Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.



Number 10 *of* 2003

NATIONAL TOURISM DEVELOPMENT AUTHORITY ACT 2003

REVISED

Updated to 1 June 2025

This Revised Act is an administrative consolidation of the *National Tourism Development Authority Act 2003*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Finance (Provision of Access to Cash Infrastructure) Act 2025* (4/2025), enacted 20 May 2025, and all statutory instruments up to and including the *Agriculture, Food and the Marine (Delegation of Ministerial Functions) Order 2025* (S.I. No. 244 of 2025), made 4 June 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.

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Updated to 1 June 2025

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NATIONAL TOURISM DEVELOPMENT AUTHORITY ACT 2003

REVISED

Updated to 1 June 2025

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS AN TÚDARÁS NÁISIÚNTA FORBARTHA TURASÓIREACHTA OR IN THE ENGLISH LANGUAGE THE NATIONAL TOURISM DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE DISSOLUTION OF BORD FÁILTE ÉIREANN AND C.E.R.T. LIMITED; TO PROVIDE FOR THE PROMOTION OF TOURISM AND THE DEVELOPMENT OF TOURISM FACILITIES AND SERVICES; TO PROVIDE FOR THE TRANSFER OF CERTAIN FUNCTIONS FROM BORD FÁILTE ÉIREANN AND C.E.R.T. LIMITED TO THE NATIONAL TOURISM DEVELOPMENT AUTHORITY; TO PROVIDE FOR THE REPEAL OF CERTAIN PROVISIONS OF THE TOURIST TRAFFIC ACTS 1939 TO 1998; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH. [13*th April*, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title, collective citation and collective construction.

1.—(1) This Act may be cited as the National Tourism Development Authority Act 2003.

(2) The Tourist Traffic Acts 1939 to 1998 and this Act may be cited together as the Tourist Traffic Acts 1939 to 2003, and shall be construed together as one Act.

Interpretation.

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

"Authority" has the meaning assigned to it by *section 7*;

"Companies Acts" means the Companies Acts 1963 to 2001;

"dissolved body" has the meaning assigned to it by *section 37*;

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

"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 performance of the duties;

"material interest" shall be construed in accordance with section 2(3) of the Ethics in Public Office Act 1995;

"Minister" means the Minister for Arts, Sport and Tourism;

"subsidiary" means a subsidiary within the meaning of section 155 of the Companies Act 1963.

(2) In this Act—

(*a*) a reference to a Part, section or Schedule is a reference to a Part, section or Schedule of this Act, unless it is indicated that a reference to some other enactment 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, and

(*c*) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended whether before or after the passing of this Act, by or under any subsequent enactment.

Orders.

3.—Every order (other than an order under *section 5(2)* or *6*) under this Act shall be laid by the Minister 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 is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

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.

Repeals.

5.—(1) The enactments specified in *column (2)* of *Schedule 1* are hereby repealed to the extent specified in *column (3)* of that Schedule.

(2) The repeals effected by this section shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or enactment and different days may be so appointed for different purposes or enactments.

PART 2

National Tourism Development Authority

Establishment day.

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

National Tourism Development Authority.

7.—(1) There shall stand established, on the establishment day, a body which shall, subject to *subsection (5)*, be known as an tÚdarás Náisiúnta Forbartha Turasóireachta or in the English language the National Tourism Development Authority (in this Act referred to as the "Authority") to perform the functions assigned to it by this Act.

(2) The Authority shall be a body corporate with perpetual succession and an official seal and shall have power to sue, and may be sued, in its corporate name, and shall, with the consent of the Minister and the Minister for Finance, have power to acquire, hold and dispose of land or an interest in land, and shall have power to acquire, hold and dispose of any other property.

(3) The seal of the Authority shall be authenticated by—

(*a*) the signatures of 2 members of the Authority, or

(*b*) the signatures of both a member and a member of the staff of the Authority,

authorised by the Authority to act in that behalf.

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

(5) The Authority may, for operational purposes, describe itself as Fáilte Ireland.

Functions of Authority.

8.—(1) The general functions of the Authority shall be to—

(*a*) encourage, promote and support (either inside or outside the State)—

(i) the development of tourist traffic within and to the State,

(ii) the development and marketing of tourist facilities and services in the State,

(*b*) encourage, promote and support the recruitment, training, and education and development, of persons for the purposes of employment in connection with the tourism industry in the State,

(*c*) establish and maintain registers of hotels, guesthouses, holiday camps, holiday hostels, caravan sites, camping sites, approved holiday cottages, holiday apartments, motor hotels and youth hostels,

(*d*) promote and engage in research and planning in relation to any matter specified in *paragraph (a), (b)* or *(c)*, either alone or in cooperation with other persons, and

(*e*) support, subject to *section 25*, such enterprises and projects relating to—

(i) the development of tourist traffic within or to the State, and

(ii) the development and marketing of tourist facilities and services in the State.

as it considers appropriate.

