



Number 34 of 2012

GAELTACHT ACT 2012

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Definition.
3. Regulations.
4. Expenses.
5. Repeals and revocations.

PART 2

LANGUAGE PLANNING

6. Definitions (*Part 2*).
7. Gaeltacht Language Planning Areas.
8. Implementation of Irish language plans in Gaeltacht Language Planning Areas.
9. Gaeltacht Service Towns.
10. Implementation of Irish language plans in Gaeltacht Service Towns.
11. Irish Language Networks.
12. Language planning criteria.
13. Preservation of contracts made by Údarás na Gaeltachta.

PART 3

AMENDMENT OF *ÚDARÁS NA GAELTACHTA ACT 1979*

14. Definition (*Part 3*).
15. Amendment of section 2 of Principal Act.
16. Amendment of section 6 of Principal Act.
17. Amendment of section 8 of Principal Act.
18. Amendment of section 10 of Principal Act.
19. Amendment of section 10B of Principal Act.
20. Amendment of section 10C of Principal Act.
21. Amendment of section 20A of Principal Act.
22. Amendment of First Schedule to Principal Act.

PART 4

MISCELLANEOUS

23. Amendment of Electoral Act 1992.
24. Amendment of section 19 of the Litter Pollution Act 1997.
25. Amendment of section 18 of Electoral Act 1997.

SCHEDULE

REPEALS AND REVOCATIONS

PART 1

ACTS REPEALED

PART 2

STATUTORY INSTRUMENTS REVOKED

[No. 34.]

Gaeltacht Act 2012.

[2012.]

ACTS REFERRED TO

Electoral (Amendment) Act 2001	2001, No. 38
Electoral (Amendment) (No. 2) Act 2009	2009, No. 9
Electoral Act 1992	1992, No. 23
Electoral Act 1997	1997, No. 25
Litter Pollution Act 1997	1997, No. 12
Local Government Act 2001	2001, No. 37
Ministers and Secretaries (Amendment) Act 1956	1956, No. 21
Údarás na Gaeltachta Act 1979	1979, No. 5
Údarás na Gaeltachta (Amendment) (No. 2) Act 1999	1999, No. 27



Number 34 of 2012

GAELTACHT ACT 2012

AN ACT TO DESIGNATE GAELTACHT LANGUAGE PLANNING AREAS, GAELTACHT SERVICE TOWNS AND IRISH LANGUAGE NETWORKS; TO AMEND THE MINISTERS AND SECRETARIES (AMENDMENT) ACT 1956; TO AMEND THE ÚDARÁS NA GAELTACHTA ACT 1979; TO AMEND THE ELECTORAL ACT 1992; TO AMEND THE ELECTORAL ACT 1997; AND TO PROVIDE FOR RELATED MATTERS.

[25th July, 2012]

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 Gaeltacht Act 2012.

(2) This Act, other than *Parts 3* and *4*, comes into operation on such day or days as the Minister may by order or orders appoint, either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or different provisions.

Definition.

2.—In this Act “Minister” means the Minister for Arts, Heritage and the Gaeltacht.

Regulations.

3.—(1) The Minister may make regulations, having regard to available resources and after consultation with such Ministers of the Government as the Minister considers appropriate, prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed or for the purpose of enabling any provision of this Act to have full effect.

(2) An order or regulation 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 order or regulation, as the case may be.

(3) Every order (other than an order under *section 1(2)*) or regulation under this Act shall be laid before each House of the

Pr.1 S.3 [No. 34.] *Gaeltacht Act 2012.* [2012.]

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

Expenses. 4.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Repeals and revocations. 5.—(1) Each Act specified in *column (2) of Part 1 of the Schedule* is repealed to the extent specified in *column (3)*.

(2) Each statutory instrument specified in *column (2) of Part 2 of the Schedule* is revoked.

