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

Number 11 *of* 1986

NATIONAL ARCHIVES ACT 1986

REVISED

Updated to 1 December 2025

This Revised Act is an administrative consolidation of the *National Archives Act 1986*. 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 *Electricity (Supply) (Amendment) Act 2025* (12/2025), enacted 20 November 2025, and all statutory instruments up to and including *European Union (Hague Maintenance Convention) (Amendment) Regulations 2025* (S.I. No. 583 of 2025), made 1 December 2025, 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 11 *of* 1986

NATIONAL ARCHIVES ACT 1986

REVISED

Updated to 1 December 2025

ARRANGEMENT OF SECTIONS

Section

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2. Archives and Departmental records.
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SCHEDULE

ACTS REFERRED TO

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Civil Service Regulation Acts, 1956 and 1958	
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Irish Church Act Amendment Act, 1881	1881, c. 71
Parochial Records Act, 1876	1876, c. 58
Prisons Acts, 1826 to 1980	
Public Records (Ireland) Act, 1867	1867, c. 70
Public Records (Ireland) Act, 1867, Amendment Act, 1875	1875, c. 59
Superannuation Acts, 1834 to 1963	

Number 11 *of* 1986

NATIONAL ARCHIVES ACT 1986

REVISED

Updated to 1 December 2025

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS THE NATIONAL ARCHIVES AND FOR OTHER CONNECTED MATTERS. [18*th May*, 1986]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 The history of the functions vested in the Taoiseach under this Act can be traced as follows:

- Functions (other than those under ss. 1(3), 8(4), 8(10)(*b*), 8(11) and 11) vested in the **Taoiseach** by or under this Act transferred and references to the **Taoiseach** construed as **Gaeltacht** (20.01.1993) by *Arts and Culture (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 21 of 1993), arts. 2-4, 7-9, subject to transitional provisions in arts. 5-6;
- Title of Minister for the **Gaeltacht** altered (20.01.1993) to **Arts, Culture and the Gaeltacht** by *Gaeltacht (Alteration of Name of Department and Title of Minister) Order 1993* (S.I. No. 22 of 1993), arts. 1(2), 3;
- Title of Minister for **Arts, Culture and the Gaeltacht** altered to **Arts, Heritage, Gaeltacht and the Islands** (12.07.1997) by *Arts, Culture and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 306 of 1997), arts. 1(2), 3;
- Functions (same as above, i.e. other than those under ss. 1(3), 8(4), 8(10)(*b*), 8(11) and 11) transferred and references to Minister for **Arts, Heritage, Gaeltacht and the Islands** construed as **Tourism, Sport and Recreation** (18.06.2002) by *Arts and Culture (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 302 of 2002), arts. 2-4, subject to transitional provisions in arts. 5-9;
- Title of Minister for **Tourism, Sport and Recreation** altered to **Arts, Sport and Tourism** (19.06.2002) by *Tourism, Sport and Recreation (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 309 of 2002), arts. 1(2), 3;
- Title of Minister for **Arts, Sport and Tourism** altered (2.05.2010) to **Tourism, Culture and Sport** by *Arts, Sport and Tourism (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 178 of 2010), art. 1(2), 3;
- Title of Minister for **Tourism, Culture and Sport** altered (2.06.2011) to **Arts, Heritage and the Gaeltacht** by *Tourism, Culture and Sport (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 220 of 2011), arts. 1(2), 3;
- Title of Minister for **Arts, Heritage and the Gaeltacht** altered to **Arts, Heritage, Regional, Rural and Gaeltacht Affairs** (7.07.2016) by *Arts, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 357 of 2016), art. 1(2) and 3;

- Title of Minister for **Arts, Heritage, Regional, Rural and Gaeltacht Affairs** altered to **Culture, Heritage and the Gaeltacht** (1.08.2017) by *Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 350 of 2017), arts. 1(2), 3;
- Title of Minister for **Culture, Heritage and the Gaeltacht** altered 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), arts. 1(2), 3;
- Title of Minister for **Tourism, Culture, Arts, Gaeltacht, Sport and Media** altered to **Culture, Communications and Sport** (2.06.2025) by *Tourism, Culture, Arts, Gaeltacht, Sport and Media (Alteration of Name of Department and Title of Minister) Order 2025* (S.I. No. 236 of 2025), arts. 1(2), 3.

Interpretation.

1.—(1) In this Act—

"archives" has the meaning assigned to it by *section 2*;

"the Council" means the National Archives Advisory Council established under *section 20*;

"Departmental records" has the meaning assigned to it by *section 2*;

"the Director" has the meaning assigned to it by *section 5*;

"functions" includes powers and duties, and the reference to the performance of functions includes, as respects powers and duties, a reference to the exercise of powers and the carrying out of duties;

"local authority" means any body which is—

(*a*) the council of a county,

(*b*) the corporation of a county borough,

(*c*) the corporation of a borough other than a county borough,

(*d*) the council of an urban district,

(*e*) the commissioners of a town, or

(*f*) a joint board or committee established by or under a statute to execute functions belonging to two or more of the bodies referred to in *paragraphs (a), (b), (c), (d)* or *(e)*;

F1**[**"Minister" means the Minister for Culture, Heritage and the Gaeltacht;**]**

"the National Archives" means the body established by *section 3*;

"public service organisation" means a local authority, a health board or a body established by or under statute and financed wholly or partly by grants or loans made by a member of the Government or by the issue of shares taken up by a member of the Government.

F1**[**"relevant records" has the meaning assigned to it by *section 2A* (inserted by section 3 of the National Archives (Amendment) Act 2018).**]**

(2) (*a*) In this subsection "a scheduled body" means a body, institution, office, commission or committee referred to in the Schedule to this Act.

(*b*) In this Act (other than in *paragraph (c)*), references to a Department of State include, where appropriate, references to a court and also include references to a scheduled body, and the definition of "Departmental records" in *section 2(2)* shall be construed accordingly.

(*c*) In this Act, except in *subsection (1)* and *section 2*, any reference to a member of the Government shall be construed, as appropriate,—

(i) in relation to the Office of the Secretary to the President, the Office of the Attorney General, the Office of the Comptroller and Auditor General or the Office of the Director of Public Prosecutions, as a reference to the President, the Attorney General, the Comptroller and Auditor General or the Director of Public Prosecutions,

(ii) in relation to a court, as a reference to the Minister for Justice, and

(iii) in relation to a Department of State or a scheduled body (other than an office specified in *subparagraph (i)* of this paragraph), as a reference to the member of the Government having responsibility for that Department or scheduled body.

(*d*) The Taoiseach, after consultation with the Director and the Council, may by order amend the Schedule to this Act.

(*e*) Where an order under this subsection is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House.

(3) A reference in this Act to an officer of a Department of State authorised for the purpose of a particular section or for a particular purpose shall be construed as a reference to an officer of that Department belonging to such class, grade or rank as is specified in regulations made by the Taoiseach.

(4) In this Act a reference to a section is to a section of this Act, unless it is indicated that reference to some other enactment is intended.

(5) In this Act a reference to a subsection or paragraph is to the subsection or paragraph is to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

Annotations

Amendments:

F1 Inserted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 2, S.I. No. 153 of 2021.

Editorial Notes:

E1 As per the C-Note following the Long Title to this Act most references in this Act to the Taoiseach should now be construed as references to the Minister for Culture, Communications and Sport. However that is not the case as regards the reference in subs. (3).

E2 Power pursuant to subs. (2)(*d*) exercised (4.05.2023) by *National Archives Act 1986 (Section 1(2)(d)) Order 2023* (S.I. No. 216 of 2023), art. 2.

E3 Power pursuant to subs. (2)(*d*) exercised (11.07.2022) by *National Archives Act 1986 (Section 1(2)(d)) Order 2022* (S.I. No. 359 of 2022), art. 2.

Archives and Departmental records.

2.—(1) For the purposes of this Act, "archives" includes—

(*a*) such records and documents (and copies of them) as are, at the commencement of this Act, held in the Public Record Office of Ireland or the State Paper Office,

(*b*) Departmental records transferred to and accepted for preservation by the National Archives under this Act,

(*c*) other records or documents (and copies of them) acquired permanently or on loan by the National Archives from public service organisations, institutions or private individuals,

(*d*) all public records held at the commencement of this section elsewhere than in the Public Record Office of Ireland under an Act repealed by this Act.

(2) For the purposes of this Act, "Departmental records" means any of the following—

books,

maps,

plans,

drawings,

papers,

files,

photographs,

films,

microfilms and other micrographic records,

sound recordings,

pictorial records,

magnetic tapes,

magnetic discs,

optical or video discs,

other machine-readable records,

other documentary or processed material,

made or received, and held in the course of its business, by a Department of State within the meaning of *section 1(2)* or any body which is a committee, commission or tribunal of enquiry appointed from time to time by the Government, a member of the Government or the Attorney General, and includes copies of any such records duly made, but does not include—

(i) grants, deeds or other instruments of title relating to property for the time being vested in the State, and

(ii) any part of the permanent collection of a library, museum or gallery.

(3) Nothing in this Act shall prevent a Department of State from retaining a copy of any record transferred under this Act to the National Archives.

Annotations

Modifications (not altering text):

C2 Application of subs. (2) extended (20.03.2024) by *Mother and Baby Institutions Payment Scheme Act 2023* (20/2023), s. 107, S.I. No. 67 of 2024.

Deposit with Minister of records in possession of Chief Deciding Officer

17. All records in the possession of the Chief Deciding Officer shall, on the dissolution day or as soon as possible after that day, be deposited with the Minister and, in so far as the records comprise personal data and special categories of personal data, those records—

(*a*) shall be Departmental records (within the meaning of section 2(2) of the National Archives Act 1986), and

...

C3 Application of subs. (2) restricted (15.07.2022) by *Institutional Burials Act 2022* (18/2022), s. 107, S.I. No. 356 of 2022.

Deposit of records of Director with relevant Minister

107. All records in a Director's possession shall, on the dissolution day or as soon as possible after that day, be deposited with the relevant Minister and, in so far as the records comprise personal data and special categories of personal data, those records—

(*a*) shall not be Departmental records (within the meaning of section 2(2) of the National Archives Act 1986), and

...

C4 Application of Act extended (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011), s. 47, commenced on enactment.

Interpretation (*Part 15*).

44.— In this Part—

"relevant material", in relation to a tribunal, means all material which is evidence received by, or a document created by or for, the tribunal whatsoever (including any document which is incomplete or in draft form only);

...

"tribunal" means a tribunal to which the Tribunals of Inquiry (Evidence) Act 1921 is applied under section 1 of that Act.

...

Availability of relevant material for inspection by public under National Archives Act 1986.

47.— (1) Any relevant material of a tribunal (other than any part of such relevant material which falls within section 46(5) or (6)) that constitutes Departmental records within the meaning of section 2(2) of the National Archives Act 1986 is, on the expiry of 30 years after the date of the dissolution of the tribunal, deemed to have been prescribed under section 8(11) of that Act as a class of records to which a certificate granted under section 8(4) of that Act may relate.

(2) As soon as is practicable after the date on which any relevant material of a tribunal is deemed to have been prescribed as described in subsection (1), an officer of a Department of State authorised for the purposes of *section 8(4)* of the National Archives Act 1986 shall consider whether, after having regard to any opinion and reasons referred to in section 46(4) that the chairman of the tribunal caused to accompany the material and subject to any consent required under that *section 8(4)*, the material, or specified parts of it, should be certified under that *section 8(4)*.

(3) Subject to subsections (1) and (2), the National Archives Act 1986 applies to any relevant material of a tribunal (other than any part of such relevant material which falls within section 46(5) or (6)) that constitutes Departmental records within the meaning of *section 2(2)* of that Act.

C5 Application of subs. (2) restricted (27.10.2009) by *Nursing Homes Support Scheme Act 2009* (15/2009), s. 45(6), S.I. No. 423 of 2009.

Records.

45.— ...

(6) Documents that are prepared for the purpose of performing a function under this Act shall not constitute Departmental records within the meaning of *section 2(2)* of the National Archives Act 1986.

...

C6 Application of subs. (2) restricted (30.06.2006) by *Health (Repayment Scheme) Act 2006* (17/2006), s. 12(6), S.I. No. 338 of 2006.

Records.

12.— ...

(6) Documents that are prepared for the purpose of performing a function under this Act shall not constitute Departmental records within the meaning of *section 2(2)* of the National Archives Act 1986.

...

C7 Application of Act extended (18.07.2004) by *Commissions of Investigation Act 2004* (23/2004), s. 41, commenced on enactment.

Availability of records for inspection by public under National Archives Act 1986.

