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



Number 21 *of* 2005

GRANGEGORMAN DEVELOPMENT AGENCY ACT 2005

REVISED

Updated to 21 October 2020

This Revised Act is an administrative consolidation of the *Grangegorman Development Agency Act 2005*. 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 *Regulated Professions (Health and Social Care) (Amendment) Act 2020* (16/2020), enacted 14 October 2020, and all statutory instruments up to and including the *Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 451 of 2020), made 20 October 2020, 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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GRANGEGORMAN DEVELOPMENT AGENCY ACT 2005

REVISED

Updated to 21 October 2020

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GRANGEGORMAN DEVELOPMENT AGENCY ACT 2005

REVISED

Updated to 21 October 2020

AN ACT TO MAKE PROVISION FOR THE DEVELOPMENT OF AN AREA IN GRANGEGORMAN, DUBLIN AS A LOCATION FOR EDUCATION, HEALTH AND OTHER FACILITIES, AND FOR THAT PURPOSE TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS GNÍOMHAIREACHT FORBARTHA GHRÁINSEACH GHORMÁIN, OR IN THE ENGLISH LANGUAGE, THE GRANGEGORMAN DEVELOPMENT AGENCY, TO DEFINE ITS FUNCTIONS, TO AMEND THE PLANNING AND DEVELOPMENT ACT 2000 AND THE NATIONAL DEVELOPMENT FINANCE AGENCY ACT 2002 AND TO PROVIDE FOR RELATED MATTERS. [11*th July*, 2005]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title.

1.—This Act may be cited as the Grangegorman Development Agency Act 2005.

Interpretation.

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

"Agency" means Grangegorman Development Agency established under *section 8*;

"committee" means a committee established under *section 20*;

"company" means a company within the meaning of the Companies Acts 1963 to 2003;

"Enterprise Ireland" means the body established by the Industrial Development (Enterprise Ireland) Act 1998;

"establishment day" means the day appointed by the Minister under *section 5* to be the establishment day for the purposes of this Act;

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

"Grangegorman neighbourhood" has the meaning assigned to it by *section 4*;

"Grangegorman site" has the meaning assigned to it by *section 3*;

"IDA" means the body established by the name of "Industrial Development Agency (Ireland)" by the Industrial Development Act 1993;

"Minister" means the Minister for Education and Science;

"the appropriate Minister" means any Minister of the Government (other than the Minister) who, having regard to the Ministerial functions vested in that Minister, in the opinion of the Minister might be concerned with or interested in the matter in question;

"remuneration" includes allowances for expenses, benefits-in-kind and superannuation;

"statutory body" means—

(*a*) the Health Service Executive established under the Health Act 2004 (hereinafter referred to as "the Health Service Executive"),

(*b*) a local authority for the purposes of the Local Government Act 2001,

(*c*) a Minister of Government,

F1**[** (*d*) City of Dublin Education and Training Board,**]**

(*e*) the Dublin Institute of Technology established under the Dublin Institute of Technology Act 1992,

(*f*) any other board or body established by or under statute;

"strategic plan" shall be construed in accordance with *section 12*;

"superannuation benefits" means pensions, gratuities and other allowances payable on resignation, retirement or death.

F2**[** 'transport strategy' has the meaning assigned to it by section 12 of the Dublin Transport Authority Act 2008.**]**

(2) (*a*) In this subsection, a reference to a "thoroughfare" includes any avenue, bridge, drive, high water mark, place, river, road, row, street or wall.

(*b*) In *Schedule 1*—

(i) a reference to a line drawn along any thoroughfare is a reference to a line drawn along the centre of that thoroughfare,

(ii) a reference to a projection of any thoroughfare is a reference to a projection of a line drawn along the centre of that thoroughfare,

(iii) a reference to the point where any thoroughfare or projection of any thoroughfare intersects or joins any other thoroughfare or projection of a thoroughfare is a reference to the point where a line drawn along the centre of such thoroughfare, or in the case of a projection of a thoroughfare, along such projection, would be intersected or joined by a line drawn along the centre of such other thoroughfare or, in the case of another projection of a thoroughfare, along such other projection.

(3) In this Act—

(*a*) a reference to a section or Schedule is a reference to a section of, or Schedule to, 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 a 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 an enactment shall be construed as a reference to that enactment as amended, adapted or extended by any other subsequent enactment including this Act.

Grangegorman site.

3.—For the purposes of this Act "the Grangegorman site" means the area described in *Schedule 1*.

Grangegorman neighbourhood.

4.—For the purposes of this Act the "Grangegorman neighbourhood" means the area described in *Schedule 2*.

Establishment day.

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

Laying of orders before Houses of Oireachtas.

6.—Every order (other than an order under *section 5*) made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling the order is passed by either such House within the next 21 days on which that House had sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses.

7.—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.

PART 2

Grangegorman Development Agency

Establishment of Agency.

8.—(1) There shall stand established, on the establishment day, a body to be known as Gníomhaireacht Forbartha Ghráinseach Ghormáin, or, in the English language, the Grangegorman Development Agency (to be known and referred to in this Act as the "Agency"), to perform the functions conferred on it by or under this Act.

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

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

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

(*c*) to acquire, hold and dispose of any other property, with the consent of the Minister in writing.

Functions of Agency.

