



Number 19 of 2006

NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY ACT 2006

REVISED

Updated to 22 February 2013

This Revised Act is an administrative consolidation of the *National Sports Campus Development Authority Act 2006*. 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 *Irish Bank Resolution Corporation Act 2013 (2/2013)*, enacted 7 February 2013, and all statutory instruments up to and including *European Communities (Statutory Audits) (Directive 2006/43/EC) (Amendment) Regulations 2013 (S.I. No. 67 of 2013)*, made 22 February 2013, 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 19 of 2006

NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY ACT 2006

REVISED

Updated to 22 February 2013

Introduction

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

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions. A version without annotations, showing only textual amendments, is also available.

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Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked.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 2000, may be found in the Legislation Directory at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Ministers and Secretaries (Amendment) Act 2011 (10/2011)*
- *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (24/2010)*

All Acts up to and including *Irish Bank Resolution Corporation Act 2013 (2/2013)*, enacted 7 February 2013, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *National Sports Campus Development Authority Act 2006 (Vesting) Order 2012* (S.I. No. 319 of 2012)
- *National Sports Campus Development Authority Act 2006 (Form of Vesting Order) Regulations 2012* (S.I. No. 307 of 2012)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011)
- *National Sports Campus Development Authority Act 2006 (Establishment Day) Order 2006* (S. I. No. 688 of 2006)

All statutory instruments up to and including *European Communities (Statutory Audits) (Directive 2006/43/EC) (Amendment) Regulations 2013* (S.I. No. 67 of 2013), made 22 February 2013, were considered in the preparation of this revision.



Number 19 of 2006

NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY ACT 2006

REVISED

Updated to 22 February 2013

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title.
2. Interpretation.
3. Orders and regulations.
4. Expenses.

PART 2

NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY

5. Establishment day.
6. Establishment of Authority.
7. Functions of Authority.
8. Powers of Authority.
9. Membership of Authority and terms and conditions of membership.
10. Meetings and procedure.
11. Committees.
12. Remuneration and expenses of members of Authority and committees.
13. Chief Executive.
14. Staff of Authority.
15. Superannuation of staff.
16. Disclosure of interests.

17. Prohibition of unauthorised disclosure of confidential information.
18. Membership of either House of the Oireachtas, European Parliament or local authority.
19. Advances by Minister to Authority.
20. Accounts and audits.
21. Attendance before Oireachtas Committee.
22. Annual report and information to Minister.
23. Amendment of Freedom of Information Act 1997.
24. Government policy and directions to Authority.
25. Renewal of leases, etc.
26. Seal of Authority.
27. Public private partnership arrangements.
28. Subsidiaries, joint ventures, etc.
29. Borrowing by Authority and subsidiaries.
30. Conveyance of land to Authority.
31. Acquisition of land by Authority.

PART 3

TRANSITIONAL PROVISIONS

32. Dissolution of Campus and Stadium Ireland Development Limited.
33. Transfer of employees.
34. Transfer of land and other property.
35. Transfer of rights and liabilities.
36. Preservation of existing contracts.
37. Pending legal proceedings to which Company is party.
38. Exemption from stamp duty.
39. Validation of power to hold and transfer shares in Company.

SCHEDULE 1

Land situated at Abbotstown, Ballycoolen, Blanchardstown, Cappoge, Deanstown, Sheephill and Snugborough, all in the County of Dublin, owned by the Minister for Agriculture and Food

SCHEDULE 2

Provisions relating to Compulsory Acquisition

ACTS REFERRED TO

Acquisition of Land (Assessment of Compensation) Act 1919	9 and 10 Geo. 5, c. 57
Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
Comptroller and Auditor General (Amendment) Act 1993	1993, No. 8
European Parliament Elections Act 1997	1997, No. 2
Freedom of Information Act 1997	1997, No. 13
Landlord and Tenant Acts 1967 to 2005	
Lands Clauses Consolidation Act 1845	8 Vic., c. 18
Local Government Act 2001	2001, No. 37
Registration of Title Act 1964	1964, No. 16
Roads Act 1993	1993, No. 14
State Authorities (Public Private Partnership Arrangements) Act 2002	2002, No. 1



Number 19 of 2006

NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY ACT 2006

REVISED

Updated to 22 February 2013

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS ÚDARÁS FORBARTHA AN CHAMPAIS NÁISIÚNTA SPÓRT OR, IN THE ENGLISH LANGUAGE, THE NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY, TO DEFINE ITS FUNCTIONS AND TO PROVIDE FOR RELATED MATTERS.

[5th July, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2).

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
(1)	(2)	(3)
...
No. 19 of 2006	National Sports Campus Development Authority Act 2006	Sections 19, 20, 28 and 39
...

C2 Functions transferred and references to “Minister” and “Department of Finance” construed (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), ss. 7, 9, 11, 15, 20 and sch. 2 part 1, commenced as per s. 1(2).

Department of Public Expenditure and Reform.

7.— (1) There shall stand established on the appointed day a Department of State to be known, in the Irish language, as an Roinn Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Department of Public Expenditure and Reform.

(2) The member of the Government who is in charge of the Department of Public Expenditure and Reform—

(a) shall be known, in the Irish language, as an tAire Caiteachais Phoiblí agus Athchóirithe or, in the English language, as the Minister for Public Expenditure and Reform, and

(b) is, in this Act, referred to as the “Minister”.

...

Transfer of certain other functions to Minister.

9.— ...

(2) The functions conferred on the Minister for Finance by or under any of the provisions specified in Part 1 of Schedule 2 are transferred to the Minister.

...

Transfer of administration and business of Department of Finance.

11.— (1) The administration and business in connection with the performance of the functions transferred by sections 8 and 9 are hereby transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any statute or instrument under a statute in so far as they relate to the administration and business transferred by subsection (1) shall, from the appointed day, be construed as references to the Department of Public Expenditure and Reform.

...

Construction of references

15.— (1) References to the Minister for Finance contained in any statute or instrument under a statute in so far as they relate to any function transferred by this Act shall, from the appointed day, be construed as references to the Minister.

