



Number 27 of 1927

ELECTRICITY (SUPPLY) ACT 1927

REVISED

Updated to 23 July 2024

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All Acts up to and including the *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024 (30/2024)*, enacted 23 July 2024, and all statutory instruments up to and including the *Criminal Justice (Miscellaneous Provisions) Act 2023 (Commencement) Order 2024 (S.I. No. 378 of 2024)*, made 23 July 2024, were considered in the preparation of this Revised Act.

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AN ACT TO MAKE PROVISION FOR THE REORGANISATION AND REGULATION OF THE GENERATION, TRANSMISSION, DISTRIBUTION AND SUPPLY OF ELECTRICITY THROUGHOUT SAORSTÁT EIREANN AND IN PARTICULAR TO MAKE PROVISION FOR THE GENERATION OF ELECTRICITY IN THE WORKS CONSTRUCTED BY THE STATE UNDER THE SHANNON ELECTRICITY ACT, 1925 AND FOR THE TRANSMISSION, DISTRIBUTION, AND SUPPLY OF SUCH ELECTRICITY, AND FOR THAT PURPOSE TO MAKE PROVISION FOR THE MANAGEMENT, ADMINISTRATION, AND CONTROL OF THE SAID WORKS WITH A VIEW TO THE EFFICIENT AND ECONOMIC OPERATION THEREOF AND FOR OTHER MATTERS INCIDENTAL TO OR ARISING IN THE COURSE OF THE MATTERS AFORESAID OR IN CONNECTION THEREWITH AND TO AMEND THE SAID SHANNON ELECTRICITY ACT, 1925. [28th May, 1927.]

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT EIREANN AS FOLLOWS:—

Annotations

Modifications (not altering text):

- C1** References to "electric line" construed (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 4(1), S.I. No. 286 of 2014.

Electric line

4. (1) A reference to an electric line wherever it occurs in the ESB Acts 1927 to 2014 shall be construed and have effect and be deemed always to have had effect as meaning any line which is used solely or amongst other things for carrying electricity for any purpose and as including—

- (a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,
- (b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or
- (c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.

...

- C2** Application of Act and collectively cited *Electricity (Supply) Acts 1927 to 2004* affected (21.09.2011) by *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011), regs. 42(22), 46(3), 63(2) and sch. 2, in effect as per reg. 1(3).

Screening for Appropriate Assessment and Appropriate Assessment of implications for European Sites

42. ...

(22) Notwithstanding any provision of any statute listed in the Second Schedule that provides for the consent for a plan or project to which this Regulation applies to be obtained by default on the failure of the public authority to provide a response within a specified timescale or otherwise, that provision shall not have effect in respect of any plan or project to which this Regulation applies.

...

Review of existing plans

46. ...

(3) For the purposes of this Regulation, a decision, including a decision to adopt or undertake, or give approval for a plan, may include those adopted, undertaken or approved pursuant to any of the enactments set out in the Second Schedule to these Regulations.

...

General provisions regarding licences etc

63. ...

(2) A licence, consent, permission, permit, derogation or other authorisation given under these Regulations or under any of the enactments referred to in the Second Schedule may include conditions requiring compliance with any guideline or code of practice issued under Regulation 71 or such provisions thereof as may be specified in the conditions.

...

SECOND SCHEDULE

...
15	2008	Electricity (Supply) Acts 1927 to 2004
...

C3 Application of Act extended, references to "authorised undertaker" construed and application of Act restricted (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), ss. 16(2), 50, S.I. No. 213 of 1999.

Authorisations to construct or reconstruct a generating station.

16.— ...

(2) Notwithstanding the Electricity (Supply) Acts, 1927 to 1995, the Board may not construct or reconstruct a generating station unless an authorisation has been granted to it by the Commission.

...

Construction of section 54 of Principal Act.

50.—(1) Subject to subsection (2), references in section 54 of the Principal Act to an authorised undertaker shall include references to the holder of an authorisation or the holder of a direct line permission under section 37.

(2) Where regulations made before the commencement of this section are made by the Board under the Principal Act which regulate the placing of electric lines across or along or either over or under any railway, land, inland navigation, dock or harbour those regulations shall apply to the holder of an authorisation or the holder of a direct line permission under section 37.

(3) The Board shall not amend regulations to which subsection (2) applies without the consent of the Commission.

(4) The Commission may prescribe modifications to regulations referred to in subsection (2) for the purposes of enabling their application to the holder of an authorisation or the holder of a direct line permission under section 37.

C4 Applilcation of collectively cited *Electricity (Supply) Acts* restricted (23.12.1958) by *Electricity (Supply) (Amendment) Act 1958* (35/1998), s. 9(2)(c), (d), commenced on enactment.

Membership of either House of the Oireachtas by members, officers or servants of the Board.

9.—(1) Where a member of the Board is nominated either as a candidate for election to either House of the Oireachtas or as a member of Seanad Éireann, he shall thereupon cease to be a member of the Board.

(2) Where a person who is either an officer or a servant in the employment of the Board becomes a member of either House of the Oireachtas—

- (a) he shall, during the period (in this section referred to as the secondment period) commencing upon his becoming entitled under the Standing Orders of that House to sit therein and ending either when he ceases to be a member of that House or, if it should sooner happen, upon his resignation or retirement from such employment or upon the termination of such employment by the Board, stand seconded from such employment,
- (b) he shall not be paid by, or entitled to receive from, the Board any salary or wages, as the case may be, in respect of the secondment period,
- (c) notwithstanding any provision of the Acts, as amended by this Act, or of any scheme made in pursuance of the Superannuation Act of 1942—
 - (i) the secondment period shall, for the purposes of any such scheme, be deemed to be service of that person which is reckonable for superannuation benefits under the scheme if, but only if—
 - (I) he was in the permanent employment of the Board and was a contributor under the scheme immediately before the commencement of the secondment period and is not an excluded person (which expression has the same meaning in this and the next following subsection as it has in section 13 of the Superannuation Act of 1942),
 - (II) he elects, by notice in writing given to the Board within three months after the commencement of the secondment period, to pay contributions under the scheme in respect of the secondment period in accordance with the provisions of this subsection, and
 - (III) he pays, at such times and in such manner as the committee duly appointed under the scheme to administer the scheme may specify, contributions under the scheme in respect of the secondment period equal in amount to the aggregate of the contributions which he would have paid and the contributions which the Board would have paid in respect of the secondment period if he had remained without secondment under this subsection in the service of the Board during the secondment period and had been in receipt of remuneration from the Board during that period,
 - (ii) the Board shall not pay any contributions under the scheme in respect of the secondment period, but that part of the contributions payable by him as aforesaid which is equal to the amount of the contributions which the Board would have paid under the scheme in respect of the secondment period if he had remained without secondment under this subsection in the service of the Board during the secondment period and had been in receipt of remuneration from the Board during that period shall, for the purposes of the scheme, be deemed to have been paid by the Board,
 - (iii) if the secondment period is terminated by his death or by his retirement from such employment, he shall, for the purposes of the scheme, be deemed to have died in or to have been retired from the service of the Board, as the case may be, and to have been in receipt of remuneration from the Board immediately before such death or retirement, as the case may be,

(iv) if he does not pay or if, having paid contributions under the scheme in accordance with the provisions of this subsection, he ceases to pay contributions as aforesaid, he shall, for the purposes of the scheme, be deemed to have resigned from such employment—

(I) in case he ceases to pay contributions as aforesaid, on the date of the last payment, and

(II) in any other case, immediately before the commencement of the secondment period, and

(v) a reference in this or the next following subsection to the receipt by any person of remuneration from the Board shall be taken as a reference to the receipt by that person of remuneration from the Board at the rate at which he was being remunerated by the Board on the last day of his whole-time employment with the Board before his secondment under this subsection, and

(d) (i) notwithstanding any provisions of the Acts, as amended by this Act, if he is an excluded person and was in the permanent employment of the Board immediately before the commencement of the secondment period, the secondment period shall, for the purposes of the payment of and calculation of the amount of any superannuation benefit to which he is entitled, be deemed to be service of that person which is reckonable for superannuation benefits payable by the Board under section 39 of the Electricity (Supply) Act, 1927, or section 13 of the Superannuation Act of 1942 and he shall, for the purposes aforesaid, be deemed to have been in receipt of remuneration from the Board during the secondment period, and

(ii) if the secondment period is terminated by his death or by his retirement from such employment, he shall, for the purposes aforesaid, be deemed to have died in or to have been retired from the service of the Board, as the case may be, and to have been in receipt of remuneration from the Board immediately before such death or retirement, as the case may be.