41.—(1) Records of a commission that constitute Departmental records within the meaning of *section 2(2)* of the National Archives Act 1986 are, on the expiry of 30 years after the date of the commission's dissolution, deemed to have been prescribed under *section 8(11)* of that Act as a class of records to which a certificate granted under *section 8(4)* of that Act may relate.

(2) As soon as practicable after the date on which records of a commission are deemed to have been prescribed as described in subsection (1), an officer of a Department of State authorised for the purposes of *section 8(4)* of the National Archives Act 1986 shall consider whether, subject to any consent required under that section, the commission's records should be certified under that section.

(3) Subsections (1) and (2) apply whether the records concerned have been—

(*a*) deposited with the specified Minister under section 43(2),

(*b*) made available to a tribunal of inquiry under section 45, or

(*c*) transferred to a body on the dissolution of a tribunal of inquiry to which they were made available under section 45.

(4) Subject to this section, the National Archives Act 1986 applies to records of a commission that constitute Departmental records within the meaning of *section 2(2)* of that Act.

C8 Application of subs. (2) restricted (10.04.2002) by *Residential Institutions Redress Act 2002* (13/2002), s. 28(3), commenced on enactment.

Prohibition on disclosure of information.

28.— ...

(3) Documents that are—

(a) provided to or prepared by the Board and where appropriate the Review Committee, or

(b) prepared by a person for the Board or the Review Committee in the course of the performance of the functions of such person as a member of the Board, Review Committee, a member of the staff of the Board or the Review Committee or an adviser,

shall not constitute Departmental records within the meaning of *section 2(2)* of the National Archives Act, 1986.

...

C9 Application of subs. (2) restricted (26.04.2000) by *Commission to Inquire into Child Abuse Act 2000* (7/2000), s. 27(5), commenced on enactment.

Prohibition of disclosure of information provided to Confidential Committee.

27.— ...

(5) Documents provided to the Confidential Committee or prepared by it (other than a report under section 16), or prepared by a person for it in the course of the performance of his or her functions as a member of that Committee, a member of the staff of the Commission, or an adviser, shall not constitute Departmental records within the meaning of *section 2(2)* of the National Archives Act, 1986.

...

F2[Relevant records

2A.—(1) Subject to *subsection (2)*, for the purposes of this Act, relevant records are Departmental records which are—

(*a*) more than 30 years old, or

(*b*) less than 30 years old but more than 20 years old and in relation to which an order has been made under *section 8(1A)* (inserted by section 4(*b*) of the National Archives (Amendment) Act 2018).

(2) Where the Minister makes an order under *section 8(1B)* (inserted by section 4(*c*) of the National Archives (Amendment) Act 2018), relevant records are all Departmental records which are more than 20 years old.**]**

Annotations

Amendments:

F2 Inserted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 3, S.I. No. 153 of 2021.

Establishment of National Archives.

3.—From the commencement of this section the functions of the Public Record Office of Ireland (including the functions assigned to the Deputy Keeper of the Records by the Public Records (Ireland) Act, 1867) and of the office known as the State Paper Office shall be performed by the Director of a body to be known as the National Archives, which shall stand established from such commencement and is referred to in this Act by that title.

Annotations

Editorial Notes:

E4 Prospective affecting provision: National Archives designated as a "public authority" for certain purposes by *Planning and Development Act 2024* (34/2024), s. 161(4), not commenced as of date of revision.

E5 National Archives designated as a "State Authority" for certain purposes by *Planning and Development Act 2000* (30/2000), s. 179A(5), as inserted (8.03.2023) by *Planning and Development and Foreshore (Amendment) Act 2022* (47/2022), s. 14, S.I. No. 107 of 2023.

E6 National Archives designated as a "relevant public body" for certain purposes (15.12.2021) by *Land Development Agency Act 2021* (26/2021), s. 5(2)(*b*), S.I. No. 712 of 2021.

E7 National Archives designated as a "public body" for certain purposes (30.10.2003) by *Official Languages Act 2003* (32/2003), s. 2(1) and sch. 1, S.I. No. 518 of 2003.

E8 National Archives designated as an "eligible institution" for certain purposes (21.12.2001) by *Heritage Fund Act 2001* (44/2001), s. 2(1), S.I. No. 656 of 2001.

E9 Previous affecting provision: National Archives designated as a "public body" for the purposes of the Freedom of Information Act 1997 (21.04.1998) by *Freedom of Information Act 1997* (13/21997), s. 2(1) and sch.1 para. 1(2), commenced as per s. 1(2); repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4 part 1, commenced on enactment as per s. 1(2).

Functions of Director of National Archives.

4.—(1) In addition to those referred to in *section 3*, the functions of the Director shall include—

(*a*) the control and management of the National Archives,

(*b*) the preservation, restoration, arrangement and description of archives in the custody of the National Archives,

(*c*) the examination and acquisition of Departmental records in accordance with this Act,

(*d*) the inspection and examination of arrangements for the preservation of Departmental records and, with the consent or at the request of the appropriate member of the Government, the examination of Departmental records,

(*e*) the giving of advice to a member of the Government and to any public service organisation on the management, preservation and reproduction of records under their control,

(*f*) the acquisition by purchase, donation, bequest or loan of any record or document, or of a copy of a record or document, appropriate for preservation by the National Archives and the observance of such conditions (if any) relating to such purchase, donation, bequest or loan as may be accepted by the Director,

F3**[**(*fa*) the performance of functions assigned to the Director under Part 3 of the Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024,**]**

(*g*) the preparation and making available of guides, lists, indexes and other finding aids to archives in the custody of the National Archives,

(*h*) the lending of archives by the Director, with the consent of the Council, to archival or educational institutions, libraries, museums, galleries, and other appropriate institutions and societies, whether in the State or elsewhere,

(*i*) the making and provision of copies and extracts from archives in the custody of the National Archives,

(*j*) the making available for public inspection in accordance with this Act of archives in the custody of the National Archives,

(*k*) the publication of archives, finding aids and other material relating to archives in the custody of the National Archives,

(*l*) the provision of such educational services as the Taoiseach may from time to time approve,

(*m*) such functions in relation to management of records as may from time to time be approved by the Taoiseach.

(2) The Taoiseach may from time to time assign to the Director such other functions as are analogous to or consistent with the functions specified in *subsection (1)* and any additional functions conferred under *subsection (3)*.

(3) (*a*) The Government may by order confer additional functions on the Director, and may by order amend or revoke an order under this subsection.

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

(4) In the event of the office of Director being vacant or of the incapacity or absence of the Director, the Taoiseach may authorise an officer of the National Archives to perform any or all of the functions conferred on the Director under this Act.

Annotations

Amendments:

F3 Inserted (5.11.2024) by *Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024* (37/2024), s. 12, S.I. No. 600 of 2024.

F4 Inserted (25.12.2015) by *Harbours Act 2015* (61/2015), s. 12 and sch. 2 item 5(*a*), commenced on enactment.

Modifications (not altering text):

C10 Additional function of Director provided for (14.10.2015) by *Freedom of Information Act 2014* (30/2014), s. 8(11)(b), commenced as per s. 1(4).

Interpretation

2. (1) In this Act—

...

"Commissioner" means the office of Information Commissioner continued in being by section 43 or the holder of that office, as the case may be;

...

"Minister" means the Minister for Public Expenditure and Reform;

...

Publication of information about FOI bodies

8. ...

(11) (*a*) ...

(*b*) Notwithstanding the generality of section 3(1)(*b*), the Minister may, by regulations made under that subsection, after consultation with the Commissioner and the Director of the National Archives (within the meaning of the National Archives Act 1986), make provision for the management and maintenance of records held by FOI bodies.

...

C11 Certain functions of Minister capable of being delegated to Director (3.05.2005) by *National Cultural Institutions Act 1997* (11/1997), s. 51(1)(*a*)(iii) , S.I. No. 218 of 2005.

Export licences.

50.—(1) (*a*) Subject to the provisions of this section, the Minister shall, on the application of a person in that behalf, grant to that person a licence authorising the person to export an article to which this Part applies (referred to in this Act as "a licence").

...

Delegation of functions of Minister.

51.—(1) The Minister may by order delegate such one or more of his or her functions as he or she specifies in the order—

(*a*) under section 50—

...

(iii) in relation to documents, to the Board of the Library, the Heritage Council or the Director of the National Archives,

or such class or classes of any one or more of the foregoing as he or she may specify in the order,

(*b*) ...

C12 Additional function of Director provided for (3.05.2005) by *National Cultural Institutions Act 1997* (11/1997), s. 67, S.I. No. 218 of 2005.

Advice to Heritage Council.

67.—The Minister may direct a Board, the Director of the National Archives or the Governors and Guardians from time to time as occasion requires to make available to the Heritage Council such advice as it may require to assist it in the performance of its functions.

C13 Additional function of Director provided for (1.01.2002) by *Local Government Act 2001* (37/2001), s. 80(4), S.I. No. 588 of 2001.

Records and archives of local authorities.

80.—(1) In this section—

"local archives" includes—

(*a*) such records and documents (including copies) as are, at the commencement of this section, held by any local archives service operated by any local authority (whether alone or in co-operation with another person or body),

(*b*) archival material acquired by a local authority under subsection (3), and

(*c*) other local records which are more than 30 years old, except such records as are certified, in accordance with directions under subsection (4), to be unsuitable for classification as local archives;

"local records" includes books, maps, plans, drawings, papers, files, photographs, films, micro-films and other micrographic records, sound recordings, pictorial records, magnetic tapes, magnetic discs, optical or video discs, other machine-readable records, other documentary or processed material made or received, and held in the course of its business or as successor to any other body by a local authority and includes copies of any such records duly made, but does not include—

(*a*) grants, deeds or other documents of title relating to property for the time being vested in the local authority, and

(*b*) any part of the permanent collection of a library, museum or gallery.

...

(4) The Minister [for Housing, Local Government and Heritage] may, after consultation with the Director of the National Archives, give advice or directions to local authorities in relation to any matter relating to local records and local archives and, in particular and without prejudice to the foregoing, in relation to—

(*a*) the retention, management, preservation, restoration and reproduction of local records and local archives,

(*b*) the certification of local records to be unsuitable for classification as local archives, and the review of such certification at specified intervals,

(*c*) the availability of local archives for public inspection,

(*d*) the making and provision of copies and extracts from local archives,

(*e*) circumstances in which local archives, or particular classes of local archives, may be withheld from public inspection,

(*f*) the preparation of guides, lists, indexes and finding aids to local archives,

(*g*) the lending of local archives to appropriate institutions, bodies and societies, whether in the State or elsewhere, and

(*h*) the disposal of local records and local archives.

...

C14 Additional function of Director provided for (21.12.2001) by *Heritage Fund Act 2001* (44/2001), s. 9(2), S.I. No. 656 of 2001.

Council.

9.—(1) IOn the coming into operation of this Act there shall stand established a body to be known as the Council of National Cultural Institutions or, in the Irish language, an Chomhairle um Fhorais Chultúir Náisiúnta (in this Act referred to as "the Council").

(2) The Council shall consist of the following members, that is to say:

...

(*j*) the Director of the National Archives.

C15 Additional function of Director provided for (2.06.1997) by *National Cultural Institutions Act 1997* (11/1997), s. 47(1), S.I. No. 218 of 2005.

Lending and acquisition of cultural objects.

47.—(1) Without prejudice to any provisions contained in any bequest or agreement, a Board, the Governors and Guardians, the Director of the National Archives (with the consent of the National Archives Advisory Council) or any other cultural institution designated by order by the Minister, may lend to, transfer, borrow from, or exchange with any other institution referred to in this subsection or standing designated for the time being under subsection (3) any cultural objects in the collection of the institution on such terms and conditions as may be determined by the institutions concerned.

...

C16 Additional function of Director provided for by *Harbours Act 1996* (11/1996), s. 92(3), commenced:

- (10.05.2002) by *Harbours Acts, 1996 and 2000 (Commencement) (No. 6) Order 2002* (S.I. No. 184 of 2002), in relation to the Wicklow Port Company;
- (9.05.2002) by *Harbours Acts, 1996 and 2000 (Commencement) (No. 5) Order 2002* (S.I. No. 181 of 2002), in relation to the Dundalk Port Company;
- (11.01.1999) by *Harbours Act, 1996 (Commencement) (No. 4) Order 1998* (S.I. No. 542 of 1998), in relation to the Port of Waterford Company;
- (3.03.1997) by *Harbours Act, 1996 (Commencement) Order 1997* (S.I. No. 95 of 1997), as regards each harbour authority and as regards each of the following companies: Port of Cork Company, Drogheda Port Company, Dublin Port Company, Dun Laoghaire Harbour Company, Foynes Port Company, Galway Harbour Company, New Ross Port Company and Shannon Estuary Ports Company.