...

Performance of certain functions transferred to Minister by section 9.

20.— (1) The Minister shall not perform a function transferred by subsection (2) of section 9 without the consent of the Minister for Finance.

...

SCHEDULE 2

Functions Transferred To Minister

...

PART 1

Functions performable with consent of Minister for Finance

STATUTES

Number and Year	Short Title	Provision
(1)	(2)	(3)
...
No. 19 of 2006	National Sports Campus Development Authority Act 2006	Section 29
...

C3 Functions transferred and terms “Department of Tourism, Culture and Sport” and “Minister for Tourism, Culture and Sport” construed (1.04.2011) by *Tourism and Sport (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 140 of 2011), arts. 2 and 3, in effect as per art. 1(2).

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

(2) References to the Department of Tourism, Culture and Sport contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be read as references to the Department of Transport.

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

...

(e) the National Sports Campus Development Authority Act 2006 (No. 19 of 2006), and

...

(2) References to the Minister for Tourism, Culture and Sport contained in any Act or instrument made under such Act and relating to any functions transferred by this Article shall, from the commencement of this Order, be read as references to the Minister for Transport.

...

PART 1

PRELIMINARY AND GENERAL

Short title. **1.—** This Act may be cited as the National Sports Campus Development Authority Act 2006.

Interpretation. **2.—** (1) In this Act, unless the context otherwise requires—

“Authority” means National Sports Campus Development Authority established by *section 6*;

“Chief Executive” has the meaning assigned to it by *section 13*;

“a committee” means a committee established under *section 11*;

“company” has the meaning it has in the Companies Act 1963;

“the Company” means Campus and Stadium Ireland Development Limited;

“the establishment day” means the day appointed under *section 5*;

“financial year of the Authority” means a period of 12 months ending on 31 December in any year and, in the case of the first financial year of the Authority, means the period commencing on the establishment day and ending on 31 December in the year in which the establishment day falls;

“Minister” means Minister for Arts, Sport and Tourism;

“National Aquatic Centre” means the land owned by the Company commonly known as the National Aquatic Centre situated at Deanstown, in the county of Dublin;

“the site” means—

(a) the National Aquatic Centre,

(b) the land owned by the Minister for Agriculture and Food and described in *Schedule 1*, and

(c) any land acquired by the Authority under *section 6or31*;

“a subsidiary” means a subsidiary (within the meaning of section 155 of the Companies Act 1963) of the Authority.

(2) In this Act, references to a member, or the members, of the staff of the Authority shall, except in *sections 14, 15 and 18*, include references to the Chief Executive.

Orders and regulations.

3.— Every order (other than an order made under *section 5* or an acquisition order, or a vesting order, within the meaning of *Schedule 2*) and regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Expenses.

4.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas and the expenses incurred by the Minister for Finance in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

PART 2

NATIONAL SPORTS CAMPUS DEVELOPMENT AUTHORITY

Establishment day.

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

Annotations**Editorial Notes:**

E1 Power pursuant to section exercised (1.01.2007) by *National Sports Campus Development Authority Act 2006 (Establishment Day) Order 2006* (S.I. No. 688 of 2006), art. 2.

2. The 1st day of January 2007 is appointed to be the establishment day for the purposes of the National Sports Campus Development Authority Act 2006 (No. 19 of 2006).

Establishment of Authority.

6.— (1) On the establishment day there shall stand established a body, to be known as *Údarás Forbartha an Champais Náisiúnta Spórt* or, in the English language, the National Sports Campus Development Authority, to perform the functions conferred on it by this Act.

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

Functions of Authority.

7.— (1) The functions of the Authority shall be to—

- (a) develop a sports campus on the site,
- (b) furnish and equip the sports campus with such plant, machinery, equipment and apparatus as it considers appropriate,
- (c) manage, operate and maintain the sports campus, and
- (d) encourage and promote the use of the sports campus by persons participating in sport at professional and amateur levels and by members of the public generally.

(2) Without prejudice to the generality of *subsection (1)*, the Authority may—

- (a) develop and provide on the site such facilities and services of a commercial nature complementary to the sports campus, including residential accommodation, as it considers appropriate,
- (b) arrange with any educational institution or other body that is interested in the development of medical and research facilities for sport on the site and, if appropriate, elsewhere for the development of such facilities on such terms and conditions as the Authority considers appropriate,
- (c) arrange with a body involved in the promotion of sport at a national level for the use by the body, on such terms and conditions as the Authority considers appropriate, of the site, or a part of it, for a purpose connected with sport including the location of the body's headquarters there, and
- (d) make arrangements with any person, on such terms and conditions as it considers appropriate, for the provision to it by that person of financial assistance (whether by way of the provision of funds or the undertaking of works) for the development or provision of any facilities or services or both in the sports campus and the use by that person of those facilities and services.

(3) The Authority shall prepare and submit to the Minister for his or her approval a plan for the development of a sports campus on the site which shall specify particulars of the following:

- (a) the facilities and services to be developed on the site;
- (b) the reasons for including each facility and service in the plan;
- (c) the cost and timetable for the development of those facilities and services; and
- (d) the phases of development of the sports campus.

(4) The Authority may amend the plan prepared by it under *subsection (3)* from time to time during the development of the sports campus on the site and shall submit the plan as so amended for approval by the Minister.

(5) The Authority shall, before the commencement of each phase of development of the sports campus on the site specified in the plan approved by the Minister under *subsection (3)* or *(4)*, prepare and submit to the Minister for his or her approval a detailed plan in respect of that phase of development specifying particulars of the following:

- (a) the facilities and services to be developed on the site during that phase;
- (b) the cost of that phase; and
- (c) the timetable for the development of that phase.

(6) The Authority shall, in preparing or amending a plan for submission to the Minister for his or her approval under *subsection (3)*, *(4)* or *(5)*, consult with the Irish Sports Council and such bodies involved in the promotion of sport at a national level as it considers appropriate.

