



Number 43 of 2001

ORDNANCE SURVEY IRELAND ACT, 2001

ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
2. Establishment day.
3. Establishment of Ordnance Survey Ireland.
4. Functions of OSI.
5. Ministerial directions.
6. Conferring of additional functions on OSI.
7. Establishment of companies by OSI.
8. OSI may acquire, etc., shares in, and become member of, company.
9. Borrowing by OSI.
10. Powers of OSI to enter lands.
11. Membership of Board of OSI and term of office of members.
12. Chairperson of Board.
13. Meetings and procedures of Board.
14. Chief executive officer.
15. Staff.
16. Remuneration of staff.
17. Superannuation of staff.
18. Engagement of consultants.

[No. 43.] *Ordnance Survey Ireland Act, 2001.* [2001.]

Section

19. Membership of Houses of Oireachtas and European Parliament.
20. Disclosure of interests by members of Board.
21. Disclosure of interests by directors of subsidiary.
22. Disclosure by members of staff of certain interests.
23. Prohibition on unauthorised disclosure of confidential information.
24. Advances by Minister to OSI.
25. Service agreement.
26. Accounts of OSI.
27. Annual report.
28. Premises of OSI.
29. Charges by OSI.
30. Seal of OSI.
31. Dissolution of the Ordnance Survey.
32. Transfer of assets and liabilities.
33. Preservation of certain continuing contracts.
34. Saving for certain acts.
35. Pending legal proceedings.
36. Amendment of First Part of Schedule to Ministers and Secretaries Act, 1924.
37. Expenses.
38. Short title.

ACTS REFERRED TO

Companies Act, 1963	1963, No. 33
Companies Acts, 1963 to 2001	
Comptroller and Auditor General (Amendment) Act, 1993	1993, No. 8
European Parliament Elections Act, 1997	1997, No. 2
Holidays (Employees) Acts, 1973 to 1991	
Local Government Act, 1941	1941, No. 23
Minimum Notice and Terms of Employment Acts, 1973 to 1991	
Ministers and Secretaries Act, 1924	1924, No. 16
Place-Names (Irish Forms) Act, 1973	1973, No. 24
Redundancy Payments Acts, 1967 to 1991	
Terms of Employment (Information) Act, 1994	1994, No. 5
Unfair Dismissals Acts, 1977 to 1993	



Number 43 of 2001

ORDNANCE SURVEY IRELAND ACT, 2001

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY TO BE KNOWN AS ORDNANCE SURVEY IRELAND, TO DEFINE ITS FUNCTIONS AND TO PROVIDE FOR CONNECTED MATTERS. [5th December, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“Board” means Board of Ordnance Survey Ireland;

“company” means a company established under the Companies Acts, 1963 to 2001;

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

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

“local authority” has the meaning assigned to it by the Local Government Act, 1941;

“Minister” means Minister for Finance;

“OSI” means Ordnance Survey Ireland established by *section 3*;

“subsidiary” means a company established under *section 7*;

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

(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, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph

[No. 43.] *Ordnance Survey Ireland Act, 2001.* [2001.]

S.1 of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(3) In this Act a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended 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.

Establishment of Ordnance Survey Ireland. **3.**—(1) There shall stand established on the establishment day a body to be known as Ordnance Survey Ireland, or in the Irish language as *Suirbhéireacht Ordanáis Éireann*, and in this Act referred to as OSI.

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

Functions of OSI. **4.**—(1) The general function of OSI is to provide a national mapping service in the State. In this regard it shall operate in the public interest by creating and maintaining the definitive national mapping and related geographic records of the State.

