



Number 36 of 2013

Industrial Development (Science Foundation Ireland) (Amendment) Act 2013

[2013.] *Industrial Development (Science Foundation Ireland) (Amendment) Act 2013.* [No. 36.]



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**INDUSTRIAL DEVELOPMENT (SCIENCE FOUNDATION IRELAND)
(AMENDMENT) ACT 2013**

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[2013.] *Industrial Development (Science Foundation Ireland) (Amendment) Act 2013.* [No. 36.]

ACTS REFERRED TO

Freedom of Information Act 1997 (No. 13)

Industrial Development (Enterprise Ireland) Act 1998 (No. 34)

Industrial Development (Science Foundation Ireland) Act 2003 (No. 30)

Industrial Development Act 1986 (No. 9)

Industrial Development Act 1993 (No. 19)

Industrial Development Acts 1986 to 2009

Science and Technology Act 1987 (No. 30)



Number 36 of 2013

**INDUSTRIAL DEVELOPMENT (SCIENCE FOUNDATION IRELAND)
(AMENDMENT) ACT 2013**

An Act to amend the Industrial Development (Science Foundation Ireland) Act 2003; to amend the Science and Technology Act 1987; to amend the Industrial Development Act 1993; to amend the Industrial Development Act 1986; to amend the Freedom of Information Act 1997 and to provide for matters connected therewith.

[9th October, 2013]

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act—

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

“Minister” means the Minister for Jobs, Enterprise and Innovation.

Expenses

2. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Amendment of section 2 of Act of 2003

3. Section 2(1) of the Act of 2003 is amended by inserting the following definitions—

“ ‘applied research’ means original investigation undertaken in order to acquire new knowledge directed primarily towards a specific practical aim or objective;

‘strategic areas of opportunity for the State’ shall be construed in accordance with section 7(6);”.

Amendment of section 7 of Act of 2003

4. The Act of 2003 is amended by substituting the following section for section 7:

“Functions of Foundation

7. (1) The Foundation, in promoting and assisting the development and

competitiveness of industry, enterprise and employment in the State, shall—

- (a) promote, develop and assist the carrying out of oriented basic research and applied research in strategic areas of opportunity for the State,
 - (b) develop and extend the capability for the carrying out of oriented basic research and applied research in institutions,
 - (c) endeavour to ensure that—
 - (i) a standard of excellence is consistently adhered to at the highest level in research referred to in paragraph (a),
 - (ii) the standard referred to in subparagraph (i) is measured by competitive peer review on an international basis or by any other review process equivalent to relevant international best practice,
 - (d) promote the attracting to the State of research teams, and individuals with an interest in research, of a world class standard with a view to their carrying out oriented basic research or applied research in strategic areas of opportunity for the State,
 - (e) cooperate and collaborate with other statutory bodies in the State in the promotion and encouragement of oriented basic research and applied research,
 - (f) devise, administer, allocate, monitor and evaluate schemes, grants, and other financial facilities for the disbursement of any funds authorised by the Minister from time to time with the agreement of the Minister for Public Expenditure and Reform,
 - (g) support—
 - (i) the development and publication of research to assess the impact of research activities funded wholly or partly by the Foundation,
 - (ii) the assessment and publication of research activities funded wholly or partly by the Foundation,
 - (h) promote and support—
 - (i) the study of, education in and engagement with, science, technology, engineering and mathematics, in consultation with the Minister for Education and Skills, where appropriate,
 - (ii) an awareness and understanding of the value of science, technology, engineering and mathematics to society and in particular to the growth of the economy,
- and
- (i) carry out such other functions related to science or technology which may, from time to time, be assigned to the Foundation by Forfás, with the consent of the Minister.

- (2) The Foundation shall have all such powers as are necessary or expedient for the performance of its functions.
- (3) The Minister may give directions relating to policy to be followed by the Foundation in the exercise of its functions.
- (4) The Foundation shall comply with any direction referred to in subsection (3).
- (5) The Foundation shall manage the disbursement of research funds provided to the Foundation by a Minister of the Government, other than the Minister, where requested to do so by the Minister of the Government with the consent of the Minister, in accordance with the terms and conditions specified by the Minister of the Government making the request.
- (6) The Minister may prescribe from time to time an area of opportunity related to science or technology having regard to—
 - (a) economic and social benefit,
 - (b) long term industrial competitiveness, or
 - (c) environmentally sustainable development,and such an area when so prescribed shall be a strategic area of opportunity.”.