(7) The Minister may approve, with such modifications (if any) as he or she considers appropriate, a plan submitted to him or her by the Authority under *subsection (3)*, *(4)* or *(5)*.

(8) The Minister for Agriculture and Food shall, when so directed by the Government, convey all the estate and interest of that Minister of the Government in the land described in *Schedule 1*, or the part of it specified in the direction, to the Authority but subject to all trusts and equities affecting that land subsisting and capable of being performed and, pending such conveyance, that Minister of the Government consents to the development of that land, or that part of it, by the Authority in accordance with this Act.

(9) In this section “sports campus” means a campus of facilities for sporting activities, whether indoor or outdoor, and facilities and services to support such activities, which includes the National Aquatic Centre and may include an indoor arena, playing pitches, sports training facilities, a football stadium, administrative facilities for sport and medical and research facilities for sport.

Annotations

Editorial Notes:

- E2** Certain lands owned by the Minister for Agriculture, Food and the Marine at Abbotstown, Dublin, transferred to the National Sports Campus Development Authority pursuant to s. 30(1) and subs. (8) (1.02.2013) by *National Sports Campus Development Authority Act 2006 (Vesting) Order 2013* (S.I. No. 3 of 2013), in effect as per art. 2.

- E3** Certain lands owned by the Minister for Agriculture, Food and the Marine at Abbotstown, Dublin, transferred to the National Sports Campus Development Authority pursuant to s. 30(1) and subs. (8) (15.08.2012) by *National Sports Campus Development Authority Act 2006 (Vesting) Order 2012* (S.I. No. 319 of 2012), in effect as per art. 2.
- E4** Form of vesting order for transfer of land from the Minister for Agriculture, Food and the Marine to the National Sports Campus Development Authority pursuant to subs. (8) prescribed (8.08.2012) by *National Sports Campus Development Authority Act 2006 (Form of Vesting Order) Regulations 2012* (S.I. No. 307 of 2012).

Powers of Authority.

8.— (1) Subject to this Act, the Authority shall have all such powers as are necessary or expedient for the performance of its functions.

(2) The Authority may, with the approval of the Minister, enter into agreements with other persons in order to perform the functions of the Authority whether by means of a lease, concession or any other means.

(3) The Authority may accept gifts of money, land or other property on such trusts, terms and conditions (if any) as may be specified by the donor so long as such trusts, terms or conditions relating to such gifts are not inconsistent with the functions of the Authority and are consistent with Government accounting procedures.

(4) The Authority may make such charges as it considers appropriate, to any person other than the Minister, in consideration of the performance of its functions, for services rendered by it and the carrying on by it of activities and shall record receipts from such charges as income.

(5) The Authority 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 it under this section.

(6) The Authority may, subject to any direction that may be given to it by the Minister from time to time, engage consultants or advisers.

Membership of Authority and terms and conditions of membership.

9.— (1) The Authority shall consist of the following members:

- (a) a chairperson; and
- (b) 12 ordinary members.

(2) A member of the Authority shall be appointed by the Minister and shall be a person who, in the opinion of the Minister, has experience of or shown capacity in matters relevant to the functions of the Authority.

(3) The Minister shall, insofar as practicable and having regard to the relevant experience of the persons concerned, ensure an equitable balance between men and women in the composition of the Authority.

(4) The chairperson shall hold office for a period of 5 years from the date of his or her appointment.

(5) The persons who are first appointed to be ordinary members of the Authority shall hold office as follows:

- (a) four of such members shall hold office for the period of 3 years from the date of their appointment;
- (b) four of such members shall hold office for the period of 4 years from the date of their appointment; and

(c) the remaining members shall hold office for the period of 5 years from the date of their appointment.

(6) The members of the Authority who are to hold office for the periods specified in *paragraphs (a) and (b) of subsection (5)* shall be decided by lot to be drawn in such manner as may be decided by the Minister.

(7) Subject to *subsection (5)*, a person who is appointed pursuant to this section to be an ordinary member of the Authority shall hold office for the period of 5 years from the date of his or her appointment.

(8) Notwithstanding *subsections (5) to (7)*, an ordinary member of the Authority appointed under *subsection (2)* shall, unless he or she sooner dies, becomes disqualified for, resigns or is removed from office, hold office until the Minister appoints a person to replace that person as such a member of the Authority.

(9) Subject to *section 12*, a member of the Authority shall hold office on such other terms and conditions as the Minister may determine.

(10) A person shall be disqualified for holding and shall cease to hold office as a member of the Authority or a committee if he or she—

- (a) is adjudged bankrupt,
- (b) makes a composition or arrangement with his or her creditors,
- (c) is convicted of an offence involving fraud or dishonesty, whether or not in connection with a company,
- (d) is convicted of an indictable offence in relation to a company,
- (e) has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act, or
- (f) has a conflict of interest of such significance that, in the opinion of the Minister, requires that he or she should not hold or should cease to hold such office.

(11) A member of the Authority may at any time resign from office by letter addressed to the Minister and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Minister whichever is later.

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

- (a) the member has become incapable through ill health of effectively performing the duties of the office,
- (b) the member has committed stated misbehaviour, or
- (c) the removal appears to be necessary for the effective performance of the functions of the Authority.

(13) If a member of the Authority dies, becomes disqualified for, resigns or is removed from office, the Minister may appoint a person to be a member of the Authority to fill the resultant casual vacancy.

(14) A person appointed to be a member of the Authority under *subsection (13)* shall hold office for the remainder of the term of office of the member of it who occasioned the casual vacancy.

(15) A member of the Authority who has served 2 consecutive terms as such a member shall not be eligible for reappointment.

(16) For the purposes of *subsection (15)*, a person who occasions or fills a casual vacancy shall be considered to have served a term as a member of the Authority even though he or she held office for part only of the term.

(17) Subject to *section 10(3)*, the Authority may act notwithstanding one or more vacancies in its membership.

Meetings and procedure.

10.— (1) The Authority shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The Minister may, in consultation with the chairperson of the Authority, fix the date, time and place of the first meeting of the Authority.

