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

Number 1 *of* 2000

COMHAIRLE ACT 2000

REVISED

Updated to 1 February 2019

This Revised Act is an administrative consolidation of the *Comhairle Act 2000*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Local Government Act 2019* (1/2019), enacted 25 January 2019, and all statutory instruments up to and including *Brown Crab (Conservation Of Stocks) Regulations 2019* (S.I. No. 26 of 2019), made 1 February 2019, 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 1 *of* 2000

COMHAIRLE ACT 2000

REVISED

Updated to 1 February 2019

ARRANGEMENT OF SECTIONS

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Number 1 *of* 2000

COMHAIRLE ACT 2000

REVISED

Updated to 1 February 2019

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A NEW BODY TO BE KNOWN AS COMHAIRLE AND TO DEFINE ITS FUNCTIONS, AND TO PROVIDE FOR THE REPEAL OF THE NATIONAL SOCIAL SERVICE BOARD ACT, 1984, AND TO PROVIDE FOR CONNECTED MATTERS. [2*nd March,* 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 References to "Board" construed (21.02.2007) by *Citizens Information Act 2007* (2/2007), s. 3(2), commenced on enactment.

Change of name of Board.

3.—(1) The name of Comhairle is hereby changed and, following the passing of this Act, it shall be known, in the English language, as the Citizens Information Board or, in the Irish language, as An Bord um Fhaisnéis do Shaoránaigh.

(2) References in the Principal Act to the Board shall, following the passing of this Act, be construed as references to the body established by section 6 of that Act whose name is changed by subsection (1).

PART I

Preliminary And General

Short title.

1.— This Act may be cited as the Comhairle Act, 2000.

Interpretation.

2.—(1) In this Act, except where the context otherwise requires—

"advocacy services" includes services in which the interests of a person seeking a social service are represented in order to assist such person in securing entitlements to such service but does not include legal representation.

F1**[**'Board' has the meaning assigned to it by *section 6*, as amended by section 3 of the Citizens Information Act 2007;**]**

F2**[** 'deciding officer' has the meaning it has in section 2(1) of the Social Welfare Consolidation Act 2005;

'the Director' has the meaning assigned to it by *section 7A*;

'disability', in relation to a person, means a substantial restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State by reason of an enduring physical, sensory, mental health or intellectual impairment; **]**

"establishment day" means the day appointed under *section 3* to be the establishment day for the purposes of this Act;

"former Board" means the National Social Service Board;

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

"health board" means—

(*a*) a health board established under the Health Act, 1970,

(*b*) the Eastern Regional Health Authority, or

(*c*) an Area Health Board established under the Health (Eastern Regional Health Authority) Act, 1999;

"Minister" means the Minister for Social, Community and Family Affairs;

F2**[** 'Personal Advocacy Service' has the meaning assigned to it by *section 7A*;

'personal advocates' has the meaning assigned to it by *section 7A*;

'qualifying person' has the meaning assigned to it by *section 7A*;

'social service' means any service provided by a statutory body or voluntary body that is available or accessible to the public generally or a section of the public pursuant to statute or otherwise and includes, but is not limited to, a service in relation to any of the following, namely, health, social welfare, education, family support, housing, taxation, citizenship, consumer matters, F3**[**advice on personal debt and money management,**]** employment and training, equality, asylum and immigration;**]**

"statutory body" means—

(*a*) a Department of State,

(*b*) a health board,

(*c*) a local authority,

(*d*) the Commissioners of Public Works in Ireland,

(*e*) a board or other body (but not a company) established by or under statute,

(*f*) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government, or

(*g*) a company in which all the shares are held by a board, company or other body referred to in paragraph (*e*) or (*f*) of this definition;

F1**[** 'voluntary body' means—

(*a*) a body corporate, or

(*b*) an unincorporated body of persons,

other than a statutory body, and includes a body commonly known as F3**[**a money advice and budgeting service,**]** a Citizen Information Service or a Citizen Information Centre;**]**

(2) In this Act—

(*a*) a reference to a section is a reference to a section of this Act, unless it is indicated that a reference to some other provision is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended.

(3) A reference to another enactment is to that enactment as amended or modified at any time by any enactment.

Annotations

Amendments:

F1 Substituted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 2(a), (b), S.I. No. 141 of 2007.

F2 Inserted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 2(c), S.I. No. 141 of 2007.

F3 Inserted (13.07.2009) by *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), s. 27, S.I. No. 244 of 2009.

Establishment day.

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

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (12.06.2000) by *Comhairle Act, 2000 (Establishment Day) Order 2000* (S.I. No. 167 of 2000).

Expenses.

4.— The expenses incurred by the Minister 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.

Repeal.

5.— The National Social Service Board Act, 1984, is, with effect from the establishment day, hereby repealed.

PART II

Comhairle

Establishment of Comhairle.

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

(2) The Board shall be a body corporate with perpetual succession and a seal and with power—

(*a*) to sue and be sued in its corporate name,

(*b*) to acquire, hold and dispose of land or an interest in land, with the consent of the Minister, and

(*c*) to acquire, hold and dispose of any other property.

Annotations

Editorial Notes:

E2 Certain property, rights and liabilities transferred to Comhairle (12.06.2000) by *National Rehabilitation Board (Transfer of Property, Rights and Liabilities) Order 2000* (S.I. No. 170 of 2000), in effect as per art. 3.

Functions of Board.

7.— (1) The functions of the Board shall be—

(*a*) to support the provision of or, where the Board considers it appropriate, to provide directly, independent information, advice and advocacy services so as to ensure that individuals have access to accurate, comprehensive and clear information relating to social services and are referred to the relevant services,

F4**[**(*b*) to support the provision of or, where the Board considers it appropriate, to provide directly, advocacy services to individuals, in particular those with a disability, that would assist them in identifying and understanding their needs and options and in securing their entitlements to social services,**]**

F4**[**(*c*) to support, promote and develop—

(i) greater accessibility, co-ordination and public awareness of social services, and

(ii) the provision and dissemination of integrated information in relation to such services by statutory bodies and voluntary bodies,**]**

F5**[**(*ca*) to support the provision of a service to be known, in the English language, as the Money Advice and Budgeting Service or, in the Irish language, as An tSeirbhís Buiséadaithe agus Comhairle Airgid, to provide advice to individuals for the purpose of the management, avoidance, reduction and discharge of personal debt and in relation to money management,

(*cb*) to promote and develop the provision of the Money Advice and Budgeting Service and to provide information in respect of such provision,

