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



Number 44 *of* 2015

NATIONAL CULTURAL INSTITUTIONS (NATIONAL CONCERT HALL) ACT 2015

REVISED

Updated to 28 February 2023

This Revised Act is an administrative consolidation of the *National Cultural Institutions (National Concert Hall) Act 2015*. 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 *Oil Emergency Contingency and Transfer of Renewable Transport Fuels Functions Act 2023* (2/2023), enacted 24 February 2023, and all statutory instruments up to and including the *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023 (Commencement) Order 2023* (S.I. No. 130 of 2023), made 27 February 2023, were considered in the preparation of this Revised Act.

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

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NATIONAL CULTURAL INSTITUTIONS (NATIONAL CONCERT HALL) ACT 2015

REVISED

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NATIONAL CULTURAL INSTITUTIONS (NATIONAL CONCERT HALL) ACT 2015

REVISED

Updated to 28 February 2023

An Act to provide for the establishment of a body to be known in the Irish language as An Ceoláras Náisiúnta or in the English language as the National Concert Hall to provide and operate the national venue for the performance, appreciation and enjoyment of music; to change the name of Bord Scannán na hÉireann; and to provide for related matters.

[10 *th December*, 2015]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title

1. This Act may be cited as the National Cultural Institutions (National Concert Hall) Act 2015.

Definitions

2. In this Act—

"Board" means the Board of the NCH;

"committee" means a committee established in accordance with *section 14*;

"company" has the meaning it has in the Companies Act 2014;

"chief executive officer" means the person appointed under *section 18(1)*;

"establishment day" means the day appointed by order under *section 4*;

"NCH" means the National Concert Hall established under *section 5*;

"Minister" means the Minister for Arts, Heritage and the Gaeltacht;

"subsidiary" means a subsidiary within the meaning of section 7 of the Companies Act 2014;

"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.

PART 2

National Concert Hall

Establishment day

4. The Minister shall, by order, appoint a day to be the establishment day of the National Concert Hall.

Annotations

Editorial Notes:

E1 Power pursuant to section exercised (1.02.2016) by *National Cultural Institutions (National Concert Hall) Act 2015 (Establishment Day) Order 2016* (S.I. No. 29 of 2016), in effect as per art. 2.

2. The day appointed as the establishment day of the National Concert Hall is 1 February 2016.

Establishment of National Concert Hall

5. (1) There shall stand established on the establishment day, a body to be known, in the Irish language as An Ceoláras Náisiúnta or, in the English language, the National Concert Hall (in this Act referred to as the "NCH"), situated, for the time being, at Earlsfort Terrace in the city of Dublin, to perform the functions conferred on it by or under this Act.

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

Seal of NCH

6. (1) The seal of the NCH shall be authenticated by—

(a) the signature of the chairperson of the Board or another member of the Board authorised by it to act in that behalf, and

(b) by the signature of a member of staff of the NCH authorised by it to act in that behalf.

(2) Judicial notice shall be taken of the seal of the NCH and any document purporting to be an instrument made by, and to be sealed with the seal of the NCH, authenticated in accordance with *subsection (1)*, shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.

Functions of NCH

7. The principal functions of the NCH shall be—

(a) to provide and operate, having regard to international standards and good practice, the national venue for the performance, appreciation and enjoyment of musical, creative, artistic and cultural activities including the promotion of concerts and recitals of artistic, educational and cultural value,

(b) in the public interest, to promote and support the performance, knowledge, appreciation, creation and enjoyment of music as an integral part of Irish life,

(c) to entertain, educate and engage the public through musical F1**[**experiences,**]**

(d) to encourage and promote inclusivity, participation, creativity, experimentation and involvement in music through engagement with diverse individuals and communities as performers, participants, composers or audience F1**[**members, and**]**

F2**[**(e) to maintain and operate an orchestra and a choir.**]**

Annotations

Amendments:

F1 Substituted (28.02.2023) by *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 11(a), (b), S.I. No. 130 of 2023.

