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

Number 13 *of* 2014

INDUSTRIAL DEVELOPMENT (FORFÁS DISSOLUTION) ACT 2014

REVISED

Updated to 1 August 2024

This Revised Act is an administrative consolidation of the *Industrial Development (Forfás Dissolution) Act 2014* . 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 *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, and all statutory instruments up to and including the *Criminal Law (Sexual Offences and Human Trafficking) Act 2024 (Commencement) Order 2024* (S.I. No. 391 of 2024), made 31 July 2024, 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 13 *of* 2014

INDUSTRIAL DEVELOPMENT (FORFÁS DISSOLUTION) ACT 2014

REVISED

Updated to 1 August 2024

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citations and commencement
2. Interpretation
3. Expenses
4. Repeal

PART 2

STAFF OF ENTERPRISE IRELAND

5. Staff of Enterprise Ireland and subsidiaries of Enterprise Ireland
6. Transfer of seconded staff to Enterprise Ireland
7. Superannuation scheme relating to Enterprise Ireland

PART 3

STAFF OF IDA

8. Staff of IDA and subsidiaries of IDA
9. Transfer of seconded staff to IDA
10. Superannuation scheme relating to IDA

PART 4

STAFF OF SCIENCE FOUNDATION IRELAND

11. Staff of Science Foundation Ireland *(Repealed)*
12. Transfer of seconded staff to Science Foundation Ireland *(Repealed)*
13. Superannuation scheme relating to Science Foundation Ireland *(Repealed)*

PART 5

Staff of Forfás Seconded to National Standards Authority of Ireland

14. Transfer of seconded staff to National Standards Authority of Ireland

PART 6

Dissolution of Forfás

15. Interpretation

16. Dissolution of Forfás

17. References to agencies of Forfás

18. Transfer of functions to Enterprise Ireland and IDA

19. Transfer of functions to Minister

20. Liability for loss occurring before dissolution day

21. Transfer of property

22. Transfer of rights and liabilities

23. Provisions consequent upon transfer of functions, assets and liabilities

24. Transfer of certain members of staff of Forfás

25. Superannuation schemes administered by dissolved body

26. Administration of superannuation scheme or arrangement by relevant body on behalf of Minister

27. Final accounts and final annual report of dissolved body

PART 7

Irish National Accreditation Board

28. Amendment of section 2 of Act of 2005

29. Transfer of accreditation from Forfás

30. Amendment of section 34 of Act of 2005

31. Transfer of certain members of staff of Forfás to Authority

32. Irish National Accreditation Board

33. Amendment of section 47 of Act of 2005

34. Amendment of section 73 of Act of 2005

35. Amendment of section 77 of Act of 2005

36. Insertion of Schedule 6A into Act of 2005

PART 8

Amendments to Other Acts

37. Amendment of Act of 1993

38. Amendment of Act of 1995

39. Saver in respect of certain schemes

40. Amendment of Metrology Act 1996

41. Amendment of Act of 1998

42. Amendment of Act of 2003

SCHEDULE

FUNCTIONS TRANSFERRED TO ENTERPRISE IRELAND AND IDA

ACTS REFERRED TO

Adoptive Leave Acts 1995 and 2005
Carer's Leave Act 2001 (No. 19)
Civil Service Regulation Acts 1956 to 2005
Consumer Protection Act 2007 (No. 19)
County Enterprise Boards (Dissolution) Act 2014 (No. 4)
Ethics in Public Office Acts 1995 and 2001
European Parliament Elections Act 1997 (No. 2)
Industrial Development (Enterprise Ireland) Act 1998 (No. 34)
Industrial Development (Science Foundation Ireland) (Amendment) Act 2013 (No. 36)
Industrial Development (Science Foundation Ireland) Act 2003 (No. 30)
Industrial Development Act 1986 (No. 9)
Industrial Development Act 1993 (No. 19)
Industrial Development Act 1995 (No. 28)
Industrial Development Acts 1986 to 2013
Industrial Research and Standards Act 1961 (No. 20)
Interpretation Act 2005 (No. 23)
Maternity Protection Acts 1994 and 2004
Metrology Act 1996 (No. 27)
Minimum Notice and Terms of Employment Acts 1973 to 2005
National Standards Authority of Ireland Act 1996 (No. 28)
Organisation of Working Time Act 1997 (No. 20)
Parental Leave Acts 1998 and 2006
Protection of Employees (Fixed-Term Work) Act 2003 (No. 29)
Protection of Employees (Part-Time Work) Act 2001 (No. 45)
Public Service Management (Recruitment and Appointments) Act 2004 (No. 33)
Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (No. 37)
Redundancy Payments Acts 1967 to 2012
Safety, Health and Welfare at Work Act 2005 (No. 10)
Safety, Health and Welfare at Work Acts 2005 and 2010
Science and Technology Act 1987 (No. 30)
Terms of Employment (Information) Acts 1994 to 2012
Unfair Dismissals Acts 1977 to 2007

Number 13 *of* 2014

INDUSTRIAL DEVELOPMENT (FORFÁS DISSOLUTION) ACT 2014

REVISED

Updated to 1 August 2024

An Act to make provision for the dissolution of Forfás; to transfer certain functions of Forfás to the Minister for Jobs, Enterprise and Innovation, Enterprise Ireland, the Industrial Development Agency (Ireland) and the Health and Safety Authority; to provide for the Irish National Accreditation Board as a Committee of the Health and Safety Authority; to amend the Safety, Health and Welfare at Work Act 2005, the Industrial Development (Science Foundation Ireland) Act 2003, the Industrial Development (Enterprise Ireland) Act 1998, the Metrology Act 1996, the Industrial Development Act 1995, the Industrial Development Act 1993 and to provide for the consequential amendment of certain other enactments; and to provide for matters connected therewith.

[29*th June*, 2014]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, collective citations and commencement

1. (1) This Act may be cited as the Industrial Development (Forfás Dissolution) Act 2014.

(2) This Act other than *Part 7* shall be included in the collective citation "Industrial Development Acts 1986 to 2014".

(3) *Part 7* and the Safety, Health and Welfare at Work Acts 2005 and 2010 may be cited together as the Safety, Health and Welfare at Work Acts 2005 to 2014.

(4) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or provisions.

Interpretation

2. In this Act—

"Act of 1987" means the Science and Technology Act 1987;

"Act of 1993" means the Industrial Development Act 1993;

"Act of 1995" means the Industrial Development Act 1995;

"Act of 1996" means the National Standards Authority of Ireland Act 1996;

"Act of 1997" means the European Parliament Elections Act 1997;

"Act of 1998" means the Industrial Development (Enterprise Ireland) Act 1998;

"Act of 2003" save where otherwise appears, means the Industrial Development (Science Foundation Ireland) (Amendment) Act 2013;

"Act of 2005" means the Safety, Health and Welfare at Work Act 2005;

"Act of 2012" means the Public Service Pensions (Single Scheme and Other Provisions) Act 2012;

"Act of 2013" means the Industrial Development (Science Foundation Ireland) (Amendment) Act 2013;

"dissolved body" shall be construed in accordance with *section 16*;

"dissolution day" means the day appointed as the dissolution day under *section 16*;

"IDA" means the Industrial Development Agency (Ireland);

"Minister" means the Minister for Jobs, Enterprise and Innovation;

"recognised trade union or staff association" means a trade union or staff association recognised by the Minister for the purposes of negotiations which are concerned with the remuneration or conditions of employment, or the working conditions of employees;

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death.

Expenses

3. The expenses incurred by the Minister in the administration of this Act shall, to such an extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Repeal

4. Section 11(1) of the Metrology Act 1996 is repealed.

PART 2

Staff of Enterprise Ireland

Staff of Enterprise Ireland and subsidiaries of Enterprise Ireland

5. (1) Enterprise Ireland may, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of Enterprise Ireland as it may from time to time determine.

(2) A subsidiary may, with the consent of Enterprise Ireland and the Minister given with the approval of the Minister for Public Expenditure and Reform,

appoint such and so many persons to be members of the staff of the subsidiary as it may from time to time determine.

(3) The terms and conditions of service of a member of staff of Enterprise Ireland and of a subsidiary shall, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, be such as may be determined from time to time by Enterprise Ireland.

(4) Where a member of staff of Enterprise Ireland or a member of staff of a subsidiary is—

(a) nominated as a member of Seanad Éireann,

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

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

he or she shall thereupon stand seconded from employment by Enterprise Ireland or the subsidiary and shall not be paid by, or be entitled to receive from, Enterprise Ireland or the subsidiary 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 such Parliament.

(5) 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 he or she is so entitled or is such a member, be disqualified for membership of the staff of Enterprise Ireland or a subsidiary.

