

**IRISH FILM BOARD ACT, 1980****IRISH FILM BOARD ACT, 1980**

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A BOARD (TO BE KNOWN AS THE IRISH FILM BOARD) TO ASSIST AND ENCOURAGE THE DEVELOPMENT OF A FILM INDUSTRY IN THE STATE, TO EMPOWER THE BOARD TO PROVIDE INVESTMENTS, GRANTS, LOANS AND GUARANTEES OF LOANS FOR THE MAKING OF FILMS IN THE STATE, TO DEFINE ITS OTHER POWERS AND FUNCTIONS AND TO PROVIDE FOR OTHER CONNECTED MATTERS.

[17th December, 1980]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.	<p><b>1.—</b>(1) In this Act—</p> <p>"the Board" means the Irish Film Board established by section 3 of this Act;</p> <p>"the establishment day" means the day appointed to be the establishment day for the purposes of this Act by order of the Minister under section 2 of this Act;</p> <p>"film" means a motion picture;</p> <p>"functions" includes powers and duties;</p> <p>"the Minister" means the Minister for Industry, Commerce and Tourism.</p> <p>(2) A reference in this Act to performance of functions includes, in relation to powers, a reference to exercise of those powers.</p>
Establishment day.	<p><b>2.—</b>The Minister may by order appoint a day to be the establishment day for the purposes of this Act.</p>
Establishment of Board.	<p><b>3.—</b>(1) There shall by virtue of this section be established on the establishment day a board to be known as the Irish Film Board.</p> <p>(2) The Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name.</p>
General functions of Board.	<p><b>4.—</b>(1) In addition and without prejudice to any specific functions given to it by this Act, the Board shall assist and encourage by any means it considers appropriate the making of films in the State and the development of an industry in the State for the making of films, and may engage in any other activity (including the establishment of a national film archive) which it is empowered by this Act to engage in.</p> <p>(2) In so far as it considers it appropriate, the Board shall have regard to the need for the expression of national culture through the medium of film-making.</p> <p>(3) The Board shall have all such powers as are necessary for or incidental to the performance of its functions.</p> <p>(4) Without prejudice to the generality of subsections (1) and (3) of this section, the Board shall have power to participate and promote participation in international collaborative projects in accordance with any of its functions under this Act and, where appropriate, to enter into agreements with comparable bodies outside the State, subject to the consent of the Minister and the Minister for Finance and, where appropriate, to consultation with the Minister for Foreign Affairs.</p>
Grants to Board.	<p><b>5.—</b>The Minister, with the consent of the Minister for Finance, may from time to time make, out of moneys provided by the Oireachtas, grants to the Board to enable it to perform its functions and to meet its administrative and general expenses.</p>

Assistance by Board for making of films in the State.

**6.—**(1) The Board may invest in, or make a loan or a grant to defray in whole or in part the cost of the making of, a film wholly or partly made in the State.

(2) The making of an investment, loan or grant under this section shall be subject to such terms and conditions as the Board may think proper, including terms and conditions relating to the repayment to the Board of any moneys paid by it and payment of interest on any such money.

Guarantees by Board regarding films made in the State,.

**7.—**(1) The Board may guarantee the due repayment of the principal of any moneys borrowed for the making of a film wholly or partly made in the State or the repayment of interest on such moneys, or both the repayment of the principal and the payment of such interest, and may, in accordance with its general functions specified in section 4 of this Act, provide other financial guarantees in respect of the making of such a film.

(2) A guarantee under this section shall be in such form and manner and on such terms and conditions as may be specified in a general scheme governing the giving of such guarantees sanctioned by the Minister, with the consent of the Minister for Finance.

(3) Moneys required by the Board to meet sums which may become payable by the Board under a guarantee shall be paid out of the grants provided to the Board under section 5 of this Act.

Grants by Board for training and other activities.

**8.—**(1) The Board may, subject to such terms as it thinks proper, make grants to be used to defray in whole or in part the cost of providing training for persons in all aspects of the making of films.

(2) The Board may provide moneys, subject to such terms as it thinks proper, for general activities in accordance with its general functions specified in section 4 of this Act.