(*cc*) to provide, subject to the consent of the Minister, and in accordance with *subsection (1A)*, financial assistance to a voluntary body in respect of any matter related to the functions referred to in *paragraphs (ca)*, *(cb)*, *(cd)*, *(ce)*, *(cf)* and *(cg)*,

(*cd*) to promote and develop education in respect of money management,

(*ce*) to compile and publish data relating to the provision of the Money Advice and Budgeting Service,

(*cf*) to promote and disseminate awareness and information to the public relating to the provision of the Money Advice and Budgeting Service,

(*cg*) to undertake, or commission, research relating to the functions referred to in *paragraphs (ca)*, *(cb)* and *(cd)* and on any matter, as the Minister may, from time to time, request, in relation to the functions referred to in *paragraphs (ca)*, *(cb)* and *(cd)* to *(cf)*,

(*ch*) to provide advice, information and assistance to the Minister in respect of the functions referred to in *paragraphs (ca)* to *(cg)* and such advice, information and assistance in relation to those functions as the Minister may, from time to time, request, **]**

(*d*) to support, promote and develop the provision of information on the effectiveness of current social policy and services and to highlight issues which are of concern to users of those services,

(*e*) to promote and support the development of voluntary bodies providing social services including, where the Board considers it appropriate, the provision of financial or other resources such as integrated information, training and development services,

(*f*) to furnish advice, information and assistance to the Minister in relation to the development of any aspect of social services,

(*g*) whenever the Minister so requests, to design schemes relating to social services to address needs identified by the Minister concerning such services, and, where the Board considers it appropriate to do so, to provide such services directly,

(*h*) to promote, develop, encourage and assist, through the provision of financial or other resources, the work in relation to social services of such bodies as the Minister may specify,

(*i*) to prepare strategic plans in accordance with *section 8,* and

(*j*) to perform any additional functions assigned to the Board under *subsection (2).*

F6**[**(1A) The Board shall, subject to the approval of the Minister, determine the terms on which and the conditions subject to which it may—

(*a*) support the provision of information, advice or advocacy services under F7**[***subsection (1),***]**

F5**[**(*aa*) support the provision, promotion and development of the Money Advice and Budgeting Service under *subsections (1)*(*ca*) and *(1)*(*cb*) and the functions referred to in *subsections (1)(cd)* to *(1)(cg),* **]**

(*b*) provide financial or other resources to a voluntary body under *subsection (1)(e)* or to a body specified by the Minister under F7**[***subsection (1)(h)*, and**]**

F5**[**(*ba*) provide financial assistance to a voluntary body under *subsection (1)*(*cc*), **]**

and different terms and conditions F7**[**may apply under *paragraphs (a)*, (*aa*), (*b*) and (*ba*)**]** and in relation to different types of bodies.

(1B) The Board shall, in determining the terms and conditions under *subsection (1A)*, have regard to the objective of it promoting the provision of an integrated, reliable and comprehensive information service of the highest quality.

(1C) The Board may, for the purpose of providing the support referred to in F7**[***paragraphs (a)* and *(aa)* of *subsection (1A)***]** or the financial or other resources referred to in F7**[***paragraphs (b)* and (*ba*) of that subsection**]**, request the body or person concerned to furnish it with information in such form and at such times as it may require.

(1D) The Board may refuse to provide the support referred to in F7**[***paragraphs (a)* and *(aa)* of *subsection (1A)***]**, or the financial or other resources referred to in F7**[***paragraphs (b)* and (*ba*) of that subsection**]**, if the body or person concerned does not comply with the terms and conditions determined under that subsection or if it

fails or refuses to furnish the Board with any information requested of the body or person concerned under *subsection (1C)*.

(1E) The Board, in performing the functions conferred on it by or under this section, shall have regard to the need for it to co-operate with statutory bodies and voluntary bodies. **]**

F5**[**(1F) The Board, in performing the functions conferred on it under *subsections (1)(ca)* to *(1)(ch)*, shall have regard to—

(*a*) the provision, in particular, of the Money Advice and Budgeting Service to persons on low income who are, or are at risk of becoming, over indebted, and

(*b*) Government policy, in particular social inclusion policy. **]**

(2) The Minister may, with the consent of the Minister for Finance, by order-

(*a*) confer on the Board such additional functions relating to social services and connected with the functions conferred on the Board by *subsection (1)* or an order made under this subsection, as the Minister considers appropriate,

(*b*) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on the Board of functions so conferred.

(3) The Minister may by order amend or revoke an order under this section, including an order under this subsection.

(4) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which the 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.

Annotations

Amendments:

F4 Substituted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 4(a), S.I. No. 141 of 2007.

F5 Inserted (13.07.2009) by *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), s. 28(a), (b)(ii), (iv), (e), S.I. 244 of 2009.

F6 Inserted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 4(b), S.I. No. 141 of 2007.

F7 Substituted (13.07.2009) by *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), s. 28(b)(i), (iii), (v), (c), (d), S.I. 244 of 2009.

F8 Inserted by *Citizens Information Act 2007* (2/2007), s. 4(a), not commenced as of date of revision.

Modifications (not altering text):

C2 Subs. (1)(bb) inserted by *Citizens Information Act 2007* (2/2007), s. 4(a), not commenced as of date of revision.

F8**[**(*bb*) to provide, or to arrange for the provision of, a Personal Advocacy Service to qualifying persons and, in so doing, the Board shall take account of the following:

(i) the financial resources of the Board; and

(ii) whether qualifying persons can obtain advocacy services otherwise than under this Act, **]**

C3 Functions under subs. (2) transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and*

Ministerial Functions) Order 2011 (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 1 of 2000	Comhairle Act 2000	Sections 7(2), 12(6) and 20
...	...	...

Editorial Notes:

E3 Power pursuant to subs. (1)(h) exercised (21.11.2000) by *Comhairle Regulations 2000* (S.I. 369 of 2000).

F9**[** Personal Advocacy Service. **7A.**— ...**]**

Annotations

Amendments:

F9 Inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C4 Prospective affecting provision: section inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F9**[7A.**— (1) The Chief Executive may designate such and so many members of the staff of the Board as he or she considers appropriate to be personal advocates to qualifying persons (hereinafter

referred to as 'personal advocates') and a person so designated shall hold office as a personal advocate for such period as the Chief Executive may determine.

(2) A personal advocate shall have such qualifications, expertise and experience relevant to personal advocacy as the Board considers appropriate.

