Number 32 *of* 2003

OFFICIAL LANGUAGES ACT 2003

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British-Irish Agreement Act 1999	1999, No. 1
Civil Service Commissioners Act 1956	1956, No. 45
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Data Protection Act 1988	1988, No. 25
European Assembly Elections Act 1977	1977, No. 30
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Local Government Act 2001	2001, No. 37
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Number 32 *of* 2003

OFFICIAL LANGUAGES ACT 2003

AN ACT TO PROMOTE THE USE OF THE IRISH LANGUAGE FOR OFFICIAL PURPOSES IN THE STATE; TO PROVIDE FOR THE USE OF BOTH OFFICIAL LANGUAGES OF THE STATE IN PARLIAMENTARY PROCEEDINGS, IN ACTS OF THE OIREACHTAS, IN THE ADMINISTRATION OF JUSTICE, IN COMMUNICATING WITH OR PROVIDING SERVICES TO THE PUBLIC AND IN CARRYING OUT THE WORK OF PUBLIC BODIES; TO SET OUT THE DUTIES OF SUCH BODIES WITH RESPECT TO THE OFFICIAL LANGUAGES OF THE STATE; AND FOR THOSE PURPOSES, TO PROVIDE FOR THE ESTABLISHMENT OF OIFIG CHOIMISINÉIR NA dTEANGACHA OIFIGIÚLA AND TO DEFINE ITS FUNCTIONS; TO PROVIDE FOR THE PUBLICATION BY THE COMMISSIONER OF CERTAIN INFORMATION RELEVANT TO THE PURPOSES OF THIS ACT; AND TO PROVIDE FOR RELATED MATTERS. [14*th July*, 2003]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

Preliminary and General

Short title and commencement.

1.—(1) This Act may be cited as the Official Languages Act 2003.

(2) This Act shall come into operation on such day or days not later than 3 years after the passing of this Act as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions.

Uimhir 32 *de* 2003

ACHT NA dTEANGACHA OIFIGIÚLA 2003

ACHT CHUN ÚSÁID NA GAEILGE A CHUR CHUN CINN CHUN CRÍOCH OIFIGIÚIL SA STÁT; CHUN SOCRÚ A DHÉANAMH MAIDIR LE DHÁ THEANGA OIFIGIÚLA AN STÁIT A ÚSÁID IN IMEACHTAÍ PARLAIMINTE, IN ACHTANNA AN OIREACHTAIS, I RIARADH AN CHEARTAIS, LE LINN CUMARSÁID A DHÉANAMH LEIS AN bPOBAL NÓ SEIRBHÍSÍ A SHOLÁTHAR DON PHOBAL AGUS LE LINN OBAIR COMHLACHTAÍ POIBLÍ A DHÉANAMH; CHUN DUALGAIS COMHLACHTAÍ DEN SÓRT SIN I LEITH THEANGACHA OIFIGIÚLA AN STÁIT A LEAGAN AMACH; AGUS CHUN NA gCRÍOCH SIN, CHUN SOCRÚ A DHÉANAMH MAIDIR LE BUNÚ OIFIG CHOIMISINÉIR NA dTEANGACHA OIFIGIÚLA AGUS CHUN A FEIDHMEANNA A MHÍNIÚ; CHUN SOCRÚ A DHÉANAMH MAIDIR LEIS AN gCOIMISINÉIR D'FHOILSIÚ FAISNÉIS ÁIRITHE A BHAINEANN LE CRÍOCHA AN ACHTA SEO; AGUS CHUN SOCRÚ A DHÉANAMH I dTAOBH NITHE GAOLMHARA. [14 *Iúil*, 2003]

ACHTAÍTEAR AG AN OIREACHTAS MAR A LEANAS:

CUID 1

Réamhráiteach agus Ginearálta

Gearrtheideal agus tosach feidhme.

1.—(1) Féadfar Acht na dTeangacha Oifigiúla 2003 a ghairm den Acht seo.

(2) Tiocfaidh an tAcht seo i ngníomh cibé lá nó laethanta, nach déanaí ná 3 bliana tar éis an tAcht seo a rith, a shocrófar chuige sin, le hordú nó le horduithe ón Aire faoin alt seo, i gcoitinne nó faoi threoir aon chríche nó forála áirithe agus féadfar laethanta éagsúla a shocrú amhlaidh chun críoch éagsúil agus le haghaidh forálacha éagsúla.

Pt.1

Interpretation.

2.—(1) In this Act, save where the context otherwise requires—

"Commissioner" means, as the context may require, Oifig Choimisinéir na dTeangacha Oifigiúla established by *section 20* or the holder, for the time being, of that office;

"court" includes a tribunal established under the Tribunals of Inquiry (Evidence) Acts 1921 to 2002;

"draft scheme" means a draft scheme to be prepared by a public body under this Act;

"enactment" means a statute or an instrument made under a power conferred by a statute;

"functions" includes powers and duties and references to the performance of functions include, with respect to powers and duties, references to the exercise of the powers and the carrying out of the duties;

"Gaeltacht area" means an area for the time being determined to be a Gaeltacht area by order made under section 2 of the Ministers and Secretaries (Amendment) Act 1956;

"head" means the head of a public body;

"head of a public body" means—

(*a*) in relation to a Department of State, the Minister of the Government having charge of it,

(*b*) in relation to the Office of the Attorney General, the Attorney General,

(*c*) in relation to the Office of the Civil Service Commissioners, the Civil Service Commissioners,

(*d*) in relation to the Office of the Comptroller and Auditor General, the Comptroller and Auditor General,

(*e*) in relation to the Office of the Director of Public Prosecutions, the Director of Public Prosecutions,

(*f*) in relation to the Office of the Houses of the Oireachtas, the Chairman of Dáil Éireann,

(*g*) in relation to the Office of the Information Commissioner, the Information Commissioner,

(*h*) in relation to the Office of the Local Appointments Commissioners, the Local Appointments Commissioners,

(*i*) in relation to the Office of the Ombudsman, the Ombudsman,

(*j*) in relation to any other public body, the person who holds, or performs the functions of, the office of chief executive officer (by whatever name called) of the body;

"local authority" has the meaning assigned to it by subsection (1) of section 2 of the Local Government Act 2001;

"the Minister" means the Minister for Community, Rural and Gaeltacht Affairs;

Cd.1

Léiriú.

2.—(1) San Acht seo, ach amháin mar a n-éilíonn an comhthéacs a mhalairt—

ciallaíonn ''Coimisinéir'', de réir mar a éilíonn an comhthéacs, Oifig Choimisinéir na dTeangacha Oifigiúla a bhunaítear le *halt 20* nó sealbhóir na hoifige sin de thuras na huaire;

folaíonn ''cúirt'' binse arna bhunú faoi na hAchtanna um Binsí Fiosrúcháin (Fianaise) 1921 go 2002;

ciallaíonn ''dréacht-scéim'' dréacht-scéim a bheidh le hullmhú ag comhlacht poiblí faoin Acht seo;

ciallaíonn ''achtachán'' reacht nó ionstraim arna déanamh faoi chumhacht a thugtar le reacht;

folaíonn ''feidhmeanna'' cumhachtaí agus dualgais, agus aon tagairtí do chomhlíonadh feidhmeanna folaíonn siad, maidir le cumhachtaí agus dualgais, tagairtí d'fheidhmiú na gcumhachtaí agus do chomhall na ndualgas;

ciallaíonn ''limistéar Gaeltachta'' limistéar a mbeidh cinnte de thuras na huaire le hordú arna dhéanamh faoi alt 2 den Acht Airí agus Rúnaithe (Leasú) 1956 gur limistéar Gaeltachta é;

ciallaíonn ''ceann'' ceann comhlachta phoiblí;

ciallaíonn ''ceann comhlachta phoiblí''—

(*a*) i ndáil le Roinn Stáit, an tAire den Rialtas atá i bhfeighil na Roinne sin,

(*b*) i ndáil le hOifig an Ard-Aighne, an tArd-Aighne,

(*c*) i ndáil le hOifig Choimisinéirí na Státseirbhíse, Coimisinéirí na Státseirbhíse,

(*d*) i ndáil le hOifig an Ard-Reachtaire Cuntas agus Ciste, an tArd-Reachtaire Cuntas agus Ciste,

(*e*) i ndáil le hOifig an Stiúrthóra Ionchúiseamh Poiblí, an Stiúrthóir Ionchúiseamh Poiblí,

(*f*) i ndáil le hOifig Thithe an Oireachtais, Cathaoirleach Dháil Éireann,

(*g*) i ndáil le hOifig an Choimisinéara Faisnéise, an Coimisinéir Faisnéise,

(*h*) i ndáil le hOifig na gCoimisinéirí um Cheapacháin Áitiúla, na Coimisinéirí um Cheapacháin Áitiúla,

(*i*) i ndáil le hOifig an Ombudsman, an tOmbudsman,

(*j*) i ndáil le haon chomhlacht poiblí eile, an duine atá i seilbh, nó a chomhlíonann feidhmeanna, oifig phríomhoifigeach feidhmiúcháin (cibé ainm a thugtar uirthi) an chomhlachta;

tá le ''údarás áitiúil'' an bhrí a shanntar dó le fo-alt (1) d'alt 2 den Acht Rialtais Áitiúil 2001;

ciallaíonn ''an tAire'' an tAire Gnóthaí Pobail, Tuaithe agus Gaeltachta;

Pt.1 S.2

‘‘the official languages’’ means the Irish language (being the national language and the first official language) and the English language (being a second official language) as specified in Article 8 of the Constitution;

‘‘prescribed’’ means prescribed by the Minister by regulations under *section 4*;

‘‘proceedings’’ means civil or criminal proceedings before any court;

‘‘public body’’ shall be construed in accordance with the *First Schedule*;

‘‘record’’ includes any memorandum, book, plan, map, drawing, diagram, pictorial or graphic work or other document, any photograph, film or recording (whether of sound or images or both), any form in which data (within the meaning of the Data Protection Act 1988) are held, any other form (including machine-readable form) or thing in which information is held or stored manually, mechanically or electronically and anything that is a part or a copy, in any form, of any of the foregoing or is a combination of two or more of the foregoing;

‘‘a scheme’’ means a scheme confirmed by the Minister under *section 14*;

‘‘service’’ means a service offered or provided (whether directly or indirectly) to the general public or a class of the general public by a public body.

(2) (*a*) In this Act a reference to a section or schedule is a reference to a section of or Schedule to this Act unless it is indicated that reference to some other enactment is intended.

(*b*) In this Act a reference to a subsection or paragraph or subparagraph is a reference to the subsection or paragraph or subparagraph of the provision in which the reference occurs unless it is indicated that reference to some other provision is intended.

Expenses.

3.—The expenses incurred by the Minister and any other Minister of the Government in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Regulations.

4.—(1) The Minister may, with the consent of the Minister for Finance—

(*a*) by regulations provide, subject to the provisions of this Act, for any matter referred to in this Act as prescribed or to be prescribed,

(*b*) in addition to any other power conferred on him or her to make regulations, make regulations generally for the purposes of, and for the purpose of giving full effect to, this Act,

(*c*) if, during the first 3 years of application of this Act to a public body specified in *subparagraph (3), (4)* or *(5)* of *paragraph 1* of the *First Schedule*, any difficulty arises in bringing this Act into operation in so far as it applies to that body, by regulations do anything which appears to

ciallaíonn ''na teangacha oifigiúla'' an Ghaeilge (ós í an teanga náisiúnta agus an phríomhtheanga oifigiúil í) agus an Béarla (ós teanga oifigiúil eile é) mar a shonraítear in Airteagal 8 den Bhunreacht; Cd.1 A.2

ciallaíonn ''forordaithe'' forordaithe ag an Aire le rialacháin faoi *alt 4*;

ciallaíonn ''imeachtaí'' imeachtaí sibhialta nó coiriúla os comhair aon chúirte;

déanfar ''comhlacht poiblí'' a fhorléiriú de réir an *Chéad Sceidil*;

folaíonn ''taifead'' aon mheabhrán, leabhar, plean, léarscáil, líníocht, léaráid, saothar pictiúrtha nó grafach nó doiciméad eile, aon ghrianghraf, scannán nó taifeadadh (cibé acu is taifeadadh fuaime nó taifeadadh íomhánna nó iad araon é), aon fhoirm ina gcoimeádtar sonraí (de réir bhrí an Achta um Chosaint Sonraí 1988), aon fhoirm eile (lena n-áirítear foirm mheaisín-inléite) nó rud eile ina ndéantar faisnéis a choimeád nó a stóráil de láimh, go meicniúil nó go leictreonach agus aon rud ar cuid nó cóip é, i bhfoirm ar bith, d'aon cheann díobh sin roimhe seo nó ar teaglaim é de dhá cheann nó níos mó díobh sin roimhe seo;

ciallaíonn ''scéim'' scéim arna daingniú ag an Aire faoi *alt 14*;

ciallaíonn ''seirbhís'' seirbhís arna tairiscint nó arna soláthar (cibé acu go díreach nó go neamhdhíreach) ag comhlacht poiblí don phobal i gcoitinne nó d'aicme den phobal i gcoitinne.

(2) (*a*) San Acht seo aon tagairt d'alt nó do sceideal is tagairt í d'alt den Acht seo nó do Sceideal a ghabhann leis an Acht seo, mura gcuirtear in iúl gur tagairt d'achtachán éigin eile atá beartaithe.

(*b*) San Acht seo aon tagairt d'fho-alt nó do mhír nó d'fhomhír is tagairt í don fho-alt nó don mhír nó don fhomhír den fhoráil ina bhfuil an tagairt, mura gcuirtear in iúl gur tagairt d'fhoráil éigin eile atá beartaithe.

3.—Déanfar na caiteachais a thabhóidh an tAire agus aon Aire eile den Rialtas ag riaradh an Achta seo a íoc, a mhéid a cheadóidh an tAire Airgeadais é, as airgead a sholáthróidh an tOireachtas. Caiteachais.

4.—(1) Féadfaidh an tAire, le toiliú an Aire Airgeadais— Rialacháin.

(*a*) le rialacháin, foráil a dhéanamh, faoi réir fhorálacha an Achta seo, le haghaidh aon ní dá dtagraítear san Acht seo mar ní atá forordaithe nó le forordú,

(*b*) i dteannta aon chumhachta eile a thugtar dó nó di chun rialacháin a dhéanamh, rialacháin a dhéanamh i gcoitinne chun críocha an Achta seo agus chun lánéifeacht a thabhairt don Acht seo,

(*c*) más rud é, le linn na chéad 3 bliana d'fheidhm an Achta seo maidir le comhlacht poiblí a shonraítear i *bhfomhír (3)*, *(4)* nó *(5)* de *mhír 1* den *Chéad Sceideal*, go n-éireoidh aon deacracht i ndáil leis an Acht seo a thabhairt i ngníomh a mhéid atá feidhm aige maidir leis an

be necessary or expedient for bringing this Act into operation in so far as it applies to that body and regulations under this paragraph may, in so far only as may appear necessary for carrying the regulations into effect, modify a provision of this Act if the modification is in conformity with the purposes, principles and spirit of this Act, and

(*d*) if in any other respect any difficulty arises during the period of 3 years from the commencement of this Act in bringing this Act into operation, by regulations do anything which appears to be necessary or expedient for bringing this Act into operation and regulations under this paragraph may, in so far only as may appear necessary for carrying the regulations into effect, modify a provision of this Act if the modification is in conformity with the purposes, principles and spirit of this Act.

