

TAILTE ÉIREANN BILL

GENERAL SCHEME

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PART 1 – PRELIMINARY AND GENERAL

Head 1 – Short Title

Provide that:

This Act may be cited as the Tailte Éireann Act 2014.

Explanatory Note:

This is a standard provision relating to the Short Title of the Bill.

Head 2 – Commencement

Provide that:

This Act comes into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision, and different days may be so appointed for different purposes or provisions.

Explanatory Note:

Again, this is a standard provision allowing the Minister to set a commencement date for the Act.

Head 3 – Interpretation

Provide that:

“Act of 1964” means the Registration of Title Act 1964;

“Act of 1978” means the Landlord and Tenant (Ground Rents)(No. 2) Act 1978;

“Act of 2001” means the Valuation Act 2001;

“Act of 2006” means the Registration of Deeds and Title Act 2006;

“Act of 2014” means the Valuation (Amendment) Act 2014;

“Authoritative geospatial information/data” is geospatial information or data provided by Tailte Éireann for national mapping, registration and valuation purposes.

“Chairperson” means the chairperson of Tailte Éireann designated under Head 10;

“Chief Executive” has the meaning given to it by Head 19;

“Chief State Surveyor” has the meaning given to it by Head 43;

“Commissioner” has the meaning given to it by Head 48;

“establishment day” means the day appointed under Head 7;

“Geospatial information” means information describing the location and names of features beneath, on or above the earth's surface.

“Minister” means the Minister for Justice and Equality;

“OSI Act of 2001” means the Ordnance Survey Ireland Act 2001.

“Registrar” has the meaning given to it under Head 38;

“Tailte Éireann” means the body established under Head 8;

Explanatory Note:

This is a standard provision outlining the main definitions required in the Bill. Can be added to, if necessary, during course of drafting with OPC.

Head 4 – Laying of Orders and Regulations

Provide that:

Every regulation and order made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation or order is passed by either such House within the next 21 days on which that House has sat after the regulation or order is laid before it, the regulation or order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Explanatory Note:

Standard provision relating to the laying of Orders and Regulations before the Houses of the Oireachtas.

Head 5 – Repeals

Provide that:

The enactments specified in *Schedule 1* to this Act are repealed to the extent specified in the third column thereof.

Explanatory Note

This is a standard provision relating to the repeals of enactments.

Head 6 – Expenses

Provide that:

The expenses incurred in respect of Tailte Éireann under this Act and the Act of 1964, the Act of 1978, the Act of 2001, the Act of 2006 and the Act of 2014 and any other expenses incurred by the Minister in the administration of those Acts shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

Explanatory Note:

This is a standard provision relating to expenses.

PART 2 – ESTABLISHMENT OF TAILTE

Head 7 – Establishment Day

Provide that:

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

Explanatory Note

Head 7 provides that the Minister shall appoint a day to be the establishment day for the purposes of the Act. The Head is based on section 7 of the Registration of Deeds and Title Act 2006.

Head 8 – TAILTE ÉIREANN

Provide that:

- (1) On the establishment day there stands established a body, to be known as Tailte Éireann, to perform the functions conferred on it by this Act.
- (2) Tailte Éireann -
 - (a) is a body corporate with perpetual succession and a seal,
 - (b) may sue, and be sued, in its corporate name,
 - (c) may, with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform, acquire, hold and dispose of land, and
 - (d) may acquire, hold and dispose of any other property.
- (3) Subject to this Act, Tailte Éireann shall be independent in the performance of its functions.
- (4) The seal of Tailte Éireann may be authenticated by—
 - (a) the signature of the Chairperson or a member of the staff of Tailte Éireann authorised by Tailte Éireann to act in that behalf, and
 - (b) the signature of the Chief Executive or a member of the staff of Tailte Éireann so authorised.
- (5) Judicial notice shall be taken of the seal of Tailte Éireann and, accordingly, every document—
 - (a) purporting to be a document made by Tailte Éireann, and
 - (b) purporting to be sealed with the seal of Tailte Éireann authenticated in accordance with *subhead (4)*,shall be received in evidence and be deemed to be such document without further proof unless the contrary is proved.
- (6) Any contract or instrument which, if entered into or executed by an individual, would not require to be under seal may be entered into or executed on behalf of Tailte Éireann by any person generally or specially authorised by Tailte Éireann in that behalf.

Explanatory note

This Head relates to the establishment of the new merged body. It is based on section 9 of the Property Services (Regulation) Act 2011.

Subhead (1) provides that Tailte Éireann shall come into being on the establishment day.

Subhead (2) provides that Tailte Éireann shall be a body corporate and have an official seal. It may sue, and be sued in its corporate name and may hold or dispose of land or other property.

Subhead (3) provides that Tailte Éireann shall, subject to the provisions of the Act, be independent in the performance of its functions.

The method by which the seal of Tailte Éireann can be authenticated is outlined in subhead (4), while subhead (5) provides that judicial notice will be taken of the seal and the admissibility of documents as evidence.

Subhead (6) deals with instruments or contracts not requiring the official seal.

Head 9 – Functions of Tailte Éireann

Provide that:

- (1) The functions of Tailte Éireann are—
 - (a) to provide for the maintenance and management of the property registration systems of the State,
 - (b) to provide for the maintenance and management of the authoritative mapping and surveying infrastructure of the State,
 - (c) to provide for the maintenance and management of the State's property valuation service,
 - (d) to provide for the development, maintenance and management of the authoritative geo-spatial information of the State,
 - (e) to deal with applications for the purchase of ground rents under the Act of 1978;
 - (f) to ensure the proper functioning of the Valuation Tribunal under Parts 3 and 7 of the Act of 2001;
 - (g) to promote and extend the registration of ownership of land,
 - (h) to encourage and promote the benefits of the use of the national mapping and related databases and the development of products, services and markets to meet national and user needs,
 - (i) to protect the Government copyright on relevant records, databases, products and published material including copyright on relevant records, databases, products and published material made prior to the establishment day,
 - (j) to undertake or commission, or collaborate or assist in, research projects and activities relating to the registration of ownership of land, the valuation of land or the surveying of land including the compilation of statistical data needed for the proper planning, development and provision of services related to such activities,
 - (k) to keep the Minister informed of progress in relation to the registration of ownership of land, the valuation of land or the surveying of land and to assist and advise him or her in the development of policy in relation to such matters,

- (l) to advise the Government, a Minister of the Government, a body established by or under statute and other public sector organisations on matters relating to the policy and practice regarding the registration of ownership of land, the valuation of land or the surveying of land and on the development of national spatial data infrastructures,
- [(m) to represent the State at international level on matters relating to the registration, valuation or surveying of land], and
- (n) to perform any additional functions conferred on it under *subhead (4)*.
- (2) Tailte Éireann may disseminate, to such extent and in such manner as it considers appropriate, information regarding its statutory functions including information relating to the services provided by it and their availability.
- (3) Tailte Éireann may, subject to this Act, do anything which it considers necessary or expedient to enable it to perform its functions.
- (4) The Minister may, by order, confer on Tailte Éireann such additional functions connected with the functions for the time being of Tailte Éireann as he or she considers appropriate.
- (5) An order under this section—
- (a) shall be made with the consent of the Minister for Public Expenditure and Reform and after consultation with Tailte Éireann,
- (b) may be subject to any conditions specified in the order, and
- (c) may contain such incidental, supplemental or consequential provisions as may, in the opinion of the Minister, be necessary to give full effect to it.
- (6) The Minister may by order amend or revoke an order under this section, including an order under this subsection.

Explanatory Note:

Head 9(1) outlines the functions pertaining to Tailte Éireann and contains the High Level goals of Tailte Éireann. These include:

- the provision, maintenance and management of property registration systems of the State;
- the provision, maintenance and management of the authoritative mapping and surveying infrastructure of the State;

- the provision, maintenance and management of the State's property valuation service;
- the development and maintenance of the authoritative geo-spatial information of the State;
- dealing with applications for the purchase of ground rents under Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978;
- ensuring the proper functioning of the Valuation Tribunal;
- extending the registration of ownership of land;
- the commissioning or collaboration of research projects relating to the goals of Tailte Éireann;
- the performance of any additional functions conferred on Tailte Éireann;

The subhead also requires Tailte Éireann to keep the Minister informed of any progress in relation to Tailte Éireann's functions and to assist in the development of policy in relation to the High Level Goals.

Subhead (2) provides that Tailte Éireann shall disseminate any information it considers appropriate regarding its services and functions.

Subhead (3) provides that Tailte Éireann, subject to the provisions of the Act, may do anything it considers necessary to perform its functions.

Subhead (4) provides that the Minister may, by Order, confer any additional functions on Tailte Éireann as he or she considers appropriate.

Subheads (5) and (6) are standard provisions in relation to the making of an Order by the Minister.

Head 10 – Board of Tailte Éireann

Provide that:

- (1) There shall be a Board of Tailte Éireann (in this Act called “the Board”) which shall consist of not more than 7 members and which shall carry out the functions of Tailte Éireann ascribed to it in Head 9.
- (2) The members of the Board shall be appointed by the Minister, who shall designate one of them as its chairperson.
- (3) In appointing persons to be members of the Board, the Minister shall, subject to *subhead (4)*, have regard to the desirability of their having knowledge or experience in conveyancing practice, valuation of property, surveying of property, business, finance, management or administration or any other subject which would, in his or her opinion, be of assistance to Tailte Éireann in performing its functions under this Act.
- (4) Of the members of the Board —
 - (a) one member shall be a practising solicitor nominated by the Council of the Law Society of Ireland,
 - (b) one shall be a person who is a practising barrister nominated by the General Council of the Bar of Ireland,
 - (c) one member shall be a person who is a chartered surveyor nominated by the Society of Chartered Surveyors Ireland,
 - (d) one shall be a member of the staff of Tailte Éireann elected by secret ballot of such members —
 - (i) if notice of the holding of the first election is given before the establishment day, in such manner as the Minister directs in writing, or
 - (ii) in any other case, in such manner as Tailte Éireann, with the consent of the Minister, determines,

and

 - (e) one member shall be an officer of the Minister.
- (5) The Minister shall, in so far as is practicable and having regard to the knowledge or experience of matters relevant to the functions of Tailte Éireann of the persons concerned, ensure an appropriate balance between men and women in the composition of the Board.

- (6) Subject to this Act, a member of the Board shall hold office for a period of 4 years from the date of his or her appointment.
- (7)
 - (a) Of the members appointed to the Board on the establishment day, 3 members (but excluding the Chairperson) shall, subject to this Act, hold office for a period of 3 years from the date of their respective appointments as such members.
 - (b) The 3 members of the Board referred to in *paragraph (a)* shall be selected by the drawing of lots, conducted in such manner as the Chairperson of the Board thinks proper, at the first meeting of the Board referred to in *Head 12(3)*.
 - (c) A member of the Board may be selected as one of the 3 members of the Board referred to in *paragraph (a)* notwithstanding the fact that he or she is not present at the first meeting of the Board referred to in *Head 12(3)*.
 - (d) Notwithstanding *Head 12(2)*, the quorum for the first meeting of the Board referred to in *Head 12(3)* shall be 5 in so far as that meeting relates to selecting the 3 members of the Board referred to in *paragraph (a)*.
- (8) A person may not be appointed to be a member of the Board for more than 2 consecutive terms but is otherwise eligible for reappointment.
- (9) A member of the Board may at any time resign from office by letter addressed to the Minister and the resignation shall take effect on the date specified in the letter or the date the letter is received by the Minister, whichever is the later.
- (10) A member of the Board shall, unless he or she sooner dies, becomes disqualified for, resigns, is removed from office or otherwise ceases to be a member, hold office as such member until the expiration of his or her term of office.
- (11) The Chairperson shall hold office as Chairperson until his or her term of office as a member of the Board expires, unless that person sooner dies, becomes disqualified from holding office, resigns, is removed from office or otherwise ceases to be a member, but, if reappointed as a member, shall be eligible to be designated as the Chairperson.
- (12) Each member of the Board —

- (a) shall hold office on a part-time basis and on such other terms (other than the payment of remuneration and allowances for expenses) as the Minister may determine, and
 - (b) shall be paid by Tailte Éireann, out of the resources at its disposal, such remuneration (if any) and allowances for expenses (if any) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.
- (13) The Minister may for stated reason remove a member of the Board from office if, in the opinion of the Minister—
 - (a) the member has become incapable through ill health of effectively performing the functions of the office,
 - (b) the member has committed stated misbehaviour,
 - (c) the member has a conflict of interest of such significance that, in the opinion of the Minister, the person should cease to hold the office, or
 - (d) the member's removal appears to be necessary for the effective performance of the functions of Tailte Éireann.
- (14) A person shall be disqualified from holding and shall cease to hold office as a member of the Board if he or she—
 - (a) is adjudicated bankrupt,
 - (b) makes a composition or arrangement with his or her creditors,
 - (c) is convicted on indictment of an indictable offence,
 - (d) is convicted of an offence involving dishonesty,
 - (e) has a declaration under section 150 of the Companies Act 1990 made against him or her or is subject or is deemed to be subject to a disqualification order by virtue of Part VII of that Act,
 - (f) ceases to be ordinarily resident in the State.
- (15) Where a member of the Board dies, becomes disqualified from holding office, resigns, is removed from office or otherwise ceases to be a member, the Minister may appoint a person to be a member the Board to fill the resultant casual vacancy.