(3) The quorum for a meeting of the Authority is 5.

(4) At a meeting of the Authority—

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

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

(5) Each member of the Authority (including the chairperson of it) present at a meeting of the Authority shall have a vote.

(6) At a meeting of the Authority, a question on which a vote is required shall be determined by a majority of the votes of the members of the Authority present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a casting vote.

(7) Subject to this Act, the Authority shall regulate, by standing orders or otherwise, the procedure and business of the Authority.

Committees.

11.— (1) The Authority may establish committees to assist and advise it on matters relating to any of its functions.

(2) A committee shall consist of a chairperson and such number of other members as the Authority may determine and may include persons who are not members of the Authority or its staff.

(3) The chairperson and other members of a committee shall be appointed by the Authority.

(4) A member of a committee may be removed at any time from membership of the committee by the Authority.

(5) The Authority may at any time dissolve a committee.

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

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

Remuneration and expenses of members of Authority and committees.

12.— A member of the Authority or a committee shall be paid by the Authority, out of moneys at its disposal, such remuneration (if any) and allowances for expenses incurred by him or her (if any) as the Minister may from time to time, with the consent of the Minister for Finance, determine.

Chief Executive.

13.— (1) There shall be a chief executive officer of the Authority who shall be known, and is referred to in this Act, as the Chief Executive.

(2) The Chief Executive shall be appointed by the Authority with the approval of the Minister and may, with the approval of the Minister, be removed from office for stated reasons by the Authority.

(3) The Chief Executive shall carry on, manage and control generally the administration and business of the Authority and shall perform such other functions (if any) as may be determined by the Authority.

(4) The Chief Executive—

(a) shall hold office under a contract of service in writing for such period as may be specified in the contract and subject to such other terms and conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) as may be determined from time to time by the Authority with the approval of the Minister given with the consent of the Minister for Finance and are so specified, and

(b) shall be paid out of moneys at the disposal of the Authority.

(5) The Chief Executive shall not be a member of the Authority or a committee, but he or she may, in accordance with procedures established by the Authority or a committee, as the case may be, attend meetings of the Authority or a committee and shall be entitled to speak at and advise such meetings.

(6) The Chief Executive shall not hold any office or occupy any other position in respect of which emoluments are payable, or carry on any business, without the consent of the Authority and the approval of the Minister.

(7) A person who was the Chief Executive shall not, for a period of 12 months following his or her resignation, removal or retirement from office, hold any office or employment or act as a consultant where he or she is likely to use or disclose information acquired by him or her in the performance of his or her functions as Chief Executive.

Staff of Authority.

14.— (1) Subject to *section 33*, the Authority may, with the approval of the Minister given with the consent of the Minister for Finance—

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

(b) determine the grades of such staff of the Authority and the number of staff in each grade.

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

(3) Subject to *section 33*, the terms and conditions of service, including terms and conditions relating to remuneration and allowances for expenses (which shall be paid by the Authority out of moneys at its disposal), of the members of the staff of the Authority shall be such as the Authority may from time to time, with the approval of the Minister given with the consent of the Minister for Finance, determine.

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

Superannuation of staff.

15.— (1) The Authority may, with the approval of the Minister given with the consent of the Minister for Finance, make such provision as it considers appropriate in relation to the superannuation of persons appointed under *section 14* to, or accepted under *section 33* into, the employment of the Authority.

(2) The Authority may, with the approval of the Minister given with the consent of the Minister for Finance, make a scheme or schemes for the granting of superannuation benefits to or in respect of such members of its staff as the Authority thinks fit, and shall carry out such a scheme in accordance with its terms.

(3) A superannuation scheme 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) The Authority may, with the approval of the Minister given with the consent of the Minister for Finance, make a scheme amending or revoking a superannuation scheme, and shall carry out such a scheme in accordance with its terms.

(5) Superannuation benefits granted under this section to persons who on the establishment day become members of the staff of the Authority under *section 33*, and the terms and conditions relating to those benefits, shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(6) Superannuation benefits shall not be granted by the Authority to or in respect of any member of its staff, or any other arrangement shall not be entered into by the Authority for the provision of such benefits to such person, except in accordance with a superannuation scheme or, if the Authority, with the approval of the Minister given with the consent of the Minister for Finance, sanctions the granting of such benefits, in accordance with that sanction.

(7) A superannuation scheme shall provide for an appeal from a decision relating to superannuation benefits payable under the scheme.

(8) The Minister shall cause a superannuation scheme to be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(9) In this section—

“superannuation benefits” means pensions, gratuities and other allowances payable to or in respect of a person on ceasing to be a member of the staff of the Authority;

“a superannuation scheme” means a superannuation scheme made under *subsection (2)* or *(4)*.

Disclosure of interests.

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

(a) disclose to the Authority, committee or subsidiary, as the case may be, 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 consideration of the matter,
- (d) withdraw from a meeting at which the matter is being discussed or considered for so long as it is being so discussed or considered, and
- (e) if he or she is a member of the Authority or a committee or a director of a subsidiary, neither vote nor otherwise act as such a member or director in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest in each of the following cases:

- (a) the person, any connected relative F1[or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*] of the person or a nominee of F2[any] 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 that subsection;
- (b) the person or any connected relative F1[or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*] 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 F1[or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*] is a party to any arrangement or agreement (whether or not enforceable) concerning land to which any such matter relates;
- (d) any connected relative F1[or civil partner within the meaning of the *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010*] has a beneficial interest in, or material to, any such matter.

(3) For the purposes of this section, a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only that he or she or any company or other body or person mentioned in *subsection (2)* has an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question in respect of the matter or in performing any function in relation to the matter.

(4) The Authority shall determine any question as to whether a course of conduct, if pursued by a person, would be a failure by him or her to comply with *subsection (1)* and particulars of the determination shall be recorded in the minutes of a meeting at which the determination is made.

(5) If a disclosure is made under *subsection (1)* at a meeting of the Authority, a committee or a subsidiary, particulars of the disclosure shall be recorded in the minutes of the meeting.