F2 Inserted (28.02.2023) by *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 11(c), S.I. No. 130 of 2023.

Independence of NCH

8. The NCH shall be independent in the exercise of its functions subject to such general policy guidelines as may be issued by the Minister to all national cultural institutions from time to time.

Powers of NCH

9. (1) Subject to this Act, the Board shall have power to do anything that appears to it to be requisite for, advantageous or incidental to, or to facilitate, the performance of the functions of the NCH, including the making of arrangements with any person to assist the NCH in the proper discharge of any of its functions.

(2) The NCH may recover as a simple contract debt in any court of competent jurisdiction from the person by whom it is payable any amount due and owing to the NCH.

PART 3

Board of NCH

Board of NCH

10. (1) The NCH shall have a Board consisting of a chairperson and F3**[**9 ordinary members**]** appointed by the Minister.

(2) (a) The chairperson and ordinary members of the Board shall be appointed by the Minister, from among persons who, in the Minister's opinion,

have experience of, and expertise in matters connected to music, F4**[**the development of orchestras,**]** dance, the arts, finance, business, administration, marketing, fundraising, philanthropy, corporate governance, human resources or venue management.

F4**[**(aa) Without prejudice to the generality of *paragraph (a)*, at least one member of the Board shall have experience of, and expertise in, the development of orchestras.**]**

(b) When making an appointment under *paragraph (a)* the Minister shall consult the chairperson of the Board in relation to the expertise that is required on the Board.

(c) The Minister shall have regard to any guidelines prepared by the Minister for Public Expenditure and Reform in relation to appointments to boards of State bodies.

(3) The Minister shall designate one member of the Board to be the chairperson.

(4) Of the members of the Board, not less than 4 shall be men and not less than 4 shall be women.

(5) The chairperson of the Board shall hold office for 5 years from the date of his or her appointment and shall not be eligible for re-appointment after serving 2 terms of 5 years (for which purpose chairmanship of the Board which occurred before the commencement of this section shall be taken into account).

(6) The persons first appointed as ordinary members shall hold office as follows:

(a) 3 members for a term of 3 years;

(b) 3 members for a term of 4 years;

(c) 2 members for a term of 5 years.

(7) Ordinary members who are to hold office for the periods specified in subsection (6) shall be selected by lot to be drawn in such manner as may be determined by the Minister.

(8) Subject to *subsection (6)*, an ordinary member shall serve for a period of 5 years from the date of his or her appointment.

(9) A member of the Board, appointed under *subsection (2)*, whose term of office expires or is about to expire by the effluxion of time is eligible for re-appointment to the Board, but may not serve on the Board for more than 2 consecutive terms.

(10) A member of the Board of the National Concert Hall Company who held office immediately before the establishment day shall cease to hold office upon such day but, subject to *subsection (6)*, *(7)*, *(8)* or *(9)*, such a member shall be eligible to be appointed as a member of the Board under this section.

Annotations

Amendments:

F3 Substituted (28.02.2023) by *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 12(a), S.I. No. 130 of 2023.

F4 Inserted (28.02.2023) by *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 12(b)(i), (ii), S.I. No. 130 of 2023.

Conditions of office of members of Board

11. (1) The Minister may at any time remove from office a member of the Board if—

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

(b) the member's removal appears to the Minister to be necessary in order to ensure the effective performance by the NCH of its functions, or

(c) the member has committed stated misbehaviour.

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

(3) A person ceases to be qualified to be a member of the Board and (where he or she is a member of the Board) ceases to hold office if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

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

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

(e) is, or is deemed to be, the subject of an order under section 160 of the Companies Act 1990 or a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, or

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

(4) A member of the Board shall, subject to this Act, hold office upon such terms and conditions as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.

Casual vacancies among members of Board

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

(2) A person appointed to be a member of the Board under this section shall hold office for that period of the term of office of the member who occasioned the casual vacancy concerned that remains unexpired at the date of his or her appointment and shall be eligible for reappointment as a member of the Board on the expiry of the said period for one further term.

