



Number 15 of 2024

Research and Innovation Act 2024



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RESEARCH AND INNOVATION ACT 2024

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Number 15 of 2024

RESEARCH AND INNOVATION ACT 2024

An Act to make further provision for the funding of research and innovation in all fields of activity and disciplines and, for that purpose, to provide for the establishment and functions of a body to be known as Taighde Éireann; to provide for the dissolution of Science Foundation Ireland, the transfer of its staff, records, assets and liabilities to Taighde Éireann; to amend the Higher Education Authority Act 2022 and to provide for the transfer of certain members of staff and records, assets and liabilities relating to research of An tÚdarás um Ard-Oideachas to Taighde Éireann; to provide for the repeal of certain provisions of the Industrial Development (Science Foundation Ireland) Act 2003, the Industrial Development (Science Foundation Ireland) (Amendment) Act 2013 and the Industrial Development (Forfás Dissolution) Act 2014; and to provide for related matters. [4th June, 2024]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Research and Innovation Act 2024.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation

2. (1) In this Act—
 - “Act of 2022” means the Higher Education Authority Act 2022;
 - “Agency” has the meaning assigned to it by *section 7*;
 - “An tÚdarás” means An tÚdarás um Ard-Oideachas;
 - “appeals board” has the meaning assigned to it by *section 44(1)*;

“applicant” has the meaning assigned to it by *section 36*;

“application” has the meaning assigned to it by *section 36*;

“assessors” has the meaning assigned to it by *section 10(4)*;

“award of funding” has the meaning assigned to it by *section 37(8)*;

“Board” means the Board of the Agency;

“Chief Executive Officer”, in relation to the Agency, has the meaning assigned to it by *section 28*;

“committee of the Board” means a committee of the Board established by the Board under *section 19*;

“conditions of funding”, in relation to an award of funding, has the meaning assigned to it by *section 37(9)*;

“Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016¹ on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

“designated institution of higher education” has the meaning it has in the Act of 2022;

“dissolved body” has the meaning assigned to it by *section 54*;

“establishment day” means the day appointed under *section 6*;

“funding scheme” has the meaning assigned to it by *section 35*;

“higher education provider” has the meaning it has in the Act of 2022;

“information” includes data;

“innovation” means the development and use of new ideas, methods, products, processes, policies and services where they have not been used previously;

“Minister” means the Minister for Further and Higher Education, Research, Innovation and Science;

“outcomes and, where appropriate, the impact”, in relation to research and innovation, means—

- (a) the likely or achieved changes and effects of a research and innovation activity, and
- (b) the extent to which that activity is expected to generate or has generated significant effects (which may be positive or negative, intended or unintended) on economic, social, cultural and environmental development and sustainability,

and such changes and effects may become apparent in the short term, medium term or long term and may vary in different fields of activity and disciplines of research and innovation;

¹ OJ No. L119, 4.5.2016, p. 1

“personal data” has the meaning it has in the Data Protection Regulation;

“prescribed” means prescribed by regulations made by the Minister under *section 3*;

“processing”, in relation to personal data, has the meaning it has in the Data Protection Regulation;

“recipient of funding” has the meaning assigned to it by *section 37(8)*;

“research” means creative and systematic work in any discipline that is undertaken in order to increase the stock of knowledge (including knowledge of humankind, culture and society) and to devise new applications of available knowledge;

“standard and quality”, in relation to research and innovation, means the standard and quality of the research and innovation assessed and evaluated by reference to international good practices in the relevant field of activity or discipline of research and innovation, including adherence to policies and good practices regarding ethics, integrity and the conduct of research and innovation in that field or discipline.

- (2) In this Act, references to research and innovation shall be construed as references to research or innovation or both.
- (3) In this Act, references to environmental development and sustainability shall be construed as references to development and actions that meet the needs of the present without compromising the ability of future generations to meet their own needs and, without prejudice to the generality of the foregoing, includes actions in respect of social, economic, cultural and environmental development, climate and biodiversity.

Regulations and orders

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Without prejudice to any provision of this Act, regulations under this section may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (3) An order (other than an order under *section 1(2)* or *6*) and regulations made under this Act shall be laid before each House of the Oireachtas as soon as may be after the order or regulation 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, as the case may be, 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 Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys provided by the Oireachtas.

Repeals and revocation

5. (1) Each of the following is repealed:
- (a) Part 2 of the Industrial Development (Science Foundation Ireland) Act 2003;
 - (b) sections 3, 4, 5 and 6 of the Industrial Development (Science Foundation Ireland) (Amendment) Act 2013;
 - (c) sections 11, 12 and 13 of the Industrial Development (Forfás Dissolution) Act 2014.
- (2) The Science Foundation Ireland Superannuation Scheme 2016 (S.I. No. 594 of 2016) is revoked.

PART 2

TAIGHDE ÉIREANN

CHAPTER 1

*Establishment and functions of Agency***Establishment day**

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

Establishment of Agency

7. (1) There shall stand established on the establishment day a body, which shall be known as Taighde Éireann (in this Act referred to as “the Agency”), to perform the functions conferred on it by or under this Act.
- (2) The Agency shall be a body corporate with perpetual succession and an official seal and shall have the power to sue, and may be sued, in its corporate name and may, with the consent of the Minister and the Minister for Public Expenditure, National Development Plan Delivery and Reform, acquire, hold and dispose of land, an interest in land or any other property.
- (3) The official seal of the Agency shall be authenticated by—
- (a) the signatures of 2 members of the Board, or
 - (b) the signatures of a member of the Board and a member of the staff of the Agency authorised by the Board to act in that behalf.
- (4) Judicial notice shall be taken of the official seal of the Agency and, accordingly, any document—
- (a) purporting to be an instrument made by the Agency, and

- (b) purporting to be sealed with the official seal of the Agency authenticated in accordance with *subsection (3)*,
- shall, unless the contrary is shown, be received in evidence and taken to be such an instrument without further proof.

Objects of Agency

8. The Agency shall have regard to the following objects in performing its functions:

- (a) to promote the attainment and maintenance of excellence in the standard and quality of research and innovation undertaken;
- (b) to support the undertaking of research and innovation in all fields of activity and disciplines by researchers with different levels of knowledge, experience and specialist skills in such fields or disciplines;
- (c) to promote and support the contribution made by research and innovation to economic, social, cultural and environmental development and sustainability in the State;
- (d) to strengthen the engagement of the research and innovation system with—
 - (i) the Government, Ministers of the Government and bodies (whether statutory or otherwise) which are funded wholly or partly by public moneys, and
 - (ii) enterprise, non-governmental organisations, cultural institutions and society generally;
- (e) to promote and develop the reputation of the State internationally as a location that is favourable for undertaking research and innovation;
- (f) to advance the principles of equality, diversity and inclusion with regard to opportunities to undertake research and innovation and in the undertaking of that research and innovation.

Functions of Agency

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

- (a) promote the objects of the Agency,
- (b) promote and develop research and innovation in the State by designing and administering funding schemes, in accordance with international good practice, for the award and disbursement of funding for research and innovation in accordance with *Part 3*,
- (c) support the development and maintenance of a national system of research and innovation, in co-operation and collaboration with An tÚdarás, Enterprise Ireland and the other bodies to which *section 51* applies and such other persons and bodies in the higher education and research system or the research and innovation system as the Agency considers appropriate,

- (d) promote research and innovation which supports the development and competitiveness of enterprise and employment in the State, nationally and regionally, and to so do, in co-operation and collaboration with Enterprise Ireland and the other bodies to which *section 51* applies,
- (e) promote the engagement, retention and development of the skills and capacity of researchers of an excellent standard in the national system of research and innovation and, as may be appropriate, to so do in co-operation with An tÚdarás and the other bodies to which *section 51* applies,
- (f) promote the attracting to the State of research and innovation teams of an excellent standard, and individuals with an interest in research and innovation of an excellent standard, with a view to their carrying out research and innovation in the State,
- (g) in co-operation with An tÚdarás, promote and support the undertaking of research and innovation in the higher education and research system and in the research and innovation system,
- (h) in co-operation with An tÚdarás, contribute to the development, assessment and evaluation of research and innovation to ensure that a standard and quality of excellence are consistently adhered to by those in the research and innovation system,
- (i) in co-operation with An tÚdarás, to promote the links and mutual benefits between research and innovation undertaken and teaching and learning activities in the higher education system,
- (j) promote the undertaking in the State of research and innovation that is funded (wholly or partly) by an international or European Union body, institution or organisation and, where so funded, to promote the success of such research and innovation,
- (k) promote co-operation and collaboration with regard to research and innovation between those who fund or undertake research and innovation in the State and those who do so in Northern Ireland,
- (l) assess and evaluate the outcomes and, where appropriate, the impact on economic, social, cultural and environmental development and sustainability grounds of research and innovation undertaken for which funding is awarded by the Agency,
- (m) promote and support an awareness and understanding of the value of research and innovation to society and facilitate engagement of members of the public with those engaged in research and innovation activities,
- (n) support the undertaking of research and innovation that informs the development of public policy and encourages and facilitates the collation and sharing of findings of research and innovation for that purpose,
- (o) enter into funding partnerships in accordance with *section 49*, and

- (p) advise the Minister in relation to national policy on research and innovation in accordance with *section 14*.
- (2) The Agency shall have all such powers as are necessary or expedient for the performance by it of its functions.
- (3) The Agency may perform any of its functions through or by any member of the staff of the Agency authorised in that behalf by the Agency.
- (4) The Agency may perform any of its functions through or by any other persons authorised in that behalf by the Agency.

Consultants and advisers

10. (1) The Agency may engage such consultants and advisers as it considers necessary for the performance of its functions.
- (2) The Agency shall comply with any directions concerning the engagement of consultants and advisers which may from time to time be given to it by the Minister, given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (3) Any remuneration due to a consultant or adviser engaged pursuant to this section shall, having regard to guidelines issued from time to time by the Minister or the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys at the disposal of the Agency.
- (4) Without prejudice to the generality of *subsection (1)*, persons with the required knowledge, experience and specialist skills in any field of activity or discipline of research and innovation may be engaged pursuant to this section to undertake the assessment of proposals for research and innovation contained in applications or investigating whether recipients of funding are in compliance with conditions of funding (in this Act referred to as “assessors”).

CHAPTER 2

Ministerial powers and information

Power of Minister to give directions to Agency

11. (1) Subject to *subsection (5)*, the Minister may give a direction in writing to the Agency for any purpose relating to this Act and concerning—
- (a) any matter or thing referred to in this Act or any other enactment, and
- (b) the implementation of any policy or objective of the Minister or the Government.
- (2) The Agency shall comply with a direction given by the Minister under this section.
- (3) The Agency shall, within the period specified by the Minister in a direction, inform the Minister of the measures taken by the Agency to comply with the direction.