(2) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Where the Minister proposes to make regulations under *paragraph (c)* or *(d)* of *subsection (1)* or for the purposes of *paragraph 1 (5)*, or under *paragraph 3*, of the *First Schedule*, he or she shall cause a draft of the regulations to be laid before each House of the Oireachtas and the regulations shall not be made until a resolution approving of the draft has been passed by each such House.

(4) Where the Minister proposes to make regulations under *subsection (1)(c)*, he or she shall, before doing so, consult with such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government in relation to the proposed regulations.

(5) Regulations prescribing a body, organisation or group (‘‘the body’’) for the purposes of *paragraph 1(5)* of the *First Schedule* may provide that this Act shall apply to the body only as respects specified functions of the body, and this Act shall apply and have effect in accordance with any such provision.

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

PART 2

Organs of State

Annual report to Houses of Oireachtas.

5.—In each year, beginning with the year following the year in which this Act is commenced, the Minister shall make a report to each House of the Oireachtas on the operation in the preceding year of this Act.

gcomhlacht sin, aon ní a dhéanamh le rialacháin ar dealraitheach gur gá nó gur fóirsteanach é chun an tAcht seo a thabhairt i ngníomh a mhéid atá feidhm aige maidir leis an gcomhlacht sin agus féadfar, le rialacháin faoin mír seo, a mhéid amháin is dealraitheach gur gá é chun na rialacháin a thabhairt in éifeacht, foráil den Acht seo a mhodhnú má tá an modhnú i gcomhréir le críocha, prionsabail agus meon an Achta seo, agus Cd.1 A.4

(*d*) más rud é, in aon slí eile, go n-éireoidh aon deacracht le linn na tréimhse 3 bliana ó thosach feidhme an Achta seo i ndáil leis an Acht seo a thabhairt i ngníomh, aon ní a dhéanamh le rialacháin ar dealraitheach gur gá nó gur fóirsteanach é chun an tAcht seo a thabhairt i ngníomh agus féadfar, le rialacháin faoin mír seo, a mhéid amháin is dealraitheach gur gá é chun na rialacháin a thabhairt in éifeacht, foráil den Acht seo a mhodhnú má tá an modhnú i gcomhréir le críocha, prionsabail agus meon an Achta seo.

(2) Féadfaidh cibé forálacha teagmhasacha, forlíontacha agus iarmhartacha a bheith i rialacháin faoin Acht seo is dóigh leis an Aire a bheith riachtanach nó fóirsteanach chun críocha na rialachán.

(3) I gcás ina mbeartaíonn an tAire rialacháin a dhéanamh faoi *mhír (c)* nó *(d) d'fho-alt (1)* nó chun críocha *mhír 1(5)*, nó faoi *mhír 3*, den *Chéad Sceideal*, cuirfidh sé nó sí faoi deara dréacht de na rialacháin a leagan faoi bhráid gach Tí den Oireachtas agus ní dhéanfar na rialacháin go dtí go mbeidh rún ag ceadú an dréachta rite ag gach Teach acu sin.

(4) I gcás ina mbeartaíonn an tAire rialacháin a dhéanamh faoi *fho-alt (1)(c)*, rachaidh sé nó sí, sula ndéanfaidh sé nó sí amhlaidh, i gcomhairle le cibé Aire eile (más ann) den Rialtas is cuí leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas i ndáil leis na rialacháin atá beartaithe.

(5) Féadfar, le rialacháin lena bhforordaítear comhlacht, eagraíocht nó grúpa (''an comhlacht'') chun críocha *mhír 1 (5)* den *Chéad Sceideal*, a fhoráil nach mbeidh feidhm ag an Acht seo maidir leis an gcomhlacht ach amháin i leith feidhmeanna sonraithe de chuid an chomhlachta, agus beidh feidhm ag an Acht seo agus beidh éifeacht leis de réir aon fhorála den sórt sin.

(6) Déanfar gach rialachán faoin Acht seo (seachas rialachán dá dtagraítear i *bhfo-alt (3)*) a leagan faoi bhráid gach Tí den Oireachtas a luaithe is féidir tar éis a dhéanta agus má dhéanann ceachtar Teach acu sin, laistigh den 21 lá a shuífidh an Teach sin tar éis an rialachán a leagan faoina bhráid, rún a rith ag neamhniú an rialacháin, beidh an rialachán ar neamhní dá réir sin, ach sin gan dochar do bhailíocht aon ní a rinneadh roimhe sin faoin rialachán.

CUID 2

Orgain Stáit

Tuarascáil bhliantúil do Thithe an Oireachtais.

5.—Déanfaidh an tAire gach bliain, ag tosú an bhliain tar éis bhliain thosach feidhme an Achta seo, tuarascáil a thabhairt do gach Teach den Oireachtas maidir le hoibriú an Achta seo an bhliain roimhe sin.

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Use of official languages in Houses of Oireachtas.

6.—(1) A member of either House of the Oireachtas has the right to use either of the official languages in any debates or other proceedings in that House or of a committee of either House, a joint committee of both Houses or sub-committee of such a committee or joint committee.

(2) A person appearing before either House of the Oireachtas or before such a committee, joint committee or sub-committee as aforesaid has the right to use either of the official languages.

(3) Every official report of the debates and other proceedings of the Houses of the Oireachtas shall be published in each of the official languages, except that contributions (whether oral or in writing) in either of the official languages by persons may be published therein solely in that language.

Acts of the Oireachtas.

7.—As soon as may be after the enactment of any Act of the Oireachtas, the text thereof shall be printed and published in each of the official languages simultaneously.

Administration of justice.

8.—(1) A person may use either of the official languages in, or in any pleading in or document issuing from, any court.

(2) Every court has, in any proceedings before it, the duty to ensure that any person appearing in or giving evidence before it may be heard in the official language of his or her choice, and that in being so heard the person will not be placed at a disadvantage by not being heard in the other official language.

(3) For the purposes of ensuring that no person is placed at a disadvantage as aforesaid, the court may cause such facilities to be made available, as it considers appropriate, for the simultaneous or consecutive interpretation of proceedings from one official language into the other.

(4) Where the State or a public body is a party to civil proceedings before a court—

(*a*) the State or the public body shall use in the proceedings, the official language chosen by the other party, and

(*b*) if two or more persons (other than the State or a public body) are party to the proceedings and they fail to choose or agree on the official language to be used in the proceedings, the State or, as appropriate, the public body shall use in the proceedings such official language as appears to it to be reasonable, having regard to the circumstances.

(5) Notwithstanding any other provision of this section, a person shall not be compelled to give evidence in a particular official language in any proceedings.

(6) In choosing to use a particular official language in any proceedings before a court, a person shall not be put by the court or a public body to any inconvenience or expense over and above that which would have been incurred had he or she chosen to use the other official language.

Cd.2

Úsáid na dteangacha oifigiúla i dTithe an Oireachtais.

6.—(1) Beidh ceart ag comhalta de cheachtar Teach den Oireachtas ceachtar de na teangacha oifigiúla a úsáid in aon díospóireachtaí nó in aon imeachtaí eile sa Teach sin nó de chuid coiste de cheachtar Teach, comhchoiste den dá Theach nó fochoiste de choiste nó de chomhchoiste den sórt sin.

(2) Beidh ceart ag duine a bheidh ag láithriú os comhair ceachtar Tí den Oireachtas nó os comhair coiste, comhchoiste nó fochoiste den sórt sin a dúradh ceachtar de na teangacha oifigiúla a úsáid.

(3) Déanfar gach tuairisc oifigiúil ar dhíospóireachtaí agus ar imeachtaí eile Thithe an Oireachtais a fhoilsiú i ngach ceann de na teangacha oifigiúla, ach amháin go bhféadfar óráidí daoine (cibé acu ó bhéal nó i scríbhinn) i gceachtar de na teangacha oifigiúla a fhoilsiú inti sa teanga sin amháin.

Achtanna an Oireachtais.

7.—A luaithe is féidir tar éis aon Acht den Oireachtas a achtú, déanfar an téacs den chéanna a chló agus a fhoilsiú go comhuaineach i ngach ceann de na teangacha oifigiúla.

Riaradh an cheartais.

8.—(1) Féadfaidh duine ceachtar de na teangacha oifigiúla a úsáid in aon chúirt nó in aon phléadáil in aon chúirt nó in aon doiciméad a eiseofar ó aon chúirt.

(2) Tá dualgas ar gach cúirt, in aon imeachtaí os a comhair, a chinntiú go bhféadfaidh aon duine a bheidh ag láithriú inti nó a bheidh ag tabhairt fianaise os a comhair éisteacht a fháil sa teanga oifigiúil is rogha leis nó léi, agus nach mbeidh an duine, trí éisteacht a fháil amhlaidh, faoi mhíbhuntáiste toisc nach bhfaigheann sé nó sí éisteacht sa teanga oifigiúil eile.

(3) D'fhonn a chinntiú nach mbeidh aon duine faoi mhíbhuntáiste mar a dúradh, féadfaidh an chúirt a chur faoi deara cibé saoráidí is dóigh léi is cuí a chur ar fáil chun ateangaireacht chomhuaineach nó chomhleanúnach ó theanga oifigiúil amháin go dtí an teanga oifigiúil eile a dhéanamh ar imeachtaí.

(4) I gcás inar páirtí in imeachtaí sibhialta os comhair cúirte an Stát nó comhlacht poiblí—

(*a*) déanfaidh an Stát, nó an comhlacht poiblí, an teanga oifigiúil a bheidh roghnaithe ag an bpáirtí eile a úsáid sna himeachtaí, agus

(*b*) más rud é gur páirtí sna himeachtaí beirt duine nó níos mó (seachas an Stát nó comhlacht poiblí) agus nach ndéanfaidh siad an teanga oifigiúil a bheidh le húsáid sna himeachtaí a roghnú nó a chomhaontú, déanfaidh an Stát nó, de réir mar is cuí, an comhlacht poiblí, cibé teanga oifigiúil is dealraitheach dó a bheith réasúnach, ag féachaint do na himthosca, a úsáid sna himeachtaí.

(5) D'ainneoin aon fhorála eile den alt seo, ní chuirfear iallach ar dhuine fianaise a thabhairt i dteanga oifigiúil ar leith in aon imeachtaí.

(6) Nuair a bheidh teanga oifigiúil ar leith á roghnú ag duine lena húsáid in aon imeachtaí os comhair cúirte, ní churifidh an chúirt nó comhlacht poiblí aon cheataí nó caiteachas breise air nó uirthi thar mar a thabhófaí dá roghnódh sé nó sí an teanga oifigiúil eile a úsáid.

PART 3

PUBLIC BODIES

Duty of public bodies to use official languages on official stationery, etc.

9.—(1) The Minister may by regulations provide that oral announcements (whether live or recorded) made by a public body, the headings of stationery used by a public body and the contents and the lay-out of any signage or advertisements placed by it shall, to such extent as may be specified, be in the Irish language or in the English and Irish languages and different provisions may be made in relation to different classes of body, oral announcements, stationery, signage or advertisements.

(2) Where a person communicates in writing or by electronic mail in an official language with a public body, the public body shall reply in the same language.

(3) Where a public body communicates in writing or by electronic mail with the general public or a class of the general public for the purpose of furnishing information to the public or the class, the body shall ensure that the communication is in the Irish language or in the English and Irish languages.

Duty of public bodies to publish certain documents in both official languages simultaneously.

10.—Notwithstanding any other enactment, the following documents made by or under the authority of a public body (other than a body, organisation or group standing prescribed pursuant to regulations for the purposes of *clause (b)* of *paragraph 1(5)* of the *First Schedule*) shall be published by that body in each of the official languages simultaneously:

(*a*) any document setting out public policy proposals;

(*b*) any annual report;

(*c*) any audited account or financial statement;

(*d*) any statement of strategy required to be prepared under section 5 of the Public Service Management Act 1997; and

(*e*) any document of a description or class standing prescribed for the time being, with the consent of the Minister for Finance and such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, and being a document of a description or class that is, in the opinion of the Minister, of major public importance.

Use of official languages by public bodies.

11.—(1) For the purpose of promoting the use of the Irish language for official purposes in the State, the Minister may, by notice in writing to the head of a public body, require the public body to prepare and present to him or her for confirmation within such time (not being more than 6 months from the date of issue of the notice) as is specified in the notice a draft scheme specifying—

(*a*) the services which the public body proposes to provide—

(i) exclusively through the medium of the Irish language,

(ii) exclusively through the medium of the English language, and

CUID 3

Comhlachtaí Poiblí

Dualgas comhlachtaí poiblí na teangacha oifigiúla a úsáid ar stáiseanóireacht oifigiúil, etc.

9.—(1) Féadfaidh an tAire, le rialacháin, a fhoráil gur i nGaeilge, nó i mBéarla agus i nGaeilge, a mhéid a bheidh sonraithe, a bheidh fógairtí béil (cibé acu beo nó taifeadta) arna ndéanamh ag comhlacht poiblí, ceannteidil stáiseanóireachta a úsáideann comhlacht poiblí agus ábhar agus leagan amach aon chomharthaí nó fógrán dá chuid agus féadfar forálacha éagsúla a dhéanamh i ndáil le haicmí éagsúla comhlachta, fógairtí béil, stáiseanóireachta, comharthaí nó fógrán.

(2) I gcás ina ndéanfaidh duine cumarsáid i dteanga oifigiúil le comhlacht poiblí, i scríbhinn nó leis an bpost leictreonach, freagróidh an comhlacht poiblí sa teanga chéanna.

(3) I gcás ina ndéanfaidh comhlacht poiblí cumarsáid i scríbhinn nó leis an bpost leictreonach leis an bpobal i gcoitinne nó le haicme den phobal i gcoitinne chun faisnéis a thabhairt don phobal nó don aicme, cinnteoidh an comhlacht gur i nGaeilge, nó i mBéarla agus i nGaeilge, a bheidh an chumarsáid.

Dualgas comhlachtaí poiblí doiciméid áirithe a fhoilsiú go comhuaineach sa dá theanga oifigiúla.

10.—D'ainneoin aon achtacháin eile, déanfaidh comhlacht poiblí (seachas comhlacht, eagraíocht nó grúpa a bheidh forordaithe de bhun rialachán chun críocha *chlásal (b)* de *mhír 1(5)* den *Chéad Sceideal*) na doiciméid seo a leanas, a dhéanfaidh sé nó a dhéanfar faoina údarás, a fhoilsiú go comhuaineach i ngach ceann de na teangacha oifigiúla:

(*a*) aon doiciméad ina leagtar amach tograí beartais phoiblí;

(*b*) aon tuarascáil bhliantúil;

(*c*) aon chuntas iniúchta nó ráiteas airgeadais;

(*d*) aon ráiteas straitéise a cheanglaítear a ullmhú faoi alt 5 den Acht um Bainistíocht na Seirbhíse Poiblí 1997; agus

(*e*) aon doiciméad de thuairisc nó d'aicme a bheidh forordaithe de thuras na huaire, le toiliú an Aire Airgeadais agus cibé Aire eile (más ann) den Rialtas is cuí leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas, agus is doiciméad de thuairisc nó d'aicme a bhfuil, i dtuairim an Aire, tábhacht mhór phoiblí ag baint leis.

