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:

Annotations

Modifications (not altering text):

C1 Functions transferred and references construed (23.09.2020) by *Islands (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 379 of 2020), art. 3(1)(a), 4.

3. (1) The functions vested in the Minister for Culture, Heritage and the Gaeltacht by or under —

(*a*) the Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts 2003 and 2007,

...

are transferred to the Minister for Rural and Community Development.

(2) References to the Minister for Culture, Heritage and the Gaeltacht contained in any Act or instrument made under such 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 Rural and Community Development.

Note change of name of Minister and Department of Rural and Community Development to—

- Rural and Community Development and the Gaeltacht (2.06.2025) by *Rural and Community Development (Alteration of Name of Department and Title of Minister) Order 2025* (S.I. No. 173 of 2025), in effect as per art. 1(2).

C2 Functions transferred and references construed (1.05.2011) by *Irish Language, Gaeltacht and the Islands (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 164 of 2011), arts. 2, 3 and sch. part 1, in effect as per art 1(2), subject to transitional provision in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Tourism, Culture and Sport.

(2) References to the Department of Community, Equality and Gaeltacht Affairs contained in any Act or any instrument made thereunder and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Tourism, Culture and Sport.

3. (1) The functions vested in the Minister for Community, Equality and Gaeltacht Affairs by or under the Acts specified in Part 1 of the Schedule and the provisions of the Acts specified in Part 2 of the Schedule in so far as they relate to—

(*a*) supporting and promoting the Irish language, including the co-ordination of policy in that regard, and the development of the Gaeltacht and the Islands,

(*b*) promoting the cultural, social and economic welfare of the Gaeltacht,

(*c*) supporting and promoting North/South co-operation in relation to the Irish language and Ulster-Scots heritage, culture and language, and

(*d*) An Foras Teanga, An Coimisinéir Teanga and Údarás na Gaeltachta,

are transferred to the Minister for Tourism, Culture and Sport.

(2) References to the Minister for Community, Equality and Gaeltacht Affairs contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, from the commencement of this Order, be construed as references to the Minister for Tourism, Culture and Sport.

...

Schedule

Part 1

...

Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts 2003 and 2007

...

Note change of name of Minister and Department of Tourism, Culture and Sport to—

- Arts, Heritage and the Gaeltacht (2.06.2011) by *Tourism, Culture and Sport (Alteration of Name of Department and Title of Minister) Order 2011* (S.I. No. 220 of 2011), in effect as per art. 1(2);
- Arts, Heritage, Regional, Rural and Gaeltacht Affair (7.07.2016) by *Arts, Heritage and the Gaeltacht (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 357 of 2016), in effect as per art. 1(2);
- Culture, Heritage and the Gaeltacht (1.08.2017) by *Arts, Heritage, Regional, Rural and Gaeltacht Affairs (Alteration of Name of Department and Title of Minister) Order 2017* (S.I. No. 350 of 2017), in effect as per art. 1(2).

C3 Application of collectively cited *Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts 2003 and 2007* restricted (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), reg. 42(22) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42.—...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

SECOND SCHEDULE

Number	Year	Short Tile / Citation
...	...	...
		Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Acts 2003 and 2007
...	...	...

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.

Annotations

Amendments:

F1 Substituted (9.07.2007) by *Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007* (32/2007), s. 5, commenced on enactment.

Modifications (not altering text):

C4 Functions transferred (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 3, sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
...	...	...
No. 39 of 2003	Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003	Sections 2(1) and 3
...	...	...

Editorial Notes:

E1 Power pursuant to section exercised (8.10.2008) by *Island Connecting Bus Passenger Services (Centres of Population) Regulations 2008* (S.I. No. 574 of 2008).

E2 Power pursuant to section exercised (8.10.2008) by *Island Connecting Bus Passenger Services (Centre of Second Level Education) Regulations 2008* (S.I. No. 573 of 2008).

E3 Power pursuant to section exercised (1.06.2005) by *Minister For Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003 (Centres of Population) Regulations 2005* (S.I. No. 275 of 2005).

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.

Annotations

Amendments:

F2 Deleted (9.07.2007) by *Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007* (32/2007), s. 6, commenced on enactment.

Modifications (not altering text):

C5 Functions transferred (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 3, sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

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.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
...	...	...
No. 39 of 2003	Minister for Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003	Sections 2(1) and 3
...	...	...

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 annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Community, Rural and Gaeltacht Affairs (Miscellaneous Provisions) Act 2007* (32/2007)

All Acts up to and including *Finance (Provision of Access to Cash Infrastructure) Act 2025* (4/2025), enacted 20 May 20205, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Islands (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 379 of 2020)
- *Island Connecting Bus Passenger Services (Centres of Population) Regulations 2008* (S.I. No. 574 of 2011)
- *Island Connecting Bus Passenger Services (Centre of Second Level Education) Regulations 2008* (S.I. No. 573 of 2011)
- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Irish Language, Gaeltacht and the Islands (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 164 of 2011)
- *Minister For Community, Rural and Gaeltacht Affairs (Powers and Functions) Act 2003 (Centres of Population) Regulations 2005* (S.I. No. 275 of 2005)

All statutory instruments up to and including *Statistics (Community Innovation Survey) Order 2025* (S.I. No. 209 of 2025), made 21 May 2025, were considered in the preparation of this revision.