



An Bille um Shábháilteacht Gáis (Leasú), 2026
Gas Safety (Amendment) Bill 2026

Meabhrán Miniúcháin
Explanatory Memorandum



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EXPLANATORY MEMORANDUM

Introduction

The Gas Safety (Amendment) Bill 2026 amends the Electricity Regulation Act 1999 to improve the safety of the operation, monitoring, maintenance and use of Natural Gas (NG) and Liquefied Petroleum Gas (LPG) in Ireland. The Bill gives the Commission for the Regulation of Utilities (CRU) new powers to enforce compliance with the Gas Safety Framework, in particular by providing for safety licensing of previously unregulated third-party domestic LPG networks; introduces a penal offence for NG and LPG undertakings for failure to conform with a safety case (or safety ‘obligation’ in certain cases) with a penalty up to a Class A fine (€5,000) on summary conviction, or up to €3 million on conviction on indictment; introduces a requirement for NG and LPG undertakings to hold a safety permit and an associated safety case for any given activity they carry out; transitions the Gas Safety Framework for NG and LPG to a statutory basis, grandfathers existing safety cases and gives the Minister and CRU powers to designate NG and LPG activities to come within the scope of the new statutory regime; strengthens the CRU’s powers, including in relation to Gas Safety Officers (GSOs) and Gas Emergency Officers (GEOs), updates several definitions of terms to meet the most up-to-date understandings and revokes certain redundant NG and LPG regulations.

Provisions

The Bill follows the November 2023 Government Decision to draft legislation amending the 1999 Act on the basis of the General Scheme.

The Bill comprises 23 sections.

Provisions of the Bill

Section 1 (Definition)

This section provides that the term “Principal Act”, when used in the Bill, means the Electricity Regulation Act 1999.

Section 2 (Amendment of section 2 of Principal Act)

This section updates the Principal Act’s “Interpretation” section. The definitions of “LPG incident” and “natural gas incident” are amended to include near-miss or precursor events. The definition of “LPG undertaking” is amended to capture previously unregulated third-party LPG undertakings serving domestic customers. The definition of “LPG safety licence” is altered to include LPG safety licences issued heretofore, as well as the new Class 1 and Class 2 safety licences provided for under

Section 9 of the Bill. This section also provides new definitions of terms giving effect to the transition to the new statutory safety regime.

Section 3 (Amendment of section 9 of Principal Act)

This section grants the CRU powers to specify requirements for an emergency response service to be provided by classes of LPG suppliers to Class 2 licensed networks. It also updates CRU functions to take any necessary and reasonable action in the public interest in relation to gas safety.

Section 4 (Amendment of section 9H of Principal Act)

This section grants the CRU powers to make regulations relating to gas safety, including requiring LPG undertakings to provide an emergency response service to LPG customers. Regulations are to outline the obligations of smaller operators holding LPG safety licences (Class 2) to assist emergency responders and to develop and share emergency plans.

Section 5 (Amendment of section 9I of Principal Act)

This section provides rules concerning the appointment of GEOs by the CRU or a licensed gas transmission system operator, who are to be suitably qualified persons with the necessary expertise and experience. The conditions for the use of GEOs' powers are clarified, and provision is made for the reimbursement of reasonable costs and expenses for damages caused by GEOs in the execution of their duties, as well as for arbitration in case of dispute. GEOs are obliged to issue reports on their entry onto land via their powers.

Section 6 (Amendment of section 9J of Principal Act)

This section provides rules concerning the appointment of GSOs, who are to be suitably qualified persons with the necessary expertise and experience. The scope of GSOs' powers to enter into land or dwellings to investigate alleged contraventions of the Principal Act, natural gas incidents, LPG incidents or other events or occurrences involving natural gas or LPG is more explicitly defined. GSOs are empowered to obtain a court warrant to enter onto land and into dwellings if required. GSOs are required to provide notice of any materials removed from or modifications made to land in pursuance of their powers, and provision is made for the issuance of such a warrant by a judge of a District Court.

The section provides that the use of GSO powers to enter and inspect land requires the GSO to hold the opinion that there is or may be an imminent risk of bodily injury, threat to life or damage to property. Provision is made for the reimbursement of reasonable costs and expenses for damages caused by GSOs in the execution of their duties, as well as for arbitration in case of dispute. GSOs are obliged to issue reports on their entry onto land via their powers.

Section 7 (Amendment of section 9JA of Principal Act)

This section amends the circumstances in which the CRU may require an undertaking to submit an improvement plan, making reference to a failure to comply with safety cases, conditions of safety permits, or a prescribed duty, requirement or obligation.

Section 8 (Amendment of section 9JB of Principal Act)

This section amends the circumstances in which the CRU may serve an undertaking with an improvement notice, making reference to failure to operate in accordance with the LPG or natural gas safety framework, safety cases, conditions of safety permits or a prescribed duty,

requirement or obligation. The 21-day waiting period before the CRU may serve such a notice is removed.

Section 9 (Amendment of section 9JE of Principal Act)

This section distinguishes two classes of LPG safety licence. It provides that a LPG safety licence (Class 1) is required to make LPG available for 10 or more piped distribution networks for use by individual domestic customers. A LPG safety licence (Class 2) is required for fewer than 10 such networks. Pre-existing LPG safety licences are deemed to be LPG safety licences (Class 1). The section allows the CRU to require a person who has applied for a LPG safety licence (Class 2) to apply for a LPG safety licence (Class 1) in the interest of safety on the basis of several technical grounds outlined in the section.