- (16) A person appointed to be a member of the Board under *subhead (15)* shall hold office for the remainder of the term of office of the member who occasioned the casual vacancy.
- (17) (a) A member of the Board who, pursuant to *subhead (7)*, holds office for a period of 3 years from the date of his or her appointment shall, for the purposes of *subhead (9)*, be considered to have served a term as a member of the Board even though he or she did not hold office for the period of 4 years referred to in *subhead (6)*.
- (b) A person who occasions or fills a vacancy shall, for the purposes of *subhead (8)* be considered to have served a term as a member of the Board even though he or she held office for part only of the term.
- (18) The Board may act notwithstanding one or more vacancies in its membership.

Explanatory note:

This Head is based on section 9 of the Property Services (Regulation) Act 2011.

This is a detailed Head outlining the composition of the Board of Tailte Éireann and the term of office of its members. It is a standard provision in relation to the establishment of a public body of this nature.

Subhead (1) provides that the Board shall consist of no more than 7 members and that the Board shall carry out the functions of Tailte Éireann specified in Head 9.

Subhead (2) provides that the members the Board and the Chairperson will be appointed by the Minister for Justice and Equality.

Subhead (3) provides that it is intended that persons appointed to the Board will have experience and knowledge in areas such as conveyancing practice, valuation and surveying of property, business, finance and management.

Subhead (4) provides that of the members of the Board, one shall be nominated by the Law Society, one shall be nominated by the Society of Chartered Surveyors, one shall be a nominee of the Bar Council and one shall be an officer of the Minister.

Subhead (5) provides that, as far as possible, the Minister shall ensure an appropriate gender balance on the Board.

Subhead (6) provides that, subject to the provisions contained in subhead (8), the term of office of a member of the Board shall be 4 years.

Subhead (7) provides that 3 members of the Board first appointed shall hold office for an initial period of three years, to ensure that all members of the Board will not fall to be replaced at the same time.

Subhead (8) provides that a member of the Board may be reappointed but cannot serve more than two consecutive terms.

Subhead (9) deals with the resignation of a member of the Board while subhead (10) provides that a member of the Board shall retain membership for the term of office unless he/she either dies, becomes disqualified or is removed from office. Subhead (11) relates to the holding of the office of Chairperson of the Board.

Subhead (12) provides for remuneration of the members of the Board. Subhead (13) deals with the removal of a member of the Board by the Minister. Subhead (14) outlines the reasons a person may be disqualified from being a member of the Board.

Subhead (15) provides that the Minister may appoint a person to fill a vacancy on the Board where a member either dies; becomes disqualified; resigns or is removed from the Board. Subhead (16) outlines the term of office of a person appointed to fill a casual vacancy on the Board.

Subhead (17) outlines provisions regarding term of office for a person appointed for a three year term under subhead (7) or a person appointed to fill a vacancy and subhead (18) provides that the Board may act notwithstanding one or more vacancies in membership.

Head 11 – Membership etc. of Dáil, Seanad or European Parliament.

Provide that:

- (1) A member of the Board ceases to be a member on—
 - (a) accepting nomination as a member of Seanad Éireann,
 - (b) being elected as a member of either House of the Oireachtas or to be a representative in the European Parliament,or
 - (c) being regarded under Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to that Parliament.

- (2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a representative in the European Parliament is, while so entitled or such a representative, disqualified for appointment as a member of the Board or for employment by Tailte Éireann in any capacity.

Explanatory note:

This is a standard provision dealing with entitlement to membership of the Board. As with all similar organisations, a person who becomes a member of the Dáil, a member of the European Parliament or is nominated as a Senator in the Seanad, will not be allowed to remain as a member of the Board.

Subhead (2) provides that a person who becomes a member of the Dáil, a member of the European Parliament or is nominated as a Senator in the Seanad stands disqualified for appointment as a member of the Board or for any employment by Tailte Éireann.

Head 12 – Meetings

Provide that:

- (1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions but in each year shall hold not less than one meeting in each period of 3 months.
- (2) The quorum for a meeting of the Board shall be 4 or such other number, not being less than 4, as the Board may determine.
- (3) The Minister shall, in consultation with the Chairperson, fix the date, time and place of the first meeting of the Board.
- (4) At a meeting of the Board —
 - (a) the Chairperson shall, if present, be the chairperson of the meeting,

and
 - (b) if and so long as the Chairperson of the Board is not present or if the office of Chairperson is vacant, the members of the Board who are present shall choose one of their number to act as the chairperson of the meeting.
- (5) Each member of the Board (including the Chairperson) present at a meeting of the Board shall have a vote.
- (6) At a meeting of the Board, a question on which a vote is required shall be determined by a majority of the votes of the members of the Board present and voting on the question and, in the case of an equal division of votes, the chairperson of the meeting shall have a casting vote.
- (7) Subject to this Act, the Board may regulate its own procedure.

Explanatory Note:

This Head deals with the holding and conduct of meetings of the Board. the Board must meet at least once in every quarter. A quorum of not less than 4 members must be present at each meeting of the Board. The section goes on to deal with the position of the chairperson and with the voting rights of members of the Board.

Subhead (1) provides that the Board shall meet as often as necessary to carry out its functions but in any case not less that once every three months. Subhead (2) provides that the quorum for a meeting of the Board shall be 4 members or such other number, not less than 4, agreed by the Board.

Subhead (3) provides that the Minister shall set the time and location of the first meeting of the Board. Subhead (4) relates to the chairing of a meeting of the Board.

Subhead (5) provides that each member of the Board (including the Chairperson) shall have one vote, while subhead (6) provides that the Chairperson shall have a casting vote in the event that a vote on any matter is tied. Subhead (7) provides that, subject to the Act, the Board may regulate its own procedures.

Head 13 – Disclosure of interests

Provide that:

- (1) Where a member of the Board, a member of an advisory committee, a consultant or an adviser appointed by it has (otherwise than in that capacity) a pecuniary interest or other beneficial interest in, or material to, any matter to be considered by Tailte Éireann, he or she shall—
 - (a) in advance of any consideration of the matter, disclose that interest and its nature to the Board or advisory committee, as the case may be,
 - (b) neither influence nor seek to influence any decision to be made in relation to it,
 - (c) not make any recommendation in relation to it,
 - (d) not take part in any consideration of it,
 - (e) absent himself or herself from any meeting of the Board, or any part of such a meeting, at which it is being considered or discussed,
 - (f) not be counted towards a quorum during any such consideration or discussion, and
 - (g) not vote on any decision relating to the matter.
- (2) Without prejudice to the generality of *subhead (1)*, a person shall be regarded for the purposes of this section as having a pecuniary interest or other beneficial interest if—
 - (a) he or she or any connected relative, or any nominee of his or hers or any connected relative, is a member of a company or any other body which has a pecuniary interest or other beneficial interest in, or material to, a matter referred to in that subsection,
 - (b) he or she or any connected relative is in partnership with or is in the employment of a person who has a pecuniary interest or other beneficial interest in, or material to, such a matter,
 - (c) he or she or any connected relative is a party to any arrangement or agreement (whether or not enforceable) concerning land to which such a matter relates, or
 - (d) any connected relative has a pecuniary interest or other beneficial interest in, or material to, such a matter.

- (3) For the purposes of this section a person shall not be regarded as having a pecuniary or other beneficial interest in, or material to, any matter by reason only of an interest of the person, or of any company or other entity or person mentioned in *subhead (2)*, which is so remote or insignificant that it could not reasonably be regarded as likely to influence a person in considering, discussing or voting on any question with respect to the matter or in performing any function in relation to it.
- (4) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by the person to comply with *subhead (1)*, it shall be determined by the Board, and particulars of the determination shall be recorded in the minutes of the meeting concerned.
- (5) Where a disclosure under *subhead (1)* is made to the Board or an advisory committee, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.
- (6) The Minister, if of opinion that a person mentioned in *subhead (1)* has contravened that subsection, may remove the person from office or terminate his or her contract, and the person shall thereupon cease to be qualified for membership of the Board or appointment by it in any capacity.
- (7)
 - (a) Where a person, other than a member of the Board, fails to make a disclosure in accordance with this section, the Board shall decide the appropriate action (including removal from office or termination of contract) to be taken.
 - (b) Where a member of the Board fails to make a disclosure in accordance with this section, the Minister shall decide the appropriate action (including removal from office) to be taken.
- (8) In this section, “connected relative”, in relation to a person, means—
 - (a) the person’s spouse or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010, or
 - (b) a parent, brother, sister or child of—
 - (i) the person, or
 - (ii) the person’s spouse or civil partner within the meaning of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

Explanatory note:

This Head deals with disclosure of interests.

Subheads (1) provides that it will be mandatory for any member of the Board, any member of an advisory committee or any consultant or advisor employed by Tailte Éireann to disclose information where they has a pecuniary or beneficial interest in any matter to be discussed by the Board or an advisory committee. In such circumstances, the person may not take part in any discussion on the matter, may not vote on the matter and may not seek to influence in any way a decision on the matter.

Subhead (2) outlines what is meant by a beneficial interest in subhead (1). Subhead (3) provides an exemption to the meaning of beneficial interest where the connection to a person is so remote or insignificant that it could not reasonably be regarded as likely to influence a member in their deliberations on a matter.

Subhead (4) provides that where a possible conflict arises, the matter shall be determined by the Board. Subhead (5) relates to the recording in the minutes of a meeting of a disclosure of information under subhead (1)

Subhead (6) deals with sanctions for a member of the Board who does not disclose information as required under the Head, while subhead (7) deals with sanctions for persons other than a member of the Board.

Subhead (8) defines what is meant by “connected relative” in the context of the Head.

Head 14 – Non-disclosure of confidential information

Provide that:

- (1) A person shall not, without the consent in writing of the Board or as required by law, disclose confidential information obtained by that person in any capacity, or while performing functions, as any of the following:
 - (a) a member of the Board or an advisory committee;
 - (b) a consultant or adviser appointed by the Board or an employee of a consultant or adviser.
- (2) A person who contravenes *subhead (1)* is guilty of an offence and liable on summary conviction to a class A fine.
- (3) Nothing in *subhead (1)* shall prevent the disclosure of information—
 - (a) to the Board,
 - (b) by or on behalf of the Board to the Minister,
 - (c) by a person in the circumstances referred to in section 35(2) of the Ethics in Public Office Act 1995, or
 - (d) which, in the opinion of a person referred to in that subsection, may relate to the commission of an indictable offence to—
 - (i) the Director of Corporate Enforcement,
 - (ii) the Competition Authority,
 - (iii) a member of the Garda Síochána,
 - (iv) an officer of the Revenue Commissioners,
 - (v) the Central Bank of Ireland.
- (4) In this section, “confidential information” means information that is expressed by the Board to be confidential either as regards particular information or as regards information of a particular class or description.

Explanatory note:

This Head deals with the issue of disclosure of confidential information obtained by a person working for Tailte Éireann or by a member of the Board. It should be noted

that this Head does not relate to the Chief Executive or staff of Tailte Éireann. This is because, as civil servants, they are bound by the same ethical practices as exist for other civil servants.

Subhead (1) provides that persons may not, without the consent of the Board, disclose confidential information while subhead (2) provides that they will commit an offence if they do so and are liable on summary conviction to a class A fine.

Subhead (3) outlines the various exemptions to the general rule in subhead (1) while subhead (4) defines what is meant by “confidential information” in the Head.

Head 15 – Advisory committees, consultants and advisers

Provide that:

- (1) (a) the Board, subject to the approval of the Minister, may from time to time appoint such and so many advisory committees and such and so many consultants or advisers as it may consider necessary to assist it in the performance of its functions.