(2) OSI's functions shall include all such tasks as are necessary to fulfil its general function including, but without prejudice to the foregoing, the following:

- (a) to maintain and develop the underlying physical infrastructure which is needed to support mapping applications, including to maintain a national grid and the national geodetic and height frameworks and to link these to international systems,
- (b) to create and maintain for the entire State mapping and related geographic databases which have national consistency of content, currency, style and manner including those areas which do not provide a commercial return on the activity,
- (c) to provide mapping and related geographic information to the public and private sectors in support of social, economic, legislative, educational, security, business and administrative functions and requirements,
- (d) to encourage and promote the benefits of the use of the national mapping and related databases and the development of products, services and markets to meet national and user needs,
- (e) to advise the Government, a Minister of the Government, a body established by or under statute and other public sector organisations on matters relating to the policy and practice of survey, mapping and geographic information and on the development of national spatial data infrastructures,

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

(f) to represent the State at international level on matters relating to mapping and geographic information, S.4

(g) to provide the necessary technical support to the Chief Boundary Surveyor in the performance of his or her duties in delimiting statutory boundaries and the delineation of such boundaries on maps,

(h) to depict place-names and ancient features in the national mapping and related records and databases including the Irish language equivalent of place-names as advised by An Coimisiún Logainmneacha and declared in place-names orders made under section 2 of the Place-Names (Irish Forms) Act, 1973,

(i) to protect the Government copyright on OSI records, databases, products and published material including copyright on OSI records, databases, products and published material made prior to the establishment day.

(3) OSI shall—

(a) conduct its affairs so as to ensure that revenues (including moneys provided by the Oireachtas) of OSI are not less than sufficient to—

(i) meet all charges properly chargeable to revenue account (including depreciation of assets and proper allocation to general reserve) taking one year with another,

(ii) generate a reasonable proportion of capital needs, and

(iii) remunerate its capital, pay interest on and repay borrowings,

and

(b) conduct its business at all times in a cost effective and efficient manner.

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

5.—(1) The Minister may give in writing to OSI general policy directions in respect of the performance of its functions under this Act. Ministerial directions.

(2) OSI shall comply with any direction given to it under *subsection (1)*.

6.—(1) The Minister may, after consultation with OSI and any other Minister of the Government who in the opinion of the Minister is concerned, by order— Conferring of additional functions on OSI.

(a) confer on OSI, such additional functions connected with the functions for the time being of OSI or the services or activities that OSI is authorised to provide or carry on (including functions of the Minister in relation to any

[No. 43.] *Ordinance Survey Ireland Act, 2001.* [2001.]

S.6

directive, regulation or other act adopted by an institution of the European Communities or other international convention or agreement to which the State is or becomes a party, in relation to mapping) as the Minister considers appropriate, and

(b) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of the conferral on OSI of functions under this section or the performance by OSI of functions so conferred (including provision for the transfer to OSI of any property held by the Minister for the purposes of functions conferred on OSI under this section).

(2) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

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

Establishment of companies by OSI.

7.—(1) OSI may, either by itself or with another person, with the consent of the Minister, and subject to any conditions of the Minister, promote and take part in the formation or establishment of a company (referred to in this section as a “subsidiary”) to perform any of the functions conferred upon it by this Act.

(2) OSI may exercise total or partial control of the board of directors, by whatever name called, of a company that controls or manages the subsidiary.

(3) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be approved of by OSI.

(4) A subsidiary shall make such reports and in such manner to OSI as it may require.

(5) A subsidiary may enter into joint ventures with other persons.

(6) The chief officer of a subsidiary shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the board of directors (or other authority, by whatever name called, that controls any such company).

OSI may acquire, etc., shares in, and become member of, company.

8.—OSI may, with the consent of the Minister, acquire, hold and dispose of shares or other interests in a company and become a member of a company.

Borrowing by OSI.

9.—(1) Subject to the consent of the Minister, OSI or any subsidiary may, whether by means of the issue of debentures or otherwise, borrow money (including money in a currency other than the currency of the State) for capital purposes, including working capital, from persons other than the Minister.

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

(2) OSI or any subsidiary may borrow money (including money S.9 in a currency other than the currency of the State) temporarily but the aggregate at any one time of such borrowings shall not exceed such amount as has been approved by the Minister.

(3) For the purposes of this section moneys borrowed in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys borrowed, such equivalent being calculated according to the rate of exchange at the time of the borrowing for that currency and the currency of the State.