Contravention of term or condition of investment, loan, grant or guarantee.

**9.—**Where a term or condition subject to which an investment, grant, loan or guarantee made or given by the Board under this Act is contravened by the person to whom or on whose behalf the investment, grant, loan or guarantee is made or given, any amount owed to the Board in respect of the investment, grant, loan or guarantee (together with the interest payable on it) shall, if the Board requests repayment of the whole or part of the amount, be deemed, to the extent of the request, to be a debt payable forthwith to the Board and may, to that extent, be recovered by it as a simple contract debt in any court of competent jurisdiction.

Maximum amount of investments, loans grants, etc. by Board.

**10.—**The aggregate amount of any investments, loans, grants or moneys provided by the Board under sections 6 and 8 of this Act, together with the aggregate amount of principal and interest which the Board may at any one time be liable to repay on foot of

any guarantee under section 7 of this Act for the time being in force, together with the amount of principal and interest (if any) which the Board has previously paid on foot of any guarantees and which has not been repaid to the Board, shall not exceed £4,100,000.

Temporary borrowing by Board. **11.**—The Board may, with the consent of the Minister, given with the approval of the Minister for Finance, borrow temporarily, either by arrangement with bankers or otherwise, such sums as it may require for the purpose of providing for current expenditure.

Members of Board.

**12.**—(1) The members of the Board shall be appointed by the Minister, with the consent of the Minister for Finance, for such period not exceeding four years as the Minister may determine, and shall not be more than seven in number.

(2) A member of the Board whose term expires by effluxion of time shall be eligible for re-appointment.

(3) A member of the Board may resign his office by letter sent to the Minister and the resignation shall, unless previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(4) A member of the Board shall be paid, out of funds at the disposal of the Board, such remuneration and allowances for expenses as the Minister, with the approval of the Minister for the Public Service, may determine.

(5) A member of the Board shall be disqualified from holding and shall cease to hold office if he is adjudicated a bankrupt or makes a composition or arrangement with creditors or is sentenced by a court of competent jurisdiction.

(6) The Minister, with the consent of the Minister for Finance, may at any time remove a member of the Board from office.

Chairman of Board.

**13.**—(1) The Minister may, from time to time as occasion requires, with the consent of the Minister for Finance, appoint a member of the Board to be chairman of the Board.

(2) The chairman of the Board may at any time resign his office as chairman by letter sent to the Minister, and the resignation shall, unless previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(3) Where the chairman of the Board ceases during his term of office as chairman to be a member of the Board, he shall also cease to be its chairman.

Seal of Board.

**14.**—(1) The Board shall as soon as practicable after its establishment provide itself with a seal.

(2) The seal of the Board shall, when applied to a document,

be attested by the signature of two members or by the signature of a member and an officer or servant of the Board authorised by it to act in that behalf.

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

#### Meetings and procedure of Board.

**15.—**(1) The Board shall hold such and so many meetings as may be necessary for the due fulfilment of its functions.

(2) The first meeting of the Board shall be held on or as soon as practicable after the establishment day.

(3) At a meeting of the Board—

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

( b ) if and so long as the chairman of the Board is not present or if the office of chairman is vacant, the members of the Board present shall choose one of their number to be chairman of the meeting.

(4) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question, and in the case of an equal division of votes, the chairman of the meeting shall have a second or casting vote.

(5) The Board may act notwithstanding one or more vacancies among its members.

(6) Subject to this Act, the Board shall regulate its procedure by rules or otherwise.

(7) The quorum for a meeting of the Board shall, unless the Minister directs otherwise, be three.

#### Committees of Board.

**16.—**(1) The Board may from time to time establish committees to advise it in relation to the performance of its functions and to perform any functions of the Board which, in the opinion of the Board, may be better or more conveniently performed by a committee and are assigned to a committee by the Board.

(2) A committee established under this section may, if the Board thinks fit, include in its membership persons who are not members of the Board.

