



Number 24 of 1997

UNIVERSITIES ACT 1997

REVISED

Updated to 15 November 2022

This Revised Act is an administrative consolidation of the *Universities Act 1997*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Consumer Rights Act 2022* (37/2022), enacted 7 November 2022, and all statutory instruments up to and including the *Trinity College, Dublin (Supplemental Charter) Order 2022* (S.I. No. 587 of 2022), made 15 November 2022, were considered in the preparation of this Revised Act.

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Introduction

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Universities Acts 1997 to 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Education (Miscellaneous Provisions) Act 2015* (11/2015), s. 11(2)). The Acts in this group are:

- *Universities Act 1997* (24/1997)
- *Institutes of Technology Act 2006* (25/2006), s. 53
- *Education (Miscellaneous Provisions) Act 2015* (11/2015), s. 6

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Higher Education Authority Act 2022* (31/2022)
- *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019* (32/2019)
- *Education (Miscellaneous Provisions) Act 2015* (11/2015)
- *Local Government Reform Act 2014* (1/2014)
- *Qualifications and Quality Assurance (Education and Training) Act 2012* (28/2012)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)
- *Financial Measures (Miscellaneous Provisions) Act 2009* (14/2009)
- *Institutes of Technology Act 2006* (25/2006)
- *Qualifications (Education and Training) Act 1999* (26/1999)

All Acts up to and including *Consumer Rights Act 2022* (37/2022), enacted 7 November 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Trinity College, Dublin (Supplemental Charter) Order 2022* (S.I. No. 587 of 2022)
- *Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 451 of 2020)
- *Universities Act 1997 (Section 54(3)) (University Authorisation) Order 2019* (S.I. No. 638 of 2019)
- *Trinity College Dublin, the University of Dublin Superannuation Scheme 2018* (S.I. No. 393 of 2018)
- *National University of Ireland, Maynooth Employee Superannuation Scheme 2017* (S.I. No. 542 of 2017)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *National University of Ireland (Closed) Pension Scheme 2010* (S.I. No. 283 of 2010)
- *National University of Ireland, Galway Ollscoil na hÉireann, Gaillimh (Closed) Pension Scheme 2010* (S.I. No. 98 of 2010)
- *University College Cork - National University of Ireland, Cork (Closed) Pension Scheme 2010* (S.I. No. 97 of 2010)
- *University College Dublin, National University of Ireland, Dublin (Closed) Pension Scheme 2010* (S.I. No. 96 of 2010)
- *National University of Ireland, Maynooth (Closed) Pension Scheme 2009* (S.I. No. 494 of 2009)
- *University of Dublin Trinity College (Closed) Pension Scheme 2009* (S.I. No. 493 of 2009)
- *Universities Act 1997 University College Cork National University of Ireland, Cork* (S.I. No. 281 of 2005)
- *National University of Ireland, Dublin (Change of Name of University) Order 1998* (S.I. No. 447 of 1998)
- *National University of Ireland, Cork (Change of Name of University) Order 1998* (S.I. No. 446 of 1998)
- *Universities Act, 1997 (Commencement) Order 1997* (S.I. No. 254 of 1997)

All statutory instruments up to and including *Trinity College, Dublin (Supplemental Charter) Order 2022* (S.I. No. 587 of 2022), made 15 November 2022, were considered in the preparation of this revision.



Number 24 of 1997

UNIVERSITIES ACT 1997
REVISED
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ARRANGEMENT OF SECTIONS

PART I

PRELIMINARY AND GENERAL

Section

1. Short title.
2. Commencement.
3. Interpretation.
4. Application.
5. Expenses.
6. Repeals and savings.

PART II

ESTABLISHMENT AND IDENTITY OF UNIVERSITIES

7. Reconstitution of constituent colleges.
8. Incorporation of educational institutions with existing universities.
9. Establishment of additional universities.
10. Change of name of university.
11. Amendment of Dublin City University Act, 1989, and University of Limerick Act, 1989.

PART III

UNIVERSITIES GENERALLY

CHAPTER I

Objects and Functions

12. Objects of university.

- 13. Functions of university.
- 14. Academic freedom.

CHAPTER II

Governance

- 15. Governing authority.
- 16. Composition of governing authority.
- 16A. Composition of governing authority of Trinity College, Dublin.
- 16B. Referral of matter for conduct of General Visitation by Trinity College Visitors.
- 17. Chairperson of governing authority.
- 18. Functions of governing authority.
- 18A. Review of matter and report by governing authority of university.
- 19. Visitor. *(Repealed)*
- 20. Visitation. *(Repealed)*
- 21. Suspension of governing authority. *(Repealed)*

CHAPTER III

Interim Arrangements

- 22. Governing bodies of existing colleges, etc., to continue in office until first governing authorities constituted.
- 23. Determination of composition of first governing authority.

CHAPTER IIIA

Transitional arrangements for membership and chairperson of governing authority

- 23A. Transitional arrangements for membership and chairperson of governing authority.

CHAPTER IV

Staff of University

- 24. Chief officer.
- 25. Staff.
- 26. Dispute resolution.

CHAPTER V

Academic Council

- 27. Academic council.
- 28. Composition of academic council.
- 29. Business of academic council.
- 30. Continuation of existing academic councils.

CHAPTER VI

Charters and Statutes

- 31. Charters and supplementary charters.
- 32. Preservation of charters.
- 33. Statutes.

CHAPTER VII

Planning and Evaluation

- 34. Strategic development plan.
- 35. Quality assurance. (*Repealed*)
- 36. Equality policy.

CHAPTER VIII

Finance, Property and Reporting

- 37. Budgets.
- 38. Borrowing and loan guarantees.
- 39. Keeping of accounts and records.
- 40. Fees.
- 41. Report and information.
- 42. Disposal of land, etc.

CHAPTER IX

The National University of Ireland, Maynooth

- 43. Establishment of National University of Ireland, Maynooth.
- 44. Transfer of existing staff.

PART IV

NATIONAL UNIVERSITY OF IRELAND

- 45. Amendment of Charter of National University of Ireland.
- 46. Amendment of Irish Universities Act, 1908.
- 47. Relationship of constituent universities to National University of Ireland.
- 47A. Degrees and qualifications of Royal College of Surgeons in Ireland.
- 48. Membership of constituent universities.

PART V

AN TÚDARÁS

- 49. Reviews.
- 50. Guidelines. (*Repealed*)

51. Information on staffing.

PART VI

MISCELLANEOUS

52. Educational institution not to be described as university.
 53. Definitions for the purposes of sections 54 to 58.
 54. Authorisation to education provider to describe itself as a university.
 55. Conditions to be complied with for making of university authorisation order.
 56. Revocation of university authorisation order.
 57. Appeals Board.
 58. Appeal.

FIRST SCHEDULE

ENACTMENTS REPEALED

SECOND SCHEDULE

TABLE

THIRD SCHEDULE

GOVERNING AUTHORITY

FOURTH SCHEDULE

CHIEF OFFICER

FIFTH SCHEDULE

SUPERANNUATION

ACTS REFERRED TO

Arbitration Acts, 1954 and 1980	
Comptroller and Auditor General (Amendment) Act, 1993	1993, No. 8
Dublin City University Act, 1989	1989, No. 15
Dublin Institute of Technology Act, 1992	1992, No. 15
Higher Education Authority Act, 1971	1971, No. 22
Irish Universities Act, 1908	8 Edw.7. c. 38
National Institute for Higher Education, Dublin, Act, 1980	1980, No. 30
National Institute for Higher Education, Limerick, Act, 1980	1980, No. 25
Regional Technical Colleges Act, 1992	1992, No. 16
University of Limerick Act, 1989	1989, No. 14



Number 24 of 1997

UNIVERSITIES ACT 1997

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AN ACT TO CONSTITUTE OR ESTABLISH CERTAIN COLLEGES AND UNIVERSITIES AS UNIVERSITIES UNDER THIS ACT, TO ALLOW FOR THE INCORPORATION OF EDUCATIONAL INSTITUTIONS AS PARTS OF UNIVERSITIES OR AS UNIVERSITIES IN THEIR OWN RIGHT, TO PROVIDE FOR THE GOVERNANCE OF UNIVERSITIES WHICH ARE IN RECEIPT OF MONEYS PROVIDED BY AN tÚDARÁS BY THE CONSTITUTING OF GOVERNING AUTHORITIES AND ACADEMIC COUNCILS AND PROVIDING FOR THEIR POWERS AND FUNCTIONS, TO MAKE CERTAIN PROVISIONS RELATING TO STAFF, PLANNING AND FINANCIAL SCRUTINY AND REPORTING OF UNIVERSITIES, TO AMEND OR PROVIDE FOR THE CONTINUATION AND AMENDING OF CERTAIN UNIVERSITY CHARTERS AND THE CONTINUATION OF STATUTES, TO REPEAL THE NATIONAL INSTITUTE FOR HIGHER EDUCATION, LIMERICK, ACT, 1980, THE NATIONAL INSTITUTE FOR HIGHER EDUCATION, DUBLIN, ACT, 1980, AND CERTAIN PROVISIONS OF OTHER ACTS, TO AMEND CERTAIN OTHER ACTS, AND FOR CONNECTED PURPOSES. [14th May, 1997]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Annotations

Modifications (not altering text):

C1 Functions transferred and references construed (21.10.2020) by *Further and Higher Education, Research, Innovation and Science (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 451 of 2020), arts. 2, 3(1)(a), (2) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8.

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by this Order are transferred to the Department of Further and Higher Education, Research, Innovation and Science.

(2) References to the Department of Education and Skills contained in any Act or any instrument made under such Act and relating to any administration and business transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Department of Further and Higher Education, Research, Innovation and Science.

3. (1) The functions vested in the Minister for Education and Skills -

(a) by or under the Acts specified in Part 1 of the Schedule, and

...

are transferred to the Minister for Further and Higher Education, Research, Innovation and Science.

(2) References to the Minister for Education and Skills contained in any Act or instrument made under such Act and relating to any functions transferred by paragraph (1) shall, from the commencement of this Order, be construed as references to the Minister for Further and Higher Education, Research, Innovation and Science.

...

SCHEDULE

Article 3

Part 1

...

Universities Acts 1997 to 2015

...

PART I

PRELIMINARY AND GENERAL

- Short title. **1.**—This Act may be cited as the Universities Act, 1997.
- Commencement. **2.**—This Act shall come into operation on such day or days as may be fixed therefor by order or orders made by the Minister under this section, either generally or with reference to any particular purpose or provision, and different days may be so fixed for different purposes and different provisions of this Act.
- Interpretation. **3.**—(1) In this Act, unless the context otherwise requires—
 “An tÚdarás” means F1[An tÚdarás um Ard-Oideachas];
 “chairperson”, in relation to a governing authority, includes F2[...] a deputy-chairperson and a person presiding at a meeting of the authority, while he or she is acting as the chairperson or so presiding;
 “chief officer” means—
 (a) a person appointed under *section 24* as the chief officer of a university, or
 (b) the chief officer of a university, constituent college, Recognised College or educational institution, by whatever name known, continued in office for the purposes of this Act,
 and includes a person acting in the office or performing the duties of a chief officer;
 “commission” means a commission appointed under *section 23(1)*;
 “constituent college” means a university college specified in *column 1* of the *Second Schedule*;
 “constituent university” means a university specified in *column 2* of the *Second Schedule* or the National University of Ireland, Maynooth;
 “Dublin City University” means the university established by section 2 of the Dublin City University Act, 1989;
 F3["education and training board" means an education and training board established under the Education and Training Boards Act 2013;]

F3["education and training board area" has the meaning assigned to it by the Education and Training Boards Act 2013;]

"employee", in relation to a university, means a person employed by the university in any capacity, and includes an officer of the university;

"financial year" means a period of 12 months commencing on the 1st day of January in each year;

"first governing authority" means a governing authority of a university as that governing authority is first constituted after the commencement of *Part III* or, in the case of an additional university established under *section 9*, as first constituted after that university is established;

"functions" includes powers and duties;

"governing authority" includes—

(a) F2[...]

(b) F2[...]

(c) in relation to the appointment of the first governing authority of a university, the commission for that university, and

(d) except to the extent that its functions are limited under *section 22*, a governing body continued in existence by that section;

"the Minister" means the Minister for Education;

"the National University of Ireland" means the university by that name in Dublin, constituted and founded by charter in pursuance of the Irish Universities Act, 1908;

"officer", in relation to a university, includes—

(a) a permanent, full-time member of the academic staff of the university,

(b) the chief officer,

(c) a person who immediately before the commencement of this Part is an officer of a university, constituent college or recognised college, and

(d) such other employees as the governing authority may from time to time determine;

"Recognised College" means a recognised college of the National University of Ireland;

"the Senate" means the Senate of the National University of Ireland;

"statutes" means the statutes made under *section 33(1)* by a governing authority, and includes statutes continued in force by *section 33(3)*;

"student", in relation to a university, means a person registered as a student by the university or a full-time officer of the Students Union or other student representative body in the university recognised by the governing authority who was first elected or appointed to his or her office while he or she was a registered student of the university;

"Student Union" means a body established to promote the general interests of students of a university and which represents students, both individually and collectively, in respect of academic, disciplinary and other matters arising within the university;

"Trinity College" means the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin established by charter dated the 3rd day of March, 1592, and shall be held to include the University of Dublin save where the context otherwise requires in accordance with the charters and letters patent relating to Trinity College;

“the University of Dublin” means the university established by the charters and letters patent incorporating Trinity College and which said university is further provided for by the letters patent of the 24th day of July, 1857;

“the University of Limerick” means the university established by section 2 of the University of Limerick Act, 1989;

F2[...]

