

Changes to Legislation: as of 16 January 2026, this Act is up to date with all changes known to be in force.



Number 36 of 1939

MINISTERS AND SECRETARIES (AMENDMENT) ACT 1939

REVISED

Updated to 1 August 2025

This Revised Act is an administrative consolidation of the *Ministers and Secretaries (Amendment) Act 1939*. 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 *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, and all statutory instruments up to and including the *Urban Wastewater (Nutrient - Sensitive Areas) Regulations 2025* (S.I. No. 403 of 2025), made 1 August 2025, were considered in the preparation of this Revised Act.

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ARRANGEMENT OF SECTIONS

Section

1. The Principal Act.
2. The Department of Supplies. (*Repealed*)
3. Allocation of functions to the Department of Supplies. (*Repealed*)
4. Minister without portfolio.
5. Transfer of Departments to and from Ministers. (*Repealed*)
6. Divers powers of the Government in relation to Departments of State.
7. Temporary inability of Ministers.
8. Right of audience of parliamentary secretaries. (*Repealed*)
9. Delegation of Ministerial powers and duties to parliamentary secretaries. (*Repealed*)
10. The Irish names of certain Ministers and Departments.
11. Repeals.
12. Commencement.
13. Short title, construction, and citation.

SCHEDULE.

ACTS REFERRED TO

Ministers and Secretaries Act, 1924

No. 16 of 1924

Ministers and Secretaries (Amendment) Act, 1928

No. 6 of 1928



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AN ACT TO ESTABLISH, AS ON AND FROM THE 8TH DAY OF SEPTEMBER, 1939, A DEPARTMENT OF SUPPLIES AND FOR THAT PURPOSE, AND ALSO FOR DIVERS OTHER PURPOSES, TO AMEND THE MINISTERS AND SECRETARIES ACTS, 1924 AND 1928, AS ON AND FROM THE SAID DAY. [21st December, 1939.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

The Principal Act. **1.**—In this Act the expression “the Principal Act” means the *Ministers and Secretaries Act, 1924* (No. 16 of 1924).

The Department of Supplies. **2.**—F1[...]

Allocation of functions to the Department of Supplies. **3.**—F2[...]

Minister without portfolio. **4.**—(1) Nothing in the Ministers and Secretaries Acts, 1924 and 1928, or this Act shall render it obligatory for every member of the Government to be a Minister having charge of a Department of State.

(2) A member of the Government who is not a Minister having charge of a Department of State shall be known as a Minister without portfolio.

(3) The Government may, whenever they think proper so to do, assign to any particular Minister without portfolio a specific style or title which shall be judicially and officially noticed.

Transfer of Departments to and from Ministers. **5.**—F3[...]

Divers powers of the Government in relation to Departments of State. **6.**—(1) It shall be lawful for the Government, whenever they so think proper, to do by order all or any of the following things, that is to say:—

(a) to alter in such way as they think proper the name (whether in the Irish language or the English language or in both those languages) of any Department of State;

- (b) to alter in such way as they think proper the title (whether in the Irish language or in the English language or in both those languages) of any Minister having charge of a Department of State;
- (c) to transfer the administration and business of any particular public service or of any branch or part of any such public service from any Department of State to any other Department of State and to make all such transfers of officers and property and do all such other things as shall be incidental to or consequential on such transfer of administration and business;
- (d) to transfer from any Minister having charge of a Department of State to the Minister having charge of any other Department of State any particular power, duty, or function vested by or under any statute or otherwise in the said first-mentioned Minister;
- (e) to prescribe the organisation of any Department of State and for that purpose to create units of administration within such Department of State;
- (f) to allocate to such Department of State as appears to the Government to be appropriate the administration and business of any public service which is not expressly allocated to any particular Department of State or in respect of the allocation of which any doubt, question, or dispute has arisen;
- (g) to make all such adaptations of enactments as shall appear to the Government to be consequential on anything done by them under any of the foregoing paragraphs of this sub-section.

(2) If any doubt, question, or dispute shall arise as to the Department of State to which the administration and business of any particular public service or of any branch or part of any such public service is allocated or as to the Minister in whom any particular power, duty, or function is vested, such doubt, question, or dispute shall, without prejudice to the power in that behalf conferred on the Government by the foregoing sub-section of this section, be determined by the Taoiseach.

(3) Whenever any particular power, duty, or function is now or shall hereafter be conferred or imposed by statute on or shall be transferred under this section to a Minister having charge of a Department of State, the administration and business in connection with the exercise, performance, or execution of such power, duty, or function shall be deemed to be allocated to the said Department of State.

**Temporary
inability of
Ministers.**

7.—(1) Whenever an individual holding the office of Minister having charge of a Department of State becomes, by reason of ill-health or on account of absence from Ireland or from any other cause, temporarily unable to discharge the duties of his said office, the Government may by order made before and in contemplation of or during such temporary inability nominate another member of the Government (whether having or not having charge of a Department of State) to execute, during a specified period not exceeding the duration of such temporary inability, the office of the said individual who has so become temporarily unable to discharge the duties of that office.

(2) The Government may by order at any time while a nomination under this section is in force revoke such nomination and, in particular, may so revoke such nomination for the purpose of making a new nomination in lieu thereof.