(3) The appointment of a person to act as a member of a committee established under this section shall be subject to such conditions (including conditions in relation to the term and tenure of office of the member) as the Board may think fit to impose when making the appointment.

(4) A member of a committee established under this section

may be removed from office at any time by the Board.

(5) The Board may at any time dissolve a committee appointed under this section.

(6) The acts of a committee established under this section shall be subject to confirmation by the Board unless the Board dispenses with the necessity for confirmation.

(7) The Board may regulate the procedure of committees established under this section, but, subject to any such regulation, committees established under this section may regulate their own procedure.

Disclosure by member of Board or committee of interest.

**17.—**(1) A member of the Board whose interests may be affected directly or indirectly by a decision of the Board in relation to any matter before the Board, shall, before the matter is discussed by the Board, disclose to it the fact and the nature of the interest, and the disclosure shall be recorded in the minutes of the Board.

(2) A member of a committee established by the Board whose interests may be affected directly or indirectly by a decision of the committee in relation to any matter before the committee, shall, before the matter is discussed by the committee, disclose to it the fact and the nature of the interest, and the disclosure shall be recorded in the minutes of the committee.

Non-disclosure of information.

**18.—**A member or officer or servant of the Board or a member of a committee established by the Board shall not disclose any information obtained by him in the performance of his functions except in so far as may be necessary for the performance of those functions.

Making of contracts on behalf of Board by authorised persons.

**19.—**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 the Board by any person generally or specially authorised by the Board for that purpose.

Accounts and audits.

**20.—**(1) The Board shall keep, in such form as may be approved of by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it and, in particular, shall keep in such form all such special accounts as the Minister with such consent may from time to time direct.

(2) Accounts kept in pursuance of this section shall be submitted by the Board to the Comptroller and Auditor General annually for audit at such times as the Minister, with the concurrence of the Minister for Finance, directs and shall be the subject of a report by the Comptroller and Auditor General.

(3) As soon as practicable after audit under this section of the accounts of the Board the accounts as so audited and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister, who shall cause a copy of the accounts

as so audited and of the report to be laid before each House of the Oireachtas.

Annual report and information for Minister.

**21.**—(1) The Board shall, in each year at such date as the Minister may direct, make a report of its proceedings during the preceding twelve months ending on that date, and the Board shall, within 90 days after such date or such longer period at the Minister shall in any particular case allow furnish the report to the Minister, who shall cause copies of the report to be laid before each House of the Oireachtas.

(2) The Board shall supply the Minister with such information as he may from time to time require.

Power to engage consultants and advisers.

**22.**—The Board may engage the services of such consultants and advisers as it may think proper for the purpose of discharging its functions under this Act.

Donations.

**23.**—(1) The Board may accept gifts of money, land or other property, on such trusts and conditions (if any) as may be specified by the person making the gift.

(2) The Board shall not accept any gift if the conditions attached by the donor to the acceptance of the gift are inconsistent with the functions of the Board.

(3) Any funds of the Board which are a gift or the proceeds of a gift to it may subject to any terms or conditions of the gift, be invested by the Board in any manner in which a trustee is empowered by law to invest trust funds.

Investment by Board.

**24.**—The Board may invest any of its funds (other than funds referred to in section 23 of this Act) in any manner in which a trustee is empowered by law to invest trust funds.

Disposal of profits etc by Board.

**25.**—Any profits or other moneys received by the Board in the exercise of its functions shall be disposed of in such manner (including application for the benefit of the Exchequer) as the Minister, with the consent of the Minister for Finance, may direct.

Acquisition and disposal of land and provision of offices.

**26.**—For the purpose of the performance of its functions the Board may—

( a ) acquire by agreement any land or any easement, wayleave or other right in respect of land,

( b ) dispose of any land vested in it which it no longer requires, and

( c ) provide, equip and maintain offices or other premises.

Officers and servants.

**27.**—(1) The Board shall appoint such and so many persons to be officers and servants of the Board as the Board from time to time

thinks proper.

(2) An officer or servant of the Board shall hold his office or employment on such terms and conditions as the Board may from time to time determine.