(6) Where the Minister is satisfied that a member of the Authority or a committee or a director of a subsidiary has contravened *subsection (1)*, he or she may, if he or she thinks fit, remove that member or director from office and, where a person is removed from office pursuant to this subsection, he or she shall thenceforth be disqualified for being a member of the Authority or a committee or a director of a subsidiary.

(7) Where a person other than a person to whom *subsection (6)* applies contravenes *subsection (1)*, the Authority or, as appropriate, the subsidiary concerned shall decide the appropriate action to be taken in relation to the person, including the termination of a contract of service or a contract for services with the person.

(8) Section 194 of the Companies Act 1963 shall not apply to a director 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 Authority 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.

Annotations

Amendments:

- F1** Inserted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 97 and sch. part 1 item 40, S.I. No. 648 of 2010.
- F2** Substituted (1.01.2011) by *Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010* (24/2010), s. 97 and sch. part 1 item 40, S.I. No. 648 of 2010.

Prohibition of unauthorised disclosure of confidential information.

17.— (1) A person shall not, unless authorised by the Authority or, as appropriate, a subsidiary or required by law, 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 Authority or a committee;
- (b) a director of a subsidiary;
- (c) a member of the staff of the Authority or a subsidiary;
- (d) a consultant or adviser engaged by the Authority or a subsidiary, or an employee of such a consultant or adviser; or
- (e) a person engaged by the Authority or a subsidiary in any other capacity.

(2) Where the Minister is satisfied that a member of the Authority or a committee or a director of a subsidiary has contravened *subsection (1)*, he or she may, if he or she thinks fit, remove that member or director from office and, where a person is removed from office pursuant to this subsection, he or she shall thenceforth be disqualified for being a member of the Authority or a committee or a director of a subsidiary.

(3) Where a person mentioned in *paragraph (c), (d) or (e) of subsection (1)* contravenes that subsection, the Authority or, as appropriate, the subsidiary concerned shall decide the appropriate action to be taken in relation to the person, including the termination of a contract of service or a contract for services with the person.

(4) Nothing in *subsection (1)* shall prevent the disclosure of information to the Authority or, as appropriate, a subsidiary or by or on behalf of the Authority to the Minister.

(5) In this section “confidential information” includes—

- (a) information that is expressed by the Authority or a subsidiary 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 Authority or a subsidiary by a contractor, a consultant or any other person.

Membership of either House of the Oireachtas, European Parliament or local authority.

18.— (1) Where a member of the Authority or a committee, a director of a subsidiary, the Chief Executive or a member of the staff of the Authority 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 member of the European Parliament,
- (c) regarded pursuant to section 19 of the European Parliament Elections Act 1997 as having been elected to that Parliament, or
- (d) elected or co-opted as a member of a local authority,

he or she shall thereupon—

- (i) in the case of a member of the Authority or a committee, a director of a subsidiary or the Chief Executive, cease to be a member of the Authority or the committee, a director of the subsidiary or the Chief Executive, as the case may be, and
- (ii) in the case of a member of the staff of the Authority or a subsidiary, stand seconded from employment by the Authority or the subsidiary and shall not be paid by, or be entitled to receive from, the Authority or the subsidiary any remuneration or allowances for expenses in respect of the period commencing on such nomination or election, or when he or she is so 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, a member of such Parliament or a member of the local authority.

(2) Without prejudice to the generality of *subsection (1)*, that subsection shall be construed as prohibiting the reckoning of a period therein mentioned as service with the Authority or a subsidiary for the purposes of any superannuation benefits payable under *section 15* or otherwise.

(3) A person who is for the time being—

- (a) entitled under the Standing Orders of either House of the Oireachtas to sit therein,
- (b) a member of the European Parliament, or
- (c) entitled under the standing orders of a local authority to sit as a member thereof,

shall, while he or she is so entitled under *paragraph (a)* or *(c)* or is such a member under *paragraph (b)*, be disqualified for being a member of the Authority or a committee, a director of a subsidiary, the Chief Executive or a member of the staff of the Authority or a subsidiary.

(4) In this section “local authority” means a local authority for the purposes of the Local Government Act 2001.

Advances by Minister to Authority.

19.— The Minister shall from time to time advance to the Authority out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Finance, determine for the purposes of expenditure by the Authority in the performance of its functions.

Accounts and audits.

20.— (1) The Authority shall keep in such form as may be approved by the Minister with the consent of the Minister for Finance all proper and usual accounts of—

- (a) all moneys received or expended by the Authority, and
- (b) all property, assets and liabilities of the Authority,

including an income and expenditure account and a balance sheet and, in particular, shall keep such special accounts (if any) as the Minister may from time to time direct.

(2) Accounts kept in pursuance of this section, signed by the Chief Executive, shall be submitted by the Authority to the Comptroller and Auditor General for audit as soon as may be, but not later than 3 months, after the end of the financial year of the Authority to which the accounts relate.

(3) When so audited, a copy of the accounts together with a copy of the report of the Comptroller and Auditor General thereon shall be presented by the Authority to the Minister who shall, as soon as may be but not later than 3 months thereafter, cause copies of them to be laid before each House of the Oireachtas.

(4) The Chief Executive shall, whenever he or she is so required 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 which the Chief Executive or the Authority is required to keep under this section,
- (b) the economy and efficiency of the Authority in the use of its resources,
- (c) the systems, procedures and practices employed by the Authority for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the Authority 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.

(5) In the performance of his or her duties under *subsection (4)*, the Chief Executive 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.

Attendance before Oireachtas Committee.

21.— (1) The Chief Executive shall, at the request in writing of an Oireachtas Committee, attend before it to give account for the general administration of the Authority 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 referred to in *section 20(4)*,
- (b) the Committee on Members’ Interests of Dáil Éireann, or
- (c) the Committee on Members’ Interests of Seanad Éireann,

or a sub-committee of such a committee.

Annual report and information to Minister.

