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**HERITAGE ACT, 1995**

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#### AN CHOMHAIRLE OIDHREACHTA

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Canals Act, 1986	1986, No. 3
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Saint Stephen's Green (Dublin) Act, 1877	1877, c. CXXXIV
Shannon Navigation Act, 1990	1990, No.20
The Act of the British Parliament, 1839	2 & 3 Vict., c. 61
Whale Fisheries Act, 1937	1937, No. 4
Wildlife Act, 1976	1976, No.39

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## **HERITAGE ACT, 1995**

AN ACT TO PROMOTE PUBLIC INTEREST IN AND KNOW LEDGE, APPRECIATION AND PROTECTION OF THE NATIONAL HERITAGE, TO ESTABLISH A BODY TO BE KNOWN AS AN CHOMHAIRLE OIHDREACHTA, TO DEFINE ITS FUNCTIONS, TO PROVIDE FOR THE EXERCISE BY THE MINISTER FOR ARTS, CULTURE AND THE GAELTACHT OF FUNCTIONS IN RELATION TO THE NATIONAL HERITAGE AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID. [10th April, 1995]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

### **PART I**

#### **PRELIMINARY AND GENERAL**

1.-This Act may be cited as the Heritage Act, 1995.

Short title.

2.-(1) In this Act-

Interpretation.

"archaeological object" means any chattel whether in a manufactured or partly manufactured or an unmanufactured state which by reason of the archaeological interest attaching thereto or of its association with any Irish historical event or person has a value, and the said expression includes ancient human, animal or plant remains;

"archaeology". means the study of past human. societies, either as a whole or of various aspects of them through the material remains left by those societies and the evidence of their environment, and includes the study of searching and prospecting for-

(a) archaeological objects,

(b) monuments,

(c) building or parts of any buildings, habitually used for ecclesiastical purposes,

(d) landscapes,

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(e) seascapes,

(f) wrecks,

(g) climatological, ecological, geological or pedological factors which may be relevant to the understanding of past human societies or the distribution or nature of any of the foregoing;

"architectural heritage" includes all structures, buildings, traditional and designed, and groups of buildings including street-scapes and urban vistas, which are of historical, archaeological, artistic, engineering, scientific, social or technical interest, together with their setting, attendant grounds, fixtures, fittings and contents, and, without prejudice to the generality of the foregoing, includes railways and related buildings and structures and any place comprising the remains or traces of any such railway, building or structure;

"Commissioners" means the Commissioners of Public Works in Ireland;

"the Council" means the body established under *section 5*;

"the establishment day" means the day appointed under *section 5* to be the establishment day for the purposes of this Act;

"fauna" means all wild birds and all 'wild animals (both aquatic and terrestrial) and includes in particular fish, 'wild mammals, reptiles, non-aquatic invertebrate animals and amphibians, and all such wild animals' eggs, larvae, pupae or other immature stage and young, but in relation to fish or aquatic invertebrate animals (or their eggs or spawn or other immature stage or brood or young) only includes fish and such aquatic invertebrate animals of a species specified in regulations under *section 23* of the Wildlife Act, 1976, which are for the time being in force;

"flora" means all plants (both aquatic and terrestrial) which occur in the 'wild (whether within or outside the State) other than trees, shrubs or plants being grown in the course of agriculture, forestry or horticulture and includes in particular lichens, mosses, liverworts, fungi, algae and vascular plants, namely flowering plants, ferns and fern-allied plants and any community of such plants;

"functions" includes powers and duties;

"geology" means the study of the planet Earth as a whole or in part, the materials of which it is made, the processes that act and have acted upon these materials and the products and structures formed by such action, the physical and biological history of the planet since its origin including the history of life preserved as fossils in rocks and deposits at the surface or in layers beneath the surface of the earth, stratigraphic succession, caves, fossil content or any other items of scientific interest, and includes geomorphology, lithology and mineralogy;

"heritage building" includes any building, or part thereof, which is of significance because of its intrinsic architectural or artistic quality or its setting or because of its association with the commercial, cultural, economic, industrial, military, political, social or religious history of the place where it is situated or of the country or generally, and includes the amenities of any such building;

"heritage gardens and parks" includes areas of natural heritage, and

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gardens and parks whose plant collections, design, design features, Pr.I S.2 buildings, setting, style or association are of significant scientific, botanical, aesthetic or historical interest or which illustrate some aspect of the development of gardening or of gardens and parks;

