



# **DÁIL ÉIREANN**

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## **AN BILLE UM RIALÁIL GÁIS, 2013 GAS REGULATION BILL 2013**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM RIALÁIL GÁIS, 2013 —ROGHFHOCHOISTE

### GAS REGULATION BILL 2013 —SELECT SUB-COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 6, line 35, before “European” to insert “the”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Náúrtha.

#### SECTION 21

2. In page 14, between lines 5 and 6, to insert the following:

- “21. (1) The memorandum of association of the energy company shall be in such form consistent with this Act as may be approved by the Minister with the consent of the Minister for Public Expenditure and Reform and shall not be inconsistent with the Natural Gas Directive.
- (2) The principal objects of the energy company stated in the memorandum of association shall include the ownership and operation of the energy business in a manner consistent with the Natural Gas Directive and this Act.
- (3) The articles of association of the energy company shall be in such form consistent with this Act as may be approved by the Minister with the consent of the Minister for Public Expenditure and Reform and shall not be inconsistent with the Natural Gas Directive.
- (4) Notwithstanding anything contained in the Companies Acts, no alteration of the memorandum of association or the articles of association of the energy company shall be valid or effectual unless made with the prior approval of the Minister given with the consent of the Minister for Public Expenditure and Reform.”

—Michael Colreavy.

*[Acceptance of this amendment involves the deletion of section 21 of the Bill.]*

3. In page 14, line 22, after “Directive” to insert “during the period beginning on the transfer date and ending on the disposal date”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Náúrtha.

#### SECTION 23

[SECTION 23]

4. In page 15, line 1, to delete “in order to transfer” and substitute “for, or ancillary to, the purposes of the transfer to that company of all, or part, of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 26

5. In page 15, line 14, to delete “At any time before the disposal date,”.

—Michael Colreavy.

6. In page 15, line 22, to delete “in order to transfer” and substitute “for, or ancillary to, the purposes of the transfer to that company of all, or part, of”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 29

7. In page 16, between lines 9 and 10, to insert the following:

“29. Any disposal by BGÉ of its shares in an energy company shall not result in an increase of the ratio of net debt to shareholder’s equity of BGÉ.”.

—Michael Moynihan.

*[Acceptance of this amendment involves the deletion of section 29 of the Bill.]*

8. In page 16, between lines 9 and 10, to insert the following:

**“Annual Report and accounts**

29. (1) BGÉ shall include in its annual report pursuant to section 14 of the Act of 1976 a report of the proceedings of the energy company in that financial year.

(2) In keeping accounts pursuant to section 15 of the Act of 1976 BGÉ shall ensure that accounts of all moneys received or expended by the energy company are identified separately.”.

—Michael Colreavy.

*Section opposed.*

—Michael Colreavy.

SECTION 30

9. In page 16, between lines 13 and 14, to insert the following:

“30. Any proceeds from the disposal by BGÉ of its shares in an energy company shall be ring-fenced for investment in long-term assets that will yield an employment and growth benefit to the State.”.

—Michael Moynihan.

10. In page 16, between lines 13 and 14, to insert the following:

“30. BGÉ shall not dispose of the assets of Irish Water.”.

—Michael Moynihan.

[SECTION 30]

11. In page 16, between lines 13 and 14, to insert the following:

“30. The Minister shall, within 12 months of the enactment of this Act, bring forward a report which shall assess whether or not the State received value for money from the sale of an energy company (Bord Gáis Energy).”

—Michael Moynihan.

12. In page 16, between lines 13 and 14, to insert the following:

“30. The Minister shall, within 12 months of the enactment of this Act, bring forward a report which shall outline a review of the retail energy market in Ireland, assessing whether or not sufficient competition and regulation is in place to ensure prices are kept low for consumers.”

—Michael Moynihan.

13. In page 16, line 23, after “7B” to insert “(2)(e)”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

14. In page 18, line 32, to delete “, by substituting for subsection (3) the following:” and substitute the following:

“—

(i) in subsection (1) (as amended by section 9(a) of the Energy (Miscellaneous Provisions) Act 1995 by substituting “with the prior consent of the majority-shareholding Minister, given where the majority-shareholding Minister is not the Minister for Finance with the approval of the Minister for Finance” for “with the prior consent of the Minister given with the approval of the Minister for Finance”, and

(ii) by substituting for subsection (3) the following:”

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

15. In page 19, lines 13 to 21, to delete all words from and including “—” in line 13 down to and including “consulted” in line 21 and substitute the following:

“with the consent of the majority-shareholding Minister given (where the majority-shareholding Minister is not the Minister for Finance, with the approval of the Minister for Finance) after having consulted with the Minister, the Minister for Public Expenditure and Reform and any other Minister of the Government who, in the opinion of the majority-shareholding Minister having regard to the functions of that other Minister, ought to be consulted”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 34

16. In page 22, line 42, after “he” to insert “or she”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 35

[SECTION 35]

17. In page 23, line 6, after “his” to insert “or her”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 36

18. In page 23, line 39, before “by” to insert “subject to paragraph (b).”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 37

19. In page 25, lines 40 to 42, to delete all words from and including “—” in line 40 down to and including “refusal” in line 42 and substitute the following:

“consult the Minister, the Commission and the Board and where the majority-shareholding Minister refuses consent, he or she shall provide reasons for the refusal”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SECTION 39

20. In page 28, between lines 14 and 15, to insert the following:

**“Transfer of certain capital stock issued by BGÉ under section 7B(2) of the Act of 1976**

39. On the date on which the Government first appoints a Minister of the Government to be the majority-shareholding Minister by order under section 7B(2)(e) of the Act of 1976—

- (a) any capital stock referred to in section 7B(2)(c) of the Act of 1976 that has been issued to the Minister for Public Expenditure and Reform or which stands transferred to that Minister pursuant to section 16(4) of the Ministers and Secretaries (Amendment) Act 2011 stands transferred to the majority-shareholding Minister, and
- (b) half of any capital stock referred to in section 7B(2)(b) of the Act of 1976 that has been issued to the Minister stands transferred to the Minister for Public Expenditure and Reform.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

*[Acceptance of this amendment involves the deletion of section 39 of the Bill.]*

SECTION 41

21. In page 29, line 6, after “Board” to insert “or the relevant person”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

SCHEDULE 3

22. In page 36, to delete lines 13 to 17.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

23. In page 36, to delete lines 26 to 30.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

[SCHEDULE 3]

24. In page 36, line 33, after “Act” to insert “and this Schedule”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

25. In page 36, line 34, to delete “and this Schedule”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

26. In page 36, line 36, after “document.” to insert the following:

“No provision of any contract shall operate or become exercisable or be contravened by reason of the enactment or operation of this Act.”.

—An tAire Cumarsáide, Fuinnimh agus Acmhainní Nádúrtha.

TITLE

27. In page 5, lines 8 to 11, to delete all words from and including “to” in line 8 down to and including “Éireann;” in line 11 and substitute “to provide for the continued public ownership of Bord Gáis Éireann’s energy business;”.

—Michael Colreavy.