Records and archives of companies and harbour authorities.

92.—(1) Each of the following, namely, a company and a harbour authority, shall, subject to the provisions of this section, make arrangements for—

(*a*) the proper management, custody, care and conservation of its or their records and archives, and

(*b*) the inspection by the public of its or their archives.

...

(3) The Minister [for Transport, Tourism and Sport] F4**[**, or, in the case of a transferred company, the local authority chief executive concerned,**]** may, after consultation with the Minister for the Environment and the Director of the National Archives, give advice, or, as the Minister [for Transport, Tourism and Sport] F4**[**, or, in the case of a transferred company, the local authority

chief executive concerned,**]** thinks appropriate, directions, to a company or a harbour authority in relation to any matter relating to its or their records and archives and, in particular and without prejudice to the foregoing, in relation to the doing of any of the following things by the company or harbour authority as respects its or their records and archives (which each company and harbour authority is hereby empowered to do), namely—

(*a*) the retention, management, preservation, restoration and reproduction of records and archives,

(*b*) the certification of records to be unsuitable for classification as archives, and the review of such certification at specified intervals,

(*c*) the availability of archives for public inspection,

(*d*) the making and provision of copies and extracts from archives,

(*e*) circumstances in which archives, or particular classes of archives, may be withheld from public inspection,

(*f*) the preparation of guides, lists, indexes and finding aids to archives,

(*g*) the lending of archives to appropriate institutions, bodies and societies, whether in the State or elsewhere, and

(*h*) the disposal of records and harbour archives,

and the company or harbour authority shall have regard to any such advice and shall comply with any such directions.

...

Editorial Notes:

E10 Previous affecting provision: additional function of Director provided for (21.04.1998) by *Freedom of Information Act 1997* (13/1997), s. 15(5), commenced as per s. 1(2); repealed (14.10.2014) by *Freedom of Information Act 1997* (30/2014), s. 5 and sch. 4, commenced as per s. 1(2).

E11 Previous affecting provision: additional function of Director provided for (1.11.1994) by *Local Government Act 1994* (8/1994), s. 65(3), S.I. No. 315 of 1994; repealed (1.01.2002) by *Local Government Act 2001* (37/2001), s. 5(1) and sch. 3 part 1, S.I. No. 588 of 2001.

Director of National Archives.

5.—(1) The Taoiseach shall from time to time appoint a person to be the Director of the National Archives, and such person is in this Act referred to as "the Director".

(2) The Director shall carry out the functions assigned to him under this Act and such other or additional functions in relation to the National Archives as may from time to time be assigned to him by virtue of *section 4(2)* or *4(3)*.

(3) The Director shall hold office on such terms (including remuneration) as the Taoiseach shall, with the concurrence of the Minister for the Public Service, from time to time determine.

Annotations

Modifications (not altering text):

C17 Functions under subs. (3) transferred and reference to Minister for the **Public Service** construed (19.03.1987) as reference to the Minister for **Finance** by *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 81 of 1987), art. 4 and sch., subject to transitional provisions in arts. 5-9.

4. (1) The functions vested in the Minister for the Public Service—

(*a*) by or under the Ministers and Secretaries (Amendment) Act, 1973 (No. 14 of 1973), or the statutes mentioned in the Schedule to this Order, and

(b) by virtue of the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order, 1973 (S.I. No. 294 of 1973),

are hereby transferred to the Minister for Finance.

(2) References to the Minister for the Public Service contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Finance.

...

Schedule

Acts, functions under which are transferred to the Minister for Finance

...

National Archives Act, 1986 (No. 11 of 1986);

...

Editorial Notes:

E12 As per C-Note and E-Note following s. 19 the reference in subs. (3) thereof to the Minister for the Public Service is now to be construed as a reference to the Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation. The corresponding reference in s. 5(3) above must still be construed as a reference to the Minister for Finance in circumstances where, as regards the National Archives Act 1986, the functions of the Minister for Finance transferred to the Minister for Public Expenditure and Reform (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011) were confined to those in s. 19(2), (3).

Staff of National Archives.

6.—(1) The Taoiseach may appoint such and, with the concurrence from time to time of the Minister for the Public Service, so many persons to be the officers (in addition to the Director) and servants of the National Archives as the Taoiseach thinks proper.

(2) An officer or servant of the National Archives appointed under this section shall hold his office or employment on such terms and conditions (including remuneration) as the Taoiseach, with the concurrence of the Minister for the Public Service, may from time to time determine.

(3) The F5**[**Public Service Management (Recruitment and Appointments) Act 2004**]**, the Civil Service Regulation Acts, 1956 and 1958, and the Superannuation Acts, 1834 to 1963, and any Act for the time being in force and replacing or amending any of those Acts shall apply to the Director and to officers and servants of the National Archives appointed under this section.

Annotations

Amendments:

F5 Substituted (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004), s. 61(1) and sch. 2 part 1, commenced on enactment.

Modifications (not altering text):

C18 Functions under subss. (1), (2) transferred and references to Minister for the **Public Service** construed as references to the Minister for **Finance** (19.03.1987) by *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 81 of 1987), art. 4 and sch., subject to transitional provisions in arts. 5-9.

4. (1) The functions vested in the Minister for the Public Service—

(*a*) by or under the Ministers and Secretaries (Amendment) Act, 1973 (No. 14 of 1973), or the statutes mentioned in the Schedule to this Order, and

(*b*) by virtue of the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order, 1973 (S.I. No. 294 of 1973),

are hereby transferred to the Minister for Finance.

(2) References to the Minister for the Public Service contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Finance.

...

Schedule

Acts, functions under which are transferred to the Minister for Finance

...

National Archives Act, 1986 (No. 11 of 1986);

...

Editorial Notes:

E13 As per C-Note and E-Note following s. 19 the reference in subs. (3) thereof to the Minister for the Public Service is now to be construed as a reference to the Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation. The corresponding references in s. 6(1), (2) must still be construed as a reference to the Minister for Finance in circumstances where, as regards the National Archives Act 1986, the functions of the Minister for Finance transferred (29.07.2011) to the Minister for Public Expenditure and Reform by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011) were confined to those in s. 19(2), (3).

E14 Specified positions in the National Archives prescribed for the purposes of the definition of "designated position" in *Ethics in Public Office Act 1995* (22/1995), s. 2 (1.01.1995) by *Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004* (S.I. No. 698 of 2004), art. 4(c) and sch., in effect as per art. 2. Schedule was substituted:

- (21.11.2018) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2018* (S.I. No. 483 of 2018), art. 2(*b*);
- (29.01.2015) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2015* (S.I. No. 35 of 2015), art. 2(*b*);
- (1.01.2013) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2012* (S.I. No. 575 of 2012), art. 2, in effect as per art. 1(2);
- (1.01.2012) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2011* (S.I. No. 644 of 2011), art. 2, in effect as per art. 1(2);
- (1.01.2011) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) (No. 2) Regulations 2010* (S.I. No. 596 of 2010), art. 2(*b*), in effect as per art. 1(2);
- (1.01.2010) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2010* (S.I. No. 5 of 2010) art. 2, in effect as per art. 1(2);
- (1.01.2009) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) (No. 2) Regulations 2008* (S.I. No. 606 of 2008), art. 2, in effect as per art. 1(2);
- (25.04.2008) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2008* (S.I. No. 145 of 2008), art. 2(*c*);
- (1.01.2007) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2006* (S.I. No. 677 of 2006), art. 2(*b*), in effect as per art. 1(2);
- (1.01.2006) by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2005* (S.I. No. 673 of 2005), art. 2(*b*), in effect as per art. 1(2).

Retention and disposal of Departmental records.

7.—(1) Subject to the provisions of *sections 19(3)* and *19(4)*, Departmental records shall, unless they are transferred to the National Archives in accordance with *section 8* or are disposed of under *subsection (5)*, be retained and preserved in the Department of State in which they were made or are held, and shall not in any case be disposed

of except in accordance with *subsection (5)*; provided that, where more than one copy of such a record exists, the retention and preservation of the original or, if the original is no longer available, of an accurate and complete copy thereof shall suffice.

(2) The Director or another officer of the National Archives designated by the Director for the purposes of this section (in this section referred to as "the designated officer") may make an authorisation under this section.

(3) An authorisation under this section—

(*a*) shall authorise the disposal of the Departmental records to which it relates,

(*b*) may specify conditions relating to such disposal, and

(*c*) shall have effect in accordance with its terms and any conditions so specified.

(4) An authorisation under this section shall not be made until the following conditions are complied with:

(*a*) an officer of a Department of State authorised for the purpose of this section has certified that particular Departmental records made, received or held by that Department and specified in the certificate, or a particular class or classes of such records so specified, are not required in connection with the administration of that Department and has requested the Director or the designated officer in writing for such an authorisation;

(*b*) the Director or the designated officer is satisfied that the records or classes of records specified in the certificate under *paragraph (a)* do not warrant preservation by the National Archives;

(*c*) the Chief Justice, in the case of records of the Supreme Court, or the President of the High Court, in the case of records of the High Court, has consented to the making of the authorisation.

(5) Departmental records, the disposal of which is authorised by an authorisation under this section, shall be disposed of by being destroyed in a manner which ensures that their confidentiality is not affected and that their contents are not ascertainable.

(6) Notwithstanding any other provision of this section, an authorisation under this section may relate to Departmental records (or to a class or classes of such records) not in existence at the time of the authorisation.

(7) The Director or the designated officer may inspect and examine any Departmental records the disposal of which under authorisation under this section is under consideration.

Annotations

Modifications (not altering text):

C19 Application of section clarified (26.04.2000) by *Commission To Inquire Into Child Abuse Act 2000* (7/2000), s. 7(6), commenced on enactment.

Meetings and procedure of Commission.

7.— ...

(6) The Commission shall make such arrangements as it considers appropriate for the making of as complete a record as is practicable of the proceedings of the Commission and the Committees and, in relation to the custody, and the disposal (otherwise than in a manner that would contravene the National Archives Act, 1986), after the dissolution of those bodies, of the documents of the Commission or a Committee and of copies of any documents given in evidence to the Commission or a Committee.

Transfer of Departmental records more than 30 years old.

8.—(1) F6**[**Relevant records**]** in relation to which a certificate granted under this section is not in force shall, subject to *section 7*, be transferred by the Department of State in which they were made (or, if they are held in another such Department, by that other Department) to the National Archives, where they shall be made available for inspection by the public.

F7**[**(1A) (*a*) The Minister, on being satisfied as to the matters referred to in *paragraph (b)*, may—

(i) following consultation by him or her with the Director, and

(ii) with the consent of—

(I) the Taoiseach,

(II) the Minister for Public Expenditure and Reform, and

(III) other than where the records concerned are those of the Department of Culture, Heritage and the Gaeltacht, the relevant member of the Government,

make an order requiring the transfer, in accordance with this Act, to the National Archives of a class or classes of Departmental records which are less than 30 years old but more than 20 years old.

(*b*) The Minister may make an order under this subsection where he or she is satisfied that—

(i) (I) the records concerned are of significant historical or public interest such as to warrant their transfer to the National Archives, or

(II) the transfer of the records concerned to the National Archives will facilitate the balanced and fair reporting of matters of common interest to the State and other jurisdictions,

and

(ii) the arrangements for such transfer are adequate.

(*c*) Every order under this subsection shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(*d*) *In paragraph (a)*, "relevant member of the Government" means, in relation to a class or classes of Departmental records specified in an order to be made under that paragraph—

(i) the member of the Government who has responsibility for the Department of State where the class or classes of Departmental records concerned were made, or

(ii) where the Departmental records of the class or classes specified in the order to be made are held in another such Department, the member of the Government who has responsibility for that other Department.**]**

F7**[**(1B) (*a*) The Minister may—

(i) following consultation by him or her with the Director, and

(ii) with the consent of the Taoiseach and the Minister for Public Expenditure and Reform,

by order appoint a day as the day with effect from which all Departmental records which are more than 20 years old are to be transferred to the National Archives in accordance with this Act.

(*b*) The Minister may make an order under this subsection where he or she is satisfied that the arrangements for the transfer of all Departmental records which are more than 20 years old to the National Archives are adequate.

(*c*) An order under this subsection shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order has been laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.**]**

F7**[**(1C) Nothing in *subsection (1)* shall require a Department of State to transfer relevant records to the National Archives where those records have previously been transferred to the National Archives in accordance with this Act.**]**

(2) An officer of a Department of State authorised for the purpose of this subsection may certify that for stated reasons F8**[**particular relevant records, or a particular class or classes of relevant records, being records prescribed in accordance with *subsection (11)*, which are specified**]** in the certificate are in regular use in that Department or are required in connection with its administration and that their transfer to the National Archives would seriously interfere with the administration of that Department.

