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ACTS REFERRED TO

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European Parliament Elections Act, 1997	1997, No. 2
Freedom of Information Act, 1997	1997, No. 13
Local Government Act, 1941	1941, No. 23
Minimum Notice and Terms of Employment Acts, 1973 to 1991	
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Terms of Employment (Information) Act, 1994	1994, No. 5
Unfair Dismissal Acts, 1977 to 1993	
Vocational Education Act, 1930	1930, No. 29
Worker Protection (Regular Part-Time Employees) Act, 1991	1991, No. 5



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FAMILY SUPPORT AGENCY ACT, 2001

AN ACT TO ESTABLISH A BODY TO BE KNOWN AS THE FAMILY SUPPORT AGENCY OR IN THE IRISH LANGUAGE AN GHNÍOMHAIREACTH UM THACAÍOCHT TEAGHLAIGH, TO DEFINE ITS FUNCTIONS AND TO PROVIDE FOR CONNECTED MATTERS. [22nd December, 2001]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“Agency” means Family Support Agency;

“civil servant” has the meaning assigned to it by the Civil Service Regulation Act, 1956;

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

“functions” includes powers and duties, and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

“Minister” means Minister for Social, Community and Family Affairs;

“public authority” means—

- (a) a Minister of the Government,
- (b) a health board,
- (c) the Eastern Regional Health Authority, the Northern Area Health Board, the East Coast Area Health Board or the South-Western Area Health Board,
- (d) a local authority for the purposes of the Local Government Act, 1941,
- (e) a vocational education committee established under the Vocational Education Act, 1930,
- (f) a body (but not a company) established by or under statute;

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S.1 “superannuation benefits” means pensions, gratuities and other allowances payable on resignation, retirement or death;

“voluntary body” means a person who is involved in—

- (a) the provision of social or family support services,
- (b) the promotion of community development, or
- (c) activities which are connected with or ancillary to the activities mentioned in *paragraph (a) or (b)*,

otherwise than for profit, and which, in the opinion of the Agency, are similar or ancillary to any of the activities carried out by the Agency and consistent with the objectives of its functions.

(2) In this Act—

- (a) a reference to a section is a reference 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, paragraph or subparagraph is a reference to a subsection, paragraph or subparagraph 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 an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Establishment day. **2.**—The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.

Establishment of Family Support Agency. **3.**—(1) There shall stand established, on the establishment day, a body to be known as the Family Support Agency or in the Irish language as An Ghníomhaireacht um Thacaíocht Teaghlaigh, in this Act referred to as the “Agency”, to perform the functions conferred on it by or under this Act.

(2) The Agency 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,
- (b) with the consent of the Minister to acquire, hold and dispose of land or an interest in land, and
- (c) to acquire, hold and dispose of any other property.

Functions of Agency. **4.**—(1) The functions of the Agency shall be—

- (a) to provide a family mediation service,
- (b) to provide, where the Agency considers it necessary or expedient—

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- (i) family mediation through such other persons as it S.4 considers appropriate,
 - (ii) training in family mediation, either by itself or such other persons as it considers appropriate,
 - (c) to support, promote and develop the provision of marriage and relationship counselling and family support services,
 - (d) to promote and disseminate information about issues in relation to marriage and relationships education, family mediation, parenting and family responsibilities and related matters and in this regard to co-operate with other public authorities in providing information to assist persons in balancing their work and family responsibilities,
 - (e) to support, promote and develop the Family and Community Services Resource Centre Programme of the Minister,
 - (f) to undertake or commission research into matters related to its functions or such other matters as the Minister may request,
 - (g) to provide at the request of the Minister or on its own initiative advice, information and assistance to the Minister in relation to the development of any aspect of its functions,
 - (h) to provide, subject to the consent of the Minister, and in accordance with criteria established under *section 7*, financial assistance to voluntary bodies in respect of any matter related to the Agency's functions and for this purpose to administer—
 - (i) the scheme of the Minister known as the Scheme of Grants to Voluntary Organisations providing Marriage, Child and Bereavement Counselling Services,
 - (ii) the programme of the Minister known as the Family and Community Services Resource Centre Programme, and
 - (iii) such other schemes, grants and other facilities for financial assistance as may, from time to time, be authorised by the Minister after consultation with the Minister for Finance,
 - (i) to prepare strategic plans in accordance with *section 9*,
 - (j) to perform any additional functions assigned to the Agency under *section 5*.
- (2) The Agency in performing the functions conferred on it by or under this Act shall have regard to—
- (a) the need to assist in particular, persons involved in the process of separation or divorce to reach agreement where possible, especially in disputes involving children,
 - (b) the need for co-operation with other relevant public authorities and voluntary bodies,

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(c) Government policy in particular social inclusion policy.

