



Number 34 of 1998

**INDUSTRIAL DEVELOPMENT (ENTERPRISE IRELAND)
ACT, 1998**

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**INDUSTRIAL DEVELOPMENT (ENTERPRISE IRELAND)
ACT, 1998**

AN ACT TO MAKE FURTHER PROVISION FOR THE DEVELOPMENT OF INDUSTRY, TRADE AND ENTERPRISE AND FOR THAT PURPOSE TO ESTABLISH AN AGENCY OF FORFÁS TO BE KNOWN AS ENTERPRISE IRELAND, TO DEFINE ITS FUNCTIONS, TO PROVIDE FOR THE DISSOLUTION OF FORBAIRT AND AN BORD TRÁCHTÁLA — THE IRISH TRADE BOARD, TO AMEND THE INDUSTRIAL DEVELOPMENT ACTS, 1986 TO 1995, THE SHANNON FREE AIRPORT DEVELOPMENT COMPANY LIMITED (AMENDMENT) ACT, 1986, THE METROLOGY ACT, 1996, AND THE NATIONAL STANDARDS AUTHORITY OF IRELAND ACT, 1996, AND TO PROVIDE FOR RELATED MATTERS. [13th July, 1998]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

- 1.—(1)** This Act may be cited as the Industrial Development (Enterprise Ireland) Act, 1998. Short title and collective citation.
- (2) The Industrial Development Acts, 1986 to 1995, and this Act (other than *Part III* in so far as it relates to the Legal Metrology Service, *section 35* and *Part VIII*) may be cited together as the Industrial Development Acts, 1986 to 1998.
- (3) The Shannon Free Airport Development Company Limited Acts, 1959 to 1995, and *section 35* of this Act may be cited together as the Shannon Free Airport Development Company Limited Acts, 1959 to 1998.
- (4) The Metrology Acts, 1980 to 1996, and *Part III* in so far as it relates to the Legal Metrology Service and *section 49* may be cited together as the Metrology Acts, 1980 to 1998.
- (5) The National Standards Authority of Ireland Act, 1996, and *sections 50* and *51* may be cited together as the National Standards Authority of Ireland Acts, 1996 and 1998.

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Interpretation.

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

“the Act of 1986” means the Industrial Development Act, 1986;

“the Act of 1993” means the Industrial Development Act, 1993;

“the Act of 1995” means the Industrial Development Act, 1995;

“the Agency” means Enterprise Ireland established under *section 6*;

“An Bord Tráchtála” means An Bord Tráchtála — The Irish Trade Board;

“An Foras” means An Foras Áiseanna Saothair;

“the Board” in *Part II*, means the Board of the Agency;

“the chief executive officer” means the chief officer of the Agency appointed under *section 13*;

“establishment day” means the day appointed by the Minister under *section 3* to be the establishment day;

“functions” includes powers and duties, and reference to the performance of functions includes, as respects powers and duties, references to the exercise of the powers and the performance of the duties;

“IDA” means the Industrial Development Agency (Ireland);

“the Minister” means the Minister for Enterprise, Trade and Employment;

“the NSAI” means the National Standards Authority of Ireland;

“recognised trade unions and associations” means the trade unions and staff associations recognised by Forfás, the Agency, IDA or NSAI, as the case may be, for the purpose of negotiations which are concerned with the transfer of staff to Forfás, the Agency, IDA or NSAI, as the case may be, as well as remuneration, conditions of employment or working conditions of employees;

“remuneration” includes allowances for expenses, benefits-in-kind and superannuation;

“subsidiary” in *Part II*, means a subsidiary acquired or formed and registered by the Agency pursuant to *section 5* of the Act of 1995;

“superannuation benefits” means pensions, gratuities and other allowances payable on resignation, retirement or death.

(2) In this Act—

(a) a reference to a section or Part is to a section or Part of this Act, unless it is indicated that reference to some other enactment is intended,

(b) a reference to a subsection, paragraph or subparagraph is to a subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

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(c) a reference to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act. Pt.I S.2

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

4.—Each enactment mentioned in *column (2)* of the *Schedule* to this Act is hereby repealed, with effect from the establishment day, to the extent specified opposite that mention in *column (3)* of that Schedule. Repeals.

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

PART II

Enterprise Ireland

6.—(1) There shall stand established on the establishment day an agency of Forfás to be known as Enterprise Ireland to perform the functions assigned to it by this Act. Establishment of Enterprise Ireland.

(2) The Agency shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property.

7.—(1) The functions of the Agency shall be— Functions of Agency.

- (a) to develop industry and enterprise in the State,
- (b) to promote, assist and develop the marketing of goods,
- (c) to promote, assist and develop the marketing of service industries (within the meaning of the Act of 1986),
- (d) to assist enterprises in strategy assessment and formulation,
- (e) to develop the technological base and the capacity of enterprises to innovate and undertake research, development and design,
- (f) to strengthen the skills base in industry,
- (g) to provide services which support such development,
- (h) to make investments in and provide supports to industrial undertakings which comply with the requirements of the enactments for the time being in force,
- (i) to administer such schemes, grants and other financial facilities requiring the disbursement of European Union and such other funds as may from time to time be authorised by the Minister with the concurrence of the Minister for Finance,

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(j) to apply for and receive, in the State or elsewhere, any trade marks, licences, protections or concessions in connection with trade or the marketing of goods or services, and in relation thereto, to do all such things as the Agency considers necessary or desirable for the purposes of its functions,

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

(2) The Agency shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

(3) The Agency may perform any of its functions through or by a member of its staff or a member of the staff of Forfás seconded to it duly authorised by the Agency in that behalf.

