



Number 16 of 2026

Critical Infrastructure Act 2026



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CRITICAL INFRASTRUCTURE ACT 2026

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ACTS REFERRED TO

Climate Action and Low Carbon Development Act 2015 (No. 46)

Companies Act 2014 (No. 38)

Higher Education Authority Act 2022 (No. 31)

Interpretation Act 2005 (No. 23)

Local Government Act 2001 (No. 37)



Number 16 of 2026

CRITICAL INFRASTRUCTURE ACT 2026

An Act to provide for the designation, by order of the Government, of certain projects and programmes as critical infrastructure projects and critical infrastructure programmes; to provide for duties of certain public bodies in so far as they perform functions with respect to critical infrastructure projects or critical infrastructure programmes; to provide for a power for the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation to give directions to certain public bodies with regard to the performance by those bodies of their functions in accordance with this Act; to modify the application of section 15 of the Climate Action and Low Carbon Development Act 2015; and to provide for related matters.

[25th June, 2026]

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act—

“authorisation” means an award, approval, decision, licence, consent, permit or other authority required, granted or made, by or under an enactment or otherwise, to enable a project or programme to proceed, in whole or in part;

“critical infrastructure programme” means a programme that is designated as such by order under *section 3*;

“critical infrastructure project” means a project that is designated as such by order under *section 3*;

“designation order” has the meaning given to it by *section 3*;

“enactment” has the same meaning as it has in the Interpretation Act 2005;

“infrastructure” means any infrastructure that enables essential facilities and systems of the State to function effectively and includes, but is not limited to—

- (a) transport facilities, including ports and airports, and transport systems, including roads and railways,
- (b) energy generation, transmission and distribution systems, and
- (c) water supply, wastewater and waste management systems;

“local authority” has the same meaning as it has in the Local Government Act 2001;

“Minister” means the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation;

“programme” means a programme comprised of two or more projects that are intended to achieve a common purpose in the delivery of infrastructure;

“project” means a project—

- (a) the purpose of which is the delivery of infrastructure, and
- (b) that is funded by capital investment, by or on behalf of the State or by or on behalf of a public body;

“public body” means—

- (a) a Minister of the Government,
- (b) a local authority,
- (c) any other person or body established—
 - (i) by or under any enactment (other than the Companies Act 2014 or a former enactment relating to companies within the meaning of section 5 of that Act),
 - (ii) by charter,
 - (iii) by any scheme administered by a Minister of the Government, or
 - (iv) under the Companies Act 2014 or a former enactment relating to companies within the meaning of section 5 of that Act, pursuant to a power conferred by or under another enactment and financed wholly or partly—
 - (I) by means of moneys provided, or loans made or guaranteed, by a Minister of the Government, or
 - (II) by the issue of shares held by or on behalf of a Minister of the Government,
- (d) a designated institution of higher education (within the meaning of the Higher Education Authority Act 2022) that is a funded body within the meaning of that Act, or
- (e) any other person or body prescribed by regulations under *section 8*;

“relevant functions” has the meaning given to it by *section 4*;

“relevant public body” shall be construed in accordance with *section 4*.

Operation of Act

2. Nothing in this Act shall operate to affect—

- (a) existing or future obligations of the State under the law of the European Union,
- (b) an enactment that gives effect to any such obligation, or
- (c) existing or future entitlements of the State or any person under the said law or any such enactment.

Designation of project or programme as critical infrastructure project or critical infrastructure programme

3. (1) The Government, having considered a recommendation made under *subsection (2)*, may by order (in this Act referred to as a “designation order”) designate a project or programme as a critical infrastructure project or critical infrastructure programme, as the case may be.
- (2) The Minister, having regard to any of the matters referred to in *subsection (3)*, may make a recommendation to the Government that a designation order be made in respect of a project or programme.
- (3) The matters for the purposes of *subsection (2)* are as follows:
- (a) the need to ensure effective and efficient delivery of a project or programme;
 - (b) whether delay to, or disruption of, the delivery of a project or programme, or failure to deliver a project or programme, may have adverse economic or social consequences for the State;
 - (c) whether a project or programme may impact in a positive or negative manner on the delivery of any other project or programme;
 - (d) the National Development Plan 2021-2030 published by the Government on 4 October 2021 or any document, by whatever name called, published by the Government which amends or replaces that plan;
 - (e) such other matters in relation to infrastructure as the Minister may consider appropriate for the purposes of making a recommendation under *subsection (2)*.
- (4) A designation order shall be laid before Dáil Éireann as soon as may be after it is made and, if a resolution annulling the order is passed by Dáil Éireann within the next 21 days on which Dáil Éireann has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Relevant public body and relevant functions

4. A public body shall be a relevant public body for the purposes of this Act in so far as the relevant public body performs functions in relation to a critical infrastructure project or critical infrastructure programme (in this Act referred to as “relevant functions”).

