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*Number 9 of 2000*

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**HUMAN RIGHTS COMMISSION ACT, 2000**

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Acts Referred to

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Criminal Justice (Legal Aid) Act, 1962	1962, No. 12
European Parliament Elections Act, 1997	1997, No. 2
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*Number 9 of 2000*

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**HUMAN RIGHTS COMMISSION ACT, 2000**

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AN ACT TO PROVIDE FURTHER PROTECTION FOR HUMAN RIGHTS AND, FOR THAT PURPOSE, TO ESTABLISH A BODY TO BE KNOWN AS AN COIMISIÚN UM CHEARTA AN DUINE OR, IN THE ENGLISH LANGUAGE, THE HUMAN RIGHTS COMMISSION, TO DEFINE ITS FUNCTIONS AND TO PROVIDE FOR RELATED MATTERS. [31st May, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act—

Interpretation.

“the Agreement Reached in the Multi-Party Talks” means the agreement set out in Annex I to the Agreement between the Government of Ireland and the Government of the United Kingdom of Great Britain and Northern Ireland done at Belfast on the 10th day of April, 1998;

“award redress or grant relief”, in relation to the powers of a tribunal or other person, includes making a finding that a person has done, or omitted to do, an act specified in the enactment vesting the said powers in the tribunal or other person or, as the case may be, specified in the resolution of either House of the Oireachtas with respect to the establishment of the tribunal or the appointment of the other person;

“the Commission” has the meaning assigned to it by *section 4*;

“establishment day” means the day appointed by the Minister under *section 3*;

“functions” includes powers and duties and references to the performance of functions includes, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

“human rights” has (other than in *section 11*) the meaning assigned to it by *section 2*;

“judicial office in the Superior Courts” means the office of judge of the High Court or the office of judge of the Supreme Court;

S.1 “the Minister” means the Minister for Justice, Equality and Law Reform.

(2) In this Act—

- (a) a reference to a section is a reference to a section of this Act unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection or paragraph is a reference to the subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended,
- (c) a reference to any enactment shall be construed as a reference to that enactment as amended, extended or adapted by or under any subsequent enactment.

“Human rights”. **2.**—In this Act (other than *section 11*) “human rights” means—

- (a) the rights, liberties and freedoms conferred on, or guaranteed to, persons by the Constitution, and
- (b) the rights, liberties or freedoms conferred on, or guaranteed to, persons by any agreement, treaty or convention to which the State is a party.

Establishment day. **3.**—The Minister shall by order appoint a day to be the establishment day for the purposes of this Act.

Human Rights Commission. **4.**—(1) There shall stand established, on the establishment day, a body which shall be known as An Coimisiún um Chearta an Duine or, in the English language, the Human Rights Commission (in this Act referred to as “the Commission”) to perform the functions conferred on it by this Act.

(2) The Commission shall, subject to the provisions of this Act, be independent in the performance of its functions.

(3) The Commission shall be a body corporate with perpetual succession and an official seal and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or an interest in land, and to acquire, hold and dispose of any other property.

(4) The Commission shall have all such powers as are necessary for or incidental to the performance of its functions under this Act.

Membership of Commission. **5.**—(1) The Commission shall consist of a President and eight other members.

(2) Of the members of the Commission, not less than 4 of them shall be men and not less than 4 of them shall be women.

(3) The members of the Commission shall be appointed by the Government.

(4) A person shall not be appointed to be a member of the Commission unless it appears to the Government that the person is suitably qualified for such appointment by reason of his or her possessing such relevant experience, qualifications, training or expertise as, in the opinion of the Government, is or are appropriate, having regard, in particular, to the functions conferred on the Commission by this Act. S.5

(5) A person who holds a judicial office in the Superior Courts may, without relinquishing that office, be appointed, with his or her consent, to be the President of the Commission, but, unless otherwise provided by the terms of his or her appointment, he or she shall not be required to perform his or her duties under statute as the holder of that judicial office while he or she remains the President of the Commission.

