

# NATIONAL AGRICULTURAL ADVISORY, EDUCATION AND RESEARCH AUTHORITY ACT 1977

## LONG TITLE

An Act to make further and better provision for agricultural advice, education, training and research and for that purpose to establish a body to be known as the National Agricultural Authority and to define its powers and duties and to provide for other matters connected with the matters aforesaid. [24th May, 1977]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART I - PRELIMINARY AND GENERAL

### 1 Short title and commencement.

SECT 1.—(1) This Act may be cited as the National Agricultural Advisory, Education and Research Authority Act, 1977. (2) This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

### 2 Interpretation.

SECT 2.—(1) In this Act, except where the context otherwise requires— "the Agriculture Acts" means the Agriculture Acts, 1931 to 1974; "the Act of 1931" means the Agriculture Act, 1931; "the Act of 1944" means the Agriculture (Amendment) Act, 1944; "the Act of 1956" means the Local Government (Superannuation) Act, 1956; "the Act of 1958" means the Agriculture (An Foras Talúntais) Act, 1958; "agriculture" includes— ( a ) horticulture, dairying, the breeding of horses, cattle, pigs and other livestock, poultry and bee-keeping, ( b ) the cultivation, production and preservation of crops, including grass, ( c ) the use and application of manures and fertilisers, ( d ) the production and processing of meat and other livestock products, milk and other dairy products, eggs and other poultry products, honey and other bee products, fruit and other horticultural products, and ( e ) animal nutrition, farm management, farm home management, agricultural economics, marketing and other activities and sciences which relate to or tend to improve or develop agriculture, and cognate words shall be construed accordingly; "the Authority" means the National Agricultural Authority established under section 9; "basic veterinary research" includes research in relation to diseases of animals and poultry, but does not include— ( a ) the diagnosis, on behalf of the Minister, herdowners, flock-owners or veterinary practitioners, of disease in animals or poultry by means of clinical or laboratory examination of individual animals or birds, whether live or dead, or of their carcasses, or of specimens taken from them, or ( b ) investigations, tests, inquiries or trials arising from disease eradication and hygiene control programmes operated by the Minister; "the Board" means the Board, established under section 25, of the Authority; "the chairman" means the chairman of the Board; "committee of agriculture" means a committee established under section 13 of the Act of 1931; "county" means an administrative county and does not include a county borough; "the Director" means the Director of the Authority; "education" includes training and cognate words shall be construed accordingly; "financial year" means a year commencing on the 1st day of January and "local financial year" in relation to a committee of agriculture has the same meaning; "functions" includes powers and duties; "higher education" means education in an institution of higher education as defined in the Higher Education Authority Act, 1971; "local authority" has the same meaning as in section 2 of the Local Government Act, 1941, but includes a committee of agriculture; "the Institute" means An Foras Talúntais established by the Agriculture (An Foras Talúntais) Act, 1958; "the Minister" means the Minister for Agriculture; "prescribed" means prescribed by order of the Minister; "research" includes research in relation to forestry and plant breeding, and investigation, test, experiment, analysis and study, but does not include, except where the Minister has, in writing, given his approval or so requests— ( a ) the testing of— ( i ) livestock in relation to or in conjunction with national breeding programmes operated

by the Minister, or (ii) grass, cereal, root or vegetable seeds, potatoes or plants in relation to, or in conjunction with, schemes of certification operated by the Minister, or in regard to the preparation by the Minister of lists of acceptable or recommended varieties of such seeds, potatoes or plants (whether for the purpose of implementing any directive of the European Economic Community or otherwise) or for the purpose of a grant of proprietary rights to breeders of new varieties of such seeds, potatoes or plants, or (iii) samples of seeds taken in accordance with section 13 of the Agricultural Seeds Act, 1936, or ( b ) the testing or analysis on behalf of the public, manufacturers or processors, or otherwise in pursuance of statutory requirements, of samples of fertilisers, feeding stuffs, pesticides, mineral mixtures or agricultural products. (2) In this Act a reference to a Part, section or Schedule is to a Part, section or Schedule of this Act unless it is indicated that reference to some other enactment is intended. (3) In this Act a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph in which the reference occurs, unless it is indicated that reference to some other provision is intended. (4) A reference in this Act to an enactment shall be construed as a reference to that enactment as amended or extended by any other enactment including this Act.

### 3 Orders.

SECT 3.—(1) The Minister may by order prescribe anything in this Act referred to as prescribed or to be prescribed. (2) The Minister may by order amend or revoke any order made under this Act including an order under this subsection.

### 4 Laying of orders.

SECT 4.—Every order made by the Minister under this Act 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 twenty-one 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.

### 5 Expenses.

SECT 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.

### 6 Disposal of moneys.

SECT 6.—Moneys received by the Minister under this Act shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance may direct.

### 7 Repeals.

SECT 7.—(1) Subject to subsection (2), each enactment set out in the Fourth Schedule is hereby repealed to the extent specified in the third column of that Schedule. (2) Until the commencement of any particular provision of this Act, the corresponding provision of the repealed enactment shall remain in force. (3) Any document referring to any repealed enactment shall be construed as referring to this Act or the corresponding provision of this Act.

### 8 Continuance of orders and regulations.

SECT 8.—Every order and regulation made under a repealed enactment and in force immediately before the commencement of this Act (or, as the case may be, before the commencement of the relevant provision of this Act) shall continue in force and may be amended or revoked as if made under this Act.

## PART II - THE NATIONAL AGRICULTURAL AUTHORITY

### 9 Establishment of the Authority.

SECT 9.—(1) There shall be established a body to be known as the National Agricultural Authority to perform the functions given to it by this Act. (2) The provisions of the First Schedule shall apply to the Authority.

### 10 Dissolution of the Institute.

SECT 10.—The Institute is hereby dissolved.

### 11 General functions of the Authority.

SECT 11.—The Authority shall have the general functions, subject to the provisions of this Act, of providing, or causing to be provided, educational, advisory and research services in agriculture and making available the scientific and practical knowledge required by the agricultural industry.

### 12 Education functions.

SECT 12.—(1) Without prejudice to the generality of section 11 and subject to subsection (2), the Authority shall have the functions in relation to agricultural education (other than higher education) which, immediately before the commencement of this section, were exercised or performed or were capable of being exercised or performed by the Minister or by committees of agriculture, and the Authority may, in particular— ( a ) provide and organise residential or non-residential wholetime or part-time courses in agriculture; ( b ) provide and organise lectures and classes in agriculture; ( c ) provide and organise seminars and conferences on agricultural education and on specific problems and programmes in relation thereto; ( d ) make grants to institutions providing courses of study in agriculture; ( e ) provide scholarships to students of agriculture at institutions of higher education, or such other institutions as may be approved by the Minister; and ( f ) arrange and provide for the attendance, as may be considered desirable, of students at courses in agriculture or in related subjects provided by other educational institutions. (2) Save as provided by section 17, the Authority shall not, except with the prior approval of the Minister, provide courses in higher education or courses which in the opinion of the Minister are of an equivalent standard or make grants to institutions providing such courses.

### 13 Co-operation with other educational institutions.

SECT 13.—(1) The Authority shall— ( a ) maintain close liaison with the Minister for Education and with other educational institutions, and ( b ) keep itself informed of the courses available to students in agricultural and allied sciences provided by the Minister for Education and by other educational institutions and may, on such terms as may be agreed upon, arrange for the attendance at these courses (or at particular classes which form part of these courses) of students enrolled in courses provided by the Authority. (2) The Authority may also, on such terms as may be agreed, make corresponding arrangements for the attendance at classes or courses run by the Authority of students enrolled in courses provided by the Minister for Education and by other educational institutions.