(6) In this section "subsidiary" means a subsidiary acquired by Enterprise Ireland or a subsidiary formed and registered by Enterprise Ireland pursuant to section 5 of the Act of 1995.

(7) Section 18 of the Act of 1998 is repealed.

Transfer of seconded staff to Enterprise Ireland

6. (1)(a) Subject to *paragraph (b)*, every person seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to Enterprise Ireland who is on secondment to Enterprise Ireland immediately before the coming into operation of this section shall, on that coming into operation, become and be a member of staff of Enterprise Ireland.

(b) Every person who is—

(i) a fixed-term employee of Forfás,

(ii) seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to Enterprise Ireland, and

(iii) on secondment to Enterprise Ireland immediately before the coming into operation of this section,

shall, on that coming into operation, become and be a fixed-term employee of Enterprise Ireland for the duration of his or her contract.

(2) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a person referred to in *subsection (1)* shall be subject to such terms and

conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the coming into operation of this section.

(3) In relation to a person referred to in *subsection (1)*, previous service with Forfás shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

(a) the Redundancy Payments Acts 1967 to 2012;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Terms of Employment (Information) Acts 1994 to 2012;

(f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(g) the Unfair Dismissals Acts 1977 to 2007;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 and 2006;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001.

(4) Section 19 of the Act of 1998 is repealed.

Superannuation scheme relating to Enterprise Ireland

7. (1) Subject to *subsection (2)*, Enterprise Ireland shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of—

(a) persons referred to in *section 6(1)*, and

(b) such other members of its staff (including the chief executive) as it considers appropriate.

(2) A scheme prepared and submitted under *subsection (1)* shall not make provision for any person referred to in *paragraph (a)* or *paragraph (b)* of that subsection where the Single Public Service Pension Scheme applies to that person by virtue of Chapter 2 of Part 2 of the Act of 2012.

(3) Every scheme prepared and submitted under *subsection (1)* shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

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

(5) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by Enterprise Ireland in accordance with its terms.

(6) (a) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit pursuant to a scheme under this section, such dispute shall be submitted to such person and determined in such manner as may be specified in the scheme.

(b) A scheme under this section shall make provision for an appeal from a determination of a person referred to in *paragraph (a)* to such other person as may be specified in the scheme.

(7) A superannuation benefit shall not be granted by Enterprise Ireland to or in respect of any of its staff (including the chief executive) who are members of a scheme under this section and no other arrangement shall be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Public Expenditure and Reform.

(8) Subject to *subsection (11)*, a scheme under *subsection (1)* shall, as respects a person—

(a) referred to in *section 6(1)*, and

(b) to whom the Single Public Service Pension Scheme does not apply by virtue of Chapter 2 of Part 2 of the Act of 2012,

provide for the granting to, or in respect of, him or her of superannuation benefits upon and subject to such terms and conditions as are not less favourable to him or her than the terms and conditions in relation to the grant of such benefits under the superannuation scheme or arrangement that immediately before the coming into operation of this section apply to, or in respect of, that person.

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

(10) Subject to *subsection (11)*, where, in the period beginning on the coming into operation of this section and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to, or in respect of, a person referred to in *section 6(1)* to whom the Single Public Service Pension Scheme does not apply by virtue of Chapter 2 of Part 2 of the Act of 2012, the benefit shall be calculated and paid by Enterprise Ireland in accordance with the provisions of a scheme or arrangement in relation to superannuation that immediately before the coming into operation of this section apply to, or in respect of, that person and, for that purpose, his or her pensionable service with Enterprise Ireland shall be aggregated with his or her previous pensionable service and the said benefit shall be paid by Enterprise Ireland.

(11) *Subsection (8)* and *subsection (10)* shall not apply in relation to a provision of a scheme or arrangement in relation to superannuation in respect of which the consent or approval of the Minister for Finance, the Minister for Public Expenditure and Reform or any other Minister of the Government was required by or under any enactment but not obtained.

(12) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which the House sits after the scheme is laid before it, passes a

resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.

(13) In this section "chief executive" means the chief executive officer of Enterprise Ireland appointed under section 13 of the Act of 1998.

(14) Section 20 of the Act of 1998 is repealed.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (1.12.2016) by *Enterprise Ireland Superannuation Scheme 2016* (S.I. No. 596 of 2016), in effect as per art. 1(2).

PART 3

Staff of IDA

Staff of IDA and subsidiaries of IDA

8. (1) IDA may, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of IDA as it may from time to time determine.

(2) A subsidiary may, with the consent of IDA and the Minister given with the approval of the Minister for Public Expenditure and Reform, appoint such and so many persons to be members of the staff of the subsidiary as it may from time to time determine.

(3) The terms and conditions of service of a member of staff of IDA and of a subsidiary shall, with the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, be such as may be determined from time to time by IDA.

(4) Where a member of staff of IDA or a member of staff of a subsidiary is—

(a) nominated as a member of Seanad Éireann,

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

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

he or she shall thereupon stand seconded from employment by IDA or the subsidiary and shall not be paid by, or be entitled to receive from, IDA or the subsidiary 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 such Parliament.

(5) 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 he or she is so entitled or is such a member, be disqualified for membership of the staff of IDA or a subsidiary.

(6) In this section "subsidiary" means a subsidiary acquired by IDA or a subsidiary formed and registered by IDA pursuant to section 5 of the Act of 1995.

(7) Section 36 of the Act of 1998 is repealed.

Transfer of seconded staff to IDA

9. (1)(a) Subject to *paragraph (b)*, every person seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to IDA who is on secondment to IDA immediately before the coming into operation of this section shall, on that coming into operation, become and be a member of staff of IDA.

(b) Every person who is—

(i) a fixed term employee of Forfás,

(ii) seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to IDA, and

(iii) on secondment to IDA immediately before the coming into operation of this section,

shall, on that coming into operation, become and be a fixed-term employee of IDA for the duration of his or her contract.

(2) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a person referred to in *subsection (1)* shall be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the coming into operation of this section.

(3) In relation to a person referred to in *subsection (1)*, previous service with Forfás shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

(a) the Redundancy Payments Acts 1967 to 2012;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Terms of Employment (Information) Acts 1994 to 2012;

(f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(g) the Unfair Dismissals Acts 1977 to 2007;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 and 2006;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001.

(4) Section 37 of the Act of 1998 is repealed.

Superannuation scheme relating to IDA

10. (1) Subject to *subsection (2)*, IDA shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of—

(a) persons referred to in *section 9(1)*, and

(b) such other members of its staff (including the chief executive) as it considers appropriate.

(2) A scheme prepared and submitted under *subsection (1)* shall not make provision for any person referred to in *paragraph (a)* or *paragraph (b)* of that subsection where the Single Public Service Pension Scheme applies to that person by virtue of Chapter 2 of Part 2 of the Act of 2012.

(3) Every scheme prepared and submitted under *subsection (1)* shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

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

(5) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by IDA in accordance with its terms.

(6)(a) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit pursuant to a scheme under this section, such dispute shall be submitted to such person and determined in such manner as may be specified in the scheme.

(b) A scheme under this section shall make provision for an appeal from a determination of a person referred to in *paragraph (a)* to such other person as may be specified in the scheme.

(7) A superannuation benefit shall not be granted by IDA to or in respect of any of its staff (including the chief executive) who are members of a scheme under this section and no other arrangement shall be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Public Expenditure and Reform.

(8) Subject to *subsection (11)*, a scheme under *subsection (1)* shall, as respects a person—

(a) referred to in *section 9(1)*, and

(b) to whom the Single Public Service Pension Scheme does not apply by virtue of Chapter 2 of Part 2 of the Act of 2012,

provide for the granting to, or in respect of, him or her of superannuation benefits upon and subject to such terms and conditions as are not less favourable to him or her than the terms and conditions in relation to the grant of such benefits under the superannuation scheme or arrangement that immediately before the coming into operation of this section apply to, or in respect of, that person.

(9) Any period of service by a person as a member of the staff of Forfás which was a period of reckonable service for the purposes of a scheme or arrangement for the granting of superannuation benefits to or in respect

of members of the staff of Forfás shall be regarded as a period of reckonable service for the purposes of any scheme under *subsection (1)*.

(10) Subject to *subsection (11)*, where, in the period beginning on the coming into operation of this section and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to, or in respect of, a person referred to in *section 9(1)* to whom the Single Public Service Pension Scheme does not apply by virtue of Chapter 2 of Part 2 of the Act of 2012, the benefit shall be calculated and paid by IDA in accordance with the provisions of a scheme or arrangement in relation to superannuation that immediately before the coming into operation of this section apply to, or in respect of, that person and, for that purpose, his or her pensionable service with IDA shall be aggregated with his or her previous pensionable service and the said benefit shall be paid by IDA.