"heritage objects" means objects over 25 years old which are works of art or of industry (including books, documents and other records, including genealogical records) of cultural importance;

"inland waterways" means canals, canalised sections of rivers and lakes, navigation channels in rivers and lakes, and their associated navigational features;

"landscape" includes areas, sites, vistas and features of significant scenic, archaeological, geological, historical, ecological or other scientific interest;

"the Minister" means the Minister for Arts, Culture and the Gaeltacht;

"monument" includes the following, whether above or below the surface of the ground or the water and whether affixed or not affixed to the ground:

- (a) any artificial or partly artificial building, structure or erection or group of such buildings, structures or erections,
- (b) any cave, stone or other natural product, whether or not forming part of the ground, that has been artificially carved, sculptured or worked upon or which (where it does not form part of the place where it is) appears to have been purposely put or arranged in position,
- (c) any, or any part of any, prehistoric or ancient-
  - (i) tomb, grave or burial deposit, or
  - (ii) ritual, industrial or habitation site, and
- (d) any place comprising the remains or traces of any such building, structure or erection, any such cave, stone or natural product or any such tomb, grave, burial deposit or ritual, industrial or habitation site,

situated on land or in the territorial waters of the State, but does not include any building, or part of any building, that is habitually used for ecclesiastical purposes;

"public authority" means-

- (a) a Minister of the Government,
- (b) the Commissioners of Public Works in Ireland,
- (c) local, authority for the purposes of the Local Government
- (d) regional authority within the meaning of the Local Government Act, 1991;
- (e) a harbour authority within the meaning of the Harbours Act, 1946,

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Pr.I S.2 a health board established under the Health Act, 1970,

(f) a board or other body established by or under statute,

(h) a company in which all the shares are held by, or on behalf of, or by directors appointed by, a Minister of the Government,

or

(i) a company in which all the shares are held by a board, company, or other body referred to in *paragraph (g) or (h)* of this definition;

"seascape" means areas and sites of coastal water including estuaries, bays and lagoons of significant scenic, geological, ecological or other scientific interest;

"wildlife habitat" means the ecological environment in which particular organisms and communities thereof thrive;

"wreck" means a vessel, or part of a vessel, lying wrecked on, in or under the sea bed or, on or in land covered by water, and any objects contained in or on the vessel, and any objects that were formerly contained in or on a vessel and are lying on, in or under the sea bed or on or in land covered by water.

(2) In this Act a reference to a section or schedule is a reference to a section or schedule of this Act, unless there is an indication that a reference to any other enactment is intended.

(3) In this Act a reference to a subsection, paragraph or subparagraph is a reference to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless there is an indication that a reference to some other provision is intended.

(4) In this Act a reference to any enactment shall be construed as a reference to that enactment as amended or adapted by or under any subsequent enactment.

Expenses of Minister. 3.-The expenses incurred by the Minister in the administration of this Act shall be paid out of monies provided by the Oireachtas.

Repeals. 4. Section 13 of the Wildlife Act, 1976, and section 4 of the National Monuments (Amendment) Act, 1987, are hereby repealed.

PART II

AN CHOMHAIRLE OIHDREACHTA

Establishment of  
Council.

5.--(1) The Minister shall by order appoint a day to be the established day for the purposes of this Act.

(2) There shall stand established on the establishment day a body to be known as An Chomhairle Oidhreachta or, in the English language, The Heritage Council to perform the functions conferred on it by this Act.

(3) The Council shall be a body corporate with perpetual succession and power to sue and be sued in its own name and to acquire, hold and dispose of land.

Pr.II S.5

(4) In the exercise of its functions in relation to the acquisition, holding and disposal of land the Council shall comply with such directions as may be given to it by the Minister in consultation with the Minister for Finance.

(5) The *Schedule* shall apply in relation to the Council.

6.-(1) The functions of the Council shall be to propose policies and priorities for the identification, protection, preservation and enhancement of the national heritage, including monuments, archaeological objects, heritage objects, architectural heritage, flora, fauna, wildlife habitats, landscapes, seascapes, wrecks, geology, heritage gardens and parks and inland waterways.

(2) References to the National Monuments Advisory Council, the Historic Monuments Council or the Wildlife Advisory Council in any enactment or instrument made thereunder shall, where appropriate, be construed as references to the Council.

