

Draft of

**GENERAL SCHEME OF A
FURTHER EDUCATION AND TRAINING AUTHORITY (SOLAS) BILL 2012**

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FURTHER EDUCATION AND TRAINING AUTHORITY BILL 2012

Draft of

BILL

entitled

AN ACT TO PROVIDE FOR THE LAW RELATING TO THE BETTER PROVISION OF FURTHER EDUCATION AND TRAINING, TO PROVIDE FOR THE ESTABLISHMENT OF THE FURTHER EDUCATION AND TRAINING AUTHORITY TO BE KNOWN AS SOLAS OR SEIRBHÍSÍ OIDEACHAIS LEANÚNAIGH AGUS SCILEANNA, TO MAKE PROVISION FOR THE MEMBERSHIP OF SOLAS, TO PROVIDE FOR THE HUMAN RESOURCES, LAND AND OTHER ASSETS OF SOLAS, TO PROVIDE FOR THE TRANSFER OF CERTAIN STAFF AND PROPERTY FROM AN FORAS ÁISEANNA SAOTHAIR TO SOLAS AND FROM SOLAS TO VOCATIONAL EDUCATION COMMITTEES; AND TO PROVIDE FOR THE DISSOLUTION OF AN FORAS ÁISEANNA SAOTHAIR.

[_____, 2011/]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:–

Interpretation.

1.–In this Act, except where the context otherwise requires–

“FÁS” means the body otherwise known as An Foras Áiseanna Saothair established under section 3 of the Labour Services Act 1987;

“board” means the members of SOLAS appointed in accordance with *head 13*;

“chief executive officer” shall be construed in accordance with *head 7*;

“Minister” means the Minister for Education and Skills; and

“vocational education committees” means a vocational education committee established under section 7 of the Vocational Education Act 1930.

“the Act of 1967” means the Industrial Training Act, 1967

Establishment day.

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

Establishment of SOLAS.

3.– (1) There shall stand established on the establishment day a body to be known as SOLAS or Seirbhísí Oideachais Leanúnaigh Agus Scileanna which shall perform the functions conferred on it by or under this Act.

(2) SOLAS shall be a body corporate with perpetual succession and a seal and power to sue and be sued in its corporate name and, with the consent of the Minister (given with the approval of the Minister for Public Expenditure and Reform), to acquire, hold and dispose of land or an interest in land and to acquire, hold and dispose of any other property.

Functions of SOLAS.

4.– (1) SOLAS shall have the following functions:

- (a) to exercise strategic leadership in the provision of further education and training,
- (b) in consultation with appropriate stakeholders, in particular Vocational Education Committees, to determine what further education and training programmes should be provided,
- (c) to allocate and advance funding to vocational education committees and other bodies for the provision of further education and training,
- (d) to carry out financial and quality assurance audits of vocational education committees and other providers in respect of activities funded by SOLAS,
- (e) to support the systematic referral of jobseekers on the Live Register and in particular in consultation with the National Employment and Entitlements Service (NEES) to publicly provided further education and training programmes delivered by vocational education committees and to other providers,
- (f) to provide opportunities for those not on the Live Register to access further education and training courses,

- (g) to carry out, or arrange for the carrying out of, programme development and quality assurance,
- (h) to carry out, or arrange for the carrying out of, appropriate continuing staff professional development in relation to further education and training,
- (i) to carry out, or arrange for the carrying out, of research into any matter related to the functions or activities, or the services provided by SOLAS, and
- (j) to furnish, whenever it so thinks fit or is requested by the Minister, advice to the Minister in relation to any matter connected with the functions or the services provided by SOLAS.

(2) SOLAS shall also have and enjoy all the functions that were vested in FÁS under the Act of 1967 immediately before the establishment day and are not specified in subsection (1).

(3) SOLAS shall have all such powers as are necessary or expedient for the performance of its functions.

Provision of training by vocation education committees.