- (4) The Minister may, by direction, in writing, amend or revoke a direction under this section (including a direction under this subsection).
- (5) The Minister shall not give a direction under this section concerning the terms of a funding scheme or the making of an award of funding in a particular case.

Power of Minister to issue guidelines to Agency

12. (1) The Minister may issue guidelines in writing to the Agency for the purposes of this Act.
- (2) Guidelines issued under *subsection (1)* may relate to—
 - (a) codes of practice for governance or such other codes that may be issued from time to time by a Minister of the Government,
 - (b) policy guidance or changes in policy, or
 - (c) changes of objectives in the corporate plan of the Agency under *section 23*.
- (3) In performing its functions under this Act, the Agency shall have regard to any guidelines issued by the Minister under this section.
- (4) The Minister may publish guidelines issued by him or her under *subsection (1)* in such manner as he or she considers appropriate.

Reports and information to Minister

13. The Agency shall provide such reports and information to the Minister in such form and manner and at such times as the Minister may specify on any matter related to the performance of its functions.

Advice to Minister

14. (1) The Agency may provide advice to the Minister on any matter related to the performance of its functions.
- (2) The Agency shall provide advice, as requested by the Minister, in such form and manner and at such times as the Minister may specify on any matter related to the performance of its functions.

CHAPTER 3

Board of Agency

Board of Agency

15. (1) The Agency shall have a Board (in this Act referred to as the “Board”) established under this Act to perform the functions of the Agency.
- (2) The Board shall—

- (a) oversee the development of the corporate plan under *section 23* and the annual plan under *section 24* of the Agency and their submission to the Minister,
 - (b) satisfy itself that appropriate systems, procedures and practices are in place—
 - (i) to achieve the objects of the Agency under *section 8*,
 - (ii) for the internal performance management and accountability of the Agency in respect of—
 - (I) the performance of its functions under *section 9*,
 - (II) the achievement of the objectives in the corporate plan under *section 23*, and
 - (III) the achievement of the performance targets in the annual plan under *section 24*,and
 - (iii) in order to enable compliance with the policies (whether contained in guidelines, codes or other documents, or any combination of them) of the Government or a Minister of the Government to the extent that those policies may affect or relate to the functions of the Agency,and
 - (c) establish and implement arrangements for the management of the performance of the Chief Executive Officer.
- (3) The Board is accountable to the Minister for the performance of its functions under *subsections (1) and (2)*.
 - (4) The Board may delegate in writing to the Chief Executive Officer any of the functions of the Agency or the Board other than the functions under *subsection (2)*.
 - (5) If a function of the Agency is delegated to the Chief Executive Officer under *subsection (4)*, the delegation remains in force until the Board revokes the delegation by notice in writing given to that Officer.
 - (6) The Board shall notify the Minister in writing of any delegation made under *subsection (4)* and of any revocation of such delegation under *subsection (5)*.
 - (7) The Board shall retain in its possession the official seal of the Agency.

Membership of Board

- 16.** (1) The Board shall consist of the following members:
- (a) a chairperson;
 - (b) 11 ordinary members.
- (2) Subject to *subsection (3)*, the chairperson and ordinary members of the Board shall be appointed by the Minister from among persons who, in the opinion of the Minister, have sufficient experience and expertise relating to matters connected with the

functions of the Agency to enable them to make a substantial contribution to the effective and efficient performance of those functions.

- (3) One member to be appointed to the Board under *subsection (2)* shall have experience and expertise relating to enterprise and shall be nominated for such appointment by the Minister for Enterprise, Trade and Employment.
- (4) The Minister, when making appointments to the Board, shall have regard to the objective that not less than 40 per cent of the members of the Board shall be women and not less than 40 per cent of them shall be men.
- (5) The chairperson of the Board shall hold office for such period, not exceeding 4 years from the date of appointment, as the Minister shall determine.
- (6) Subject to *subsection (7)*, an ordinary member of the Board shall hold office for such period, not exceeding 4 years from the date of appointment, as the Minister shall determine.
- (7) Of the ordinary members of the Board first constituted under this section—
 - (a) 6 members shall hold office for a period of 2 years from the date of their appointment as such members, and
 - (b) 5 members shall hold office for a period of 4 years from the date of their appointment as such members.
- (8) Subject to *subsection (9)*, a member of the Board whose term of office expires by the effluxion of time shall be eligible for re-appointment to the Board.
- (9) A person who is re-appointed to be a member of the Board in accordance with *subsection (8)* shall not hold office for more than 2 consecutive terms and, in any event, may not serve for a period of more than 8 years.
- (10) The Minister may, prior to the establishment day, designate persons who in his or her opinion comply with the requirements specified in *subsection (2)* to be the first chairperson or the first ordinary members of the Board.
- (11) If, immediately before the establishment day, a person stands designated under *subsection (10)*, the person shall, on that day, stand appointed as the chairperson or an ordinary member, as the case may be, of the Board.

Casual vacancies in membership of Board

- 17.** (1) If a member of the Board dies, resigns, ceases to be qualified for office or ceases to hold office or is removed from office for any reason, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so arising in the same manner as the member who occasioned the casual vacancy was appointed.
- (2) A person appointed to be a member of the Board pursuant to *subsection (1)* shall—
 - (a) hold office for so much of the term of office of the member who occasioned the casual vacancy concerned as remains unexpired at the date of the appointment, and

- (b) be eligible for re-appointment as a member of the Board on the expiry of that term of office.

Meetings of Board

- 18.** (1) The Board shall hold such and so many meetings as are 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) The chairperson shall convene a meeting of the Board when requested to do so by not less than the number of members which constitutes a quorum.
- (3) The quorum for a meeting of the Board shall be 6.
- (4) At a meeting of the Board—
- (a) the chairperson shall, if present, be the chairperson of the meeting, or
 - (b) if and so long as the chairperson is not present or the office of chairperson is vacant, the members of the Board who are present shall choose one of their number to be chairperson of the meeting.
- (5) Every question at a meeting of the Board 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 shall have a second or casting vote.
- (6) Subject to *subsection (3)*, the Board may act notwithstanding one or more vacancies among its members.
- (7) The Board may hold or continue a meeting by the use of any means of communication by which all the members are facilitated to hear and be heard at the same time (in this section referred to as an “electronic meeting”).
- (8) A member of the Board who participates in an electronic meeting is taken for all purposes to be present at the meeting.
- (9) Subject to this Act, the Board shall regulate, by standing orders or otherwise, the procedures and business of the Board.

Committees of Board

- 19.** (1) The Board may establish committees, consisting in whole or in part of persons who are members of the Board or members of staff of the Agency or persons who are not such members, to assist and advise it in relation to the performance of any of its functions.
- (2) Notwithstanding the generality of *subsection (1)*, the Board may establish the following committees:
- (a) a committee to assist and advise it in relation to audit and risk management functions;
 - (b) one or more committees (to be styled “councils”) to advise the Board in relation to particular academic disciplines or fields of research and innovation.

- (3) The Board shall determine the terms of reference and may regulate the procedures of a committee.
- (4) In appointing members of a committee, the Board shall have regard to the knowledge and experience necessary for the proper and effective discharge of the functions of the committee.
- (5) The Board may appoint a member of a committee to be the chairperson of a committee.
- (6) The Board may for stated reasons remove a member of a committee from the committee at any time.
- (7) A committee shall provide the Board with such information as the Board may from time to time require in respect of the activities and operations of the committee for the purposes of the performance by the Board of its functions.
- (8) The acts of a committee (other than a committee whose sole function is to provide advice to the Board) shall be subject to confirmation by the Board, unless the Board otherwise determines.
- (9) The Board may at any time dissolve a committee.

Terms and conditions of members of Board and of committees

- 20.** (1) A member of the Board, and a member of a committee, shall hold office on such terms and conditions (including terms and conditions relating to remuneration and allowances for expenses) as may be determined by the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (2) There may be paid by the Agency to members of the Board, and to members of a committee, such remuneration (if any) and such allowances for expenses (if any) as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, may determine.
 - (3) (a) A member of the Board may resign from the Board by notice in writing sent to the Minister and the resignation shall take effect from the date specified in the notice, or the date on which the Minister receives the notice, whichever is the later.

(b) A member who resigns from the Board by notice in writing sent to the Minister shall, not later than at the time of informing the Minister, notify the chairperson of the Board of his or her intention to resign.
 - (4) A member of the Board who does not, for a consecutive period of 6 months, attend meetings of the Board ceases at the end of that period to hold office unless the failure to attend was due to ill-health or the absence was approved by the chairperson of the Board with the consent of the Minister.
 - (5) The Minister may, at the request of the Board or following consultation with the chairperson, at any time remove a member of the Board from office if, in the opinion of the Minister—

- (a) the member has become incapable through ill-health of performing his or her duties,
 - (b) the member has committed stated misbehaviour, or
 - (c) the removal of the member appears to the Minister to be necessary for the effective performance by the Board of its functions.
- (6) A person shall not be qualified for membership of the Board, and a member of the Board shall cease to be so qualified and shall cease to hold office, if he or she—
- (a) is adjudicated bankrupt and such bankruptcy has not been annulled or discharged,
 - (b) makes a composition or arrangement with creditors,
 - (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
 - (d) is convicted of any indictable offence in relation to a company or any other body corporate,
 - (e) is convicted of an offence involving fraud or dishonesty,
 - (f) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or
 - (g) is subject, or is deemed to be subject, to a disqualification order within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act.
- (7) Where a member of the Board is—
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
 - (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,
- he or she shall thereupon cease to be a member of the Board.
- (8) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit in that House or who is a member of the European Parliament shall be disqualified, while he or she is so entitled or is such a member, for being a member of the Board or a member of a committee.

