



Uimhir 27 de 1999

Number 27 of 1999

An tAcht um Údarás na Gaeltachta
(Leasú) (Uimh. 2), 1999

Údarás na Gaeltachta (Amendment)
(No. 2) Act, 1999



Number 27 of 1999

**ÚDARÁS NA GAELTACHTA (AMENDMENT)
(NO. 2) ACT, 1999**

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**AN tACHT UM ÚDARÁS NA GAELTACHTA (LEASÚ)
(UIMH. 2), 1999**

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[No. 27.] *Údarás na Gaeltachta (Amendment)* [1999.]
(No. 2) Act, 1999.

ACTS REFERRED TO

Civil Service Regulation Act, 1956	1956, No. 46
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Number 27 of 1999

**ÚDARÁS NA GAELTACHTA (AMENDMENT)
(NO. 2) ACT, 1999**

AN ACT TO AMEND AND EXTEND THE ÚDARÁS NA GAELTACHTA ACT, 1979, AND TO PROVIDE FOR RELATED MATTERS. [26th October, 1999]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definition.

1.—In this Act “the Principal Act” means the Údarás na Gaeltachta Act, 1979.

Amendment of section 2 of Principal Act.

2.—Section 2 of the Principal Act is hereby amended by the insertion of the following definitions:

“‘the Chief Executive’ has the meaning assigned to it by section 10D;

‘the Evaluation Committee’ means the committee established under section 10B;

‘regional committee’ means a committee established under section 10A(1);”.

Amendment of section 6 of Principal Act.

3.—(1) Section 6 of the Principal Act is hereby amended by the substitution of the following subsections for subsection (2):

“(2) An tÚdarás shall consist of a chairperson who shall be appointed by the Minister and 19 other members of whom 17 shall be persons elected in accordance with Part IV of this Act and 2 shall be appointed by the Minister.

(2A) The Minister shall not appoint a person to be the chairperson of an tÚdarás if the person was a candidate at the last election under Part IV of this Act.

(2B) A person appointed as the chairperson of an tÚdarás shall have such special skills or experience as the Minister considers appropriate having regard to the functions of an tÚdarás.”.

(2) An tÚdarás shall be deemed to be validly constituted during the period from the passing of this Act until it is constituted in



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**AN tACHT UM ÚDARÁS NA GAELTACHTA (LEASÚ)
(UIMH. 2), 1999**

ACHT DO LEASÚ AGUS DO LEATHNÚ AN ACHTA UM
ÚDARÁS NA GAELTACHTA, 1979, AGUS DO DHÉAN-
AMH SOCRÚ I dTAOBH NITHE GAOLMHARA.

[26 Deireadh Fómhair, 1999]

ACHTAÍTEAR AG AN OIREACHTAS MAR A LEANAS:

1.—San Acht seo ciallaíonn “an Príomh-Acht” an tAcht um Míniú.
Údarás na Gaeltachta, 1979.

2.—Leasaítear leis seo alt 2 den Phríomh-Acht trí na mínithe seo Leasú ar alt 2 den
Príomh-Acht.
a leanas a chur isteach:

“tá le ‘an Príomh-Fheidhmeannach’ an bhrí a shanntar dó le
halt 10D;

ciallaíonn ‘an Coiste Meastóireachta’ an coiste a bhunófar faoi
alt 10B;

ciallaíonn ‘coiste réigiúnach’ coiste a bhunófar faoi alt 10A(1);”.

3.—(1) Leasaítear leis seo alt 6 den Phríomh-Acht trí na fo-ailt Leasú ar alt 6 den
Príomh-Acht.
seo a leanas a chur in ionad fho-alt (2):

“(2) Is iad a bheidh ar an Údarás cathaoirleach, a gceapfaidh
an tAire é nó í, agus 19 gcomhalta eile ar daoine a thoghfar de
réir Chuid IV den Acht seo 17 nduine díobh agus ar daoine a
gceapfaidh an tAire iad 2 dhuine díobh.

(2A) Ní cheapfaidh an tAire duine chun bheith ina chathaoir-
leach nó ina cathaoirleach ar an Údarás más rud é go raibh an
duine ina iarrthóir nó ina hiarrthóir sa toghchán deireanach a
rinneadh faoi Chuid IV den Acht seo.

(2B) Beidh ag duine a cheapfar ina chathaoirleach nó ina
cathaoirleach ar an Údarás cibé scileanna nó taithí speisialta a
mheasfaidh an tAire is cuí ag féachaint d’fheidhmeanna an
Údaráis.”.

(2) Measfar an tÚdarás a bheith comhdhéanta go bailí le linn na
tréimhse ó dháta rite an Achta seo go dtí go gcomhdhéanfar é de

S.3 accordance with section 6(2) (inserted by *subsection (1)* of this section) of the Principal Act.

Amendment of section 8 of Principal Act.

4.—Section 8 of the Principal Act is hereby amended—

(a) by the deletion in subsection (5) of “, with the consent of the Minister,” and

(b) by the insertion of the following subsection after subsection (6):

“(6A) For the avoidance of doubt, it is hereby declared that for the purposes of this section an tÚdarás shall have power to administer schemes, projects, programmes and other financial facilities requiring the disbursement of funds from an institution of the European Communities or the disbursement of such other funds as the Minister may from time to time, with the consent of the Minister for Finance, approve.”.

Amendment of section 10 of Principal Act.

5.—Section 10 of the Principal Act is hereby amended—

(a) by the substitution of the following subsections for subsection (2):

“(2) Subject to subsection (2A), an tÚdarás shall not without the prior approval of the Government provide, in any particular case, financial assistance of an amount exceeding such amount as the Minister may from time to time, after consultation with the Minister for Enterprise, Trade and Employment and with the consent of the Minister for Finance, specify.

(2A) An tÚdarás shall not without the prior approval of the Evaluation Committee provide, in any particular case, financial assistance of an amount exceeding such amount (less than that standing specified under subsection (2)) as the Minister may from time to time, after consultation with the Minister for Enterprise, Trade and Employment and with the consent of the Minister for Finance, specify.”.

(b) by the substitution in subsection (4) of “Enterprise Ireland or the Industrial Development Agency (Ireland)” for “the Industrial Development Authority”, and

(c) by the insertion of the following subsection after subsection (5):

“(6) A regional committee may in its discretion determine that financial assistance should be provided under subsection (1), in any particular case in its area, of an amount (‘the appropriate amount’) not exceeding such amount (less than that standing specified under subsection (2A)) as the Minister may from time to time specify and, if such a determination is made, an tÚdarás shall provide financial assistance of the appropriate amount in that case.

réir alt 6(2) (arna chur isteach le *fo-alt (1)* den alt seo) den Phríomh-Acht. A.3

4.—Leasaítear leis seo alt 8 den Phríomh-Acht—

Leasú ar alt 8 den
Phríomh-Acht.

