



Combat Poverty Agency Act, 1986
1986 14

No. 14/1986:

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ACTS REFERRED TO

- European Assembly Elections Act, 1977¹⁹⁷⁷, No. 30
European Assembly Elections Act, 1984¹⁹⁸⁴, No. 6

Number 14 of 1986

No. 14/1986: COMBAT POVERTY AGENCY ACT, 1986

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BODY (TO BE KNOWN AS THE COMBAT POVERTY AGENCY) TO ADVISE THE MINISTER FOR SOCIAL WELFARE ON ALL ASPECTS OF ECONOMIC AND SOCIAL PLANNING IN RELATION TO POVERTY IN THE STATE, TO INITIATE MEASURES AIMED AT OVERCOMING SUCH POVERTY AND TO EVALUATE SUCH MEASURES, TO EXAMINE THE NATURE, CAUSES AND EXTENT OF SUCH POVERTY AND FOR THAT PURPOSE TO PROMOTE, COMMISSION AND INTERPRET RESEARCH, TO PROMOTE GREATER PUBLIC UNDERSTANDING OF THE NATURE, CAUSES AND EXTENT OF SUCH POVERTY, TO PERFORM CERTAIN OTHER FUNCTIONS CONNECTED WITH THE FOREGOING AND TO PROVIDE FOR RELATED MATTERS.

[10th June, 1986]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation. 1.—(1) In this Act—

"the Agency" means the Combat Poverty Agency established by section 3 of this Act;

"the Director" has the meaning assigned to it by section 12 of this Act;

"the establishment day" means the day appointed to be the establishment day for the purposes of this Act under section 2 of this Act;

"financial year", in relation to the Agency, means (as may be appropriate) the period from the establishment day to the 31st day of December, 1986, or a period of 12 months ending on any subsequent 31st day of December;

"functions" includes powers and duties and a reference to the performance of functions includes, as respects powers and duties, a reference to the exercise of powers and the carrying out of duties;

"the Minister" means the Minister for Social Welfare.

(2) A reference in this Act to an employee of, or a person employed by, the Agency shall, except in section 13, include the Director.

Establishment day. 2.—The Minister may by order appoint a day to be the

establishment day for the purposes of this Act

Combat Poverty Agency. 3.—(1) There shall, by virtue of this section, be established on the establishment day a body to be known as the Combat Poverty Agency to perform the functions assigned to it by this Act.

(2) The Agency shall be a body corporate with perpetual succession and power to sue and be sued in its own name and with power to hold and, with the consent of the Minister, to acquire and dispose of land or an interest in or rights over land.

Functions of Agency. 4.—(1) The Agency shall have the following general functions—

(a) advising and making recommendations to the Minister on all aspects of economic and social planning in relation to poverty in the State;

(b) the initiation of measures aimed at overcoming poverty in the State and the evaluation of such measures;

(c) the examination of the nature, causes and extent of poverty in the State and for that purpose the promotion, commission and interpretation of research;

(d) the promotion of greater public understanding of the nature, causes and extent of poverty in the State and the measures necessary to overcome such poverty.

(2) Without prejudice to the generality of subsection (1) of this section, the Agency shall also have the following functions—

(a) evaluating, and advising and making recommendations to the Minister in relation to, policies and programmes of the State and of statutory and other bodies and voluntary agencies in so far as such policies and programmes affect groups or classes of persons afflicted or likely to be afflicted by poverty;

(b) the identification of possible new policies and programmes for the purpose of overcoming poverty and, in consultation with the Minister, the testing or assisting in the testing of their effectiveness on an experimental basis;

(c) the collection and dissemination of information on poverty and community development and acting as a centre for counselling and training in relation to, and for assisting, encouraging and the giving of information on, community development as a means of overcoming poverty;

(d) in consultation with the Minister, fostering and assisting (whether by means of the provision of financial or material aid or otherwise) projects of community development and activities to overcome poverty;

(e) establishing and maintaining contact with such Departments of State, statutory and other bodies and voluntary agencies as seem appropriate to the Agency to enable it to perform its other functions;

(f) the evaluation of the activities of the Agency;

(g) the publication of an annual report and such other reports as the Agency may from time to time consider appropriate;

(h) the performance of such special tasks for, and the submission of such reports to, the Minister as he may from time to time request.

(3) The Minister may, with the consent of the Minister for Finance, by regulations amend subsection (2) of this section so as to modify or withdraw any function to which that subsection relates, or to confer such additional functions on the Agency, as the Minister thinks proper.