(3) The Director (or an officer of the National Archives designated for this purpose by the Director) may certify that F8**[**particular relevant records, or a particular class or classes of relevant records, which are specified**]** in the certificate do not warrant transfer to the National Archives for preservation, and any records so certified shall be retained in the appropriate Department or (as the case may be) returned to that Department, where they may be retained, or disposed of subject to the granting of an authorisation under *section 7(4)(a)* by an officer of that Department authorised for the purpose of that section.

(4) An officer of a Department of State authorised for the purpose of this subsection may, with the consent of an officer of the Department of the Taoiseach so authorised (except in relation to records of the Department of the Taoiseach), certify, F8**[**in relation to particular relevant records, or a particular class or classes of relevant records, being records prescribed in accordance with *subsection (11)*, which are specified**]** in the certificate, that to make them available for inspection by the public—

(*a*) would be contrary to the public interest, or

(*b*) would or might constitute a breach of statutory duty, or a breach of good faith on the ground that they contain information supplied in confidence, or

(*c*) would or might cause distress or danger to living persons on the ground that they contain information about individuals, or would or might be likely to lead to an action for damages for defamation.

(5) F8**[**Relevant records**]** in relation to which a certificate granted under *subsection (2)* or *(4)* is in force may, unless disposed of under *section 7(5)*, be retained in the Department of State in which they are held or be transferred to the National Archives for preservation.

(6) F8**[**Relevant records**]** retained under *subsection (5)* shall be reviewed by an officer of the Department of State concerned authorised for that purpose at least once in every subsequent period of five years with a view to their possible transfer to the National Archives under *subsection (1)*.

(7) Nothing in this section shall prevent the transfer to the National Archives, with the agreement of the Director, of F8**[**Departmental records which are not relevant records**]** where such transfer is desirable to ensure the proper preservation of such records or for other administrative reasons, but any records so transferred shall not be made available for public inspection except in accordance with this Act.

(8) The Taoiseach may, with the agreement of the Director, direct that the transfer to the National Archives under this section of F8**[**any class of Departmental records, other than a class of Departmental records referred to in *section 2A(1)(b)* or *2A(2)* (each inserted by section 3 of the *National Archives (Amendment) Act 2018*),**]** be not proceeded with until he is satisfied that arrangements for such transfer are adequate.

(9) Archives which were formerly Departmental records may be temporarily requisitioned in writing from the Director by an officer of the appropriate Department of State authorised for the purpose of this subsection subject to the right of the Director, in relation to archives which have been made available for public inspection, to specify arrangements which are to be made relating to access by the public to such archives while so requisitioned.

(10) (*a*) Subject to *paragraph (b), subsection (1)* shall come into operation two years after the commencement of this section.

(*b*) Notwithstanding *paragraph (a)*, the Taoiseach may, at the request in writing of a member of the Government or the Director, extend in writing the period of two years referred to in that paragraph in so far as it relates to the Department of State specified in the request if such extension appears to him to be reasonable for administrative reasons so specified.

(*c*) Nothing in *paragraph (a)* shall prevent the transfer to the National Archives before the commencement of this section of any Departmental records which are more than 30 years old.

(11) The Taoiseach may by order prescribe a particular class or classes of records in relation to which a certificate granted under *subsection (2)* or *(4)* may relate, and may by order amend or revoke an order under this subsection.

Annotations

Amendments:

F6 Substituted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 4(*a*), S.I. No. 153 of 2021.

F7 Inserted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 4(*b*), (*c*), (*d*), S.I. No. 153 of 2021.

F8 Substituted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 4(*e*)-(*k*), S.I. No. 153 of 2021.

Modifications (not altering text):

C20 Certain records deemed to have been prescribed under subs. (11) as a class of records to which a certificate granted under subs. (4) above may relate, and resulting obligation to consider certification under subs. (4), provided for (2.08.2011) by *Civil Law (Miscellaneous Provisions) Act 2011* (23/2004), s. 47(1), (2), commenced on enactment.

Interpretation (*Part 15*).

44.— In this Part—

"relevant material", in relation to a tribunal, means all material which is evidence received by, or a document created by or for, the tribunal whatsoever (including any document which is incomplete or in draft form only);

...

"tribunal" means a tribunal to which the Tribunals of Inquiry (Evidence) Act 1921 is applied under section 1 of that Act.

Availability of relevant material for inspection by public under National Archives Act 1986.

47.— (1) Any relevant material of a tribunal (other than any part of such relevant material which falls within *section 46(5)* or *(6)*) that constitutes Departmental records within the meaning of section 2(2) of the National Archives Act 1986 is, on the expiry of 30 years after the date of the dissolution of the tribunal, deemed to have been prescribed under section 8(11) of that Act as a class of records to which a certificate granted under section 8(4) of that Act may relate.

(2) As soon as is practicable after the date on which any relevant material of a tribunal is deemed to have been prescribed as described in *subsection (1)*, an officer of a Department of State authorised for the purposes of section 8(4) of the National Archives Act 1986 shall consider whether, after having regard to any opinion and reasons referred to in *section 46(4)* that the chairman of the tribunal caused to accompany the material and subject to any consent required under that section 8(4), the material, or specified parts of it, should be certified under that section 8(4).

(3) Subject to *subsections (1)* and *(2)*, the National Archives Act 1986 applies to any relevant material of a tribunal (other than any part of such relevant material which falls within *section 46 (5)* or *(6)*) that constitutes Departmental records within the meaning of section 2(2) of that Act.

C21 Certain records deemed to have been prescribed under subs. (11) as a class of records to which a certificate granted under subs. (4) above may relate, and resulting obligation to consider certification under subs. (4), provided for (18.07.2004) by *Commissions of Investigation Act 2004* (23/2004), s. 41(1), (2), (3), commenced on enactment.

Availability of records for inspection by public under National Archives Act 1986.

41.—(1) Records of a commission that constitute Departmental records within the meaning of section 2(2) of the National Archives Act 1986 are, on the expiry of 30 years after the date of the commission's dissolution, deemed to have been prescribed under section 8(11) of that Act as a class of records to which a certificate granted under section 8(4) of that Act may relate.

(2) As soon as practicable after the date on which records of a commission are deemed to have been prescribed as described in *subsection (1)*, an officer of a Department of State authorised for the purposes of section 8(4) of the National Archives Act 1986 shall consider whether, subject to any consent required under that section, the commission's records should be certified under that section.

(3) *Subsections (1)* and *(2)* apply whether the records concerned have been—

(*a*) deposited with the specified Minister under *section 43(2)*,

(*b*) made available to a tribunal of inquiry under *section 45*, or

(*c*) transferred to a body on the dissolution of a tribunal of inquiry to which they were made available under *section 45*.

Editorial Notes:

E15 As per the C-Note following the Long Title to this Act most references in this Act to the Taoiseach should now be construed as references to the Minister for Culture, Communications and Sport. However that is not the case as regards the two references in subs. (4), and the references in subss. (10)(*b*), (11).

E16 Power pursuant to subs. (1A) exercised (1.12.2025) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2025* (S.I. No. 566 of 2025), art. 3, in effect as per art. 2.

E17 Power pursuant to subs. (1A) exercised (1.12.2025) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2025* (S.I. No. 553 of 2025), art. 3, in effect as per art. 2.

E18 Power pursuant to subs. (1A) exercised (1.12.2025) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2025* (S.I. No. 551 of 2025), art. 3, in effect as per art. 2.

E19 Power pursuant to subs. (1A) exercised (1.12.2025) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2025* (S.I. No. 550 of 2025), art. 3, in effect as per art. 2.

E20 Power pursuant to subs. (1A) exercised (1.12.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2024* (S.I. No. 709 of 2024), art. 3, in effect as per art. 2.

E21 Power pursuant to subs. (1A) exercised (1.12.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2024* (S.I. No. 704 of 2024), art. 3, in effect as per art. 2.

E22 Power pursuant to subs. (1A) exercised (1.12.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2024* (S.I. No. 703 of 2024), art. 3, in effect as per art. 2.

E23 Power pursuant to subs. (1A) exercised (1.12.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2024* (S.I. No. 702 of 2024), art. 3, in effect as per art. 2.

E24 Power pursuant to subs. (1A) exercised (1.01.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2023* (S.I. No. 610 of 2023), art. 3, in effect as per art. 2.

E25 Power pursuant to subs. (1A) exercised (1.01.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2023* (S.I. No. 609 of 2023), art. 3, in effect as per art. 2.

E26 Power pursuant to subs. (1A) exercised (1.01.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2023* (S.I. No. 608 of 2023), art. 3, in effect as per art. 2.

E27 Power pursuant to subs. (1A) exercised (1.01.2024) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2023* (S.I. No. 607 of 2023), art. 3, in effect as per art. 2.

E28 Power pursuant to subs. (1A) exercised (1.01.2023) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2022* (S.I. No. 663 of 2022), art. 3, in effect as per art. 2.

E29 Power pursuant to subs. (1A) exercised (1.01.2023) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2022* (S.I. No. 662 of 2022), art. 3, in effect as per art. 2.

E30 Power pursuant to subs. (1A) exercised (1.01.2023) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2022* (S.I. No. 661 of 2022), art. 3, in effect as per art. 2.

E31 Power pursuant to subs. (1A) exercised (1.01.2023) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2022* (S.I. No. 660 of 2022), art. 3, in effect as per art. 2.

E32 Power pursuant to subs. (1A) exercised (16.12.2021) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2021* (S.I. No. 722 of 2021), art. 3.

E33 Power pursuant to subs. (1A) exercised (8.12.2021) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2021* (S.I. No. 680 of 2021), art. 3.

E34 Power pursuant to subs. (1A) exercised (8.12.2021) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2021* (S.I. No. 679 of 2021), art. 3.

E35 Power pursuant to subs. (1A) exercised (8.12.2021) by *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2021* (S.I. No. 678 of 2021), art. 3.

E36 Power pursuant to subs. (11) exercised (30.06.2005) by *National Archives Act 1986 (Prescription of Classes of Records) (Amendment) Order 2005* (S.I. No. 343 of 2005).

E37 Power pursuant to subs. (11) exercised (26.06.1997) by *National Archives Act, 1986 (Prescription of Classes of Records) Order 1997* (S.I. No. 281 of 1997).

E38 Previous affecting provision: power pursuant to subs. (11) exercised (date unknown but during 1991) by *National Archives Act, 1986 (Prescription of Classes of Records) Order 1991* (instrument number unknown); revoked (26.06.1997) by *National Archives Act, 1986 (Prescription of Classes of Records) Order 1997* (S.I. No. 281 of 1997), art. 3. Certain information regarding the 1991 Order can be found in the Explanatory Note to the 1997 Order.

Disposal of archives by Director.

9.—(1) The Director may dispose of archives in his custody if—

(*a*) in his opinion, they do not warrant preservation by the National Archives or the preservation by the National Archives of copies of them will suffice, and

(*b*) the Council concurs, and

(*c*) the appropriate member of the Government or any other body or person responsible for the transfer to or the deposit with the National Archives of such archives consents to such disposal.

(2) Archives the disposal of which is authorised under *subsection (1)* shall either—

(*a*) be destroyed in such a manner as to ensure that their confidentiality is not affected and that their contents are not ascertainable, or

(*b*) be transferred, with the consent of the Council and the appropriate member of the Government or other body or person responsible for their transfer to or deposit with the National Archives, to another archival institution or other appropriate body, to be preserved there in accordance with such conditions as may be specified in writing by the Director.

(3) Notwithstanding *subsection (1)*, records of the Supreme Court shall not be disposed of without the consent of the Chief Justice, and records of the High Court shall not be disposed of without the consent of the President of the High Court.

Right to inspect archives.

10.—(1) All archives in the custody of the National Archives or held elsewhere in accordance with this Act shall, subject to such regulations as the Taoiseach may from time to time make, be available for public inspection, except—

(*a*) archives which were formerly F9**[**Departmental records (other than court or testamentary documents) which are not relevant records**]**,

(*b*) archives which were formerly Departmental records and in respect of which a certificate has been granted in accordance with *section 8(4)*.

(2) Where archives have been acquired by the National Archives subject to conditions restricting or limiting their availability for public inspection, such conditions shall be duly complied with.

(3) The provisions of *section 8* shall apply to archives which were formerly Departmental records and which are held in the Public Record Office of Ireland or the State Paper Office at the commencement of this section or are transferred to the National Archives in accordance with the provisions of *section 8(7)*.

