

AN ACT TO ESTABLISH A BOARD, TO BE KNOWN AS BORD NA GAEILGE, FOR THE PURPOSE OF PROMOTING THE IRISH LANGUAGE AND, IN PARTICULAR, EXTENDING ITS USE BY THE PUBLIC AS A LIVING LANGUAGE, TO DEFINE THE CONSTITUTION, POWERS AND DUTIES OF THE BOARD AND TO PROVIDE FOR OTHER CONNECTED MATTERS.

[28th June, 1978]

1.—In this Act—

"the Board" has the meaning specified in section, 2 (1) of this Act;

"the Minister" means the Minister for the Gaeltacht.

2.—(1) There shall, by virtue of this section, be established a body (in this Act referred to as "the Board") to be known as Bord na Gaeilge.

(2) The Board shall be a body corporate with perpetual succession and, power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

3.—(1) The Board shall promote the Irish language and, in particular, its use as a living language and as an ordinary means of communication.

(2) For the purpose of performing its functions the Board may do anything it considers appropriate in accord with the general policy, authorised by the Minister after consultation with any other Minister of the Government concerned, relating to those functions.

(3) The Board shall, subject to the responsibility of any Minister of the Government for a particular aspect of policy in relation to the Irish language, have the general functions of developing, co-ordinating, reviewing and assisting measures and procedures relating to the Irish language.

(4) The Board may advise a Minister of the Government on a matter relating to the Irish language and advise, assist and co-operate with a Department of State or a statutory or other body on such a matter.

(5) Notwithstanding anything in this section, a Department of State or a statutory or other body shall continue to perform any function in relation to the Irish language for which the Department or body is responsible.

(6) The Board may, in accord with the policy referred to in subsection (2) of this section, at the discretion of the Board and subject to any terms and conditions which it may deem appropriate, make a grant to any person or advance money to any person.

4.—(1) The Board shall consist of a chairman and not more than eleven ordinary members.

(2) The Minister shall appoint every member of the Board and may remove any member of the Board from office.

(3) A member of the Board shall, unless he sooner dies, resigns, becomes disqualified or is removed from office, hold office for such period not exceeding five years as the Minister may determine when appointing him.

(4) A member of the Board whose period of office expires by effluxion of time shall be eligible for re-appointment.

(5) A member of the Board shall hold office on such terms (other than a term relating to the payment of remuneration and allowances for expenses) as shall be determined by the Minister at the time of the appointment of the member.

(6) Any casual vacancy occurring among the members of the Board shall be filled by appointment by the Minister and a person so appointed shall hold office for the remainder of his predecessor's period of office.

5.—A member of the Board shall be paid, out of funds at the disposal of the Board, such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for the Public Service, determines from time to time.

6.—(1) A member of the Board may resign his office as a member by letter addressed to the Minister, and the resignation shall take effect when the letter is received.

(2) A member of the Board shall be disqualified for holding office (and shall cease to hold office) if he is adjudged bankrupt or makes a composition or arrangement with

creditors or is sentenced by a court of competent jurisdiction to imprisonment or penal servitude.

(3) Where a member of the Board is nominated for election to either House of the Oireachtas or as a member of Seanad Éireann he shall thereupon cease to be a member of the Board.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit in that House shall be disqualified for being a member of the Board.

7.—(1) A member of the Board who has any interest in a body with which the Board proposes to make an agreement, or any interest in an agreement which the Board proposes to make, shall disclose the fact and nature of the interest to the Board and shall take no part in any deliberation or decision of the Board relating to the proposed agreement.

(2) A disclosure under this section shall be recorded in the minutes of the Board.

8.—(1) The Board shall as soon as practicable after its establishment provide itself with a seal.

(2) The seal of the Board shall be authenticated by the signature of the chairman of the Board or some other member of the Board authorised by the Board to act in that behalf and by the signature of a member of the staff of the Board authorised by the Board to act in that behalf.