Úsáid na dteangacha oifigiúla ag comhlachtaí poiblí.

11.—(1) D'fhonn úsáid na Gaeilge a chur chun cinn chun críoch oifigiúil sa Stát, féadfaidh an tAire, le fógra i scríbhinn chuig ceann comhlachta phoiblí, a cheangal ar an gcomhlacht poiblí dréacht-scéim a ullmhú agus a thíolacadh dó nó di lena daingniú laistigh de cibé tréimhse ama (nach faide ná 6 mhí ó dháta eisithe an fhógra) a bheidh sonraithe san fhógra, ar dréacht-scéim í ina sonrófar—

(*a*) na seirbhísí a bheartaíonn an comhlacht poiblí a sholáthar—

(i) trí mheán na Gaeilge amháin,

(ii) trí mheán an Bhéarla amháin, agus

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(iii) through the medium of both the Irish and English languages,

and

(*b*) the measures the body proposes to adopt to ensure that any services that are not provided by the body through the medium of the Irish language will be so provided.

(2) (*a*) A draft scheme referred to in *subsection (1)* shall specify the means of communication that are to be provided exclusively in the Irish language, exclusively in the English language and in both the Irish and English languages.

(*b*) In this section ''means of communication'' means the means of communication between the body concerned and the public generally or groups or individual members of the public in relation to the services concerned, the provision of the services and information relating to the services or such provision.

(3) The Minister may, with the consent of the Minister for Finance, in relation to those of its services delivered exclusively through the medium of the English language, direct a public body to draw up a plan for the delivery of those services in addition through the medium of the Irish language together with an estimate of the period of time required to implement the plan.

(4) A notice under *subsection (1)* shall be accompanied by a copy of the current guidelines issued by the Minister under *section 12*.

(5) Different notices may be given to a head of a public body under this section in respect of different services.

Publication of guidelines by Minister.

12.—(1) The Minister shall issue to public bodies guidelines in relation to the preparation by public bodies of draft schemes.

(2) As soon as practicable after the commencement of this section the Minister shall prepare a draft of any guidelines that he or she proposes to issue under *subsection (1)* and shall send copies of the draft to—

(*a*) every other Minister of the Government, and

(*b*) such other persons (including any other head) as he or she considers appropriate.

(3) The Minister shall, after considering any representations made to him or her about the draft guidelines, confirm the draft guidelines either without amendment or with such amendments as he or she considers appropriate.

(4) The Minister shall, as soon as practicable, lay before each House of the Oireachtas a copy of any guidelines issued under *subsection (1)*.

(5) The Minister shall, at such intervals as he or she considers appropriate, revise any guidelines issued under *subsection (1)* and the provisions of this section shall apply to the issuing of such revised guidelines as they apply to the guidelines first issued.

(iii) trí mheán na Gaeilge agus an Bhéarla araon, Cd.3 A.11

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(*b*) na bearta a bheartaíonn an comhlacht a ghlacadh chun a chinntiú go ndéanfar aon seirbhísí nach soláthraíonn an comhlacht trí mheán na Gaeilge a sholáthar amhlaidh.

(2) (*a*) Sonrófar i ndréacht-scéim dá dtagraítear i *bhfo-alt (1)* na modhanna cumarsáide atá le soláthar sa Ghaeilge amháin, sa Bhéarla amháin agus sa Ghaeilge agus sa Bhéarla araon.

(*b*) San alt seo, ciallaíonn ‘‘modhanna cumarsáide’’ na modhanna cumarsáide idir an comhlacht lena mbaineann agus an pobal i gcoitinne nó grúpaí nó daoine ar leithligh den phobal i ndáil leis na seirbhísí lena mbaineann, i ndáil le soláthar na seirbhísí agus i ndáil le faisnéis a bhaineann leis na seirbhísí nó leis an soláthar sin.

(3) Féadfaidh an tAire, le toiliú an Aire Airgeadais, a ordú do chomhlacht poiblí, i ndáil leis na seirbhísí sin dá chuid a sheachadtar trí mheán an Bhéarla amháin, plean a tharraingt suas chun na seirbhísí sin a sheachadadh trí mheán na Gaeilge chomh maith, mar aon le meastachán a thabhairt ar an tréimhse ama is gá chun an plean a chur i ngníomh.

(4) Beidh cóip de na treoirlínte reatha arna n-eisiúint ag an Aire faoi *alt 12* ag gabháil le fógra faoi *fho-alt (1)*.

(5) Féadfar fógraí éagsúla a thabhairt do cheann comhlachta phoiblí faoin alt seo i leith seirbhísí éagsúla.

An tAire d’fhoilsiú treoirlínte.

12.—(1) Eiseoidh an tAire treoirlínte chuig comhlachtaí poiblí i ndáil le hullmhú dréacht-scéimeanna ag comhlachtaí poiblí.

(2) A luaithe is indéanta tar éis thosach feidhme an ailt seo, ullmhóidh an tAire dréacht d’aon treoirlínte a bheartaíonn sé nó sí a eisiúint faoi *fho-alt (1)* agus cuirfidh sé nó sí cóipeanna den dréacht—

(*a*) chuig gach Aire eile den Rialtas; agus

(*b*) chuig cibé daoine eile (lena n-áirítear aon cheann eile) is cuí leis nó léi.

(3) Déanfaidh an tAire, tar éis breithniú a dhéanamh ar aon uiríll a bheidh déanta chuige nó chuici maidir leis na dréacht-treoirlínte, na dréacht-treoirlínte a dhaingniú gan leasú nó fara cibé leasuithe is cuí leis nó léi.

(4) Déanfaidh an tAire, a luaithe is indéanta, cóip d’aon treoirlínte a eiseofar faoi *fho-alt (1)* a leagan faoi bhráid gach Tí den Oireachtas.

(5) Déanfaidh an tAire, ag cibé eatraimh is cuí leis nó léi, aon treoirlínte a eiseofar faoi *fho-alt (1)* a athmheas agus beidh feidhm ag forálacha an ailt seo maidir le heisiúint na dtreoirlínte athmheasta sin mar atá feidhm acu maidir leis na treoirlínte a eisíodh i gcéaduair.

Pt.3

Preparation of draft scheme by public body.

13.—(1) On receipt of a notice under *section 11*, a public body shall—

(*a*) publish notice of its intention to prepare a draft scheme and invite representations from any interested parties, and

(*b*) within the time specified in the notice, prepare and present for confirmation to the Minister a draft scheme.

(2) In preparing a draft scheme the public body shall—

(*a*) have regard to any guidelines issued under *section 12* and in force,

(*b*) have regard to any representations made by any interested party under *subsection (1)*,

(*c*) ensure that an adequate number of its staff are competent in the Irish language so as to be able to provide its service through Irish as well as English,

(*d*) ensure that the particular Irish language requirements associated with the provision of services in Gaeltacht areas are met,

(*e*) ensure that the Irish language becomes the working language in its offices in the Gaeltacht not later than such date as may be determined by it with the consent of the Minister.

(3) A draft scheme shall contain only such matters as are required to be specified under *subsections (1)* and *(2)* of *section 11*.

Confirmation by Minister of draft schemes.

14.—(1) Upon presentation of a draft scheme to the Minister by a public body, the Minister may, after consultation with such other persons including such other (if any) Minister of the Government as the Minister considers ought to be consulted, and with the consent of the head of the public body concerned, confirm the draft scheme either without amendment or with such amendments as he or she considers appropriate.

(2) The Minister shall, after confirmation of any draft scheme under this section, forward a copy of the scheme to the Commissioner.

(3) A scheme shall remain in force for a period of 3 years from the date on which it is confirmed by the Minister or until a new scheme has been confirmed by the Minister pursuant to *section 15*, whichever is the later.

Periodic review of schemes.

15.—(1) The Minister may, at any time, and shall, no later than 6 months before the expiration of the scheme, by notice in writing to the head of a public body require that body to review, within such period as may be specified in the notice, any scheme in force in relation to it.

(2) Upon receipt of a notice under *subsection (1)*, a public body shall conduct a review of the said scheme and shall, within the time specified in the notice, prepare and present, for confirmation by the Minister, a new draft scheme.

13.—(1) Ar fhógra faoi *alt 11* a fháil, déanfaidh comhlacht poiblí— Cd.3

Comhlacht poiblí d'ullmhú dréacht-scéime.

(*a*) fógra a fhoilsiú á rá go bhfuil ar intinn aige dréacht-scéim a ullmhú agus uiríll a lorg ó aon pháirtithe leasmhara, agus

(*b*) laistigh den tréimhse ama a bheidh sonraithe san fhógra, dréacht-scéim a ullmhú agus a thíolacadh don Aire lena daingniú.

(2) Le linn dréacht-scéim a ullmhú, déanfaidh an comhlacht poiblí—

(*a*) aird a thabhairt ar aon treoirlínte arna n-eisiúint faoi *alt 12* agus atá i bhfeidhm,

(*b*) aird a thabhairt ar aon uiríll arna ndéanamh ag aon pháirtí leasmhar faoi *fho-alt (1)*,

(*c*) a chinntiú go bhfuil líon leordhóthanach dá fhoireann inniúil sa Ghaeilge chun go mbeidh siad in ann a sheirbhís a sholáthar trí Ghaeilge chomh maith lena soláthar trí Bhéarla,

(*d*) a chinntiú go bhfreastalófar ar na riachtanais áirithe Gaeilge a bhaineann le seirbhísí a sholáthar i limistéir Ghaeltachta,

(*e*) a chinntiú go mbeidh an Ghaeilge ina teanga oibre ina chuid oifigí sa Ghaeltacht tráth nach déanaí ná cibé dáta a chinnfidh sé le toiliú an Aire.

(3) Ní bheidh i ndréacht-scéim ach cibé nithe a cheanglaítear a shonrú faoi *fho-ailt (1)* agus *(2) d'alt 11*.

An tAire do dhaingniú dréacht-scéimeanna.

14.—(1) Ar chomhlacht poiblí do thíolacadh dréacht-scéime don Aire, féadfaidh an tAire, tar éis dul i gcomhairle le cibé daoine eile lena n-áirítear cibé Aire eile (más ann) den Rialtas a measfaidh an tAire gur chóir dul i gcomhairle leo, agus le toiliú cheann an chomhlachta phoiblí lena mbaineann, an dréacht-scéim a dhaingniú gan leasú nó fara cibé leasuithe is cuí leis nó léi.

(2) Déanfaidh an tAire, tar éis aon dréacht-scéim a dhaingniú faoin alt seo, cóip den scéim a chur ar aghaidh chuig an gCoimisinéir.

(3) Fanfaidh scéim i bhfeidhm ar feadh tréimhse 3 bliana ón dáta a ndaingníonn an tAire í nó go dtí go mbeidh scéim nua daingnithe ag an Aire de bhun *alt 15*, cibé acu is déanaí.

Athbhreithniú tréimhsiúil ar scéimeanna.

15.—(1) Féadfaidh an tAire, aon tráth, agus déanfaidh an tAire, tráth nach déanaí ná 6 mhí sula rachaidh an scéim in éag, trí fhógra i scríbhinn chuig ceann comhlachta phoiblí, a cheangal ar an gcomhlacht sin aon scéim atá i bhfeidhm i ndáil leis a athbhreithniú laistigh de cibé tréimhse a bheidh sonraithe san fhógra.

(2) Ar fhógra a fháil faoi *fho-alt (1)*, seolfaidh comhlacht poiblí athbhreithniú ar an scéim sin agus déanfaidh sé, laistigh den tréimhse ama a bheidh sonraithe san fhógra, dréacht-scéim nua a ullmhú agus a thíolacadh lena daingniú ag an Aire.

(3) *Sections 11*, *13* and *14* shall, with any necessary modifications, apply where a notice is given under *subsection (1)* as they apply where a notice is given under *section 11*.

Amendment of schemes.

16.—(1) Where the Minister is satisfied that, owing to any change—

(*a*) in the functions of a public body, or

(*b*) in the circumstance in which such functions are performed,

it may be appropriate to amend any scheme in force in relation to it, he or she may, on his or her own initiative or on request by the public body concerned, by notice in writing to the public body propose amendments to the scheme.

(2) The Minister may, after consultation with such other persons, including such other (if any) Minister of the Government as the Minister considers ought to be consulted, and with the consent of the head of the public body concerned, amend a scheme in the manner proposed in any notice under *subsection (1)* or in such other manner as he or she considers appropriate in the circumstances, and the scheme shall have effect thereafter subject to any such amendments.

(3) The Minister shall forward to the Commissioner a copy of any scheme amended under this section.

Failure to prepare a draft scheme.

17.—Where—

(*a*) a public body fails or refuses to prepare a draft scheme in accordance with a notice issued under *section 11* or *15*,

(*b*) after presentation by a public body of a draft scheme to the Minister for confirmation, the public body and the Minister are unable to agree the terms of the scheme, or

(*c*) after receipt by a public body of a notice of proposed amendments to a scheme, the public body and the Minister are unable to agree on any amendments,

the Minister shall report this failure, refusal or inability to each House of the Oireachtas.

Duty to carry out schemes.

18.—(1) Where the Minister confirms a scheme under this Act, the public body shall proceed to carry out the scheme.

(2) Nothing in a scheme shall be construed as prohibiting a public body from implementing further measures to promote the status of an official language within its organisation.

Prohibition on imposition of charges by public bodies.

19.—A public body shall not impose any charge on any person by virtue of any requirement imposed on that body by this Act.

PART 4

An Coimisinéir Teanga

Establishment of Oifig Choimisinéir na dTeangacha Oifigiúla.

20.—(1) There is established an office to be known as Oifig Choimisinéir na dTeangacha Oifigiúla and the holder of the office shall be known as An Coimisinéir Teanga and is referred to in this Act as the Commissioner.

(3) Beidh feidhm ag *ailt 11, 13* agus *14*, fara aon mhodhnuithe is gá, i gcás ina dtabharfar fógra faoi *fho-alt (1)* mar atá feidhm acu i gcás ina dtabharfar fógra faoi *alt 11*. Cd.3 A.15

Scéimeanna a leasú.

16.—(1) I gcás inar deimhin leis an Aire, de bharr aon athrú—

(*a*) ar fheidhmeanna comhlachta phoiblí, nó

(*b*) ar an imthoisc ina gcomhlíontar na feidhmeanna sin,

go bhféadfaidh gur cuí aon scéim atá i bhfeidhm i ndáil leis an gcomhlacht sin a leasú, féadfaidh sé nó sí, ar a thionscnamh nó ar a tionscnamh féin, nó ar iarraidh ón gcomhlacht poiblí lena mbaineann, trí fhógra i scríbhinn chuig an gcomhlacht poiblí, leasuithe a mholadh ar an scéim.