5.– (1) Section 9(1) of the Vocational Education (Amendment) Act 2001 is amended–

(a) by the insertion after paragraph (d) of the following paragraph–

“(dd) provide training for employment purposes,”

and

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

“(1A) A vocational education committee may, with the consent of the Minister,–

(a) provide in the State any of its services, or carry on in the State any of its activities, for the benefit of persons who are not ordinarily resident in the State, and

(b) in respect of persons who are ordinarily resident in the State and who avail of or participate in the services or activities provided or carried on by a vocational education committee in the State provide, or arrange for the provision of, outside the State any of the services that it is authorised to provide, or arrange for the provision of in the State.

Conferral of additional functions on SOLAS.

6.-(1) The Minister may, by order, confer on SOLAS such additional functions connected with its functions for the time being as he or she thinks fit, subject to such conditions (if any) as may be specified in the order.

(2) The Minister may by Order amend or revoke an Order made under this head.

Chief executive officer.

7.-(1) A chief executive officer shall be appointed to carry on and manage and control generally the administration and business of SOLAS and shall perform such functions as may be determined by SOLAS.

(2) The chief executive officer shall hold office on, and subject to, such terms and conditions (including terms and conditions relating to remuneration and superannuation) as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform.

(3) The chief executive shall be paid such allowances for expenses incurred by him as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

(4) The first chief executive officer shall be appointed, and may be removed at any time, by the Minister pending the appointment of the board.

(5) Following the appointment of the board the first chief executive officer may be removed from office at any time by the board with the consent of the Minister.

(6) Each chief executive officer other than the first chief executive officer shall be appointed, and may be removed from office at any time, by the board with the consent of the Minister.

(7) The chief executive officer shall serve as an *ex-officio* member of the board for the duration of his appointment as chief executive officer.

(8) The Minister may appoint as chief executive officer the person holding the position of Director General of FÁS immediately prior to the establishment of SOLAS.

Accountability of the Chief Executive Officer of SOLAS to the Committee of Public Accounts

8.—(1) The chief executive officer shall, whenever required in writing to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General (hereafter in this head referred to as the ‘Committee’), give evidence to that Committee on—

- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that SOLAS is required by this Act to prepare,
- (b) the economy and efficiency of SOLAS in the use of its resources,
- (c) the systems, procedures and practices employed by SOLAS for the purpose of evaluating the effectiveness of its operations, and
- (d) any matter affecting SOLAS 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 the performance of his duties under this head, the chief executive officer 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.

Accountability of the Chief Executive Officer of SOLAS to other Committees of Houses of the Oireachtas

9.–(1) In this head “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Public Accounts Committee or the Committee on Members’ Interests of Dáil Éireann or the Committee on Members’ Interests of Seanad Éireann) or a subcommittee of such a Committee.

(2) The chief executive officer shall, at the request in writing of a Committee, attend before it to give an account in respect of matters relating to the general administration of SOLAS that fall within the terms of reference of the Committee.

(3) The chief executive officer shall not be required to give an account before a Committee in respect of any matter that has been, or is or is likely to be, the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive officer is of the opinion that a matter in respect of which he is requested to give an account before a Committee is a matter that has been, or is or is likely to be, the subject of proceedings before a court or tribunal in the State, he shall, as soon as may be after the making of the request, inform the Committee in writing of that opinion and the reasons for the opinion, unless the information is conveyed to the Committee at a time when the chief executive officer is before it.

(5) Where the chief executive officer has informed a Committee of his opinion and the Committee wish to proceed with the request concerned, the Chairperson of the Committee may, on behalf of the Committee, apply to the High Court and the High Court shall determine the matter.

(6) Where the chief executive officer informs a Committee, that he is of the opinion that a matter in respect of which he is requested to give an account before the Committee is a matter that has been, or is or is likely to be, the subject of proceedings before a court or tribunal in the State, then, he shall not attend before the Committee to give an account in respect of the matter.

(7) If, upon an application, the High Court determines that the matter is or is likely to be the subject of proceedings, the Committee shall withdraw the request referred.