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

(*a*) for the purposes of *subsection (1)(a)*—

(i) engage in advertising and sponsorship or any other form of publicity,

(ii) publish lists of registered and unregistered premises and such other tourist information as it considers appropriate, or

(iii) establish and operate tourist information offices,

(*b*) in relation to the recruitment, training, and education and development, of persons to whom *subsection (1)(b)* applies, provide financial aid (including the granting of money in respect of such recruitment, training, or education and development, to persons engaged therein),

(*c*) in relation to an enterprise or project to which *subsection (1)(e)* applies provide—

(i) financial aid (including the granting of money in respect of the enterprise or project concerned to persons engaged in the enterprise or project),

(ii) advisory or consultancy services in respect of the enterprise or project, and

(iii) training for persons employed in connection with the enterprise or project, or

(*d*) provide training to persons in connection with the tourism industry in the State.

(3) The Authority may provide (whether for reward or not)—

(*a*) advisory services in relation to tourism, or

(*b*) training to persons in connection with tourism,

other than tourism within or to the State.

(4) The Authority shall have all such powers as are necessary or expedient for the performance by it of its functions.

(5) The Authority shall, in the performance of its functions, have regard to policies of the Government (including policies of the Government relating to the Irish language and culture) for the time being extant.

(6) The Authority may perform any of its functions through or by any member of the staff of the Authority duly authorised in that behalf by the Authority.

Conferral of additional functions on Authority.

9.—(1) The Minister may, with the consent of the Minister for Finance, confer on the Authority, by order, such additional functions connected with the functions for the time being of the Authority as he or she thinks fit, subject to such conditions (if any) as may be specified in the order.

(2) An order under this section may contain such incidental, supplemental and consequential provisions as may, in the opinion of the Minister, be necessary to give full effect to the order.

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

(*b*) An order under this subsection shall be made in the like manner, and its making shall be subject to the like consent, as the order that it amends or revokes.

Power to establish, or acquire, hold or dispose of shares in, companies.

10.—(1) For the purposes of performing any one or more of its functions, the Authority may, with the consent of the Minister and the Minister for Finance, either alone or jointly with another person, cause such one or more companies to be formed and registered under—

(*a*) the Companies Acts 1963 to 2001, or

(*b*) the laws of a place other than the State,

as it considers appropriate, whether or not the company is a subsidiary of the Authority.

(2) The Authority may, for the purposes specified in *subsection (1)*, and with the consent of the Minister and the Minister for Finance, acquire or hold shares or any other interest in, or become a member of, a company formed and registered under—

(*a*) the Companies Acts 1963 to 2001, or

(*b*) the laws of a place other than the State.

(3) The memorandum and articles of association of a company to which *subsection (1)* or *(2)* applies shall be in such form consistent with this Act as may be determined by the Authority, with the consent of the Minister and the Minister for Finance.

(4) The Authority may dispose of shares or any other interest in a company to which this section applies.

Delegation of functions.

11.—(1) The Authority may, with the consent of the Minister, delegate such one or more of its functions, as it considers appropriate to—

(*a*) a subsidiary of the Authority,

(*b*) a company established and registered under the Companies Acts 1963 to 2001—

(i) that, by virtue of *sections 38(1)* and *42(3)* and its memorandum of association, shall perform its functions in accordance with the policies and directions of the Authority,

(ii) in respect of which no alteration to its memorandum or articles of association shall, by virtue of those sections and its memorandum of association, have effect unless the Authority shall have given its prior approval thereto, and

(iii) that, by virtue of those sections and its articles of association, the members of the company shall resolve to wind up the company by special resolution where the Authority requests them to so do, or

(*c*) a committee established under *section 23*.

(2) The Authority shall, where the Minister so directs in writing, delegate such of its functions as are specified in the direction concerned to—

(*a*) a subsidiary of the Authority,

(*b*) a company to which *subsection (1)(b)* applies, or

(*c*) a committee established under *section 23*.

(3) The Authority may, with the consent of the Minister, delegate such of its functions under *section 8(1)(a)*, as it considers appropriate, to Tourism Ireland Limited.

(4) The Authority shall, where the Minister so directs in writing, delegate to Tourism Ireland Limited such of its functions under *section 8(1)(a)* as are specified in the direction concerned.