(4) Nothing in this section shall limit the right of inspection of any record which the public had—

(*a*) before the commencement of this Act, or

(*b*) before the transfer of such record to the National Archives.

(5) F9**[**Archives which were formerly Departmental records and which have not been available for public inspection—

(*a*) in the case of Departmental records—

(i) referred to in *section 2A(1)(a)* (inserted by section 3 of the National Archives (Amendment) Act 2018), for more than 30 years, or

(ii) referred to in *section 2A(1)(b)* (inserted by section 3 of the National Archives (Amendment) Act 2018), for more than 20 years,

or

(*b*) in the case of Departmental records referred to in *section 2A(2)* (inserted by section 3 of the National Archives (Amendment) Act 2018), for more than 20 years,

shall be reviewed**]** by an officer of the Department of State concerned authorised for that purpose at least once in every subsequent period of five years with a view to deciding whether or not they should be available for public inspection and shall be dealt with accordingly.

(6) F10**[**...**]**

(7) Nothing in this section shall be construed as granting any right to inspect archives (or portions of them) which the Director considers to be in danger of damage through inspection by the public, but the Director shall, in any such case, make copies available for inspection if that is possible.

Annotations

Amendments:

F9 Substituted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 5(*a*), (*b*), S.I. No. 153 of 2021.

F10 Deleted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 5(*c*), S.I. No. 153 of 2021.

Right to direct that certain records be made available for public inspection.

11.—Notwithstanding the provisions of *sections 8(2), 8(4), 8(6), 10(1)(b)* and *10(5)*, the Taoiseach may direct that F11**[**relevant records which continue**]** to be retained in a Department or, if transferred to the National Archives, continue to be withheld from public inspection, be transferred to the National Archives to be made available for public inspection or, if already with the National Archives, be made available for public inspection.

Annotations

Amendments:

F11 Substituted (31.03.2021) by *National Archives (Amendment) Act 2018* (12/2018), s. 6, S.I. No. 153 of 2021.

Editorial Notes:

E39 As per the C-Note following the Long Title to this Act most references in this Act to the Taoiseach should be construed as references to the Minister for Culture, Communications and Sport as of date of revision. However that is not the case as regards the reference in s. 11.

Authenticity of records after transfer to National Archives.

12.—The removal of any Departmental records or other records or archives under this Act to the custody of the National Archives or elsewhere shall not affect the authenticity of such records or archives, but any such records or archives so removed shall be taken to be in their proper place of deposit and shall be of the same force and effect in any court or proceedings in the same manner as if they had not been so removed.

Certain records to be Departmental records, etc.

13.—(1)The Taoiseach, at the request of a public service organisation, may declare the records or documents (or a particular class of such records or documents specified in the declaration) of that organisation to be Departmental records for the purpose of this Act.

(2) F12**[**...**]**

Annotations

Amendments:

F12 Repealed (1.11.1994) by *Local Government Act 1994* (8/1994), s. 4(1) and sch. 1, S.I. No. 315 of 1994.

Modifications (not altering text):

C22 Application of section restricted (1.01.2002) by *Local Government Act 2001* (37/2001), s. 80(5), S.I. No. 588 of 2001.

Records and archives of local authorities.

80.— ...

(5) *Section 13* of the National Archives Act, 1986, shall cease to have effect in relation to records or documents of a local authority.

...

C23 Application of section restricted by *Harbours Act 1996* (11/1996), s. 92(5), commenced:

- (10.05.2002) by *Harbours Acts, 1996 and 2000 (Commencement) (No. 6) Order 2002* (S.I. No. 184 of 2002), in relation to the Wicklow Port Company;
- (9.05.2002) by *Harbours Acts, 1996 and 2000 (Commencement) (No. 5) Order 2002* (S.I. No. 181 of 2002), in relation to the Dundalk Port Company;
- (11.01.1999) by *Harbours Act, 1996 (Commencement) (No 4) Order 1998* (S.I. No. 542 of 1998), in relation to the Port of Waterford Company;
- (3.03.1997) by *Harbours Act, 1996 (Commencement) Order 1997* (S.I. No. 95 of 1997), as regards each harbour authority and as regards each of the following companies: Port of Cork Company, Drogheda Port Company, Dublin Port Company, Dun Laoghaire Harbour Company, Foynes Port Company, Galway Harbour Company, New Ross Port Company and Shannon Estuary Ports Company.

Records and archives of companies and harbour authorities.

92.—…

(5) *Section 13* of the National Archives Act, 1986, shall cease to have effect in relation to records or documents of a company or harbour authority.

...

Editorial Notes:

E40 Previous affecting provision: application of section restricted (1.11.1994) by *Local Government Act 1994* (8/1994), s. 65(5), S.I. No. 315 of 1994; repealed (1.01.2002) by *Local Government Act 2001* (37/2001), s. 5(1) and sch. 3 part 1, S.I. No. 588 of 2001; replaced (1.01.2002) as per C-Note above.

Deposit of certain Departmental records.

14.—The deposit of specified Departmental records in any place that may from time to time be approved by the Taoiseach after consultation with the Director shall constitute a transfer to the National Archives for the purposes of this Act.

Recovery of private documents.

15.—Nothing in this Act shall affect any rights of a person claiming to be the owner of a document to recover the document.

Seal of National Archives.

16.—(1) The Taoiseach shall approve a seal of the National Archives, which shall be authenticated in accordance with regulations under *section 19*.

(2) Copies of archives in the custody of the National Archives (or of portions of such archives) shall be authenticated in accordance with regulations made under *section 19*.

(3) Judicial notice shall be taken of the seal of the National Archives or other means of authentication, and every document purporting to be duly stamped with the seal of the National Archives or to be authenticated in accordance with regulations under *section 19* shall be received in evidence in any court of law and by any duly constituted tribunal and by either House of the Oireachtas (or committee of either such House) and shall be deemed to be a duly authenticated copy of the original unless the contrary is shown.

Copyright and reproduction of archives.

17.—(1) The making or supplying of reproductions by or under the direction of the Director of archives which are in the custody of the National Archives or held elsewhere in accordance with this Act and are open to public inspection shall not infringe the copyright of such archives.

(2) In the case of archives other than archives which were formerly Departmental records, *subsection (1)* shall have effect subject to any terms or conditions under which such archives were obtained.

(3) A person shall not publish or reproduce the whole or any part of any archives in the custody of the National Archives or held elsewhere in accordance with this Act without the written consent of the Director.

(4) A person who contravenes *subsection (3)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £800.

Removal of archives, etc.

18.—(1) Except as provided by law—

(*a*) a person shall not remove archives from the National Archives;

(*b*) a person shall not remove from the Irish Land Commission records transferred thereto under the Irish Church Act Amendment Act, 1881;

(*c*) a person shall not remove archives, which at the commencement of *section 23* are held elsewhere than in the Public Record Office of Ireland under an Act mentioned in *subsection (1)* of that section, from the place in which they are so held at such commencement.

(2) A person who contravenes *subsection (1)* or who conceals or damages archives or who, without the consent of the Director, removes or destroys such archives shall be guilty of an offence and shall be liable—

(*a*) on summary conviction, to a fine not exceeding £800 or, at the discretion of the court, to imprisonment for a term not exceeding 12 months, or to both, or

(*b*) on conviction on indictment, to a fine not exceeding £10,000 or, at the discretion of the court, to imprisonment for a term not exceeding 2 years, or to both.

Annotations

Editorial Notes:

E41 A fine of £800 converted (1.01.1999) to €1,015.79. This translates into a class C fine, not greater than €2,500, as provided by *Fines Act 2010* (8/2010), ss. 3, 6(2) and table ref. no. 3, S.I. No. 662 of 2010.

A find of £10,000 converted (1.01.1999) to €12,697.38. This is multiplied by 2 to €25,394.76 as provided (4.01.2011) by *Fines Act 2010* (8/2010), s. 9 and table ref. no. 2, S.I. No. 662 of 2010.

Regulations, etc.

19.—(1)The Taoiseach, after consultation with the Director, may from time to time make regulations in relation to all or any of the following matters:

(*a*) the management and work of, and the services to be provided by, the National Archives,

(*b*) the transfer of Departmental records to the National Archives,

(*c*) the disposal in accordance with this Act of archives and Departmental records,

(*d*) the admission of persons to inspect archives and to use any facilities provided by the National Archives,

(*e*) the reproduction and publication of archives and extracts from them,

(*f*) the authentication of copies of and extracts from archives,

(*g*) any other matter necessary to give effect to this Act.

(2) The Taoiseach may from time to time by regulations, made with the consent of the Minister for Finance, fix the amount and manner of payment of fees for services rendered, and for the use of facilities provided, by the National Archives, and may authorise the remission of fees in relation to such class or classes of services as may be specified in the regulations.

(3) The Minister for the Public Service, after consultation with the Director, may make regulations—

(*a*) for the proper management and preservation of Departmental records in the custody or care of a Department of State, and

(*b*) fixing standards in relation to the copying of such records by photographic, micro-photographic and other processes, and providing for the authentication and preservation of such copies with a view to the disposal of the originals of such copies.

(4) For the purpose of their disposal, originals of records copied in accordance with regulations under *subsection (3)* may be destroyed on the written authorisation of the Director and the disposal of such records shall be carried out in a manner which

ensures that their confidentiality is not affected and that their contents are not ascertainable.

(5) Every regulation made under *subsection (1)* or *(3)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Annotations

Modifications (not altering text):

C24 Functions under subs. (2) transferred and reference to Minister for **Finance** construed as **Public Expenditure and Reform** (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9. Functions under subs. (3)—as previously transferred (19.03.1987) to the Minister for Finance—further transferred, and reference to "Minister for the Public Service" further construed (29.07.2011) by same instrument.

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 11 of 1986	National Archives Act 1986	Section 19(2) and (3)
...	...	...

The history of the Minister for **Public Expenditure and Reform** can be traced as follows:

- Title of Minister for **Public Expenditure and Reform** altered to **Public Expenditure, National Development Plan Delivery and Reform** 9.02.2023) by *Public Expenditure and Reform (Alteration of Name of Department and Title of Minister) Order 2023* (S.I. No. 19 of 2023);
- Title of Minister for **Public Expenditure, National Development Plan Delivery and Reform** altered to **Public Expenditure, Infrastructure, Public Service Reform and Digitalisation** 5.06.2025) by *Public Expenditure, National Development Plan Delivery and Reform (Alteration of Name of Department and Title of Minister) Order 2025* (S.I. No. 243 of 2025).

Editorial Notes:

E42 Power pursuant to subs. (2) exercised (2.01.2013) by *National Archives (Fees) Regulations 2012* (S.I. No. 503 of 2012), in effect as per art. 1(2).

E43 Power pursuant to section exercised (25.11.1988) by *National Archives Act, 1986, Regulations 1988* (S.I. No. 385 of 1988).

E44 Power pursuant to section exercised (21.06.1988) by *National Archives Act, 1986 (Authentication of Documents) Regulations 1988* (S.I. No. 227 of 1988).

E45 Previous affecting provision: power pursuant to subs. (2) exercised (1.06.1988) by *National Archives (Fees) Regulations 1988* (S.I. No. 226 of 1988), in effect as per art. 1(2); revoked (2.01.2013) by *National Archives (Fees) Regulations 2012* (S.I. No. 503 of 2012), reg. 12, in effect as per art. 1(2).

E46 Previous affecting provision: function under subs. (3) transferred and reference to "Minister for the Public Service" construed (19.03.1987) as reference to the Minister for Finance by *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 81 of 1987), art. 4 and sch., subject to transitional provisions in arts. 5-9; superseded (29.07.2011) as per C-Note above.

National Archives Advisory Council.

20.—(1) The Taoiseach shall establish a Council, to be known as the National Archives Advisory Council (and referred to in this Act as "the Council"), to advise him in the exercise of his powers under this Act, and on all matters affecting archives and their use by the public, and to discharge the other functions conferred on it by this Act.

(2) The Council shall consist of a chairman and not more than eleven other members, appointed by the Taoiseach on such terms and conditions as shall be determined by him, after consultation with the Minister for the Public Service.

(3) (*a*) The members of the Council shall include not less than two members of the Irish Manuscripts Commission and not less than two archivists not employed by the National Archives.

(*b*) The Director shall be entitled to attend meetings of the Council.

(4) The Taoiseach may at any time terminate the appointment of the chairman or any other member of the Council.

Annotations

Amendments:

F13 Inserted (25.12.2015) by *Harbours Act 2015* (61/2015), s. 12 and sch. 2 item 5(*b*), commenced on enactment.