Section 10 (Insertion of new sections 9JEA and 9JEB)

This section provides for an appeals process for disputes arising from CRU decisions with respect to a LPG safety licence. The section outlines the terms by which the Minister for Climate, Energy and the Environment may appoint a suitable person as an appeals officer. An applicant aggrieved by a CRU decision to refuse, specify conditions to revoke or modify the terms of a LPG safety licence may appeal in writing to the appeals officer, who may confirm the decision or recommend that it is set aside.

Section 11 (Natural gas incidents and LPG incidents)

This section enables the CRU to make regulations prescribing certain events as part of the definitions of “natural gas incident” and “LPG incident”, and to make regulations pertaining to their reporting and investigation. This may include events or occurrences which, in the opinion of the Commission, may materially increase the risk of an event or occurrence to which the definition already refers. This enables the definition, and CRU regulations, to include “near-miss” or “precursor” incidents. The section provides that contravention of penal regulations made in these regards is an offence.

Section 12 (Insertion of new sections 9JH to 9JS)

This section gives the Minister the power to designate by regulation activities to fall under the new statutory safety permit regime for natural gas undertakings and provides for a penalty for persons carrying out designated natural gas activities without a safety permit.

The section also requires the CRU to prepare guidelines for the preparation of safety cases, which natural gas undertakings are required to submit in order to receive a safety permit.

A maximum five-year review period for safety cases is introduced, except for certain activities the CRU decides can have longer review periods if more appropriate. A new safety permit is required upon acceptance of a reviewed safety case. A duty is placed on undertakings to conform with their safety cases, and penalties for failure to do so are provided for.

The section further provides that the CRU shall determine the form of a safety permit, may attach such conditions to a safety permit as it considers appropriate, and may refuse or revoke a safety permit subject to appeals procedures. Public access to accepted safety cases associated with safety permits is provided for. A transitional provision grandfathered safety cases for NG activities that currently exist under the administrative regime set out in the Principal Act.

Section 13 (General duty of natural gas undertakings)

This section introduces a duty on natural gas undertakings to ensure that natural gas activity, and the design, construction, installation, maintenance, modification, operation and decommissioning of natural gas infrastructure, are carried out in a way as to reduce any risk to a level that is as low as reasonably possible.

Section 14 (Insertion of new sections 9KA to 9KL)

This section gives the Minister the power to designate by regulation activities to fall under the new statutory safety permit regime for LPG undertakings and provides for a penalty for persons carrying out designated LPG activities without a safety permit.

The section also requires the CRU to prepare guidelines for the preparation of safety cases, which LPG undertakings are required to submit in order to receive a safety permit.

A maximum five-year review period for safety cases is introduced, except for certain activities the CRU decides can have longer review periods if more appropriate. A new safety permit is required upon acceptance of a reviewed safety case. A duty is placed on undertakings to conform with their safety cases, and penalties for failure to do so are provided for.

The section further provides that the CRU shall determine the form of a safety permit, may attach such conditions to a safety permit as it considers appropriate, and may refuse or revoke a safety permit subject to appeals procedures. Public access to accepted safety cases associated with safety permits is provided for. A transitional provision grandfathers safety cases for LPG activities that currently exist under the administrative regime set out in the Principal Act.

Section 15 (Insertion of new sections 9KM and 9KN)

This section concerns the obligations of holders of the new LPG safety licence (Class 2). The CRU is given the power to make regulations prescribing duties, requirements or obligations with which the holders of such licences must comply. Contravention of a provision of such a regulation is made a penal offence.

The section also introduces a duty on LPG undertakings to ensure that LPG activity, and the design, construction, installation, maintenance, modification, operation and decommissioning of LPG infrastructure, are carried out in a way that reduces any risk to a level that is as low as reasonably possible.

Section 16 (Amendment of section 13Z)

This section removes a 21-day waiting period before CRU may serve a safety improvement notice on petroleum undertakings, in order to reflect the practice with respect to natural gas and LPG undertakings.

Section 17 (Amendment of Schedule 1 of Principal Act)

This section extends the power of the CRU to make levy orders on energy or petroleum undertakings or holders of LPG safety licences in order to meet expenses arising from compensation for damage caused by GEOs in the pursuance of their duties.

Section 18 (Revocation of Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident) Regulations 2014)

This section revokes regulations made redundant by the passage of the Bill.

Section 19 (Amendment of Liquefied Petroleum Gas Safety (Liquefied Petroleum Gas Incident Reporting and Investigation) Regulations 2014)

This section revokes a regulation made redundant by the passage of the Bill.

Section 20 (Existing gas emergency officers)

This section provides for the continuity of service of GEOs appointed by Gas Networks Ireland, while any existing GEOs appointed by LPG undertakings will have their appointments terminated to allow CRU to now make these appointments.

Section 21 (Existing gas safety officers)

This section provides for the continuity of service of GSOs appointed prior to the passage of the Bill.

Section 22 (Transitional arrangements)

This section provides for the continued validity of ongoing inspections and investigations by GSOs under Section 9J of the Principal Act.

Section 23 (Short title, collective citation, construction and commencement)

This section provides for the Bill's short title, allows for the collective citation and construction of the Electricity Regulation Acts 1999 to 2026, and enables the Minister to commence the Bill by order.

*An Roinn Aeráide, Fuinnimh agus Comhshaoil,
Eanáir, 2026.*

