

Number 35 of 1995.
ENERGY (MISCELLANEOUS PROVISIONS) ACT, 1995.

AN ACT TO MAKE FURTHER PROVISION IN RELATION TO THE PRODUCTION, SUPPLY, SALE, TRANSMISSION, DISTRIBUTION AND USE OF CERTAIN FORMS OF ENERGY AND MATTERS INCIDENTAL TO THOSE ACTIVITIES (INCLUDING THE EXPLORATION AND EXPLOITATION OF THE CONTINENTAL SHELF, THE POWERS AND DUTIES OF CERTAIN BODIES ENGAGED IN THOSE ACTIVITIES AND MATTERS AFFECTING THE STAFF OF SUCH BODIES), TO AMEND THE LAW RELATING TO THE THEFT OF ELECTRICITY AND GAS, AND, FOR THE PURPOSES AFORESAID, TO AMEND THE CONTINENTAL SHELF ACTS, 1968 AND 1987, THE GAS ACTS, 1976 TO 1993, THE ELECTRICITY (SUPPLY) ACTS, 1927 TO 1988, AND CERTAIN OTHER ENACTMENTS AND TO PROVIDE FOR MATTERS CONNECTED WITH THE MATTERS AFORESAID.

[21st December, 1995]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Interpretation.

1.-(1) In this Act-

"the Act of 1960" means the Petroleum and Other Minerals Development Act, 1960;

"the Act of 1968" means the Continental Shelf Act, 1968;

"the Act of 1976" means the Gas Act, 1976;

"authorised officer" means a person appointed under section 10, 11 or 16 (as appropriate);

"designated area" has the meaning assigned to it by the Act of 1968;

"energy infrastructure" means-

(a) any land, premises or installation (including an installation located at sea), and

(b) unless the context otherwise requires, any plant, machinery or equipment,

age, transmission

"the Minister" means the Minister for Transport, Energy and Communications;

"petroleum" includes any derivative of petroleum;

"production" includes, in relation to natural gas or petroleum, those steps preceding the production of natural gas or petroleum that consist of the exploration of land, sea-bed or subsoil (whether in the territorial seas of the State or a designated area) and the exploitation of the natural resources thereof with a view to such production, and, without prejudice to the foregoing, includes any activities carried on by a person to whom the Minister has undertaken under the Act of 1960 to grant an exploration licence, petroleum prospecting licence or petroleum lease where such activities-

(a) are carried on by that person in contemplation of the grant to him or her of an exploration licence, petroleum prospecting licence or petroleum lease (as the case may be) in pursuance of such an undertaking, and

(b) are directly related to the activities that that person would be authorised to carry on by such an exploration licence, petroleum prospecting licence or petroleum lease (as the case may be) were such an exploration licence, petroleum prospecting licence or petroleum lease to be granted to him or her;

"sea", where used without qualification, includes a designated area;

"service station" means any installation where petroleum is capable of being dispensed to motor vehicle fuel tanks from stationary storage tanks.

(2) Land, premises, an installation or any other thing referred to in the definition of "energy infrastructure" in this section which has been, but is no longer being, used for a purpose referred to in that definition shall only be regarded as falling within that definition if and for so long as-

(a) steps are being taken to render it incapable of being used for that purpose, or

(b) in the opinion of the Minister or an authorised officer-

(i) any steps that ought to be taken in the interests of the protection of persons, property or the environment to render it so incapable have not been taken, or

(ii) in case it is incapable of being used for that purpose (whether or not by reason of steps as aforesaid having been taken in relation to it) and its condition is such as to constitute a risk of injury or damage to persons, property or the environment, any steps that ought to be taken to remove that risk have not been taken.

(3) 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 a paragraph is a reference to a subsection or paragraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended.

(4) In this Act 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 (including this Act).

Transmission of gas by Bord Gáis Éireann on behalf of other persons.

