



An Bille um Rialáil Leictreachais (Leasú) (Uimh. 2), 2026
Electricity Regulation (Amendment) (No. 2) Bill 2026

Mar a tionscnaíodh

As initiated



AN BILLE UM RIALÁIL LEICTREACHAIS (LEASÚ) (UIMH. 2), 2026
ELECTRICITY REGULATION (AMENDMENT) (NO. 2) BILL 2026

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CONTENTS

Section

1. Definition
2. Amendment of section 2 (interpretation) of Act of 1999
3. Amendment of section 9 (functions of Commission) of Act of 1999
4. Amendment of section 34 (terms for connection to and use of transmission or distribution system) of Act of 1999
5. Repeal of section 37 (direct lines) of Act of 1999 and transitional provisions
6. Insertion of Part VA into Act of 1999
7. Amendment of section 48 (construction of sections 51 and 52(1) of Electricity (Supply) Act 1927) of Act of 1999
8. Amendment of section 50 (construction of section 54 of Electricity (Supply) Act 1927) of Act of 1999
9. Amendment of section 51 (construction of section 91 of Electricity (Supply) Act 1927) of Act of 1999
10. Short title, collective citation, construction and commencement

ACTS REFERRED TO

Acquisition of Land (Assessment of Compensation) Act 1919 (10 Geo. 5, c. 57)

Companies Act 2014 (No. 38)

Electricity (Supply) Act 1927 (No. 27)

Electricity Regulation Act 1999 (No. 23)

Electricity Regulation Acts 1999 to 2021



**AN BILLE UM RIALÁIL LEICTREACHAIS (LEASÚ) (UIMH. 2), 2026
ELECTRICITY REGULATION (AMENDMENT) (NO. 2) BILL 2026**

Bill

entitled

An Act to amend the Electricity Regulation Act 1999 to provide for the regulation of direct lines; and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Act of 1999” means the Electricity Regulation Act 1999.

Amendment of section 2 (interpretation) of Act of 1999

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2. Section 2 of the Act of 1999 is amended in subsection (1), in the definition of “direct line”, by substituting “section 38B” for “section 37”.

Amendment of section 9 (functions of Commission) of Act of 1999

3. Section 9 of the Act of 1999 is amended in subsection (1) by inserting the following paragraph after paragraph (ed): 15

“(ee) to regulate the construction and maintenance of, and any other activities relating to, direct lines with respect to safety.”

Amendment of section 34 (terms for connection to and use of transmission or distribution system) of Act of 1999

4. Section 34 of the Act of 1999 is amended— 20

(a) in subsection (1A) by substituting “section 38H” for “section 37(4)”, and

(b) in subsection (1B) by substituting “section 38H” for “section 37(4)”.

Repeal of section 37 (direct lines) of Act of 1999 and transitional provisions

5. (1) Section 37 of the Act of 1999 is repealed.

(2) A permission granted under section 37 of the Act of 1999 prior to the coming into operation of this Act shall be deemed to have been granted under section 38B of that Act. 25

- (3) An application for a permission under section 37 of the Act of 1999 that was made prior to the coming into operation of this Act and that has not, prior to the coming into operation of this Act, been the subject of a decision by the Commission for Regulation of Utilities shall be deemed to be an application made under section 38C of that Act and, subject to *subsection (4)*, that section shall apply accordingly. 5
- (4) For the purpose of an application to which *subsection (3)* relates, the reference in section 38C(2) of the Act of 1999 to the date that is 6 months from the date of receipt of an application under subsection (1) of that section shall be read as the date that is 6 months from the coming into operation of this Act.

Insertion of Part VA into Act of 1999 10

6. The Act of 1999 is amended by inserting the following Part after Part V:

“PART VA

DIRECT LINES

Definition (Part VA)

38A. In this Part ‘relevant person’ means— 15

- (a) the holder of a licence,
- (b) the holder of an authorisation,
- (c) a wholesale customer, or
- (d) a final customer.

Permission to construct direct line 20

38B. (1) The Commission may, in accordance with this Part, grant or refuse to grant a permission to a relevant person to construct a direct line not connected to the transmission system or distribution system when initially constructed for the purpose of facilitating the supply of electricity. 25

- (2) A relevant person to whom a permission is granted pursuant to subsection (1) may, by means of the direct line concerned, supply one or more of the following:
- (a) that person’s own premises;
 - (b) that person’s own subsidiaries; 30
 - (c) any wholesale or final customer of that person within the State, whether individually or jointly.