10.—(1) A member of the staff of OSI may, at all reasonable times, enter on any land or premises and there make such inquiries, investigations and examinations as he or she thinks proper for the purpose of the performance of any of the functions conferred on OSI by this Act. Powers of OSI to enter lands.

(2) A member of the staff of OSI shall not, other than with the consent of the occupier, enter a private dwelling or its curtilage, unless he or she has obtained a warrant from the District Court under *subsection (6)* authorising such entry.

(3) Where a member of the staff of OSI in the exercise of his or her powers under this section is prevented from entering any land or premises an application may be made under *subsection (6)* authorising such entry.

(4) For the purpose of the exercise or performance of any of the functions conferred on it under this Act, OSI may place or cause to be placed on any land or premises survey marks for the purpose of supporting the national grid and geodetic and height frameworks.

(5) A member of the staff of OSI, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any functions conferred on him or her by this Act.

(6) If a judge of the District Court is satisfied on the sworn information of a member of the staff of OSI that OSI requires to make such inquiries, investigations and examinations, as it thinks proper, for the purpose of the performance of any of the functions conferred on OSI by this Act, on any land or premises (including the curtilage of any premises), the judge may issue a warrant authorising a member of the staff of OSI accompanied by other persons at any reasonable time or times, within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter the land (if needs be through any premises) or premises and carry out such inquiries, investigations and examinations.

(7) An application under *subsection (6)* shall be made to a judge of the District Court for the district court area in which the land or premises is situated.

(8) A person who obstructs or impedes a member of the staff of OSI in the exercise of his or her powers under this section is guilty of an offence.

(9) A person who intentionally destroys or removes a survey mark of OSI is guilty of an offence.

(10) A person guilty of an offence under this section shall be liable on summary conviction to a fine not exceeding €2,000 (£1,575.13).

[No. 43.] *Ordinance Survey Ireland Act, 2001.* [2001.]

11.—(1) There shall be a Board of OSI.

(2) Members of the Board shall be appointed by the Minister.

(3) The Board shall consist of a chairperson and not less than 4 and not more than 9 ordinary members.

(4) A member of the Board shall not be eligible for re-appointment if he or she has served two consecutive terms as a member of the Board.

(5) The Minister, when appointing an ordinary member of the Board, shall fix such member's period of membership which shall not exceed 5 years and, subject to this section, membership shall be on such terms as the Minister determines.

(6) Such number, as decided by the Minister, of the first ordinary members of the Board appointed under *subsection (2)* shall hold office for a period not exceeding 4 years from the date of their appointment as determined by the Minister by lot.

(7) A member of the Board may at any time resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date of receipt of the letter by the Minister.

(8) A member of the Board shall be paid out of funds at the disposal of OSI—

(a) such remuneration (if any) as may be fixed from time to time by the Minister, and

(b) such amounts in respect of expenses (if any) as the Minister may determine.

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

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

(b) Subject to the other provisions of this section, a person appointed to be a member of the Board by virtue of *paragraph (a)* shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment for one further consecutive term as a member of the Board.

(11) A member of the Board shall cease to hold and shall be disqualified from holding office if he or she is—

(a) adjudged bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is sentenced by a court of competent jurisdiction to a term S.11
of imprisonment, or

(d) is disqualified or restricted from being a director of any
company.

12.—(1) The Minister shall designate one member of the Board Chairperson of
Board.
as chairperson.

(2) The term of office of the chairperson of the Board shall be 5
years.

(3) Where the chairperson of the Board ceases during his or her
term of office as chairperson to be a member of the Board, he or
she shall also then cease to be chairperson of the Board.

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

(5) The chairperson of the Board shall, unless he or she sooner
dies, resigns office of chairperson, or ceases to be chairperson under
subsection (3) or (4), hold office until the expiration of his or her
period as a member of the Board.

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

(2) The Minister shall fix the date, time and place of the first
meeting of the Board.

(3) At a meeting of the Board—

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

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

(4) At a meeting of the Board, each member of the Board present
shall have a vote and every question shall be determined by a
majority of votes of the members present and voting on the question
and, in the case of an equal division of votes, the chairperson of the
meeting shall have a second and casting vote.

