



Home
Baile

Search
Cuardach

Print Preview
Réamhamharc Cló

Help
Cabhair

Split Screen
Scáileán Roinnte

[Next \(SCHEDULE. An tÚdarás um Ard-Oideachas.\)](#)

[GA]



Number 22 of 1971

[GA]

HIGHER EDUCATION AUTHORITY ACT, 1971

ARRANGEMENT OF SECTIONS

Section

- [1. Interpretation.](#)
- [2. Establishment of An tÚdarás.](#)
- [3. General functions.](#)
- [4. General duty with respect to national aims.](#)
- [5. Advice on institutions of higher education.](#)
- [6. Review of demand and need for higher education and recommendation of student places.](#)
- [7. Statement of financial position by institution of higher education.](#)
- [8. Request by institution of higher education for State subvention.](#)
- [9. Financial planning.](#)
- [10. Recommendation of State financial provision for higher education and research.](#)
- [11. Supply of information.](#)
- [12. Payments for institutions of higher education.](#)
- [13. Studies on problems of higher education and research.](#)
- [14. Officers and servants.](#)
- [15. Superannuation of officers and servants.](#)
- [16. Advisory committees and persons.](#)
- [17. Gifts.](#)
- [18. Exemption from stamp duty.](#)
- [19. Grants.](#)
- [20. Laying of regulations before Houses of the Oireachtas.](#)

21. Short title and commencement.

SCHEDULE



Number 22 of 1971

HIGHER EDUCATION AUTHORITY ACT, 1971

AN ACT TO ESTABLISH A BODY TO BE KNOWN AS AN
tUDARAS UM ARD-OIDEACHAS, TO DEFINE ITS POWERS
AND DUTIES AND TO PROVIDE FOR RELATED MATTERS.
[27th July, 1971.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

[GA] Interpretation.

1. —(1) In this Act—

[GA]

“*academic member*” means a member of An tÚdarás who, at the time of his appointment as such member, held an academic post;

[GA]

“*academic post*” means a post in an institution of higher education (other than a post as chancellor or chief officer of a university or college thereof) all or part of the duties of the holder of which is to teach any students of the institution or to carry out research;

[GA]

“*functions*” includes powers and duties;

[GA]

“*institution of higher education*” means—

[GA]

(a) a university,

[GA]

(b) a college of a university, or

[GA]

(c) an institution which the Minister, after consultation with An tÚdarás, designates by regulations as an institution of higher education for the purposes of this Act;

[GA]

“*the Minister*” means the Minister for Education;

[GA]

“*An tÚdarás*” has the meaning specified in section 2 (1).

[GA]

(2) A reference in this Act to performance of functions includes, with respect to powers, a reference to exercise of those powers.

[GA] Establishment of
An tÚdarás.

2. —(1) There shall, by virtue of this section, be established a body to be known as An tÚdarás um Ard-Oideachas to perform the functions given to it by this Act (in this Act referred to as An tÚdarás).

- [GA] (2) The provisions of the [Schedule](#) to this Act shall apply to An tÚdarás.
- [GA] General functions. **3.** —An tÚdarás shall, in addition to the specific functions given to it by this Act, have the general functions of—
- [GA] (a) furthering the development of higher education,
- [GA] (b) assisting in the co-ordination of State investment in higher education and preparing proposals for such investment,
- [GA] (c) promoting an appreciation of the value of higher education and research,
- [GA] (d) promoting the attainment of equality of opportunity in higher education,
- [GA] (e) promoting the democratisation of the structure of higher education.
- [GA] General duty with respect to national aims. **4.** —In performing its functions, An tÚdarás shall bear constantly in mind the national aims of restoring the Irish language and preserving and developing the national culture and shall endeavour to promote the attainment of those aims.
- [GA] Advice on institutions of higher education. **5.** —An tÚdarás shall advise the Minister on the need or otherwise for the establishment of new institutions of higher education, on the nature and form of those institutions and on the legislative measures required in relation to their establishment or in relation to any existing institution of higher education.
- [GA] Review of demand and need for higher education and recommendation of student places. **6.** —(1) An tÚdarás shall maintain a continuous review of the demand and need for higher education.
- [GA] (2) An tÚdarás shall recommend to the Minister the overall provision of student places to be made within the higher education system having regard to the need to maintain a reasonable balance in the distribution of the total number of students between the institutions of higher education.
- [GA] Statement of financial position by institution of higher education. **7.** —An tÚdarás may, annually or at such other intervals as it may determine, require any institution of higher education to submit a statement of its financial position to An tÚdarás and it shall be the duty of every institution of higher education to comply with any requirements which are imposed on it under this section.
- [GA] Request by institution of higher education for State subvention. **8.** —(1) Any request by an institution of higher education for State subvention shall be submitted by the institution to An tÚdarás in such manner as An tÚdarás may require.
- [GA] (2) Requests submitted under this section shall be examined by An tÚdarás annually or at such other intervals as it may determine.
- [GA] Financial planning. **9.** —An tÚdarás may relate annual or other financial requirements of institutions of higher education to financial planning over such periods as

it considers suitable.