### 14 Implementation of EEC directives.

SECT 14.—The Authority shall provide courses in agriculture for the purpose of implementing directives of the European Economic Community when requested to do so by the Minister.

## 15 Advisory functions.

SECT 15.—Without prejudice to the generality of section 11, the Authority shall, in relation to agricultural advice and instruction, have such functions as, immediately before the commencement of this section, were exercised or performed or were capable of being exercised or performed by committees of agriculture or by the Minister, and the Authority may, in particular— ( a ) provide in each county an advisory service designed to assist farm families and others engaged in agriculture to make the best use of their resources and to encourage them, through the adoption of better practices and improved management, to increase output and income and to raise their standard of living generally; ( b ) take steps to encourage, through co-operative effort and otherwise, improvement in the economic and social conditions of those engaged in agriculture in each county; ( c ) provide for the dissemination of advice and instruction in agriculture by means of farm visits and otherwise; ( d ) provide for giving advice on farm management; ( e ) arrange for the conduct of field and livestock experiments and demonstrations; ( f ) take steps to ensure that the results, as may be appropriate, of agricultural research are made known as speedily and as widely as possible to those engaged in agriculture; ( g ) adopt measures to ensure that those engaged in agriculture— (i) are fully informed as expeditiously as possible of schemes and facilities for the development of agriculture operated by the Minister and by other agencies, and (ii) are encouraged to avail themselves of those schemes and facilities; ( h ) provide and organise seminars, conferences and lectures in relation to agricultural advice and on specific problems and programmes in relation thereto.

## 16 Liaison with Minister and other agencies.

SECT 16.—The Authority shall— ( a ) maintain close liaison and co-operate, as may be necessary, with the Minister and other agencies in the operation of such schemes and facilities for agricultural development as may be administered by them, and ( b ) provide such facilities and assistance as the Minister may require for the purpose of implementing directives of the European Economic Community in relation to the development of agriculture.

## 17 Research functions.

SECT 17.—(1) Without prejudice to the generality of section 11 and subject to subsection (4), it shall be a function of the Authority to review, facilitate, encourage, assist, co-ordinate, promote and undertake agricultural research and basic veterinary research and, in relation to such research, the Authority shall also have such functions as, immediately before the commencement of this section, were exercised or performed or were capable of being exercised or performed by the Minister. (2) In relation to agricultural research and basic veterinary research, the Authority may, in particular— ( a ) make grants, subject to such conditions as it may think fit to impose, to persons engaged in such research for the extension and development of their facilities for carrying out the research, ( b ) provide, as it considers desirable, such new facilities for carrying out such research and provide for their use, control and administration by or on behalf of the Authority or otherwise, ( c ) provide for the use, control and administration by the Authority of such facilities as may be transferred to it for the carrying out of such research, ( d ) consult with and advise persons engaged in carrying out such research in relation to their programmes of research, ( e ) award fellowships, subject to such conditions as it may think fit to impose, to persons who have done outstanding work in relation to such research, ( f ) provide and organise courses of study for advanced students in such research and related subjects, ( g ) provide and organise seminars, conferences, lectures and demonstrations on such research and related subjects and on specific problems and programmes in relation thereto, ( h ) disseminate, or procure the dissemination of, the results of such research to interested persons, including, in particular, persons engaged in providing advisory services in relation thereto, ( i ) publish, or procure the publication of, the results of such research, ( j ) make grants, subject to such conditions as it may think fit to impose, to assist the carrying out of specific programmes of agricultural or basic veterinary research, or of specific agricultural or basic veterinary research, and ( k ) provide scholarships and other awards for the carrying out of post-graduate agricultural or basic veterinary research. (3) In case of doubt as to whether any activity in relation to veterinary research is or is not proper to the Authority, the decision of the Minister shall be final. (4) The functions of the Authority shall not include any function assigned to the Institute for Industrial Research and Standards by the Industrial Research and Standards Act, 1961. (5) Section 6 of the Industrial Research and Standards

Act, 1961, is hereby amended by the substitution for subsection (4) of the following subsection: "(4) The functions of the Institute shall not include any function assigned to the National Agricultural Authority by the National Agricultural Advisory, Education and Research Authority Act, 1977." (6) If there is disagreement as to whether any activity in relation to research is proper to the Authority or the Institute for Industrial Research and Standards, the matter shall be determined by the Minister and the Minister for Industry and Commerce.

#### 18 Specific duty of the Authority in relation to research.

SECT 18.—The Authority shall maintain close liaison with the Universities, other institutions of higher education and other bodies engaged in research activities so as to keep itself informed of the activities of those institutions and bodies in relation to agricultural and veterinary research and in order to avoid duplication of effort and, for that purpose, the Authority may, subject to the approval of the Board, engage in joint research activities with such institutions and bodies.

#### 19 Assignment of specific activities.

SECT 19.—(1) The Authority may, on such terms and conditions as the Minister may, with the consent of the Minister for the Public Service, approve, arrange for the performance of any activity in relation to any of its functions by the Minister or by another agency. (2) The Minister may, with the consent of the Minister for the Public Service, prepare a list of activities of the Authority which may, at the request of the Authority, be performed by the Minister or by another agency and any such activity may, notwithstanding subsection (1), be performed without the further consent of the Minister for the Public Service.

#### 20 Assignment of additional functions.

SECT 20.—The Minister may, subject to the consent of the Minister for the Public Service, on such terms and conditions as he may determine, by order assign to the Authority such of his functions as he may think fit in relation to Council Directive No. 72/159/EEC of the 17th day of April, 1972, on the modernisation of farms.

#### 21 Advice to the Minister.

SECT 21.—The Authority shall advise the Minister on any matter relating to agricultural education, advice or research or to basic veterinary research on which its views are requested by the Minister

#### 22 Fees.

SECT 22.—(1) Subject to subsection (2), the Authority may charge, receive and recover fees for agricultural research or basic veterinary research undertaken on behalf of any person, firm, institution or agency and for services, courses, seminars, lectures and demonstrations provided or organised by it. (2) No fee may, however, be charged in respect of— ( a ) any advice that may be given by the Authority in response to a request from the Minister under section 21, or ( b ) any facilities, assistance or courses of instruction that may be provided by the Authority under section 14 or 16 (b), but the cost to the Authority of providing the services referred to in this subsection shall rank as an expense of the Authority and shall be taken into account when the amount of the annual grant referred to in section 48 (1) (b) is being determined.

#### 23 Donations.

SECT 23.—(1) The Authority may— ( a ) accept gifts of money, land or other property, upon such trusts and conditions (if any) as may be specified by the donor, and ( b ) accept contributions from farming organisations, co-operative societies and other bodies or persons towards the expenses incurred by the Authority in exercising any of its functions on such terms and conditions as may be agreed upon between the Authority and the contributor. (2) The Authority shall not accept any gift or contribution if any

conditions attached by the donor or contributor to the acceptance thereof are inconsistent with the functions of the Authority.

#### 24 Offices and premises.

SECT 24.—(1) The Authority may provide itself with such offices and premises as may be necessary for the performance of its functions. (2) For the purpose of subsection (1), the Authority may, subject to subsection (3)— ( a ) purchase or take on lease any land, offices or premises, ( b ) build, equip and maintain offices and premises, ( c ) sell or lease any land, offices or premises held by it and no longer required for the performance of its functions, and ( d ) so far as may be authorised by the Minister, join with other bodies in leasing or otherwise acquiring land, offices or premises and in erecting offices or premises. (3) The Authority may not sell or purchase any land, offices or premises except with the permission in writing of the Minister.