Disclosure of interests by members at meetings of Board or of committees

21. (1) *Subsection (2)* applies where, at a meeting of the Board, any of the following matters arise, namely—
- (a) an arrangement to which the Agency is a party,
 - (b) an arrangement to which the Agency proposes to become a party,
 - (c) a contract or other agreement with the Agency, or

- (d) a proposed contract or other agreement with the Agency.
- (2) Any member of the Board present at the meeting referred to in *subsection (1)* who has a pecuniary interest or other beneficial interest in, or material to, the matter concerned shall—
- (a) disclose to the Board at the meeting the fact of that interest and its nature,
 - (b) not influence (or seek to influence) a decision to be made in relation to the matter,
 - (c) absent himself or herself from the meeting, or that part of the meeting, during which the matter is being discussed,
 - (d) take no part in any deliberation of the Board relating to the matter, and
 - (e) not vote on a decision relating to the matter.
- (3) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member of the Board by whom the disclosure is made shall not be counted in the quorum for the meeting.
- (4) Where at a meeting of the Board a question arises as to whether or not a course of conduct, if pursued by a member of the Board, would constitute a failure by him or her to comply with the requirements of *subsection (2)*, the question may, subject to *subsection (5)*, be determined by the chairperson of the meeting, whose decision shall be final, and where the question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.
- (5) Where, at a meeting of the Board, the chairperson of the meeting is the member in respect of whom a question to which *subsection (4)* applies falls to be determined, the other members of the Board attending the meeting shall choose one of their number to be chairperson of the meeting for the purpose of determining the question concerned.
- (6) Where the Minister is satisfied that a member of the Board has failed to comply with the requirements of *subsection (2)*, the Minister may, if he or she considers it appropriate to do so, remove that member from office and, where a person is removed from office pursuant to this subsection, he or she shall thenceforth be disqualified for membership of the Board.
- (7) This section shall apply to a member of a committee where the member is not also a member of the Board and for the purposes of that application—
- (a) a reference to a member of the Board shall be construed as a reference to a member of the committee, and
 - (b) a reference to the Board shall be construed as a reference to the committee.

CHAPTER 4

*Funding and accountability of Agency***Advances to Agency**

22. In each financial year, the Minister shall advance to the Agency out of moneys provided by the Oireachtas such amount or amounts as the Minister may, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determine for the purposes of expenditure by the Agency in the performance of its functions.

Corporate plan of Agency

23. (1) The Agency shall prepare and adopt a corporate plan (in this section referred to as the “corporate plan”) to be submitted to the Minister for approval, with or without amendment, for each ensuing 5-year period.
- (2) A corporate plan shall—
- (a) include the objectives, outputs and related strategies for research and innovation of the Agency,
 - (b) except in the case of the first corporate plan, include a review and evaluation of the work of the Agency in the performance of its functions in the previous 5 years,
 - (c) be prepared in a form and manner in accordance with any directions given from time to time by the Minister,
 - (d) be prepared and submitted to the Minister—
 - (i) in respect of the first corporate plan, not later than 6 months after the establishment day, and
 - (ii) in respect of each subsequent corporate plan, not later than 3 months before the expiration of the previous corporate plan,
 - and
 - (e) accord with the guidelines, policies and objectives of the Minister and the Government as they relate to the functions of the Agency.
- (3) In preparing the corporate plan, the Agency—
- (a) shall consult with—
 - (i) the Minister,
 - (ii) An tÚdarás,
 - (iii) Enterprise Ireland, and
 - (iv) the Industrial Development Agency (Ireland),
 - and

- (b) may consult with such other persons or bodies as it considers appropriate.
- (4) Within 30 days of receiving a proposed corporate plan, the Minister shall—
 - (a) approve the proposed plan,
 - (b) give directions regarding amendments to the proposed plan, or
 - (c) refuse to approve the proposed plan where it is not amended in accordance with any directions that may be given by the Minister to the Agency.
- (5) An approved corporate plan may be amended by—
 - (a) the Minister at any time, or
 - (b) the Agency, where—
 - (i) the Agency submits the proposed amendment to the Minister for approval, and
 - (ii) the amendment is approved by the Minister.
- (6) Nothing in a corporate plan shall limit the Agency in the performance of its functions.
- (7) As soon as practicable after approving the corporate plan, the Minister shall cause a copy of the corporate plan to be laid before each House of the Oireachtas.
- (8) The Agency shall ensure that, as soon as practicable after copies of an approved corporate plan are laid before the Houses of the Oireachtas, the plan is published in such manner as the Minister may specify.

Annual plan of Agency

- 24.** (1) The Agency shall prepare and submit to the Minister, not later than 28 days following notification of the amount to be advanced to the Agency by the Minister under *section 22* for the next financial year, an annual plan (in this section referred to as an “annual plan”) relating to the performance of its functions.
- (2) An annual plan shall—
- (a) outline the proposed activities for the Agency for the period to which the annual plan relates and the performance targets relating to those activities,
 - (b) specify the proposed allocation of the total resources (both financial and persons) of the Agency for the period to which the annual plan relates,
 - (c) specify the monitoring arrangements of the performance targets,
 - (d) specify the reporting arrangements to the Minister,
 - (e) specify how the Agency shall have regard to its objects under *section 8*,
 - (f) contain any other information specified by the Minister, and
 - (g) accord with the guidelines, policies and objectives of the Minister and the Government as they relate to the functions of the Agency.

- (3) In preparing the annual plan, the Agency shall have regard to the corporate plan of the Agency under *section 23* and any direction given or guidelines issued by the Minister under *subsection (5)*.
- (4) The Agency shall, in preparing the annual plan, consult with An tÚdarás.
- (5) The Minister may, from time to time, give directions or issue guidelines to the Agency concerning the preparation of the annual plan.
- (6) When giving a direction to the Agency under *subsection (5)*, the Minister shall give his or her reasons in writing for the direction.
- (7) The Agency shall comply with a direction under *subsection (5)* within the period, if any, specified in the direction.
- (8) The Agency shall implement the annual plan prepared in accordance with *subsection (2)* unless the Minister, within 30 days of the submission to him or her of the annual plan, directs the Agency in writing to amend the annual plan if, in the opinion of the Minister, the annual plan—
 - (a) does not contain the information required under *subsection (2)*,
 - (b) does not comply in some other respect with *subsection (2)*, or
 - (c) has been prepared without sufficient regard to the matters specified in *subsection (3)*.
- (9) The Agency may amend an annual plan in accordance with a direction under *subsection (5)* and, where it does so, *subsections (2) to (8)* shall apply, with any necessary modifications, to the preparation of the amended annual plan as they apply to the preparation of an annual plan.
- (10) The Agency shall—
 - (a) inform the Minister of the measures taken with regard to the activities and the performance targets outlined in the annual plan and of the outcome of those measures, and
 - (b) provide that information at intervals specified by the Minister or, if no such intervals are specified, in the annual report under *section 26*.

Accounts of Agency

- 25.** (1) The Agency shall keep, in such form as may be approved by the Minister with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, all proper and usual accounts and records of all moneys received or expended by it.
- (2) The Agency shall each year submit accounts kept under *subsection (1)* for audit to the Comptroller and Auditor General to the extent and by such date as he or she may from time to time direct.
 - (3) Immediately after the audit referred to in *subsection (2)*, the Agency shall furnish to the Minister a copy of—

- (a) the audited accounts, and
 - (b) the report of the Comptroller and Auditor General on the accounts.
- (4) The Minister shall cause a copy of the audited accounts furnished under this section, and a copy of the report of the Comptroller and Auditor General on those accounts, to be laid before each House of the Oireachtas.

Annual report of Agency

26. (1) The Agency shall, not later than the 30th day of June in each year prepare and submit to the Minister a report in writing (in this section referred to as the “annual report”) of its activities in the immediately preceding year.
- (2) Notwithstanding *subsection (1)*, if, but for this subsection, the first annual report would relate to a period of less than 6 months, the report shall relate to that period and the year immediately following that period and shall be prepared and submitted by the Agency to the Minister not later than 6 months after the end of that year.
- (3) The annual report shall include information on the performance of the functions of the Agency during the period to which it relates and, subject to *section 24(10)*, such other information in such form as the Agency considers appropriate.
- (4) The Minister shall, as soon as may be after receiving the annual report, cause copies of it to be laid before each House of the Oireachtas.
- (5) As soon as may be following the copies being laid before each House of the Oireachtas under *subsection (4)*, the Agency shall arrange for the annual report to be published in such manner as it considers appropriate.

Gifts to Agency

27. (1) The Agency may, with the consent of the Minister, accept gifts of money, land or other property upon such trusts and conditions (if any) as may be specified by the donor.
- (2) The Agency shall not accept a gift if the trust or condition attaching to it would be inconsistent with its functions.

CHAPTER 5

Chief Executive Officer

Chief Executive Officer

28. (1) The Agency shall have a chief executive officer (in this Act referred to as the “Chief Executive Officer”).
- (2) The Board shall appoint a person, recruited in accordance with the Public Service Management (Recruitment and Appointments) Act 2004, to be the Chief Executive Officer for such term, not exceeding 5 years, as the Board may determine.

- (3) Notwithstanding *subsection (2)*, the Minister may, before the establishment day, designate a person to be the first Chief Executive Officer.
- (4) Where, immediately before the establishment day, a person stands designated by the Minister under *subsection (3)*, the Board shall appoint that person to be the Chief Executive Officer for such period, not exceeding 5 years from the date of his or her appointment, as the Minister may determine.
- (5) The Chief Executive Officer shall hold office on such terms and conditions (including terms and conditions relating to remuneration, allowances for expenses and superannuation) as may be determined by the Board, subject to the approval of the Minister given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (6) Subject to *subsection (7)*, a Chief Executive Officer whose term of office expires with the effluxion of time shall be eligible for re-appointment by the Board.
- (7) A person who is re-appointed by the Board in accordance with *subsection (6)* shall not hold office for periods the aggregate of which is more than 10 years.
- (8) The Chief Executive Officer shall not hold any other office or employment in respect of which remuneration is payable, or carry on any business, trade or profession without the consent of the Board.
- (9) The Chief Executive Officer shall not be a member of the Board but he or she may, in accordance with the procedures of the Board, attend meetings of the Board and shall be entitled to speak at and give advice at such meetings.
- (10) The Chief Executive Officer may, with the consent of the Minister, be removed or suspended from office by the Board for stated reasons.

Functions of Chief Executive Officer

29. (1) The Chief Executive Officer shall carry on and manage, and control generally, the administration and business of the Agency and perform such other functions (if any) as may be determined by the Board and, for those purposes, shall have such powers as are necessary or expedient.
- (2) The Chief Executive Officer shall perform his or her functions subject to such directions as may be given to him or her from time to time by the Board, and shall be accountable to the Board for the effective and efficient management of the Agency and for the due performance of his or her functions.
- (3) The Chief Executive Officer may make proposals to the Board on any matter relating to its functions.
- (4) The Chief Executive Officer shall provide the members of the Board with any such information (including financial information) in relation to the performance of his or her functions as the members may request.
- (5) The Board may designate a member of the staff of the Agency to perform the functions of the Chief Executive Officer in the absence of the Chief Executive Officer or where the office of Chief Executive Officer is vacant and a member of the staff so

designated shall, in such absence or upon such position being vacant, perform those functions.