(b) The approval of the Minister is subject to the consent of the Minister for Public Expenditure and Reform in respect of fees or expenses to which *subhead (3)* relates.
- (2) The appointment of a person to an advisory committee or as a consultant or adviser shall be for such period and subject to such terms and conditions as the Board may consider appropriate.
- (3) Any fees or expenses which have been agreed by the Minister, with the prior consent of the Minister for Public Expenditure and Reform, and are due to a member of an advisory committee or to a consultant or an adviser shall be paid out of the resources at the disposal of Tailte Éireann.
- (4) An advisory committee shall include persons who have special knowledge and experience related to the purposes of the committee concerned.
- (5) An advisory committee shall consist of a chairperson and such other number of other members as the Board may determine and may include persons who are not members of the Board or members of the staff of Tailte Éireann.
- (6) The Board shall, in so far as it is practicable and having regard to the knowledge and experience of matters relevant to the functions of the advisory committee of the persons concerned, ensure an appropriate balance as between men and women in composition of the committee.
- (7) A member of an advisory committee may be removed at any time from membership of the committee by the Board.
- (8) The Board may at any time dissolve an advisory committee.
- (9) The Board may regulate the procedure and business of an advisory committee but, subject to any such regulation, the committee may regulate its own procedure and business.
- (10) An advisory committee may act notwithstanding one or more vacancies in its membership.

Explanatory note:

This Head deals with the establishment of advisory committees and the retaining of advisers or consultants to Tailte Éireann. Persons appointed to a committee must have specialist knowledge in relation to the purpose of the committee. The Head also deals with issues such as gender balance on the committee, the expenses to be paid to members of the committee and the right of the Board to dissolve the committee at any time.

Subhead (1) provides for the appointment and remuneration of advisory committees and consultants by Tailte Éireann. The appointments and remuneration are subject to Ministerial approval.

Subhead (2) provides that the appointment of a person to an advisory committee or as a consultant shall be subject to such terms and conditions as the Board considers appropriate. Subhead (3) provides that fees or expenses agreed by the Minister shall be paid out of the resources available to the Board.

Subhead (4) provides that an advisory committee shall include persons who have special knowledge and experience related to the purposes of the committee concerned while subhead (5) deals with the composition of the advisory committee and subhead (6) relates to gender balance on an advisory committee.

Subhead (7) provides for the removal of a member of an advisory committee and subhead (8) provides for the dissolution of an advisory committee by the Board.

Subhead (9) provides for the regulation of procedure of an advisory committee by the Board and subhead (10) allows the advisory committee to act where there are vacancies in its membership.

Head 16 – Strategic plans

Provide that:

- (1) The Board shall, as soon as practicable after the establishment day and thereafter within 6 months before each third anniversary of its establishment, prepare and submit to the Minister, for approval by the Minister with or without amendment, a strategic plan for the ensuing 3-year period.
- (2) A strategic plan shall—
 - (a) set out the key objectives, outputs and related strategies of Tailte Éireann, including its use of resources,
 - (b) comply with any directions issued from time to time by the Minister in relation to the form and manner of the plan's preparation, and
 - (c) have regard to the need to ensure the most beneficial and efficient use of Tailte Éireann's resources.
- (3) The Minister shall, as soon as practicable after a strategic plan has been so approved, cause a copy of it to be laid before each House of the Oireachtas.

Explanatory note:

This Head deals with the issue of the strategic plans of Tailte Éireann. It is a standard provision relating to strategic plans of statutory bodies.

Subhead (1) provides that the Board shall prepare a strategic plan for approval by the Minister as soon as is practicable after its establishment. Thereafter, a strategic plan must be prepared every three years.

Subhead (2) outlines what is meant by a strategic plan in the context of the section, while subhead (3) provides that the Minister shall lay a copy of the strategic plan before the Houses of the Oireachtas.

Head 17 – Reports to the Minister

Provide that:

- (1) The Board shall, not later than 30 June in each year, make a report (in this section referred to as “the annual report”) to the Minister on the performance of its functions and on its activities during the preceding year.
- (2) The annual report shall be in such form and include information regarding such matters as the Board thinks fit or the Minister may direct.
- (3) The Minister shall, as soon as is practicable, cause copies of the annual report to be laid before each House of the Oireachtas.
- (4) The Board may from time to time make such other reports to the Minister on the performance of its functions as it thinks fit.
- (5) The Board shall, if so requested by the Minister, give to the Minister such other information as he or she may require relating to—
 - (a) any matter concerning the policy and activities of Tailte Éireann generally,
 - (b) any specific matter or account prepared by it, or
 - (c) any report referred to in *subhead (1)* or *(4)*,and the information shall be furnished by the Chief Executive acting under the general authority of the Board.
- (6) For the purposes of *subhead (1)* the period between the date of the establishment of Tailte Éireann and the following 31 December shall be deemed to be the preceding year referred to in that subsection.
- (7) The Board shall publish its annual report in such form and manner as it thinks fit as soon as is practicable after *subhead (3)* has been complied with in respect of the report.

Explanatory note:

This Head deals with annual reports and other reports of Tailte Éireann. Each annual report must be submitted to the Minister by 30 June each year and shall be laid before each House of the Oireachtas. The Minister may also request that Tailte Éireann submit reports on any matter or document he requests.

Subhead (1) provides that Tailte Éireann shall make an annual report to the Minister on the performance of its functions not later than 30 June each year. Subhead (2)

states that the annual report shall include such information as the Board thinks fit or the Minister directs. Subhead (3) provides that the Minister shall lay a copy of the annual report before the Houses of the Oireachtas.

Subhead (4) provides that the Board may make such other reports to the Minister on the performance of its functions as it thinks fit while subhead (5) provides that the Board shall give to the Minister such other information as he or she may require.

Subhead (6) is a technical provision relating to the provision of the first annual report of Tailte Éireann and section (7) provides that Tailte Éireann shall publish the annual report as soon as practicable after it has been laid before the Houses of the Oireachtas.

Head 18 – General policy directives

Provide that:

- (1) The Minister may, by order, from time to time as occasion requires, issue to the Board such general directives as to policy in relation to registration of deeds and title or any other function of Tailte Éireann as he or she considers necessary.
- (2) the Board, in performing its functions, shall comply with any directive under this section.
- (3) Nothing in this Act shall be construed as enabling the Minister to exercise any power or control in relation to any particular case with which Tailte Éireann is or may be concerned.

Explanatory note:

This Head makes provision for the Minister to make general policy directives to Tailte Éireann regarding any policy initiatives in regard to its functions (subhead (1)).

Subhead (2) provides that the Board must act on these policy directives.

Subhead (3) is designed to ensure that a Minister cannot influence any individual case which is being handled by Tailte Éireann.

Head 19 – Chief Executive Officer

Provide that:

- (1) There shall be a chief executive officer of Tailte Éireann (in this Act referred to as “the Chief Executive”).
- (2) The Chief Executive shall, subject to *subsection (3)*, be appointed by the Minister on the recommendation of the Chief Executive of the Public Appointments Service.
- (3) The appointment shall either—
 - (a) be on such terms (including terms as to remuneration and allowances for expenses) as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine and be subject to the Public Service Management (Recruitment and Appointments) Act 2004, or
 - (b) be on such other terms (including terms as to remuneration and allowances for expenses) as may be determined by Tailte Éireann and approved by the Minister with the consent of the Minister for Public Expenditure and Reform.
- (4) The functions of the Chief Executive are to —
 - (a) implement the policies and decisions of Tailte Éireann,
 - (b) manage generally Tailte Éireann’s staff, administration and business,
 - (c) manage generally Tailte Éireann’s functions in relation to:
 - (i) the provision, maintenance and management of the property registration systems of the State;
 - (ii) the provision, maintenance and management of the authoritative mapping and surveying infrastructure of the State;
 - (iii) the provision, maintenance and management of the State’s property valuation service;
 - (iv) the development, maintenance and management of the authoritative geo-spatial information of the State; and
 - (v) the processing of applications under Part III of the Landlord and Tenant (Ground Rents) (No. 2) Act 1978,

- (e) manage and control generally the administration of the Valuation Tribunal under Parts 3 and 7 of the Act of 2001;
 - (e) perform such other functions as may be required or as may be duly authorised by Tailte Éireann under this Act.
- (5) The Chief Executive shall be responsible to the Board for the performance of the Chief Executive's functions.
- (6) The Chief Executive shall not be a member of the Board or an advisory committee, but may, in accordance with procedures established by the Board or an advisory committee, as the case may be, attend meetings of the Board or the committee, as the case may be, and shall be entitled to speak at and give advice at such meetings.
- (7) The Chief Executive shall provide the Board with such information, including financial information, in respect of the performance of the Chief Executive's functions as the Board may require.
- (8) The Chief Executive shall not hold any office or occupy any other position in respect of which remuneration is payable, or carry on any business, without the consent of the Board and the approval of the Minister.
- (9) Such of the functions of the Chief Executive as the Chief Executive may specify may, with the consent of the Board, be performed by such member or members of the staff of Tailte Éireann as the Chief Executive may authorise for that purpose.
- (10) The functions of the Chief Executive may be performed during the Chief Executive's absence or when the post of Chief Executive is vacant by such member or members of the staff of Tailte Éireann as the Board may authorise for that purpose.
- (11) Notwithstanding *subhead (2)*, the person who is the Chief Executive Designate of Tailte Éireann immediately before the establishment day shall be deemed to be the Chief Executive of Tailte Éireann and shall hold that office subject to terms and conditions which are not less favourable than those of the person's appointment as such Chief Executive.

Explanatory note

This Head provides that there will be a Chief Executive of Tailte Éireann who shall be a civil servant. The section details the manner in which the Chief Executive is to be appointed and the responsibilities of the Chief Executive in relation to the operation of Tailte Éireann.

Subhead (1) provides that there shall be a chief executive officer of Tailte Éireann while subhead (2) provides that the Chief Executive shall be appointed by the Minister on the recommendation of the Public Appointments Service.

Subhead (3) relates to the terms and conditions of the appointment of the Chief Executive while subhead (4) outlines the functions of the Chief Executive. Subhead (5) provides that the Chief Executive shall be responsible to Tailte Éireann in the performance of his or her functions.

Subhead (6) provides that the Chief Executive shall not be a member of Tailte Éireann or an advisory committee but may attend meetings of Tailte Éireann or advisory committee and shall be entitled to give advice at such meetings. Subhead (7) stipulates that the Chief Executive shall provide any information regarding his or her functions as Tailte Éireann may require.

Subhead (8) provides that the Chief Executive shall not hold any other office or remunerated position without the consent of Tailte Éireann and the approval of the Minister.

Subhead (9) provides that the Chief Executive may delegate certain of his functions to other members of staff of Tailte Éireann with the approval of Tailte Éireann while subhead (10) provides for the exercise of the Chief Executive's functions where the post is vacant or the Chief Executive is absent.

Subhead (11) provides that the person who is the Chief Executive Designate of Tailte Éireann immediately before the establishment day shall be deemed to be the Chief Executive of Tailte Éireann on the establishment day.

Head 20 – Chief Executive to be accounting officer

Provide that:

The Chief Executive is the accounting officer for the appropriation accounts of Tailte Éireann for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.

Explanatory note

This section provides that the Chief Executive will be the accounting officer for Tailte Éireann. It is a standard provision in statutory bodies which have a separate vote.

Head 21 – Accountability of Chief Executive to Oireachtas Committee established to examine, etc., appropriation accounts, etc.

Provide that:

- (1) The Chief Executive shall, whenever required in writing by a Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and 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 account kept by Tailte Éireann,
 - (b) the economy and efficiency of Tailte Éireann in the use of its resources,
 - (c) the systems, procedures and practices employed by Tailte Éireann for the purpose of evaluating the effectiveness of its operations, and
 - (d) any matter affecting Tailte Éireann 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 *paragraph (a), (b) or (c)*) that is laid before Dáil Éireann.
- (2) In giving evidence to the Committee under this section, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Explanatory Note

This section provides that the Chief Executive will appear, when requested, before Public Accounts Committee to answer questions regarding the administration of Tailte Éireann. Subhead (2) provides that, in giving evidence to the Committee, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Head 22 – Accountability of Chief Executive to other Oireachtas Committees.