### PART III - GOVERNMENT AND ADMINISTRATION OF THE AUTHORITY

#### Board of the Authority

#### 25 Establishment of the Board.

SECT 25.—(1) There shall be a Board to be known as the Board of the National Agricultural Authority to carry out the general government of the Authority and the general administration of the affairs of the Authority. (2) The provisions of the Second Schedule shall apply to the Board.

#### 26 Composition of the Board.

SECT 26.—(1) The Board shall consist of a chairman and not more than twenty-three ordinary members. (2) Subject to subsection (3), the members of the Board, including the chairman, shall be appointed by the Minister. (3) ( a ) One member of the Board shall be appointed on the nomination of the Minister for Education, at least one member on the nomination of the Minister and at least one member on the nomination of the General Council referred to in section 43. The remaining members, who shall be representative of agricultural and rural organisations, the staff of the Authority, the Universities, institutions providing courses of study in agriculture mentioned in section 12 (1) (d) and such other agricultural interests as may be prescribed, shall be selected for nomination in accordance with the provisions of an order made for that purpose by the Minister and any such order shall indicate the procedure for filling casual vacancies in the membership of the Board. ( b ) The Minister may, in the order referred to in paragraph (a), in relation to the Board to be established on the commencement of section 25, provide, as regards the member or members who are to be representative of the staff of the Authority, for the selection for nomination, on or before a specified date, of a representative or representatives of the said staff and, notwithstanding the fact that, in the period between the establishment of that Board and the date of the appointment to that Board of the said representative or representatives, there are not any members who are representative of the said staff, nothing done by or on behalf of the Board or the Authority shall be invalid solely by reason of that fact. ( c ) For the purposes of paragraph 1 of the Second Schedule, any member appointed to the Board by virtue of paragraph (b) of this subsection shall be deemed to have been appointed on the date of the establishment of the Board.

#### 27 Chairman.

SECT 27.—The chairman shall hold office on such terms and conditions (including remuneration) as may be determined by the Minister from time to time. The rate of remuneration of the chairman shall be subject to the consent of the Minister for the Public Service.

## 28 Expenses of members.

SECT 28.—There may be paid out of the income of the Authority to members of the Board such expenses of travel and subsistence as the Minister, with the consent of the Minister for the Public Service, may consider reasonable.

## 29 Committees.

SECT 29.—(1) The Board may appoint committees to assist and advise it in relation to any of its functions. (2) A committee may include persons who are not members of the Board. (3) The Board may appoint a person to be chairman of a committee appointed under this section. (4) There may be paid, out of the income of the Authority, to members of a committee duly appointed under subsection (1) such expenses of travel and subsistence as the Minister, with the consent of the Minister for the Public Service, may consider reasonable.

## 30 Powers and duties.

SECT 30.—(1) The Board shall— ( a ) exercise general supervision over the work of the Authority and be responsible for the attainment of the objectives of the Authority and the completion and implementation of such educational, advisory and research programmes as may, in accordance with section 32, be adopted with the approval of the Minister, ( b ) ensure that the functions of the Authority are effectively carried out and performed with due efficiency, ( c ) ensure, with the co-operation of the committees of agriculture, that the services provided by the Authority have the greatest possible effect on agricultural productivity at local level and, for that purpose, shall— (i) subject to section 33, provide, as may be required or necessary, for the location at appropriate centres of specialists in the different branches of agriculture and agricultural education for the purpose of affording specialised assistance and guidance to its local agricultural advisers and those engaged in agriculture, and (ii) make available in each county such office and other accommodation as may be required or necessary for the more effective performance of their duties by its local agricultural advisory staff, ( d ) provide in each county a co-ordinated system of information for those engaged in agriculture on all services available for the development of agriculture, whether provided by the Minister, the Authority or otherwise, and assist and encourage those engaged in agriculture to avail themselves of those services, ( e ) furnish to the Minister such information regarding the activities of the Authority and the progress thereof as he may from time to time require, and ( f ) afford free access, at all reasonable times, to its lands and premises to any duly authorised officer of the Minister, give him such information as he may reasonably require for the satisfactory discharge of his duties in relation to the finances of the Authority and allow him to examine such documents and records as he may reasonably consider necessary for that purpose. (2) The Board may consult with the Minister on all matters relating to education, advisory and research policy and may make proposals to the Minister on such matters. Director and Staff of the Authority

## 31 Director.

SECT 31.—(1) There shall be a Director of the Authority. (2) The Director shall be the chief officer of the Authority and shall, subject to the direction of the Board and this Act, control and direct the activities and staff of the Authority. (3) The first Director shall be appointed by the Minister and, subject to subsection (10), shall hold office for such period and on such terms and conditions (including terms as to remuneration) as may be determined by the Minister with the consent of the Minister for the Public Service. (4) The Minister may, with the consent of the Minister for the Public Service, by order provide for the payment, in such manner and subject to such conditions and limitations as may be specified in the order, of superannuation allowances by way of pension, lump sum or gratuity to, or in respect of, the first Director. (5) No pension, gratuity, allowance or other payment shall be granted by the Board, nor shall the Board enter into any other arrangement for the provision of such pension, gratuity, allowance or other payment, on the resignation, retirement or death of the first Director otherwise than in accordance with an order under subsection (4). (6) Every Director, other than the first Director, shall, subject to the approval of the Minister, be appointed by the Board. (7) The Director shall devote the whole of his time to his

duties as Director and shall not hold any other office or position without the consent of the Board. (8) The Director may make proposals to the Board on any matter relating to the activities of the Authority. (9) The Director shall not be a member of the Board or of any committee appointed by the Board under section 29. (10) The Board may, with the consent of the Government, at any time remove the Director from office.

### 32 Annual programme of activities.

SECT 32.—(1) The Board shall prepare, in respect of each financial year, a programme, in such form as the Minister may require, of the projected activities of the Authority in that year. (2) The programme shall have regard to— ( a ) the annual agricultural advisory and educational programmes prepared by each of the committees of agriculture referred to in section 36, and ( b ) such annual educational programmes as may be submitted by institutions receiving grants from the Authority which provide courses of study in agriculture as referred to in section 12 (1) (d). (3) The programme as adopted by the Board shall be submitted to the Minister for his approval. The Minister may, in conveying approval, indicate such further amendments of the programme as he considers necessary. The Board may, however, with the approval of the Minister, make such alterations in the programme as it subsequently considers necessary. (4) The Minister may fix a date on or before which the programme in respect of the succeeding year must be submitted to him.

### 33 Staff.

SECT 33.—(1) Subject to subsection (4), the Authority may employ such staff as is necessary for the performance of its functions. (2) Except as provided in section 31 (6) and subject to subsection (3), the members of the staff of the Authority shall be appointed by or under the authority of the Board. (3) ( a ) Before making an appointment to a position on the staff of the Authority, being a position one of the minimum qualifications for which is a degree of a recognised university or such other qualification as, in the opinion of the Minister, is an equivalent qualification, the Board shall appoint a panel composed of a person nominated by the Civil Service Commissioners under paragraph (b) and of persons who, in the opinion of the Board, are suitable and competent for the purpose to examine the applications and to recommend a person for appointment, and the Board shall consider the recommendation of the panel. ( b ) The Civil Service Commissioners, whenever so requested by the Board, shall nominate a person for the purposes of paragraph (a). (4) Subject to sections 34 and 65, the Board shall from time to time determine the qualifications, number, grades, tenure of office and conditions of service of the members of the staff of the Authority except the first Director. (5) Subject to sections 34 and 65, the staff (except the first Director) of the Authority shall be paid such remuneration and allowances as shall be determined by the Board with the concurrence of the Minister and the Minister for the Public Service.