(5) Where a delegation is made under this section—

(*a*) (i) the delegated person shall, in relation to a delegation other than a delegation under *subsection (3)* or *(4)*, perform the function concerned under the general direction and control of the Authority, or

(ii) the delegated person shall, in relation to a delegation under *subsection (3)* or *(4)*, perform the functions concerned under the general direction and control of such persons as may be specified in the delegation,

(*b*) the delegated person shall perform the function concerned in accordance with any limitations specified in the delegation as to the area, period in which, or extent to which he or she is to perform that function, and

(*c*) a provision of or under this Act or any other enactment (whether passed before or after the passing of this Act) that vests functions in the Authority or regulates the manner in which any function is to be performed shall, if and in so far as it is applicable to the delegated function, have effect, for the

purposes of the performance of that function by the delegated person, with the substitution of the delegated person for the Authority.

(6) Notwithstanding *subsection (5)*, where a delegation to a delegated person is made under this section—

(*a*) the Authority may, with the consent of the Minister, or

(*b*) the Authority shall, where the Minister so directs in writing,

in any particular case, inform the delegated person that it has decided to perform the function itself, and the function shall thereupon be performable in that case by the Authority and not the delegated person.

(7) The Authority may, with the consent of the Minister, revoke a delegation under this section.

(8) The Authority shall, where the Minister so directs in writing, revoke a delegation under this section.

(9) In this section "delegated person" means a person to whom a function of the Authority stands delegated for the time being under this section.

Agreements for performance of functions of Authority by persons other than Authority.

12.—(1) The Authority may enter into an agreement with another person (in this section referred to as a "contractor") for the performance by that person of the functions of the Authority under the provisions specified in *Schedule 2*.

(2) An agreement to which *subsection (1)* applies shall be subject to such terms and conditions as the Authority shall determine with the consent of the Minister.

(3) Where the Authority enters into an agreement to which *subsection (1)* applies references in the provisions specified in *Schedule 2* that are, by virtue of *section 38*, to be construed as references to the Authority shall for the duration of the agreement be construed as references to the contractor.

(4) Where the Authority enters into an agreement to which *subsection (1)* applies references in the provisions specified in *Schedule 2* that are, by virtue of *section 38*, to be construed as references to an officer of the Authority shall for the duration of the agreement be construed as references to a member of the staff of the contractor.

(5) The Authority may terminate an agreement under *subsection (1)* where the contractor concerned fails to comply with any of the terms or conditions to which the agreement is subject.

(6) Section 2 of the Tourist Traffic Act 1939 is hereby amended by the substitution of the following definition for the definition of "contractor" (inserted by section 7 of the Tourist Traffic Act 1995):

" 'contractor' has the meaning assigned to it by *section 12(1)* of the *National Tourism Development Authority Act 2003*;".

Directions of Minister.

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

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

(3) The Authority shall comply with a direction under this section.

Membership of Authority.

14.—(1) The Authority shall consist of the following members that is to say—

(*a*) a chairperson, and

(*b*) 12 ordinary members.

(2) The members of the Authority shall be appointed by the Minister from among persons who in the opinion of the Minister have experience of, and expertise in relation to, matters connected with the functions of the Authority.

(3) Subject to *subsection (5)*, the chairperson of the Authority shall hold office for such period not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(4) Subject to *subsection (5)*, an ordinary member of the Authority shall hold office for such period not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(5) Of the members of the Authority first constituted under this section—

(*a*) such 4 members of the Authority as shall at a meeting held for the purposes of this subsection be selected—

(i) by unanimous agreement of the members of the Authority attending that meeting, or

(ii) where no such agreement can for whatever reason be reached, by the drawing of lots by the members of the Authority so attending,

shall hold office for a period of 3 years,

(*b*) such 4 members as shall at that meeting be selected in the manner specified in *paragraph (a)*, shall hold office for a period of 4 years, and

(*c*) such 5 members as shall at that meeting be selected in the manner specified in *paragraph (a)*, shall hold office for a period of 5 years.

(6) Subject to *subsection (7)*, a member of the Authority whose term of office expires by the effluxion of time shall be eligible for reappointment to the Authority.

(7) A member of the Authority who has served 2 terms of office shall not be eligible for reappointment to the Authority, and any period during which a person serves as a member of the Authority pursuant to an appointment under *section 16* shall be deemed for the purposes of this subsection to be a term of office.

(8) The Minister shall, insofar as is practicable, endeavour to ensure that among the members of the Authority there is an equit able balance between men and women.

Conditions of office of members of Authority.

15.—(1) The Minister may at any time remove from office a member of the Authority.

(2) A member of the Authority may resign from office by notice in writing given to the Minister and the resignation shall take effect on the day on which the Minister receives the notice.