(a) trí “, le toiliú an Aire,” a scriosadh i bhfo-alt (5), agus

(b) tríd an bhfo-alt seo a leanas a chur isteach i ndiaidh fho-alt (6):

“(6A) D’fhonn amhras a sheachaint, dearbhaítear leis seo go mbeidh cumhacht ag an Údarás, chun críocha an ailt seo, scéimeanna, tionscadail, cláir agus saoráidí airgeadais eile a riaradh ar gá cistí ó institiúid de na Comhphobail Eorpacha nó cibé cistí eile a cheadóidh an tAire ó am go ham, le toiliú an Aire Airgeadais, a eisíoc ina leith.”.

5.—Leasaítear leis seo alt 10 den Phríomh-Acht—

Leasú ar alt 10 den
Phríomh-Acht.

(a) trí na fo-ailt seo a leanas a chur in ionad fho-alt (2):

“(2) Faoi réir fho-alt (2A), ní dhéanfaidh an tÚdarás, gan ceadú roimh ré ón Rialtas, cúnamh airgid a thabhairt, in aon chás áirithe, de mhéid is mó ná cibé méid a shonróidh an tAire ó am go ham, tar éis dul i gcomhairle leis an Aire Fiontar, Trádála agus Fostaíochta agus le toiliú an Aire Airgeadais.

(2A) Ní dhéanfaidh an tÚdarás, gan ceadú roimh ré ón gCoiste Meastóireachta, cúnamh airgid a thabhairt, in aon chás áirithe, de mhéid is mó ná cibé méid (is lú ná an méid a bheidh arna shonrú faoi fho-alt (2)) a shonróidh an tAire ó am go ham, tar éis dul i gcomhairle leis an Aire Fiontar, Trádála agus Fostaíochta agus le toiliú an Aire Airgeadais.”.

(b) trí “ag Fiontraíocht Éireann nó ag an nGníomhaireacht Forbartha Tionscail (Éire)” a chur in ionad “ag an Údarás Forbartha Tionscail” i bhfo-alt (4), agus

(c) tríd an bhfo-alt seo a leanas a chur isteach i ndiaidh fho-alt (5):

“(6) Féadfaidh coiste réigiúnach dá rogha féin a chinneadh gur cóir cúnamh airgid a thabhairt faoi fho-alt (1), in aon chás áirithe ina limistéar, de mhéid (“an méid cuí”) nach mó ná cibé méid (is lú ná an méid a bheidh arna shonrú faoi fho-alt (2A)) a shonróidh an tAire ó am go ham agus, i gcás go ndéanfar cinneadh den sórt sin, tabharfaidh an tÚdarás cúnamh airgid den mhéid cuí sa chás sin.

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(7) The conditions mentioned in subsection (1) shall include a condition requiring the promotion, and use, to the greatest extent possible of the Irish language as the principal medium of communication in the industry or scheme of employment concerned.

(8) Where an tÚdarás is considering whether to provide, in any particular case, financial assistance under this section, it shall have regard to whether a condition relating to the promotion and use of the Irish language imposed under subsection (7) or otherwise in that particular case in relation to the provision previously by an tÚdarás of financial assistance has been complied with.”.

Regional and other committees.

6.—The Principal Act is hereby amended by the insertion of the following section after section 10:

“10A.—(1) An tÚdarás shall establish a committee (which is referred to in this Act as ‘a regional committee’) for each of the following areas:

- (a) the area comprising those parts of the Gaeltacht situated in the county of Donegal,
- (b) the area comprising those parts of the Gaeltacht situated in the counties of Mayo, Galway and Meath, and
- (c) the area comprising those parts of the Gaeltacht situated in the counties of Kerry, Cork and Waterford.

(2) The members of each regional committee shall be the persons elected as members of an tÚdarás in accordance with Part IV of this Act for the constituency or constituencies, as appropriate, situated in the area of the regional committee concerned.

(3) The quorum for a meeting of a regional committee shall be the lowest majority of the number of members of the regional committee concerned at the time of the meeting.

(4) An tÚdarás may establish other committees to advise and assist it in relation to the performance of any of its functions and may, in relation to any such committee—

- (a) specify its functions,
- (b) regulate, or authorise it to regulate, its procedure,
- (c) determine its composition and appoint persons, including persons who are not members of an tÚdarás or of the staff of an tÚdarás, to be its members,
- (d) at any time remove any of its members from office, and
- (e) dissolve it.

(5) (a) A member of a committee established under subsection (4) shall hold office for such term and subject to such other terms and conditions (other than terms and conditions relating to allowances for expenses) as an tÚdarás may determine when appointing the member.

(7) Áireofar ar na coinníollacha a luaitear i bhfo-alt (1) coinníoll á cheangal go ndéanfar an Ghaeilge a chur chun cinn, agus a úsáid, a mhéid is féidir mar phríomh-mheán cumarsáide sa tionscal nó sa scéim fostaíochta lena mbaineann. A.5

(8) Más rud é go mbeidh breithniú á dhéanamh ag an Údarás i dtaobh an dtabharfar cúnamh airgid faoin alt seo in aon chás áirithe, cuirfidh sé san áireamh ar comhlíonadh coinníoll a bhaineann le cur chun cinn agus úsáid na Gaeilge ar coinníoll é a forchuireadh faoi fho-alt (7) nó ar shlí eile sa chás áirithe sin i ndáil leis an Údarás do thabhairt cúnamh airgid roimhe sin.”

6.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur isteach i ndiaidh alt 10: Coistí réigiúnacha agus coistí eile.

“10A.—(1) Bunóidh an tÚdarás coiste (dá ngairtear ‘coiste réigiúnach’ san Acht seo) do gach ceann de na limistéir seo a leanas:

- (a) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Dhún na nGall,
- (b) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Mhaigh Eo, i gcontae na Gaillimhe agus i gcontae na Mí, agus
- (c) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Chiarraí, i gcontae Chorcaí agus i gcontae Phort Láirge.

(2) Is iad na daoine a bheidh ina gcomhaltaí de gach coiste réigiúnach na daoine a thoghfáir ina gcomhaltaí den Údarás de réir Chuid IV den Acht seo don toghlach nó do na toghlaigh, de réir mar is cuí, atá i limistéar an choiste réigiúnaigh lena mbaineann.

(3) Is é is córam do chruinniú de choiste réigiúnach an tromlach is lú de líon chomhaltaí an choiste réigiúnaigh lena mbaineann tráth an chruinnithe.

(4) Féadfaidh an tÚdarás coistí eile a bhunú chun comhairle agus cabhair a thabhairt dó i ndáil le haon cheann dá fheidhmeanna a chomhlíonadh agus féadfaidh sé, i ndáil le haon choiste den sórt sin—

- (a) a fheidhmeanna a shonrú,
- (b) a nós imeachta a rialáil, nó a údarú dó a nós imeachta a rialáil,
- (c) a chomhdhéanamh a chinneadh agus daoine, lena n-áirítear daoine nach comhaltaí den Údarás nó d’fhoireann an Údaráis iad, a cheapadh chun bheith ina gcomhaltaí de,
- (d) aon duine dá chomhaltaí a chur as oifig aon tráth, agus
- (e) é a dhíscáileadh.