...

Editorial Notes:

E1 Previous affecting provision: references to "electric line" construed (31.03.1945) by *Electricity (Supply) (Amendment) Act 1945* (12/1945), s. 46(2), commenced on enactment; repealed (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 4(4), S.I. No. 286 of 2014.

PRELIMINARY.

Definitions.

1.—In this Act—

the expression "the Board" means the Electricity Supply Board appointed under this Act;

the expression "the Minister" means the Minister for Industry and Commerce;

the expression "the Shannon works" means and includes all works of whatsoever nature and wheresoever situate constructed under the [Shannon Electricity Act, 1925](#) (No. 26 of 1925) for the production and generation of electricity by means of hydraulic power derived from the waters of the River Shannon and the transmission and supply in bulk of the electricity so produced and also the lands and premises acquired by the Minister in pursuance of the powers in that behalf conferred on him by the Act aforesaid not including any lands acquired by the Minister under the said Act and determined by him under [section 12](#) of the said Act to be surplus lands, and not including any lands acquired by the Minister for a special purpose under the said Act as amended by this Act;

the expression “the transmission system of the Shannon works” means the portion of the Shannon works used or intended to be used for the transmission and supply in bulk of the electricity produced in the Shannon works;

the expression “authorised undertaker” means a person who is for the time being authorised by any local or personal Act of the United Kingdom Parliament or any private Act of the Oireachtas or any provisional or other order made under statutory authority (whether before or after the establishment of Saorstát Éireann) or by special order of the Board made under this Act to generate, distribute, and supply or to distribute and supply electricity to the public in any specified area and who by virtue of such Act or Order has for the time being the exclusive right of so supplying electricity in such area;

the expression “permitted undertaker” means any person to whom a permit has been granted and is in force under this Act to generate, distribute, and supply or to distribute and supply either to the public generally or to particular classes or members of the public electricity either for all purposes or for one or more specified purposes in a specified area;

the expression “statutory undertaker” means any person authorised by any local or personal Act of the United Kingdom Parliament or any private Act of the Oireachtas or any Provisional or other Order made under statutory authority (whether before or after the establishment of Saorstát Éireann) to generate electricity for any purpose;

the word “undertaking”—

- (a) when used in reference to an authorised undertaker who is authorised to generate and distribute and supply electricity to the public, means and includes the electric plant, machinery, and works used by such undertaker for the generation of electricity, the electric lines, apparatus, and appliances used by such undertaker for the distribution and supply of electricity to the public and the premises used by such undertaker in connection with such plant, machinery, and works and such lines, apparatus, and appliances,
- (b) when used in reference to an authorised undertaker who is authorised only to distribute and supply electricity to the public, means and includes the electric lines, apparatus and appliances used by such undertaker for the distribution and supply of electricity to the public and the premises used by such undertaker in connection with such lines, apparatus and appliances, and
- (c) when used in reference to a statutory undertaker, means and includes the electric plant, machinery, and works used by such undertaker in the generation of electricity for the purpose for which such undertaker is empowered to generate electricity by the Act or Order constituting such undertaker and the premises used by such undertaker in connection with the generation of electricity for the purpose aforesaid;

the expression “distribution system” means and includes that portion of an undertaking used or intended to be used for the distribution and supply of electricity to consumers;

the expression “transmission system” means and includes the electric lines, poles, pillars, transformers, and other electrical apparatus used in connection with the transmission of electricity from a generating station to a distribution system and the premises used in connection with such apparatus;

the expression “generating station” means a station for the generation of electricity;

the expression “supply in bulk” means a supply of electricity to be used for resale to consumers;

the word “street” includes any square, court, alley, highway, lane, road, thoroughfare or public passage or place;

the expression "area of supply" means an area within which an authorised undertaker is for the time being authorised to supply electricity to the public and has for the time being the exclusive right of so supplying electricity;

the expression "local authority" includes a county council, county or other borough council, urban district council, rural district council, and the commissioners of a town, and any public body which is established by or in pursuance of any statute to perform any of the functions of any of the above named bodies.

Annotations

Modifications (not altering text):

- C5** References to "county council", "city council", "administrative area of a county council", and "administrative area of a city council" construed (1.06.2014) by *Local Government Reform Act 2014* (1/2014), s. 9(2), (3), S.I. No. 214 of 2014.

Cesser and amalgamation of certain local government areas

9.— ...

(2) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to a county council or a city council (including a reference construed by section 3(2) of, and Schedule 2 to, the Principal Act as a reference to a county council or to a city council, as the case may be) shall, if the context permits, be read as a reference to a county council, a city council or a city and county council, and

(b) to a county council and a city council (including a reference so construed) shall, if the context permits, be read as a reference to a county council, a city council and a city and county council.

(3) Except where otherwise provided for by this Act, a reference, however expressed, in any enactment—

(a) to the administrative area of a county council or the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council or the administrative area of a city and county council, and

(b) to the administrative area of a county council and the administrative area of a city council shall, if the context permits, be read as a reference to the administrative area of a county council, the administrative area of a city council and the administrative area of a city and county council.

- C6** Functions under collectively cited *Electricity (Supply) Acts* transferred and references to Minister for Public Enterprise construed as Minister for the Marine and Natural Resources (18.06.2002) by *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002), arts. 3, 4 and sch. 1 part 1, in effect as per art. 1(2), subject to transitional provisions in arts. 5 to 9. Note that the title of the Minister for the Marine and Natural Resources was changed to:

- the Minister for Communications, Marine and Natural Resources (19.06.2002) by *Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 307 of 2002), in effect as per art. 1(2);
- the Minister for Communications, Energy and Natural Resources (20.10.2007) by *Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007* (S.I. No. 706 of 2007), in effect as per art. 1(2);
- the Minister for Communications, Climate Action and Environment (23.07.2016) by *Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 421 of 2016), in effect as per art. 1(2);
- the Minister for the Environment, Climate and Communications (24.09.2020) by *Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 373 of 2020), in effect as per art. 1(2).

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are transferred to the Department of the Marine and Natural Resources.

(2) References to the Department of Public Enterprise contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of the Marine and Natural Resources.

4. (1) The functions vested in the Minister for Public Enterprise—

(a) by or under any of the enactments or the provisions of the enactments mentioned in Part 1 of the Schedule to this Order,

...

(2) References to the Minister for Public Enterprise contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for the Marine and Natural Resources.

SCHEDULE

PART 1

...

Electricity (Supply) Acts 1927 to 2001

...

Editorial Notes:

- E2** Previous affecting provision: functions under collectively cited *Electricity (Supply) Acts* transferred and references to Minister for Tourism and Trade construed as Minister for Tourism, Transport and Communications (21.01.1993) by *Tourism and Trade (Transfer of Departmental Administration and Ministerial Functions) Order 1993* (S.I. No. 422 of 1993), arts. 3, 4, in effect as per art. 1(2), subject to transitional provisions in arts. 5-9; superseded as per C-note above. Note that the name of the Minister was changed to Public Enterprise (12.07.1997) by *Transport, Energy and Communications (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 299 of 1997), arts. 3, 4, in effect as per art 1(2).
- E3** Previous affecting provision: functions under collectively cited *Electricity (Supply) Acts* transferred and references to Minister for Industry, Commerce and Energy construed as references to Minister for Energy (22.01.1980) by *Energy (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 9 of 1980), arts. 3, 4, and sch. part. 1, in effect as per art. 1(2), subject to transitional provisions in arts. 5 to 9; superseded (21.01.1993) as per E-note above. Note that the name of the Minister for Energy was changed to:
- the Minister for Industry and Energy (23.09.1977) by *Energy (Alteration of Name of Department and Title of Minister) Order 1981* (S.I. No. 289 of 1981).
 - the Minister for Energy (23.09.1977) by *Industry and Energy (Alteration of Name of Department and Title of Minister) Order 1983* (S.I. No. 385 of 1983).
 - the Minister for Tourism and Trade (23.09.1977) by *Energy (Alteration of Name of Department and Title of Minister) Order 1993* (S.I. No. 16 of 1993).
- E4** Previous affecting provision: functions under collectively cited *Electricity (Supply) Acts* transferred and references to Minister for Transport and Power construed as references to Minister for Industry and Commerce (13.09.1977) by *Energy (Transfer of Departmental Administration and Ministerial Functions) Order 1977* (S.I. No. 295 of 1977), arts. 3, 4, and sch. part. 1, in effect as per art. 2, subject to transitional provisions in arts. 5 to 9; superseded (18.06.2002) as per E-note above. Note that the name of the Minister for Industry and Commerce was changed to the Minister for Industry, Commerce and Energy (23.09.1977) by *Energy (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 306 of 1977).

