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**REGIONAL TECHNICAL COLLEGES (AMENDMENT)
ACT, 1999**

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Acts Referred to

Local Government Act, 1925	1925, No. 5
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Regional Technical Colleges Act, 1992	1992, No. 16
Regional Technical Colleges Acts, 1992 and 1994	
Regional Technical Colleges (Amendment) Act, 1994	1994, No. 29
Taxes Consolidation Act, 1997	1997, No. 39
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Number 20 of 1999

**REGIONAL TECHNICAL COLLEGES (AMENDMENT)
ACT, 1999**

AN ACT TO AMEND THE REGIONAL TECHNICAL COLLEGES ACTS, 1992 AND 1994, TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS INSTITIÚID TEICNEOLAÍOCHTA, BAILE BHLAINSEIR OR, IN THE ENGLISH LANGUAGE, THE INSTITUTE OF TECHNOLOGY, BLANCHARDSTOWN, TO PROVIDE FOR THE DISSOLUTION OF INSTITUTE OF TECHNOLOGY, BLANCHARDSTOWN LIMITED, TO AMEND THE VOCATIONAL EDUCATION ACT, 1930, IN RELATION TO THE COMPOSITION OF CERTAIN VOCATIONAL EDUCATION COMMITTEES, AND TO PROVIDE FOR RELATED MATTERS. [6th July, 1999]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

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

Interpretation.

“the Act of 1930” means the Vocational Education Act, 1930;

“the Act of 1994” means the Regional Technical Colleges (Amendment) Act, 1994;

“the College” means the educational institution established by virtue of paragraph (c) (inserted by this Act) of section 3 (1) of the Principal Act;

“the Company” means the Institute of Technology, Blanchardstown Limited;

“establishment day” means the day appointed by the Minister under *section 2* to be the establishment day;

“the governing body” means the governing body of the College;

“the Minister” means the Minister for Education and Science;

“the Principal Act” means the Regional Technical Colleges Act, 1992.

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(2) In this Act—

- (a) a reference to a section is a reference to a section of this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
- (c) a reference to any other enactment is a reference to that enactment as amended, extended or adapted by or under any subsequent enactment including this Act.

Establishment day.

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

Dissolution of Company.

3.—(1) The Company shall, as and from the establishment day, stand dissolved.

(2) The Minister shall as soon as practicable after the establishment day notify in writing the Registrar of Companies that, by virtue of this section, the Company stands dissolved, and the Registrar of Companies shall, on receipt of such notice, register the notice.

Amendment of section 3 of and First Schedule to Principal Act.

4.—(1) Subsection (1) of section 3 of the Principal Act is hereby amended, with effect from the establishment day—

(a) by the insertion in paragraph (a), after “educational institution” of “(other than the institution referred to in paragraph (c), inserted by the *Regional Technical Colleges (Amendment) Act, 1999*, of this subsection)”,

(b) by the insertion after paragraph (b) of the following paragraph—

“(c) There is hereby established as a regional technical college to which this Act applies an educational institution which shall be known as Institiúid Teicneolaíochta, Baile Bhlainséir or, in the English language, the Institute of Technology, Blanchardstown.”.

(2) The First Schedule to the Principal Act is hereby amended, with effect from the establishment day—

(a) by the insertion in column (1) of—

“Institiúid Teicneolaíochta, Baile Bhlainséir.
Institute of Technology, Blanchardstown.”,

and

(b) by the insertion in column (3) opposite the matter inserted by *paragraph (a)* of—

“County Dublin.”.

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5.—(1) This section shall, in relation to the College, have effect in lieu of subsections (2) and (3) of section 6 of the Principal Act. Governing body.

(2) Subject to *subsections (3) and (5)*, the governing body shall consist of—

- (a) a chairperson and 17 ordinary members, and
- (b) the Director of the College.

(3) The first ordinary members of the governing body shall be 12 in number or such greater number, not exceeding 17, as may be permitted in consequence of the operation of *subsection (5)*.

(4) The first ordinary members of the governing body shall be appointed by the Minister in accordance with the following provisions:

- (a) subject to *subsection (14)*, six persons, of whom at least three shall be members of a local authority, shall be nominated for such appointment by the County Dublin Vocational Education Committee;
- (b) one person shall be nominated for such appointment by the Irish Congress of Trade Unions;
- (c) five persons shall be appointed from among persons nominated for such appointment by such organisations as the Minister considers ought to be represented (having regard to the particular courses provided by the College) on the governing body and which have been invited by the Minister to make such nominations for the purposes of this paragraph, and such organisations shall be representative of industry, agriculture, commerce, the professions, local community interests and other interests which are appropriate to the activities of the College.