Meetings and procedure

13. (1) The Board shall hold as many meetings as may be necessary for the performance of its functions but in each year shall hold not less than one meeting in each period of 3 months.

(2) At a meeting of the Board—

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

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

(3) Every question at a meeting shall be determined by a majority of the votes of the members of the 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.

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

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

(6) The quorum for a meeting of the Board shall be F5**[**5**]**.

(7) The chief executive officer shall fix the date of the first meeting of the Board first constituted pursuant to *section 10*, and shall specify the time and place at which it shall take place.

Annotations

Amendments:

F5 Substituted (28.02.2023) by *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 13, S.I. No. 130 of 2023.

Committees

14. (1) The Board may establish committees to assist and advise it on matters relating to its functions and may determine the terms of reference of each committee.

(2) A committee shall consist of a chairperson and such number of other members as the Board may determine and, provided that the majority of members of the committee are members of the Board, may include people who are not members of the Board or the staff of the NCH.

(3) The chairperson and other members of a committee shall be appointed by the Board subject to such terms and conditions as the Board shall determine.

(4) The Board may at any time dissolve a committee for stated reasons.

(5) The Board may regulate the procedure and business of a committee but, subject to any such regulation by the Board, a committee may regulate its own procedure and business.

(6) A committee may act notwithstanding one or more vacancies in its membership.

Expenses of members of Board and committees

15. (1) No remuneration, other than the expenses referred to in *subsection (2)*, shall be payable to the chairperson or an ordinary member of the Board or to a member of a committee of the Board except where the Minister, with the consent of the Minister of Public Expenditure and Reform, determines otherwise.

(2) The chairperson, ordinary members of the Board or members of committees established by the Board shall be paid out of funds at the disposal of the NCH such allowances for travelling and subsistence expenses properly incurred in respect of the member's attendance at a meeting of the Board or of a committee, as the case may be, or otherwise in connection with the affairs of the Board as the Minister, with the consent of the Minister for Public Expenditure and Reform, may allow.

Statement of strategy

16. (1) As soon as may be, but not later than 6 months after the establishment day, and every 5 years thereafter, the NCH shall prepare and present to the Minister, in such format as shall be approved by the Minister, a statement of strategy.

(2) A statement of strategy prepared under *subsection (1)* shall set out the strategy of the NCH for performing its functions under this Act during the period to which the statement relates, having regard to resources available to the NCH.

(3) The Minister shall, as soon as may be, after a statement of strategy or any revision to it under this section has been presented to him or her, cause a copy or a summary of it to be laid before each House of the Oireachtas.

Annual report

17. (1) The Board shall, as soon as may be, but not later than 6 months after the end of each financial year of the NCH, submit to the Minister, in such form as may be approved by the Minister, a report of its activities during the immediately preceding financial year.

(2) The Minister shall ensure that copies of the report submitted under *subsection (1)* are laid before each House of the Oireachtas as soon as may be after the report is received by the Minister.

PART 4

Staff of NCH

Chief executive officer

18. (1) There shall be a chief executive officer of the NCH who shall be known as and is referred to in this Act as the chief executive officer.

(2) The chief executive officer shall be appointed by the Board with the approval of the Minister and may with the approval of the Minister be removed from office by the Board for stated reasons.

(3) (a) The chief executive officer shall carry on, manage and control generally the administration and business of the NCH and shall perform such other functions (if any) as may be delegated by the Board.

(b) The chief executive officer shall perform his or her functions, subject to such policies as may be determined from time to time by the Board, and shall be accountable to the Board for the efficient and effective management of the NCH and for the due performance of his or her functions.

(c) The chief executive officer may make proposals to the Board on any matter relating to the functions of the NCH.

(d) The chief executive officer shall provide the Board with any information (including financial information) in relation to the performance of his or her functions as the Board may request.

(4) The chief executive officer—

(a) shall hold office on such conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) as may be determined from time to time by the Board with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, and

(b) shall be paid by the Board out of moneys at its disposal.