(3) A person is a qualifying person for the purposes of this Act if—

(*a*) he or she is not less than 18 years of age and, in the opinion of the Director—

(i) is, by reason of a disability, unable to obtain or has difficulty in obtaining a particular social service or services without the assistance or support of a personal advocate, and

(ii) there are reasonable grounds for believing that there is, in relation to the person, a risk of harm to his or her health, welfare or safety if he or she is not provided with the social service or services that he or she is seeking to obtain,

or

(*b*) he or she is under 18 years of age and—

(i) his or her sole parent or guardian is a qualifying person, or

(ii) he or she has a disability or, in relation to whom, in the opinion of the Director, there are reasonable grounds for believing that he or she has a disability, and in either case the circumstances are such that it would be unreasonable to expect a parent or guardian of the person to act on his or her behalf in obtaining a particular social service or services without the assistance or support of a personal advocate,

and, in the opinion of the Director, there are reasonable grounds for believing that there is, in relation to the person, a risk of harm to his or her health, welfare or safety if he or she is not provided with the social service or services that he or she is seeking to obtain.

(4) A person shall not cease to be a qualifying person for the purposes of this Act by reason only of the fact that he or she is in receipt of a social service or services.

(5) The Board shall have regard to the following to determine the order of priority to be accorded to different qualifying persons in the assignment of personal advocates to such persons:

(*a*) the needs of qualifying persons to have personal advocates assigned to them;

(*b*) the degrees of risk of harm to the health, welfare or safety of qualifying persons if they are not provided with the social service or services that they are seeking to obtain;

(*c*) the benefits likely to accrue to qualifying persons if personal advocates are assigned to them;

(*d*) the availability to qualifying persons of advocacy services otherwise than under this Act; and

(*e*) such other matters as the Board considers appropriate or as may be prescribed by regulations made by the Minister, which he or she is hereby authorised to make for that purpose.

(6) The service provided to qualifying persons under this section and *sections 7B* to *7F* shall be known, and is in this Act referred to, as the 'Personal Advocacy Service'.

(7) The Board may, with the approval of the Minister and the consent of the Minister for Finance, appoint a person who shall be known as the Director of the Personal Advocacy Service, and is referred to in this Act as 'the Director', to perform the functions conferred on the Director by this Act.

(8) *Subsections (2)* and *(4)* of *section 14* shall apply to the Director in the same manner as they apply to other members of the staff of the Board.

(9) The Director shall manage and control the Personal Advocacy Service and shall be responsible to the Chief Executive for such management and control.

(10) (*a*) The Director shall, if the Director or a member of the staff of the Board who is authorised to perform the functions of the Director under *section 7B* is informed by a person (in this subsection referred to as a 'specified person') that he or she is of opinion in relation to another person that the second-mentioned person is a qualifying person, provide

information to the person in relation to the Personal Advocacy Service and, in particular, the requirements of *section 7B* in respect of an application for the assignment of a personal advocate to a person.

(*b*) In this subsection 'specified person', in relation to another person, means a member of that person's family, a carer of that person or any other person, including a member of an organisation or group, who is actively involved in promoting the health, welfare or well-being of that person.

(11) The functions of the Director under *subsection (10)* and *section 7B* may be performed by such members of the staff of the Board as the Director may authorise in that behalf.

(12) Regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(13) Every regulation under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 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. **]**

F10**[** Application for assignment of personal advocate.

7B.— ... **]**

Annotations

Amendments:

F10 Inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C5 Section inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F10**[7B.**— (1) A person who is of opinion that he or she is a qualifying person (in this section referred to as an 'applicant') may apply in writing, or in such other form as may be specified by the Minister, to the Director for the assignment of a personal advocate to him or her and he or she shall specify in the application the social service or services that he or she is seeking to obtain.

(2) An application under *subsection (1)* may be made by any person on behalf of an applicant.

(3) The Director shall determine whether or not an applicant is a qualifying person and, if he or she is satisfied that the applicant is such a person, he or she shall assign a personal advocate to the applicant in accordance with this Act.

(4) A decision to grant or to refuse to grant an application under *subsection (1)* shall be made and the applicant concerned and, if appropriate, the person who made the application on his or her behalf shall be notified of it by the Director in writing, or such other form as may be specified by the Minister, as soon as practicable after the receipt by the Director of the application.

(5) If the grant of an application under *subsection (1)* is refused, the notification under *subsection (4)* shall specify the reasons for the refusal and state that the applicant concerned may appeal against the decision of the Director under *section 7C*.

(6) If the grant of an application under *subsection (1)* is refused, the Director may, at any time, reverse the decision where it appears to him or her that the decision was erroneous in the light of new evidence or of new facts which have been brought to his or her notice since the decision was made or by reason of some mistake having been made in relation to the law or the facts, or where it appears to him or her that there has been any relevant change of circumstances of the applicant concerned since the decision was made, and the provisions of *section 7C* shall apply to

the revised decision in the same manner as they apply to the original decision relating to the application.

(7) *Subsection (6)* shall not apply to a decision relating to an application which is on appeal or reference under *section 7C* unless the revised decision would be in favour of the applicant concerned.

(8) A document purporting to be a certificate of a decision made under this section by the Director or, as the case may be, a person authorised under *section 7A(11)* to perform the functions of the Director under this section and to be signed by the Director or that person, as the case may be, shall be *prima facie* evidence of the making of the decision and of the terms of that decision, without proof of the signature of the Director or that person, as may be appropriate, or of his or her official capacity. **]**

F11**[** Appeals. **7C.**— ...**]**

Annotations

Amendments:

F11 Inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C6 Section inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F11**[7C.**— (1) Chapters 2 (other than sections 309, 312, 315, 316(3) and 321) and 4 of Part 10 of the Social Welfare Consolidation Act 2005 shall apply to an appeal against a decision of the Director under *section 7B* in the same manner as they apply to appeals against a decision of a deciding officer under Chapter 1 of that Part, subject to the following and any other necessary modifications:

(*a*) in section 304, the insertion of 'and section 7C (inserted by section 5 of the Citizens Information Act 2007) of the Comhairle Act 2000' after 'for the purposes of this Act';

(*b*) in section 307, the substitution of references to the Director for references to a deciding officer;

(*c*) in section 311—

(i) the substitution of the following subsection for subsection (1):

'(1) Where any person is dissatisfied with the decision given by the Director, the question shall, on notice of appeal being given, by or on behalf of that person, to the Chief Appeals Officer within the prescribed time, be referred to an appeals officer.',

and

(ii) in subsection (3)—

(I) the deletion of 'or section 312',

(II) the substitution of a reference to the Director for the reference to the deciding officer, and

(III) the deletion of ', or the determination of the employee of the Executive, as the case may require,';

(*d*) the substitution of the following section for section 319:

'**Effect of revised decision by appeals officer.**

319.— A revised decision given by an appeals officer shall take effect from the date considered appropriate by the appeals officer having regard to the circumstances of the case.';

(*e*) the substitution of the following section for section 320:

'**Decision of appeals officer to be final and conclusive.**

320.— The decision of an appeals officer on any question arising under section 7C (inserted by section 5 of the Citizens Information Act 2007) of the Comhairle Act 2000 shall, subject to sections 317, 318 and 327, be final and conclusive.';

(*f*) in section 328, the deletion of 'a deciding officer or';

(*g*) the substitution of the following section for section 329:

'**Revision to include revision consisting of reversal.**

329.— A reference in this Part to a revised decision given by an appeals officer includes a reference to a revised decision which reverses the original decision.';

and

(*h*) the substitution of the following section for section 330:

'**Regulations.**

330.— The Minister may make regulations specifying the procedures to be followed by an appeals officer when deciding questions under section 311, including that section as applied by subsection (1) of section 7C (inserted by section 5 of the Citizens Information Act 2007) of the Comhairle Act 2000.'.