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

(5) The Agency shall in the performance of its functions comply with such directions as may from time to time be given to it by the Minister.

(6) The Agency shall have such powers as are necessary for or incidental to the performance of its functions.

(7) A statutory body may and, where the Minister having statutory responsibility for it so directs, shall co-operate with the Agency in the performance of its functions.

Strategic plans and review. 5.—(1) The Agency shall, at such times as, and in respect of every period to which, subsection (2) of this section relates, draw up and submit to the Minister for his approval, given by him after consultation with the Minister for Finance, a programme outlining the Agency's projected activities (in this section referred to as a "strategic plan").

(2) A strategic plan shall be drawn up by the Agency in respect of the period ending on the 31st day of December, 1989, and shall be submitted not later than six months after the date of the first meeting of the Agency, and thereafter the Agency shall draw up and submit a strategic plan before, and in respect of, each subsequent three year period.

(3) (a) The Minister shall from time to time review the purposes, functions and activities of the Agency under this Act, in particular by reference to the strategic plans, and shall cause (after consultation with the Minister for Finance) a report of such review to be laid before each House of the Oireachtas.

(b) A review under this subsection shall be made in respect of each period to which subsection (2) of this section relates, or such other period as the Minister may determine from time to time.

Chairman and vice-chairman of Agency. 6.—(1) The Minister shall appoint two members of the Agency to be chairman and vice-chairman, respectively, of the Agency.

(2) Where the chairman or vice-chairman of the Agency ceases to be a member of the Agency he shall also thereupon cease to be chairman or vice-chairman, as the case may be, of the Agency.

(3) The chairman or vice-chairman of the Agency may at any time resign his office as chairman or vice-chairman, as the case may be, by letter sent to the Minister and the resignation shall, unless previously withdrawn in writing, take effect at the commencement of the meeting of the Agency held next after the Agency has been informed by the Minister of the resignation.

(4) (a) The chairman of the Agency shall, unless he sooner dies or otherwise ceases to be chairman by virtue of subsection (2) or (3) of this section, hold office until the expiration of his period of membership of the Agency but, if he is re-appointed as a member of the Agency, he shall be eligible for re-appointment as chairman of the Agency.

(b) The vice-chairman of the Agency shall, unless he sooner dies or otherwise ceases to be vice-chairman by virtue of the said subsection (2) or (3), hold office until the expiration of his period of membership of the Agency but, if he is re-appointed as a member of the Agency, he shall

be eligible for re-appointment as vice-chairman of the Agency.

Members of Agency. 7.—(1) The number of members of the Agency at any one time shall not be less than eight nor more than ten.

(2) The Minister shall, as soon as may be after the establishment day, appoint persons to be members of the Agency.

(3) Except as provided for by the preceding subsection, the members of the Agency shall be appointed from time to time as occasion requires by the Minister.

(4) The Minister when appointing a member shall fix such member's period of membership which shall not exceed three years and, subject to this section, membership shall be on such terms as the Minister determines.

(5) Any member of the Agency may, at any time, be removed from membership of the Agency by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his functions, or has committed stated misbehaviour, or his removal appears to the Minister to be necessary for the effective performance by the Agency of its functions.

(6) A member of the Agency may at any time resign his membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.

(7) A member of the Agency whose period of membership expires by the effluxion of time shall be eligible for re-appointment as a member of the Agency.

(8) The Minister may by regulations amend subsection (1) of this section by varying the maximum number of members of the Agency and this section shall have effect accordingly.

Meetings, committees, etc. of Agency. 8.—(1) The Agency shall hold such and so many meetings as may be necessary for the performance of its functions, but not less than six meetings in every year beginning with the year after that in which it is established

(2) The Minister shall fix the date, time and place of the first meeting of the Agency.

(3) The quorum for a meeting of the Agency shall be five.

(4) At a meeting of the Agency—

(a) the chairman of the Agency, if he is present, or

(b) the vice-chairman of the Agency if he is present and the chairman of the Agency is not present or the office of chairman of the Agency is vacant, or

(c) in every other case, the member of the Agency present who is chosen to be the chairman of the meeting by those members of the Agency present and voting,

shall be the chairman of the meeting.

(5) At a meeting of the Agency, each member of the Agency present shall have a vote and every question shall be determined by a majority of votes of the members present and voting and, in the case of an equal division of votes, the chairman of the meeting shall have a casting vote.

(6) The Agency may act notwithstanding one or more vacancies among its members.