- E5** Previous affecting provision: functions in relation to collectively cited *Electricity (Supply) Acts* transferred and references to Minister for Industry and Commerce construed as Minister for Transport and Power (27.07.1959) by *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1959* (S.I. No. 125 of 1959), arts. 3, 4, and sch. 1 part 1 item 11, in effect as per art. 2, subject to transitional provisions in arts. 5 to 6; superseded (13.09.1977) as per E-note above.

PART I.

CONSTITUTION, FINANCE AND GENERAL FUNCTIONS OF THE ELECTRICITY SUPPLY BOARD.

Constitution of
The Electricity
Supply Board.

2.—(1) As soon as may be after the passing of this Act a board to be styled and known as the Electricity Supply Board (in this Act referred to as the Board) shall be established in accordance with this Act to fulfil the functions assigned to it by this Act.

(2) The Board shall be a body corporate having perpetual succession and may sue and be sued under its said style and name.

(3) The Board shall consist of a chairman and such number (not being less than two nor more than six) of other members as the Executive Council shall from time to time determine.

(4) The members of the Board shall be appointed by the Executive Council and every person so appointed to be a member of the Board shall hold office for such period not exceeding five years as shall be fixed by the Executive Council when appointing him and every such person shall on the expiration of his term of office be eligible for re-appointment.

(5) The chairman of the Board shall be that member of the Board who at the time of his appointment to be a member of the Board or subsequently is appointed by the Executive Council to be such chairman.

(6) The chairman of the Board shall devote the whole of his time to his duties as such chairman and each of the other members of the Board shall devote the whole or so much of his time to his duties as such member as shall be prescribed by the Executive Council at the time of his appointment.

(7) Every member of the Board shall be paid out of the funds at the disposal of the Board such remuneration and such allowances for expenses as the Executive Council shall F1[from time to time] prescribe.

Annotations

Amendments:

- F1** Substituted (1.03.1961) by *Electricity (Supply) (Amendment) Act 1961* (2/1961), s. 11, S.I. No. 36 of 1961.

Modifications (not altering text):

- C7** Application of section restricted (27.06.1988) by *Electricity (Supply) (Amendment) Act 1988* (17/1988), s. 6(2), (3), commenced on enactment.

Terms and conditions of tenure of office of chairman of Board.

6.— ...

(2) Subsection (6) of section 2 of the Principal Act shall not apply in relation to a chairman of the Board to whom this section applies.

(3) This section applies to a chairman of the Board appointed to be such chairman after the passing of this Act.

C8 Section construed (4.04.1977) by *Worker Participation (State Enterprises) Act 1977 (6/1977)*, s. 23(3), (4), commenced on enactment; subs. (4) as substituted (12.06.1988) by *Worker Participation (State Enterprises) Act 1988 (13/1988)*, s. 21(b), commenced on enactment.

Number of members or directors of designated body may be altered to provide that the number of such members or directors appointed under Act shall constitute not less than one third.

23.— ...

(3) Where an order under this section relates to a designated body to which an enactment mentioned in subsection (4) of this section applies, then for so long as the order is in force, the enactment shall be construed and shall have effect in accordance with the order.

[(4) The enactments referred to in subsection (3) of this section are— ...

(c) section 2 (3) of the Electricity (Supply) Act, 1927;

...]

Disqualification of members, etc., of Board from being members of the Oireachtas.

3.—F2[...]

Annotations

Amendments:

F2 Repealed (23.12.1958) by *Electricity (Supply) (Amendment) Act 1958 (35/1958)*, s. 9(5), commenced on enactment.

Common Seal of the Board.

4.—(1) The Board shall provide and have a common seal, and such seal shall be authenticated by the signature of the chairman of the Board or some other member thereof authorised by the Board to act in that behalf and the signature of an officer of the Board duly authorised by the Board to act in that behalf.

(2) All courts of justice shall take judicial notice of the seal of the Board, and every document purporting to be an order or other instrument made by the Board and to be sealed with the seal of the Board authenticated in accordance with this section shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown.

Removal of Members of the Board.

5.—(1) If at any time it appears to the Executive Council that the removal from office of all or any of the members of the Board is necessary in the interests of the effective and economical performance of the functions of the Board under this Act the Executive Council may remove from office all or so many of the members of the Board as the Executive Council considers necessary in the interests aforesaid.

(2) The Executive Council may at any time remove from office any member of the Board who has become incapable through ill-health of performing efficiently his duties as such member or who has (otherwise than for a reason considered by the Executive Council to be sufficient) been absent from all meetings of the Board during a period of six months.

(3) If and whenever the Executive Council removes from office under this section any member of the Board, the Executive Council shall lay before each House of the

Oireachtas a statement in writing of the fact of the removal from office of such member and of the reasons for such removal.

Procedure of the Board.

6.—(1) The procedure of the Board at its meetings and otherwise shall be conducted in accordance with the provisions of the regulations in that behalf made by the Board under this Act.

(2) Whenever and so long as the Board consists of three members only, two members of the Board shall constitute a quorum, and whenever and so long as the Board consists of more than three members, one-third of the members of the Board shall constitute a quorum.

(3) The Board may act notwithstanding a vacancy in its membership.

Annotations

Modifications (not altering text):

C9 Application of section extended (17.04.2001) by *Electricity (Supply) (Amendment) Act 2001* (9/2001), s. 5, commenced on enactment.

Regulations relating to rights and obligations attaching to capital stock.

5.—(1) The power to make regulations conferred on the Board pursuant to section 6 of the Electricity (Supply) Act 1927, shall be deemed to include a power to make such regulations as the Board considers appropriate for determining, subject to prior written consent of the Minister for Public Enterprise and the Minister for Finance—

(a) the terms and conditions relating to the creation of capital stock, and

(b) the rights and obligations attaching to the capital stock.

(2) Without prejudice to the generality of subsection (1) of this section, regulations made pursuant to that subsection may include provisions relating to dividends, voting rights, Board representation and the limitation of the transfer or alienation of beneficial interest in capital stock.

(3) Every regulation made pursuant to this section shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

C10 Subs. (2) construed (4.04.1977) by *Worker Participation (State Enterprises) Act 1977* (6/1977), s. 25(1), (2), commenced on enactment, subs. (2) as substituted (12.06.1988) by *Worker Participation (State Enterprises) Act 1988* (13/1988), s. 22, commenced on enactment.

Quorums of designated bodies.

25.—(1) Notwithstanding the enactments contained in subsection (2) of this section the appropriate Minister may, after consultation with the Minister, by order fix the quorum for—

(a) a meeting of the board of a designated body which is a company,

(b) a meeting of a designated body which is not a company,

and in case the appropriate Minister makes an order under this section as regards a designated body to which any such enactment applies, the enactment shall, for so long as the order is in force, be construed and have effect in accordance with the order.

[(2) The enactments referred to in subsection (1) of this section are— ...

(b) section 6(2) of the Electricity (Supply) Act, 1927;

...]

Accounts and audits.

7.—(1) The Board shall keep in such form as shall be approved by the Minister after consultation with the Minister for Finance all proper and usual accounts of all moneys received or expended by them, including a capital account, revenue account, profit

and loss account, and a balance sheet, and in particular shall keep in such form as aforesaid all such special accounts as the Minister on his motion or at the request of the Minister for Finance shall from time to time direct.

(2) The accounts of the Board shall in each year be audited and be the subject of a report by duly qualified auditors appointed annually for the purpose by the Minister, with the consent of the Minister for Finance, and the fees of such auditors and the expenses generally of such audits shall be paid by the Board.

(3) The Minister may with the consent of the Minister for Finance F3[[give from time to time directions](#)] prescribing the time, place, and method of conducting the audit of the accounts of the Board under this section and may also prescribe by F3[[such directions](#)] the accounts of which copies are to be furnished to the Minister under this section and the accounts which are to be published and put on sale under this section and the time and method of such publication and sale.