2.-(1) The following section is hereby inserted after section 10 of the Act of 1976:

"10A. (1) Where a person requests the Board to make an offer to him to transmit on his behalf through pipelines under the control of the Board gas, at an annual rate that is not less than the rate of 25 million standard cubic metres per annum, to a single meter installation for consumption by a single customer, the Board may make such an offer to that person, including an offer to transmit gas at a rate that is greater or less than the rate to which the request relates (but not less than the annual rate aforesaid).

(2) (a) An offer referred to in subsection (1) of this section shall be made on such terms as the Board considers reasonable and specifies in the offer.

42rg (b) If any dispute arises between a person and the Board as to the reasonableness of terms on which the Board has made an offer aforesaid to that person, the dispute shall be referred to the Minister and, if the Minister, or a person nominated by him for the purpose ('the nominee'), considers those terms or any of them to be unreasonable, the Minister or the nominee, as the case may be, shall give a direction to the Board requiring the Board to make a further offer of the kind referred to in subsection (1) of this section to the first-mentioned person

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(ii) the financial objectives of the Board, as he considers appropriate.",

(b) by the substitution of the following subsection for subsection (3):

"(3) In performing its functions the Board shall-

(a) comply with any direction under this section,

(b) comply with any directive under this section concerning-

(i) the transmission on behalf of another person by it of gas through pipelines under its control (including any such directive concerning its pricing policy in relation to that matter), or

(ii) its pricing policy as to the sale or supply of gas,

(c) have regard to any directive under this section concerning its financial objectives.",

(c) by the insertion in subsection (4) after "a particular case" of "or in relation to the transmission on behalf of another person by the Board of gas through pipelines under its control in a particular case",

and the said subsection (4), as so amended, is set out in the Table to this section.

TABLE

(4) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to a price to be charged by the Board in a particular case or in relation to the transmission on behalf of another person by the Board of gas through pipelines under its control in a particular case.

Amendment of sections 2 and 40 of Act of 1976.

3.-(1) Section 2 of the Act of 1976 is hereby amended by the substitution of the following definition for the definition of "foreshore":

"'foreshore' has the meaning assigned to it by section 1 of the Foreshore Act, 1933;"

(2) Section 40 of the Act of 1976 is hereby amended by the insertion in subsection (1) after "land" of "or of any sea bed that is situate in the territorial seas of the State or a designated area (within the meaning of the Continental Shelf Act, 1968)", and the said subsection (1), as so amended, is set out in the Table to this section.

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(1) A person, other than the Board, shall not, without giving previous and reasonable notice to the Minister, construct or operate a pipeline on, over or under the surface of land or of any sea bed that is situate in the territorial seas of the State or a designated area (within the meaning of the Continental Shelf Act, 1968).

Amendment of sections 1, 3, 7 and 10 of Act of 1968.

4.-(1) Section 1 of the Act of 1968 is hereby amended-

(a) by the insertion of the following definition after the definition of "designated area":

"'energy product' means electricity, natural gas, petroleum or any derivative of petroleum;"

and

(b) by the substitution of the following definition for the definition of "installation" (inserted by the Safety,

(i) is done on any waters in a designated area or under or above any waters or installation in a designated area and-

(I) is done in connection with the exploration of the sea bed or subsoil or the exploitation of their natural resources, or

(II) is done in connection with the operation of a pipe-line or cable for the transport or transmission of an energy product derived from the said natural resources or for the transport or transmission of an energy product to or from the State, or

(III) interferes with, or could interfere with, such exploration or exploitation or the operation of such a pipe-line or cable,

and

(ii) would, if done in the State, constitute a wrong,

shall be deemed, for all the purposes relating to the wrong, to be done in the State.

(3) (a) References in this section to an act include references to an omission and references to the doing of an act include references to the making of an omission.

(b) In this section 'wrong' has the meaning assigned to it by the Civil Liability Act, 1961.

(4) Any jurisdiction conferred on any court under this section shall be without prejudice to any jurisdiction exercisable apart from this section by that or any other court."