(5) The chief executive officer shall not be a member of the Board or a committee, but may, in accordance with procedures established by the Board or a committee, as the case may be, attend meetings of the Board or a committee and shall be entitled to speak at and advise such meetings.

(6) The chief executive officer shall not hold any office or position in respect of which emoluments are payable or carry on any business, without the consent of the Board.

(7) Notwithstanding the dissolution of the National Concert Hall Company under *section 31*, the chief executive officer of the National Concert Hall Company immediately before the dissolution of the National Concert Hall Company shall continue to hold office under this Act—

(a) as if, on that dissolution, the Board had appointed the person concerned to be the chief executive officer appointed in accordance with *subsection (2)* for such period, if any, that remained of any contract of employment made between that person and the Company, and

(b) on the same conditions (including those relating to the termination of appointment) as the person held office immediately before that dissolution.

(8) The chief executive officer shall be the accountable person in relation to the accounts of the NCH and shall whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Board is required by this Act to prepare,

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

(c) the systems, procedures and practices employed by the NCH for the purposes of evaluating the effectiveness of its operations, and

(d) any matter affecting the NCH referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General, in so far as it relates to a matter specified in *paragraph (a)*, *(b)*or *(c)*, that is laid before Dáil Éireann.

(9) In the performance of the duties of chief executive officer under *subsection (8)*, the chief executive officer shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

(10) If the chief executive officer is absent or the position of chief executive officer is vacant, the functions of the chief executive officer under this section may be performed by a member of staff of the NCH designated by the Board.

Staff of NCH

19. (1) The Board may, with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform—

(a) appoint such and so many persons to be members of the staff of the NCH as it may from time to time determine,

(b) determine the grades of such staff of the NCH and the number of staff at each grade.

(2) The NCH may at any time remove any member of the staff of the NCH from being a member of its staff.

(3) The terms and conditions of service, including terms and conditions relating to remuneration and allowances for expenses (which shall be paid by the Board out of moneys at its disposal) of the members of the staff of the NCH shall be such as the Board may from time to time, with the prior approval of the Minister given with the consent of the Minister of Public Expenditure and Reform, determine.

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

(5) The Board may hire such temporary or casual staff as may be appropriate for the staging of specific events from time to time.

(6) Notwithstanding the dissolution of the National Concert Hall Company under *section 31*, a person who was an officer or servant of the National Concert Hall Company immediately before the dissolution, shall continue—

(a) as if, on that dissolution, the Board had appointed the person to be a member of staff of the NCH under *subsection (1)* for the remainder of that person's term of office or employment, and

(b) on the same conditions as the person held office immediately before that dissolution.

Superannuation

20. (1) Any superannuation benefits awarded to or in respect of a person—

(a) transferred in accordance with *section 32*, and

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

shall be 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 establishment day apply to, or in respect of, that person.

(2) The pension payments and other superannuation liabilities of the National Concert Hall Company in respect of its former officers or employees shall become, on the establishment day, the liabilities of the NCH.

Disclosure of interests

21. (1) Where a member of the Board, a member of a committee, a member of a board of a subsidiary, a member of staff of the NCH or a subsidiary or a consultant or adviser engaged by the NCH or a subsidiary has any pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board, a committee or the board of a subsidiary, he or she shall—

(a) disclose to the Board, committee or the board of a subsidiary, the nature of the interest in advance of any consideration of the matter,

(b) neither influence nor seek to influence a decision relating to the matter,

(c) take no part in any deliberation or consideration of the matter,

(d) withdraw from a meeting or that part of a meeting at which the matter is being discussed or considered, and

(e) if he or she is a member of the Board, a committee or a member of a board of a subsidiary, neither vote nor act as such a member in relation to the matter.