(6) Where a person who holds judicial office in the Superior Courts is appointed to be the President of the Commission, the following provisions shall have effect:

(a) in case on being so appointed he or she is an ordinary judge of the Supreme Court, then, for so long as he or she continues to hold that judicial office, the number of ordinary judges of the Supreme Court otherwise provided for under any enactment for the time being in force may be exceeded by one and, if the said person so appointed is a former Chief Justice, the proviso to paragraph (a) (inserted by the Courts (No. 2) Act, 1997) of section 14 (1) of the Law Reform Commission Act, 1975, shall apply to him or her in respect of his or her appointment as President of the Commission to the like extent as it applies to a former Chief Justice who is appointed to be a member of the Law Reform Commission,

(b) in case on being so appointed he or she is the President of the High Court or an ordinary judge of the High Court, then, for so long as he or she continues to hold the judicial office held by him or her on so being appointed, the number of ordinary judges of the High Court otherwise provided for under any enactment for the time being in force may be exceeded by one and, if the said person so appointed is a former President of the High Court, the proviso to paragraph (b) (inserted by the Courts (No. 2) Act, 1997) of section 14(1) of the Law Reform Commission Act, 1975, shall apply to him or her in respect of his or her appointment as President of the Commission to the like extent as it applies to a former President of the High Court who is appointed to be a member of the Law Reform Commission,

(c) in case he or she is the President of the High Court, he or she may, for so long as he or she continues to be President of the Commission, from time to time appoint an ordinary judge of the High Court to exercise on his or her behalf (and which judge is hereby empowered to exercise) all the jurisdiction exercisable by the President of the High Court under section 10(5) of the Courts (Supplemental Provisions) Act, 1961.

(7) The term of office of a member of the Commission shall be such period, not exceeding five years, as the Government may determine when appointing him or her.

S.5

(8) Each member of the Commission shall hold his or her office on such terms and conditions as are determined by the Government at the time of his or her appointment, and shall be eligible for re-appointment for a further term not exceeding five years.

(9) The Commission may act notwithstanding any vacancy or vacancies among its members (including one or more vacancies that result in *subsection (2)* not being complied with).

(10) The Government shall nominate the persons who, on the establishment day, are to comprise the members of the Commission.

(11) On the establishment day, the persons nominated under *subsection (10)* shall stand appointed under this Act to be members of the Commission.

(12) The Government, in making any appointments under this section, shall have regard to the need to ensure that the members of the Commission broadly reflect the nature of Irish society.

Operation of *section 5(6)* to be taken account of for purposes of certain enactments.

**6.**—Where the number of ordinary judges of the High Court or the Supreme Court falls to be determined for the purpose of any enactment which makes provision with respect to the number of such judges of the High Court or, as the case may be, the Supreme Court, the operation, for the time being, of *section 5(6)* shall be taken account of in making that determination.

Power of dismissal in certain cases.

**7.**—(1) A person who is a member of the Commission shall be disqualified from holding and shall cease to hold office if that person is adjudged bankrupt or makes a composition or arrangement with creditors or, on conviction on indictment by a court of competent jurisdiction, is sentenced to imprisonment.

(2) The Government may dismiss a person from his or her office as the President or another member of the Commission if they are satisfied that—

(a) he or she has without reasonable excuse failed to discharge his or her function for a continuous period of three months beginning not earlier than six months before the day of dismissal, or

(b) he or she has been convicted of a criminal offence, or

(c) he or she is unable or unfit to carry out his or her function,  
or

(d) for any other stated reason he or she should be dismissed.

Functions of Commission.

**8.**—The functions of the Commission shall be—

(a) to keep under review the adequacy and effectiveness of law and practice in the State relating to the protection of human rights,

(b) if requested by a Minister of the Government, to examine any legislative proposal and report its views on any implications of such proposal for human rights,