(5) (a) Beidh comhalta de choiste arna bhunú faoi fho-alt (4) i seilbh oifige ar feadh cibé tréimhse agus faoi réir cibé téarmaí agus coinníollacha eile (seachas téarmaí agus coinníollacha a bhaineann le liúntais i leith caiteachas) a chinnfidh an tÚdarás an tráth a cheapfaidh sé an comhalta.

- S.6 (b) A member of a committee established under subsection (4) shall be paid by an tÚdarás, out of moneys at its disposal, such allowances for expenses as are payable from time to time to a member of the Evaluation Committee.”.

Evaluation
Committee.

7.—The Principal Act is hereby amended by the insertion of the following section after section 10A (inserted by this Act):

“10B.—(1) The Minister shall establish a committee (which is referred to in this Act as ‘the Evaluation Committee’).

(2) The quorum for a meeting of the Evaluation Committee shall be three-quarters of the number of members of the committee at the time of the meeting.

(3) Where in a case to which section 10(2A) applies, an tÚdarás is considering whether to provide financial assistance—

(a) the Evaluation Committee shall evaluate the proposal concerned,

(b) the Evaluation Committee shall make recommendations in writing to an tÚdarás on—

(i) the suitability or otherwise of the proposal for the provision of financial assistance by an tÚdarás, and

(ii) the amount (if any) of such assistance,

(c) an tÚdarás shall not provide financial assistance for the proposal if the Evaluation Committee recommends that the proposal is not suitable for the provision of such assistance, and

(d) an tÚdarás shall not provide financial assistance for the proposal of an amount more than that recommended by the Evaluation Committee under paragraph (b)(ii).”.

Membership of
Evaluation
Committee.

8.—The Principal Act is hereby amended by the insertion of the following section after section 10B (inserted by this Act):

“10C.—(1) The Evaluation Committee shall consist of a chairperson and 7 other members appointed by the Minister.

(2) The chairperson of an tÚdarás shall be the chairperson of the Evaluation Committee.

(3) The other members of the Evaluation Committee shall be the following:

(a) 3 members of an tÚdarás who are nominated by the members of an tÚdarás elected under Part IV of this Act following each election under that Part,

(b) the Chief Executive or a member of the staff of an tÚdarás nominated by the Chief Executive,

(c) an officer of the Minister who is an established civil servant within the meaning of the Civil Service Regulation Act, 1956, and

- (b) Déanfaidh an tÚdarás, as airgead a bheidh faoina réir aige, cibé líuntais i leith caiteachas is iníoctha ó am go ham le comhalta den Choiste Meastóireachta a íoc le comhalta de choiste arna bhunú faoi fho-alt (4).”

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7.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur isteach i ndiaidh alt 10A (arna chur isteach leis an Acht seo): An Coiste Meastóireachta.

“10B.—(1) Bunóidh an tAire coiste (dá ngairtear ‘an Coiste Meastóireachta’ san Acht seo).

(2) Is é is córam do chruinniú den Choiste Meastóireachta trí cheathrú de líon comhaltaí an choiste tráth an chruinnithe.

(3) Más rud é, i gcás lena mbaineann alt 10(2A), go mbeidh breithniú á dhéanamh ag an Údarás i dtaobh an dtabharfar cún-amh airgid—

(a) déanfaidh an Coiste Meastóireachta an togra lena mbaineann a mheas,

(b) déanfaidh an Coiste Meastóireachta moltaí i scríbhinn don Údarás—

(i) maidir le hoiriúnacht nó mí-oiriúnacht an togra le haghaidh cúnaimh airgid ón Údarás, agus

(ii) maidir le méid (más ann) an chúnaimh sin,

(c) ní thabharfaidh an tÚdarás cúnamh airgid le haghaidh an togra más rud é go molann an Coiste Meastóireachta nach bhfuil an togra oiriúnach le haghaidh an chúnaimh sin, agus

(d) ní thabharfaidh an tÚdarás cúnamh airgid le haghaidh an togra de mhéid is mó ná an méid a bheidh molta ag an gCoiste Meastóireachta faoi mhír (b)(ii).”

8.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur isteach i ndiaidh alt 10B (arna chur isteach leis an Acht seo): Comhaltas an Choiste Meastóireachta.

“10C.—(1) Is iad a bheidh ar an gCoiste Meastóireachta cathaoirleach agus 7 gcomhalta eile arna gceapadh ag an Aire.

(2) Beidh cathaoirleach an Údaráis ina chathaoirleach nó ina cathaoirleach ar an gCoiste Meastóireachta.

(3) Is iad na daoine seo a leanas comhaltaí eile an Choiste Meastóireachta:

(a) 3 chomhalta den Údarás a ndéanfaidh na comhaltaí den Údarás a thoghfad faoi Chuid IV den Acht seo iad a ainmniú tar éis gach toghcháin faoin gCuid sin,

(b) an Príomh-Fheidhmeannach nó comhalta d’fhoireann an Údaráis arna ainmniú nó arna hainmniú ag an bPríomh-Fheidhmeannach,

(c) oifigeach don Aire ar státseirbhíseach bunaithe de réir bhrí Acht Rialuithe na Stát-Sheirbhíse, 1956, é nó í, agus

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(d) a representative of each of the following bodies:

(i) the Industrial Development Agency (Ireland),
and

(ii) Enterprise Ireland,

nominated by the body concerned.

(4) (a) A member of the Evaluation Committee shall hold office for such term and subject to such other terms and conditions (other than terms and conditions relating to allowances for expenses) as the Minister may determine when appointing the member.

(b) A member of the Evaluation Committee shall be paid by an tÚdarás, out of moneys at its disposal, such allowances for expenses as the Minister may from time to time, with the consent of the Minister for Finance, determine.

(5) The members of the Evaluation Committee shall be competent to conduct the business of the Committee in the Irish language.”.

Chief Executive.

9.—The Principal Act is hereby amended by the insertion of the following section after section 10C (inserted by this Act):

“10D.—(1) There shall be a chief executive officer of an tÚdarás who shall be known, and is referred to in this Act, as the Chief Executive.

(2) The Chief Executive shall be appointed by an tÚdarás.

(3) The Chief Executive shall carry on and manage, and control generally, the administration and business of an tÚdarás and shall perform such other functions (if any) as may be determined by an tÚdarás.

(4) The Chief Executive shall not hold any office, or occupy any other position, in respect of which emoluments are payable without the consent of an tÚdarás.”.

Staff of an tÚdarás.

10.—The Principal Act is hereby amended by the substitution of the following section for section 12:

“12.—(1) An tÚdarás shall, with the approval of the Minister given with the consent of the Minister for Finance—

(a) appoint such and so many persons to be members of the staff of an tÚdarás (other than the Chief Executive) as it may from time to time determine, and

(b) determine the grades of such staff of an tÚdarás as aforesaid and the number of staff in each grade.

