



Number 6 of 1999

IRISH SPORTS COUNCIL ACT, 1999

ARRANGEMENT OF SECTIONS

PART I

Preliminary and General

Section

1. Short title.
2. Interpretation.
3. Expenses of Minister.
4. Establishment day.

PART II

The Irish Sports Council

5. Establishment of Council.
6. Functions of Council.
7. Powers of Council.
8. Criteria, terms and conditions of assistance.
9. Government policy and Minister's directives.
10. Advice and information.
11. Financial provision.
12. Membership and term of office.
13. Conditions of office.
14. Casual vacancies among members.
15. Meetings and procedure.

Section

16. Seal of Council.
17. Chief executive.
18. Committees.
19. Remuneration and expenses of members.
20. Disclosure of interests.
21. Disclosure of information.
22. Staff of Council.
23. Superannuation of staff.
24. Membership of either House of the Oireachtas or the European Parliament.
25. Strategy statement.
26. Annual report and accounts.
27. Continuance of legal proceedings.
28. Transfer of rights and liabilities.

Acts Referred to

European Parliament Elections Act, 1997	1997, No. 2
Health Act, 1970	1970, No. 1
Local Government Act, 1941	1941, No. 23
Minimum Notice and Terms of Employment Acts, 1973 to 1991	
Organisation of Working Time Act, 1997	1997, No. 20
Redundancy Payments Acts, 1967 to 1991	
Superannuation and Pensions Act, 1976	1976, No. 22
Terms of Employment (Information) Act, 1994	1994, No. 5
Unfair Dismissals Acts, 1977 to 1993	
Vocational Education Act, 1930	1930, No. 29



Number 6 of 1999

IRISH SPORTS COUNCIL ACT, 1999

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE
IRISH SPORTS COUNCIL AND TO DEFINE ITS FUNC-
TIONS AND PROVIDE FOR RELATED MATTERS.

[18th May, 1999]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary and General

1.—This Act may be cited as the Irish Sports Council Act, 1999. Short title.

2.—(1) In this Act, unless the context otherwise requires— Interpretation.

“the chief executive” means the person appointed from time to time under *section 17* to be the chief officer of the Council;

“committee” means a committee established under *section 18*;

“competitive sport” means all forms of physical activity which, through organised participation, aim at expressing or improving physical fitness and at obtaining improved results in competition at all levels;

“the Council” means the body established under *section 5*;

“doping in sport” has the same meaning as in the Anti-doping Convention which was opened for signature at Strasbourg on the 16th day of November, 1989, entered into force on the 1st day of March, 1990, and was signed by the State on the 25th day of June, 1992 (European Treaty Series No. 135);

“the establishment day” means the day appointed under *section 4*;

“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;

“the Minister” means the Minister for Tourism, Sport and Recreation;

Pt.I S.2

“public authority” means—

- (a) a Minister of the Government,
- (b) a local authority for the purposes of the Local Government Act, 1941,
- (c) a vocational education committee established under the Vocational Education Act, 1930,
- (d) a health board established under the Health Act, 1970, or
- (e) any other board or body established by or under statute;

“recreational sport” means all forms of physical activity which, through casual or regular participation, aim at expressing or improving physical fitness and mental well-being and at forming social relationships;

“strategy statement” means a statement required to be submitted under *section 25*.

(2) In this Act a reference to a member of the Council’s staff shall, except in *section 22*, include the chief executive.

(3) In this Act—

- (a) a reference to a section is to a section of this Act unless it is indicated that a reference to some other enactment is intended,
- (b) a reference to a subsection is to a subsection of the provision in which the reference occurs unless it is indicated that a reference to some other provision is intended, and
- (c) a reference to another enactment is to that enactment as amended or modified at any time by any enactment.

Expenses of Minister.

3.—The expenses incurred by the Minister 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.

Establishment day.

4.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.

PART II

The Irish Sports Council

Establishment of Council.

5.—(1) There shall stand established on the establishment day a body to be known as The Irish Sports Council or, in the Irish language, Comhairle Spóirt na hÉireann, to perform the functions conferred on it by or under this Act.

(2) The Council shall be a body corporate with perpetual succession and an official seal and with power—

- (a) to sue and be sued in its corporate name,

[1999.] *Irish Sports Council Act, 1999.* [No. 6.]