- (6) The Chief Executive Officer may delegate any of his or her functions, other than a function that is subject to a condition specified by the Board that the function shall not be delegated, to a specified member of the staff of the Agency, and that member of staff shall be accountable to the Chief Executive Officer for the performance of the functions so delegated.
- (7) The Chief Executive Officer shall, notwithstanding any delegations made by him or her in accordance with *subsection (6)*, at all times remain accountable to the Board for the performance of any functions so delegated.
- (8) The Chief Executive Officer may revoke a delegation made in accordance with *subsection (6)*.

Accountability of Chief Executive Officer to Public Accounts Committee

- 30.** (1) The Chief Executive Officer 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 in relation to—
- (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 Agency is required by this Act to prepare,
 - (b) the economy and efficiency of the Agency in the use of its resources,
 - (c) the systems, procedures and practices employed by the Agency for the purpose of evaluating the effectiveness of its operations, and
 - (d) any matter affecting the Agency 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.
- (2) In the performance of his or her duties under this section, 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.

Accountability of Chief Executive Officer to other Oireachtas committees

- 31.** (1) Subject to *subsection (2)*, the Chief Executive Officer shall, at the request in writing of an Oireachtas committee, attend before it to give account for the general administration of the Agency.

- (2) The Chief Executive Officer shall not be required to give account before an Oireachtas committee for any matter that is or has been or may be the subject of proceedings before a court or tribunal of inquiry in the State.
- (3) Where the Chief Executive Officer is of opinion that a matter in respect of which he or she is requested to give account before an Oireachtas committee is a matter to which *subsection (2)* applies, he or she shall, as soon as practicable, seek the opinion of the Board thereon.
- (4) If the Board is of opinion that the matter concerned is one to which *subsection (2)* applies, the Chief Executive Officer shall inform the Oireachtas committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the Oireachtas committee at the time the Chief Executive Officer is before it, the information shall be conveyed to the Oireachtas committee in writing.
- (5) If the Board is of opinion that the matter concerned is not one to which *subsection (2)* applies, the Chief Executive Officer shall attend before the Oireachtas committee to give account for the matter.
- (6) Where the Chief Executive Officer has informed an Oireachtas committee of the opinion of the Board in accordance with *subsection (4)* and the committee does not withdraw the request referred to in *subsection (1)* in so far as it relates to a matter the subject of that opinion—
 - (a) the Chief Executive Officer may, not later than 21 days after being informed by the Oireachtas committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question of whether the matter is one to which *subsection (2)* applies, or
 - (b) the chairperson of the Oireachtas committee may, on behalf of the Oireachtas committee, make an application,and the High Court shall determine the matter.
- (7) Pending the determination of an application under *subsection (6)*, the Chief Executive Officer shall not attend before the Oireachtas committee to give account for the matter the subject of the application.
- (8) If the High Court determines that the matter concerned is one to which *subsection (2)* applies, the Oireachtas committee shall withdraw the request referred to in *subsection (1)* but if the High Court determines that *subsection (2)* does not apply, the Chief Executive Officer shall attend before the Oireachtas committee to give account for the matter.
- (9) In the performance of his or her duties under this section, 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) In this section, “Oireachtas committee” means—

- (a) a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the committee referred to in *section 30*, the Committee on Members' Interests of Dáil Éireann or the Committee on Members' Interests of Seanad Éireann), or
- (b) a sub-committee of a committee falling under *paragraph (a)*.

CHAPTER 6

*Staff of Agency***Staff of Agency**

- 32.** (1) The Agency may, with the approval of the Minister and the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, appoint such and so many persons to be members of the staff of the Agency as it from time to time considers appropriate.
- (2) The staff of the Agency shall be employed on such terms and conditions as may be determined by the Agency from time to time subject to the approval of the Minister and the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (3) There shall be paid by the Agency to members of its staff such remuneration and allowances for expenses as may be approved from time to time by the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (4) Where a member of the staff of the Agency is—
- (a) nominated as a member of Seanad Éireann,
 - (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
 - (c) regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament,
- he or she shall, thereupon, stand seconded from employment by the Agency and shall not be paid by, or be entitled to receive from, the Agency any remuneration or allowances 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, as the case may be, and ending when such person ceases to be a member of either such House or a member of such Parliament.
- (5) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified for employment by the Agency.
- (6) A period mentioned in *subsection (4)* shall not, for the purposes of any superannuation benefit, be reckoned as service with the Agency.

Superannuation for members of staff of Agency

33. (1) The Agency may, with the approval of the Minister and the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make a scheme for the granting of superannuation benefits to or in respect of members of the staff, including the Chief Executive Officer, of the Agency (in this section referred to as a “scheme”).
- (2) A scheme shall not provide for the granting of superannuation benefits to or in respect of any person where the Single Public Service Pension Scheme applies to or in respect of that person by virtue of Chapter 2 of Part 2 of the Public Service Pensions (Single Scheme and Other Provisions) Act 2012.
- (3) A scheme shall fix the terms and conditions of retirement of all persons to or in respect of whom superannuation benefits are payable under the scheme and different terms and conditions may be fixed in respect of different classes of persons.
- (4) The Agency may, with the approval of the Minister and the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, make a scheme amending or revoking a scheme, including a scheme under this subsection.
- (5) A scheme shall be carried out by the Agency in accordance with its terms.
- (6) A scheme shall include provision for appeals from a decision relating to a superannuation benefit under the scheme.
- (7) No superannuation benefits shall be granted by the Agency to or in respect of a person who is a member of a scheme on ceasing to be a member of the staff, including the Chief Executive Officer, of the Agency otherwise than—
- (a) in accordance with a scheme, or
- (b) with the approval of the Minister and the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform.
- (8) A scheme shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- (9) *Subsection (8)* shall, with all necessary modifications, apply to an amendment to a scheme or a revocation of a scheme as it applies to a scheme.
- (10) Any period of service by a person who—
- (a) immediately before the establishment day, is a member of the staff of the dissolved body and, on that day, becomes a member of the staff of the Agency, or
- (b) immediately before the effective date, is a member of the staff of An tÚdarás who is transferring to the Agency and, on that date, becomes a member of the staff of the Agency,

which was a period of reckonable service for the purposes of a scheme for the granting of superannuation benefits to or in respect of the members of the staff of the

dissolved body or such members of the staff of An tÚdarás, as the case may be, shall be regarded as a period of reckonable service for the purposes of a scheme under this section.

(11) A scheme shall not provide for less favourable terms and conditions in respect of persons who immediately before the establishment day were members of the staff of the dissolved body, or who immediately before the effective date were members of the staff of An tÚdarás who are transferring to the Agency, than those terms and conditions to which they were entitled immediately before the establishment day or the effective date, as the case may be.

(12) In this section—

“effective date” has the meaning it has in *section 64*;

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

CHAPTER 7

Unauthorised disclosure of confidential information

Prohibition on unauthorised disclosure of confidential information

34. (1) Except in the circumstances specified in *subsection (2)*, a person shall not disclose confidential information obtained by him or her while performing functions—

- (a) as a member of the Board or a committee,
- (b) as a member of the staff of the Agency,
- (c) as an adviser or consultant to the Agency or a member of the staff of such an adviser or consultant.

(2) *Subsection (1)* shall not operate to prohibit the disclosure of confidential information by a person referred to in that subsection where—

- (a) the Board authorises the disclosure,
- (b) the disclosure is made to the Board, the Chief Executive Officer or a member of the staff of the Agency,
- (c) the disclosure is made in the performance of the functions of the Agency,
- (d) the disclosure is made by or on behalf of the Agency to the Minister,
- (e) the disclosure is made in compliance with a requirement of this Act or is otherwise required by law,
- (f) the disclosure is made by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995,
- (g) the disclosure is a protected disclosure within the meaning of the Protected Disclosures Act 2014, or

- (h) the disclosure is made to a member of the Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence (whether an offence under this Act or not).
- (3) A person who contravenes *subsection (1)* shall be guilty of an offence under this section and shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both.
- (4) Summary proceedings for an offence under this Act may be brought and prosecuted by the Agency, including where such an offence is committed by a member of the Board.
- (5) In this section “confidential information” shall include—
 - (a) information that is expressed by the Agency to be confidential either as regards particular information or as regards information of a particular class or description, and
 - (b) proposals of a commercial nature or tenders submitted to the Agency by contractors, consultants or any other person.

PART 3

ARRANGEMENTS FOR FUNDING OF RESEARCH AND INNOVATION

Schemes for funding of research and innovation

- 35.** (1) The Agency shall, having regard to—
- (a) the objects of the Agency specified in *section 8*, and
 - (b) the functions of the Agency specified in *section 9*,
- put in place a range of schemes for the funding in accordance with this Part of research and innovation to be undertaken in the State and, to the extent provided for in *sections 47* and *48*, outside the State.
- (2) The Chief Executive Officer shall, for the purposes of *subsection (1)*, prepare draft schemes for the funding of research and innovation for submission to and approval by the Board.
 - (3) The Board may approve a draft scheme for the funding of research and innovation without modification or, after consultation with the Chief Executive Officer, approve such a scheme with such modifications as it considers appropriate.
 - (4) A scheme for the funding of research and innovation referred to in *subsection (1)* that is approved by the Board (in this Act referred to as a “funding scheme”) shall specify the following:
 - (a) the purpose of the scheme;
 - (b) the area or topic of the research and innovation to which the scheme shall apply;

- (c) the criteria for eligibility of the institutions, providers, organisations, bodies or companies which may be invited by the Agency under *section 36(1)* to apply for funding under the scheme and, where appropriate, the criteria for eligibility of persons to undertake the research and innovation to which the scheme shall apply;
 - (d) the criteria for the selection of successful applicants and the criteria for the award of funding under the scheme and, where appropriate, the weighting that shall apply in respect of such criteria against which applicants and applications thereunder shall be assessed;
 - (e) the conditions referred to in *section 37(9)* to be complied with by a recipient of funding under the scheme;
 - (f) the arrangements for the assessment of applications for funding under the scheme;
 - (g) the arrangements, including those under this Part, for monitoring compliance with the conditions of funding under the scheme;
 - (h) the arrangements for monitoring the standard and quality of the research and innovation undertaken for which funding is awarded under the scheme;
 - (i) the arrangements for the assessment and evaluation of the outcomes and, where appropriate, the impact of the research and innovation undertaken for which funding is awarded under the scheme;
 - (j) the arrangements for applicants to seek a review of the procedures applying to the assessment of applications for funding under the scheme.
- (5) The Agency shall promote and disseminate information concerning funding schemes to such extent and in such manner as it considers appropriate.
- (6) The Agency shall administer funding schemes in an independent and transparent manner in accordance with their terms and this Part.
- (7) The funding awarded under funding schemes shall be provided by the Agency from moneys at its disposal, including moneys received by the Agency pursuant to funding partnerships under *section 49*, and it shall be disbursed by the Agency in accordance with the terms of the funding scheme concerned.