Provide that:

- (1) Subject to *subhead (3)*, the Chief Executive shall, at the request in writing of an Oireachtas Committee, attend before it to give account for the general administration of Tailte Éireann as is required by that Committee.
- (2) In giving evidence to an Oireachtas Committee under this section, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.
- (3) The Chief Executive shall not be required to give account before an Oireachtas Committee for any matter which is or has been or may at a future time be the subject of—
 - (a) proceedings before a court or tribunal in the State, or
 - (b) a decision or determination by Tailte Éireann in respect of a particular person.
- (4) Where the Chief Executive is of the opinion that a matter, the subject of a request under *subhead (1)*, is a matter to which *subhead (3)* applies, he or she shall inform the Oireachtas Committee concerned of that opinion and the reasons for that opinion and unless the information is conveyed to the Oireachtas Committee at a time when the Chief Executive is before it, the information shall be so conveyed in writing.
- (5) Where the Chief Executive has informed the Oireachtas Committee of his or her opinion in accordance with *subhead (4)* and the Oireachtas Committee does not withdraw the request referred to in *subhead (1)* in so far as it relates to a matter the subject of that opinion—
 - (a) the Chief Executive may, not later than 21 days after being informed by the Oireachtas Committee of its decision not to do so, apply to the High Court in a summary manner for determination of the question whether the matter is one to which *subhead (3)* applies, or
 - (b) the chairperson of the Oireachtas Committee may, on behalf of the Committee, make such an application, and the High Court shall determine the matter.
- (6) Pending the determination of an application under *subhead (5)*, the Chief Executive shall not attend before the Oireachtas Committee to give account for the matter the subject of the application.

- (7) If the High Court determines that the matter concerned is one to which *subhead (3)* applies, the Oireachtas Committee shall withdraw the request referred to in *subhead (1)*, but if the High Court determines that *subhead (3)* does not apply, the Chief Executive shall attend before the Oireachtas Committee to give account for the matter.
- (8) In this section, “Oireachtas Committee” means a committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas, other than—
- (a) the Committee referred to in *Head 21(1)* or a subcommittee of such committee,
 - (b) the Committee on Members’ Interests of Dáil Éireann or a subcommittee of such committee, or
 - (c) the Committee on Members’ Interests of Seanad Éireann or a subcommittee of such committee.

Explanatory Note

This section provides that the Chief Executive will appear, when requested, before Committees of the Oireachtas to answer questions regarding the administration of Tailte Éireann.

Subhead (1) provides for the general rule that the Chief Executive shall, on receipt of a request in writing, attend before a committee of the Oireachtas to give account of the general administration of Tailte Éireann. Subhead (2) provides that, in giving evidence to the Committee, the Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

Subhead (3) provides for exemptions regarding the giving of evidence before a Committee where a matter relates to proceedings before a court or a decision by Tailte Éireann in relation to a particular person. Subhead (4) provides that the Chief Executive, if he/she thinks a matter raised by a Committee, comes under the heading of subhead (3), he/she should raise the issue in writing with the Committee.

Subhead (5) provides that, where there is disagreement as to whether the matter comes within the meaning of subhead (3), the Chief Executive, or the chair of the Committee, may apply to the High Court for a determination of the issue. Subhead (6) provides that the Chief Executive shall not attend a meeting of the Committee on the matter until the determination of the High Court is received. Subhead (7) outlines the procedure to be followed once the High Court determination on the matter is given.

Subhead (8) defines what is meant by “Committee” in the context of the Head.

Head 23 – Dissolution of Property Registration Authority

Provide that:

- (1) The Property Registration Authority shall, on the establishment day, become and be dissolved.
- (2) Subject to this Act, references in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to:
 - (i) the Registrar of Titles, in respect of the period prior to the commencement of the Registration of Deeds and Title Act 2006;
 - (ii) the Property Registration Authority, in respect of the period commencing on the date of the commencement of the Registration of Deeds and Title Act 2006 and ending on the date of the commencement of section 7 of this Act,

shall, on and after that day, be construed as references to Tailte Éireann.

Explanatory Note

This head provides for the dissolution of the Property Registration Authority. It is based on section 31 of the OSi Act of 2001.

Subhead (2) is an omnibus provision relating to references in previous Acts of the Oireachtas.

Head 24 – Dissolution of Ordnance Survey Ireland

Provide that:

- (1) Ordnance Survey Ireland shall, on the establishment day, become and be dissolved.
- (2) Subject to this Act, references in any Act of the Oireachtas passed before the establishment day or in any instrument made before that day under an Act of the Oireachtas to Ordnance Survey Ireland shall, on and after that day, be construed as references to Tailte Éireann.

Explanatory Note:

This head provides for the dissolution of Ordnance Survey Ireland. It is based on section 31 of the OSi Act of 2001.

Subhead (2) is a omnibus provision relating to references in previous Acts of the Oireachtas.

Head 25 – Amendment of C&AG Act

Provide that:

The Comptroller and Auditor General (Amendment) Act 1993 is amended by inserting the following section after section 18A:

“Application of this Act to Tailte Éireann”

18B.—This Act applies to Tailte Éireann as if it were a Department.”.

Explanatory Note:

This is a standard provision relating to the inclusion of Tailte Éireann for the purposes of the C&AG Act.

Head 26 – Staff of Tailte Éireann

Provide that:

- (1) Subject to *subhead (3)* and *Head 19(2)*, the Board may appoint such number of persons to be members of its staff as it may determine.
- (2) Subject to *subhead (3)*, the Board shall determine the grades of members of its staff and the numbers in each grade.
- (3) A determination of the Board under *subhead (1)* or *(2)* is subject to the approval of the Minister and the consent of the Minister for Public Expenditure and Reform.
- (4) The functions of Tailte Éireann may be performed on behalf of Tailte Éireann by any member or members of its staff who is or are authorised by it to do so.
- (5) A member of the staff of Tailte Éireann who performs any of its functions is presumed in any proceedings to have been authorised by it to do so on its behalf, unless the contrary is shown.
- (6) Members of the staff of Tailte Éireann are civil servants in the Civil Service of the Government.
- (7) Tailte Éireann is the appropriate authority (within the meaning of the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 2005) in relation to its staff.

Explanatory note

This section provides that the staff of Tailte Éireann shall be civil servants of the Civil Service of the Government. The number and grade of staff within Tailte Éireann will be determined by Tailte Éireann with the consent of the Minister and the Minister for Public Expenditure and Reform.

Subhead (1) provides that, subject to *subhead (3)* and *Head 19(2)*, - which deals with the appointment of the Chief Executive, Tailte Éireann may appoint such number of persons to be members of its staff as it may determine. Subhead (2) provides that, subject to *subhead (3)*, Tailte Éireann shall determine the grades of members of its staff and the numbers in each grade.

Subhead (3) requires that a determination of Tailte Éireann under *subsection (1)* or *(2)* is subject to the approval of the Minister and the consent of the Minister for Public Expenditure and Reform.

Subheads (4) and (5) relate to the performance of the functions of Tailte Éireann by its staff.

Subhead (6) provides that members of the staff of Tailte Éireann are civil servants in the Civil Service of the Government while subhead (7) provides that Tailte Éireann is the appropriate authority (within the meaning of the Civil Service Commissioners Act 1956 and the Civil Service Regulation Acts 1956 to 2005) in relation to its staff.

Head 27 – Transfer of staff

Provide that:

- (1) Every person who immediately before the establishment day is a member of the staff of a dissolved body or is an officer of the Commissioner of Valuation shall, on that day, be transferred to and become a member of the staff of Tailte Éireann.
- (2) Save in accordance with any enactment or a collective agreement negotiated with any recognised trade union or staff association, a person transferred to Tailte Éireann under *subhead (1)* shall not, on the establishment day, be subject to less beneficial terms and conditions of service (including those relating to tenure of office) or remuneration than the terms and conditions of service (including those relating to tenure of office) or remuneration to which he or she was subject immediately before the establishment day.
- (3) In relation to persons transferred to Tailte Éireann under *subhead (1)*, previous service with a dissolved body or as an officer of the Commissioner of Valuation shall be reckonable for the purposes of, but subject to any exceptions or exclusions in:
 - (a) the Redundancy Payments Acts 1967 to 2012;
 - (b) the Protection of Employees (Part-Time Work) Act 2001;
 - (c) the Protection of Employees (Fixed-Term Work) Act 2003;
 - (d) the Organisation of Working Time Act 1997;
 - (e) the Terms of Employment (Information) Acts 1994 to 2012;
 - (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
 - (g) the Unfair Dismissals Acts 1977 to 2007;
 - (h) the Maternity Protection Acts 1994 and 2004;
 - (i) the Parental Leave Acts 1998 and 2006;
 - (j) the Adoptive Leave Acts 1995 and 2005; and
 - (k) the Carer's Leave Act 2001.
- (4) If such is not the case immediately before the establishment day, a person transferred to a position in Tailte Éireann shall, from that day, be subject to

and employed in accordance with the Civil Service Regulation Acts 1956 to 2005 and the Ethics in Public Office Acts 1995 and 2001.

(5) Save—

(a) in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned or an agreement negotiated with the person concerned, or

(b) as provided for by law,

the pay of a person, the subject of a transfer under *subhead (1)*, shall not be less than the basic pay to which he or she was entitled immediately before the establishment day.

Explanatory note:

Subhead (1) provides that every person who was a member of staff of the Property Registration Authority and Ordnance Survey Ireland or an officer of the Commissioner of Valuation prior to the establishment day shall become a member of the staff of Tailte Éireann on its establishment.

Subhead (2) provides that persons transferred to Tailte Éireann on the establishment day shall retain the same terms and conditions of service as they had immediately before the establishment day.

Subhead (3) provides that previous service in a dissolved body shall be reckonable for the purposes of the legislation listed therein.

Subhead (4) makes it clear that from the establishment all members of the staff of Tailte Éireann are employed in accordance with the relevant Civil Service Regulation Acts.

Subhead (5) has been included to address the issue of differing grades and remuneration across the three organisations being merged. Essentially it provides that members of staff of Tailte Éireann retain their pay scales until a collective agreement is negotiated with a recognised trade union or staff association.

Head 28 – Superannuation

Provide that:

(1) The provisions of a superannuation scheme or arrangement that immediately before the establishment day govern the conditions applicable to or in respect of a person transferred under Head 27 shall—

(a) save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, and

(b) subject to *subheads (2) and (3)*,

continue to apply to or in respect of that person.

(2) Notwithstanding *subhead (1)*, a provision of a superannuation scheme or arrangement or collective agreement referred to in *subhead (1)* shall only have effect for the purpose of that subsection if it has been approved either—

(a) by the Minister for Public Enterprise and Reform, or

(b) by another Minister of the Government with the consent or concurrence of the Minister for Public Enterprise and Reform.

(3) Notwithstanding *subhead (1)*—

(a) the age at which superannuation benefits are payable, and

(b) the rate to be applied in respect of the accrual of service,

in relation to service that occurs after the establishment day shall be those applicable in respect of the person transferred. Service that occurs before the establishment day shall be reckonable in accordance with the terms of the policy for the time being of the Minister for Public Enterprise and Reform with regard to transfer of service arrangements.

(4) Where the provisions of a superannuation scheme or arrangement referred to in *subhead (1)* confer a power to exercise a discretion that power shall, on and after the establishment day, be exercisable by Tailte Éireann, by the trustees of the superannuation scheme of Tailte Éireann, or by the Minister for Public Enterprise and Reform, as appropriate.

(5) Unless the Minister for Public Enterprise and Reform consents in writing to other arrangements, the pension payments and other superannuation liabilities in respect of a person transferred under section shall become, on the establishment day, the liabilities of the superannuation scheme or

arrangement of Tailte Éireann, and such a person shall become a member of the relevant superannuation scheme or arrangement of Tailte Éireann (which scheme or arrangement shall, in relation to that person, be deemed to stand amended in such respects as are necessary to take account of any conditions that apply to or in respect of that person by virtue of *subhead (1)*).

Explanatory Note:

Head 28 concerns superannuation schemes in Tailte Éireann and is a standard provision..

Subhead (1) provides that superannuation schemes or arrangements in place immediately before the establishment day which apply to staff transferred to Tailte Éireann under Head 27 shall continue, subject to subheads (2) and (3), to apply to those members of staff unless a collective agreement to the contrary has been agreed with a recognised trade union or staff association.

Subhead (2) makes it clear that the provision of a superannuation scheme or arrangement or collective arrangement specified in subhead (1) shall only have effect if approved by the Minister for Public Expenditure and Reform or by another Minister of the Government with the consent of the Minister for Public Expenditure and Reform.

Subhead (3) relates to the conditions under which superannuation benefits are paid and the reckoning of service which occurs before the establishment day. Such service shall be reckonable in accordance with the terms of the policy of the Minister for Public Enterprise and Reform with regard to transfer of service arrangements.

Subhead (4) provides that where a superannuation scheme or arrangement referred to in subhead (1) contains a power to exercise a discretion that power shall be, on and after the establishment day, be exercisable by Tailte Éireann, the trustees of the superannuation scheme of Tailte Éireann, or by the Minister for Public Enterprise and Reform, as appropriate.