(3) The Agency shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

Conferral of additional functions.

5.—(1) The Minister may, with the consent of the Minister for Finance, by order—

(a) confer on the Agency such additional functions as the Minister considers appropriate in relation to family support, and

(b) make such provision as he or she considers necessary or expedient in relation to matters ancillary to or arising out of functions so conferred.

(2) The Minister may by order amend or revoke an order under this section (including an order under this subsection).

(3) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which the 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.

Policy directives.

6.—The Agency shall comply with any general policy directives which may, from time to time, be given to it by the Minister.

Criteria, etc. and directives regarding assistance to voluntary bodies.

7.—(1) The Agency, subject to the approval of the Minister—

(a) shall establish such criteria, terms and conditions for the provision of financial assistance under *section 4(1)(h)* 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.

(2) The Agency may—

(a) request any voluntary body applying for or receiving financial assistance under *section 4(1)(h)* to supply it 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 supplied.

(3) The Agency shall comply with any directives concerning the administration of such schemes, grants and other facilities for financial assistance under *section 4(1)(h)* which may from time to time be given to it by the Minister with the concurrence of the Minister for Finance.

Charges by Agency.

8.—(1) The Agency, with the consent of the Minister, may make such charges, as it considers necessary and appropriate in consideration of—

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- (a) the provision by it of services (other than a service consisting of the provision of advice to the Minister), and
- (b) the carrying on by it of any activities.

(2) The Agency may recover as a simple contract debt in any court of competent jurisdiction from any other person by whom it is payable any amount due and owing under *subsection (1)*.

9.—(1) As soon as may be, but not later than 6 months after the establishment day, and thereafter not later than 6 months after each period of 3 years that falls after the establishment day, the Agency shall prepare and submit to the Minister, for approval with or without amendment by the Minister, a strategic plan as referred to in *subsection (2)*. Strategic plans.

(2) A strategic plan shall—

- (a) comprise the key objectives, outputs and related strategies, including the use of resources, of the Agency,
- (b) be prepared in a form and manner in accordance with any directions issued from time to time by the Minister, and
- (c) have regard to the need to ensure the most beneficial, effective and efficient use of the resources of the Agency.

(3) The Minister shall, as soon as practicable, after a strategic plan under this section has been approved, cause a copy of the plan to be laid before each House of the Oireachtas.

10.—(1) The Agency shall, subject to *subsection (2)*, consist of 12 members, who shall be appointed by the Minister and who shall, subject to this section, hold and vacate office as the Minister may determine. Membership of Agency and terms of office of members.

(2) Until the first appointment to the Agency of a person consequent to an election having been held to which *subsection (5)(c)* relates, the Agency shall consist of 11 members.

(3) The Minister shall designate one member of the Agency as chairperson.

(4) The Minister, when appointing a member (other than the chairperson) of the Agency, shall fix such member's period of membership which shall not exceed 3 years.

(5) The ordinary members of the Agency shall include—

- (a) one officer of the Minister,
- (b) persons, who, in the opinion of the Minister, have a special interest or expertise in matters relating to the functions of the Agency or matters related thereto,
- (c) one member of the staff of the Agency who shall be elected by secret ballot of the staff of the Agency in such manner as the Agency, with the agreement of the Minister, may determine,

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and may also include not more than 3 persons, each being an officer of any other Minister of the Government who, in the opinion of the Minister, has at that time direct concern with or responsibility for activities relevant to the functions of the Agency.

(6) There may be paid to members of the Agency, out of monies at the disposal of the Agency, such remuneration (if any) and allowances for expenses incurred by them as the Minister, with the consent of the Minister for Finance, may determine.

(7) A member of the Agency may resign from the Agency 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.

(8) A 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 or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Agency of its functions.