Modifications (not altering text):

C25 Additional function of Council provided for (1.01.2002) by *Local Government Act 2001* (37/2001), s. 80(6), S.I. No. 588 of 2001.

Records and archives of local authorities.

80.—(1) In this section—

"local archives" includes—

(*a*) such records and documents (including copies) as are, at the commencement of this section, held by any local archives service operated by any local authority (whether alone or in co-operation with another person or body),

(*b*) archival material acquired by a local authority under subsection (3), and

(*c*) other local records which are more than 30 years old, except such records as are certified, in accordance with directions under subsection (4), to be unsuitable for classification as local archives;

"local records" includes books, maps, plans, drawings, papers, files, photographs, films, micro-films and other micrographic records, sound recordings, pictorial records, magnetic tapes, magnetic discs, optical or video discs, other machine-readable records, other documentary or processed material made or received, and held in the course of its business or as successor to any other body by a local authority and includes copies of any such records duly made, but does not include—

(*a*) grants, deeds or other documents of title relating to property for the time being vested in the local authority, and

(*b*) any part of the permanent collection of a library, museum or gallery.

...

(6) Without prejudice to subsection (4), the National Archives Advisory Council may advise the Minister [for Housing, Local Government and Heritage] on any matter affecting local archives and their use by the public.

...

C26 Additional function of Council provided for by *Harbours Act 1996* (11/1996), s. 92(6), commenced:

- (10.05.2002) by *Harbours Acts, 1996 and 2000 (Commencement) (No. 6) Order 2002* (S.I. No. 184 of 2002), in relation to the Wicklow Port Company;
- (9.05.2002) by *Harbours Acts, 1996 and 2000 (Commencement) (No. 5) Order 2002* (S.I. No. 181 of 2002), in relation to the Dundalk Port Company;
- (11.01.1999) by *Harbours Act, 1996 (Commencement) (No 4) Order 1998* (S.I. No. 542 of 1998), in relation to the Port of Waterford Company;
- (3.03.1997) by *Harbours Act, 1996 (Commencement) Order 1997* (S.I. No. 95 of 1997), as regards each harbour authority and as regards each of the following companies: Port of Cork Company, Drogheda Port Company, Dublin Port Company, Dun Laoghaire Harbour Company, Foynes Port Company, Galway Harbour Company, New Ross Port Company and Shannon Estuary Ports Company.

Records and archives of companies and harbour authorities.

92.— ...

(6) Without prejudice to subsection (3), the National Archives Advisory Council may advise the Minister [for Transport, Tourism and Sport] F13**[**, or, in the case of a transferred company, the local authority chief executive concerned,**]** on any matter affecting archives of companies and harbour authorities and their use by the public.

C27 Function under subs. (2) transferred and reference to Minister for the **Public Service** construed as **Finance** (19.03.1987) by *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 81 of 1987), art. 4 and sch., subject to transitional provisions in arts. 5-9.

4. (1) The functions vested in the Minister for the Public Service—

(*a*) by or under the Ministers and Secretaries (Amendment) Act, 1973 (No. 14 of 1973), or the statutes mentioned in the Schedule to this Order, and

(*b*) by virtue of the Public Service (Transfer of Departmental Administration and Ministerial Functions) Order, 1973 (S.I. No. 294 of 1973),

are hereby transferred to the Minister for Finance.

(2) References to the Minister for the Public Service contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for Finance.

...

Schedule

Acts, functions under which are transferred to the Minister for Finance

...

National Archives Act, 1986 (No. 11 of 1986);

...

Editorial Notes:

E47 Positions of chair and members of the National Archives Advisory Council prescribed for the purposes of the definition of "designated directorship" in *Ethics in Public Office Act 1995* (22/1995), s. 2 (25.04.2008) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) Regulations 2004* (S.I. No. 699 of 2004), art. 4 and the substitution of the schedule thereto (25.04.2008) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of and Positions in Public Bodies) (Amendment) Regulations 2008* (S.I. No. 146 of 2008), in effect as per art. 1(2). Schedule further substituted:

- (11.07.2013) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2018* (S.I. No. 484 of 2018), art. 2;
- (11.07.2013) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2013* (S.I. No. 271 of 2013), art. 2;
- (1.01.2013) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) (No. 2) Regulations 2012* (S.I. No. 582 of 2012), art. 2, in effect as per art. 1(2);
- (1.01.2012) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2011* (S.I. No. 707 of 2011), art. 2, in effect as per art. 1(2);
- (1.01.2011) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) (No. 3) Regulations 2010* (S.I. No. 645 of 2010), art. 2(*b*), in effect as per art. 1(2);
- (1.01.2010) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2010* (S.I. No. 15 of 2010), art. 2(*b*), in effect as per art. 1(2);
- (1.01.2009) by *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2008* (S.I. No. 607 of 2008), art. 2(*b*) and sch., in effect as per art. 1(2).

E48 National Archives Advisory Council designated as a "public body" for the purposes of the Official Languages Act 2003 (30.10.2003) by *Official Languages Act 2003* (32/2003), s. 2(1) and sch. 1, S.I. No. 518 of 2003.

E49 Previous affecting provision: National Archives Advisory Council designated as a "public body" for the purposes of the Freedom of Information Act 1997 (21.04.1998) by *Freedom of Information Act 1997* (13/21997), s. 2(1) and sch.1 para. 1(2), commenced as per s. 1(2); repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4 part 1, commenced on enactment as per s. 1(2).

E50 Previous affecting provision: additional function of Council provided for (1.11.1994) by *Local Government Act 1994* (8/1994), s. 65(6), S.I. No. 315 of 1994; repealed (1.01.2002) by *Local Government Act 2001* (37/2001), s. 5(1) and sch. 3 part 1, S.I. No. 588 of 2001; replaced (1.01.2002) as per C-Note above

Annual Reports.

21.—(1) The Director shall submit to the Taoiseach an annual report on the work of the National Archives.

(2) The Council shall submit to the Taoiseach an annual report on the activities of the Council.

(3) The Taoiseach shall cause copies of the annual reports referred to in *subsections (1)* and *(2)* to be laid before each House of the Oireachtas.

Construction of certain references.

22.—Any reference, whether express or implied, in any other enactment to the Deputy Keeper of the Records or the person known as the Keeper of the State Papers, or to the Public Record Office of Ireland or the office known as the State Paper Office, shall be construed (unless the context otherwise requires) as a reference to the Director or to the National Archives, as the case may require.

Repeals, etc.

23.—(1) The following are hereby repealed—

(*a*) The Public Records (Ireland) Act, 1867,

(*b*) The Public Records (Ireland) Act, 1867, Amendment Act, 1875,

(*c*) The Parochial Records Act, 1876.

(2) (*a*) Notwithstanding *subsection (1)* all archives which were formerly public records held at the commencement of this section elsewhere than in the Public Record Office of Ireland under an Act mentioned in that subsection shall remain in the custody in which they are at such commencement: provided that the Taoiseach, after consultation with the Director—

(i) may make regulations relating to the manner in which such archives are to be kept and for their proper custody and

(ii) where he considers it necessary for the preservation of all or any of such archives may, by order, provide for the transfer of such archives to the National Archives or, with the consent of the Council, to another archival institution or other appropriate body.

(*b*) The Taoiseach, after consultation with the Director, may by order amend or revoke an order under this section.

Saver for certain records loaned, etc.

24.—Nothing in this Act shall affect the ownership of records loaned to or temporarily deposited in the Public Record Office of Ireland or elsewhere before the commencement of this section.

Expenses.

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

Short title and commencement.

26.—(1) This Act may be cited as the National Archives Act, 1986.

(2) This Act shall come into operation on such day or days as may be fixed by order or orders of the Taoiseach, either generally or with reference to a particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.

Annotations

Editorial Notes:

E51 Power pursuant to subs. (2) exercised (24.04.1989) by *National Archives Act, 1986 (Commencement) Order 1989* (S.I. No. 116 of 1989).

2. *Section 5* of the National Archives Act, 1986, shall come into operation on the 24 day of April, 1989.

E52 Power pursuant to subs. (2) exercised (1.06.1988) by *National Archives Act, 1986 (Commencement) Order 1988* (S.I. No. 228 of 1988).

2. The National Archives Act, 1986 (other than *section 5*) shall come into operation on the 1st day of June, 1988.

Section 1 (2)

SCHEDULE

Office of the Secretary to the President

Central Statistics Office

National Archives Advisory Council

National Archives

National Museum of Ireland (including Natural History Museum)

Office of the Attorney General (including the Parliamentary Draftsman's Office, the Statute Law Reform and Consolidation Office and the Chief State Solicitor's Office)

Office of the Director of Public Prosecutions

Office of the Comptroller and Auditor General

Office of the Paymaster General

National Savings Committee

Revenue Commissioners

Office of Appeal Commissioners of Income Tax

Commissioners of Public Works

State Laboratory

Ordnance Survey

Commissioner of Valuation and Chief Boundary Surveyor

Stationery Office

Review Body on Higher Remuneration in the Public Sector

Public Service Advisory Council

Civil Service Arbitration Boards

F14**[**Commission for Public Service Appointments**]**

F14**[**Public Appointments Service**]**

An Garda Síochána

Land Registry

Registry of Deeds

Offices or institutions to which the Prisons Acts, 1826 to 1980, apply and St. Patrick's Institution

Office of the Film Censor

Censorship of Films Appeal Board

Censorship of Publications Board

Censorship of Publications Appeal Board

Criminal Injuries Compensation Tribunal

Commissioners of Charitable Donations and Bequests

The Water Pollution Advisory Council

The Rent Tribunal

National Manpower Service

The Labour Court

Rights Commissioners

The Employment Appeals Tribunal

The Levy Appeals Tribunal

Companies Registration Office

Patents Office

Registry of Friendly Societies

Restrictive Practices Commission

Office of the Examiner of Restrictive Practices

National Prices Commission

F15**[**National Consumer Agency**]**

Registry of Building Societies

National Consumer Advisory Council

Motor Insurance Advisory Board

An Coimisiún Dumpála

Land Commission

Office of Controller of Plant Breeders Rights

Judicial Commissioner of Land Commission

Appeal Tribunal of Land Commission

Public Trustee of Land Commission

National Library (including the Genealogical Office)

Geological Survey of Ireland

The Defence Forces

Army Pensions Board

General Register Office

F16**[**An Bord Pleanála**]**

F17**[**Adoption Authority of Ireland**]**

F18**[**The Courts Service**]**

F19**[**An Ghníomhaireacht um Fhoréigean Baile, Gnéasach agus Inscnebhunaithe**]**

F20**[**Fiosrú - Oifig an Ombudsman Póilíneachta

An Oifig Náisiúnta um Shábháilteacht Pobail

Independent Examiner of Security Legislation

An tÚdarás Póilíneachta agus Sábháilteachta Pobail**]**

F21**[**Gambling Regulatory Authority of Ireland, the Appeals Panel, an appeals officer or an adjudication officer (each within the meaning of the Gambling Regulation Act 2024)**]**

Annotations

Amendments:

F14 Substituted (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004), s. 61(1) and sch. 2 part 1, commenced on enactment.

F15 Substituted (1.05.2007) by *Consumer Protection Act 2007* (19/2007), s. 40(1) and sch. 3 part 1, S.I. No. 178 of 2007.

F16 Inserted (11.07.2022) by *National Archives Act 1986 (Section 1(2)(d)) Order 2022* (S.I. No. 359 of 2022), art. 2.

F17 Inserted (3.10.2022) by *Birth Information and Tracing Act 2022* (14/2022), s. 71, S.I. No. 448 of 2022.

F18 Inserted (4.05.2023) by *National Archives Act 1986 (Section 1(2)(d)) Order 2023* (S.I. No. 216 of 2023), art. 2.

F19 Inserted (31.12.2023) by *Domestic, Sexual and Gender-Based Violence Agency Act 2023* (31/2023), s. 45, S.I. No. 667 of 2023.

F20 Inserted (2.04.2025) by *Policing, Security and Community Safety Act 2024* (1/2024), s. 270, S.I. No. 107 of 2025.

F21 Inserted (5.03.2025) by *Gambling Regulation Act 2024* (35/2024), s. 36, S.I. No. 57 of 2025.

F22 Inserted by *Defence (Amendment) Act 2024* (25/2024), s. 23, not commenced as of date of revision.

Modifications (not altering text):

C28 Prospective affecting provision: additional body inserted by *Defence (Amendment) Act 2024* (25/2024), s. 23, not commenced as of date of revision.

F22**[**Comhlacht Formhaoirsithe Seachtrach Óglaigh na hÉireann**]**

C29 Prospective affecting provision: "Employment Appeals Tribunal" construed as "the Workplace Relations Commission" or "the Labour Court" by *Workplace Relations Act 2015* (16/2015), s. 66(2), not commenced as of date of revision.