Disbursement of certain funds and international cooperation

5. The Act of 2003 is amended by inserting the following sections after section 7:

“Disbursement of certain funds

- 7A. (1) The Foundation may disburse funds to an institution in Northern Ireland—
- (a) under the scheme administered by the Foundation on behalf of the Minister prior to the coming into operation of this section and known as the Charles Parsons Energy Research Awards Scheme, or
 - (b) subject to subsection (2), under any scheme referred to in section 7(1)(f).
- (2) The Foundation may disburse funds to which subsection (1)(b) applies—
- (a) through an institution in the State in receipt of funds from the Foundation where the institution in Northern Ireland is a partner of the institution in the State or of a company carrying on business in the State for the purposes of carrying out a research project, or
 - (b) directly to the institution in Northern Ireland where the Foundation is satisfied that an institution in the State or a company carrying on business in the State is a partner of the institution in Northern Ireland for the purposes of carrying out a research project.

International cooperation

- 7B. The Foundation, subject to the consent of the Minister, may—
- (a) participate in, and contribute to the funding of, international collaborative projects relating to strategic areas of opportunity for the State, and
 - (b) enter into an agreement with any person having a function relating to science or technology outside the State for the purposes of paragraph (a).”.

Amendment of section 24 of Act of 2003

6. Section 24 of the Act of 2003 is amended in subsection (1) by deleting the words “oriented basic”.

Amendment of Science and Technology Act 1987

7. The Science and Technology Act 1987 is amended by repealing sections 9, 10 and 11.

Amendment of Industrial Development Act 1986

8. Section 11 of the Industrial Development Act 1986 is amended by repealing subsection (2) of that section.

Amendment of Industrial Development Act 1993

9. The Industrial Development Act 1993 is amended by inserting the following new section after section 9:

“Supply of information requested by Forfás

- 9B. (1) Forfás may request information from an institution in relation to—
- (a) the matters specified in subparagraphs (a), (b) and (d) of Article 2(1) of Commission Implementing Regulation (EU) No. 995/2012 of 26 October 2012¹, and
 - (b) research and development carried out by the institution where that institution is funded wholly or partly out of moneys provided by the Oireachtas.
- (2) An institution shall furnish any information requested of the institution under subsection (1) to Forfás in such form and manner and at such time as Forfás specifies when making the request.
- (3) In this section ‘institution’ means any institute, university, college, laboratory, agency, office or service, whether under the control of a

¹ OJ L 299, 27.10.2012, p. 18.

Minister of the Government or otherwise, which is wholly or partly engaged in research and development or any other activity related to science or technology.”.

Amendment of Third Schedule to Freedom of Information Act 1997

10. The Third Schedule to the Freedom of Information Act 1997 is amended in Part I by inserting the following at the end of that Part—

- “(a) (i) in column (1), ‘No. 34 of 1998’,
 - (ii) in column (2), opposite the mention in column (1) of No. 34 of 1998, ‘Industrial Development (Enterprise Ireland) Act 1998’,
and
 - (iii) in column (3) opposite the mention in column (2) of Industrial Development (Enterprise Ireland) Act 1998, ‘Section 16.’,
and
- (b) (i) in column (1), ‘No. 30 of 2003’,
 - (ii) in column (2), opposite the mention in column (1) of No. 30 of 2003, ‘Industrial Development (Science Foundation Ireland) Act 2003’, and
 - (iii) in column (3), opposite the mention in column (2) of Industrial Development (Science Foundation Ireland) Act 2003, ‘Section 17.’”.

Short title, collective citation and commencement

- 11.** (1) This Act may be cited as the Industrial Development (Science Foundation Ireland) (Amendment) Act 2013.
- (2) The Industrial Development Acts 1986 to 2009 and this Act, other than *sections 7 and 10*, may be cited together as the Industrial Development Acts 1986 to 2013.
- (3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.