(3) All courts of justice shall take judicial notice of the common seal of the Board, and every document purporting to be an instrument made by the Board and to be sealed with the common seal and to be attested in accordance with this section shall, unless the contrary is shown, be received in evidence and be deemed to be that instrument without further proof.

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

(2) The quorum for a meeting of the Board shall be the lowest majority of the number of members of the Board at the time of the meeting.

(3) At a meeting of the Board—

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

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

(4) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

(5) The Board may act notwithstanding one or more than one vacancy among its members.

(6) Subject to this Act the Board shall regulate, by standing orders or otherwise, the procedure and business of the Board

10.—(1) The Board shall appoint such and so many persons to be the staff of the Board as the Board from time to time thinks proper.

(2) The Board shall from time to time determine the numbers, grades, tenure of office and conditions of service of the staff of the Board.

(3) A member of the staff of the Board shall be paid such remuneration and allowances as the Board, with the consent of the Minister for the Public Service, may from time to time determine.

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

11.—(1) As soon as conveniently may be after the establishment of the Board, the Board shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation allowances by way of pension, lump sum or gratuity to, or in respect of, appropriate members of the staff of the Board.

(2) A scheme submitted to the Minister under this section shall, if approved by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Board in accordance with its terms.

(3) The Board may at any time, with the approval of the Minister and the concurrence of the Minister for the Public Service, amend a scheme under this section.

(4) A scheme submitted and approved under this section shall fix the time and conditions of retirement for all persons to whom allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(5) If any dispute arises as to the claim of any person to or the amount of, any allowance payable in pursuance of a scheme under this section, it shall be submitted to the Minister for determination by him, subject to the agreement of the Minister for the Public Service.

(6) No pension, gratuity, allowance or other payment shall be granted by the Board nor shall any other arrangements be entered into by the Board for the provision of a pension, gratuity, allowance or other payment on the resignation, retirement or death of a member of the staff of the Board, other than in accordance with a scheme approved under this section.

(7) Every scheme submitted and approved under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

12.—(1) Where a member of the staff of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas he shall stand seconded from employment by the Board and shall not be paid by, or be entitled to receive from, the Board any remuneration or allowance—

(*a*) in case he is nominated as a member of Seanad Éireann, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House,

(*b*) in case he is nominated for election to either such House, in respect of the period commencing on his nomination and ending when he ceases to be a member of that House or fails to be elected or withdraws his candidature, as may be appropriate.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit in that House shall, while so entitled, be disqualified from becoming an employee of the Board.

13.—The Board may perform any of its functions through or by any member of the Board, any sub-committee of the Board or any member of the staff of the Board duly authorised in that behalf by the Board

14.—The Board may accept gifts of money, land or other property on such trusts and conditions (if any) as may be specified by the donor, but shall not accept a gift if any such condition is inconsistent with the functions of the Board.

15.—The Board shall submit to the Minister in each year, not later than such date as he may appoint and in such form as he may require, an estimate of the financial requirements of the Board for the following financial year, together with any other estimates which the Minister or the Minister for Finance may require

16.—There may be paid to the Board in each year, out of moneys provided by the Oireachtas, a grant of such amount as the Minister, with the concurrence of the Minister for Finance, may sanction towards the expenses of the Board.

17.—(1) The Board shall keep, in such form as may be approved by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, including an income and expenditure account and a balance sheet, and, in particular, shall keep in such approved form all such special accounts as the Minister, on his own motion or at the request of the Minister for Finance, may from time to time direct.

(2) Accounts kept under this section shall be submitted annually by the Board to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account and of the balance sheet and of such other (if any) of the accounts as the Minister, after consultation with the Minister for Finance, may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister, who shall cause copies thereof to be laid before each House of the Oireachtas

18.—The Board shall submit to the Minister in each year, not later than such date as he may appoint, a report of its proceedings under this Act during the preceding year, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas

19.—The Board shall provide the Minister with any information regarding the performance of its functions which he may require from time to time.

20.—Any 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.

21.—(1) This Act may be cited as the Bord na Gaeilge Act, 1978.

(2) This Act shall come into operation on such date as the Minister appoints by order.