- (c) to consult with such national or international bodies or agencies having a knowledge or expertise in the field of human rights as it sees fit, S.8
- (d) either of its own volition or on being requested to do so by the Government, to make such recommendations to the Government as it deems appropriate in relation to the measures which the Commission considers should be taken to strengthen, protect and uphold human rights in the State,
- (e) to promote understanding and awareness of the importance of human rights in the State and, for those purposes, to undertake, sponsor or commission, or provide financial or other assistance for, research and educational activities,
- (f) to conduct enquiries under and in accordance with *section 9*,
- (g) to prepare and publish, in such manner as it thinks fit, reports on any research undertaken, sponsored, commissioned or assisted by it under *paragraph (e)* or in relation to enquiries referred to in *paragraph (f)*,
- (h) to apply to the High Court or the Supreme Court for liberty to appear before the High Court or the Supreme Court, as the case may be, as *amicus curiae* in proceedings before that court that involve or are concerned with the human rights of any person and to appear as such an *amicus curiae* on foot of such liberty being granted (which liberty each of the said courts is hereby empowered to grant in its absolute discretion),
- (i) to take whatever action is necessary to establish and participate in the joint committee of representatives referred to in paragraph 10 of the section entitled “Rights, Safeguards and Equality of Opportunity” of the Agreement Reached in the Multi-Party Talks,
- (j) to provide assistance of the kind referred to in *section 10* to persons under and in accordance with that section,
- (k) to institute proceedings under and in accordance with *section 11*.

9.—(1) The Commission may—

Enquiries by  
Commission.

- (a) of its own volition, if it considers it necessary or expedient to do so for the purpose of the performance of any of its functions under *paragraph (a), (c), (d) or (e) of section 8*, or
- (b) subject to *subsections (2) to (5)*, at the request of any person who considers the conducting of such an enquiry to be necessary or expedient for the performance of any of those functions,

conduct an enquiry under this section into any relevant matter (and such an enquiry is referred to in this section as “an enquiry”).

S.9

(2) The Commission may refuse to conduct an enquiry at the request of any person if it is of opinion that the matter to which the request relates could more appropriately be dealt with by the institution of legal proceedings or the making of an application to a tribunal or other person in whom are vested powers to award redress or grant relief in respect of the matter.

(3) The Commission shall refuse to conduct an enquiry at the request of any person, or shall discontinue any such enquiry which it has commenced, if it is of opinion, or, as the case may be, it becomes, during the course of the enquiry, of the opinion, that—

(a) the matter to which the request relates (“the matter concerned”) is trivial or vexatious or any alleged violation of human rights concerned is manifestly unfounded, or

(b) the person making the request has an insufficient interest in the matter concerned.

(4) If the Commission considers that the matter in relation to which it is requested under *subsection (1)(b)* to conduct an enquiry relates to or is concerned with an application to a tribunal or other person referred to in *subsection (2)* or legal proceedings that, in its opinion, is or are likely to be made or instituted or that has or have been made or instituted, the Commission shall postpone the making of a decision as to whether or not to accede to the said request until that application or those proceedings has or have been finally determined.

(5) If the Commission considers that each issue relating to human rights which arises in connection with a matter in relation to which it is requested under *subsection (1)(b)* to conduct an enquiry has been addressed and properly determined in an application that has been made to a tribunal or other person referred to in *subsection (2)* or legal proceedings that have been instituted, being an application or proceedings that has or have been finally determined, the Commission shall refuse to conduct an enquiry into the matter.

(6) For the purposes of an enquiry, the Commission—

(a) may require a person who, in the opinion of the Commission, is in possession of information or has a document or thing in his or her power or control that is relevant to the enquiry, to furnish that information, document or thing to the Commission, and

(b) where appropriate, may require such person to attend before the Commission for that purpose,

and that person shall comply with the requirement accordingly.

(7) A requirement under *subsection (6)* shall specify a period in which the requirement is to be complied with and, as appropriate—

(a) the place at which the person, the subject of the requirement, shall attend to give the information concerned or to which he or she shall deliver the document or thing concerned, or

(b) the place to which the said person shall send the information, document or thing concerned.

(8) A person required to attend before the Commission under *subsection (6)*—



(a) shall answer fully and truthfully any question put to him or her by the Commission (other than a question the answer to which might incriminate the person), and

(b) if so requested by the Commission, shall sign a declaration of the truth of his or her answers to any such question.