(5) Whenever the governing body, as constituted in accordance with *subsection (4)*, informs the Minister by notice in writing that it is of opinion that the number of academic staff, staff (other than academic staff) or of students of the College is sufficient to make practicable the application of one or more of paragraphs (c), (d) and (e) of section 4(1) of the Act of 1994 to the College, the Minister shall make an order applying such one or more, or all, of those paragraphs, as the case may be, to the College and the paragraph or paragraphs, so applied, shall accordingly have effect in relation to the College and the Minister shall, as soon as practicable after the commencement of the order, appoint a person or persons, as the case may be, to be a member or members of the governing body in accordance with the relevant paragraph so applied.

(6) A separate notice under *subsection (5)* may be given and a separate order may be made on foot of that notice in relation to each of the paragraphs (c), (d) and (e) of section 4(1) of the Act of 1994.

(7) Nothing in *subsection (5)* shall operate—

- (a) to require an appointment to which that subsection relates to be made on the recommendation of a vocational education committee,
- (b) to prevent the governing body performing the functions referred to in section 7 of the Principal Act pending the making of appointments under that subsection.

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(8) In making appointments to the governing body pursuant to this section the Minister shall have regard to the extent to which each sex is represented on the governing body and shall ensure an appropriate gender balance as determined by the Minister from time to time.

(9) The first members of the governing body (other than the chairperson, the Director of the College or the persons referred to in section 4(1)(e) of the Act of 1994) shall hold office for two years.

(10) The Minister may by order extend the term of office of the first members of the governing body but an order shall not be made under this subsection extending that term of office beyond the period of five years from the date on which the persons referred to in paragraphs (a), (b) and (c) of subsection (4) were appointed as members of the governing body under that subsection.

(11) Where an order under subsection (10) is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(12) Paragraph 3(1) of the Second Schedule to the Principal Act shall have effect in relation to the first ordinary members of the governing body as if the words "on the recommendation of the vocational education committee" were omitted in each place where they occur in that provision.

(13) The ordinary members of the governing body appointed after the term of office of the first ordinary members thereof expires shall be appointed in accordance with section 4 of the Act of 1994 and the other relevant provisions of the Regional Technical Colleges Acts, 1992 and 1994.

(14) If the region likely, in the opinion of the Minister, to be served by the College includes all or part of the functional area of one or more than one vocational education committee, other than the County Dublin Vocational Education Committee, the Minister may direct that one or more than one, but not more than four in all, of the persons to whom paragraph (a) of subsection (4) relates, shall be nominated by such of those other committees as the Minister may specify.

Transfer of assets
and liabilities of
Company.

6.—(1) With effect from the establishment day the following are hereby transferred to the College—

(a) all rights and property (and rights relating to such property) held or enjoyed immediately before that day by the Company,

(b) all liabilities incurred before that day by the Company which 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 College for all the estate, term or interest for which, immediately before that day, it was vested in the Company, but subject to all trusts and equities affecting the property and capable of being performed,

(ii) those rights shall, as and from that day, be enjoyed by the College, and

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(iii) those liabilities shall, as and from that day, be liabilities of S.6
the College.

(2) All moneys, stocks, shares and securities transferred to the College by this section that, immediately before the establishment day, are standing in the name of the Company shall, upon the request of the College, be transferred into its name.

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

(4) The College shall not, without the consent of the Minister, dispose of any part of any land or any interest therein transferred to or vested in the College by virtue of this section.

(5) In this section “the Company” includes any trustee or agent of the Company acting on behalf of the Company.

7.—Every contract or agreement made between the Company 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 on and after that day and shall be construed and have effect as if the College were substituted therein for the Company or, as the case may be, its trustee or agent acting on its behalf, and shall be enforceable against the College.

Preservation of certain contracts and adaptation of references to former Authority.

8.—Where, immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the Company, or any trustee or agent thereof acting on its behalf, is a party to the proceedings, the name of the College shall be substituted in the proceedings for that of the Company or, as the case may be, such trustee or agent thereof, and the proceedings shall not abate by reason of such substitution.

Pending legal proceedings.

9.—(1) Every person who, immediately before the establishment day, is employed as an officer or servant by the Institute of Technology, Tallaght, for the purpose of working for the Company shall, with effect from the establishment day, become and be an officer or servant of the College, as appropriate.

Provisions relating to staff.

(2) A person to whom *subsection (1)* applies shall not, while in the service of the College, receive less remuneration or be subject to less beneficial conditions of service than the remuneration to which that person was entitled and the conditions of service to which that person was subject prior to the establishment day.