Establishment of Commission

10. (1) There shall stand established on the establishment day a body, which shall be known as the Workplace Relations Commission (in this Act referred to as the "Commission"), to perform the functions conferred on it by or under this Act.

...

Transfer of functions from Employment Appeals Tribunal

66. (1) (a) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Commission in so far as they relate to any claim for redress, dispute or complaint determined by the Employment Appeals Tribunal under an employment enactment before that day.

(b) All functions that, immediately before the dissolution day, were vested in the Employment Appeals Tribunal are transferred to the Labour Court in so far as they relate to appeals determined by the Employment Appeals Tribunal under an employment enactment before that day.

(2) (a) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by paragraph (a) of subsection (1) shall be construed as references to the Commission.

(b) References in any enactment or instrument under an enactment to the Employment Appeals Tribunal in so far as they relate to a function transferred by paragraph (b) of subsection (1) shall be construed as references to the Labour Court.

(3) This section shall come into operation on the dissolution day.

C30 "Patents Office" construed as "Intellectual Property Office of Ireland" by *Patents Act 1992* (1/1992), s. 6(5), as inserted (2.12.2019) by *Copyright and Other Intellectual Property Law Provisions Act 2019* (19/2019), s. 42(b), S.I. No. 586 of 2019.

The Patents Office and the Controller of Patents, Designs and Trade Marks.

6.— ...

(5) The Patents Office continued in being by this section shall, from the commencement of section 42 of the Copyright and Other Intellectual Property Law Provisions Act 2019, cease to be known as the Patents Office and instead be known as the Intellectual Property Office of Ireland.

C31 "Office of Appeal Commissioners of Income Tax" construed (21.03.2016) by *Finance (Tax Appeals) Act 2015* (59/2015), s. 33, S.I. No. 110 of 2016.

References to Appeal Commissioners in other enactments

33. References to Appeal Commissioners (however expressed) in any Act passed before the establishment day, or in any instrument made before that day under an Act, shall be read as references to Appeal Commissioners appointed under this Act, unless the context otherwise requires.

C32 "The Rent Tribunal" construed (8.01.2016) as "Residential Tenancies Board" by *Residential Tenancies (Amendment) Act 2015* (42/2015), s. 76(3), S.I. No. 4 of 2016.

Housing (Private Rented Dwellings) (Amendment) Act 1983

Establishment of the Tribunal.

2.—(1) There shall be established on such day as the Minister may by order appoint a body to be known as the Rent Tribunal (in this Act referred to as the Tribunal) to perform the functions assigned to it by this Act.

...

Residential Tenancies Act 2004

Establishment of Board.

150.—(1) On the establishment day there shall stand established a board to be known as An Bord um Thionóntachtaí Cónaithe Príobháideacha or, in the English language, the Private Residential Tenancies Board (in this Act referred to as "the Board") to perform the functions conferred on it by this Act.

...

Residential Tenancies (Amendment) Act 2015

Change of name of Board

13. (1) The board established under section 150 of the Principal Act shall, on and from the commencement of this section, be re-named An Bord um Thionóntachtaí Cónaithe or, in the English language, the Residential Tenancies Board.

...

Interpretation

74. In this Part—

"Act of 1983" means the Housing (Private Rented Dwellings) (Amendment) Act 1983;

"Tribunal" has the meaning assigned to it by the Act of 1983.

...

Transfer of functions of Tribunal to Board

76. (1) The functions of the Tribunal that, immediately before the commencement of this Part, were vested in the Tribunal by or under the Act of 1983 shall, on the commencement of this Part, stand transferred to the Board.

...

(3) References to the Tribunal in any enactment or instrument under an enactment relating to any function or administration and business transferred by this section shall, on the commencement of this Part, be construed as references to the Board.

...

C33 "Rights Commissioners" construed (1.10.2015) as "Adjudication Officers" by *Workplace Relations Act 2015* (16/2015), s. 40(8), S.I. No. 410 of 2015.

Adjudication officers

40. (1) Subject to subsection (2), the Minister may appoint—

(a) such and so many of the members of the staff of the Commission, and

(b) such and so many other persons,

as he or she considers appropriate to be an adjudication officer or adjudication officers for the purposes of this Act.

...

(9) A reference in any enactment to a rights commissioner shall be construed as including a reference to an adjudication officer.

...

C34 "National Consumer Agency" construed (31.10.2014) as "Competition and Consumer Protection Commission" by *Competition and Consumer Protection Act 2014* (29/2014), s. 39(2), S.I. No. 366 of 2014.

Establishment of Competition and Consumer Protection Commission

9. (1) There shall stand established on the establishment day, a body which shall be known, in the Irish language, as An Coimisiún um Iomaíocht agus Cosaint Tomhaltóirí or, in the English language, as the Competition and Consumer Protection Commission (in this Act referred to as the "Commission"), to perform the functions conferred on it by this Act.

Transfer of functions to Commission

39. ...

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to—

(a) the National Consumer Agency, or

...

shall, on and after that day, be construed as references to the Commission.

C35 "Commissioners of Charitable Donations and Bequests" construed as "Charities Regulatory Authority" (16.10.2014) by *Charities Act 2009* (6/2009), s. 82(1), S.I. No. 457 of 2014.

Establishment of Charities Regulatory Authority.

13.— (1) There shall stand established on the establishment day, a body which shall, subject to subsection (2), be known as an tÚdarás Rialála Carthanas or in the English language the Charities Regulatory Authority (in this Act referred to as the "Authority"), to perform the functions conferred on it by this Act.

...

Dissolution of Commissioners of Charitable Donations and Bequests for Ireland.

81.— (1) The Commissioners of Charitable Donations and Bequests for Ireland (in this Act referred to as the "dissolved body") is dissolved.

...

Transfer of functions to Authority.

82.— (1) All functions that, immediately before the establishment day, were vested in the dissolved body are transferred to the Authority and references in any enactment or instrument under an enactment, to the Commissioners of Charitable Donations and Bequests for Ireland shall be construed as references to the Authority.

...

C36 "National Manpower Service" construed (27.10.2013) as "An tSeirbhís Oideachais Leanúnaigh Agus Scileanna" by *Further Education and Training Act 2013* (25/2013), s. 38(1)(*c*), S.I. No. 406 of 2013, having previously been construed (1.01.1988) by *Labour Services Act 1987* (15/1987), s. 18(4), S.I. No. 248 of 1987.

Labour Services Act 1987

Definitions.

1.— (1) In this Act—

"An Foras" means the body established by section 3;

"the establishment day" means the day appointed by the Minister under section 2;

"the Manpower Service" means the National Manpower Service of the Minister;

"the Minister" means the Minister for Labour;

...

Establishment of An Foras Áiseanna Saothair.

3.— (1) On the establishment day there shall stand established a body to be known as An Foras Áiseanna Saothair, and in this Act referred to as "An Foras", to perform the functions assigned to it by this Act.

...

Dissolution of An Chomhairle, winding up and dissolution of Agency and winding up of Manpower Service.

18.— ...

(3) The Manpower Service shall, on the establishment day, be wound up.

(4) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before the establishment day under an Act of the Oireachtas to An Chomhairle, the Agency or the Manpower Service shall, on and after that day, be construed as references to An Foras.

Further Education and Training Act 2013

Establishment of An tSeirbhís Oideachais Leanúnaigh agus Scileanna.

6.— (1) There shall stand established on the establishment day, a body which shall be known as An tSeirbhís Oideachais Leanúnaigh Agus Scileanna (in this Act referred to as "An tSeirbhís"), to perform the functions conferred on it by this Act.

...

Dissolution of An Foras Áiseanna Saothair.

37.— (1) An Foras Áiseanna Saothair (in this Act referred to as the "dissolved body") is dissolved.

(2) ...

(3) This section shall come into operation on the establishment day.

Transfer of functions to An tSeirbhís.

38.— (1) (*a*) All functions (other than functions under the Act of 1987) that, immediately before the establishment day, were vested in the dissolved body are transferred to An tSeirbhís.

(*b*) The functions conferred on the dissolved body by virtue of subsection (2) of section 4 of the Act of 1987 are transferred to An tSeirbhís.

(*c*) References in any enactment or instrument under an enactment to An Foras Áiseanna Saothair (howsoever described) shall be construed as references to An tSeirbhís save where other provision is made as respects the construction of the first-mentioned references by any enactment passed before the passing of this Act.

(2) This section shall come into operation on the establishment day.

C37 "Office of the Film Censor" and "Censorship of Films Appeal Board" construed as "Irish Film Classification Office" and "Classification of Films Appeal Board" respectively (20.07.2008) by *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008), s. 71(1), (3), S.I. No. 274 of 2008.

Change of name of Official Censor, etc.

71.—(1) The office of Official Censor of Films shall, on and after the commencement of this section, be known, in English, as the Irish Film Classification Office and, in Irish, as *Oifig Aicmithe Scannán na hÉireann* and, accordingly, references (howsoever expressed) in any enactment to the office of the Official Censor of Films shall be read as references to the Irish Film Classification Office and the person appointed to the office of Official Censor of Films under that Act shall be known, in English, as the Director of Film Classification and, in Irish, as *an Stiúrthóir Aicmithe Scannán*.

...

(3) The Censorship of Films Appeal Board established by section 3 of the Censorship of Films Act 1923 shall, on and after the commencement of this section, be known, in English, as the Classification of Films Appeal Board and, in Irish, as *an Bord Achomhairc um Aicmiú Scannán* and, accordingly, references (howsoever expressed) in any enactment to the Censorship of Films Appeal Board shall be read as references to the Classification of Films Appeal Board.

...

C38 "National Prices Commission" and "Motor Insurance Advisory Board" rendered obsolete (1.05.2007) by *Consumer Protection Act 2007* (19/2007), s. 4(1) and sch. 2, S.I. No. 178 of 2007, which repealed *Prices Act 1958* (4/1958). The Commission had been established (15.10.1971) by *National Prices Commission (Establishment) Order 1971* (S.I. No. 285 of 1971), made pursuant to *Prices Act 1958* (4/1958), ss. 22B, 22C, as inserted (10.08.1965) by *Prices (Amendment) Act 1965* (23/1965), s. 1, commenced on enactment. The Board had been established (16.11.1984) by *Motor Insurance Advisory Board (Establishment) Order 1984* (S.I. No. 299 of 1984), made pursuant to the same statutory power.

C39 "General Register Office" construed as "an tArd-Chláraitheoir an tSeirbhís um Chlárú Sibhialta" (5.12.2005) by *Civil Registration Act 2004* (3/2004), s. 7(9), S.I. No. 764 of 2005.

Births and Deaths Registration (Ireland) Act 1863

Registrar General

4. The Lord Lieutenant shall cause a proper Office to be provided in the City of Dublin, to be called the "General Register Office," and shall from Time to Time appoint for the said Office a fit and competent person to be the Registrar General of Births and Deaths in Ireland, who shall hold Office during the Pleasure of the Lord Lieutenant, and be removable by him: [*etc*]

Vital Statistics and Births, Deaths and Marriages Registration Act 1952

Change of titles.

3.—The titles of the offices provided under section 52 of the Marriages (Ireland) Act, 1844, and section 4 of the Registration of Births and Deaths (Ireland) Act, 1863, are each hereby changed to Oifig an Ard-Chláraitheora and the title of the person appointed under those sections for those offices is hereby changed to an tArd-Chláraitheoir.

Civil Registration Act 2004

Ard-Chláraitheoir.

7.— ...

(9) References in any statute or any instrument made under any statute passed or made before the commencement of this section, or in any other document in existence immediately before such commencement, to the office of an tArd-Chláraitheoir provided for by section 52 of the Act of 1844 shall, upon such commencement, be construed as references to an tArd-Chláraitheoir.

C40 "Ordnance Survey" construed as "Ordnance Survey Ireland" (4.03.2002) by *Ordnance Survey Ireland Act 2001* (43/2001), s. 31(2), S.I. No. 73 of 2002.

Establishment of Ordnance Survey Ireland.

3.—(1) There shall stand established on the establishment day a body to be known as Ordnance Survey Ireland, or in the Irish language as Suirbhéireacht Oidanáis Éireann, and in this Act referred to as OSI.

...

Dissolution of the Ordnance Survey.

31.— ...

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to the Ordnance Survey shall, on and after that day, be construed as references to OSI.

C41 "Land Commission" construed (31.03.1999) by *Irish Land Commission (Dissolution) Act 1992* (25/1992), ss. 2(1), 4, 11(1), S.I. No. 75 of 1999. Terms "Judicial Commissioner of Land Commission" and "Appeal Tribunal of Land Commission" rendered obsolete (31.03.1999) by *Irish Land Commission (Dissolution) Act 1992* (25/1992), s. 3(1), S.I. No. 75 of 1999.