(9) If it appears to the Commission that a person has failed to comply with a requirement under *subsection (6)*, the Commission may apply to the Circuit Court for an order under *subsection (10)*.

(10) Subject to *subsection (11)* if, on an application under *subsection (9)*, the Circuit Court is satisfied as to the failure of the person concerned to comply with the requirement in question, the Circuit Court may make an order requiring that person to comply with the requirement.

(11) If, on an application under *subsection (9)*, the Circuit Court is of the opinion that the requirement in question purports to require the person concerned—

(a) to produce any document or thing, or

(b) to furnish information,

for which that person is entitled to claim legal professional privilege, the Circuit Court shall set aside the requirement.

(12) An enquiry may be conducted in public or in private as the Commission, in its discretion, considers appropriate.

(13) Subject to the provisions of this Act, the procedure for conducting an enquiry shall be such as the Commission considers appropriate in all the circumstances of the case.

(14) Information obtained by the Commission in the course of conducting an enquiry or by virtue of the performance by it of any of its other functions under this Act, being information which has not otherwise come to the notice of members of the public, shall not be disclosed by any person, save in accordance with law or under and in accordance with an authorisation under *subsection (15)*.

(15) The Commission may authorise the disclosure of information referred to in *subsection (14)* and such an authorisation may be without any conditions or subject to such conditions as the Commission considers appropriate and specifies in the authorisation.

(16) If a person furnishes any information, document or thing to the Commission, pursuant to a requirement made under *subsection (6)*, the furnishing of that information, document or thing shall not give rise to any civil liability in contract, tort or otherwise and nor shall the information, document or thing be admissible as evidence against that person in any civil or criminal proceedings.

(17) A person who fails to comply with a requirement made under *subsection (6)* or with *subsection (14)* shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,500 or imprisonment for a term not exceeding 12 months or both.

(18) An application under *subsection (9)* to the Circuit Court shall be made to the judge of the Circuit Court for the circuit in which the respondent resides or ordinarily carries on any profession, business or occupation.

Legal and other assistance.

**10.**—(1) This section applies to—

(a) legal proceedings involving law or practice relating to the protection of human rights which a person has instituted or wishes to institute, and

(b) legal proceedings in the course of which a person relies or wishes to rely on such law or practice.

(2) A person (in this section referred to as “the applicant”) may apply under *subsection (3)* to the Commission for assistance of the kind referred to in *subsection (5)* in relation to legal proceedings to which this section applies.

(3) If an application is made under *subsection (2)* to the Commission, then, unless in the opinion of the Commission—

(a) the assistance sought could be obtained by the applicant—

(i) under the Civil Legal Aid Act, 1995,

(ii) under the Criminal Justice (Legal Aid) Act, 1962, or

(iii) by any other means, whether or not provided for by or under any enactment,

or

(b) powers to award redress or grant relief in relation to the matter to which the proceedings relate stand vested in any tribunal or other person and the matter could, in the opinion of the Commission, be more effectively or conveniently dealt with by that tribunal or other person,

the Commission may decide to grant to the applicant such assistance of the kind referred to in *subsection (5)* as is appropriate on any of the grounds referred to in *subsection (4)*.

(4) Each of the following is a ground referred to in *subsection (3)*, namely—

(a) the matter to which the legal proceedings concerned relate (“the matter concerned”) raises a question of principle,

(b) it would be unreasonable to expect the person to deal with the matter concerned without assistance of the kind referred to in *subsection (5)* because of its complexity or for any other reason,

(c) there are other special circumstances which make it appropriate for the Commission to grant such assistance.

(5) The assistance referred to in the preceding provisions of this section is—

(a) the provision, or the arranging for the provision of, legal advice to the applicant,

(b) the provision, or the arranging for the provision of, legal representation to the applicant,

(c) the provision of such other assistance to the applicant as the Commission deems appropriate in the circumstances.

(6) Any arrangements made by the Commission under this section for the provision of legal advice or representation to the applicant may include provision for the recovery of expenses incurred by or on behalf of the Commission in that behalf from the applicant in specified circumstances. S.10

**11.—(1)** The Commission may institute proceedings in any court of competent jurisdiction for the purpose of obtaining relief of a declaratory or other nature in respect of any matter concerning the human rights of any person or class of persons. Institution of legal proceedings by Commission.

