for so long as it is being so discussed or considered, and

(e) where he or she is a member of Sport Ireland or a committee or a director of a subsidiary, neither vote nor otherwise act as such a member or director in relation to the matter.

(2) For the purposes of this paragraph, but without limitation to the generality of *subparagraph (1)*, a person shall be regarded as having a beneficial interest in each of the following cases:

(a) the person, any connected relative of the person or a nominee of either of them is a member of a company or any other body which has a beneficial interest in, or material to, any matter referred to in that subparagraph;

(b) the person or any connected relative of that person is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, any such matter;

(c) the person or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which any such matter relates;

(d) any connected relative has a beneficial interest in, or material to, any such matter.

(3) For the purposes of this paragraph, a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only that he or she or any company or other body or person mentioned in *subparagraph (2)* has an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question in respect of the matter or in performing any function in relation to the matter.

(4) Sport Ireland shall determine any question as to whether a course of conduct, if pursued by a person, would be a failure by him or her to comply with *subparagraph (1)* and particulars of the determination shall be recorded in the minutes of a meeting at which the determination is made.

(5) If a disclosure is made under *subparagraph (1)* at a meeting of Sport Ireland, a committee or a subsidiary, particulars of the disclosure shall be recorded in the minutes of the meeting.

(6) The Minister, where he or she is satisfied that a member of Sport Ireland or a committee or a director of a subsidiary has contravened *subparagraph (1)*, may remove the member or director from office, and a person removed from office pursuant to this paragraph shall thenceforth be disqualified for being a member of Sport Ireland or a committee or a director of a subsidiary.

(7) Where a person other than a person to whom *subparagraph (6)* applies contravenes *subparagraph (1)*, Sport Ireland or, as appropriate, the subsidiary concerned shall decide the appropriate action to be taken in relation to the person, including the termination of a contract for services with the person.

(8) Section 194 of the Companies Act 1963 shall not apply to a director of a subsidiary.

(9) Nothing in this paragraph shall be taken to prejudice the operation of any rule of law restricting directors of a company from having any interest in contracts with Sport Ireland or a subsidiary.

(10) In this paragraph "connected relative" in relation to a person, means a spouse, civil partner, parent, brother, sister, child or the spouse, or civil partner, of a child of that person.

Confidential information

10. (1) A person shall not unless authorised by Sport Ireland or, as appropriate, a subsidiary, or required by law, disclose confidential information obtained by him or her in his or her capacity, or while performing duties, as any of the following:

(a) a member of Sport Ireland or a committee;

(b) a director of a subsidiary;

(c) a member of the staff of Sport Ireland or a subsidiary;

(d) a consultant or adviser engaged by Sport Ireland or a subsidiary, or an employee of such a consultant or adviser;

(e) a person engaged by Sport Ireland or a subsidiary in any other capacity.

(2) Where the Minister is satisfied that a member of Sport Ireland or a committee or a director of a subsidiary has contravened *subparagraph (1)*, he or she may, if he or she thinks fit, remove that member or director from office, and, where a person is removed from office pursuant to this subparagraph, he or she shall thenceforth be disqualified for being a member of Sport Ireland or a committee or a director of a subsidiary.

(3) Where a person mentioned in *clause (c)*, *(d)* or *(e)* of *subparagraph (1)* contravenes that subparagraph, Sport Ireland or, as appropriate, the subsidiary concerned shall decide the appropriate action to be taken in relation to the person, including the termination of a contract of service or a contract for services with the person.

(4) Nothing in *subparagraph (1)* shall prevent the disclosure of information to Sport Ireland or, as appropriate, a subsidiary or by or on behalf of Sport Ireland to the Minister.

(5) In this paragraph "confidential information" includes—

(a) information that is expressed by Sport Ireland or a subsidiary to be confidential either as regards particular information or as regards information of a particular class or description, or

(b) information relating to proposals of a commercial nature or to tenders submitted to Sport Ireland or a subsidiary by a contractor, a consultant or any other person.

SCHEDULE 2

Provisions Relating to Compulsory Acquisition

Section 26(1) and *(2)*

1. (1) Where Sport Ireland proposes to acquire compulsorily any land or any interest in or right over land under *section 26*, Sport Ireland shall apply to the Minister for an order under *paragraph 2* authorising Sport Ireland to acquire the land, or acquire or use the right, compulsorily and the application shall

be accompanied by such maps, plans and books of reference as are referred to in *paragraph 5*.

(2) Sport Ireland shall publish a notice, in such form as the Minister approves, of the application in one or more newspapers circulating in the area of the land concerned and serve a copy of the notice on every person who appears to Sport Ireland to have an estate or interest in the land in so far as it is reasonably practicable to ascertain such persons.

(3) The notice referred to in *subparagraph (2)* shall include a provision notifying persons having an estate or interest in the land concerned that they have the right to lodge with the Minister, within one month of the making of the application by Sport Ireland, an objection to the making of an order under *paragraph 2* in relation to the land and shall specify the times and places where the maps, plans and books of reference deposited in accordance with *paragraph 5* may be inspected.

(4) The Minister shall consider and determine any objection to the application of Sport Ireland lodged with him or her within the period referred to in *subparagraph (3)* and the Minister may, if he or she thinks fit, appoint an adviser to assist him or her in relation thereto.

2. The Minister shall, where no objection to the application of Sport Ireland is lodged with him or her within the period referred to in *paragraph 1(3)* or any such objection is rejected by him or her, make an order (in this Schedule referred to as an "acquisition order") authorising Sport Ireland to acquire the land or right concerned compulsorily in accordance with the terms of its application or subject to such modifications, if any, as he or she may determine and specifies in the acquisition order.