(8) If the High Court determines that the matter is not or is not likely to be the subject of proceedings, the chief executive officer shall attend before the Committee to give an account in respect of the matter.

Staff of SOLAS.

10.—(1) SOLAS may appoint such and so many persons to be members of the staff of SOLAS as it may determine with the consent of the Minister and the Minister for Public Expenditure and Reform.

(2) A member of the staff of SOLAS (other than the chief executive officer) shall be paid out of the moneys at the disposal of SOLAS such remuneration and allowances for expenses incurred by him as SOLAS, with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine.

(3) A member of the staff of SOLAS (other than the chief executive officer) shall hold his office or employment on such other terms and conditions as SOLAS with the consent of the Minister and the Minister for Public Expenditure and Reform, may determine.

(4) The grades of the staffs of SOLAS and the numbers of each staff in each grade, shall be determined by SOLAS with the consent of the Minister and the Minister for Public Expenditure and Reform.

(5) Every person as determined by the Minister who immediately before the establishment day is a member of the staff of FÁS shall, on that day, be transferred to, and become a member of the staff of, SOLAS.

(6) The terms and conditions relating to tenure of office which are granted by SOLAS in relation to a member of the staff of SOLAS who was transferred to its staff

from FÁS, while he is in the service of SOLAS, shall not be less favourable to him than those prevailing immediately before the establishment day in FÁS, save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned.

(7) Other than in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a member of the staff of FAS who is transferred to the staff of SOLAS shall not, on the appointment day to SOLAS, be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before the appointment day. SOLAS may perform any of its functions through or by a member of its staff duly authorised by SOLAS in that behalf.

(8) SOLAS may perform any of its functions through or by a member of its staff duly authorised by SOLAS in that behalf.

Superannuation.

11- (1) SOLAS shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such members of the staff of SOLAS including the CEO as it may think fit.

(2) SOLAS shall submit to the Minister every scheme made under this section.

(3) Every scheme made under this section shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(4) Every scheme made under this section may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(5) A scheme submitted by SOLAS under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by SOLAS in accordance with its terms.

(6) No superannuation benefit shall be granted by SOLAS nor shall any other arrangements be entered into by SOLAS for the provision of such a benefit to or in respect of a member of the staff of SOLAS otherwise than in accordance with a scheme under this section or with the consent of the Minister and the Minister for Public Expenditure and Reform.

- (7) Every scheme made under this section shall make provision for appeals.
- (8) A scheme made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the scheme is passed by either such House within the next 21 days on which that House has sat after the scheme is laid before it, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.
- (9) The terms and conditions governing superannuation benefits granted under schemes made under this section to persons who transferred to SOLAS under head 10 shall not be less favourable than those to which they were entitled immediately before that day.
- (10) Where, in the period beginning on the establishment day and ending immediately before the commencement of a scheme under this section, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of SOLAS under head 10, the benefit shall be calculated by SOLAS in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day, his or her pensionable service with SOLAS shall be aggregated with his or her previous pensionable service and the benefit, as so calculated, shall be paid by SOLAS.

Transfer of SOLAS staff to vocational education committees.

12.–(1) The Minister may appoint a person who is a member of staff of SOLAS to become a member of staff of a designated vocational education committee.

(2) The Minister may appoint a person who is a fixed-term employee of SOLAS to hold a position as a fixed-term employee of a designated vocational education committee for the remaining period of his or her contract of employment.

(3) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person appointed under this head shall not on the appointment day be brought to less beneficial conditions of remuneration than the conditions of remuneration to which he or she was subject immediately before the transfer from SOLAS.

(4) On appointment to a vocational education committee by the Minister such staff will no longer be members of the SOLAS superannuation scheme but will become members of staff of the vocational education committee and will be governed by the vocational education committee superannuation scheme.

(5) The terms and conditions governing superannuation benefits granted to persons who transferred to the vocational education committee under head 12(1) shall not be less favourable than those to which they were entitled immediately before that day.