(3) Section 7 (inserted by the Sea Pollution Act, 1991) of the Act of 1968 is hereby amended-

(a) by the substitution, in subsection (1), for "in consultation with the Minister for the Marine" of "with the consent of the Minister for the Marine";

(b) by the substitution, in subsection (1), of the following paragraph for paragraph (a):

"(a) from a pipe-line or cable of any kind or in connection with the operation of a pipe-line or cable for the transport or transmission of an energy product (whether derived from natural resources referred to in paragraph (b) or not), or";

(c) by the substitution of the following subsection for subsection (2):

"(2) Where there is a contravention of any such regulations the owner of the pipe-line or cable or, as the case may be, the person carrying on the operations shall be guilty of an offence.";

and

(d) by the substitution of the following subsection for subsection (4):

"(4) In this section-

'discharge' in relation to any oil, oily mixture, noxious liquid substance, harmful substance, sewage or garbage means any release, howsoever caused, of such a substance, including any escape, disposal,

spilling, leaking, pumping, emitting or emptying of such a substance, but does not include-

(a) dumping, within the meaning of the Dumping at Sea Act, 1981, or

(b) the release of any oil, oily mixture, noxious liquid substance or harmful substance for the purpose of legitimate scientific research into pollution abatement or control;

'oil', 'oily mixture', 'noxious liquid substance', 'harmful substance', 'sewage' and 'garbage' have the same meanings as in the Sea Pollution Act, 1991."

(4) (a) Section 10 of the Act of 1968 is hereby amended by the substitution of the following paragraph for paragraph (a):

"(a) treating as insurable employment for all or any of the purposes of the Social Welfare Acts any employment prescribed by the regulations which is employment in connection with-

(i) the exploitation of the resources mentioned in section 2(1) of this Act,

(ii) the exploration of the sea bed or subsoil in any designated area, or

(iii) the operation of a pipe-line or cable for-

(I) the transport or transmission of an energy product derived from resources as aforesaid,

(II) the transport or transmission of an energy product to or from the State, being a pipe-line or cable situate in a designated area,

notwithstanding that such employment is not employment in the State,".

(b) Regulations in force immediately before the passing of this Act under paragraph (a) of section 10 of the Act of 1968 shall continue in force as if made under the paragraph inserted in that section by this subsection and may be amended or revoked accordingly.

Amendment of sections 5, 6 and 12 of Act of 1968.

5.-(1) The following section is hereby substituted for section 5 of the Act of 1968:

"5.-(1) In this section-

'object or material' means an object or material which consists of, or is a part of, the sea bed or subsoil in a designated area or is placed in a designated area for the purpose of, or in connection with, the exploration of such sea bed or subsoil or the exploitation of the natural resources thereof;

'relevant Minister' means the Minister or the Minister for the Marine, as may be appropriate.

(2) A person shall not construct, alter or improve any structure or works in or remove any object or material from a designated area without the consent of the Minister and the Minister for the Marine.

(3) A relevant Minister may, as a condition of considering an application to him for consent under this section, require to be furnished with such plans and particulars as he may consider necessary and, on receipt of any such application, he may cause notice of the application, and of the time within which and the manner in which

objections thereto may be made, to be published in such manner as he may consider appropriate for informing persons affected thereby, and, before granting his consent, may, if he thinks fit, appoint a person to hold an inquiry, and notice of the holding of the inquiry shall be given in accordance with the provisions of this Act.

(4) If the Minister is of opinion that the action in respect of which his consent was sought would not be in the best interests of the orderly and proper use of the designated area concerned, he shall either refuse his consent thereto or grant his consent subject to such conditions as he may think proper.

(5) If the Minister for the Marine is of opinion that the action in respect of which his consent was sought would cause an obstruction or danger to navigation, constitute a risk of pollution to the marine environment or harm living marine resources (within the meaning of the Sea Pollution Act, 1991), he shall either refuse his consent thereto or grant his consent subject to such conditions as he may think proper.

(6) (a) Without prejudice to subsections (4) and (5) of this section, a relevant Minister may, on the grant by him of a consent under this section or at any time thereafter, attach to the consent such conditions as he may think proper.