(2) A person shall be regarded as having a beneficial interest in each of the following cases:

(a) the person, any connected relative of the person or a nominee of either of them is a member of a company or any other body, which has a beneficial interest in or material to any matter referred to in *subsection (1)*;

(b) the person or any connected relative of the person is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, any such matter;

(c) the person or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which any such matter relates;

(d) any connected relative has a beneficial interest in, or material to, any such matter.

(3) A person shall not be regarded as having a beneficial interest in or material to any matter, if the interest is so remote that it cannot reasonably be regarded as influencing a person in considering, discussing or voting on a particular matter.

(4) The Board will determine any question as to whether a course of conduct would be a failure to comply with the disclosure requirement and particulars of the determination shall be recorded in the minutes of the meeting at which the determination is made.

(5) If a disclosure is made at a meeting of the Board, committee or the board of a subsidiary, details of the disclosure shall be recorded in the minutes of the meeting.

(6) Where the Minister is satisfied that a member of the Board or a committee or a member of a board of a subsidiary has not complied with *subsection (1)* the Minister may remove that member from office and that person shall then be disqualified from being a member of the Board or a committee or a member of a board of a subsidiary of the NCH.

(7) Where a person other than a member of the Board or a committee or a member of a board of a subsidiary contravenes *subsection (1)*, the Board or the board of a subsidiary shall decide the appropriate action to be taken including the termination of a contract of service or a contract for services with the person.

(8) Section 231 of the Companies Act 2014 shall not apply to a member of a board of a subsidiary.

(9) Nothing in this section shall be taken to prejudice the operation of any rule of law restricting directors of a company from having any interest in contracts with the NCH or a subsidiary.

(10) In this section, "connected relative" in relation to a person, means a spouse, partner, parent, brother, sister, child or the spouse of a child of the person.

Prohibition of unauthorised disclosure of confidential information

22. (1) A person shall not, unless authorised by the Board or by a member of staff of the NCH duly authorised in that behalf to do, or as appropriate a board of a subsidiary or a member of staff of that subsidiary duly authorised in that behalf to do, or required by law so to do, disclose confidential information, obtained by him or her in his or her capacity, or while performing duties, as any of the following:

(a) a member of the Board or a committee;

(b) a member of a board of a subsidiary;

(c) a member of the staff of the NCH or a subsidiary;

(d) a consultant or adviser engaged by the NCH or a subsidiary, or an employee of such a consultant or adviser; or

(e) a person engaged by the NCH or a subsidiary in any other capacity.

(2) Where the Minister is satisfied that a member of the Board or a committee or a member of a board of a subsidiary has disclosed confidential information without authorisation, he or she may remove that member from office and if a person is so removed, he or she shall then be disqualified from being a member of the Board of the NCH or a committee or a member of a board of a subsidiary.

(3) Where any other person mentioned in *subsection (1)* discloses confidential information without authorisation, the Board or the board of the subsidiary shall decide the appropriate action to be taken including the termination of the contract of service or a contract for services with the person.

(4) Nothing in this section shall prevent the disclosure of information to the Board or, as appropriate, the board of a subsidiary of it or by or on behalf of the Board to the Minister.

(5) In this section, confidential information includes:

(a) information that is expressed by the Board, or the board of a subsidiary of it, to be confidential either as regards particular information or as regards information of a particular class or description; and

(b) information relating to proposals of a commercial nature or to tenders submitted to the Board or a subsidiary by a contractor, a consultant or any other person.

Membership of either House of Oireachtas or European Parliament

23. (1) Where a member of the Board, or a committee, a member of a board of a subsidiary, a member of staff of the NCH (including the chief executive officer) or 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 representative in the European Parliament, or

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

he or she shall—

(i) in the case of a member of the Board, or a committee, or a member of a board of a subsidiary, cease to be a member of the Board, a committee, or a member of the board of a subsidiary, and

(ii) in the case of a member of staff of the NCH (including the chief executive officer) or a subsidiary, be seconded from employment by the NCH or a subsidiary and shall not be paid by, or be entitled to receive from the NCH or subsidiary any remuneration or allowances for expenses in respect of the period commencing on such nomination or election, or when he or she is regarded as having been elected or on such election or co-option, as the case may be, and ending when he or she ceases to be a member of either such House or Parliament.