(11) *Subsection (8)* and *subsection (10)* shall not apply in relation to a provision of a scheme or arrangement in relation to superannuation in respect of which the consent or approval of the Minister for Finance, the Minister for Public Expenditure and Reform or any other Minister of the Government was required by or under any enactment but not obtained.

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

(13) In this section "chief executive" mean the Chief Executive Officer of IDA appointed under paragraph 1(3) (amended by section 44(2) of the Act of 1998) of the Second Schedule to the Act of 1993.

(14) Section 38 of the Act of 1998 is repealed.

Annotations

Editorial Notes:

E2 Power pursuant to section exercised (31.01.2017) by *Industrial Development Agency (Ireland) Superannuation Scheme 2017* (S.I. No. 47 of 2017), in effect as per art. 1(2).

PART 4

Staff of Science Foundation Ireland

Staff of Science Foundation Ireland

11. F1**[**...**]**

Annotations

Amendments:

F1 Repealed (1.08.2024) by *Research and Innovation Act 2024* (15/2024), s. 5(c), S.I. No. 373 of 2024.

Editorial Notes:

E3 All acts done, or purporting to have been done, by the Minister for Further Education, Research, Innovation and Science in performing the functions of the Minister for Enterprise, Trade and Employment under section between 1 January 2021 and 15 April 2024, and which otherwise would be invalid, confirmed as valid and effectual for all purposes (1.08.2024) by *Research and Innovation Act 2024* (15/2024), s. 71(1), S.I. No. 373 of 2024, subject to reservation for constitutional rights in subs. (2).

E4 Previous affecting provision: functions transferred and references to "the Minister for Enterprise, Trade and Employment" construed as references to "the Minister for Further and Higher Education, Research, Innovation and Science" (16.04.2024) by *Science Foundation Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2024* (S.I. No. 186 of 2024), arts. 2, 3, subject to transitional provisions in arts. 4-8; section repealed (1.08.2024) as per F-Note above.

Transfer of seconded staff to Science Foundation Ireland

12. F2**[**...**]**

Annotations

Amendments:

F2 Repealed (1.08.24) by *Research and Innovation Act 2024* (15/2024), s. 5(c), S.I. No. 373 of 2024.

Editorial Notes:

E5 All acts done, or purporting to have been done, by the Minister for Further Education, Research, Innovation and Science in performing the functions of the Minister for Enterprise, Trade and Employment under section between 1 January 2021 and 15 April 2024, and which otherwise would be invalid, confirmed as valid and effectual for all purposes (1.08.2024) by *Research and Innovation Act 2024* (15/2024), s. 71(1), S.I. No. 373 of 2024, subject to reservation for constitutional rights in subs. (2).

E6 Previous affecting provision: functions transferred and references to "the Minister for Enterprise, Trade and Employment" construed as references to "the Minister for Further and Higher Education, Research, Innovation and Science" (16.04.2024) by *Science Foundation Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2024* (S.I. No. 186 of 2024), arts. 2, 3, subject to transitional provisions in arts. 4-8; section repealed (1.08.2024) as per F-Note above.

Superannuation scheme relating to Science Foundation Ireland

13. F3**[**...**]**

Annotations

Amendments:

F3 Repealed (1.08.24) by *Research and Innovation Act 2024* (15/2024), s. 5(c), S.I. No. 373 of 2024.

Editorial Notes:

E7 All acts done, or purporting to have been done, by the Minister for Further Education, Research, Innovation and Science in performing the functions of the Minister for Enterprise, Trade and Employment under section between 1 January 2021 and 15 April 2024, and which otherwise would be invalid, confirmed as valid and effectual for all purposes (1.08.2024) by *Research and Innovation Act 2024* (15/2024), s. 71(1), S.I. No. 373 of 2024, subject to reservation for constitutional rights in subs. (2).

E8 Previous affecting provision: functions transferred and references to "the Minister for Enterprise, Trade and Employment" construed as references to "the Minister for Further and Higher Education, Research, Innovation and Science" (16.04.2024) by *Science Foundation Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2024* (S.I. No. 186 of 2024), arts. 2, 3, subject to transitional provisions in arts. 4-8; section repealed (1.08.2024) as per F-Note above.

E9 Previous affecting provision: power pursuant to section exercised (1.12.2016) by *Science Foundation Ireland Superannuation Scheme 2016* (S.I. No. 594 of 2016), in effect as per art. 1(2); revoked (1.08.2024) by *Research and Innovation Act 2024* (15/2024), s. 5(2), S.I. No. 373 of 2024.

PART 5

Staff of Forfás Seconded to National Standards Authority of Ireland

Transfer of seconded staff to National Standards Authority of Ireland

14. (1)(a) Every person seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to the National Standards Authority of Ireland (in this section referred to as the "NSAI") who is on secondment to the NSAI immediately before the coming into operation of this section shall, on that coming into operation, become and be a member of staff of the NSAI.

(b) Every person who is a member of staff of Forfás who immediately before the coming into operation of this section discharges his or her functions in accordance with the directions of the NSAI under section 38 of the Act of 1996 shall, on that coming into operation, become and be a member of staff of the NSAI.

(2) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a person referred to in *subsection (1)* shall be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the coming into operation of this section.

(3) In relation to a person referred to in *subsection (1)*, previous service with Forfás shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

(a) the Redundancy Payments Acts 1967 to 2012;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Terms of Employment (Information) Acts 1994 to 2012;

(f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(g) the Unfair Dismissals Acts 1977 to 2007;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 and 2006;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001.

(4) Subject to *subsection (5)*, the provisions of a scheme or arrangement in relation to superannuation that immediately before the coming into operation of this section apply to, or in respect of, a person referred to in *subsection (1)* shall continue to apply to, or in respect of, that person after the coming into operation of this section.

(5) *Subsection (4)* shall not apply in respect of a provision in a scheme or arrangement in relation to superannuation in respect of which the consent or approval of the Minister for Finance, the Minister for Public Expenditure and Reform or any other Minister of the Government was required by or under any enactment but not obtained.

(6) Every person referred to in *subsection (1)*, to whom the Single Public Service Pension Scheme does not apply by virtue of Chapter 2 of Part 2 of the Act of 2012, shall on the coming into operation of this section become a member of the superannuation scheme of NSAI made under paragraph 3 of the Second Schedule to the Act of 1996 which scheme shall, in relation to such persons, be deemed to stand amended in such respects as are necessary to take account of any provisions that apply to, or in respect of, that person by virtue of *subsection (4)* and if any of those provisions provide for the exercise of a discretion, NSAI shall, on and after the coming into operation of this section, exercise that discretion.

(7) Any period of service by a person as a member of staff of Forfás which was a period of reckonable service for the purposes of a scheme or arrangement for the granting of superannuation benefits to, or in respect of, members of the staff of Forfás shall be regarded as a period of reckonable service for the purposes of the superannuation scheme of NSAI referred to in *subsection (6)*.

(8) Section 50 of the Act of 1998 is repealed.

PART 6

Dissolution of Forfás

Interpretation

15. In this Part, "relevant person", in relation to a function transferred under—

(a) *subsection (1)* of *section 18*, means Enterprise Ireland and IDA,

(b) *subsection (3)* of *section 18*, means IDA, and

(c) *section 19*, means the Minister.

Dissolution of Forfás

16. (1) On the dissolution day Forfás (in this Act referred to as the "dissolved body") shall stand dissolved.

(2) The Minister may, by order, appoint a day to be the dissolution day for the purposes of this Act.

Annotations

Editorial Notes:

E10 Power pursuant to subs. (2) exercised (1.08.2014) by *Forfás (Dissolution) Order 2014* (S.I. No. 341 of 2014).

References to agencies of Forfás

17. On and after the dissolution day, a reference in any enactment to Enterprise Ireland, IDA or Science Foundation Ireland as an agency of Forfás shall be construed as a reference to Enterprise Ireland, IDA or Science Foundation Ireland as appropriate.

Annotations

Modifications (not altering text):

C1 Reference to "Science Foundation Ireland" construed as references to "Taighde Éireann" (1.08.24) by *Research and Innovation Act 2024*(15/2024), s. 61, (S.I. No. 373 of 2024).

References in enactments or instruments made thereunder to dissolved body

61. References (however expressed) to the dissolved body in any enactment or instrument made under an enactment shall, after the establishment day, be construed as references to the Agency save where other provision is made as respects the construction of the first mentioned references by any enactment passed before the passing of this Act.

Transfer of functions to Enterprise Ireland and IDA

18. (1) The functions specified in the Schedule are transferred to Enterprise Ireland and IDA.