(2) Féadfaidh an tAire, tar éis dul i gcomhairle le cibé daoine eile, lena n-áirítear cibé Aire eile (más ann) den Rialtas, a measfaidh an tAire gur chóir dul i gcomhairle leo, agus le toiliú cheann an chomhlachta phoiblí lena mbaineann, scéim a leasú sa tslí atá beartaithe in aon fhógra faoi *fho-alt (1)* nó i cibé slí eile is cuí leis nó léi sna himthosca, agus beidh éifeacht leis an scéim dá éis sin faoi réir aon leasuithe den sórt sin.

(3) Déanfaidh an tAire cóip d'aon scéim a bheidh leasaithe faoin alt seo a chur ar aghaidh chuig an gCoimisinéir.

Mainneachtain dréacht-scéim a ullmhú.

17.—Más rud é—

(*a*) go mainneoidh nó go ndiúltóidh comhlacht poiblí dréacht-scéim a ullmhú de réir fógra a eiseofar faoi *alt 11* nó *15*,

(*b*) tar éis do chomhlacht poiblí dréacht-scéim a thíolacadh don Aire lena daingniú, nach mbeidh an comhlacht poiblí agus an tAire ábalta téarmaí na scéime a chomhaontú, nó

(*c*) tar éis do chomhlacht poiblí fógra a fháil maidir le leasuithe beartaithe ar scéim, nach mbeidh an comhlacht poiblí agus an tAire ábalta comhaontú ar aon leasuithe,

déanfaidh an tAire an mhainneachtain, an diúltú nó an neamhábaltacht sin a thuairisciú do gach Teach den Oireachtas.

Dualgas scéimeanna a chur i gcrích.

18.—(1) I gcás ina ndaingneoidh an tAire scéim faoin Acht seo, rachaidh an comhlacht poiblí ar aghaidh leis an scéim a chur i gcrích.

(2) Ní fhorléireofar aon ní i scéim mar ní a thoirmisceann ar chomhlacht poiblí bearta breise a chur i ngníomh chun stádas teanga oifigiúla a chur chun cinn laistigh dá eagraíocht.

Toirmeasc ar chomhlachtaí poiblí d'fhorchur muirear.

19.—Ní dhéanfaidh comhlacht poiblí aon mhuirear a fhorchur ar aon duine de bhua aon cheanglais a fhorchuirtear ar an gcomhlacht sin leis an Acht seo.

CUID 4

An Coimisinéir Teanga

Oifig Choimisinéir na dTeangacha Oifigiúla a bhunú.

20.—(1) Bunaítear oifig ar a dtabharfar Oifig Choimisinéir na dTeangacha Oifigiúla agus tabharfar An Coimisinéir Teanga ar shealbhóir na hoifige agus gairtear an Coimisinéir de nó di san Acht seo.

(2) The Commissioner shall be independent in the performance of his or her functions.

(3) The appointment of a person to be the Commissioner shall be made by the President on the advice of the Government following a resolution passed by Dáil Éireann and by Seanad Éireann recommending the appointment of the person.

(4) The provisions of the *Second Schedule* shall have effect in relation to the Commissioner.

Functions of Commissioner.

21.—The functions of the Commissioner shall be, in addition to any functions conferred on him or her by any other provision of this Act—

(*a*) to monitor compliance by public bodies with the provisions of this Act,

(*b*) to take all necessary measures within his or her authority to ensure compliance by public bodies with the provisions of this Act,

(*c*) to carry out investigations, whether on his or her own initiative, on request by the Minister or pursuant to a complaint made to him or her by any person, into any failure by a public body to comply with the provisions of this Act that he or she or, as appropriate, the Minister, considers may have occurred,

(*d*) to provide, as he or she considers appropriate, advice or other assistance to the public regarding their rights under this Act,

(*e*) to provide, as he or she considers appropriate, advice or other assistance to public bodies regarding their obligations under this Act, and

(*f*) to carry out an investigation, whether on his or her own initiative, on request by the Minister or pursuant to a complaint made to him or her by any person, to ascertain whether any provision of any other enactment relating to the status or use of an official language was not or is not being complied with.

Powers of Commissioner.

22.—(1) (*a*) For the purpose of his or her functions under this Act the Commissioner may require any person who, in the opinion of the Commissioner, is in possession of information, or has a record or thing in his or her power or control, that is relevant to the purposes aforesaid to furnish to the Commissioner any such information, record or thing and, where appropriate, may require the person to attend before him or her for that purpose, and the person shall comply with the requirement.

(*b*) *Paragraph (a)* of this subsection does not apply to information or so much of a record as relates to decisions and proceedings of the Government or of any committee of the Government and for the purposes of this paragraph, a certificate given by the Secretary-General to the Government and certify-

(2) Beidh an Coimisinéir neamhspleách i gcomhlíonadh a fheidhmeanna nó a feidhmeanna. Cd.4 A.20

(3) Is é nó is í an tUachtarán a dhéanfaidh duine a cheapadh mar Choimisinéir, ar chomhairle an Rialtais tar éis do Dháil Éireann agus do Sheanad Éireann rún a rith ag moladh an duine a cheapadh.

(4) Beidh éifeacht le forálacha an *Dara Sceideal* i ndáil leis an gCoimisinéir.

Feidhmeanna an Choimisinéara.

21.—Is iad feidhmeanna an Choimisinéara, i dteannta aon fheidhmeanna a thugtar dó nó di le haon fhoráil eile den Acht seo—

(*a*) faireachán a dhéanamh ar chomhlíonadh fhorálacha an Achta seo ag comhlachtaí poiblí,

(*b*) gach beart riachtanach atá faoi réim a údaráis nó a húdaráis a dhéanamh chun a chinntiú go gcomhlíonfaidh comhlachtaí poiblí forálacha an Achta seo,

(*c*) imscrúduithe a dhéanamh, cibé acu ar a thionscnamh nó ar a tionscnamh féin, ar iarraidh ón Aire nó de bhun gearán a bheidh déanta leis nó léi ag aon duine, maidir le haon mhainneachtain ag comhlacht poiblí forálacha an Achta seo a chomhlíonadh, ar mainneachtain í ar dóigh leis nó léi nó, de réir mar is cuí, leis an Aire, gur féidir gur tharla sí,

(*d*) comhairle nó cúnamh eile a sholáthar, de réir mar is cuí leis nó léi, don phobal maidir lena gcearta faoin Acht seo,

(*e*) comhairle nó cúnamh eile a sholáthar, de réir mar is cuí leis nó léi, do chomhlachtaí poiblí maidir lena n-oibleagáidí faoin Acht seo, agus

(*f*) imscrúdú a dhéanamh, cibé acu ar a thionscnamh nó ar a tionscnamh féin, ar iarraidh ón Aire nó de bhun gearán a bheidh déanta leis nó léi ag aon duine, chun a fháil amach an amhlaidh nach raibh nó nach bhfuil aon fhoráil d'aon achtachán eile a bhaineann le stádas nó le húsáid teanga oifigiúla á comhlíonadh.

Cumhachtaí an Choimisinéara.

22.—(1) (*a*) Chun críche a fheidhmeanna nó a feidhmeanna faoin Acht seo, féadfaidh an Coimisinéir a cheangal ar aon duine a bhfuil, i dtuairim an Choimisinéara, faisnéis aige nó aici, nó a bhfuil cumhacht nó rialú aige nó aici ar thaifead nó ar rud, a bhaineann leis na críocha réamhráite, aon fhaisnéis, taifead nó rud den sórt sin a thabhairt don Choimisinéir agus, más cuí, féadfaidh sé nó sí a cheangal ar an duine freastal os a chomhair nó os a comhair chun na críche sin, agus comhlíonfaidh an duine an ceanglas.

(*b*) Níl feidhm ag *mír (a)* den fho-alt seo maidir le faisnéis nó le cibé méid de thaifead a bhaineann le cinntí agus le himeachtaí de chuid an Rialtais nó de chuid aon choiste de chuid an Rialtais agus chun críocha na míre seo is deimhniú críochnaitheach deimhniú a thabharfaidh Ard-Rúnaí an Rialtais á dheimhniú

ing that any information or record or part of a record so relates shall be conclusive.

(2) Subject to *subsection (3)*, no enactment or rule of law prohibiting or restricting the disclosure or communication of information shall preclude a person from furnishing to the Commissioner any such information or record, as aforesaid.

(3) Subject to the provisions of this Act, a person to whom a requirement is addressed under this section shall be entitled to the same immunities and privileges as if he or she were a witness before the High Court.

(4) A person who fails or refuses to comply with a requirement under this section or who hinders or obstructs the Commissioner in the performance of his or her functions under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding €2,000 or to imprisonment for a term not exceeding 6 months or both.

(5) Where an offence under *subsection (4)* has been committed by a body corporate and is proved to have been committed with the consent or connivance of, or to have been facilitated by any neglect on the part of any director, manager, secretary or other similar officer of such body or of any person who was purporting to act in any such capacity, that officer or person, as well as such body, shall be guilty of an offence and shall be liable to be proceeded against and punished as if he or she were guilty of the first-mentioned offence.

(6) Proceedings for an offence under this section may be brought and prosecuted by the Commissioner.

(7) The Commissioner may, if he or she thinks fit, pay to any person who, for the purposes aforesaid, attends before the Commissioner or furnishes information or a record or other thing to him or her—

(*a*) sums in respect of travelling and subsistence expenses properly incurred by the person, and

(*b*) allowances by way of compensation for loss of his or her time,

of such amount as may be determined by the Minister.

(8) A statement or admission made by a person for the purposes aforesaid shall not be admissible as evidence against that person in any criminal proceedings.

(9) Nothing in this section shall confer any right to production of, or access to, any record or thing subject to legal privilege.

Conduct of investigations.

23.—(1) An investigation by the Commissioner under this Act shall be conducted otherwise than in public.

(2) Where the Commissioner proposes to carry out an investigation under this Act he or she shall—

(*a*) notify—

(i) the public body concerned,

go bhfuil aon fhaisnéis nó taifead nó cuid de thaifead bainteach amhlaidh. Cd.4 A.22

(2) Faoi réir *fho-alt (3)*, ní chuirfidh aon achtachán nó riail dlí lena dtoirmisctear nó lena sriantar faisnéis a nochtadh nó a chur in iúl cosc ar dhuine aon fhaisnéis nó taifead den sórt sin, mar a dúradh, a thabhairt don Choimisinéir.

(3) Faoi réir fhorálacha an Achta seo, beidh duine a mbeidh ceanglas dírithe chuige nó chuici faoin alt seo i dteideal na ndíolúintí agus na bpribhléidí céanna a mbeadh sé nó sí ina dteideal dá mba fhinné os comhair na hArd-Chúirte é nó í.

(4) Aon duine a mhainneoidh nó a dhiúltóidh ceanglas faoin alt seo a chomhlíonadh nó a chuirfidh treampán nó bac ar an gCoimisinéir le linn a fheidhmeanna nó a feidhmeanna a chomhlíonadh faoin alt seo, beidh sé nó sí ciontach i gcion agus dlífear ar é nó í a chiontú go hachomair fíneáil nach mó ná €2,000 nó príosúnacht ar feadh téarma nach faide ná 6 mhí, nó iad araon, a chur air nó uirthi.

(5) I gcás cion faoi *fho-alt (4)* a bheith déanta ag comhlacht corpraithe agus go gcruthófar go ndearnadh é le toiliú nó le cúlcheadú, nó gur éascaíodh é a dhéanamh le haon fhaillí ar thaobh, aon duine is stiúrthóir, bainisteoir, rúnaí nó oifigeach eile den tsamhail sin de chuid an chomhlachta, nó duine a d'airbheartaigh a bheith ag gníomhú in aon cháil den sórt sin, beidh an t-oifigeach nó an duine sin, chomh maith leis an gcomhlacht sin, ciontach i gcion agus dlífear imeachtaí a thionscnamh ina choinne nó ina coinne agus é nó í a phionósú amhail is dá mbeadh sé nó sí ciontach sa chion céadluaite.

(6) Féadfaidh an Coimisinéir imeachtaí i leith ciona faoin alt seo a thionscnamh agus a thabhairt ar aghaidh.

(7) Féadfaidh an Coimisinéir, más cuí leis nó léi, íocaíochtaí mar a leanas a íoc le haon duine a dhéanfaidh, chun na gcríoch réamhráite, freastal os comhair an Choimisinéara nó faisnéis nó taifead nó rud eile a thabhairt dó nó di—

(*a*) suimeanna i leith caiteachas taistil agus cothaithe a thabhaigh an duine go cuí, agus

(*b*) liúntais mar chúiteamh as a chuid nó a cuid ama a chailleadh,

ina mbeidh cibé méid a chinnfidh an tAire.

(8) Ní bheidh ráiteas nó admháil ó dhuine chun na gcríoch réamhráite inghlactha mar fhianaise i gcoinne an duine sin in aon imeachtaí coiriúla.

(9) Ní dhéanfaidh aon ní san alt seo aon cheart a thabhairt chun aon taifead nó rud atá faoi réir pribhléide dlíthiúla a thabhairt ar aird nó chun rochtain a fháil ar an gcéanna.

23.—(1) Is ar shlí seachas go poiblí a sheolfar imscrúdú a dhéanfaidh an Coimisinéir faoin Acht seo. Imscrúduithe a sheoladh.

(2) I gcás ina mbeartaíonn an Coimisinéir imscrúdú a dhéanamh faoin Acht seo déanfaidh sé nó sí—

(*a*) fógra i scríbhinn a thabhairt—

(i) don chomhlacht poiblí lena mbaineann,

(ii) in a case where a complaint has been made to the Commissioner, the person who made the complaint, and

(iii) the Minister,

in writing of that fact, and

(*b*) afford—

(i) the public body concerned, and

(ii) any other person who appears or, in a case where a complaint has been made to the Commissioner, is alleged to have been responsible for the matter complained of,

an opportunity to comment on the matter and, if a complaint in relation to the matter has been made to the Commissioner, on any allegations contained in the complaint.

(3) The Commissioner may—

(*a*) refuse to investigate a complaint under this Act, or

(*b*) discontinue an investigation under this Act into such a complaint,

if he or she becomes of opinion that—

(i) the complaint is trivial or vexatious,

(ii) the person making the complaint has not taken reasonable steps to seek redress in respect of the subject matter of the complaint or, if he or she has, has not been refused redress,

(iii) the complaint relates solely to a matter within the power of the Ombudsman to investigate pursuant to section 4(2)(*a*) of the Ombudsman Act 1980, or

(iv) the matter complained of does not involve any contravention of the provisions of this Act or of any other enactment relating to the status or use of an official language.

(4) Subject to the provisions of this Act, the procedure for conducting an investigation shall be such as the Commissioner considers appropriate in all the circumstances of the case.

(5) The Commissioner may determine whether any person may be represented, by counsel, solicitor or otherwise, in an investigation by him or her under this Act.

Exclusions.