(2) In this Act, including a Schedule to this Act—

- (a) a reference to any other enactment shall, except where the context otherwise requires, be construed as a reference to that enactment as amended by or under any other enactment, including this Act,
- (b) a reference to a section, Chapter or Part is a reference to a section, Chapter or Part of this Act, unless it is indicated that reference to some other enactment is intended,
- (c) 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
- (d) a reference to a Schedule is a reference to a Schedule to this Act.

(3) A reference in this Act to the performance of functions includes a reference to the exercise of powers and the performance of duties.

Annotations

Amendments

F1	Substituted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 145 and sch. 4, S.I. No. 554 of 2022.
F2	Deleted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 145 and sch. 4, S.I. No. 554 of 2022.
F3	Inserted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 145 and sch. 4, S.I. No. 554 of 2022.

Application.

4.—(1) Without limiting its general application, F4[...] this Act shall apply to—

- (a) the constituent universities,
- (b) Dublin City University,
- (c) Trinity College,
- (d) the University of Limerick, and
- (e) such universities, if any, as are established under *section 9*,

as constituted from time to time, F5[while they are designated institutions of higher education and are funded bodies in accordance with the *Higher Education Authority Act 2022*].

(2) F6[...]

(3) F6[...]

(4) F6[...]

Annotations**Amendments**

- F4** Deleted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 72(a), S.I. No. 554 of 2022.
- F5** Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 72(b), S.I. No. 554 of 2022.
- F6** Repealed (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 5(1) and sch. 1 part 1, S.I. No. 554 of 2022, subject to qualification in s. 5(2).

Expenses. **5.**—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.

Repeals and savings. **6.**—(1) The enactments mentioned in *Part I* of the *First Schedule* are hereby repealed.

(2) The enactments mentioned in *column 2* of *Part II* of the *First Schedule* are hereby repealed to the extent mentioned in *column 3* of that Schedule opposite to those enactments mentioned in *column 1*.

PART II

ESTABLISHMENT AND IDENTITY OF UNIVERSITIES

Reconstitution of constituent colleges. **7.**—(1) The constituent colleges shall, by virtue of this section, become and be universities, and each college named in *column 1* of the *Second Schedule* shall be known by the corresponding name in the English language or in the Irish language in *column 2* of that Schedule opposite to the name mentioned in *column 1*.

(2) The universities as constituted by *subsection (1)* shall be constituent universities of the National University of Ireland and references to “college” or “constituent college” in the Irish Universities Act, 1908 or in the charter of the National University of Ireland, or in the charters of those constituent colleges, shall be construed as references to those constituent universities as constituted from time to time.

(3) A reference to a constituent college in any other Act or in a statutory instrument made under an Act, or in the memorandum or articles of association of any company or any other legal document, shall be construed as a reference to the corresponding constituent university referred to in *subsection (1)* as constituted from time to time.

(4) Where immediately before the commencement of this Part any legal proceedings in relation to a constituent college were pending to which the constituent college was party, the name of the corresponding constituent university shall on that commencement be substituted in the proceedings for the name of the constituent college, and the proceedings shall not abate by reason of the substitution.

Incorporation of educational institutions with existing universities. **8.**—(1) If An tÚdarás considers that an educational institution or part of an educational institution should form part of a university, the Minister may by order made with the consent of the Minister for Finance, the institution concerned and the governing authority of the university, provide that the institution or part shall become and form part of the university, and on the making of the order it shall be so incorporated.

(2) The Minister shall not make an order under *subsection (1)* unless the Minister has first caused to be laid before each House of the Oireachtas a draft of the proposed order and a resolution approving of the draft has been passed by both Houses.

(3) *Subsections (3) to (6) of section 44* shall apply to the staff of an institution who immediately before the incorporation provided for in *subsection (1)* were employees of the institution and who become employees of the university on such incorporation, in the same way as they apply to persons employed by St. Patrick's College, Maynooth.

Annotations

Modifications (not altering text):

C2 Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 24 of 1997	Universities Act 1997	Section 8(1) and 25(4); Third Schedule, paragraph 9
...

Establishment of additional universities.

9.—(1) The Government may, at any time, appoint a body, the membership of which shall be recommended by An tÚdarás and shall include international experts and national experts, including employees of universities to which this Act applies, to advise An tÚdarás on whether, having regard to the objects and functions of a university under *sections 12 and 13*, an educational institution should be established as a university.

(2) On the advice of the body and the recommendation of An tÚdarás, but subject to *subsection (3)*, the Government may, by order, provide that the institution shall be a university for the purposes of this Act and, on the making of the order, it shall be established accordingly.

(3) The Government shall not make an order under *subsection (2)* unless it has first caused to be laid before each House of the Oireachtas a draft of the proposed order and a resolution approving of the draft has been passed by both Houses.

(4) A university established under *subsection (2)* shall be a body corporate with perpetual succession and an official seal and have power to sue and may be sued in its corporate name and to acquire, hold and dispose of land or any other property.

F7[(5) In determining the amount of money to be allocated for the financial year to a university established under *subsection (2)* from moneys provided to An tÚdarás pursuant to F8[section 19 of the Higher Education Authority Act 2022 and *section 37(1)*], an tÚdarás shall ensure that the range and levels of programmes of education and training in that university and the number of enrolled learners (within the meaning of the Qualifications and Quality Assurance (Education and Training) Act 2012) participating in those programmes are in accordance with such policies as may be determined from time to time by the Minister.]

F7[(6) An tÚdarás may give directions to a university for the purposes of *subsection (5)*.]

F7[(7) A university established under *subsection (2)* shall act in accordance with such directions as may be given from time to time by An tÚdarás to the university under *subsection (6)*.]

Annotations

Amendments

- F7** Inserted (5.11.2012) by *Qualifications and Quality Assurance (Education and Training) Act 2012* (28/2012), s. 86 and sch. 3 item 7, S.I. No. 421 of 2012.
- F8** Substituted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 145 and sch. 4, S.I. No. 554 of 2022.

Change of name of university.

10.—(1) The Minister may, at the request of the governing authority of a university, and in the case of a constituent university with the consent of the Senate, by order, change the name of the university.

(2) A reference in any Act, statutory instrument made under an Act or legal or other document to a university by its name applying before it was changed under *subsection (1)* shall be construed as a reference to that university as so renamed.

(3) Notwithstanding *subsection (1)* and *section 7(1)*, a constituent university may extend its name in such manner as it considers appropriate to indicate that it is the successor to its corresponding constituent college.

Annotations

Editorial Notes:

- E1** Power pursuant to subs. (1) exercised (19.11.1998) by *National University of Ireland, Dublin (Change of Name of University) Order 1998* (S.I. No. 447 of 1998).
- E2** Power pursuant to subs. (1) exercised (19.11.1998) by *National University of Ireland, Cork (Change of Name of University) Order 1998* (S.I. No. 446 of 1998).

Amendment of
Dublin City
University Act,
1989, and
University of
Limerick Act,
1989.

11.—(1) Section 2 of the Dublin City University Act, 1989, is hereby amended—

(a) in subsection (1), by the deletion of “and shall perform the functions assigned to it by the Act of 1980 as amended by this Act”; and

(b) by the insertion of the following after subsection (1):

“(1A) The University is and shall continue to be the body corporate of that name in existence immediately before the commencement of *section 6* of the *Universities Act, 1997*, with the same perpetual succession, power to sue and be sued in its corporate name and to acquire, hold and dispose of land and any other property, as it then had.”.

(2) Section 2 of the University of Limerick Act, 1989, is hereby amended—

(a) in subsection (1), by the deletion of “and shall perform the functions assigned to it by the Act of 1980 as amended by this Act”, and

(b) by the insertion of the following after subsection (1):

“(1A) The University is and shall continue to be the body corporate of that name in existence immediately before the commencement of *section 6* of the *Universities Act, 1997*, with the same perpetual succession, power to sue and be sued in its corporate name and to acquire, hold and dispose of land and any other property, as it then had.”.

PART III

UNIVERSITIES GENERALLY

CHAPTER I

Objects and functions

Objects of
university.

12.—The objects of a university shall include—

(a) to advance knowledge through teaching, scholarly research and scientific investigation,

(b) to promote learning in its student body and in society generally,

(c) to promote the cultural and social life of society, while fostering and respecting the diversity of the university's traditions,

(d) to foster a capacity for independent critical thinking amongst its students,

(e) to promote the official languages of the State, with special regard to the preservation, promotion and use of the Irish language and the preservation and promotion of the distinctive cultures of Ireland,

(f) to support and contribute to the realisation of national economic and social development,

(g) to educate, train and retrain higher level professional, technical and managerial personnel,

(h) to promote the highest standards in, and quality of, teaching and research,

(i) to disseminate the outcomes of its research in the general community,

(j) to facilitate lifelong learning through the provision of adult and continuing education, and

- (k) to promote gender balance and equality of opportunity among students and employees of the university.

Functions of university.

13.—(1) The functions of a university are to do all things necessary or expedient in accordance with this Act and its charter, if any, to further the objects and development of the university.

(2) Without limiting the generality of *subsection (1)*, a university—

- (a) shall provide courses of study, conduct examinations and award degrees and other qualifications,
- (b) shall promote and facilitate research,
- (c) may establish by incorporation in the State or elsewhere, or participate in the establishment of, such trading, research or other corporations as it thinks fit for the purpose of promoting or assisting, or in connection with the functions of, the university,
- (d) may collaborate with educational, business, professional, trade union, Irish language, cultural, artistic, community and other interests, both inside and outside the State, to further the objects of the university,
- (e) shall maintain, manage and administer, and may dispose of and invest, the property, money, assets and rights of the university,
- (f) may collaborate with graduates, convocations of graduates and with associations representing graduates of the university both inside and outside the State,
- (g) may purchase or otherwise acquire, hold and dispose of land or other property, and
- (h) may accept gifts of money, land or other property on the trusts and conditions, if any, not in conflict with this Act, specified by the donor.

Academic freedom.

14.—(1) A university, in performing its functions shall—

- (a) have the right and responsibility to preserve and promote the traditional principles of academic freedom in the conduct of its internal and external affairs, and
- (b) be entitled to regulate its affairs in accordance with its independent ethos and traditions and the traditional principles of academic freedom, and in doing so it shall have regard to—
- (i) the promotion and preservation of equality of opportunity and access,
- (ii) the effective and efficient use of resources, and
- (iii) its obligations as to public accountability,

and if, in the interpretation of this Act, there is a doubt regarding the meaning of any provision, a construction that would promote that ethos and those traditions and principles shall be preferred to a construction that would not so promote.

(2) A member of the academic staff of a university shall have the freedom, within the law, in his or her teaching, research and any other activities either in or outside the university, to question and test received wisdom, to put forward new ideas and to state controversial or unpopular opinions and shall not be disadvantaged, or subject to less favourable treatment by the university, for the exercise of that freedom.

Governance

Governing authority.

15.—(1) F9[...] each university shall have a governing authority established in accordance with this Act which shall be known by whatever name the governing authority decides.

(2) Subject to this Act, the functions of a university shall be performed by or on the directions of its governing authority.

(3) All acts and things done by a governing authority, or in the name of or on behalf of the university with the express or implied authority of the governing authority, shall be deemed to have been done by the university.

(4) The *Third Schedule* shall apply to the governing authority.

Annotations

Amendments

F9 Deleted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 145 and sch. 4, S.I. No. 554 of 2022.

Composition of governing authority.

F10[16. (1) Subject to this Part, a governing authority, other than in the case of Trinity College to which *section 16A* applies, shall consist of 19 members as determined in accordance with this Chapter.

(2) The members of a governing authority shall be—

(a) the chairperson, who shall be an external member, appointed by the governing authority,

(b) nine external members (other than the chairperson), appointed by the governing authority,

(c) the chief officer,

(d) five internal members (other than the chief officer) appointed by the governing authority, and

(e) three student union representatives appointed by the governing authority.

(3) The internal members of a governing authority shall be elected or selected for appointment as such internal members in accordance with regulations made under *subsection (6)*.

(4) Subject to *subsection (5)*, with regard to the appointment of external members of a governing authority—

(a) three such members shall be nominated by the Minister, and

(b) seven such members shall be appointed by the governing authority in accordance with a process for such appointments that is determined by the governing authority and approved by the Minister.

(5) Before a person is nominated for appointment or appointed, as may be appropriate, as an external member of a governing authority of a university, the Minister or the governing authority of the university, as the case may be, shall be satisfied that the person is suitable for appointment as such an external member by reason of his or her possessing knowledge of, and experience in, matters connected with the objects and functions of the university to enable him or her to make a substantial contribution to the effective and efficient performance of those functions.

(6) A governing authority shall, with the approval of the Minister, make such regulations relating to the selection, election, nomination or appointment of members of the governing authority as it thinks fit, and their selection, election, nomination or appointment shall be carried out in accordance with those regulations.

(7) In performing functions under this section, the Minister and a governing authority shall have regard to the objectives that—

(a) not less than 40 per cent of the members of the governing authority shall be women and not less than 40 per cent of them shall be men, and

(b) the membership of the governing authority shall broadly reflect the composition of Irish society, including persons who are competent in the Irish language.

(8) In this section and in *sections 16A, 17 and 23A*—

"external member", in relation to a governing authority, means a member of the governing authority other than an internal member or a student member thereof;

"internal member", in relation to a governing authority, means a member of the governing authority who is a member of the academic council of the university, an employee of the university or a person who is remunerated under a contract with the university and, in the case of Trinity College, including fellows of Trinity College;

"student member", in relation to a governing authority, means a member of the governing authority who is a student of the university.]