(3) A member of the Authority shall cease to be qualified for office and shall cease to hold office if he or she—

(*a*) is adjudicated bankrupt,

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

(*c*) is convicted of any indictable offence in relation to a company,

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

(*e*) is the subject of an order under section 160 of the Companies Act 1990, or

(*f*) is sentenced to a term of imprisonment by a court of competent jurisdiction.

(4) A member of the Authority shall, subject to the provisions of this Act, hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Minister, with the consent of the Minister for Finance.

Casual vacancies among members of Authority.

16.—(1) If a member of the Authority dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the casual vacancy so occasioned in the same manner as the member of the Authority who occasioned the casual vacancy was appointed.

(2) A person appointed to be a member of the Authority pursuant to this section shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall, subject to *section 14(7)*, be eligible for reappointment as a member of the Authority on the expiry of the said period.

Remuneration of members of Authority.

17.—The chairperson and ordinary members of the Authority shall be paid by the Authority such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Finance, may determine.

Meetings and procedure.

18.—(1) The Authority shall hold such and so many meetings as may be necessary for the due fulfilment of its functions but in each year shall hold not less than one meeting in each period of 3 months.

(2) At a meeting of the Authority—

(*a*) the chairperson of the Authority shall, if present, be the chairperson of the meeting, or

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

(3) Every question at a meeting shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(4) Subject to *subsection (6)*, the Authority may act notwithstanding one or more vacancies among its members.

(5) Subject to the provisions of this Act, the Authority shall regulate its procedure by rules or otherwise.

(6) The quorum for a meeting of the Authority shall, unless the Minister otherwise directs, be 5.

(7) The Minister shall fix the date of the first meeting of the Authority first constituted pursuant to *section 14*, and shall specify the time and place at which it shall take place.

Membership of either House of Oireachtas or European Parliament.

19.—(1) Where a member of the Authority or a member of a committee established under *section 23* is—

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

(*b*) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(*c*) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a member of the Authority or the committee concerned, as the case may be.

(2) Where a member of the staff of the Authority is—

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

(*b*) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(*c*) regarded pursuant to the said Part XIII, as having been elected to that Parliament,

he or she shall thereupon stand seconded from employment by the Authority and shall not be paid by, or be entitled to receive from, the Authority 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 (as the case may be), and ending when such person ceases to be a member of either such House or a representative in such Parliament.

(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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for membership of the Authority or a committee established under *section 23*, or for employment in any capacity by the Authority.

(4) A period mentioned in *subsection (2)* shall not, for the purposes of any superannuation benefit, be reckoned as service with the Authority.

Disclosure by members of Authority of certain interests.

20.—(1) Where at a meeting of the Authority any of the following matters arises, namely—

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

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

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

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

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

(iii) take no part in any deliberation of the Authority relating to the matter, and

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

(2) A member of the Authority who, otherwise than in his or her capacity as such a member has a material interest in—

(*a*) an arrangement or proposed arrangement to which *paragraph (a)* of *subsection (1)* applies, or

(*b*) a contract or other agreement or a proposed contract or other agreement to which *paragraph (b)* of that subsection applies,

shall neither influence nor seek to influence any decision to be made by the Authority in relation thereto.

(3) Where a material 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 dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where at a meeting of the Authority a question arises as to whether or not a course of conduct, if pursued by a member of the Authority, would constitute a failure by him or her to comply with the requirements of *subsection (1)*, the question may, subject to *subsection (5)*, be determined by the chairperson of the meeting, 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.

(5) Where at a meeting of the Authority, the chairperson of the meeting is the member in respect of which a question to which *subsection (4)* applies falls to be determined, then the other members of the Authority attending the meeting shall choose one of their number to be chairperson of the meeting for the purpose of determining the question concerned.

(6) Where the Minister is satisfied that a member of the Authority has contravened *subsection (1)* or *(2)*, the Minister may, if he or she thinks fit, remove that member from office and, where a person is removed from office pursuant to this subsection, he or she shall thence forth be disqualified for membership of the Authority.

Disclosure by members of staff of certain interests.

21.—(1) Where a member of the staff of the Authority has a material interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Authority is a party, that person shall—

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

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

(*c*) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* shall not apply to contracts or proposed contracts of employment of members of the staff of the Authority with the Authority.

(3) Where a person contravenes this section the Authority may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment.

Prohibition of unauthorised disclosure of confidential information.

22.—(1) A person shall not disclose confidential information obtained by him or her while performing functions as—

(*a*) a member or member of the staff of, or an adviser or consultant to, the Authority, or a member of the staff of such adviser or consultant, or

(*b*) a member of a committee established under *section 23*,

unless he or she is duly authorised by the Authority to so do.

(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000.

