



An Bille um Sheirbhísí Uisce (Leasú) (Uimh. 2), 2022
Water Services (Amendment) (No. 2) Bill 2022

Mar a ritheadh ag Dáil Éireann

As passed by Dáil Éireann



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WATER SERVICES (AMENDMENT) (NO. 2) BILL 2022

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CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, collective citation and commencement
2. Definitions
3. Expenses
4. Repeals

PART 2

REORGANISATION OF UISCE ÉIREANN

5. Change of name of Irish Water
6. Appointed day
7. Amendment of section 2 of Principal Act
8. Amendment of section 4 of Principal Act
9. Amendment of section 5 of Principal Act
10. Amendment of section 6 of Principal Act
11. Insertion of sections 6A and 6B in Principal Act
12. Amendment of section 7 of Principal Act
13. Amendment of section 15 of Principal Act
14. Final accounts and final annual report of Uisce Éireann as subsidiary of Ervia
15. Insertion of sections 17A to 17E in Principal Act
16. Accountability to Committee of Public Accounts
17. Amendment of section 19 of Principal Act
18. Amendment of section 20 of Principal Act
19. Amendment of section 21 of Principal Act
20. Amendment of section 23 of Principal Act

21. Amendment of section 26 of Principal Act
22. Amendment of section 32 of Principal Act
23. Transfer of members of staff to Uisce Éireann
24. Transfer of rights and liabilities and preservation of contracts
25. Liability for loss occurring before appointed day
26. Transfer of records

PART 3

DISSOLUTION OF WATER ADVISORY BODY

27. Dissolution day
28. Final report on Uisce Éireann and final annual report of Water Advisory Body

PART 4

AMENDMENT OF OTHER ACTS

29. Amendment of Water Services Act 2007
30. Amendment of No. 2 Act of 2013
31. Miscellaneous amendments

SCHEDULE

MISCELLANEOUS AMENDMENTS

ACTS REFERRED TO

Adoptive Leave Acts 1995 and 2005
Carer's Leave Act 2001 (No. 19)
Companies Act 2014 (No. 38)
Comptroller and Auditor General (Amendment) Act 1993 (No. 8)
Data Sharing and Governance Act 2019 (No. 5)
Financial Emergency Measures in the Public Interest (No. 2) Act 2009 (No. 41)
Financial Emergency Measures in the Public Interest Act 2010 (No. 38)
Gas Act 1976 (No. 30)
Interpretation Act 2005 (No. 23)
Maternity Protection Acts 1994 and 2004
Minimum Notice and Terms of Employment Acts 1973 to 2005
Ministers and Secretaries (Amendment) Act 2011 (No. 10)
Organisation of Working Time Act 1997 (No. 20)
Parent's Leave and Benefit Act 2019 (No. 35)
Parental Leave Acts 1998 to 2019
Paternity Leave and Benefit Act 2016 (No. 11)
Prompt Payment of Accounts Act 1997 (No. 31)
Protection of Employees (Fixed-Term Work) Act 2003 (No. 29)
Protection of Employees (Part-Time Work) Act 2001 (No. 45)
Public Service Management (Recruitment and Appointments) Act 2004 (No. 33)
Public Service Pensions (Single Scheme and Other Provisions) Act 2012 (No. 37)
Public Service Superannuation (Miscellaneous Provisions) Act 2004 (No. 7)
Redundancy Payments Acts 1967 to 2022
Regulation of Lobbying Act 2015 (No. 5)
Stamp Duties Consolidation Act 1999 (No. 31)
Taxes Consolidation Act 1997 (No. 39)
Terms of Employment (Information) Acts 1994 to 2014
Unfair Dismissals Acts 1977 to 2015
Water Services (No. 2) Act 2013 (No. 50)
Water Services Act 2007 (No. 30)
Water Services Act 2013 (No. 6)
Water Services Act 2017 (No. 29)
Water Services Acts 2007 to 2017



AN BILLE UM SHEIRBHÍSÍ UISCE (LEASÚ) (UIMH. 2), 2022
WATER SERVICES (AMENDMENT) (NO. 2) BILL 2022

Bill

entitled

An Act to provide that Irish Water shall be known only as Uisce Éireann; to provide for the reorganisation of Uisce Éireann, the separation of Uisce Éireann from Ervia, the removal of Ervia's functions relating to Uisce Éireann, and for those purposes to make certain amendments to the Gas Act 1976, the Water Services Act 2013, the Water Services (No. 2) Act 2013, the Water Services Act 2017 and certain other enactments; to make further provision for the board and chief executive officer of Uisce Éireann; to amend the accounting and reporting requirements of Uisce Éireann; to provide for accountability by Uisce Éireann to a Committee of Dáil Éireann; to provide for the transfer of certain staff, rights and liabilities and records from Ervia to Uisce Éireann; to provide for the dissolution of the Water Advisory Body; and to provide for matters connected therewith.