Subhead (5) makes it clear that, unless agreed otherwise by the Minister for Public Enterprise and Reform, the pension and other liabilities of a person transferred under the Act shall become the liabilities of the superannuation scheme of Tailte Éireann and that the person shall become a member of the relevant superannuation scheme or arrangement of Tailte Éireann.

Head 29 – Transfer of land and other property

Provide that:

- (1) On the establishment day –
 - (a) land which is vested in the Minister, the Minister for Public Expenditure and Reform or the Commissioners for Public Works and is designated by the Minister, with the consent of the Minister for Public Expenditure and Reform for use solely for purposes related to Tailte Éireann’s functions, and
 - (b) all rights, powers and privileges relating to or connected with such lands (but subject to all trusts and equities affecting the lands continuing to subsist and be capable of being performed)

shall, stand vested in Tailte Éireann, without any conveyance or assignment, [on such day or days as may be specified by the Minister within a period ending not later than 12 months after the vesting day].

- (2) On the establishment day all property, other than land, including choses-in-action, owned by the Minister, the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland immediately before that day and then being used in connection with a function of the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland corresponding to a function of Tailte Éireann shall stand vested in Tailte Éireann without any assignment.
- (3) Every chose-in-action vested in Tailte Éireann by virtue of *subhead (2)* may be sued on, recovered or enforced by Tailte Éireann in its own name, and it shall not be necessary for Tailte Éireann or the Minister to give notice of the vesting to any person.
- (4) On the establishment day, documents and records that were held by the Property Registration Authority, the Commission of Valuation or Ordnance Survey Ireland immediately before that day stand vested in Tailte Éireann.
- (5) The Minister may, and on the application of the Board shall, issue a certificate in respect of specified property stating that the property is property to which this section applies or does not apply, and a certificate purporting to be so issued shall be evidence of the matters so stated.
- (6) In any proceedings a certificate purporting to be issued under *subhead (5)* is admissible, without further proof, as evidence of the matters stated in it.

Explanatory note:

This Head is a standard provision regarding the transfer of land to a statutory body. On the establishment day any land which was used solely for purposes related to the Tailte Éireann's functions or other property which was used in connection with a function of the Property Registration Authority, the Valuation Office and Ordnance Survey Ireland shall stand vested in Tailte Éireann. In addition, all records previously held by the Property Registration Authority, the Valuation Office and Ordnance Survey Ireland shall stand vested in Tailte Éireann.

Subhead (1) provides for the vesting, on the establishment day, of land which is used for the functions of Tailte Éireann and is held by the Minister, the Minister for Public Expenditure and Reform, the Commissioner for Public Works to Tailte Éireann without further conveyance or assignment.

Subhead (2) provides for the vesting of any property other than land held by the Minister, the Minister for Public Expenditure and Reform, the Commissioner for Public Works to Tailte Éireann without further conveyance or assignment.

Subhead (3) relates to the vesting every chose-in-action in Tailte Éireann.

Subhead (4) provides that all records previously held by the Property Registration Authority, the Valuation Office and Ordnance Survey Ireland shall stand vested in Tailte Éireann.

Subhead (5) relates to the provision of a certificate by the Minister in respect of a specified property while subhead (6) deals with the admissibility of the certificate in any court action.

Head 30 – Establishment of companies by Tailte Éireann.

Provide that:

- (1) Tailte Éireann may, either by itself or with another person, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, and subject to any conditions of the Minister, promote and take part in the formation or establishment of a company (referred to in this section as a “subsidiary”) to perform any of the functions conferred upon it by this Act.
- (2) Tailte Éireann may exercise total or partial control of the board of directors, by whatever name called, of a company that controls or manages the subsidiary.
- (3) The memorandum and articles of association of a subsidiary shall be in such form consistent with this Act as may be approved of by Tailte Éireann.
- (4) A subsidiary shall make such reports and in such manner to Tailte Éireann as it may require.
- (5) Subject to the approval of Tailte Éireann and the consent of the Minister and the Minister for Public Expenditure and reform, a subsidiary may enter into joint ventures with other persons.
- (6) The chief officer of a subsidiary shall hold office on and subject to such terms and conditions (including terms and conditions relating to remuneration) as may be approved of by the board of directors (or other authority, by whatever name called), that controls any such company.

Explanatory Note:

This Head is based on section 7 of the OSI Act 2001 and relates to the establishment of companies by Tailte Éireann.

Subhead (1) provides the general power for Tailte Éireann to promote and take part in the establishment of a company. Subhead (2) provides that Tailte Éireann may exercise total or partial control of the board of directors, by whatever name called, of a company that controls or manages the subsidiary.

Subhead (3) provides that the memorandum and articles of association of a subsidiary company shall be in such form consistent with this Act as may be approved of by Tailte Éireann. Subhead (4) requires a subsidiary company to make such reports and in such manner to Tailte Éireann as it may require.

Subhead (5) provides that a subsidiary company may enter into joint ventures with other persons while subhead (6) relates to the terms and conditions of a chief officer of a subsidiary company.]

Head 31 – Tailte Éireann may acquire, etc., shares in, and become member of, company

Provide that:

Tailte Éireann may, with the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, acquire, hold and dispose of shares or other interests in a company and become a member of a company.

Explanatory Note

This Head relates to the holding and disposal of shares in a company by Tailte Éireann. It is based on section 8 of the OSI Act 2001.

Head 32 – Borrowing by Tailte Éireann.

Provide that:

- (1) Subject to the approval of the Minister and the consent of the Minister for Public Expenditure and Reform, Tailte Éireann or any subsidiary may, whether by means of the issue of debentures or otherwise, borrow money (including money in a currency other than the currency of the State) for capital purposes, including working capital, from persons other than the Minister.
- (2) Tailte Éireann or any subsidiary may borrow money (including money in a currency other than the currency of the State) temporarily but the aggregate at any one time of such borrowings shall not exceed such amount as has been approved by the Minister.
- (3) For the purposes of this section moneys borrowed in a currency other than the currency of the State shall be deemed to be the equivalent in the currency of the State of the actual moneys borrowed, such equivalent being calculated according to the rate of exchange at the time of the borrowing for that currency and the currency of the State.

Explanatory Note:

This Head relates to borrowing by Tailte Éireann. It is based on Section 9 of the OSI Act 2006.

Subhead (1) provides that, subject to the consent of the Minister, Tailte Éireann or any subsidiary may, whether by means of the issue of debentures or otherwise, borrow money (including money in a currency other than the currency of the State) for capital purposes, including working capital, from persons other than the Minister.

Subhead (2) provides for the temporary borrowing of money, including money in a currency other than the currency of the State, by Tailte Éireann or any subsidiary subject to a limit approved by the Minister. Subhead (3) defines what is meant in the Head by a “currency other than the currency of the State”.

Head 33 – Service Agreement

Provide that:

- (1) The Minister may from time to time make an agreement with Tailte Éireann (a “service agreement”) that certain tasks will be carried out, functions performed or standards adhered to in the performance of its functions in the public interest, and such agreement may encompass such other supplementary matters as the Minister and the Board may decide.
- (2) Where the Minister has sought to make a service agreement with Tailte Éireann, but it has not been possible to reach such an agreement, the Minister may direct Tailte Éireann to accept a service agreement on such terms as he or she may decide.
- (3) A service agreement may contain terms and conditions in relation to accounting matters, pricing of products and recovery of costs.
- [(4) Tailte Éireann shall not, as a matter of course, be compelled to surrender to the Exchequer any moneys it has on hands at the end of a financial year and may retain such moneys to finance its operations but the Minister may require Tailte Éireann to pay a dividend to the Exchequer of an amount determined by him or her.]*

Explanatory Note:

This Head relates to service agreements which may be agreed between the Minister and Tailte Éireann. It is based on Section 25 of the OSi Act 2001.

Notes:

Subsection (2) of section 25 of the OSi Act 2001 has been deleted from this version as the funding model for Tailte Éireann will be different from that of OSi, particularly in relation to advances by the Minister.

Subsection (4) is in square brackets as this is dependent on the manner in which income to Tailte Éireann is to be treated (for example, the provision will be different if the SLA is considered to be an Appropriation in Aid).

Head 34 – Preservation of certain continuing contracts

Provide that:

Every contract or agreement made between the Minister and the Property Registration Authority, the Minister and the Commissioner of Valuation or the Minister and Ordnance Survey Ireland, as the case may be, or between the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland, as the case may be, and any other person and in force but not fully executed and completed immediately before the establishment day shall continue in force on or after that day and shall be construed and have effect as if the name of Tailte Éireann was substituted therein.

Explanatory note:

This Head is a standard provision relating to the preservation of any contracts entered into by the PRA, the Commissioner of Valuation or Ordnance Survey Ireland prior to establishment day. Such contracts remain in force and have effect as if the name of Tailte Éireann was substituted in the contract for the name of the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland.

Head 35 – Pending legal proceedings

Provide that:

Where immediately before the establishment day, any legal proceedings are pending in any court or tribunal and the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland is a party to the proceedings, the name of Tailte Éireann shall be substituted therein for that of the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland, as the case may be, and the proceedings shall not abate by reason of such substitution.

Explanatory note

This Head is a standard provision. In any proceedings to which the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland, is a party, the name of Tailte Éireann shall be substituted. This will not affect the passage of such proceedings.

Head 36 - Saving for certain acts

Provide that:

Nothing in this Act shall affect the validity of any act that was done before the establishment day by or on behalf of the Property Registration Authority, the Commissioner of Valuation and Ordnance Survey Ireland and every such act shall, if and in so far as it was operative immediately before that day, have effect on and after that day as if it had been done by or on behalf of Tailte Éireann.

Explanatory note

This is a standard provision relating to acts of the Property Registration Authority, the Commissioner of Valuation or Ordnance Survey Ireland. The section provides that such acts remain in effect as though they were done by or on behalf of Tailte Éireann.

Head 37 - Fees

Provide that:

- (1) The Minister, with the consent of the Minister for Public Expenditure and Reform, may by order prescribe the fees to be charged by Tailte Éireann for its services and may revoke or amend any such order, including an order under this subsection.
- (2) Any provision of this Act or of a Statutory Instrument requiring or authorising anything to be done or any document to be issued by Tailte Éireann or in or from Tailte Éireann is to be construed as requiring or authorising it to be done or the document to be so issued on payment of the prescribed fee.
- [(3) Fees payable under this section shall be collected and taken in such manner as the Minister for Public Expenditure and Reform may from time to time direct be paid into and disposed of for the benefit of the Exchequer in accordance with the directions of that Minister.]*
- (4) The Public Offices Fees Act 1879 does not apply to fees payable under this section.

Explanatory note

This Head is based on section 12 of the Registration of Deeds and Title Bill 2004 and section 14 of 1964 Act.

Head 38 – Data Sharing

Provide that:

- (1) Notwithstanding any enactment or rule of law—
- (a) a relevant person shall, upon a request from Tailte Éireann, provide it with such information in the possession or control of the relevant person as Tailte Éireann may reasonably require for the purpose of enabling Tailte Éireann to perform its functions under this Act, and
 - (b) Tailte Éireann shall provide a relevant person with such information in its possession or control, pursuant to this Act, as that relevant person may reasonably require for the purpose of enabling it to perform its functions by or under any enactment.

- (2) In this section—

‘relevant person’ means any of the following:

- (a) a rating authority;
- (b) the Commissioners of Public Works in Ireland;
- (c) the Registrar of Companies;
- (d) the Property Services Regulatory Authority;
- (e) the Revenue Commissioners;
- (f) any other person for the time being prescribed.

Explanatory Note:

The purpose of this Head is to formalise the sharing of data between Tailte Éireann and other public sector organisations. It is based on an equivalent provision in the Valuation (Amendment) Act 2014 which dealt with the same issue.

Tailte Éireann will be an organisation with an extensive reliance on information in order to carry out its statutory functions. Some of this information has already been captured by other public sector organisations as part of their remit. Without appropriate data sharing arrangements, Tailte Éireann would sometimes be required to duplicate the information collection process by requesting the information from the ratepayer again, with attendant cost and efficiency implications for all parties.

The Department of Public Expenditure and Reform and the Valuation Office notes and accepts the principles of “Data Sharing in the Public Sector” which the Office of the Data Protection Commissioner has put in place.

There are compelling benefits to be derived from putting appropriate data sharing arrangements in place to facilitate Tailte Éireann to carry out its functions in a fair, equitable and transparent manner.

The intention is that data sharing will be sufficiently precise and proportionate so as to have minimal impact on an individuals’ data protection and privacy rights and in general, the data in question is not perceived as data of a personal nature within the meaning of the Data Protection Act 1988 and the Data Protection (Amendment) Act 2003.