Annotations

Amendments

F10 Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 73, S.I. No. 554 of 2022.

Editorial Notes:

E3 Previous affecting provision: subs. (5)(a)(i), (d)(ii) amended and subs. (5)(b)(ii), (iv), (g)(i), (ii) substituted (1.06.2014) by *Local Government Reform Act 2014 (1/2014)*, s. 5(8) and sch. 2 part 6, S.I. No. 214 of 2014.

F11[Composition of governing authority of Trinity College, Dublin

16A.—(1) Subject to this Part and notwithstanding section 3 (2) of The Trinity College, Dublin (Charters and Letters Patent Amendment) Act 2000, the governing authority of Trinity College (known as the Board of Trinity College) shall consist of the following members:

(a) 19 members appointed in accordance with *section 16*;

(b) such further number of members, who are fellows of Trinity College, appointed by the governing authority, provided that the number of external members (including the chairperson) of the governing authority shall comprise not less than 40 per cent of its membership.

(2) Clause 4 of the Supplemental Letters Patent of 1911 (within the meaning of The Trinity College, Dublin (Charters and Letters Patent Amendment) Act 2000) is amended by the substitution of "shall be in accordance with the provisions of the Universities Act 1997" for "shall be in accordance with the provisions of The Trinity College, Dublin (Charters and Letters Patent Amendment) Act 2000".]

Annotations**Amendments**

F11 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 74, S.I. No. 554 of 2022.

F12[Referral of matter for conduct of General Visitation by Trinity College Visitors

16B.—(1) An tÚdarás may, if it has a concern regarding a matter relating to the governance of Trinity College or the performance by Trinity College of its functions or compliance by it with its obligations, request the Visitors of Trinity College in writing to conduct a General Visitation in accordance with the statutes of Trinity College as respects the matter.

(2) An tÚdarás shall specify in a request under *subsection (1)* the matter the subject of its concern and the reasons for the request.

(3) The Visitors of Trinity College shall consider a request received under *subsection (1)* and shall, if they are satisfied that there are reasonable grounds for a General Visitation and that it is appropriate to do so, conduct a General Visitation as respects the matter specified in the request in accordance with the statutes of Trinity College.

(4) The Visitors of Trinity College shall, within such period as may be agreed with An tÚdarás, report in writing to An tÚdarás on the General Visitation and the outcome thereof and they shall furnish such a report to the governing authority of Trinity College.

(5) This section is without prejudice to Part 8 of the Higher Education Authority Act 2022 as respects Trinity College.

(6) An tÚdarás shall provide a copy of a report received by it under *subsection (4)* to the Minister.

(7) In this section—

"General Visitation", in relation to Trinity College, has the meaning it has in the statutes of Trinity College;

"Visitors of Trinity College", means the persons appointed as the Visitors of Trinity College pursuant to the statutes of Trinity College.]

Annotations**Amendments**

F12 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 74, S.I. No. 554 of 2022.

Chairperson of governing authority.

F13[**17.**—(1) The first meeting of a governing authority of a university shall be chaired by an external member of the governing authority who is appointed by a majority vote of the members to be an interim chairperson of the governing authority until the appointment of a chairperson under *subsection (2)*.

(2) A governing authority shall, at the first meeting of the governing authority, appoint an external member of the governing authority to be the chairperson of the governing authority by a majority vote of not less than two-thirds of its members.

(3) A person shall cease to be chairperson of a governing authority if he or she ceases to be an external member of the governing authority.]

Annotations**Amendments**

F13 Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 75, S.I. No. 554 of 2022.

Functions of governing authority.

18.—(1) The functions of the governing authority of a university shall be, in pursuance of the objects of the university under *section 12* but within the constraints of its budget under *section 37*—

- (a) to control and administer the land and other property of the university,
- (b) to appoint the chief officer and such other employees as it thinks necessary for the purposes of the university,
- (c) subject to this Act and its charter, if any, statutes and regulations, to determine the membership from time to time of the governing authority, and
- (d) to perform such other functions as are imposed on it by or under this or any other Act or by its charter, if any, statutes and regulations.

F14[(1A) The governing authority of a university shall—

- (a) promote the success (including academic success) and reputation of the university,
- (b) satisfy itself that appropriate systems, procedures and practices are in place—
 - (i) to achieve the objects of the university,
 - (ii) for the internal performance management and accountability of the university in respect of—
 - (I) the performance of its functions, and
 - (II) the achievement of the aims in the strategic development plan under *section 34*,
- and
- (iii) in order to implement, and report on compliance with, the policies (whether set out in codes, guidelines or other documents, or any combination thereof) of the Government or a Minister of the Government to the extent that those policies may affect or relate to the functions of the university,
- and
- (c) establish and implement arrangements for the management of the performance of the chief officer.]

F14[(1B) Without prejudice to the generality of *subsections (1)* and *(1A)*, the governing authority of a university shall perform the following functions with regard to the university:

- (a) approve expenditure for major capital and investment projects;
- (b) approve annual financial statements;
- (c) provide for and maintain a system of audit;
- (d) provide for and maintain a system of risk management;

- (e) provide for and maintain a system of quality assurance in accordance with the Qualifications and Quality Assurance (Education and Training) Act 2012 ;
- (f) review and oversee the implementation of major plans of action and provide strategic direction;
- (g) delegate such functions as may be appropriate to the chief officer;
- (h) manage the financial affairs of the university to ensure value for money and its financial viability;
- (i) account to An tÚdarás for funding provided to the university by An tÚdarás.]

(2) For the purposes of the performance of its functions under *subsection (1) (b)*, the governing authority shall develop such interview and other procedures as in its opinion will best ensure participation in the selection process by high quality candidates from both within and outside of the employees of the university and specify those procedures in a statute or regulation.

(3) A governing authority has, subject to this or any other Act or its charter, if any, such powers as are necessary for the purposes of performing its functions.

(4) A governing authority may, from time to time, appoint such and as many committees F15[(including committees relating to audit and risk management functions)], consisting either wholly or partly of members of the governing authority, as it thinks necessary to assist it in the performance of its functions and may assign to those committees such of its functions as it thinks fit.

(5) A committee appointed under *subsection (4)* shall operate in such manner as the governing authority may direct and its acts shall be subject to confirmation by the governing authority unless the governing authority otherwise directs.

(6) In performing its functions a governing authority, or a committee where appropriate, shall—

- (a) have regard to the promotion and use of the Irish language as a language of general communication and promote the cultivation of the Irish language and its associated literary and cultural traditions;
- (b) have regard to the attainment of gender balance and equality of opportunity among the students and employees of the university and shall, in particular, promote access to the university and to university education by economically or socially disadvantaged people and by people from sections of society significantly under-represented in the student body; and
- (c) ensure as far as it can that the university contributes to the promotion of the economic, cultural and social development of the State and to respect for the diversity of values, beliefs and traditions in Irish society.

Annotations

Amendments

- | | |
|------------|--|
| F14 | Inserted (10.11.2022) by <i>Higher Education Authority Act 2022</i> (31/2022), s. 75(a), S.I. No. 554 of 2022. |
| F15 | Inserted (10.11.2022) by <i>Higher Education Authority Act 2022</i> (31/2022), s. 75(b), S.I. No. 554 of 2022. |

F16[Review of matter and report by governing authority of university

18A.—(1) If a governing authority has concerns regarding a matter relating to the governance, or the performance of the functions of the university, the governing authority shall arrange for a review of the matter to be undertaken.

(2) A governing authority may appoint such person as it considers appropriate (in this section referred to as a "reviewer") to carry out a review of the matter concerned.

(3) A reviewer may request such information and assistance as he or she may require for the purposes of the review from the governing authority, the chief officer and the employees of the university and the governing authority, the chief officer and the employees of the university shall comply with any such request.

(4) A reviewer shall review the matter concerned and shall prepare a report of the outcome of the review and any recommendation made arising therefrom and shall provide a copy of the report to the governing authority and the chief officer.

(5) A governing authority shall, if recommended to do so by the report prepared by a reviewer, take such measures as it considers appropriate with regard to the matter concerned.

(6) A governing authority shall retain a copy of a report of the outcome of any review undertaken under *subsection (1)* and shall provide a report to An tÚdarás annually or, more frequently, if so requested by An tÚdarás on the outcome of any review undertaken by the governing authority under that subsection, including any measures taken under *subsection (5)*.]

Annotations

Amendments

F16 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 77, S.I. No. 554 of 2022.

Editorial Notes:

E4 The section heading is taken from the amending section in absence of one included in the amendment.

Visitor.

19.—F17[...]

Annotations

Amendments

F17 Repealed (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 5(1) and sch. 1 part 1, S.I. No. 554 of 2022.

Visitation.

20.—F18[...]

Annotations

Amendments

F18 Repealed (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 5(1) and sch. 1 part 1, S.I. No. 554 of 2022.

Suspension of governing authority.

21.—F19[...]

Annotations

Amendments

F19 Repealed (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 5(1) and sch. 1 part 1, S.I. No. 554 of 2022.

CHAPTER III

Interim Arrangements

Governing bodies of existing colleges, etc., to continue in office until first governing authorities constituted.

22.—A governing body (by whatever name known) of—

(a) a constituent college or a university to which this Act applies and holding office on the commencement of this Part, or

(b) an educational institution established under *section 9* as an additional university and holding office immediately before its establishment as a university,

shall continue in existence after that commencement or the establishment of the institution as a university, as the case may be, notwithstanding the repeal of any provision of an enactment by or under which that governing body was constituted and, except in relation to the appointment of the first governing authority of the university, shall have the functions of a governing authority under this Act until the first governing authority is duly constituted under this Act.

Annotations

Modifications (not altering text):

C3 Application of section restricted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 5(2), S.I. No. 554 of 2022.

Repeals, revocations and savers

5. ...

(2) Notwithstanding the repeal of subsections (2) to (4) of section 4 of the Act of 1997, sections 22 and 23 of the Act of 1997 shall not apply to Trinity College (within the meaning of that Act).

...

Determination of composition of first governing authority.

23.—(1) Subject to *section 16*, the Minister shall, as soon as practicable after the commencement of this Part, in respect of each university to which this Act applies, and after the establishment under *section 9* of any additional university in respect of that university, appoint a commission for the university.

(2) The members of a commission shall, subject to *subsection (3)*, be—

(a) in the case of a constituent university—

(i) the chief officer,

(ii) the Registrar of the university,

(iii) two members of the governing body (by whatever name known) of its corresponding constituent college holding office immediately before the

- commencement of this Part, at least one of whom shall be a member of the academic staff of the university, nominated by that governing body,
- (iv) the Chancellor of the National University of Ireland or a person nominated by the Chancellor, and
 - (v) the F20[chairperson of the Board] of An tÚdarás or a person nominated by the F20[chairperson of the Board],
- (b) in the case of Dublin City University or the University of Limerick—
- (i) the chief officer,
 - (ii) the Registrar of the university,
 - (iii) two members of the Governing Body of the university holding office immediately before the commencement of this Part, at least one of whom shall be a member of the academic staff of the university, nominated by that Governing Body, and
 - (iv) the F20[chairperson of the Board] of An tÚdarás or a person nominated by the F20[chairperson of the Board],
- (c) in the case of Trinity College—
- (i) the Provost and the vice-Provost,
 - (ii) the Chancellor of the University of Dublin, or a nominee of the Chancellor,
 - (iii) two members of the Board of the College holding office immediately before the commencement of this Part, nominated by that Board, and
 - (iv) the F20[chairperson of the Board] of An tÚdarás or a person nominated by the F20[chairperson of the Board], and
- (d) in the case of an educational institution established under *section 9* as a university—
- (i) the chief officer (by whatever name known) of the institution holding office immediately before its establishment as a university,
 - (ii) the senior officer of the institution having responsibility to the chief officer for academic affairs, holding office immediately before its establishment as a university,
 - (iii) such members of the governing body (by whatever name known) of the institution holding office immediately before its establishment as a university as the Minister determines after consultation with that governing body, and
 - (iv) the F20[chairperson of the Board] of An tÚdarás or a person nominated by the F20[chairperson of the Board].

(3) If a person specified as a member of a commission in, or nominated as such under, *subsection (2)* is unable or unwilling to act as a member, the remaining members shall nominate a person to replace that person as a member, and the Minister shall appoint the nominated person accordingly.

(4) The first meeting of a commission shall be convened by the chief officer and at the meeting the members shall appoint one of their number to act as chairperson of the commission.

(5) A commission shall, as soon as practicable after the date of the appointment of its members and in any case not later than three months from that date, in accordance

with *section 16*, determine the composition of the governing authority of its university and, by notice in writing, inform the Minister of the composition as so determined.

(6) F21[...]

(7) A commission F21[...] shall remain in office until the first meeting of the relevant governing authority constituted in accordance with this Act and at the commencement of that meeting the commission F21[...] is, by virtue of this section, dissolved.

Annotations

Amendments

F20 Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 145 and sch. 4, S.I. No. 554 of 2022.

F21 Deleted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 145 and sch. 4, S.I. No. 554 of 2022.

Modifications (not altering text):

C4 Application of section restricted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 5(2), S.I. No. 554 of 2022.

Repeals, revocations and savers

5. ...

(2) Notwithstanding the repeal of subsections (2) to (4) of section 4 of the Act of 1997, sections 22 and 23 of the Act of 1997 shall not apply to Trinity College (within the meaning of that Act).

...

F22[CHAPTER IIIA

Transitional arrangements for membership and chairperson of governing authority]

Annotations

Amendments

F22 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 78, S.I. No. 554 of 2022.