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title, collective citation and commencement

1. (1) This Act may be cited as the Water Services (Amendment) (No. 2) Act 2022.
- (2) The Water Services Acts 2007 to 2017 and this Act may be cited together as the Water Services Acts 2007 to 2022.
- (3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—

“Act of 2017” means the Water Services Act 2017;

- “appointed day” means the day appointed by order under *section 6(1)*;
- “dissolution day” means the day appointed by order under *section 27*;
- “enactment” has the same meaning as it has in the Interpretation Act 2005;
- “Minister” means the Minister for Housing, Local Government and Heritage;
- “No. 2 Act of 2013” means the Water Services (No. 2) Act 2013; 5
- “Principal Act” means the Water Services Act 2013;
- “Water Advisory Body” means the body established by section 43(1) of the Act of 2017.

Expenses

3. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas. 10

Repeals

4. (1) Sections 9(5), 13, 14, 17, 18, 24(2), 25(1), 25(3), 26(2), 28 and 31 of the Principal Act are repealed.
- (2) Sections 26(3) and 35(3) of the No. 2 Act of 2013 are repealed. 15
- (3) Section 15(1A) of the Gas Act 1976 is repealed.
- (4) The following provisions of the Act of 2017 are repealed:
- (a) sections 44(1) and 53;
- (b) sections 42, 43, 44 (in so far as it is not repealed by *paragraph (a)*), 45, 46, 47, 48, 49, 50, 51 and 52. 20
- (5) Notwithstanding the repeal of sections 17 and 18 of the Principal Act by *subsection (1)*, Uisce Éireann shall prepare its accounts and report pursuant to those sections for the year ending on 31 December 2022.
- (6) Notwithstanding the repeal of sections 44(1)(b) and 53 of the Act of 2017 by *subsection (4)(a)*, the Water Advisory Body shall prepare a report under section 44(1) (b) and an annual report under section 53, as modified by *section 28*, for the period ending on 31 December 2022. 25

PART 2

REORGANISATION OF UISCE ÉIREANN

Change of name of Irish Water 30

5. (1) The company known in the Irish language as Uisce Éireann and in the English language as Irish Water shall, on and from the day immediately before the appointed day, be known only as its name in the Irish language, Uisce Éireann.
- (2) On and from the day specified in *subsection (1)*—

- (a) references in any enactment, legal proceedings or other document to Irish Water shall be construed as references to Uisce Éireann only, and
- (b) the Principal Act, other than in *section 4*, is amended by the substitution of “Uisce Éireann” for “the subsidiary” in each place where it occurs.

Appointed day 5

6. (1) The Minister shall, by order, appoint a day to be the appointed day for the purposes of this Act.
- (2) On the appointed day—
- (a) the shares in Uisce Éireann issued to Ervia, the Minister and the Minister for Finance under section 5(4) of the Principal Act shall be cancelled, and 10
 - (b) Uisce Éireann shall cease to be a subsidiary of Ervia.
- (3) No consideration shall be payable to Ervia, the Minister or the Minister for Finance in respect of the cancellation of the shares under *subsection (2)(a)*.

Amendment of section 2 of Principal Act

7. Section 2 of the Principal Act is amended— 15
- (a) by the substitution of the following definition for the definition of “Board”:
 - “ ‘Board’ has the meaning assigned to it by section 6A(2);”,
 - (b) by the deletion of the definition of “subsidiary”, and
 - (c) by the insertion of the following definitions:
 - “ ‘Act of 2014’ means the Companies Act 2014; 20
 - ‘appointed day’ means the day appointed by order under *section 6(1)* of the *Water Services (Amendment) (No. 2) Act 2022*;
 - ‘chief executive officer’ has the meaning assigned to it by section 6B(1);
 - ‘director’ means a person appointed to the Board under section 6A(2);
 - ‘enactment’ has the same meaning as it has in the Interpretation Act 2005; 25
 - ‘financial year’ shall be construed in accordance with section 17A;”.