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

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

(7) The quorum of the Board shall be fixed by the rules made
under the foregoing subsection, but—

(a) it shall not be less than 5, and

(b) until it is so fixed, it shall be 5.

14.—(1) The Board shall appoint a chief executive officer of OSI Chief executive
officer.
subject to the approval of the Minister.

[No. 43.] *Ordnance Survey Ireland Act, 2001.* [2001.]

S.14

(2) The chief executive officer shall be known, and in this Act referred to, as the chief executive officer.

(3) The chief executive officer shall manage and control generally the staff, administration and business of OSI and perform such other functions as may be conferred on him or her by or under this Act or determined by the Board. He or she shall advise the Board in relation to the performance of the functions of OSI and shall make any proper proposals to the Board on any matter relating to the activities of OSI.

(4) The chief executive officer shall be responsible to the Board for the performance of his or her functions and the implementation of the Board's policies.

(5) The chief executive officer shall provide the Board with such information, including financial information, in relation to the performance of his or her functions as the Board may from time to time require.

(6) Such of the functions of the chief executive officer as from time to time may be specified by him or her may, with the consent of the Board, be performed by such member of the staff of OSI as may be authorised by the chief executive officer.

(7) The functions of the chief executive officer may be performed in his or her absence or when the position of chief executive officer is vacant by such member of the staff of OSI as may from time to time be designated for that purpose by the Board.

(8) The chief executive officer shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration and superannuation) as may be determined by the Board with the consent of the Minister. The chief executive officer may be removed from his or her position at any time by the Board, with the consent of the Minister.

(9) The person who, immediately before the establishment day, holds the position of Director of the OSI shall, on the establishment day, become the chief executive officer on an interim basis and shall hold such office until such time as the Board appoints a chief executive officer under *subsection (1)*.

(10) The chief executive officer shall not be a member of the Board. However, he or she will have the right to attend meetings of the Board and to address the Board on matters relating to the performance of the functions of OSI.

(11) The chief executive officer shall be paid by OSI, out of moneys at its disposal, such remuneration and such allowances for expenses incurred by him or her in the performance of his or her functions as may be determined by the Minister.

(12) The chief executive officer shall devote the whole of his or her time to his or her duties as chief executive officer and shall not hold any other office or position without the consent of the Board.

(13) The chief executive officer shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

- (a) the regularity and propriety of the transactions recorded or S.14 required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which OSI is required by this Act to prepare,
- (b) the economy and efficiency of OSI in the use of its resources,
- (c) the systems, procedures and practices employed by OSI for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting OSI referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann.

(14) In the performance of his or her duties under *subsection (13)*, the chief executive officer shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

(15) From time to time, and whenever so requested, the chief executive officer shall account for the performance of OSI's functions to a Committee of one or both Houses of the Oireachtas and shall have regard to any recommendations of such Committee relevant to these functions.

15.—(1) Any person who immediately before the establishment Staff. day was a member of the staff of the Ordnance Survey and who is designated by the Minister for employment in OSI shall on the appointed day be transferred to and become a member of the staff of OSI.

(2) The Minister may by order appoint a day to be the appointed day for the purposes of *subsection (1)*.

(3) OSI may appoint such number of persons to be members of the staff of OSI as it may determine from time to time with the consent of the Minister.

(4) A member of the staff of OSI—

- (a) (other than the chief executive officer) shall be paid out of the moneys at the disposal of OSI such remuneration and allowances for expenses incurred by him or her as the Board may, with the consent of the Minister, determine,
- (b) referred to in *paragraph (a)* shall hold office or employment on such other terms and conditions as the Board may, with the consent of the Minister, determine.

(5) The grades of the staff of OSI and the numbers of staff in each grade shall be determined by the Board with the consent of the Minister.

(6) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, the terms and conditions relating to tenure of office which are granted

[No. 43.] *Ordinance Survey Ireland Act, 2001.* [2001.]

S.15 by the Board in relation to a member of the staff of OSI who immediately before the establishment day was a member of the staff of the OSI shall not, while he or she is in the service of OSI, be less favourable to him or her than those prevailing immediately before the establishment day.