### 34 Staff schemes.

SECT 34.—(1) As soon as conveniently may be after the commencement of this section, the Board shall, subject to section 65 and following consultation with the recognised staff associations and trade unions concerned, prepare and submit a staff scheme or schemes for the regulation, control and management of the staff of the Authority and shall indicate in respect of the different grades of staff (either generally or severally, as may be appropriate) the appropriate remuneration, tenure of office, qualifications and conditions of service. (2) A scheme submitted to the Minister under this section shall, if approved by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Authority in accordance with its terms. (3) The Board may at any time, with the approval of the Minister and the concurrence of the Minister for the Public Service, amend a scheme under this section.

### 35 Superannuation.

SECT 35.—(1) As soon as conveniently may be after the commencement of this section, the Board shall, subject to section 66, prepare and submit to the Minister a scheme or schemes for the granting of superannuation allowances by way of pension, lump sum or gratuity to, or in respect of, appropriate members of the staff of the Authority. (2) A scheme submitted to the Minister under this section shall, if

approved by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Authority in accordance with its terms. (3) The Board may at any time, with the approval of the Minister and the concurrence of the Minister for the Public Service, amend a scheme under this section. (4) A scheme submitted and approved under this section shall fix the time and conditions of retirement for all persons to whom allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons. (5) If any dispute arises as to the claim of any person to, or the amount of, any allowance payable in pursuance of a scheme under this section, it shall be submitted to the Minister for determination by him, subject to the agreement of the Minister for the Public Service. (6) No pension, gratuity, allowance or other payment shall be granted by the Board nor shall any other arrangements be entered into by the Board for the provision of such pension, gratuity, allowance or other payment on the resignation, retirement or death of a member of the staff of the Authority (except the first Director) other than in accordance with a scheme made under this section. (7) Every scheme submitted and approved under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

#### PART IV - COMMITTEES OF AGRICULTURE

##### 36 Functions of committees of agriculture.

SECT 36.—(1) Every committee of agriculture shall, with the assistance of the Chief Agricultural Officer, prepare an annual agricultural advisory and education programme for its county and shall submit the programme to the Authority for consideration by the Board in relation to the annual programme referred to in section 32 and may— ( a ) review, and make recommendations to the Minister and the Board, as appropriate, regarding, the operation of such programme and the schemes operated by the Minister in the county; ( b ) from time to time request reports from the Chief Agricultural Officer on the progress of the advisory and education programme for the county; ( c ) from time to time request reports from the appropriate officers of the Minister on the schemes operated by him in the county and request the attendance of those officers at meetings of the committee at which matters relating to those schemes are discussed; and ( d ) make proposals to the Minister, through the General Council referred to in section 43, in regard to agricultural policy and development. (2) ( a ) Every committee of agriculture shall have, in addition to the powers and functions mentioned in subsection (1), the functions that were exercised or performed, or were capable of being exercised or performed, by it immediately before the commencement of this section, except the functions transferred to the Authority under sections 12 and 15. ( b ) The definition in section 2 of the Act of 1931 of the expression "the purposes of agriculture and other rural industries" shall be construed subject to this section. (3) For the purpose of this Act "Chief Agricultural Officer", in relation to a county, means the officer of the Authority to whom is assigned responsibility for executing in the county the functions of a committee of agriculture transferred to the Authority under sections 12 and 15.

##### 37 Amendments of Act of 1931.

SECT 37.—(1) The Act of 1931 is hereby amended by the deletion of— ( a ) "forestry" where it occurs in the definition of the expression "the purposes of agriculture and other rural industries" in section 2 and "and instruction in" in that definition; and ( b ) "or for forestry schemes" in section 39; and the said definition and section 39, as so amended, are set out in Table I to this section. (2) Notwithstanding subsection (1) of this section and the repeal by this Act of sections 35, 36 (2) and 38 (2) of the Act of 1931 and of section 2 (2) of the Agriculture (Amendment) Act, 1958, a committee of agriculture may distribute forest trees for shelter belts and other purposes in accordance with a scheme adopted by it and approved by the Minister. (3) Paragraphs (e) and (f) of section 30 (2) of the Act of 1931 are hereby amended by the substitution of "five hundred" for "one hundred" and the said paragraphs as so amended are set out in Table II to this section. TABLE I the expression "the purposes of agriculture and other rural industries" includes assistance, improvement, and development of all or any of the following industries, that is to say, agriculture, horticulture, dairying, the breeding of horses, cattle and other livestock and poultry, bee-keeping, the cultivation and preparation of flax, and any industry immediately connected

with and subservient to any of the said industries, and the said expression also includes aiding or facilitating the carriage and distribution of agricultural requisites and produce; 39. There shall be placed at the disposal of the Minister and applied by him for the purposes of agricultural schemes or any other lawful purposes of committees of agriculture such moneys as may from time to time be provided by the Oireachtas for those purposes. TABLE II ( e ) before a contract involving the payment by a committee of agriculture of the sum of five hundred pounds or any greater sum is made by such committee, such committee shall cause not less than ten days' public notice by advertisement or otherwise to be given stating the nature and purpose of such contract and inviting tenders for the execution thereof; ( f ) on the making of a contract involving the payment by a committee of agriculture of the sum of five hundred pounds or any greater sum, such committee shall require and take from the person by whom such contract is to be performed sufficient security for the due performance thereof;

#### 38 Co-operation with other bodies.

SECT 38.—A committee of agriculture may, subject to the approval of the Minister and in accordance with such terms and conditions as may be determined by him, join with another body or bodies in building premises and in leasing, purchasing or otherwise acquiring land and buildings for the joint use of the committee and such other body or bodies in the exercise of their respective powers and functions.

#### 39 Agricultural schemes.

SECT 39.—(1) Every committee of agriculture shall, in respect of its functions under this Act, submit to the Minister, on or before such date as may be specified by him, the agricultural scheme to which section 33 of the Act of 1931 relates. (2) When the Minister has considered the scheme, he shall issue to the committee by which the scheme was prepared a certificate in the prescribed form authorising the committee to demand from the council of the county in which the functional area of the committee is situated a contribution (in this Act referred to as the annual local contribution), in respect of the local financial year to which the agricultural scheme relates, of such amount as the Minister shall think proper to specify in such certificate having regard to— ( a ) the estimate of expenses and receipts contained in the agricultural scheme, and ( b ) the estimate of expenses and receipts furnished under section 44 to the Minister by the Board in regard to the provision of agricultural advisory and education services in the county. (3) Every certificate under this section shall specify the respective portions of the annual local contribution which relate to the separate estimates of expenses and receipts indicated in subsection (2). (4) Every committee of agriculture shall, upon receiving from the Minister a certificate under this section, forthwith send to the council of the county concerned a demand in the prescribed form for the total contribution specified in the certificate in respect of the local financial year to which it relates. (5) Every council of a county to which a demand is made under this section by a committee of agriculture shall pay to such committee at such time or times as the Minister may specify and in such manner as he may indicate, the amount of the demand without any deduction whatsoever. (6) Every committee of agriculture shall, out of the annual local contribution, pay to the Authority each year without deduction, at such time or times and in such manner as the Minister may specify, the amount indicated in the certificate referred to in subsection (2) which relates to the expenses and receipts mentioned in paragraph (b) of that subsection. (7) The annual local contribution shall not, in any local financial year, exceed, or be less than, the respective limits specified in section 1 (1) of the Agriculture (Amendment) Act, 1974. (8) The council of a county shall, in every local financial year, charge the amount of the annual local contribution in the area consisting of the county, exclusive of every (if any) urban district therein.