(3) In this section "confidential information" includes—

(*a*) information that is expressed by the Authority to be confidential either as regards particular information or as regards information of a particular class or description, and

(*b*) proposals of a commercial nature or tenders submitted to the Authority by contractors, consultants or any other person.

Committees of Authority.

23.—(1) The Authority may establish committees to—

(*a*) advise it in relation to the performance of any or all of its functions, and

(*b*) perform such functions of the Authority as may stand delegated to them under *section 11(1)* or *(2)*,

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 Authority.

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

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

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

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

Grants to Authority.

F1**[24.** (1) The Minister may, with the consent of the Minister for Public Expenditure and Reform, advance to the Authority out of moneys provided by the Oireachtas such sums as the Minister may determine.

(2) The aggregate of moneys advanced under *subsection (1)* in relation to capital expenditure on projects or enterprises to which *section 8(1)(e)* applies shall not exceed F2**[**€500,000,000**].]**

Grants by Authority.

25.—(1) For the purposes of *section 8(2)(b)* or *(c)*, the Authority may pay such sums of money as it considers appropriate to such persons as it considers appropriate out of moneys advanced to it—

(*a*) under *section 24*,

(*b*) by a State Authority,

(*c*) by a local authority,

(*d*) by a regional authority,

(*e*) by any other person, or

(*f*) in connection with a scheme to which *section 26* applies.

(2) In this section—

"local authority" has the same meaning as it has in the Local Government Act 2001;

"regional authority" has the meaning assigned to it by section 43(1) of the Local Government Act 1991; and

"State Authority" means—

(*a*) a Minister of the Government, or

(*b*) the Commissioners of Public Works in Ireland.

Schemes relating to European Community funds.

26.—The Authority may, for the purposes of *section 8*, administer such schemes as the Minister may, with the consent of the Minister for Finance, approve, for the payment to persons (including the Authority) to whom the scheme concerned applies of such moneys as the Minister for Finance may determine (being moneys that have been paid to the State out of any fund established by or under the Treaty establishing the European Community).

Accounts and audits.

27.—(1) The Authority shall keep in such form and in respect of such accounting periods as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of moneys received or expended by it and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister may, with the consent of the Minister for Finance, or at his or her request shall, from time to time direct.

(2) Accounts kept in pursuance of this section shall be submitted not later than 3 months after the end of the accounting period to which they relate by the Authority to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the accounts and such other accounts (if any) kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct, and a copy of the report of the Comptroller and Auditor General on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

Annual report and information.

28.—(1) The Authority shall not later than 6 months after the end of each financial year prepare and submit to the Minister a report on its activities in the immediately preceding financial year and the Minister shall, as soon as may be, cause copies of the report to be laid before each House of the Oireachtas.

(2) The Authority shall furnish the Minister with such information regarding the performance of its functions as the Minister may from time to time require.

(3) As soon as may be after copies of a report to which *subsection (1)* applies are laid before each House of the Oireachtas, the Authority shall cause the report to be published through the medium commonly referred to as the internet.

Freedom of information.

29.—The Freedom of Information Act 1997 is hereby amended by—

(*a*) the insertion in paragraph 1(2) of the First Schedule, of "the National Tourism Development Authority" after "the National Gallery of Ireland", and

(*b*) the insertion in Part I of the Third Schedule—

(i) in column (2) of "the *National Tourism Development Authority Act 2003*", and

(ii) in column (3), opposite the mention in column (2) of the *National Tourism Development Authority Act 2003* of "*section 22*".

Gifts.

30.—(1) The Authority may, with the consent of the Minister and the Minister for Finance, accept gifts of money, land or other property upon such trusts or conditions (if any) as may be specified by the donor.

(2) The Authority shall not accept a gift if the trusts or conditions attaching to it would be inconsistent with its functions.

Chief Executive.

31.—(1) There shall be a chief executive officer of the Authority (who shall be known as 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 of the Authority and perform such other functions (if any) as may be determined by the Authority.

(3) Subject to *subsection (5)*, the chief executive shall be appointed by the Authority with the consent of the Minister.

(4) The chief executive may be removed from office by the Authority for stated reasons.

(5) The Minister may, before the establishment day, designate a person to be appointed to be the first chief executive.

(6) If, immediately before the establishment day, a person stands designated by the Minister under *subsection (5)*, the Authority shall appoint that person to be the first chief executive.

(7) The chief executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Authority with the consent of the Minister given with the consent of the Minister for Finance.

(8) The chief executive shall not hold any other office or employment or carry on any business without the consent of the Authority.

(9) The chief executive may attend meetings of the Authority and may make submissions, orally or in writing, to and otherwise advise the Authority at such meetings in accordance with the procedure of the Authority under *section 18(5)*.