(2) References in the provisions of Part 10 of the Social Welfare Consolidation Act 2005 applied by *subsection (1)* to that Part shall be construed as including references to that Part as so applied.
]

F12**[** Functions of personal advocate.

7D.— ...**]**

Annotations

Amendments:

F12 Inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F13 Substituted (25.05.2018) by *Data Protection Act 2018* (7/2018), s. 187, S.I. No. 174 of 2018.

Modifications (not altering text):

C7 Section inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F12**[7D.**— (1) A personal advocate assigned to a qualifying person under this Act shall—

(*a*) if appropriate, make or assist in making an application for an assessment under Part 2 of the Disability Act 2005 in respect of the person and assist, support and represent the person in accordance with the said Part 2 in relation to the application, assessment and service statement (if any) prepared in respect of the person,

(*b*) assist, support and represent the person—

(i) to apply for and obtain a social service or services specified in the application under *section 7B(1)* concerned or, if appropriate, in a service statement prepared in respect of the person, and

(ii) if the personal advocate considers it appropriate to do so, to pursue any right of review, reference or appeal to a body other than a court if the application for such service or services is refused,

and

(*c*) for the purpose of assisting the person to promote the best interests of his or her health, welfare and well-being, provide support or training or both to—

(i) the person, or

(ii) a member of the person's family, a carer of the person or any other person, including a member of an organisation or group, who is actively involved in promoting the health, welfare or well-being of the person,

or both for so long as the personal advocate is performing functions under *paragraph (a)* or *(b)* in respect of the person.

(2) A personal advocate assigned to a qualifying person under this Act may, for the purpose of performing his or her functions, at any reasonable time enter any place where day care, residential care or training is provided for the person and make such inquiries in such place in relation to the person as he or she considers appropriate.

(3) F13**[**Subject to the Data Protection Regulation and the Data Protection Act 2018**]**, a personal advocate assigned to a qualifying person under this Act may, for the purpose of performing his or her functions, do all or any of the following:

(*a*) obtain from a statutory body or voluntary body any information relating to the person that the personal advocate considers necessary;

(*b*) attend and represent the person at any meeting, consultation or discussion at which the interests of the person are being considered and which the person would have attended if he or she were not a qualifying person; and

(*c*) identify any person referred to in *subsection (1)(c)(ii)* who may assist the qualifying person.

(4) A statutory body or voluntary body that provides social services shall co-operate with a personal advocate in the performance of his or her functions.

(5) A person who by act or omission obstructs or hinders a personal advocate in the performance of his or her functions shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 or imprisonment for a term not exceeding 3 months or both.

(6) Proceedings for an offence under this section may be brought and prosecuted by the Minister.

(7) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this section may be instituted within 12 months from the date of the offence.

F13**[**(8) In this section—

'application', 'assessment' and 'service statement' have the meanings assigned to them respectively by Part 2 of the Disability Act 2005;

'Data Protection Regulation' means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[23] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).**]]**

F14**[** Liability for offences by bodies corporate.

7E.— ...**]**

Annotations

Amendments:

F14 Inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C8 Section inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F14**[7E.**— (1) Where an offence under *section 7D(5)* is committed by a body corporate and is proved to have been committed with the consent, connivance or approval of, or to have been attributable to any wilful neglect on the part of, any person, being a director, manager, secretary or other officer of the body corporate or a person who was purporting to act in any such capacity,

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

that person, as well as the body corporate, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(2) Where the affairs of a body corporate are managed by its members, *subsection (1)* shall apply in relation to the acts and defaults of a member in connection with his or her functions of management as if he or she were a director or manager of the body corporate. **]**

F15**[** Arrangement to provide services of personal advocates.

7F.— ...**]**

Annotations

Amendments:

F15 Inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

Modifications (not altering text):

C9 Section inserted by *Citizens Information Act 2007* (2/2007), s. 5, not commenced as of date of revision.

F15**[7F.**— The Board, with the approval of the Minister and subject to such terms and conditions as are considered appropriate, may arrange for the functions of personal advocates under *section 7D* to be performed by persons other than members of the staff of the Board and *sections 7A* to *7E* shall, with any necessary modifications, apply to such persons. **]**

Strategic plans.

8.— (1) As soon as practicable after the establishment day, and thereafter within 6 months before each third anniversary of the establishment day, the Board shall prepare and submit to the Minister, for approval with or without amendment by the Minister, a strategic plan for the ensuing 3 year period.

(2) A strategic plan shall-

(*a*) comprise the key objectives, outputs and related strategies, including the use of resources, of the Board,

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

(*c*) have regard to the need to ensure the most beneficial, effective and efficient use of the resources of the Board.

(3) The Minister shall, as soon as practicable after the strategic plan has been approved, cause a copy of the strategic plan to be laid before each House of the Oireachtas.

Membership of Board and term of office of members.

9.— (1) The Board shall consist of F16**[**15 members**]**, who shall be appointed by the Minister and who shall, subject to the other provisions of this section, hold and vacate office as the Minister may determine.

(2) The Minister shall designate one member of the Board as chairperson.

(3) The Minister, when appointing a member of the Board, shall fix such member's period of membership which shall not exceed F16**[**5 years**]**.

(4) The ordinary members of the Board shall include—

(*a*) one officer of the Minister,

F16**[**(*b*) 3 members who represent persons with a disability, and**]**

(*c*) one member of the staff of the Board who shall be elected by secret ballot of the staff of the Board in such manner as the Board, with the agreement of the Minister, may determine.

(5) There may be paid to members of the Board, out of moneys at the disposal of the Board, such remuneration (if any) and allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may determine.

(6) A member of the Board may resign from the Board by letter addressed to the Minister and the resignation shall take effect on receipt of the letter by the Minister.