(3) The conditions of service, restrictions, requirements and obligations to which any such person was subject immediately before the establishment day shall, unless they are varied by agreement, continue to apply to that person, and shall be exercised or imposed by the College or the Director, as may be appropriate, while that person is in the service of the College.

(4) The service of a person, to whom *subsection (1)* applies, with the Institute of Technology, Tallaght, before the establishment day shall form part of his or her pensionable service with the College for the purposes of the Local Government (Superannuation) Act, 1980.

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(5) Subject to *subsection (6)*, the Local Government (Superannuation) Act, 1980, shall apply to the College and its officers and servants (including the Director) as if it were a local authority and they were officers and servants of a local authority.

(6) The functions conferred on the Minister for the Environment and Local Government by the Local Government (Superannuation) Act, 1980, or any instrument made thereunder, shall, for the purposes of that Act as applied to the College by *subsection (5)*, be performable by the Minister and not by the said Minister of the Government.

(7) Schemes and regulations made before the commencement of this section under the Local Government (Superannuation) Act, 1980, (including modifications to such schemes and regulations made under section 11(8) of the Principal Act) shall, subject to any modifications which the Minister may, with the consent of the Minister for Finance, specify by order, apply to the officers and servants (including the Director) of the College.

(8) Subsection (8) of section 11 of the Principal Act shall not apply to the College.

Exemption from capital gains tax.

10.—For the purposes of the Capital Gains Tax Acts (within the meaning of section 1 of the Taxes Consolidation Act, 1997), any gain accruing to the Company on a disposal made by virtue of *section 6* shall not be a chargeable gain.

County Dublin and Dún Laoghaire Vocational Education Committees.

11.—(1) The County Dublin Vocational Education Committee shall consist of not more than 16 members.

(2) The members of the committee referred to in *subsection (1)* shall be elected by the councils of the counties of South Dublin, Fingal and Dún Laoghaire-Rathdown and the number of members to be elected by each of those councils shall be such as shall be specified in regulations made by the Minister for the purposes of this subsection (which the Minister is hereby empowered to make).

(3) Regulations for the purposes of *subsection (2)* shall also provide that a specified number of the persons to be elected to be members of the committee referred to in *subsection (1)* by each council referred to in *subsection (2)* shall be members of that council.

(4) The Dún Laoghaire Vocational Education Committee shall consist of 14 members elected by the council of the county of Dún Laoghaire-Rathdown, of whom not less than five and not more than eight shall be persons who are members of that council.

(5) The persons holding office as members of the County Dublin Vocational Education Committee and the Dún Laoghaire Vocational Education Committee by virtue of section 19 of the Local Government (Dublin) Act, 1993, shall continue to hold office until the commencement of the term of office of the persons elected in accordance with this section.

(6) The term of office of the persons elected to be members of the County Dublin Vocational Education Committee in accordance with this section shall commence on the 7th day after the last day on which an election of persons for that purpose is held.

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(7) The term of office of the persons elected to be members of the Dún Laoghaire Vocational Education Committee in accordance with this section shall commence on the 7th day after the day on which an election of persons for that purpose is held. S.11

(8) Section 12 of the Act of 1930 is hereby amended in subsection (2) by the insertion after “provisions of this Act” of “or, as the case may be, regulations made under *section 11* of the *Regional Technical Colleges (Amendment) Act, 1999*”.

(9) This section shall have effect notwithstanding anything to the contrary in the Act of 1930.

(10) This section shall cease to have effect two years after the commencement of this Act.

12.—(1) In this section—

“the Act of 1925” means the Local Government Act, 1925;

Application of
section 70 of Local
Government Act,
1925.

“the relevant restriction” means the restriction on holding any office of profit or being employed for remuneration contained in section 70(1) of the Act of 1925 (as applied by section 26 of the Act of 1930) and continued in operation by section 21(5) of the Local Government Act, 1955.

(2) The relevant restriction shall have effect as if the words in section 70(1) of the Act of 1925 “, or of any other local authority whose functional area is, or is situate in, the same county or county borough as that of or within which is situate the functional area of such local authority or in any county or county borough adjoining to that county or county borough” were deleted.

13.—(1) This Act may be cited as the Regional Technical Colleges (Amendment) Act, 1999.

Short title,
construction and
collective citation.

(2) The Regional Technical Colleges Acts, 1992 and 1994, and this Act may be cited together as the Regional Technical Colleges Acts, 1992 to 1999, and shall be construed together as one.

(3) The Vocational Education Acts, 1930 to 1993, and *section 11* may be cited together as the Vocational Education Acts, 1930 to 1999, and shall be construed together as one.