Duties of relevant public bodies

5. (1) Where a designation order is made, a relevant public body shall, without prejudice to its functions under any other enactment—
- (a) prioritise the performance of its relevant functions over the performance of its other functions that are not relevant functions,
 - (b) take all necessary steps in the performance of its relevant functions to act in an expeditious manner and to avoid undue delays in the delivery of a critical infrastructure project or critical infrastructure programme,

- (c) ensure that it takes such steps as are necessary and appropriate to reduce the time required for its processes relating to an authorisation to be completed,
 - (d) in so far as practicable, activate and advance the performance of its relevant functions at the same time as the activation and advancement of the performance of relevant functions by any other relevant public body, to reduce the time required for its processes relating to an authorisation to be completed,
 - (e) cooperate with any other relevant public body for the purposes of—
 - (i) coordinating, prioritising and sequencing the performance of their respective relevant functions, and
 - (ii) identifying and managing—
 - (I) any risks and constraints relating to such coordination, prioritisation and sequencing, and
 - (II) the extent to which the critical infrastructure project or critical infrastructure programme concerned is dependent on other projects or programmes,
- and
- (f) allocate, as appropriate, administrative, technical and decision-making resources to facilitate the carrying out by it of its duties under *paragraphs (a) to (e)*.
- (2) The Minister may request a relevant public body, in writing, to provide to the Minister, in such form and manner as the Minister specifies in the request—
- (a) such information as the Minister may reasonably require relating to the carrying out by the relevant public body of its duties under this section, and
 - (b) such assessments, reports or analyses as the Minister may reasonably require relating to the performance by the relevant public body of its relevant functions.
- (3) The relevant public body shall comply with a request under *subsection (2)*.
- (4) (a) Nothing in this section shall require the disclosure by a relevant public body of information where such disclosure would be contrary to law or the interests of national security or where such information is confidential information.
- (b) In this subsection, “confidential information” means—
- (i) information of a commercially sensitive nature submitted to a relevant public body by any person for the purposes of the performance by the relevant public body of its functions, or
 - (ii) other information that is expressed by a relevant public body to be confidential either as regards particular information or as regards information of a particular class or description. Directions to relevant public bodies

Directions to relevant public bodies

6. (1) The Minister, having consulted with the relevant Minister, may give a direction in writing to a relevant public body requiring it to prepare and submit to the Minister, not later than the date specified by the Minister in the direction, a report, in writing—
- (a) specifying—
 - (i) the measures that the body has adopted for the purposes of carrying out its duties under *section 5*, and
 - (ii) the outcome of the adoption of those measures,
 - or
 - (b) in respect of any matter relating to the performance of its relevant functions as the Minister considers appropriate.
- (2) The Minister, having consulted with the relevant Minister, may give a direction in writing to a relevant public body requiring it to adopt such measures as are specified in the direction for the purposes of carrying out its duties under *section 5*.
- (3) The Minister, having consulted with the relevant Minister, may, by direction in writing to a relevant public body, amend or revoke a direction given under this section (including a direction given under this subsection).
- (4) The relevant public body shall comply with a direction given under this section.
- (5) In this section, “relevant Minister” means, in relation to a relevant public body, a Minister of the Government who performs functions in respect of that body.

Modification of application of section 15 of Climate Action and Low Carbon Development Act 2015

7. Section 15 of the Climate Action and Low Carbon Development Act 2015 shall not apply to a relevant public body—
- (a) in respect of the performance of its relevant functions,
 - (b) in respect of the carrying out of its duties under *section 5*, or
 - (c) for the purposes of compliance with a direction given to it under *section 6*.

Regulations

8. (1) The Minister may, by regulations, prescribe a person or body that performs functions in relation to infrastructure to be a public body for the purposes of this Act.
- (2) Every regulation 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 regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Expenses

9. The expenses incurred by the Minister in the administration of this Act shall be paid out of moneys provided by the Oireachtas.

Short title and commencement

10. (1) This Act may be cited as the Critical Infrastructure Act 2026.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.