(2) The functions transferred under *subsection (1)* may be performed—

(a) by either Enterprise Ireland or IDA, or

(b) jointly by both Enterprise Ireland and IDA.

(3) The functions specified in paragraph (c) of subsection (1) of section 8 of the Act of 1987 are transferred to IDA.

(4) A function transferred under *subsection (1)* shall be performed by Enterprise Ireland or IDA, or both, as the case may be, in accordance with such directions (if any) as may be issued by the Minister from time to time.

(5) A function transferred under *subsection (3)* shall be performed by IDA in accordance with such directions (if any) as may be issued by the Minister from time to time.

(6) Any assignment of powers and functions under section 9 of the Act of 1993 to Enterprise Ireland or IDA in force immediately before the coming into operation of this section shall cease to have effect on that coming into operation.

(7) Subsection (3) of section 3 of the Act of 1995 is repealed.

(8) This section shall come into operation on the dissolution day.

Annotations

Modifications (not altering text):

C2 Application of subss. (1), (2) restricted by *Industrial Development Act 1986* (9/1986), s. 14(4), as inserted (19.09.2018) by *Industrial Development (Amendment) Act 2018* (19/2018), s. 3(c), S.I. No. 361 of 2018.

Provision of sites and services by the Authority.

16.—(1) For the purpose of providing or facilitating the provision of sites or premises for the establishment, development or maintenance of an industrial undertaking **[**IDA, in furtherance of its functions (whether conferred by or under this Act or any other enactment), may, subject to sections 16A, 16B and 16C**]**—

(*a*) acquire any land either permanently or temporarily and either by agreement or compulsorily;

(*b*) acquire (either permanently or temporarily and either by agreement or compulsorily) any easement, way-leave, water-right or other right whatsoever over or in respect of any land or water;

(*c*) terminate, restrict or otherwise interfere with (either permanently ortemporarily and either by agreement or compulsorily) any easement, way-leave, waterright or other right whatsoever over or in respect of any land or water;

(*d*) construct, adapt and maintain buildings and other works;

(*e*) provide services and facilities in connection with land;

(*f*) sell, lease or otherwise dispose of land vested in it;

(*g*) make grants to aid persons to—

(i) acquire land,

(ii) construct and adapt buildings and other works, and

(iii) provide services and facilities in connection with land;

(*h*) do any act or thing which may be necessary for or incidental to the doing of anything which the Authority is by the preceding paragraphs **[**authorised to do.**]**

[...**]**

(2) The provisions of the Second Schedule shall apply to the exercise by **[**IDA**]** of its powers under this section.

...

[(4) Notwithstanding subsections (1) and (2) of section 18 of the Industrial Development (Forfás Dissolution) Act 2014, and the Schedule to that Act, the functions conferred by this section shall be performable by IDA only.**]**

Transfer of functions to Minister

19. (1) Subject to *section 18* and section 33A (inserted by *section 29*) of the Act of 2005, the functions of Forfás are transferred to the Minister.

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

Liability for loss occurring before dissolution day

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

(2) Any legal proceedings pending immediately before the dissolution day to which the dissolved body is a party, that relate to a function transferred

to a relevant person under this Act, shall be continued, with the substitution in the proceedings of the name of that relevant person, in so far as they so relate, for the dissolved body.

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

(4) Any claim made or proper to be made by the dissolved body in respect of any loss or injury arising from the act or default of any person before the dissolution day shall, on or after that day, be regarded as having been made by or proper to be made by the Minister and may be pursued and sued for by the Minister as if the loss or injury had been suffered by the Minister.

Transfer of property

21. (1) Subject to section 56B (inserted by *section 32*) of the Act of 2005, on the dissolution day, all property (other than land), including choses-in-action, that immediately before that day was vested in the dissolved body shall stand vested in the Minister without any assignment.

(2) Every chose-in-action vested in the Minister by virtue of *subsection (1)* may, on and from the dissolution day, be sued on, recovered or enforced by the Minister in his or her own name, and it shall not be necessary for the Minister to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

Transfer of rights and liabilities

22. (1) Subject to section 56C (inserted by *section 32*) of the Act of 2005, all rights and liabilities of the dissolved body arising by virtue of any contract or commitment (expressed or implied) entered into by it before the dissolution day shall on that day stand transferred to the Minister.

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

Provisions consequent upon transfer of functions, assets and liabilities

23. (1) Anything commenced but not completed before the dissolution day by or under the authority of the dissolved body may, in so far as it relates to a function transferred to a relevant person under this Act, be carried on or completed on or after the dissolution day by that relevant person.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, in the performance of a function transferred to a relevant person under this Part, shall, if and in so far as it was operative immediately before the dissolution day, have effect on or after that day as if it had been granted or made by that relevant person.

(3) References to Forfás in the memorandum or articles of association of any company and relating to a function transferred to a relevant person under this Part shall, on and after the dissolution day, be construed as a reference to that relevant person.

(4) Any money, stocks, shares or securities transferred to the Minister by *section 21* that immediately before the dissolution day were standing in the name of the dissolved body shall, on the request of the Minister, be transferred into the name of the Minister.

(5) A certificate signed by the Minister for Public Expenditure and Reform that any property, right or liability has or, as the case may be, has not vested in the Minister under *section 21* or *section 22* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Transfer of certain members of staff of Forfás

24. (1)(a) Subject to *paragraph (b)*, every person who immediately before the dissolution day is a member of staff of Forfás shall on such day hold an unestablished position in the Civil Service.

(b) Every person who, immediately before the dissolution day is a fixed-term employee of Forfás shall, on such day, hold an unestablished position as a fixed-term employee of the Minister for the duration of his or her contract of employment.

(2) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a person referred to in *subsection (1)* shall on the dissolution day be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before that day.

(3) In relation a person referred to in *subsection (1)*, previous service with Forfás shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

(a) the Redundancy Payments Acts 1967 to 2012;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Terms of Employment (Information) Acts 1994 to 2012;

(f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(g) the Unfair Dismissals Acts 1977 to 2007;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 and 2006;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001.

(4) Subject to *subsection (5)*, the provisions of a scheme or arrangement in relation to superannuation that immediately before the dissolution day apply to, or in respect of, a person referred to in *subsection (1)* shall continue to apply to, or in respect of, that person after the dissolution day.

(5) *Subsection (4)* shall not apply in respect of a provision in a scheme or arrangement in relation to superannuation in respect of which the consent

or approval of the Minister for Finance, the Minister for Public Expenditure and Reform or any other Minister of the Government was required by or under any enactment but not obtained.

(6) Where the provisions of a scheme or arrangement referred to in *subsection (4)* provide for the exercise of a discretion, the Minister for Public Expenditure and Reform shall, on and after the coming into operation of this section, exercise that discretion.

(7) The pension payments and other superannuation liabilities of Forfás in respect of every person referred to in *subsection (1)* shall, on the dissolution day, become liabilities of the Minister for Public Expenditure and Reform.

(8) A person referred to in *subsection (1)* shall undertake such duties as the Minister may from time to time direct.

(9) A person referred to in *subsection (1)* shall be subject to and employed in accordance with the Civil Service Regulation Acts 1956 to 2005 and the Ethics in Public Office Acts 1995 and 2001.

(10) In this section—

"Act of 2003" means the Protection of Employees (Fixed-Term Work) Act 2003;

"Act of 2004" means the Public Service Management (Recruitment and Appointments) Act 2004;

"Civil Service" has the meaning assigned to it by the Act of 2004;

"contract of employment" has the meaning assigned to it by the Act of 2003;

"fixed-term employee" has the meaning assigned to it by the Act of 2003;

"unestablished position" has the meaning assigned to it by the Act of 2004.

Superannuation schemes administered by dissolved body

25. (1) Subject to *subsection (2)*, every scheme or arrangement in relation to superannuation administered by the dissolved body immediately prior to the dissolution day shall, on and after the dissolution day, continue in force as if made by the Minister.

(2) *Subsection (1)* shall not apply in relation to a provision of a scheme or arrangement in relation to superannuation in respect of which the consent or approval of the Minister for Finance, the Minister for Public Expenditure and Reform or any other Minister of the Government was required by or under any enactment but not obtained.

Administration of superannuation scheme or arrangement by relevant body on behalf of Minister

26. (1) The Minister may, for the purposes of this section, designate in writing a superannuation scheme or arrangement (in this section referred to as a "designated scheme or arrangement") referred to in—

(a) *section 25*, or

(b) subsection (5)(c) of section 12 of the County Enterprise Boards (Dissolution) Act 2014.

(2) The Minister may require a relevant body to carry out, on his or her behalf, such pension administration services as the Minister may specify in writing in relation to a designated scheme or arrangement.