(b) Such conditions may include conditions specifying requirements to be complied with by the grantee during a specified period after the consent has ceased to be in force (including requirements as to the removal of any structure or works concerned) and those conditions shall, accordingly, bind the grantee notwithstanding the cesser of the consent.

(c) A relevant Minister may amend or revoke a condition attached to a consent granted by him under this section.

(d) A consent under this section shall remain in force for such period as the relevant Minister may determine and specify in the consent.

(7) All expenses incurred by a relevant Minister in holding an inquiry under this section shall, unless that Minister with the sanction of the Minister for Finance otherwise directs (in which case they shall, to the extent of the direction, be defrayed out of moneys provided by the Oireachtas), be paid by the person who applied for the consent to which the inquiry related, and the amount of the expenses shall be fixed by the Minister for Finance and shall be recoverable by the relevant Minister from the person as a simple contract debt in any court of competent jurisdiction.

(8) The person holding an inquiry under this section may, if he so thinks proper, order the costs and expenses incurred by any person in relation to the inquiry to be paid by any other person who appeared or was represented at the inquiry and, if the person who incurred, or the person who is liable to pay, the costs so requires, the costs and expenses shall be taxed and ascertained by a taxing-master of the High Court and the amount of such costs and expenses when so taxed and ascertained shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(9) Where a person constructs, alters or improves a structure or works, or removes an object or materials, without the consent under this section of a relevant Minister, being the Minister, or fails to comply with a condition subject to which the consent of that Minister was given under this section and the construction, alteration, improvement, removal or failure is, in the opinion of that Minister, detrimental to the orderly and proper use of the designated area concerned, that Minister may serve a notice on the person requiring him, within a period specified in the notice (being a period of not less than thirty days beginning on the date of the service of the notice), to, as appropriate, remove the structure or works or carry out such other directions of that Minister as that

contravention of an order under this section, its owner and master shall each be guilty of an offence unless it is
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meaning of the Continental Shelf Act, 1968), whether derived from mineral resources as aforesaid or not, or

(c) the release of oil, oily mixtures, noxious liquid substances or harmful substances for the purpose of legitimate scientific research into pollution abatement or control;

subsection (1)) of the Act of 1976 not having been complied with.

Power of Bord Gáis Éireann to issue securities.

9.-Section 23 of the Act of 1976 is hereby amended-

(c) require any person in or on an energy infrastructure to produce to him or her such documents, records or materials as are in that person's possession or control relating to the infrastructure and to give to him or her such information as he or she may reasonably require in regard to such documents, records or materials,

(d) either in or on an energy infrastructure or elsewhere, inspect and copy or extract information from documents, records or materials produced to him or her under paragraph (c) or which he or she finds in or on the energy infrastructure,

(e) take samples of any substance, gas or liquid present in or on an energy infrastructure, and carry out tests, either in or on the infrastructure or elsewhere, on or in relation to the substance, gas or liquid,

(f) require any person holding any position of authority or responsibility in relation to the carrying on of any activities in or on an energy infrastructure to give to him or her such information as he or she may reasonably require in relation to the procedures employed or steps taken in the carrying on of such activities to comply with the provision of any enactment or instrument thereunder relating to the safety of the carrying on of such activities.

(4) Subject to subsection (5), where the Minister or an authorised officer is of the opinion that the manner in which any activities that are being carried on at an energy infrastructure is causing or is likely to cause injury to persons or damage to property or an environmental medium or the undue loss, contamination, deterioration or misuse of petroleum, as the case may be, the Minister or the authorised officer may serve a notice on the person carrying on such activities requiring that person to take within a period specified in the notice such steps as are specified in the notice to prevent such injury or damage or such loss, contamination, deterioration or misuse of petroleum.

(5) The powers of the Minister or an authorised officer under subsection (4) in respect of-

(a) damage to an environmental medium shall not extend to any case in which functions stand vested for the time being in the Environmental Protection Agency or a local authority in relation to the protection of the environmental medium concerned, and

(b) injury to persons shall not extend to any case in which functions stand vested for the time being in the National Authority for Occupational Safety and Health or any other person in relation to the taking of steps to prevent or reduce the risk of the injury concerned to persons arising.