Amendment of section 4 of Principal Act

8. Section 4 of the Principal Act is amended—
- (a) by the substitution of “Ervia” for the “The Board”, and
 - (b) by the deletion of “(in this Act referred to as the ‘subsidiary’)”.
- 30

Amendment of section 5 of Principal Act

9. Section 5 of the Principal Act is amended—
- (a) by the substitution of the following subsection for subsection (1):

- “(1) The company formed and registered under the Companies Acts in accordance with section 4, known in the Irish language as Uisce Éireann and in the English language as Irish Water, shall be known, on and from the day immediately before the appointed day, only as its name in the Irish language, Uisce Éireann.”, 5
- (b) by the insertion of the following subsections after subsection (1):
- “(1A) Uisce Éireann is the national authority for water services with responsibility for the functions assigned to it by or under the Water Services Acts 2007 to 2022.
- (1B) Subsections (1) to (3) of section 969 of the Act of 2014 shall not apply to Uisce Éireann.”, 10
- (c) by the deletion of subsection (2),
- (d) in subsection (3)—
- (i) by the substitution of “constitution” for “memorandum of association”, and
- (ii) by the deletion of “the Minister for Finance and”, 15
- (e) by the insertion of the following subsections after subsection (3):
- “(3A) On the appointed day, Uisce Éireann shall issue—
- (a) one share to the Minister, and
- (b) 99 shares to the Minister for Public Expenditure and Reform.
- (3B) Uisce Éireann may, from time to time, with the prior consent of the Minister, issue to that Minister or to the Minister for Public Expenditure and Reform such number of shares as may be agreed upon, and are subscribed for, by that Minister of the Government. 20
- (3C) No consideration shall be payable by the Minister or the Minister for Public Expenditure and Reform in respect of shares issued under subsection (3A). 25
- (3D) The whole of the issued share capital of Uisce Éireann shall be held by the Minister and the Minister for Public Expenditure and Reform.
- (3E) Subject to subsection (3F), the Minister and the Minister for Public Expenditure and Reform, may, in respect of the shares in Uisce Éireann for the time being held by either of them, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares. 30
- (3F) The Minister or the Minister for Public Expenditure and Reform shall not alienate the shares issued to him or her under subsections (3A) or (3B), as the case may be.”, 35
- and
- (f) by the deletion of subsections (4), (5) and (6).

Amendment of section 6 of Principal Act

10. Section 6 of the Principal Act is amended—

(a) by the substitution of the following subsection for subsection (1):

“(1) The constitution of Uisce Éireann shall be in such form consistent with the Act of 2014 and with this Act as may be approved by the Minister and the Minister for Public Expenditure and Reform.”, 5

(b) by the deletion of subsection (2), and

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

“(3) Notwithstanding anything contained in the Act of 2014, no alteration of the constitution of Uisce Éireann shall be valid or effectual unless made with the prior approval of the Minister and the Minister for Public Expenditure and Reform.”. 10

Insertion of sections 6A and 6B in Principal Act

11. The Principal Act is amended by the insertion of the following sections after section 6:

“Board of Uisce Éireann” 15

6A. (1) Subject to section 6B(7), each director of Uisce Éireann standing appointed immediately before the appointed day shall cease to be a director of Uisce Éireann on the appointed day.

(2) Uisce Éireann shall have a board (in this Act referred to as the ‘Board’) which shall consist of at least 5 and not more than 10 directors (including its chairperson and the chief executive officer), each of whom shall be appointed by the Minister, with the consent of the Minister for Public Expenditure and Reform. 20

(3) The Minister, with the consent of the Minister for Public Expenditure and Reform, shall appoint one of the directors of Uisce Éireann to be its chairperson. 25

(4) Of the persons appointed to be directors of Uisce Éireann under subsection (2), one shall be nominated by the Irish Congress of Trade Unions in accordance with subsection (11).

(5) The Minister shall, in so far as is practicable, endeavour to ensure that among the directors of Uisce Éireann there is an equitable balance between men and women. 30

(6) The Board may act notwithstanding one or more vacancies among its directors subject to having a quorum of 3.

(7) An appointment to the Board and the appointment of the company secretary of that Board shall each be subject to such terms and conditions as are set out in the constitution of Uisce Éireann. 35

(8) There may be paid to the directors of Uisce Éireann, out of monies at the disposal of Uisce Éireann, such allowances for expenses incurred

- by them as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.
- (9) A director of Uisce Éireann (other than the chief executive officer) shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Minister shall determine. 5
- (10) A director of Uisce Éireann whose term of office expires by the passage of time shall be eligible for reappointment to the Board, provided he or she does not hold office for more than 2 terms of office, whether the terms are served consecutively or otherwise.
- (11) The Irish Congress of Trade Unions shall, whenever so requested by the Minister, nominate no less than 2 candidates for appointment to the Board and shall inform the Minister, within such period as the Minister shall specify when making the request, of the names of the candidates nominated and of the reasons why, in the opinion of the Irish Congress of Trade Unions, they are suitable for such appointment. 10 15
- (12) A director of Uisce Éireann may resign from office by giving notice to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.
- Chief Executive Officer** 20
- 6B.** (1) Subject to subsection (7), the Board shall, with the consent of the Minister, appoint the chief executive officer of Uisce Éireann (in this Act referred to as the ‘chief executive officer’).
- (2) The chief executive officer shall—
- (a) carry on, manage and control generally, the administration of Uisce Éireann, 25
- (b) advise the directors of Uisce Éireann in relation to the performance by Uisce Éireann of its functions.
- (3) Subject to section 6A(2), the chief executive officer shall be an *ex officio* director of Uisce Éireann but he or she shall not be the chairperson. 30
- (4) The chief executive officer shall hold office under a written contract of service for such term, and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as are specified in the contract, as may be determined by the Board with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform. 35
- (5) The chief executive officer may, with the consent of the Minister, be removed from office by the Board for stated reasons.
- (6) The chief executive officer shall not hold any other office or occupy any other position in respect of which emoluments are payable, or carry on any business without the consent of the Board. 40