(4) Nothing in this Part of this Act shall be construed as affecting or limiting in any manner the existing functions of any Minister of the Government in relation to exports.

(5) The Agency shall, in respect of the promotion, assistance or development of the marketing and promotion of any goods or services in relation to which a Minister of the Government exercises any function, act in consultation with that Minister of the Government.

Ministerial directives to Agency.

8.—(1) The Minister may give the Agency such general policy directives as he or she considers appropriate to be followed by the Agency in the exercise of its functions.

(2) A directive under *subsection (1)* shall not apply to any individual industrial undertaking or to giving preference to one area over others in regard to the location of an industrial undertaking otherwise than as part of a general review of industrial policy for the country as a whole indicated in the directive.

(3) The Minister shall cause any directive given by him or her under *subsection (1)* to be laid before each House of the Oireachtas within 21 days after it has been so given.

(4) The Agency shall comply with any directive given to it under this section and shall set out the directive in its annual report and shall include in its annual report an account of the actions which it has undertaken to give effect to the directive.

(5) In this section “industrial undertaking” includes an undertaking ancillary to industry and a service industry (within the meaning of the Act of 1986).

Membership of Board of Agency and term of office of members.

9.—(1) The members of the Agency shall constitute its Board.

(2) The Board shall consist of 12 members.

(3) The Board shall include the chief executive officer.

(4) The members of the Board (other than the chief executive officer) shall, as soon as may be after the establishment day, be appointed by the Minister, with the consent of the Minister for Finance.

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(5) The Minister shall designate one member of the Board as chairperson. Pt.II S.9

(6) There shall be paid to the members of the Board such remuneration (if any) and such allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may from time to time determine.

(7) Each member of the Board shall hold office on such terms (other than the payment of remuneration and allowances for expenses) as the Minister determines at the time of his or her appointment.

(8) On the anniversary of the establishment day and thereafter on each anniversary of the establishment day, two of the members of the Board (other than the chairperson and the chief executive officer) shall retire from office.

(9) The members to retire under *subsection (8)* in any year shall be those who have been longest in office since their last appointment, and where there are members whose appointment was made on the same day and who are obliged to retire under *subsection (8)*, the members to retire shall, unless such members otherwise agree, be determined by lot.

(10) A member of the Board shall not serve for more than 10 consecutive years.

(11) A member of the Board shall be disqualified from being such a member where he or she—

- (a) is adjudged bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is convicted of an indictable offence in relation to a company,
- (d) is convicted of an offence involving fraud or dishonesty, or
- (e) is disqualified or restricted from being a director of any company (within the meaning of the Companies Acts, 1963 to 1990).

(12) A member of the Board may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.

(13) A member of the Board may at any time for stated reasons be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Agency of the functions of the Agency.

(14) If a member of the Board dies, resigns, retires, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Board to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Board who occasioned the casual vacancy.

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(15) A member of the Board whose period of membership expires by the effluxion of time shall be eligible for re-appointment as a member of the Board.

(16) The Minister shall, in so far as is practicable and having regard to relevant experience, ensure an equitable balance between men and women in the composition of the Board.

Chairperson of Board.

10.—(1) The term of office of the chairperson of the Board shall be 5 years.

(2) Where the chairperson of the Board ceases to be a member of the Board he or she shall also thereupon cease to be chairperson of the Board.

(3) The chairperson of the Board may at any time resign his or her office as chairperson by letter sent to the Minister and the resignation shall, unless previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(4) The chairperson of the Board shall, unless he or she sooner dies or otherwise ceases to be chairperson by virtue of *subsection (2)* or *(3)*, hold office until the expiration of his or her period of membership of the Board and, if he or she is re-appointed as a member of the Board, he or she shall be eligible for re-appointment as chairperson of the Board.

Meeting of Board.

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

(2) The Minister, in consultation with the chairperson of the Board, shall fix the time of the first meeting of the Board.

(3) The quorum for a meeting of the Board shall be 5.

(4) At a meeting of the Board—

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

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

(5) At a meeting of the Board, each member of the Board present, including the chairperson, shall have a vote and any question on which a vote is required in order to establish the Board's view on the matter shall be determined by a majority of votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a second and casting vote.

(6) The Board may act notwithstanding one or more vacancies among its members.

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

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12.—(1) Where a member of the Board—

- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament,
- (c) is regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy, or
- (d) becomes a member of a local authority,

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

he or she shall thereupon cease to be a member of the Board.

(2) 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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified from becoming a member of the Board.

(3) A person who is a member of a local authority shall be disqualified from becoming a member of the Board.

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

Chief executive officer of Agency.

(2) The chief executive officer shall be appointed by the Board.

(3) The chief executive officer shall hold office for such term being not more than a period of 10 years and upon and subject to such terms and conditions (including remuneration) as the Board, with the consent of the Minister and the Minister for Finance, may determine.

(4) The chief executive officer shall, for the duration of his or her appointment, become an *ex officio* member of the Board and the board of Forfás.

(5) The chief executive officer shall carry on and manage and control generally the administration and business of the Agency and shall perform such other functions as may be determined by the Board.

(6) The chief executive officer shall not hold any other office or position or carry on any business without the consent of the Board.

14.—(1) The Board may establish committees to assist and advise it in relation to the performance of any of its functions.

Committees.

(2) The Board may delegate to a committee any of its functions which, in its opinion, can be better or more conveniently exercised or performed by a committee.

(3) The Board shall decide the terms of reference for any committee and may regulate the procedure of any such committee.

(4) The members of a committee shall be appointed by the Board.

(5) A committee shall consist of such number of members as the Board thinks proper.

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(6) A committee may include persons who are not members of the Board or staff of the Agency.