(7) The Agency may appoint committees (which may include persons who are

not members of the Agency) to facilitate the performance of its functions, and any such committee shall comply with any direction given to it by the Agency.

(8) A person shall not receive any remuneration for acting as a member of the Agency or as a member of a committee appointed under subsection (7) of this section, but may be paid such travelling and subsistence allowances as are approved of by the Minister with the consent of the Minister for the Public Service.

(9) Subject to the provisions of this Act, the Agency shall regulate its procedure and business.

Grants to Agency, etc. 9.—(1) The Minister may, subject to such conditions as he thinks proper and specifies to the Agency, pay to the Agency in each financial year of the Agency out of moneys provided by the Oireachtas a grant or grants of such amount or amounts as the Minister may fix with the consent of the Minister for Finance and after consultation with the Agency.

(2) The Agency shall, in relation to each financial year, or such longer period as the Minister may specify, prepare and send to the Minister (not later than a date specified by the Minister) an estimate of its total expenditure and receipts, and every such estimate shall be in such form and accompanied by such additional information relating to that estimate as the Minister may require.

Accounts and audits. 10.—(1) The Agency shall keep, in such form as may be approved of by the Minister with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it including, in particular, all such special accounts as the Minister may, of his own volition or at the request of the Minister for Finance, direct from time to time.

(2) Accounts kept in pursuance of this section shall be submitted annually (not later than a date specified by the Minister) by the Agency to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of such of those accounts, or of such extracts from such accounts as the Minister may specify, together with a copy of the Comptroller and Auditor General's report on the accounts, shall be presented to the Minister who shall cause copies of the documents so presented to be laid before each House of the Oireachtas.

(3) The Agency shall, whenever so requested by the Minister, permit any person appointed by him to examine the books and accounts of the Agency in respect of any period and shall facilitate any such examination.

Reports, etc. to Minister. 11.—(1) The Agency shall, not later than six months after the end of its financial year, make a report to the Minister of its proceedings during that financial year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) A report made under this section shall be in such a form as the Minister, with the consent of the Minister for Finance, may require.

(3) The Agency shall supply the Minister with such information relating either to a report made under this section or to its activities (other than those relating to day-to-day administration) as he may from time to time request.

Director of Agency. 12.—(1) The Agency shall, with the prior approval of

the Minister, from time to time appoint a person to be the chief officer of the Agency, who shall be called the Director of the Agency and is in this Act referred to as "the Director".

(2) The Director shall hold office for such period and upon such terms and conditions (other than terms and conditions relating to remuneration and allowances for expenses) as the Agency may, with the prior approval of the Minister given with the consent of the Minister for the Public Service, determine from time to time.

(3) The terms and conditions relating to the remuneration and allowances for expenses of the Director shall be such as may be determined from time to time by the Minister with the consent of the Minister for the Public Service.

(4) The Director shall perform such functions as the Agency may determine from time to time.

(5) The Director may be a member of the Agency.

Employees of Agency. 13.—(1) In addition to the Director, the Agency may appoint such and so many persons to be employees of the Agency (subject to the prior approval of the Minister, given with the consent of the Minister for Finance, as to the number and kind of such employees) as the Agency may determine from time to time, and in appointing any such person the Agency shall comply with any direction given by the Minister (with such consent) relating to the procedure to be followed.

(2) Employees of the Agency shall hold their employment on such terms and conditions as the Agency may, subject to the prior approval of the Minister given with the consent of the Minister for the Public Service, determine from time to time.

(3) The Director may from time to time assign such duties as he considers appropriate to each employee and each employee shall carry out the duties so assigned.

(4) The Agency shall pay to its employees out of moneys at its disposal such remuneration and allowances for expenses as the Agency may, subject to the prior approval of the Minister given with the consent of the Minister for the Public Service, determine from time to time.

(5) In making a determination under subsection (2) or (4) of this section the Agency shall act in accordance with the directions of the Minister and shall have regard to any arrangements in operation for conciliation and arbitration for persons affected by the determination.

Superannuation. 14.—(1) As soon as may be after the establishment day, the Agency shall prepare or cause to be prepared and submit to the Minister a scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such of its wholetime employees as the Agency shall think fit.

(2) A scheme submitted and approved of under subsection (1) of this section shall fix the time and conditions of retirement for all persons to whom pensions, gratuities or other allowances are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) The Agency may, at any time, prepare or cause to be prepared and submit to the Minister a scheme amending a scheme previously submitted and approved of under this section.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Agency in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or other allowance payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

(6) No pension, gratuity or other allowance shall be granted to employees of the Agency, nor shall any other arrangement be entered into for the provision of a pension, gratuity or other allowance to such persons on ceasing to be employed by the Agency, other than in accordance with a scheme or schemes submitted and approved of under this section.