9.—(1) The functions of the Agency shall be to—

(*a*) promote the development of the Grangegorman site as a location for education, health and other facilities,

(*b*) subject to such conditions as the Minister may determine, to enter into arrangements, including by means of acquiring shares in limited liability companies, to exploit any research, consultancy or development work undertaken (whether separately or jointly with others) by the Agency,

(*c*) accept the vesting of the Grangegorman site, any property of the Dublin Institute of Technology or the Health Service Executive that is vacated in

connection with the development of the Grangegorman site or, with the prior written consent of the Minister, any other property,

(*d*) carry out or facilitate, by whatever method and on such terms and conditions as the Agency considers appropriate, the development, re-development, renewal or conservation of any land in the Grangegorman site with the Minister, the Minister for Health and Children, the Dublin Institute of Technology, the Health Service Executive or, with the prior written consent of the Minister, any other person,

(*e*) co-ordinate the development, re-development, renewal or conservation referred to in *paragraph (d)*,

(*f*) apply for permission for the development of land in the Grangegorman site to facilitate its future development,

(*g*) prepare a strategic plan in accordance with *section 12*,

(*h*) undertake an examination of the titles to properties within the Grangegorman site and to properties of the Dublin Institute of Technology, the Health Service Executive or, with the prior written consent of the Minister, the property of any other person located outside the Grangegorman site which properties are connected with the development of the site,

(*i*) decide the appropriate strategy to be followed for the purpose of procuring each individual element of the overall Grangegorman site in consultation with the Minister, the Minister for Health and Children, the Dublin Institute of Technology and the Health Service Executive,

(*j*) consult with the relevant organisations to address the issue of providing adequate public transport to service the Grangegorman site,

(*k*) arrange for a communications strategy concerning the development of the Grangegorman site that is to say a strategy that will provide for consultation with each of the following, namely, residents in the Grangegorman neighbourhood, patients and providers of healthcare services, the staff and students of the Dublin Institute of Technology, trade union and employers' representatives, public representatives of the constituency in which the Grangegorman site is located and any other person the Agency considers relevant,

(*l*) organise, at the completion of the construction phase, the vesting of those lands and premises to be occupied by the Health Service Executive, the Dublin Institute of Technology or other educational body into the ownership of the respective authority, institute or other body.

(2) The Agency shall have all such powers as are necessary or expedient for the performance of its functions.

(3) The Agency may, with the consent of the Minister, enter into arrangements with other persons to perform on behalf of the Agency such of its functions as the Agency considers necessary.

Conferral of additional functions on Agency.

10.—(1) The Minister may, with the consent of the Minister for Finance, by order—

(*a*) confer on the Agency such additional functions relating to the functions conferred on the Agency by *section 9* or by an order made under this section as the Minister considers appropriate, and

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

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

Directives of Minister to Agency.

11.—(1) The Minister may, from time to time, give to the Agency a general directive in writing as to policy regarding the performance of any of the functions assigned to it by or under this Act.

(2) (*a*) The Minister may, from time to time, with the consent of the Minister for Finance, give to the Agency a general directive in writing specifying the financial objectives of the Agency, the manner in which the Agency shall conduct its financial affairs and requiring the application of profits or other income or funds of the Agency in such manner (including application for the benefit of the Exchequer) as may be specified in the directive.

(*b*) This subsection shall not be construed as imposing on the Agency, either directly or indirectly, a duty or liability which may be the subject of any legal proceedings.

(3) The Agency shall, in performing its functions, comply with any directive given under this section.

Strategic plan.

12.—(1) The Agency shall, as soon as may be after its establishment, prepare a plan (which is in this Act referred to as a "strategic plan") for the strategic development of the Grangegorman site in consultation with the Dublin Institute of Technology, the Health Service Executive, the Minister and the Minister for Health and Children.

(2) The strategic plan shall consist of a written statement and a plan indicating the objectives for the development of the Grangegorman site, including—

(*a*) the provision for the needs of the Minister, the Minister for Health and Children, the Dublin Institute of Technology, the Health Service Executive and the Grangegorman neighbourhood,

(*b*) the provision of services (for example, roads, water, transport on site),

F3**[**(*c*) proposals, consistent with the transport strategy of the Dublin Transport Authority, relating to transport requirements,**]**

(*d*) the management and refurbishment of property including listed buildings,

(*e*) the provision of recreational facilities,

(*f*) the provision of research and development facilities,

(*g*) the provision of facilities to exploit any research, consultancy or development work undertaken by the Agency in conjunction with the Dublin Institute of Technology or the Health Service Executive,

(*h*) subject to the Minister's approval in writing, the setting of a budget for the strategic plan and a strategy for its delivery within the set budget,

(*i*) the development of commercial activities,

(*j*) facilitating access to, and use of, facilities forming part of the Grangegorman site by residents in the Grangegorman neighbourhood,

(*k*) the development of the Grangegorman site in the context of land usage in the vicinity and in a manner that is sympathetic with its urban setting.

(3) In preparing a draft of the strategic plan, the Agency shall—

(*a*) have regard to the development plan made by Dublin City Council,

(*b*) consult with the Dublin City Council, Enterprise Ireland, IDA, F4**[**the Dublin Transport Authority**]**, Córas Iompair Éireann, the Railway Procurement Agency, other relevant bodies established by or under statute, the local community (including the Grangegorman neighbourhood) and other persons with a relevant interest in the matter, and

(*c*) make arrangements for the making of submissions by interested parties in relation to the draft and the consideration by the Agency of any such submissions.

(4) Before a strategic plan is adopted, the Agency shall—

(*a*) publish in one or more daily newspapers circulating in the area in which the Grangegorman site is located and on a website a notice—

(i) stating that a draft strategic plan has been prepared and that it will be considered by the Agency,

(ii) indicating the time at which, the period (which shall be not less than one month) during which and the place where a copy of the draft strategic plan may be inspected,

(iii) indicating where a copy of the draft strategic plan may be obtained and specifying the fee (if any) for such copy (which shall be not more than the reasonable cost of making such a copy),

(iv) stating that submissions or observations may be made in writing to the Agency in relation to the draft strategic plan before a specified date (which shall be not less than 2 weeks and not more that 8 weeks after the end of the period for inspection),

(*b*) consider any submission or observations made to it under this subsection and not withdrawn and make such amendments or modifications (if any) to the draft development plan as it considers appropriate, and

(*c*) publish on a website any submissions or observations made to it under this subsection and not withdrawn.