Applications for funding for research and innovation

- 36.** (1) The Agency may invite applications for funding under a funding scheme from all or any of the following:
- (a) a designated institution of higher education;
 - (b) a higher education provider that is not a designated institution of higher education;
 - (c) an organisation, body or company engaged in research and innovation other than an institution or provider referred to in *paragraph (a)* or *(b)*;

- (d) any combination of institutions, providers, organisations, bodies and companies referred to in *paragraphs (a), (b) and (c)*.
- (2) An institution, provider, organisation, body or company referred to in *subsection (1)* or any combination of them (in this Act referred to as an “applicant”) may make an application to the Agency for funding for research and innovation under a funding scheme (in this Act referred to as an “application”).
- (3) An application may be submitted to the Agency on behalf of an applicant by an employee of the applicant or, as may be appropriate, a person who is a registered student (or who intends to register as a student) of the applicant.
- (4) An application shall be made in accordance with the terms of the funding scheme concerned and this Part.
- (5) The Chief Executive Officer may, in respect of an application, request, use and rely on information from—
- (a) An tÚdarás, in relation to financial or oversight matters, and
- (b) the Qualifications and Quality Assurance Authority of Ireland, in relation to the qualifications and experience of the persons proposed in the application to undertake the research and innovation concerned and the quality assurance procedures of the applicant,
- as respects the application and the applicant.
- (6) If, at any time after applications are invited by the Agency under a funding scheme and before awards of funding are made thereunder, the Agency proposes to revise the terms of the scheme in a material way, then, this section shall apply to the funding scheme as so revised.

Assessment of applications, and awards of funding, for research and innovation

37. (1) The Chief Executive Officer shall arrange for the assessment, in accordance with *subsection (2)*, of proposals for research and innovation contained in applications received by the Agency pursuant to *section 36*.
- (2) The assessment of proposals for research and innovation contained in applications—
- (a) shall be undertaken by an assessor or assessors, with the required expertise to do so having regard to the purpose of the funding scheme concerned, who are nominated by the Chief Executive Officer for that purpose,
- (b) shall be conducted in an independent and transparent manner in accordance with the terms of that funding scheme and this Part, and
- (c) shall include an assessment and evaluation of the standard and quality of the proposals by the assessor or assessors so nominated for that purpose by peer review on an international basis, by reference to an international standard or by any other review process that is equivalent to international good practice.
- (3) An assessor or assessors shall, upon completion of the assessment of the proposals for research and innovation under *subsection (2)*, make recommendations to the Chief

Executive Officer as to the standard and quality of those proposals, their suitability for an award of funding and, where appropriate, the conditions subject to which such an award ought to be made.

- (4) The Chief Executive Officer shall, as respects applications for funding—
 - (a) consider the recommendations made by an assessor or assessors under *subsection (3)*,
 - (b) consider information (if any) as respects the applications and the applicants obtained by him or her under *section 36(5)*,
 - (c) having regard to—
 - (i) the objects and functions of the Agency specified in *sections 8 and 9* respectively,
 - (ii) the objectives, outputs and related strategies in the corporate plan of the Agency under *section 23*, and
 - (iii) the proposed activities and performance targets related to those activities in the annual plan of the Agency under *section 24*,consider how, and the extent to which, awards of funding for those applications would achieve an appropriate balance as regards the disbursement by the Agency of moneys at its disposal for the funding of research and innovation.
- (5) The Chief Executive Officer, having considered the matters referred to in *subsection (4)* as respects the applications, shall make a recommendation to the Board as to whether or not an award of funding ought to be made to each applicant and, where appropriate, the conditions subject to which such an award might be made.
- (6) The Board shall consider the recommendations of the Chief Executive Officer under *subsection (5)*, together with the matters referred to in *subsection (4)* to be considered by the Chief Executive Officer in making those recommendations, and shall determine the applicant or applicants (if any) to whom an award of funding shall be made by the Agency and the conditions subject to which such an award shall be made.
- (7) The Chief Executive Officer shall, by notice in writing, inform each applicant of the determination of the Board regarding the application of the applicant under *subsection (6)*.
- (8) If an application is approved, the Agency shall award funding (in this Act referred to as an “award of funding”) to the applicant (in this Act referred to as a “recipient of funding”) in accordance with the determination of the Board under *subsection (6)* in the manner so determined and subject to the conditions referred to in *subsection (9)*.
- (9) The conditions of an award of funding that a recipient of funding under a funding scheme shall comply with (in this Act referred to as the “conditions of funding”) shall include a requirement on the recipient of funding—
 - (a) subject to *section 39*, to use the funding for the purpose for which it is awarded,

- (b) to undertake the research and innovation for which the funding is awarded to a standard and quality to be assessed and evaluated in a manner, in accordance with good international practices, that is specified by the Agency,
 - (c) to provide financial information relating to the award of funding to the Chief Executive Officer,
 - (d) to use the award of funding in a cost effective manner,
 - (e) to operate with regard to the award of funding according to standards of good governance,
 - (f) to comply with financial requirements as respects the award of funding,
 - (g) to provide information to the Agency to enable it to assess and evaluate the outcome and, where appropriate, the impact of the research and innovation undertaken for which funding is awarded,
 - (h) to comply with the funding scheme, this Act and regulations made thereunder, and
 - (i) to comply with such other conditions as may be determined by the Board.
- (10) The Chief Executive Officer shall inform a recipient of funding, by notice in writing, of the terms of the award of funding, including the conditions of funding with which the recipient of funding shall comply.

Disbursement of awards of funding

- 38.** The Chief Executive Officer shall disburse the funding awarded to recipients of funding under *section 37* at such times, and in such amounts, as he or she considers appropriate in accordance with the award of funding.

Changes to awards of funding

- 39.** (1) At any time after an award of funding is made and whether or not all of the funding pursuant to the award has been disbursed to a recipient of funding, the Agency may agree changes to the award of funding with the recipient of funding in accordance with this section.
- (2) The Agency may agree with a recipient of funding to change the purpose, the outcomes and, where appropriate, the impact of the research and innovation (or any one or more of them) of an award of funding where, arising from the research and innovation undertaken or underway, it becomes apparent that such a change is, in the opinion of the Chief Executive Officer, necessary or appropriate—
- (a) due to an external development or factor affecting or impacting on the research and innovation, the objectives of the research and innovation can no longer be achieved,
 - (b) to significantly enhance the outcomes and, where appropriate, the impact of the research and innovation, or

- (c) to take account of the interim results of, or any other internal development or factor impacting on, the research and innovation.
- (3) If, following an award of funding to a recipient of funding, the person or persons undertaking the research and innovation concerned cease, for whatever reason, to do so, the Agency may agree with the recipient of funding to cancel the award of funding insofar as it relates to the disbursement of further funding to the recipient of funding with effect from a specified date.
- (4) If changes are agreed to an award of funding under this section, the award of funding shall thereafter have effect accordingly.

Compliance with conditions of funding for research and innovation

40. (1) A recipient of funding shall provide such reports on the research and innovation undertaken for which funding is awarded at such times and in such manner as may be required by the Agency and specified in the funding scheme concerned.
- (2) A recipient of funding shall provide to the Chief Executive Officer such information as that Officer may request in relation to an award of funding, including information in relation to—
- (a) the expenditure of the award of funding disbursed to the recipient of funding by the Agency under *section 38*, and
- (b) compliance by the recipient of funding with the conditions of funding,
- in such form and manner, and at such times, as the Chief Executive Officer may request.
- (3) If a recipient of funding does not provide to the Chief Executive Officer the information requested under *subsection (2)*, the Chief Executive Officer shall require the recipient of funding, by notice in writing, to provide to him or her such information as is specified in the notice and within such period as is specified therein, and the recipient of funding shall comply with any such requirement.
- (4) If the Chief Executive Officer is of opinion, following an assessment of the information (if any) provided by a recipient of funding under this section, that there are serious deficiencies regarding compliance by the recipient of funding concerned with the conditions of funding, the Chief Executive Officer shall arrange for an investigation of the matter to be undertaken.
- (5) The Chief Executive Officer shall arrange for assessors or members of the staff of the Agency (who have not previously been concerned with the award of funding to the recipient of funding concerned), as may be appropriate, to investigate whether the recipient of funding is in compliance with the conditions of funding, having examined the information (if any) provided by the recipient of funding under this section.

Information from other bodies relating to awards of funding

41. Where, following—

- (a) an assessment of information (if any) provided by a recipient of funding under *section 40*, and
- (b) if appropriate, an investigation of the matter under that section,

the Chief Executive Officer remains of opinion that there are serious deficiencies regarding compliance by the recipient of funding with the conditions of funding, he or she may request, use and rely on information as respects the recipient of funding from such bodies as he or she considers appropriate, including but not limited to An tÚdarás and the Qualifications and Quality Assurance Authority of Ireland, for the purpose of assisting him or her to determine whether that recipient of funding is in compliance with those conditions.

Review of compliance with conditions of funding for research and innovation

42. (1) The Chief Executive Officer may, with the approval of the Board, appoint a suitably qualified person who, or an appropriate body which, is independent of the Agency (in this section referred to as a “reviewer”) to carry out a review in accordance with this section of compliance by a recipient of funding with the conditions of funding of the award of funding concerned.
- (2) The Chief Executive Officer shall inform the recipient of funding concerned by notice in writing of the appointment of a reviewer under *subsection (1)*.
- (3) The recipient of funding concerned shall comply with a request from a reviewer to provide the reviewer with such information and assistance as the reviewer may reasonably require for the purposes of the review.
- (4) As soon as practicable after the review, a reviewer shall prepare a draft of the report setting out the findings of the review (in this section referred to as the “draft report”).
- (5) A reviewer shall furnish the draft report to the Agency and to the recipient of funding and shall give notice in writing to the Agency and the recipient of funding that they may make representations to the reviewer concerning the draft report not later than 48 days after it is furnished to them.
- (6) As soon as practicable after the expiration of the period of 48 days referred to in *subsection (5)* and having considered any representations made pursuant to that subsection, the reviewer may amend the draft report and shall furnish the final report on the review (in this section referred to as the “final report”) to the Agency and to the recipient of funding concerned.
- (7) The Chief Executive Officer shall consider the final report and, following that consideration, he or she may make a determination under *section 43(1)*.
- (8) A recipient of funding may request the Chief Executive Officer to appoint a reviewer under this section and, if the request is acceded to, *subsections (1) to (7)* shall, with any necessary modifications, apply to the review.