(3) There shall be paid by the Board to its officers and servants such remuneration and allowances as the Board thinks fit, subject, in the case of its chief officer (whether so described or otherwise), to the consent of the Minister given with the approval of the Minister for the Public Service.

(4) The Board may at any time remove any officer or servant of the Board from being its officer or servant.

Superannuation of officers and servants of Board.

**28.**—(1) The Board shall prepare and submit to the Minister a contributory scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such wholtime officers or servants of the Board as it may think fit.

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

(3) The Board may at any time prepare and submit to the Minister a scheme amending a scheme previously submitted and approved of under this section.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Board in accordance with its terms.

(5) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this section, the dispute shall be submitted to the Minister, who shall refer it to the Minister for the Public Service, whose decision shall be final.

(6) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next 21 days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything done under it.

(7) No pension, gratuity or other allowance shall be granted to officers or servants of the Board, nor shall any other arrangement be entered into for the provision of a pension, gratuity or other allowance to such persons on ceasing to hold office, other than in accordance with a scheme or schemes submitted and approved of under this section.

Membership of either House of the Oireachtas.

**29.**—(1) Where a member of the Board is nominated either as a candidate for election to either House of the Oireachtas or as a

member of Seanad Éireann he shall on nomination cease to be a member of the Board.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit in that House shall, while so entitled, be disqualified from becoming a member of the Board.

(3) Where a person who is either an officer or servant of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas, he shall stand seconded from employment by the Board and shall not be paid by, or be entitled to receive from, the Board any remuneration or allowances—

( a ) in case he is nominated as a member of Seanad Éireann, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House;

( b ) in case he is nominated for election to either such House, in respect of the period commencing on his nomination and ending when he ceases to be a member of that House or fails to be elected or withdraws his candidature, as may be appropriate.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming an officer or servant of the Board.

(5) If a person who is or was an officer or servant of the Board becomes a member of either House of the Oireachtas or becomes entitled under the Standing Orders of either House of the Oireachtas to sit therein, he shall while he is such a member or while so entitled be disqualified from reckoning the period of membership or entitlement for any superannuation benefits payable under a scheme or schemes made in accordance with section 28 of this Act.

Membership of Assembly of European Communities.

**30.**—(1) Where a member of the Board is nominated as a candidate for election to, or appointed to be a member of, the Assembly of the European Communities, he shall on such nomination or appointment, as may be appropriate, cease to be a member of the Board.

(2) A person who is for the time being a member of the Assembly of the European Communities shall be disqualified from becoming a member of the Board.

(3) Where a person who is either an officer or servant of the Board is nominated as a candidate for election to, or appointed to be a member of, the Assembly of the European Communities, he shall stand seconded from employment by the Board and shall not be paid by, or be entitled to receive from, the Board any remuneration and allowances—

( a ) in case he is nominated as a candidate for election to that Assembly, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that Assembly or fails to be elected or withdraws his candidature, as may be appropriate;

( b ) in case he is appointed to be a member of that Assembly, in respect of the period commencing on his appointment and ending when he ceases to be such a member.

(4) A person who is for the time being a member of the Assembly of the European Communities shall be disqualified from becoming an officer or servant of the Board.

(5) If a person who is or was an officer or servant of the Board becomes a member of the Assembly of the European Communities he shall while he is such a member be disqualified from reckoning the period of membership for any superannuation benefits payable under a scheme or schemes made in accordance with section 28 of this Act.

Directives to Board by Minister. **31.**—(1) The Minister may from time to time give to the Board such general directives concerning the performance of its functions as he considers appropriate, and the Board shall comply with the directives.

(2) A directive under this section shall not relate to any artistic aspect of a film.

Performance of functions of Board by officers or servants. **32.**—The Board may perform any of its functions through or by any of its officers or servants duly authorised by the Board in that behalf.

Exemption from stamp duty. **33.**—Stamp duty shall not be chargeable on any conveyance, transfer or other instrument executed for the purposes of vesting property or any interest in property in the Board.

Expenses. **34.**—Any expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title. **35.**—This Act may be cited as the Irish Film Board Act, 1980.

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