Accountability of chief executive to Committee of Public Accounts.

32.—(1) The chief executive shall, whenever required in writing 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 (hereafter in this section referred to as the "Committee"), 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 that the Authority is required by this Act to prepare,

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

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

(*d*) any matter affecting the Authority 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 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.

Accountability of chief executive to other Oireachtas Committees.

33.—(1) In this section "Committee" means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in *section 32* or the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) Subject to *subsection (3)*, the chief executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Authority.

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which he or she is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Committee at a time when the chief executive is before it, the information shall be so conveyed in writing.

(5) Where the chief executive has informed a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* in so far as it relates to a matter the subject of that opinion—

(*a*) the chief executive may, not later than 21 days after being informed by the Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subsection (3)* applies, or

(*b*) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court shall determine the matter.

(6) Pending the determination of an application under *subsection (5)*, the chief executive shall not attend before the Committee to give account for the matter the subject of the application.

(7) If the High Court determines that the matter concerned is one to which *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the chief executive shall attend before the Committee to give account for the matter.

Staff.

34.—(1) The Authority shall appoint, with the consent of the Minister given with the consent of the Minister for Finance, such and so many persons to be members of the staff of the Authority as it may from time to time determine.

(2) The terms and conditions of service of a member of the staff of the Authority shall, with the consent of the Minister given with the consent of the Minister for Finance, be such as may be determined from time to time by the Authority.

(3) There shall be paid by the Authority to the members of its staff such remuneration and allowances as, from time to time, the Authority, with the consent of the Minister given with the consent of the Minister for Finance, determines.

Transfer of staff to Authority.

35.—(1) Every person who immediately before the establishment day was a member of the staff of a dissolved body shall, on the establishment day, become and be a member of the staff of the Authority.

(2) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person referred to in *subsection (1)* shall not, while in the service of the Authority, be subject to less beneficial conditions of service (including conditions in relation to tenure of office) or of remuneration than the conditions of service (including conditions in relation to tenure of office) or remuneration to which he or she was subject immediately before the establishment day.

(3) In relation to persons transferred to the Authority under *subsection (1)*, previous service with a dissolved body shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the Redundancy Payments Acts 1967 to 2001, the Protection of Employees (Part-Time Work) Act 2001, the Organisation of Working Time Act 1997, the Minimum Notice and Terms of Employment Acts 1973 to 2001 and the Unfair Dismissals Acts 1977 to 2001.

Superannuation.

36.—(1) As soon as may be after the establishment day, the Authority shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such—

(*a*) of its staff (including the chief executive), and

(*b*) persons to whom *subsection (9)(a)(ii)* applies,

as the Authority shall think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) The Authority may at any time prepare and submit to the Minister a scheme amending or revoking a scheme previously submitted and approved under this section.

(4) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Authority in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit in pursuance of a scheme 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.

(6) No superannuation benefit shall be granted by the Authority to or in respect of any of its staff (including the chief executive) who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Finance.

(7) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.

(8) (*a*) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the Authority under *section 35*, the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day and, for that purpose, his or her pensionable service with the Authority shall be aggregated with his or her

previous pensionable service and the said benefit shall be paid by the Authority.

(*b*) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person (including a person who is deceased) who was a member of the staff of a dissolved body but was not transferred to the staff of the Authority under *section 35*, the benefit shall be calculated by the Authority in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day, and shall be paid by the Authority.

(9) (*a*) A scheme under *subsection (1)* shall, as respects—

(i) a person transferred by *section 35* to the staff of the Authority,

(ii) a person (including a person who is deceased) who was a member of the staff of a dissolved body but who was not so transferred,

provide for the granting to or in respect of him or her of superannuation benefits upon and subject to such terms and conditions as are not less favourable to him or her than the terms and conditions that applied to him or her immediately before the establishment day in relation to the grant of such benefits.

(*b*) Any period of service by a person as a member of the staff of a dissolved body which was a period of reckonable service for the purposes of a scheme for the granting of superannuation benefits to or in respect of members of the staff of a dissolved body shall be regarded as a period of reckonable service for the purposes of any scheme under *subsection (1)*.

(10) In this section "superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death.

PART 3

Dissolution of Bord Fáilte Éireann and C.E.R.T. Limited

Dissolution of Bord Fáilte Éireann and C.E.R.T. Limited.

37.—(1) Bord Fáilte Éireann and C.E.R.T. Limited are hereby dissolved, and Bord Fáilte Éireann and C.E.R.T. Limited are, in this Act, each referred to as a "dissolved body".

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

Transfer of functions to Authority.