(3) The owner of a direct line constructed under subsection (1) may allow the direct line to be used for the transport of electricity to any wholesale or final customer within the State, whether individually or jointly. 35

(4) The possibility of supplying electricity through a direct line under this section shall not affect the possibility of contracting electricity in

accordance with Article 6 of the 2019 Internal Electricity Market Directive.

Application to construct direct lines

- 38C.** (1) A relevant person may apply for a permission under section 38B.
- (2) The Commission shall, not later than 6 months after receipt of an application under subsection (1), approve or reject that application. 5
- (3) For the purpose of considering an application under subsection (1), the Commission may request that the applicant provide such further information as the Commission may reasonably require.
- (4) Where a request for further information is made by the Commission under subsection (3), the applicant concerned shall provide that information not later than one month after receipt of the request. 10
- (5) The Commission shall, before approving or rejecting an application under subsection (1) consult with the transmission system operator and the distribution system operator. 15
- (6) The Commission may refuse an application under subsection (1) if any of the following applies:
- (a) the application has failed to satisfy the criteria specified under section 38D;
- (b) the granting of a permission under section 38B would have an adverse effect on either of the following: 20
- (i) the operation of the transmission or distribution system;
- (ii) security of supply;
- (c) the granting of a permission under section 38B would obstruct the application of the provisions on public service obligations contained in Article 9 of the 2019 Internal Electricity Market Directive. 25
- (7) Where the Commission approves an application under this section—
- (a) it shall grant a permission under section 38B,
- (b) it may specify such technical or other conditions, including those which may be necessary to ensure that direct lines are compatible with the transmission or distribution system, that it considers appropriate, and 30
- (c) the applicant concerned shall comply with any such conditions.
- (8) Where the Commission refuses an application under subsection (1) it shall give duly substantiated reasons for that refusal. 35

Technical, safety and other criteria for approving application under section 38C

- 38D.** (1) The Commission shall specify by order the criteria that shall apply for the purpose of approving an application under section 38C. 40

- (2) Without prejudice to the generality of subsection (1), criteria under that subsection shall include—
 - (a) any information that is required to be included in the application concerned,
 - (b) any technical, safety or other specifications that are required to be met in respect of the proposed direct line, and 5
 - (c) such other criteria as the Commission considers appropriate.
- (3) In making an order under subsection (1) the Commission shall have regard to the following:
 - (a) the need to ensure that any criteria for granting permission to construct a direct line are objective and non-discriminatory; 10
 - (b) the need to ensure that obtaining a permission under section 38B is not subject to disproportionate administrative procedures or costs;
 - (c) the need to ensure that, having regard to the potential for direct lines to facilitate the supply of electricity generated from renewable, sustainable or alternative forms of energy, any criteria that are specified under that subsection do not place unjustified obstacles to, or restrictions on, the construction of proposed direct lines; 15
 - (d) such other matter as the Commission considers relevant. 20

Certain direct lines deemed to be permitted for the purpose of section 38B

- 38E.** (1) The Commission may by order provide that a specified class or classes of proposed direct line shall be deemed to be permitted for the purpose of section 38B, subject to such criteria and conditions as may be specified in such order. 25
- (2) Without prejudice to the generality of subsection (1), the construction of a direct line in accordance with a permission that is deemed to have been given under this section shall be subject to the condition that the relevant person who is proposing to construct that line notifies the Commission of the proposed construction in such manner as the Commission may by order specify. 30
 - (3) In making an order under subsection (1), the Commission shall have regard to the following:
 - (a) the need to ensure that any criteria or conditions that are specified in respect of a class or classes of proposed direct line are objective and non-discriminatory; 35
 - (b) the need to ensure that any criteria or conditions that are specified in respect of a class or classes of proposed direct line do not subject the person proposing to create the direct line to disproportionate administrative procedures or costs; 40
 - (c) the need to ensure that, having regard to the potential for direct lines to facilitate the supply of electricity generated from

renewable, sustainable or alternative forms of energy, any criteria or conditions that are specified in respect of a class or classes of proposed direct line do not place unjustified obstacles to, or restrictions on, the construction of such lines;

(d) such other matter as the Commission considers relevant. 5

(4) The Commission shall not make an order under subsection (1) unless a notice of intention to make such an order is published in at least one newspaper circulating in the State at least one month before the making of the order.