(b) with the consent of the Minister and the Minister for Finance, to acquire, hold and dispose of land or an interest in land, and

Pt.II S.5

(c) to acquire, hold and dispose of any other property.

6.—(1) The functions of the Council shall be—

Functions of Council.

(a) to encourage the promotion, development and co-ordination of competitive sport and the achievement of excellence in competitive sport,

(b) to develop strategies for increasing participation in recreational sport and to co-ordinate their implementation by all bodies (including public authorities and publicly funded bodies) involved in promoting recreational sport and providing recreational facilities,

(c) to facilitate, through the promulgation of guidelines and codes of practice, standards of good conduct and fair play in either or both competitive sport and recreational sport,

(d) to take such action as it considers appropriate, including testing, to combat doping in sport,

(e) where the Council considers it appropriate to do so, to initiate and encourage research concerning either or both competitive sport and recreational sport,

(f) where the Council considers it appropriate to do so, to facilitate research and disseminate information concerning either or both competitive sport and recreational sport, and

(g) to perform any additional functions assigned to the Council under *subsection (2)*.

(2) After consulting with the Council, the Minister may, by order—

(a) assign to the Council any additional functions that the Minister considers appropriate, and

(b) revoke or amend any order made under this subsection.

(3) Every order made under *subsection (2)* shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either House within the next 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.

7.—(1) Subject to this Act, the Council shall have all powers necessary for, or incidental to, the performance of its functions.

Powers of Council.

(2) Without prejudice to the generality of *subsection (1)*, the Council may do any or all of the following:

Pt.II S.7

- (a) co-operate with, advise and, subject to the criteria, terms and conditions established under *section 8*, provide assistance (including financial assistance) to, any person or body (including a public authority) in respect of any matter related to the performance of the Council's functions as it thinks desirable;
- (b) subject to *subsection (3)*, enter into contracts (including sponsorship agreements) and arrangements;
- (c) establish trust funds to encourage sponsorship for competitive sport or recreational sport;
- (d) subject to *subsection (4)*, accept gifts of money, land or other property upon such trusts or conditions (if any) as may be specified by the donor;
- (e) charge such amounts as the Council thinks appropriate for services rendered by it to any person or body other than the Minister;
- (f) subject to any directives given under *subsection (6)*, engage consultants and advisers.

(3) The Council shall not enter into a contract (including a sponsorship agreement) or arrangement, or accept a sponsorship, if any term or condition attached to it would be inconsistent with Government policy (including specific guidelines on sponsorship) or with the Council's functions or any actions taken in pursuit of those functions.

(4) The Council shall not accept a gift if any trust or condition attached to it would be inconsistent with Government policy or with the Council's functions or any actions taken in pursuit of those functions.

(5) The Council may recover, as a simple contract debt in any court of competent jurisdiction, from the person by whom it is payable—

- (a) any amount due and owing to the Council under *subsection (2)(e)*, or
- (b) any refund due and owing to the Council under *section 8(2)(b)*.

(6) The Council shall comply with any directives concerning the employment of consultants and advisers which may from time to time be given to it by the Minister with the concurrence of the Minister for Finance.

(7) Any remuneration due to a consultant or adviser shall, having regard to guidelines issued from time to time by the Minister or the Minister for Finance, be paid out of moneys at the Council's disposal.

Criteria, terms and conditions of assistance.

8.—(1) The Council—

- (a) shall establish such criteria, terms and conditions for the provision of assistance under *section 7(2)(a)* as, having regard to its functions, it considers appropriate, and
- (b) may establish different criteria, terms and conditions in relation to different classes of applicants and recipients.

[1999.] *Irish Sports Council Act, 1999.* [No. 6.]

(2) Where, in the Council's opinion, any person or body that has applied for or received assistance under *section 7(2)(a)* fails to meet any of the applicable criteria, terms or conditions established under this section, the Council may do one or more of the following: Pt.II S.8

- (a) withhold assistance from, or refuse to provide assistance to, that person or body;
- (b) demand a refund of any financial assistance provided under that section to that person or body.