PART 2

LANGUAGE PLANNING

Definitions (*Part 2*). 6.—In this Part—

“Gaeltacht area” means an area that was before the passing of this Act determined to be a Gaeltacht area by order made under section 2 of the Ministers and Secretaries (Amendment) Act 1956 and continued to be such an area by *section 7(1)*;

“Gaeltacht Language Planning Area” means an area designated by order under *section 7(2)* to be a Gaeltacht Language Planning Area;

“Gaeltacht Service Town” means a town designated by order under *section 9(1)* to be a Gaeltacht Service Town;

“Irish Language Network” means a community designated by order under *section 11(1)* to be an Irish Language Network;

“organisation” means a body corporate (whether a corporation aggregate or a corporation sole) or an unincorporated body of persons;

“prescribed” means prescribed by regulations made by the Minister under *section 3*; and

“town” means a place the population of which, as ascertained by the census of population which for the time being is the last published census of population, exceeds 1,000.

Gaeltacht Language Planning Areas. 7.—(1) An area that was, before the commencement of this section, determined by order made under section 2 of the Ministers and Secretaries (Amendment) Act 1956 to be a Gaeltacht area shall, notwithstanding the repeal of that section by *section 5(1)*, continue to be a Gaeltacht area.

(2) The Minister may, by order, designate, by reference to electoral divisions, a specified area comprised of—

- (a) a Gaeltacht area,
- (b) a part of a Gaeltacht area,
- (c) more than one Gaeltacht area,
- (d) parts of more than one Gaeltacht area, or
- (e) an area, or part of an area, the subject of an order under subsections (5), (10)(b) or (13)(b),

to be a Gaeltacht Language Planning Area in accordance with this section.

(3) The Minister shall publish, in such form and manner as the Minister considers appropriate, notice of the Minister's intention to designate an area by order under subsection (2), and shall include in the notice—

- (a) particulars of one or more than one electoral division or part of an electoral division which is or are included in the Gaeltacht area concerned and which the Minister intends to designate by order made under subsection (2),
- (b) the period within which applications under subsection (4) may be made,
- (c) the period within which a plan referred to in subsection (7) is to be prepared and submitted to the Minister,
- (d) any other information that the Minister considers necessary for the purposes of this section.

(4) An organisation based in or adjacent to one of the Gaeltacht areas concerned may apply to Údarás na Gaeltachta to be an organisation selected under subsection (6).

(5) Where no organisation applies under subsection (4), the Minister may make an order declaring that the area concerned, the subject of a notice under subsection (3), is no longer a Gaeltacht area and the date after which it shall not be a Gaeltacht area.

(6) Údarás na Gaeltachta shall select, in relation to an area the subject of a notice under subsection (3), an organisation that has applied under subsection (4) and that, in the opinion of Údarás na Gaeltachta, is the organisation that is the most capable of preparing a plan the purpose of which is to provide for and encourage the increased use of the Irish language in the family, educational, public, social, recreational and commercial life of the area concerned (in this section referred to as an "Irish language plan"), in accordance with prescribed language planning criteria, and when it has done so, it shall notify that organisation in writing of the selection.

(7) The organisation concerned shall prepare an Irish language plan in respect of the area concerned and shall, within the period specified in the notice published under subsection (3), submit the plan to the Minister for approval.

(8) Údarás na Gaeltachta shall assist the organisation concerned in respect of the preparation of the Irish language plan concerned.

(9) The Minister may, where the Minister considers it appropriate to do so, extend the period specified in the notice published under *subsection (3)*, within which the Irish language plan concerned shall be submitted.

(10) Where the organisation selected under *subsection (6)* does not submit the Irish language plan concerned to the Minister within the period specified in the notice published under *subsection (3)*, or any extension of that period under *subsection (9)*, and the Minister is of the opinion that there is no reasonable prospect that the organisation can submit such a plan within a reasonable time, the Minister may—

- (a) request Údarás na Gaeltachta to select another organisation that made an application under *subsection (4)* to prepare and submit the Irish language plan concerned during the period specified by the Minister in the notice published under *subsection (3)* or any extension of that period under *subsection (9)*, or
- (b) if no such organisation has applied to prepare that Irish language plan, by order declare that the area concerned, the subject of a notice published under *subsection (3)*, is no longer a Gaeltacht area and the date after which it shall not be a Gaeltacht area.

(11) Where the Minister, having regard to prescribed language planning criteria, approves of the Irish language plan submitted to him or her, the Minister shall make an order under *subsection (2)* in relation to the area concerned.

(12) Where the Minister, having regard to prescribed language planning criteria, does not approve of an Irish language plan submitted to him or her, the Minister may specify a period within which the organisation concerned shall amend and re-submit the Irish language plan.