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

(8) A member of the Board shall cease to be and shall be disqualified from being a member of the Board where such member—

(*a*) is adjudicated bankrupt,

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

(*c*) on conviction on indictment by a court of competent jurisdiction is sentenced to a term of imprisonment, or

(*d*) is disqualified or restricted from being a director of any company (within the meaning of the Companies Acts, 1963 to 1999).

(9) If a member of the Board dies, resigns, becomes disqualified or is removed from office or for any other reason other than *subsection (3)* ceases to be a member of the Board, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned and the person so appointed shall be appointed for the unexpired period of the term of membership of, and in the same manner as, the member of the Board who occasioned the casual vacancy.

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

(11) Subject to *section 11(3),* the Board may act notwithstanding one or more vacancies in its membership.

(12) In making appointments to the Board the Minister shall have regard to the objective of there being not less than F16**[**6 members**]** who are women and not less than F16**[**6 members**]** who are men.

(13) F17**[**...**]**

Annotations

Amendments:

F16 Substituted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 6(a)-(d), S.I. 141 of 2007.

F17 Deleted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 6(e), S.I. 141 of 2007.

Chairperson of Board.

10.— (1) Where the chairperson of the Board ceases to hold such office, he or she shall also cease to be a member of the Board.

(2) Where the chairperson of the Board ceases to be a member of the Board he or she shall also thereupon cease to be chairperson of the Board.

(3) The chairperson of the Board may resign his or her office as chairperson by letter addressed to the Minister and the resignation shall take effect on receipt of the letter by the Minister.

(4) The chairperson of the Board shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (2)* or *(3),* hold such office until the expiration of his or her period of membership of the Board and, if he or she is re-appointed as a member of the Board, he or she shall be eligible to be designated as chairperson of the Board in accordance with *section 9(2)*.

Meetings of Board.

11.— (1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The Minister, in consultation with the chairperson of the Board, shall fix the time of the first meeting of the Board.

F18**[**(3) The quorum for a meeting of the Board shall be 8 or such lesser number (being not less than 5) as the Board may from time to time determine.**]**

(4) The chairperson of the Board shall chair any meetings of the Board except in the case that the chairperson is not present or such office is vacant in which case the members who are present shall choose one of their number to chair the meeting.

(5) At a meeting of the Board, each member of the Board present, including the chairperson, shall have a vote and any question on which a vote is required in order to establish the Board's view shall be determined by a majority of votes of the members of the Board present when the vote is called and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(6) Subject to this Act, the Board shall regulate, by standing orders or otherwise, the procedure and business of the Board or any committee established under *section 12*.

Annotations

Amendments:

F18 Substituted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 7, S.I. 141 of 2007.

Committees of Board.

12.— (1) The Board may establish committees to advise it on matters relating to any of its functions and may determine the terms of reference and regulate the procedure of any such committee.

(2) A committee established under this section may include persons who are not members of the Board.

(3) A member of a committee established under this section may be removed at any time by the Board.

(4) The Board may at any time dissolve a committee established under this section.

(5) The Board may appoint a person to be chairperson of a committee established under this section.

(6) There may be paid by the Board to members of a committee established under this section such allowances for expenses incurred by them as the Board may, with the consent of the Minister and the Minister for Finance, determine.

Annotations

Modifications (not altering text):

C10 Functions under subs. (6) transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 1 of 2000	Comhairle Act 2000	Sections 7(2), 12(6) and 20
...	...	...

Chief Executive of Board.

13.— (1) There shall be a chief executive officer of the Board who shall be known and is referred to in this Act as the "Chief Executive".

(2) The Chief Executive shall carry on and manage, and control generally, the administration and business of the Board and perform such other functions (if any) as may be determined by the Board.

(3) With the consent of the Minister the Chief Executive shall be appointed and may be removed from office by the Board.

(4) The Chief Executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined by the Board with the consent of the Minister given with the approval of the Minister for Finance.

(5) The Chief Executive shall not be a member of the Board, but he or she may, in accordance with procedures established by the Board, attend meetings of the Board and shall be entitled to speak to and advise such meetings.

Staff of Board.

14.—(1) Subject to any transfer of staff from the National Social Service Board to the Board under *section 29,* or from the National Rehabilitation Board under an order made by the Minister for Health and Children under section 7(2) of the Health (Corporate Bodies) Act, 1961, the Board may, subject to the approval of the Minister with the consent of the Minister for Finance, appoint such and so many persons to be staff of the Board, including the appointment of persons transferred from either the former board or the National Rehabilitation Board as it may from time to time think necessary to assist the Board in the performance of its functions.

(2) Subject to *section 29*, members of staff of the Board shall hold their employment on such terms and conditions, including those relating to remuneration, grading and allowances for expenses as the Board, with the approval of the Minister given, in so far as it relates to remuneration, grading and allowances for expenses, with the consent of the Minister for Finance, may determine from time to time.

(3) The Chief Executive may from time to time assign such duties as he or she considers appropriate to each member of staff and each member of staff shall carry out the duties so assigned.

(4) In making a determination under *subsection (2)*, the Board shall act in accordance with the directions of the Minister and shall have regard to any arrangements in operation for conciliation and arbitration for persons affected by the determination.

Annotations

Editorial Notes:

E4 Certain persons who previously served as officers or servants of the former National Rehabilitation Board were transferred to similar offices under Comhairle (12.06.2000) by *National Rehabilitation Board (Dissolution and Revocation) Order 2000* (S.I. No. 171 of 2000), art. 4 and sch. part 1, in effect as per art. 3.

Superannuation.

15.—(1) The Board, with the approval of the Minister and the consent of the Minister for Finance, shall make a scheme or schemes for the granting of superannuation benefits to or in respect of the members of staff, including the Chief Executive, of the Board.

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

(3) The Board may, with the approval of the Minister and the consent of the Minister for Finance, make a scheme amending or revoking a scheme under this section including a scheme under this subsection.

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

(5) No superannuation benefits shall be granted by the Board to or in respect of a person on ceasing to be Chief Executive or a member of the staff of the Board otherwise than—

(*a*) in accordance with a scheme or schemes under this section, or

(*b*) with the consent of the Minister and the Minister for Finance.

(6) A scheme under this section, including an amendment of a scheme, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21

days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(7) A scheme or schemes under *subsection (1)* shall, in so far as it concerns a person who immediately before his or her appointment as Chief Executive or to a position on the staff of the Board was an officer or servant of the former Board or the National Rehabilitation Board, as the case may be, grant superannuation benefits upon and subject to terms and conditions that are not less favourable than the terms and conditions that applied to that person immediately before their appointment as Chief Executive of or a member of the staff of the Board in relation to the grant of such benefits.

