



Number 11 of 2009

INDUSTRIAL DEVELOPMENT ACT 2009

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Transfer of shares to Agency.
3. Amendment of Industrial Development Act 1986.
4. Amendment of Industrial Development Act 1993.
5. Transfer of property in certain discoveries and inventions to Enterprise Ireland.
6. Short title and collective citation.

SCHEDULE

[No. 11.] *Industrial Development Act 2009.* [2009.]

ACTS REFERRED TO

Industrial Development (Enterprise Ireland) Act 1998	1998, No. 34
Industrial Development (Science Foundation Ireland) Act 2003	2003, No. 30
Industrial Development Act 1986	1986, No. 9
Industrial Development Act 1993	1993, No. 19
Industrial Development Acts 1986 to 2006	
Industrial Research and Standards Act 1961	1961, No. 20



Number 11 of 2009

INDUSTRIAL DEVELOPMENT ACT 2009

AN ACT TO PROVIDE FOR THE TRANSFER OF SHARES HELD BY SHANNON FREE AIRPORT DEVELOPMENT COMPANY LIMITED TO ENTERPRISE IRELAND; TO AMEND THE INDUSTRIAL DEVELOPMENT ACT 1986 AND THE INDUSTRIAL DEVELOPMENT ACT 1993; TO PROVIDE FOR THE TRANSFER OF ALL PROPERTY OF THE MINISTER UNDER SECTION 19 OF THE INDUSTRIAL RESEARCH AND STANDARDS ACT 1961 TO ENTERPRISE IRELAND; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[19th May, 2009]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Act of 2003” means the Industrial Development (Science Foundation Ireland) Act 2003;

“Agency” means Enterprise Ireland established under section 6(1) of the Industrial Development (Enterprise Ireland) Act 1998;

“shareholder” means Shannon Free Airport Development Company Limited;

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

2.—(1) All shares of whatever class in each of the companies specified in the Schedule that, immediately before the passing of this Act, vested in the shareholder, shall upon such passing stand vested in the Agency. Transfer of shares to Agency.

(2) The Agency shall, as soon as practicable after the passing of this Act, notify each of the companies specified in the Schedule of the vesting in the Agency of shares in the company concerned by virtue of *subsection (1)* and particulars of such vesting shall be entered by that company in any register required to be maintained by the company in respect of the shares.

(3) This section shall apply to each of the companies specified in the Schedule notwithstanding any restriction in its memorandum of association or articles of association or any other instrument relating to the vesting or transfer of shares in the company concerned.

(4) All rights and liabilities of the shareholder arising by virtue of any contract in force immediately before the passing of this Act and relating to any shares transferred by virtue of this section shall upon such passing stand transferred to the Agency.

(5) Every right and liability transferred by this section to the Agency may 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 any person of the transfer of any right or liability by this section.

Amendment of
Industrial
Development Act
1986.

3.—The Industrial Development Act 1986 is amended—

- (a) in section 25 (inserted by section 29 of the Act of 2003), by substituting “€7,500,000” for “€5,000,000” in each place that it occurs,
- (b) in subsection (4) (inserted by section 30 of the Act of 2003) of section 28, by substituting “€7,500,000” for “€5,000,000” in each place that it occurs,
- (c) in section 29 (inserted by section 31 of the Act of 2003), by substituting “€7,500,000” for “€2,500,000” in each place that it occurs,
- (d) in subsection (4) (inserted by section 32 of the Act of 2003) of section 31, by substituting “€7,500,000” for “€5,000,000” in each place that it occurs,
- (e) in section 34 (inserted by section 33 of the Act of 2003), by substituting “€15,000,000” for “€10,000,000” in each place that it occurs, and
- (f) by substituting the following for the Third Schedule:

“THIRD SCHEDULE *Section 4.*

DESIGNATED AREAS

The counties of Cavan, Donegal, Galway, Laois, Leitrim, Longford, Louth, Mayo, Monaghan, Offaly, Roscommon, Sligo and Westmeath.”.

Amendment of
Industrial
Development Act
1993.