(2) There shall be no reckoning of any period mentioned in *subsection (1)* as service with the NCH or a subsidiary for the purposes of any superannuation benefits payable.

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while that person is so entitled or is a member, be disqualified from being a member of the Board, or a committee, a member of the board of a subsidiary, the chief executive officer or a member of staff of the NCH or a subsidiary.

PART 5

Accounts and Finances of NCH

Advances by Minister to NCH

24. The Minister shall from time to time, with the consent of the Minister for Public Expenditure and Reform, advance to the NCH out of moneys provided by the Oireachtas such amount or amounts as the Minister may determine for the purpose of expenditure by the NCH in the performance of its functions.

Borrowing by NCH

25. (1) The Board may, with the consent of the Minister, the Minister for Public Expenditure and Reform and the Minister for Finance and subject to such conditions, if any, as may be imposed by the Minister, the Minister for Public Expenditure and Reform or the Minister for Finance, borrow money for capital or current purposes from such persons as it considers appropriate.

(2) Moneys borrowed by the Board pursuant to this section and interest accruing thereon may be secured on the revenue, funds or property of the NCH.

Accounts and audits

26. (1) The chief executive officer, under the direction of the Board, shall cause to be kept on a continuous basis proper books of account of all the income and expenditure of the NCH, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the NCH, and the chief executive officer shall cause to be kept such other accounts as the Minister or the Board with the consent of the Minister may direct from time to time to be kept in such form as the Minister or the Board may direct.

(2) The books, records and special accounts kept under this section shall be kept—

(a) in such form, and

(b) for such accounting periods,

as the Board, with the consent of the Minister, with the consent of the Minister for Public Expenditure and Reform, may specify.

(3) The accounts of the NCH prepared by the chief executive officer and approved by the Board shall be submitted to the Comptroller and Auditor General for audit as soon as practicable but not later than 3 months after the end of the financial year to which they relate.

(4) Within 3 months of the Comptroller and Auditor General issuing an audit certificate for the accounts of the NCH, a copy of—

(a) the accounts, and

(b) the report of the Comptroller and Auditor General on the accounts,

shall be presented by the Board to the Minister who shall, as soon as practicable, cause copies of them to be laid before each House of the Oireachtas.

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

(6) The Board, the chief executive officer and the other members of staff of the NCH shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books and accounts of the NCH in respect of any financial year or other period and shall facilitate such examination, and the Board shall pay such fee as may be fixed by the Minister for the examination.

Attendance before Oireachtas Committee

27. (1) The chief executive officer shall, at the written request of an Oireachtas Committee, attend before it to give account for the general administration of the NCH as may be required by the Committee.

(2) In this section, an "Oireachtas Committee" means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—

(a) the Committee on Members' Interests of Dáil Éireann, or

(b) the Committee on Members' Interests of Seanad Éireann,

or a sub-Committee of such a committee.

Subsidiaries, joint ventures, etc.

28. (1) Such functions of the NCH as the Board may determine, after consultation with the Minister, may be performed by a subsidiary or partnership or other such appropriate corporate vehicle and, accordingly, the Board may, with the consent of the Minister and the Minister for Public Expenditure and Reform, for the purpose of such performance, acquire or form and establish one or more subsidiaries, partnerships or other corporate vehicles.

(2) The NCH or a subsidiary may, either by itself or with another person, with the consent ofthe Minister and the Minister for Public Expenditure and Reform, promote and take part in the formation or establishment of a company, or enter into joint ventures or partnerships for the purpose of fulfilling any of its functions.

(3) The NCH may, with the prior consent of the Minister and the Minister for Public Expenditure and Reform, acquire, hold and dispose of shares or other interests in a company and become a member of a company.

(4) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be determined by the Board, with the consent of the Minister and the Minister for Public Expenditure and Reform.