(8) In applying *subsection (7)*, superannuation benefits that would have been granted to or in respect of a person during the period between his or her appointment as Chief Executive or to a position on the staff of the Board and the coming into operation of a scheme under this section had he or she continued to be employed by the former Board or the National Rehabilitation Board, as the case may be, shall be granted and paid to or in respect of that person by the Board in accordance with the scheme or such enactments in relation to superannuation as applied to the person immediately before his or her appointment as Chief Executive or to a position on the staff of the Board and, for that purpose, his or her pensionable service with the Board shall be aggregated with his or her previous pensionable service.

(9) In this section "superannuation benefits" means pensions, gratuities and other allowances payable on ceasing to be a Chief Executive or a member of the staff of the Board.

Annotations

Modifications (not altering text):

Editorial Notes:

E5 Provision made that scheme or schemes made under section be excluded from the application of *Pensions Act 1990* (25/1990), Part IV by *Occupational Pension Schemes (Funding Standard) Regulations 1993* (S.I. 419 of 1993), art. 6(1) and sch. C as substituted (16.06.2014) by *Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2014* (S.I. 268 of 2014), art. 2.

E6 Provision made that scheme or schemes made under section be excluded from the application of *Pensions Act 1990* (25/1990), Part III by *Occupational Pension Schemes (Preservation of Benefits) Regulations 2002* (S.I. 279 of 2002), art. 11(1) and sch. as substituted (26.02.2009) by *Occupational Pension Schemes (Preservation of Benefits) (Amendment) Regulations 2009* (S.I. 70 of 2009), art. 2.

E7 Previous affecting provision: provision made that scheme or schemes made under section be excluded from the application of *Pensions Act 1990* (25/1990), Part IV by *Occupational Pension Schemes (Funding Standard) Regulations 1993* (S.I. 419 of 1993), art. 6(1) and sch. C as substituted (18.04.2013) by *Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2013* (S.I. 135 of 2013), art. 2; superseded as per E-note above.

E8 Previous affecting provision: provision made that scheme or schemes made under section be excluded from the application of *Pensions Act 1990* (25/1990), Part IV by *Occupational Pension Schemes (Funding Standard) Regulations 1993* (S.I. 419 of 1993), art. 6(1) and sch. C as substituted (1.08.2008) by *Occupational Pension Schemes (Funding Standard) Regulations 2008* (S.I. 295 of 2008), arts. 2 and 4, in effect as per art. 2; superseded as per E-note above.

Disclosure by members of Board of certain interests.

16.—(1) Where at a meeting of the Board any of the following matters arise, namely—

(*a*) an arrangement to which the Board is a party or a proposed such arrangement, or

(*b*) a contract or other agreement with the Board or a proposed such contract or other agreement,

then, any member of the Board present at the meeting who otherwise than in his or her capacity as such a member has an interest in the matter shall-

(i) at the meeting disclose to the Board the fact of such interest and the nature thereof,

(ii) neither influence nor seek to influence a decision to be made in relation to the matter,

(iii) absent himself or herself from the meeting or that part of the meeting during which the matter is discussed,

(iv) take no part in any deliberation of the Board relating to the matter, and

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

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

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

(4) Where the Minister is satisfied that a member of the Board has contravened *subsection (1),* the Minister may, if he or she thinks fit, remove that member from office and, in case a person is removed from office pursuant to this subsection, he or she shall thereafter be disqualified from membership of the Board.

(5) For the purposes of this section and *section 17* a person shall not be regarded as having an interest in any matter by reason only of an interest of that person, or of any company in which he or she has an interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question relating to the matter, or in performing any function in relation to that matter.

Disclosure by staff of Board of certain interest.

17.—(1) Where a member of the staff of the Board has an interest, otherwise than in his or her capacity as a member of staff in any, or any proposed contract, agreement or arrangement, to which the Board is or is proposed to be a party, that person—

(*a*) shall disclose to the Board his or her interest and the nature thereof,

(*b*) shall take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by members of the Board or members of the staff of the Board in relation thereto,

(*c*) shall not influence or seek to influence a decision to be made in the matter, and

(*d*) shall not make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* shall not apply to a person as regards a contract or proposed contract of employment of that person as a member of the staff of the Board.

(3) In this section "member of staff" includes the Chief Executive.

Disclosure of information.

18.—(1) Save as otherwise provided by law, a person shall not, without the consent of the Board, disclose confidential information obtained by him or her while performing, or as a result of having performed, duties as a member of the Board, a member of staff of the Board, (including the Chief Executive), a member of a committee or a consultant or adviser to the Board.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exeeeding £1,500.

(3) Nothing in *subsection (1)* shall prohibit the disclosure of information by means of a report made—

(*a*) to the Board, or

(*b*) by or on behalf of the Board to the Minister.

(4) In this section "confidential information" includes information that is expressed by the Board or a committee of the Board, as the case may be, to be confidential either as regards particular information or as regards information of a particular class or description.

Annotations

Modifications (not altering text):

C11 Person holding record under section excluded from requirement to refuse an FOI request (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 41(1)(a) and sch. 3 part 1, commenced on enactment. This section is listed in sch. 3 part 1.

Enactments relating to non-disclosure of records

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

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

...

SCHEDULE 3

Enactments Excluded from Application of Section 41

...

Part 1

Statutes

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 1 of 2000	Comhairle Act 2000	Section 18.
...	...	...

Editorial Notes:

E9 Previous affecting provision: head holding record under section excluded from requirement to refuse an FOI request by *Freedom of Information Act 1997* (13/1997), s. 32 and sch. 3, as amended (24.03.2006) by *Social Welfare Law Reform and Pensions Act 2006* (5/2006), s. 46, commenced on enactment; repealed (14.10.2014) by *Freedom of Information Act 2014* (30/2014), s. 5 and sch. 4 part 1, commenced as per s. 1(2).

F19**[** Exclusion resulting from membership of either House of the Oireachtas, European Parliament or local authorities.

18A.— (1) Where a member of the Board—

(*a*) is nominated as a candidate for election to either House of the Oireachtas or the European Parliament,

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

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

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

(*e*) becomes a member of a local authority,

he or she thereupon ceases to hold office.

(2) Where a person who is a member of the staff of the Board—

(*a*) is nominated as a candidate for election to either House of the Oireachtas or the European Parliament,

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

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

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

(*e*) becomes a member of a local authority,

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

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament or a local authority shall, while so entitled or such a member, be disqualified from becoming a member of the Board, the chief executive or an employee of the Board.