(13) Where the Minister, having regard to prescribed language planning criteria, does not approve of an Irish language plan submitted to him or her, and the Minister is of the opinion that there is no reasonable prospect that the organisation concerned can submit a plan which meets the requirements of *subsection (6)*, within a reasonable time, the Minister may—

- (a) request Údarás na Gaeltachta to select another organisation that has applied for selection under *subsection (4)* to prepare and submit the Irish language plan concerned during the period specified in the notice published under *subsection (3)* or any extension of the period under *subsection (9)*, or
- (b) if no such organisation has applied to prepare that Irish language plan, by order declare that the area concerned, the subject of a notice published under *subsection (3)*, is no longer a Gaeltacht area and the date after which it shall not be a Gaeltacht area.

(14) Where the Minister extends a period under *subsection (9) or (12)*, the provisions of this section apply, with the necessary modifications, to the extended period.

(15) Where an organisation is selected by *Údarás na Gaeltachta* following a request to it under *subsection 10(a) or (13)(a)*, the provisions of this section apply, with the necessary modifications, in relation to that organisation.

(16) An order under *subsection (5), (10)(b) or (13)(b)* shall not prevent the Minister from exercising his or her powers under this section.

Implementation of
Irish language plans
in Gaeltacht
Language Planning
Areas.

8.—(1) Where the Minister by order under *section 7(2)* designates an area to be a Gaeltacht Language Planning Area, the organisation selected under *section 7(6), (10)(a) or (13)(a)* shall be responsible for the implementation of the approved Irish language plan for the area so designated.

(2) *Údarás na Gaeltachta* shall assist the organisation concerned in respect of the implementation of the Irish language plan concerned.

(3) The Minister shall review the progress made in respect of the implementation of the Irish language plan approved of under *section 7(11)* at such intervals as appear to the Minister to be necessary or appropriate for the implementation of the plan concerned.

(4) Where following a review under *subsection (3)*, the Minister considers, after consultation with *Údarás na Gaeltachta*, that the plan concerned is not being implemented or is being implemented inadequately, the Minister shall by notice in writing inform the organisation concerned of—

(a) the deficiencies identified by the Minister in the implementation of the plan, and

(b) the period within which the deficiencies shall be remedied.

(5) The Minister may, where the Minister considers it appropriate to do so, extend the period within which the deficiencies referred to in the notice under *subsection (4)* shall be remedied.

(6) Where the Minister has sent a notice under *subsection (4)*, the Minister shall review the progress made in the remedying of the deficiencies referred to in *paragraph (a)* of that subsection at the end of the period referred to in *paragraph (b)* of that subsection or any extension of that period under *subsection (5)*.

(7) Where the Minister, after consultation with *Údarás na Gaeltachta*, considers that there is no reasonable prospect that the Irish language plan concerned will be implemented or implemented adequately, the Minister may by order revoke the designation under *section 7(2)* of the area concerned with effect from the date specified in the order.

(8) An order under *subsection (7)* shall not prevent the Minister from exercising his or her powers under *section 7* in respect of the area concerned or any part of that area.

Gaeltacht Service
Towns.

9.—(1) The Minister may, by order, designate a specified town to be a Gaeltacht Service Town in accordance with this section, where the town concerned is situated in or adjacent to a Gaeltacht Language Planning Area if there are available in that town—

- (a) public services for the Gaeltacht Language Planning Area, and
- (b) social, recreational and commercial facilities that are of benefit to the Gaeltacht Language Planning Area.

(2) The Minister shall publish, in such form and manner as the Minister considers appropriate, notice of the Minister's intention to designate a town to be a Gaeltacht Service Town and shall include in the notice—

- (a) the period within which an Irish language plan referred to in *subsection (7)* is to be prepared and submitted to the Minister, and
- (b) any other information the Minister considers necessary for the purposes of this section.

(3) An organisation based in the town concerned may apply to Údarás na Gaeltachta or Foras na Gaeilge, as may be appropriate, to be an organisation selected under *subsection (5)* or *(6)*.

(4) Where no organisation applies under *subsection (3)*, the Minister may publish another notice under *subsection (2)* in relation to the town concerned.