The extent of the data and its use will, of course, be limited to what the Tailte Éireann would require in the performance of its statutory mandate. Each data sharing arrangement will be governed by a protocol which will be subject to the oversight of the Office of the Data Protection Commissioner.

PART 3 – REGISTRATION OF TITLE

Head 39. Registrar of Deeds and Title

Provide that:

- (1) There shall be a statutory office holder, entitled the Registrar of Deeds and Title (in this Act known as the “Registrar”) appointed to carry out the functions specified in *section 40*.
- (2) The Registrar shall be appointed as such by the Minister on the recommendation of the Chief Executive of the Public Appointments Service and shall, upon such appointment, be a civil servant in the service of the Government.
- (3) No person shall be appointed to be Registrar unless at the time of his or her appointment he or she is either a barrister-at-law or a solicitor who has practised his or her profession for not less than seven years.
- (4) For the purposes of *subhead (3)*, service by a barrister-at-law or a solicitor in a situation in the Civil Service shall be deemed to be practice of his or her profession.
- (5) The Registrar shall hold office on such terms and conditions and receive such remuneration and allowances as the Minister may determine.
- (6) A person appointed to be the Registrar shall hold office for such period as the Minister may determine when appointing him or her, but the Minister may, whenever he or she thinks fit, continue the appointment (including an appointment previously continued under this subsection) for such further period as he or she considers appropriate.
- (7) Subject to *Head 40*, the Registrar shall be independent in the performance of his or her functions.
- (8) Notwithstanding *subheads (2) and (3)*, the person who is the Chief Executive (or interim Chief Executive) of the Property Registration Authority immediately before the establishment day shall be deemed to be the Registrar and shall hold that office subject to terms and conditions which are not less favourable than those of the person’s appointment as such Chief Executive (or interim Chief Executive).

Explanatory note:

Subhead (1) provides for the establishment of a statutory office holder, entitled the Registrar of Deeds and Title (to be known as the Registrar), appointed to carry out the functions specified in section 39. Subhead (2) outlines the procedure for the appointment of the Registrar.

Subhead (3) specifies the qualifications which must be held by the Registrar while subhead (4) provides that service in the Civil Service shall be deemed to be practice of his or her profession.

Subhead (5) relates to the terms and conditions and remuneration of the Registrar and subhead (6) provides for the appointment of the Registrar for a further term of office after completion of the first term of office. Subhead (7) provides that, subject to Head 39, the Registrar shall be independent in the performance of his or her functions.

Subhead (8) provides that the person who is the Chief Executive (or interim Chief Executive) of the Property Registration Authority immediately before the establishment day shall be deemed to be the Registrar of Deeds and Title on the establishment day.

Head 40. Functions of Registrar

Provide that:

- (1) The Registrar shall have the following functions:
 - (a) to implement the policies and decisions of Tailte Éireann and the Chief Executive subject to the independent exercise of the powers, functions and duties ascribed to him or her under *subhead (1)(b)*;
 - (b) to perform the duties and undertake the functions ascribed to him or her under:
 - (i) the Registration of Title Act 1964;
 - (ii) the Landlord and Tenant (Ground Rents)(No. 2) Act, 1978; and
 - (iii) the Registration of Deeds and Title Act 2006;
 - (c) to perform such other functions as may be required or as may be duly authorised by the Chief Executive or the Board under this Act.
- (2)
 - (a) The Registrar shall be responsible to the Chief Executive for the performance and implementation of his or her functions.
 - (b) The Registrar shall provide to the Chief Executive such information (including financial information) in relation to the performance of his or her functions as the Chief Executive may from time to time require.

Explanatory Note:

Subhead (1) provides that the functions of the Registrar will be to perform the functions ascribed to the Registrar under the Registration of Titles Act 1964, the Registration of Deeds and Title Act 2006 and the Landlord and Tenant (Ground Rents)(No. 2) Act 1978.

Subhead (2) inserts a reporting structure from the Registrar to the CEO of Tailte Éireann.

Head 41 – Amendments to Registration of Title Act 1964

Provide that:

The enactments specified in Part 1 of *Schedule 2* to this Act are amended to the extent specified in the third column thereof.

Explanatory Note:

This Head provides for amendments to the Registration of Title Act 1964 arising from the passing of this Bill.

Head 42 – Amendments to 2006 Act

Provide that:

The enactments specified in Part 2 of *Schedule 2* to this Act are amended to the extent specified in the third column thereof.

Explanatory Note:

This Head provides for amendments to the Registration of Deeds and Title Act 2006 arising from the passing of this Bill.

Head 43 – Consequential amendments to other Acts – Registration of Title

Provide that:

The enactments specified in *PART 1 of Schedule 4* to this Act are amended to the extent specified in the third column thereof.

Explanatory Note:

This Head provides for any consequential amendments to legislation (other than the Registration of Title Act 1964 or the Registration of Deeds and Title Act 2006) arising from the passing of the Act.

PART 4 – ORDNANCE SURVEY

Head 44 – Chief State Surveyor

Provide that:

- (1) There shall be a statutory office holder, entitled the Chief State Surveyor appointed to carry out the functions specified in *Head 45*.
- (2) The Chief State Surveyor shall be appointed as such by the Minister on the recommendation of the Chief Executive of the Public Appointments Service and who shall, upon such appointment, be a civil servant in the service of the Government.
- (3) No person shall be appointed to be the Chief State Surveyor unless at the time of his or her appointment he or she is a Chartered Surveyor or equivalent who has practised his or her profession for not less than seven years.
- (4) Service by a person specified in *subhead (3)* in a situation in the Civil Service shall be deemed to be practice of his or her profession.
- (5) The Chief State Surveyor shall hold office on such terms and conditions and receive such remuneration and allowances as the Minister may determine.
- (6) A person appointed to be the Chief State Surveyor shall hold office for such period as the Minister may determine when appointing him or her, but the Minister may, whenever he or she thinks fit, continue the appointment (including an appointment previously continued under this subsection) for such further period as he or she considers appropriate.
- (7) Subject to *Head 45*, the Chief State Surveyor shall be independent in the performance of his or her functions.
- (8) Notwithstanding *subhead (2)*, the person who is the Chief Executive of Ordnance Survey Ireland immediately before the establishment day shall be deemed to be the Chief State Surveyor and shall hold that office subject to terms and conditions which are not less favourable than those of the person's appointment as such Chief Executive.

Explanatory Note

This Head provides for the appointment of a statutory office holder to be known as the Chief State Surveyor.

Subhead (1) provides for the establishment of a statutory office holder, entitled the Chief State Surveyor, appointed to carry out the functions specified in Head 45. Subhead (2) outlines the procedure for the appointment of the Chief State Surveyor.

Subhead (3) specifies the qualifications which must be held by Chief State Surveyor while subhead (4) provides that service in the Civil Service shall be deemed to be practice of his or her profession.

Subhead (5) relates to the terms and conditions and remuneration of the Chief State Surveyor and subhead (6) provides for the appointment of the Chief State Surveyor for a further term of office after completion of the first term of office. Subhead (7) provides that, subject to Head 45, the Chief State Surveyor shall be independent in the performance of his or her functions.

Subhead (8) provides that the person who is the Chief Executive of Ordnance Survey Ireland immediately before the establishment day shall be deemed to be the Chief State Surveyor on the establishment day.

Head 45. Functions of Chief State Surveyor

Provide that:

- (1) The Chief State Surveyor shall have the following functions:
 - (a) to implement the policies and decisions of Tailte Éireann and the Chief Executive subject to the independent exercise of the powers, functions and duties ascribed to him or her under this Part,
 - (b) subject to *Head 46*, to ascertain, survey, position and otherwise provide for proposed alterations of the land boundaries of counties and their constituent denominations following the reclamation, erosion or accretion of land from the sea or a tidal river or a lake;
 - (c) to ascertain, survey and position revisions of land boundaries arising from proposed changes to county, city, borough or town boundaries in accordance with the requirements of the Local Government Acts 1925 to 2001;
 - (d) to ascertain, survey, position and otherwise provide for the revision of land boundaries arising:
 - (i) where the owners, or reputed owners, of the land in question submit an application to the Chief State Surveyor containing the grounds for a proposed alteration of the boundaries together with maps showing the current boundaries and the proposed new boundaries; and
 - (ii) on consideration of the application specified in paragraph (i), the Chief State Surveyor is satisfied that an error has been made on the Ordnance map of the land.
 - (f) to ascertain, survey, position and otherwise provide for the revisions of land boundaries where an amendment of a boundary is requested by a Local Authority arising from a change or alteration in the course of any river or stream provided such amendment does not alter or amend any county, city, borough or town boundary falling within the administrative area of any other Local Authority.
 - (g) to provide for the development, maintenance and management of the underlying physical infrastructure which is needed to support mapping applications including the maintenance and management of the national grid and the national geodetic and height frameworks and to link these to international systems,

- (g) to create and maintain for the entire State mapping and related geographic databases which have national consistency of content, currency, style and manner,
 - (h) to provide mapping and related geographic information to the public and private sectors in support of social, economic, legislative, educational, security, business and administrative functions and requirements,
 - (i) to depict placenames and ancient features in the national mapping and related records and databases in the Irish language or in the English and Irish languages,
 - (j) perform such other functions as may be required or as may be duly authorised by the Chief Executive or the Board under this Act.
- (2) (a) The Chief State Surveyor shall be responsible to the Chief Executive for the performance and implementation of his or her functions.
- (b) The Chief State Surveyor shall provide to the Chief Executive such information (including financial information) in relation to the performance of his or her functions as the Chief Executive may from time to time require.

Explanatory Note:

This Head specifies the functions of the Chief State Surveyor.

The functions of the Chief State Surveyor shall be those ascribed to the Boundary Surveyor under the 1854, 1857 and 1859 Acts which are being repealed. In addition, certain functions ascribed to OSi in the OSi Act 2001 are being conferred on the Chief State Surveyor.

The following equivalence table may be of assistance.

Chief State Surveyor Function	Previous Provision
(b) to ascertain, survey and otherwise provide for the revision of the land boundaries of counties and their constituent denominations following the reclamation, erosion or accretion of land from the sea;	Section III of the Boundary Survey Act 1854 Section II of the Boundaries of Land (Ireland) Act 1857
(c) to ascertain and survey revisions of land boundaries arising from proposed changes to town, borough and city borough boundaries when	Sections X and XI of the Boundary Survey Act 1854. (Note: the above sections may have been

requested under Local Government legislation;	overtaken by the enactment of Part of the Local Government Act 1990 establishing Boundary Commissions to carry out the same functions.)
<p>(d) to ascertain, survey and otherwise provide for the revision of land boundaries arising:</p> <p>(i) where an error, or a perceived error, has been made on the Ordnance map of the land; and</p> <p>(ii) where the owners, or reputed owners, of the land in question submit an application to the Chief Surveyor containing the grounds for the proposed alteration of the boundaries together with maps showing the original boundaries and the proposed new boundaries.</p>	<p>Section I of Boundaries of Land (Ireland) Act 1857</p> <p>Section I of Boundaries (Ireland) Act 1859</p>
<p>(g) to create and maintain for the entire State mapping and related geographic databases which have national consistency of content, currency, style and manner,</p>	<p>Section 4(2)(b) of the OSi Act 2001.</p>
<p>(h) to provide mapping and related geographic information to the public and private sectors in support of social, economic, legislative, educational, security, business and administrative functions and requirements,</p>	<p>Section 4(2)(c) of the OSi Act 2001</p>
<p>(i) to depict placenames and ancient features in the national mapping and related records and databases in the Irish language or in the English and Irish languages</p>	<p>Section 4(2)(h) of the OSi Act 2001.</p>

Subhead (2) inserts a reporting structure from the Surveyor to the CEO of Tailte Éireann.

Head 46 – Amendment of Maritime Boundaries.