(6) Where, in the period beginning on the date of transfer under section 12(1) and ending immediately before the date the relevant vocational education committee

superannuation scheme has been amended, a superannuation benefit falls due for payment to or in respect of a person who was transferred to the staff of the vocational education committee under head 12(1), the benefit shall be calculated by the vocational education committee in accordance with such scheme, or such enactments in relation to superannuation, as applied to the person immediately before the establishment day, his or her pensionable service with the vocational education committee shall be aggregated with his or her previous pensionable service with FÁS and SOLAS and the benefit, as so calculated, shall be paid by the vocational education committee.

Board of SOLAS.

13.—(1) The board of SOLAS shall consist of a chairperson and 10 ordinary members (including the chief executive officer).

(2) The members of the board shall be appointed by the Minister following consultation with the Minister for Social Protection and the Minister for Jobs, Enterprise and Innovation from among persons who have experience and expertise in matters connected with:

- (a) the functions of SOLAS, or
- (b) finance, trade, commerce, corporate governance or public administration.

(3) The board shall include a representative of the Minister for Social Protection.

(4) The chairperson and ordinary members shall hold office for a period determined by the Minister which shall not exceed 5 years.

(5) Where members of the board of FÁS immediately prior to its dissolution are appointed to the board of SOLAS, the term of their appointment shall be for the remaining unexpired period of their appointment to the board of FÁS.

(6) A member of the board shall not be appointed for more than two terms of office.

(7) The Minister may at any time remove from office a member of the SOLAS board and in particular may remove such member from office if the Minister is satisfied that:

- (a) the member is not adequately performing his functions, whether by reason of incapacity through illness or injury or for any other reason,
- (b) a material conflict of interest exists in relation to the performance by the member of his functions,
- (c) the removal of the member is necessary or expedient for the effective performance by SOLAS of its functions, or
- (d) the member has contravened the Ethics in Public Office Act 1995.

(8) If a member of the board dies, resigns or ceases to be qualified for office, or is removed from office, the Minister may appoint a member to fill that vacancy for a period not exceeding five years.

(9) A member of the board shall cease to be qualified for office and shall cease to hold office if he or she—

- (a) is adjudicated bankrupt,

- (b) makes a composition or arrangement with creditors,
- (c) is convicted of an indictable offence in relation to a company,
- (d) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not,
- (e) is the subject of an order under section 160 of the Companies Act 1990,
- (f) is sentenced to a term of imprisonment by a court of competent jurisdiction, or
- (g) ceases to be ordinarily resident in the State.

(10) A member of the board shall, subject to the provisions of this Act, hold office upon such terms and conditions (including terms and conditions relating to remuneration and allowances) as may be determined by the Minister, with the consent of the Minister for Public Expenditure and Reform.

Protection from civil liability of persons who report certain misconduct.

14.—(1) Where a person communicates his opinion, whether in writing or otherwise, to a member of the Garda Síochána or a member of SOLAS that—

- (a) an offence under this Act or any other enactment has been or is being committed,
- (b) any provision of this Act or any other enactment or rule of law has been or is being contravened, or
- (c) there has been other serious wrongdoing in relation to SOLAS,

then, unless the person acts in bad faith, he shall not be regarded as having committed any breach of duty towards any other person, and no person shall have a cause of action against the first-mentioned person in respect of that communication.

Prohibition on penalisation.

15.-(1) SOLAS shall not penalise or threaten penalisation against an employee for–

- (a) making a complaint to An Garda Siochana or to SOLAS that any enactment or rule of law has been or is being contravened,
- (b) making a complaint to the Minister that a direction given under this Act has been or is being contravened,
- (c) making a complaint to a member of SOLAS that there has been serious wrongdoing in relation to SOLAS, or
- (d) giving notice in relation to any of the above.

(2) If a person knowingly makes a false statement under this head they shall be guilty of an offence.

