



AN BILLE GÁIS (LEASÚ), 1987
GAS (AMENDMENT) BILL, 1987

Mar a ritheadh ag Dáil Éireann
As passed by Dáil Éireann

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Conferral on Board of additional functions in relation to supply, transmission, distribution and sale etc., of gas.
3. Amendment of section 8 of Principal Act.
4. Amendment of section 18 of Principal Act.
5. Amendment of section 23 of Principal Act.
6. Amendment of First Schedule to Principal Act.
7. Redemption by Company of its debenture stock.
8. Short title, construction and collective citation.

ACTS REFERRED TO

Alliance and Dublin Consumers' Gas Acts, 1866 to 1909

Companies Act, 1963

1963, No. 33

Gas Act, 1976

1976, No. 30

Gas Acts, 1976 to 1982



AN BILLE GAÍS (LEASÚ), 1987

GAS (AMENDMENT) BILL, 1987

BILL

entitled

AN ACT TO AMEND AND EXTEND THE GAS ACTS, 1976 TO 1982. 5

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“the Company” means the Dublin Gas Company;

“functions” includes powers, duties, rights and obligations and references to the performance of functions include, as respects powers, duties, rights and obligations, references to the exercise of the powers and rights and the carrying out of the duties and obligations; 10

“the Principal Act” means the Gas Act, 1976.

Conferral on Board of additional functions in relation to supply, transmission, distribution and sale etc., of gas.

2.—(1) The Minister may by order confer on the Board— 15

(a) functions corresponding to the functions, or such of them as the Minister considers appropriate, that are conferred on the Company by the Alliance and Dublin Gas Acts, 1866 to 1909, in relation to the supply, transmission, distribution and sale of gas and the provision, maintenance, repair and replacement for those purposes of pipelines and the sale, hire, leasing, provision by means of hire-purchase or credit-sale, installation, repair and maintenance of gas appliances, 20

(b) any functions that, in the opinion of the Minister are incidental or ancillary to any functions conferred on the Board under *paragraph (a)* of this subsection or that, in the opinion of the Minister, are requisite or advantageous to, or facilitate, the performance by the Board of any such functions, and 25 30

(c) any functions that, in the opinion of the Minister, are necessary or expedient for ensuring that, in the performance by the Board of the functions conferred on it under *paragraphs (a)* and *(b)* of this subsection, the safety of the public and property is, as far as is practicable, secured. 35

(2) Without prejudice to the generality of *paragraph (c)* of *subsection (1)* of this section, an order under that subsection may confer on the Board, and members of the staff of the Board duly authorised by the Board in that behalf, power to enter and inspect any premises and there to take such measures as they consider appropriate (includ- 40

ing the evacuation of persons found on those premises) for the purpose of ensuring that, in the performance by the Board of the functions conferred on it under *paragraphs (a) and (b) of the said subsection (1)*, the safety of the public and property is, as far as is practicable, secured.

(3) The Board shall publish each year separate audited accounts of the Dublin Gas Company operation showing the full financial position of the company, including details of the contract for purchase of gas and a general description of the tariffs for sale of gas to customers.

(4) An order under *subsection (1)* of this section may make provision for such incidental or ancillary matters as the Minister considers necessary or expedient and may include a provision that obstruction of or interference with the Board or members of its staff in the performance of their functions under this section or failure or refusal to comply with directions given by the Board or members of its staff in the performance of their functions under *paragraph (c)* of that subsection shall be offences punishable on summary conviction by such penalties specified in the order as the court may impose.

(5) Functions conferred on the Board by an order under *subsection (1)* of this section may be performed only in such areas as may be specified in the order and such an order may confer on the Board different functions in relation to different areas.

(6) (a) Subject to *paragraph (b)* of this subsection and notwithstanding *subsection (1)* of this section, section 8 (7) of the Principal Act shall apply to the construction of a pipeline pursuant to and in accordance with a function conferred on the Board under this section as it applies to the construction of a pipeline pursuant to and in accordance with a function conferred on the Board by that Act.