(4) Immediately after every audit under this section of the accounts of the Board, the Board shall send to the Minister a copy of the balance sheet and profit and loss account as passed by the auditors, a copy of the auditors' report, and copies of such of the accounts submitted to the auditors as are prescribed in that behalf by F3[[directions given](#)] under this section or may be specially called for by the Minister, and shall publish and put on sale in accordance with F3[[such directions](#)] such of the accounts submitted to the auditors as are prescribed in that behalf by F3[[such directions](#)].

Annotations

Amendments:

- F3** Substituted (1.03.1961) by *Electricity (Supply) (Amendment) Act 1961* (2/1961), s. 12(a), (b), S.I. No. 36 of 1961.

Modifications (not altering text):

- C11** Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6 to 9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of –

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

SCHEDULE 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 27 of 1927	Electricity (Supply) Act 1927	Sections 7, 30 and 88
...

C12 Application of subss. (1), (2), (3) restricted (23.12.1958) by *Electricity (Supply) (Amendment) Act 1958* (35/1958), s. 6(2), commenced on enactment.

Fishery account.

6.— ...

(2) Subsection (1) of section 7 of the Electricity (Supply) Act 1927, shall not apply in relation to moneys in relation to which this section applies, and subsections (2) and (3) and, in so far as it provides for the sending of accounts to the Minister and for the publication and putting on sale of copies of accounts, subsection (4) of that section shall apply in relation to an account kept under this section as if it were an account kept under that section.

...

Editorial Notes:

E6 Previous affecting provision: application of section extended (19.02.1935) by *Shannon Fisheries Act 1935* (4/1935), s. 17, commenced on enactment; repealed (23.12.1958) by *Electricity (Supply) (Amendment) Act 1958* (35/1958), s. 6(3), commenced on enactment.

Officers and servants of the Board.

8.—(1) The Board shall appoint such and so many officers and servants as it shall from time to time think proper.

(2) There shall be paid by the Board to its officers and servants out of the funds at its disposal under this Act such remuneration and allowances as the Board shall determine.

(3) F4[...]

(4) F4[...]

Annotations**Amendments:**

F4 Deleted (6.10.2004) by *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004), ss. 61(1) and sch. 2 part 1, commenced on enactment.

Modifications (not altering text):

C13 Application of section extended (19.02.1935) by *Shannon Fisheries Act 1935* (4/1935), s. 16, commenced on enactment.

Officers and servants of the Board.

16.—The duty of appointing officers and servants which is imposed on the Board by section 8 of the Act of 1927, shall extend to and include the appointment of officers and servants for the purposes of this Act, including the performance by the Board of the duties in relation to the Shannon fisheries imposed on the Board by Part III of this Act, and the said section 8 shall apply to every officer and servant so appointed.

Exercise of functions of Board through its officers.

9.—The Board may exercise any of the powers and perform any of the functions and duties (other than the making of orders) conferred and imposed on the Board by this Act through or by any of its officers or servants authorised by the Board in that behalf.

Disclosure of interest in contract.

10.—F5[...]

Annotations

Amendments:

F5 Repealed (4.04.1977) by *Worker Participation (State Enterprises) Act 1977* (6/1977), s. 31(a), commenced on enactment.

Prohibition of interests in electrical undertakings.

11.—F6[...]

Annotations

Amendments:

F6 Repealed (16.04.2012) by *Energy (Miscellaneous Provisions) Act 2012* (3/2012), s. 22(a), S.I. No. 122 of 2012.

Advances from the Central Fund to the Board.

12.—(1) The Minister for Finance shall, F7[with the approval of the Minister for Public Expenditure and Reform and subject to] the limitations imposed by this section, advance out of the Central Fund or the growing produce thereof to the Board as and when requested so to do by the Board all such sums as the Board shall from time to time, but not later than the appointed day request the said Minister to advance to it.

F8[(2) The total amount of the sums advanced to the Board under this section to meet the liability of the Board under this Act in respect of interest and arrears of interest on sums advanced out of the Central Fund under the Shannon Electricity Act 1925 (No. 26 of 1925), to the separate fund established under section 11 of that Act and the expenses incurred by the Board in the operation, maintenance, and repair of the Shannon works under this Act shall not exceed the sum of one hundred and fifty-six thousand pounds.]

(3) The total amount of the sums advanced to the Board under this section for any purpose other than to meet the liability and expenses mentioned in the foregoing sub-section shall not exceed the sum of two millions, five hundred thousand pounds, and the total amount of the sums so advanced in any one half-year except in the half-year ending on the appointed day for any purpose other than as aforesaid shall not exceed the sum of four hundred thousand pounds.

(4) The Minister for Finance may, for the purpose of providing for the advance of sums out of the Central Fund under this section, or for the repayment to that Fund of all or any part of the sums so advanced, or for paying off any securities issued under this section so far as such payment is not otherwise provided for, borrow money by means of the issue of such securities as he thinks proper, and all sums so borrowed shall be paid into the Exchequer.

(5) The principal of and interest on all securities issued under this section shall be charged on and payable out of the Central Fund or the growing produce thereof.

(6) The sums to be advanced under this section F7[shall, with the approval of the Minister for Public Expenditure and Reform, be advanced] by the Minister for Finance, and shall be expended by the Board solely for the purpose of the exercise and performance of the powers and functions conferred on the Board by this Act.

(7) In this section the expression “the appointed day” means the 31st day of December, 1932 or such later date as the Minister, after consultation with the Board, may by order made under this section appoint.

(8) The Minister may by order made with the consent of the Minister for Finance before the 31st day of December, 1932 appoint such date subsequent to the said 31st day of December, 1932 as with the consent aforesaid he thinks proper to be the appointed day.

Every order made under this sub-section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if either such House shall, within one month after the first day on which such House sits after such order is laid before it, pass a resolution annulling such order, such order shall be annulled accordingly without prejudice to the validity of anything previously done thereunder.

Annotations

Amendments:

- F7** Substituted (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), s. 27(a), (b), S.I. No. 401 of 2011.
- F8** Substituted (24.07.1929) by *Electricity (Finance) Act 1929* (26/1929), s. 2, commenced on enactment.

Modifications (not altering text):

- C14** Application of subss. (4), (5) extended (19.02.1935) by *Shannon Fisheries Act 1935* (4/1935), s. 13(3), commenced on enactment.

Advances by the Minister for Finance.

13.— ...

(3) Sub-sections (4) and (5) of section 12 of the Act of 1927 shall apply in relation to advances made to the Board under this section as if such advances were made under the said section 12.

...

- C15** Application of subss. (4), (5) extended (31.07.1931) by *Electricity (Supply) (Amendment) Act 1931* (32/1931), s. 3(3), commenced on enactment.

Additional advances to the Board.

3.— ...

(3) Sub-sections (4) and (5) of section 12 of the Principal Act shall apply in relation to advances made to the Board under this section as if such advances were made under the said section 12.

...

- C16** Application of subs. (3) restricted (1.01.1930) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 4(1), in effect as per s. 4(2), as amended (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), s. 29, S.I. No. 401 of 2011.

Amendment of section 12 of the Principal Act.

4.—(1) Notwithstanding anything contained in sub-section (3) of section 12 of the Principal Act as amended by the Act of 1929, the total amount of the sums advanced in any one half-year to the Board under that section as so amended for any purpose, other than to meet the liability and expenses mentioned in sub-section (2) of that section as so amended, may exceed the limit of four

hundred thousand pounds imposed by the said sub-section (3) in any particular half-year in respect of which [the Minister for Finance, after having consulted with the Minister for Public Expenditure and Reform, has formed the opinion] that, owing to special circumstances affecting that half-year, it is expedient that the said limit should be exceeded.

Payment of interest on advances.

13.—(1) The Board shall pay to the Minister for Finance on every sum advanced to the Board out of the Central Fund under this Act interest from the date of the advance of such sum until the same is repaid at such rate as shall be appointed by the Minister for Finance F9[...] and such interest shall be so paid by equal half-yearly payments on such days in every year as the Minister for Finance shall from time to time appoint.

(2) If the Board fails to pay to the Minister for Finance any interest payable by it under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister interest at the rate appointed by the said Minister on the interest so unpaid from the time appointed as aforesaid until the same is actually paid.

(3) Any interest payable by the Board to the Minister for Finance under this section on or before the appointed day, may be paid by the Board out of the moneys advanced to the Board out of the Central Fund under this Act.

(4) All interest paid to the Minister for Finance by the Board under this section shall be paid into the Exchequer in such manner as the said Minister shall from time to time direct.

