Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



Number 28 *of* 1977

MINISTERS AND SECRETARIES (AMENDMENT) (NO. 2) ACT 1977

REVISED

Updated to 29 July 2026

This Revised Act is an administrative consolidation of the *Ministers and Secretaries (Amendment) (No. 2) Act 1977*. 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 *Development (Strategic Gas Reserve) Act 2026* (36/2026), enacted 23 July 2026, and all statutory instruments up to and including the *Justice, Home Affairs and Migration (Delegation of Ministerial Functions) Order 2026* (S.I. No. 444 of 2026), made 29 July 2026, 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.

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ARRANGEMENT OF SECTIONS

Section

1. Appointment of Ministers of State.
2. Delegation of powers and duties of Ministers of the Government to Ministers of State.
3. Application of enactments.
4. Amendment of Interpretation Act, 1937.
5. Amendment of Defence Act, 1954.
6. Repeals.
7. Short title, construction, citation and commencement.

ACTS REFERRED TO

Defence Act, 1954	1954, No. 18.
Documentary Evidence Act, 1925	1925, No. 24.
Interpretation Act, 1937	1937, No. 38.
Ministers and Secretaries Act, 1924	1924, No. 16.
Ministers and Secretaries (Amendment) Act, 1939	1939, No. 36.
Ministers and Secretaries Acts, 1924 to 1977	

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MINISTERS AND SECRETARIES (AMENDMENT) (NO. 2) ACT 1977

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AN ACT TO PROVIDE FOR THE APPOINTMENT OF MINISTERS OF STATE AND TO PROVIDE FOR MATTERS CONNECTED WITH THAT MATTER. [6*th December*, 1977]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Appointment of Ministers of State.

1.—(1) The Government may, on the nomination of the Taoiseach, F1**[**appoint not more than 23 persons**]**, who are members of either House of the Oireachtas, to be Ministers of State at Departments of State and may at any time, on the recommendation of the Taoiseach, remove a Minister of State so appointed.

(2) A person appointed to be a Minister of State shall continue to hold office so long only as he continues to be a member of a House of the Oireachtas, but a Minister of State in office at the date of a dissolution of Dáil Éireann shall continue to hold office until the successor of the Taoiseach who was in office on such date shall have been appointed.

(3) If the Taoiseach at any time resigns from office, a Minister of State shall be deemed also to have resigned from office, but shall continue to carry on his duties until the successor of the Taoiseach shall have been appointed.

(4) A Minister of State appointed under this section shall by his appointment be assigned to act as Minister of State at a Department of State.

Delegation of powers and duties of Ministers of the Government to Ministers of State.

2.—(1) It shall be lawful for the Government, by order made on the request of a Minister of the Government, to delegate to a Minister of State assigned to the Department of State of which the Minister of the Government has charge all the powers and duties of such Minister of the Government under any particular Act or any particular statutory power or duty of such Minister of the Government.

(2) The following provisions shall apply and have effect in relation to a delegation to a Minister of State under this section, that is to say:—

(*a*) the Government may at any time revoke the delegation either at the request of the Minister of the Government on whose request it was made or without any such request,

(*b*) the delegation shall terminate on the happening of either or both of the following events, that is to say, the Minister of the Government on whose request such delegation was made ceasing (otherwise than by a resignation from office to which Article 28.11.1° of the Constitution refers) to be the Minister of the Government to whose powers and duties the delegation relates or the Minister of State to whom the delegation was made ceasing to be Minister of State assigned to the Department of State of which the said Minister of the Government has charge,

(*c*) the delegation shall operate, so long as it continues in force, to confer on and vest in the Minister of State to whom it is made each of the statutory powers and duties delegated by the delegation,

(*d*) every statutory power and duty delegated by the delegation shall be exercisable and performed by such Minister of State in his own name but subject to the general superintendence and control of the Minister of the Government on whose request it was made and subject to any conditions or restrictions stated in the delegation,

(*e*) every statutory power or duty delegated by the delegation shall, notwithstanding the delegation, continue to be vested in the Minister of the Government on whose request the delegation was made but shall be so vested concurrently with such Minister of State and so as to be capable of being exercised or performed by either such Minister of the Government or such Minister of State, and

(*f*) the delegation shall not remove or derogate from the responsibility of the Minister of the Government on whose request it was made to Dáil Éireann or as a member of the Government for the exercise or performance of the statutory powers and duties thereby delegated.

Application of enactments.

3.—The references in section 17 of the Ministers and Secretaries Act, 1924, and sections 4 and 6 of the Documentary Evidence Act, 1925, to a Minister and a Minister who is the head of a Department of State shall be construed as including references to a Minister of State and a Parliamentary Secretary.

Amendment of Interpretation Act, 1937.

4.—The Schedule to the Interpretation Act, 1937, is hereby amended, as respects this Act and Acts of the Oireachtas passed after the passing of this Act and instruments (within the meaning of the Interpretation Act, 1937) made wholly or partly under any such Act after the passing of this Act, by the substitution in paragraph 18 of "Minister of the Government" for "Minister of State" and the said paragraph, as so amended, is set out in the Table to this section.

TABLE

18.—The expression "Minister of the Government" means a member of the Government having charge of a Department of State.

Amendment of Defence Act, 1954.

5.—The Defence Act, 1954, is hereby amended by the substitution in section 11 (2) of "Minister of State at the Department of Defence" for "Parliamentary Secretary to the Minister for Defence" and the said section 11 (2), as so amended, is set out in the Table to this section.

TABLE

(2) The Council shall consist of two civil members, namely, the Minister of State at the Department of Defence and the Secretary of the Department of Defence, and three military members, namely, the Chief of Staff, the Adjutant-General and the Quartermaster-General.

Repeals.

6.—Section 7 of the Ministers and Secretaries Act, 1924, and sections 8 and 9 of the Ministers and Secretaries (Amendment) Act, 1939, are hereby repealed.

Short title, construction, citation and commencement.

7.—(1) This Act may be cited as the Ministers and Secretaries (Amendment) (No. 2) Act, 1977.

(2) This Act shall be construed as one with the Ministers and Secretaries Acts, 1924 to 1977, and this Act shall be included in the collective citation, the Ministers and Secretaries Acts, 1924 to 1977.

(3) This Act shall come into oas peration on such day or days as, by order or orders made by the Government, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

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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*, s. 3(2)). The Acts and statutory instruments in this group are:

- *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 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* (11/2020), s. 1

Acts previously included in the group but now repealed are:

- *Ministers and Secretaries (Amendment) Act 1959* (17/1959)

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.