F23[Transitional arrangements for membership and chairperson of governing authority

23A. (1) A governing authority of a university shall, as soon as practicable after the relevant date and with the approval of the Minister, determine the arrangements and procedures to be put in place by it to ensure that the composition of the governing authority of the university complies with *section 16* (inserted by section 73 of the Act of 2022) or, as may be appropriate, *section 16A* (inserted by section 74 of the Act of 2022) within the period referred to in *subsection (2)*.

(2) Subject to *subsections (3) to (5)*, a governing authority of a university shall, within 12 months of the relevant date—

(a) determine the composition of the governing authority of its university in accordance with the arrangements and procedures put in place by it under *subsection (1)*,

(b) appoint the members (other than the chief officer) of the governing authority accordingly, and

(c) by notice in writing, inform the Minister of the composition as so determined.

- (3) (a) Notwithstanding *section 17* (inserted by section 75 of the Act of 2022), a person (other than the chief officer) who was the chairperson of a governing authority of a university upon the commencement of section 75 of the Act of 2022 may continue after that commencement to be the chairperson of the governing authority of that university until his or her membership of the governing authority ceases, provided that he or she is an external member.
- (b) For the purposes of *paragraph (a)*, a term served by a person referred to in that paragraph as a member of the governing authority, but not as chairperson thereof, before the commencement referred to in that paragraph shall be disregarded for the purposes of *paragraph 4(1)(b)* of the *Third Schedule*.
- (4) A person (other than the chief officer) who was appointed as a member (including the chairperson) of the governing authority before the relevant date and who is re-appointed as such member pursuant to *subsection (2)(b)*—
- (a) shall be so re-appointed for a term of office of no longer than the unexpired term for which he or she was so appointed, and
- (b) the term of office served by the member (including the chairperson) immediately before the relevant date and the term of office for which he or she is re-appointed under *paragraph (a)* shall be regarded as one term of office for the purposes of *paragraph 4(1)(b)* of the *Third Schedule*.
- (5) Notwithstanding *paragraphs 4 and 5 of the Third Schedule*, where the term of office of all or the majority of the members (including the chairperson) of a governing authority of a university expires by the effluxion of time during the period referred to in *subsection (2)*, the Minister may, at the request of the governing authority of the university and if the members concerned so agree, extend the term of office of those members for such period (that is not longer than the period referred to in *subsection (2)*) as the Minister may determine to facilitate that governing authority to comply with that subsection.
- (6) In this section—
- "Act of 2022" means the Higher Education Authority Act 2022;
- "relevant date" means the date on which section 73 of the Act of 2022 comes into operation.]

Annotations**Amendments**

F23 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 78, S.I. No. 554 of 2022.

CHAPTER IV

Staff of University

Chief officer.

- 24.**—(1) A governing authority shall, in accordance with procedures specified in a statute, appoint in a whole-time capacity a person to be chief officer of its university, who shall be called the President or Provost or by such other title as the governing authority determines F24[...].
- (2) F24[...]
- (3) The *Fourth Schedule* shall apply to the chief officer.

Annotations**Amendments**

F24 Deleted (1.02.2007) by *Institutes of Technology Act 2006* (25/2006), s. 53(a)(i), (ii), S.I. No. 36 of 2007.

Staff.

25.—(1) Subject to *subsection (2)*, a university may, in accordance with procedures specified in a statute or regulation, appoint such and so many persons to be its employees as it thinks appropriate, having regard to—

- (a) the efficient use of its available resources, the requirements of accountability for the use of moneys provided to it by the Oireachtas and the policy relating to pay and conditions in the Public Service as determined from time to time by the Government, F25[and]
- (b) the implications of the appointments for its budget and for F26[subsequent budgets.]
- (c) F27[...]

(2) A governing authority may, subject to such conditions as it thinks fit, delegate to the chief officer any of the functions of the governing authority or the university relating to the appointment of employees of the university and the determination of selection procedures.

(3) Except as otherwise provided by this section, the employees of a university shall be employed on such terms and conditions as the university from time to time determines.

(4) Subject to *subsection (5)*, there shall be paid by a university to the employees of that university, such remuneration, fees, allowances and expenses as may be approved from time to time by the Minister with the consent of the Minister for Finance.

(5) (a) A university may depart from levels of remuneration, fees, allowances and expenses approved under *subsection (4)* where the governing authority is satisfied that it is necessary to meet the objects of the university, but may do so only in accordance with a framework which shall be agreed between the universities and An tÚdarás.

(b) A corporation referred to in *section 13(2)(c)* may pay to employees of a university remuneration, fees, allowances and expenses only in accordance with a framework which shall be agreed between the universities and An tÚdarás.

(6) A university may suspend or dismiss any employee but only in accordance with procedures, and subject to any conditions, specified in a statute made following consultation through normal industrial relations structures operating in the university with recognised staff associations or trade unions, which procedures or conditions may provide for the delegation of powers relating to suspension or dismissal to the chief officer and shall provide for the tenure of officers.

(7) A university or the National University of Ireland shall determine the terms and conditions of any superannuation scheme for its employees in accordance with the *Fifth Schedule* and that Schedule shall apply to an amendment to an existing scheme in the same way as it applies to a new scheme.

(8) For the removal of doubt, it is hereby declared that—

- (a) the rights and entitlement in respect of tenure, remuneration, fees, allowances, expenses and superannuation enjoyed on the commencement of this section

by persons who are employees, and in the case of superannuation, former employees, of a university to which this Act applies shall not, by virtue of the operation of this Act, be any less beneficial than those rights and entitlements enjoyed by those persons as employees of the university or corresponding constituent college or Recognised College immediately before that commencement, and

(b) the conditions of service, restrictions and obligations to which such persons were subject immediately before the commencement of this Act shall, unless they are varied by agreement, continue to apply to such persons and shall be exercised or imposed by the university or the chief officer as may be appropriate, while such persons are employed by the university.

Annotations

Amendments

- F25** Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 145 and sch. 4, S.I. No. 554 of 2022.
- F26** Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 145 and sch. 4, S.I. No. 554 of 2022.
- F27** Deleted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 145 and sch. 4, S.I. No. 554 of 2022.

Modifications (not altering text):

- C5** Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 24 of 1997	Universities Act 1997	Section 8(1) and 25(4); Third Schedule, paragraph 9
...

C6 Subs. (8) unaffected insofar as it relates to superannuation (26.06.2009) by *Financial Measures (Miscellaneous Provisions) Act 2009* (14/2009), s. 9, commenced on enactment.

Application of certain other Acts.

9.— ...

(4) Nothing in this Part affects the operation of section 25 (8) of the Universities Act 1997 so far as it relates to superannuation.

C7 Subs. (7) application continued (26.06.2009) by *Financial Measures (Miscellaneous Provisions) Act 2009* (14/2009), s. 13(1), (2), commenced on enactment.

Changes in rules of covered pension schemes.

13.— (1) Section 25 (7) of the Universities Act 1997 and the Fifth Schedule to that Act continue to apply in relation to a relevant pension scheme that is a university pension scheme after a transfer order is made in relation to the relevant covered pension fund, but that section and Schedule are not to be taken to authorise the amendment of the order.

(2) On and from the passing of this Act, a relevant pension scheme (other than a relevant pension scheme to which subsection (1) applies) may be amended only with the approval of the Minister for Finance where that Minister is the relevant Minister in relation to the scheme, and in any other case the relevant Minister in relation to the scheme and the Minister for Finance.

Editorial Notes:

E5 Power pursuant to subs. (7) exercised (11.06.2010) by *National University of Ireland (Closed) Pension Scheme 2010* (S.I. No. 283 of 2010).

E6 Power pursuant to subs. (7) exercised (10.03.2010) by *National University of Ireland, Galway Ollscoil na hÉireann, Gaillimh (Closed) Pension Scheme 2010* (S.I. No. 98 of 2010).

E7 Power pursuant to subs. (7) exercised (10.03.2010) by *University College Cork - National University of Ireland, Cork (Closed) Pension Scheme 2010* (S.I. No. 97 of 2010).

E8 Power pursuant to subs. (7) exercised (10.03.2010) by *University College Dublin, National University of Ireland, Dublin (Closed) Pension Scheme 2010* (S.I. No. 96 of 2010).

E9 Power pursuant to subs. (7) exercised (10.12.2009) by *National University of Ireland, Maynooth (Closed) Pension Scheme 2009* (S.I. No. 494 of 2009).

E10 Power pursuant to subs. (7) exercised (10.12.2009) by *University of Dublin Trinity College (Closed) Pension Scheme 2009* (S.I. No. 493 of 2009).

E11 Power pursuant to subs. (7) exercised (1.02.2005, deemed) by *Trinity College Dublin, the University of Dublin Superannuation Scheme 2018* (S.I. No. 393 of 2018), in effect as per art. 2.

E12 Power pursuant to subs. (7) exercised (29.11.2004, deemed) by *National University of Ireland, Maynooth Employee Superannuation Scheme 2017* (S.I. No. 542 of 2017), in effect as per art. 2.

Dispute
resolution.

26.—(1) A governing authority shall establish procedures for the resolution of disputes which arise in the university, other than disputes to be dealt with through normal industrial relations structures operating in the university or appeals conducted in accordance with *section 27(2)(e)*.

(2) Procedures established under *subsection (1)* shall—

(a) be specified in a statute,

(b) be established following consultation with trade unions and staff associations representing employees of the university and with the students union or other student representative body, and

- (c) provide for consideration of issues in dispute by an independent person or persons, as appropriate, one of whom, in the case of a constituent university, shall be a nominee of the Chancellor of the National University of Ireland.

(3) *Subsections (1) and (2)* shall not apply to Trinity College.

CHAPTER V

Academic Council

Academic Council.

27.—(1) Each university shall have an academic council which shall, subject to the financial constraints determined by the governing authority and to review by that authority, control the academic affairs of the university, including the curriculum of, and instruction and education provided by, the university.

(2) Without limiting the generality of *subsection (1)*, the functions of the academic council shall include, within those constraints and consistent with the functions of the university and those applying to its academic council immediately before the commencement of this Part—

- (a) to design and develop programmes of study,
- (b) to establish structures to implement those programmes,
- (c) to make recommendations on programmes for the development of research,
- (d) to make recommendations relating to the selection, admission, retention and exclusion of students generally,
- (e) to propose the form and contents of statutes to be made relating to the academic affairs of the university, including the conduct of examinations, the determination of examination results, the procedures for appeals by students relating to the results of such examinations and the evaluation of academic progress,
- (f) to make recommendations for the awarding of fellowships, scholarships, bursaries, prizes or other awards,
- (g) to make general arrangements for tutorial or other academic counselling,
- (h) to perform any other functions, not in conflict with this Act, which may be delegated to it by the governing authority, and
- (i) to implement any statutes and regulations made by the governing authority relating to any of the matters referred to in this subsection.

Composition of academic council.

28.—(1) The majority of members of the academic council shall be members of the academic staff of the university and, subject to *subsection (2)*, the numbers, composition, selection, appointment and terms of office of members shall be provided for in a statute, which statute shall contain provisions for the inclusion on the academic council of—

- (a) the senior member of staff having responsibility to the chief officer for each academic discipline, school or department as the governing authority determines, or, in the case of Trinity College, the senior member of staff having responsibility to the chief officer for each faculty,
- (b) members from what, in the opinion of the governing authority, is an appropriate range of levels of other academic staff from an appropriate range of academic disciplines, and
- (c) an appropriate number of students.

(2) The composition and terms of office of members of an academic council to be first appointed under this Act shall be determined in consultation with the members of the academic council of the relevant university, constituent college or Recognised College holding office immediately before the commencement of this Part or, in the case of an educational institution established under *section 9* as a university after that commencement, with the members of the academic council (by whatever name known) of that institution holding office immediately before the date on which the educational institution was so established as a university.

(3) The chief officer and the senior officer of the university responsible to the chief officer for academic affairs shall be, *ex officio*, members of the academic council.

Business of
academic council.

29.—(1) Subject to this Act and any directions of the governing authority, an academic council shall hold such meetings as it thinks necessary to perform its functions and may regulate its own procedure.

(2) The chief officer shall be entitled to preside at all meetings of the academic council or a committee of the council at which he or she is present, but if the chief officer at any time chooses not to so preside, he or she shall nominate a person to preside in his or her place.

(3) An academic council may establish such and so many committees as it thinks necessary to assist it in the performance of its functions.

(4) A committee may consist either wholly of members of the academic council or such combination of members and non-members as the academic council thinks fit.

Continuation of
existing academic
councils.

30.—(1) An academic council (by whatever name known) of a university, constituent college or Recognised College holding office immediately before the commencement of this Part shall, after that commencement and notwithstanding the repeal of any provision of an enactment under which it was constituted, continue to exist as if that provision had never been repealed.

(2) An academic council continued in existence under *subsection (1)* shall be the academic council for the university, with all the powers of an academic council under this Act, until an academic council for the university is established in accordance with this Chapter or the day which is one year from the date of commencement of this Part, whichever is earlier.

CHAPTER VI

Charters and Statutes

Charters and
supplementary
charters.

31.—(1) A university may have a charter, not in conflict with this Act, setting out all or any of the following:

- (a) its objects and functions in respect of its academic and administrative affairs;
- (b) the arrangements it has for the promotion and use of the Irish language and the promotion of Irish cultures;
- (c) the composition of the governing authority and its functions;
- (d) the rights of its employees and students and their responsibility towards the university and the responsibility of the university towards them;
- (e) the arrangements for review of, or appeals against, decisions of the governing authority or the academic council which affect employees or students;

(f) its policy in respect of the promotion of equality of opportunity among students and employees;

(g) its policy in respect of adult and continuing education and the arrangements in place for the provision of that education, including part-time and evening courses; and

(h) any other matters the governing authority may consider relevant.