F10[(5) The Minister for Finance may from time to time vary the rate at which interest payable under this section is to be paid.]

Annotations

Amendments:

- F9** Deleted (3.07.1930) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 5(a), commenced on enactment.
- F10** Inserted (3.07.1930 with retrospective effect) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 5(b), commenced on enactment.

Modifications (not altering text):

- C17** Application of section extended (19.02.1935 with retrospective effect) by *Shannon Fisheries Act 1935* (4/1935), s. 13(4), commenced on enactment.

Shannon Fisheries Act 1935

13.— ...

(4) All advances made to the Board under this section shall, for the purposes of sections 13, 14 and 16 of the Act of 1927 as amended by any subsequent enactment, be deemed to be made under that Act, and those sections as so amended shall apply in respect of such advances accordingly.

...

- C18** Application of section extended (31.07.1931) by *Electricity (Supply) (Amendment) Act 1931* (32/1931), s. 3(4), commenced on enactment.

Additional advances to the Board.

3.— ...

(4) All advances made to the Board under this section shall, for the purposes of sections 13, 14, and 16 of the Principal Act as amended by any subsequent enactment, be deemed to be made under the Principal Act, and those sections as so amended shall apply in respect of such advances accordingly.

Repayment of advances made under this Act.

14.—(1) For the purpose of providing for the repayment by the Board of the advances made to it out of the Central Fund under this Act, the Board shall make to the Minister for Finance half-yearly payments commencing on such date, not being earlier than the 1st day of January, 1933 as the said Minister after consultation with the Minister for Industry and Commerce shall appoint and continuing for such number of years and being of such amounts and payable at such times as the said Minister after such consultation as aforesaid shall appoint, and different such dates, numbers of years, amounts, and times may be so appointed in respect of different portions of such advances.

(2) The several half-yearly payments to be made to the Minister for Finance by the Board under this section shall be applied by the said Minister as sinking funds for the repayment of the several portions of the advances in respect of which such half-yearly payments are made and when the Board has paid to the said Minister the full number of the half-yearly payments appointed under this section in respect of any portion of such advances (together with any interest which may have become payable under this section in respect of any of such half-yearly payments) such portion of such advances shall be deemed to be fully repaid by the Board without prejudice to the liability of the Board for any interest then unpaid in respect of such portion of such advances.

(3) If the Board fails to pay to the Minister for Finance any half-yearly payment or portion of a half-yearly payment payable by it to the said Minister under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister interest at the rate appointed by the said Minister on such half-yearly payment or portion of a half-yearly payment from the time appointed as aforesaid until the same is actually paid.

(4) All moneys paid by the Board to the Minister for Finance under this section shall be paid into the Exchequer in such manner as the said Minister shall from time to time direct.

Annotations

Modifications (not altering text):

C19 Application of section extended (19.02.1935) by *Shannon Fisheries Act 1935* (4/1935), s. 13(4), commenced on enactment.

Shannon Fisheries Act 1935

13.— ...

(4) All advances made to the Board under this section shall, for the purposes of sections 13, 14 and 16 of the Act of 1927 as amended by any subsequent enactment, be deemed to be made under that Act, and those sections as so amended shall apply in respect of such advances accordingly.

...

C20 Application of section extended (31.07.1931) by *Electricity (Supply) (Amendment) Act 1931* (32/1931), s. 3(4), commenced on enactment.

Additional advances to the Board.

3.— ...

(4) All advances made to the Board under this section shall, for the purposes of sections 13, 14, and 16 of the Principal Act as amended by any subsequent enactment, be deemed to be made under the Principal Act, and those sections as so amended shall apply in respect of such advances accordingly.

C21 Application of section extended (3.07.1930) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 6, commenced on enactment.

6.—The Minister for Finance may from time to time vary the rate at which interest payable under section 14 of the Principal Act is to be paid.

Repayment of advances made under the Shannon Electricity Act, 1925.

15.—(1) If the whole of the Shannon works are handed over to the Board by the Minister under this Act at the one time, the Board shall immediately upon such handing over become liable to the Minister for Finance for the repayment of the whole of the sums (in this section called “the said advances”) advanced whether before or after such handing over out of the Central Fund under the Shannon Electricity Act, 1925 (No. 26 of 1925) to the separate fund established for that purpose under section 11 of that Act together with all interest due and unpaid on the said advances or any part thereof.

(2) If different portions of the Shannon works are handed over to the Board by the Minister under this Act at different times, the Board shall immediately upon the handing over of any such portion of the Shannon works become liable to the Minister for Finance for the repayment of a proportionate part (to be fixed by the Minister for Finance after consultation with the Minister for Industry and Commerce) of the said advances and of the interest then due and unpaid on the said advances or any part thereof.

(3) The Board shall pay to the Minister for Finance interest on the several portions of the said advances as from the respective dates on which the Board becomes liable under this section for the repayment thereof until such liability is discharged under this section or otherwise, and such interest shall be so paid at such rate as the said Minister shall appoint F11[...] and shall be so paid by equal half-yearly payments on such days in every year as the said Minister shall from time to time appoint.

(4) For the purpose of providing for the repayment by the Board of the said advances, the Board shall make to the Minister for Finance half-yearly payments commencing on such date, not being earlier than the 1st day of January, 1933 as the said Minister after consultation with the Minister for Industry and Commerce shall appoint and continuing for such number of years and being of such amounts and payable at such times as the said Minister after such consultation as aforesaid shall appoint, and different such dates, numbers of years, amounts, and times may be so appointed in respect of different portions of the said advances.

(5) The several half-yearly payments to be made to the Minister for Finance by the Board under the foregoing sub-section shall be applied by the said Minister as sinking funds for the repayment of the said advances and when the Board has paid to the said Minister the full number of the half-yearly payments appointed under this section in respect of any portion of the said advances (together with any interest which may have become payable under this section in respect of any of such half-yearly payments) the liability of the Board for the repayment of such portion of the said advances shall be discharged but without prejudice to the liability of the Board for any interest then unpaid in respect of such portion of the said advances.

F12[(6) All interest due on the said advances or any part thereof at the time when the Board becomes liable under this section for the repayment of the said advances or such part thereof shall be paid to the Minister for Finance within the period of six months or such longer period as the said Minister shall in any particular case direct after the time at which the Board so becomes liable for such repayment, and, if the Board fails to pay any such interest within such period, the Board shall pay to the said Minister interest at the rate appointed by the said Minister on such interest so due from the expiration of such period until the same is paid;]

(7) If the Board fails to pay to the Minister for Finance any interest on the said advances or any part thereof or any half-yearly payment or portion of a half-yearly payment payable by it to the said Minister under this section at the time appointed in that behalf under this section, the Board shall pay to the said Minister interest at the rate appointed by the said Minister on the interest, half-yearly payment, or portion of a half-yearly payment (as the case may be) so unpaid from the time appointed as aforesaid until the same is paid.

(8) Any interest payable by the Board to the Minister for Finance under this section on or before the appointed day may be paid by the Board out of the moneys advanced to the Board out of the Central Fund under this Act.

(9) All moneys paid by the Board to the Minister for Finance under this section shall be paid into the Exchequer in such manner as the said Minister shall from time to time direct.

F13[(10) The Minister for Finance may, after consultation with the Minister for Industry and Commerce, vary any sum previously fixed by him under sub-section (2) of this section as a proportionate part of the said advances and the interest thereon for the repayment of which the Board is to become liable under that sub-section, F14[...] and whenever the Minister for Finance makes any such variation under this sub-section he shall make such adjustments of payments made or to be made by the Board under sub-sections (3) and (6) of this section as he shall think just and equitable in consequence of such variation.]

F13[(11) The Minister for Finance may from time to time vary the rate at which any interest payable under this section is to be paid.]

Annotations

Amendments:

- F11** Deleted (25.03.1929, deemed) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 7(a), commenced on enactment and as per s. 7.
- F12** Substituted (25.03.1929, deemed) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 7(b), commenced on enactment and as per s. 7.
- F13** Inserted (25.03.1929, deemed) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 7(c), commenced on enactment and as per s. 7.
- F14** Deleted (23.07.1932) by *Electricity (Supply) (Amendment) Act 1932* (15/1932), s. 3, commenced on enactment.

Modifications (not altering text):

- C22** Application of section restricted and references to "the said advances" construed (24.07.1929) by *Electricity (Finance) Act 1929* (26/1929), s. 3(1), (2), commenced on enactment.