(7) Save in accordance with a collective agreement negotiated with any recognised staff associations or trade unions concerned, the scales of pay to which a member of staff referred to in *subsection (1)* was entitled and the terms and conditions of service (other than those relating to tenure of office), restrictions, requirements and obligations to which they were subject immediately before their transfer shall continue to apply to them and may be applied or imposed by the Board or the chief executive officer, as the case may be, while they are in the service of OSI.

(8) In relation to staff transferred to OSI under *subsection (1)*, previous service in, or service reckonable for the purposes of any superannuation benefits payable by or on behalf of, the civil service shall be reckonable for the purposes of, but subject to any other exceptions or exclusions in, the Redundancy Payments Acts, 1967 to 1991, the Holidays (Employees) Acts, 1973 to 1991, the Minimum Notice and Terms of Employment Acts, 1973 to 1991, the Unfair Dismissals Acts, 1977 to 1993, and the Terms of Employment (Information) Act, 1994.

(9) OSI may perform any of its functions through or by the chief executive officer or any other member of the staff of OSI duly authorised by the Board in that behalf.

Remuneration of staff.

16.—Without prejudice to *section 15*, OSI, in determining the remuneration or allowances for expenses to be paid to members of its staff or the other terms or conditions subject to which such members hold or are to hold their employment, shall comply with the Government or national agreed guidelines which are for the time being extant or to Government policy concerning remuneration and conditions of employment which is so extant and, in addition to the foregoing, OSI shall comply with any directions with regard to such remuneration, allowances, terms or conditions which the Minister may give.

Superannuation of staff.

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

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

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

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

(5) If any dispute arises as to the claim of any person to, or the amount of, any superannuation benefit payable in pursuance of a

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

scheme or schemes under this section, such dispute shall be submitted to the Minister, whose decision shall be final. S.17

(6) No superannuation benefits shall be granted by OSI nor shall any arrangements be entered into by OSI for the provision of such benefit to a member of the staff of OSI, otherwise than in accordance with a scheme under this section, or otherwise as may be approved of by the Minister.

(7) A scheme under this section shall, as respects a member of staff referred to in *section 15(1)*, provide for the granting to or in respect of him or her of superannuation benefits upon and subject to terms and conditions that are not less favourable to him or her than the terms and conditions applied to him or her immediately before the establishment day in relation to the grant of such benefits.

(8) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of OSI under *section 15(1)*, the benefit shall be calculated by OSI in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day or such day as may be specified by the Minister pursuant to *section 15(1)* and, for that purpose, his or her pensionable service with OSI shall be aggregated with his or her previous pensionable service and shall be paid by OSI.

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

18.—OSI may from time to time engage such consultants or advisers as it may consider necessary or expedient for the performance of its functions, and any remuneration due to a consultant or adviser engaged under this section shall be paid by OSI out of moneys at its disposal having regard to guidelines issued from time to time by the Minister and, in addition to the foregoing, OSI shall comply with any directions with regard to such consultants or advisers which the Minister may give to OSI. Engagement of consultants.

19.—(1) Where a member of the Board—

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

Membership of Houses of Oireachtas and European Parliament.

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

[No. 43.] *Ordnance Survey Ireland Act, 2001.* [2001.]

S.19

- (2) Where a person employed by OSI—
- (a) is nominated as a member of Seanad Éireann,
 - (b) is elected as a member of either House of the Oireachtas or to the European Parliament, or
 - (c) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act, 1997, as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon stand seconded from his or her employment by OSI and shall not be paid by, or be entitled to receive from, OSI remuneration or allowances in respect of the period commencing on such nomination or election, or when he or she is regarded as having been elected, as the case may be, and ending when he or she ceases to be a member of either House or such Parliament.

(3) A person who is, for the time being, entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified from becoming a member of the Board, or a member of the staff, of OSI.

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

(5) OSI shall not employ or otherwise retain in any capacity a person who would otherwise be disqualified under this section from becoming a member of the Board, or a member of the staff, of OSI, save with the approval of the Minister.