38.—(1) All functions vested in a dissolved body by or under any enactment are hereby transferred to the Authority and references in any such enactment or instrument under an enactment to Bord Fáilte Éireann or C.E.R.T. Limited shall be construed as references to the Authority.

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

Transfer of land and other property.

39.—(1) On the establishment day, all lands that immediately before that day were vested in a dissolved body and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Authority for all the estate or interest therein that immediately before the establishment day were vested in a dissolved body, but subject to all trusts and equities affecting the lands continuing to subsist and be capable of being performed.

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

(3) Every chose-in-action vested in the Authority by virtue of *subsection (2)* may, as on and from the establishment day, be sued on, recovered or enforced by the Authority in its own name, and it shall not be necessary for the Authority, or the dissolved body concerned, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

(4) For the avoidance of doubt, Bord Fáilte Éireann shall be deemed to have, at all times, had the power to establish, either alone or jointly with another person, a company (whether or not a subsidiary of Bord Fáilte Éireann) whose objects permitted it to perform—

(*a*) functions the same as or similar to those for the time being performable by Bord Fáilte Éireann, or

(*b*) in relation to a place other than the State, functions corresponding to the first-mentioned functions.

and to hold an interest in, or be a member of, such a company.

Transfer of rights and liabilities, and continuation of leases, licences and permissions granted by a dissolved body.

40.—(1) All rights and liabilities of a dissolved body arising by virtue of any contract or commitment (expressed or implied) entered into by it before the establishment day shall on that day stand transferred to the Authority.

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

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

Liability for loss occurring before establishment day.

41.—(1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the establishment day of the functions assigned to the Authority by or under this Act shall after that day, lie against the Authority and not against a dissolved body.

(2) Any legal proceedings pending immediately before the establishment day to which a dissolved body is a party, that relate to a function of the Authority, shall be continued, with the substitution in the proceedings of the Authority, in so far as they so relate, for the dissolved body concerned.

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

(4) Any claim made or proper to be made by a dissolved body in respect of any loss or injury arising from the act or default of any person before the establishment day shall, where the claim relates to functions assigned to the Authority by this Act, be regarded as made by or proper to be made by the Authority and may be pursued and sued for by the Authority as if the loss or injury had been suffered by the Authority.

Provisions consequent upon transfer of functions, assets and liabilities to Authority.

42.—(1) Anything commenced and not completed before the establishment day by on under the authority of a dissolved body may, in so far as it relates to a function transferred to the Authority under *section 38*, be carried on or completed on or after the establishment day by the Authority.

(2) Every instrument made under an enactment, every document (including any certificate) granted or made, and every register established, in the performance of a function transferred by *section 38*, and every list published under section 9 of the Tourist Traffic Act 1957 shall, if and in so far as it was operative immediately before the establishment day, have effect on and after that day as if it had been granted, made, established or published by the Authority.

(3) References to Bord Fáilte Éireann or C.E.R.T. Limited in the memorandum or articles of association of any company and relating to a function transferred by *section 38* shall, on and after the establishment day, be construed as references to the Authority.

(4) Any money, stocks, shares or securities transferred by *section 39* that immediately before the establishment day are standing in the name of a dissolved body shall, on the request of the Authority be transferred into its name.

(5) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Authority under *section 39* or *40* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Section 5.

SCHEDULE 1

ENACTMENTS REPEALED

Year and Number (1)	Short Title (2)	Extent of Repeal (3)
No. 24 of 1939	Tourist Traffic Act 1939	Sections 4, 6, 7, 8, 9, 11, 12, 13, 16, 17, 18, 21 and 22
No. 15 of 1952	Tourist Traffic Act 1952	Sections 5, 6, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24
No. 5 of 1955	Tourist Traffic Act 1955	Sections 5, 6, 8 and 9
No. 27 of 1957	Tourist Traffic Act 1957	Sections 2, 3 and 4
No. 27 of 1959	Tourist Traffic Act 1959	The whole Act
No. 37 of 1961	Tourist Traffic Act 1961	The whole Act
No. 22 of 1963	Tourist Traffic Act 1963	The whole Act
No. 3 of 1966	Tourist Traffic Act 1966	Sections 3, 4, 5 and 6
No. 29 of 1968	Tourist Traffic Act 1968	The whole Act
No. 16 of 1970	Tourist Traffic Act 1970	Sections 2, 3, 4, 5 and 6(*a*)
No. 28 of 1972	Tourist Traffic Act 1972	The whole Act
No. 26 of 1975	Tourist Traffic Act 1975	The whole Act
No. 22 of 1979	Tourist Traffic Act 1979	The whole Act
No. 31 of 1983	Tourist Traffic Act 1983	Sections 2, 6, 9, 10 and 11
No. 11 of 1987	Tourist Traffic Act 1987	The whole Act
No. 13 of 1995	Tourist Traffic Act 1995	Sections 2, 3, 4, 8 and 9
No. 45 of 1998	Tourist Traffic Act 1998	The whole Act

Section 12.