Redress cases of penalisation of employees who make complaints against SOLAS

16.–(1) An employee may make a complaint to a Rights Commissioner that SOLAS has penalised them for taking any action outlined in *head 15*.

(2) Having investigated the matter and decided that the matter was well founded the Right Commissioner may require SOLAS to take appropriate action.

(3) Either party may appeal the decision of the Rights Commissioner to the Labour Court and the Labour Court shall make a determination, following a hearing of the appeal.

(4) In the event that SOLAS fails to carry out a decision of the Rights Commissioner, the Labour Court may make a determination in respect in respect of that decision.

(5) If SOLAS fails to implement the determination of the Labour Court the Circuit Court may make an order, on application to it, directing SOLAS to carry out the determination in accordance with its terms.

Membership of either House of the Oireachtas or of European Parliament by members of the Staff of SOLAS

17.-(1) Where a member of the board is—

- (a) nominated as a member of Seanad Éireann, or
- (b) elected as a member of either House of the Oireachtas or of the European Parliament, or
- (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977, as having been elected to such Parliament to fill a vacancy,

he shall thereupon cease to be a member of the SOLAS board.

(2) Where a person who is a member of the staff of SOLAS is—

- (a) nominated as a member of Seanad Éireann, or
- (b) elected as a member of either House of the Oireachtas or of the European Parliament, or
- (c) regarded pursuant to section 15 (inserted by the European Assembly Elections Act, 1984) of the European Assembly Elections Act, 1977 , as having been elected to such Parliament to fill a vacancy,

he shall thereupon stand seconded from employment by SOLAS and shall not be paid by, or be entitled to receive from, SOLAS any remuneration or allowances in respect of the period commencing on such nomination or election or when he is so regarded as having been elected, as the case may be, and ending when he ceases to be a member of either such House or such Parliament.

(3) The period of secondment referred to in *subhead (2)* shall not be included in the reckoning of any pensions, gratuities or other allowances payable on resignation, retirement or death.

(4) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or is a member of the European Parliament shall, while he is so entitled or is such a member, be disqualified for becoming a member of the board or the staff of SOLAS.

Advances by Minister to SOLAS

18.—The Minister may from time to time, with the consent of the Minister for Public Expenditure and Reform, advance to SOLAS, out of moneys provided by the Oireachtas, such sums as the Minister may determine for the purposes of expenditure by SOLAS in the performance of its functions.

Advances by SOLAS to vocational education committees and other bodies

19.—(1) SOLAS shall determine, with the consent of the Minister, the amount of money to be provided to each vocational education committee and other bodies for the provision of further education and training.

(2) Any payments made by SOLAS to a vocational education committee and other bodies shall be made in such a manner and subject to such conditions as SOLAS thinks fit.

(3) A vocational education committee or other body funded by SOLAS shall supply to SOLAS any information relative to that body as SOLAS may require for the purpose of performing its functions.

Accounts.

20.—(1) SOLAS shall keep in such form as may be approved of by the Minister with the concurrence of the Minister for Public Expenditure and Reform all proper and usual accounts of all moneys received or expended by SOLAS, including an income and expenditure account and balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time direct.

(2) Accounts kept in pursuance of this head shall be submitted as soon as may be after the end of the financial year of SOLAS, to which they relate by SOLAS to the Comptroller and Auditor General for audit and a copy of the income and expenditure account and of the balance sheet and of such other (if any) of its accounts as the Minister may direct and a copy of the Comptroller and Auditor General's report on the accounts shall be presented to the Minister as soon as may be and the Minister shall cause copies of each of the documents aforesaid to be laid before each House of the Oireachtas.

Reports and information to Minister

21.—(1) As soon as may be after the end of each financial year of SOLAS, but not later than 6 months thereafter, SOLAS shall make a report to the Minister of its activities during that year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) The report shall include information in such form and regarding such matters as the Minister may direct.