24.—The Commissioner shall not investigate any complaint made by or on behalf of a person if the complaint is one in relation to which the person affected by the matter complained of has initiated, in any court, civil legal proceedings and the proceedings have not been dismissed for failure to disclose a cause of action or a complaint justiciable by that court, whether the proceedings have been otherwise concluded or have not been concluded:

Provided that the Commissioner may investigate the matter notwithstanding that it is one to which this section relates if it appears to the Commissioner that special circumstances make it proper to do so.

(ii) i gcás gearán a bheith déanta leis an gCoimisinéir, don duine a rinne an gearán, agus Cd.4 A.23

(iii) don Aire,

ina thaobh sin, agus

(*b*) deis a thabhairt—

(i) don chomhlacht poiblí lena mbaineann, agus

(ii) d'aon duine eile ar dealraitheach nó, i gcás gearán a bheith déanta leis an gCoimisinéir, d'aon duine eile a líomhnaítear, go raibh sé nó sí freagrach as an ní a ndearnadh gearán faoi,

trácht ar an ní agus, má rinneadh gearán leis an gCoimisinéir i ndáil leis an ní, ar aon líomhaintí a bhí sa ghearán.

(3) Féadfaidh an Coimisinéir—

(*a*) diúltú gearán a imscrúdú faoin Acht seo, nó

(*b*) scor d'imscrúdú faoin Acht seo i dtaobh gearáin den sórt sin,

má thagann sé nó sí ar an tuairim—

(i) go bhfuil an gearán fánach nó cráiteach,

(ii) nach ndearna an duine a rinne an gearán bearta réasúnacha chun sásamh a lorg i leith ábhar an ghearáin nó, má rinne, nár diúltaíodh sásamh dó nó di,

(iii) nach mbaineann an gearán ach amháin le ní a bhfuil cumhacht ag an Ombudsman imscrúdú a dhéanamh ina leith de bhun alt 4(2)(*a*) den Acht Ombudsman 1980, nó

(iv) nach bhfuil aon sárú ar fhorálacha an Achta seo nó aon achtacháin eile a bhaineann le stádas nó úsáid teanga oifigiúla i gceist sa ní a ndearnadh gearán faoi.

(4) Faoi réir fhorálacha an Achta seo, is é an nós imeachta le himscrúdú a sheoladh cibé nós imeachta is cuí leis an gCoimisinéir in imthosca uile an cháis.

(5) Féadfaidh an Coimisinéir a chinneadh an bhféadfaidh abhcóide nó aturnae, nó an féidir ar shlí eile, ionadaíocht a dhéanamh d'aon duine in imscrúdú a dhéanfaidh an Coimisinéir faoin Acht seo.

Eisiamh.

24.—Ní imscrúdóidh an Coimisinéir aon ghearán a dhéanfaidh duine nó a dhéanfar thar ceann duine más gearán é a mbeidh imeachtaí dlíthiúla sibhialta tionscanta i ndáil leis in aon chúirt ag an duine a ndéanann an ní a ndearnadh gearán faoi difear dó nó di agus nach mbeidh na himeachtaí dífe de bharr gan cúis chaingne nó gearán is inbhreithnithe ag an gcúirt sin a nochtadh, cibé acu a bheidh na himeachtaí sin tugtha chun críche thairis sin nó nach mbeidh:

Ar choinníoll go bhféadfaidh an Coimisinéir an ní a imscrúdú d'ainneoin gur ní é lena mbaineann an t-alt seo más dealraitheach don Choimisinéir gur cuí déanamh amhlaidh de bharr imthosca speisialta.

Pt.4

Disclosure of information.

25.—Information or a record or thing obtained by the Commissioner or his or her officers in the course of the exercise by him or her of his or her functions under this Act shall not be disclosed except for the purposes of such exercise and of any statement, report or notification to be made under this Act and the Commissioner or his or her officers shall not be called upon to give evidence in any proceedings of matters coming to his or her or their knowledge in the course of such exercise.

Report of findings.

26.—(1) In any case where a complaint is made to the Commissioner and the Commissioner decides not to carry out an investigation under this Act or decides to discontinue such an investigation, he or she shall send to the person who made the complaint and to the public body concerned a statement in writing of his or her reasons for the decision and shall send to such other person as he or she considers appropriate such statement in writing in relation to the matter as he or she considers appropriate.

(2) In any case where the Commissioner conducts an investigation under this Act, he or she shall prepare and submit to—

(*a*) the public body concerned,

(*b*) the Minister, and

(*c*) in a case where a complaint is made to the Commissioner, the complainant,

a report in writing of the findings of the investigation and may include in the report any recommendations he or she considers appropriate having regard to the investigation.

(3) Without prejudice to *subsection (2)*, the Commissioner may issue an interim report if he or she considers it appropriate so to do.

(4) The Commissioner may request a public body to submit to him or her within a specified time any comments it may have regarding any findings or recommendations contained in a report under this section.

(5) If, within a reasonable time after a report containing recommendations is submitted to a public body under *subsection (2)*, any recommendations contained in the report have not, in the opinion of the Commissioner, been implemented by that body, the Commissioner may, after considering any responses made to him or her by the public body in respect of those recommendations, make a report thereon to each House of the Oireachtas.

(6) The Commissioner shall attach to every report under *subsection (5)* a copy of every response (if any) made by or on behalf of a public body to the said recommendations.

Schemes of compensation.

27.—(1) The Minister may, with the consent of the Minister for Finance, make a scheme of compensation providing for the payment by a public body to such persons of such sums as may be specified in the scheme, in respect of any failure, specified in a report by the Commissioner under *section 26*, by the body (other than a public body, standing prescribed for the purposes of *paragraph 1(5)* of the *First Schedule*) to comply with the provisions of this Act.

Cd.4

Faisnéis a nochtadh.

25.—Ní dhéanfar faisnéis nó taifead nó rud a gheobhaidh an Coimisinéir nó a gheobhaidh oifigigh an Choimisinéara i gcúrsa fheidhmiú a fheidhmeanna nó a feidhmeanna aige nó aici faoin Acht seo a nochtadh ach amháin chun críocha an fheidhmithe sin agus chun críocha aon ráitis, tuarascála nó fógra atá le tabhairt faoin Acht seo agus ní iarrfar ar an gCoimisinéir nó ar oifigigh an Choimisinéara fianaise a thabhairt in aon imeachtaí maidir le nithe a thiocfaidh ar a umhail nó ar a humhail nó ar a n-umhail i gcúrsa an fheidhmithe sin.

Tuarascáil ar fhionnachtana.

26.—(1) In aon chás ina ndéanfar gearán leis an gCoimisinéir agus ina gcinnfidh an Coimisinéir gan imscrúdú a dhéanamh faoin Acht seo nó scor d'imscrúdú den sórt sin, déanfaidh sé nó sí ráiteas i scríbhinn maidir leis na cúiseanna atá aige nó aici leis an gcinneadh a chur chuig an duine a rinne an gearán agus chuig an gcomhlacht poiblí lena mbaineann agus déanfaidh sé nó sí cibé ráiteas i scríbhinn is cuí leis nó léi i ndáil leis an ní a chur chuig cibé duine eile is cuí leis nó léi.

(2) In aon chás ina seolfaidh an Coimisinéir imscrúdú faoin Acht seo, déanfaidh sé nó sí tuarascáil i scríbhinn a ullmhú agus a chur faoina mbráid seo a leanas—

(*a*) an comhlacht poiblí lena mbaineann,

(*b*) an tAire, agus

(*c*) i gcás ina ndéanfar gearán leis an gCoimisinéir, an gearánach,

maidir le fionnachtana an imscrúdaithe agus féadfaidh sé nó sí aon mholtaí is cuí leis nó léi, ag féachaint don imscrúdú, a áireamh sa tuarascáil.

(3) Gan dochar *d'fho-alt (2)*, féadfaidh an Coimisinéir tuarascáil eatramhach a eisiúint más cuí leis nó léi déanamh amhlaidh.

(4) Féadfaidh an Coimisinéir a iarraidh ar chomhlacht poiblí aon tuairimí a bheidh aige maidir le haon fhionnachtana nó moltaí atá ar áireamh i dtuarascáil faoin alt seo a chur faoina bhráid nó faoina bráid laistigh de thréimhse ama shonraithe.

(5) Más rud é, laistigh de thréimhse ama réasúnach tar éis tuarascáil a bhfuil moltaí inti a chur faoi bhráid comhlachta phoiblí faoi *fho-alt (2)*, nach mbeidh, i dtuairim an Choimisinéara, aon chuid de na moltaí atá sa tuarascáil curtha i ngníomh ag an gcomhlacht sin, féadfaidh an Coimisinéir, tar éis aon fhreagraí a bhreithniú a bheidh tugtha ag an gcomhlacht poiblí dó nó di i leith na moltaí sin, tuarascáil a thabhairt do gach Teach den Oireachtas maidir leis an gcéanna.

(6) Cuirfidh an Coimisinéir ag gabháil le gach tuarascáil faoi *fho-alt (5)* cóip de gach freagra (más ann) a bheidh tugtha ag comhlacht poiblí nó thar a cheann ar na moltaí sin.

Scéimeanna cúitimh.

27.—(1) Féadfaidh an tAire, le toiliú an Aire Airgeadais, scéim cúitimh a dhéanamh lena bhforálfar go n-íocfaidh comhlacht poiblí le cibé daoine cibé suimeanna a bheidh sonraithe sa scéim, i leith aon mhainneachtana, a bheidh sonraithe i dtuarascáil ón gCoimisinéir faoi *alt 26*, ag an gcomhlacht (seachas comhlacht poiblí a bheidh forordaithe chun críocha *mhír 1(5)* den *Chéad Sceideal*) forálacha an Achta seo a chomhlíonadh.

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(2) Notwithstanding *paragraph (f)* of *section 21*, a scheme under *subsection (1)* may not provide for the payment out of moneys in respect of any failure by a public body to comply with any other enactment relating to the status or use of an official language.

(3) A scheme under *subsection (1)* may be revoked or varied by a subsequent scheme made thereunder.

Appeals to the High Court.

28.—(1) A party to an investigation under this Act or any other person affected by the findings and recommendations of the Commissioner following such an investigation may appeal to the High Court on a point of law from the decision.

(2) An appeal under *subsection (1)* shall be initiated not later than 4 weeks after notice of the relevant findings and recommendations was given to the person bringing the appeal.

(3) (*a*) Where an appeal under this section by a person, other than a head, is dismissed by the High Court, that Court may, if it considers that the point of law concerned was of exceptional public importance, order that some or all of the costs of the person in relation to the appeal be paid by the public body concerned.

(*b*) The High Court may order that some or all of the costs of a person, other than a head, in relation to a reference under this section be paid by the public body concerned.

(4) A decision of the High Court following an appeal under *subsection (1)*, shall, where appropriate, specify the period within which effect shall be given to the decision.

Publication of commentaries by Commissioner on practical application, etc. of Act.

29.—The Commissioner may prepare and publish commentaries on the practical application and operation of the provisions, or any particular provisions, of this Act, including commentaries based on the experience of holders of the office of Commissioner in relation to investigations and findings following investigations, of such holders under this Act.

Reports of Commissioner.

30.—(1) The Commissioner shall, not later than 6 months after the end of each year, prepare and furnish to the Minister a report, in each of the official languages, on his or her activities in that year.

(2) The Minister shall, not later than 2 months after the receipt of the report, cause a copy thereof to be laid before each House of the Oireachtas.

(3) The Commissioner may, if he or she considers it appropriate to do so in the public interest or in the interests of any person, prepare and publish a report in each of the official languages in relation to any investigation carried out or other function performed by him or her under this Act or any matter relating to or arising in the course of such an investigation or performance.

(4) In this section ''report'' does not include a report under *section 26*.

(2) D'ainneoin *mhír (f) d'alt 21*, ní fhéadfar a fhoráil le scéim faoi *fho-alt (1)* go n-íocfar airgead i leith aon mhainneachtana ag comhlacht poiblí aon achtachán eile a bhaineann le stádas nó úsáid teanga oifigiúla a chomhlíonadh. Cd.4 A.27

(3) Féadfar scéim faoi *fho-alt (1)* a chúlghairm nó a athrú le scéim ina dhiaidh sin arna déanamh faoin bhfo-alt sin.

Achomhairc chuig an Ard-Chúirt.

28.—(1) Féadfaidh páirtí in imscrúdú faoin Acht seo nó aon duine eile a ndéanann fionnachtana agus moltaí an Choimisinéara tar éis imscrúdú den sórt sin difear dó nó di, achomharc a dhéanamh chuig an Ard-Chúirt ar phonc dlí i gcoinne an chinnidh.

(2) Déanfar achomharc faoi *fho-alt (1)* a thionscnamh tráth nach déanaí ná 4 sheachtain tar éis fógra maidir leis na fionnachtana agus na moltaí iomchuí a thabhairt don duine a bheidh ag tionscnamh an achomhairc.

(3) (*a*) I gcás ina ndéanfaidh an Ard-Chúirt achomharc faoin alt seo ag duine, seachas ag ceann, a dhíbhe, féadfaidh an Chúirt sin, má mheasann sí gur ghabh tábhacht phoiblí eisceachtúil leis an bponc dlí lena mbaineann, a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais an duine i ndáil leis an achomharc, nó iad go léir, a íoc.

(*b*) Féadfaidh an Ard-Chúirt a ordú go ndéanfaidh an comhlacht poiblí lena mbaineann cuid de chostais duine, seachas ceann, i ndáil le tarchur faoin alt seo, nó iad go léir, a íoc.

(4) Maidir le cinneadh ón Ard-Chúirt tar éis achomhairc faoi *fho-alt (1)*, sonrófar ann, i gcás inar cuí sin, an tréimhse ar laistigh di a thabharfar éifeacht don chinneadh.

An Coimisinéir d'fhoilsiú tráchtaireachtaí maidir le feidhm phraiticiúil, etc. an Achta.

29.—Féadfaidh an Coimisinéir tráchtaireachtaí ar fheidhm phraiticiúil agus ar oibriú fhorálacha an Achta seo, nó aon fhorálacha áirithe den Acht seo, a ullmhú agus a fhoilsiú, lena n-áirítear tráchtaireachtaí a bheidh bunaithe ar thaithí shealbhóirí oifig an Choimisinéara i ndáil le himscrúduithe, agus le fionnachtana tar éis imscrúduithe, de chuid sealbhóirí den sórt sin faoin Acht seo.

Tuarascálacha ón gCoimisinéir.

30.—(1) Déanfaidh an Coimisinéir, tráth nach déanaí ná 6 mhí tar éis dheireadh gach bliana, tuarascáil i ngach ceann de na teangacha oifigiúla maidir lena ghníomhaíochtaí nó lena gníomhaíochtaí sa bhliain sin a ullmhú agus a thabhairt don Aire.

(2) Déanfaidh an tAire, tráth nach déanaí ná dhá mhí tar éis an tuarascáil a fháil, a chur faoi deara cóip di a leagan faoi bhráid gach Tí den Oireachtas.