4.—The Industrial Development Act 1993 is amended—

- (a) in subsection (2) of section 11 (inserted by section 35(e) of the Act of 2003), by substituting “€7,000,000,000” for “€3,400,000,000”, and
- (b) in section 12 (inserted by section 35(f) of the Act of 2003), by substituting “€7,500,000” for “€5,000,000” in each place that it occurs.

Transfer of
property in certain
discoveries and
inventions to
Enterprise Ireland.

5.—(1) All property vesting in the Minister under section 19 of the Act of 1961 immediately before the passing of this Act shall, upon such passing, stand vested in Enterprise Ireland.

(2) Any patent in respect of an invention or discovery to which section 19 of the Act of 1961 applies that immediately before the passing of this Act vested in a relevant person shall, upon such passing, stand transferred to Enterprise Ireland.

(3) Any application for a patent in respect of an invention or discovery to which section 19 of the Act of 1961 applies made by a relevant person, and pending immediately before the passing of this Act, shall be deemed to have been made by Enterprise Ireland.

(4) All rights and liabilities of the Minister arising by virtue of any contract in force immediately before the passing of this Act and relating to any property transferred by virtue of this section shall, upon such passing, stand transferred to Enterprise Ireland.

(5) All rights and liabilities of a relevant person arising by virtue of any contract in force immediately before the passing of this Act and relating to—

(a) any patent transferred by virtue of this section, or

(b) any application to which *subsection (3)* applies,

shall, upon such passing, stand transferred to Enterprise Ireland.

(6) Particulars of the transfer of patents effected by *subsection (2)* shall be entered by the Controller of Patents, Designs and Trade-marks in the Register of Patents as soon as may be after the passing of this Act.

(7) All acts done, or purporting to have been done, before the passing of this Act, by Enterprise Ireland or a relevant person in respect of—

(a) any patent or other property transferred by this section, or

(b) an application to which *subsection (3)* applies,

being acts that by reason only of section 19 of the Act of 1961 would (but for this subsection) be invalid, shall be and be deemed always to have been valid and effectual for all purposes.

(8) Every right and liability transferred by this section to Enterprise Ireland may, on and after the passing of this Act, be sued on, recovered or enforced by or against Enterprise Ireland in its own name and it shall not be necessary for Enterprise Ireland to give notice to any person of the transfer of any right or liability by this section.

(9) Enterprise Ireland shall have the power to transfer, assign, licence or otherwise dispose of any or all of the property vesting in, or transferred to, it under this section.

(10) Section 19 (other than subsection (2)) of the Act of 1961 is repealed.

(11) In this section—

“Act of 1961” means the Industrial Research and Standards Act 1961;

“relevant person” means—

S.5

[No. 11.] *Industrial Development Act 2009.* [2009.]

- (a) Institute for Industrial Research and Standards,
- (b) Eolas,
- (c) Forfás, or
- (d) Forbairt.

Short title and
collective citation.

6.—(1) This Act may be cited as the Industrial Development Act 2009.

(2) The Industrial Development Acts 1986 to 2006 and this Act may be cited together as the Industrial Development Acts 1986 to 2009.

SCHEDULE

Section 2.

1. 3D Eagle View International Limited
2. Abbey Mushroom Farm Limited
3. Advanced Manufacturing Control Systems Limited
4. Alpha Displays Limited
5. Altobridge Limited
6. Brandon Products Limited
7. Broadsword Technology (BST) Limited
8. Burrenside Mushrooms Public Limited Company
9. Chipsensors Limited
10. Datamate Global Communications Limited
11. Digitalmentors Limited
12. Fraysen Systems Limited
13. FMC Tech Limited
14. Homenet Communications Limited
15. Internet Control Solutions Limited
16. L.B.E. Limited
17. LIPOW Limited
18. Molloy Furniture Limited
19. M & Q Packaging Limited
20. Nowcasting International Limited
21. Ocean West Limited
22. Pharmaflow Limited
23. Philip Kenny Studio Limited
24. Powervation Limited
25. Pulselearning Limited
26. Romaquip Limited
27. Tango Telecom Limited
28. Taringold Limited