(7) A member of a committee who fails to perform his or her functions may be removed at any time for stated reasons by the Board.

(8) The Board may at any time dissolve a committee.

(9) The Board may appoint a person to be chairperson of a committee.

(10) The acts of a committee shall be subject to confirmation by the Board save where the Board dispenses with the necessity for such confirmation.

(11) There shall be paid out of the income of the Agency to members of a committee such allowances for expenses incurred by them in the discharge of their functions as the Board may determine with the consent of the Minister and the Minister for Finance.

(12) In this section “a committee” means a committee of the Agency established under this section.

Disclosure of interests.

15.—(1) Where the chief executive officer, a member of the Board, a member of the staff of the Agency or of Forfás seconded to the Agency, a member of a committee established under *section 14*, or a consultant, adviser or other person engaged by the Agency, or a member of the board or staff of a subsidiary, has a pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Board, or a committee established under this Act or the board of a subsidiary, he or she shall—

- (a) disclose to the Board or committee or the board of the subsidiary, as the case may be, the nature of his or her interest in advance of any consideration of the matter,
- (b) neither influence nor seek to influence a decision in relation to the matter,
- (c) take no part in any consideration of the matter,
- (d) if he or she is the chief executive officer, a member of the Board, the staff of the Agency or of the staff of Forfás seconded to the Agency or a member of a committee established under *section 14* or a member of the board or staff of the subsidiary, withdraw from the meeting for so long as the matter is being discussed or considered and shall not vote or otherwise act as such chief executive or member in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest if—

- (a) he or she or any member of his or her household, or any nominee of his or her or any member of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in that subsection,

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- (b) he or she or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter, Pt.II S.15
- (c) he or she or any member of his or her household is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or
- (d) any member of his or her household has a beneficial interest in, or material to, such a matter.

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

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with the requirements of *subsection (1)*, the question shall be determined by the Board or the board of the subsidiary, as the case may be, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) Where a disclosure is made to the Board or a committee pursuant to *subsection (1)* or the board of a subsidiary, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(6) Where a person referred to in this section fails to make a disclosure in accordance with this section, the Board or the board of the subsidiary, as the case may be, shall decide the appropriate action (including removal from office or termination of contract) to be taken.

16.—(1) Save as otherwise provided by law and *subsection (3)*, a person shall not, without the consent of the Board, other than in respect of *paragraph (f)*, disclose any information obtained by him or her while performing (or as a result of having performed) duties as— Disclosure of information.

- (a) a member of the Board,
- (b) the chief executive officer,
- (c) a member of the staff of the Agency or of Forfás seconded to the Agency,
- (d) a member of a committee established under *section 14*,
- (e) an adviser or consultant to the Agency or an employee of such person whilst performing duties relating to such advice or consultation, or
- (f) a member of the board or staff of, or adviser or consultant to or an employee of such person relating to such advice or consultation, any subsidiary, without the consent of the board of the subsidiary.

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(2) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

(3) Nothing in *subsection (1)* shall prevent disclosure of information in a report made to the Agency or on behalf of the Agency to the Minister.

Seal of Agency.

17.—(1) The Agency shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Agency shall be authenticated by the signature of—

- (a) the chairperson of the Board, or
- (b) (i) a member of the Board, or
- (ii) an officer of the Agency,

authorised by the Board to act in that behalf.

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

(4) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of the Agency by a member of the staff of the Agency or a person generally or specially authorised by the Board for that purpose.

Staff of Agency and subsidiaries of Agency.

18.—(1) The Agency may appoint such and such number of persons to be members of the staff of the Agency as it may determine, with the consent of the Minister and the Minister for Finance.

(2) A subsidiary may appoint such and such number of persons to be members of the staff of the subsidiary as it may determine with the consent of the Agency, the Minister and the Minister for Finance.

(3) The grades of the staff of the Agency or a subsidiary and the numbers of staff in each grade and the appropriate level of remuneration for each grade shall be determined by the Board or the board of the subsidiary, as the case may be, with the consent of the Minister and the Minister for Finance.

(4) Where a member of the staff of the Agency or the staff of a subsidiary—

- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or a representative in the European Parliament, or
- (c) is regarded, pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment with the Agency or subsidiary and shall not be paid by, or be entitled to receive from the Agency, remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected (as the case

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may be), and ending when he or she ceases to be a member of that House or a representative in that Parliament. Pt.II S.18

(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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified from becoming a member of the staff of the Agency or a subsidiary.

(6) This section shall come into operation on such day as the Minister may appoint by order.

19.—(1) A person seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to the Agency who is on such secondment immediately before the commencement of this section, shall cease to be a member of the staff of Forfás and shall become a member of the staff of the Agency. Staff of Forfás seconded to Agency.

(2) Save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in this section, shall not while in the service of the Agency, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including conditions relating to tenure of office) to which he or she was subject immediately before becoming a member of the staff of the Agency.

(3) Superannuation benefits granted under schemes under *section 20* to persons who, immediately before the commencement of this section, were members of the staff of Forfás seconded to the Agency and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(4) This section shall come into operation on such day as the Minister may appoint by order.

20.—(1) The Agency shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of the Agency as it may think fit. Superannuation.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted by the Agency under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by the Agency in accordance with its terms.

(5) No superannuation benefit shall be granted by the Agency nor shall any other arrangements be entered into by the Agency for the provision of such a benefit to or in respect of a member of the staff of the Agency otherwise than in accordance with a scheme under this section or with the consent of the Minister and the Minister for Finance.

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(6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(7) A scheme under this section 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.

(8) This section shall come into operation on such day as the Minister may appoint by order.