Non-compliance with conditions of funding for research and innovation

43. (1) Where the Chief Executive Officer is of opinion that a recipient of funding is not complying with the conditions of funding (whether or not the Chief Executive Officer has received information under *section 41* or a review has been undertaken under *section 42* as respects the recipient of funding), he or she may make a determination under this subsection to do all or any of the following with regard to funding awarded to the recipient of funding:
- (a) amend (including by addition) the conditions of funding;
 - (b) subject to *subsection (6)*, suspend the disbursement of further funding to the recipient of funding unless and until the Chief Executive Officer is satisfied that the conditions of funding are being complied with by the recipient of funding;
 - (c) subject to *subsection (6)*, cancel the award of funding insofar as it relates to the disbursement of further funding to the recipient of funding with effect from a specified date;
 - (d) require the recipient of funding to repay to the Agency some or all of the funding awarded and disbursed to the recipient of funding.
- (2) Where the Chief Executive Officer proposes to make a determination under any paragraph of *subsection (1)*, he or she shall, by notice in writing to the recipient of funding concerned, inform that recipient of funding that he or she proposes to make the determination and shall state the reasons therefor in the notice.
- (3) A notice under *subsection (2)* shall state that the recipient of funding concerned may make representations to the Chief Executive Officer in relation to the reasons specified therein for the making of the determination not later than 14 days after the service of the notice on the recipient of funding.
- (4) The Chief Executive Officer shall consider the representations (if any) made to him or her in accordance with *subsection (3)* and if he or she decides for the reasons stated in the notice under *subsection (2)* or otherwise to make the determination concerned with regard to the funding awarded to the recipient of funding concerned, he or she may proceed to make that determination.
- (5) If the determination of the Chief Executive Officer is an amendment (including by addition) of the conditions of funding under *subsection (1)(a)*, the award of funding as so amended shall become effective from the date specified for that purpose by the Chief Executive Officer by notice in writing to the recipient of funding concerned.
- (6) The date specified for the suspension of the disbursement of funding under *subsection (1)(b)*, or the cancellation of an award of funding under *subsection (1)(c)*, shall have regard to any right for notice of the termination of funding to be given, or a payment to be made, to any person who is employed or otherwise engaged in undertaking the research and innovation to which the award of funding relates.
- (7) The Chief Executive Officer shall, by notice in writing, inform the recipient of funding concerned of a determination under *paragraph (b)* or *(c)*, as may be appropriate, of *subsection (1)* and the notice shall specify the date from which the disbursement of further funding shall be suspended or cancelled, as the case may be.

- (8) The Chief Executive Officer shall, by notice in writing, inform the recipient of funding concerned of a determination under *subsection (1)(d)* and the notice shall specify the amount of funding to be repaid (which shall not exceed the amount disbursed pursuant to the award of funding concerned) and the date by which such repayment shall be made (which date shall not be a date earlier than the end of the prescribed period within which an appeal may be brought under *subsection (11)*).
- (9) Where a determination is made by the Chief Executive Officer under *subsection (1)(d)*, the recipient of funding concerned is liable to repay to the Agency on demand the sum so determined.
- (10) All sums due to the Agency under *subsection (9)* shall be recoverable as debts due to the Agency and, without prejudice to any other remedy, may be recovered by the Agency as a debt under statute or a simple contract debt in any court of competent jurisdiction.
- (11) Where a determination is made by the Chief Executive Officer under *subsection (1)(d)*, the recipient of funding concerned may appeal against that determination within the prescribed period after the service of the notice on that recipient of funding under *subsection (8)*.
- (12) The bringing of an appeal under *subsection (11)* by a recipient of funding against a determination of the Chief Executive Officer under *subsection (1)(d)* shall not have the effect of staying the operation of the determination until the appeal is determined or discontinued.
- (13) If a recipient of funding in respect of which a determination under *paragraph (a), (b), (c) or (d) of subsection (1)* is made by the Chief Executive Officer is—
 - (a) a designated institution of higher education, or
 - (b) a higher education provider or other body which is a funded body within the meaning of the Act of 2022,the Chief Executive Officer shall inform An tÚdarás of his or her determination relating to that institution, provider or body, as the case may be, as respects the award of funding for research and innovation concerned and shall provide particulars thereof to An tÚdarás.
- (14) In a case to which *subsection (13)* applies, the Chief Executive Officer shall inform An tÚdarás if the recipient of funding concerned appeals against the determination of the Chief Executive Officer under *subsection (1)(d)* and shall provide particulars of that appeal and its determination or discontinuance, as the case may be, to An tÚdarás.

Appeals board

44. (1) The Minister shall, within 28 days or such other period as may be prescribed after the receipt of a notice of appeal under *section 43(11)*, establish an appeals board (in this Act referred to as an “appeals board”) comprised of 3 members, one of whom shall be its chairperson along with 2 ordinary members, for the purposes of determining the appeal.

- (2) Subject to *subsection (9)*, the Minister shall appoint—
- (a) two persons having a special interest in or expertise in, or knowledge of, matters relating to research and innovation or the functions of Taighde Éireann (other than members of the Board or members of the staff of Taighde Éireann or officers of the Minister), and
 - (b) one person who is a practising solicitor, or a practising barrister, having not less than 10 years' experience as such (other than a solicitor or barrister in the full-time service of the State),
- as the members of an appeals board.
- (3) The Minister shall appoint a chairperson of an appeals board from among the members of the appeals board.
- (4) A member of an appeals board is entitled to be paid such fees and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines.
- (5) The Minister shall furnish such support of an administrative nature to an appeals board as the Minister in his or her opinion determines necessary to enable the board to perform its functions.
- (6) A member of an appeals board may at any time resign as such a member by giving notice in writing to the Minister of his or her resignation.
- (7) A resignation under *subsection (6)* shall take effect on the day on which the Minister receives the notice.
- (8) The Minister may at any time remove a member of an appeals board if, in the opinion of the Minister—
- (a) the member has become incapable through ill-health of effectively performing his or her functions,
 - (b) the member has committed stated misbehaviour, or
 - (c) the removal of the member appears to the Minister to be necessary for the effective performance by the appeals board of its functions.
- (9) A person shall not be appointed to be a member of an appeals board, and he or she shall cease to be a member of an appeals board, if he or she—
- (a) is adjudicated bankrupt and such bankruptcy has not been annulled or discharged,
 - (b) makes a composition or arrangement with creditors,
 - (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
 - (d) is convicted of any indictable offence in relation to a company,
 - (e) is convicted of an offence involving fraud or dishonesty, or

- (f) 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.

Determination of appeal by appeals board

45. (1) An appeal—

- (a) shall be lodged with the Minister within the time, and in accordance with the procedures, prescribed under *section 46*, and
 - (b) shall state the grounds for the appeal.
- (2) Subject to this Act and any regulations under *section 46*, the chairperson of an appeals board shall regulate the procedures of the board.
- (3) An appeals board may refuse to determine an appeal where, in the opinion of the appeals board, the appeal lodged is not made in good faith or is frivolous or vexatious.
- (4) An appeals board may require any person to provide information which it may reasonably require for the purposes of conducting and determining an appeal.
- (5) A decision by a majority of the members of an appeals board shall suffice for any purpose.
- (6) In determining an appeal, an appeals board may—
- (a) affirm the determination of the Chief Executive Officer, or
 - (b) where it is satisfied that a serious or significant error or a series of errors was made in making the determination the subject of the appeal or that the determination was made without complying with fair procedures, quash the determination and remit it, for stated reasons, to the Chief Executive Officer.
- (7) An appeals board shall communicate its determination under *subsection (6)*, including in the case of a determination under *paragraph (b)* of that subsection, the reasons therefor, to the recipient of funding who brought the appeal concerned and the Chief Executive Officer as soon as practicable after it is made.
- (8) In the case of a determination under *subsection (6)(b)*, the Chief Executive Officer shall reconsider his or her determination.
- (9) An appeals board shall be independent in the performance of its functions.

Appeal procedures

- 46.** (1) As soon as practicable after the establishment day and following consultation with Taighde Éireann, the Minister shall prescribe procedures for the conduct and determination of appeals under *section 43(11)*.
- (2) Without prejudice to the generality of *subsection (1)*, regulations under this section may provide for all or any of the following:
- (a) the form and manner to be used for bringing an appeal under *section 43(11)*;

- (b) the time within which an appeal shall be brought after the date of the determination of the Chief Executive Officer that is being appealed;
- (c) the fees (if any) to accompany a notice of appeal and the circumstances in which such fees may be refunded, in whole or in part;
- (d) the period within which the Minister shall establish an appeals board after the receipt of a notice of appeal;
- (e) the information and documents which shall be provided to the appeals board and the manner in which they shall be so provided;
- (f) the procedures to be followed regarding the making of submissions to an appeals board and their form;
- (g) the time within which an appeal shall be determined.

Funding for research and innovation outside the State

- 47.** (1) The Agency may award and disburse funding to an institution in Northern Ireland—
- (a) under a scheme for the funding of research administered by the dissolved body on behalf of the Minister prior to the coming into operation of this section, or
 - (b) subject to *subsection (2)*, under a funding scheme.
- (2) The Agency may disburse an award of funding (or a part thereof)—
- (a) to an institution in Northern Ireland through an institution in the State to which the award of funding was made where the institution in Northern Ireland is a partner of the institution in the State or of a company carrying on business in the State for the purposes of carrying out a research and innovation project, or
 - (b) directly to the institution in Northern Ireland where the Agency is satisfied that an institution in the State or a company carrying on business in the State is a partner of the institution in Northern Ireland for the purposes of carrying out a research and innovation project.

International co-operation regarding funding for research and innovation

- 48.** (1) Subject to *subsection (2)*, the Agency may, subject to the consent of the Minister—
- (a) participate in, and contribute to the funding of, international collaborative projects for the undertaking of research and innovation by way of an award of funding to a person or body in the State under a funding scheme, and
 - (b) enter into an agreement with any person or body having a function relating to research and innovation outside the State for the purposes of *paragraph (a)*.
- (2) The power of the Agency under *subsection (1)* is subject to the following:
- (a) the conditions of an award of funding shall be enforceable in a court of competent jurisdiction in the State;

- (b) the award of funding shall be subject to the assessment of the standard and quality of the proposed research and innovation and an assessment and evaluation of the outcomes and, where appropriate, the impact of the research and innovation;
- (c) the award of funding shall be subject to such conditions relating to reporting, financial and governance matters as the Agency considers appropriate;
- (d) the disbursement of funding pursuant to an award of funding shall be on a phased basis upon the Agency being satisfied as to the outcomes and, where appropriate, the impact of the research and innovation undertaken at each phase specified by the Agency;
- (e) the conditions of the award of funding shall provide that the Agency may, in certain specified circumstances, require that some or all of the funding disbursed be repaid to the Agency in the event of non-compliance with the conditions of the award if the Agency considers that such repayment is necessary and appropriate in such circumstances.