- (7) The person who stands appointed as chief executive officer of Uisce Éireann immediately before the appointed day shall continue to—
- (a) hold that office upon and subject to the same terms and conditions, and
 - (b) be an *ex officio* director of Uisce Éireann, 5
for the remainder of his or her term of office.”.

Amendment of section 7 of Principal Act

12. Section 7 of the Principal Act is amended by the insertion of the following subsections after subsection (1):

- “(1A) The Minister may, at any time, remove a director of Uisce Éireann 10
from office if the Minister is of the opinion that—
- (a) the director has become incapable through ill-health of performing his or her functions,
 - (b) the director has committed stated misbehaviour,
 - (c) the director has contravened section 9(1), or 15
 - (d) the removal of the director appears to the Minister to be necessary for the effective performance by Uisce Éireann of its functions.
- (1B) Where a person is removed from office pursuant to subsection (1A), he or she shall cease to be qualified, and cease, to be a director of Uisce Éireann.”. 20

Amendment of section 15 of Principal Act

13. Section 15 of the Principal Act is amended—

- (a) by the substitution of the following paragraph for paragraph (a):
“(a) Uisce Éireann, or”,
and 25
- (b) by the deletion of paragraph (b).

Final accounts and final annual report of Uisce Éireann as subsidiary of Ervia

14. The Principal Act is amended by the insertion of the following section after section 16:

- “16A.(1) Uisce Éireann shall, in respect of the financial year specified in section 17A(2)(a), prepare its final accounts and final annual report as a 30
subsidiary of Ervia.
- (2) Uisce Éireann shall, not later than 2 months after the appointed day, submit the final accounts to the auditor appointed by Uisce Éireann for that purpose and shall, immediately after the audit, present a copy of the accounts to the Minister who shall, as soon as practicable 35

following their presentation, cause a copy of those accounts to be laid before each House of the Oireachtas.

- (3) Uisce Éireann shall, not later than 4 months after the appointed day, prepare and submit to the Minister the final annual report of Uisce Éireann as a subsidiary of Ervia and the Minister shall, as soon as practicable after receiving such report, cause a copy of the final report to be laid before each House of the Oireachtas.” 5

Insertion of sections 17A to 17E in Principal Act

15. The Principal Act is amended by the insertion of the following sections after section 17:

“Financial year 10

17A. (1) Where the appointed day is 1 January 2023—

(a) the financial year of Uisce Éireann immediately preceding the appointed day shall commence on 1 January 2022 and end on 31 December 2022,

(b) the next financial year shall commence on the appointed day and end on 31 December 2023, and 15

(c) each subsequent financial year shall be determined in accordance with section 288(2) of the Act of 2014.

(2) Where the appointed day is after 1 January 2023—

(a) the financial year of Uisce Éireann immediately preceding the appointed day shall commence on 1 January 2023 and end on the day before the appointed day, 20

(b) the next financial year of Uisce Éireann shall commence on the appointed day and end on 31 December 2023, and

(c) each subsequent financial year shall be determined in accordance with section 288(2) of the Act of 2014. 25

(3) Where subsection (2) applies, the financial year specified in paragraphs (a) or (b) of that subsection may be a period shorter than a calendar year.

Preparation and audit of statutory financial statements 30

17B. (1) Part 6 of the Act of 2014 shall apply to Uisce Éireann subject to the modifications specified in subsections (2) to (7).

(2) The first statutory financial statements prepared under this section shall be in respect of the financial year specified in subsections (1)(b) or (2)(b) of section 17A, as the case may be, and subsequent financial statements shall be prepared in respect of each subsequent financial year. 35

(3) Uisce Éireann shall, not later than 2 months after the end of the financial year to which they relate, submit the statutory financial

statements, prepared in accordance with Part 6 of the Act of 2014, to the Comptroller and Auditor General for audit.