(9) A member of the Agency shall cease to be and shall be disqualified from being a member of the Agency where such member—

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) on conviction on indictment by a court of competent jurisdiction is sentenced to a term of imprisonment, or
- (d) is disqualified or restricted from being a director of any company (within the meaning of the Companies Acts, 1963 to 2001).

(10) If a member of the Agency dies, resigns, retires, becomes disqualified or is removed from office, the Minister may appoint a person to be a member of the Agency to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Agency who occasioned the casual vacancy.

(11) A person appointed to be a member of the Agency under *subsection (10)* shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy he or she is appointed to fill and shall be eligible for re-appointment as a member of the Agency.

(12) 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.

(13) The Minister shall, in so far as is practicable and having regard to relevant experience, ensure an equitable balance between men and women in the composition of the Agency.

Chairperson of Agency.

11.—(1) The term of office of the chairperson of the Agency shall be 3 years.

(2) Where the chairperson of the Agency ceases to hold such office, he or she shall also cease to be a member of the Agency.

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(3) Where the chairperson of the Agency ceases to be a member S.11
of the Agency he or she shall also thereupon cease to be chairperson
of the Agency.

(4) The chairperson of the Agency may resign his or her office as
chairperson by letter addressed to the Minister and the resignation
shall take effect from the date specified therein or on receipt of the
letter by the Minister, whichever is the later.

(5) The chairperson of the Agency shall, unless he or she sooner
dies or otherwise ceases to be chairperson by virtue of *subsection (2)*
or *(3)*, hold office until the expiration of his or her period of member-
ship of the Agency and if he or she is re-appointed as a member of
the Agency, he or she shall be eligible to be designated as chairper-
son of the Agency.

12.—(1) The Agency shall hold such and so many meetings as may Meetings of
be necessary for the performance of its functions, but shall hold at Agency.
least one meeting in each quarter of a year.

(2) The Minister, in consultation with the chairperson of the
Agency, shall fix the time of the first meeting of the Agency.

(3) The quorum for a meeting of the Agency shall be 5.

(4) The chairperson of the Agency shall chair any meetings of the
Agency, except in the case that the chairperson is not present or such
office is vacant in which case the members who are present shall
choose one of their number to chair the meeting.

(5) At a meeting of the Agency, each member of the Agency
present, including the chairperson, shall have a vote and any question
on which a vote is required in order to establish the Agency's view
on the matter shall be determined by a majority of votes of the
members of the Agency present when the vote is called and voting
on the question and, in the case of an equal division of votes, the
chairperson of the meeting shall have a second and casting vote.

(6) Subject to *subsection (3)*, the Agency may act notwithstanding
one or more vacancies in its membership.

(7) Subject to this Act, the Agency shall regulate, by standing
orders or otherwise, the procedure and business of the Agency, or
of any committee established under *section 13(1)*.

13.—(1) The Agency may establish committees to assist and Committees of
advise it in relation to the performance of any of its functions and Agency.
may determine the terms of reference and regulate the procedure of
any such committee.

(2) A committee established under this section may include per-
sons who are not members of the Agency.

(3) A member of a committee established under this section may
be removed at any time by the Agency.

(4) The Agency may at any time dissolve a committee established
under this section.

(5) The Agency may appoint a person to be chairperson of a com-
mittee established under this section.

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S.13 (6) There may be paid out of the income of the Agency to members of a committee established under this section such allowances for expenses incurred by them as the Agency may, with the consent of the Minister and the Minister for Finance, determine.

Chief executive of Agency. **14.—(1)** There shall be a chief executive officer of the Agency who shall be known and is referred to in this Act as the “chief executive”.

(2) The chief executive shall carry on and manage, and control generally, the administration and business of the Agency and perform such other functions (if any) as may be determined by the Agency.

(3) The chief executive shall be appointed by the Agency and may be removed from office, where he or she fails to perform his or her functions satisfactorily, by the Agency, with the consent of the Minister.

(4) The chief executive may make proposals to the Agency on any matter relating to the activities of the Agency.

(5) The chief executive shall hold office upon and subject to such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Agency with the consent of the Minister given with the approval of the Minister for Finance.

(6) The chief executive shall not hold any other office or position without the consent of the Agency.

(7) The chief executive shall not be a member of the Agency, but he or she may, in accordance with procedures established by the Agency, attend meetings of the Agency and shall be entitled to speak to and advise such meetings.