(6) Where the Minister or the authorised officer ere the Minister or the a4s.regardrised ofth or any oth 1 1 r7 Tc.8sSto7e98on o

or the authorised officer, as the case may be, and, in default of payment, shall be recoverable by the Minister or the authorised officer from the person as a simple contract debt in any court of competent jurisdiction.

(8) Where a notice under subsection (4) requires the carrying out of any works within the meaning of the Local Government (Planning and Development) Acts, 1963 to 1993, the carrying out of such works, whether by the person on whom the notice has been served or, as the case may be, the Minister or the authorised officer concerned under subsection (7), shall be exempted development for the purposes of those Acts.

(9) An authorised officer, in exercising a power under this section, may be accompanied by, and assisted in the exercise of the power by, one or more members of the Garda Síochána.

(10) Any person who-

(a) obstructs or impedes an authorised officer in the exercise of his or her powers under this section,

(b) without reasonable excuse, refuses or fails to comply with a requirement made of him or her under subsection (3) or with a requirement contained in a notice under subsection (4), or

(c) makes a statement or furnishes information to an authorised officer, pursuant to a requirement made of him or her under subsection (3) by such an officer, which is false or misleading in a material respect, knowing it to be so false or misleading or being reckless as to whether it is so false or misleading, shall be guilty of an offence.

(11) A person guilty of an offence under this section shall be liable-

(a) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both,

(b) on conviction on indictment, to a fine not exceeding £50,000 or to imprisonment for a term not exceeding 3 years or to both.

(12) In this section-

"activities" includes steps referred to in section 1 (2);

"environmental medium" has the meaning assigned to it by the Environmental Protection Agency Act, 1992;

"local authority" means a local authority for the purposes of the Local Government Act, 1941.

Appointment of authorised officers by Minister for the Marine and powers of that Minister of the Government and such officers.

11.-(1) (a) The Minister for the Marine may appoint one or more persons to be an authorised officer or authorised officers for the purposes of this section.

(b) Before appointing a person under this subsection the Minister for the Marine shall consult with the Minister for Enterprise and Employment where he or she considers it appropriate to do so having regard to the functions of that Minister of the Government.

(2) The powers conferred on-

(a) an authorised officer appointed under section 10 (1) by subsections (3) to (7) of section 10 ("the

receiver of the property of that company of the second part and the Board of the third part.

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Dublin Gas Company

Limerick Gas Company Limited

Cork Gas Company

City of Waterford Gas Company

Clonmel Gas Company Limited

Theft of electricity and gas and related offences.

15.-(1) In this section-

"article" means any meter, line, fitting, piping, receptacle or other apparatus;

"Bord Gáis Éireann" includes a subsidiary of that body;

"contract of supply" means a contract for the time being in force whereby the Electricity Supply Board or Bord Gáis Éireann agrees to supply electricity or gas, as the case may be, to a premises;

"Electricity Supply Board" includes a subsidiary of that body;

"interferes with", in relation to any article, includes the doing of any of the following things, as the context admits, namely-

(a)

(3) A person who unlawfully interferes with any article owned by or under the control of the Electricity Supply Board or Bord Gáis Éireann shall be guilty of an offence.

(4) If in proceedings for an offence under subsection (3) it is alleged that the defendant-

(a) altered artificially an index to a meter owned by or under the control of the Electricity Supply Board or Bord Gáis Éireann and

(i) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 12 months or to both,

(ii) on conviction on indictment, to a fine not exceeding £20,000 or to imprisonment for a term not exceeding 5 years or to both.

(b) A person guilty of an offence under subsection (6) shall be liable on summary conviction-

(i) in the case of a first offence, to a fine not exceeding £500 or to imprisonment for a term not exceeding 3 months or to both,

(ii) in the case of a second or subsequent offence, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both.

