

Number 7 of 1993
GAS (AMENDMENT) ACT, 1993.

ARRANGEMENT OF SECTIONS

Section

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ACTS REFERRED TO

Continental Shelf Act, 1968/1968, No. 14

Gas Act, 1976 1976, No. 30

Gas (Amendment) Act, 1982 1982, No. 17

Gas (Amendment) Act, 1987 1987, No. 9

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GAS (AMENDMENT) ACT, 1993.

AN ACT TO AMEND AND EXTEND THE GAS ACTS, 1976 TO 1987.

[7th April, 1993]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

1 "the Principal Act".

1.-In this Act "the Principal Act" means the Gas Act, 1976.

2 Amendment of section 8 of Principal Act.

2.-Section 8 of the Principal act is hereby amended-

(a) by the insertion in subsection (3) after "apart from this section, the Board may" of "within or outside the State", and

(b) by the deletion in subsection (7) (inserted by the Gas (Amendment) Act, 1987) of all the words from "and, in addition" to the end of that subsection, and

(c) by the insertion after subsection (7) of the following subsection:

"(7A) The Minister may, with the concurrence of the Minister for Finance, revoke a consent given by him under subsection (7) of this section but such a revocation shall not prejudice the validity of anything done previously pursuant to and in accordance with the consent."

3 Further amendment of section 8 of Principal Act.

3.-Section 8 of the Principal act is hereby further amended by the substitution for subsection (8) of the following subsections:

"(8) Without prejudice to the generality of subsection (7) of this section, the Minister may attach to a consent given under that subsection for the construction by the Board of a pipeline-

(a) a condition requiring to be observed, as regards the pipeline, specified codes and standards of safety or efficiency regarding all or any of the following:

- (i) the construction of pipelines,
- (ii) the operation of pipelines,
- (iii) the maintenance of pipelines,

(b) a condition requiring the Board to obtain the prior consent of the Minister to the transfer by the Board to another person of an interest in the pipeline or a part thereof when it has been constructed by the Board.

(8A) Subject to subsection (8C) of this section, if the Board transfers to another person an interest in a pipeline or a part thereof that has been constructed by it pursuant to and in accordance with a consent given by the Minister under subsection (7) of this section and the prior consent of the Minister to the said transfer has been obtained by the Board under a condition attached to the said consent, the aforesaid condition and any other condition which is attached to the first-mentioned consent shall, as respects the pipeline or the part concerned, as the case may be, cease to bind the Board and become and be binding on the said person.

(8B) Subject to subsection (8C) of this section, if a person to whom a transfer by the Board of an interest in a pipeline referred to in subsection (8A) of this section has been made with the prior consent of the Minister transfers an interest in the pipeline or a part thereof to another person with the prior consent of the Minister the condition or conditions attached to the relevant consent that binds or bind the first-mentioned person by virtue of the said subsection (8A) shall, as respects the pipeline or the part concerned, as the case may be, cease to bind him and become and be binding on that other person.

(8C) Subsection (8A) or (8B), as the case may be, of this section shall not apply where the transfer of the interest in the pipeline or the part concerned, as the case may be, to which the said subsection (8A) or (8B), as appropriate, relates is not a transfer of the full interest for which the Board or other person making the transfer holds the pipeline or the part concerned unless the Minister in giving his consent to the transfer specifies that the said subsection (8A) or (8B), as appropriate, shall apply.

(8D) Subsections (8B) and (8C) of this section shall apply and have effect, with the necessary modifications, in relation to any subsequent transfer made with the prior consent of the Minister of an interest in a pipeline or a part thereof which has been the subject of a transfer to which the said subsection (8B) applies.

(8E) Where a foregoing provision of this section provides that a person shall be bound by a condition attached to a consent of the Minister given under subsection (7) of this section the following provisions shall have effect for so long as the person remains bound by the condition under an aforesaid provision, that is to say-

- (a) references to the Board in the condition shall be construed as references to him,
- (b) the condition shall otherwise be construed as having effect in relation to him with any other necessary modifications,
- (c) section 40 of this Act shall not apply to him as respects the pipeline concerned or the part thereof as respects which the condition binds him.

(8F) In subsections (8) to (8D) of this section-

'interest' means any estate, right, title or other interest, legal or equitable and includes a licence;

'transfer' includes grant, demise and assign or, as appropriate, a grant, demise and an assignment.

(8G) Where the Minister is satisfied that a condition attached to a consent given by him under subsection (7) of this section is not being complied with he may serve a notice on the Board or, as appropriate, the person who is bound by the condition by virtue of subsection (8A), (8B) or (8D) of this section requiring the Board or the person-

- (a) to comply with the condition within a specified period beginning on the date of service of the notice,
- (b) if the Minister thinks fit so to require, to refrain from operating or managing the pipeline concerned or any part thereof or the part thereof as respects which the condition binds the Board or the person or any part of that part.

(8H) (a) Subject to paragraph (c) of this subsection, if a person contravenes a condition attached to a consent given by the Minister under subsection (7) of this section or fails to comply with a requirement contained in a notice under subsection (8G) of this section he shall be guilty of an offence and shall be liable-

(i) on summary conviction, to a fine not exceeding £1,000 or imprisonment for a term not exceeding six months or both, or

(ii) on conviction on indictment, to a fine not exceeding £100,000 or imprisonment for a term not exceeding five years or both.

(b) Subject to paragraph (c) of this subsection, where an offence under paragraph (a) of this subsection is committed by a body corporate and is proved to have been committed with the consent or connivance of or to be attributable to any neglect on the part of a person being a director, manager, secretary or other similar officer of the body corporate, or a person who was purporting to act in any such capacity, that person as well as the body corporate shall be guilty of an offence and shall be liable to be proceeded against and punished as if he were guilty of the first-mentioned offence.

(c) Paragraphs (a) and (b) of this subsection shall not apply where the contravention or failure to comply in question occurs outside the State or a designated area (within the meaning of the Continental Shelf Act, 1968) unless the person responsible for the contravention or failure to comply is an Irish citizen or a body established in the State by or under any enactment.

(d) Summary proceedings for an offence under this subsection may be brought by the Minister."

4 Amendment of section 23 (2) of Principal Act.

4.-Section 23 of the Principal act is hereby amended by the substitution in subsection (2) of "£350,000,000" for "£170,000,000" (inserted by the Gas (Amendment) Act, 1987).

5 Amendment of section 25 (2) of Principal Act.

5.-Section 25 of the Principal Act is hereby amended by the substitution in subsection (2) of "£190,000,000" for "£80,000,000" (inserted by the Gas (Amendment) Act, 1982).

6 Short title and collective citation.

6.-(1) This Act may be cited as the Gas (Amendment) Act, 1993.

(2) The Gas Acts, 1976 to 1987, and this Act may be cited together as the Gas Acts, 1976 to 1993.