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Dublin Institute of Technology Act, 1992



Number 15 of 1992

DUBLIN INSTITUTE OF TECHNOLOGY ACT, 1992

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Number 15 of 1992

DUBLIN INSTITUTE OF TECHNOLOGY ACT, 1992

AN ACT TO ESTABLISH AN INSTITUTE OF EDUCATION AND TRAINING TO BE KNOWN AS INSTITIÚID TEICNEOLAÍOCHTA BHAILE ÁTHA CLIATH OR IN THE ENGLISH LANGUAGE AS THE DUBLIN INSTITUTE OF TECHNOLOGY, TO DEFINE ITS FUNCTIONS AND TO PROVIDE FOR OTHER MATTERS CONNECTED WITH THE FOREGOING. [19th July, 1992]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Commencement. **1.**—This Act shall come into operation on such day as the Minister shall by order appoint.

Interpretation. **2.**—(1) In this Act—

“the Academic Council” has the meaning assigned to it by section 11 of this Act;

“course of study” means a course of study, instruction or training leading to an educational award by the Institute, the National Council for Educational Awards, an university in the State or such other certifying authority as may be approved by the Minister from time to time;

“Director” means a Director of the Institute;

“establishment” and “establishment date” refer in the case of the Institute established by section 3 (1) of this Act to the commencement of this Act and, in the case of an educational institution or part of such an institution, incorporated into the Institute by order under section 3 (3) of this Act, to the commencement of the order;

“functions” includes powers and duties;

“the Governing Body” means the Governing Body of the Institute;

“graduate” means a person on whom there has been conferred or who has been granted or given an educational award on successful completion of a course of study at the Institute or at such other institution as the Minister, on the recommendation of the Governing Body, may approve;

“the Institute” means the Dublin Institute of Technology established by this Act;

“the Minister” means the Minister for Education;

“the President” means the President of the Institute;

“the Vocational Education Committee” means the City of Dublin Vocational Education Committee.

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

(3) A reference in this Act to a subsection is to a subsection of the section in which the reference is made unless the contrary is indicated.

Establishment of
Institute.

3.—(1) There is hereby established an institute of education and training, to be known as Institiúid Teicneolaíochta Bhaile Átha Cliath or in the English language as the Dublin Institute of Technology, to perform the functions assigned to it by this Act.

(2) The Institute shall be constituted from the institutions specified in the *First Schedule* to this Act.

(3) Whenever the Minister and the Vocational Education Committee considers that any other educational institution or part of any such institution should be incorporated into the Institute the Minister may, by order, made with the consent of the Minister for Finance, following consultation with the Vocational Education Committee and the Governing Body, amend the said *First Schedule* by inserting therein the name of the institution or a description of the part thereof to be incorporated and, upon the commencement of the order, such institution or part thereof shall be incorporated into the Institute as may be prescribed by such order.

(4) The Institute shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land.

Membership of
Institute.

4.—(1) The members of the Institute shall be—

- (a) the members of the Governing Body,
- (b) the members of the Academic Council,
- (c) the members of the staff,
- (d) the registered students of the Institute,
- (e) the graduates of the Institute,

(f) such other persons as the Governing Body may appoint to be members.

(2) Membership of the Institute under *subsection (1) (f)* shall continue until the Governing Body otherwise declares.

Functions of
Institute.

5.—(1) The principal function of the Institute shall, subject to the provisions of this Act, be to provide vocational and technical education and training for the economic, technological, scientific, commercial, industrial, social and cultural development of the State, and, without prejudice to the generality of the foregoing, the Institute shall have the following functions—

- (a) to provide such courses of study as the Governing Body considers appropriate;
- (b) to confer, grant or give diplomas, certificates or other educational awards, excluding degrees other than degrees provided for by order under *subsection (2) (a)*;
- (c) to enter into arrangements with the National Council for Educational Awards, with any university in the State or with any other authority approved by the Minister from time to time, for the purpose of having degrees, diplomas, certificates or other educational awards conferred, granted or given;
- (d) subject to such conditions as the Minister may determine, to engage in research, consultancy and development work and to provide such services in relation to these matters as the Governing Body considers appropriate;
- (e) to enter into arrangements with other institutions in or outside the State for the purpose of offering joint courses of study and of engaging jointly in programmes of research, consultancy and development work in relation to such matters as the Governing Body considers appropriate;
- (f) subject to such conditions as the Minister may determine, to enter into arrangements, including participation in limited liability companies, to exploit any research, consultancy or development work undertaken by the Institute either separately or jointly;
- (g) to institute and, if thought fit, to award scholarships, prizes and other awards;
- (h) to maintain, manage, administer and invest all the money and assets of the Institute;
- (i) to accept gifts of money, land or other property upon such trusts and conditions, if any, as may be specified by the donors: provided that nothing in any such trust or condition is contrary to the provisions of this Act;

- (j) subject to the approval of the Minister to acquire land;
- (k) to do all such acts and things as may be necessary to further the objects and development of the Institute.