Consultants and advisers.

21.—The Agency may from time to time engage such consultants or advisers as it considers necessary for the performance of its functions and any fees payable by the Agency to a consultant or adviser engaged under this section shall be paid by the Agency out of moneys at its disposal.

Annual report and accounts.

22.—(1) The Agency shall submit, in such form as the Minister may direct, an annual report of its activities after the end of the financial year to which it refers and the Minister shall cause copies of the report to be laid before each House of the Oireachtas not later than six months after the end of that financial year. Every such annual report shall specifically comment on innovation, export performance, training performance, research and development performance, job creation and job losses.

(2) The Agency shall keep, in such form as may be approved of by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of money received and expended by it and, in particular, shall keep in such form as aforesaid all special accounts as the Minister may from time to time direct.

(3) The accounts of the Agency shall be submitted annually to the Comptroller and Auditor General for audit at such times as the Minister, with the consent of the Minister for Finance, shall direct and when so audited, shall, together with the report of the Comptroller and Auditor General thereon, be presented to the Minister, who shall cause copies thereof to be laid before each House of the Oireachtas.

Information to Minister and Forfás.

23.—(1) The Agency shall supply the Minister with such information regarding its activities as the Minister may, from time to time, require.

(2) The Agency, any subsidiary of it and any committee established under *section 14* shall provide Forfás with such information as Forfás may, from time to time, require for the purposes of its functions.

Premises of Agency.

24.—(1) The Agency may for the purposes of providing premises necessary for the due performance of its functions—

(a) purchase or take on lease any land, offices, laboratories or premises,

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(b) build, equip and maintain offices, laboratories and premises. Pt.II S.24

(2) The Agency may sell or lease any land, offices, laboratories or premises held by it which are no longer required for the due performance of its functions.

PART III

Dissolution of Forbairt and An Bord Tráchtála
and Transitional Provisions

25.—(1) Forbairt and An Bord Tráchtála shall, on the establishment day, become and be dissolved.

Dissolution of Forbairt and An Bord Tráchtála.

(2) References in any Act of the Oireachtas (other than the Metrology Act, 1996) passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas (other than the Metrology Act, 1996) to Forbairt or An Bord Tráchtála shall, on and after that day, be construed as references to the Agency.

26.—(1) The following shall be and hereby are transferred to the Agency on the establishment day—

Transfer of assets and liabilities of Forbairt (other than in respect of the Legal Metrology Service) and An Bord Tráchtála.

(a) all property and rights relating to such property held or enjoyed immediately before that day by Forbairt (other than in respect of the Legal Metrology Service) and An Bord Tráchtála or any trustee or agent thereof acting on its behalf, and

(b) all liabilities incurred before that day by Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála or any trustee or agent thereof acting on its behalf that had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

(i) the said property, real and personal, shall, on that day, vest in the Agency for all the estate, term or interest for which, immediately before that day, it was so vested in Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála, as the case may be, but subject to all trusts and equities affecting the property subsisting and capable of being performed,

(ii) the said rights shall, as on and from that day, be enjoyed by the Agency, and

(iii) the said liabilities shall, as on and from that day, be liabilities of the Agency.

(2) All moneys, stocks, shares and securities transferred to the Agency by this section that, on the establishment day, are standing in the name of Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála or any said trustee or agent thereof shall, upon the request of the Agency, be transferred into its name.

(3) Every right and liability transferred to the Agency by this section may, on or 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 to give notice to the person whose right or liability is transferred by this section of the transfer.

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Transfer of assets and liabilities of Forbairt relating to Legal Metrology Service.

27.—(1) The following shall be and hereby are transferred to the NSAI on the establishment day—

- (a) all property and rights relating to such property held or enjoyed immediately before that day by Forbairt relating to the Legal Metrology Service or any trustee or agent thereof acting on its behalf, and
- (b) all liabilities incurred before that day by Forbairt relating to the Legal Metrology Service or any trustee or agent thereof acting on its behalf that had not been discharged before that day,

and, accordingly, without any further conveyance, transfer or assignment—

- (i) the said property, real and personal, shall, on that day, vest in the NSAI for all the estate, term or interest for which, immediately before that day, it was so vested in Forbairt but subject to all trusts and equities affecting the property subsisting and capable of being performed,
- (ii) the said rights shall, as on and from that day, be enjoyed by the NSAI, and
- (iii) the said liabilities shall, as on and from that day, be liabilities of the NSAI.

(2) All moneys, stocks, shares and securities transferred to the NSAI by this section that, on the establishment day, are standing in the name of Forbairt relating to the Legal Metrology Service or any said trustee or agent thereof shall, upon the request of the NSAI, be transferred into its name.

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

Preservation of certain continuing contracts and adaptation of references to Forbairt (other than in respect of Legal Metrology Service) or An Bord Tráchtála.

28.—(1) Every bond, guarantee or other security of a continuing nature made or given by or on behalf of Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála to any person or given by any person to and accepted by or on behalf of Forbairt or An Bord Tráchtála and every contract or agreement made between Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála, or any trustee or agent thereof acting on its behalf, and any other person and in force but not fully executed and completed immediately before the establishment day shall continue in force on or after that day and shall be construed and have effect as if the name of the Agency was substituted therein for that of Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála or, as appropriate, its said trustee or agent and shall be enforceable by or against the Agency.

(2) References to Forbairt (other than in respect of the Legal Metrology Service) or An Bord Tráchtála, or any trustee or agent thereof acting on its behalf, contained immediately before the establishment day in the memorandum and articles of association of any company shall, on and after that day, be construed as references to the Agency.