(3) The Council shall in particular-

- (a) promote interest, education, knowledge and pride in, and facilitate the appreciation and enjoyment of the national heritage,
- (b) co-operate with public authorities, educational bodies and other organisations and persons in the promotion of the functions of the Council,
- (c) promote the co-ordination of all activities relating to the functions of the Council.

7.-(1) The Council may make recommendations to the Minister Recommendations on any matter relating to the Council's functions, and may make such of Council. recommendations public.

(2) The Minister shall respond to a recommendation referred to in *subsection (1)* within six months of receipt thereof.

8.-The Council shall, if the Minister so requests, furnish the Minister with advice on any matter relating to the functions of the Council information. and with information regarding the performance of its functions.

9.-(1) The Minister may, by order, after consultation with the Additional Council, and after consideration by the Government, confer on the Council such additional functions relating to the national heritage as the Minister thinks appropriate.

(2) Where an order is proposed to be made under this section, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each House.



[No.4.] *Heritage Act, 1995.* [1995.]  
 Pr.II. 10.-(1) The Council may consult with or advise a public authority Heritage buildings in relation to the maintenance, preservation, restoration, upkeep and owned by a public improvement of any heritage building owned by the authority.  
 authority.

- (2) Where a public authority proposes-
- (a) to demolish or, by means of alteration to the structure, decoration or finish thereof or by means of any other alteration thereto, to alter significantly the character of-
    - (i) a heritage building vested in the authority, or
    - (ii) any building or other structure adjoining a heritage building and vested in the authority, or
  - (b) to alter significantly the character of any other land adjoining a heritage building and vested in the authority, or
  - (c) to dispose of any heritage building, or its amenities,

the authority shall, before carrying out the proposal, notify the Council in writing of the proposal and the Council shall, as soon as may be, tender its advice to the authority in writing in relation to the proposal.

(3) Where the Council has advised against a proposal referred to in *subsection (2)* the public authority shall not commence work on the proposal unless-

- (a) the Minister agrees to the proposal, or
- (b) the Minister agrees to a modified form of the proposal, or
- (c) the Government agrees to the proposal.

(4) The Minister may by order, on the advice of the Council and after consultation with the responsible public authority, designate a building as a heritage building to which this section applies.

Cooperation,  
 authority, in advice. 11.-(1) The Council may co-operate with and provide assistance and advice to any person or body, including a public respect of any matter which is related to the performance of its functions as it considers desirable.

(2) In this section "assistance" includes payments of money on such terms and conditions as the Council may decide.

Acceptance of gifts. 12.-(1) Subject to *subsection (2)* and *section S (4)*, the Council may accept any gift for any purpose which relates to the functions of the Council.

(2) The Council shall not accept any gift on any trust or condition specified by the donor of the gift which is inconsistent with, or prejudices the effective performance by the Council of, its functions.

(3) The Council may provide for the housing and study of, and may exhibit and dispose of non-pecuniary gifts as it deems appropriate.

[1995.] *Heritage Act, 1995.* [No.4.]

13.-The Minister shall, in each financial year, pay to the Council Pr.II. a grant, or grants, out of monies provided by the Oireachtas, of such Financial amount or amounts as the Minister may, with the consent of the provisions. Minister for Finance, determine for the purposes of expenditure by the Council in the performance of its functions.

14.-The chairperson and members of the Council or of a committee- Expenses of the Council shall be paid, out of monies at the disposal of the Council. Council, such remuneration and allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may determine.

15.-The chairperson or any member of the Council or of a committee- Disqualification Committee of the Council shall cease to be a member of the Council or from office. of a committee of the Council where such chairperson or member-

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment, or
- (d) fails to comply with the provisions of *section 17 (1)*.

16.-Any person who is or becomes entitled under the Standing Membership of Orders of Dail Eireann or Seanad Eireann to sit in either of those either House of the Houses, or who is or becomes a member of the European Parliament- Oireachtas, or two European, shall, while so entitled or being such member, be disqualified from membership of the Parliament. from membership of the Council and, if already a member of the Council, shall cease to be a member of the Council.

17.-*(1)* Any member of the Council, or of a committee of the Council, who has a pecuniary or other beneficial interest in, or interests. material to, any matter which falls to be considered by the Council or a committee of the Council, shall-

- (a) disclose to the Council or committee, as the case may be, the nature of that interest in advance of any consideration of the matter,
- (b) not influence or seek to influence a decision in relation to
- (c) the matter, take no part in any consideration of the matter,
- (d) withdraw from the meeting at which the matter is being discussed or considered for so long as it is being discussed or considered by the Council or committee and shall not vote or otherwise act as such member in relation to the matter.