(4) Without prejudice to the generality of *subsection (2)*, that subsection shall be read as prohibiting, *inter alia*, the reckoning of a period mentioned in that subsection as service with the Board for the purposes of any superannuation benefits.

(5) This section applies to a person who—

(*a*) is nominated as a candidate for election to either House of the Oireachtas or the European Parliament,

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

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

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

(*e*) becomes a member of a local authority,

on or after 1 July 2011. **]**

Annotations

Amendments:

F19 Inserted (29.06.2011) by *Social Welfare and Pensions Act 2011* (9/2011), s. 21, commenced on enactment.

Gifts.

19.—(1) The Board may accept gifts of money, land or other property upon such trusts, terms or conditions, if any, as may be specified by the donor.

(2) The Board shall not accept a gift if the trusts, terms or conditions attached to it would be inconsistent with or prejudice the performance of the functions of the Board.

Advances by Minister to Board.

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

Annotations

Modifications (not altering text):

C12 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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

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

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

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

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

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 1 of 2000	Comhairle Act 2000	Sections 7(2), 12(6) and 20
...	...	...

Borrowing by Board.

21.— The Board may, for the purpose of providing for current or capital expenditure, from time to time, borrow money (whether on the security of the assets of the Board or otherwise), including money in a currency other than the currency of the State, subject to the consent of the Minister and the Minister for Finance and to such conditions as they may specify.

Annotations

Modifications (not altering text):

C13 Functions transferred and references to "Minister for Finance" construed (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 9, 20 and sch. 2 part 1, commenced as per s. 1(2) and S.I. No. 401 of 2011.

Department of Public Expenditure and Reform.

7.— (1) There shall stand established on the appointed day a Department of State to be known, in the Irish language, as an Roinn Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Department of Public Expenditure and Reform.

(2) The member of the Government who is in charge of the Department of Public Expenditure and Reform—

(a) shall be known, in the Irish language, as an tAire Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Minister for Public Expenditure and Reform, and

(b) is, in this Act, referred to as the "Minister".

...

Transfer of certain other functions to Minister.

9.— ...

(2) The functions conferred on the Minister for Finance by or under any of the provisions specified in Part 1 of Schedule 2 are transferred to the Minister.

...

Transfer of administration and business of Department of Finance.

11.— (1) The administration and business in connection with the performance of the functions transferred by sections 8 and 9 are hereby transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any statute or instrument under a statute in so far as they relate to the administration and business transferred by subsection (1) shall, from the appointed day, be construed as references to the Department of Public Expenditure and Reform.

...

Construction of references

15.— (1) References to the Minister for Finance contained in any statute or instrument under a statute in so far as they relate to any function transferred by this Act shall, from the appointed day, be construed as references to the Minister.

...

Performance of certain functions transferred to Minister by section 9.

20.— (1) The Minister shall not perform a function transferred by subsection (2) of section 9 without the consent of the Minister for Finance.

...

SCHEDULE 2

Functions Transferred To Minister

...

PART 1

Functions performable with consent of Minister for Finance

STATUTES

Number and Year (1)	Short Title (2)	Provision (3)
...	...	...
No. 1 of 2000	Comhairle Act 2000	Section 21
...	...	...

Accounts and audits.

22.—(1) The Chief Executive, following the agreement of the Board, shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods and at such times, as may be required by the Minister and shall furnish to the Minister any information which the Minister may require in relation to such estimates, including proposals and future plans relating to the discharge by the Board of its functions over a period of years, as required.

(2) The Chief Executive, under the direction of the Board, shall cause to be kept, on a continuous basis and in either or both a legible and a machine readable form, all proper books and records of account of all income and expenditure of the Board, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Board and shall keep and shall account to the Board for all such special accounts as the Minister or the Board, with the consent of the Minister, may from time to time direct should be kept.

(3) (*a*) The Board, the Chief Executive and any relevant member of the staff of the Board shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of the Board in respect of any financial year or other period and shall facilitate any such examination, and the Board shall pay such fee therefor as may be fixed by the Minister.

(*b*) In this subsection "relevant member of the staff of the Board" means a member of the staff of the Board in respect of whom there has been duly assigned duties which relate to the books or other records of account referred to in *paragraph (a)*.

(4) (*a*) The accounts of the Board for each financial year shall be prepared in such a form and manner as may be specified by the Minister and be prepared by the Chief Executive and approved by the Board as soon as practicable but not later than 3 months after the end of the financial year to which they relate for submission to the Comptroller and Auditor General for audit.

(*b*) The accounts of the Board in respect of each financial year shall as soon as practicable after having been approved by the Board in accordance with *paragraph (a)* be submitted by the Board to the Comptroller and Auditor General for audit.

(*c*) A copy of the accounts referred to in *paragraph (a)* and the report of the Comptroller and Auditor General thereon shall be presented to the members of the Board and to the Minister as soon as practicable and the Minister shall cause a copy of these documents to be laid before each House of the Oireachtas.

Accountability of Chief Executive.

23.—F20**[**(1) The Chief Executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Board or the Chief Executive is required by this Act to prepare,

(*b*) the economy and efficiency of the Board in the use of its resources,

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

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

(2) In the performance of his or her duties or her under this section, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Annotations

Amendments:

F20 Substituted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 8, S.I. No. 141 of 2007.

Reports and information to Minister.

24.—(1) The Board shall, not later than the 30th day of June in each year, make a report to the Minister (in this section referred to as the "annual report") in such form as the Minister may approve, on the performance of its functions and activities during the preceding year and the Minister shall cause copies of each annual report to be laid before each House of the Oireachtas.

(2) Each annual report shall include information in such form and regarding such matters as the Minister may direct.

(3) The Board may from time to time make such other reports to the Minister relating to its functions as it thinks fit.

(4) In addition to information provided by the Board in its annual report and in reports made pursuant to *subsection (3)*, the Board shall supply to the Minister such information as the Minister may from time to time require regarding the performance of its functions.

F21**[** Directions to Board.

24A.— The Minister may give to the Board such general policy directions (including directions to undertake campaigns to disseminate information relating to a particular social service or services) with regard to the performance of its functions as he or she considers appropriate, and the Board shall comply with any such directions. **]**

Annotations

Amendments:

F21 Inserted (30.03.2007) by *Citizens Information Act 2007* (2/2007), s. 9, commenced on enactment.

Consultants and advisers.

25.— Subject to the prior approval of the Minister, the Board may from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions, and any fees due to a consultant or adviser engaged under this section shall be paid by the Board out of moneys at its disposal.

F22**[** Transfer by Minister of certain rights and liabilities.