22.— (1) The Authority shall, as soon as may be, but not later than 6 months, after the end of each financial year of the Authority, make a report in writing to the Minister of its activities during that year, and the Minister shall as soon as may be after the receipt by him or her of the report cause copies of the report to be laid before each House of the Oireachtas.

(2) A report made under *subsection (1)* shall include information in such form and regarding such matters as the Minister may direct.

(3) The Authority shall furnish the Minister with such information relating to the performance of its functions, or with advice on any matter relating to those functions, or both as the Minister may from time to time request.

Amendment of Freedom of Information Act 1997.

23.— On the establishment day, the Freedom of Information Act 1997 is amended by the insertion—

(a) in paragraph 1(2) of the First Schedule, of “the National Sports Campus Development Authority,” and

(b) in Part I of the Third Schedule—

(i) in column (2), of “*National Sports Campus Development Authority Act 2006.*”, and

(ii) in column (3), opposite the mention in column (2) of the *National Sports Campus Development Authority Act 2006* of “*section 17.*”.

Government policy and directions to Authority.

24.— In performing its functions, the Authority shall have regard to Government policy and shall comply with any general policy direction that may from time to time be given to it by the Minister.

Renewal of leases, etc.

25.— Notwithstanding any provision in the Landlord and Tenant Acts 1967 to 2005, the Authority is entitled to withhold consent to—

(a) the renewal of a lease or a tenancy agreement in respect of the site or any part of it,

(b) a subletting of the site or any part of it, or

(c) a change in the use of the site or any part of it,

where such renewal, subletting or change of use, as the case may be, would prejudice the management or operation of the site.

Seal of Authority.

26.— (1) The Authority shall, as soon as may be after the establishment day, provide itself with a seal.

(2) The seal of the Authority shall be authenticated by the signatures of—

(a) the chairperson of the Authority or another member of the Authority authorised in that behalf by it, and

(b) the Chief Executive or any other member of the staff of the Authority authorised in that behalf by it.

(3) Judicial notice shall be taken of the seal of the Authority and an instrument purporting to be an instrument made by the Authority and to be sealed with its seal

(purporting to be authenticated in accordance with *subsection (2)*) shall be received in evidence and shall be deemed to be such instrument without proof unless the contrary is shown.

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

Public private partnership arrangements.

27.— The Authority is, subject to section 7 of the State Authorities (Public Private Partnership Arrangements) Act 2002, a State authority for the purposes of that Act, and on the establishment day the Schedule to that Act is amended by the addition of “National Sports Campus Development Authority.”.

Subsidiaries, joint ventures, etc.

28.— (1) Such functions of the Authority as it may determine may be performed by a subsidiary and, accordingly, the Authority may, with the approval of the Minister given with the consent of the Minister for Finance, for the purpose of such performance, form and establish or acquire one or more subsidiaries.

(2) The Authority or a subsidiary may, either by itself or with another person, with the approval of the Minister given with the consent of the Minister for Finance, promote and take part in the formation or establishment of a company, or enter into a joint venture or partnership, for the purpose of performing any of the functions of the Authority.

(3) The Authority may for the purpose of performing any of its functions, with the approval of the Minister given with the consent of the Minister for Finance, 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 Authority with the approval of the Minister given with the consent of the Minister for Finance.

(5) The Minister may give a direction in writing to the Authority on any matter relating to a subsidiary and the Authority shall comply or secure compliance with such a direction.

(6) The Minister shall not, without the consent of the Minister for Finance, give a direction under this section in relation to the disposal or transfer of any assets or surpluses of a subsidiary.

(7) A subsidiary of the Company shall be deemed to be a subsidiary formed and established by the Authority under this section but such a subsidiary shall comply with this section and any provision in its memorandum and articles of association that does not so comply shall, to the extent of that non-compliance, be void.

Borrowing by Authority and subsidiaries.

29.— The Authority or a subsidiary may borrow money (including money in a currency other than the currency of the State) for the purpose of performing any of the functions of the Authority, but shall not do so without the approval of the Minister given with the consent of the Minister for Finance.

Conveyance of land to Authority.

30.— (1) A conveyance of land under *section 7(8)* may be by way of a deed of conveyance or transfer, as may be appropriate, or an order (referred to in this section as a “vesting order”) made by the Minister for Agriculture and Food vesting the land concerned in the Authority.

(2) A vesting order shall be in the form prescribed by regulations made by the Minister under this section which he or she is hereby authorised to make and shall have attached thereto a map of the land to which it relates and it shall be expressed and shall operate to vest that land in the Authority for all the estate and interest of the Minister for Agriculture and Food therein but subject to all trusts and equities affecting that land subsisting and capable of being performed.

(3) When a vesting order is made under this section by the Minister for Agriculture and Food in relation to any land, he or she shall cause the order to be sent to the registering authority under the Registration of Title Act 1964 and thereupon the registering authority shall cause the Authority to be registered as owner of that land in accordance with the order.

Annotations

Editorial Notes:

- E5** Certain lands owned by the Minister for Agriculture, Food and the Marine at Abbotstown, Dublin, transferred to the National Sports Campus Development Authority pursuant to s. 7(8) and subs. (1) (1.02.2013) by *National Sports Campus Development Authority Act 2006 (Vesting) Order 2013* (S.I. No. 3 of 2013), in effect as per art. 2.
- E6** Certain lands owned by the Minister for Agriculture, Food and the Marine at Abbotstown, Dublin, transferred to the National Sports Campus Development Authority pursuant to s. 7(8) and subs. (1) (15.08.2012) by *National Sports Campus Development Authority Act 2006 (Vesting) Order 2012* (S.I. No. 319 of 2012), in effect as per art. 2.
- E7** Form of vesting order for transfer of land from the Minister for Agriculture, Food and the Marine to the National Sports Campus Development Authority prescribed pursuant to subs. (2) (8.08.2012) by *National Sports Campus Development Authority Act 2006 (Form of Vesting Order) Regulations 2012* (S.I. No. 307 of 2012).

Acquisition of land by Authority.