(b) The Minister may, with the consent of the Minister for Finance, by notice in writing delivered to the Board declare that the said section 8 (7) shall not apply to the construction pursuant to and in accordance with a function conferred on the Board under the said *subsection (1)* of pipelines or specified pipelines or classes of pipelines in an area in which functions conferred by an order under the said *subsection (1)* may be performed, or a specified part of that area and, whenever a notice under this paragraph is in force, the said section 8 (7) shall not apply in relation to the construction of pipelines, or those pipelines or classes of pipelines specified in the notice, in the area specified in the notice.

(c) The Minister may, with the consent of the Minister for Finance, specify in a notice under *paragraph (b)* of this subsection such conditions (if any) as he thinks desirable in relation to the construction, maintenance, repair or replacement of the pipelines or classes of pipelines to which the notice relates and the Board shall comply with any conditions so specified.

(d) The Minister may, with the consent of the Minister for Finance, by notice in writing delivered to the Board, amend or revoke a notice under this subsection (including a notice under this paragraph).

(7) The Minister may, by order under this subsection, revoke or amend an order under this section (including an order under this subsection).

(8) An order 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 order is passed by either such House within the next 21 days on which that House 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. 5

Amendment of
section 8 of
Principal Act.

3.—Section 8 of the Principal Act is hereby amended by the substitution of the following subsection for subsection (7):

“(7) The Board shall not export gas or construct a pipeline, except pursuant to and in accordance with a consent given by the Minister under this subsection with the concurrence of the Minister for Finance and the Minister shall, if he thinks fit, with the concurrence of the Minister for Finance, when giving such a consent, attach conditions to the consent and, in addition to the foregoing, where the consent relates to the export of gas, the consent shall be given only after consultation with the Minister for Industry and Commerce.”. 10 15

Amendment of
section 18 of
Principal Act.

4.—(1) Section 18 of the Principal Act is hereby amended by the insertion after subsection (7) of the following subsection:

“(7A) in this section— 20

‘officers and servants of the Board’ and ‘officer or servant of the Board’ include persons who are, or were at any time, officers or servants of the Dublin Gas Company, a company that is, or was at any time, a subsidiary (within the meaning of the Companies Act, 1963) of the Dublin Gas Company or a company whose assets are acquired at any time by the Board; 25

‘on retirement or death’ includes in respect of retirement or death and ‘on the resignation, retirement or death’ includes in respect of the resignation, retirement or death.”.

(2) This section shall come into operation on such day as the Minister may appoint by order. 30

Amendment of
section 23 of
Principal Act.

5.—Section 23 of the Principal Act is hereby amended by the substitution in subsection (2) of “£170,000,000” for “£80,000,000” (inserted by the Gas (Amendment) Act, 1982) and that subsection, as so amended, is set out in the Table to this subsection: 35

TABLE

“(2) The aggregate at any one time either of the borrowings under this section, or of such borrowings and any advances under section 22 of this Act, which have not been repaid, shall not exceed £170,000,000.”.

Amendment of
First Schedule to
Principal Act.

6.—(1) The First Schedule to the Principal Act is hereby amended by the substitution of the following Article for Article 2: 40

“2. The Board shall consist of a chairman and such number of other members, not being more than 8, as the Minister, with the consent of the Minister for Finance may determine.”.

Redemption by
Company of its
debenture stock.

7.—The Company may redeem and cancel any debenture stock issued by it before the passing of this Act and such redemption may 45

- be effected by the sending by prepaid ordinary post by the Company to each holder of any such stock, at the address of such holder specified in the register of holders of the stock kept by the company, of the amount specified in the certificate of his holding issued by the
- 5 Company together with any interest thereon at the rate specified in the certificate accrued up to the date of such sending and not previously paid and, upon such sending, the stock shall cease to be a charge on the assets of the Company.

- 8.—(1) This Act may be cited as the Gas (Amendment) Act, 1987. Short title,
construction and
collective citation.
- 10 (2) The Gas Acts, 1976 to 1982, and this Act shall be construed together as one Act and may be cited together as the Gas Acts, 1976 to 1987.

BILLE

dá ngairtear

Acht do leasú agus do leathnú na nAchtanna Gáis,
1976 go 1982.

An tAire Fuinnimh a thólaic

*Ritheadh ag Dáil Éireann,
24 Meitheamh, 1987*

BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

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entitled

An Act to amend and extend the Gas Acts, 1976
to 1982.

Presented by the Minister for Energy

*Passed by Dáil Éireann,
24th June, 1987*

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