#### 40 Amendment of Act of 1944.

SECT 40.—Section 5 (1) of the Act of 1944 is hereby amended by the insertion after "court" in paragraph (c) of "or any specific requirement of any statute applicable to such committee" and that paragraph as so amended is set out in the Table to this section. TABLE ( c ) a committee of agriculture for a county fails to comply with any judgement, order or decree of any court or any specific requirement of any statute applicable to such committee, or

41 "election year".

SECT 41.—For the purposes of the Agriculture Acts and this Act "election year" means any year in which elections of members of local authorities are held pursuant to the Local Elections Acts, 1963 to 1974.

42 Amendment of Second Schedule to Act of 1931.

SECT 42.—(1) The Second Schedule to the Act of 1931 is hereby amended by the substitution for Rule 2 of the following Rule: "2. Every committee of agriculture shall be composed both of persons who are and persons who are not members of the council and the number of members of every such committee who are members of the council shall be— ( a ) in case the committee consists of a number of members which is a multiple of five, three-fifths of that number, and ( b ) in any other case, the number which is the next whole number above three-fifths of the number of members." (2) Every person, other than a member of the council of a county, appointed to be a member of a committee of agriculture shall be appointed on the nomination of such voluntary rural organisations active in the county as the Minister may by order designate (either generally or in relation to each county or group of counties) and the number of members to be nominated by each such organisation shall, subject to the provisions of the Agriculture Acts and this Act, be such as the Minister may by order determine. (3) This section shall have effect in relation to a committee of agriculture upon the commencement of the annual meeting of the council of the county by which the members of the committee are appointed held next after the first election of members of the council held after the passing of this Act.

43 General Council of Committees of Agriculture.

SECT 43.—A committee of agriculture may, subject to such limits as may be fixed from time to time by the Minister, make annual contributions to— ( a ) the association of committees of agriculture known as the General Council of Committees of Agriculture formed for the purpose of consultation as to their common interests and the discussion of matters relating to agriculture, or ( b ) in the event of that Council ceasing to exist, any association or body that may subsequently be formed which, in the opinion of the Minister, has similar aims and functions.

## PART V - FINANCE OF THE AUTHORITY

44 Annual estimates of expenses and receipts.

SECT 44.—(1) The Board shall prepare, in respect of each financial year, an estimate in such form as the Minister may require of— ( a ) the moneys required to meet the expenses of the Authority in the exercise of its functions and duties in that year, and ( b ) the receipts accruing to the Authority from all sources in that year. (2) The estimate shall have regard to the provisions of the annual programme of activities referred to in section 32. (3) The estimate when adopted by the Board shall be submitted to the Minister for his approval. (4) The Minister, in conveying his approval, shall indicate such (if any) amendments of the estimate as he considers necessary. The Board may, however, with the consent of the Minister, incur expenditure that— ( a ) is not provided for in the estimate as originally approved by the Minister but is subsequently considered necessary, or ( b ) exceeds the total net expenditure originally approved by the Minister, if such excess is subsequently considered necessary.

45 Annual advisory and education programmes.

SECT 45.—In preparing an estimate under section 44, the Board shall have regard to the annual advisory and education programmes prepared by each committee of agriculture under section 36 (1) and to such annual education programmes as may be submitted by institutions providing courses of study in agriculture as referred to in section 12 (1) (d).

46 Date for submission of estimate.

SECT 46.—The Minister may fix a date on or before which the estimate in respect of the succeeding financial year is to be submitted to him.

47 Income from annual local contributions of committees of agriculture.

SECT 47.—The income accruing to the Authority out of the annual local contributions from committees of agriculture under section 39 (6) shall be used by the Authority solely for the purpose of carrying out such functions in relation to agricultural education and advice transferred to it under sections 12 and 15 as, before the commencement of those sections, were exercised or performed, or were capable of being exercised or performed, by a committee of agriculture.

48 State endowment of the Authority.

SECT 48.—(1) For the purpose of assisting the Authority to carry out effectively its functions under this Act, there shall be paid to the Authority in every financial year, as may be necessary, out of moneys provided by the Oireachtas— ( a ) a grant towards the expenses of the Authority in purchasing land and premises, in erecting offices and buildings and in purchasing machinery, vehicles and equipment of a capital nature, and ( b ) a grant towards the other expenses of the Authority. (2) The amount of each of those grants shall, subject to subsections (3) and (4), be determined by the Minister, with the approval of the Minister for Finance, after due consideration of any information furnished under subsection (5). (3) The grant referred to in subsection (1) ( b ) shall not, subject to subsection (4), be less, in real terms, than the total amount provided by the Oireachtas in the financial year immediately preceding the date of the establishment of the Authority in respect of the activities of the Authority in the financial year to which the grant relates. (4) For the purpose of subsection (3) "in real terms" means that full account shall be taken of any change that may have taken place in the value of money in the interval between the date of the establishment of the Authority and the commencement of the financial year to which the grant relates. (5) The Board shall furnish to the Minister such information regarding its income and expenditure as he may from time to time require. (6) Where there is doubt as to whether any of the items of expense mentioned in subsection (1) is or is not of a capital nature, the decision of the Minister on the matter shall be final.

49 Expenses of the Authority.

SECT 49.—The income of the Authority shall, subject to sections 47 and 48, be applied in payment of the expenses of the Authority, including, in particular: ( a ) the annual outgoings and expenses in respect of the offices, premises and equipment of the Authority, ( b ) the remuneration and expenses of the chairman, the first Director and staff of the Authority, the expenses of the members of the Board and members of the committees appointed under section 29 and the superannuation allowances of the first Director and the staff of the Authority, ( c ) the cost of any research, educational or advisory programme in agriculture carried out by, or on behalf of, the Authority, ( d ) the cost of grants to defray the cost of specific programmes of agricultural research or basic veterinary research, specific agricultural research or basic veterinary research and grants to educational institutions, ( e ) the cost of local advisory and educational programmes, ( f ) the cost of the provision of scholarships and other awards for the carrying out of post-graduate agricultural or basic veterinary research and for higher education, ( g ) the cost of providing and organising courses of study, seminars, conferences, lectures and demonstrations appropriate to the functions of the Authority. ( h ) the cost of the publication and dissemination of the results of agricultural or basic veterinary research and of publications in relation to agricultural education and agricultural advice, and ( i ) the cost of such other activities of the Authority, consistent with its functions (including any functions assigned under section 20), as may be approved by the Board and the Minister from time to time.

## 50 Power to borrow.

SECT 50.—(1) The Authority may, with the consent of the Minister given with the consent of the Minister for Finance and subject to any conditions imposed by the Minister, borrow by means of bank over-draft, or otherwise, moneys for the purpose of the administration and operation of its functions. (2) Where the repayment of moneys borrowed under this section is to be spread over a term of years, the Authority may borrow the moneys on the security of the land and property (other than the estate known as Johnstown Castle and Demesne and referred to in the Johnstown Castle Agricultural College Act, 1945, and in the Johnstown Castle Agricultural College (Amendment) Act, 1959) of the Authority or such other security as may be acceptable to the lender and may charge the income of the Authority with the payment of the principal moneys so borrowed and the interest thereon.

## 51 Accounts and audits.

SECT 51.—(1) The Authority shall keep, in such form as may be approved by the Minister with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, including an income and expenditure account, a balance sheet and, in particular, all such special accounts as the Minister on his own motion or at the request of the Minister for Finance, may from time to time direct. (2) Accounts kept in pursuance of this section shall be submitted annually by the Authority to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account, the balance sheet and any other accounts kept pursuant to a direction of the Minister, together with the report of the Comptroller and Auditor General on the accounts, shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

## 52 Annual and other reports.

SECT 52.—The Board shall— ( a ) as soon as conveniently may be after the end of each financial year, prepare and submit to the Minister a report of the work of the Authority in that financial year and a copy of every such report shall be laid before each House of the Oireachtas, and ( b ) supply to the Minister such information regarding the performance of the functions of the Authority as he may from time to time require.