(3) Féadfaidh an Coimisinéir, más cuí leis nó léi déanamh amhlaidh ar mhaithe le leas an phobail nó ar mhaithe le leasanna aon duine, tuarascáil a ullmhú agus a fhoilsiú i ngach ceann de na teangacha oifigiúla i ndáil le haon imscrúdú a bheidh déanta aige nó aici nó i ndáil le haon fheidhm eile a bheidh comhlíonta aige nó aici faoin Acht seo nó i ndáil le haon ní a bhaineann le himscrúdú nó le comhlíonadh den sórt sin nó a éiríonn i gcúrsa an chéanna.

(4) San alt seo, ní fholaíonn ''tuarascáil'' tuarascáil faoi *alt 26*.

PART 5

Placenames

Definitions.

31.—In this Part, save where the context otherwise requires—

''the Commission'' means the body known as An Coimisiún Logainmneacha and established by warrant of the Minister for Finance dated the 24th day of October 1946;

''placename'' includes the name of any province, county, city, town, village, barony, parish or townland, or of any territorial feature (whether natural or artificial), district, region or place, as shown in the maps of Ordnance Survey Ireland;

''placenames order'' has the meaning assigned to it by *section 32*.

Placenames orders.

32.—(1) Subject to *subsection (2)*, the Minister, having received and considered advice from the Commission, may by order (in this Part referred to as a ''placenames order'')—

(*a*) declare the Irish language version of a placename specified in the order to be such word or words as he or she specifies in the order,

(*b*) amend or revoke a placenames order.

(2) The Minister shall not make a declaration under *subsection (1)* in relation to a place in a Gaeltacht area in respect of which a declaration under Part 18 of the Local Government Act 2001 is in force.

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

Construction of words in legal documents.

33.—(1) A word or words, declared by the Minister in a placenames order to be the Irish language version of a placename specified in the order, shall be construed in a legal document as referring to the same place and as having the same force and effect as the English language version of the placename so specified unless the contrary intention appears.

(2) Where the Minister makes a declaration under *section 32* in respect of a placename in a Gaeltacht area, the English language version of the placename shall no longer have any force and effect as on and from the operative date but without prejudice to anything done before or after that date including the use of that version other than its use—

(*a*) in any Act of the Oireachtas passed after the operative date or any statutory instrument made after that date under any Act,

(*b*) in such maps prepared and published by or with the permission of Ordnance Survey Ireland as may be prescribed, or

CUID 5

LOGAINMNEACHA

31.—Sa Chuid seo, ach amháin mar a n-éilíonn an comhthéacs a mhalairt— Mínithe.

ciallaíonn ''an Coimisiún'' an comhlacht ar a dtugtar An Coimisiún Logainmneacha agus a bunaíodh le barántas ón Aire Airgeadais dar dáta an 24ú lá de Dheireadh Fómhair 1946;

folaíonn ''logainm'' ainm aon chúige, contae, cathrach, baile, sráidbhaile, barúntachta, paróiste nó baile fearainn, nó ainm aon ghné tíre (nádúrtha nó saorga), dúiche, limistéir nó áite, mar a thaispeántar ar léarscáileanna Shuirbhéireacht Ordanáis Éireann;

tá le ''ordú logainmneacha'' an bhrí a shanntar dó le *halt 32*.

32.—(1) Faoi réir *fho-alt (2)*, féadfaidh an tAire, tar éis dó nó di comhairle a fháil ón gCoimisiún agus an chomhairle sin a bhreithniú, le hordú (dá ngairtear ''ordú logainmneacha'' sa Chuid seo)— Orduithe logainmneacha.

(*a*) a dhearbhú gurb é an leagan Gaeilge de logainm a bheidh sonraithe san ordú cibé focal nó focail a shonróidh sé nó sí san ordú,

(*b*) ordú logainmneacha a leasú nó a chúlghairm.

(2) Ní dhéanfaidh an tAire dearbhú faoi *fho-alt (1)* i ndáil le háit i limistéar Gaeltachta a bhfuil dearbhú faoi Chuid 18 den Acht Rialtais Áitiúil 2001 i bhfeidhm ina leith.

(3) Leagfar gach ordú logainmneacha faoi bhráid gach Tí den Oireachtas a luaithe is féidir tar éis a dhéanta agus má dhéanann ceachtar Teach acu sin, laistigh den 21 lá a shuífidh an Teach sin tar éis an t-ordú a leagan faoina bhráid, rún a rith ag neamhniú an ordaithe, beidh an t-ordú ar neamhní dá réir sin, ach sin gan dochar do bhailíocht aon ní a rinneadh roimhe sin faoin ordú.

33.—(1) Focal nó focail a mbeidh dearbhaithe ag an Aire in ordú logainmneacha gurb é an leagan Gaeilge é, nó gurb iad an leagan Gaeilge iad, de logainm a bheidh sonraithe san ordú, forléireofar i ndoiciméad dlíthiúil, mura léir a mhalairt d'intinn, é nó iad a bheith ag tagairt don áit chéanna agus a bheith ar chomhfheidhm agus ar chomhéifeacht leis an leagan Béarla den logainm a bheidh sonraithe amhlaidh. Forléiriú focal i ndoiciméid dhlíthiúla.

(2) I gcás ina ndéanfaidh an tAire dearbhú faoi *alt 32* i leith logainm i limistéar Gaeltachta, ní bheidh aon fheidhm ná éifeacht a thuilleadh leis an leagan Béarla den logainm amhail ar an agus ón dáta feidhme ach sin gan dochar d'aon ní arna dhéanamh roimh an dáta sin nó dá éis lena n-áirítear úsáid an leagain sin seachas a úsáid—

(*a*) in aon Acht den Oireachtas a rithfear tar éis an dáta feidhme nó in aon ionstraim reachtúil a dhéanfar tar éis an dáta sin faoi aon Acht,

(*b*) i cibé léarscáileanna, arna n-ullmhú agus arna bhfoilsiú ag Suirbhéireacht Ordanáis Éireann nó le cead uaithi, a bheidh forordaithe, nó

(*c*) on a road or street sign erected by or on behalf of a local authority.

(3) In this section—

"legal document" means—

(*a*) any Act of the Oireachtas passed after the operative date, any statutory instrument made after that date under any Act or the official translation of any Act or instrument;

(*b*) any instrument having or intended to have legal effect or consequences and executed on or after the operative date;

(*c*) any document used in or for the purposes of legal proceedings, and made, issued or served on or after the operative date,

"the operative date" means the date on which the relevant placenames order comes into operation.

Amendment of Ordnance Survey Ireland Act 2001.

34.—The Ordnance Survey Ireland Act 2001 is amended by the substitution of the following for paragraph (*h*) of section 4(2):

"(*h*) to depict placenames and ancient features in the national mapping and related records and databases in the Irish language or in the English and Irish languages.".

Repeal.

35.—The Place-Names (Irish Forms) Act 1973 is repealed.

PART 6

Miscellaneous

Role of Ombudsman.

36.—Nothing in this Act shall prohibit the investigation by the Ombudsman, pursuant to subsection (2) of section 4 of the Ombudsman Act 1980, of any action taken by or on behalf of a Department of State or other person specified in Part 1 of the First Schedule to that Act.

(*c*) ar chomhartha bóthair nó sráide arna chur suas ag údarás áitiúil nó thar a cheann. CD.5 A.33

(3) San alt seo—

ciallaíonn ''doiciméad dlíthiúil''—

(*a*) aon Acht den Oireachtas a rithfear tar éis an dáta feidhme, aon ionstraim reachtúil a dhéanfar tar éis an dáta sin faoi aon Acht nó an tiontú oifigiúil ar aon Acht nó ionstraim;

(*b*) aon ionstraim a bhfuil éifeacht dhlíthiúil nó iarmhairtí dlíthiúla aici nó a mbeartaítear an éifeacht nó na hiarmhairtí sin a bheith aici agus a fhorghníomhófar ar an dáta feidhme nó dá éis;

(*c*) aon doiciméad a úsáidtear in imeachtaí dlíthiúla nó chun críocha imeachtaí dlíthiúla agus a dhéanfar, a eiseofar nó a sheirbheálfar ar an dáta feidhme nó dá éis,

ciallaíonn ''an dáta feidhme'' an dáta a dtiocfaidh an t-ordú logainmneacha iomchuí i ngníomh.

Leasú ar an Acht um Shuirbhéireacht Ordanáis Éireann 2001.

34.—Leasaítear an tAcht um Shuirbhéireacht Ordanáis Éireann 2001 tríd an méid seo a leanas a chur in ionad mhír (*h*) d'alt 4(2):

''(*h*) logainmneacha agus gnéithe seanda sna taifid agus sna bunachair sonraí léarscáilíochta náisiúnta agus i dtaifid agus i mbunachair sonraí ghaolmhara a thaispeáint i nGaeilge nó i mBéarla agus i nGaeilge.''.

Aisghairm.

35.—Aisghairtear an tAcht Logainmneacha (Foirmeacha Gaeilge) 1973.

CUID 6

ILGHNÉITHEACH

Ról an Ombudsman.

36.—Ní thoirmiscfidh aon ní san Acht seo ar an Ombudsman imscrúdú a dhéanamh, de bhun fho-alt (2) d'alt 4 den Acht Ombudsman 1980, ar aon ghníomh a rinne Roinn Stáit nó duine eile a shonraítear i gCuid 1 den Chéad Sceideal a ghabhann leis an Acht sin, nó a rinneadh thar a cheann nó thar a ceann.

Section 2.

FIRST SCHEDULE

Public Bodies

1. Each of the following shall be a public body for the purposes of this Act:

(1) Department of Agriculture and Food
Department of Arts, Sport and Tourism
Department of Communications, Marine and Natural Resources
Department of Community, Rural and Gaeltacht Affairs
Department of Defence
Department of Education and Science
Department of Enterprise, Trade and Employment
Department of Finance
Department of Foreign Affairs
Department of Health and Children
Department of Justice, Equality and Law Reform
Department of Public Enterprise
Department of Social and Family Affairs
Department of the Environment and Local Government
Department of the Taoiseach
Department of Transport
Office of the Director of Consumer Affairs
Central Statistics Office
Chief State Solicitor's Office
Office of the Civil Service and Local Appointments Commissioners
Office of the Attorney General
Office of the Comptroller and Auditor General
Office of the Director of Public Prosecutions
Office of the Houses of the Oireachtas
Office of the President
Office of the Revenue Commissioners

(2) Agencies, Boards, State Companies (commercial and non-commercial)

a regional assembly
the Eastern Regional Health Authority and an area health board
a regional authority
a university or other third level institution
a vocational education committee
Advisory Committee on Cultural Relations
Aer Lingus Group plc
Aer Rianta cpt
An Bord Altranais
An Bord Bia
An Bord Glas
An Bord Pleanála
An Bord Uchtála
An Chomhairle Leabharlanna
An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta
An Coimisiún Logainmneacha
An Foras Áiseanna Saothair (FÁS)
An Implementation Body established under the British-Irish Agreement Act 1999
An Post
An tÚdarás um Ard-Oideachas
APSO (Agency for Personal Service Overseas)

AN CHÉAD SCEIDEAL

Alt 2.

Comhlachtaí Poiblí

1. Is comhlacht poiblí é gach ceann díobh seo a leanas chun críocha an Achta seo:

(1) An Roinn Talmhaíochta agus Bia
An Roinn Ealaíon, Spóirt agus Turasóireachta
An Roinn Cumarsáide, Mara agus Acmhainní Nádúrtha
An Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta
An Roinn Cosanta
An Roinn Oideachais agus Eolaíochta
An Roinn Fiontar, Trádála agus Fostaíochta
An Roinn Airgeadais
An Roinn Gnóthaí Eachtracha
An Roinn Sláinte agus Leanaí
An Roinn Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí
An Roinn Fiontar Poiblí
An Roinn Gnóthaí Sóisialacha agus Teaghlaigh
An Roinn Comhshaoil agus Rialtais Áitiúil
Roinn an Taoisigh
An Roinn Iompair
Oifig an Stiúrthóra Gnóthaí Tomhaltóirí
An Phríomh-Oifig Staidrimh
Oifig an Phríomh-Aturnae Stáit
Oifig Choimisinéirí na Státseirbhíse agus na gCoimisinéirí um Cheapacháin Áitiúla
Oifig an Ard-Aighne
Oifig an Ard-Reachtaire Cuntas agus Ciste
Oifig an Stiúrthóra Ionchúiseamh Poiblí
Oifig Thithe an Oireachtais
Oifig an Uachtaráin
Oifig na gCoimisinéirí Ioncaim

(2) Gníomhaireachtaí, Boird, Cuideachtaí Stáit (tráchtála agus neamhthráchtála):

tionól réigiúnach
Údarás Sláinte Réigiúnach an Oirthir agus bord sláinte limistéir
údarás réigiúnach
ollscoil nó foras tríú leibhéal eile
coiste gairmoideachais
Comhar Cultúra Éireann
Grúpa Aer Lingus cpt
Aer Rianta cpt
An Bord Altranais
An Bord Bia
An Bord Glas
An Bord Pleanála
An Bord Uchtála
An Chomhairle Leabharlanna
An Chomhairle um Oideachas Gaeltachta agus Gaelscolaíochta
An Coimisiún Logainmneacha
An Foras Áiseanna Saothair (FÁS)
Comhlacht Forfheidhmithe arna bhunú faoin Acht um Chomhaontú na Breataine-na hÉireann 1999
An Post
An tÚdarás um Ard-Oideachas
APSO (an Ghníomhaireacht um Sheirbhís Phearsanta Thar Lear)

Sch.1

Area Development Management Limited
Area Partnership Boards
Arramara Teoranta
Bioresearch Ireland
Bord Fáilte Éireann
Bord Gáis Éireann
Bord Iascaigh Mhara
Bord na gCon
Bord na Leabhar Gaeilge
Bord na Móna
Bord na Radharcmhastóirí
Bord Scannán na hÉireann
Broadcasting Commission of Ireland
Broadcasting Complaints Commission
Bus Átha Cliath
Bus Éireann
C.E.R.T. Limited
Central and Regional Fisheries Boards
Central Bank and Financial Services Authority of Ireland
Chester Beatty Library
Coillte Teoranta
Coiste an Asgard
Comhairle
Comhairle na Nimheanna
Comhairle na nOspidéal
Comhar — The National Sustainable Development Partnership
Commission for Aviation Regulation
Commission for Communications Regulation
Commission for Energy Regulation
Córas Iompair Éireann
County Enterprise Boards
Crafts Council of Ireland
Crisis Pregnancy Agency
Data Protection Commissioner
Defence Forces Canteen Board
Dental Council
District Registrars of Marriages appointed under the terms of section 57 of the Marriages (Ireland) Act 1844
Drug Treatment Centre Board
Dublin Dental Hospital Board
Dublin Docklands Development Authority
Dublin Institute for Advanced Studies
Dublin Transportation Office
Economic and Social Research Institute
Electricity Supply Board
Energy Advisory Board
Enterprise Ireland
Fire Services Council
Food Safety Authority of Ireland
Forfás
Further Education and Training Awards Council
General Medical Services Payment Board
General Register Office
Government Information Services
Harbour Authorities within the meaning of the Harbours Act 1946
Harbour Companies referred to in section 7 of the Harbours Act 1996
Health and Safety Authority
Health Research Board
Health Service Employers Agency