(5) Dublin City Council and An Bord Pleanála shall, in deciding any application or appeal under the Planning and Development Act 2000 in respect of development in the Grangegorman site area, consider anything relevant contained in the strategic plan.

Transfer of lands from statutory body to Agency.

13.—(1) (*a*) Subject to *paragraph (b)*, the Minister may, after consultation with the statutory body concerned and with the consent of the appropriate Minister and the Minister for Finance, by order transfer from a statutory body to the Agency land situated in the Grangegorman site together with all rights, powers and privileges relating to or connected with such land.

(*b*) The Minister shall not make an order under this section unless the Minister is satisfied that the use of the land to which the order, if made, will relate is not necessary for the performance of the functions of the statutory body concerned.

(2) Subject to *subsection (3)*, where an order is made under this section there shall be payable to the statutory body by the Agency consideration in respect of the transfer and such consideration shall be such as may be agreed between the statutory body and the Agency or, in default of such agreement, such amount as shall be determined by arbitration in the like manner in all respects as a claim for compensation in relation to the compulsory acquisition of land under Part V of the Housing Act 1966 and for that purpose a reference to a housing authority shall be construed as a reference to the Agency.

(3) The consideration payable to the Health Service Executive in exchange for that part of the Grangegorman site to be transferred from its ownership to the ownership of the Agency shall be such amount, and paid in such manner, as the Minister and the Minister for Health and Children, with the consent of the Minister for Finance, may agree having regard to—

(*a*) the social and health utility of the Grangegorman site, and

(*b*) any allocation of moneys made by the Minister for Health and Children to the Health Service Executive.

(4) The consideration payable to the Dublin Institute of Technology in respect of properties contained in *Schedule 3* to be transferred from its ownership to the ownership of the Agency shall be such amount, and paid in such manner, as the Minister, with the consent of the Minister for Finance, may agree having regard to—

(*a*) the educational utility of the Grangegorman site, and

(*b*) any allocation of moneys made by the Minister for Education and Science to the Dublin Institute of Technology.

(5) Where the land to be transferred is vested in a Minister of the Government and the Government is of the opinion that the transfer concerned serves the interests of the common good, the Government may decide that consideration under *subsection (2)* (either in whole or in part) is not to be payable.

(6) In this section, "consideration" includes money or other property.

(7) An order under this section shall come into operation on such day or days as may be specified in the order and different days may be so specified in relation to different parts of the land to which the order relates.

(8) An order under this section may contain such incidental, consequential, transitional or supplementary provisions as may appear to the Minister to be necessary or proper for the purpose of, or in consequence of, or to give full effect to, a transfer of land effected by the order, including provisions for the application, modification, adaptation or other amendment of any enactment.

(9) Where an order under this section is made, land to which the order relates shall, on the date specified in the order in relation to that land and without any further conveyance or assignment, become and be vested in the Agency for all the estate and interest of the statutory body.

(10) No action, proceedings, claim or demand of any kind or description shall lie against a statutory body by reason only of the agreement by it to accept, or acceptance by it of, a consideration payable under this section.

(11) A provision in any enactment apart from this Act shall neither be construed as affecting or preventing, nor shall it operate to affect or prevent, a transfer of land affected by an order made under this section.

Grants to Agency.

14.—The Minister or any other Minister of the Government may, subject to such conditions as the Minister sees fit, in each financial year, after consultation with the Agency in relation to its programme of capital and current expenditure for the year, make grants of such amounts as may be sanctioned by the Minister for Finance out of moneys provided by the Oireachtas towards the capital and current expenditure of the Agency.

Borrowing by Agency.

15.—(1) Subject to the approval of the Minister, given with the consent of the Minister for Finance, the Agency may borrow money (including money in a currency other than the currency of the State) for the purpose of providing for current or capital purposes.

(2) Any moneys borrowed by the Agency pursuant to this section and any interest accruing thereon may be secured on the revenue, funds or property of the Agency or may be guaranteed by the Minister for Finance under *section 16*.

(3) The Agency shall exercise the powers conferred on it by this section so that the amount or amounts of principal which the Agency may at any particular time be liable to repay on foot of any liability or liabilities incurred under this section does not, or do not in their aggregate, exceed €100,000,000.

(4) For the purposes of this section moneys borrowed or raised in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys borrowed or raised, such equivalent being calculated according to the rate of exchange for that currency and the currency of the State at the time such moneys were borrowed or raised, as the case may be.

Guarantee by Minister for Finance of borrowing by Agency.

16.—(1) Without prejudice to section 6 of the Borrowing Powers of Certain Bodies Act 1996, the Minister for Finance, after consultation with the Minister, may guarantee, in such form and manner and in such money (including money in a currency other than the currency of the State) and on such terms and conditions as the Minister for Finance thinks fit, the due repayment by the Agency of the principal of any moneys borrowed by the Agency or the payment of the interest on such moneys, or both the repayment of such principal and the payment of such interest, and any such guarantee may include a guarantee of the payment by the Agency of commission and incidental expenses arising in connection with such borrowing.

(2) The Minister for Finance shall, as soon as may be after the expiration of every financial year, lay before each House of the Oireachtas a statement setting out with respect to each guarantee under this section given during that year or given at anytime before, and in force at, the commencement of that year—

(*a*) particulars of the guarantee,

(*b*) in case any payment has been made by the Minister for Finance under the guarantee before the end of that year, the amount of the payment and the amount (if any) repaid to that Minister on foot of the payment, and

(*c*) the amount of moneys covered by the guarantee which was outstanding at the end of that year.