(3) The Council may—

- (a) request any person or body applying for or receiving assistance under *section 7(2)(a)* to supply the Council with information in such form and at such time as it may require, and
- (b) refuse or withhold assistance if satisfied that any information so requested is not forthcoming.

9.—In performing its functions, the Council shall have regard to Government policy and shall comply with any general policy directives which may from time to time be given to it by the Minister. Government policy and Minister's directives.

10.—If the Minister so requests, the Council shall furnish the Minister with— Advice and information.

- (a) advice on any matter relating to the Council's functions under this Act or on such matters as may be specified in the request, and
- (b) information concerning the performance of its functions.

11.—The Minister shall, in each financial year, pay to the Council out of moneys provided by the Oireachtas, such amount or amounts as the Minister may, with the concurrence of the Minister for Finance, determine for the purposes of expenditure by the Council in the performance of its functions. Financial provision.

12.—(1) The Council shall consist of the following members: Membership and term of office.

- (a) a chairperson;
- (b) ten ordinary members.

(2) The members of the Council shall be appointed by the Minister and shall be persons who, in the Minister's opinion, have experience in a field of expertise relevant to the Council's functions.

(3) Of the members of the Council, not fewer than three shall be men and not fewer than three shall be women.

(4) The members of the Council shall hold office on such terms and conditions as the Minister may, with the concurrence of the Minister for Finance, determine.

[No. 6.] *Irish Sports Council Act, 1999.* [1999.]

Pt.II S.12

(5) The period of office of a member of the Council shall be such period, not exceeding five years, as the Minister, on that appointment, may determine.

(6) A person who has served two consecutive terms as a member of the Council shall not be eligible for re-appointment.

(7) For the purposes of *subsection (6)*, a person who fills or occasions a casual vacancy shall be considered to have served a term as a member of the Council even though he or she held office for only part of the term.

Conditions of office.

13.—(1) A member of the Council may, at any time, resign office by letter addressed to the Minister and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Minister, whichever is later.

(2) The Minister may, at any time, remove from office a member of the Council if, in the Minister's opinion—

(a) the member has become incapable through ill health of effectively performing the duties of the office,

(b) the member has committed stated misbehaviour, or

(c) the removal appears necessary for the effective performance of the Council's functions.

(3) A person shall be disqualified from holding and shall cease to hold office as a member of the Council or a committee if he or she—

(a) is adjudged bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is convicted of an indictable offence, or

(d) fails to make a disclosure in accordance with *section 20*.

Casual vacancies among members.

14.—(1) If a member of the Council dies, resigns, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Council to fill the resultant casual vacancy.

(2) A person appointed to be a member of the Council under *subsection (1)* shall hold office for the remainder of the period of office of the member who occasioned the casual vacancy.

Meetings and procedure.

15.—(1) The Council shall hold such and so many meetings as may be necessary to perform its functions.

(2) The Minister may fix the date, time and place of the Council's first meeting.

(3) The quorum for a meeting of the Council shall be four.

(4) At a meeting of the Council—

- (a) the chairperson of the Council shall, if present, be the chairperson of the meeting, and
- (b) if and so long as the chairperson of the Council is not present or if the office of chairperson is vacant, the members of the Council who are present shall choose one of their number to be chairperson of the meeting.

(5) At a meeting of the Council, every member of the Council present, including the chairperson, shall have a vote.

(6) At a meeting of the Council, every question shall be determined by a majority of the votes of the members present and voting on the question.

(7) In the case of an equal division of votes, the chairperson of the meeting shall have a second or casting vote.

(8) The Council may act notwithstanding one or more vacancies among its members, provided there is a quorum.

(9) Subject to this Act, the Council may regulate its own procedures and business.

16.—(1) As soon as practicable after its establishment, the Council shall provide itself with a seal. Seal of Council.

(2) The Council's seal shall be authenticated by—

- (a) the signature of the chairperson or another member of the Council authorised by it to act in that behalf, and
- (b) the signature of a member of the Council's staff authorised by it to act in that behalf.

(3) Judicial notice shall be taken of the Council's seal and every document purporting to be an instrument made by the Council and to be sealed with its seal shall be received in evidence and be deemed to be such instrument without proof unless the contrary is shown.

17.—(1) There shall be a chief officer of the Council who— Chief executive.