(3) A relevant body shall, when required by the Minister to do so, carry out such pension administration services as the Minister specifies in writing under *subsection (2)* in relation to a designated scheme or arrangement.

(4) The Minister may give directions in writing to a relevant body in relation to any pension administration service specified by him or her under *subsection (2)*.

(5) A relevant body shall comply with any directions given by the Minister under *subsection (4)*.

(6) Where the Minister requires a relevant body to carry out the pension administration service specified in *paragraph (b)* of *subsection (8)* in relation to a designated scheme or arrangement, the Minister shall, with the consent of the Minister for Public Expenditure and Reform, out of monies provided by the Oireachtas, provide the relevant body with a sum of money equal to the total amount of the benefits due under that paragraph to enable that body to make such payment.

(7) A relevant body shall provide such information to the Minister, relating to pension administration services which the body carries out under *subsection (3)*, as the Minister may from time to time require.

(8) In this section—

"pension administration service" means, in relation to a designated scheme or arrangement—

(a) calculation of any superannuation benefit payable to, or in respect of, any member of that scheme or arrangement,

(b) payment on behalf of the Minister of any superannuation benefit due to, or in respect of, any member of that scheme or arrangement to the member or other person concerned,

(c) maintenance of records relating to, or in respect of, members of that scheme or arrangement, or

(d) such other service as may be specified in writing by the Minister for the purposes of administering that scheme or arrangement on his or her behalf;

"relevant body" means—

(a) Enterprise Ireland,

(b) IDA,

(c) Science Foundation Ireland, or

(d) the National Standards Authority of Ireland.

Annotations

Modifications (not altering text):

C3 References to "Science Foundation Ireland" construed as references to "Taighde Éireann" (1.08.24) by *Research and Innovation Act 2024*(15/2024), s. 61, (S.I. No. 373 of 2024).

References in enactments or instruments made thereunder to dissolved body

61. References (however expressed) to the dissolved body in any enactment or instrument made under an enactment shall, after the establishment day, be construed as references to the Agency save where other provision is made as respects the construction of the first mentioned references by any enactment passed before the passing of this Act.

Final accounts and final annual report of dissolved body

27. (1) As soon as may be after the dissolution day, but not later than one year thereafter, the Minister shall cause to be prepared final accounts of the dissolved body in respect of the period specified under *subsection (3)*.

(2) Accounts prepared pursuant to this section shall be submitted as soon as may be by the Minister to the Comptroller and Auditor General for audit and immediately after the audit, a copy of the accounts as audited and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies of those audited accounts and that report to be laid before each House of the Oireachtas.

(3) For the purposes of *subsection (1)*, the Minister may specify a period that is longer or shorter than a financial year of the dissolved body.

(4) The Minister shall cause to be prepared the final annual report for the dissolved body not later than 6 months after the dissolution day and the Minister shall, as soon as may be after the report is prepared, cause copies of that report to be laid before each House of the Oireachtas.

PART 7

Irish National Accreditation Board

Amendment of section 2 of Act of 2005

28. Section 2 of the Act of 2005 is amended by inserting the following definitions in subsection (1):

"accreditation" means attestation that a conformity assessment body meets the requirements—

(a) of a harmonised standard and, where applicable, any additional requirements in accordance with the Accreditation Regulation, or

(b) of a non-harmonised international standard,

to carry out a specific conformity assessment activity;

"Accreditation Board" shall be construed in accordance with section 56A;

"Accreditation Regulation" means Regulation (EC) No. 765/2008 of the European Parliament and of the Council of 9 July 2008[1];

"Act of 1993" means the Industrial Development Act 1993;

"Appeals Board" means an Appeals Board established under section 56G;

"conformity assessment" means the process demonstrating whether specified requirements relating to a product, process, service, system or person have been fulfilled;

[1]OJ No. L 218, 13.8.2008, p.30.

"conformity assessment body" means a person who performs conformity assessment activities, including calibration, testing, certification and inspection;

"harmonised standard" has the same meaning as it has in the Accreditation Regulation;

"Manager of the Accreditation Board" shall be construed in accordance with section 56A(6);".

Transfer of accreditation from Forfás

29. The Act of 2005 is amended by inserting the following section after section 33:

"**Transfer of accreditation from Forfás**

33A. The powers and functions vested in Forfás by section 9 of the Act of 1993, in so far as they are for the purposes of and relate to accreditation, are transferred to the Authority.".

Amendment of section 34 of Act of 2005

30. Section 34 of the Act of 2005 is amended—

(a) in subsection (1), by—

(i) inserting the following paragraph after paragraph (dd):

"(de) in relation to accreditation—

(i) to carry out accreditation in accordance with—

(I) the powers and functions transferred to it by *section 33A* (inserted by section 29 of the Industrial Development (Forfás Dissolution) Act 2014), and

(II) the Accreditation Regulation,

(ii) to establish such procedures for the operation of accreditation as it considers appropriate including procedures for monitoring, inspecting and auditing conformity assessment bodies, and

(iii) to make any arrangements that it considers appropriate for providing information and advice on matters relating to accreditation,",

and

(ii) substituting the following paragraph for paragraph (k):

"(k) to comply with any directions in writing, whether general or particular, relating to its functions, other than those functions referred to in *paragraph (de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014), that the Minister may from time to time give to the Authority,",

and

(b) by inserting the following subsection after subsection (2):

"(2A) The functions of the Authority referred to in *paragraph (de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014) of *subsection (1)* are delegated to the

Accreditation Board and subject to this Act, shall be performed on behalf of the Authority by the Accreditation Board.".

Transfer of certain members of staff of Forfás to Authority

31. The Act of 2005 is amended by inserting the following section after section 54:

"**Transfer of certain members of staff of Forfás to Authority**

54A. (1) The Minister may designate in writing such and so many members of the staff of Forfás as he or she decides to be transferred to the Authority from such date as may be specified in the designation (in this section referred to as "the effective date").

(2) A member of staff of Forfás designated in accordance with *subsection (1)* shall become and be a member of staff of the Authority from the effective date.

(3) Save in accordance with a collective agreement negotiated with a recognised trade union or staff association and approved by the Minister with the consent of the Minister for Public Expenditure and Reform, a person transferred by virtue of a designation under *subsection (1)* to the staff of the Authority shall be subject to such terms and conditions of service, including terms and conditions relating to remuneration, as are not less favourable than the terms and conditions of service, including terms and conditions relating to remuneration, to which the person was subject immediately before the effective date.

(4) In relation to a person transferred to the Authority in accordance with *subsection (1)*, previous service with Forfás shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:

(a) the Redundancy Payments Acts 1967 to 2012;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Terms of Employment (Information) Acts 1994 to 2012;

(f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(g) the Unfair Dismissals Acts 1977 to 2007;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 and 2006;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001.

(5) Subject to *subsection (6)*, the provisions of a scheme or arrangement in relation to superannuation that immediately before the effective date apply to, or in respect of, a person transferred to the Authority in accordance with *subsection (1)* shall continue to apply to, or in respect of, that person on and after the effective date.

(6) *Subsection (5)* shall not apply in respect of a provision in a scheme or arrangement in relation to superannuation in respect of which the consent or approval of the Minister for Finance, the Minister for Public

Expenditure and Reform or any other Minister of the Government was required by or under any enactment but not obtained.

(7) Every person transferred to the Authority in accordance with *subsection (1)*, to whom the Single Public Service Pension Scheme does not apply by virtue of Chapter 2 of Part 2 of the Act of 2012, shall on the effective date become a member of the superannuation scheme of the Authority made under *section 56* which scheme shall, in relation to such persons, be deemed to stand amended in such respects as are necessary to take account of any provisions that apply to, or in respect of, that person by virtue of *subsection (5)* and if any of those provisions provide for the exercise of a discretion, the Authority shall, on and after the effective date, exercise that discretion.

(8) Any period of service by a person as a member of staff of Forfás which was a period of reckonable service for the purposes of a scheme or arrangement for the granting of superannuation benefits to, or in respect of, members of the staff of Forfás shall be regarded as a period of reckonable service for the purposes of the superannuation scheme of the Authority referred to in *subsection (7)*.".

Irish National Accreditation Board

32. Part 5 of the Act of 2005 is amended by inserting the following Chapter after Chapter 2:

"Chapter 3

Irish National Accreditation Board

Irish National Accreditation Board

56A. (1) The committee established as a committee of Forfás by resolution of the Board of Forfás pursuant to section 10 (amended by section 46 of the Industrial Development (Enterprise Ireland) Act 1998) of the Act of 1993 and known as the Irish National Accreditation Board shall on the coming into operation of this section—

(a) become and be a committee of the Authority under this section, and

(b) be known as the Irish National Accreditation Board (in this Act referred to as the 'Accreditation Board').