3. (1) At any time after the making of an acquisition order and before conveyance or ascertainment of price, Sport Ireland may, subject to this paragraph, enter on and take possession of the land to be acquired or exercise the right to be acquired.

(2) Sport Ireland shall not—

(a) enter on or take possession of any land under this paragraph without giving to the occupier of the land not less than one month's previous notice in writing of its intention so to do, or

(b) exercise any right under this paragraph without giving the occupier of the land in respect of which the right is to be exercised not less than one month's previous notice in writing of its intention so to do.

4. (1) A notice under this Schedule may be served on any person by sending it by registered post in an envelope addressed to him or her at his or her usual or last known address.

(2) Where, for any reason, the envelope cannot be so addressed, it may be served on the person for whom it is intended by sending it by registered post in an envelope addressed to "the occupier" without stating his or her name at the land to which the notice relates.

5. (1) Sport Ireland shall cause maps, plans and books of reference to be deposited in accordance with this paragraph.

(2) The maps and plans shall be sufficient in quantity and character to show on adequate scales the land or right proposed to be acquired.

(3) The books of reference shall contain the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the land which is

proposed to be acquired or in respect of which the right is proposed to be exercised.

(4) The maps, plans and books of reference shall be deposited at such place or places as Sport Ireland, with the consent of the Minister, considers suitable and shall remain so deposited for not less than one month and shall, while so deposited, be open to inspection by any person, free of charge, between the hours of 10 o'clock in the morning and 4 o'clock in the afternoon on every day except Saturdays, Sundays and public holidays.

6. (1) The amount of the price to be paid by Sport Ireland for any land acquired pursuant to an acquisition order to the several persons entitled thereto or having estates or interests therein or for any right acquired pursuant to an acquisition order to the several persons entitled to or having estates or interests in the land in respect of which the right is exercised, shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(2) Sections 69 to 83 of the Lands Clauses Consolidation Act 1845 shall apply to the said price and, subject to *paragraphs 7* and *8*, to the conveyance to Sport Ireland of the land or right acquired, and for the purpose of the application of the said provisions Sport Ireland shall be deemed to be the promoters of the undertaking.

7. (1) Where Sport Ireland has entered on and taken possession of land in accordance with *paragraph 3* and the Minister is satisfied that—

(a) the several interests in the land have not been conveyed or transferred to Sport Ireland,

(b) it is urgently necessary, in connection with the purposes for which Sport Ireland has been authorised to acquire the land compulsorily, that the acquisition of the land should be completed, and

(c) Sport Ireland has made a proper offer in writing to each person having an interest in the land who has furnished sufficient particulars of his or her interest to enable Sport Ireland to make a proper offer for such interest,

then the Minister may make an order (in this Schedule referred to as "a vesting order") vesting the land in Sport Ireland.

(2) Where the Minister or Sport Ireland, before the making of the vesting order, becomes aware that the land to be acquired by the order is subject (whether alone or in conjunction with other land) to any annuity or other payment to the Minister for Agriculture, Food and the Marine or to the Commissioners of Public Works in Ireland, or to any charge for estate duty, succession duty or inheritance tax payable to the Revenue Commissioners on the death of any person, the Minister or Sport Ireland, as the case may be, shall forthwith inform the Minister for Agriculture, Food and the Marine, the Commissioners of Public Works in Ireland or the Revenue Commissioners, as the case may be, of the intention to make the order.

(3) When a vesting order has been made, Sport Ireland shall within 7 days after having received notification from the Minister of the making of the order—

(a) publish in one or more newspapers circulating in the area of the land to which the order relates a notice stating that the order has been made, describing the said land and naming a place where a copy of the order may be seen at all reasonable times, and

(b) serve on every person appearing to it to have an interest in the land to which the order relates a notice stating the fact of such an order having been made and the effect of the order.

8. (1) A vesting order shall be in the form prescribed by regulations made by the Minister under this Schedule which he or she is hereby authorised to make and shall have attached thereto a map of the land to which it relates and it shall be expressed and shall operate to vest the said land in Sport Ireland in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind (other than any public right of way) on a specified date not earlier than 21 days after the making of the vesting order.

(2) Notwithstanding anything in *subparagraph (1)*, where Sport Ireland has acquired, by a vesting order, land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent or other annual sum (not being merely a rent under a contract of tenancy) payable to the Minister for Agriculture, Food and the Marine or the Commissioners of Public Works in Ireland, Sport Ireland shall become and be liable, as from the date on which the land is vested in it by the vesting order, for the payment to the Minister for Agriculture, Food and the Marine or the Commissioners of Public Works in Ireland, as the case may be, of the annual sum or such portion thereof as may be apportioned by the Minister for Agriculture, Food and the Marine or the Commissioners of Public Works in Ireland, as the case may be, on the land as if the land had been conveyed to Sport Ireland by the owner thereof on that date.

(3) When the Minister makes a vesting order in relation to any land, he or she shall cause the order to be sent to the registering authority under the Registration of Deeds and Title Act 2006 and thereupon the registering authority shall cause Sport Ireland to be registered as owner of the land in accordance with the order.

Number 15 *of* 2015

SPORT IRELAND ACT 2015

REVISED

Updated to 16 September 2020

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 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.

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

• *Data Protection Act 2018* (7/2018)

All Acts up to and including *Criminal Justice (Enforcement Powers) (Covid-19) Act 2020* (14/2020), enacted 11 September 2020, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020)
- *Sport Ireland Employee Superannuation Scheme 2015* (S.I. No. 684 of 2016)
- *Sport Ireland Act 2015 (Establishment Day) Order 2015* (S.I. No. 415 of 2015)

All statutory instruments up to and including *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 356 of 2020), made 15 September 2020, were considered in the preparation of this revision.