(6) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting, among other things, the reckoning of a period mentioned in that subsection as service with OSI for the purposes of any superannuation benefits.

Disclosure of interests by members of Board.

- 20.—**(1) A member of the Board who has—
- (a) any interest in any body or concerns with which OSI has made a contract or proposes to make a contract, or
 - (b) any interest in any contract which OSI has made or proposes to make,

shall disclose to the Board the fact of such interest and the nature thereof, and shall not be present at any deliberation or decision of the Board relating to the contract.

(2) Where at a meeting of the Board of OSI any of the following matters arise, namely—

- (a) an arrangement to which OSI is a party or a proposed such arrangement, or
- (b) a contract or other agreement with OSI or a proposed such contract or other agreement,

then any Board member present at the meeting who otherwise than in his or her capacity as such a Board member is in any way, whether directly or indirectly, interested in the matter—

[2001.] *Ordinance Survey Ireland Act, 2001.* [No. 43.]

- (i) shall at the meeting disclose to OSI the fact of such interest and the nature thereof, S.20
- (ii) shall take no part in any deliberations of the Board relating to such matter save to such extent as the chairperson of the meeting at which such deliberations take place may permit, and
- (iii) shall not vote on a decision relating to the matter.

(3) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where, at a meeting of the Board, a question arises as to whether or not a course of conduct, if pursued by a member of the Board, would be a failure by him or her to comply with the requirements of *subsection (1)*, the question may be determined by the chairperson of the meeting whose decision shall be final and where such a question is so determined particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where the Minister is satisfied that a Board member has failed to comply with a requirement of *subsection (1)* he or she may, if he or she thinks fit, remove that Board member from office or take such other action as he or she considers appropriate, and where a person is removed from office pursuant to this subsection he or she shall thenceforth be disqualified from being a member of the Board or a director of a subsidiary.

21.—(1) A director of a subsidiary who has—

- (a) any interest in any body or concerns with which the subsidiary has made a contract or proposes to make a contract, or
- (b) any interest in any contract which OSI has made or proposes to make,

Disclosure of interests by directors of subsidiary.

shall disclose to the subsidiary the fact of such interest and the nature thereof, and shall not be present at any deliberation or decision of the subsidiary relating to the contract.

(2) Where at a meeting of the directors of a subsidiary any of the following matters arise, namely—

- (a) an arrangement to which the subsidiary is a party or a proposed such arrangement, or
- (b) a contract or other agreement with the subsidiary or a proposed such contract or other agreement,

then any director present at the meeting who otherwise than in his or her capacity as such a director is in any way, whether directly or indirectly, interested in the matter—

- (i) shall at the meeting disclose the fact of such interest and the nature thereof,

[No. 43.] *Ordinance Survey Ireland Act, 2001.* [2001.]

S.21

(ii) shall take no part in any deliberations of the directors relating to such matter save to such extent as the chairperson of the meeting at which such deliberations take place may permit, and

(iii) shall not vote on a decision relating to the matter.

(3) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(4) Where, at a meeting of the directors of a subsidiary, a question arises as to whether or not a course of conduct, if pursued by a director, would be a failure by him or her to comply with the requirements of *subsection (1)*, the question may be determined by the chairperson of the meeting whose decision shall be final and where such a question is so determined particulars of the determination shall be recorded in the minutes of the meeting.

(5) Where the Board is satisfied that a director of a subsidiary has failed to comply with a requirement of *subsection (1)* the Board may, if it thinks fit, remove that director from office or take such other action as it considers appropriate, and where a person is removed from office pursuant to this subsection he or she shall thenceforth be disqualified from being a member of the Board or director of a subsidiary.

(6) Section 194 of the Companies Act, 1963, does not apply to the director of a subsidiary.

Disclosure by members of staff of certain interests.

22.—(1) Where a member of the staff of OSI or a subsidiary or a consultant or adviser to OSI or to a subsidiary has an interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which OSI or the subsidiary is a party, he or she shall—

(a) disclose to OSI or the subsidiary, as the case may be, his or her interest and the nature thereof,

(b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by directors or members of the staff of OSI or the subsidiary in relation thereto, and

(c) make no recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* does not apply to contracts, or proposed contracts, of employment of members of the staff of OSI with OSI or of a subsidiary with the subsidiary.