(2) The Accreditation Board is the single national accreditation body for the purposes of the Accreditation Regulation.

(3) The Accreditation Board shall, on behalf of the Authority, perform the functions delegated to the Board under *section 34(2A)* (inserted by section 30(b) of the Industrial Development (Forfás Dissolution) Act 2014).

(4) The Accreditation Board shall have all powers necessary or expedient for the performance of its functions.

(5) The Accreditation Board shall be independent in the performance of its functions.

(6) The Authority shall designate a member of its staff (in this Act referred to as the 'Manager of the Accreditation Board') to carry on and manage, and control generally the administration of the Accreditation Board.

(7) Subject to *subsection (8)*, the Accreditation Board may perform any one or more of its functions through or by—

(a) any member of the staff of the Authority designated for that purpose by the Authority, or

(b) the Manager of the Accreditation Board.

(8) The Manager of the Accreditation Board may enter into contracts referred to in *section 47(1)(e)* (inserted by section 33(b) of the Industrial Development (Forfás Dissolution) Act 2014) on behalf of the Authority.

(9) The Accreditation Board shall furnish the Authority with such information regarding the performance of the functions of the Board as the Authority may from time to time request.

(10) Subject to *subsection (11)*, the members of the Accreditation Board shall be appointed by the Authority and the Authority shall, in making such appointments, take into account the expertise required by the Board to enable the Board to carry out its functions.

(11) A person who is a member of the Accreditation Board immediately before the coming into operation of this section shall continue in office as such a member unless he or she dies, resigns or is disqualified from office or otherwise ceases to hold office and Schedule 6A (inserted by section 36 of the Industrial Development (Forfás Dissolution) Act 2014) shall apply to such a person on the coming into operation of this section.

(12) Schedule 6A (inserted by section 36 of the Industrial Development (Forfás Dissolution) Act 2014) shall apply to the Accreditation Board.

(13) A reference in any enactment to—

(a) the National Accreditation Board,

(b) the National Accreditation Board as a committee of Forfás,

(c) the Irish National Accreditation Board, or

(d) the Irish National Accreditation Board as a committee of Forfás,

shall be taken to be a reference to the Accreditation Board as a committee of the Authority referred to in *subsection (1)*.

(14) In this section 'enactment' has the same meaning as it has in the Interpretation Act 2005.

Transfer of property to Authority

56B. (1) All property (other than land), including choses-in-action, that immediately before the coming into operation of this section was enjoyed by or on behalf of Forfás in connection with the functions referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014) shall, on the coming into operation of this section, stand vested in the Authority without any transfer or assignment.

(2) Every chose-in-action vested in the Authority by virtue of *subsection (1)* may, on and from the coming into operation of this section, be sued on, recovered or enforced by the Authority in its own name, and it shall not be necessary for the Authority to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

Transfer of rights and liabilities

56C. (1) All arrangements relating to accreditation and other rights and liabilities arising by virtue of any contract or commitment (express or implied) entered into by or on behalf of Forfás in connection with functions referred to in *section 34(1)(de)* (inserted by section 30 of the

Industrial Development (Forfás Dissolution) Act 2014) before the coming into operation of this section shall on that coming into operation stand transferred to the Authority.

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

Liability for loss

56D. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance, by or on behalf of Forfás before the coming into operation of this section, of the functions referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014) shall on and after that coming into operation lie against the Authority and not against Forfás.

(2) Any legal proceedings pending immediately before the coming into operation of this section to which Forfás is a party, that relate to any of the functions referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014), shall be continued with the substitution in the proceedings of the Authority, in so far as they so relate, for Forfás.

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

(4) Any claim made or proper to be made by Forfás in respect of any loss or injury arising from the act or default of any person before the coming into operation of this section shall, where the claim relates to any of the functions referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014), be regarded as having being made by or proper to be made by the Authority and may be pursued and sued for by the Authority as if the loss or injury had been suffered by the Authority.

Provisions consequent upon transfer of assets and liabilities to Authority

56E. (1) Subject to *section 56H(14)*, anything commenced and not completed before the coming into operation of this section by or on behalf of Forfás may, in so far as it relates to a function referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014), be carried on or completed on or after that coming into operation by the Authority in accordance with this Act.

(2) Any money, stocks, shares or securities transferred by *section 56B* (inserted by section 32 of the Industrial Development (Forfás Dissolution) Act 2014) that immediately before the coming into operation of section 56B were standing in the name of Forfás shall, on the request of the Authority, be transferred into its name.

(3) A certificate signed by the Minister that any property, right or liability has or, as the case may be, has not vested in the Authority under *section 56B* or *56C* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

(4) A document which purports to be a certificate signed by the Minister referred to in *subsection (3)* shall be taken to be such a certificate unless the contrary is shown.

Records

56F. Each record held by or on behalf of Forfás, in relation to a function referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014), immediately before the coming into operation of *section 34(1)(de)*, is on that coming into operation transferred to the Authority and is, on and from that coming into operation, held by the Authority.

Appeals Board

56G. (1) Subject to *subsection (2)*, the Authority shall, as soon as practicable after the coming into operation of this section, establish an Appeals Board and shall appoint 3 people to the Appeals Board with a special interest or expertise in, or knowledge of, the functions referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014).

(2) The Authority shall not appoint a member of the Authority, the Chief Executive, a member of the staff of the Authority or a member of the Accreditation Board to be a member of the Appeals Board.

(3) A member of the Appeals Board shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Authority determines.

(4) The Authority shall appoint a chairperson of the Appeals Board from among the members of the Board and that chairperson shall regulate the procedure of the Board.

(5) Subject to *paragraph (6)*, a member of the Appeals Board whose term of membership of the Appeals Board expires shall be eligible for reappointment as a member of the Appeals Board.

(6) A person who is reappointed to the Appeals Board shall not hold office for periods the aggregate of which exceeds 10 years.

(7) A member of the Appeals Board, including the chairperson, is entitled to be paid such remuneration, fees or allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

(8) A member of the Appeals Board may at any time resign from office by giving notice in writing to the Authority of his or her resignation and the resignation shall take effect on the day on which the Authority receives the notice.

(9) The Authority may at any time remove from office a member of the Appeals Board if, in the opinion of the Authority—

(a) the member has become incapable through ill-health of effectively performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the removal of the member appears to the Authority to be necessary for the effective performance by the Appeals Board of its functions.

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

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is sentenced by a court of competent jurisdiction to a term of imprisonment,

(d) is convicted of any indictable offence,

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

(f) is disqualified or restricted from being a director of any company within the meaning of the Companies Acts, or

(g) is removed from office under *subsection (9)*.

(11) If a member of the Appeals Board dies, resigns, ceases to be qualified for office and ceases to hold office or is removed from office, the Authority may appoint a person to be a member of the Appeals Board to fill the casual vacancy so occasioned.

(12) A person appointed to be a member of the Appeals Board under *subsection (11)* —

(a) holds office for so much of the term of office of the member who occasioned the casual vacancy concerned as remains unexpired at the date of his or her appointment,

(b) is eligible for reappointment as a member of the Appeals Board on the expiry of that period, and

(c) shall, for the purposes of the period referred to in subsection (6), be taken to have been appointed on the date of that person's appointment to fill the casual vacancy concerned.

(13) The Appeals Board shall be independent in the performance of its functions.

Appeal to Appeals Board

56H. (1) A conformity assessment body may make an appeal to the Appeals Board in respect of—

(a) a decision of the Accreditation Board in respect of accreditation in relation to the body, or

(b) a failure by the Accreditation Board to make a decision in respect of accreditation in relation to the body.

(2) An appeal under *subsection (1)(a)* shall be made within 30 days of the notification by the Accreditation Board in writing of the decision to the conformity assessment body.

(3) A conformity assessment body may by notice in writing request the Accreditation Board to make a decision in respect of accreditation in relation to that body and where that Board fails to make the decision within 30 days, the conformity assessment body may appeal against that failure.

(4) An appeal by a conformity assessment body shall be made in such form as may be specified by the Appeals Board and shall—

(a) in the case of an appeal under *subsection (1)(a)*, specify the decision being appealed and the grounds of the appeal,

(b) in the case of an appeal under *subsection (1)(b)*, specify the matter in respect of which the Accreditation Board has failed to make a decision,

(c) be accompanied by any documents on which the body relies,

(d) be accompanied by such fee (if any) as may be determined by the Authority under *section 47* (amended by section 33 of the Industrial Development (Forfás Dissolution) Act 2014), and

(e) be accompanied by such other information or documentation as may be specified by the Appeals Board.

(5) The Appeals Board may refuse to hear an appeal where, in the opinion of that Board, the appeal lodged is not made in good faith or is frivolous or vexatious.