Funding partnerships

49. The Agency may enter into an agreement or arrangement with a body (whether public or private) in the State or elsewhere for the purpose of that body providing funding (whether whole or partial) for research and innovation under a funding scheme to be administered by the Agency.

Arrangements with Ministers of Government concerning research and innovation

50. (1) The Agency may, at the request of a Minister of the Government and subject to the consent of the Minister, enter into an agreement or arrangement for the administration of a research and innovation scheme and the award or disbursement or both of funding under that scheme on behalf of that Minister of the Government connected to an area of responsibility arising from the functions of that Minister of the Government.
- (2) An agreement or arrangement under *subsection (1)* shall provide for the following:
- (a) the source and level of funding for the research and innovation scheme to be administered by the Agency;
 - (b) the timing for the disbursement of that funding;
 - (c) the purpose and areas or topics of research and innovation to which the agreement or arrangement is to apply;
 - (d) the system for reporting to the Minister of the Government concerned regarding the research and innovation scheme concerned and the disbursement of the funding thereunder;
 - (e) the arrangements for monitoring the standard and quality of the research and innovation undertaken pursuant to the research and innovation scheme concerned;

- (f) the arrangements for the assessment and evaluation of the outcomes and, where appropriate, the impact of the research and innovation undertaken for which funding is awarded under the scheme.

Administrative co-operation with other bodies

- 51.** (1) The Agency shall, in so far as it is consistent with the proper performance of its functions, endeavour to secure administrative co-operation between the Agency and other bodies to which this section applies and, for that purpose, may enter into one or more than one agreement or arrangement (whether in the form of a memorandum of understanding or otherwise) from time to time with one or more of those bodies for the purposes of—
- (a) facilitating administrative co-operation between the Agency and those bodies in the performance of their respective functions in so far as they relate to the promotion and undertaking of research and innovation,
 - (b) ensuring, as far as practicable, consistency between decisions made or measures taken by the Agency and those bodies in so far as any part of those decisions or measures consists of, or relates to, the promotion and undertaking of research and innovation, or
 - (c) avoiding duplication of activities by the Agency and a body to which this section applies.
- (2) The parties to an agreement or arrangement under this section may vary the terms of the agreement or arrangement.
- (3) An agreement or arrangement under this section, or any variation of such an agreement or arrangement, shall be in writing.
- (4) An agreement or arrangement under this section shall not operate to bind the Agency or a body to which this section applies.
- (5) The Agency shall provide the Minister and any relevant Minister in relation to a body to which this section applies with a copy of each agreement or arrangement under this section and any variation thereof.
- (6) (a) An agreement or arrangement under this section shall not operate to require the Agency to provide information to any other body to which this section applies if the disclosure of that information by the Agency is not permitted by this Act or is prohibited by law.
- (b) An agreement or arrangement under this section shall not operate to require a body to which this section applies to provide information to the Agency if the disclosure of that information by that body is not permitted by this Act or is prohibited by law.
- (7) In this section—
- (a) “relevant Minister”, in relation to a body to which this section applies, means any Minister of the Government who performs functions in relation to the body;

- (b) a reference to a body to which this section applies means—
- (i) An tSeirbhís Oideachais, Leanúnaigh agus Scileanna,
 - (ii) An tÚdarás,
 - (iii) Enterprise Ireland,
 - (iv) the Environmental Protection Agency,
 - (v) the Health Research Board,
 - (vi) the Industrial Development Agency (Ireland),
 - (vii) the Marine Institute,
 - (viii) the Qualifications and Quality Assurance Authority of Ireland,
 - (ix) the Sustainable Energy Authority of Ireland,
 - (x) Teagasc, or
 - (xi) a body established by or under an enactment in which functions are vested by statute or otherwise relating to purposes connected with the promotion and undertaking of research and innovation and that is prescribed by order of the Minister for the purposes of this section.
- (8) The Minister may, by order, prescribe a body referred to in *subsection (7)(b)(xi)* for the purposes of this section.

PART 4

DATA PROTECTION

Supply of personal data

- 52.** (1) Subject to the Data Protection Regulation and the Data Protection Act 2018, a recipient of funding shall, if so requested by the Agency, furnish to it such personal data in the format requested with regard to—
- (a) a member of its staff, including the gender, particulars regarding salary, disability and ethnicity of the member of the staff, and
 - (b) such other personal data as may be prescribed in consultation with the Agency,
- which are necessary and proportionate for the Agency to perform its functions under *paragraphs (b), (c), (d), (e), (g), (l), (n) and (o) of section 9(1)*.
- (2) The personal data requested by the Agency from a recipient of funding may include special categories of personal data (within the meaning of the Data Protection Act 2018), subject to suitable and specific measures taken by the Agency to protect the data as part of any processing of those data, which may include—

- (a) limitations on access to the data undergoing processing within the Agency in order to prevent unauthorised consultation, alteration, disclosure or erasure of the data,
 - (b) strict time limits for the erasure of the data and mechanisms to ensure that such time limits are observed,
 - (c) specific targeted training for those involved in processing operations, and
 - (d) where possible, the aggregation of the data.
- (3) If a recipient of funding fails or refuses to provide data when requested to do so under *subsection (1) or (2)*, the Agency may, by notice in writing, direct the recipient of funding to provide the data within a period specified in the notice.
- (4) A recipient of funding to which the direction under *subsection (3)* is given shall comply with the direction within the period specified in the notice under that subsection.
- (5) The Agency may, by notice in writing, amend or revoke a direction under this section.
- (6) Subject to the Data Protection Regulation and the Data Protection Act 2018, the Agency may publish the data obtained by it under this section in such form and manner as it considers appropriate.
- (7) Notwithstanding *subsection (6)*, special category data (within the meaning of the Data Protection Act 2018) may only be made publicly available in aggregated form to ensure that no person to whom the data relate is identifiable.

Furnishing of personal data

- 53.** (1) Subject to the Data Protection Regulation, the Data Protection Act 2018, the Data Sharing and Governance Act 2019 and *subsection (3)*, the Agency may furnish to recipients of funding, a Minister of the Government, the Revenue Commissioners, the Qualifications and Quality Assurance Authority of Ireland, An tSeirbhís Oideachais, Leanúnaigh agus Scileanna, An tÚdarás and such other body (whether statutory or otherwise) which is funded wholly or partly by public moneys as the Agency considers appropriate, personal data as is necessary and proportionate which come to its attention in the course of performing its functions, and which relate to one or more of the functions of that body.
- (2) Subject to the Data Protection Regulation, the Data Protection Act 2018, the Data Sharing and Governance Act 2019 and *subsection (3)*, bodies referred to in *subsection (1)* may furnish personal data which come to their attention in the course of performing their functions to the Agency.
- (3) The personal data that may be furnished under *subsections (1) and (2)* shall be for the purpose of performing the functions of the Agency under *paragraphs (b), (c), (d), (e), (g), (l), (n) and (o) of section 9(1)*.

PART 5

TRANSITIONAL, CONSEQUENTIAL AND MISCELLANEOUS PROVISIONS

Dissolution of Science Foundation Ireland

54. (1) On the establishment day, Science Foundation Ireland (in this Act referred to as the “dissolved body”) shall stand dissolved.
- (2) *Section 30* shall apply to the person who immediately before the establishment day was the Director General of the dissolved body subject to the modifications that—
- (a) references in that section to the Chief Executive Officer shall be construed as references to that person, and
 - (b) references in that section to the Agency shall be construed as references to the dissolved body.

Transfer of members of staff of dissolved body

55. (1) (a) Subject to *paragraph (b)*, each person who, immediately before the establishment day, is a member of staff of the dissolved body is, on that day, transferred to and becomes a member of staff of the Agency.
- (b) Each person who, immediately before the establishment day, is a fixed-term employee of the dissolved body shall, on that day, become and be a fixed-term employee of the Agency for the duration of his or her contract.
- (2) The terms and conditions to which a person is subject upon his or her becoming a member of the staff or a fixed-term employee, as the case may be, of the Agency in accordance with *subsection (1)* shall be deemed to have been determined by the Agency in accordance with *subsections (2) and (3) of section 32*.
- (3) Save in accordance with any enactment or a collective agreement negotiated with any recognised trades union or staff association, a person transferred to the Agency under *subsection (1)* shall not, on the establishment day, be subject to less beneficial terms and conditions of service (including those relating to tenure of office or remuneration) than the terms and conditions of service (including those relating to tenure of office or remuneration) to which he or she was subject immediately before that day.
- (4) In relation to persons transferred to the Agency under *subsection (1)*, previous service with the dissolved body shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:
- (a) the Redundancy Payments Acts 1967 to 2022;
 - (b) the Protection of Employees (Part-Time Work) Act 2001;
 - (c) the Organisation of Working Time Act 1997;
 - (d) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
 - (e) the Unfair Dismissals Acts 1977 to 2015;

- (f) the Protection of Employees (Fixed-Term Work) Act 2003;
- (g) the Terms of Employment (Information) Acts 1994 to 2014;
- (h) the Maternity Protection Acts 1994 to 2022;
- (i) the Adoptive Leave Acts 1995 and 2005, together with the amendments of the Adoptive Leave Act 1995 in Part 2 of the Family Leave and Miscellaneous Provisions Act 2021;
- (j) the Parental Leave Acts 1998 to 2023;
- (k) the Carer's Leave Act 2001;
- (l) the Paternity Leave and Benefit Act 2016;
- (m) the Parent's Leave and Benefit Act 2019.

Transfer of land and other property

- 56.** (1) On the establishment day, all lands that, immediately before that day, were vested in the dissolved body and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Agency for all the estate or interest therein that, immediately before the establishment day, was vested in the dissolved body, but subject to all trusts and equities affecting the lands continuing to subsist and being 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 body shall stand vested in the Agency without any assignment.
- (3) Every chose-in-action vested in the Agency by virtue of *subsection (2)* may, on and from the establishment day, be sued on, recovered or enforced by the Agency in its own name, and it shall not be necessary for the Agency, or the dissolved body, to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

Transfer of rights and liabilities, etc., of dissolved body

- 57.** (1) All rights and liabilities of the dissolved body subsisting immediately before the establishment day and arising by virtue of any contract or commitment (expressed or implied) shall on that day stand transferred to the Agency.
- (2) Every right and liability transferred by *subsection (1)* to the Agency may, on and after the establishment day, be sued on, recovered or enforced by or against the Agency in its own name, and it shall not be necessary for the Agency, or the dissolved body, to give notice to the person whose right or liability is transferred by that subsection of such transfer.
- (3) Every lease, licence, wayleave or permission granted by the dissolved body in relation to land or other property vested in the Agency by or under this Act, and in force immediately before the establishment day, shall continue in force as if granted by the Agency.