(5) (a) A subsidiary or partnership or other such corporate vehicle referred to in *subsection (1)* shall make such reports in such manner to the Board of the NCH as the Board may require.

(b) The Board shall make such reports on the operation of any subsidiaries, partnerships or other corporate vehicles formed under this section available to the Minister in such form as the Minister may require.

(6) Appointments to the board of a subsidiary, partnership or other corporate vehicle shall be made by the Board of the NCH, with the consent of the Minister.

(7) A member of the Board of the NCH who serves on the board of a subsidiary, partnership or other corporate vehicle formed under this section shall only so serve for the duration of his or her membership of the Board of the NCH.

(8) Membership of the board of a subsidiary, partnership or other corporate vehicle shall be for a period of 5 years from the date of his or her appointment but shall not last for more than 2 consecutive terms.

(9) No remuneration, other than the expenses referred in *section 15(2)* shall be payable to a member of the Board of the NCH who serves on the board

of a subsidiary, partnership or other corporate vehicle formed under this section.

(10) Any chief executive of a subsidiary, partnership or other such corporate vehicle formed under such section shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved by the board of directors (or other authority, by whatever name called, that controls any such company), the Board of the NCH and the Minister.

(11) The Board of the NCH shall consider on an annual basis whether a subsidiary, partnership or other such corporate vehicle formed under this section should continue in existence.

Gifts

29. (1) Subject to *subsection (2)*, the NCH may accept gifts of money, land or other property upon such trusts or conditions (if any) as may be specified by the donor.

(2) The NCH shall not accept gifts of land without the consent of the Minister.

(3) The NCH shall not accept a gift if the trusts or conditions attaching to it would be inconsistent with—

(a) the functions, or

(b) obligations,

of the NCH under this Act or any other enactment.

(4) Where an individual gift in any one calendar year exceeds the value 5 per cent of the annual turnover of the NCH, the gift shall be subject to the approval of the Minister.

(5) Gifts to the NCH or any related or subsidiary company, partnership or any other corporate vehicle established under this Act shall, until expended, be deemed to be held on trust on behalf of the NCH.

(6) Gifts to any related or subsidiary company, partnership or any other corporate vehicle established under this Act may be used solely for purposes within this Act or for particular purposes under this Act as may be specified by the donor.

(7) The NCH may dispose of any musical instrument, work of art or other property received as a gift subject to any trusts that may be specified by the donor.

(8) The NCH may dispose of a gift of land with the consent of the Minister.

Exemption from charge of rates on certain property

30. Paragraph 12(g) of Schedule 4 of the Valuation Act 2001 is amended by the deletion of "Company".

PART 6

Dissolution of National Concert Hall Company

Dissolution of National Concert Hall Company

31. The company known as the National Concert Hall Company ("the dissolved company"), is dissolved on the establishment day.

Transfer of staff

32. Save in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person who, immediately before the dissolution of the dissolved company, was an officer or servant of the dissolved company shall on the establishment day become and be a member of staff of the NCH on terms and conditions of remuneration not less beneficial than those applicable to that person immediately before that day.

Transfer of land and other property

33. (1) On the establishment day, all lands that, immediately before that day, were vested in the dissolved company a nd all rights, powers and privileges relating to or connected with such lands shall, without any conveyance, transfer or assignment, stand vested in the NCH for all the estate or interest therein that immediately before the establishment day was vested in the dissolved company but subject to all trusts and equities affecting that land subsisting and capable of being performed.

(2) On the establishment day, all property (other than land) (including choses-in-action) that, immediately before that day, was vested in the dissolved company shall, without any assignment stand transferred to the NCH in trust on behalf of the Minister.

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

(4) All moneys, stocks, shares and securities transferred to the NCH by *subsection (2)* which, immediately before the establishment day, are in the name of the dissolved company shall, upon the request of the NCH be transferred into its name.

Transfer of rights and liabilities

34. (1) All rights and liabilities of the dissolved company, subsisting immediately before the establishment day and arising by virtue of any contract or commitment (express or implied) entered into by it before the establishment day shall, on that day, stand transferred to the NCH.