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29.—Every bond, guarantee or other security of a continuing nature made or given by or on behalf of Forbairt relating to the Legal Metrology Service to any person or given by any person to and accepted by or on behalf of Forbairt relating to the Legal Metrology Service and every contract or agreement made between Forbairt relating to the Legal Metrology Service or any trustee or agent thereof acting on its behalf, and any other person and in force but not fully executed and completed immediately before the establishment day shall continue in force on or after that day and shall be construed and have effect as if the name of the NSAI was substituted therein for that of Forbairt or, as appropriate, its said trustee or agent and shall be enforceable by or against the NSAI.

Pt.III

Preservation of certain continuing contracts relating to Legal Metrology Service.

30.—Nothing in this Act shall affect the validity of any act that was done before the establishment day by or on behalf of Forbairt or An Bord Tráchtála and every such act shall, if and in so far as it was operative immediately before that day, have effect on and after that day as if it had been done by or on behalf of the Agency, or the NSAI, as the case may be.

Saving for certain acts.

31.—Where, immediately before the establishment day, any legal proceedings are pending in any court or tribunal and Forbairt or An Bord Tráchtála, or any trustee or agent thereof acting on its behalf, is a party to the proceedings, the name of the Agency or the NSAI, as the case may be, shall be substituted for that of Forbairt and the name of the Agency shall be substituted therein for that of An Bord Tráchtála or, as appropriate, the said trustee or agent thereof and the proceedings shall not abate by reason of such substitution.

Pending legal proceedings.

32.—(1) Final accounts of Forbairt and An Bord Tráchtála shall be drawn up by the Agency as soon as may be after the establishment day in such form as may be approved of by the Minister, in respect of the accounting year or part of an accounting year of Forbairt and An Bord Tráchtála ending immediately before the establishment day.

Final accounts.

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

PART IV

Grants and Industrial Incentives

33.—The Act of 1993 is hereby amended by the substitution for section 11 of the following section:

Grants to Forfás, IDA and Enterprise Ireland.

“Grants to Forfás, IDA and Enterprise Ireland.

11.—(1) There may be paid by the Minister to Forfás, IDA and Enterprise Ireland, out of moneys provided by the Oireachtas, grants of such amounts as the Minister, with the consent of the Minister for Finance, may sanction—

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(a) to enable Forfás, IDA and Enterprise Ireland to meet its administration and general expenses, and

(b) to discharge its obligations and liabilities.

(2) The aggregate amount of grants made by the Minister to Forfás and the Agencies under subsection (1)(b) (other than grants to which section 14(3) of the Act of 1986 applies) shall not exceed £1,500,000,000.”.

Industrial Incentives.

34.—(1) The Act of 1993 is hereby amended by the substitution for section 12 of the following:

“Industrial Incentives.

12.—(1) Without the prior permission of the Government, the total amount of money granted to a particular industrial undertaking under any section referred to in section 34 of the Act of 1986 shall not exceed in the aggregate the higher of—

(a) £4,000,000, or

(b) £4,000,000 in excess of the aggregate amount of grants for which the prior permission of the Government has previously been obtained.

(2) Enterprise Ireland and IDA may make grants on such terms and conditions as they think proper towards employment of a person in a service industry (within the meaning of the Act of 1986).”.

(2) The Act of 1986 is hereby amended by the substitution—

(a) in section 24(5), for “£750,000” of “£1,200,000”,

(b) in section 25(4), for “£1,250,000” of “£2,000,000”,

(c) in section 26(2), for “£750,000” of “£1,200,000”,

(d) in section 27(2), for “£300,000” of “£480,000”,

(e) in section 28(4), for “£2,000,000” of “£3,200,000”,

(f) in section 29(4)(a) and (b), for “£250,000” of “£400,000”,

(g) in section 29(7)(a) and (b), for “£500,000” of “£800,000”,

(h) in section 30(5)(a) and (b), for “£250,000” of “£400,000”,

(i) in section 30(6)(a) and (b), for “£500,000” of “£800,000”,
and

(j) in section 31(4) for “£1,500,000” of “£2,500,000”.

[1998.] *Industrial Development (Enterprise Ireland) Act, 1998.* [No. 34.]

35.—The Shannon Free Airport Development Company Limited (Amendment) Act, 1986, is hereby amended—

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Grants to Shannon
Free Airport
Development Co.
Ltd.

- (a) in section 2, by the substitution for “£150,000,000” (inserted by section 10 of the Industrial Development (Amendment) Act, 1991) of “£200,000,000”, and
- (b) in section 3, by the substitution for “£200,000,000” (inserted by section 8 of the Act of 1995) of “£250,000,000”.

PART V

Staff of Industrial Development Agency (Ireland)

36.—(1) IDA may appoint such and such number of persons to be members of the staff of IDA as it may determine with the consent of the Minister and the Minister for Finance.

Staff of IDA and
subsidiaries of IDA.

(2) A subsidiary may appoint such and such number of persons to be members of the staff of the subsidiary as it may determine with the consent of IDA, the Minister and the Minister for Finance.

(3) The grades of the staff of IDA or a subsidiary and the numbers of staff in each grade and the appropriate level of remuneration for each grade shall be determined by the Board or the board of the subsidiary, as the case may be, with the consent of the Minister and the Minister for Finance.

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

- (a) is nominated as a member of Seanad Éireann,
- (b) is elected as a member of either House of the Oireachtas or a representative into the European Parliament, or
- (c) is regarded, pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment with IDA or a subsidiary and shall not be paid by, or be entitled to receive from IDA, remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is so regarded as having been elected (as the case may be), and ending when he or she ceases to be a member of that House or a representative in that 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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified from becoming a member of the staff of IDA or a subsidiary.