Amendment of section 15 of the *Electricity (Supply) Act 1927*.

3.—(1) Notwithstanding anything contained in section 15 of the *Electricity (Supply) Act 1927* (No. 27 of 1927), the Electricity Supply Board shall not be under any liability to repay to the Minister for Finance so much (not exceeding the sum of one hundred and thirty-two thousand, four hundred and fifty pounds) of the sums advanced at any time out of the Central Fund under the *Shannon Electricity Act, 1925* (No. 26 of 1925), to the separate fund established under section 11 of that Act as is expended on the improvement of navigation under the powers in that behalf conferred on the Minister for Industry and Commerce by the last-mentioned Act or to pay interest to the Minister for Finance on so much as aforesaid of the said sums so advanced.

(2) The expression "the said advances" where the same occurs in section 15 of the *Electricity (Supply) Act 1927*, shall be construed as not including any sums for the repayment of which the Electricity Supply Board is relieved of liability by this section.

Charges on
Shannon works.

16.—F15[...]

Annotations

Amendments:

- F15** Repealed (21.11.1972) by *Electricity (Supply) (Amendment) Act 1972* (24/1972), s. 4, commenced on enactment.

Editorial Notes:

- E7** Previous affecting provision: application of section extended (19.02.1935) by *Shannon Fisheries Act 1935* (4/1935), s. 13(4), commenced on enactment; section repealed (21.11.1972) as per F-note above.
- E8** Previous affecting provision: application of section extended (31.07.1931) by *Electricity (Supply) (Amendment) Act 1931* (32/1931), s. 3(4), commenced on enactment; section repealed (21.11.1972) as per F-note above.

Control of
Shannon works.

17.—(1) When the Shannon works are completed and handed over to the Minister by the contractor engaged in the construction thereof the Minister shall, as soon as conveniently may be, by order under his seal hand such works over to the Board, and, in the event of any portion of the Shannon works being completed and handed over to the Minister by the said contractor, the Minister may if he so thinks fit at any time thereafter by order under his seal hand over to the Board such completed portion of the said works at any time before the completion of the whole of the said works.

(2) The handing over of the Shannon works or any part thereof by the Minister to the Board under this section shall be without prejudice to the rights of the Minister under his contract with the contractor engaged in the construction of the said works and nothing in this section relating to legal proceedings shall apply to any legal proceedings brought by the Minister to enforce such rights.

(3) F16[...]

Annotations**Amendments:**

- F16** Repealed (27.04.1954) by *Electricity (Supply) (Amendment) Act 1954* (17/1954), s. 16(2), commenced on enactment.

Editorial Notes:

- E9** Power pursuant to section exercised (31.03.1944) by *Shannon Works Transfer (No. 22) Order 1944* (S.I. No. 93 of 1944).
- E10** Power pursuant to section exercised (30.12.1931) by *Shannon Works Transfer (No. 21) Order 1931* (S.I. No. 89 of 1931).
- E11** Power pursuant to section exercised (30.06.1930) by *Shannon Works Transfer (No. 20) Order 1930* (S.I. No. 60 of 1930).
- E12** Power pursuant to section exercised (28.06.1930) by *Shannon Works Transfer (No. 19) Order 1930* (S.I. No. 52 of 1930).
- E13** Power pursuant to section exercised (8.05.1930) by *Shannon Works Transfer (No. 18) Order 1930* (S.I. No. 40 of 1930).
- E14** Power pursuant to section exercised (4.04.1930) by *Shannon Works Transfer (No. 17) Order 1930* (S.I. No. 35 of 1930).
- E15** Power pursuant to section exercised (19.02.1930) by *Shannon Works Transfer (No. 16) Order 1930* (S.I. No. 25 of 1930).
- E16** Power pursuant to section exercised (1.03.1930) by *Shannon Works Transfer (No. 15) Order 1930* (S.I. No. 30 of 1930).
- E17** Power pursuant to section exercised (10.02.1930) by *Shannon Works Transfer (No. 14) Order 1930* (S.I. No. 27 of 1930).

E18	Power pursuant to section exercised (3.02.1930) by <i>Shannon Works Transfer (No. 13) Order 1930</i> (S.I. No. 17 of 1930).
E19	Power pursuant to section exercised (31.10.1929) by <i>Shannon Works Transfer (No. 12) Order 1929</i> (S.I. No. 15 of 1930).
E20	Power pursuant to section exercised (23.12.1929) by <i>Shannon Works Transfer (No. 11) Order 1929</i> (S.I. No. 73 of 1929).
E21	Power pursuant to section exercised (21.10.1929) by <i>Shannon Works Transfer (No. 10) Order 1929</i> (S.I. No. 72 of 1929).
E22	Power pursuant to section exercised (11.10.1929) by <i>Shannon Works Transfer (No. 9) Order 1929</i> (S.I. No. 71 of 1929).
E23	Power pursuant to section exercised (15.07.1929) by <i>Shannon Works Transfer (No. 8) Order 1929</i> (S.I. No. 70 of 1929).
E24	Power pursuant to section exercised (13.12.1929) by <i>Shannon Works Transfer (No. 7) Order 1929</i> (S.I. No. 58 of 1929).
E25	Power pursuant to section exercised (11.11.1929) by <i>Shannon Works Transfer (No. 6) Order 1929</i> (S.I. No. 55 of 1929).
E26	Power pursuant to section exercised (21.10.1929) by <i>Shannon Works Transfer (No. 5) Order 1929</i> (S.I. No. 53 of 1929).
E27	Power pursuant to section exercised (11.10.1929) by <i>Shannon Works Transfer (No. 4) Order 1929</i> (S.I. No. 49 of 1929).
E28	Power pursuant to section exercised (29.07.1929) by <i>Shannon Works Transfer (No. 3) Order 1929</i> (S.I. No. 35 of 1929).
E29	Power pursuant to section exercised (15.07.1929) by <i>Shannon Works Transfer (No. 2) Order 1929</i> (S.I. No. 32 of 1929).
E30	Power pursuant to section exercised (25.03.1929) by <i>Shannon Works Transfer (No. 1) Order 1929</i> (S.I. No. 13 of 1929).

Transfer of
chattels to the
Board.

18.—(1) Whenever the Shannon works or any portion thereof are handed over to the Board by the Minister under this Act, the Minister may by the order effecting such handing over or by a subsequent order transfer to the Board all or any vehicles, tools, machinery, instruments, and other chattels (not being fixtures passing with the Shannon works or any portion thereof) acquired by him under or for the purposes of the [Shannon Electricity Act, 1925](#) (No. 26 of 1925).

(2) All chattels transferred to the Board by an order under this section shall immediately upon such transfer become and be the property of the Board as fully as if the same had been purchased by the Board under this Act.

General duty of
the Board.

19.—It shall be the duty of the Board—

(a) to produce and generate electricity in the Shannon works so soon as such works or a sufficient portion thereof for the purpose are handed over to the Board by the Minister, and to transmit through the transmission system of the Shannon works and any extension of that system the electricity so generated, and

(b) to control, manage, and maintain in good repair and condition and proper and efficient working order each and every part or section of the Shannon works as from the respective dates on which such parts or sections are respectively handed over to the Board by the Minister, and

- (c) to distribute, utilise and sell the electricity generated by the Board in the Shannon works and to promote and encourage the purchase and use of such electricity, and
- (d) to control, co-ordinate, and improve the supply distribution, and sale of electricity generally in Saorstát Éireann and for the purposes of such control, co-ordination, and improvement to exercise and employ the powers conferred on the Board by this Act, and
- (e) generally to perform and exercise all duties and powers which are imposed or conferred on the Board by this Act and all such other duties and powers as may hereafter be imposed or conferred on the Board by the Oireachtas.

Annotations

Modifications (not altering text):

- C23** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C24** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in *Iris Oifigiúil* no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

C25 Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in *Iris Oifigiúil* no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Certain general powers of the Board.

20.—(1) The Board may, subject to and in accordance with the particular provisions of this Act, distribute and supply electricity (whether generated or purchased by it) in any part of Saorstát Éireann either in bulk or to individual consumers and shall for the purposes of such distribution and supply have and be subject to all the rights, powers, obligations, and duties conferred or imposed by this Act on an authorised undertaker but the Board shall not under this sub-section distribute or supply electricity in bulk or otherwise to any person or premises within the area of supply of an authorised undertaker save either with the consent of such authorised undertaker or under and in accordance with a particular power in that behalf conferred on the Board by this Act.