(2) The declaratory relief the Commission may seek to obtain in such proceedings includes relief by way of a declaration that a statute or a provision thereof is invalid having regard to the provisions of the Constitution or was not continued in force by Article 50 of the Constitution.

(3) In this section—

“human rights” means—

- (a) the rights, liberties and freedoms conferred on, or guaranteed to, persons by the Constitution, and
- (b) the rights, liberties or freedoms conferred on, or guaranteed to, persons by any agreement, treaty or convention to which the State is a party and which has been given the force of law in the State or by a provision of any such agreement, treaty or convention which has been given such force;

“statute” has the same meaning as it has in the Interpretation Act, 1937.

**12.—(1)** There shall be a chief executive of the Commission who shall be appointed by the Commission (and such an officer shall be known, and is referred to in this Act, as “the chief executive”). Chief executive.

(2) The chief executive shall hold office under a written contract of service (which contract may be renewed) for such period as is specified in the contract, and subject to such terms and conditions (including terms and conditions relating to remuneration and to suspension and termination of employment) as are so specified, being terms and conditions which are determined by the Commission and approved by the Minister with the consent of the Minister for Finance.

(3) In *subsection (2)* “remuneration” includes allowances for expenses, benefits in kind and superannuation.

(4) The Civil Service Commissioners Act, 1956, shall not apply to the appointment of a person as the chief executive.

**13.—(1)** The chief executive shall manage and control generally the staff, administration and business of the Commission, and shall perform such other functions as may be conferred on him or her by or under this Act or by the Commission. Functions of chief executive.

S.13

(2) The chief executive shall be responsible to the Commission for the performance of his or her functions and the implementation of the Commission's policies.

(3) The chief executive shall provide to the Commission such information in relation to the performance of his or her functions (including information with respect to the performance of those functions in so far as they relate to the financial affairs of the Commission) as the Commission may, from time to time, require.

(4) The chief executive may, from time to time, with the consent of the Commission, authorise one or more members of staff of the Commission to perform a specified function of the chief executive and such a member or members who is or are so authorised may perform that function accordingly.

(5) The functions of the chief executive may be performed during his or her absence or when the position of the chief executive is vacant by such member of the staff of the Commission as may, from time to time, be designated for that purpose by the Commission.

Accountability of  
chief executive to  
Public Accounts  
Committee.

**14.—**(1) The chief executive shall, whenever required to do so by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on—

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

Accountability of  
chief executive to  
other Oireachtas  
Committees.

**15.—**(1) In this section “Committee” means a Committee appointed by either House of the Oireachtas or jointly by both Houses of the Oireachtas (other than the Committee referred to in *section 14* 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) Subject to *subsection (3)*, the chief executive shall, at the request in writing of a Committee, attend before it to give account for the general administration of the Commission. S.15

(3) The chief executive shall not be required to give account before a Committee for any matter which is or has been or may at a future time be the subject of proceedings before a court or tribunal in the State.

(4) Where the chief executive is of the opinion that a matter in respect of which the chief executive is requested to give an account before a Committee is a matter to which *subsection (3)* applies, he or she shall inform the Committee of that opinion and the reasons for the opinion and, unless the information is conveyed to the 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 a Committee of his or her opinion in accordance with *subsection (4)* and the Committee does not withdraw the request referred to in *subsection (2)* 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 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 *subsection (3)* applies, or

(b) the Chairperson of the Committee may, on behalf of the Committee, make such an application,

and the High Court may determine the matter.

(6) Pending the determination of an application under *subsection (5)*, the chief executive shall not attend before the 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 *subsection (3)* applies, the Committee shall withdraw the request referred to in *subsection (2)*, but if the High Court determines that *subsection (3)* does not apply, the chief executive shall attend before the Committee to give account for the matter.

**16.**—(1) The Commission shall keep in such form and in respect of such accounting periods as may be approved of by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of moneys received or expended by it, including an income and expenditure account and a balance sheet. Accounts and audits.