(3) Where a person to whom *subsection (1)* applies fails to comply with a requirement of that subsection then—

(a) the Board, where the person is a member of the staff of OSI or a consultant or adviser to OSI, or

(b) the board of a subsidiary, where the person is a member of the staff of the subsidiary or a consultant or adviser to it,

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

shall decide the appropriate action (including removal from office or termination of contract) to be taken. S.22

23.—(1) Save as otherwise provided by law, a person shall not disclose confidential information obtained by him or her while performing duties as—

Prohibition on unauthorised disclosure of confidential information.

- (a) a member of the Board or a member of the staff of, or an adviser or consultant to, OSI, or
- (b) a director or a member of the staff of, or an adviser or consultant to, a subsidiary,

unless he or she is duly authorised by OSI or the subsidiary, as the case may be, or by a member of the staff of OSI or the subsidiary, as the case may be, duly authorised in that behalf, to do so.

(2) Particular information or information of a particular class or description shall be considered, for the purposes of *subsection (1)*, to be confidential if it is stated to be confidential or the Board or an officer of OSI or, as the case may be, the board or an officer of a subsidiary has directed that it be treated as confidential.

(3) In this section, “confidential” means that which is expressed to be confidential either as regards particular information or as regards information of a particular class or description.

(4) A person who contravenes *subsection (1)* is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 (£1,575.13).

24.—The Minister may, from time to time, advance to OSI, out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by OSI in the performance of its functions.

Advances by Minister to OSI.

25.—(1) The Minister shall from time to time make an agreement with OSI (a “service agreement”) that certain tasks will be carried out, functions performed or standards adhered to in the performance of its functions in the public interest, and such agreement may encompass such other supplementary matters as the Minister and OSI may decide.

Service agreement.

(2) Where a service agreement has been reached, it shall be a condition of the advance of funds under *section 24* that OSI shall seek at all times to meet the terms of the agreement.

(3) Where the Minister has sought to make a service agreement with OSI, but it has not been possible to reach such an agreement, the Minister may direct OSI to accept a service agreement on such terms as he or she may decide.

(4) Without prejudice to *subsection (2)*, a service agreement may contain terms and conditions in relation to accounting matters, pricing of products and recovery of costs.

(5) OSI shall not, as a matter of course, be compelled to surrender to the Exchequer any moneys it has on hands at the end of a financial year and may retain such moneys to finance its operations but the Minister may require OSI to pay a dividend to the Exchequer of an amount determined by him or her.

[No. 43.] *Ordnance Survey Ireland Act, 2001.* [2001.]

Accounts of OSI.

26.—(1) The chief executive officer shall cause to be kept, on a continuous basis, all proper and usual books or other records of account of—

- (a) all income and expenditure of OSI,
- (b) the sources of such income and the subject matter of such expenditure, and
- (c) the property, assets and liabilities of OSI,

and shall keep all such special accounts as the Minister may from time to time direct.

(2) The accounts of OSI for each financial year shall be prepared by the chief executive officer and approved by the Board as soon as practicable but not later than three months after the end of the financial year to which they relate for submission to the Comptroller and Auditor General for audit.

(3) A copy of the accounts referred to in *subsection (2)* and the report of the Comptroller and Auditor General thereon shall, as soon as is practicable, be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

(4) OSI shall, if so required by the Minister, furnish to him or her such information as he or she may require in respect of any balance sheet, account or report of OSI or in relation to the policy and operations of OSI other than day-to-day operations.

(5) The financial year of OSI shall be the period of 12 months ending on 31 December in any year and, for the purposes of this section, the period commencing on the establishment day and ending on 31 December of that year shall be deemed to be a financial year.

(6) OSI shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods, and at such times as may be required by him or her and shall furnish to the Minister any information which he or she may require in relation to such estimates.

