Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 39 *of* 2003

MINISTER FOR COMMUNITY, RURAL AND GAELTACHT AFFAIRS (POWERS AND FUNCTIONS) ACT 2003

REVISED

Updated to 20 May 2025

This Revised Act is an administrative consolidation of the *Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) 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 20205 and all statutory instruments up to and including the *Statistics (Community Innovation Survey) Order 2025* (S.I. No. 209 of 2025), made 21 May 2025, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 39 *of* 2003

MINISTER FOR COMMUNITY, RURAL AND GAELTACHT AFFAIRS (POWERS AND FUNCTIONS) ACT 2003

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Powers of Minister in relation to transport services for islands.
3. Powers of Minister in relation to provision, etc., of aerodromes.
4. Repeals and saver.
5. Expenses of Ministers.
6. Short title.

ACTS REFERRED TO

Acquisition of Land (Assessment of Compensation) Act 1919	1919, c. 57
Aran Islands Transport Act 1946	1946, No. 5
Companies Acts 1963 to 2001	
Lands Clauses Consolidation Act 1845	1845, c. 18
Local Government Acts 1925 to 2003	
Minister for Arts, Heritage, Gaeltacht and the Islands (Powers and Functions) Act 1998	1998, No. 7

Number 39 *of* 2003

MINISTER FOR COMMUNITY, RURAL AND GAELTACHT AFFAIRS (POWERS AND FUNCTIONS) ACT 2003

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE FUNCTIONS AND POWERS OF THE MINISTER FOR COMMUNITY, RURAL AND GAELTACHT AFFAIRS WITH RESPECT TO THE ISLANDS OF THE STATE AND TO PROVIDE FOR RELATED MATTERS.

[16*th December*, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.—(1) In this Act, unless the context otherwise requires—

"function" includes a power and a duty, and a reference to the performance of a function includes a reference to the exercise of a power and the carrying out of a duty;

"goods" includes matter sent by post and animals;

"island" means an inhabited island of the State;

"island connecting bus passenger service" has the meaning assigned to it by *section 2*;

"land" includes land covered by water and any estate, right or interest in or over land;

"Minister" means the Minister for Community, Rural and Gaeltacht Affairs.

(2) In this Act, unless the context otherwise requires—

(*a*) a reference to a section is to a section of this Act,

(*b*) a reference to a subsection is a reference to a subsection of the section in which the reference occurs, and

(*c*) references to any enactment are references to that enactment as amended by any subsequent enactment, including this Act.

Powers of Minister in relation to transport services for islands.

2.—(1) Without prejudice to the generality of this, or any other enactment conferring functions on the Minister but subject to *subsection (2)*, the Minister, with the consent of the Minister for Finance, may, subject to such terms and conditions as the Minister, with that consent, may determine—

(*a*) pay subsidies—

(i) for the operation of ferry services between the islands and the mainland, and

(ii) for the operation of island connecting bus passenger services,

and

(*b*) finance the building, acquisition, overhaul or repair of vessels suitable for the operation of such ferry services.

(2) A subsidy shall not be paid under *subsection (1)* for the operation of island connecting bus passenger services without the consent of the Minister for Transport to the payment and to the terms and conditions thereof.

(3) It shall be and be deemed always to have been a function of the Minister to pay subsidies for the operation of an island connecting bus passenger service.

(4) In this section "an island connecting bus passenger service" means a bus service provided in conjunction with a ferry service mentioned in *subsection (1)* or an air service mentioned in *section 3* connecting—

(*a*) the terminus on the mainland of such a ferry service or air service, and

F1**[**(*b*) the following:

(i) centres of population within a radius of 120 kilometres of that terminus specified in regulations made by the Minister with the consent of the Minister for Finance and the Minister for Transport;

(ii) centres of second level education specified in regulations made by the Minister, with the consent of the Minister for Finance and the Minister for Transport, where the Minister has reasonable grounds to believe, after consultation with the Minister for Education and Science, that the educational needs of the students concerned would be seriously prejudiced if such centres were not so specified; or

(iii) both centres referred to in subparagraph (*i*) and centres referred to in subparagraph (*ii*),**]**

and being a service for the carriage solely of goods and passengers carried by the air service or the ferry service.

Powers of Minister in relation to provision, etc., of aerodromes.

3.—(1) It shall be and be deemed always to have been a function of the Minister, for the purposes of, or as necessary or expedient for, the performance of any function of the Minister connected with the provision of air services between the islands and the mainland—

(*a*) to acquire by agreement or compulsorily, with the consent of the Minister for Finance and the Minister for Transport, any existing aerodromes or any land required for the construction, improvement, extension or development of aerodromes and ancillary facilities on the islands, or as the case may be, the mainland,

(*b*) to finance the construction, maintenance, restoration, repair or improvement of F2**[**...**]** aerodromes and ancillary facilities, and

(*c*) to manage and operate F2**[**...**]** aerodromes and ancillary facilities.