## PART VI - CONSEQUENTIAL AND TRANSITIONAL

### 53 Transfer of property.

SECT 53.—(1) On the commencement of this section, the following properties (including all rights, powers and privileges relating to or connected with any such property) shall, subject to sections 54 and 55, be transferred to the Authority: ( a ) any property real or personal (including choses-in-action) which, immediately before the commencement of this section, was vested in or belonged to or was held in trust for the Institute or a committee of agriculture; ( b ) the properties of the Minister commonly known as— (i) Mellowes Agricultural College, Athenry, County Galway, (ii) Clonakilty Agricultural College, Clonakilty, County Cork, (iii) Ballyhaise Agricultural College, Ballyhaise, County Cavan, and (iv) Kildalton Agricultural and Horticultural College, Kildalton, Piltown, County Kilkenny, and which are described in the Third Schedule, including the lands, buildings, offices, out-offices, crops, livestock, farm machinery, farm and office equipment and other movable property on those properties immediately before the commencement of this section, and ( c ) the interest of the Minister in the lands and property known as the Cereal Station, Ballinacurra, Midleton, County Cork, and which are described in the Third Schedule including the interest of the Minister in the lands, buildings, offices, out-offices, office equipment, crops, livestock, farm machinery and equipment and other movable property thereon immediately before the commencement of this section. (2) The properties referred to in this section shall be transferred without any conveyance or assignment but subject, where necessary, to transfer in the books of any bank, corporation or company and shall become the property of, or be held in trust for and

be vested in (as the case may require) the Authority for all the estate, term or interest by which they were held immediately before the commencement of this section but subject to all trusts, equities and statutory requirements affecting the properties and then subsisting and capable of being performed. (3) Any property transferred by this section which, immediately before the commencement of the section, was standing in the books of any bank, corporation or company, or registered in the books of any bank, corporation or company in the name of the Institute, a committee of agriculture or the Minister shall, upon the request of the Authority made at any time after such commencement, be transferred in those books by that bank, corporation or company into the name of the Authority. (4) After the commencement of this section, every chose-in-action transferred in accordance therewith to the Authority may be sued upon, recovered or enforced by the Authority in its own name and it shall not be necessary for the Authority to give notice to the person bound by such chose-in-action of the transfer.

#### 54 Transferred Fund.

SECT 54.—(1) The moneys in the Endowment Fund of the Institute and any unexpended balance in the Capital Fund of the Institute (referred to in sections 10 and 11 of the Act of 1958) on the commencement of section 53 shall be lodged to a special fund of the Authority to be known as the Transferred Fund. (2) The Transferred Fund shall be used by the Authority solely for such capital purposes and to such extent as may from time to time be approved by the Minister, after consultation with the Minister for Finance, (3) Any unexpended balance of the Transferred Fund shall be kept invested by the Authority in such securities as may from time to time be approved by the Minister for Finance. (4) The interest on the Transferred Fund shall accrue to the Authority as income.

#### 55 Exception in favour of committee of agriculture.

SECT 55.—Section 53 shall not apply to office accommodation which, immediately before the commencement of that section, was leased by a committee of agriculture for use as a headquarters office or to office equipment and office furniture therein.

#### 56 Transfer of liabilities.

SECT 56.—On the commencement of section 53, every debt and other liability (including unliquidated liabilities) which, immediately before the commencement of that section, is owing and unpaid and has been incurred and is undischarged by the Institute or a committee of agriculture or, as the case may be, the Minister in relation to the functions and properties transferred to the Authority under this Act shall, on the commencement of that section become and be the debt or liability of the Authority and shall be paid or discharged by, and may be recovered from or enforced against, the Authority accordingly.

#### 57 Office accommodation for committees of agriculture.

SECT 57.—Where the property of a committee of agriculture transferred to the Authority under section 53 includes office accommodation used as a headquarters office and office furniture and equipment contained therein, the Authority shall, on and after the commencement of that section, make available to that committee such office accommodation (for use as a headquarters office), equipment and furniture as may be agreed between the committee and the Authority as adequate, on such terms and conditions as may be agreed between them or, in the event of disagreement, whether as to adequacy or otherwise, as the Minister may determine.

#### 58 Inventory of property and statement of liabilities.

SECT 58.—Every committee of agriculture shall, as soon as may be after the commencement of section 53, prepare and transmit to the Board and to the Minister— ( a ) an inventory (itemised as may be appropriate) of the property and other assets transferred from it to the Authority under that section, indicating the current value of the property and other assets so transferred, ( b ) a statement (itemised as may be appropriate) of the debts and liabilities of the committee outstanding immediately preceding such commencement and distinguishing between the undischarged portion of any loans negotiated by the

committee under section 5 (2) of the Agriculture (Amendment) Act, 1958, and other debts and liabilities, and ( c ) a statement of the principal and interest paid by the committee up to the date of such commencement in respect of each loan referred to in paragraph (b) of this section.

59 Consideration to committees of agriculture for property transferred.

SECT 59.—(1) The Authority shall pay to each committee of agriculture, over such period and at such times and in such manner as the Minister may direct, such proportion of one-half of the net value of the assets of the committee transferred to the Authority under section 53 as the net expenditure of the committee concerned in the financial year immediately preceding the commencement of that section, in relation to the functions retained by it under this Act, bears to the total net expenditure of the committee in that financial year. (2) The Authority shall, in relation to the balance of one-half of the net value of the transferred assets of the committee, enter as an expense in the part of the annual estimate referred to in section 44 which deals with expenditure on education and advisory services in the county concerned, such portion as the Minister may direct, and the Minister shall have regard to such entry when specifying the amount of the annual local contribution in the certificate referred to in section 39. (3) For the purpose of this section— ( a ) "net value of the transferred assets" means the sum of the total of— (i) the valuations indicated in the inventory referred to in paragraph (a) of section 58, which relate to property other than property for the acquisition of which a loan was raised by the committee, and (ii) the amounts specified in paragraph (c) of that section, less such portion of the total of the other debts and liabilities (other than the undischarged portions of any loans raised by the committee for the acquisition of property) referred to in paragraph (b) of that section as relates to the functions of the committee in question transferred to the Authority under sections 12 and 15, and ( b ) "net expenditure" means the difference between the total expenditure (other than expenditure in connection with activities financed from loans negotiated under section 5 (2) of the Agriculture (Amendment) Act, 1958) of the committee concerned and the total receipts accruing to the committee during the financial year in question from all sources, other than— (i) receipts in connection with activities financed from loans negotiated under the said section 5 (2), and (ii) receipts by way of grants to the committee from the Minister and of contributions from the council of the county concerned. (4) The valuations of property referred to in this section and in section 58 shall be such valuations as may be agreed upon between the committee and the Authority or, in default of agreement, such valuations as may be determined by the Minister.

60 Retention of property by the Minister.

SECT 60.—(1) Notwithstanding section 53, the lands and buildings (or any portion of the lands and buildings) together with any crops, livestock, equipment and other movable property on the properties referred to in subsection (1) (b) of that section which, before the commencement of that section, were used by the Minister for purposes other than the performance of functions transferred to the Authority under this Act, shall remain the property of the Minister, and the Authority shall, at all reasonable times, afford free access to such retained property to the Minister, his officers and servants in the performance of their functions and to such machinery and vehicles as may be necessary for the performance of those functions. (2) The Minister may by order transfer, at his discretion, to the Authority any of the lands, buildings or other property referred to in subsection (1) or any other lands, buildings or property in his possession and, where such an order is made, the relevant provisions of sections 53 and 56 shall apply to the transfer.