(2) In preparing a charter, the governing authority shall consult, in such manner as it thinks appropriate, with the academic staff and other employees of the university, any recognised trade union or staff association, any recognised student union or other student representative body, or with any other person or group, both within and outside of the university, it considers should be consulted.

(3) A charter made under this section by a governing authority of a constituent university or Trinity College shall be supplemental to the charter of that university in force at the commencement of this Part.

(4) A draft of a proposed charter under this section may be submitted by the governing authority to the Government with a request that it be recognised, and the Government shall, by order, recognise the charter as so drafted.

(5) An order under *subsection (4)* shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under the order or the charter which the order recognised.

Annotations

Editorial Notes:

E13 Power pursuant to subs. (4) exercised (15.11.2022) by *Trinity College, Dublin (Supplemental Charter) Order 2022* (S.I. No. 587 of 2022).

Preservation of charters.

32.—(1) A reference to the Irish Universities Act, 1908, in Clauses I, III and VIII of the charters of the constituent colleges and in Clause I of the charter of the National University of Ireland shall be construed as a reference to that Act and the *Universities Act, 1997*.

(2) The Government may, by order made on the application of a university, amend the charter of the university in a manner agreed to by the university.

(3) Where a university considers that its charter, as amended by or under this Act, should be consolidated into a single instrument, it may submit to the Government a copy of the consolidated charter and the Government, if it agrees, may by order recognise the charter as so consolidated.

(4) An order under this section shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the order is passed by either House within the next 21 days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done under the order or the consolidated charter which the order recognised.

Statutes.

33.—(1) Subject to this Act and to the charter, if any, of the university, a governing authority of a university or the Senate may, and where required by this Act to do so shall, make such and so many statutes and regulations as it considers appropriate to regulate the affairs of the university.

(2) A governing authority shall, as soon as practicable after F28[the making of a statute or a regulation under section 18(2) or 25(1)], inform An tÚdarás and the Minister of the making of the statute and shall arrange for its publication in the *Iris Oifigiúil*.

(3) The statutes in force immediately before the commencement of this Part in a university to which this Act applies or its corresponding constituent college or Recognised College shall, so far as they are consistent with this Act, continue in force as statutes of the university or the corresponding constituent university on and after that commencement but may be repealed or amended by a statute made under subsection (1).

(4) Section 5 of the Irish Universities Act, 1908, is hereby repealed.

Annotations

Amendments

F28 Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 79, S.I. No. 554 of 2022.

Editorial Notes:

E14 Power pursuant to subs. (1) exercised (8.03.2005) by *Universities Act 1997 University College Cork National University of Ireland, Cork* (S.I. No. 281 of 2005).

CHAPTER VII

Planning and Evaluation

Strategic development plan.

34.—(1) A governing authority shall, as soon as practicable after its appointment and at such other times as it thinks fit, require the chief officer to prepare a plan which shall set out the aims of the governing authority for the operation and development of the university and its strategy for achieving those aims, and for carrying out the functions of the university, during the period, being not less than three years, to which the plan relates.

F29[(1A) A governing authority shall, before approving a strategic development plan under this section, be satisfied that the chief officer has for the purposes of preparing the plan consulted with—

- (a) the Minister,
- (b) such other Ministers of the Government as the governing authority considers appropriate,
- (c) An tÚdarás,
- (d) the students or the Student Union of the university,
- (e) the employees of the university,
- (f) the academic council of the university,
- (g) the education and training board in whose education and training board area the campus of the university is located or such other education and training board as the governing authority considers appropriate,
- (h) a local authority (within the meaning of the Local Government Act 2001) in whose functional area the campus of the university is located, and

(i) such other body or person as the governing authority considers appropriate.]

(2) A governing authority may, having regard to the resources available to the university, either approve a strategic development plan prepared under *subsection (1)* without modification or, after consultation with the chief officer, approve the plan with such modifications as it thinks fit.

(3) As soon as practicable after it approves the strategic development plan under *subsection (2)*, the governing authority shall provide a copy of the plan to An tÚdarás and to the Minister.

F30[(4) Where the governing authority of a university established under *section 9(2)* approves a strategic development plan under this section it shall—

(a) ensure that the plan provides the means by which that university shall comply with any requirements imposed on the university under the Qualifications and Quality Assurance (Education and Training) Act 2012, and

(b) provide a copy of that plan to the Qualifications and Quality Assurance Authority of Ireland.]

F30[(5) Where the chief officer of a university established under *section 9(2)* prepares a report on the operations and the performance of that university under *section 41*, he or she shall have regard to the part or parts of the strategic development plan under this section relevant to any requirements imposed on that university under the Qualifications and Quality Assurance (Education and Training) Act 2012.]

F30[(6) An tÚdarás shall consult with the Qualifications and Quality Assurance Authority of Ireland with regard to the means by which a university established under *section 9(2)* shall comply with any requirements imposed on the university under the Qualifications and Quality Assurance (Education and Training) Act 2012 when reviewing a strategic development plan prepared by the university in accordance with this section.]

Annotations

Amendments

F29 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 80, S.I. No. 554 of 2022.

F30 Inserted (5.11.2012) by *Qualifications and Quality Assurance (Education and Training) Act 2012 (28/2012)*, s. 86 and sch. 3 item 8, S.I. No. 421 of 2012.

Quality assurance.

35.—F31[...]

Annotations

Amendments

F31 Repealed (5.11.2012) by *Qualifications and Quality Assurance (Education and Training) Act 2012 (28/2012)*, s. 6(1) and sch. 2, S.I. No. 421 of 2012, subject to transitional provisions in s. 84(2), (3).

Editorial Notes:

E15 Previous affecting provision: application of section restricted (11.06.2001) by *Qualifications (Education and Training) Act 1999 (26/1999)*, s. 42(6), S.I. No. 418 of 2001; section repealed (5.11.2012) as per F-note above.

Equality policy.

36.—(1) A governing authority shall, as soon as practicable but not later than 12 months after it is established under this Act and at such other times as it thinks fit, require the chief officer to prepare a statement of the policies of the university in respect of—

(a) access to the university and to university education by economically or socially disadvantaged people, by people who have a disability and by people from sections of society significantly under-represented in the student body, and

(b) equality, including gender equality, in all activities of the university,

and the chief officer, in preparing the statement, shall have regard to such policies on those matters as may from time to time be determined by the Minister.

F32[(1A) A governing authority shall, for the purposes of preparing a statement under *subsection (1)*, consult with—

(a) the Minister,

(b) such other Ministers of the Government as the governing authority considers appropriate,

(c) An tÚdarás,

(d) the students or the Student Union of the university,

(e) the employees of the university,

(f) the academic council of the university,

(g) the education and training board in whose education and training board area the campus of the university is located or such other education and training board as the governing authority considers appropriate,

(h) a local authority (within the meaning of the Local Government Act 2001) in whose functional area the campus of the university is located, and

(i) such other body or person as the governing authority considers appropriate.]

(2) A governing authority may, having regard to the resources available to the university, either approve the statement prepared under *subsection (1)* without modification or, after consultation with the chief officer, approve the statement with such modifications as it thinks fit.

(3) A university shall implement the policies set out in the statement as approved under *subsection (2)*.

Annotations

Amendments

F32 Inserted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 81, S.I. No. 554 of 2022.

CHAPTER VIII

Finance, Property and Reporting

Budgets.

37.—F33[(1) An tÚdarás shall, on or before the 1st day of March in each year, notify the chief officer of the funding (in this section referred to as "allocated funding") to be provided by An tÚdarás for that year to a university, from moneys provided to An tÚdarás under section 19 of the Higher Education Authority Act 2022.]

F33[(2) The chief officer shall, on or before the 1st day of April in each year, or such other date as An tÚdarás may approve, prepare and submit following approval by the governing authority, to An tÚdarás, in such form and manner as may from time to time be approved by An tÚdarás, a statement of the proposed expenditure and, other than allocated funding, the expected income of the university for that year.]

F34[(2A) The allocated funding and the expected income of the university referred to in *subsection (2)*, shall be the budget of the university for that year.]

(3) When the budget of a university has been determined, it shall be a function of the chief officer, acting on the authority of the governing authority, to carry it into effect.

(4) An tÚdarás may at any time, on application made to it by the governing authority of a university, increase the amount of money to be allocated to the university from moneys provided to An tÚdarás.

F35[(5) Where the chief officer of a university is of opinion that—

(a) the actual expenditure in a year, or

(b) a proposed course of action,

will or is likely to result in expenditure in excess of the budget for that year after taking account of an increase (if any) in the allocated funding under *subsection (4)* (in this section referred to as a "material departure from the budget"), the chief officer shall so inform the governing authority and give reasons for his or her opinion.]

F35[(6) Where a governing authority, despite being so informed under *subsection (5)*, decides—

(a) in the case of *subsection (5)(a)*, not to decrease its actual expenditure, or

(b) in the case of *subsection (5)(b)*, to proceed with its proposed course of action,

the chief officer, shall, unless he or she considers that contrary to his or her foregoing opinion a material departure from the budget will not occur, as soon as practicable, inform An tÚdarás of the decision of the governing authority.]

(7) Where, notwithstanding this section, a university incurs expenditure in excess of its budget which is not met from the income of the university other than the money allocated to it by An tÚdarás, that excess shall be a first charge on the budget for F36[the next succeeding year].

Annotations

Amendments

F33	Substituted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 82(a), S.I. No. 554 of 2022.
F34	Inserted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 82(a), S.I. No. 554 of 2022.
F35	Substituted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 82(b), S.I. No. 554 of 2022.
F36	Substituted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 82(c), S.I. No. 554 of 2022.

Borrowing and loan guarantees.

38.—(1) A university may borrow money by means of bank overdraft or otherwise and may guarantee or underwrite a loan taken or borrowing undertaken by a person or a body of persons.

(2) Borrowing, guaranteeing and underwriting under *subsection(1)* shall be in accordance with a framework which shall be agreed from time to time between the universities and An tÚdarás, following consultation by An tÚdarás with the Minister F37[, the Minister for Public Expenditure and Reform] and the Minister for Finance.

Annotations

Amendments

F37 Inserted (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), s. 84, S.I. No. 401 of 2011.

Keeping of accounts and records.

39.—(1) A university shall keep, in such form as may be approved by An tÚdarás, all proper and usual accounts and records of all income received or expenditure incurred by it.

(2) Accounts kept in pursuance of *subsection (1)* shall, to the extent directed by the Comptroller and Auditor General, be submitted annually by a university to the Comptroller and Auditor General, for audit, by such date as the Comptroller and Auditor General may from time to time determine and, immediately after the audit, a copy of the accounts, together with a copy of the report of the Comptroller and Auditor General on the accounts, shall be presented by the university to An tÚdarás and to the Minister.

(3) The Minister shall cause copies of the accounts presented under this section to the Minister, together with copies of the report of the Comptroller and Auditor General on those accounts, to be laid before each House of the Oireachtas.

Fees.

40.—(1) A university may determine and charge fees of such amounts for student registration, courses, lectures, examinations, exhibitions or any other event, service or publication held or provided at or by, or produced by, the university.

(2) An tÚdarás may review with the universities the fees charged or proposed to be charged by the universities for student registration and courses, and for lectures and examinations relating to those courses.

(3) Arising from a review under *subsection (2)*, An tÚdarás may, without prejudice to *subsection (1)* and after consultation with the Minister, advise the universities on the fees which in its opinion should be charged.

Report and information.

41.—(1) The chief officer shall, with the approval of the governing authority and having regard to the strategic development plan under *section 34*, as soon as practicable after the end of each period, not exceeding three years commencing on the commencement of this Part or at the end of the previous such period, whichever is the later, as the governing authority thinks fit, prepare a report on the operations and the performance of the university during that period.

(2) The governing authority shall publish the report in such form as it thinks fit and shall provide the Minister with a copy and the Minister shall cause a copy of the report to be laid before each House of the Oireachtas as soon as practicable after it is received by him or her.

Disposal of land, etc.

42.—(1) Subject to *subsection (2)*, a university may sell or otherwise dispose of any land the property of the university.

(2) Where the acquisition, development or refurbishment of land, the property of a university, was funded in whole or in part out of moneys provided by the Oireachtas after the date of the passing of this Act, a sale or other disposal of that land shall be subject to such terms and conditions relating to a payment to the Minister in

recompense for such moneys, as may be agreed between the Minister and the governing authority.

(3) If a university ceases to be funded substantially from moneys provided by the Oireachtas, then all moneys provided to the university by the Oireachtas after the date of the passing of this Act for the acquisition, development or refurbishment of land, or for the acquisition of any other assets which are the property of the university, shall be repayable to the Minister subject to such terms and conditions, including as to the amount to be so repaid, as may be agreed between the Minister and the governing authority.

(4) Where the Minister and a governing authority cannot agree on terms and conditions referred to in this section, the issues in dispute shall be determined by an arbitrator appointed by the President of the High Court and any arbitration shall be conducted in accordance with the Arbitration Acts, 1954 and 1980.

CHAPTER IX

The National University of Ireland, Maynooth

Establishment of National University of Ireland, Maynooth.

43.—(1) The Recognised College of St. Patrick's College, Maynooth is hereby established as a constituent university of the National University of Ireland and shall bear, and be known by, the name National University of Ireland, Maynooth, or in the Irish language, Ollscoil na hÉireann, Má Nuad.