Area Development Management Limited Sc.1

Boird Chomhpháirtíochta Limistéir

Arramara Teoranta

Bith-Thaighde Éireann

Bord Fáilte Éireann

Bord Gáis Éireann

Bord Iascaigh Mhara

Bord na gCon

Bord na Leabhar Gaeilge

Bord na Móna

Bord na Radharcmhastóirí

Bord Scannán na hÉireann

Coimisiún Craolacháin na hÉireann

An Coimisiún um Ghearáin Chraolacháin

Bus Átha Cliath

Bus Éireann

An Chomhairle um Oideachas, Earcaíocht agus Oiliúint (C.E.R.T. *Limited*)

An Príomh-Bhord Iascaigh agus Boird Iascaigh Réigiúnacha

Banc Ceannais agus Údarás Seirbhísí Airgeadais na hÉireann

Leabharlann Chester Beatty

Coillte Teoranta

Coiste an Asgard

Comhairle

Comhairle na Nimheanna

Comhairle na nOspidéal

Comhar—An Chomhpháirtíocht Náisiúnta Forbartha Inmharthana

An Coimisiún um Rialáil Eitlíochta

An Coimisiún um Rialáil Cumarsáide

An Coimisiún um Rialáil Fuinnimh

Córas Iompair Éireann

Boird Fiontar Contae

Comhairle Cheardaíochta na hÉireann

An Ghníomhaireacht um Thoirchis Ghéarchéime

An Coimisinéir Cosanta Sonraí

Bord Ceaintín na bhFórsaí Cosanta

An Chomhairle Fiaclóireachta

Cláraitheoirí Ceantair Póstaí arna gceapadh faoi théarmaí alt 57 den *Marriages (Ireland) Act* 1844

Bord an Lárionaid Cóireála Drugaí

Bord Ospidéal Déidliachta Bhaile Átha Cliath

Údarás Forbartha Dugthailte Bhaile Átha Cliath

Institiúid Ard-Léinn Bhaile Átha Cliath

Oifig Iompair Bhaile Átha Cliath

An Institiúid Taighde Eacnamaíochta agus Sóisialta

Bord Soláthair an Leictreachais

An Bord Comhairleach Fuinnimh

Fiontraíocht Éireann

Comhairle na Seirbhísí Dóiteáin

Údarás Sábháilteachta Bia na hÉireann

Forfás

Comhairle na nDámhachtainí Breisoideachais agus Oiliúna

An Bord Seirbhísí Liachta Ginearálta (Íocaíochtaí)

An Phríomh-Oifig Chlárúcháin

Seirbhísí Eolais an Rialtais

Údaráis Chuain de réir bhrí an Achta Cuanta 1946

Cuideachtaí Cuain dá dtagraítear in alt 7 den Acht Cuanta 1996

An tÚdarás Sláinte agus Sábháilteachta

An Bord Taighde Sláinte

An Ghníomhaireacht um Fhostóirí Seirbhíse Sláinte

Sch.1

Higher Education and Training Awards Council
Horse Racing Ireland
Hospital Bodies Administrative Bureau
Hospitals Trust Board
Housing Finance Agency plc
I.D.A. Ireland
Iarnród Éireann
Institiúid Teangeolaíochta Éireann
Institute of Public Administration
International Development Ireland Limited
Irish Aid Advisory Committee
Irish Aviation Authority
Irish Blood Transfusion Service
Irish Council for Science, Technology and Innovation
Irish Fertiliser Industries Limited
Irish Financial Services Appeals Tribunal
Irish Financial Services Regulatory Authority
Irish Museum of Modern Art
Irish National Petroleum Corporation Limited
Irish National Stud Company Limited
Irish Productivity Centre
Irish Red Cross Society
Irish Telecommunications Investments plc
LEADER Groups
Leopardstown Park Hospital Board
Levy Appeals Tribunal
Local Employment Service Boards
Local Government Computer Services Board
Local Government Management Services Board
Marine Institute
Medical Bureau of Road Safety
Mental Health Commission
National Authority for Occupational Safety and Health
National Building Agency Limited
National Cancer Registry Board
National Centre for Partnership and Performance
National Committee for Development Education
National Concert Hall
National Council on Ageing and Older People
National Council for Professional Development of Nursing and Midwifery
National Council for Special Education
National Disability Authority
National Economic and Social Council
National Economic and Social Forum
National Gallery of Ireland
National Library of Ireland
National Microelectronics Applications Centre Ltd.
National Milk Agency
National Museum of Ireland
National Qualifications Authority of Ireland
National Rehabilitation Board
National Roads Authority
National Safety Council
National Social Work Qualification Board
National Standards Authority of Ireland
National Statistics Board
National Technology Park Plassey Ltd.
National Theatre Society Limited (Abbey Theatre)

Comhairle na nDámhachtainí Ardoideachais agus Oiliúna Sc.1
Rásaíocht Capall Éireann
Biúró Riaracháin na gComhlachtaí Ospidéil
Bord Iontaobhais na nOspidéal
An Ghníomhaireacht Airgeadais do Thithe cpt
G.F.T. Éireann
Iarnród Éireann
Institiúid Teangeolaíochta Éireann
An Foras Riaracháin
International Development Ireland Limited
Coiste Comhairleach na hÉireann um Chúnamh
Údarás Eitlíochta na hÉireann
Seirbhís Fuilaistriúcháin na hÉireann
Comhairle na hÉireann um Eolaíocht, Teicneolaíocht agus Nuáil
Tionscail Leasacháin na hÉireann Teoranta
Binse Achomhairc Seirbhísí Airgeadais na hÉireann
Údarás Rialála Seirbhísí Airgeadais na hÉireann
Áras Nua-Ealaíne na hÉireann
Corparáid Náisiúnta Pheitriliam na hÉireann Teoranta
Comhlacht Graí Náisiúnta na hÉireann Teoranta
Airmheán Táirgiúlachta na hÉireann
Cumann Croise Deirge na hÉireann
Infheistíochtaí Teileachumarsáide na hÉireann cpt
Grúpaí LEADER
Bord Ospidéal Pháirc Bhaile na Lobhar
An Binse Achomhairc Tobhach
Boird Seirbhíse Fostaíochta Áitiúla
An Bord Seirbhísí Ríomhaire Rialtais Áitiúil
An Bord Seirbhísí Bainistíochta Rialtais Áitiúil
Foras na Mara
An Lia-Bhiúró um Shábháilteacht ar Bhóithre
An Coimisiún Meabhair-Shláinte
An tÚdarás Náisiúnta um Shábháilteacht agus Sláinte Ceirde
An Ghníomhaireacht Foirgníochta Náisiúnta Teoranta
An Bord um an gClárlann Náisiúnta Ailse
An tIonad Náisiúnta Comhpháirtíochta agus Feidhmíochta
An Coiste Náisiúnta um Oideachas Foráis
An Ceoláras Náisiúnta
An Chomhairle Náisiúnta um Dhul in Aois agus Daoine Scothaosta
An Chomhairle Náisiúnta um Fhorbairt Ghairmiúil an Altranais agus an Chnáimhseachais
An Chomhairle Náisiúnta um Oideachas Speisialta
An tÚdarás Náisiúnta Míchumais
An Chomhairle Náisiúnta Eacnamaíoch agus Sóisialach
An Fóram Náisiúnta Eacnamaíoch agus Sóisialach
Dánlann Náisiúnta na hÉireann
Leabharlann Náisiúnta na hÉireann
An Lárionad Náisiúnta um Fheidhmiúcháin na Micrileictreonaice Teo.
An Ghníomhaireacht Náisiúnta Bainne
Ard-Mhúsaem na hÉireann
Údarás Náisiúnta Cáilíochtaí na hÉireann
An Bord Náisiúnta Athshlánúcháin
An tÚdarás um Bóithre Náisiúnta
An Chomhairle Sábháilteachta Náisiúnta
An Bord Cáilíochtaí Náisiúnta d'Obair Shóisialta
An tÚdarás um Chaighdeáin Náisiúnta na hÉireann
An Bord Náisiúnta Staidrimh
National Technology Park Plassey Ltd.
An Chuideachta Amharclann Náisiúnta Teoranta (Amharclann na Mainistreach)

Sch.1

National Treasury Management Agency
Nítrigin Éireann Teoranta
Office for Health Management
Office of the Director of Corporate Enforcement
Office of the Director of Equality Investigations
Office of the Paymaster General
Office of the Refugee Applications Commissioner
Office of Tobacco Control
Ordnance Survey Ireland
Patents Office
Pharmaceutical Society of Ireland
Postgraduate Medical and Dental Board
Public Voluntary Hospitals
Radiological Protection Institute of Ireland
Radio Telefís Éireann
Raidió na Gaeltachta
Refugee Agency
Refugee Appeals Tribunal
Registrars of Births, Deaths and Roman Catholic Marriages
Registration Council for Secondary Teachers
Registry of Deeds
Rights Commissioners
Shannon Free Airport Development Company Limited (SFADCo)
Standards in Public Office Commission
State Laboratory
Sustainable Energy Ireland
Teagasc
TEASTAS
Teilifís na Gaeilge
Temple Bar Properties Limited
Temple Bar Renewal Limited
the Aquaculture Licences Appeals Board
the Army Pensions Board
the Arts Council (An Chomhairle Ealaíon)
the Censorship of Films Appeals Board
the Censorship of Publications Appeals Board
the Censorship of Publications Board
the Combat Poverty Agency
the Commissioners of Charitable Donations and Bequests for Ireland
the Commissioners of Public Works
the Companies Registration Office
the Competition Authority
the Courts Service
the Criminal Injuries Compensation Tribunal
the Defence Forces
the Employment Appeals Tribunal
the Environmental Protection Agency
the Equality Authority
the Garda Síochána
the Garda Síochána Complaints Appeals Board
the Garda Síochána Complaints Board
the Health Insurance Authority
the Heritage Council
the Human Rights Commission
the Information Society Commission

Gníomhaireacht Bainistíochta an Chisteáin Náisiúnta Sc.1
Nítrigin Éireann Teoranta
An Oifig Bainistíochta Sláinte
Oifig an Stiúrthóra um Fhorfheidhmiú Corparáideach
Oifig an Stiúrthóra Imscrúduithe Comhionannais
Oifig an Phámháistir Ghinearálta
Oifig an Choimisinéara Iarratais do Dhídeanaithe
An Oifig um Rialú Tobac
Suirbhéireacht Ordanáis Éireann
Oifig na bPaitinní
Cumann Cógaiseoirí na hÉireann
An Bord Míochaine agus Déidliachta Iarchéime
Ospidéil Shaorálacha Phoiblí
An Institiúid Éireannach um Chosaint Raideolaíoch
Radio Telefís Éireann
Raidió na Gaeltachta
An Ghníomhaireacht Dídeanaithe
An Binse Achomhairc do Dhídeanaithe
Cláraitheoirí Breitheanna, Básanna agus Póstaí Caitliceacha Rómhánacha
Comhairle Chláraitheachta na Meánmhúinteoirí
Clárlann na nGníomhas
Coimisinéirí um Chearta
Cuideachta Forbartha Aerfort Neamhchustam na Sionna Teoranta (SFADCo)
An Coimisiún um Chaighdeáin in Oifigí Poiblí
An tSaotharlann Stáit
Fuinneamh Inmharthana Éireann
Teagasc
TEASTAS
Teilifís na Gaeilge
Temple Bar Properties Limited
Temple Bar Renewal Limited
An Bord Achomhairc um Cheadúnais Dobharshaothraithe
Bord na nArm-Phinsean
An Chomhairle Ealaíon
An Bord Achomhairc um Scrúdóireacht Scannán
An Bord Achomhairc um Chinsireacht Foilseachán
An Bord um Chinsireacht Foilseachán
An Ghníomhaireacht do Chomhrac na Bochtaine
Coimisinéirí na dTabhartas agus na dTiomnachtaí Carthanúla d'Éirinn
Coimisinéirí na nOibreacha Poiblí
An Oifig um Chlárú Cuideachtaí
An tÚdarás Iomaíochta
An tSeirbhís Chúirteanna
An Binse Cúitimh i leith Díobhálacha Coiriúla
Óglaigh na hÉireann
An Binse Achomhairc Fostaíochta
An Ghníomhaireacht um Chaomhnú Comhshaoil
An tÚdarás Comhionannais
An Garda Síochána
An Bord Achomhairc um Ghearáin i gcoinne an Gharda Síochána
An Bord um Ghearáin i gcoinne an Gharda Síochána
An tÚdarás Árachais Sláinte
An Chomhairle Oidhreachta
An Coimisiún um Chearta an Duine
Coimisiún na Sochaí Faisnéise

the Ireland-United States Commission for Educational Exchange
the Irish Manuscripts Commission
the Irish Medicines Board
the Irish Prison Service
the Irish Sports Council
the Irish Water Safety Association
the Labour Court
the Labour Relations Commission
the Land Registry
the Law Reform Commission
the Legal Aid Board
the Medical Council
the Mining Board
the National Archives
the National Archives Advisory Council
the National Centre for Guidance in Education
the National Competitiveness Council
the National Council for Curriculum and Assessment
the National Council for Forest Research and Development (COFORD)
the National Council for Vocational Awards
the National Lottery
the Office of the Appeal Commissioners for the purposes of the Tax Acts
the Office of the Chief Medical Officer for the Civil Service
the Office of the Information Commissioner
the Office of the Official Censor of Films
the Office of the Ombudsman
the Office of the Registrar of Friendly Societies
the Pensions Board
the Probation and Welfare Service
the Referendum Commission
the Rent Tribunal
the Social Welfare Tribunal
the State Examinations Commission
the Valuation Office
the Valuation Tribunal
Údarás na Gaeltachta
Veterinary Council
Voluntary Health Insurance Board
Western Development Commission
Women's Health Council

(3) a local authority,

(4) a health board,

(5) any body, organisation or group standing prescribed for the time being, with the consent of such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, and being—

(*a*) a body, organisation or group that receives moneys directly from a Minister of the Government, a Department of State, the Central Fund or a public body specified in *subparagraph (2), (3)* or *(4)* of this paragraph in circumstances where the amount or aggregate of the amounts so received constitutes 50 per cent or more of the current expenditure of that body, organisation or group in a financial year,

Coimisiún na hÉireann-na Stát Aontaithe um Malartú Oideachasúil Sc.1
Coimisiún Lámhscríbhinní na hÉireann
Bord Leigheasra na hÉireann
Seirbhís Phríosúin na hÉireann
Comhairle Spóirt na hÉireann
An Comhlachas Snámha agus Tarrthála
An Chúirt Oibreachais
An Coimisiún um Chaidreamh Oibreachais
Clárlann na Talún
An Coimisiún um Athchóiriú an Dlí
An Bord um Chúnamh Dlíthiúil
Comhairle na nDochtúirí Leighis
An Bord Mianadóireachta
An Chartlann Náisiúnta
An Chomhairle um an gCartlann Náisiúnta
An Lárionad Náisiúnta um Threoir san Oideachas
An Chomhairle Náisiúnta Iomaíochais
An Chomhairle Náisiúnta Curaclaim agus Measúnachta
An Chomhairle Náisiúnta um Thaighde agus Forbairt Foraoise (COFORD)
Comhairle Náisiúnta na gCáilíochtaí Gairmoideachais
An Crannchur Náisiúnta
Oifig na gCoimisinéirí Achomhairc chun críocha na nAchtanna Cánach
Oifig an Phríomh-Dhochtúra Oifigiúil don Státseirbhís
Oifig an Choimisinéara Faisnéise
Oifig Scrúdóir Oifigiúil na Scannán
Oifig an Ombudsman
Oifig Chláraitheoir na gCara-Chumann
An Bord Pinsean
An tSeirbhís Phromhaidh agus Leasa
An Coimisiún Reifrinn
An Binse Cíosa
An Binse Leasa Shóisialaigh
An Coimisiún um Scrúduithe Stáit
An Oifig Luachála
An Binse Luachála
Údarás na Gaeltachta
Comhairle na dTréidlianna
An Bord Árachais Sláinte Shaorálaigh
Coimisiún Forbartha an Iarthair
Comhairle Sláinte na mBan

(3) údarás áitiúil,

(4) bord sláinte,

(5) aon chomhlacht, eagraíocht nó grúpa a bheidh forordaithe de thuras na huaire, le toiliú cibé Aire eile (más ann) den Rialtas is cuí leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas, agus arb éard a bheidh ann—

(*a*) comhlacht, eagraíocht nó grúpa a fhaigheann airgead go díreach ó Aire den Rialtas, ó Roinn Stáit, ón bPríomh-Chiste nó ó chomhlacht poiblí a shonraítear i *bhfomhír (2), (3)* nó *(4)* den mhír seo in imthosca inarb éard é an méid, nó comhiomlán na méideanna, a fhaightear amhlaidh 50 faoin gcéad nó níos mó de chaiteachas reatha an chomhlachta, na heagraíochta nó an ghrúpa sin i mbliain airgeadais,

Sch.1

(*b*) a body, organisation or group that at the date of the coming into operation of this Schedule is a public body but subsequently comes under private ownership and control,

(*c*) a body, organisation or group performing functions which previously stood vested in a body, organisation or group under public ownership or control, or

(*d*) any other body, organisation or group on which functions in relation to the general public or a class of the general public stand conferred or permitted by any enactment or by any licence or authority given under any enactment.