(2) The terms and conditions of service, including terms and conditions relating to remuneration, and allowances for expenses, (which shall be paid by an tÚdarás out of moneys at

(d) ionadaí thar ceann gach comhlachta díobh seo a leanas: A.8

(i) an Ghníomhaireacht Forbartha Tionscail (Éire),
agus

(ii) Fiontraíocht Éireann,

arna ainmniú nó arna hainmniú ag an gcomhlacht lena mbaineann.

(4) (a) Beidh comhalta den Choiste Meastóireachta i seilbh oifige ar feadh cibé tréimhse agus faoi réir cibé téarmaí agus coinníollacha eile (seachas téarmaí agus coinníollacha a bhaineann le liúntais i leith caiteachas) a chinnfidh an tAire an tráth a cheapfaidh sé nó sí an comhalta.

(b) Déanfaidh an tÚdarás, as airgead a bheidh faoina réir aige, cibé liúntais i leith caiteachas a chinnfidh an tAire ó am go ham, le toiliú an Aire Airgeadais, a íoc le comhalta den Choiste Meastóireachta.

(5) Beidh comhaltaí an Choiste Meastóireachta inniúil ar ghnó an Choiste a sheoladh i nGaeilge.”.

9.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur isteach i ndiaidh alt 10C (arna chur isteach leis an Acht seo): An Príomh-Fheidhmeannach.

“10D.—(1) Beidh príomh-oifigeach feidhmiúcháin ar an Údarás ar a dtabharfar, agus dá ngairtear san Acht seo, an Príomh-Fheidhmeannach.

(2) Is é an tÚdarás a cheapfaidh an Príomh-Fheidhmeannach.

(3) Déanfaidh an Príomh-Fheidhmeannach riarachán agus gnó an Údaráis a sheoladh agus a bhainistiú, agus a rialú i gcoitinne, agus comhlíonfaidh sé nó sí cibé feidhmeanna eile (más ann) a chinnfidh an tÚdarás.

(4) Ní shealbhóidh an Príomh-Fheidhmeannach aon oifig, ná ní bheidh aon phost eile aige nó aici, arb iníoctha díol-aíochtaí ina leith, gan toiliú an Údaráis.”.

10.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur in ionad alt 12: Foireann an Údaráis.

“12.—(1) Déanfaidh an tÚdarás, le ceadú an Aire arna thabhairt le toiliú an Aire Airgeadais—

(a) cibé daoine agus cibé líon daoine a cheapadh le bheith ina gcomhaltaí d’fhoireann an Údaráis (seachas an Príomh-Fheidhmeannach) a chinnfidh sé ó am go ham, agus

(b) gráid na foirne sin a dúradh den Údarás agus an líon foirne i ngach grád díobh a chinneadh.

(2) Is iad na téarmaí agus na coinníollacha seirbhíse, lena n-áirítear téarmaí agus coinníollacha a bhaineann le luach saothair agus le liúntais i leith caiteachas (a n-íocfaidh an tÚdarás

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its disposal), of the members of the staff of an tÚdarás shall be such as an tÚdarás may from time to time, with the approval of the Minister given with the consent of the Minister for Finance, determine.

(3) An tÚdarás shall, in determining the remuneration or allowances for expenses to be paid to the members of its staff or the other terms or conditions subject to which the members of its staff hold or are to hold their employment, have regard to Government or nationally agreed guidelines for the time being extant or to Government policy concerning remuneration and conditions of employment which is so extant.

(4) An tÚdarás may at any time remove any member of the staff of an tÚdarás from being a member of its staff.

(5) Subject to subsection (2), a person who immediately before the commencement of *section 10* of the *Údarás na Gaeltachta (Amendment) (No. 2) Act, 1999*, was a member of the staff of an tÚdarás shall on and after such commencement continue to hold his or her employment with an tÚdarás on the terms and conditions of service on which he or she held it before such commencement.”.

Disclosure of information.

11.—The Principal Act is hereby amended by the substitution of the following section for section 15:

“15.—(1) A person shall not, unless authorised by an tÚdarás or required by law, disclose confidential information obtained by him or her in his or her capacity, or while performing duties, as any of the following:

- (a) a member of an tÚdarás or of a committee or subcommittee of an tÚdarás,
- (b) a member of the staff of an tÚdarás,
- (c) a consultant or adviser engaged by an tÚdarás, or an employee of such a consultant or adviser, or
- (d) a person engaged by an tÚdarás in any other capacity.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or both.

(3) Nothing in subsection (1) shall prevent the disclosure of information in a report to an tÚdarás or on behalf of an tÚdarás to the Minister.

(4) In this section ‘confidential information’ includes—

- (a) information that is expressed by an tÚdarás to be confidential either as regards particular information or as regards information of a particular class or description, and

iad as airgead a bheidh faoina réir aige) a bheidh ag comhaltáí fhoireann an Údaráis na téarmaí agus na coinníollacha sin a chinnfidh an tÚdarás ó am go ham, le ceadú an Aire arna thabhairt le toiliú an Aire Airgeadais. A.10

(3) Nuair a bheidh cinneadh á dhéanamh ag an Údarás ar an luach saothair nó ar na liúntais i leith caiteachas a íocfar le comhaltáí a fhoirne nó ar na téarmaí nó na coinníollacha eile ar faoina réir a shealbháíonn nó a shealbhóidh comhaltáí a fhoirne a bhfostaíocht, beidh aird aige ar threoirlínte Rialtais, nó ar threoirlínte ar a bhfuil comhaontaithe ar bhonn náisiúnta, a bheidh ann de thuras na huairé nó ar bheartas Rialtais i ndáil le luach saothair agus coinníollacha fostaíochta a bheidh ann amhlaidh.

(4) Féadfaidh an tÚdarás aon tráth aon chomhalta d'fhoireann an Údaráis a chur as oifig mar chomhalta dá fhoireann.

(5) Faoi réir fho-alt (2), maidir le duine a bhí, díreach roimh thosach feidhme *alt 10 den Acht um Údarás na Gaeltachta (Leasú) (Uimh. 2), 1999*, ina chomhalta nó ina comhalta d'fhoireann an Údaráis, leanfaidh sé nó sí, amhail ar an tosach feidhme sin agus dá éis, dá fhostaíocht nó dá fostaíocht leis an Údarás a shealbhú ar na téarmaí agus na coinníollacha seirbhíse ar ar shealbháigh sé nó sí í roimh an tosach feidhme sin.”

11.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur in ionad alt 15: Eolas a nochtadh.

“15.—(1) Ní nochtfaidh aon duine, mura n-údaraíonn an tÚdarás dó nó di é nó mura gceanglaítear air nó uirthi é de réir dlí, aon eolas rúnda a fuair sé nó sí ina cháil nó ina cáil, nó le linn dó nó di a bheith ag comhlíonadh dualgas, mar aon duine díobh seo a leanas:

(a) comhalta den Údarás nó de choiste nó d'fhochoiste den Údarás,

(b) comhalta d'fhoireann an Údaráis,

(c) sainchomhairleoir nó comhairleoir a bheidh fostaithe ag an Údarás nó fostaí de chuid sainchomhairleora nó comhairleora den sórt sin, nó

(d) duine a bheidh fostaithe ag an Údarás in aon cháil eile.