(2) (*a*) A statutory body may, if so authorised by order made by the Minister, with the consent of the Minister for Finance and the Minister for Transport, perform the functions aforesaid or such of them, subject to any conditions or restrictions, as are specified in the order.

(*b*) Any such order may contain such ancillary and incidental provisions as the Minister considers necessary or expedient for the purposes of the authorisation effected by the order.

(*c*) The Minister may, with the consent of the Minister for Finance and the Minister for Transport by order amend or revoke at any time the authorisation effected by the order.

(*d*) An order under this subsection shall be laid before each House of the Oireachtas as soon as practicable 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 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 under the order.

(3) (*a*) If and whenever the Minister thinks proper to acquire compulsorily any land under this section, the Minister may, with the consent of the Minister for Finance, by order declare his or her intention so to acquire such land, and every such order shall operate to confer on the Minister power to acquire compulsorily the land mentioned therein under and in accordance with this section.

(*b*) The Minister shall not make an order under this subsection in relation to any land covered by water, or which is foreshore, without previous consultation with the Minister for Communications, Marine and Natural Resources.

(*c*) Before making an order under this subsection, the Minister—

(i) shall deposit and keep open for inspection at some suitable place (public notice of which shall be given) such plans, specifications, and other documents as will show fully and clearly the land intended to be acquired or used by virtue of the order,

(ii) shall give notice, in such manner as he or she may consider best adapted for informing persons likely to be affected by the order, of his or her intention to consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and

(iii) shall, if he or she considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order.

(*d*) (i) Where, immediately before an order is made under this subsection by the Minister, any person has any estate, right, easement, title or interest of any kind in, over or in respect of the land acquired by the order, the person may apply to the Minister at any time after the making of the order for compensation in respect of the estate, right, easement, title or interest and the Minister shall, subject to *subparagraph (iii)*, thereupon pay to the person by way of compensation an amount equal to the value (if any), on the date of the order, of the estate, right, easement, title or interest together with interest at such rate as the Minister, with the consent of the Minister for Finance, may determine from time to time, on the amount from that date to the date of payment thereof.

(ii) The compensation to be paid under this paragraph in respect of any estate, right, easement, title or interest of any kind in, over or in respect of land shall, in default of agreement, be determined by arbitration under and in accordanc e with the Acquisition of Land (Assessment of Compensation) Act 1919.

(iii) (A) The Minister may by regulations, in such cases (if any) and to such extent as he or she considers necessary for the purposes of this subsection, apply all or any of the provisions of sections 69 to 83 of the Lands Clauses Consolidation Act 1845 as if such compensation were purchase money or compensation under the said Act, as if the Minister was the promoter of the undertaking and with any other necessary modifications.

(B) Where money is paid into court under the said section 69, as applied under this section, by the Minister, no costs shall be payable by the Minister to any person in respect of any proceedings for the investment, payment of income or payment of capital of such money.

(*e*) Nothing in this section shall authorise the Minister to acquire, use, or otherwise interfere with compulsorily under this section any land which at the date of the first publication of notice of the intention of the Minister to consider the making of an order under this subsection belongs to any railway, electricity, gas, or water undertaker and is used or authorised to be used by such undertaker for the purpose of the undertaking concerned.

(*f*) The following provisions shall have effect in relation to any public inquiry held under this section—

(i) the Minister shall appoint a fit and proper person to hold the inquiry,

(ii) such person is hereby authorised to administer oaths to persons appearing as witnesses at the inquiry, and

(iii) any person interested in the subject matter of the inquiry shall be entitled to appear personally or by counsel or solicitor and to adduce evidence.

(4) In this section "statutory body" means—

(*a*) a local authority for the purposes of the Local Government Acts 1925 to 2003,

(*b*) a company established under the Companies Acts 1963 to 2001, financed wholly or partly by means of moneys provided, or loans made or guaranteed, by a Minister of the Government or the issue of shares held by or on behalf of a Minister of the Government, or

(*c*) a body established in pursuance of powers conferred by or under another enactment and financed as aforesaid.

Repeals and saver.

4.—(1) The Aran Islands Transport Act 1946 and section 4 of the Minister for Arts, Heritage, Gaeltacht and the Islands (Powers and Functions) Act 1998 are repealed.

(2) *Subsection (1)* shall not affect any contract entered into by the Minister under the enactments aforesaid.

Expenses of Ministers.

5.—(1) The expenses incurred by the Minister or the Minister for Transport 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.

(2) The expenses incurred by the Minister for Finance in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

Short title.

6.—This Act may be cited as the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003.

Number 39 *of* 2003

MINISTER FOR COMMUNITY, RURAL AND GAELTACHT AFFAIRS (POWERS AND FUNCTIONS) ACT 2003

REVISED

Updated to 20 May 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

Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007* (32/2007), s. 9(3)). The Acts in this group are:

- *Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003* (39/2003)
- *Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007* (32/2007), ss. 5, 6

Annotations

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

Material not updated in this revision

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