Obligations relating to safety of direct lines 10

38F. (1) The Commission may, in the performance of its functions under section 9(1)(ee) make regulations relating to the safety of direct lines.

(2) Regulations under subsection (1) may—

(a) specify such procedures as the Commission considers appropriate in respect of the installation, operation, maintenance and decommissioning of direct lines, 15

(b) specify the safety standards to be achieved and maintained in respect of direct lines,

(c) specify the procedures that shall apply in relation to the inspection of direct lines to evaluate compliance with any regulations made regarding safety standards specified under this section by the Commission, and 20

(d) specify such other matters as the Commission considers appropriate.

(3) Where the Commission proposes to make regulations under this section, the Commission shall, before doing so, consult with the Minister, the transmission system operator, the distribution system operator and such other persons as, in the opinion of the Commission, appears appropriate. 25

(4) A person who fails to comply with regulations made under this section commits an offence and is liable— 30

(a) on summary conviction to a class A fine or a term of imprisonment not exceeding 6 months or to both, or

(b) on conviction on indictment to a fine not exceeding €50,000 or a term of imprisonment not exceeding 3 years or to both. 35

(5) In this section, ‘decommissioning’, in relation to a direct line, means taking the direct line permanently out of use with a view to its abandonment in situ or removal.

Electricity safety officer

38G. (1) The Commission may appoint a person to be an electricity safety officer for the purposes of— 40

- (a) this section,
 - (b) section 9(1)(ee), and
 - (c) investigating alleged contraventions of section 38F(4).
- (2) A person appointed under subsection (1) shall be furnished with a certificate of appointment by the Commission, and when exercising a power conferred by this section shall, if requested by any person thereby affected, produce such certificate to that person. 5
- (3) An electricity safety officer may, subject to the provisions of this section, enter any place at any reasonable time and there—
- (a) make such inspections or inquiries and carry out such tests, including inspection of any work carried out in relation to a direct line, in the interests of safety as the officer thinks fit, 10
 - (b) take any measurement or photograph or make any electrical or electronic recording which the officer considers necessary for the purposes of any such inspection or inquiry, 15
 - (c) require any person found in that place to produce to the officer such documents, records or materials as are in that person's possession or control relating to a matter under inquiry and to give to the officer such information as may reasonably be required in regard to such documents, record or materials, or 20
 - (d) inspect and copy or extract information from documents, records or materials produced to the officer under paragraph (c) or which the officer finds during the course of entry to that place.
- (4) An electricity safety officer shall not enter a dwelling other than—
- (a) with the consent of the occupier, or 25
 - (b) in accordance with a warrant from the District Court issued under subsection (6).
- (5) Where an electricity safety officer, in the exercise of the officer's powers under this section, is prevented from entering any place, an application may be made to the District Court for a warrant under subsection (6) authorising such entry. 30
- (6) Without prejudice to the powers of an electricity safety officer under this section, if a judge of the District Court is satisfied by information on oath of an electricity safety officer that there are reasonable grounds for believing that— 35
- (a) there are any articles or substances at any place or any records (including documents stored in a non-legible form) or information relating to a place, that the electricity safety officer requires to inspect for the purposes of enforcing this Part, or
 - (b) there is to be found, or such an inspection is likely to disclose, evidence of a contravention of, or failure to comply with, a 40

provision of this Part,

the judge may issue a warrant authorising an electricity safety officer, alone or accompanied by such other persons as may be necessary, at any time or times within one month of the date of issue of the warrant, on production of the warrant if requested, to enter the place, if necessary by the use of reasonable force, and perform any of the functions of an electricity safety officer under this section. 5

- (7) A person commits an offence if that person—
- (a) obstructs or impedes an electricity safety officer in the exercise of powers conferred by this section, 10
 - (b) fails or refuses to comply with an instruction given by an electricity safety officer under this section,
 - (c) knowingly gives to an electricity safety officer information which is false or misleading in a material respect, or
 - (d) alters, suppresses or destroys any documents, records or materials (including documents stored in non-legible form) that the person has been required to produce or may reasonably expect to be required to produce. 15
- (8) A person who commits an offence under this section is liable—
- (a) on summary conviction to a class A fine or a term of imprisonment not exceeding 6 months or to both, or 20
 - (b) on conviction on indictment to a fine not exceeding €50,000 or a term of imprisonment not exceeding 3 years or to both.
- (9) In this section, ‘electricity safety officer’ means a person appointed as such under subsection (1). 25