(2) (a) The Institute shall have such other functions, which may include the function of conferring degrees, postgraduate degrees and honorary awards as may be assigned to it, from time to time, by order made by the Minister with the concurrence of the Minister for Finance.

(b) The Minister may, with the concurrence of the Minister for Finance, by order revoke or amend an order under this subsection.

(c) Whenever an order is proposed to be made under this subsection, a draft of the proposed order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

(3) Awards under the provisions of *subsection (1) (b)* or under any function in relation to degrees which may be assigned to the Institute by order made under *subsection (2)* may only be conferred, granted or given on the recommendation of the Academic Council to or on persons who satisfy the Academic Council that they have attended or otherwise pursued or followed appropriate courses of study, instruction, research or training provided by the Institute, or by such other institutions as the Minister on the recommendation of the Governing Body may approve, and have attained an appropriate standard in examinations or other tests of knowledge or ability or have performed other exercises in a manner regarded by the Academic Council as satisfactory.

ody. **6.—**(1) There shall be a Governing Body of the Institute and the Governing Body, save as otherwise provided by this Act, shall perform the functions conferred on the Institute by this Act.

(2) The Governing Body shall consist of—

- (a) the Chairman and 18 ordinary members, and
- (b) the President of the Institute.

(3) The first members (other than the Chairman and the President) of the Governing Body shall be persons appointed by the Minister on the recommendation of the Vocational Education Committee and the ordinary members shall be recommended in accordance with the provisions of *subsection (4) (a), (e), (f) and (g)*, together with five other persons nominated by the Minister as ordinary members and shall hold office for a period of one year from the date of their appointment.

(4) Upon the expiration of the term of office of the first ordinary members, the ordinary members of the Governing Body shall be appointed by the Minister, on the recommendation of the Vocational Education Committee, in accordance with the following provisions:

- (a) six persons shall be nominated by the Vocational Education Committee;
- (b) two persons, being members of the academic staff of the Institute, shall be elected by that staff, in accordance with regulations made by the Governing Body;
- (c) one person, being a member of the staff (other than the academic staff) of the Institute, shall be elected by that staff in accordance with regulations made by the Governing Body;
- (d) two persons, being registered students of the Institute, shall be elected by the registered students in accordance with regulations made by the Governing Body;
- (e) one person shall be nominated by the Irish Congress of Trade Unions;
- (f) one person shall be nominated by the University of Dublin;
- (g) five persons shall be nominated by such organisations as the Vocational Education Committee considers require representation having regard to the particular courses provided by the Institute, excluding interests otherwise represented on the Governing Body. Such organisations shall be representative of industry, agriculture, commerce, the professions and other interests as appropriate to the activities of the Institute.

(5) (a) If a member of the Governing Body (other than the Chairman or the President) dies, resigns, retires or is otherwise removed from office pursuant to this Act before the expiration of that member's term of office, the vacancy so caused shall be filled by the appointment to the Governing Body by the Minister of a person recommended by the Vocational Education Committee and nominated in the same manner as was the person occasioning the vacancy.

(b) A person appointed to be a member of the Governing Body pursuant to *paragraph (a)* of this subsection shall, unless that person sooner dies, resigns or becomes disqualified from holding office, hold office for the remainder of the term of office of the member of the Governing Body occasioning the vacancy.

(6) In making appointments to the Governing Body pursuant to *subsection (4)* of this section, the Minister shall have regard to the extent to which each sex is represented and shall ensure an appropriate gender balance as determined by the Minister from time to time.

(7) The provisions of the *Second Schedule* to this Act shall apply to the Governing Body.

Functions of
Governing Body.