(5) Údarás na Gaeltachta shall select, where the town concerned is situated in a Gaeltacht Language Planning Area and is the subject of a notice under *subsection (2)*, an organisation that has applied under *subsection (3)* and that, in the opinion of Údarás na Gaeltachta, is the organisation that is the most capable of preparing a plan the purpose of which is to provide for and encourage the increased use of the Irish language in the family, educational, public, social, recreational and commercial life of the town concerned (in this section referred to as an "Irish language plan"), in accordance with prescribed language planning criteria, and when it has done so, it shall notify that organisation in writing of the selection.

(6) Foras na Gaeilge shall select, where the town concerned is situated otherwise than in a Gaeltacht Language Planning Area and is the subject of a notice under *subsection (2)*, an organisation that has applied under *subsection (3)* and that, in the opinion of Foras na Gaeilge, is the organisation that is the most capable of preparing an Irish language plan, in accordance with prescribed language planning criteria, and when it has done so, it shall notify that organisation in writing of the selection.

(7) The organisation concerned shall prepare an Irish language plan in respect of the town concerned and shall submit the plan to the Minister for approval.

(8) Údarás na Gaeltachta or Foras na Gaeilge, as may be appropriate, shall assist the organisation concerned with respect to the preparation of the Irish language plan concerned.

(9) The Minister may, where the Minister considers it appropriate to do so, extend the period specified in the notice published under *subsection (2)* within which the Irish language plan concerned shall be submitted.

(10) Where the organisation selected under *subsection (5)* or *(6)* does not submit the Irish language plan concerned to the Minister within the period referred to in the notice published under *subsection (2)*, or any extension of that period under *subsection (9)*, and the Minister is of the opinion that there is no reasonable prospect that the organisation can submit such a plan within a reasonable time, the Minister may—

- (a) request Údarás na Gaeltachta or Foras na Gaeilge, as may be appropriate, to select another organisation that made an application under *subsection (3)* to prepare and submit the Irish language plan concerned during the period specified in the notice published under *subsection (2)*, or any extension of that period under *subsection (9)*, and to notify that organisation in writing of the selection, or
- (b) publish another notice under *subsection (2)* in relation to the town concerned.

(11) Where the Minister, having regard to prescribed language planning criteria, approves of the Irish language plan submitted to him or her, the Minister shall make an order under *subsection (1)* in relation to the town concerned.

(12) Where the Minister, having regard to prescribed language planning criteria, does not approve of an Irish language plan submitted to him or her, the Minister may extend the period concerned to permit the organisation concerned to amend and re-submit the Irish language plan.

(13) Where the Minister, having regard to prescribed language planning criteria, does not approve of an Irish language plan submitted to him or her, and the Minister is of the opinion that there is no reasonable prospect that the organisation can submit such a plan within a reasonable time, the Minister may—

- (a) request Údarás na Gaeltachta or Foras na Gaeilge, as may be appropriate, to invite another organisation which has applied for selection under *subsection (3)* to prepare and submit the Irish language plan concerned during the period specified in the notice published under *subsection (2)* and to notify that organisation in writing of the selection, or
- (b) publish another notice under *subsection (2)* in relation to the town concerned.

(14) Where the Minister extends a period under *subsection (9)* or *(12)*, the provisions of this section apply, with the necessary modifications, to the extended period.

(15) Where Údarás na Gaeltachta or Foras na Gaeilge selects an organisation following a request to it under *subsection (10)(a)* or

(13)(a), the provisions of this section apply, with the necessary modifications, in relation to that organisation.

Implementation of
Irish language plans
in Gaeltacht Service
Towns.

10.—(1) Where the Minister by order under *section 9(1)* designates a town to be a Gaeltacht Service Town, the organisation selected under *section 9(5), (6), (10)(a) or (13)(a)* shall be responsible for the implementation of the Irish language plan after it has been approved by the Minister under *section 9(11)*.

(2) The organisation concerned shall be assisted, in respect of the implementation of the Irish language plan concerned—

(a) where the town concerned is situated in a Gaeltacht Language Planning Area or a Gaeltacht area, by Údarás na Gaeltachta, or

(b) where the town is otherwise situated, by Foras na Gaeilge.

(3) The Minister shall review the progress made in respect of the implementation of the Irish language plan approved of under *section 9(11)* at such intervals as appear to the Minister to be necessary or appropriate for the implementation of the plan concerned.