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

(7) This section shall come into operation on such day as the Minister may appoint by order.

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Staff of Forfás
seconded to IDA.

37.—(1) A person seconded from Forfás under paragraph 2(2) of the Second Schedule to the Act of 1993 to IDA, who is on such secondment immediately before the commencement of this section, shall cease to be a member of the staff of Forfás and shall become a member of the staff of IDA.

(2) Save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in this section, shall not while in the service of IDA, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including conditions relating to tenure of office) to which he or she was subject immediately before becoming a member of the staff of IDA.

(3) Superannuation benefits granted under schemes under *section 38* to persons who, immediately before the commencement of this section, were members of the staff of Forfás seconded to IDA and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(4) This section shall come into operation on such day as the Minister may appoint by order.

Superannuation.

38.—(1) IDA shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of IDA as it may think fit.

(2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme or schemes and different times and conditions may be fixed in respect of different classes of persons.

(3) Every such scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(4) A scheme submitted by IDA under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out by IDA in accordance with its terms.

(5) No superannuation benefit shall be granted by IDA nor shall any other arrangements be entered into by IDA for the provision of such a benefit to or in respect of a member of the staff of IDA otherwise than in accordance with a scheme under this section or with the consent of the Minister and the Minister for Finance.

(6) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(7) A scheme under this section 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.

(8) This section shall come into operation on such day as the Minister may appoint by order.

[1998.] *Industrial Development (Enterprise Ireland) Act, 1998.* [No. 34.]

PART VI

Matters relating to Forfás and IDA

39.—(1) Every person who immediately before the establishment day is a member of the staff of An Bord Tráchtála shall, on that day, be transferred to and become a member of the staff of Forfás.

Transfer of staff of Bord Tráchtála to Forfás.

(2) Save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in *subsection (1)* shall not, while in the service of Forfás, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including conditions relating to tenure of office) to which he or she was subject immediately before the establishment day.

(3) Superannuation benefits granted under schemes to persons who were members of the staff of An Bord Tráchtála who are transferred to and become members of the staff of Forfás shall continue as if granted under paragraph 3 of the Second Schedule to the Act of 1993 and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled before their transfer.

40.—(1) The Minister may designate such and so many members of the staff of An Foras as he or she may decide to be transferred to Forfás.

Transfer of staff of Foras to Forfás.

(2) A member of the staff of An Foras designated under *subsection (1)* shall be transferred to and become a member of the staff of Forfás.

(3) Save in accordance with a collective agreement negotiated with any recognised trade unions and staff associations concerned, a member of the staff of An Foras transferred to the staff of Forfás under *subsection (2)*, shall not, while he or she is in the service of Forfás, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including those relating to tenure of office) to which he or she was subject immediately before his or her transfer.

(4) Superannuation benefits granted under schemes to persons who were members of the staff of An Foras who are transferred to and become members of the staff of Forfás shall continue as if granted under paragraph 3 of the Second Schedule to the Act of 1993 and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled before their transfer.

(5) This section shall come into operation on such day as the Minister may appoint by order.

41.—(1) Where the chief executive officer, a member of the board of Forfás or IDA, a member of the staff of Forfás or IDA or of Forfás seconded to IDA, a member of a committee established under section 10(2) (inserted by *section 46*) of the Act of 1993, or a consultant, adviser or other person engaged by Forfás or IDA, or a member

Disclosure of interests in relation to Forfás or IDA.

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of the board or staff of a subsidiary, has a pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the board of Forfás or IDA, as the case may be, or a committee established under section 10(2) of the Act of 1993 or the board of a subsidiary, he or she shall—

- (a) disclose to the board concerned or committee or the board of the subsidiary, as the case may be, the nature of his or her interest in advance of any consideration of the matter,
- (b) neither influence nor seek to influence a decision in relation to the matter,
- (c) take no part in any consideration of the matter,
- (d) if he or she is the chief executive officer, a member of the board or the staff of Forfás or IDA or of the staff of Forfás seconded to IDA or a member of a committee established under section 10(2) of the Act of 1993 or a member of the board or staff of the subsidiary, withdraw from the meeting for so long as the matter is being discussed or considered and shall not vote or otherwise act as such chief executive officer or member in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest if—

- (a) he or she or any member of his or her household, or any nominee of his or her or any member of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, a matter referred to in that subsection,
- (b) he or she or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter,
- (c) he or she or any member of his or her household is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or
- (d) any member of his or her household has a beneficial interest in, or material to, such a matter.

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

(4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with the requirements of *subsection (1)*, the question shall be determined by the Board or the board of the subsidiary, as the case may be, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

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(5) Where a disclosure is made to the board of Forfás or IDA or a committee pursuant to *subsection (1)* or the board of a subsidiary, particulars of the disclosure shall be recorded in the minutes of the meeting concerned. Pt.VI S.41

(6) Where a person referred to in this section fails to make a disclosure in accordance with this section, the Board or the board of the subsidiary, as the case may be, shall decide the appropriate action (including removal from office or termination of contract) to be taken.

(7) In this section “subsidiary” means a subsidiary acquired or formed and registered by either Forfás or IDA pursuant to section 5 of the Act of 1995.

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

42.—Proceedings in relation to a summary offence under *section 16* or paragraph 4 (inserted by *section 47*) of the Second Schedule to the Act of 1993 may be brought and prosecuted by Forfás. Prosecution of summary offences.

PART VII

Amendment of Industrial Development Acts, 1986 to 1995

43.—Section 28 of the Act of 1986 is hereby amended by the deletion in subsection (1) of “Following consultation with An Comhairle Oiliúna,”. Amendment of section 28 of Act of 1986.