(3) Moneys paid by the Minister for Finance under a guarantee under this section shall be repaid to the Minister for Finance (with interest thereon at such rate or rates as that Minister appoints) by the Agency within such period from the date of the advance of the moneys out of the Central Fund as may be specified by that Minister after consultation with the Agency.

(4) Where the whole or any part of moneys required by *subsection (3)* to be repaid to the Minister for Finance has not been paid in accordance with that subsection, the amount so remaining outstanding shall be repaid, at such times as the Minister for Finance shall determine, to the Central Fund out of moneys provided by the Oireachtas.

(5) Notwithstanding the provision of moneys under *subsection (4)* to repay the amount to the Central Fund, the Agency shall remain liable to the Minister for Finance in respect of that amount, and that amount (with interest thereon at such rate or rates as the Minister for Finance appoints) shall be repaid to that Minister by the Agency at such times and in such instalments as that Minister appoints.

(6) Moneys paid by the Agency under *subsection (3)* or *(5)* shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance thinks fit.

(7) In relation to guarantees given by the Minister for Finance under this section in money in a currency other than the currency of the State—

(*a*) each of the references to principal or interest and the references to commission and incidental expenses in *subsection (1)* shall be taken as referring to the equivalent in the currency of the State of the actual amount of such principal, interest, or commission and incidental expenses, as the case may be, such equivalent being calculated according to the cost in the currency of the State of such amount at the time the calculation is made,

(*b*) the reference to moneys in *subsection (2)* shall be taken as referring to the equivalent in the currency of the State of the actual moneys, such equivalent being calculated according to the rate of exchange for that currency and the currency of the State at the time the calculation is made, and

(*c*) each of the references to moneys in *subsections (3)* to *(5)* shall be taken as referring to the cost in the currency of the State of the actual moneys.

Membership of Agency and term of office of members.

17.—(1) The Agency shall consist of 15 members.

(2) The Agency shall include the chief executive appointed under *section 23*.

(3) The members of the Agency (other than the chief executive) shall be appointed by the Minister, with the consent of the Minister for Finance.

(4) The Minister shall designate one member of the Agency as chairperson.

(5) The Minister, when appointing a member (other than the chairperson) of the Agency, shall fix such member's period of membership which shall not exceed 3 years, and, subject to this section, membership shall be on such terms as the Minister determines.

(6) The ordinary members of the Agency shall include—

(*a*) 2 persons nominated by the Minister for Health and Children, at least one of whom shall be an officer of the Health Service Executive,

(*b*) 2 persons nominated by the President of the Dublin Institute of Technology,

(*c*) one person nominated by the City Manager of Dublin City Council,

(*d*) one person being a resident of the Grangegorman neighbourhood who was selected in accordance with *Schedule 4*, and

(*e*) one elected public representative being a member of Dublin City Council and nominated by Dublin City Council.

(7) There may be paid to members of the Agency, out of moneys at the disposal of the Agency, such allowances for expenses incurred by them as the Minister, with the consent of the Minster for Finance, may determine.

(8) Each member of the Agency shall hold office on such terms (other than the payment of remuneration and allowances for expenses) as the Minister determines at the time of his or her appointment.

(9) A member of the Agency may resign from the Agency by letter addressed to the Minister and the resignation shall take effect on the date specified therein or upon receipt of the letter by the Minster, whichever is the later.

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

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

(*a*) is adjudicated bankrupt,

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

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

(*d*) is convicted of an offence involving fraud or dishonesty, or

(*e*) is disqualified or restricted from being a director of any company.

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

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

(14) Subject to *section 19(3)*, the Agency may act notwithstanding one or more vacancies in its membership.

(15) In appointing persons to be members of the Agency, the Minister shall insofar as is practicable and having regard to relevant experience, ensure that at least 40 per cent of the members appointed to the Agency are men and at least 40 per cent of the members appointed to the Agency are women.

Chairperson of Agency.

18.—(1) The term of office of the chairperson of the Agency shall be 3 years.

(2) The chairperson shall not be entitled to serve more than 2 terms of office.

(3) Where the chairperson of the Agency ceases to hold such office, he or she shall also cease to be a member of the Agency.

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

(5) The chairperson of the Agency may resign his or her office as chairperson by letter addressed to the Minister and the resignation shall take effect on the date specified therein or on receipt of the letter by the Minister, whichever is the later.

(6) The chairperson of the Agency shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (3)* or *(4)*, hold such office until the expiration of his or her period of membership of the Agency and, if he or she is re-appointed as a member of the Agency, he or she shall, subject to *subsection (2)*, be eligible to be designated as chairperson of the Agency in accordance with *section 17(4)*.

Meetings of Agency.

19.—(1) The Agency shall hold such and so many meetings as may be necessary for the performance of its functions, but shall hold at least one meeting in each quarter of a year.

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

(3) The quorum for a meeting of the Agency shall be 7.

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

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

(6) Subject to this Act, the Agency shall regulate, by standing orders or otherwise, the procedure and business of the Agency or any committee established under *section 20* or any Project Working Team established under *section 21*.

Committees of Agency.

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

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

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

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

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

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

Project Working Teams.

21.—(1) The Agency shall establish a group (to be known and referred to in this Act as a "Project Working Team") in respect of each building development project forming part of the Grangegorman site.

(2) Each Project Working Team established in accordance with *subsection (1)* shall be composed of 6 members of whom—

(*a*) 3 shall be appointed by the Agency, and

(*b*) 3 shall be appointed by the relevant statutory agency to which the building development project relates.

(3) The Agency shall inform each Project Working Team by notice in writing of development proposals, and of any change to such proposals, and invite submissions from each Project Working Team concerned.