(4) Where following a review under *subsection (3)*, the Minister considers, after consultation with Údarás na Gaeltachta or Foras na Gaeilge, as may be appropriate, that the plan concerned is not being implemented or is being implemented inadequately, the Minister shall by notice in writing inform the organisation concerned of—

(a) the deficiencies identified by the Minister in the implementation of the plan, and

(b) the period within which the deficiencies shall be remedied.

(5) The Minister may, where the Minister considers it appropriate to do so, extend the period within which the deficiencies referred to in the notice under *subsection (4)* shall be remedied.

(6) Where the Minister has sent a notice under *subsection (4)*, the Minister shall review the progress made in the remedying of the deficiencies referred to in *paragraph (a)* of that subsection at the end of the period referred to in *paragraph (b)* of that subsection or any extension of that period under *subsection (5)*.

(7) Where the Minister, after consultation with Údarás na Gaeltachta or Foras na Gaeilge, as may be appropriate, considers that there is no reasonable prospect that the Irish language plan concerned will be implemented or implemented adequately, the Minister may by order revoke the designation of the town concerned as a Gaeltacht Service Town with effect from the date specified in the order.

(8) An order under *subsection (7)* shall not prevent the Minister from exercising his or her powers under *section 9*.

Irish Language
Networks.

11.—(1) The Minister may by order designate a specified community, other than a community in a Gaeltacht Language Planning Area or a Gaeltacht area, to be an Irish Language Network.

(2) A community specified in an order made under *subsection (1)* shall be a community which—

- (a) supports the use of the Irish language, and
- (b) has agreed to the implementation of an Irish language plan referred to in *subsection (3)*.

(3) An organisation within a community to which *subsection (2)* applies and which Foras na Gaeilge considers to be representative of the community concerned may prepare, with the assistance of Foras na Gaeilge, an Irish language plan to be implemented by that community and submit that plan to the Minister.

(4) Where the Minister, having regard to prescribed language planning criteria, approves of a plan referred to in *subsection (3)*, the Minister shall make an order under *subsection (1)*, and the organisation concerned shall implement the plan.

(5) The Minister shall review the progress made as respects the implementation of a plan referred to in *subsection (4)* at such intervals as appear to the Minister to be necessary and appropriate for the implementation of the plan concerned.

(6) Where following a review under *subsection (5)*, the Minister considers, after consultation with Foras na Gaeilge, that the plan concerned is not being implemented or is being implemented inadequately, the Minister shall by notice in writing inform the organisation concerned of—

- (a) the deficiencies identified by the Minister in the implementation of the plan, and
- (b) the period within which the deficiencies shall be remedied.

(7) The Minister may extend the period within which the deficiencies referred to in the notice under *subsection (6)* shall be remedied.

(8) Where the Minister has sent a notice under *subsection (6)* the Minister shall review the progress made in the remedying of the deficiencies referred to in *paragraph (a)* of that subsection at the end of the period referred to in *paragraph (b)* of that subsection or any extension of that period under *subsection (7)*.

(9) Where the Minister, after consultation with Foras na Gaeilge, considers that there is no reasonable prospect that the Irish language plan concerned will be implemented or implemented adequately, the Minister may by order revoke the designation of the community concerned with effect from the date specified in the order.

Language planning
criteria.

12.—The Minister shall prescribe language planning criteria, which may include—

- (a) the proportion of the population concerned which speaks the Irish language,
- (b) the availability of education in Irish,

- (c) the availability of childcare and family support services in the Irish language,
- (d) the extent of the use of the Irish language in commerce and industry,
- (e) the extent of the use of the Irish language socially and recreationally,
- (f) the use of the Irish language in the provision of public services,

to which he or she shall have regard for the purpose of approving Irish language plans for Gaeltacht Language Planning Areas, Gaeltacht Service Towns and Irish Language Networks.

Preservation of contracts made by Údarás na Gaeltachta.

13.—Notwithstanding the making of an order under *section 7(5), (10)(b) or (13)(b) or 8(7)*, a contract or agreement made between Údarás na Gaeltachta and any other person which is in force immediately before the making of an order under those sections shall continue in force, in accordance with and subject to its terms.

PART 3

AMENDMENT OF ÚDARÁS NA GAELTACHTA ACT 1979

Definition (*Part 3*).