(7) OSI, the chief executive officer and the other officers of OSI shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of OSI in respect of any financial year or other period and shall facilitate any such examination, and OSI shall pay such fee as may be fixed by the Minister.

Annual report.

27.—(1) As soon as may be after the end of each financial year of OSI, but not later than 6 months thereafter, OSI shall make a report to the Minister of its activities during that year and the Minister shall cause copies of such report to be laid before each House of the Oireachtas.

(2) Each report under *subsection (1)* shall include information in such form and regarding such matters as the Minister may direct.

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

28.—(1) OSI may for the purposes of providing premises necessary for the due performance of its functions— Premises of OSI.

- (a) purchase or take on lease any land,
- (b) build, equip and maintain offices and premises.

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

29.—(1) OSI may make such charges as it considers necessary and appropriate in consideration of— Charges by OSI.

- (a) the performance by it of its functions,
- (b) the provision by it of any service,
- (c) the carrying on by it of any activities.

(2) OSI may recover as a simple contract debt in any court of competent jurisdiction from any person by whom it is payable any amount due and owing under *subsection (1)*.

30.—(1) OSI shall, as soon as may be after its establishment, provide itself with a seal. Seal of OSI.

(2) The seal of OSI shall be authenticated by the signature of the chairperson of the Board or some other member thereof or an officer of OSI authorised by the Board to act in such manner.

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

31.—(1) The Ordnance Survey shall, on the establishment day, become and be dissolved. Dissolution of the Ordnance Survey.

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to the Ordnance Survey shall, on and after that day, be construed as references to OSI.

32.—(1) The following shall be and hereby are transferred to OSI on the establishment day— Transfer of assets and liabilities.

- (a) all property and rights relating to such property held or enjoyed immediately before that day by the Minister in respect of the Ordnance Survey, and
- (b) all liabilities incurred before that day by the Minister in respect of the Ordnance Survey that had not been discharged before that day,

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

[No. 43.] *Ordnance Survey Ireland Act, 2001.* [2001.]

S.32

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

(2) All moneys, stocks, shares and securities transferred to OSI by this section that, on the establishment day, are standing in the name of the Minister in respect of the Ordnance Survey shall, upon the request of OSI, be transferred into its name.

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

Preservation of certain continuing contracts.

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

Saving for certain acts.

34.—Nothing in this Act shall affect the validity of any act that was done before the establishment day by or on behalf of the Minister in respect of the Ordnance Survey and every such act shall, if and in so far as it was operative immediately before that day, have effect on and after that day as if it had been done by or on behalf of OSI.

Pending legal proceedings.

35.—Where, immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the Minister acting on behalf of the Ordnance Survey is a party to the proceedings, the name of OSI shall be substituted therein for that of the Minister acting on behalf of the Ordnance Survey and the proceedings shall not abate by reason of such substitution.

Amendment of First Part of Schedule to Ministers and Secretaries Act, 1924.

36.—The First Part of the Schedule to the Ministers and Secretaries Act, 1924, is amended, on the establishment day, by the deletion of “The Ordnance Survey”.

[2001.] *Ordnance Survey Ireland Act, 2001.* [No. 43.]

37.—The expenses incurred in the administration of this Act shall Expenses.
be paid out of moneys provided by the Oireachtas.

38.—This Act may be cited as the Ordnance Survey Ireland Act, Short title.
2001.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2,
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
4 - 5 BÓTHAR FHEARCHAIR, BAILE ÁTHA CLIATH 2,
(Tel: 01 - 6476834/35/36/37; Fax: 01 - 4752760)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased directly from the
GOVERNMENT PUBLICATIONS SALE OFFICE,
SUN ALLIANCE HOUSE, MOLESWORTH STREET, DUBLIN 2,
or by mail order from
GOVERNMENT PUBLICATIONS, POSTAL TRADE SECTION,
4 - 5 HARCOURT ROAD, DUBLIN 2,
(Tel: 01 - 6476834/35/36/37; Fax: 01 - 4752760)
or through any bookseller.

£2.40 €3.05

ISBN 0-7557-2392-9



9 780755 723928