*(2)* Where a question arises as to whether a person has failed to comply with the provisions of *subsection (1)*, the question shall be determined by the Council.

*(3)(a)* Where the Council determines that a person has failed to comply with the provisions of *subsection (1)* and the person accordingly ceases to hold office by reason of *section*

[No.4.] *Heritage Act, 1995.* [1995.]

Pr.II S.17 *15 (d)*, that person may appeal within 21 days from the date of the determination to the Minister who may confirm or annul such determination.

(b) If the Minister annuls a determination as aforesaid the person concerned shall be reinstated as chairperson, or member of the Council or relevant committee of the Council, as the case may be.

(4) A disclosure under this section shall be recorded in the minutes of the Council.

Staff of Council. 18.-(1) The Council shall employ its own staff (an adequate number of whom should be competent in the Irish language so as to provide service through Irish as well as English) subject to such terms and conditions, including those relating to remuneration and Superannuation, as it may, with the consent of the Minister and the Minister for Finance, determine.

(2) The grades of the staff of the Council, and the number of staff in each grade, shall be determined by the Council with the consent of the Minister and the Minister for Finance.

(3) The Council may employ consultants or advisers on contracts for services as it considers necessary for the proper discharge of its functions.

(4) Where a member of the staff of the Council is nominated as a member of Seanad Eireann or the European Parliament, or for election to either House of the Oireachtas or the European Parliament, such member shall stand seconded from employment by the Council and shall not be paid by or be entitled to receive from the Council any remuneration or allowances in respect of the following periods:

(a) where such member of staff is nominated as a member of Seanad Eireann, the period commencing on acceptance of the nomination and ending on cessation of membership of Seanad Eireann;

(b) where such member of staff is nominated for election to either House of the Oireachtas, the period commencing on nomination and ending on-

(i) withdrawal of the member's candidature for such election,

(ii) the member's failure to be elected to such House, or

(iii) cessation of membership of such House,

as may be appropriate;

(c) where such member of staff is nominated as a member of the European Parliament, the period commencing on acceptance of the nomination and ending on cessation of membership of that Parliament;

(d) where such member of staff is nominated for election to the European Parliament, the period commencing on

nomination and ending on-10

(i) withdrawal of the member's candidature for such Pr.II S.18 election,

(ii) the member's failure to be elected to that Parliament, or

(iii) cessation of membership of that Parliament,

as may be appropriate.

(5) A person who is for the time being entitled under the Standing Orders of Dail Eireann or Seanad Eireann to sit in either one of those Houses or is a member of the European Parliament shall, while so entitled or being such a member, be disqualified from becoming a member of the staff of the Council.

(6) The Civil Service Regulation Act, 1956, shall not apply in relation to an appointment or engagement under this section.

19.-(1) It shall be the duty of a person to whom this section Declaration of applies to give to the Council a declaration in the prescribed form, interests.

signed by that person and containing particulars of every interest which is an interest to which this section applies and it shall be the duty of that person, where there is a change regarding any such interest or on the acquisition of any other interest to which this section applies, to give to the Council a new declaration in the prescribed form.

(2)(a) This section applies to an employee of the Council or any other person whose services are availed of by the Council and who is of a class, description or grade prescribed for the purposes of this section.

(b) This section applies to the following interests-

(i) any estate or interest which a person to whom this section applies has in any land,

(ii) any business of dealing in or developing land in which that person is engaged or employed and any such business carried on by a company or other body of which that person (or a nominee) is a member,

(iii) any profession, business or occupation in which such a person is engaged and which relates to dealing in or developing land.

(3) A person to whom this section applies and who has an interest to which this section applies shall be regarded as complying with the requirements of *subsection (1)* if, and only if, a declaration mentioned in that subsection is given within the period of twenty-eight days beginning-

(a) in case the person is such a person on the commencement of this section, on such commencement,

(b) in case the person becomes such a person after the commencement of this section, on becoming such a person,

(c) in case there is a change regarding an interest, particulars of which are contained in a declaration already given by the person, or where the person acquires any other interest

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Pr.II S.19

to which this section applies, on the day on which the change occurs or the other such interest is acquired.

(4) For the purposes of this section, a person shall be regarded as having an estate or interest in land if that person (or a nominee) is a member of a company or other body which has an estate or interest in the land.