(2) Beidh duine a sháróidh fo-alt (1) ciontach i gcion agus dlífear, ar é nó í a chiontú go hachomair, fineáil nach mó ná £1,500 nó príosúnacht ar feadh téarma nach faide ná 12 mhí, nó iad araon, a chur air nó uirthi.

(3) Ní choiscfidh aon ní i bhfo-alt (1) nochtadh eolais i dtuarascáil chuig an Údarás nó, thar ceann an Údaráis, chuig an Aire.

(4) San alt seo foláíonn ‘eolas rúnda’—

(a) eolas a mbeidh sé sainráite ag an Údarás ina leith go bhfuil sé rúnda maidir le heolas áirithe nó maidir le heolas d'aicme nó de thuirisc áirithe, agus

- S.11 (b) information relating to proposals of a commercial nature or to tenders submitted to an tÚdarás by contractors, consultants or any other person.”.

Disclosure of interests.

12.—The Principal Act is hereby amended by the insertion of the following section after section 15:

“15A.—(1) Where at a meeting of an tÚdarás or of a committee or subcommittee of an tÚdarás either of the following matters arises, namely—

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

then, a member of an tÚdarás or of a committee or subcommittee of an tÚdarás who otherwise than in his or her capacity as such a member has a pecuniary or other beneficial interest in, or material to, the matter shall—

- (i) disclose to an tÚdarás, the committee or the subcommittee, as the case may be, the fact of his or her interest and the nature thereof,
- (ii) absent himself or herself from the meeting or that part of the meeting during which the matter is discussed,
- (iii) take no part in any deliberations of an tÚdarás, the committee or the subcommittee, as the case may be, relating to the matter,
- (iv) neither influence nor seek to influence a decision to be made in relation to the matter, and
- (v) not vote on a decision relating to the matter.

(2) Where a disclosure of an interest is made to an tÚdarás or a committee or subcommittee of an tÚdarás pursuant to subsection (1), 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 person by whom the disclosure is made shall not be counted in the quorum for the meeting.

(3) Where a question arises as to whether or not a course of conduct pursued or to be pursued by a person is or would constitute a failure by him or her to comply with the requirements of subsection (1), the question shall be determined by an tÚdarás, the committee or the subcommittee concerned, as the case may be, and particulars of the determination shall be recorded in the minutes of the meeting concerned.

(4) A member of the staff of an tÚdarás or a consultant or adviser engaged by an tÚdarás who otherwise than in his or her capacity as such a member, consultant or adviser, as the case may be, has a pecuniary or other beneficial interest in, or

- (b) eolas a bhaineann le tograí de chineál tráchtála nó le tairiscintí a chuirfidh conraitheoirí, sainchomhairleoirí nó aon duine eile faoi bhráid an Údaráis.” A.11

12.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur isteach i ndiaidh alt 15: Leasanna a nochtadh.

“15A.—(1) Más rud é, ag cruinniú den Údarás nó de choiste nó d’fhochoiste den Údarás, go n-éireoidh ceachtar de na nithe seo a leanas, eadhon—

- (a) comhshocraíocht ar páirtí inti an tÚdarás nó comhshocraíocht den sórt sin atá beartaithe, nó
- (b) conradh nó comhaontú eile leis an Údarás nó conradh nó comhaontú eile den sórt sin atá beartaithe,

ansin, maidir le comhalta den Údarás nó de choiste nó d’fhochoiste den Údarás a bhfuil leas airgid nó leas tairbhiúil eile aige nó aici, seachas ina cháil nó ina cáil mar chomhalta den sórt sin, ar leas é sa ní, nó ar leas é atá ábhartha i leith an ní—

- (i) nochtfaidh sé nó sí don Údarás, don choiste nó don fhochoiste, de réir mar a bheidh, go bhfuil an leas sin aige nó aici agus cén cineál leasa é,
- (ii) ní bheidh sé nó sí i láthair ag an gcruinniú nó ag an gcuid sin den chruinniú ar lena linn a phléifear an ní,
- (iii) ní ghlacfaidh sé nó sí aon pháirt in aon bhreithniú a dhéanfaidh an tÚdarás, an coiste nó an fochoiste, de réir mar a bheidh, maidir leis an ní,
- (iv) ní imreoidh sé nó sí aon tionchar, ná ní fhéachfaidh le haon tionchar a imirt, ar chinneadh a bheidh le déanamh i ndáil leis an ní, agus
- (v) ní vótálfaidh sé nó sí ar chinneadh a bhaineann leis an ní.

(2) I gcás ina ndéanfar leas a nochtadh don Údarás nó do choiste nó d’fhochoiste den Údarás de bhun fho-alt (1), déanfar an nochtadh a thaifeadadh i miontuairiscí an chruinnithe lena mbaineann agus, fad a bheidh an cruinniú ag déileáil leis an ní lena mbaineann an nochtadh, ní áireofar an duine a dhéanfaidh an nochtadh sa chóram don chruinniú.

(3) I gcás ina n-éireoidh ceist i dtaobh an ionann nó nach ionann, nó arbh ionann nó nárbh ionann, iompar áirithe a dhéanann duine, nó a bhfuil duine chun é a dhéanamh, agus mainneachtain aige nó aici ceanglais fho-alt (1) a chomhlíonadh, is é an tÚdarás, an coiste nó an fochoiste lena mbaineann, de réir mar a bheidh, a chinnfidh an cheist agus déanfar sonraí an chinnidh a thaifeadadh i miontuairiscí an chruinnithe lena mbaineann.

(4) Maidir le comhalta d’fhoireann an Údaráis, nó le sainchomhairleoir nó comhairleoir a bheidh fostaithe ag an Údarás, a bhfuil leas airgid nó leas tairbhiúil eile aige nó aici, seachas ina cháil nó ina cáil mar chomhalta, mar shainchomhairleoir nó mar chomhairleoir den sórt sin, de réir mar a bheidh, ar leas é i

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material to, a matter specified in paragraph (a) or (b) of subsection (1) shall—

- (a) disclose to an tÚdarás the fact of his or her interest and the nature thereof,
- (b) take no part in any deliberations of an tÚdarás or the members of its staff relating to the matter, and
- (c) neither influence nor seek to influence a decision to be made in relation to the matter.

(5) For the purposes of this section, but without prejudice to the generality of subsection (1) or (4), a person shall be regarded as having a beneficial interest in a matter if—

- (a) he or she or a member of his or her household, or a nominee of his or hers or of a member of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, the matter,
- (b) he or she or a member of his or her household is in partnership with a person, or is in the employment of a person, company or other undertaking, who has a beneficial interest in, or material to, the matter,
- (c) he or she or a member of his or her household is a party to an arrangement or agreement (whether or not enforceable) concerning land to which the matter relates, or
- (d) a member of his or her household has a beneficial interest in, or material to, the matter.

