



SEANAD ÉIREANN

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

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM RIALÁIL GÁIS, 2013 —AN COISTE

GAS REGULATION BILL 2013 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 1

- *1. In page 5, line 19, after “Act” to insert “, other than section 46.”.

SECTION 4

2. In page 7, after line 34, to insert the following:

“(f) 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.”.

—*Senator Mark Daly.*

SECTION 18

- *3. In page 13, line 21, to delete “and”.

SECTION 21

- *4. In page 14, line 10, after “BGÉ” where it firstly occurs to insert “and its subsidiaries”.

- *5. In page 14, line 12, to delete “the” where it firstly occurs and substitute “a”.

- *6. In page 14, line 17, to delete “or” and substitute the following:

“(c) all or any of the assets, licences, right and liabilities and staff (whether or not subject to exceptions) of, or relating to a specified function or business activity of, one or more than one subsidiary of BGÉ, or”.

- *7. In page 14, line 18, to delete “both of”.

SECTION 22

8. In page 14, between lines 22 and 23, to insert the following:

“22. (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.

[SECTION 22]

- (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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

[Acceptance of this amendment involves the deletion of section 22 of the Bill.]

SECTION 26

- *9. In page 15, line 27, after “transfer” to insert “to the energy company”.
- *10. In page 15, line 28, after “BGÉ” to insert “and its subsidiaries”.
- *11. In page 15, line 28, to delete “to the energy company”.
- *12. In page 15, line 29, after “transfer” to insert “to the energy company”.
- *13. In page 15, line 29, after “BGÉ” to insert “and its subsidiaries”.
- *14. In page 15, line 30, to delete “to the energy company”.

SECTION 27

15. In page 15, line 32, to delete “At any time before the disposal date,”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

SECTION 28

- *16. In page 16, line 21, to delete “and”.

SECTION 30

17. In page 16, between lines 29 and 30, to insert the following:

“Annual Report and accounts

30. (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.”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*

[Acceptance of this amendment involves the deletion of section 30 of the Bill.]

18. In page 16, after line 33, to insert the following:

“(2) 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.”.

[SECTION 30]

—*Senator Mark Daly.*

19. In page 16, after line 33, to insert the following:

“(2) 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.”.

—*Senator Mark Daly.*

20. In page 16, after line 33, to insert the following:

“(2) BGÉ shall not dispose of the assets of Irish Water.”.

—*Senator Mark Daly.*

Section opposed.

—*Senator Mark Daly.*

SECTION 31

*21. In page 16, after line 33, to insert the following:

“Taxation of chargeable gains

31. (1) Sections 617 and 631 of the Taxes Consolidation Act 1997 shall not apply to any transfer to, or vesting in, an energy company under *section 26(a)* and *Schedule 3*.

(2) Section 623 of the Taxes Consolidation Act 1997 shall not apply where, on a disposal of an energy company in accordance with *section 30*, the energy company ceases to be a member of a group of companies (within the meaning of section 616 of that Act) of which BGÉ is a member.”.

NEW SECTION

*22. In page 32, after line 16, to insert the following:

“Further amendment of Water Services Act 2013

46. Part 2 of the Water Services Act 2013 is amended by inserting the following section after section 18:

“Superannuation

18A. (1) As soon as may be after the coming into operation of this section, the subsidiary shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of members of staff of the subsidiary.

(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) The subsidiary may at any time prepare and submit to the Minister a

[NEW SECTION]

scheme amending or revoking a scheme previously submitted and approved under this section.

- (4) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by the subsidiary in accordance with its terms.
- (5) Every scheme made under this section shall make provision for appeals.
- (6) A superannuation benefit shall not be granted by the subsidiary to or in respect of any of its staff who are members of a scheme under this section and no other arrangement shall 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 or an arrangement approved by the Minister and the Minister for Public Expenditure and Reform.
- (7) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.
- (8) In this section ‘superannuation benefit’ means a pension, gratuity or other allowance payable on resignation, retirement or death.”.”.

SCHEDULE 3

- *23. In page 37, line 4, to delete “of BGÉ”.
- *24. In page 37, line 5, to delete “of BGÉ”.
- *25. In page 37, line 10, after “BGÉ” to insert “, a subsidiary of BGÉ or both”.
- *26. In page 37, line 13, to delete “of BGÉ”.
- *27. In page 37, line 14, to delete “of BGÉ”.
- *28. In page 37, line 18, after “BGÉ” to insert “, a subsidiary of BGÉ or both”.
- *29. In page 37, line 30, after “BGÉ” to insert “or a subsidiary of BGÉ”.

[SCHEDULE 4]

SCHEDULE 4

- *30. In page 38, line 4, to delete “BGÉ”.
- *31. In page 38, line 5, to delete “of BGÉ”.
- *32. In page 38, line 12, to delete “by BGÉ”.

TITLE

- 33. 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;”.

—*Senators David Cullinane, Trevor Ó Clochartaigh, Kathryn Reilly.*