(3) A member of the Government who is nominated under this section to execute the office of a Minister having charge of a Department of State shall, while he is exercising that office in pursuance of such nomination, be for all purposes the Minister having charge of the said Department but may, if and whenever it appears to him to be convenient so to do, add the word "gníomhathach" or, in English, prefix the word "acting" to his title as such Minister.

(4) The nomination under this section of a member of the Government to execute the office of a Minister having charge of a Department of State shall not prejudice or

affect the appointment or tenure of office of a person holding at the time of such nomination the office of parliamentary secretary to such Minister.

(5) Where an individual who becomes temporarily unable within the meaning of the first sub-section of this section to discharge the duties of his office holds office as Minister in charge of two or more Departments of State, different members of the Government may, where the Government so think proper, be nominated under this section to execute the office of such individual in respect of each or any of the said Departments of State.

Right of audience
of parliamentary
secretaries. **8.—F4[...]**

Delegation of
Ministerial
powers and
duties to
parliamentary
secretaries. **9.—F5[...]**

The Irish names
of certain
Ministers and
Departments.

10.—The name in the Irish language of every Minister who is mentioned (by the name which was his lawful name immediately before the coming into operation of the Constitution) in the second column of the *Schedule* to this Act shall be and be deemed to have been, as from the coming into operation of the Constitution, the name stated in the third column of the said Schedule opposite the said mention of such Minister in the said second column, and the name in the Irish language of the Department of State of which such Minister has charge shall be and be deemed, as from the coming into operation of the Constitution, to have been the name stated in the fourth column of the said Schedule opposite the said mention of such Minister in the said second column.

Repeals. **11.—Sections 11 and 12 of the Principal Act and section 4 of the Ministers and Secretaries (Amendment) Act, 1928** (No. 6 of 1928), are hereby repealed.

Commencement. **12.**—This Act shall be deemed to have come into force on the 8th day of September, 1939, and shall have and be deemed to have had effect as on and from that day.

Short title,
construction, and
citation. **13.—(1)** This Act may be cited as the Ministers and Secretaries (Amendment) Act, 1939.

(2) This Act shall be construed as one with the Ministers and Secretaries Acts, 1924 and 1928, and those Acts and this Act may be cited together as the Ministers and Secretaries Acts, 1924 to 1939.

SCHEDULE.

NAMES IN IRISH OF CERTAIN MINISTERS AND DEPARTMENTS.

| Ref. No. | Former Name of Minister | Present Name in Irish of Minister | Present Name in Irish of his Department |
|-------------|--|---|---|
| 1 | An tAire Airgid or (in English) The Minister for Finance. | An tAire Airgeadais. | An Roinn Airgeadais. |
| 2 | An tAire Dlí agus Cirt or (in English) The Minister for Justice. | An tAire Dlighidh agus Cirt. | An Roinn Dlighidh agus Cirt. |
| 3 | An tAire Rialtais Aitiúla agus Sláinte Puiblí or (in English) The Minister for Local Government and Public Health. | An tAire Riaghaltais Aiteamhail agus Sláinte Poiblidhe. | An Roinn Riaghaltais Aiteamhail agus Sláinte Poiblidhe. |
| 4 | An tAire Talmhaíochta or (in English) The Minister for Agriculture. | An tAire Talmhaidheachta. | An Roinn Talmhaidheachta. |
| 5 | An tAire Gnóthaí Coigríche or (in English) The Minister for External Affairs. | An tAire Gnóthaí Eachtracha. | An Roinn Gnóthaí Eachtracha. |



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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

Ministers and Secretaries Acts 1924 to 2020: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Ministers and Secretaries and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 2020* (10/2020), s. 3(2)). The Acts in this group are:

- *Ministers and Secretaries Act 1924* (16/1924)
- *Ministers and Secretaries (Amendment) Act 1928* (6/1928)
- *Ministers and Secretaries (Amendment) Act 1939* (36/1939)
- *Ministers and Secretaries (Amendment) Act 1946* (38/1946)
- *Ministers and Secretaries (Amendment) Act 1956* (21/1956)
- *Ministers and Secretaries (Amendment) Act 1959* (17/1959) (*Repealed*)
- *Ministers and Secretaries (Amendment) Act 1966* (18/1966)
- *Ministers and Secretaries (Amendment) Act 1973* (14/1973)
- *Ministers and Secretaries (Amendment) Act 1977* (27/1977)
- *Ministers and Secretaries (Amendment) (No. 2) Act 1977* (28/1977)
- *Ministers and Secretaries (Amendment) Act 1980* (2/1980)
- *Ministers and Secretaries (Amendment) Act 1983* (40/1983)
- *Ministers and Secretaries (Amendment) Act 1995* (1/1995)
- *Ministers and Secretaries (Ministers of State) Act 2007* (33/2007)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)
- *Ministers and Secretaries (Amendment) Act 2013* (29/2013), other than s. 3
- *Ministers and Secretaries (Amendment) Act 2017* (18/2017)
- *Ministers and Secretaries and Ministerial, Parliamentary, Judicial and Court Offices (Amendment) Act 2020* (10/2020), s. 1

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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. 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.