25A.— (1) Where, before the day on which this section comes into operation, the Minister has entered into any contract, agreement or arrangement with any person in respect of the provision by that person of a service commonly known as a money advice and budgeting service, and that contract, agreement or arrangement is in force immediately before the day on which this section comes into operation, the Minister may, as he or she sees fit, under his or her seal, transfer or assign his or her rights or liabilities arising under such contract, agreement or arrangement to the Board.

(2) Every right and liability transferred by *subsection (1)* to the Board may, on or after the day on which this section comes into operation, be sued on, recovered or enforced by or against the Board in its own name. **]**

Annotations

Amendments:

F22 Inserted (13.07.2009) by *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), s. 29, S.I. 244 of 2009.

Seal of Board.

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

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

(*a*) the chairperson of the Board or another member of the Board authorised by it to act in that behalf, and

(*b*) the Chief Executive or a member of the staff of the Board authorised by the Board to act in that behalf.

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

(4) Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board in that behalf.

PART III

Dissolution of National Social Service Board and Transitional Provisions

Dissolution of former Board.

27.— The National Social Service Board (in this Act referred to as the "former Board") is with effect from the establishment day hereby dissolved.

References to former Board in enactments.

28.— References to the former Board contained, immediately before the establishment day, in any enactment other than this Act shall, in so far as they relate to anything transferred to the Board by this Act, be construed on and after the establishment day as references to the Board.

Transfer to Board of certain staff.

29.— The Board with the consent of the Minister and the Minister for Finance shall accept into its employment on the establishment day, in accordance with the terms of this Act, such persons—

(*a*) who immediately before that day were members of the staff of the former Board,

(*b*) who immediately before that day were members of the staff of the National Rehabilitation Board and who are, with effect from the establishment day, transferred to the Board under an order made by the Minister for Health and Children under section 7(2) of the Health (Corporate Bodies) Act, 1961, as provided for in section 38 of the National Disability Authority Act, 1999,

on terms and conditions not less favourable than those applicable to such persons immediately before the transfer, for the duration of their contract.

Transfer to Board of assets and liabilities of former Board.

30.—(1) With effect from the establishment day the following are hereby transferred to the Board—

(*a*) all rights and property (and rights relating to such property) held or enjoyed immediately before that day by the former Board,

(*b*) all liabilities incurred before that day by the former Board which had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

(i) the said property, real and personal, shall, on that day, vest in the Board for all the estate, term or interest for which, immediately before that day, it was vested in the former Board, but subject to all trusts and equities affecting the property and capable of being performed,

(ii) those rights shall, as and from that day, be enjoyed by the Board, and

(iii) those liabilities shall, as and from that day, be liabilities of the Board.

(2) All moneys, stocks, shares and securities transferred to the Board by this section that, immediately before the establishment day, are standing in the name of the former Board shall, upon the request of the Board, be transferred into its name.

(3) Every right and liability transferred to the Board by this section may, on or after the establishment day, be sued on, recovered or enforced by or against the Board in its own name and it shall not be necessary for the Board to give notice of the transfer to the person whose right or liability is transferred by this section.

(4) The Board shall not, without the consent of the Minister, dispose of any part of any land or any interest therein transferred to or vested in the Board by virtue of this section.

(5) In this section "the former Board" includes any trustee or agent of the former Board acting on behalf of the former Board.

Preservation of certain contracts and adaptation of reference to former Board.

31.— Every contract or agreement made between the former Board or any trustee or agent thereof acting on its behalf, and any other person, which is in force immediately before the establishment day shall continue in force on and after that day and shall be construed and have effect as if the Board were substituted therein for the former Board or, as the case may be, its trustee or agent acting on its behalf, and shall be enforceable against the Board.

Pending legal proceedings.

32.— Where, immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the former Board or any trustee or agent thereof acting on its behalf, is a party to the proceedings, the name of the Board shall be substituted for that of the former Board or, as the case may be, such trustee or agent thereof, and the proceedings shall not abate by reason of such substitution.

Final accounts of former Board.

33.—(1) Final accounts of the former Board shall be drawn up by the Board as soon as may be after the establishment day in such form as may be approved of by the Minister, and in respect of such period or periods as may be specified by the Minister.

(2) Accounts prepared pursuant to this section shall be submitted as soon as may be by the Board to the Comptroller and Auditor General for audit, and, immediately after the audit, a copy of the income and expenditure account and of the balance sheet and of such other (if any) of the accounts as the Minister may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

Number 1 *of* 2000

COMHAIRLE ACT 2000

REVISED

Updated to 1 February 2019

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

Citizens Information Acts 2000 to 2011: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Social Welfare and Pensions Act 2011* (9/2011), s. 1(2)(b)). The Acts in this group are:

- *Comhairle Act 2000* (1/2000)
- *Citizens Information Act 2007* (2/2007)
- *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008), Part 4
- *Social Welfare and Pensions Act 2011* (9/2011), s. 21

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 1974, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Data Protection Act 2018* (7/2018)
- *Freedom of Information Act 2014* (30/2014)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)
- *Social Welfare and Pensions Act 2011* (9/2011)
- *Social Welfare (Miscellaneous Provisions) Act 2008* (22/2008)
- *Citizens Information Act 2007* (2/2007)
- *Social Welfare Law Reform and Pensions Act 2006* (5/2006)

All Acts up to and including *Local Government Act 2019* (1/2019), enacted 25 January 2019, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2014* (S.I. No. 268 of 2014)
- *Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2013* (S.I. No. 135 of 2013)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Occupational Pension Schemes (Preservation of Benefits) (Amendment) Regulations 2009* (S.I. No. 70 of 2009)
- *Occupational Pension Schemes (Funding Standard) (Amendment) Regulations 2008* (S.I. No. 295 of 2008)
- *Occupational Pension Schemes (Preservation of Benefits) Regulations 2002* (S.I. No. 279 of 2002)
- *Comhairle Regulations 2000* (S.I. No. 369 of 2000)
- *National Rehabilitation Board (Dissolution and Revocation) Order 2000* (S.I. No. 171 of 2000)
- *National Rehabilitation Board (Transfer of Property, Rights and Liabilities) Order 2000* (S.I. No. 170 of 2000)
- *Comhairle Act, 2000 (Establishment Day) Order 2000* (S.I. No. 167 of 2000)
- *Occupational Pension Schemes (Funding Standard) Regulations 1993* (S.I. No. 419 of 1993)

All statutory instruments up to and including *Brown Crab (Conservation Of Stocks) Regulations 2019* (S.I. No. 26 of 2019), made 1 February 2019, were considered in the preparation of this revision.