44.—(1) Section 2 (1) of the Act of 1993 is hereby amended by— Amendment of “Agency” etc., in Act of 1993.

(a) the deletion of the definition of “Agency”, and

(b) the substitution for the definition of “the Minister” of the following definitions:

“ ‘the Minister’ means the Minister for Enterprise, Trade and Employment;

‘subsidiary’ means a subsidiary acquired or formed and registered by either Forfás or IDA pursuant to section 5 of the Industrial Development Act, 1995.”.

(2) The Act of 1993 (other than section 9(3) thereof and paragraph 2(2) of the Second Schedule thereto) is hereby amended by the substitution for “each Agency” and “either Agency” in each place those words occur of “IDA”.

(3) Section 9(1) and (2) of the Act of 1993 is hereby amended by the substitution for “Forbairt” of “Enterprise Ireland”.

(4) Section 9(3) of the Act of 1993 is hereby amended by the substitution for “and each Agency” of “, Enterprise Ireland and IDA”.

(5) This section shall come into operation on the establishment day.

[No. 34.] *Industrial Development (Enterprise Ireland) Act, 1998.* [1998.]

Pt. VII

Amendment of
functions of Forfás.

45.—(1) Section 6 of the Act of 1993 is hereby amended—

(a) by the substitution for paragraphs (b) and (c) of the following paragraphs:

“(b) to advise on the development and co-ordination of policy for Enterprise Ireland, IDA and such other bodies (established by or under statute) as the Minister may by order designate,

(c) to encourage the development of industry, science and technology, innovation, marketing and human resources in the State,”

and

(b) in paragraph (e), by the substitution for “Forbairt” of “Enterprise Ireland”, and

(c) by the insertion after subsection (2) of the following subsection:

“(3) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next subsequent 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.”.

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

Committees of
Forfás and IDA.

46.—(1) Section 10 of the Act of 1993 is hereby amended by the substitution for subsections (2) and (3) of the following subsections:

“(2) The Board of Forfás or IDA may establish committees to assist and advise it in relation to the performance of any of its functions.

(3) The Board may delegate to a committee any of its functions which, in its opinion, can be better or more conveniently exercised or performed by a committee.

(4) The Board shall decide the terms of reference for any committee established by it and may regulate the procedure of any such committee.

(5) The members of a committee shall be appointed by the Board which established it.

(6) A committee shall consist of such number of members as the Board which established it thinks proper.

(7) A committee may include persons who are not members of the Board or staff of Forfás or IDA.

(8) A member of a committee who fails to perform his or her functions may be removed at any time for stated reasons by the Board who appointed him or her.

(9) The Board may at any time dissolve a committee established by it.

[1998.] *Industrial Development (Enterprise Ireland) Act, 1998.* [No. 34.]

(10) The Board may appoint a person to be chairperson of a committee established by it. Pt.VII S.46

(11) The acts of a committee shall be subject to confirmation by the Board which established it save where the Board dispenses with the necessity for such confirmation.

(12) There shall be paid out of the income of Forfás or IDA to members of a committee established by it such allowances for expenses incurred by them in the discharge of their functions as the Board concerned may determine with the consent of the Minister and the Minister for Finance.

(13) In this section ‘a committee’ means a committee of Forfás or IDA established under this section.”.

(2) Any committee established by Forfás or IDA under section 10(2) of the Act of 1993 which was in being immediately before the passing of this Act shall continue as if established under that section as so amended by this section.

47.—(1) The First Schedule to the Act of 1993 is hereby amended—

Amendment of Schedules to Act of 1993.

(a) in paragraph 3(1), by the substitution for “the date of the commencement of this Act” of “the establishment day”, and

(b) in paragraph 4, by the deletion of subparagraph (3).

(2) The Second Schedule to the Act of 1993 is hereby amended—

(a) in paragraph 2, by the substitution in subparagraph (2) for “either Agency or any other body established under this Act” of “IDA, Enterprise Ireland or the National Standards Authority of Ireland”,

(b) in paragraph 3, by the insertion after subparagraph (3) of the following:

“(4) A scheme under this paragraph 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 subsequent 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.”,

and

(c) the substitution for paragraphs 4 and 5 of the following paragraph—

“4. (1) Save as otherwise provided by law and paragraph 3, a person shall not without the consent of the Board, other than in respect of clause (f) of this subparagraph, disclose any information obtained by him or her while performing (or as a result of having performed) duties as—

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- (a) a member of the Board,
- (b) the Chief Executive Officer,
- (c) a member of the staff of Forfás or IDA or of Forfás seconded to IDA,
- (d) a member of a committee established under section 10(2),
- (e) an adviser or consultant to Forfás or IDA or an employee of such person whilst performing duties relating to such advice or consultation,
- (f) a member of the board or staff of, or adviser or consultant to or an employee of such person relating to such advice or consultation, any subsidiary, without the consent of the board of the subsidiary.

(2) A person who contravenes *subparagraph (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

(3) Nothing in this section shall prevent disclosure of information in a report made to Forfás or IDA or on behalf of Forfás or IDA to the Minister.”.

(3) *Paragraph (a) of subsection (1) and paragraphs (a) to (c) of subsection (2)* shall come into operation on the establishment day.

Amendment of Act of 1995.

48.—(1) The Act of 1995 is hereby amended—

- (a) in section 5, by the substitution for subsection (5) of the following subsection:

“(5) In this section ‘industrial development body’ means Forfás, IDA or Enterprise Ireland.”,

- (b) in section 6, by the substitution—

- (i) in subsection (1) for “and the Agencies” of “IDA and Enterprise Ireland”,

- (ii) in subsection (2), for “an Agency” of “IDA or Enterprise Ireland”,

- (iii) in subsection (3)(b), for “the Agencies” of “IDA and Enterprise Ireland”, and

- (iv) in subsection (5), for “the Agencies” of “IDA and Enterprise Ireland”,

and

- (c) in section 9, by the substitution for “or the Agencies” of “, IDA or Enterprise Ireland”.