[GA] Recommendation of State financial provision for higher education and research. **10.** —(1) An tÚdarás shall assess amounts of State financial provision, both current and capital, which it recommends for higher education and research or for any part thereof, either in relation to current or future periods.

[GA] (2) In making assessments under this section in respect of institutions of higher education, An tÚdarás shall have regard to the accommodation capacity for students of each institution and to the maintenance of a reasonable balance in the distribution of the total number of students as between institutions.

[GA] Supply of information. **11.** —An institution of higher education shall supply to An tÚdarás all such information relative to the institution as An tÚdarás may require for the purpose of performing its functions.

[GA] Payments for institutions of higher education. **12.** —(1) There shall be paid to An tÚdarás, out of moneys provided by the Oireachtas, such amounts for institutions of higher education as may be approved of by the Minister with the consent of the Minister for Finance.

[GA] (2) Any payment to an institution which An tÚdarás makes out of the amounts that it receives under the foregoing subsection shall be made in such manner and subject to such conditions as An tÚdarás thinks fit.

[GA] Studies on problems of higher education and research. **13.** —An tÚdarás may institute and conduct studies on such problems of higher education and research as it considers appropriate and may publish reports of such studies.

[GA] Officers and servants. **14.** —(1) An tÚdarás may appoint such and so many persons to be its officers and servants as, subject to the approval of the Minister, it from time to time thinks proper.

[GA] (2) An officer or servant of An tÚdarás shall hold his office or employment on such terms and conditions as An tÚdarás, subject to the approval of the Minister, from time to time determines.

[GA] (3) An tÚdarás may, with the consent of the Minister, remove any officer or servant of An tÚdarás from being its officer or servant.

[GA] (4) Subject to subsection (5) of this section, there shall be paid by An tÚdarás to its officers and servants such remuneration and allowances as, subject to the approval of the Minister given with the consent of the Minister for Finance, it determines from time to time.

[GA] (5) Where a person who is either an officer or servant in the employment of An tÚdarás becomes a member of either House of the Oireachtas—

[GA] (a) he shall, during the period commencing upon his becoming entitled under the Standing Orders of that House to sit therein and ending either when he ceases to be a member of that House or, if it should sooner happen, upon his resignation or retirement from such employment or upon the termination of such employment by An tÚdarás, stand seconded from such employment,

- [GA] (b) he shall not be paid by, or entitled to receive from, An tÚdarás any remuneration or allowances in respect of that period,
- [GA] (c) he shall not be entitled to reckon the whole or any part of that period for any benefits payable under any scheme under [section 15](#) of this Act.
- [GA] (6) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming an officer or servant of An tÚdarás.
- [GA] Superannuation of officers and servants. **15.** —(1) An tÚdarás shall prepare and submit to the Minister a contributory scheme or schemes for the granting of pensions, gratuities and other allowances on retirement to or in respect of its permanent staff.
- [GA] (2) Every such scheme shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities or allowances on retirement are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.
- [GA] (3) An tÚdarás may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved under this section.
- [GA] (4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for Finance, be carried out by An tÚdarás in accordance with its terms.
- [GA] (5) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or 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 Finance, whose decision shall be final.
- [GA] (6) 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 either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- [GA] Advisory committees and persons. **16.** —(1) An tÚdarás may appoint a committee or person to advise it on matters relating to its functions.
- [GA] (2) A person appointed under this section to a committee or to advise may be either a member of An tÚdarás or not a member and An tÚdarás may, subject to the approval of the Minister given with the consent of the Minister for Finance, pay him allowances for expenses and, if he is not a member of An tÚdarás, fees.
- [GA] Gifts. **17.** —(1) An tÚdarás may accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donor.
- [GA] (2) An tÚdarás shall not accept a gift if the conditions attached by the donor are inconsistent with the functions of An tÚdarás.

- [\[GA\]](#) Exemption from stamp duty. **18.** —Stamp duty shall not be charged on any conveyance or other instrument executed for the purpose of vesting property or any interest in property in An tÚdarás.
- [\[GA\]](#) Grants. **19.** —The Minister may, out of moneys provided by the Oireachtas, from time to time make grants to An tÚdarás of such amounts as, with the concurrence of the Minister for Finance, he considers necessary to enable An tÚdarás to perform its functions.
- [\[GA\]](#) Laying of regulations before Houses of the Oireachtas. **20.** —Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the regulation is laid before it, passes a resolution annulling the regulation, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- [\[GA\]](#) Short title and commencement. **21.** —(1) This Act may be cited as the Higher Education Authority Act, 1971.
- [\[GA\]](#) (2) This Act shall come into operation on such day as the Minister appoints by order.