2. A body, organisation or group standing prescribed pursuant to regulations for the purposes of *clause (b)* of *paragraph 1(5)* shall be a public body only as respects functions referred to in that clause.

3. The Minister may, with the consent of such other (if any) Minister of the Government as the Minister considers appropriate having regard to the functions of that other Minister of the Government, by regulations amend *subparagraph (2)* of *paragraph 1* by the insertion or deletion of a reference to any public body.

4. A reference in *paragraph 1* to any particular Department of State shall be construed as—

(*a*) including a reference to a body, organisation or group specified in relation to that Department of State in the Schedule to the Ministers and Secretaries Act 1924 (not being another public body specified in that paragraph), and

(*b*) not including any other body, organisation or group.

(*b*) comhlacht, eagraíocht nó grúpa ar comhlacht poiblí é nó í ar an dáta a dtiocfaidh an Sceideal seo i ngníomh ach a thagann faoi úinéireacht phríobháideach agus faoi rialú príobháideach ina dhiaidh sin, Sc.1

(*c*) comhlacht, eagraíocht nó grúpa a chomhlíonann feidhmeanna a bhí dílsithe le dlí roimhe sin do chomhlacht, eagraíocht nó grúpa faoi úinéireacht phoiblí nó rialú poiblí, nó

(*d*) aon chomhlacht, eagraíocht nó grúpa eile a bhfuil feidhmeanna i ndáil leis an bpobal i gcoitinne, nó le haicme den phobal i gcoitinne, tugtha nó ceadaithe dó nó di le haon achtachán nó le haon cheadúnas nó údarás arna thabhairt faoi aon achtachán.

2. Ní comhlacht poiblí comhlacht, eagraíocht nó grúpa a bheidh forordaithe de bhun rialachán chun críocha *chlásal (b)* de *mhír 1(5)* ach amháin i leith feidhmeanna dá dtagraítear sa chlásal sin.

3. Féadfaidh an tAire, le toiliú cibé Aire eile (más ann) den Rialtas is cuí leis an Aire ag féachaint d'fheidhmeanna an Aire eile sin den Rialtas, *fomhír (2)* de *mhír 1* a leasú, le rialacháin, trí thagairt d'aon chomhlacht poiblí a chur isteach nó a scriosadh.

4. Déanfar tagairt i *mír 1* d'aon Roinn áirithe Stáit a fhorléiriú—

(*a*) mar thagairt a fholaíonn tagairt do chomhlacht, d'eagraíocht nó do ghrúpa atá sonraithe i ndáil leis an Roinn Stáit sin sa Sceideal a ghabhann leis an Acht Airí agus Rúnaithe 1924 (nach comhlacht poiblí eile é atá sonraithe sa mhír sin), agus

(*b*) mar thagairt nach bhfolaíonn aon chomhlacht, eagraíocht nó grúpa eile.

Section 20.

SECOND SCHEDULE

An Coimisinéir Teanga

1. Subject to the provisions of this Schedule, a person appointed to be the Commissioner shall hold the office for a term of 6 years and may be re-appointed to the office for a second or subsequent term.

2. A person appointed to be the Commissioner—

(*a*) may at his or her request be relieved of office by the President,

(*b*) may be removed from office by the President but shall not be removed from office except for stated misbehaviour, incapacity or bankruptcy and then only upon resolutions passed by Dáil Éireann and by Seanad Éireann calling for his or her removal, and

(*c*) shall in any case vacate the office on attaining the age of 67 years.

3. (1) Where a person who holds the office of Commissioner is—

(*a*) nominated as a member of Seanad Éireann,

(*b*) elected as a member of either House of the Oireachtas or a local authority or to the European Parliament, or

(*c*) regarded, pursuant to section 15 (inserted by the European Parliament Elections Act 1993) of the European Assembly Elections Act 1977 as having been elected to the European Parliament to fill a vacancy,

he or she shall thereupon cease to be the Commissioner.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament or a local authority shall, while he or she is so entitled or is such a member, be disqualified for being appointed to be the Commissioner.

4. A person who holds the office of Commissioner shall not hold any other office or employment in respect of which emoluments are payable or be a member of the Reserve Defence Force.

5. The Commissioner shall be paid, out of moneys provided by the Oireachtas, such remuneration and allowances for expenses as the Minister, with the consent of the Minister for Finance, may from time to time determine.

6. (1) The Minister may make and carry out, in accordance with its terms, a scheme or schemes for the granting of pensions, gratuities

AN DARA SCEIDEAL

Alt 20.

An Coimisinéir Teanga

1. Faoi réir fhorálacha an Sceidil seo, beidh duine a cheapfar mar Choimisinéir i seilbh oifige go ceann téarma 6 bliana agus féadfar é nó í a athcheapadh chun na hoifige don dara téarma nó do théarma dá éis.

2. Aon duine a cheapfar mar Choimisinéir—

(*a*) féadfaidh an tUachtarán, ar an duine á iarraidh sin, é nó í a scaoileadh ó oifig,

(*b*) féadfaidh an tUachtarán é nó í a chur as oifig ach ní chuirfear as oifig é nó í ach amháin mar gheall ar mhí-iompar sonraithe, éagumas nó féimheacht ná ansin féin ach tar éis do Dháil Éireann agus do Sheanad Éireann rúin a rith ag éileamh é nó í a chur as oifig, agus

(*c*) éireoidh sé nó sí as oifig ar chaoi ar bith ar 67 mbliana d'aois a shlánú.

3. (1) Más rud é, i gcás duine a shealbhaíonn oifig an Choimisinéara—

(*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 d'údarás áitiúil nó chun Parlaimint na hEorpa, nó

(*c*) go measfar, de bhun alt 15 (a cuireadh isteach leis an Acht um Thoghcháin do Pharlaimint na hEorpa 1993) den Acht um Thoghcháin do Thionól na hEorpa 1977 é nó í a bheith tofa chun Parlaimint na hEorpa chun folúntas a líonadh,

scoirfidh sé nó sí, air sin, de bheith ina Choimisinéir nó ina Coimisinéir.

(2) Duine a bheidh de thuras na huaire i dteideal faoi Bhuan-Orduithe ceachtar Tí den Oireachtas suí sa Teach sin nó is comhalta de Pharlaimint na hEorpa nó d'údarás áitiúil, beidh sé nó sí, fad a bheidh sé nó sí i dteideal amhlaidh nó ina chomhalta nó ina comhalta den sórt sin, dícháilithe chun a cheaptha nó a ceaptha mar Choimisinéir.

4. Aon duine a bheidh i seilbh oifig an Choimisinéara ní shealbhóidh sé nó sí aon oifig nó fostaíocht eile a bhfuil díolaíochtaí iníoctha ina leith ná ní bheidh sé nó sí ina chomhalta nó ina comhalta de na hÓglaigh Cúltaca.

5. Íocfar leis an gCoimisinéir, as airgead a sholáthróidh an tOireachtas, cibé luach saothair agus cibé liúntais i leith caiteachas a chinnfidh an tAire ó am go ham le toiliú an Aire Airgeadais.

6. (1) Féadfaidh an tAire scéim nó scéimeanna a dhéanamh agus a chur i gcrích de réir a téarmaí, is scéim nó scéimeanna chun pinsin,

SCH.2 or allowances on retirement or death to, or in respect of, persons who have held the office of Commissioner.

(2) The Minister may at any time make and carry out, in accordance with its terms, a scheme or schemes amending or revoking a scheme under this paragraph.

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

7. (1) The Minister may appoint to be members of the staff of the Commissioner such number of persons as the Minister may, with the consent of the Minister for Finance, determine from time to time.

(2) Members of the staff of the Commissioner shall be civil servants in the Civil Service of the State (within the meaning of the Civil Service Regulation Act 1956).

(3) The Minister may delegate to the Commissioner the powers exercisable by him or her under the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 1996 as the appropriate authority in relation to members of the staff of the Commissioner and, if the Minister does so, then so long as the delegation remains in force—

(*a*) those powers shall, in lieu of being exercisable by the Minister, be exercisable by the Commissioner, and

(*b*) the Commissioner shall, in lieu of the Minister, be for the purposes of this Act the appropriate authority in relation to members of the staff of the Commissioner.

8. (1) The Commissioner shall keep, in such form as may be approved of by the Minister, all proper and usual accounts of all moneys received or expended by him or her and all such special accounts (if any) as the Minister may direct.

(2) Accounts kept in pursuance of this paragraph in respect of each year shall be submitted by the Commissioner in the following year on a date not later than a date specified by the Minister to the Comptroller and Auditor General for audit and, as soon as may be after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister may specify, together with the report of the Comptroller and Auditor General on the accounts, shall be presented by the Commissioner to the Minister who shall cause copies of the documents presented to him or her to be laid before each House of the Oireachtas.

9. The Commissioner may delegate to a member of the staff of the Commissioner any of the functions of the Commissioner (other than

aiscí nó liúntais a dheonú, ar scor nó ar bhás, do dhaoine a bhí i seilbh oifig an Choimisinéara nó i leith na ndaoine sin. Sc.2

(2) Féadfaidh an tAire, tráth ar bith, scéim nó scéimeanna lena leasaítear nó lena gcúlghairtear scéim faoin mír seo a dhéanamh agus a chur i gcrích de réir a téarmaí.

(3) Déanfar scéim faoin mír seo a leagan faoi bhráid gach Tí den Oireachtas a luaithe is féidir tar éis a déanta agus, má dhéanann ceachtar Teach acu sin, laistigh den 21 lá a shuífidh an Teach sin tar éis an scéim a leagan faoina bhráid, rún a rith ag neamhniú na scéime, beidh an scéim ar neamhní dá réir sin, ach sin gan dochar do bhailíocht aon ní a rinneadh roimhe sin faoin scéim.

7. (1) Féadfaidh an tAire cibé líon daoine a chinnfidh an tAire ó am go ham, le toiliú an Aire Airgeadais, a cheapadh le bheith ina gcomhaltaí d'fhoireann an Choimisinéara.

(2) Beidh comhaltaí d'fhoireann an Choimisinéara ina stát-seirbhísigh i Státseirbhís an Stáit (de réir bhrí Acht Rialuithe na Stát-Sheirbhíse 1956).

(3) Féadfaidh an tAire na cumhachtaí is infheidhmithe aige nó aici faoi Acht Choimisinéirí na Stát-Sheirbhíse 1956 agus faoi Achtanna Rialaithe na Státseirbhíse 1956 go 1996 mar an t-údarás iomchuí i ndáil le comhaltaí d'fhoireann an Choimisinéara a tharmligean chun an Choimisinéara agus, má dhéanann an tAire amhlaidh, ansin, fad a fhanfaidh an tarmligean i bhfeidhm—

(*a*) beidh na cumhachtaí sin, in ionad iad a bheith infheidhmithe ag an Aire, infheidhmithe ag an gCoimisinéir, agus

(*b*) is é nó is í an Coimisinéir, in ionad an Aire, an t-údarás iomchuí chun críocha an Achta seo i ndáil le comhaltaí d'fhoireann an Choimisinéara.

8. (1) Coimeádfaidh an Coimisinéir, i cibé foirm a cheadóidh an tAire, na cuntais go léir is cuí agus is gnách ar an airgead go léir a gheobhaidh nó a chaithfidh sé nó sí agus na cuntais speisialta sin go léir (más ann) a ordóidh an tAire.

(2) Déanfaidh an Coimisinéir cuntais a choimeádfar de bhun na míre seo i leith gach bliana a chur faoi bhráid an Ard-Reachtaire Cuntas agus Ciste an bhliain ina dhiaidh sin, ar dháta nach déanaí ná dáta a shonróidh an tAire, lena n-iniúchadh agus, a luaithe is féidir tar éis an iniúchta, déanfaidh an Coimisinéir cóip de na cuntais sin, nó de cibé sleachta as na cuntais sin a shonróidh an tAire, mar aon le tuarascáil an Ard-Reachtaire Cuntas agus Ciste maidir leis na cuntais, a thíolacadh don Aire agus cuirfidh seisean nó sise faoi deara cóipeanna de na doiciméid a tíolacadh dó nó di a leagan faoi bhráid gach Tí den Oireachtas.

9. Féadfaidh an Coimisinéir aon fheidhm de chuid an Choimisin-éara (seachas feidhmeanna faoin mír seo nó faoi *alt 26*) a tharmligean

Sch.2 those under this paragraph or *section 26*) and references in this Act to the Commissioner shall be construed, where appropriate having regard to any delegation under this paragraph, as including references to any person to whom functions stand delegated by the delegation.

chuig comhalta d'fhoireann an Choimisinéara agus déanfar tagairtí san Acht seo don Choimisinéir a fhorléiriú, más cuí ag féachaint d'aon tarmligean faoin mír seo, mar thagairtí a fholaíonn tagairtí d'aon duine a mbeidh feidhmeanna tarmligthe chuige nó chuici leis an tarmligean. Sc.2