(2) The National University of Ireland, Maynooth shall be a body corporate with perpetual succession and an official seal and have power to sue and may be sued in its corporate name and to acquire, hold and dispose of land or any other property.

Transfer of existing staff.

44.—(1) Every person who, immediately before the commencement of this Part, was employed by St. Patrick's College, Maynooth and who was paid, in respect of that employment, exclusively from moneys provided by the Oireachtas shall, on the commencement of this Part, become and be an employee of the National University of Ireland, Maynooth.

(2) Every person who, immediately before the commencement of this Part, was employed by St. Patrick's College, Maynooth and who was paid, in respect of that employment, partly by St. Patrick's College and partly from moneys provided by the Oireachtas shall, on the commencement of this Part, remain as an employee of St. Patrick's College on the date of commencement of this Part but may thereafter, with the agreement of St. Patrick's College and the governing authority of the university, become and be an employee of the National University of Ireland, Maynooth.

(3) A person to whom *subsection (1)* applies or who by virtue of *subsection (2)* becomes an employee of the National University of Ireland, Maynooth shall not, while in the service of the university, receive less remuneration or be subject to less beneficial conditions of service than the remuneration at the level to which he or she was entitled, and conditions of service to which he or she was subject, immediately before the commencement of this Part.

(4) The conditions of service, restrictions, requirements and obligations to which a person to whom *subsection (3)* applies was subject immediately before the commencement of this Part shall, unless they are varied by agreement, continue to apply to the person, and shall be exercised or imposed by the university or the chief officer as may be appropriate, while that person is in the service of the university.

(5) The university may, following consultation through normal industrial relations structures operating in the university with any recognised staff associations or trade unions concerned, redistribute or rearrange the duties to be performed by employees

to whom *subsection (3)* applies and those employees shall be bound to perform the duties allocated in any such redistribution or rearrangement.

(6) A redistribution or rearrangement referred to in *subsection (5)* shall not be taken to be removal from or abolition of office for the purpose of any scheme or enactment relating to superannuation or compensation for loss of office.

PART IV

NATIONAL UNIVERSITY OF IRELAND

Amendment of
Charter of
National
University of
Ireland.

45.—(1) Clause VI of the Charter of the National University of Ireland is hereby amended by the deletion of “the General Board of Studies,”.

(2) Clause X of the Charter of the National University of Ireland is hereby amended by—

(a) the repeal of sub-clauses (2), (3) and (4), and

(b) the substitution of the following for sub-clause (5):

“(5)(i) The Senate shall be constituted by—

(a) the Chancellor and the Registrar of the University and the chief officers of the constituent universities,

(b) four persons nominated by the Government, two of whom shall be women and two men,

(c) four persons elected by each of—

(i) the National University of Ireland, Dublin,

(ii) the National University of Ireland, Cork,

(iii) the National University of Ireland, Galway, and

(iv) the National University of Ireland, Maynooth,

(d) eight members of Convocation elected by Convocation of the University, four of whom shall be women and four men,

(e) not more than four persons co-opted to be members of the Senate by the Senate as constituted by the members appointed as referred to in paragraphs (a), (b), (c) and (d).

(ii) The governing authorities of the constituent universities shall determine the procedures for electing persons to the Senate, as provided for in paragraph (i), and those procedures shall ensure an appropriate gender balance, as determined or approved from time to time by the Minister, among the persons so elected and shall be set out in a statute of each university.

(iii) The members, other than *ex officio* members, shall hold office for a period not exceeding five years for which they are elected or nominated and a member whose term of office expires by effluxion of time shall be eligible to again be a member.

(iv) The Statutes shall prescribe, so far as may be necessary, the time at which and the manner in which a person may become a member of the Senate.”.

(3) The Charter of the National University of Ireland is hereby amended by the deletion of subclauses (1) and (4) of Clause XIV.

(4) Clause XIX of the Charter of the National University of Ireland is hereby amended by the deletion of “the General Board of Studies,”.

Amendment of
Irish Universities
Act, 1908.

46.—The Irish Universities Act, 1908, is hereby amended—

- (a) in section 1(2), by the deletion of “, and after the expiration of that time be constituted in manner provided by the First Schedule to this Act”,
- (b) by the deletion of section 3(2) and (3),
- (c) in section 4(3), by the deletion of “or college”, wherever occurring,
- (d) in section 7(4), by the deletion of all words after “religious worship or observance”,
- (e) in section 7(6), by the deletion of “and the governing bodies of the constituent colleges of the new university having its seat at Dublin respectively”, and
- (f) by the deletion of the First Schedule thereto.

Relationship of
constituent
universities to
National
University of
Ireland.

47.—(1) The Senate of the National University of Ireland shall determine the basic matriculation requirements for the constituent universities but each university may prescribe additional requirements generally or in respect of particular faculties of the university.

(2) Each constituent university shall inform the Senate of the courses established from time to time by that university and the Senate may establish a committee for the purpose of reviewing the content and teaching of the courses and may appoint external examiners to assist in any review.

(3) The results of a review conducted by a committee shall be communicated by the Senate to the university concerned.

(4) The Senate shall appoint such and so many external examiners to a constituent university, including examiners appointed for the purpose of *subsection (2)*, as that university shall from time to time recommend and the functions of those external examiners shall be determined by the Senate, with the concurrence of the university.

(5) The degrees and other qualifications awarded by a constituent university shall be degrees and qualifications of the National University of Ireland and shall be so designated.

(6) Where the President or any other employee of a constituent college was appointed by the National University of Ireland, the powers and functions of that University in respect of his or her removal from office shall, notwithstanding anything in this Act, remain in force in relation to that person.

F38 [Degrees and
qualifications of
Royal College of
Surgeons in
Ireland.

47A.—(1) Where—

- (a) degrees and qualifications awarded by the Royal College of Surgeons in Ireland are approved by the National University of Ireland, and
- (b) the Royal College of Surgeons in Ireland is a Recognised College of the National University of Ireland,

those degrees and qualifications shall be degrees and qualifications of the National University of Ireland and shall be so designated.

(2) If at any time the Royal College of Surgeons in Ireland ceases to be a Recognised College of the National University of Ireland, a degree or qualification referred to in *subsection (1)* awarded at any time prior to the Royal College of Surgeons in Ireland ceasing to be a Recognised College of the National University of Ireland—

(a) remains a degree or qualification, as the case may be, of the National University of Ireland, and

(b) shall be so designated,

notwithstanding that the Royal College of Surgeons in Ireland has ceased to be a Recognised College of the National University of Ireland.]

Annotations

Amendments

F38 Inserted (5.11.2012) by *Qualifications and Quality Assurance (Education and Training) Act 2012* (28/2012), s. 86 and sch. 3 item 9, S.I. No. 421 of 2012.

Membership of constituent universities.

48.—(1) The members of each constituent university shall be—

(a) the members of its governing authority,

(b) the members of its academic council,

(c) its employees,

(d) its students,

(e) its graduates, and

(f) such other persons as its governing authority may appoint to be members.

(2) All students of a constituent college or the Recognised College of St. Patrick's College, Maynooth on whom a degree of the National University of Ireland was conferred as a result of their studies at the college before the commencement of *Part III* shall be regarded as graduates of the corresponding constituent university for the purposes of *subsection (1)(e)*.

PART V

AN TÚDARÁS

Reviews.

49.—An tÚdarás, in furtherance of its F39[functions under section 9 of the *Higher Education Authority Act 2022*], shall assist the universities in achieving the objectives of *Chapters IV, VII and VIII of Part III* and may review—

(a) strategic development plans prepared in accordance with *section 34*,

(b) F40[...]

(c) the policies set out in the statement provided for in *section 36* and their implementation, and

(d) the F39[information provided under *section 51*],

and may, following consultation with the universities, publish a report, in such form and manner as it thinks fit, on the outcome of any such review.

Annotations**Amendments**

- F39** Substituted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 145 and sch. 4, S.I. No. 554 of 2022.
- F40** Deleted (5.11.2012) by *Qualifications and Quality Assurance (Education and Training) Act 2012* (28/2012), s. 86 and sch. 3 item 10, S.I. No. 421 of 2012.

Editorial Notes:

- E16** Previous affecting provision: application of para. (b) restricted (11.06.2001) by *Qualifications (Education and Training) Act 1999* (26/1999), s. 42(6), S.I. No. 418 of 2001; paragraph deleted (5.11.2012) as per F-note above.

Guidelines. **50.—F41[...]**

Annotations**Amendments**

- F41** Repealed (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 5(1) and sch. 1 part 1, S.I. No. 554 of 2022.

Information on staffing.

51.—A university shall provide An tÚdarás with such information as An tÚdarás may from time to time request relating to the number of employees employed by the university, their composition by grade, their terms and conditions of employment (including their remuneration, fees, allowances, expenses and superannuation) and any other related matters.

PART VI

MISCELLANEOUS

Educational institution not to be described as university.

52.—(1) F42[Subject to F43[sections 53 to 58 and to] section 2 of the Education (Miscellaneous Provisions) Act 2015 or except] in relation to an educational institution or facility established and described as such before the 30th day of July, 1996, (in which case it may continue to be so described), a person shall not, without the approval of the Minister, use the word “university” to describe an educational establishment or facility.

(2) The Minister may apply to the High Court for an injunction to restrain any person from using the word “university” in contravention of subsection (1).

Annotations**Amendments**

- F42** Substituted (1.07.2015) by *Education (Miscellaneous Provisions) Act 2015* (11/2015), s. 6, S.I. No. 268 of 2015.
- F43** Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019* (32/2019), s. 37(2), S.I. No. 419 of 2019.

F44[Definitions for the purposes of sections 54 to 58

53.—In sections 54 to 58—

"Act of 2012" means the Qualifications and Quality Assurance (Education and Training) Act 2012;

"authorised provider" means an education provider in respect of which a university authorisation order is in force;

"education provider" means a person who provides a programme of education and training;

"revocation order" shall be construed in accordance with section 56(7);

"university authorisation order" shall be construed in accordance with section 54(3).]

Annotations

Amendments

F44 Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019* (32/2019), s. 37(3), S.I. No. 419 of 2019.

F45[Authorisation to education provider to describe itself as a university

54.—(1) An education provider, whose primary income does not derive from moneys provided by An tÚdarás (being moneys provided to An tÚdarás under F46[section 19 of the Higher Education Authority Act 2022], may make an application to the Minister for the making of an order under subsection (3) in respect of it.

(2) Such an application shall be in such form and be accompanied by such information as the Minister may direct.

(3) Subject to the following subsections and sections 55 to 58, on an application being made under subsection (1) the Minister may decide to make, or may decide to refuse to make, an order under this subsection (in this Act referred to as a "university authorisation order") that authorises the education provider to use, in respect of itself, the description "university" and to style itself accordingly and where the Minister decides to make such an order, the Minister shall, subject to subsection (9), make the order accordingly.

(4) In making a decision under subsection (3), the Minister—

(a) shall consult with An tÚdarás, and

(b) may appoint an advisory panel, that may include national and international experts having a special interest in or expertise in, or knowledge of, matters relating to higher education, and may receive and have regard to advice given by that panel with respect to the education provider's application,

and the Minister shall not make a decision to make a university authorisation order unless the Minister is satisfied that the conditions specified in section 55(1) are complied with in respect of the education provider concerned.

(5) In addition to any information provided by it pursuant to a direction under subsection (2), the education provider concerned shall provide to the Minister such information and documentation as the Minister may specify for the purpose of considering its application under subsection (1).

(6) The Minister shall make a decision under subsection (3) within a period of 4 months after the date of receipt of the application concerned under subsection (1).

(7) The Minister shall notify, in writing, the education provider concerned of the Minister's decision under subsection (3) as soon as may be after the making of it and

where the decision notified is a decision to refuse to make a university authorisation order, the notification shall state the reasons for the refusal.

(8) Where the Minister makes a decision under *subsection (3)* to refuse to make a university authorisation order in respect of the education provider concerned, the provider may, in accordance with *section 57*, appeal against that decision within 30 days after the service of the notice under *subsection (7)*.

(9) Where a university authorisation order is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving the draft has been passed by each such House.]

Annotations

Amendments

F45 Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 (32/2019)*, s. 37(3), S.I. No. 419 of 2019.

F46 Substituted (10.11.2022) by *Higher Education Authority Act 2022 (31/2022)*, s. 145 and sch. 4, S.I. No. 554 of 2022.

Editorial Notes:

E17 Power pursuant to subs. (3) exercised (12.12.2019) by *Universities Act 1997 (Section 54(3)) (University Authorisation) Order 2019 (S.I. No. 638 of 2019)*.