(6) The Appeals Board may hold such hearings as it considers necessary for the purpose of determining an appeal and each of the parties to an appeal is entitled to be heard at the hearing of an appeal and to present evidence to the Board.

(7) The Appeals Board may adjourn any hearing by it of a matter until a date specified by it.

(8) A decision by a majority of the members of the Appeals Board shall suffice for any purpose.

(9) The Appeals Board shall determine an appeal within 90 days from the making of an appeal and which may be a determination—

(a) in relation to an appeal under *subsection (1)(a)* —

(i) affirming the decision of the Accreditation Board, or

(ii) quashing the decision of the Accreditation Board and directing the Accreditation Board, for stated reasons, to reconsider its decision, and

(b) in relation to an appeal under *subsection (1)(b)* —

(i) that the Accreditation Board has not failed to make a decision, or

(ii) that the Accreditation Board has failed to make a decision and directing the Accreditation Board to make a decision within such time as may be specified by the Appeals Board.

(10) The Appeals Board shall notify the appellant, the Accreditation Board and the Authority in writing of its determination under *subsection (9)*, including the reasons under *paragraph (a)(ii)* of that subsection, within 10 days of making the determination.

(11) The Accreditation Board shall comply with every direction given to it under *paragraph (a)(ii)* or *paragraph (b)(ii)* of *subsection (9)*.

(12) A conformity assessment body may withdraw an appeal made under this section at any time by notice in writing to the Appeals Board and the Accreditation Board.

(13) In considering and determining an appeal under this section, the Appeals Board shall act in accordance with such procedures as may be determined from time to time by it with the consent of the Authority.

(14) An appeal by a conformity assessment body against a decision of the Accreditation Board in relation to accreditation pursuant to the Accreditation Regulation commenced but not determined—

(a) prior to the coming into operation of this section, and

(b) in accordance with the arrangements entered into between the conformity assessment body and the Accreditation Board under clause 11 of the Accreditation Board Terms and Conditions,

shall be continued in accordance with those arrangements notwithstanding the coming into operation of this section.

Disclosure of certain interests by members of Accreditation Board

56I. *Section 41* shall apply to members of the Accreditation Board as it applies to members of the Authority subject to the following modifications—

(a) substituting 'Accreditation Board' for 'Authority' in each place where it occurs,

(b) in *subsection (4)* by substituting 'the deputy chairperson, if present shall determine the question or, if he or she is not present, then the other members of' for 'then the other members of', and

(c) in *subsection (5)* by substituting 'the Authority' for 'the Minister' in each place where it occurs.".

Amendment of section 47 of Act of 2005

33. Section 47(1) of the Act of 2005 is amended by—

(a) substituting the following paragraph for paragraph (a):

"(a) determine the amount of such fees as it considers appropriate in consideration of—

(i) the performance by the Authority of its functions,

(ii) the provision by the Authority of services (other than a service consisting of the provision of advice to the Minister or another Minister of the Government),

(iii) the carrying on by the Authority of activities,

(iv) the performance by the Accreditation Board of its functions, and

(v) the performance by the Appeals Board of its functions,",

and

(b) inserting the following paragraph after paragraph (d):

"(e) enter into contracts upon such terms and conditions as it considers appropriate (including terms and conditions relating to payments to the Authority) for the purposes of any of the functions of the Authority referred to in *section 34(1)(de)* (inserted by section 30 of the Industrial Development (Forfás Dissolution) Act 2014),".

Amendment of section 73 of Act of 2005

34. Section 73(1) of the Act of 2005 is amended—

(a) in paragraph (c), by deleting "or",

(b) in paragraph (d), by substituting "person," for "person.", and

(c) by inserting the following paragraphs after paragraph (d):

"(e) a member of the Accreditation Board, or

(f) a member of the Appeals Board.".

Amendment of section 77 of Act of 2005

35. Section 77(2) of the Act of 2005 is amended by substituting the following paragraph for paragraph (c):

"(c) except for the provisions of this section as they apply to this Act, contravenes any of the relevant statutory provisions, other than Chapter 3 (inserted by section 32 of the Industrial Development (Forfás Dissolution) Act 2014) of Part 5 and Schedule 6A (inserted by section 36 of the Industrial Development (Forfás Dissolution) Act 2014),".

Insertion of Schedule 6A into Act of 2005

36. The Act of 2005 is amended by inserting the following Schedule after Schedule 6:

"SCHEDULE 6A

Section 56A

Irish National Accreditation Board

1. (1) The Accreditation Board shall consist of not more than 12 members, including the Manager of the Accreditation Board.

(2) The Authority shall, in so far as is practicable, endeavour to ensure that among the members of the Accreditation Board there is an equitable balance between men and women.

(3) The Accreditation Board may include persons who are not members of, or members of the staff of, the Authority.

(4) A chairperson of the Accreditation Board shall be appointed by the Authority from among the members of the Accreditation Board, other than the Manager of the Accreditation Board.

(5) A deputy chairperson of the Accreditation Board shall be appointed by the Authority from among the members of the Accreditation Board, other than the Manager of the Accreditation Board, to act as chairperson if the chairperson is not available or where the office of chairperson is vacant.

(6) At the end of each calendar year, the two longest serving members of the Accreditation Board, other than the Manager of the Accreditation Board, shall retire and where more than two members were appointed on the same date, the two members to retire shall be determined by lot.

(7) Subject to *subparagraph (8)*, a member of the Accreditation Board whose term of office expires under *subparagraph (6)* is eligible for reappointment to that Board.

(8) A person who is reappointed to the Accreditation Board in accordance with *subparagraph (7)* shall not hold office for periods the aggregate of which exceeds 10 years.

(9) A period of time in office by a member of the Accreditation Board referred to in *section 56A(11)* (inserted by section 32 of the Industrial Development (Forfás Dissolution) Act 2014) prior to the coming into operation of that section shall be taken into account for the purposes of—

(a) *subparagraph (6)*, and

(b) the 10 year period referred to in *subparagraph (8)*.

2. A member of the Accreditation Board, other than the Manager of the Accreditation Board, shall be paid by the Authority such allowances for expenses incurred by the member as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

3. (1) A member of the Accreditation Board, other than the Manager of the Accreditation Board, may resign from office by giving notice in writing to the Authority of his or her resignation and the resignation shall take effect on the day on which the Authority receives the notice.

(2) The Authority may at any time remove from office a member of the Accreditation Board if, in the opinion of the Authority—

(a) the member has become incapable through ill-health of performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the removal of the member appears to the Authority to be necessary for the effective performance by the Accreditation Board of its functions.

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

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is convicted of an indictable offence,

(d) is sentenced to a term of imprisonment by a court of competent jurisdiction,

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

(f) is disqualified or restricted from being a director of any company within the meaning of the Companies Acts, or

(g) is removed from office under *subparagraph (2)*.

4. (1) If a member of the Accreditation Board, other than the Manager of the Accreditation Board, dies, resigns, ceases to be qualified for or ceases to hold office or is removed from office for any reason, the Authority may appoint a person to be a member of that Board to fill the casual vacancy so occasioned.

(2) A person appointed to be a member of the Accreditation Board under *subparagraph (1)* shall for the purposes of the period referred to in *paragraph 1(8)* be taken to have been appointed on the date of that person's appointment to fill the casual vacancy concerned.

5. (1) The Accreditation Board shall hold as many meetings as may be necessary, as determined by the chairperson, for the due fulfilment of its functions.

(2) The chairperson shall convene a meeting of the Accreditation Board when requested to do so by not less than the number of members which constitute a quorum.

(3) The quorum for a meeting of the Accreditation Board shall, unless the Authority otherwise directs, be 5.

(4) At a meeting of the Accreditation Board—

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

(b) if and so long as the chairperson is not present or if the office of chairperson is vacant, the deputy chairperson of the Board shall be chairperson of the meeting, or

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

(5) Every question that is to be decided at a meeting of the Accreditation Board shall be determined by a majority of the votes of the members of the Accreditation Board present and voting on the question, and, in the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(6) Subject to *subparagraph (3)*, the Accreditation Board may act notwithstanding one or more vacancies among its members.

(7) Subject to the provisions of this Act, the Accreditation Board shall regulate its procedures (including procedures for electronic meetings).

(8) The Accreditation Board may hold or continue a meeting by the use of any means of communication by which all the members can hear and be heard at the same time (in this Schedule referred to as an 'electronic meeting').

(9) A member of the Accreditation Board who participates in an electronic meeting is taken for all purposes to have been present at the meeting.".