Staff of Agency. **15.—(1)** The Agency may appoint such, and such number of, persons to be members of the staff of the Agency, as it may determine with the consent of the Minister and the Minister for Finance.

(2) Members of staff of the Agency shall hold their employment on such terms and conditions, including those relating to remuneration, grading and allowances for expenses as the Agency, with the approval of the Minister given with the consent of the Minister for Finance, may determine from time to time.

(3) The chief executive may from time to time assign such duties as he or she considers appropriate to each member of staff and each member of staff shall carry out the duties so assigned.

(4) In making a determination under *subsection (2)*, 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.

Transfer of staff of Minister to Agency. **16.—(1)** Every person who immediately before the establishment day was an officer of the Minister 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 staff of the Agency.

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(2) Except in accordance with a collective agreement negotiated S.16 with any recognised trade union or staff association concerned, a person who is transferred in accordance with *subsection (1)* to the staff of the Agency shall not, while in the service of the Agency, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to terms of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including those relating to terms of office) to which he or she was subject immediately before his or her transfer.

(3) In relation to persons transferred in accordance with *subsection (1)* to the staff of the Agency, 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,
- (e) the Organisation of Working Time Act, 1997, and
- (f) the Worker Protection (Regular Part-Time Employees) Act, 1991.

(4) In this section “recognised trade union or staff association” means the trade unions and staff associations recognised by the Minister for the purpose of negotiations which are concerned with the transfer of staff to the Agency as well as remuneration, conditions of employment or working conditions of staff.

17.—(1) As soon as may be after its establishment, the Agency S.16 Superannuation. shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such of its staff (including the chief executive) as the Agency shall think fit.

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

(3) The Agency may, with the approval of the Minister and the consent of the Minister for Finance, make a scheme amending or revoking a scheme under this section including a scheme under this subsection.

(4) Any scheme submitted by the Agency under this section shall, if approved by the Minister with the consent of the Minister for Finance, 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 superannuation benefit payable in pursuance of a scheme or schemes under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final.

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(6) No superannuation benefit shall be granted by the Agency nor shall any other arrangements be entered into by the Agency for the provision of such a benefit to or in respect of a member of the staff of the Agency or the chief executive of the Agency otherwise than in accordance with a scheme under this section or with the consent of the Minister for Finance.

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

(8) A scheme or schemes under *subsection (1)* in so far as it concerns a person who immediately before his or her transfer under *section 16* to a position on the staff of the Agency was an established or unestablished civil servant, shall grant superannuation benefits upon and subject to terms and conditions that are not less favourable than the terms and conditions that applied to that person immediately before their transfer to the Agency in relation to the grant of such benefits.

(9) In applying *subsection (8)*, superannuation benefits that would have been granted to or in respect of a person during the period between his or her transfer under *section 16* to a position on the staff of the Agency and the coming into operation of a scheme under this section had he or she continued to be employed as an established or unestablished civil servant, shall be granted and paid to or in respect of that person by the Agency in accordance with the scheme and of such enactments in relation to superannuation as applied to the person immediately before his or her transfer to a position on the staff of the Agency and, for that purpose, his or her pensionable service with the Agency shall be aggregated with his or her previous pensionable service.

Membership of either House of Oireachtas or European Parliament.

18.—(1) Where a person who is the chief executive or a member of the staff of the Agency is—

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

he or she 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 or she is so regarded as having been elected as the case may be, and ending when such person ceases to be a member of either such House or a representative in that Parliament.

(2) Without prejudice to the generality of *subsection (1)*, that subsection shall be construed as prohibiting, *inter alia*, the reckoning of a period mentioned in that subsection as service with the Agency for the purposes of any superannuation benefits.

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19.—(1) Where any matter falls to be considered at a meeting of the Agency then, any member of the Agency present at the meeting who otherwise than in his or her capacity as a member has a pecuniary or other beneficial interest in the matter, shall—

Disclosure by members of Agency of certain interests.

- (a) at the meeting disclose to the Agency the fact of such interest and the nature thereof,
- (b) neither influence nor seek to influence a decision to be made in relation to the matter,
- (c) absent himself or herself from the meeting or that part of the meeting during which the matter is discussed,
- (d) take no part in any deliberation of the Agency relating to the matter, and
- (e) not vote on a decision relating to the matter.