(6) For the purposes of this section a person shall not be regarded as having a beneficial interest in, or material to, a matter by reason only of an interest of his or hers, or of any person, company, body or undertaking mentioned in subsection (5), which is so remote or insignificant that it cannot reasonably be regarded as likely to influence the person in discussing or voting on any question with respect to the matter or in performing any function relating to the matter.

(7) A person who contravenes this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or both.”.

Membership of
either House of
Oireachtas or
European
Parliament of
member of staff of
an tÚdarás.

13.—The Principal Act is hereby amended by the substitution of the following section for section 16:

“16.—(1) Where a member of the staff of an tÚdarás is—

ní, nó ar leas é atá ábhartha i leith ní, a shonraítear i mír (a) nó A.12
(b) d'fho-alt (1)—

- (a) nochtfaidh sé nó sí don Údarás go bhfuil an leas sin aige nó aici agus cén cineál leasa é,
- (b) ní ghlacfaidh sé nó sí aon pháirt in aon bhreithniú a dhéanfaidh an tÚdarás nó na comhaltaí dá fhoireann maidir leis an ní, agus
- (c) ní imreoidh sé nó sí aon tionchar, ná ní fhéachfaidh le haon tionchar a imirt, ar chinneadh a bheidh le déanamh i ndáil leis an ní.

(5) Chun críocha an ailt seo, ach gan dochar do ghinearál-tacht fho-alt (1) nó (4), measfar leas tairbhiúil a bheith ag duine i ní más rud é—

- (a) gur comhalta de chuideachta nó d'aon chomhlacht eile ag a bhfuil leas tairbhiúil sa ní, nó leas atá ábhartha i leith an ní, é nó í nó comhalta dá theaghlach nó dá teaghlach, nó ainmnitheach dá chuid nó dá cuid de chuid comhalta dá theaghlach nó dá teaghlach,
- (b) go bhfuil sé nó sí nó comhalta dá theaghlach nó dá teaghlach i gcomhpháirtíocht le duine, nó ar fostú ag duine, ag cuideachta nó ag gnóthas eile, ag a bhfuil leas tairbhiúil sa ní nó leas atá ábhartha i leith an ní,
- (c) gur páirtí é nó í nó comhalta dá theaghlach nó dá teaghlach in aon chomhshocraíocht nó comhaontú (cibé acu infheidhmithe nó nach ea) i ndáil le talamh lena mbaineann an ní, nó
- (d) go bhfuil leas tairbhiúil ag comhalta dá theaghlach nó dá teaghlach sa ní, nó go bhfuil leas aige nó aici atá ábhartha i leith an ní.

(6) Chun críocha an ailt seo ní mheasfar leas tairbhiúil i ní, nó leas atá ábhartha i leith ní, a bheith ag duine de bhíthin amháin leas a bheith aige nó aici, nó ag aon duine, ag aon chuideachta, ag aon chomhlacht nó ag aon ghnóthas a luaitear i bhfo-alt (5), ar leas é atá chomh cianda nó chomh neamhthábhachtach sin nach féidir a mheas le réasún gur dócha go n-imreoidh sé tionchar ar an duine le linn dó nó di plé nó vótáil a dhéanamh ar aon cheist maidir leis an ní, nó le linn dó nó di aon fheidhm a bhaineann leis an ní a chomhlíonadh.

(7) Beidh duine a sháróidh an t-alt seo ciontach i gcion agus dlífear, ar é nó í a chiontú go hachomair, fineáil nach mó ná £1,500 nó príosúnacht ar feadh téarma nach faide ná 12 mí, nó iad araon, a chur air nó uirthi.”.

13.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur in ionad alt 16:

“16.—(1) Más rud é, maidir le comhalta d'fhoireann an Údaráis—

Comhalta d'fhoireann an Údaráis a bheith ina chomhalta nó ina comhalta de cheachtar Teach den Oireachtas nó de Pharlaimint na hEorpa.

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- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or
- (c) regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament,

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

(2) Without prejudice to the generality of subsection (1), that subsection shall be construed as prohibiting the reckoning of a period therein mentioned as service with an tÚdarás for the purposes of any superannuation allowance.

(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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for being a member of the staff of an tÚdarás.”.

Ministerial
directions to an
tÚdarás.

14.—The Principal Act is hereby amended by the insertion of the following section after section 20:

“20A.—(1) The Minister may give such directions in writing to an tÚdarás as the Minister considers appropriate as to general policy.

(2) A direction under subsection (1) shall not apply solely to a single industrial undertaking or to a single productive scheme of employment, and such a direction shall not give preference to one area of the Gaeltacht over another such area with regard to the location of such an undertaking or scheme.

(3) An tÚdarás shall, in its annual report, set out the text of a direction under subsection (1) and the action taken by it for the purpose of complying with such a direction.

(4) The Minister may give such directions in writing to an tÚdarás as the Minister considers appropriate with regard to all or any of the following:

- (a) the incurring of expenditure by an tÚdarás in the performance of its functions,
- (b) the provision by an tÚdarás of financial assistance under section 10,

- (a) go n-ainmneofar é nó í mar chomhalta de Sheanad A.13 Éireann,
- (b) go dtoghfar é nó í mar chomhalta de cheachtar Teach den Oireachtas nó chun bheith ina ionadaí nó ina hionadaí i bParlaimint na hEorpa, nó
- (c) go measfar, de bhun alt 19 den Acht um Thoghcháin do Pharlaimint na hEorpa, 1997, é nó í a bheith tofa chun Parlaimint na hEorpa,

beidh sé nó sí air sin ar iasacht ó fhostaíocht ag an Údarás agus ní íocfaidh an tÚdarás leis nó léi, ná ní bheidh sé nó sí i dteideal go bhfaighidh sé nó sí ón Údarás, aon luach saothair ná liúntais i leith caiteachas in aghaidh na tréimhse dar tosach an tráth a ainmneofar nó a thoghfar é nó í amhlaidh, nó an tráth a mheasfar amhlaidh é nó í a bheith tofa, de réir mar a bheidh, agus dar críoch an tráth a scoirfidh sé nó sí de bheith ina chomhalta nó ina comhalta de cheachtar Teach acu sin nó ina ionadaí nó ina hionadaí sa Parlaimint sin.

(2) Gan dochar do ghinearáltacht fho-alt (1), forléireofar an fo-alt sin mar fho-alt lena dtoirmiscear tréimhse atá luaite ann a ríomh mar sheirbhís leis an Údarás chun críocha aon aois-liúntais.

(3) Duine a bheidh de thuras na huairé i dteideal faoi Bhuan-Orduithe ceachtar Tí den Oireachtas suí sa Teach sin nó is ionadaí i bParlaimint na hEorpa, beidh sé nó sí, fad a bheidh sé nó sí i dteideal amhlaidh nó ina ionadaí nó ina hionadaí den sórt sin, dícháilithe chun bheith ina chomhalta nó ina comhalta d'fhoireann an Údarás.”.