(4) The Agency shall consider any observations made to it by a Project Working Team within one month of the date of the notice provided for in *subsection (3)* or such other period as the Agency deems necessary.

(5) The Agency shall hold a meeting with each Project Working Team at least once in each quarter of a year.

(6) The Agency may at any time dissolve a Project Working Team established under this section.

(7) The Agency may at any time remove a member of a Project Working Team from membership of the Project Working Team.

Consultative Group.

22.—(1) The Agency shall establish a group for the purposes of this section (in this section referred to as the "Consultative Group").

(2) In this section "stakeholders" include the residents living in the Grangegorman neighbourhood (nominated in accordance with the provisions of *Schedule 4*), public representatives of the constituency or constituencies in which the Grangegorman site is located, patients and providers of healthcare services located on or near the site, Dublin City Council, the staff of the Dublin Institute of Technology, the student body of the Dublin Institute of Technology, the Dublin Institute of Technology, the Health Service Executive, the Minister for Health and Children, the Minister for Environment, Heritage and Local Government, the Minister and any other body the Agency or the Minister considers relevant.

(3) The Consultative Group shall consist of no more than 2 members from each of the stakeholders appointed by the Agency for such term as is determined by the Agency.

(4) A member of the Consultative Group appointed under *subsection (3)* may be removed from such membership at any time by the Agency.

(5) The Agency may at any time dissolve the Consultative Group appointed under *subsection (3)*.

(6) The Consultative Group shall hold such and so many meetings as may be necessary to maintain an adequate communications strategy concerning the development of the Grangegorman site, but shall hold at least one meeting in each quarter of a year.

(7) The Consultative Group shall report to the Chairperson of the Agency at such times as it considers appropriate or where requested to do so by the Agency.

(8) The chief executive of the Agency or other person nominated by the chief executive shall be chairperson of the Consultative Group.

Chief executive of Agency.

23.—(1) There shall be a chief executive officer of the Agency (who is in this Act referred to as the "chief executive").

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

(3) (*a*) The chief executive shall be appointed by the Agency in accordance with the procedures determined by the Agency with the consent of the Minister.

(*b*) The chief executive may be removed from office at any time for stated reasons by the Agency with the consent of the Minister.

(4) The chief executive shall hold office for such term and upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined by the Agency with the consent of the Minister given with the approval of the Minister for Finance and shall be paid out of moneys at the disposal of the Agency in accordance with *section 14*.

(5) The chief executive shall not hold any other office or position without the consent of the Agency.

(6) The chief executive shall provide the Agency with such information, including financial information, in relation to the performance of his or her functions as the Agency may, from time to time, require.

(7) The functions of the chief executive may be performed in his or her absence or when the position of chief executive is vacant by such member of the staff of the Agency as may from time to time, be designated for that purpose by the Agency.

Staff of Agency.

24.—(1) The Agency may appoint such and so many persons to be members of the staff of the Agency as it may determine with the consent of the Minister and the Minister for Finance.

(2) The grades of the staff of the Agency and the numbers of staff in each grade and the appropriate level of remuneration for each grade shall be determined by the Agency with the consent of the Minister and the Minister for Finance.

(3) A member of the staff of the Agency shall—

(*a*) be paid out of moneys advanced to the Agency in accordance with *section 14*, such remuneration and allowances for expenses incurred by him or her as the Agency may, with the consent of the Minister and the Minister for Finance, determine, and

(*b*) hold his or her office or employment for such term upon and subject to such other conditions (including terms and conditions relating to remuneration) as may be determined by the Minister after consultation with the Agency and with the consent of the Minister for Finance.

Superannuation.

25.—(1) The Agency, with the approval of the Minister and the consent of the Minister for Finance, shall make a scheme or schemes for the granting of superannuation benefits to or in respect of the members of staff, including the chief executive, of the Agency.

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

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

(4) A scheme submitted by the Agency under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Agency 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 payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(6) No superannuation benefits shall be granted by the Agency to or in respect of a person on ceasing to be chief executive or a member of the staff of the Agency otherwise than—

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

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

(7) A scheme under this section, including an amendment of a scheme, shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Membership of the Oireachtas or European Parliament.

26.—(1) Where a member of the Agency is—

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

(*b*) elected as a member of either House of the Oireachtas or as 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 to fill a vacancy,

he or she shall thereupon cease to be a member of the Agency.

(2) Where the person who is the chief executive or a member of the staff of the Agency is—

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

(*b*) elected as a member of either House of the Oireachtas or as a member of 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 to fill a vacancy,

he or she shall thereupon stand seconded from employment by the Agency and shall not be paid by, or be entitled to receive from, the Agency 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 member of that Parliament.

(3) A person to whom *subsection (2)* refers may stand seconded for a period of no longer than 10 years.

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

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

Code of conduct.

27.—(1) The Agency shall, within 6 months, following consultation with the Minister, draw up a code of conduct in respect of controls on staff interests and ethical behaviour to apply to each member of its staff.

(2) The Agency shall publish any code of conduct drawn up under *subsection (1)*.

Declarations of interests.

28.—(1) On his or her appointment, the chief executive and each member of the Agency and a committee and a director of a subsidiary, shall make a declaration in writing of his or her interests to the Minister, in such form as the Minister, following consultation with the Minister for Finance, may specify.

(2) On his or her appointment, each consultant or adviser and each member of the staff of the Agency at a grade or level specified before the appointment by the Agency, following consultation with the Minister, shall declare his or her interests in writing to the chairperson of the Agency and the chairperson shall inform the Agency at its next meeting of the interests declared and the names of those making the declarations.

(3) A person to whom *subsection (1)* or *(2)* applies shall, throughout the tenure of his or her appointment, amend and update his or her declarations of interests as required by the Minister or the Agency, as the case may be, of any changes in the interests held by the person.