(2) Where an interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the member by whom the disclosure is made shall not be counted in the quorum for the meeting.

(3) Where at a meeting of the Agency a question arises as to whether or not a course of conduct, if pursued by a member of the Agency, would constitute a failure by him or her to comply with the requirements of *subsection (1)*, the question may be determined by the chairperson of the Agency, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.

(4) Where the Minister is satisfied that a member of the Agency has failed to comply with a requirement of *subsection (1)*, the Minister may if he or she thinks fit, remove that member from office or take such other action as he or she considers appropriate and, in case a person is removed from office pursuant to this subsection, he or she shall thenceforth be disqualified from membership of the Agency.

(5) For the purposes of this section and *section 20*, a person shall not be regarded as having an interest in any matter by reason only of an interest of that person, or of any company in which he or she has an interest, which is so remote or insignificant that it cannot reasonably be regarded as likely to influence a person in considering, discussing or voting on, any question relating to the matter, or in performing any function in relation to that matter.

20.—(1) Where the chief executive or a member of the staff of the Agency or a consultant or adviser to the Agency has an interest, otherwise than in his or her capacity as chief executive or member of staff or consultant or adviser, as the case may be, in any contract, agreement or arrangement, or proposed contract, agreement or arrangement, to which the Agency is a party, that person shall—

Disclosure by members of staff of certain interests.

- (a) disclose to the Agency his or her interest and the nature thereof,
- (b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by the Agency or members of the staff of the Agency in relation thereto, and

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S.20 (c) neither influence nor seek to influence a decision to be made in the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* does not apply to contracts or proposed contracts of employment of members of the staff of the Agency.

(3) Where a person to whom *subsection (1)* applies fails to comply with a requirement of this section, the Agency shall decide the appropriate action (including removal from office or termination of contract) to be taken.

Disclosure of information.

21.—(1) Save as otherwise provided by law, a person shall not, without the consent of the Agency, disclose confidential information obtained by him or her while performing, or as a result of having performed, duties as a member of the Agency, a member of staff of the Agency, (including the chief executive), a member of a committee established under *section 13* or a consultant or adviser to the Agency.

(2) A person who contravenes *subsection (1)* is guilty of an offence and shall be liable on summary conviction to a fine not exceeding €3,000 (£2,362.69).

(3) Nothing in *subsection (1)* shall prohibit the disclosure of information by means of a report made—

(a) to the Agency, or

(b) by or on behalf of the Agency to the Minister.

(4) In this section “confidential information” includes information that is expressed by the Agency to be confidential either as regards particular information or as regards information of a particular class or description.

(5) The Third Schedule to the Freedom of Information Act, 1997, is amended by the insertion in Part I at the end thereof:

(a) in column (2) of “*Family Support Agency Act, 2001*”, and

(b) in column (3) of “*Section 21*”.

Gifts. **22.**—(1) The Agency may accept gifts of money, land and any other property upon such trusts, terms and conditions (if any) as may be specified by the donor.

(2) The Agency shall not accept a gift if the trusts, terms and 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.

Advances by Minister to Agency.

23.—The Minister may from time to time with the consent of the Minister for Finance, advance to the Agency out of monies provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by the Agency in the performance of its functions.

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24.—The Agency may, for the purpose of providing for current or capital expenditure, from time to time, borrow money (whether on the security of the assets of the Agency or otherwise) including money in a currency other than the currency of the State, subject to the consent of the Minister and the Minister for Finance and to such conditions as they may determine.

Borrowing by Agency.

25.—(1) The chief executive, following the agreement of the Agency, shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods and at such times as may be required by the Minister and shall furnish to the Minister any information which the Minister may require in relation to such estimates, including proposals and future plans relating to the discharge by the Agency of its functions over a period of years, as required.

Accounts and audits.

(2) The chief executive, under the direction of the Agency, shall cause to be kept, on a continuous basis proper books or other records of account of all income and expenditure of the Agency, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the Agency and shall keep and shall account to the Agency for all such special accounts as the Minister or the Agency, with the consent of the Minister, may from time to time direct should be kept.