(2) The Board may by special order constitute itself to be the authorised undertaker for any particular area specified in that behalf in such order which at the date of such order is not included in and does not include the whole or any part of the area of supply of an authorised undertaker and every such special order—

(a) may be modified or revoked by the Board as and when it thinks fit,

(b) shall continue in force and operation during the period specified in that behalf therein or, if no such period is so specified, until revoked by the Board,

(c) shall operate to confer on the Board the exclusive right to supply electricity in the area to which the order relates and to confer and impose on the Board in or in relation to such area and the generation, distribution, and supply of electricity by the Board therein all the rights and powers and all the obligations and duties conferred or imposed by this Act on an authorised undertaker in or in relation to his area of supply, save that where any such power is only exercisable with the consent of the Board the exercise of such power by the Board shall be sufficient evidence of its consent to such exercise.

(3) Subject to the provisions of this Act the Board may construct, re-construct, maintain, and operate electric generating stations, transformer stations and other stations and places for transforming, storing, or otherwise dealing with electricity and extend or enlarge the transmission system of the Shannon works and construct, re-construct, maintain, and operate such other lines and works as the Board may think fit.

(4) For the purpose of the exercise or performance of any of the powers or functions conferred on the Board by this Act, the Board may enter on any lands or premises and there make such inquiries, investigations, and examinations as it thinks proper.

Annotations

Modifications (not altering text):

- C26** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C27** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in *Iris Oifigiúil* no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

C28 Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under- ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

C29 Application of subs. (3) extended (29.01.1941) by *Electricity (Supply) (Amendment) Act 1941* (1/1941), s. 3(1), commenced on enactment.

Electric generating stations using peat.

3.—(1) For the purpose of removing doubts it is hereby declared that the powers and functions given to the Board by sub-section (3) of section 20 of the Principal Act include the construction, maintenance, and operation of electric generating stations designed for using peat as fuel either alone or together with other kinds of fuel and every reference to the powers and functions of the Board contained in the Electricity (Supply) Acts 1927 to 1935, shall be construed and have effect accordingly.

...

C30 Application of subs. (3) extended (23.07.1932) by *Electricity (Supply) (Amendment) Act 1932* (15/1932), s. 5(1), commenced on enactment.

Additional functions of the Board.

5.—(1) The powers conferred on the Board by sub-section (3) of section 20 of the Principal Act shall include the enlargement or extension of the Shannon works by the installation, with the sanction of the Minister, of turbines, dynamos, and other machinery and equipment for generating electricity, either in addition to or in substitution for machinery in the said works at the time of such installation, and to erect buildings and install incidental equipment and fittings and do such other things as may be reasonably necessary for the efficient installation and operation of such machinery.

...

Fixing of rates and scales of charges for electricity, etc.

21.—(1) F17[...]

Annotations

Amendments:

F17 Repealed (17.04.2001) by *Electricity (Supply) (Amendment) Act 2001* (9/2001), s. 10, commenced on enactment.

Loans by the Board to authorised undertakers.

22.—The Board may out of the funds at its disposal make advances to any authorised undertaker, permitted undertaker or statutory undertaker for the purpose of his undertaking on such terms as the Board thinks proper and, where so required under any other section of this Act, shall make such advances on such terms as may be fixed in the manner provided in that behalf by such section, and any authorised undertaker, permitted undertaker or statutory undertaker, notwithstanding anything contained in the Act, order, memorandum of association or other document constituting such undertaker, may borrow from the Board.

Authorised undertakers and permitted undertakers to give information to the Board.

23.—The Board may require any authorised undertaker to give to the Board and every such undertaker when so required shall give to the Board such information relating to his undertaking as the Board considers necessary and every authorised undertaker who on being so required fails or refuses to give to the Board such information as aforesaid shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

Investigation into administration, etc., of authorised undertaking.

24.—(1) The Board may at any time hold or appoint any person to hold an investigation into the administration and financial position of the undertaking of any authorised undertaker, and the Board or the person so appointed as aforesaid (as the case may be) shall have power to summon witnesses to attend such investigation and to examine witnesses on oath and for that purpose to administer an oath to witnesses attending such investigation and to compel such witnesses to produce any documents in their power or control the production of which the Board or such person (as the case may be) considers necessary for the purposes of such investigation.

(2) Whenever an investigation is held under this section into the administration and financial position of the undertaking of an authorised undertaker such authorised undertaker shall be entitled to be heard and adduce evidence and, if he so desires, to be represented professionally at such investigation.

(3) Every person who on being duly summoned by the Board or by any such person as aforesaid to attend as a witness at any such investigation as aforesaid fails to attend such investigation, or being in attendance thereat as a witness refuses to take an oath or to give evidence or to produce any document in his power or control when required so to do shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

Users, etc., of electrical apparatus to give information to Board.

25.—The Board may require any person controlling or using electrical apparatus to give to the Board and every such person when so required shall give to the Board such information relating only to the nature, control, and use of such electrical apparatus (not including the nature or purpose of any experimental work for which such apparatus is used) as the Board thinks necessary, and every person who, on being so required, fails or refuses to give to the Board such information shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds.

Employment of technical, etc., advisers.

26.—(1) The Board may from time to time employ such technical or other advisers as it thinks fit to advise it in regard to any matter or thing in connection with the exercise or performance by the Board of the powers, duties and functions conferred or imposed on it by or under this Act.

(2) There shall be paid out of the funds at the disposal of the Board under this Act to every person employed by the Board under this section such fees and such allowances as the Board shall determine.

General advisory functions of the Board.

27.—It shall be the duty of the Board to advise the Executive Council generally on all matters relating to the exploitation of water power and other natural resources of Saorstát Eireann for the generation of electricity and to make all such investigations

and collect all such data relating to such water power and such natural resources as may be necessary for the purpose of the exploitation thereof for the generation of electricity and to advise the Minister on the location and extent of the transmission system to be constructed in pursuance of the provisions of the [Shannon Electricity Act, 1925](#) (No. 26 of 1925) and on such other matters arising out of the exercise and performance by the Minister of the powers, functions and duties conferred and imposed on him by the said Act as the Minister may think fit to refer to the Board for their advice.

Annotations

Modifications (not altering text):

- C31** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (Internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C32** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution

System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

C33 Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in *Iris Oifigiúil* no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Investigations and surveys by the Board.

28.—(1) The Board may conduct such investigations, experiments, and trials as the Board thinks fit for the improvement of the methods of transmission, distribution, and supply of electricity or of the utilisation of fuel, water power, or other means of generating electricity and may establish and maintain a testing laboratory for the testing and standardisation of electrical instruments.

(2) The Board may take such measures as, in the opinion of the Board, are calculated to advance the exploitation of water power in Saorstát Éireann and may organise and carry out national power and hydrometric survey work and make or arrange for the making of such maps, plans, sections, and estimates as are necessary for any of the purposes aforesaid.

(3) The Board may enter on any lands or premises for the purpose of doing thereon or on any other lands or premises all or any of the things which the Board is by this section authorised to do or making thereon or on any other lands or premises any inquiry, investigation, or examination preliminary or incidental to the doing of any such thing.

Annotations

Modifications (not altering text):

C34 References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

(a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.

(b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]

(c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or

under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.

[(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and

(e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C35** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

- C36** Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Exhibitions and displays of electrical apparatus, etc.

29.—The Board may, for the purpose of promoting and extending the uses of electricity for domestic, industrial, agricultural, and other purposes, open or arrange for the opening of showrooms for the exhibition and display of electrical apparatus and appliances and may organise and conduct or arrange for the organisation and conduct throughout Saorstát Eireann of demonstrations, exhibitions, and instruction relating to the uses of electricity for the purposes aforesaid.

Assistance of
Departments of
State.

30.—The Board may contract with any Minister who is head of a Department of State established by the **Ministers and Secretaries Act, 1924** (No. 16 of 1924) or with any statutory body under the control of any such Minister and such Minister or statutory body may with the consent of the Minister for Finance contract with the Board for the rendering of services and supply of materials to the Board in respect of the exercise and performance by the Board of the rights and duties conferred and imposed on it by this Act, and upon any such contract being made such Minister or statutory body and his or their officers and servants shall render services and supply materials to the Board in accordance with such contract.

Annotations

Modifications (not altering text):

C37 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1 part 2, in effect as per art. 1(2), subject to transitional provisions in arts. 6 to 9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of –

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

SCHEDULE 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 27 of 1927	Electricity (Supply) Act 1927	Sections 7, 30 and 88
...