14.—In this Part “Principal Act” means the Údarás na Gaeltachta Act 1979.

Amendment of section 2 of Principal Act.

15.—Section 2 of the Principal Act is amended by—

- (a) the insertion in the definition of “the Gaeltacht” after “the Ministers and Secretaries (Amendment) Act, 1956” of “and areas designated by order under *section 7(2)* of the *Gaeltacht Act 2012* to be Gaeltacht Language Planning Areas”,
- (b) the insertion of the following definitions:

“ ‘county council’ has the same meaning as it has in the Local Government Act 2001;

‘Gaeltacht Language Planning Area’ has the same meaning as it has in *Part 2* of the *Gaeltacht Act 2012*;”, and
- (c) the deletion of the definition of “regional committee”.

Amendment of section 6 of Principal Act.

16.—Section 6 of the Principal Act is amended by the substitution of the following for subsections (2) and (2A) (as amended by section 3 of the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999)—

“(2) (a) An tÚdarás shall consist of the following members:

- (i) a chairperson, who shall be appointed by the Minister;

- (ii) one ordinary member, who shall be appointed by the Minister, on the nomination of the county council of County Donegal from amongst its members, or if no member of that county council is available or considered suitable for appointment by that county council, from amongst persons whom the county council considers to be representative of one or more than one of the Gaeltacht areas or Gaeltacht Language Planning Areas in that county;
 - (iii) one ordinary member, who shall be appointed by the Minister, on the nomination of the county council of County Mayo from amongst its members, or if no member of that county council is available or considered suitable for appointment by that county council, from amongst persons whom the county council considers to be representative of one or more than one of the Gaeltacht areas or Gaeltacht Language Planning Areas in that county;
 - (iv) one ordinary member, who shall be appointed by the Minister, on the nomination of the county council of County Galway from amongst its members, or if no member of that county council is available or considered suitable for appointment by that county council, from amongst persons whom the county council considers to be representative of one or more than one of the Gaeltacht areas or Gaeltacht Language Planning Areas in that county;
 - (v) one ordinary member, who shall be appointed by the Minister, on the nomination of the county council of County Kerry from amongst its members, or if no member of that county council is available or considered suitable for appointment by that county council, from amongst persons whom the county council considers to be representative of one or more than one of the Gaeltacht areas or Gaeltacht Language Planning Areas in that county;
 - (vi) one ordinary member, who shall be appointed by the Minister for a period of 2 years on the nomination of each of the county councils of the counties of Cork, Meath and Waterford in accordance with paragraph (b);
 - (vii) 6 ordinary members, who shall be appointed by the Minister.
- (b) (i) Each of the county councils referred to in paragraph (a)(vi) shall nominate the ordinary member referred to in that paragraph from amongst the members of the county council concerned or, if no member of one of the county councils concerned is available or considered

suitable for appointment by the county council concerned, it shall nominate that ordinary member from amongst persons whom the county council concerned considers to be representative of one or more than one of the Gaeltacht areas or Gaeltacht Language Planning Areas in the county concerned.

- (ii) The order in which persons nominated under paragraph (b)(i) shall be appointed to an tÚdarás shall be determined by the Minister by lot.

(2A) The Minister shall not appoint a person to an tÚdarás unless the Minister is satisfied that the person has experience of, or shown capacity in, matters relevant to the functions of an tÚdarás, including the capacity to discharge functions in relation to an tÚdarás in the Irish language.”.

Amendment of
section 8 of
Principal Act.

17.—Section 8 (as amended by section 4 of the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999) of the Principal Act is amended—

- (a) in subsection (1), by the deletion of “and shall ensure that Irish is used to the greatest extent possible in the performance by it and on its behalf of its functions”;

- (b) by the insertion of the following after subsection (1):

“(1A) An tÚdarás shall promote the linguistic, cultural, social, physical and economic development of the Gaeltacht.

(1B) An tÚdarás shall, in consultation with the Minister, provide assistance to organisations, in respect of the development of Irish language plans, within the meaning of Part 2 of the *Gaeltacht Act 2012*, for the Gaeltacht.”.

- (c) by the insertion of the following after subsection (3):

“(3A) An tÚdarás may carry on, control and manage in the Gaeltacht in respect of the linguistic, cultural, social, physical and economic development of the Gaeltacht, such schemes, projects, programmes and facilities as it thinks fit.”.