Transfer of ownership of certain direct lines

- 38H.** (1) Where there is a connection made between a direct line and the transmission or distribution system of the Board the Commission may, on the application of the Board, direct the owner of a direct line constructed under subsection (1A) or (1B) of section 34 or section 38B to transfer the ownership of the direct line to the Board on such terms, including terms as to compensation, as may be agreed between the Board and the owner of the direct line. 30
- (2) Where there is a connection made between a direct line constructed under section 34(1A) and the transmission system of the transmission system operator, the Commission shall, on the application of the transmission system operator, direct the owner of such direct line to transfer the ownership of the direct line to the transmission system operator on such terms, including terms as to compensation, as may be agreed between the transmission system operator and the owner of the direct line or as may be determined by the Commission. 35 40
- (3) In default of agreement between the Board, or the transmission system

operator, and the owner of a direct line as to compensation (and save where such compensation is determined by the Commission under subsection (2)), such compensation shall be assessed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919, and for this purpose the Board, or the transmission system operator, as appropriate, shall be deemed to be a public authority. 5

Public register for direct lines

38I. (1) The Commission shall, as soon as reasonably practicable after the coming into operation of the *Electricity Regulation (Amendment) (No. 2) Act 2026*, prepare and maintain a register of all direct lines permitted, or deemed to be permitted, under section 38B. 10

(2) A register prepared and maintained under subsection (1) shall include the following information in relation to each direct line concerned:

- (a) the name of the owner of the direct line;
- (b) the address at which the owner of the direct line ordinarily resides; 15
- (c) such information as the Commission considers appropriate for the purpose of mapping the direct line;
- (d) such technical, safety or other specifications relating to the direct line as the Commission considers appropriate;
- (e) such other information as the Commission considers appropriate. 20

(3) For the purpose of subsection (2)(b), a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act is deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business. 25

(4) The Commission shall make a register prepared and maintained under this section available to the public for inspection.”.

Amendment of section 48 (construction of sections 51 and 52(1) of Electricity (Supply) Act 1927) of Act of 1999 30

7. Section 48 of the Act of 1999 is amended by substituting “section 38B” for “section 37” in both places where it occurs.

Amendment of section 50 (construction of section 54 of Electricity (Supply) Act 1927) of Act of 1999

8. Section 50 of the Act of 1999 is amended— 35

- (a) in subsection (1) by substituting “section 38B” for “section 37”,
- (b) in subsection (2) by substituting “section 38B” for “section 37”, and
- (c) in subsection (4) by substituting “section 38B” for “section 37”.

Amendment of section 51 (construction of section 91 of Electricity (Supply) Act 1927) of Act of 1999

9. Section 51 of the Act of 1999 is amended by substituting “section 38B” for “section 37”.

Short title, collective citation, construction and commencement

10. (1) This Act may be cited as the Electricity Regulation (Amendment) (No. 2) Act 2026. 5
- (2) The Electricity Regulation Acts 1999 to 2021 and this Act may be cited together as the Electricity Regulation Acts 1999 to 2026 and shall be construed together as one.
- (3) This Act comes into operation 6 months after the date of its passing or such earlier date than the said 6 months as the Minister for Climate, Energy and the Environment may appoint by order. 10

An Bille um Rialáil Leictreachais (Leasú)
(Uimh. 2), 2026

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Rialáil Leictreachais,
1999 chun socrú a dhéanamh maidir le dírlínte
a rialáil; agus do dhéanamh socrú i dtaobh nithe
gaolmhara.

An Teachta Barra Ó hÉineacháin a thug isteach,
17 Meitheamh, 2026

Electricity Regulation (Amendment) (No.2)
Bill 2026

BILL

(as initiated)

entitled

An Act to amend the Electricity Regulation Act 1999
to provide for the regulation of direct lines; and
to provide for related matters.

Introduced by Deputy Barry Heneghan,
17th June, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
Teil: 046 942 3100
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