61 Validation of cheques of the Institute.

SECT 61.—The dissolution of the Institute by section 10 shall not invalidate or affect any payable order or cheque issued by the Institute and not presented for payment before the commencement of that section, or any authority given by the Institute for the payment of the amount of any payable order or cheque and the Authority shall make arrangements for the payment of the amount of every such order or cheque upon due presentation within a reasonable time after such commencement.

62 Preservation of continuing contracts.

SECT 62.—Any bond, guarantee or other security of a continuing character made or given by— ( a ) the Institute, or ( b ) a committee of agriculture, or ( c ) the Minister, in respect of properties and functions transferred to the Authority under this Act to another person, or by any person to the Institute or to a committee of agriculture or the Minister in respect of such properties and functions, and in force immediately before the commencement of section 53 and every contract or agreement in writing between the Institute, a committee of agriculture or the Minister in respect of such properties or functions and another person and not fully executed and completed before such commencement shall, notwithstanding the transfer of property effected by this Act, continue in force after such commencement and shall be construed and have effect as if the name of the Authority were substituted therein for, as the case may be, the name of the Institute or a committee of agriculture or the Minister, and such security, contract or agreement shall be enforceable accordingly by or against the Authority.

#### 63 Continuance of pending legal proceedings.

SECT 63.—In any action, suit, prosecution or other proceeding which was pending immediately before the commencement of section 53 in any court or tribunal and to which the Institute was a party, the Authority shall, on such commencement, become and be a party in place of the Institute, and those proceedings shall be continued between the Authority and other parties thereto accordingly, and no such proceedings shall abate or be discontinued or prejudicially affected by reason of the dissolution of the Institute.

#### 64 Preservation of contracts of service.

SECT 64.—Any contract of service (express or implied) in force immediately before the commencement of section 53 between— ( a ) the Institute, or ( b ) a committee of agriculture, or ( c ) the Minister, in relation to the property and functions transferred to the Authority under this Act and any person, not being an officer or servant of the Institute or of the Minister or of a committee of agriculture, shall continue in force on or after such commencement but shall be construed and have effect as if the name of the Authority were substituted therein for the name of the Institute, the committee of agriculture or the Minister, as the case may be, and every such contract shall be enforceable accordingly by or against the Authority or, as the case may be, the person concerned.

#### 65 Transfer of staff to Authority.

SECT 65.—(1) Every person who, immediately before the commencement of this section, is in the service of the Institute or a committee of agriculture shall, on such commencement, be transferred to and become, as the case may be, an officer or servant of the Authority, and all persons so transferred shall be members of the transferred staff of the Authority and are in this Act referred to as transferred staff. (2) Any person in the service of the Minister who is designated by him for transfer to the Authority shall, on the date of such designation, be transferred to and become, as the case may be, an officer or servant of the Authority and all persons so transferred shall be members of the transferred staff and are in this Act referred to as transferred staff. (3) ( a ) Subject to subsection (4), a member of the transferred staff shall not, while in the service of the Authority, receive less remuneration or be subject to less beneficial conditions of service than the remuneration to which he was entitled and the conditions of service to which he was subject in the service from which he has been transferred. ( b ) Until such time as a staff scheme applicable to a particular member of the transferred staff and approved by the Minister under section 34 comes into operation, the conditions of service, restrictions, requirements and obligations to which the member was subject before his transfer to the service of the Authority shall continue to apply to him and may be exercised or imposed by the Board or the Director, as the case may be, while he is in the service of the Authority. (4) The Board may, subject to section 34 and following consultation with the recognised staff associations and trade unions concerned, redistribute or rearrange the duties to be performed by members of the transferred staff as appropriate to their grade or employment and every such member shall be bound to perform the duties allotted to him in any such redistribution or rearrangement, and no such redistribution or rearrangement shall be taken to be a removal from or abolition of office for the purpose of any scheme or enactment relating to superannuation or compensation for loss of office.

#### 66 Superannuation of transferred staff.

SECT 66.—(1) A member of the transferred staff shall not, while in the service of the Authority, be subject to less favourable conditions in relation to the grant of superannuation allowances (whether by way of lump sum, pension, gratuity or compensation for loss of office) than the conditions which applied to him immediately before his transfer to the service of the Authority. (2) ( a ) Every member of the transferred staff who, immediately before the commencement of section 65, was in the service of a committee of agriculture and was required to make contributions to the committee for the purpose of the Act of 1956 shall, until a superannuation scheme applicable to him and approved by the Minister under section 35 comes into operation, pay to the Authority the appropriate contributions under sections 23 and 43 of the Act of 1956, as he would have been liable to pay if he had continued to be an officer or servant of such committee. ( b ) The arrangements for the payment to the Authority of contributions under this section shall be as required by sections 23 (2) and 43 (2) of the Act of 1956 and for the purpose of this section "the Authority" shall be substituted for "a local authority" in the said sections 23 (2) and 43 (2). ( c ) Section 24 (2) (3) (4) (5) (6) (7) (which relates to the return by a local authority of contributions to pensionable officers) and section 44 (2) (3) (4) (5) (6) (7) (8) (which relates to the return of such contributions to pensionable servants) of the Act of 1956 shall have effect in relation to contributions paid to the Authority under this section as if the liabilities imposed on a local authority by those sections were liabilities of the Authority. ( d ) Where contributions are, by virtue of paragraph (c), returned to a member of the transferred staff who, prior to his transfer to the Authority had made contributions for superannuation to a local authority or any other body under section 24 (1) or 44 (1) of the Act of 1956, the Authority shall also return to him or, as the case may be, to his legal personal representative, the total amount of such contributions, and the local authority and the other body (if any) concerned shall recoup to the Authority such sum as may be held by them in respect of the contributions made by the member. ( e ) Contributions returned to a member of the transferred staff under paragraphs (c) and (d) may be repaid to the Authority in accordance with such directions and subject to such conditions as the Minister, with the concurrence of the Minister for the Public Service, may specify. (3) Where an allowance to which subsection (1) relates falls due for payment to or in respect of a member of the transferred staff in the period between the commencement of section 65 and the coming into operation of a scheme approved by the Minister under section 35, the allowance shall be calculated and paid by the Authority in accordance with such superannuation scheme, or such enactments in relation to superannuation, as applied to such member immediately before his transfer to the service of the Authority and, for that purpose, his pensionable service with the Authority shall be aggregated with his previous pensionable service.

#### 67 Refund of superannuation, etc., allowances.

SECT 67.—(1) Where an allowance to which section 66 relates is paid under this Act to or in respect of any person and in determining the amount thereof any period of service which was not service with the Authority was reckoned, then, subject to section 68, a refund shall be made to the Authority in respect of such service— ( a ) in case it was service in the civil service (as defined in the Act of 1956), by the Minister for the Public Service, of such amount as he may determine, and ( b ) in case it was service under a committee of agriculture, by the council of the county which appointed that committee, of such amount as the Minister for the Public Service may determine, after consultation with the Authority and such council. (2) Payments made by the Minister for the Public Service under this section shall be made out of moneys provided by the Oireachtas.

#### 68 Addition to pensionable service of transferred officers.

SECT 68.—(1) Where, within the period between the commencement of section 65 and the coming into operation of a scheme approved by the Minister under section 35 which is applicable to the officer concerned, an allowance to which section 66 relates falls for payment to a transferred officer who before his transfer was a pensionable officer of a committee of agriculture and to whom section 13 of the Act of 1956 is applicable, the Board may decide to add a period of years to the officer's pensionable service as if

the Authority were a local authority and, in that event, the allowance shall be calculated and paid by the Authority in relation to the officer's total pensionable service, including any addition thereto that may have been decided on under this subsection. (2) Where, under subsection (1), a period of years has been added to the pensionable service of a transferred officer and an allowance to which section 66 relates is paid by the Authority to the officer, the council of the county which appointed the committee shall, notwithstanding section 67, refund to the Authority such proportion of the allowance attributable to the period of years so added as the officer's pensionable local service bears to his total pensionable service (excluding any period added under this section).