- (d) by the insertion of the following after subsection (6A):

“(6B) An tÚdarás may, with the consent of the Minister and the Minister for Public Expenditure and Reform, deliver services on behalf of other State bodies in the Gaeltacht.”.

and

- (e) by the insertion of the following after subsection (8):

“(9) An tÚdarás shall ensure that the Irish language is used to the greatest extent possible in the performance by it and on its behalf of its functions.”

Amendment of
section 10 of
Principal Act.

18.—Section 10 of the Principal Act is amended—

(a) by the substitution of the following for subsection (1):

“(1) For the purposes of the performance of the functions specified in section 8, an tÚdarás shall, subject to this section, have power to provide financial assistance (including the making of grants, the purchase of shares and the incurring of expenditure on buildings or otherwise) on such terms and subject to such conditions as it thinks proper.”

(b) in subsection (4), by the insertion of the following “, unless directed otherwise by the Minister, with the prior consent of the Minister for Public Expenditure and Reform and the Minister for Jobs, Enterprise and Innovation,” after “An tÚdarás shall not”, and

(c) by the deletion of subsection (6).

Amendment of
section 10B of
Principal Act.

19.—Section 10B (inserted by section 7 of the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999) of the Principal Act is amended in subsection (2) by the substitution of “two-thirds” for “three-quarters”.

Amendment of
section 10C of
Principal Act.

20.—Section 10C (inserted by section 8 of the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999) of the Principal Act is amended—

(a) in subsection (1), by the substitution of “5 other members” for “7 other members”,

(b) by the substitution of the following for subsection (2):

“(2) The chairperson of an tÚdarás shall be the chairperson of the Evaluation Committee, and, in the chairperson’s absence, a member chosen by those present shall chair a meeting of the Evaluation Committee.”

and

(c) in subsection (3), by the substitution of the following for paragraph (a):

“(a) one member of an tÚdarás who is nominated by the members of an tÚdarás.”

Amendment of
section 20A of
Principal Act.

21.—Section 20A (inserted by section 14 of the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999) of the Principal Act is amended—

(a) in subsection (6), by the substitution of “section 8(1), (1A), (1B), (3A) and (9)” for “section 8(1)”,

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

“(6A) The Minister may, with the consent of the Minister for Public Expenditure and Reform and the Minister for Jobs, Enterprise and Innovation, give directions in writing to an tÚdarás to promote the development of particular industrial and employment sectors.”.

Amendment of
First Schedule to
Principal Act.

22.—(1) The First Schedule to the Principal Act is amended—

(a) by the substitution of the following for paragraph 2:

“2. A member of an tÚdarás other than a member appointed in accordance with section 6(2)(a)(vi) shall, unless the member sooner dies, resigns, becomes disqualified or is removed from office, hold office for such period not exceeding five years as the Minister may determine when appointing him or her.”.

(b) by the substitution of the following for paragraph (3):

“3. A member of an tÚdarás whose term of office expires by the effluxion of time shall be eligible for reappointment but shall not be appointed to office for more than two consecutive terms.”.

(c) in paragraph 4, by the deletion of “or when the member is elected under Part IV of this Act”,

(d) in paragraph 5(1), by the deletion of “(other than the elected members)”,

(e) by the deletion of paragraph 5(2),

(f) in paragraph 5(3), by the deletion of “or co-opted”,

(g) in paragraph 6, by the deletion of “(other than an elected member)”,

(h) in paragraph 7, by the substitution of the following for subparagraph (1):

“(1) A member of an tÚdarás may resign his or her office by letter addressed to the Minister, and the resignation shall take effect on the date specified in the letter.”.

(i) in paragraph 7(3), by the deletion of “(other than an elected member)”,

(j) in paragraph 7(4), by the deletion of “(other than an elected member)”,

(k) in paragraph 10(4), by the substitution of “Every question” for “Subject to paragraph 5(2) every question”, and

(l) in paragraph 11, by the deletion of “(being a regional committee or other committee established under section 10A or the Evaluation Committee)”.