Interpretation.

1.—(1) In this Act—

"the Commission" means the Irish Land Commission;

...

"the Minister" means the Minister for Agriculture and Food;

...

Jurisdiction of Judicial Commissioner and Appeal Tribunal.

3.—(1) The jurisdictions vested in the office of Judicial Commissioner and in the Appeal Tribunal are hereby vested in the High Court and shall be exercised by the President of the High Court or, where he so directs, by an ordinary judge of the High Court assigned in that behalf by him.

...

Transitional provisions.

11.—(1) In the construction and for the purposes of any enactment or any instrument thereunder or of any judgement, decree, order, award, deed, contract or other document passed or made before the transfer by virtue of this Act from the Commission to the Minister of any functions, so far as may be necessary for the purpose of such transfer, the title of the Minister shall be substituted for that of the Commission.

...

C42 "Restrictive Practice Commission" and "Office of the Examiner of Restrictive Practices" rendered obsolete (1.10.1991) by *Competition Act 1991* (24/1991), s. 22, S.I. No. 249 of 1991, which repealed *Restrictive Practices Act 1972* (11/1972), s. 2 and s. 13.

C43 Terms "The Water Pollution Advisory Council" rendered obsolete (18.07.1990) by *Local Government (Water Pollution) (Amendment) Act 1990* (21/1990), s. 30, commenced on enactment, which repealed the provision by which that Council had been established: *Local Government (Water Pollution) Act 1977* (1/1977), s. 2.

Editorial Notes:

E53 Name of National Museum of Ireland (including Natural History Museum) changed (3.05.2005) by *National Cultural Institutions Act 1997* (11/1997), ss. 8(1), 9, 10(1), S.I. No. 218 of 2005, with establishment day designated (3.05.2005) by *Bord Ard-Mhúsaem na hÉireann (Establishment Day Order 2005* (S.I. No. 220 of 2005).

Names of Museum and Library.

8.—(1) The institution heretofore known as the National Museum of Science and Art shall be known as Ard-Mhúsaem na hÉireann or, in the English language, the National Museum of Ireland.

...

Museum establishment day and Library establishment day.

9.—The Minister may by order appoint a day to be the Museum establishment day and a day to be the Library establishment day for the purposes of this Act.

Establishment of Boards.

10.—(1) On the Museum establishment day there shall stand established a board to be known as Bord Ard-Mhúsaem na hÉireann or, in the English language, the Board of the National Museum of Ireland to perform the functions conferred on it by or under this Act.

...

E54 Name of National Library (including the Genealogical Office) changed (3.05.2005) by *National Cultural Institutions Act 1997* (11/1997), ss. 8(2), 9, 10(2), 13, S.I. No. 218 of 2005, with establishment day (3.05.2005) designated by *Bord Leabharlann Náisiúnta na hÉireann (Establishment Day Order 2005* (S.I. No. 219 of 2005).

Names of Museum and Library.

8.—(1) ...

(2) The institution heretofore known as the National Library of Ireland shall be known as Leabharlann Náisiúnta na hÉireann or, in the English language, the National Library of Ireland.

Museum establishment day and Library establishment day.

9.—The Minister may by order appoint a day to be the Museum establishment day and a day to be the Library establishment day for the purposes of this Act.

Establishment of Boards.

10.—(1) ...

(2) On the Library establishment day there shall stand established a board to be known as Bord Leabharlann Náisiúnta na hÉireann or, in the English language, the Board of the National Library of Ireland to perform the functions conferred on it by or under this Act.

...

Provisions relating to genealogy and heraldry.

13.—(1) For the avoidance of doubt, it is hereby declared that the Genealogical Office is a branch of the Library.

...

E55 Office of Commissioner of Valuation continued in being (2.05.2002) by *Valuation Act 2001* (13/2001), s. 9(2), S.I. No. 131 of 2001, notwithstanding the repeal of *Valuation (Ireland) Act 1852* 1852 (15 & 16 Vict.) c. 63.

E56 Term "Public Trustee of Land Commission" seemingly still of effect, in modified form, notwithstanding the dissolution (31.03.1999) of the Irish Land Commission as outlined in C-Note above. In this regard see the reference to "Public Trustee under the Land Purchase Acts" in Schedule to *Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004* (S.I. No. 698 of 2004), as amended by *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2018* (S.I. No. 483 of 2018), art. 2(b). See also *Irish Land Act 1903* (3 Edw. 7) c. 37, s. 52.

E57 National Consumer Advisory Council was established in November 1973 as a non-statutory body reporting directly to the Minister for Industry, Commerce and Energy: Dáil Éireann Debates, Vol. 316 No. 9, 13 Nov 1979, col. 399. The Council was dissolved in July 1985: Dáil Éireann Debates, Vol. 362 No. 9, 10 Dec 1985, col. 31. Accordingly the statutory reference above can be regarded as obsolete.

Number 11 *of* 1986

NATIONAL ARCHIVES ACT 1986

REVISED

Updated to 1 December 2025

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

- *Maternity Protection, Employment Equality and Preservation of Certain Records Act 2024* (37/2024)
- *Gambling Regulation Act 2024* (35/2024)
- *Defence (Amendment) Act 2024* (25/2024)
- *Policing, Security and Community Safety Act 2024* (1/2024)
- *Domestic, Sexual and Gender-Based Violence Agency Act 2023* (31/2023)

- *Mother and Baby Institutions Payment Scheme Act 2023* (20/2023)
- *Institutional Burials Act 2022* (18/2022)
- *Birth Information and Tracing Act 2022* (14/2022)
- *Land Development Agency Act 2021* (26/2021)
- *Copyright and Other Intellectual Property Law Provisions Act 2019* (19/2019)
- *National Archives (Amendment) Act 2018* (12/2018)
- *Finance (Tax Appeals) Act 2015* (59/2015)
- *Residential Tenancies (Amendment) Act 2015* (42/2015)
- *Workplace Relations Act 2015* (16/2015)
- *Freedom of Information Act 2014* (30/2014)
- *Competition and Consumer Protection Act 2014* (29/2014)
- *Further Education and Training Act 2013* (25/2013)
- *Civil Law (Miscellaneous Provisions) Act 2011* (23/2011)
- *Fines Act 2010* (8/2010)
- *Nursing Homes Support Scheme Act 2009* (15/2009)
- *Charities Act 2009* (6/2009)
- *Civil Law (Miscellaneous Provisions) Act 2008* (14/2008)
- *Consumer Protection Act 2007* (19/2007)
- *Health (Repayment Scheme) Act 2006* (17/2006)
- *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004)
- *Commissions of Investigation Act 2004* (23/2004)
- *Civil Registration Act 2004* (3/2004)
- *Official Languages Act 2003* (32/2003)
- *Residential Institutions Redress Act 2002* (13/2002)
- *Heritage Fund Act 2001* (44/2001)
- *Ordnance Survey Ireland Act 2001* (43/2001)
- *Local Government Act 2001* (37/2001)
- *Planning and Development Act 2000* (30/2000)
- *Commission to Inquire into Child Abuse Act 2000* (7/2000)
- *Freedom of Information Act 1997* (13/1997)
- *National Cultural Institutions Act 1997* (11/1997)
- *Harbours Act 1996* (11/1996)
- *Local Government Act 1994* (8/1994)
- *Irish Land Commission (Dissolution) Act 1992* (25/1992)
- *Patents Act 1992* (1/1992)
- *Competition Act 1991* (24/1991)
- *Local Government (Water Pollution) (Amendment) Act 1990* (21/1990)
- *Labour Services Act 1987* (15/1987)

All Acts up to and including *Electricity (Supply) (Amendment) Act 2025* (12/2025), enacted 20 November 2025, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2025* (S.I. No. 566 of 2025)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2025* (S.I. No. 553 of 2025)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2025* (S.I. No. 551 of 2025)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2025* (S.I. No. 550 of 2025)
- *Tourism, Culture, Arts, Gaeltacht, Sport and Media (Alteration of Name of Department and Title of Minister) Order 2025* (S.I. No. 236 of 2025)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2024* (S.I. No. 709 of 2024)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2024* (S.I. No. 704 of 2024)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2024* (S.I. No. 703 of 2024)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2024* (S.I. No. 702 of 2024)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2023* (S.I. No. 610 of 2023)

- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2023* (S.I. No. 609 of 2023)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2023* (S.I. No. 608 of 2023)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2023* (S.I. No. 607 of 2023)
- *National Archives Act 1986 (Section 1(2)(d)) Order 2023* (S.I. No. 216 of 2023)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2022* (S.I. No. 663 of 2022)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2022* (S.I. No. 662 of 2022)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2022* (S.I. No. 661 of 2022)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2022* (S.I. No. 660 of 2022)
- *National Archives Act 1986 (Section 1(2)(d)) Order 2022* (S.I. No. 359 of 2022)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 4) Order 2021* (S.I. No. 722 of 2021)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 3) Order 2021* (S.I. No. 680 of 2021)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) (No. 2) Order 2021* (S.I. No. 679 of 2021)
- *National Archives Act 1986 (Section 8(1A)) (Transfer of Departmental Records) Order 2021* (S.I. No. 678 of 2021)
- *Culture, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 403 of 2020)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2018* (S.I. No. 484 of 2018)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2018* (S.I. No. 483 of 2018)
- *Gaeltacht by Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 350 of 2017)
- *Arts, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 357 of 2016)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2015* (S.I. No. 35 of 2015)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2013* (S.I. No. 271 of 2013)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) (No. 2) Regulations 2012* (S.I. No. 582 of 2012)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2012* (S.I. No. 575 of 2012)
- *National Archives (Fees) Regulations 2012* (S.I. No. 503 of 2012)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2011* (S.I. No. 707 of 2011)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2011* (S.I. No. 644 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Tourism, Culture and Sport (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 220 of 2011)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) (No. 3) Regulations 2010* (S.I. No. 645 of 2010)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) (No. 2) Regulations 2010* (S.I. No. 596 of 2010)
- *Arts, Sport and Tourism (Alteration of Name of Department and Title of Minister) Order 2010* (S.I. No. 178 of 2010)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2010* (S.I. No. 15 of 2010)

- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2010* (S.I. No. 5 of 2010)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) (Amendment) Regulations 2008* (S.I. No. 607 of 2008)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) (No. 2) Regulations 2008* (S.I. No. 606 of 2008)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2008* (S.I. No. 145 of 2008)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2006* (S.I. No. 677 of 2006)
- *Ethics in Public Office (Designated Positions in Public Bodies) (Amendment) Regulations 2005* (S.I. No. 673 of 2005)
- *National Archives Act 1986 (Prescription of Classes of Records) (Amendment) Order 2005* (S.I. No. 343 of 2005)
- *Ethics in Public Office (Prescribed Public Bodies, Designated Directorships of Public Bodies and Designated Positions in Public Bodies) Regulations 2004* (S.I. No. 699 of 2004)
- *Ethics in Public Office (Designated Positions in Public Bodies) Regulations 2004* (S.I. No. 698 of 2004)
- *Arts and Culture (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 302 of 2002)
- *Arts, Culture and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 306 of 1997)
- *National Archives Act, 1986 (Prescription of Classes of Records) Order 1997* (S.I. No. 281 of 1997)
- *Gaeltacht (Alteration of Name of Department and Title of Minister) Order 1993* (S.I. No. 22 of 1993)
- *Arts and Culture (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 21 of 1993)
- *National Archives Act, 1986 (Prescription of Classes of Records) Order 1991* (Instrument Number unknown)
- *National Archives Act, 1986 (Commencement) Order 1989* (S.I. No. 116 of 1989)
- *National Archives Act, 1986, Regulations 1988* (S.I. No. 385 of 1988)
- *National Archives Act, 1986 (Commencement) Order 1988* (S.I. No. 228 of 1988)
- *National Archives Act, 1986 (Authentication of Documents) Regulations 1988* (S.I. No. 227 of 1988)
- *National Archives (Fees) Regulations 1988* (S.I. No. 226 of 1988)
- *Public Service (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 81 of 1987)

All statutory instruments up to and including *European Union (Hague Maintenance Convention) (Amendment) Regulations 2025* (S.I. No. 583 of 2025), made 1 December 2025, were considered in the preparation of this revision.

Measures of EU law which affect or previously affected this revision

- *Council Regulation (EC) No 2866/98 of 31 December 1998 on the conversion rates between the euro and the currencies of the Member States adopting the euro* (OJ L 359, 31.12.1998, p. 1)