- (4) The Comptroller and Auditor General shall audit, and prepare a report in the form set out in section 336 of the Act of 2014 on, the statutory financial statements submitted to him or her under subsection (3). 5
- (5) Uisce Éireann shall pay to the Comptroller and Auditor General in respect of the audit under this section such fees as are approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.
- (6) In relation to Uisce Éireann— 10
 - (a) a reference to ‘statutory auditor’ in the Act of 2014 shall include a reference to the Comptroller and Auditor General, and
 - (b) a reference to ‘audit of the statutory financial statements’ in the Act of 2014 shall include a reference to the audit of the statutory financial statements by the Comptroller and Auditor General under subsection (4). 15
- (7) Chapters 18, 20 and 21 of Part 6 of the Act of 2014 shall not apply to the Comptroller and Auditor General in the performance of his or her functions in relation to Uisce Éireann, nor to the audit of Uisce Éireann’s statutory financial statements by him or her. 20
- (8) In this section, ‘statutory financial statements’ has the same meaning as it has in Part 6 of the Act of 2014.

Appointment of statutory auditor or firm

- 17C.** (1) The Board may, after consultation with the Minister, appoint a statutory auditor or statutory audit firm to be a statutory auditor of Uisce Éireann, if the Board considers it appropriate to do so, for the purposes of, and in accordance with, the Act of 2014. 25
- (2) Where a statutory auditor or statutory audit firm is appointed under subsection (1), the first statutory auditor’s report prepared in accordance with section 336 of the Act of 2014 shall be in respect of the financial year specified in subsections (1)(b) or (2)(b) of section 17A, as the case may be, and subsequent reports shall be prepared in respect of each subsequent financial year. 30
 - (3) The appointment of a statutory auditor or statutory audit firm under subsection (1) shall not affect the operation of section 17B. 35
 - (4) Uisce Éireann shall pay to a statutory auditor appointed under this section such fees as are approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.
 - (5) In this section—
 - ‘statutory audit firm’ has the same meaning as it has in Part 27 of the Act of 2014; 40
 - ‘statutory auditor’ has the same meaning as it has in the Act of 2014.

Annual report

- 17D.** (1) Uisce Éireann shall prepare a report on the performance by it of its functions under the Water Services Acts 2007 to 2022 (in this section referred to as the ‘annual report’).
- (2) The annual report shall include such particulars as Uisce Éireann considers appropriate or as may be directed by the Minister. 5
- (3) The first annual report prepared under this section shall be in respect of the financial year specified in subsections (1)(b) or (2)(b) of section 17A, as the case may be, and subsequent annual reports shall be prepared in respect of each subsequent financial year. 10

Presentation of financial statements and reports

- 17E.** (1) Uisce Éireann shall, not later than 30 June in each year, commencing in the year 2024, present to the Minister a copy of—
- (a) the statutory financial statements submitted to the Comptroller and Auditor General under section 17B(3), 15
- (b) the report prepared under section 17B(4),
- (c) the statutory auditor’s report referred to in section 17C(2), if applicable, and
- (d) the annual report prepared under section 17D(1).
- (2) The Minister shall cause a copy of the statutory financial statements and the reports presented to him or her under subsection (1) to be laid before each House of the Oireachtas as soon as practicable following their presentation.”. 20

Accountability to Committee of Public Accounts

- 16.** The Principal Act is amended by the insertion of the following section after section 18: 25
- “**18AA.**(1) The chairperson of the Board and the chief executive officer shall be nominated persons for the purposes of this section.
- (2) The nominated persons shall, whenever required by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the accounts and reports of the Comptroller and Auditor General, give evidence to that Committee on— 30
- (a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record or account subject to audit by the Comptroller and Auditor General that Uisce Éireann is required by or under an enactment to prepare, 35
- (b) the economy and efficiency of Uisce Éireann in its use of the resources made available to it under the Water Services Acts 2007 to 2022,

- (c) the systems, procedures and practices employed by Uisce Éireann for the purposes of evaluating the effectiveness of its operations, and
- (d) any matter affecting Uisce Éireann referred to in—
 - (i) any special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993, or 5
 - (ii) any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in any of paragraphs (a) to (c)) that is laid before Dáil Éireann. 10
- (3) In appearing before the Committee referred to in subsection (2), each nominated person shall appear as a person accountable to the Committee and not as an accounting officer.
- (4) The nominated persons, in giving evidence under subsection (2), shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy. 15
- (5) Any evidence given under subsection (2) shall, subject to preserving confidentiality in relation to such commercially sensitive information as may be determined by the Board, relate to the policies of Uisce Éireann.”. 20

Amendment of section 19 of Principal Act

17. The Principal Act is amended by the substitution of the following section for section 19:

“Definition

19. In this Part ‘metering authority’ means Uisce Éireann.”. 25

Amendment of section 20 of Principal Act

18. Section 20 of the Principal Act is amended—

- (a) in subsections (1) and (2), by the substitution of “the metering authority” for “a metering authority” in each place where it occurs, and
- (b) in subsection (3)— 30
 - (i) by the substitution of the following paragraphs for paragraphs (a) and (b):
 - “(a) a water services authority, or
 - (b) the metering authority.”,
 - and
 - (ii) by the deletion of paragraph (c). 35

Amendment of section 21 of Principal Act

19. Section 21 of the Principal Act is amended by the substitution of “the metering authority” for “a metering authority” in each place where it occurs.