#### 69 Complaints regarding conditions of service, etc.

SECT 69.—Where, in the case of a member of the transferred staff to whom a scheme approved by the Minister under sections 34 or 35 has not been applied, a complaint is made to the Minister either by the member, his legal personal representative or a recognised staff association or trade union acting on his behalf, that either his conditions of service are less beneficial, or the conditions in relation to the grant to him of superannuation allowances (whether by way of pension, lump sum, gratuity or compensation for loss of office), are less favourable than those which applied to him immediately before his transfer to the service of the Authority, the Minister shall arrange to have such complaint heard by a person appointed by him for that purpose and agreed by the member, the legal personal representative, the staff association or trade union, as the case may be, who made the complaint. The person so appointed, having heard such representations as may be put forward by or on behalf of the complainant and any representations that may be made on behalf of the Board, shall report on the matter to the Minister who having considered the report, shall give his decision on the complaint.

### PART VII - MISCELLANEOUS

#### 70 Provision of staff to committees of agriculture.

SECT 70.—(1) The Authority shall make available to every committee of agriculture the services of— ( a ) a Chief Agricultural Officer (as defined in section 36 (3) for the purposes of this Act) to act as secretary and accountant to such committee and to perform such other duties as were duties of the officer who held the post of Chief Agricultural Officer to such committee immediately before the commencement of sections 12 and 15, and ( b ) such clerical staff as may be suitable and necessary to perform the clerical work arising in the carrying out by such committee of its functions under this Act. (2) Every committee of agriculture shall, in each financial year, pay to the Authority in respect of the services referred to in subsection (1) such sum as may be agreed between the committee and the Authority or, in default of agreement, as may be determined by the Minister.

#### 71 Audit of accounts of committees of agriculture.

SECT 71.—For the purpose of the requirements of the Local Government Acts in relation to the auditing of accounts of local authorities, the Chief Agricultural Officer shall be regarded as and shall be an officer of the committee of agriculture concerned.

#### 72 Duties, etc. under Johnstown Castle Agricultural College Acts, 1945 and 1959.

SECT 72.—Every duty, obligation and restriction imposed on the Institute by the Johnstown Castle Agricultural College Act, 1945, and the Johnstown Castle Agricultural College (Amendment) Act, 1959, shall, on the establishment of the Authority, become and be a duty, obligation or restriction, as the case may be, on the Authority. Section 9.

### FIRST SCHEDULE PROVISIONS RELATING TO THE AUTHORITY

Seal of the Authority.

1. The Authority shall be a body corporate with perpetual succession and a common seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

Attestation of seal.

2. (1) The common seal of the Authority shall, when applied to a document, be attested by the signature of a member of the Board and by the signature of the Director or of a member of the staff of the Authority authorised by the Board to act in that behalf. (2) All courts of justice shall take judicial notice of the common seal of the Authority and every document purporting to be an instrument made by the Authority and to be sealed with the common seal and to be attested in accordance with this paragraph shall, unless the contrary is shown, be received in evidence and be deemed to be such instrument without further proof.

Contracts or instruments not under seal.

3. 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 Authority by any person generally or specially authorised by the Board for that purpose. Section 25.

## SECOND SCHEDULE PROVISIONS RELATING TO THE BOARD

Term of office of members.

1. (1) Eight members of the Board to be established on the commencement of section 25 shall be appointed for a period of three years, a further eight members shall be appointed for a period of four years and the remaining members for a period of five years. (2) The members to be appointed for the several periods of three years, four years and five years shall be determined by lot. (3) Except as provided in subparagraph (1) the term of office of a member of the Board shall, subject to paragraphs 5 and 6, be five years.

Eligibility of outgoing members.

2. A member of the Board whose term of office expires by effluxion of time shall be eligible for re-appointment. Resignation.

3. A member of the Board may resign his office as such member by letter sent by post to the Minister, and the resignation shall take effect on the date which is one month after the date of the receipt of the letter, if the resignation is not previously withdrawn in writing.

Removal.

4. The Minister may at any time remove a member of the Board from office.

Disqualification.

5. (1) Where a member of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas, he shall, on accepting nomination as a member of Seanad Éireann or on nomination for such election (as the case may be), cease to be a member of the Board. (2) Any person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming a member of the Board. (3) A member of the Board shall be disqualified from holding and shall cease to hold office if he is adjudged bankrupt or makes a composition or arrangement with creditors or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude or ceases to be ordinarily resident in the State.

Casual vacancies.

6. (1) A casual vacancy occurring among the members of the Board shall be filled by appointment by the Minister in accordance with an order under section 26. (2) A person appointed under this paragraph shall hold office for the remainder of the term for which his predecessor was appointed. Meetings.

7. (1) The Board shall hold at least three meetings in every year which commences after the commencement of section 25. (2) The Board shall hold special meetings at any time at the request of the chairman or eight other members of the Board.

Procedure.

8. (1) The quorum for a meeting of the Board shall be eight. (2) At a meeting of the Board— ( a ) the chairman shall, if present, be chairman of the meeting, ( b ) if and so long as the chairman is not present or if the office of chairman is vacant, the members of the Board who are present shall choose one of their number to be chairman of the meeting. (3) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote. (4) The Board may act notwithstanding one or more vacancies among its members. (5) Subject to the provisions of this Act, the Board shall regulate, by standing orders or otherwise, the procedure and business of the Board and of the committees appointed under section 29. Section 53.

### THIRD SCHEDULE PROPERTIES TRANSFERRED TO THE AUTHORITY

PropertyTownlandCountyAreaTenureA. R. P. Mellowes Agricultural College, Athenry Ballygarraun West Ballygarraun South Newford Gortnahowen ParkGalway " " " "200. 3. 21 195. 3. 35 213. 3. 3 59. 2. 8 5. 1. 13Fee simple Clonakilty Agricultural College Darrara Cork 345. 3. 28 Fee simple Ballyhaise Agricultural College Annaghduff Carrickmore Drumarow Drumcrow Drumhome Elteen Lisnagowan Oakwood or Drumally Raheg TownparksCavan " " " " " " " "87. 1. 4 6. 3. 30 141. 3. 26 98. 1. 19 74. 0. 35 101. 3. 2 38. 0. 5 74. 0. 18 72. 0. 9 49. 3. 10Fee simple Kildalton Agricultural and Horticultural College KildaltonKilkenny364. 3. 33Fee simple Cereal Station, Ballinacurra Ballynacorra East BallynacorraCork "129. 3. 1 24. 3. 55-year lease, commencing on the 30th day of September, 1969, and thereafter leased from year to year. Section 7.

### FOURTH SCHEDULE ENACTMENTS REPEALED

<b>Short Title</b>	<b>Extent of Repeal</b>
Agriculture Act, 1931 in the Second Schedule.	Sections 22, 23, 27, 28, 35, 36 (2), 38 (2) (3) and Rule 2
Agriculture (Amendment) Act, 1944	Sections 7, 8, 9, 10 and 11.No. 24 of 1948
Agriculture (Amendment) Act, 1948.	Section 4.No. 1 of 1958
Agriculture (An Foras Talúntais) Act, 1958	The whole Act.No. 17 of 1958
Agriculture (Amendment) Act, 1958	Sections 2 (2) and 6.