(2) Notwithstanding the amendment of the First Schedule to the Principal Act by *subsection (1)*, a person elected as a member of an tÚdarás in accordance with Part IV of the Principal Act, prior to the coming into force of this section, shall continue to be a member of an tÚdarás, unless he or she sooner dies or resigns from an tÚdarás, until 30 September 2012.

PART 4

MISCELLANEOUS

Amendment of
Electoral Act 1992.

23.—(1) The Electoral Act 1992 is amended—

- (a) in section 15(1A)(c) (amended by section 6(b) of the Act of 2001), by the substitution of “or local” for “local or Údarás na Gaeltachta”;
- (b) in section 15(5) (amended by section 6(d) of the Act of 2001), by the deletion of “(including an election to Údarás na Gaeltachta)”;
- (c) in section 15A(4) (amended by section 7(c) of the Act of 2001), by the deletion of “or an election to Údarás na Gaeltachta”;
- (d) in section 15A(5) (amended by section 7(d) of the Act of 2001), by the deletion of “or an election to Údarás na Gaeltachta”;
- (e) in section 15B(4) (amended by section 8 of the Act of 2001), by the deletion of “or an election to Údarás na Gaeltachta”;
- (f) in section 15B(5) (amended by section 8 of the Act of 2001), by the deletion of “or an election to Údarás na Gaeltachta”;
- (g) in section 25(2)(a) (amended by section 11 of the Act of 2001), by the substitution of the following for subparagraphs (iii) and (iv):

“(iii) a local election.”;
- (h) in section 25(4)(b)(i)(I) (amended by section 11 of the Act of 2001), by the deletion of “or Údarás na Gaeltachta elections”;
- (i) in section 25(4)(b)(iii) (amended by section 11 of the Act of 2001), by the substitution of “that he is a member of the party,” for “that he is a member of the party, or”;
- (j) in section 25(4)(b) (amended by section 11 of the Act of 2001), by the deletion of subparagraph (iv);
- (k) in section 25C(1)(c) (amended by section 11 of the Act of 2001), by the substituting of “1994.” for “1994.”;
- (l) in section 25C(1) (amended by section 11 of the Act of 2001), by the deletion of paragraph (d);

(m) in section 25C(9) (amended by section 11 of the Act of 2001), by the deletion of “, including for the purpose of applications in writing made to the Registrar for Registration in respect of Údarás na Gaeltachta elections”, and

(n) in section 165(1), by the deletion of paragraph (d).

(2) In this section, “Act of 2001” means the Electoral (Amendment) Act 2001.

Amendment of
section 19 of the
Litter Pollution Act
1997.

24.—Section 19 (as amended by section 9 of the Electoral (Amendment) (No. 2) Act 2009) of the Litter Pollution Act 1997 is amended by the deletion of subsection (7)(d).

Amendment of
section 18 of
Electoral Act 1997.

25.—Section 18(2) of the Electoral Act 1997 is amended by the deletion of “or the Údarás na Gaeltachta Act, 1979”.

[No. 34.]

Gaeltacht Act 2012.

[2012.]

Section 5.

SCHEDULE

REPEALS AND REVOCATIONS

PART 1

ACTS REPEALED

(1) Number and Year	(2) Short title	(3) Extent of repeal
No. 21 of 1956	Ministers and Secretaries (Amendment) Act 1956	section 2
No. 5 of 1979	Údarás na Gaeltachta Act 1979	section 9 subsections (1), (2) and (3) of section 10A (amended by section 6 of the Údarás na Gaeltachta (Amendment) (No. 2) Act 1999) Part IV

PART 2

STATUTORY INSTRUMENTS REVOKED

(1) S.I. No. and Year	(2) Short title
S.I. No. 245 of 1956	Gaeltacht Areas Order 1956
S.I. No. 200 of 1967	Gaeltacht Areas Order 1967
S.I. No. 192 of 1974	Gaeltacht Areas Order 1974
S.I. No. 350 of 1982	Gaeltacht Areas Order 1982
S.I. No. 355 of 1979	Údarás na Gaeltachta Elections Regulations 1979
S.I. No. 103 of 1994	Údarás na Gaeltachta Elections (Amendment) Regulations 1994
S.I. No. 341 of 1999	Údarás na Gaeltachta Elections (Amendment) Regulations 1999
S.I. No. 125 of 2005	Údarás na Gaeltachta Elections (Amendment) Regulations 2005