7.—(1) Save as otherwise provided in this Act, the Governing Body shall manage and control the affairs of the Institute and all property of the Institute and shall perform the functions conferred on the Institute by this Act, and shall have all such powers as are necessary or expedient for the purpose of those functions subject to such policies as may be determined by the Minister from time to time and to the programmes and budget approved annually by the Vocational Education Committee and the Minister under *section 14* of this Act.

(2) The Governing Body may, from time to time, appoint such and so many committees as it thinks proper to assist it in such manner as it shall direct and the Governing Body may assign to any committee so appointed such duties as it thinks fit.

(3) The acts of a committee established under this section shall be subject to confirmation by the Governing Body.

(4) In performing its functions, the Governing Body shall have due regard to the preservation, promotion and use of the Irish language and to the preservation and development of the national culture.

(5) In performing its functions, the Governing Body shall have regard to the attainment of gender equity and of equality of opportunity in education.

(6) In performing its functions the Governing Body shall have regard to the statutory responsibilities in the provision of vocational and technical education of the Vocational Education Committee.

L
Governing Body.

8.—(1) If—

- (a) the Minister is satisfied that the functions of the Governing Body are not being duly and effectively discharged, or
- (b) the Governing Body wilfully neglects to comply with any order, direction or regulation of the Minister made or given in pursuance of the provisions of this Act, or
- (c) the Governing Body fails to comply with any judgment or order of any court of competent jurisdiction,

the Minister may, after consultation with the Vocational Education Committee, by order dissolve the Governing Body.

(2) Whenever the Minister makes an order dissolving the Governing Body the Minister may appoint any body of persons as the Minister thinks fit to perform the functions of the Governing Body.

(3) The remuneration, if any, of every person appointed under *subsection (2)* shall be paid out of moneys provided by the Oireachtas under *section 16* of this Act.

(4) The Minister shall by order provide for the re-establishment of the Governing Body dissolved under *subsection (1)* and for the appointment of members thereto in accordance with *section 6* of this Act not later than one year following the dissolution and when the new Governing Body has been appointed the functions of the dissolved body shall be re-vested in the new Governing Body and shall cease to be functions of the body of persons appointed under *subsection (2)*.

President.

9.—(1) The Governing Body shall, with the approval of the Minister, from time to time appoint in a whole-time capacity a person to be the President and Chief Officer of the Institute.

(2) The selection of the President shall be a function of the Governing Body in accordance with procedures, which shall include the composition of a selection board, determined by the Minister from time to time.

(3) The provisions of the *Third Schedule* to this Act shall apply to the President.

Directors of
Institute.

10.—(1) Subject to *subsection (4)* the Governing Body shall appoint to the Institute in a whole-time capacity such and so many persons to be Directors of the Institute as the Governing Body, with the approval of the Minister, recommends.

(2) The selection of a Director shall be a function of the Governing Body in accordance with procedures, which shall include the composition of a selection board, determined, from time to time, by the Minister.

(3) Notwithstanding *subsection (2)*, a person who, at the passing of this Act, is employed as the Principal of an institution specified in the *First Schedule* to this Act and is still so employed at the commencement of this Act shall, if that person consents, be appointed by the Governing Body to be a Director of the Institute.

(4) Persons appointed under this section shall be known and are referred to in this Act as Directors and the persons appointed under *subsection (3)* shall be the first Directors of the Institute.

(5) The Directors shall be responsible to the President and may be assigned such responsibilities in relation to the Institute as the Governing Body, on the recommendation of the President, decides.

(6) Notwithstanding *subsection (2)* a person who, at the commencement of an order made under *section 3 (3)* of this Act, is employed as Principal of an educational institution which, under such order, is incorporated into the Institute shall if that person consents be appointed by the Governing Body to be a Director of the Institute.

Academic Council. **11.**—(1) The Institute shall have an Academic Council appointed by the Governing Body to assist it in the planning, co-ordination, development and overseeing of the educational work of the Institute and to protect, maintain and develop the academic standards of the courses and the activities of the Institute.

(2) (a) The Governing Body may by regulations made under this section provide for the membership and terms of office of the Academic Council.

(b) The majority of members shall be holders of academic appointments within the Institute and at least one shall be a registered student of the Institute.

(c) The members appointed to the Academic Council shall hold office for a period of three years and shall be eligible for reappointment.