(8) (a) A court before which a person is convicted of an offence under subsection (2), (3) or (6) may, in addition to any penalty it may impose under subsection (7) in respect of the offence, order the person to pay to the Electricity Supply Board or, as appropriate, Bord Gáis Éireann either or both of the following-

(i) such sum as it is satisfied the person owes to a body aforesaid in respect of the supply of electricity or gas and payment of which would not have been obtained by the body if the act or acts or, as the case may be, default in respect of which the person has been convicted of the offence had not been detected,

(ii) such sum as it is satisfied will compensate a body aforesaid for any damage done to an article owned by or under the control of the body, being damage that has resulted from the act or acts or, as the case may be, default in respect of which the person has been convicted of the offence.

(b) In the case of proceedings in the District Court for an offence under this section, the amount that the court may order a person to pay under this subsection in respect of the offence shall not exceed an amount equal to the difference between £1,500 and the fine (if any) it has imposed on the person in respect of the offence.

(9) (a) A court before which a person is convicted of an offence under this section may order any thing referred to in subsection (5) which was used by the person to commit the offence or, in the case of an offence under the said subsection, any thing referred to in that subsection to which the offence relates, to be forfeited and either destroyed or otherwise disposed of in such manner as the court may determine.

(b) An order under this subsection shall not take effect until the ordinary time for instituting an appeal against the conviction or order concerned has expired or, where such an appeal is instituted, until it or any further appeal is finally decided or abandoned or the ordinary time for instituting any further appeal has expired.

(10)

(2) A person appointed under subsection (1) shall, on his or her appointment, be furnished by the Electricity Supply Board or Bord Gáis Éireann, as the case may be, with a certificate of his or her appointment and when exercising a power conferred by this section shall, if requested by any person thereby affected, produce such certificate to that person for inspection.

exercise of his or her powers under this section, or

(b) obstructs or impedes an authorised officer in the exercise of his or her powers under this section, shall be guilty of an offence and shall be liable-

(i) on summary conviction, to a fine not exceeding £1,500 or to imprisonment for a term not exceeding 6 months or to both,

(ii) on conviction on indictment, to a fine not exceeding £10,000 or to imprisonment for a term not exceeding 3 years or to both.

(7) Subsection (10) of section 15 shall apply to an offence under subsection (6) as it applies to an offence under the said section.

(8) (a) The powers conferred by the preceding provisions of this section are not in substitution for any other powers standing conferred on an officer or employee of a body referred to in subsection (1), a member of the Garda Síochána or any other person by virtue of section 108 of the Electricity (Supply) Act, 1927, or any other enactment in force immediately before the passing of this Act, or of any rule of law.

(b) A person who enters any premises pursuant to subsection (2) of section 108 of the Electricity (Supply) Act, 1927, shall have the same power to seize anything referred to in subsection (3) (b) which he or she finds on the premises in the course of exercising any power conferred on him or her by the said section 108 as an authorised officer has under the said subsection (3).

(9) (a) Any thing seized by an authorised officer under subsection (3) or by a person under subsection (8) (b) may, subject to the provisions of this subsection, be detained by that officer or the person by whom he or she is employed and either destroyed or disposed of in such manner as he or she thinks appropriate.

(b) A thing detained as aforesaid shall not be destroyed or disposed of under this subsection-

(i) in case an application is made under paragraph (c) in relation to the thing, save under and in accordance with an order of a judge of the District Court under that paragraph.

(ii) in case no such application is made or such an application is made but is withdrawn, before the expiration of 3 months from the date on which the thing was seized.

(c) A person who claims an interest in a thing referred to in paragraph (a) may, not later than 3 months after the date on which the thing was seized, apply to a judge of the District Court for the District Court district in which the seizure was effected for an order directing the return to that person of the thing or, as the case may be, enabling that person to exercise the rights in or over the thing which he or she was entitled to exercise immediately before the seizure and the said judge of the District Court shall, on the hearing of the application-

(i) determine whether the thing is, in fact, a thing referred to in subsection (5) of section 15 or, as the case may be, a thing which is evidence of, or evidence related to, the commission of an offence under that subsection or subsection (2), (3) or (6) of the said section, and

(ii) having regard to that determination and any other relevant matters, make such order in relation to the application as he or she considers just and equitable.