Provide that:

- (1) All land boundaries of counties and their constituent denominations which are in existence prior to the establishment day shall continue to have the same effect as they had immediately prior the establishment day.
- (2) All maps showing land boundaries of counties and their constituent denominations prepared by the [Chief] Boundary Surveyor under the Survey (Ireland) Acts, 1825 to 1870, or by the Commissioner of Valuation or otherwise in accordance with law continue to have all such force and effect as they had immediately before the establishment day.
- (3) On notification by a Local Authority that a change or alteration has taken place in the land boundaries of a county or any of its constituent denominations, or in any portion or portions thereof, arising from reclamation, erosion or accretion of land from the sea or a tidal river or a lake, the Chief State Surveyor shall ascertain, define, and position the present acknowledged or reputed boundaries of every such county or its relevant constituent denomination or of such portion or portions thereof respectively, as the Surveyor may deem it necessary to ascertain, define, or position.
- (4) Where a notification under *subhead (3)* has been made by a Local Authority, the Chief State Surveyor shall, as soon as is reasonably practicable, prepare and make out a report in detail of the proposed alteration in any of such boundaries, setting out the grounds for making such alteration, accompanied by a plan or plans showing in detail the present boundaries as deemed and taken for all public purposes, and those which it is proposed to substitute for them.
- (5) On completion of the Report specified in *subhead (4)*, the Chief State Surveyor shall:
 - (a) serve notice of the proposed boundary alteration on the Minister for the Environment, Community and Local Government and the Minister for Agriculture, Food and the Marine;
 - (b) cause to be published in *Iris Oifigiúil*, in one national newspaper circulating in the State and on the website of *Tailte Éireann* a notice to include:
 - (i) a description of the extent of the proposed boundary alterations;

- (ii) an intimation that a copy of the draft alterations is open for public inspection at a place specified in the notice;
 - (iii) a statement that any person may submit to the Chief State Surveyor objections to the draft alterations at any time during the period of 30 days commencing on the day of the first publication of the notice,
 - (iv) a statement that any person who objects to the proposed alterations may submit his or her objection in writing to the Chief State Surveyor within the time period specified in *subparagraph (iii)*.
- (6) On the expiration of the period of 30 days specified in *subhead (5)(b)(iii)*, the Chief State Surveyor shall, having considered submissions of interested parties, if any, submit the Report specified in *subhead (4)*, including any alterations to the original Report, to the relevant Local Authority, who in the absence of good cause to the contrary shall agree the said report.
- (7) Where the proposed alterations are agreed by the relevant Local Authority, the Chief State Surveyor shall serve notice on any person who objected to the proposed alterations to the effect that the proposed boundary alterations are to proceed.
- (8) It shall be open for any person specified in *subhead (7)* to appeal the decision to proceed to the court provided that notice of such appeal is served on the Chief State Surveyor within 21 days of receipt of the notice specified in *subhead (7)*.
- (9) The Chief State Surveyor shall, following agreement of the relevant Local Authority to the proposed boundary alterations or the determination of any appeal to the court, as the case may be, submit the Report, including any variations from the original, to the Minister together with a formal request that the matter be brought to the Government for approval.
- (10) The Government may, at the request of the Minister and having considered the Report specified in *subhead (9)*, make an Order, called a Maritime Boundary Order, directing that any alteration to the boundary line or portion or portions of a boundary line of any county or its constituent denominations shall for all public purposes be deemed and taken to be the present boundary line, or portion or portions of such boundary line, altered by the adoption of such of the changes proposed by the Chief State Surveyor which are described in the Report specified in *subhead (9)* and delineated on the Plan(s) attached to that Report, as the Government thinks proper
- (11) In this Head,
“court” means the Circuit Court of the Circuit in which the subject lands are situate.

“constituent denominations” include baronies, townlands, cities, boroughs, towns, parishes and electoral divisions

Explanatory Note:

This head re-enacts elements of the 19th century legislation relating to the amendment of maritime boundaries. While recent Local Government legislation introduced new procedures relating to changes in administrative boundaries, no such legislation has been introduced to provide for revisions arising from land claimed from the sea or tidal rivers or lakes which are still governed by the 19th century legislation (which is repealed in this Act).

The head is designed to re-enact those provisions of the 19th century legislation relating to:

- the process of positioning proposed revisions in the boundaries;
- the serving of notice and publication of the proposed revisions;
- an appeal to court;
- submission of a Report on the proposed boundary revisions to the Government;
- the making of a Government Order specifying the revisions to be made in the boundaries.

Subheads (1) and (2) are standard provisions designed to protect the integrity of maps, boundaries etc. which are in existence prior to the passing of the Act.

Subhead (3) provides that, at the request of a local authority, the Chief State Surveyor shall ascertain, define and position the acknowledged or reputed boundaries of the relevant portion of the county, barony etc. Subhead (4) provides for the making of a Report, accompanied by relevant maps, by the Chief State Surveyor regarding the proposed changes to the boundaries.

Subhead (5) outlines the manner in which the proposed revisions of the boundaries are to be publicised and provides that objections regarding the proposals may be made to Chief State Surveyor within a 30 day period.

Subhead (6) provides that, having considered any objections made under subhead (5), Chief State Surveyor shall submit the Report to the Local Authority for agreement. Subhead (7) provides that, when the Report is agreed by the Local Authority, the Chief State Surveyor shall notify any person who has objected to the proposed revisions that the alterations are to proceed.

Subhead (8) provides that it shall be open for any person specified in subhead (7) to appeal the decision to proceed to the court provided that notice of such appeal is served on the Chief State Surveyor within 21 days of receipt of the notice specified in subhead (7).

Subhead (9) provides for the submission of the Report to the Minister for approval by the Government. Subhead (10) gives the Government the power to make an Order on foot of the submission of the Report by the Minister.

Subhead (11) defines what is meant by “court” in the context of the Head.

Head 47 – Power of the Chief State Surveyor to enter lands

Provide that:

- (1) The Chief State Surveyor or a member of the staff of Tailte Éireann authorised to carry out a function of the Chief State Surveyor may, at all reasonable times, enter on any land or premises and there make such inquiries, investigations and examinations as he or she thinks proper for the purpose of the performance of any of the functions conferred on the Chief State Surveyor or Tailte Éireann by this Act.
- (2) A person specified in *subhead (1)* shall not, other than with the consent of the occupier, enter a private dwelling or its curtilage, unless he or she has obtained a warrant from the District Court under *subhead (6)* authorising such entry.
- (3) Where a person specified in *subhead (1)* in the exercise of his or her powers under this section is prevented from entering any land or premises an application may be made under *subhead (6)* to authorise such entry.
- (4) For the purpose of the exercise or performance of any of the functions conferred on it under this Act, the Chief State Surveyor may place or cause to be placed on any land or premises survey marks for the purpose of supporting the national grid and geodetic and height frameworks.
- (5) A person specified in *subhead (1)*, where he or she considers it necessary, may be accompanied by a member of the Garda Síochána when performing any functions conferred on him or her by this Act.
- (6) If a judge of the District Court is satisfied on the sworn information of a person specified in *subhead (1)* that the Chief State Surveyor requires to make such inquiries, investigations and examinations, as he or she thinks proper, for the purpose of the performance of any of the functions conferred on the Chief State Surveyor by this Act, on any land or premises (including the curtilage of any premises), the judge may issue a warrant authorising a person specified in *subhead (1)* accompanied by other persons at any reasonable time or times, within one month from the date of issue of the warrant, on production of the warrant if so requested, to enter the land (if needs be through any premises) or premises and carry out such inquiries, investigations and examinations.
- (7) An application under *subhead (6)* shall be made to a judge of the District Court for the district court area in which the land or premises is situated.
- (8) A person who obstructs or impedes a person specified in *subhead (1)* in the exercise of his or her powers under this section is guilty of an offence.

- (9) A person who intentionally destroys or removes a survey mark of Tailte Éireann is guilty of an offence.
- (10) A person guilty of an offence under this section shall be liable on summary conviction to a Class A fine.

Explanatory Note:

This Head re-enacts the provisions of section of the OSi Act 2001 which is being repealed.

Subhead (1) provides a general right for the Chief State Surveyor or a member of the staff of Tailte Éireann to enter onto land for the purposes of the performance of the functions conferred on the Chief State Surveyor by the Act.

Subhead (2) specifies that the Chief State Surveyor cannot enter a private dwelling without the consent of the occupier unless he or she has obtained a warrant from the District Court to do so.

Subhead (3) provides that if prevented from entering any lands or premises the Surveyor may make an application to the Court for an Order authorising such entry.

Subhead (4) deals with the placing of survey marks on any land or premises by the Chief State Surveyor and subhead (5) provides that the Chief State Surveyor may be accompanied by a member of the Garda Síochána when performing any functions conferred on him or her by this Act.

Subhead (6) provides that a judge of the District Court may, on application by the Chief State Surveyor, issue a warrant authorising entry to any land or premises. Subhead (7) deals with the jurisdiction of the District Court for the purposes of subhead (6).

Subhead (8) makes it an offence for any person to impede or obstruct the Chief State Surveyor in the exercise of his power of entry while subhead (9) makes it an offence to in destroy or otherwise interfere with a survey mark of Tailte Éireann. Subhead (10) provides that any person guilty of an offence under the section is liable on summary conviction to a Class A fine.

[Head 48 – Consequential amendment to other Acts – Surveying of Land.

Provide that:

The enactments specified in PART 2 of Schedule 5 to this Act are amended to the extent specified in the third column thereof.

Explanatory Note:

This Head provides for any consequential amendments to legislation arising from the passing of the Act.]

PART 5 – VALUATION

Head 49. Commissioner of Valuation

Provide that:

- (1) Notwithstanding the provisions of this Act, the Commissioner of Valuation (in this Act known as the “Commissioner”), shall continue in being.
- (2) The Commissioner shall carry out the functions specified in *Head 50*.
- (3) The Commissioner shall be appointed as such by the Minister on the recommendation of the Chief Executive of the Public Appointments Service and who shall, upon such appointment, be a civil servant in the service of the Government.
- (4) No person shall be appointed to be Commissioner unless at the time of his or her appointment he or she is a Chartered Surveyor or equivalent who has practised his or her profession for not less than seven years.
- (5) Service by a person specified in *subhead (3)* in a situation in the Civil Service shall be deemed to be practice of his or her profession.
- (6) The Commissioner shall hold office on such terms and conditions and receive such remuneration and allowances as the Minister may determine.
- (7) A person appointed to be the Commissioner shall hold office for such period as the Minister may determine when appointing him or her, but the Minister may, whenever he or she thinks fit, continue the appointment (including an appointment previously continued under this subsection) for such further period as he or she considers appropriate.
- (8) Subject to *Head 50*, the Commissioner shall be independent in the performance of his or her functions.
- [(9) Notwithstanding subhead (3), the person who is the Commissioner of Valuation immediately before the establishment day shall be deemed to be the Commissioner and shall hold that office subject to terms and conditions which are not less favourable than those of the person’s appointment as Commissioner of Valuation.]*

Explanatory note:

This Head provides for the retention of the statutory office of Commissioner of Valuation.

Subhead (1) provides for the retention of the office of the Commissioner of Valuation. Subhead (2) specifies that the Commissioner of Valuation shall carry out the functions specified in section 50. Subhead (3) outlines the procedure for the appointment of the Commissioner of Valuation.

Subhead (4) specifies the qualifications which must be held by the Commissioner of Valuation while subhead (5) provides that service in the Civil Service shall be deemed to be practice of his or her profession.

Subhead (6) relates to the terms and conditions and remuneration of the Commissioner of Valuation and subhead (7) provides for the appointment of the Commissioner of Valuation for a further term of office after completion of the first term of office. Subhead (8) provides that, subject to Head 50, the Commissioner of Valuation shall be independent in the performance of his or her functions.

1.

Head 50. Functions of Commissioner

Provide that:

- (1) The Commissioner shall have the following functions:
- (a) to implement the policies and decisions of Tailte Éireann and the Chief Executive subject to the independent exercise of the functions, powers and duties ascribed to him or her in *subhead (1)(b)*,
 - (b) to perform the duties and undertake the functions ascribed to him or her under the:
 - (i) Valuation Act 2001; and
 - (ii) Valuation (Amendment) Act 2014;
 - (c) to perform such other functions as may be required or as may be duly authorised by the Chief Executive or by the Board under this Act.
- (2) (a) The Commissioner shall be responsible to the Chief Executive for the performance and implementation of his or her functions.
- (b) The Commissioner shall provide to the Chief Executive such information (including financial information) in relation to the performance of his or her functions as the Chief Executive may from time to time require.

Explanatory Note:

This Head specifies the functions of the Commissioner of Valuation.

Subhead (1) provides that the functions of the Commission will be to perform the functions ascribed to the Commissioner under the Valuation Acts.

Subhead (2) inserts a reporting structure from the Commissioner of Valuation to the CEO of Tailte Éireann.

Head 51 – Amendments to Valuation Acts

Provide that:

The enactments specified in *Schedule 3* to this Act are amended to the extent specified in the third column thereof.

Explanatory Note:

This Head provides for amendments to the Valuation Acts arising from the passing of this Bill.

[Head 52 – Consequential amendments to other Acts – Valuation of Land.