(3) At a time specified by the Minister before the end of each financial year SOLAS shall furnish to the Minister a report in writing—

(a) outlining its proposed activities (other than day to day activities) in the financial year immediately following,

(b) giving estimates of its expenditure in that year in relation to each of the activities,

and SOLAS shall not carry out any of those activities or incur any such expenditure until the report has been approved of by the Minister.

(4) SOLAS shall not, during any such financial year—

- (a) in carrying on the activities specified in the report in relation to that year approved of by the Minister depart from the outline thereof in the report,
- (b) carry on any activity (other than a day to day activity) not specified in the report, or
- (c) incur expenditure in relation to any activity, project or programme in excess of the estimate of that expenditure given in the report,

without the prior approval of the Minister.

(5) SOLAS shall, whenever so requested by the Minister, furnish to him or her information in relation to such matters as he may specify concerning or relating to the scope of its activities, or its strategy, generally or in respect of any account prepared by SOLAS or the policy and activities, other than day to day activities of SOLAS.

Strategy statement.

22.-(1) SOLAS shall submit to the Minister a strategy statement for the following three year period not later than six months after coming into operation and thereafter at least 3 months before each third anniversary of the date on which the proceeding statements was submitted.

(2) The strategy statement shall include:

- (a) the key objectives, outputs and outcomes,
- (b) except for the first strategy, include a review of the outcomes,
- (c) specify the manner in which performance is assessed in respect of the objectives,
- (d) be prepared in a form that the Minister may direct, and
- (e) include any other matters that the Minister may from time to time direct.

(3) A strategy statement is deemed to be adopted when it is approved by the Minister.

Disclosure of information.

23.–(1) A person shall not, without the consent of SOLAS, disclose any information obtained by him while performing duties as a member, or director, or member of the staff of, or an adviser or consultant to, SOLAS.

(2) A person who contravenes this shall be guilty of an offence and liable on summary conviction to a fine not exceeding €1000.

(3) Nothing in this head shall prevent the disclosure of information–

(a) in a report made to SOLAS or by or on behalf of SOLAS, or

(b) by a member of SOLAS

to the Minister.

Gifts

24.—(1) SOLAS may accept gifts of money, land or other property upon such trusts or conditions, if any, as may be specified by the donor.

(2) SOLAS shall not accept a gift if the trusts or conditions attached to it would be inconsistent with the functions of SOLAS.

Directions by Minister.

25.-(1) The Minister may give a direction in writing to SOLAS requiring it:

- (a) to provide specified services or to carry on specified activities in accordance with its functions,
- (b) to refrain from providing specified services or carrying on specified activities,
- (c) to incur expenditure of specified amounts, or to increase by specified amounts its expenditure, on specified services or specified activities in accordance with its functions, or
- (d) to refrain from incurring expenditure, or to reduce by specified amounts its expenditure, on specified services or specified activities.

(2) References to the provision of services and to the carrying on of activities include references to the arrangement for such provision and carrying on.

(3) The Minister may give a direction in writing to SOLAS in relation to policy generally and SOLAS shall comply with any such direction.

Transfer of certain property and liabilities of FÁS to SOLAS.

26.–(1) The Minister may designate by instrument in writing land which immediately before such designation was vested in FÁS to be transferred to and vested in SOLAS on the establishment day.

(2) All land which is designated by the Minister and all rights, powers and privileges relating to or connected with that land are without any conveyance or assignment, transferred to and vested in SOLAS.

(3) All property, other than land, including choses-in-action, designated in writing by the Minister which immediately before such designation was the property of FÁS shall stand transferred to SOLAS without any assignment on the establishment day.

(4) Every chose-in-action transferred may, on and after the transfer, be sued upon, recovered or enforced by SOLAS in the name of SOLAS and it shall not be necessary for SOLAS to give notice to any person bound by the chose-in-action of the transfer from FÁS.

(5) All moneys, stocks, shares and securities transferred to SOLAS by this head which, on the appointed day, are standing in the name FÁS, upon the request of SOLAS, be transferred into its name.