Amendment of section 23 of Principal Act

20. Section 23 of the Principal Act is amended by the substitution of “the metering authority” for “a metering authority” in each place where it occurs. 5

Amendment of section 26 of Principal Act

21. Section 26(5) of the Principal Act is amended by the substitution, in paragraph (i), of “Act of 1999.” for “Act of 1999, of the Board.”.

Amendment of section 32 of Principal Act

22. Section 32 of the Principal Act is amended— 10

(a) by the substitution of the following subsection for subsection (1):

“(1) The Minister may give a direction in writing to Uisce Éireann, in relation to the performance by Uisce Éireann of its functions under this Act, requiring it to comply with such policies of the Government as are specified in the direction.”. 15

and

(b) by the deletion of subsections (3) and (4).

Transfer of members of staff to Uisce Éireann

23. (1) The chief executive of Ervia shall, prior to the appointed day, designate for employment by Uisce Éireann certain members of the staff of Ervia. 20

(2) Each member of staff designated under *subsection (1)* shall, on the appointed day, cease to be a member of staff of Ervia and become and be a member of staff of Uisce Éireann.

(3) Save in accordance with a collective agreement negotiated with any recognised trade union or staff association concerned, a person transferred to Uisce Éireann under *subsection (2)* shall be subject to such terms and conditions of service including terms and conditions relating to remuneration and superannuation, as are not less favourable than those to which the person was subject immediately before the appointed day. 25

(4) In relation to a person transferred to Uisce Éireann under *subsection (2)*, previous service with Ervia shall be reckonable for the purposes of, but subject to any exceptions or exclusions in, the following: 30

(a) the Redundancy Payments Acts 1967 to 2022;

(b) the Protection of Employees (Part-Time Work) Act 2001;

(c) the Protection of Employees (Fixed-Term Work) Act 2003; 35

(d) the Organisation of Working Time Act 1997;

- (e) the Terms of Employment (Information) Acts 1994 to 2014;
- (f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;
- (g) the Unfair Dismissals Acts 1977 to 2015;
- (h) the Maternity Protection Acts 1994 and 2004;
- (i) the Parental Leave Acts 1998 to 2019; 5
- (j) the Adoptive Leave Acts 1995 and 2005;
- (k) the Carer's Leave Act 2001;
- (l) the Paternity Leave and Benefit Act 2016;
- (m) the Parent's Leave and Benefit Act 2019.

Transfer of rights and liabilities and preservation of contracts 10

- 24.** (1) All rights and liabilities of Ervia relating to Uisce Éireann, arising by virtue of any contract, agreement, arrangement or commitment (express or implied) entered into by Ervia on behalf of Uisce Éireann (expressly or impliedly) before the appointed day shall, on that day, stand transferred to Uisce Éireann.
- (2) Every right and liability transferred by *subsection (1)* to Uisce Éireann may, on and after the appointed day, be sued on, recovered or enforced by or against Uisce Éireann in its own name and it shall not be necessary for Ervia to give notice to a person whose right or liability is transferred by that subsection of such transfer. 15
- (3) Every contract, agreement or arrangement relating to Uisce Éireann made by Ervia (or by any trustee or agent acting on its behalf) on behalf of Uisce Éireann and any other person, which is in force immediately before the appointed day, shall continue in force and shall be construed and have effect as if the name of Uisce Éireann were substituted for Ervia or its trustee or agent, as the case may be, and shall be enforceable by or against Uisce Éireann. 20
- (4) A reference to a contract, agreement or arrangement in this section includes any commitments of Ervia made on behalf of Uisce Éireann or relating to Uisce Éireann that derived from any competition or process for the procurement of services by Ervia which was commenced before the appointed day. 25

Liability for loss occurring before appointed day

- 25.** (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the appointed day of any of the functions of Uisce Éireann shall, on and after the appointed day, lie against Uisce Éireann and not against Ervia. 30
- (2) Any legal proceedings relating to Uisce Éireann and pending immediately before the appointed day to which Ervia is a party shall be continued, with the substitution in the proceedings of Uisce Éireann, in so far as they so relate, for Ervia. 35
- (3) Where, before the appointed day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a

person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable by or against Ervia, be enforceable by or against Uisce Éireann and not Ervia.