31.— (1) The Authority may acquire compulsorily, in accordance with *paragraphs 1 to 6 of Schedule 2*, any land adjoining the site or any interest in or right over such land for the purpose of providing a means of access to and egress from the site from and to the public road.

(2) (a) The provisions of *paragraphs 7 and 8 of Schedule 2* shall, where appropriate, have effect in the circumstances specified in *subparagraph (1) of the said paragraph 7* for the purposes of vesting land in the Authority.

(b) The making of a vesting order by virtue of *paragraph 7 of Schedule 2* shall not of itself prejudice any claim to compensation made after the making of the order in respect of any estate or interest in or right over the land, or any part of it, to which the order relates and, accordingly, the provisions of *paragraph 6 of Schedule 2* shall apply to such a claim.

(3) In *subsection (1)* “public road” has the meaning assigned to it in section 2 of the Roads Act 1993.

PART 3

TRANSITIONAL PROVISIONS

Dissolution of Campus and Stadium Ireland Development Limited.

32.— The Company is dissolved with effect from the establishment day.

Transfer of employees.

33.— The Authority shall accept into its employment on the establishment day, in accordance with the terms of this Act, every person who immediately before that day was an employee of the Company on terms and conditions not less favourable than those applicable to that person immediately before that day.

Transfer of land and other property.

34.— (1) On the establishment day, all land which, immediately before that day, was vested in the Company and all rights, powers and privileges relating to or connected with that land shall, without any conveyance, transfer or assignment, stand vested in the Authority for all the estate or interest for which it was vested in the 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), which, immediately before that day, was the property of the Company shall, without any transfer or assignment, stand transferred to the Authority.

(3) Every chose-in-action transferred by *subsection (2)* may, on and after the establishment day, be sued upon, recovered or enforced by the Authority in its own name and it shall not be necessary for the Authority to give notice to the person bound by any such chose-in-action of the transfer effected by this section.

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

Transfer of rights and liabilities.

35.— (1) All rights and liabilities of the Company 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 Authority.

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

Preservation of existing contracts.

36.— (1) Every bond, guarantee or other security of a continuing nature made or given by the Company to any person, or by any person to the Company, that is in force immediately before the establishment day, and every contract or agreement in writing made between the Company and any other 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 Authority were substituted therein for that of the Company.

(2) Every other document granted or made by the 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 Authority and shall be construed and have effect accordingly.

Pending legal proceedings to which Company is party.

37.— The name of the Authority shall be substituted for that of the Company in any legal proceedings pending immediately before the establishment day to which the Company is a party, and those proceedings shall not abate by reason of such substitution.

Exemption from stamp duty.

38.— Stamp duty shall not be chargeable on any instrument under which any land or interest in or right over any land is conveyed to or vested in the Authority under this Act.

Validation of power to hold and transfer shares in Company.

39.— The Taoiseach, the Minister for Finance and the Minister shall have, and be deemed always to have had, power to hold and transfer shares in the Company and the establishment of the Company shall be, and be deemed always to have been, as valid and effectual as if they had that power at the time of its establishment.

Section 2.

SCHEDULE 1

LAND SITUATED AT ABBOTSTOWN, BALLYCOOLEN, BLANCHARDSTOWN, CAPPAGE, DEANSTOWN, SHEEPHILL AND SNUGBOROUGH, ALL IN THE COUNTY OF DUBLIN, OWNED BY THE MINISTER FOR AGRICULTURE AND FOOD LAND SITUATED IN THE COUNTY OF DUBLIN, BEING—

- (a) the land comprised in Folio 14469 county of Dublin of the register of ownership of freehold land maintained under the Registration of Title Act 1964,
- (b) the land comprised in Folio 1307 county of Dublin of the said register,
- (c) the land comprised in Folio 4459 county of Dublin of the said register, and
- (d) the land conveyed by an Indenture of Conveyance dated the 2nd day of January 1951 made between the Right Honourable James Hans Baron Holmpatrick of the First Part, Hugh De La Poer Pack-Beresford and Raymond Frederick Brooke of the Second Part and the Minister for Agriculture and Food of the Third Part and therein described as “All that and those Firstly all that part of the lands of Sheephill containing two hundred and thirty nine acres one rood and thirty three perches or thereabouts statute measure more particularly delineated and described on the map annexed hereto and thereon coloured pink and Secondly all that part of the lands of Abbotstown containing fifty acres one rood and thirty five perches or thereabouts statute measure more particularly delineated and described on the said map and thereon coloured green and Thirdly all that part of the lands of Deanstown containing thirty two acres two roods and twelve perches or thereabouts statute measure more particularly delineated and described on the said map and thereon coloured blue and Fourthly all that part of the lands of Blanchardstown containing twelve acres three roods and thirty four perches or thereabouts statute measure more particularly delineated and described on the said map and thereon coloured grey and Fifthly all that part of the lands of Cappage containing twelve acres one rood and nine perches or thereabouts statute measure more particularly delineated and described on the said map and thereon coloured violet and Sixthly all that part of the lands of Snugborough containing one acre and three roods or thereabouts statute measure more particularly delineated and described on the said map and thereon coloured orange and Seventhly all that part of the lands of Blanchardstown containing six perches or thereabouts statute measure more particularly delineated and described on the said map and thereon coloured red all of which said hereditaments and premises hereby assured are situate in the Barony of Castleknock and County of Dublin”.

Section 31.

SCHEDULE 2

PROVISIONS RELATING TO COMPULSORY ACQUISITION

1. (1) Where the Authority proposes to acquire compulsorily any land or any interest in or right over land under *section 31* the Authority shall apply to the Minister

for an order under *paragraph 2* authorising the Authority to acquire the land, or acquire or use the right, compulsorily and the application shall be accompanied by such maps, plans and books of reference as are referred to in *paragraph 5*.

(2) The Authority shall publish a notice, in such form as the Minister approves, of the application in one or more newspapers circulating in the area of the land concerned and serve a copy of the notice on every person who appears to the Authority to have an estate or interest in the land in so far as it is reasonably practicable to ascertain such persons.