- (a) shall be known as the chief executive, and
- (b) shall be appointed by the Council with the Minister's approval.

(2) The chief executive shall carry on and manage and control generally the administration and finances of the Council and shall perform such other functions as may be determined by the Council.

(3) The chief executive may make proposals to the Council on any matter relating to its activities.

Pt.II S.17

(4) The chief executive—

(a) shall hold office under a written contract of service containing such terms and conditions (including terms and conditions relating to remuneration) as may be approved by the Minister and the Minister for Finance, and

(b) shall be paid out of moneys at the Council's disposal.

Committees.

18.—(1) The Council may—

(a) establish committees to assist and advise it in relation to the performance of its functions, and

(b) subject to *subsection (5)*, appoint the chairperson and other members of a committee established under this section.

(2) A committee of the Council may include persons who are not members of the Council or its staff.

(3) As soon as practicable after the establishment day, the Council shall establish a committee, to be known as the Anti-Doping Committee of the Irish Sports Council, to—

(a) assist and advise the Council in relation to the performance of its function under *section 6(1)(d)*, and

(b) exercise such powers and carry out such duties relating to that function as the Council may from time to time delegate to the Committee.

(4) Where a power or duty is delegated under *subsection (3)*, the power shall be exercised or the duty carried out in the name of the committee established under that subsection but subject to the general superintendence and control of the Council.

(5) The Minister may appoint a person who is a registered medical practitioner as the chairperson of the committee established under *subsection (3)*.

(6) A member of a committee may be removed at any time from membership of the committee by—

(a) the Council, where the member was appointed under *subsection (1)*, or

(b) the Minister, where the member was appointed under *subsection (5)*.

(7) The Council may at any time dissolve a committee, but the committee established under *subsection (3)* shall not be dissolved without the Minister's consent.

(8) The Council may regulate the procedure of a committee established under this section, but subject to any such regulation, a committee may regulate its own procedure.

19.—Each member of the Council and each member of a committee shall be paid, out of moneys at the Council's disposal, such remuneration (if any) and allowances for expenses incurred by them (if any) as the Minister, with the concurrence of the Minister for Finance, may determine.

Pt.II
Remuneration and expenses of members.

20.—(1) Where a member of the Council, a member of a committee, a member of the Council's staff or a consultant or adviser engaged under *section 7(2)(f)* has any pecuniary interest or other beneficial interest in, or material to, any matter which falls to be considered by the Council or a committee, he or she shall—

Disclosure of interests.

- (a) disclose to the Council or committee, as the case may be, the nature of the interest in advance of any consideration of the matter,
- (b) neither influence nor seek to influence a decision relating to the matter,
- (c) take no part in any consideration of the matter,
- (d) withdraw from the meeting concerned for so long as the matter is being discussed or considered, and
- (e) if a member of the Council or committee, neither vote nor otherwise act as a member in relation to the matter.

(2) For the purposes of this section, but without prejudice to the generality of *subsection (1)*, a person shall be regarded as having a beneficial interest in each of the following cases:

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

(3) For the purposes of this section a person shall not be regarded as having a beneficial interest in, or material to, any matter by reason only that he or she or any company or other body or person mentioned in *subsection (2)* has an interest which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering or discussing, or in voting on, any question in respect of the matter or in performing any function in relation to the matter.

[No. 6.] *Irish Sports Council Act, 1999.* [1999.]

Pt.II S.20

(4) The Council shall determine any question as to whether a course of conduct, if pursued by a person, would be a failure by him or her to comply with *subsection (1)* and the particulars of the determination shall be recorded in the minutes of the meeting concerned.

(5) Particulars of any disclosure made under *subsection (1)* to the Council or to a committee of the Council shall be recorded in the minutes of the meeting concerned.

(6) Where a member of the Council's staff or a consultant or adviser fails to make a disclosure in accordance with *subsection (1)*, the Council may decide on the appropriate action to be taken (including termination of the contract of or for service).

Disclosure of information.

21.—(1) Except as otherwise provided by law, a person shall not, without the consent of the Council, disclose any information obtained by him or her while performing, or as a result of having performed, duties as—

(a) a member of the Council,

(b) a member of a committee,

(c) a member of the Council's staff,

(d) a consultant or adviser to the Council, or

(e) an employee of a person referred to in *paragraph (d)* in relation to services provided by that person to the Council.