(3) Without prejudice to the generality of *subsection (1)* the Academic Council shall have the following particular functions—

(a) to design, develop and assist in implementing courses of study in accordance with the programmes and budget approved annually under *section 14* of this Act and consistent with the functions of the Institute;

(b) to make recommendations to the Governing Body for the establishment of appropriate structures to implement the courses of study referred to at *paragraph (a)* of this subsection;

(c) to make recommendations in accordance with *section 5 (3)* of this Act;

(d) to make recommendations to the Governing Body on programmes for research and development work;

(e) to make recommendations to the Governing Body for the selection, admission, retention and exclusion of students;

(f) be responsible, subject to the approval of the Governing Body, for making the academic regulations of the Institute;

(g) to propose to the Governing Body, subject to the requirements of the National Council for Educational Awards or any university or other authority to which *section 5 (1) (c)* applies, the form of regulations to be made by the Governing Body for the conduct of examinations and for the evaluation of academic progress;

(h) to make recommendations to the Governing Body in relation to the appointment of external examiners;

(i) to make recommendations to the Governing Body in relation to the conferment of honorary awards;

- (j) to make recommendations to the Governing Body for the award of scholarships, prizes or other awards;
- (k) to make general arrangements for tutorial or other academic counselling;
- (l) to exercise any other functions, consistent with this Act, which may be delegated to it by the Governing Body;
- (m) to assist in implementing any regulations which may be made by the Governing Body concerning any of the matters aforesaid.

(4) The Academic Council, with the approval of the Governing Body, may—

- (a) establish such and so many committees, consisting either wholly or partly of persons who are not members of the Institute, as it thinks proper to assist the Academic Council in the performance of its functions under this Act, and
- (b) determine, subject to the provisions of this Act, the functions of any committee established under *paragraph (a)* of this subsection.

(5) The acts of a committee established under *subsection (4) (a)* shall be subject to confirmation by the Governing Body unless the Governing Body dispenses with the necessity for such confirmation.

(6) Subject to the provisions of this Act and to the directions of the Governing Body, the Academic Council may regulate its own procedure.

General provisions
in relation to staff.

12.—(1) (a) The Institute may appoint such and so many persons to be its officers (in addition to the President and the Directors) and servants as, subject to the approval of the Minister given with the concurrence of the Minister for Finance, the Governing Body from time to time thinks proper.

(b) The selection of such officers and servants shall be a function of the Institute in accordance with the procedures which may be determined by the Minister from time to time.

(c) In the case of academic appointments such procedures shall provide that the selection board shall consist mainly of appropriately qualified academics and shall include the President or a Director of the Institute.

(2) Subject to *section 13* of this Act, an officer (including the President and Directors) or servant of the Institute shall hold office or employment on such terms and conditions as the Institute, subject to the approval of the Minister given with the concurrence of the Minister for Finance, may from time to time determine. Such terms and conditions shall be exercised or imposed by the Institute or the President, as may be appropriate, while such officer or servant is in the service of the Institute.

(3) The Institute shall not remove any of its officers (including the President or a Director) from office without the consent of the Minister.

(4) The Institute, subject to the provisions of section 14 of this Act, may appoint suitable persons to research fellowships, research assistantships and other support posts in relation to the offering of services, on a temporary, part-time or contract basis, subject to such conditions as may be laid down by the Minister with the concurrence of the Minister for Finance.

(5) The Institute may perform such of its functions as the Governing Body may deem proper through or by any of its officers or servants.

(6) There shall, subject to section 13 of this Act, be paid by the Institute to officers (including the President and Directors) and servants of the Institute such remuneration and allowances as the Institute, subject to the approval of the Minister with the concurrence of the Minister for Finance, may from time to time determine.

(7) Officers and servants of the Institute under this section or under section 9, 10 or 13 of this Act shall, for so long as they remain in an authorised post in the Institute, be members of the Institute and are in this Act referred to as "the members of the staff".

(8) The Local Government (Superannuation) Act, 1980, shall apply to the Institute and its officers and servants (including the President and the Directors) as if it were a vocational education committee and they were officers and servants of a vocational education committee but subject to any modifications (including modifications to any scheme or regulations made under the said Act of 1980) which may, with the consent of the Minister for the Environment, be specified in an order made by the Minister.

(9) The provisions of sections 105, 106 and 107 of the Vocational Education Act, 1930, and sections 7 and 8 of the Vocational Education (Amendment) Act, 1944, shall apply to officers of the Institute with the substitution of references to the Institute, for references to the Vocational Education Committee.