(d) A judge of the District Court may adjourn the hearing of an application made to him or her under paragraph (c) until after the conclusion of any proceedings being brought for an offence under section 15 in

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Amendment of Fuels (Control of Supplies) Act, 1971.

18.-(1) In the Fuels (Control of Supplies) Act, 1971 (as amended by the Fuels (Control of Supplies) Act, 1982)-

(a) references to petroleum oils shall be construed as including references to any thing referred to in the definition of "petroleum" in the Act of 1960;

(b) references to the acquisition, supply, distribution or marketing of fuels or of a type or types of fuel shall be construed as including references to-

(i) the production of fuels or, as the case may be, of a type or types of fuel,

(ii) the exploitation of such of the natural resources of a designated area as constitute fuels or, as the case may be, a type or types of fuel.

(2) The Petroleum Oils (Regulation or Control of Acquisition, Supply, Distribution or Marketing) Order, 1983 (S.I. No. 1 of 1983), shall be construed as one with this section.

Amendment of section 9 (3) of Electricity (Supply) (Amendment) Act, 1958.

19.-(1) Section 9 (3) of the Electricity (Supply) (Amendment) Act, 1958, is hereby amended by the substitution of the following paragraph for paragraph (b):

"(b) if he has paid any contributions in accordance with the provisions of subsection (2) of this section in respect of the period referred to in paragraph (a) of this subsection, those contributions shall be returned to him if and when a payment of benefit or a return of other contributions is made to him under the scheme, and".

(2) This section shall be deemed to have come into operation on the 3rd day of June, 1988.

Amendment of Electricity Supply Board (Superannuation) Act, 1942.

20.-(1) In this section-

"the Act of 1942" means the Electricity Supply Board (Superannuation) Act, 1942;

"amending superannuation scheme", "general employees superannuation scheme", "manual workers" and "manual workers superannuation scheme" have the meaning assigned to them by the Act of 1942.

(2) Notwithstanding anything contained in section 4 (1), section 6 (4) or any other provision of the Act of 1942 an amending superannuation scheme may -

(a) amend the general employees superannuation scheme so as to enable persons who are manual workers to participate in, and to be granted and paid superannuation benefits under, that scheme;

(b) provide for the winding up of the fund established by regulations under section 8 of the Act of 1942 in respect of the manual workers superannuation scheme and the transfer of the moneys comprised in that fund (including the securities and other investments representing such moneys) to the fund established by regulations under the said section 8 in respect of the general employees superannuation scheme;

(c) provide for matters incidental to or consequent upon the winding up of the fund referred to in paragraph (b);

(d)revoke the manual workers superannuation scheme.

(3) An amending superannuation scheme may, if the scheme so provides, have retrospective effect.

(4) Section 7 (1) of the Act of 1942 is hereby amended by the substitution in paragraph (b)for "make to the said fund payments equal in the aggregate to the aggregate amount of the said contributions thereto" of "from time to time make to the said fund such payments as are determined by the actuary to the scheme", and the said paragraph (b), as so amended, is set out in paragraph 1 of the Table to this section.

(5) Section 7 (1) of the Act of 1942 is hereby further amended by the substitution of the following paragraphs for paragraph (c):

"(c) provide that the Board shall defray the expenses of administering the scheme and managing the said fund including, where in its discretion it decides to defray the whole or any part of the fees and expenses referred to in paragraph (cc) of this subsection, the whole or such part of the said fees and expenses, and

(cc) provide that where the persons in whom as trustees the said fund is for the time being vested by regulations under section 8 of this Act employ the professional services of one or more persons to assist them in the management of the said fund, the fees and expenses payable to the said person or persons for rendering the said services shall, save to the extent that the Board decides to defray them, be defrayed by the first-mentioned persons out of moneys standing to the credit of the said fund, and".