F47 [Conditions to be complied with for making of university authorisation order

55.—(1) The conditions referred to in *section 54(4)* in respect of an education provider are:

(a) that the provider shall:

(i) have provided programmes of education and training and conducted examinations, leading to the awarding by it of degrees and other qualifications to at least doctoral degree level for not less than 5 years in the State prior to the date of making the application;

(ii) have conducted research for not less than 5 years in the State prior to the date of making the application;

(iii) be a designated awarding body permitted to award degrees and other qualifications to doctoral degree level in accordance with the provisions of the Act of 2012;

(iv) demonstrate—

(I) that it has integrated, coherent and effective governance structures in place concerning academic, administrative, financial and management matters,

(II) that it has strong links with business, enterprise, the professions, the community, local interests and other stakeholders,

(III) that it has, under section 28 of the Act of 2012, established procedures in writing for quality assurance in relation to which—

(A) no notice has been furnished by the Qualifications and Quality Assurance Authority of Ireland under section 36(1) of the Act of 2012, or

(B) approval has not been withdrawn under section 36 of that Act,

- (IV) that subject to the right and responsibility to preserve the principles of academic freedom in the conduct of its internal and external affairs, it provides, and has procedures in place to further develop, the provision of programmes that respond to the delivery of policies or objectives of the Government or the Minister as they relate to higher education and to the needs of business, enterprise, the professions, the community, local interests and other stakeholders,
- (V) that it—
- (A) provides opportunities for staff and students to teach, learn or conduct research at institutions that provide higher education outside the State, or to obtain relevant work experience outside the State,
- (B) provides opportunities for staff and students of institutions that provide higher education outside the State to teach, learn or conduct research at the education provider, and
- (C) collaborates with institutions that provide higher education outside the State, including on joint research projects and for the purpose of provision of programmes,
- (VI) that it is financially viable and has sufficient financial resources available to meet any projected costs arising from the making of a university authorisation order in respect of it,
- (VII) that it develops and promotes and has procedures in place to further develop and promote strong social and cultural links, and links supporting creativity, between the education provider and the community,
- (VIII) that it contributes in so far as possible in the education and training, research, innovation and other activities it provides to the promotion of the economic, cultural, social and scientific development of the State, while fostering and respecting the diversity of its own traditions,
- (IX) that it respects the diversity of values, beliefs and traditions in Irish society,
- (X) that it promotes critical and free enquiry, informed intellectual discourse and public debate within the education provider and in wider society, and
- (XI) that it promotes access to the education it provides, by economically or socially disadvantaged persons, by persons who have disability and by persons from sections of society who are significantly under-represented in its student body;
- (b) that of the students of the education provider registered (at the time of the making of the application) on programmes that lead to—
- (i) an award at honours bachelor degree level, or
- (ii) an award at a level higher than that referred to in *subparagraph (i)*,
- at least 4 per cent of them are research students registered on a programme which leads to an award to at least master's degree level;
- (c) that of the full-time academic staff of the education provider engaged (at the time of the making of the application) in the provision of a programme that leads to an award to at least honours bachelor degree level—
- (i) at least 90 per cent of such staff hold a master's degree or doctoral degree,

- (ii) at least 45 per cent of such staff either—
 - (I) hold a doctoral degree, or
 - (II) subject to *subparagraph (iii)*, hold a terminal degree and possess sufficient practical experience gained in the practice of a profession to which the programme relates, such that the degree and experience together can reasonably be viewed by the Minister (after consultation, if such a panel has been appointed under that provision, with the advisory panel referred to in *section 54(4)(b)*) as equivalent to a doctoral degree,and
 - (iii) not more than 10 per cent of such staff hold only the qualifications referred to in *subparagraph (ii)(II)*;
- (d) that of the full-time academic staff of the education provider engaged (at the time of the making of the application) in both of the following activities, namely—
 - (i) the provision of a programme that leads to an award at doctoral degree level, and
 - (ii) the conduct of research,at least 80 per cent of such hold a doctoral degree;
- (e) that each of the full-time academic staff of the education provider engaged (at the time of the making of the application) in the supervision of students registered on a programme that leads to an award at doctoral degree level—
 - (i) either—
 - (I) holds a doctoral degree, or
 - (II) holds a terminal degree and possesses sufficient practical experience gained in the practice of a profession to which the programme relates, such that the degree and experience together can reasonably be viewed as equivalent to a doctoral degree,and
 - (ii) has a record of continued conduct of research in an area relevant to the programme;
 - (f) that it provides teaching and facilitates learning that is informed by research and promotes excellence at appropriate levels of higher education within the National Framework of Qualifications and that in relation to a programme referred to in *paragraph (d)* —
 - (i) it conducts research and carries out innovation activity to a high standard, and
 - (ii) the research and innovation contributes to the furtherance of knowledge and has positive social and economic effects on business, enterprise, the professions, the community, local stakeholders and other related stakeholders;
 - (g) that all programmes provided by the education provider that lead to an award at doctoral degree level comply with any policy relating to doctoral education as may be agreed from time to time between An tÚdarás and the Qualifications and Quality Assurance Authority of Ireland following consultation with bodies representing the interests of an institute of

technology, a technological university or a university specified in any of paragraphs (a) to (d) of section 4 (1).

(2) In subsection (1) —

"award" means an award that is included within the National Framework of Qualifications (within the meaning of the Act of 2012);

"level" means included at the level concerned within the National Framework of Qualifications.]

Annotations

Amendments

F47 Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019* (32/2019), s. 37(3), S.I. No. 419 of 2019.

F48[Revocation of university authorisation order

56.—(1) References in this section to a continuing condition shall be construed in accordance with subsection (2).

(2) For the purposes of this section, each of the conditions specified in paragraph (a)(iii) and (iv) and paragraphs (b) to (g) of section 55(1) shall be regarded as a continuing condition, that is to say each such condition (with the modification, where appropriate, of it referred to in subsection (3)) shall operate as a condition that must continue to be complied with in respect of the authorised provider subsequent to the making of a university authorisation order in respect of it.

(3) For the purposes of this section, a reference in any of paragraphs (b) to (g) of section 55(1) to the time of the making of the application shall be construed as a reference to—

- (a) if the power under subsection (5) has been exercised in relation to the authorised provider concerned, the time of the exercise of that power, or
- (b) if a review has been conducted under this section (but the foregoing power has not been exercised in relation to the authorised provider concerned), such time during the course of the conduct of the review as An tÚdarás considers appropriate.

(4) An tÚdarás may at any time review the activities of an authorised provider for the purposes of ascertaining whether each of the continuing conditions is being complied with in respect of the provider.

(5) Where—

- (a) a review under subsection (4) is being conducted, or
- (b) An tÚdarás otherwise considers it appropriate to exercise the following power in relation to an authorised provider,

An tÚdarás may, by notice in writing, request the authorised provider concerned to provide to it such information, in relation to the activities of the provider, as is specified in the notice and the provider shall provide that information to An tÚdarás within such period as is specified in the notice.

(6) Where following a review under subsection (4), or upon consideration of information received from an authorised provider on foot of a notice under subsection (5) (served in the circumstances referred to in paragraph (b) of that subsection), An tÚdarás is of the opinion that any of the continuing conditions is not being complied with in respect of an authorised provider, it shall inform the Minister, in writing, of its opinion and the reasons for the opinion.

(7) Subject to *subsections (8) to (12)*, where in relation to an authorised provider—

(a) the Minister is informed by An tÚdarás, under *subsection (5)*, that it is of the opinion referred to in that subsection, or

(b) it otherwise comes to the notice of the Minister that any of the continuing conditions is not being complied with in respect of an authorised provider,

the Minister may, after consultation with An tÚdarás, make an order revoking the university authorisation order in respect of the provider (in this section referred to as a "revocation order").

(8) Where the Minister proposes to make a revocation order he or she shall, by notice in writing to the authorised provider concerned, inform the provider that he or she proposes to make such an order in respect of it and state the reasons for the proposed revocation.

(9) A notice under *subsection (8)* shall state that the authorised provider may make representations to the Minister in relation to the reasons for the proposed revocation that have been stated in the notice not later than 30 days after the service of the notice on the provider.

(10) Where, after consideration of representations (if any) made to the Minister in accordance with *subsection (9)*, the Minister decides, for the reasons stated in the notice concerned under *subsection (8)*, to make a revocation order in respect of the authorised provider, the Minister shall notify, in writing, the provider of that decision and of the date that the Minister proposes to specify in the order as the date on which the order shall come into operation (which date shall not be a date earlier than the end of the period within which an appeal may be brought under *subsection (11)*).

(11) Where the Minister makes a decision under *subsection (10)* to make a revocation order in respect of the authorised provider, the authorised provider may, in accordance with *section 57*, appeal against that decision within 30 days after the service of the notice under *subsection (10)*.

(12) Unless, within the foregoing period, an appeal is made in accordance with *section 57* against the decision of the Minister referred to in *subsection (11)*, the Minister shall make the revocation order in respect of the authorised provider.]

Annotations

Amendments

F48 Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 (32/2019)*, s. 37(3), S.I. No. 419 of 2019.

F49[Appeals Board

57.—(1) This section applies to each of the following cases:

(a) a case in which an education provider appeals against a decision of the Minister to refuse to make a university authorisation order in respect of it;

(b) a case in which an authorised provider appeals against a decision of the Minister to make a revocation order in respect of it.

(2) An appeal referred to in *subsection (1)(a) or (b)* shall be made by notice in writing given by the education provider or the authorised provider to the Minister.

(3) In a case to which this section applies, the Minister shall, within 7 days after the date of receipt of the notice of appeal concerned, request the Qualifications and Quality Assurance Authority of Ireland to nominate persons, as provided for under *subsection (4)*, for appointment to an appeals board for the purposes of the appeal.

(4) As soon as practicable, and in any event not later than 42 days after the request under *subsection (3)*, the Qualifications and Quality Assurance Authority of Ireland shall nominate—

(a) 2 persons having a special interest or expertise in, or knowledge of, matters relating to higher education—

(i) one of whom shall be nominated for the purpose of the person's being appointed the chairperson, and

(ii) one of whom shall be nominated for the purpose of the person's being appointed to be an ordinary member,

of the appeals board, and

(b) one person who, as a practising solicitor or practising barrister, has not less than 10 years' experience as such and who shall be nominated for the purpose of the person's being appointed to be an ordinary member of the appeals board.

(5) An employee or member of the Qualifications and Quality Assurance Authority of Ireland shall not be nominated under *subsection (4)(a)*.

(6) A solicitor or barrister who is in the full-time service of the State shall not be nominated under *subsection (4)(b)*.

(7) In a case to which this section applies, the Minister shall appoint an appeals board, consisting of a chairperson and 2 ordinary members and the persons appointed to those positions shall be the persons nominated, respectively, for that purpose under *subsection (4)*.

(8) The persons so appointed shall be paid such fees and allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(9) The Minister shall furnish such support of an administrative nature to an appeals board as the Minister in his or her opinion determines necessary to enable the board to perform its functions.

(10) In relation to the appeal falling to be determined by an appeals board, the board—

(a) shall establish the procedures to be followed regarding the making of submissions to the board and their form, and

(b) may establish the procedures to be followed regarding—

(i) the holding of a hearing,

(ii) the examination by the appeals board of the parties to the appeal or other persons,

(iii) requests by the appeals board for information or further information, for the purposes of the appeal, from the parties to the appeal or other persons,

(iv) provision by the appeals board to the parties to the appeal of all information for the purposes of the appeal received by the appeals board, and

(v) any other matter that the appeals board considers appropriate for the proper performance of its functions.

(11) An appeals board shall be independent in the performance of its functions.]

Annotations**Amendments**

- F49** Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019* (32/2019), s. 37(3), S.I. No. 419 of 2019.

F50[Appeal

58.—(1) For the purposes of the appeal for which an appeals board is appointed under *section 57*, the board—

- (a) shall request submissions from the parties to the appeal and the parties shall furnish the submissions to the appeals board within the period specified in the request,
- (b) following consideration of those submissions may hold a hearing, and
- (c) may request such information from the parties to the appeal, or any other person as the appeals board considers necessary for the proper performance of its functions, and the parties to the appeal or other person, as the case may be, shall furnish the information to the appeals board within the period specified in the request.

(2) If a hearing is held—

- (a) each of the parties to the appeal is entitled to be heard at the hearing, and
- (b) the appeals board may adjourn the hearing of a matter at any stage in the proceedings until a date specified by the board.

(3) A decision by a majority of the members of an appeals board shall suffice for any purpose.

(4) In considering an appeal under this section an appeals board shall consider—

- (a) submissions from the parties to the appeal,
- (b) the evidence presented at any hearing of the matter, and
- (c) all information furnished to the appeals board.

(5) On completion of its consideration of the appeal, the appeals board shall make a decision determining the appeal as soon as practicable in all the circumstances of the case, which may be a determination to—

- (a) affirm the decision concerned of the Minister, or
- (b) quash the decision concerned of the Minister and direct the Minister, for stated reasons, to reconsider his or her decision within a specified period.

(6) In a case in which the subject of the appeal is a decision of the Minister to make a revocation order in respect of an authorised provider and the appeals board makes a determination under *subsection (5)(a)* to affirm that decision, the board shall, at the same time, specify a date that is to be the date specified in the revocation order as the date on which the order shall come into operation and the revocation order made by the Minister shall specify, as the date on which it shall come into operation, the foregoing date.

(7) The appeals board shall notify the parties to the appeal and the Minister of its determination under *subsection (5)* as soon as practicable after it is made.

(8) In the case of a determination under *subsection (5)(b)*, the Minister shall reconsider his or her decision within the specified period or the specified period as extended for a further period by the appeals board following:

- (a) a request from the Minister;
- (b) consultation with the parties to the appeal; and
- (c) the board being satisfied that there is good and sufficient reason for so extending.

(9) Where having reconsidered, on foot of a direction under *subsection (5)(b)*, his or her decision to refuse to make a university authorisation order in respect of an education provider, the Minister decides to make a university authorisation order in respect of the provider, the Minister shall, subject to *section 54(9)*, make the order accordingly.]

Annotations**Amendments**

- F50** Inserted (6.08.2019) by *Qualifications and Quality Assurance (Education and Training) (Amendment) Act 2019 (32/2019)*, s. 37(3), S.I. No. 419 of 2019.

Section 6.