- (4) Any claim made or proper to be made by Ervia in respect of any loss or injury arising from the act or default of any person before the appointed day shall, where the claim relates to a function of Uisce Éireann, on or after that day, be regarded as having been made by or proper to be made by Uisce Éireann and may be pursued and sued for by Uisce Éireann as if the loss or injury had been suffered by Uisce Éireann. 5

Transfer of records

26. (1) Subject to *subsection (2)* and to any agreement entered into between Uisce Éireann and Ervia concerning the processing of data or the control of personal data, each record held by Ervia immediately before the appointed day that relates to Uisce Éireann or to the functions of Uisce Éireann, shall on the appointed day stand transferred to Uisce Éireann and shall, on and after that day, be the property of Uisce Éireann and be regarded as being held by Uisce Éireann. 10 15
- (2) Ervia may retain an original record that relates to both Uisce Éireann and Ervia, and Ervia shall, at the request of Uisce Éireann, transfer a copy of that record to Uisce Éireann on or after the appointed day.
- (3) Uisce Éireann may, for the purpose of its functions, have access to an original record that is held by Ervia under *subsection (2)* and Uisce Éireann shall have the right to hold such a record for such period as may be agreed by Uisce Éireann and Ervia. 20
- (4) The Minister may make regulations in relation to the transfer of records under this section and without prejudice to the generality of the foregoing, such regulations may make provision for—
- (a) the processing of data or the control of personal data under an agreement specified in *subsection (1)*, 25
- (b) the records that transfer to Uisce Éireann under *subsection (1)*,
- (c) the records that may be retained by Ervia under *subsection (2)*,
- (d) the records that may be requested by Uisce Éireann under *subsection (2)*,
- (e) the records that may be accessed by Uisce Éireann under *subsection (3)*, 30
- (f) time limits for the transfer or retention of records, and
- (g) such incidental, supplementary and consequential matters as appear to the Minister to be necessary or expedient for the purposes of the regulations.
- (5) In this section, “record” includes, in addition to a document in writing and an electronic record— 35
- (a) a plan, chart, map, drawing, diagram, pictorial or graphic image,
- (b) a disc, tape, soundtrack or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,

- (c) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and
- (d) a photograph.

PART 3

5

DISSOLUTION OF WATER ADVISORY BODY

Dissolution day

27. (1) The Minister shall, by order, appoint a day to be the dissolution day for the purposes of this Act.
- (2) The Water Advisory Body shall stand dissolved on and from the dissolution day. 10

Final report on Uisce Éireann and final annual report of Water Advisory Body

28. (1) The Water Advisory Body shall, not later than the dissolution day, furnish a final report in accordance with section 44(1)(b) of the Act of 2017 in respect of the period ending on 31 December 2022.
- (2) The Water Advisory Body shall, not later than the dissolution day, prepare and submit to the Minister the final annual report of the Advisory Body (within the meaning of section 53(1)(b) of the Act of 2017) and the Minister shall, as soon as practicable after receiving such report, cause a copy of that report to be laid before each House of the Oireachtas. 15

PART 4

20

AMENDMENT OF OTHER ACTS

Amendment of Water Services Act 2007

29. The Water Services Act 2007 is amended—
- (a) in section 6, by the deletion of “Bord Gáis Éireann,” in each place where it occurs, 25
 - (b) in section 7(1), by the deletion of “Bord Gáis Éireann,”
 - (c) in section 15, by the substitution of “the Minister for Public Expenditure and Reform” for “the Minister for Finance”, and
 - (d) in section 16—
 - (i) by the substitution, in paragraph (dd), of “Forum, or” for “Forum,” and 30
 - (ii) by the deletion of paragraph (de).

Amendment of No. 2 Act of 2013

30. The No. 2 Act of 2013 is amended—

(a) in section 25—

(i) by the substitution, in subsection (1), of “constitution” for “memorandum of association and articles of association”, and 5

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

“(2) Notwithstanding anything contained in the Companies Acts, no alteration of the constitution of Uisce Éireann shall be valid or effectual unless made with the prior approval of the Minister and the Minister for Public Expenditure and Reform.”, 10

and

(b) in section 35(1)(a), by the substitution of “Uisce Éireann may, for the purposes of the Water Services Acts 2007 to 2022 and with the consent of the Minister, the Minister for Finance” for “Irish Water may, for the purposes of this Act and with the consent of the Minister, the Minister for Communications, Energy and Natural Resources, the Minister for Finance”. 15

Miscellaneous amendments

31. The enactments specified in *column (3)* of the *Schedule* are amended to the extent specified in *column (4)* of the *Schedule*.