(10) (a) Notwithstanding the provisions of subsection (5) of section 7 of the Vocational Education (Amendment) Act, 1944, whenever an officer of the Institute is suspended under this Act the Institute may, if the Governing Body thinks fit, make with the consent of the Minister payments *ex-gratia* to the suspended officer in lieu of the remuneration which, but for that suspension, would have been payable to that officer.

(b) Any sum paid under this subsection shall be repayable by the officer to the Institute and may be deducted from any moneys payable by the Institute to that officer.

(c) Any sum so paid shall not be reckoned as salary or emolument for the purposes of the Local Government (Superannuation) Act, 1980.

Provisions in
relation to existing
staff.

- 13.—**(1) (a) Every person who, immediately before the establishment date, is employed by the Vocational Education Committee in an institution specified in the *First Schedule* to this Act or in an educational institution or part of such an institution to which an order made under *section 3 (3)* of this Act relates as an officer or servant thereof shall, on the establishment date, become and be an officer or servant of the Institute as appropriate.
- (b) Every person who, immediately before the establishment date, is employed by the Vocational Education Committee and whose work is concerned with the administration of any such institution or part of an institution and who is designated by the Minister for employment by the Institute shall, with effect from the establishment date, become and be an officer or servant of the Institute as appropriate.
- (c) A person to whom *subsection (1)* applies shall not, while in the service of the Institute, receive less remuneration or be subject to less beneficial conditions of service than the remuneration approved by the Minister with the concurrence of the Minister for Finance to which that person was entitled and the conditions of service approved by the Minister to which that person was subject prior to the establishment date.
- (d) The conditions of service, restrictions, requirements and obligations to which any such person was subject immediately before the establishment date shall, unless they are varied by agreement, continue to apply to that person, and shall be exercised or imposed by the Institute or the President, as may be appropriate, while that person is in the service of the Institute.
- (2) (a) The Institute may, following consultation with any recognised staff associations or trade unions concerned, redistribute or rearrange the duties to be performed by officers or servants to whom *subsection (1)* applies and every such officer or servant shall be bound to perform the duties allocated to that officer or servant in any such redistribution or rearrangement.
- (b) A redistribution or rearrangement referred to in *paragraph (a)* of this subsection 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.

Programmes and budget.

14.—(1) The Governing Body shall on or before the 1st day of March in each year prepare and submit to the Vocational Education Committee in such format as may be approved by the Minister from time to time operational programmes for the next two following academic years (in this section referred to as “the programmes”) together with the relevant budget as proposed by the Governing Body for the following financial year.

(2) The programmes shall include the proposed staffing structure.

(3) The Vocational Education Committee may, in respect of the programmes and budget submitted to it under this section, either approve of such programmes and budget without modification or following appropriate consultation with the Governing Body approve of the programmes and budget with such modifications as it thinks fit to make.

(4) The Vocational Education Committee shall on or before the 1st day of May in each year submit to the Minister for approval the programmes and budget as submitted by the Governing Body together with such modifications as may have been made by the Committee.

(5) The Minister may, in respect of the programmes and budget submitted under *subsection (4)*, approve of such programmes and budget, with or without modification and subject to such conditions as the Minister may specify.

(6) (a) The programmes and budget shall not come into force until they have been approved by the Minister or until such date as the Minister may specify in such approval.

(b) In the case of a budget, approval shall not be given until after publication of the Estimates for Supply Services for the year in question.

(7) If programmes and budget as required by this Act are not submitted by the date specified the Minister may, after any necessary consultations, impose programmes and a budget under the terms of this Act and the programmes and budget shall come into force on such date as the Minister shall specify.

(8) When the programmes have come into force and a budget has been approved it shall be a function of the Governing Body to carry them into effect as approved. The provisions of this subsection shall also apply to any programmes and budget imposed by the Minister under *subsection (7)*.

(9) Any material departure from the programmes and budget as approved or imposed by the Minister under this section may take place only with the prior approval of the Vocational Education Committee and the Minister.

(10) The Governing Body may, with the consent of the Vocational Education Committee and the Minister and the approval of the Minister for Finance, borrow by means of bank overdraft or otherwise money for the purposes of the Institute.