(4) (*a*) A statement of the interests declared under *subsection (1)* shall be included in the next report prepared in accordance with *section 36* following the making of the declaration and any subsequent changes in a declaration shall also be included in a statement in the next available report.

(*b*) The form and content of the statement to be included in such report shall be agreed between the chairperson of the Agency, the Minister and the Minister for Finance.

(*c*) Notwithstanding the provisions of *paragraph (a)*, it shall not be necessary to specify in a statement in such report the amount or monetary value of any interest, or the remuneration of any trade, profession, or employment included in the statement.

(5) In this section—

"employment" includes—

(*a*) full-time employment,

(*b*) part-time paid employment, where such employment is ongoing in the year of appointment or which arises in subsequent years,

(*c*) temporary paid employment, being for a period of 16 weeks or more in the year of appointment or in subsequent years, or

(*d*) being retained under contract, directly or indirectly, in any capacity as an adviser, consultant or lobbyist, or for the provision of services, by or in any business related to the functions of the Agency;

"interests" includes—

(*a*) employment by or on behalf of—

(i) any business related to the functions of the Agency,

(ii) any organisation representative of any business related to the functions of the Agency,

(*b*) ownership of any business related to the functions of the Agency,

(*c*) shares in, bonds or debentures of, or other like investments in any business related to the functions of the Agency, where the aggregate of such holdings exceed €13,000,

(*d*) a directorship or shadow directorship (within the meaning of the Companies Acts 1963 to 2003) in any business related to the functions of the Agency, held currently or during the previous 2 years, or

(*e*) gifts of travel, holidays, transport, or other benefits, (in excess of €650) including benefits from any beneficial interest in or connected with any business related to the functions of the Agency, during the previous 2 years which were received by the person being appointed or by his or her spouse F5**[**or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010**]**;

"ownership" includes any proprietary interest in any business related to the functions of the Agency, whether that interest is freehold, leasehold or beneficial, and applies where the interest—

(*a*) is held solely by the person being appointed or shared with one or more persons, and

(*b*) at the time of appointment, has a value of €20,000.

(6) The Agency shall, for the purposes of this section, keep a register (which is in this section referred to as the "register of interests") and shall enter therein the particulars contained in declarations given to the Minister or the Agency under this section.

(7) The register of interests shall be available for inspection by any person at the Agency's headquarters during office hours and a copy of the register or any entry in the register may be obtained by any person on the payment to the Agency of such fee (if any) as the Agency shall fix not exceeding the reasonable cost of making a copy.

(8) Where a person to whom *subsection (1)* applies fails to make a declaration in accordance with that subsection or to update such declaration in accordance with *subsection (3)*, the Minister shall decide the appropriate course of action (including removal from office) to be taken.

(9) Where a person to whom *subsection (2)* applies fails to make a declaration in accordance with that subsection or to update such declaration in accordance with *subsection (3)*, the Agency shall decide the appropriate course of action (including removal from office or termination of contract) to be taken.

Disclosure by members of Agency of certain interests.

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

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

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

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

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

(ii) neither influence nor seek to influence, either prior to or during the meeting, a decision to be made in relation to the matter,

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

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

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

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

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

(4) Where the Minister is satisfied that a member of the Agency has failed to comply with *subsection (1)*, the Minister may if he or she thinks fit, remove that member from office or take such other action as he or she considers appropriate and, in the case of a person removed from office pursuant to this subsection, he or she shall thereafter be disqualified from membership of the Agency.

(5) For the purposes of this section and *section 30* a person shall not be regarded as having an interest in any matter by reason only of an interest of that person, or of any company in which he or she has an interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or in voting on, any question relating to the matter, or in performing any function in relation to that matter.

Disclosure by staff of Agency, etc., of certain interests.

30.—(1) Where a member of staff of the Agency or a committee, or a consultant or adviser engaged under *section 37* has an interest, otherwise than in his or her capacity as such in any, or any proposed contract, agreement or arrangement, to which the Agency is or is proposed to be a party, that person—

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

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

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

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

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

(3) In this section "member of staff" includes the chief executive.

(4) Where a person to whom *subsection (1)* applies fails to comply with a requirement of this section, the Agency shall decide the appropriate action (including removal from office or termination of contract) to be taken.

Prohibition on unauthorised disclosure of confidential information.

31.—(1) Save as otherwise provided by law, a person shall not, without the consent of the Agency, disclose confidential information obtained by him or her while performing, or as a result of having performed, duties as—

(*a*) the chairperson of the Agency,

(*b*) the chief executive,

(*c*) an ordinary member of the Agency,

(*d*) a member of a committee,

(*e*) a member of staff of the Agency, or

(*f*) a consultant or adviser or an employee of such person engaged by the Agency under *section 37*, unless he or she is duly authorised to do so.

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

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

(*a*) to the Agency, or

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

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

(*a*) information that is expressed by the Agency or a committee, as the case may be, to be confidential either as regards particular information or as regards information of a particular class or description,

(*b*) commercial information in relation to contractors, consultants, providers of finance, or any other person, and

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

Gifts.

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

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

(3) Particulars in relation to any gift accepted under this section shall be included in the annual report under *section 36*.

(4) In *subsection (3)* "particulars" includes—

(*a*) the name of the donor of the gift,

(*b*) a description of the gift, and

(*c*) particulars of any condition attached to a gift.

(5) The Agency shall include details of any gift that exceeds, in its opinion, such amount as may be directed by the Minister, with the consent of the Minister for Finance, in the report under *section 36* for the year in which the gift is accepted.

Accounts and audits.