(7) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of 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.

Membership of either House of Oireachtas or Assembly of European Communities. 15.—(1) Where a member of the Agency is—

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

(b) elected as a member of either House of the Oireachtas or of the Assembly of the European Communities, or

(c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977 , as having been elected to such Assembly to fill a vacancy, he shall thereupon cease to be a member of the Agency.

(2) Where a person employed by the Agency is—

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

(b) elected as a member of either House of the Oireachtas or of the Assembly of the European Communities, or

(c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977 , as having been elected to such Assembly to fill a vacancy,

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

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the Assembly of the European Communities shall, while he is so entitled or is such a member, be disqualified from becoming a member of the Agency or from employment in any capacity by the Agency.

(4) Without prejudice to the generality of subsection (2) of this section, that subsection shall be construed as prohibiting the reckoning of a period therein mentioned as service with the Agency for the purpose of any pensions, gratuities or other allowances payable on retirement or death.

Consultants and advisers. 16.—Subject to the prior approval of the Minister, the Agency may from time to time engage such consultants or advisers as it may consider necessary for the performance of its functions, and any fees due to a consultant or adviser engaged under this section shall be paid by the Agency out of moneys at its disposal.

Seal of Agency. 17.—(1) The Agency shall, as soon as may be after the establishment day, provide itself with a seal.

(2) The seal of the Agency shall be authenticated by the signature of the chairman of the Agency or some other member of the Agency authorised by the Agency to act in that behalf, and by the signature of an employee of the Agency authorised by the Agency to act in that behalf.

(3) Judicial notice shall be taken of the seal of the Agency, and every document purporting to be an instrument made by the Agency and to be sealed with the seal (purporting to be authenticated in accordance with subsection (2) of this section) of the Agency shall be received in evidence and be deemed to be such instrument without proof, unless the contrary is shown.

Contracts by Agency. 18.—Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Agency by any person generally or specially authorised by the Agency in that behalf.

Disclosure of interest in proposed contracts, etc. 19.—(1) A member of the Agency who is either directly or indirectly interested in any company or concern with which the Agency proposes to make any contract, or in any contract which the Agency proposes to make, shall disclose or cause to be disclosed to the Agency the fact and nature of such interest at the meeting of the Agency at which the question of entering into such a contract is first considered or, if he has no such interest at that time, as soon as he has acquired such interest in the proposed contract or, if made, in the contract.

(2) A disclosure under the preceding subsection shall be recorded in the minutes of the Agency.

(3) Where a member of the Agency has an interest (to which subsection (1) of this section relates) in a proposed contract or in a contract (if made), the member, at a meeting of the Agency—

(a) shall take no part in any deliberations relating to the contract or proposed contract, except to such extent as the chairman of the meeting may permit,

(b) shall not vote upon any proposed decision relating to the contract or proposed contract, and

(c) shall, for the purposes of sections 8 (4) and 8 (5) of this Act, be deemed not to be present while the contract or proposed contract is being deliberated or voted upon.

(4) Where the Minister is satisfied that a member of the Agency has failed to comply with any requirement of subsection (1) or (3) of this section, he may, if he thinks fit, remove that member from membership of the Agency, and, in case a person is removed from office pursuant to this subsection, he shall thenceforth be disqualified for membership of the Agency.

Disclosure of information. 20.—(1) A person shall not, without the consent

of the Agency, disclose any information obtained by him while performing duties as chairman, vice-chairman, member or employee of, or a consultant or adviser to, the Agency.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £800.

Donations. 21.—(1) Subject to the consent of the Minister, the Agency may accept gifts of money, land and other property upon such trusts and conditions (if any) as may be specified by the donor.

(2) The Agency shall not accept a gift if the conditions attached by the donor to its acceptance are not consistent with the functions of the Agency.

(3) The Agency shall not solicit gifts or donations.

(4) Any funds of the Agency, being a gift or the proceeds of a gift to it, may, subject to any terms or conditions of the gift, be invested in any manner in which a trustee is empowered by law to invest trust funds.

Laying of regulations. 22.—Every regulation made by the Minister under this Act 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.

Expenses. 23.—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.

Short title. 24.—This Act may be cited as the Combat Poverty Agency Act, 1986 .