(6) All liabilities incurred before the transfer in connection with or for the purposes of FÁS that had not been discharged before that day, and, accordingly,

without any further conveyance, transfer or assignment, the said liabilities shall, as on and from the establishment day, be the liabilities of SOLAS.

Transfer of SOLAS property to Vocational Education Committees

27.-(1) The Minister may designate by instrument in writing land which immediately before such designation was vested in SOLAS and is to be transferred to and vested in a designated vocational education committee.

(2) All land which is designated by the Minister and all rights, powers and privileges relating to or connected with that land are, on a date determined by the Minister, without any conveyance or assignment, transferred to and vested in the designated vocational education committee.

(3) All property, other, than land, including choses-in-action designated in writing by the Minister which immediately before such designation was the property of SOLAS shall on a date determined by the Minister stand transferred to a designated vocational education committee without any assignment.

(4) Every chose-in-action transferred may, on or after a date determined by the Minister, be sued upon, recovered or enforced by a vocational education committee in the name of such committee and it shall not be necessary for such vocational education committee to give notice to any person bound by the chose-in-action of the transfer from SOLAS.

Dissolution of FÁS.

28.—(1) FÁS shall, on the establishment day, become and be dissolved.

(2) References in any Act of the Oireachtas passed before the establishment day or in any instrument made before the establishment day under an Act of the Oireachtas to FÁS shall, on and after that day, be construed as references to SOLAS.

(3) The preparation of a final set of accounts and report on activities in respect of FÁS shall be prepared by SOLAS in the format as directed by the Minister. The accounts shall be submitted by SOLAS to the Comptroller and Auditor General as soon as may be after the establishment day. The Minister shall cause copies of the final accounts and a copy of the report of the Comptroller and Auditor General to be laid before both houses of the Oireachtas.

Orders made under Industrial Training Act 1967

29.—Any rule, order, exemption or approval made by FÁS under the Industrial Training Act 1967 before the establishment day shall remain valid and shall continue in force as if had been validly made by SOLAS.

Legal Proceedings.

30.—Where immediately before the establishment day, any legal proceedings are pending in a court or tribunal that relate to FÁS, the name of SOLAS shall be substituted in the proceedings for that of FÁS and the proceeding shall continue on that basis.

Exemption from Stamp Duty.

31.—(1) The Stamp Duties Consolidation Act 1999 is amended by the insertion of the following sections—

(2) Stamp duty shall not be chargeable on the vesting in SOLAS, a vocational education committee by SOLAS of any property or rights transferred by or under this Act.

(3) Stamp duty shall not be chargeable on gift received by SOLAS as provided for in Head 24.

Expenses.

32.—The expenses incurred by the Minister in the administration of this Act 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 and the expenses incurred by the Minister for Public Expenditure and Reform in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

Completion of certain matters commenced by FÁS.

33.—Anything commenced by FÁS before the establishment day in connection with or for the purposes FÁS before that day may be carried on and completed on and after that day by SOLAS.

Freedom of Information.

34.—(1) The provisions of the Freedom of Information Acts 1997 and 2003 shall apply to SOLAS.

(2) Each record held by FÁS immediately before the establishment day is on that day transferred to SOLAS and is, on and from that day, deemed to be held by SOLAS.

Powers of borrowing

35.— SOLAS may, with the consent of the Minister for Public Expenditure and Reform or the Minister acting in accordance with any requirements or directions of the Minister for Public Expenditure and Reform, borrow by means of bank overdraft or otherwise money for the purposes of carrying out its functions and the aggregate, at any one time, of monies borrowed by SOLAS shall not exceed such amount as may be determined by the Minister for Public Expenditure and Reform, or the Minister acting in accordance with any requirements or directions of the Minister for Public Expenditure and Reform.

Repeals

36.—The Labour Services Act 1987 is repealed.

Short title and commencement.

37.—(1) This Act may be cited as the Further Education and Training Authority (SOLAS) Act 2012.

(2) This Act shall come 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.