SCHEDULE

Section 31

MISCELLANEOUS AMENDMENTS

Reference (1)	Number and Year (2)	Short Title (3)	Extent of Amendment (4)	
1.	No. 31 of 1997	Prompt Payment of Accounts Act 1997	The Schedule is amended by the insertion of “Uisce Éireann” after “Údarás na Gaeltachta”.	5
2.	No. 39 of 1997	Taxes Consolidation Act 1997	Schedule 13 is amended by the insertion of the following paragraph: “210. Uisce Éireann.”.	10
3.	No. 31 of 1999	Stamp Duties Consolidation Act 1999	Section 86(b) is amended by the substitution of “Bord Gáis Éireann or Uisce Éireann” for “or Bord Gáis Éireann”.	15
4.	No. 7 of 2004	Public Service Superannuation (Miscellaneous Provisions) Act 2004	Schedule 1 is amended by the insertion of the following paragraph after paragraph 18B: “18C. Uisce Éireann.”.	20
5.	No. 33 of 2004	Public Service Management (Recruitment and Appointments) Act 2004	Schedule 3 is amended by the insertion of the following paragraph after paragraph 20: “20A. Uisce Éireann.”.	25
6.	No. 41 of 2009	Financial Emergency Measures in the Public Interest (No. 2) Act 2009	The Schedule is amended by the insertion of the following paragraph after paragraph 19: “19A. Uisce Éireann.”.	30
7.	No. 38 of 2010	Financial Emergency Measures in the Public Interest Act 2010	The Schedule is amended by the insertion of the following paragraph after paragraph 20: “20A. Uisce Éireann.”.	35
8.	No. 10 of 2011	Ministers and Secretaries (Amendment) Act 2011	Schedule 1 is amended by the insertion of the following paragraph after paragraph 19: “19A. Uisce Éireann.”.	40

Reference (1)	Number and Year (2)	Short Title (3)	Extent of Amendment (4)	
9.	No. 37 of 2012	Public Service Pensions (Single Scheme and Other Provisions) Act 2012	The Schedule is amended by the insertion of the following paragraph after paragraph 20: “20A. Uisce Éireann.”.	5
10.	No. 5 of 2015	Regulation of Lobbying Act 2015	The Schedule is amended by the insertion of the following paragraph after paragraph 18: “18A. Uisce Éireann.”.	10
11.	No. 5 of 2019	Data Sharing and Governance Act 2019	The Schedule is amended by the insertion of the following paragraph after paragraph 25: “25A. Uisce Éireann.”.	15

An Bille um Sheirbhísí Uisce (Leasú)
(Uimh. 2), 2022

BILLE

(mar a ritheadh ag Dáil Éireann)

dá ngairtear

Acht do dhéanamh socrú gur Uisce Éireann amháin a thabharfar ar Irish Water; do dhéanamh socrú maidir le hUisce Éireann a atheagrú, Uisce Éireann a scaradh ó Ervia, feidhmeanna Ervia a bhaineann le hUisce Éireann a bhaint agus, chun na gcríoch sin, do dhéanamh leasuithe áirithe ar an Acht Gáis, 1976, ar an Acht um Sheirbhísí Uisce, 2013, ar an Acht um Sheirbhísí Uisce (Uimh. 2), 2013, ar an Acht um Sheirbhísí Uisce, 2017 agus ar achtacháin áirithe eile; do dhéanamh socrú breise maidir le bord agus príomhoifigeach feidhmiúcháin Uisce Éireann; do leasú cheanglais chuntasaiochta agus tuairiscithe Uisce Éireann; do dhéanamh socrú maidir le cuntasacht Uisce Éireann do Choiste de Dháil Éireann; do dhéanamh socrú chun foireann, cearta agus dlíeanais agus taifid áirithe a aistriú ó Ervia go hUisce Éireann; do dhéanamh socrú maidir leis an gComhlacht Comhairleach Uisce a dhíscaoileadh; agus do dhéanamh socrú i dtaobh nithe a bhaineann leis an méid sin.

Ritheadh ag Dáil Éireann,

9 Samhain, 2022

Water Services (Amendment) (No. 2) Bill
2022

BILL

(as passed by Dáil Éireann)

entitled

An Act to provide that Irish Water shall be known only as Uisce Éireann; to provide for the reorganisation of Uisce Éireann, the separation of Uisce Éireann from Ervia, the removal of Ervia's functions relating to Uisce Éireann, and for those purposes to make certain amendments to the Gas Act 1976, the Water Services Act 2013, the Water Services (No. 2) Act 2013, the Water Services Act 2017 and certain other enactments; to make further provision for the board and chief executive officer of Uisce Éireann; to amend the accounting and reporting requirements of Uisce Éireann; to provide for accountability by Uisce Éireann to a Committee of Dáil Éireann; to provide for the transfer of certain staff, rights and liabilities and records from Ervia to Uisce Éireann; to provide for the dissolution of the Water Advisory Body; and to provide for matters connected therewith.

Passed by Dáil Éireann,

9th November, 2022

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ó

FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
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