14.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur isteach i ndiaidh alt 20: Ordacháin ón Aire don Údarás.

“20A.—(1) Féadfaidh an tAire cibé ordacháin i scríbhinn is cú leis an Aire a thabhairt don Údarás maidir le beartas ginearálta.

(2) Maidir le hordachán faoi fho-alt (1), ní bheidh feidhm aige maidir le gnóthas tionsclaíoch aonair nó le scéim tháirgiúil fostaíochta aonair, agus leis sin amháin, agus ní thabharfaidh ordachán den sórt sin tosaíocht do limistéar amháin den Ghaeltacht de rogha ar limistéar eile den sórt sin maidir le suí gnóthais nó scéime den sórt sin.

(3) Leagfaidh an tÚdarás amach, ina thuarascáil bhliantúil, téacs d'ordachán faoi fho-alt (1) agus cén beart a bheidh déanta aige chun ordachán den sórt sin a chomhlíonadh.

(4) Féadfaidh an tAire cibé ordacháin i scríbhinn is cú leis an Aire a thabhairt don Údarás maidir le gach ní nó le haon ní díobh seo a leanas:

- (a) an tÚdarás do thabhtú caiteachais i gcomhlíonadh a fheidhmeanna,
- (b) an tÚdarás do thabhairt cúnaimh airgid faoi alt 10,

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(c) the disposal by an tÚdarás of land, buildings, premises or plant,

(d) the sale by an tÚdarás of shares in a body corporate.

(5) The Minister may, with the consent of the Minister for Finance, give such directions in writing to an tÚdarás as the Minister considers appropriate with regard to all or any of the terms and conditions referred to in section 12(2).

(6) The Minister may give such directions in writing to an tÚdarás as the Minister considers appropriate with regard to the functions of an tÚdarás specified in section 8(1).

(7) An tÚdarás shall comply with a direction under this section.

(8) An instruction by whatever name called with regard to any matter referred to in subsection (4) or (5) given by the Minister to an tÚdarás before the commencement of this section shall be deemed to have been given under that subsection upon such commencement.”.

Constituencies and number of persons to be elected.

15.—The Principal Act is hereby amended by the substitution of the following section for section 29:

“29.—(1) Each of the following areas shall be a constituency for the purposes of this Part:

(a) the area comprising those parts of the Gaeltacht situated in the county of Donegal,

(b) the area comprising those parts of the Gaeltacht situated in the county of Mayo,

(c) the area comprising those parts of the Gaeltacht situated in the county of Galway,

(d) the area comprising those parts of the Gaeltacht situated in the county of Meath,

(e) the area comprising those parts of the Gaeltacht situated in the county of Kerry,

(f) the area comprising those parts of the Gaeltacht situated in the county of Cork, and

(g) the area comprising those parts of the Gaeltacht situated in the county of Waterford.

(2) In an election—

(a) the constituency specified in subsection (1)(a) shall return 4 persons,

(b) the constituency specified in subsection (1)(b) shall return 2 persons,

(c) the constituency specified in subsection (1)(c) shall return 6 persons,

(c) an tÚdarás do dhiúscairt talún, foirgneamh, áitreabh nó A.14 gléasra,

(d) an tÚdarás do dhíol scaireanna i gcomhlacht corpraithe.

(5) Féadfaidh an tAire, le toiliú an Aire Airgeadais, cibé ordacháin i scríbhinn is cuí leis an Aire a thabhairt don Údarás maidir leis na téarmaí agus na coinníollacha go léir dá dtagraítear in alt 12(2) nó maidir le haon cheann díobh.

(6) Féadfaidh an tAire cibé ordacháin i scríbhinn is cuí leis an Aire a thabhairt don Údarás maidir le feidhmeanna an Údaráis a shonraítear in alt 8(1).

(7) Comhlíonfaidh an tÚdarás ordachán faoin alt seo.

(8) Maidir le treoir, cibé ainm a thabharfar uirthi, i dtaca le haon ní dá dtagraítear i bhfo-alt (4) nó (5), arna thabhairt ag an Aire don Údarás roimh thosach feidhme an ailt seo, measfar gur tugadh í faoin bhfo-alt sin ar an tosach feidhme sin.”.

15.—Leasaítear leis seo an Príomh-Acht tríd an alt seo a leanas a chur in ionad alt 29: Toghlaigh agus an líon daoine a thoghfar.

“29.—(1) Is toghlach chun críocha na Coda seo gach limistéar díobh seo a leanas:

(a) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Dhún na nGall,

(b) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Mhaigh Eo,

(c) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae na Gaillimhe,

(d) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae na Mí,

(e) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Chiarraí,

(f) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Chorcaí, agus

(g) an limistéar arb é na codanna sin den Ghaeltacht é atá i gcontae Phort Láirge.

(2) I dtoghchán—

(a) toghfaidh an toghlach a shonraítear i bhfo-alt (1)(a) 4 dhuine,

(b) toghfaidh an toghlach a shonraítear i bhfo-alt (1)(b) 2 dhuine,

(c) toghfaidh an toghlach a shonraítear i bhfo-alt (1)(c) 6 dhuine,

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- (d) the constituency specified in subsection (1)(d) shall return one person,
 - (e) the constituency specified in subsection (1)(e) shall return 2 persons,
 - (f) the constituency specified in subsection (1)(f) shall return one person, and
 - (g) the constituency specified in subsection (1)(g) shall return one person.”.

Amendment of section 32 of Principal Act.

16.—Section 32 of the Principal Act is hereby amended by the substitution in subsection (1) of “person or persons, as may be appropriate, elected for that constituency” for “persons elected for that constituency”.

Amendment of First Schedule to Principal Act.

17.—The First Schedule to the Principal Act is hereby amended—

(a) in paragraph 2—

- (i) by the insertion in subparagraph (a) of “and six months” after “five years”, and
- (ii) by the insertion in subparagraph (b)(ii) of “or that constituency as altered by virtue of an order under section 2 of the Ministers and Secretaries (Amendment) Act, 1956” after “for such constituency”,

(b) in paragraph 7—

- (i) by the substitution of the following subparagraph for subparagraph (2):

“(2) A member of an tÚdarás shall be disqualified for holding and shall cease to hold office if he or she—

- (a) is adjudged bankrupt or makes a composition with his or her creditors,
- (b) is convicted of an indictable offence in relation to a company,
- (c) is convicted of an offence involving fraud or dishonesty, whether in relation to a company or not,
- (d) is the subject of an order under section 160 of the Companies Act, 1990,
- (e) is undergoing a sentence of imprisonment for any term exceeding 6 months imposed by a court of competent jurisdiction in the State,

- (d) toghfaidh an toglach a shonraítear i bhfo-alt (1)(d) A.15 duine amháin,
- (e) toghfaidh an toglach a shonraítear i bhfo-alt (1)(e) 2 dhuine,
- (f) toghfaidh an toglach a shonraítear i bhfo-alt (1)(f) duine amháin, agus
- (g) toghfaidh an toglach a shonraítear i bhfo-alt (1)(g) duine amháin.”.