(3) The notice referred to in *subparagraph (2)* shall include a provision notifying persons having an estate or interest in the land concerned that they have the right to lodge with the Minister, within one month of the making of the application by the Authority, an objection to the making of an order under *paragraph 2* in relation to the land and shall specify the times and places where the maps, plans and books of reference deposited in accordance with *paragraph 5* may be inspected.

(4) The Minister shall consider and determine any objection to the application of the Authority lodged with him or her within the period referred to in *subparagraph (3)* and the Minister may, if he or she thinks fit, appoint an adviser to assist him or her in relation thereto.

2. The Minister shall, where no objection to the application of the Authority is lodged with him or her within the period referred to in *paragraph 1(3)* or any such objection is rejected by him or her, make an order (in this Schedule referred to as an “acquisition order”) authorising the Authority to acquire the land or right concerned compulsorily in accordance with the terms of its application or subject to such modifications, if any, as he or she may determine and specifies in the acquisition order.

3. (1) At any time after the making of an acquisition order and before conveyance or ascertainment of price, the Authority may, subject to this paragraph, enter on and take possession of the land to be acquired or exercise the right to be acquired.

(2) The Authority shall not—

(a) enter on or take possession of any land under this paragraph without giving to the occupier of the land at least one month’s previous notice in writing of its intention so to do,

(b) exercise any right under this paragraph without giving the occupier of the land in respect of which the right is to be exercised at least one month’s previous notice in writing of its intention so to do.

4. (1) A notice under this Schedule may be served on any person by sending it by registered post in an envelope addressed to him or her at his or her usual or last known address.

(2) Where, for any reason, the envelope cannot be so addressed, it may be served on the person for whom it is intended by sending it by registered post in an envelope addressed to “the occupier” without stating his or her name at the land to which the notice relates.

5. (1) The Authority shall cause maps, plans and books of reference to be deposited in accordance with this paragraph.

(2) The maps and plans shall be sufficient in quantity and character to show on adequate scales the land or right proposed to be acquired.

(3) The books of reference shall contain the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of the land which is proposed to be acquired or in respect of which the right is proposed to be exercised.

(4) The maps, plans and books of reference shall be deposited at such place or places as the Authority, with the consent of the Minister, considers suitable and shall remain so deposited for at least one month and shall, while so deposited, be open to inspection by any person, free of charge, between the hours of 10 o'clock in the morning and 4 o'clock in the afternoon on every day except Saturdays, Sundays and public holidays.

6. (1) The amount of the price to be paid by the Authority for any land acquired pursuant to an acquisition order to the several persons entitled thereto or having estates or interests therein or for any right acquired pursuant to an acquisition order to the several persons entitled to or having estates or interests in the land in respect of which the right is exercised, shall, in default of agreement, be fixed under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

(2) Sections 69 to 83 of the Lands Clauses Consolidation Act 1845 shall apply to the said price and, subject to *paragraphs 7 and 8*, to the conveyance to the Authority of the land or right acquired, and for the purpose of the application of the said provisions the Authority shall be deemed to be the promoters of the undertaking.

7. (1) Where the Authority has entered on and taken possession of land in accordance with *paragraph 3* and the Minister is satisfied that—

- (a) the several interests in the land have not been conveyed or transferred to the Authority,
- (b) it is urgently necessary, in connection with the purposes for which the Authority has been authorised to acquire the land compulsorily, that the acquisition of the land should be completed, and
- (c) the Authority has made a proper offer in writing to each person having an interest in the land who has furnished sufficient particulars of his or her interest to enable the Authority to make a proper offer for such interest,

then the Minister may make an order (in this Schedule referred to as “a vesting order”) vesting the land in the Authority.

(2) Where the Minister or the Authority, before the making of the vesting order, becomes aware that the land to be acquired by the order is subject (whether alone or in conjunction with other land) to any annuity or other payment to the Minister for Agriculture and Food or to the Commissioners of Public Works in Ireland, or to any charge for estate duty, succession duty or inheritance tax payable to the Revenue Commissioners on the death of any person, the Minister or the Authority, as the case may be, shall forthwith inform the Minister for Agriculture and Food, the Commissioners of Public Works in Ireland or the Revenue Commissioners, as the case may be, of the intention to make the order.

(3) When a vesting order has been made, the Authority shall within 7 days after having received notification from the Minister of the making of the order—

- (a) publish in one or more newspapers circulating in the area of the land to which the order relates a notice stating that the order has been made, describing the said land and naming a place where a copy of the order may be seen at all reasonable times, and
- (b) serve on every person appearing to it to have an interest in the land to which the order relates a notice stating the fact of such an order having been made and the effect of the order.

8. (1) A vesting order shall be in the form prescribed by regulations made by the Minister under this Schedule which he or she is hereby authorised to make and shall have attached thereto a map of the land to which it relates and it shall be expressed

and shall operate to vest the said land in the Authority in fee simple free from encumbrances and all estates, rights, titles and interests of whatsoever kind (other than any public right of way) on a specified date not earlier than 21 days after the making of the vesting order.

(2) Notwithstanding anything in *subparagraph (1)*, where the Authority has acquired, by a vesting order, land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent or other annual sum (not being merely a rent under a contract of tenancy) payable to the Minister for Agriculture and Food or the Commissioners of Public Works in Ireland, the Authority shall become and be liable, as from the date on which the land is vested in it by the vesting order, for the payment to the Minister for Agriculture and Food or the Commissioners of Public Works in Ireland, as the case may be, of the annual sum or such portion thereof as may be apportioned by the Minister for Agriculture and Food or the Commissioners of Public Works in Ireland, as the case may be, on the land as if the land had been conveyed to the Authority by the owner thereof on that date.

(3) When the Minister makes a vesting order in relation to any land, he or she shall cause the order to be sent to the registering authority under the Registration of Title Act 1964 and thereupon the registering authority shall cause the Authority to be registered as owner of the land in accordance with the order.