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

(3) Every lease, licence, way leave or permission granted by the dissolved company prior to dissolution in relation to land or other property vested in the NCH by or under this Act and in force immediately before the establishment day, shall continue in force on and after that day as if granted by the NCH.

Preservation of existing contracts

35. (1) Every bond, guarantee or other security of a continuing nature made or given by the dissolved company to any person, or by any person to the dissolved company, that is in force immediately before the establishment day, and every contract or agreement in writing made between the dissolved company and any person that is in force but is not fully executed and completed immediately before the establishment day, shall continue in force on and after that day and shall be construed and have effect as if the name of the NCH were substituted therein for that of the dissolved company.

(2) Every other document granted or made by the dissolved company that is in force immediately before the establishment day shall continue in force on and after that day as if it had been granted or made by the NCH and shall be construed and have effect accordingly.

Pending legal proceedings to which National Concert Hall Company is party

36. The name of the NCH shall be substituted for that of the dissolved company in any legal proceedings pending immediately before the establishment day to which the dissolved company is a party and those proceedings shall not abate by reason of such substitution.

Records of dissolved company

37. Each record held by the dissolved company prior to dissolution is on the establishment day transferred to the NCH and is, on and from that day, held by the NCH.

Consequential amendments to other Acts

38. (1) References (however expressed) to the National Concert Hall Company in any Act passed before the establishment day, or in any instrument made before that day under an Act, shall be read as references to the NCH, unless the context otherwise requires.

(2) The Second Schedule to the Comptroller and Auditor General (Amendment) Act 1993 is amended by the deletion of "National Concert Hall Company".

PART 7

Miscellaneous

Change of name of Bord Scannán na hÉireann to Fís Éireann

39. (1) The name of the body (established by section 3 of the Irish Film Board Act 1980) the present name of which is, in the Irish language, Bord Scannán na hÉireann and in the English language, the Irish Film Board shall, on and from such day as the Minister appoints by order, be known, in the Irish language as Fís Éireann, or in the English language, as Screen Ireland.

(2) References in any enactment, statutory instrument, legal proceedings or any other document to Bord Scannán na hÉireann or the Irish Film Board shall, on and from the day appointed under *subsection (1)*, be construed as references to Fís Éireann or Screen Ireland, as may be appropriate.

Annotations

Editorial Notes:

E2 Power pursuant to subs. (1) exercised (18.06.2018) by *Change of Name of Bord Scannánna hÉireann to Fís Éireann (Appointed Day) Order 2018* (S.I. No. 182 of 2018), in effect as per art. 2.

2. The day appointed for the purpose of section 39 (1) of the National Cultural Institutions (National Concert Hall) Act 2015 (No. 44 of 2015) is 18 June 2018.

Number 44 *of* 2015

NATIONAL CULTURAL INSTITUTIONS (NATIONAL CONCERT HALL) ACT 2015

REVISED

Updated to 28 February 2023

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

National Cultural Institutions (National Concert Hall) Acts 2015 to 2023: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 1(3)). The Acts in this group are:

- *National Cultural Institutions (National Concert Hall) Act 2015* (44/2015)
- *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023), s. 2, Part 3 (ss. 11-13)

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

- *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023* (1/2023)

All Acts up to and including *Oil Emergency Contingency and Transfer of Renewable Transport Fuels Functions Act 2023* (2/2023), enacted 24 February 2023, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Change of Name of Bord Scannánna hÉireann to Fís Éireann (Appointed Day) Order 2018* (S.I. No. 182 of 2018)
- *National Cultural Institutions (National Concert Hall) Act 2015 (Establishment Day) Order 2016* (S.I. No. 29 of 2016)

All statutory instruments up to and including *National Cultural Institutions (National Concert Hall) (Amendment) Act 2023 (Commencement) Order 2023* (S.I. No. 130 of 2023), made 28 February 2023, were considered in the preparation of this revision.