Provide that:

The enactments specified in PART 3 of Schedule 4 to this Act are amended to the extent specified in the third column thereof.

Explanatory Note

This Head provides for any consequential amendments to legislation (other than the Valuation Acts) arising from the passing of the Act.]

Section 5**SCHEDULE 1****ENACTMENTS REPEALED**

ACT	NAME	SECTIONS
17 Victoria, Chap. XVII	Boundary Survey (Ireland) Act 1854	The whole Act
20 & 21 Victoria, Chap. XLV	Boundaries of Land (Ireland) Act 1857	The whole Act
22 & 23 Victoria, Chap. VIII	Boundaries (Ireland) Act 1859	The whole Act
No. 16 of 1964	Registration of Title Act 1964	116(2)
No. 13 of 2001	Valuation Act 2001	4, 6, 7, 9, 10,, 41
No. 43 of 2001	Ordnance Survey Ireland Act 2001	The whole Act
No. 12 of 2006	Registration of Deeds and Title Act 2006	7 to 26 inclusive 73(3)

SCHEDULE 2

PART 1 – Amendments to Registration of Title Act 1964

Registration of Title Act 1964		
Item	Provision Affected	Amendment
1	Section 16	<p>In subsection (1), substitute the following for “Subject to general rules, the Authority may, by summons under its seal,”:</p> <p style="text-align: center;">“Subject to general rules, the Registrar may, by summons under the seal of Tailte Éireann,”</p> <p>In subsection (1), substitute the following for “as it thinks fit”:</p> <p style="text-align: center;">“as he or she thinks fit”</p> <p>In subsection (2), substitute “The Registrar” for “It”.</p> <p>In subsection (3), substitute “The Registrar” for “It”.</p> <p>In subsection (3), substitute “The Registrar” for “It”.</p> <p>In subsection (6), substitute “Registrar” for “Authority” in each place where it occurs.</p>
2	Section 19	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (2), substitute “he or she” in place of “it”.</p>
3	Section 20	Substitute “Registrar” for “Authority” in each place where it occurs.
4.	Section 21	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (1), substitute the following for “The Authority may, where it considers it necessary,”</p>

		“The Registrar may, where he or she considers it necessary,”
5.	Section 24	In subsection (1), substitute the following for “The Minister for Justice, Equality and Law Reform, after consultation with the Authority,” “The Minister for Justice and Equality, after consultation with Tailte Éireann,”
6.	Section 25	Substitute “Registrar” for “Authority” in each place where it occurs.
7.	Section 26	Substitute “Registrar” for “Authority” in each place where it occurs.
8.	Section 29	Substitute “Registrar” for “Authority” in each place where it occurs.
9.	Section 32	Substitute “Registrar” for “Authority” in each place where it occurs.
10.	Section 33	Substitute “Registrar” for “Authority” in each place where it occurs. In subsection (7), substitute the following for “, it may, subject to subsection (8),” “he or she may, subject to subsection (8),”
11.	Section 34	Substitute “Registrar” for “Authority”.
12.	Section 40	Substitute “Registrar” for “Authority” in each place where it occurs. In subsection (8), substitute the following for “, it may, subject to subsection (9),” “he or she may, subject to subsection (9),”
13.	Section 41	Substitute “Registrar” for “Authority”.
14.	Section 48	Substitute “Registrar” for “Authority”.
15.	Section 49	Substitute “Registrar” for “Authority” in each place where it occurs.
16.	Section 49A	Substitute “Registrar” for “Authority”.

17.	Section 50	<p>In subsection (1), substitute the following for “the Authority may, either on its own initiative”,</p> <p style="padding-left: 40px;">“the Registrar may, either on his or her own initiative”</p> <p>In subsection (2), substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (3), substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (3), substitute the following for “and it may refuse”:</p> <p style="padding-left: 40px;">“and he or she may refuse”</p>
18.	Section 51	<p>In subsection (2A) delete the word “In” and insert instead the words:</p> <p style="padding-left: 40px;">“Subject to Section 70, in”</p>
19.	Section 59	<p>In subsection (2), substitute “Registrar” for “Authority”</p>
20.	Section 60	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (2), substitute the following for “may, if it thinks fit,”</p> <p style="padding-left: 40px;">“may, if he or she thinks fit,”</p>
21.	Section 61	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (3)(c), substitute the following for “nor shall it be”:</p> <p style="padding-left: 40px;">“ nor shall he or she be”</p>
22.	Section 65	<p>Substitute “Registrar” for “Authority”.</p>
23.	Section 69	<p>In subsections (1)(jj), (3) and (4), substitute “Registrar” for “Authority”.</p>
24.	Section 72	<p>In subsection (2), substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (3), substitute the following for,</p>

		<p>“satisfaction of the Authority, it may,”</p> <p>“satisfaction of the Registrar, he or she may,”</p>
25.	Section 80	Substitute “Registrar” for “Authority”.
26.	Section 82	<p>Substitute the following for, “ the Authority, it may,”</p> <p>“the Registrar, he or she may,”</p>
27.	Section 84	<p>Substitute the following for subsection (2)(a):</p> <p>“(2)(a) For the purposes of such registration—</p> <p>(i) the Registrar, in respect of the period before commencement of section 61 of the Registration of Deeds and Title Act 2006, is deemed to have had power in any particular case to adopt any map which the Registrar considered satisfactory,</p> <p>(ii) the Property Registration Authority, in respect of the period following the commencement of section 61 of the Registration of Deeds and Title Act 2006 and before the commencement of section 7 of the Tailte Éireann Act, is deemed to have had power in any particular case adopt any map which it considered satisfactory, and</p> <p>(iii) following the commencement of section 7 of the Tailte Éireann Act , the Registrar may in any particular case adopt any map which he or she considers satisfactory.</p>
28	Section 86	<p>Substitute the following for, “the Authority may, if it thinks fit,”,</p> <p>“the Registrar may, if he or she thinks fit,”</p>
29	Section 87	Substitute “Registrar” for “Authority”.
30	Section 88	Substitute “Registrar” for “Authority” in each place where it occurs.

31.	Section 91	<p>Substitute the following for, “if the Authority is satisfied that any number of those owners less than the whole are entitled to make a registered disposition of the land or charge, it shall”</p> <p>“if the Registrar is satisfied that any number of those owners less than the whole are entitled to make a registered disposition of the land or charge, he or she shall”</p>
32.	Section 92	<p>In subsection (2), substitute “Tailte Éireann” for “Authority” in each place where it occurs.</p>
33.	Section 93	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (2), substitute the following for, “desirable, it may”</p> <p>“desirable, he or she may”</p>
34.	Section 94	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>Substitute the following for “the time limited, it may order”</p> <p>“the time limited, he or she may order”</p>
35.	Section 95	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>Substitute the following for, “may, if it thinks fit,”</p> <p>“may, if he or she thinks fit,”</p>
36.	Section 96	<p>Substitute “Registrar” for “Authority”.</p>
37.	Section 97	<p>Substitute “Registrar” for “Authority” in each place where it occurs.</p> <p>In subsection (2), substitute the following for, “until it has served”</p> <p>“until he or she has served”</p> <p>In subsection (4), substitute the following for, “may, if it thinks fit,”</p>

		"may, if he or she thinks fit,"
38.	Section 98	Substitute "Registrar" for "Authority" in each place where it occurs.
39.	Section 100	Substitute "Registrar" for "Authority" in each place where it occurs.
40.	Section 103	Substitute "Registrar" for "Authority" in each place where it occurs. In subsection (2), substitute the following for, "matter as it thinks advisable" "matter as he or she thinks advisable".
41.	Section 104	Substitute the following for, "the Authority shall not proceed with the registration unless the applicant for registration provides evidence to its satisfaction" "the Registrar shall not proceed with the registration unless the applicant for registration provides evidence to his or her satisfaction"
42.	Section 106	Substitute "Registrar" for "Authority" in each place where it occurs.
43.	Section 107	Substitute "Registrar" for "Authority".
44.	Section 108	Substitute "Registrar" for "Authority" in each place where it occurs.
45.	Section 116	Substitute "Registrar" for "Authority".
46.	Section 118	Substitute "Registrar" for "Authority".
47.	Section 119	Substitute "Registrar" for "Authority".
48.	Section 120	Substitute "Registrar" for "Authority".
49.	Section 121	Substitute "Registrar" for "Authority" in each place where it occurs. In subsection (3), substitute the following for "it shall send": "he or she shall send"

50.	Section 125	Substitute "Registrar" for "Authority".

PART 2 – Amendments to Registration of Deeds and Title Act 2006

Registration of Deeds and Title Act 2006		
Item	Provision Affected	Amendment
51.	Section 33	In subsection (3), substitute the following for “The Registry shall be under the management and control of the Property Registration Authority” “Subject to the statutory functions assigned to the Registrar under this Act, the Act of 2006, the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 and the Tailte Éireann Act, the Registry shall be under the management <i>of the Chief Executive.</i> ”
52.	Section 35	In subsection (1), substitute the following for “The Authority shall maintain a register of deeds.” “The Registrar shall maintain a register of deeds.”
53.	Section 40	Substitute “Registrar” for “Authority” in each place where it occurs.
54.	Section 42	In subsection (1), substitute the following for, “The Authority shall maintain such records” “The Registrar shall maintain such records” In subsections (2) and (3), substitute “Registrar” for “Authority” in each place where it occurs.
55.	Section 43	Substitute “Registrar” for “Authority”.
56.	Section 44	Substitute “Registrar” for “Authority”.
57.	Section 45	Substitute “Tailte Éireann” for “Authority”.
58.	Section 51	In subsection (3), substitute the following for “The Land Registry shall be under the management and control of the Property Registration Authority”

		<p>“Subject to the statutory functions assigned to the Registrar under this Act, the Act of 2006, the Landlord and Tenant (Ground Rents) (No. 2) Act 1978 and the Tailte Éireann Act, the Land Registry shall be under the management <i>of the Chief Executive.</i>”</p>
59.	Section 53	Substitute “Tailte Éireann” for “Authority”.
60.	Section 54	Substitute “Registrar” for “Authority”.
61.	Section 55	Substitute “Registrar” for “Authority” in each place where it occurs.
62.	Section 56	See item 10 above.
63.	Section 57	See item 12 above.
64.	Section 58	See item 18 above
65.	Section 61	See item 27 above.
66.	Section 64	See item 41 above.
67.	Section 66	See item 44 above.
68.	Section 67	See item 45 above.
69.	Section 68	See item 46 above.
70.	Section 71	Substitute “Tailte Éireann” for “Authority”.
71.	Section 72	Substitute “Tailte Éireann” for “Authority”.
72.	Section 74	<p>Substitute the following for subsection (2):</p> <p>“(2) The Committee shall consist of—</p> <p>(a) the judge of the High Court for the time being assigned for that purpose by the President of the High Court,</p> <p>(b) the Chief Executive of Tailte Éireann,</p> <p>(c) the Registrar of Deeds and Title,</p> <p>(d) a practising barrister nominated by the General Council of the Bar of</p>

		<p>Ireland, and</p> <p>(e) a practising solicitor nominated by the Council of the Law Society of Ireland.”</p>
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SCHEDULE 3

Amendments to Valuation Act 2001

Valuation Act 2001		
Item	Provision Affected	Amendment
73.	Section 3.	<p>Amend definition of Commissioner of Valuation to read:</p> <p>“Commissioner of Valuation” has the meaning given to it by Head 48 of the Tailte Éireann Act.</p> <p>Substitute the following for “‘Minister’ means the Minister for Finance”:</p> <p>“Minister” means the Minister for Justice & Equality;</p>
74.	Section 5	<p>In subsection (1) substitute the following for “such form as the Commissioner may”:</p> <p>“such form as Tailte Éireann may”</p>
75.	Section 19	<p>In subsection (3), substitute the following for “officer”:</p> <p>“person”.</p>

SCHEDULE 4

Consequential amendments to other legislation

Section 42

PART 1 – Registration of Title

Landlord and Tenant (Ground Rents)(No. 2) Act 1978		
Item	Provision Affected	Amendment
76.	Section 20	Substitute “Registrar” for “Authority”.
77.	Section 21	Substitute “Registrar” for “Authority”.
78.	Section 22	Substitute “Registrar” for “Authority”.
79.	Section 23(5)	Substitute “Registrar” for “Authority”.
80.	Section 24	Substitute “Registrar” for “Authority”.
81.	Section 25	Substitute “Registrar” for “Authority”.
Land and Conveyancing Law Reform Act 2009		
82.	Section 128	See Note 6 above.
Civil Law (Miscellaneous Provisions) Act 2011		
83.	Section 41	See Note 18 above.