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

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

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

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

(4) The accounts of the Agency for each financial year shall be kept in such a form and manner as may be specified by the Minister and be prepared by the chief executive and approved by the Agency as soon as practicable but not later than 3 months after

the end of the financial year to which they relate for submission to the Comptroller and Auditor General for audit.

(5) A copy of the accounts referred to in *subsection (4)* and the report of the Comptroller and Auditor General thereon shall, immediately after the audit of the Comptroller and Auditor General, be presented to the members of the Agency and to the Minister as soon as practicable and the Minister shall cause a copy of these documents to be laid before each House of the Oireachtas.

(6) The financial year of the Agency shall be the period of 12 months ending on 31 December in any year, and for the purposes of this section the period commencing on the establishment day and ending on the following 31 December shall be deemed to be a financial year.

Accountability of chief executive to Committee of Public Accounts.

34.—(1) The chief executive shall, whenever he or she is required to do so by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and the reports of the Comptroller and Auditor General, give evidence to that Committee on all matters pertaining to the expenditure of the Agency.

(2) The chief executive, if required under *subsection (1)* to give evidence, 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.

35.—(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 34* 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 Agency.

(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 the chief executive 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 that 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 may 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.

Reports and information to Minister.

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

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

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

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

(5) The Minister may, from time to time, give the Agency specific directions in relation to the annual report or other reports under *subsection (3)*.

Consultants and advisers.

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

Seal of Agency.

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

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

(*a*) the chairperson of the Agency or another member of the Agency, or

(*b*) the chief executive or a member of the staff of the Agency,

authorised by the Agency to act in that behalf.

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

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

Indemnification.

39.—(1) Where the Agency is satisfied that a person to whom this section applies has discharged his or her duties in pursuance of the functions of the Agency in a *bona fide* manner, the Agency shall indemnify such person against all actions or claims howsoever arising in respect of the discharge by him or her of his or her duties.

(2) This section applies to—

(*a*) the chairperson of the Agency,

(*b*) an ordinary member of the Agency,

(*c*) the chief executive,

(*d*) a member of the staff of the Agency, and

(*e*) a member of a committee or the Consultative Group or a Project Working Team.

Immunity of Agency.

40.— No action or other proceedings shall lie or be maintainable against the Agency for the recovery of damages in respect of any injury to persons, damage to property or other loss alleged to have been caused or contributed to by a failure to perform any of the functions conferred on the said Agency.

Dissolution of Agency.

41.—(1) The Minister may by order (in this section referred to as a "dissolution order") provide for the dissolution of the Agency.

(2) A dissolution order shall contain such provisions as the Minister considers necessary or expedient consequent on the dissolution effected by the order and, in particular, may make provision for—

(*a*) the transfer or distribution of the property, rights and liabilities of the Agency to one or more than one statutory body: provided no transfer or distribution of the property, rights or liabilities shall take place without the consent of the person to whom property, rights or liabilities are transferred or distributed,

(*b*) the substitution for the name of the Agency of the name of any appropriate person in any legal proceedings which are pending at the date of the said dissolution order and to which the Agency is a party and the proceedings shall not abate by reason of the substitution: provided that no substitution of name shall take place without the consent of the person whose name is substituted, and

(*c*) the transfer, notwithstanding any restriction contained in any other Act but subject to *subsection (3)*, of any employee of the Agency to an employment under a statutory body, being an employment similar to that in which the employee was engaged under the Agency: provided that no such transfer shall take place without the consent of the said employee or the consent of the said statutory body.

(3) A dissolution order shall not contain a provision transferring an employee to an employment under a Department of State except with the consent of the Minister for Finance.

(4) A dissolution order shall not be construed as affecting any obligation imposed on a local authority by section 7(4) of the Urban Renewal Act 1986.

PART 3

Miscellaneous

Amendment of Planning and Development Act 2000.

42.—The Planning and Development Act 2000 is amended at section 165 in the definition of "development agency" by substituting "the Grangegorman Development Agency, a local authority or such other person as may be prescribed by the Minister

for the purposes of this Part;" for "a local authority or such other persons as may be prescribed by the Minister for the purposes of this Part;".

Amendment of National Development Finance Agency Act 2002.

43.—The National Development Finance Agency Act 2002 is amended in the Schedule thereto by inserting "The Grangegorman Development Agency." after "A harbour authority within the meaning of the Harbours Acts 1946 to 1976.".

Section 3.

SCHEDULE 1

Description of Grangegorman Site

Those properties situated at Grangegorman in the City of Dublin which are delineated with a red verge line on the Ordnance Survey Ireland map marked "Grangegorman Development Area" and bearing the seal of the Minister for Education and Science and the date 16 June 2004 which map is deposited in the Department of Education and Science, Marlborough Street, Dublin 1.

Section 4.

SCHEDULE 2

Grangegorman Neighbourhood

The Grangegorman neighbourhood shall comprise the electoral divisions (wards) of Arran Quay A, Arran Quay B, Arran Quay C, Arran Quay D, Arran Quay E, Inns Quay B, Inns Quay C and Cabra East C (as at 18 May 2005) which are delineated with a continuous blue verge line on the Dublin City Council map marked "Grangegorman Neighbourhood" and bearing the seal of the Minister for Education and Science and the date 25 May 2005 which map is deposited in the Department of Education and Science, Marlborough Street, Dublin 1.

Section 13.

SCHEDULE 3

Properties of Dublin Institute of Technology

Bolton Street Campus, Dublin 1.

Extension E, Bolton Street, Dublin 1.

Linenhall, Yarnhall Street, Dublin 1.

23/27 Beresford Street, Dublin 1.

81 Capel Street, Dublin 1.

Cathal Brugha Street Campus, Dublin 1.

3 Great Denmark Street, Dublin 1.

6/12 Sackville Place, Dublin 1.

Aungier Street Campus, Dublin 2.

