
HIGHER EDUCATION AUTHORITY ACT, 1971

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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:

Interpretation.

1.—(1) In this Act—

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

“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;

“functions” includes powers and duties;

“institution of higher education” means—

(a) a university,

(b) a college of a university, or

(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;

“the Minister” means the Minister for Education;

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

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

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).

(2) The provisions of the [Schedule](#) to this Act shall apply to An tÚdarás.

General functions.

3.—An tÚdarás shall, in addition to the specific functions given to it by this Act, have the general functions of—

(a) furthering the development of higher education,

(b) assisting in the co-ordination of State investment in higher education and preparing proposals for such investment,

(c) promoting an appreciation of the value of higher education and research,

(d) promoting the attainment of equality of opportunity in higher education,

(e) promoting the democratisation of the structure of higher education.

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.

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| Advice on institutions of higher education. | <p>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.</p> |
| Review of demand and need for higher education and recommendation of student places. | <p>6.—(1) An tÚdarás shall maintain a continuous review of the demand and need for higher education.</p> <p>(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.</p> |
| Statement of financial position by institution of higher education. | <p>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.</p> |
| Request by institution of higher education for State subvention. | <p>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.</p> <p>(2) Requests submitted under this section shall be examined by An tÚdarás annually or at such other intervals as it may determine.</p> |
| Financial planning. | <p>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.</p> |
| Recommendation of State financial provision for higher education and research. | <p>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.</p> <p>(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.</p> |
| Supply of information. | <p>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.</p> |
| Payments for institutions of higher education. | <p>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.</p> <p>(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.</p> |
| Studies on problems of higher education and research. | <p>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.</p> |
| Officers and servants. | <p>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.</p> |

(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.

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

(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.

(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—

(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,

(b) he shall not be paid by, or entitled to receive from, An tÚdarás any remuneration or allowances in respect of that period,

(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.

(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.

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.

(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.

(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.

(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.

(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.

(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.

Advisory committees and persons.

16.—(1) An tÚdarás may appoint a committee or person to advise it on matters relating to its functions.

(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.

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.

(2) An tÚdarás shall not accept a gift if the conditions attached by the donor are inconsistent with the functions of An tÚdarás.

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.

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.

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.

Short title and commencement.

21.—(1) This Act may be cited as the Higher Education Authority Act, 1971.

(2) This Act shall come into operation on such day as the Minister appoints by order.

SCHEDULE.

An tÚdarás um Ard-Oideachas.

1. An tÚdarás shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

2. The members of An tÚdarás shall be a chairman and not more than eighteen ordinary members of whom at least seven shall be academic members and at least seven shall be other than academic members.

3. (1) The chairman of An tÚdarás shall be appointed by the Government on the recommendation of the Minister and he may be removed from office by the Government.

(2) The chairman of An tÚdarás may resign his office as chairman by letter addressed to the Minister and the resignation shall take effect when the letter is received.

(3) Subject to the provisions of this Schedule, the chairman of An tÚdarás shall hold his office on such terms as the Government determines.

4. (1) An ordinary member of An tÚdarás shall be appointed by the Government on the recommendation of the Minister and, before making a

recommendation, the Minister shall consult thereon with the chairman of An tÚdarás.

(2) An ordinary member of An tÚdarás shall be appointed for a term of five years and his appointment may be renewed for a further term of five years, but after ten years in office he shall not be eligible for renewal of his appointment until a further period of two years has elapsed.

5. An tÚdarás shall appoint one of its ordinary members to be deputy chairman. The term of the appointment shall not exceed two years and the appointment shall not be renewable. If, at any time during that term, the person appointed ceases to be a member of An tÚdarás, he shall also cease at that time to be deputy chairman.

6. (1) The Government, after consultation with the chairman of An tÚdarás, may remove an ordinary member of An tÚdarás from office.

(2) An ordinary member of An tÚdarás may resign his office as a member by letter addressed to the Minister and the resignation shall take effect when the letter is received.

7. Where a member of An tÚdarás is nominated for election to either House of the Oireachtas or as a member of Seanad Éireann, he shall thereupon cease to be a member of An tÚdarás.

8. A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall be disqualified from being a member of An tÚdarás.

9. A member of An tÚdarás shall be disqualified from holding and shall cease to hold office if he is adjudged bankrupt or makes a composition or arrangement with creditors, or is sentenced by a court of competent jurisdiction to suffer imprisonment or penal servitude or ceases to be ordinarily resident in the State.

10. Where a member of An tÚdarás attains the age of seventy years, he shall thereupon cease to hold office.

11. A member of An tÚdarás shall be paid by An tÚdarás—

(a) such allowances as the Minister, with the consent of the Minister for Finance, determines,

(b) such amounts in respect of expenses as An tÚdarás considers reasonable.

12. The chairman of An tÚdarás and each ordinary member of An tÚdarás at a meeting thereof shall have a vote.

13. (1) An tÚdarás shall hold such and so many meetings as may be necessary for the performance of its functions.

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

14. The quorum for a meeting of An tÚdarás shall be six members.

15. At a meeting of An tÚdarás—

(a) the chairman of An tÚdarás shall, if he is present, be chairman of the meeting,

(b) if and so long as the chairman of An tÚdarás is not present or the office of chairman is vacant, the deputy chairman shall, if he is present, be chairman of the meeting,

(c) if and so long as the chairman of An tÚdarás is not present or the office of chairman is vacant and the deputy chairman of An tÚdarás is not present or the office of deputy chairman is vacant, the members of An tÚdarás who are present shall choose one of their number to be chairman of the meeting.

16. Every question at a meeting of An tÚdarás on which there is disagreement among the members present shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

17. An tÚdarás may act notwithstanding one or more than one vacancy among its members.

18. Subject to the provisions of this Schedule, An tÚdarás shall regulate, by standing orders or otherwise, its procedure and business.

19. (1) An tÚdarás shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of An tÚdarás shall be authenticated by the signature of a member of An tÚdarás authorised by An tÚdarás to act in that behalf and the signature of an officer of An tÚdarás authorised by An tÚdarás to act in that behalf.

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

20. (1) An tÚdarás shall keep, in such form as may be approved of by the Minister, with the concurrence of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it, including an income and expenditure account and a balance sheet, and, in particular, shall keep in such form as aforesaid all such special accounts as the Minister, on his own motion, or at the request of the Minister for Finance, may from time to time direct.

(2) Accounts kept in pursuance of this paragraph shall be submitted annually by An tÚdarás to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account and of the balance sheet and of such other (if any) of the accounts as the Minister, after consultation with the Minister for Finance, may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

21. (1) An tÚdarás shall, at the end of each quinquennium or at such other time or times as the Minister may direct, make a report to the Minister of its proceedings under this Act during the preceding quinquennium or during whatever other period the Minister may appoint.

(2) The Minister shall cause copies of any such report to be laid before each House of the Oireachtas.

(3) An tÚdarás shall supply the Minister with such information regarding the performance of its functions as he may from time to time require.

22. An tÚdarás shall appoint one of its officers to be Secretary of An tÚdarás.

23. An tÚdarás may perform such of its functions as it may deem proper through or by any of its officers or servants duly authorised in that behalf.