- Annual report and information. **15.**—(1) The Governing Body shall, as soon as may be after the end of each academic year, prepare and submit to the Vocational Education Committee and to the Minister in such form as may be determined by the Minister a report of its proceedings during that year.
- (2) The Governing Body shall supply to the Minister and to the Vocational Education Committee such information regarding the performance of its functions as may from time to time be required.
- Grants. **16.**—In each year the Minister may, subject to the approval of the Minister for Finance, out of moneys provided by the Oireachtas, make to the Institute a grant or grants of such amount or amounts as the Minister thinks fit to be spent for the purposes of the Institute subject to the terms of *section 14* of this Act.
- Accounts and audits. **17.**—(1) The Institute shall keep, in such form as may be approved by the Minister with the concurrence of the Minister for Finance, all proper and usual accounts of all moneys received or expenditure incurred by it and, in particular, shall keep in such form as may be specified by the Minister such special accounts as the Minister or the Vocational Education Committee with the agreement of the Minister may from time to time direct.
- (2) Accounts kept in pursuance of this section shall be submitted annually by the Institute to the Comptroller and Auditor General for audit on a date not later than the 30th day of April in the year following the year to which the accounts relate.
- (3) Immediately after the audit a copy of the accounts and of such other accounts, if any, as the Minister or the Vocational Education Committee has directed to be kept, together with a copy of the report of the Comptroller and Auditor General thereon, shall be presented by the Institute to the Vocational Education Committee and to the Minister.
- (4) The Minister shall cause copies of the accounts presented under this section by the Institute, together with copies of the report of the Comptroller and Auditor General thereon, to be laid before each House of the Oireachtas.
- Fees and charges. **18.**—The Institute may charge fees or admission charges and such other charges of such amounts as may from time to time be determined by the Governing Body subject to such conditions as may be specified by the Minister from time to time for courses, lectures, examinations, exhibitions and other events held at or by the Institute and for other activities including research, consultancy and development work undertaken by the Institute.

Transfer of property and liabilities. **19.**—(1) All land which, immediately before the establishment date, stood vested in the Vocational Education Committee or the Minister for the purposes of the Institute or for the purposes of an educational institution or part of such an institution to which an order made under *section 3 (3)* of this Act relates shall stand vested in the Institute without any conveyance or assignment and no such property or part thereof or estate or interest therein or right thereover shall be disposed of except with the approval of the Minister, after consultation with the Vocational Education Committee.

(2) On the establishment date, the following shall be and hereby are transferred to the Institute—

(a) all property (other than land) and rights held or enjoyed immediately before the establishment date by the Vocational Education Committee for or in connection with the functions of the Institute or of an educational institution or part of such an institution to which an order made under *section 3 (3)* of this Act relates,

(b) all liabilities incurred before the establishment date by the Vocational Education Committee for the purposes of or in connection with the Institute or any such educational institution or part thereof that had not been discharged before the establishment date,

and, accordingly, without any further transfer or assignment—

(i) the said property shall, on the establishment date, vest in the Institute but subject to all trusts and equities affecting the property and capable of being performed,

(ii) the said rights, shall, on and from the establishment date, be enjoyed by the Institute,

(iii) the said liabilities shall, on and from the establishment date, be the liabilities of the Institute.

(3) The Institute may recover from the Vocational Education Committee such moneys as may be approved by the Minister in respect of liabilities arising under *subsection (2)* and the Vocational Education Committee shall cause these moneys to be paid to the Governing Body of the Institute immediately upon the direction of the Minister.

(4) All moneys, stocks, shares and securities transferred to the Institute by this section that, immediately before the establishment date, are standing in the name of the Vocational Education Committee, shall, upon the request of the Governing Body of the Institute, be transferred into its name.

(5) Every right and liability transferred by this section to the Institute may, on or after the establishment date, be sued on, recovered or enforced by or against the Institute in its own name and it shall not be necessary for the Institute to give notice to any person whose right or liability is transferred by this section of the transfer.

(6) In *subsections (1) and (2)* a reference to the Institute, in relation to a time before the establishment date, shall be construed as a reference to every institution or part of an institution which from that date comprised or became part of the Institute.

(7) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Vocational Education Committee or the Institute of any property or right transferred by this section.

(8) Whenever a question arises as to whether land stood vested for the purposes of the Institute or of an institution or part of an institution to which an order made under section 3 (3) of this Act relates or whenever a question arises with regard to rights and liabilities transferred by this section such question shall be referred by the Vocational Education Committee to the Minister and the decision of the Minister thereon shall be final.

Preservation of
contracts and
continuance of legal
proceedings.