Preservation of contracts made by dissolved body

58. Every contract, agreement or arrangement made between the dissolved body or any trustee or agent thereof acting on its behalf, and any other person, which is in force immediately before the establishment day, shall continue in force and shall be construed and have effect as if the name of the Agency were substituted therein for the name of the dissolved body or, as may be appropriate, that of its trustee or agent, and shall be enforceable by or against the Agency.

Records of dissolved body

59. Each record held by the dissolved body immediately before the establishment day shall, on that day, stand transferred to the Agency and shall, on and after that day, be the property of the Agency and be regarded as being held by the Agency.

Liability for loss occurring before establishment day

60. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance, before the establishment day, of any of the functions of the dissolved body shall, on and after that day, lie against the Agency and not against the dissolved body.
- (2) Any legal proceedings pending immediately before the establishment day to which the dissolved body is a party, shall be continued, with the substitution in the proceedings of the Agency, in so far as they so relate, for the dissolved body.
- (3) Where, before the establishment day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against the dissolved body, be enforceable against the Agency and not the dissolved body.
- (4) Any claim made or proper to be made by the dissolved body in respect of any loss or injury arising from the act or default of any person before the establishment day shall be regarded as having been made by, or proper to be made by, the Agency and may be pursued and sued for by the Agency as if the loss or injury had been suffered by the Agency.

References in enactments or instruments made thereunder to dissolved body

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

Final accounts and final annual report of dissolved body

62. (1) The Agency shall, in respect of the period specified under *subsection (3)*, prepare final accounts of the dissolved body.

- (2) The Agency shall, not later than the date on which it submits its first set of accounts following the establishment day to the Comptroller and Auditor General under *section 25*, submit the final accounts of the dissolved body to the Comptroller and Auditor General for audit and shall, immediately after the audit, present a copy of the accounts and a copy of the Comptroller and Auditor General's report on the accounts to the Minister who, as soon as practicable thereafter, shall cause copies of those accounts and that report to be laid before each House of the Oireachtas.
- (3) For the purposes of *subsection (1)*, the Minister may specify a period that is longer or shorter than a financial year of the dissolved body.
- (4) The Agency shall, not later than the date on which it submits its first annual report following the establishment day to the Minister, prepare and submit to the Minister the final report of the activities of the dissolved body and the Minister shall, as soon as practicable thereafter, cause a copy of the final report to be laid before each House of the Oireachtas.
- (5) The final annual report of the dissolved body shall be published by the Agency in such manner as it considers appropriate as soon as practicable after copies of the report are laid under *subsection (4)*.

Transitional provision consequent upon dissolution of dissolved body

- 63.** Anything commenced by or under the authority of the dissolved body and not completed before the establishment day may be carried on or completed, on or after that day, by the Agency.

Transfer of certain members of staff of An tÚdarás

- 64.** (1) The Minister may designate in writing such and so many of the members of the staff of An tÚdarás as he or she decides to be transferred to the Agency from such date as may be specified in the designation (in this section referred to as "the effective date").
- (2) A member of the staff of An tÚdarás designated in accordance with *subsection (1)* shall become and be a member of the staff of the Agency from the effective date.
- (3) Save in accordance with a collective agreement negotiated with any recognised trades union or staff association, a person transferred pursuant to a designation under *subsection (1)* to the staff of the Agency shall be subject to such terms and conditions of service, including terms and conditions relating to tenure of office or remuneration, as are not less favourable than the terms and conditions of service (including those relating to tenure of office or remuneration) to which the person was subject immediately before the effective date.
- (4) In relation to persons transferred to the Agency in accordance with *subsection (1)*, previous service with An tÚdarás shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following:
- (a) the Redundancy Payments Acts 1967 to 2022;
 - (b) the Protection of Employees (Part-Time Work) Act 2001;

- (c) the Organisation of Working Time Act 1997;
- (d) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
- (e) the Unfair Dismissals Acts 1977 to 2015;
- (f) the Protection of Employees (Fixed-Term Work) Act 2003;
- (g) the Terms of Employment (Information) Acts 1994 to 2014;
- (h) the Maternity Protection Acts 1994 to 2022;
- (i) the Adoptive Leave Acts 1995 and 2005, together with the amendments of the Adoptive Leave Act 1995 in Part 2 of the Family Leave and Miscellaneous Provisions Act 2021;
- (j) the Parental Leave Acts 1998 to 2023;
- (k) the Carer's Leave Act 2001;
- (l) the Paternity Leave and Benefit Act 2016;
- (m) the Parent's Leave and Benefit Act 2019.

Transfer of certain rights and liabilities, etc., of An tÚdarás

- 65.** (1) All rights and liabilities of An tÚdarás that are subsisting immediately before the establishment day relating to the activities as respects research and innovation carried out by the Irish Research Council and arising by virtue of any contract or commitment (expressed or implied) shall on that day stand transferred to the Agency.
- (2) Every right and liability transferred by *subsection (1)* to the Agency may, on and after the establishment day, be sued on, recovered or enforced by or against the Agency in its own name, and it shall not be necessary for the Agency, or An tÚdarás, to give notice to the person whose right or liability is transferred by that subsection of such transfer.
- (3) Every lease, licence, wayleave or permission granted by An tÚdarás in relation to land or other property vested in the Agency by or under this Act, and in force immediately before the establishment day, shall continue in force as if granted by the Agency.

Preservation of certain contracts relating to research and innovation made by An tÚdarás

- 66.** Every contract, agreement or arrangement made between An tÚdarás or any trustee or agent thereof acting on its behalf, relating to the activities as respects research and innovation carried out by the Irish Research Council and any other person, which is in force immediately before the establishment day, shall continue in force and shall be construed and have effect as if the name of the Agency were substituted therein for the name of An tÚdarás or, as may be appropriate, that of its trustee or agent, and shall be enforceable by or against the Agency.

Transfer of certain records of An tÚdarás relating to research and innovation

- 67.** Each record held by An tÚdarás immediately before the establishment day relating to the

activities as respects research and innovation carried out by the Irish Research Council shall, on that day, stand transferred to the Agency and shall, on and after that day, be the property of the Agency and be regarded as being held by the Agency.

Transitional provision consequent upon An tÚdarás ceasing to perform certain functions relating to research and innovation

68. Anything commenced by or under the authority of An tÚdarás relating to the activities as respects research and innovation carried out by the Irish Research Council and not completed before the establishment day may be carried on or completed, on or after that day, by the Agency.

Amendment of Higher Education Authority Act 2022

69. The Act of 2022 is amended—

(a) in section 9(1)—

(i) in paragraph (e), by the insertion of “in co-operation with Taighde Éireann,” before “plan for research in the higher education system”,

(ii) in paragraph (h), by the substitution of “Taighde Éireann” for “Science Foundation Ireland”, and

(iii) in paragraph (i), by the substitution of “Taighde Éireann and other Government agencies” for “Government agencies”,

(b) in paragraph (b) of section 17(7), by the substitution of the following subparagraph for subparagraph (iii):

“(iii) Taighde Éireann,”

(c) in section 20(3)(a), by the insertion of “and Taighde Éireann” after “the Minister”,

(d) in section 21, by the insertion of the following subsection after subsection (3):

“(3A) An tÚdarás shall, in preparing the annual plan, consult with Taighde Éireann.”

(e) in section 33(5), by the substitution of the following paragraph for paragraph (e):

“(e) Taighde Éireann,”

(f) in section 39, by the insertion of “and Taighde Éireann” after “Qualifications and Quality Assurance Authority of Ireland”,

(g) in section 50(1)(c), by the substitution of “and Taighde Éireann” for “and Science Foundation Ireland”,

(h) in section 51(1), by the substitution of “Taighde Éireann” for “Science Foundation Ireland”,

(i) in section 67(1), by—

- (i) the deletion of “and” after paragraph (a),
 - (ii) the insertion of the following paragraph after paragraph (a):
 - “(aa) Taighde Éireann, information on any issue concerning a designated institution of higher education relating to the performance by it of any one or more of its functions specified in subsection (3) as respects that institution, and”,
- and
- (iii) the addition of the following subsection after subsection (2):
 - “(3) The functions of Taighde Éireann referred to in subsection (1) are those provided for in *paragraphs (b), (c), (d), (e), (g), (h), (i), (j), (k), (l), (m) and (n) of section 9(1) of the Research and Innovation Act 2024.*”.

Amendment of Schedule 5 to Social Welfare Consolidation Act 2005

- 70.** Schedule 5 to the Social Welfare Consolidation Act 2005 is amended in paragraph 1(4) by the insertion of “Taighde Éireann,” after “Registrar of Beneficial Ownership of Companies and Industrial and Provident Societies,”.

Confirmation of acts done or purporting to have been done

- 71.** (1) All acts done, or purporting to have been done, by the Minister for Further and Higher Education, Research, Innovation and Science in performing the functions of the Minister for Enterprise, Trade and Employment under sections 11 to 13 of the Industrial Development (Forfás Dissolution) Act 2014 during the period commencing on the 1st day of January 2021 and ending on the 15th day of April 2024 which would, but for this section, be invalid, shall be, and be deemed always to have been, as valid and effectual for all purposes as if those acts were done by the Minister for Enterprise, Trade and Employment.
- (2) If *subsection (1)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

Service of notices

- 72.** A notice that is required to be sent or given to a person or body under this Act may be sent or given to the person or body in one of the following ways:
- (a) by delivering it to the person or body;
 - (b) by addressing it to the person or body and leaving it at the address at which he or she ordinarily resides or is located or, in a case in which an address for service has been furnished, at that address;

- (c) by sending it to the person or body by post in a prepaid registered letter to the address at which he or she ordinarily resides or is located or, in a case in which an address for service has been furnished, to that address;
- (d) by sending it by means of electronic mail to a device or facility for the reception of electronic mail located at the address at which the person resides or carries on business or the body carries on business or, if an address for the service of a notice has been furnished by the person or body, that address, but only if the recipient's facility for the reception of electronic mail generates a message confirming a receipt of the electronic mail and the notice is also given in one of the other ways mentioned in any of the preceding *paragraphs (a) to (c)*.