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

[1998.] *Industrial Development (Enterprise Ireland) Act, 1998.* [No. 34.]

PART VIII

Matters relating to the Legal Metrology Service and the National Standards Authority of Ireland

49.—(1) The Metrology Act, 1996, is hereby amended—

Amendment of Metrology Act, 1996.

- (a) in sections 4(1), 7(4), 9(1) and (3), 11, 12(4) and 21(1), (2) and (5), by the substitution for “Forbairt” of “the National Standards Authority of Ireland”,
- (b) in section 7(2), by the deletion of “within Forbairt, and the First and Second Schedules to the Industrial Development Act, 1993, shall have effect accordingly.”, and
- (c) in section 9(1)(a), after “Forfás” by the insertion of “or the National Standards Authority of Ireland”.

(2) The Legal Metrology Service established under section 7(1) of the Metrology Act, 1996, shall be transferred to and continue within the NSAI.

(3) A person appointed to be an inspector by Forbairt under section 9 of the Metrology Act, 1996, whose appointment is in force immediately before the establishment day, shall be deemed to have been appointed under that section by the NSAI.

(4) Any organisation designated under section 21 of the Metrology Act, 1996, by Forbairt, where the designation is in force immediately before the establishment day, shall be deemed to have been designated by the NSAI.

(5) This section shall come into operation on the establishment day.

50.—(1) The Minister may designate such and so many members of the staff of Forfás or of the Agency as he or she may decide to be transferred to the staff of the NSAI.

Transfer of staff of Forfás to NSAI.

(2) A member of the staff of Forfás or of the Agency designated under *subsection (1)* shall be transferred to and become a member of the staff of the NSAI.

(3) Save in accordance with a collective agreement negotiated with any recognised trade unions and staff associations concerned, a member of the staff of Forfás or of the Agency transferred to the staff of the NSAI under this section, shall not, while he or she is in the service of the NSAI, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including those relating to tenure of office) to which he or she was subject immediately before his or her transfer.

(4) Superannuation benefits granted under schemes under paragraph 3 of the Second Schedule to the National Standards Authority of Ireland Act, 1996, to persons who, immediately before the commencement of this section, were members of the staff of Forfás or of the Agency designated and transferred under this section and the terms and conditions relating to those benefits shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(5) This section shall come into operation on such day as the Minister may appoint by order.

[No. 34.] *Industrial Development (Enterprise Ireland) Act, 1998.* [1998.]

Pt.VIII
Amendment of
National Standards
Authority of
Ireland Act, 1996.

51.—The National Standards Authority of Ireland Act, 1996, is hereby amended—

- (a) in section 7(1)—
- (i) by the substitution in paragraph (k) for “standards; and” of “standards;”,
 - (ii) by the substitution in paragraph (l) for “conformity.” of “conformity; and”, and
 - (iii) the insertion after paragraph (l) of the following paragraph:
“(m) to promote the use and application of metrology in the State.”,
- (b) in section 30—
- (i) by the deletion of subsection (1), and
 - (ii) in subsection (4), by the substitution for “section” of “Act”,
- (c) in section 31, by the insertion after “under” of “Part III of”,
- (d) in the Second Schedule, by the deletion of paragraphs 3(9) and (10), 4 and 6, and
- (e) in paragraph 5(2) of the Second Schedule, by the insertion after “offence” of “and shall be liable on summary conviction to a fine not exceeding £1,500,”.

PART IX

Vacancies in staff of Forfás, Enterprise Ireland, IDA or NSAI

Filling of vacancies
in staff of Forfás,
Enterprise Ireland,
IDA or NSAI.

52.—Where a vacancy arises for a position in the staff of Forfás, the Agency, IDA or the NSAI, a member of the staff of any of those bodies may make an application to fill the vacancy and his or her application shall be considered by the body in which the vacancy occurs.

Section 4.

SCHEDULE
Enactments Repealed

Number and Year (1)	Enactment (2)	Extent of Repeal (3)
No. 20 of 1959	Export Promotion Act, 1959	The whole Act
No. 20 of 1963	Export Promotion (Amendment) Act, 1963	The whole Act
No. 1 of 1967	Export Promotion (Amendment) Act, 1967	The whole Act
No. 4 of 1969	Export Promotion (Amendment) Act, 1969	The whole Act
No. 34 of 1971	Export Promotion (Amendment) Act, 1971	The whole Act
No. 18 of 1974	Export Promotion (Amendment) Act, 1974	The whole Act
No. 21 of 1977	Export Promotion (Amendment) Act, 1977	The whole Act
No. 18 of 1980	Export Promotion (Amendment) Act, 1980	The whole Act
No. 4 of 1983	Export Promotion (Amendment) Act, 1983	The whole Act
No. 39 of 1983	Export Promotion (Amendment) Act, 1983	The whole Act
No. 13 of 1987	Export Promotion (Amendment) Act, 1987	Section 3
No. 30 of 1987	Science and Technology Act, 1987	Section 3
No. 22 of 1991	Trade and Marketing Promotion Act, 1991	The whole Act
No. 30 of 1991	Industrial Development (Amendment) Act, 1991	The whole Act
No. 14 of 1994	Trade and Marketing Promotion (Amendment) Act, 1994	The whole Act
No. 19 of 1993	Industrial Development Act, 1993	Section 7