SCHEDULE 2

FUNCTIONS PERFORMABLE BY CONTRACTOR

Enactment (1)	Provision Affected (2)
Tourist Traffic Act 1939	Section 24(1) (as amended by section 5(1)(i) of the Tourist Traffic Act 1957, section 2(1)(*b*) of the Tourist Traffic Act 1966, section 6(*b*) of the Tourist Traffic Act 1970 and section 7(1) of the Tourist Traffic Act 1983), section 26(1), section 27(1),

	section 27(2) other than the words "and the Board is of opinion that such premises are eligible for registration in such register,", section 27(3)(*a*) and (*b*) other than the words "and the Board is of opinion that such premises are not eligible for registration in such register,", section 27(4), section 29(1) (as amended by section 10(1) of the Tourist Traffic Act 1957), section 30(1) other than the words "if it is of the opinion that such premises have ceased to be eligible for registration in such register,", section 30(2) other than the words "and the Board is of opinion that such premises have ceased to be eligible for registration in such register", section 30(3) other than the words "and the Board, as a result of such inspection, becomes of the opinion that such premises has not ceased to be eligible for registration in such register,", section 30(4)(*a*) and (*b*) (as amended by section 28 of the Tourist Traffic Act 1952) other than the words "and the Board, notwithstanding such inspection, remains of opinion that such premises have not ceased to be eligible for registration in such register,", section 31(1), (2) and (3)(*b*) and (*d*) (inserted by section 30 of the Tourist Traffic Act 1952), section 32, section 39(1) other than the words "in such manner as it thinks proper", section 39(2) other than the words "if it so thinks proper", section 40(1)(*b*) and (2)(*a*) and (*b*), section 44(1), (3) and (5), section 45 (as amended by section 5(iv) of the Tourist Traffic Act 1957, section 2(1)(*f*) of the Tourist Traffic Act 1966, section 6(*e*) of the Tourist Traffic Act 1970 and section 7(3) of the Tourist Traffic Act 1983).
Tourist Traffic Act 1952	Section 5(2)(*a*) (as amended by section 5(2) of the Tourist Traffic Act 1957, section 2(2) of the Tourist Traffic Act 1966, section 5 of the Tourist Traffic Act 1970 and section 7(5) of the Tourist Traffic Act 1983), section 26, section 27 other than the words "and at the discretion of the Board,",

	section 32(2) other than the words "the Board" where it first occurs and "is of opinion that such premises have ceased to be eligible for registration", section 32(3)(*a*) and (*b*) other than the words "the Board remains of opinion that such premises have ceased to be eligible for registration".
Tourist Traffic Act 1957	Section 6 and section 7.

Number 10 *of* 2003

NATIONAL TOURISM DEVELOPMENT AUTHORITY ACT 2003

REVISED

Updated to 1 June 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

Tourist Traffic Acts 1939 to 2016: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*National Tourism Development Authority (Amendment) Act 2016* (14/2016), s. 2(2)). The Acts in the group are:

- *Tourist Traffic Act 1939* (24/1939)
- *Tourist Traffic Act 1952* (15/1952)
- *Tourist Traffic Act 1955* (5/1955)
- *Tourist Traffic Act 1957* (27/1957)
- *Tourist Traffic Act 1966* (3/1966)
- *Tourist Traffic Act 1970* (16/1970)
- *Tourist Traffic Act 1983* (31/1983)
- *Tourist Traffic Act 1995* (13/1995)
- *National Tourism Development Authority Act 2003* (10/2003)
- *National Tourism Development Authority (Amendment) Act 2011* (33/2011)
- *National Tourism Development Authority (Amendment) Act 2016* (14/2016)

Acts previously included in the group but now repealed are:

- *Tourist Traffic (Amendment) Act 1946* (14/1946)
- *Tourist Traffic Act 1959* (27/1959)
- *Tourist Traffic Act 1961* (37/1961)
- *Tourist Traffic Act 1963* (22/1963)
- *Tourist Traffic Act 1968* (29/1968)
- *Tourist Traffic Act 1972* (28/1972)
- *Tourist Traffic Act 1975* (26/1975)
- *Tourist Traffic Act 1979* (22/1979)
- *Tourist Traffic Act 1987* (11/1987)
- *Tourist Traffic Act 1998* (45/1998)

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual

amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found in the Legislation Directory at www.irishstatutebook.ie.