14 Upper Mount Street, Dublin 2.

13/14 Camden Row, Dublin 2.

163/167 Rathmines Road, Dublin 6.

Kevin Street Campus, Dublin 8.

19a Lower Kevin Street, Dublin 8.

30 New Bride Street, Dublin 8.

31 New Bride Street, Dublin 8.

33 New Bride Street, Dublin 8.

34 New Bride Street, Dublin 8.

35 New Bride Street, Dublin 8.

1/8 Church Lane South, Dublin 8.

133 Slaney Road, Dublin 9.

Section 17.

SCHEDULE 4

ELECTION OF RESIDENTS' NOMINEE TO THE AGENCY AND RESIDENTS' MEMBERS OF THE CONSULTATIVE GROUP

1. The chairperson of the Agency shall have responsibility for making the arrangements for the first election of the residents' nominee to the Agency ("the Agency election") and the election of the 2 residents' members of the Consultative Group ("the Consultative Group election") in accordance with the provision of this Schedule.

2. (1) Within one month of his or her appointment, the chairperson of the Agency shall invite—

(i) resident associations and tenants associations in the Grangegorman neighbourhood to register as an interested "registered group" for the Agency election, and

(ii) community groups and associations, including resident and tenants associations, parish and district associations and groups, youth and sports clubs, and similar non-commercial groups in the Grangegorman neighbourhood to register as an interested "registered group" for the Consultative Group election.

(2) Each register shall remain open for not less than 21 days ("the registration period").

(3) The chairperson of the Agency shall, within 14 days of the expiry of the registration period, compile and publish a list of the registered groups in respect of each election of the registered groups on a website and make such other arrangements as he or she deems appropriate for the publication to the Grangegorman neighbourhood of the lists of the registered groups.

3. (1) The chairperson of the Agency shall arrange a meeting of the registered groups ("election meeting"), in respect of the Agency election and the Consultative Group election, to take place as soon as practicable after the expiry of the registration period. The purpose of each election meeting shall be the election of the residents' nominee to the Agency and the 2 residents' members of the Consultative Group, respectively.

(2) Not earlier than 14 days after the expiry of the registration period and not later than 21 days prior to the election meeting, the chairperson of the Agency shall call for nominations for appointment to the Agency and to the Consultative Group.

(3) The chairperson of the Agency shall notify each registered group of the valid nominees in respect of each election not less than 14 days before the election meeting. The chairperson's decision on the validity of a nomination shall be final.

(4) Each nominee must be nominated by at least 2 registered groups. The nomination must specify the name and address of the person nominated, the position for which he or she is nominated and the registered groups who are proposing the individual for nomination.

(5) Only persons resident in the Grangegorman neighbourhood and registered in the Register of Electors for an electoral ward within that area may stand for election or vote in the election.

(6) Each registered group may be represented by not more than 2 persons at the election meeting. Each of these persons shall be entitled to one vote at the meeting.

4. (1) Voting at the election shall be by secret ballot and by means of a single non-transferable vote.

(2) The chairperson of the Agency shall provide a ballot paper listing, in alphabetical order, all valid nominations in respect of the Agency election and the Consultative Group election. The nominee shall be identified on the ballot paper by name and the organisation he or she represents.

(3) The ballot paper shall be distributed at the election meeting to all persons entitled to vote. The chairperson of the Agency will call for the ballot and arrange collection of ballot papers and the counting of ballots.

(4) The individual who receives the highest number of votes shall be deemed to be elected to the position for which they were nominated. Where an individual is nominated in respect of both the Agency election and the Consultative Group election, that individual may not simultaneously represent the residents on the Agency and be a member of the Consultative Group and, in the event that an individual receives sufficient votes in respect of both positions, he or she must elect one position and will be deemed to have forfeited the other position and the individual with the next highest number of votes in that election shall be deemed elected.

(5) The result of the ballot shall be announced as soon as possible after the counting of the ballots.

5. The chairperson shall inform the Minister of the residents' representative to the Agency and shall inform the Agency of the residents' members of the Consultative Group within 3 days of the election meeting.

6. (1) In all subsequent elections the Chief Executive will be responsible for carrying out the functions of the chairperson of the Agency hereunder.

(2) The second or subsequent elections must take place not more than 14 days prior to the expiry of the term of office of the outgoing member or as soon as practicable thereafter.

(3) In the event of a casual vacancy arising in relation to the residents' nominee to the Agency or residents' member of the Consultative Group, the chairperson of the Agency shall, within one month of the vacancy arising, seek nominations for appointment to the vacancy from the existing list of registered groups and shall arrange an election meeting as soon as practicable thereafter.

7. (1) Where, for whatever reason, following the conduct of arrangements in accordance with the provisions of this Schedule, a residents' nominee to the Agency or a residents' member of the Consultative Group cannot be elected, then the chairperson may provide for a fresh registration period to facilitate the registration of additional registered groups as provided in paragraph 2 of this Schedule and shall call for fresh nominations for appointment to the Agency or to the Consultative Group and cause a fresh election to be held in accordance with the provision of this Schedule as soon as practicable thereafter.

(2) If the subsequent arrangements for an election fail to yield a residents' nominee to the Agency or a residents' member of the Consultative Group, then the chairperson shall provide for a fresh registration period to facilitate the registration of additional registered groups as provided in *paragraph 2* of this Schedule. The chairperson shall call for fresh nominations for appointment to the Agency or to the Consultative Group and cause a further election to be held in accordance with the provision of this Schedule, provided however that the chairperson may at his or her discretion waive the requirement for nominees to be nominated by at least 2 registered groups.

Number 21 *of* 2005

GRANGEGORMAN DEVELOPMENT AGENCY ACT 2005

REVISED

Updated to 21 October 2020

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is 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.