(2) Nothing in *subsection (1)* shall prevent the disclosure of information to the Council or on the Council's behalf to the Minister.

(3) A person who contravenes *subsection (1)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500.

Staff of Council.

22.—(1) The Council may appoint such number of persons to be members of its staff as it may determine with the consent of the Minister and the Minister for Finance.

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

(3) The Council's staff shall be paid out of moneys at the Council's disposal.

(4) An established civil servant who immediately before the establishment day was a member of the staff of the Department of Tourism, Sport and Recreation and who is designated by the Minister for the purpose of this section shall, on that day, be transferred to and become a member of the Council's staff.

(5) Except in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person who is transferred in accordance with *subsection (4)* to the Council's staff shall not, while in the Council's service, receive a

lesser scale of pay or be made subject to less beneficial terms and conditions of service than the scale of pay to which he or she was entitled and the terms and conditions of service to which he or she was subject immediately before his or her transfer. Pt.II S.22

(6) In relation to persons transferred in accordance with *subsection (4)* to the Council's staff, previous service in the civil service shall be reckonable for the purposes of, but subject to any exceptions or exclusions in—

- (a) the Redundancy Payments Acts, 1967 to 1991,
- (b) the Minimum Notice and Terms of Employment Acts, 1973 to 1991,
- (c) the Unfair Dismissals Acts, 1977 to 1993,
- (d) the Terms of Employment (Information) Act, 1994, and
- (e) the Organisation of Working Time Act, 1997.

(7) In this section "established civil servant" has the same meaning as in the Superannuation and Pensions Act, 1976.

23.—(1) As soon as practicable after its establishment, the Council shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits on retirement or death to or in respect of such members of its staff as the Council thinks fit. Superannuation of staff.

(2) Every superannuation scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme and different times and conditions may be fixed in respect of different classes of persons.

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

(4) If a superannuation scheme is approved by the Minister with the concurrence of the Minister for Finance, the scheme shall be carried out by the Council in accordance with its terms.

(5) Superannuation benefits granted under this section to persons who on the establishment day transferred to and became members of the Council's staff under *section 22(4)*, and the terms and conditions relating to those benefits, shall not be less favourable to those persons than those to which they were entitled immediately before that day.

(6) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred under *section 22(4)* to the Council's staff—

- (a) the benefit shall be calculated by the Council in accordance with such scheme, or such enactments relating to superannuation, as applied to the person immediately before the establishment day, and

(b) for that purpose, the person's pensionable service with the Council shall be aggregated with his or her previous pensionable service and shall be paid by the Council.

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

(8) Any dispute that arises as to the claim of any person to, or the amount of, any superannuation benefit payable pursuant to a superannuation scheme shall be submitted to the Minister who shall refer the dispute to the Minister for Finance, whose decision shall be final.

(9) The Minister shall cause every superannuation scheme approved under this section to be laid before each House of the Oireachtas as soon as practicable after its approval.

(10) If either House, within the next 21 days on which that House has sat after the superannuation scheme is laid before it, passes a resolution annulling that scheme, it shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(11) In this section—

“superannuation benefits” means pensions, gratuities and other allowances payable on resignation, retirement or death;

“superannuation scheme” means a scheme submitted under *subsection (1) or (3)*.

Membership of either House of the Oireachtas or the European Parliament.

24.—(1) Where a member of the Council, a member of a committee or a member of the Council's staff is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to the European Parliament, or
- (c) regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act, 1997, as having been elected to that Parliament,

he or she shall thereupon—

- (i) in the case of a member of the Council or a committee, cease to be a member of the Council or committee, as the case may be, and
- (ii) in the case of a member of the Council's staff, stand seconded from employment by the Council for the period specified in *subsection (2)*.

(2) A person who stands seconded from employment under *subsection (1)(ii)* shall not be paid by, or be entitled to receive from, the Council any remuneration or allowances in respect of the period—

- (a) commencing on the person's nomination to the Seanad or election as a member of either House of the Oireachtas or to the European Parliament or when the person is regarded, pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act, 1997, as having been elected to that Parliament (as the case may be), and
- (b) ending when he or she ceases to be a member of either such House or a representative in the European Parliament.