(6) Section 8 (2) of the Act of 1942 is hereby amended by the deletion in paragraph (b) (inserted by the Electricity (Supply) (Amendment) Act, 1982) of ", with the approval of the Minister for Finance,", and the said paragraph (b), as so amended, is set out in paragraph 2 of the Table to this section.

TABLE

1. (b)provide (save as otherwise provided by this section) that every person entitled to superannuation benefits under the scheme shall pay contributions to the said fund and that the Board shall from time to time make to the said fund such payments as are determined by the actuary to the scheme, and

2. (b)in such other manner as the trustees think proper;

Amendment of section 2 (6) of Electricity (Supply) (Amendment) Act, 1988.

21.-Section 2 of the Electricity (Supply) (Amendment) Act, 1988, is hereby amended by the substitution in subsection (6) for "consent of the Minister and the Minister for Finance given" of "prior written consent of the Minister given with the approval of t

Minister of the Government who, in the opinion of the Minister, having regard to the functions of that Minister of the Government, ought to be consulted.

Provision of moneys to Bord na Móna to enable the repayment by it of debts.

25.-(1) In this section "the Board" means Bord na Móna.

(2) (a) The Minister for Finance shall cause to be kept in the joint names of himself or herself and the Minister an account with the Paymaster General for the purposes of this section and such an account is referred to in this section as "the special account".

(b) The special account shall be operated subject to such terms and conditions as the Minister for Finance, after consultation with the Minister, may determine.

(3) The Minister for Finance may from time to time pay out of the special account such sums of money to the Board as he or she considers appropriate for the purpose of enabling the Board to-

(a) repay the principal of any money borrowed by it,

(b) pay any instalments or other amounts of money owed by it under a contract entered into by it,

(c) pay interest on any money, instalment or amount referred to in paragraph (a) or (b), and

(d) pay any commission or incidental expenses arising in connection with the borrowing by it of any money or the entry by it into any contract,

and any sums of money paid to the Board under this section shall be used by it for the said purposes and for no other purpose.

(4) (a) Any moneys paid to the Board under subsection (3) shall not be required to be repaid by it to the Minister for Finance.

(b) Notwithstanding the provisions of any enactment, the receipt by the Board of any moneys under subsection (3) shall not give rise to any charge to, or liability on the part of the Board for, tax of whatsoever kind.

(5) (a) Whenever and so often as the Minister for Finance gives a direction in that behalf there shall be paid out of the Central Fund or the growing produce thereof into the special account such sums of money as are specified in the direction for the purpose of enabling the payment under subsection (3), at any subsequent date, of moneys from that account to the Board.

(b) Any moneys standing to the credit of the special account may, where the Minister for Finance gives a direction in that behalf, be paid into, or, in such manner as is specified in the direction, disposed of for the benefit of, the Exchequer.

(6) The total of the sums of money that may be paid out of the special account to the Board under this section shall not exceed £100 million.

Amendment of section 7 of Radiological Protection Act, 1991.

26.-Section 7 of the Radiological Protection Act, 1991, is hereby amended by the substitution of the following subsection for subsection (2):

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ACTS REFERRED TO

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| Civil Liability Act, 1961 | 1961, No. 41 |
| Companies Act, 1963 | 1963, No. 33 |
| Continental Shelf Act, 1968 | 1968, No. 14 |
| Dumping at Sea Act, 1981 | 1981, No. 8 |
| Electricity (Supply) Act, 1927 | 1927, No. 27 |
| Electricity (Supply) (Amendment) Act, 1930 | 1930, No. 19 |
| Electricity (Supply) (Amendment) Act, 1942 | 1942, No. 27 |
| Electricity (Supply) (Amendment) Act, 1958 | 1958, No. 35 |
| Electricity (Supply) (Amendment) Act, 1988 | 1988, No. 17 |
| Electricity Supply Board (Superannuation) Act, 1942 | 1942, No. 17 |
| Environmental Protection Agency Act, 1992 | 1992, No. 7 |
| Finance Act, 1895 | |

Local Government Act, 1941