PART 8

Amendments to Other Acts

Amendment of Act of 1993

37. (1) The Act of 1993 is amended—

(a) in section 8, by substituting the following paragraphs for paragraphs (c) and (d):

"(c) to administer such schemes, grants and other financial facilities requiring the disbursement of European Union funds and such other funds as may from time to time be authorised by the Minister with the agreement of the Minister for Public Expenditure and Reform, and

(d) to carry out such other functions as may from time to time be assigned to it by the Minister.",

(b) by inserting the following new section after section 9A (inserted by section 97 of the Consumer Protection Act 2007)—

"Supply of information requested by the Minister

9B. (1) The Minister may request information from an institution in relation to—

(a) the matters specified in subparagraphs (a), (b) and (d) of Article 2(1) of Commission Implementing Regulation (EU) No. 995/2012 of 26 October 2012[2], and

(b) research and development carried out by the institution where that institution is funded wholly or partly out of moneys provided by the Oireachtas.

(2) An institution shall furnish any information requested from the institution under *subsection (1)* to the Minister in such form and at such time as the Minister specifies when making the request.

(3) In this section 'institution' means any institute, university, college, laboratory, agency, office or service, whether under the control of a Minister of the Government or otherwise, which is wholly or partly engaged in research and development or any other activity related to science or technology.",

and

(c) in paragraph 8 of the First Schedule, by substituting the following subparagraph for subparagraph (2):

"(2) Each committee established by IDA under this Act shall provide IDA with such information as it may require for the purposes of its functions.".

(2) Section 9 of the Act of 2013 is repealed.

Amendment of Act of 1995

38. The Act of 1995 is amended by substituting the following section for section 6:

"Power of Agencies to invest in certain bodies

6. (1) Subject to this section, IDA or Enterprise Ireland, or both of them, may invest or make a loan out of moneys at the disposal of IDA or Enterprise Ireland, or both of them, as the case may be, in or to a body to which this section applies.

(2) IDA and Enterprise Ireland shall invest or make a loan under *subsection (1)* in accordance with—

(a) a scheme drawn up by IDA or Enterprise Ireland, or both, and approved by the Minister and the Minister for Public Expenditure and Reform, and

(b) such directions as may be given by the Minister from time to time.

(3) A scheme referred to in *paragraph (a)* of *subsection (2)* shall specify the financial limits of, and such other terms and conditions governing the making of, any investments or loans under *subsection (1)*.

[2] OJ No. L 299, 27.10.2012, p. 18.

(4) The Minister shall designate IDA or Enterprise Ireland, or both of them, to administer a scheme approved under *subsection (2)*.

(5) A copy of a scheme referred to in *paragraph (a)* of *subsection (2)* shall be laid before each House of the Oireachtas as soon as may be after the scheme is approved in accordance with that paragraph.

(6) A scheme referred to in *paragraph (a)* of *subsection (2)* may be amended or revoked by a subsequent scheme drawn up and approved in accordance with that paragraph.

(7) The reference in *subsection (1)* to moneys at the disposal of IDA or Enterprise Ireland or both of them includes a reference to moneys arising from the administration of schemes, grants or other financial facilities involving the disbursement of European Union Funds.

(8) This section applies to a body which is a body corporate, partnership or other body which is established for the purpose of investing in industry in the State, or a particular sector of industry in the State, and which administers, or proposes to administer, an investment fund or funds for that purpose.

(9) IDA and Enterprise Ireland shall include full details of all investments and loans made by them or either of them under this section in their annual report.".

Saver in respect of certain schemes

39. A scheme prepared under section 6 of the Act of 1995 that was in force immediately prior to the coming into operation of the amendment of that section by *section 38*,shall continue in force on and after that coming into operation as if the scheme had been made under section 6 of the Act of 1995 as so amended and the provisions of that section as so amended shall apply accordingly.

Amendment of Metrology Act 1996

40. Section 7 of the Metrology Act 1996 is amended by substituting the following subsection for subsection (3):

"(3) The staff of the National Standards Authority of Ireland shall include a chief officer for the Service who shall be known as the Director of Legal Metrology.".

Amendment of Act of 1998

41. The Act of 1998 is amended—

(a) in subsection (1) of section 7, by substituting the following paragraph for paragraph (k):

"(k) to carry out such other functions as may from time to time be assigned to it by the Minister.",

and

(b) by substituting the following section for section 42:

"Prosecution of summary offences

42. (1) Proceedings in relation to a summary offence under section 16 may be brought and prosecuted by the Agency.

(2) Proceedings in relation to a summary offence under paragraph 4 of the Second Schedule to the Act of 1993 may be brought and prosecuted by IDA.".

Amendment of Act of 2003

42. The Act of 2003 is amended—

(a) in section 7(1) (inserted by section 4 of the Act of 2013), by substituting the following paragraph for paragraph (i):

"(i) carry out such other functions related to science or technology which may, from time to time, be assigned to the Foundation by the Minister.",

(b) in section 17, by inserting the following subsection after subsection (2):

"(2A) Proceedings in relation to a summary offence under this section may be brought and prosecuted by the Foundation.",

and

(c) in section 25, by substituting the following subsection for subsection (2):

"(2) A committee established under *section 15* shall provide the Foundation with such information as the Foundation may, from time to time, require for the purposes of its functions.".

SCHEDULE

Section 18

Functions Transferred to Enterprise Ireland and IDA

Functions referred to in:

1. Paragraphs (a) and (e) to (h) of subsection (2), and subsection (3), of section 6, sections 18, 19(2), 36, 38, 39, 43 and 45 of the Industrial Research and Standards Act 1961.

2. Subsections (3), (5) and (7) of section 5, paragraphs (a), (c) to (h) and (j) of subsection (1) of section 11, sections 16, 18 to 32, 36 and 37 of the Industrial Development Act 1986.

3. Paragraphs (a), (d) and (f) to (i) of subsection (1), subsection (2) and paragraphs (d) to (g) and (i) to (m) of subsection (3), of section 8, and sections 12 and 18, of the Act of 1987.

Number 13 *of* 2014

INDUSTRIAL DEVELOPMENT (FORFÁS DISSOLUTION) ACT 2014

REVISED

Updated to 1 August 2024

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

Industrial Development Acts 1986 to 2019: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Industrial Development (Amendment) Act 2019* (46/2019), s. 6(2)). The Acts in this group are:

- *Industrial Development Act 1986* (9/1986)
- *Industrial Development (Amendment) Act 1991* (30/1991), in so far as it relates to the *Industrial Development Act 1986*
- *Industrial Development Act 1993* (19/1993)
- *Industrial Development Act 1995* (28/1995), in so far as it relates to the *Industrial Development Acts 1986 to 1993*
- *Industrial Development (Enterprise Ireland) Act 1998* (34/1998), other than Part 3 in so far as it relates to the Legal Metrology Service, s. 35 and Part 4
- *Industrial Development (Science Foundation Ireland) Act 2003* (30/2003)
- *Industrial Development Act 2006* (34/2006)
- *Industrial Development Act 2009* (11/2009)
- *County Enterprise Boards (Dissolution) Act 2014* (4/2014)
- *Industrial Development (Forfás Dissolution) Act 2014* (13/2014), other than Part 7 (ss. 28-36)
- *Withdrawal of the United Kingdom from the European Union (Consequential Provisions) Act 2019* (8/2019), Part 3 (ss. 5-8)
- *Industrial Development (Amendment) Act 2019* (46/2019), other than s. 4

Safety, Health and Welfare at Work Acts 2005 to 2014: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Industrial Development (Forfás Dissolution) Act 2014* (13/2014), s. 1(3)). The Acts in this group are:

- *Safety, Health and Welfare at Work Act 2005* (10/2005)
- *Chemicals Act 2008* (13/2008), s. 37
- *Chemicals (Amendment) (Act) 2010* (32/2010), s. 12
- *Industrial Development (Forfás Dissolution) Act 2014* (13/2014), Part 7 (ss. 28-36)

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

- *Research and Innovation Act 2024* (15/2024)

All Acts up to and including *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Science Foundation Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2024* (S.I. No. 186 of 2024)
- *Enterprise Ireland Superannuation Scheme 2016* (S.I. No. 596 of 2016)
- *Science Foundation Ireland Superannuation Scheme 2016* (S.I. No. 594 of 2016)
- *Forfás (Dissolution) Order 2014* (S.I. No. 341 of 2014)
- *Industrial Development Agency (Ireland) Superannuation Scheme 2017* (S.I. No. 47 of 2014)
- *Industrial Development (Forfás Dissolution) Act 2014 (Commencement) Order 2014* (S.I. No. 304 of 2014)

All statutory instruments up to and including *Criminal Law (Sexual Offences and Human Trafficking) Act 2024 (Commencement) Order 2024* (S.I. No. 391 of 2024), made 31 July 2024, were considered in the preparation of this revision.