(3) (a) The Agency, the chief executive and any relevant member of the staff of the Agency shall, whenever so requested by the Minister, permit any person appointed by the Minister to examine the books or other records of account of the Agency in respect of any financial year or other period and shall facilitate any such examination, and the Agency shall pay such fee therefor as may be fixed by the Minister.

(b) In this subsection “relevant member of the staff of the Agency” means a member of the staff of the Agency in respect of whom there has been duly assigned duties which relate to the books or other records of account referred to in *paragraph (a)*.

(4) The accounts of the Agency for each financial year shall be prepared, in such a form and manner as may be specified by the Minister, by the chief executive and approved by the Agency as soon as practicable but not later than 3 months after the end of the financial year to which they relate for submission to the Comptroller and Auditor General for audit.

(5) Immediately after the audit referred to in *subsection (4)*, a copy of the accounts referred to in that subsection and a copy of the report of the Comptroller and Auditor General on the accounts shall be presented to the members of the Agency and to the Minister and the Minister shall cause copies thereof to be laid before each House of the Oireachtas.

(6) The financial year of the Agency shall be the period of 12 months ending on 31 December in any year, and for the purposes of this section and *section 27* the period commencing on the establishment day and ending on the following 31 December is deemed to be a financial year.

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Accountability of
chief executive.

26.—(1) The chief executive shall, whenever he or she is required to do so by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and the reports of the Comptroller and Auditor General, give evidence to that Committee on all matters pertaining to the expenditure of the Agency.

(2) In the performance of his or her duties under this section, the chief executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Reports and
information to
Minister.

27.—(1) As soon as may be after the end of the financial year of the Agency in which the establishment day falls and of each subsequent financial year of the Agency, but not later than 6 months thereafter, the Agency shall present a report (in this section referred to as the “annual report”) to the Minister, in such form as the Minister may approve, of its activities during that year and the Minister shall cause a copy of the annual report to be laid before each House of the Oireachtas.

(2) Each annual report shall include information in such form and regarding such matters as the Minister may direct.

(3) The Agency may, from time to time, make such other reports to the Minister with respect to its functions as it thinks fit.

(4) In addition to information provided by the Agency in its annual report, and in reports made pursuant to *subsection (3)*, the Agency shall supply to the Minister such information as the Minister may from time to time require regarding the performance of its functions.

Consultants and
advisers.

28.—The Agency, with the consent of the Minister 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 monies at its disposal.

Seal of Agency.

29.—(1) The Agency shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Agency shall be authenticated by the signature of—

(a) the chairperson of the Agency, or another member of the Agency authorised by it to act in that behalf, or

(b) the chief executive or a member of the staff of the Agency authorised by the Agency to act in that behalf.

Transfer of certain
rights and liabilities.

30.—(1) The Minister may, as he or she thinks fit, under his or her seal transfer or assign on a specified day or days to the Agency—

(a) such specified part of the property enjoyed by the Minister in relation to the functions of the Agency and rights in relation to such property so transferred or assigned, and

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- (b) such specified class of liabilities incurred by the Minister S.30 that have not been discharged prior to such transfer or assignment,

and, accordingly, without further conveyance, transfer or assignment—

- (i) the said property, real and personal, shall, on that day, vest in the Agency for all the estate, term or interest for which, immediately before the day concerned, it was so vested in the Minister, but subject to all trusts and equities affecting the property and capable of being performed,
- (ii) the said rights shall, as and from the day concerned, be enjoyed by the Agency, and
- (iii) the said liabilities shall, as and from the day concerned, be the liabilities of the Agency.

(2) All property and rights relating thereto transferred or assigned to the Agency under *subsection (1)* that on the day concerned, were so standing in the name of the Minister shall, upon the request of the Agency, be transferred into the name of the Agency.

(3) Where before the establishment day the Minister has entered into any contract or arrangement with any person in respect of the Family and Community Services Resource Centre Programme, which is in force immediately before that day, the Minister may, as he or she sees fit, under his or her seal, transfer or assign his or her rights or liabilities arising under such contract or arrangement to the Agency.

(4) Every right and liability transferred by *subsection (3)* to the Agency may, on or after the establishment day, be sued on, recovered or enforced by or against the Agency in its own name.

31.—The expenses incurred by the Minister in the administration Expenses. of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of monies provided by the Oireachtas.

32.—This Act may be cited as the Family Support Agency Act, Short title. 2001.