(2) Accounts kept in pursuance of this section shall be submitted not later than three months after the end of the accounting period to which they relate by the Commission to the Comptroller and Auditor General for audit and, immediately after the audit, a copy of the income and expenditure account, the balance sheet and of such other (if any) accounts kept pursuant to this section as the Minister, after consultation with the Minister for Finance, may direct and a copy of

S.16 the Comptroller and Auditor General's report on the accounts shall be presented to the Minister who shall cause copies thereof to be laid before each House of the Oireachtas.

Staff of  
Commission.

**17.—**(1) The Commission shall appoint, with the consent of the Minister and the Minister for Finance, such and so many persons to be members of the staff of the Commission as it may from time to time determine.

(2) The terms and conditions of service of a member of the staff of the Commission and the grade at which he or she serves shall be such as may be determined from time to time by the Commission with the consent of the Minister and the Minister for Finance.

(3) There shall be paid by the Commission to the members of its staff such remuneration and allowances as it, with the consent of the Minister and the Minister for Finance, from time to time determines.

(4) The Civil Service Commissioners Act, 1956, shall not apply to the appointment of the staff of the Commission.

Remuneration of  
staff of  
Commission.

**18.—**The Commission, in determining the remuneration or allowances for expenses to be paid to members of its staff or the other terms or conditions subject to which such members hold or are to hold their employment, shall have regard to Government or nationally agreed guidelines which are for the time being extant and to Government policy concerning remuneration and conditions of employment which is so extant and, in addition to the foregoing, the Commission shall comply with any directives with regard to such remuneration, allowances, terms or conditions which the Minister may give to the Commission with the consent of the Minister for Finance.

Performance of  
functions of  
Commission by  
members of staff.

**19.—**The Commission may perform any of its functions through or by any member of the staff of the Commission duly authorised in that behalf by the Commission.

Superannuation.

**20.—**(1) As soon as may be after its establishment, the Commission shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of such of its staff (including the chief executive) as the Commission shall think fit.

(2) Every such scheme 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.

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

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

(5) If any dispute arises as to the claim of any person to, or to the amount of, any superannuation benefit in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for Finance, whose decision shall be final. S.20

(6) No superannuation benefit shall be granted by the Commission to or in respect of any of its staff (including the chief executive) who are members of a scheme under this section, nor shall any other arrangement be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section.

(7) Every scheme submitted and approved under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved 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.

(8) In this section “superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.

**21.**—(1) The Commission shall, as soon as practicable after its establishment, provide itself with a seal which shall be authenticated by the signatures of the President, or some other member of the Commission authorised by it to act on its behalf, and of an officer of the Commission authorised by it to act in that behalf. Seal of Commission.

(2) Judicial notice shall be taken of the seal of the Commission and any document purporting to be an instrument made by the Commission and to be sealed with the seal (purporting to be authenticated in accordance with *subsection (1)*) of the Commission shall be received in evidence and be deemed to be such instrument without proof, unless the contrary is shown.

**22.**—The Minister may, in each financial year of the Commission, pay to the Commission, out of moneys provided by the Oireachtas, a grant of such amount as he or she, with the consent of the Minister for Finance, determines towards the expenses of the Commission in the performance of its functions. Grants to Commission.

**23.**—The Commission shall not later than the 31st day of March in each year prepare and submit to the Minister a report on its activities in the immediately preceding year and the Minister shall, as soon as may be, cause copies of the report to be laid before each House of the Oireachtas. Annual report.

**24.**—The Commission shall, before the expiration of the period of two years from the establishment day, make to the Government a report containing such recommendations as it thinks fit for improving— Provision for review.

(a) the effectiveness of the Commission,

[No. 9.]      *Human Rights Commission Act,*      [2000.]  
2000.

S.24                      (b) the effectiveness of any of the functions conferred on it by this Act, particularly having regard to any developments in the field of human rights that have occurred in the said period of two years (whether within or outside the State).

Expenses.              **25.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title.             **26.**—This Act may be cited as the Human Rights Commission Act, 2000.