FIRST SCHEDULE

ENACTMENTS REPEALED

PART I

No. and Year	Short Title
No. 25 of 1980	National Institute for Higher Education, Limerick, Act, 1980
No. 30 of 1980	National Institute for Higher Education, Dublin, Act, 1980

PART II

Number and Year (1)	Short Title (2)	Extent of Repeal (3)
No. 14 of 1989	University of Limerick Act, 1989	Sections 3, 4 and 5
No. 15 of 1989	Dublin City University Act, 1989	Sections 3, 4 and 5

Section 7 (1).

SECOND SCHEDULE

TABLE

Constituent College (1)	Name of Constituent University (2)
University College, Cork	National University of Ireland, Cork Ollscoil na hÉireann, Corcaigh
University College, Dublin	National University of Ireland, Dublin Ollscoil na hÉireann, Baile Átha Cliath
University College, Galway	National University of Ireland, Galway Ollscoil na hÉireann, Gaillimh

Section 15 (4).

THIRD SCHEDULE

GOVERNING AUTHORITY

1. (1) As soon as practicable after its establishment, the governing authority of a university shall provide and retain in its possession a seal of the university.

(2) The seal of a university shall be authenticated by the signature of the chairperson or a member of the governing authority, and by the signature of an employee of the university, authorised by the governing authority to act in that behalf.

(3) Judicial notice shall be taken of the seal of a university, and every document purporting to be an instrument made by a university and to be sealed with the seal

of the university (purporting to be authenticated in accordance with this Schedule) shall be received in evidence and shall, unless the contrary is shown, be deemed to be such instrument, without further proof.

2. (1) Each governing authority shall have a chairperson, as provided for in *section 17*, who may be designated by such title as the governing authority determines.

(2) The chairperson may, at any time, resign from office as chairperson by letter addressed to the governing authority and the resignation shall take effect on the date on which the letter is received.

F51[(3) Whenever the chairperson of the governing authority resigns as chairperson, he or she shall at the same time cease to be a member of the governing authority.]

3. (1) A member of a governing authority may, for good and valid reason, be removed from office by resolution of the governing authority.

(2) A member of a governing authority may, at any time, resign from office as a member by letter addressed to the chairperson and the resignation shall take effect on the date on which the letter is received.

(3) A member of a governing authority who is absent from all meetings of the governing authority for a period of six consecutive months, unless the absence was due to illness or was approved by the governing authority, shall at the expiration of that period cease to be a member of the governing authority.

F52[(4) Subject to *subparagraph (5)*, a member of a governing authority (including the chairperson) whose term of office expires by effluxion of time shall be eligible for re-appointment as a member of the governing authority.]

F53[(5) A person, other than an ex officio member, who is re-appointed as a member of a governing authority in accordance with *subparagraph (4)* shall not hold office for a consecutive period of more than 8 years.]

4. F54[(1) Subject to this *Schedule* and *section 23A*, a member of a governing authority, other than an ex officio member—

(a) shall be appointed as such a member for such period not exceeding 4 years as the Minister or the governing authority, as the case may be, determines upon the nomination for appointment or appointment, as may be appropriate, and

(b) may not serve more than 2 consecutive terms of office.]

(2) A member of a governing authority who is a student of the university shall hold office for such period, not exceeding one year, as the governing authority may determine but may be re-appointed for a further period or further periods, on each occasion not exceeding one year.

5. (1) If a member of a governing authority dies, resigns, is removed from office or for any other reason ceases to hold office, the governing authority shall arrange for the filling of the casual vacancy so occasioned as soon as practicable.

(2) A person who becomes a member of a governing authority to fill a casual vacancy shall, subject to this Schedule, hold office for the remainder of the term of office of the member whose death, resignation, removal from office or ceasing for other reasons to hold office occasioned the casual vacancy and shall, subject to *paragraph 3(4)*, be eligible for re-appointment.

6. (1) Each governing authority shall, from time to time as the occasion requires, F54[appoint from amongst its external members (within the meaning of *section 16*) a member to be its deputy-chairperson].

(2) The deputy-chairperson shall, unless he or she sooner resigns as deputy-chairperson, hold office until he or she ceases to be a member of the governing authority.

F54[7. Where a member of the governing authority—

- (a) is adjudicated bankrupt,
- (b) makes a composition or arrangement with creditors,
- (c) is sentenced by a court of competent jurisdiction to a term of imprisonment,
- (d) is convicted of any indictable offence in relation to a company or any other body corporate,
- (e) is convicted of an offence involving fraud or dishonesty,
- (f) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or
- (g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act,

he or she shall thereupon cease to be a member of the governing authority.]

8. (1) A member of a governing authority who has an interest in—

- (a) a company (other than a public company of which he or she is not a director or otherwise involved in its management) or concern with which the university proposes to make a contract, or
- (b) a contract which the university proposes to make

shall disclose to the governing authority the fact of the interest and its nature and shall take no part in any deliberation or decision of the governing authority relating to the contract, and the disclosure shall be recorded in the minutes of the governing authority.

(2) A member of a governing authority of a university who is related to a person who is a candidate for appointment by the governing authority as an employee of the university, shall disclose to the governing authority the fact of the relationship and its nature and shall, if the governing authority so decides, take no part in any deliberation or decision of the governing authority relating to the appointment, and the disclosure and decision shall be recorded in the minutes of the governing authority.

(3) A member of a governing authority of a university shall at all times act, as a member, in the best interests of the university and shall not act as a representative of any special interest provided that nothing in this paragraph shall restrict a member from representing at meetings of the governing authority the views of those by whom he or she has been elected or to restrict the freedom of expression of that member.

9. The chairperson and members of a governing authority, other than an *ex officio* member who is an employee of the university, shall be paid out of funds at the disposal of the governing authority F55[such remuneration (if any) and such allowances for expenses (if any)] as the Minister, with the approval of the Minister for Finance, may decide.

10. F55[(1) A governing authority shall hold not less than 6 meetings in each year at such times as the chairperson may determine.]

(2) The chairperson shall convene a meeting of the governing authority whenever requested to do so by not less than the number of members which constitute a quorum.

F55[(3) The quorum for a meeting of a governing authority shall be 7 members provided that not less than 4 of those members are external members within the meaning of *section 16* (which may include the chairperson).]

11. At a meeting of a governing authority—

- (a) the chairperson shall, if present, be the chairperson of the meeting, or
- (b) if and so long as the chairperson is not present or the office of chairperson is vacant, the deputy-chairperson shall, if present, be the chairperson of the meeting,
- (c) if and so long as the chairperson is not present or the office of chairperson is vacant, and the deputy-chairperson is not present or the office of deputy-chairperson is vacant, F55[the members of the governing authority who are present shall choose one of the external members (within the meaning of *section 16*) to preside at the meeting].

12. Every question at a meeting of a governing authority shall be determined by consensus, but where in the opinion of the chairperson or other person presiding consensus is not possible, the question shall be decided by a majority of the votes of members present and voting on the question and, in the case of an equal division of votes, the chairperson or other person presiding shall have a second or casting vote.

13. Subject to *paragraph 10(3)*, a governing authority may act notwithstanding one or more than one vacancy among its members or any deficiency in the election or appointment of a member which may subsequently be discovered.

14. Subject to this Act, a governing authority shall regulate, by standing orders or otherwise, its procedure and business.

15. Subject to this Act, the governing authority of a university may make, from time to time, such regulations as it thinks fit for the conduct of the affairs of the university.

Annotations

Amendments

- F51** Inserted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 83(a), S.I. No. 554 of 2022.
- F52** Substituted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 83(b), S.I. No. 554 of 2022.
- F53** Inserted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 83(b), S.I. No. 554 of 2022.
- F54** Substituted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 83(c), (d), (e), S.I. No. 554 of 2022.
- F55** Substituted (10.11.2022) by *Higher Education Authority Act 2022* (31/2022), s. 83(f), (g)(i), (ii), (h), S.I. No. 554 of 2022.

Modifications (not altering text):

- C8** Functions transferred and references to “Department of Finance” and “Minister for Finance” construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6-9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of —

(a) the enactments specified in Schedule 1, and

...

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
(1)	(2)	(3)
...
No. 24 of 1997	Universities Act 1997	Section 8(1) and 25(4); Third Schedule, paragraph 9
...

section 24(3).

FOURTH SCHEDULE

CHIEF OFFICER

1. The chief officer of a university shall, subject to this Act, manage and direct the university in its academic, administrative, financial, personnel and other activities and for those purposes has such powers as are necessary or expedient.

2. In performing his or her functions the chief officer shall be subject to such policies as may be determined from time to time by the governing authority and shall be answerable to the governing authority for the efficient and effective management of the university and for the due performance of his or her functions.

F56[2A. The chief officer may make proposals to the governing authority on any matter relating to its functions.]

F56[2B. The chief officer shall provide the governing authority with such information (including financial information) in relation to the performance of his or her functions as the governing authority may request.]

F56[2C. The governing authority may designate an employee of the university to perform the functions of the chief officer in the absence of the chief officer or where the office of chief officer is vacant and, a member so designated, shall in such absence or upon such office being vacant, perform those functions.]

3. (1) A chief officer may delegate any of his or her functions to an employee of the university, including any functions delegated to the chief officer in accordance with *section 25(2)*, unless they are so delegated to the chief officer subject to the condition that they shall not be sub-delegated, and the employee shall be answerable to the chief officer for the performance of those functions.

(2) Notwithstanding any such delegation, the chief officer shall at all times remain answerable to the governing authority in respect of the functions so delegated.

4. A chief officer shall not hold any other office or position without the consent of the governing authority.

5. F57[...]

6. A person who, immediately before the commencement of *Part III*, was employed as the President of a constituent college or as Master of the Recognised College of St. Patrick's College, Maynooth shall, if he or she so consents, be appointed as the chief officer of the corresponding constituent university on that commencement.

7. Unless he or she otherwise resigns, retires or is removed from office, a chief officer shall hold office for F58[such period as the governing authority determines but the period shall not exceed 10 years from the date of the appointment of the chief officer] and, in the case of a chief officer to whom *paragraph 6* applies, any period spent as President of a constituent college or as Master of the Recognised College of St. Patrick's College, Maynooth before the commencement of *Part III* shall be reckoned as part of that 10 year period.

F59[8. A chief officer shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the university is required by this Act to prepare,
- (b) the economy and efficiency of the university in the use of its resources,
- (c) the systems, procedures and practices employed by the university for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting the university referred to in a special report of the Comptroller and Auditor General under *section 11(2)* of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *subparagraph (a), (b) or (c)*) that is laid before Dáil Éireann.]

F59[9. A chief officer, if required under *paragraph 8* to give evidence, 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.]

F59[10. From time to time and whenever so requested, a chief officer shall account for the performance of the university's functions to a Committee of one or both Houses of the Oireachtas and shall have regard to any recommendations of such Committee relevant to these functions.]

Annotations**Amendments**

F56	Inserted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 84(a), S.I. No. 554 of 2022.
F57	Deleted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 84(b), S.I. No. 554 of 2022.
F58	Substituted (10.11.2022) by <i>Higher Education Authority Act 2022 (31/2022)</i> , s. 84(c), S.I. No. 554 of 2022.
F59	Inserted (1.02.2007) by <i>Institutes of Technology Act 2006 (25/2006)</i> , s. 53(b), S.I. No. 36 of 2007.

section 25(7).

FIFTH SCHEDULE

SUPERANNUATION

1. As soon as practicable after the commencement of *Part III* a university shall, subject to *section 25*, prepare and submit to An tÚdarás a scheme or schemes for the granting of pensions, gratuities and other allowances to or in respect of each of its employees (including the chief officer) as it thinks fit consequent on their retirement or death as the case may be.

2. Every scheme shall fix the time and conditions of retirement of all persons to or in respect of whom pensions, gratuities or allowances are payable under the scheme and different times and conditions may be fixed in respect of different classes or persons.

3. A university may at any time prepare and submit to An tÚdarás a scheme amending a scheme previously submitted and approved under this Schedule.

4. A scheme or amended scheme submitted to An tÚdarás under this Schedule shall, if approved by An tÚdarás with the consent of the Minister and the Minister for Finance, be carried out by the university in accordance with its terms.

5. If a 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 Schedule, it shall be submitted to An tÚdarás for determination by An tÚdarás subject to the agreement of the Minister and the Minister for Finance.

6. No pension, gratuity, allowance or other payment shall be granted by a university nor shall any other arrangements be entered into by the university for the provision of a pension, gratuity, allowance or other payment to or in respect of an employee (including the chief officer) otherwise than in accordance with a scheme under this Schedule, or with the approval of An tÚdarás, given with the consent of the Minister and the Minister for Finance.

7. The Minister shall cause every scheme submitted and approved under this Schedule to be laid before each House of the Oireachtas as soon as practicable after it is so approved and if either House, within the next 21 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 under the scheme.

Annotations**Modifications (not altering text):**

- C9** Application of schedule continued (26.06.2009) by *Financial Measures (Miscellaneous Provisions) Act 2009* (14/2009), s. 13(1), (2), commenced on enactment.

Changes in rules of covered pension schemes.

13.— (1) Section 25 (7) of the Universities Act 1997 and the Fifth Schedule to that Act continue to apply in relation to a relevant pension scheme that is a university pension scheme after a transfer order is made in relation to the relevant covered pension fund, but that section and Schedule are not to be taken to authorise the amendment of the order.

(2) On and from the passing of this Act, a relevant pension scheme (other than a relevant pension scheme to which subsection (1) applies) may be amended only with the approval of the Minister for Finance where that Minister is the relevant Minister in relation to the scheme, and in any other case the relevant Minister in relation to the scheme and the Minister for Finance.