20.—(1) Every contract which was entered into in relation to the Institute, or in relation to an educational institution or part of such an institution to which an order made under section 3 (3) of this Act relates, and is in force immediately before the establishment date between the Vocational Education Committee and any person shall continue in force on and after the establishment date, but shall be construed and have effect as if the Institute were substituted therein for the Vocational Education Committee and every such contract shall be enforceable by or against the Institute accordingly.

(2) Where, immediately before the establishment date, any legal proceedings are pending to which the Vocational Education Committee is a party and the proceedings have reference to the Institute or to an educational institution or part of such an institution to which such order relates the name of the Institute shall be substituted in the proceedings for that of the Vocational Education Committee and the proceedings shall not abate by reason of such substitution.

(3) This section does not apply to any contract or proceedings in relation to land.

(4) In this section, a reference to the Institute, in relation to a time before the establishment date, shall be construed in accordance with *subsection (6) of section 19* of this Act.

- Inspection. **21.**—The Minister may authorise inspectors and other officers of the Department of Education and such other persons as the Minister may deem appropriate to report to the Minister on the efficiency of instruction given in the Institute and on any other matters regarding the operation of the Institute and such inspectors, officers or other persons shall be entitled at all reasonable times to enter the Institute and shall be afforded every facility, including access to all records, to perform their functions by the Institute.
- Expenses. **22.**—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.
- Regulations. **23.**—(1) The Minister may make such regulations with regard to the operation of the Institute as the Minister may from time to time see fit.
- (2) Every regulation made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if either such House, within the next twenty-one days on which that House has sat after such regulation is laid before it, passes a resolution annulling the regulation or any part of it, the regulation or such part thereof shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.
- Short title. **24.**—This Act may be cited as the Dublin Institute of Technology Act, 1992.

FIRST SCHEDULE

Dublin Institute of Technology

Section 3.

Institutions comprising the Institute:

- College of Catering, Cathal Brugha Street;
- College of Commerce, Rathmines;
- College of Marketing and Design, Mountjoy Square;
- College of Technology, Bolton Street;
- College of Technology, Kevin Street;
- College of Music, Adelaide Road.

SECOND SCHEDULE

The Governing Body

Section 6.

1. (1) As soon as may be after its establishment the Governing Body shall provide and retain in its possession a seal of the Institute.

(2) The seal shall be authenticated by the signature of the Chairman or a member of the Governing Body authorised by the Governing Body to act in that behalf and by the signature of an officer of the Institute authorised to act in that behalf.

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

2. (1) The Governing Body shall have a Chairman who may be designated by such title as the Governing Body may determine.

(2) The Chairman shall be appointed by the Minister and may be removed from office by the Minister.

(3) The Chairman may, at any time, resign from office by letter addressed to the Minister and the resignation shall take effect from the date on which the letter is received.

(4) Subject to the provisions of this Act, the Chairman shall hold office on such terms and conditions as the Minister may, at the date of appointment, decide.

(5) The Chairman shall cease to hold office on attaining the age of 70 years.

3. (1) Every ordinary member of the Governing Body shall be appointed by the Minister on the recommendation of the Vocational Education Committee and may be removed from office by the Minister on the recommendation of the Committee.

(2) An ordinary member may, at any time, resign from office by letter addressed to the Vocational Education Committee and the resignation shall take effect from the date on which the letter is received. The Vocational Education Committee shall forthwith notify the Minister of the receipt of the letter.

(3) An ordinary member shall cease to hold office on attaining the age of 70 years.

(4) A member of the Governing Body who is absent from all meetings of the Governing Body for a period of six consecutive months, unless such absence was due to illness or was approved by the Governing Body, shall be disqualified at the expiry of such period from continuing to be a member of the said Governing Body for the remainder of that person's term of office.

(5) A member (including the Chairman) whose term of office expires by effluxion of time shall be eligible for reappointment.

4. (1) A member (including the Chairman but excluding an ordinary member who is a registered student of the Institute) shall hold office for a period not exceeding five years.

(2) An ordinary member who is a registered student of the Institute shall hold office for a period of one year.

5. (1) The Governing Body shall, from time to time as occasion requires, appoint from amongst its members (other than the Chairman or the President) a member to be deputy-chairman thereof.

(2) The deputy-chairman of the Governing Body shall, unless that member sooner resigns or ceases to be deputy-chairman under *subparagraph (3)* of this paragraph, hold office until the expiration of that member's period of office as a member of the Governing Body.