16.—Leasaítear leis seo alt 32 den Phríomh-Acht trí “i dtaobh an duine nó na ndaoine, de réir mar is cuí, a toghadh don toglach sin” a chur in ionad “i dtaobh na ndaoine a toghadh don toglach sin” i bhfo-alt (1). Leasú ar alt 32 den Phríomh-Acht.

17.—Leasaítear leis seo an Chéad Sceideal a ghabhann leis an bPríomh-Acht— Leasú ar an gCéad Sceideal a ghabhann leis an bPríomh-Acht.

(a) i mír 2—

- (i) trí “agus sé mhí” a chur isteach i bhfomhír (a) i ndiaidh “cúig bliana”, agus
- (ii) trí “nó don toglach sin arna athrú de bhua ordaithe faoi alt 2 den Acht Airí agus Rúnaithe (Leasú), 1956” a chur isteach i bhfomhír (b)(ii) i ndiaidh “don toglach sin”,

(b) i mír 7—

- (i) tríd an bhfomhír seo a leanas a chur in ionad fhomhír (2):

“(2) Beidh comhalta den Údarás dícháilithe chun oifig a shealbhú agus scoirfidh sé nó sí d’oifig a shealbhú—

- (a) má bhreithnítear ina fhéimheach nó ina féimheach é nó í nó má dhéanann sé nó sí imshocraíocht lena chreidiúnaithe nó lena creidiúnaithe,
- (b) má chiontaítear é nó í i gcion indíotáilte i ndáil le cuideachta,
- (c) má chiontaítear é nó í i gcion lena ngabhann calaois nó mímhacántacht, cibé acu is i ndáil le cuideachta é nó nach ea,
- (d) má dhéantar ordú ina thaobh nó ina taobh faoi alt 160 d’Acht na gCuideachtaí, 1990,
- (e) má tá pianbhreith príosúnachta ar feadh aon téarma is faide ná 6 mhí a ghearr cúirt dlínse inniúla sa Stát á cur isteach aige nó aici,

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(f) ceases to be ordinarily resident in the State,

(g) is convicted of an offence under section 15, or

(h) is convicted of an offence under section 15A.”,

and

(ii) by the substitution of the following subparagraphs for subparagraphs (3) and (4):

“(3) Where a member (other than an elected member) of an tÚdarás is—

(a) nominated as a member of Seanad Éireann,

(b) elected as a member of either House of the Oireachtas or to be a representative in the European Parliament, or

(c) regarded pursuant to section 19 of the European Parliament Elections Act, 1997, as having been elected to the European Parliament,

he or she shall thereupon cease to be a member of an tÚdarás.

(4) 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 representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified for being a member (other than an elected member) of an tÚdarás.”,

and

(c) by the substitution in paragraph 11 of “any committee (being a regional committee or other committee established under section 10A or the Evaluation Committee) or subcommittee of an tÚdarás” for “any sub-committee of an tÚdarás”.

Repeals.

18.—Sections 10(3) and 11 of, and paragraph 8 of the First Schedule to, the Principal Act are hereby repealed.

Short title, commencement and collective citation.

19.—(1) This Act may be cited as the *Údarás na Gaeltachta (Amendment) (No. 2) Act, 1999*.

(2) *Sections 5, 6, 7, 8, 17(c) and 18*, in so far as it provides for the repeal of section 10(3) of the Principal Act, of this Act shall come

(f) má scoireann sé nó sí de ghnáthchónaí A.17
a bheith air nó uirthi sa Stát,

(g) má chiontaítear é nó í i gcion faoi alt
15, nó

(h) má chiontaítear é nó í i gcion faoi alt
15A.”,

agus

(ii) trí na fomhíreanna seo a leanas a chur in ionad
fhomhíreanna (3) agus (4):

“(3) Más rud é, maidir le comhalta (seachas
comhalta tofa) den Údarás—

(a) go n-ainmneofar é nó í mar chomhalta
de Sheanad Éireann,

(b) go dtoghfar é nó í mar chomhalta de
cheachtar Teach den Oireachtas nó
chun bheith ina ionadaí nó ina hion-
adaí i bParlaimint na hEorpa, nó

(c) go measfar, de bhun alt 19 den Acht um
Thoghcháin do Pharlaimint na
hEorpa, 1997, é nó í a bheith tofa
chun Parlaimint na hEorpa,

scoirfidh sé nó sí air sin de bheith ina chomhalta
nó ina comhalta den Údarás.

(4) Duine a bheidh de thuras na huairé i dteid-
eal faoi Bhuan-Orduithe ceachtar Tí den
Oireachtas suí sa Teach sin nó is ionadaí i bPar-
laimint na hEorpa, beidh sé nó sí, fad a bheidh
sé nó sí i dteideal amhlaidh nó ina ionadaí nó
ina hionadaí den sórt sin dícháilithe chun bheith
ina chomhalta nó ina comhalta (seachas com-
halta tofa) den Údarás.”,

agus

(c) trí “trí aon choiste (arb é atá ann coiste réigiúnach nó coiste
eile arna bhunú faoi alt 10A nó an Coiste
Meastóireachta) nó trí aon fhochoiste den Údarás” a
chur in ionad “trí aon fhochoiste den Údarás” i mír 11.

18.—Aisghairtear leis seo ailt 10(3) agus 11 den Phríomh-Acht Aisghairm.
agus mír 8 den Chéad Sceideal a ghabhann leis an bPríomh-Acht.

19.—(1) Féadfar an tAcht um Údarás na Gaeltachta (Leasú) Gearrtheideal,
tosach feidhme agus
comhlua.
(Uimh. 2), 1999, a ghairm den Acht seo.

(2) Tiocfaidh ailt 5, 6, 7, 8, 17(c) agus 18, a mhéid a dhéantar foráil
leis an alt sin chun alt 10(3) den Phríomh-Acht a aisghairm, den Acht

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into operation on such day or days as the Minister for Arts, Heritage, Gaeltacht and the Islands 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 different provisions.

(3) The collective citation “the *Údarás na Gaeltachta* Acts, 1979 to 1999” shall include this Act.

[1999.] *An tAcht um Údarás na Gaeltachta* [No. 27.]
(Leasú) (Uimh. 2), 1999.

seo i ngníomh cibé lá nó laethanta a cheapfaidh an tAire Ealaíon, A.19
Oidhreacht, Gaeltachta agus Oileán le hordú nó le horduithe, i
gcoitinne nó faoi threoir aon chríche nó forála áirithe, agus féadfar
laethanta éagsúla a cheapadh amhlaidh chun críoch éagsúil nó le
haghaidh forálacha éagsúla.

(3) Folóidh an comhlua “na hAchtanna um Údarás na Gaeltachta,
1979 go 1999” an tAcht seo.