(5) For the purposes of this section, a person shall not be regarded as having an interest to which this section applies if the interest is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing any question with respect to any matter arising or coming before the Council or in performing any function in relation to any such matter.

(6) Where a person to whom this section applies has an interest to which this section applies by reason only of the beneficial ownership of shares in a company or other body by that person (or a nominee) and the total nominal value of those shares does not exceed the lesser of-

(a) one thousand pounds, or

(b) one-hundredth part of the total nominal value of either the issued share capital of the company or body, or where that capital is issued in shares of more than one class, the issued share capital of the class or classes of shares in which that person has an interest,

*subsection (1)* of this section shall not have effect in relation to that interest.

(7) The Council shall, for the purposes of this section, keep a register (which register is in this section referred to as the register of interests) and shall enter therein the particulars contained in declarations given to the Council pursuant to this section.

(8) The register of interests shall be available for inspection by the Minister.

(9) Where a person ceases to be a person to whom this section applies, any particulars entered in the register of interests as a result of a declaration being given by the person to the Council pursuant to this section shall be removed, as soon as may be after the expiration of the period of five years beginning on the day on which the person ceases to be such a person, from the said register by the Council.

(10) Subject to *subsection (11)*, a person who fails to comply with *subsection (1)* or who, when purporting to comply with the requirements of the said *subsection (1)*, gives particulars which are false or misleading in a material respect, shall be guilty of an offence.

(11) In any proceedings for an offence under this section it shall be a good defence that at the relevant time the defendant believed, in good faith and upon reasonable grounds, that-

(a) the relevant particulars were true,

(b) there was no matter as regards which a declaration under *subsection (1)* was required, or

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was not one as regards which he was so required to make Pr.II S.19 such declaration.

- (12) A person guilty of an offence under *subsection (10)* shall be liable-
- (a) on summary conviction, to a fine not exceeding £1,000, or
  - (b) on conviction on indictment, to a fine not exceeding £10,000.
- (13) Summary proceedings for an offence under this section may be prosecuted by the Minister.
- (14) In this section-"land" includes land covered by water,

"prescribed" means prescribed by regulations made by the Minister.

20.-(1) As soon as may be after its establishment the Council Superannuation of shall prepare and submit to the Minister a scheme or schemes for staff.

the granting of superannuation benefits on retirement or death to or in respect of such persons of its staff as the Council shall 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 and different times and conditions may be fixed in respect of different classes of persons.

(3) The Council may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved under this section.

(4) A scheme or amending scheme submitted to the Minister under this section shall, if approved of by the Minister with the consent of the Minister for Finance, be carried out by the Council 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 scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

(6) No superannuation benefit shall be granted by the Council to or in respect of any of its staff who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of a superannuation benefit to such persons on ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved of under this section.

(7) In this section "superannuation benefits" means pensions, gratuities and other allowances payable on resignation, retirement or death..

(8) The Minister shall cause every scheme submitted and approved of under this section to be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next 21 days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

[No.4.] *Heritage Act, 1995.* [1995.]

- Pr.II S.20 (9) Without prejudice to the generality of *subsection (4) of section 18* that section shall be construed as prohibiting the reckoning of a period therein mentioned as service with the Council for the purposes of any pensions, gratuities or other allowances payable under a scheme or schemes made in accordance with this section.
- Accounts and audit. 21.-(1) The Council shall keep, in such form as may be approved of by the Minister with the concurrence of the Minister for Finance, all proper and usual accounts of all monies received or expended by the Council, including an income and expenditure account and balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time direct.
- (2) Accounts kept in pursuance of this section shall, not later than six months after the end of the financial year of the Council to which they relate, be submitted to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account and of the balance sheet and of such other, if any, of its accounts as the Minister may specify, together with a copy of the Comptroller and Auditor General's report on the accounts, shall be presented to the Minister who shall cause copies of the documents so presented to be laid before each House of the Oireachtas.
- Annual Report. 22.-(1) The Council shall, not later than six months after the end of each year, submit a report in the Irish and English languages to the Minister of its proceedings in the previous year and the report shall be published by the Council.
- (2) The Council may submit to the Minister and publish other reports on any particular aspects of its proceedings.
- Fees. 23.-The Council may charge fees of such amounts as may from time to time be determined by it for or in connection with services rendered by it.

### PART III

#### Functions OF COMMISSIONERS IN RELATION TO NATIONAL HERITAGE

Functions of  
Commissioners of  
Public Works in  
Ireland.