(3) Without prejudice to the generality of *subsection (2)*, that subsection shall be construed as prohibiting the reckoning of a period mentioned in that subsection as service with the Council for the purposes of any pensions, gratuities and other allowances payable on resignation, retirement or death.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit as a member of that House or who is a representative in the European Parliament shall, while he or she is so entitled or is such a representative, be disqualified from becoming a member of the Council, a member of a committee or a member of the Council's staff.

25.—(1) At the times set out in *subsection (2)(d)*, the Council shall prepare and submit to the Minister for his or her approval, with or without amendment, a strategy statement for each ensuing three year period. Strategy statement.

(2) A strategy statement shall—

- (a) comprise the Council's key objectives, outputs and related strategies (including use of resources),
- (b) except for the first strategy statement, include a review of the efficiency and effectiveness of all programmes operated by the Council during the preceding three year period,
- (c) be prepared in a form and manner in accordance with any directions issued from time to time by the Minister, and
- (d) be prepared and submitted to the Minister not later than—
 - (i) for the first strategy statement, six months after the date of the Council's first meeting, and
 - (ii) for each subsequent strategy statement, the third anniversary of the date of submission of the preceding strategy statement.

(3) As soon as practicable after approving a strategy statement, the Minister shall cause a copy of that statement to be laid before each House of the Oireachtas.

(4) In this section "outputs" means the goods and services (including standards of service) that are a consequence of the Council's activities.

Pt.II
Annual report and
accounts.

26.—(1) Not later than six months after the end of each financial year of the Council, the Council shall present to the Minister a written report of its activities during that year.

(2) Each report presented under *subsection (1)* shall include—

- (a) a progress report on the implementation of the strategy statement, and
- (b) information concerning such other matters as the Minister may direct.

(3) The Council shall keep, in such form as may be approved by the Minister with the concurrence of the Minister for Finance, proper and usual accounts of all moneys received or expended by the Council and, in particular, shall keep such special accounts as the Minister may from time to time direct.

(4) Not later than six months after the end of the financial year to which the accounts relate, the Council shall submit annually to the Comptroller and Auditor General for audit, accounts kept under this section.

(5) When audited, a copy of the accounts together with a copy of the related Comptroller and Auditor General's report shall be presented to the Minister.

(6) As soon as practicable, the Minister shall cause to be laid before each House of the Oireachtas—

- (a) a copy of each report presented under *subsection (1)*, and
- (b) a copy of the accounts presented under *subsection (5)* and the related report.

Continuance of
legal proceedings.

27.—Where the Minister, any other state authority or the State is a party to any legal proceedings which are pending immediately before the establishment day and relate to a matter to which a function of the Council relates, those proceedings shall be continued with the substitution of the Council for such party in those proceedings in so far as they relate to that matter.

Transfer of rights
and liabilities.

28.—(1) All rights and liabilities of the Minister arising by virtue of any contract or commitment (express or implied) entered into by the Minister before the establishment day in relation to a function of the Minister corresponding to a function of the Council shall, on that day, be transferred to the Council.

(2) For the purpose of this section but without prejudice to the generality of *subsection (1)*, a reference in that subsection to the rights of the Minister includes—

- (a) any right arising by virtue of a deed of trust executed on or after the first day of January, 1989 and before the establishment day in accordance with the terms or conditions of a contract or commitment referred to in that subsection, and
- (b) any right to pursue the execution of a deed of trust in accordance with the terms or conditions of such a contract or commitment.

[1999.] *Irish Sports Council Act, 1999.* [No. 6.]

(3) The Minister may on his or her own initiative, and shall on the application of the Council, issue a certificate stating, as the Minister thinks proper, that the rights and liabilities of the Minister under a specified contract, commitment or deed of trust were transferred on the establishment day to the Council under this section or were not so transferred. Pt.II S.28

(4) A certificate issued under *subsection (3)* shall be evidence of the facts stated in the certificate.

(5) Every right and liability transferred by *subsection (1)* to the Council may, on and after the establishment day, be sued on, recovered or enforced by or against the Council in its own name and it shall not be necessary for the Council or the Minister to give to a person whose right or liability is transferred by this section notice of such transfer.