(3) The deputy-chairman on ceasing to be a member of the Governing Body shall thereupon cease to be deputy-chairman.

6. (1) Where a member of the Governing Body—

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

(b) is elected as a member of either House of the Oireachtas or as a representative in the European Parliament, or

(c) is regarded pursuant to section 13 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977 , as having been elected to the European Parliament to fill a vacancy, or

(d) is adjudged bankrupt or makes, under the protection or procedure of a court, a composition or arrangement with creditors, or

(e) is sentenced to a term of imprisonment by a court of competent jurisdiction,

that member shall thereupon cease to be a member of the Governing Body.

(2) A person shall not be eligible to be a member of the Governing Body if that person—

(a) is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein, or

(b) is for the time being a member of the European Parliament, or

(c) is an undischarged bankrupt, or

(d) within the immediately preceding three years has, under the protection of a court, made a composition or arrangement with creditors, or

(e) within the immediately preceding five years, has been sentenced to a term of imprisonment by a court of competent jurisdiction.

7. (1) A member of the Governing Body who has—

(a) any interest in any company or concern with which the Institute proposes to make any contract, or

(b) any interest in any contract which the Institute proposes to make, shall disclose to the Governing Body the fact of the interest and the nature thereof and shall take no part in any deliberation or decision of the Governing Body relating to the contract, and the disclosure shall be recorded in the minutes of the Governing Body.

(2) A member of the Governing Body who is related to a person who is a candidate for appointment by the Governing Body as an officer or servant of the Institute shall disclose to the Governing Body the fact of the relationship and the nature thereof and shall, if the Governing Body so decides, take no part in any deliberation or decision of the Governing Body relating to the appointment, and the disclosure and decision shall be recorded in the minutes of the Governing Body.

8. The Chairman and ordinary members of the Governing Body shall be paid out of funds at the disposal of the Governing Body such remuneration (if any) and such allowances for expenses as the Minister, with the approval of the Minister for Finance, may decide.

9. (a) The Governing Body shall hold such and so many meetings as may be necessary for the performance of its functions.

(b) The Vocational Education Committee shall fix the date, time and place of the first meeting of the Governing Body.

(c) The quorum for a meeting of the Governing Body shall be six members.

10. At a meeting of the Governing Body—

(a) the Chairman shall, if present, be the chairman of the meeting,

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

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

11. Every question at a meeting of the Governing Body shall be determined 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 chairman of the meeting shall have a second or casting vote.

12. Subject to *paragraph 9 (c)* of this Schedule the Governing Body may act notwithstanding one or more than one vacancy among its members.

13. Subject to the provisions of this Act the Governing Body shall regulate, by standing orders or otherwise, its procedure and business.

14. The Governing Body shall control and conduct the affairs of the Institute subject to the provisions of this Act and shall carry out all functions assigned to it by this Act, and, in particular, the Governing Body—

- (a) shall determine subject to such directions as the Minister may give from time to time the conditions under which persons shall be admitted to the Institute and to any particular course of study therein,
- (b) shall determine the conditions under which students, having been admitted to the Institute, may be excluded from it,
- (c) may enter into relationships or co-operate with any other institution, authority or body for any purpose of the Institute,
- (d) subject to *subparagraph (a)* of this paragraph may accept, in fulfilment or partial fulfilment of the requirement for entry to any course of study in the Institute, attendance by a student at a course or portion of a course in a Regional Technical College or such other institution as the Governing Body may decide,
- (e) subject to the approval of the Minister and to such terms and conditions as the Minister may lay down, may engage such consultants or advisors as it may consider necessary for the performance of its functions and any fees payable to such consultants or advisors shall be paid by the Institute out of moneys at its disposal,
- (f) may make, from time to time, such regulations as it sees fit for the conduct of the affairs of the Institute.

THIRD SCHEDULE

The President

Section 9.

1. The President shall, subject to the provisions of this Act, control and direct the activities of the Institute and shall control and direct the staff of the Institute in the implementation of such activities and be responsible to the Governing Body therefor and for the efficient and proper management of the Institute.

2. The President shall not hold any other office or position without the consent of the Governing Body.

3. The President shall be *ex officio* a member of the Governing Body and shall be entitled to be a member of every committee appointed by the Governing Body.

4. The President shall be *ex officio* a member of the Academic Council and, if present, shall preside at all meetings of that council and shall be entitled to be a member of every committee established by the council.