24.-The functions of the Commissioners in relation to the national heritage under the enactments set out in the Table to this section shall, notwithstanding anything to the contrary in the Mini-

sters and Secretaries Act, 1924, be performed subject to the supervision of the Minister and to such directions as the Minister may give in relation thereto and the Commissioners shall provide the Minister with such information as the Minister may require for those purposes.

#### TABLE

The Act of the British Parliament 2 & 3 Vict., c. 61 ("the Shannon Act")  
 Saint Stephen's Green (Dublin) Act, 1877  
 Phoenix Park Act, 1925  
 National Monuments Act, 1930  
 Bourn Vincent Memorial Park Act, 1932  
 Whale Fisheries Act, 1937  
 National Monuments (Amendment) Act, 1954  
 Holycross Abbey (County Tipperary) Act, 1969

[19951 *Heritage Act, 1995.* [No.4.]

Wildlife Act, 1976 Pr.III S.24  
 Canals Act, 1986  
 National Monuments (Amendment) Act, 1987  
 Shannon Navigation Act, 1990  
 National Monuments (Amendment) Act, 1994.

SCHEDULE *section 5.*  
 AN CHOMHAIRLE OI DHREACHTA

1. (1) The Council shall consist of a chairperson and not fewer than 14 or more than 16 ordinary members.
- (2) The chairperson and the ordinary members shall be appointed by the Minister.
- (3) The period of office of the chairperson or an ordinary member shall be such period, not exceeding five years, as the Minister, on that appointment, may determine.
- (4) Where a member of the Council or a person appointed by the Minister to be a member of a committee of the Council, dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Council or the relevant committee, as the case may be, to fill the casual vacancy so occasioned.
2. (1) Of the members of the Council not fewer than seven shall be men, and not fewer than seven shall be women.
- (2) Each member of the Council shall be a person who, in the opinion of the Minister, has an interest in or knowledge or experience of or in relation to the national heritage.
3. A member of the Council shall not be eligible for reappointment where that person has served two consecutive terms.
4. (1) The chairperson or any member of the Council or any person appointed by the Minister to a committee of the Council may, at any time, resign office by letter addressed to the Minister and the resignation shall take effect from the date of receipt thereof by the Minister.
- (2) A chairperson of the Council who ceases to be a member of the Council while holding such office, shall cease to be chairperson of the Council.
5. The Minister may, at any time, remove from office the chairperson or any member of the Council, or any person appointed by the Minister to a committee of the Council, where-
  - (a) such chairperson, member or person has become incapable through ill health of effectively performing his or her duties,
  - (b) such chairperson, member or person has committed stated misbehaviour, or
  - (c) such removal appears necessary for the effective performance by the Council (or committee) of its functions.



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6. (1) The Council may hold such and so many meetings as are necessary for the performance of its functions.

(2) The quorum for a meeting of the Council shall be seven members, including the chairperson, of the Council.

(3) The chairperson and each member of the Council present at a meeting thereof shall have a vote.

(4) Every question at a meeting of the Council 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 shall have a second or casting vote.

(5) The Council may act notwithstanding one or more vacancies among its members (including one or more vacancies that result in *paragraph 2 (1)* not being complied with).

7. Where, at any meeting of the Council, the chairperson is not present, or the office of chairperson is vacant; the members of the Council who are present shall choose one of their number to be chairperson of the meeting.

8. Subject to the provisions of this Schedule, the Council may regulate its own procedures and business.

9. (1) The Council may appoint such and so many committees to perform functions allocated to them by the Council or to advise the Council on any matter related to its functions.

(2) The Council shall establish standing committees on-

- (a) wildlife,
- (b) archaeology,
- (c) architectural heritage, and
- (d) inland waterways,

and the Minister may appoint three persons who are not members of the Council to each standing committee.

(3) A committee established by the Council shall be chaired by a member of the Council but may include members who are not members of the Council.

(4) Subject to *section 14*, the terms and conditions of office of a member of a committee and the procedure of a committee shall be determined or approved by the Council.

(5) The Council may at any time dissolve a committee appointed under this paragraph, other than one referred to in *subparagraph (2)*.

10. (1) The Council shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Council shall be authenticated by the signature of the chairperson or some other member of the Council authorised by the Council to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Council and every document purporting to be an instrument made by the Council

**If**

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and to be sealed with the seal (purporting to be authenticated pursuant to *subparagraph (2)* of this paragraph) of the Council shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