Inquiries by the
Board.

31.—(1) The Board may hold or cause to be held such inquiries as the Board considers necessary for the purposes of this Act, and the Board, and, if authorised in that behalf by the Board, the person appointed by the Board to hold any such inquiry shall have power to take evidence on oath and for that purpose to administer oaths, and may also by order require any person, subject to the payment or tender of the reasonable expenses of his attendance, to attend as a witness and give evidence or to produce documents at such inquiry, and if any person fails without reasonable excuse to comply with any of the provisions of such order he shall be guilty of an offence under this

section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(2) Notice of any inquiry to be held for the purposes of this Act may be given and published in accordance with such general or special directions as the Board may give.

Annual report, statistics and returns.

32.—(1) The Board shall in each year, at such date and in such form as the Minister may prescribe, make to the Minister a report of its proceedings under this Act during the preceding year.

(2) The Board shall furnish to the Minister at such times and in such form and manner as the Minister may direct such statistics and returns as the Minister may require.

(3) The Minister shall lay as soon as may be before each House of the Oireachtas a copy of every report made to him by the Board under this section together with a copy of the last capital account, revenue account, profit and loss account, and balance sheet of the Board and a copy of the auditors' report on such accounts and balance sheet and shall with every such report by the Board lay before each House of the Oireachtas copies of such statistics, returns, and accounts furnished to him by the Board under this Act as may be necessary for the proper understanding of such report.

Annotations

Modifications (not altering text):

C38 Application of section extended (31.03.1945) by *Electricity (Supply) (Amendment) Act 1945* (12/1945), s. 45, commenced on enactment.

Obligation of the Board to furnish reports and statistics.

45.—The report required by section 32 of the *Electricity (Supply) Act 1927* (No. 27 of 1927), to be made by the Board in each year shall extend to and include the proceedings of the Board under this Act during the year to which such report relates, and the obligation to furnish statistics and returns imposed on the Board by the said section 32 shall extend to and include statistics and returns in relation to the proceedings of the Board under this Act.

C39 Application of section extended (19.02.1935) by *Shannon Fisheries Act 1935* (4/1935), s. 18, commenced on enactment.

Obligation of the Board to furnish reports and statistics.

18.—(1) The report required by section 32 of the Act of 1927 to be made by the Board in each year shall extend to and include the proceedings of the Board under this Act during the year to which such report relates, including the proceedings of the Board in the performance of the duties in relation to the Shannon fisheries imposed on the Board by Part III of this Act.

(2) The obligation to furnish statistics and returns imposed on the Board by section 32 of the Act of 1927 shall extend to and include statistics and returns in relation to the proceedings of the Board under this Act.

General regulations.

33.—F18[...]

Annotations

Amendments:

F18 Repealed (7.07.1949) by *Electricity (Supply) (Amendment) Act 1949* (12/1949), s. 17 and sch., commenced on enactment, subject to transitional provision in s. 2(7).

Regulations to be incorporated with special orders. **34.—**F19[...]

Annotations

Amendments:

F19 Repealed (7.07.1949) by *Electricity (Supply) (Amendment) Act 1949* (12/1949), s. 17 and sch., commenced on enactment, subject to transitional provision in s. 2(7).

PART II.

PARTICULAR FUNCTIONS AND POWERS OF THE ELECTRICITY SUPPLY BOARD.

Prohibition of unauthorised sale of electricity.

35.—(1) From and after the expiration of six months from the passing of this Act or such further period as may be fixed by the Board for any particular area, no person (other than the Board) shall sell electricity or supply electricity for sale unless he is an authorised undertaker or is a person authorised by a permit granted under this Act F20[or a licence granted under section 14 of the Electricity Regulation Act 1999,] to supply electricity F21[, or is the holder of a registration granted under Part IIIA of the Electricity Regulation Act 1999 or is a person of a class specified by order under section 28AC(2)(a)(i) of that Act or is engaging in a class of electricity activity specified by order under 28AC(2)(a)(ii) of that Act].

(2) No authorised undertaker shall sell electricity or supply electricity for sale outside his area of supply save in so far as he is authorised so to do by or under the Act or special or other order by virtue of which he is an authorised undertaker or by or under this Act and no authorised undertaker shall sell electricity or supply electricity for sale otherwise than in accordance with such Act or special or other order as aforesaid and this Act.

(3) No person who is for the time being the holder of a permit to supply electricity granted under this Act shall sell electricity or supply electricity for sale otherwise than in accordance with such permit.

(4) The Board shall serve on every person who to the knowledge of the Board sells electricity or supplies electricity for sale in contravention of this section a notice in writing requiring such person to cease within fourteen days from the date of the service of such notice to sell electricity or supply electricity for sale as aforesaid.

(5) Every person who shall sell electricity or supply electricity for sale in contravention of this section after the expiration of fourteen days from the service on him of a notice under the foregoing sub-section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment with or without hard labour for any term not exceeding six months or, at the discretion of the court, to a fine not exceeding one hundred pounds together with, in the case of a continuing offence, a further fine of ten pounds for every day the offence continues, or to both such imprisonment and such fine.

Annotations

Amendments:

F20 Inserted (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 42, S.I. No. 213 of 1999.

F21 Inserted (18.10.2022) by *Electricity Costs (Domestic Electricity Accounts) Emergency Measures and Miscellaneous Provisions Act 2022* (32/2022), s. 11, S.I. No. 520 of 2022.

Constitution of authorised undertakers by the Board.

36.—F22[...]

Annotations

Amendments:

F22 Repealed (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 41, S.I. No. 213 of 1999.

Permits to supply electricity to the public.

37.—F23[...]

Annotations

Amendments:

F23 Repealed (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 41, S.I. No. 213 of 1999, subject to transitional provision in s. 15(4).

Editorial Notes:

E31 Previous affecting provision: subs. (9) inserted (18.07.1998) by *European Communities (Internal Market in Electricity) Regulations 1998* (S.I. No. 292 of 1998), reg. 2; section repealed (14.07.1999) as per F-note above.

Acquisition by the Board of authorised undertakings.

38.—(1) Notwithstanding anything contained in any Act or order, any authorised undertaker may at any time request the Board to acquire his undertaking and thereupon the Board, if it thinks fit so to do, may by order acquire such undertaking.

(2) The Board may by order at any time acquire the undertaking of any authorised undertaker, and also may at any time by agreement with any person generating, distributing and supplying or distributing and supplying electricity in pursuance of a permit granted to such person under this Act acquire the undertaking (or any part thereof) of such person.

Procedure on acquisition of authorised undertaking by the Board.

39.—(1) Whenever the Board proposes to acquire under this Act the undertaking of an authorised undertaker (hereinafter in this section called the former undertaker) the Board shall send or deliver to such undertaker a notice in writing (hereinafter in this section called the notice of acquisition) of such proposal specifying the date on which the Board proposes to acquire the undertaking (hereinafter in this section called the date of acquisition).

(2) The Board shall on the date of acquisition by special order (hereinafter in this section called the vesting order) constitute itself or some other person to be the authorised undertaker (hereinafter in this section called the new undertaker) for the area of supply of the former undertaker and shall transfer to and vest in the new undertaker all the property, assets, and liabilities as hereinafter provided of the former undertaker in relation to the undertaking.

(3) The vesting order, in so far as it purports to constitute the new undertaker to be an authorised undertaker, shall have the like operation and effect as a special order made by the Board under the appropriate section of this Act either (as the case may require) declaring the Board to be the authorised undertaker for an area of supply or constituting a person to be the authorised undertaker for an area of supply.

(4) The vesting order, in so far as it purports to transfer to and vest in the new undertaker the property, assets, and liabilities of the former undertaker, shall be expressed and shall operate:—

- (a) to transfer to and vest in the new undertaker free from all charges and encumbrances all the property and assets of the former undertaker owned and used by him (including property out on loan or hire to consumers) on the date of the vesting order for the purposes of the undertaking, and
- (b) to transfer to and vest in the new undertaker all book debts and other moneys owing to the former undertaker on account of the undertaking on the date of the vesting order and the right to sue for, recover, and give good receipts for such debts and moneys, and
- (c) to impose on and vest in the new undertaker the liability for and obligation to indemnify the former undertaker against all debts and liabilities owing by the former undertaker on account of the undertaking on the date of the vesting order save and except—
 - (i) capital liabilities, mortgages, loans, and bank over draft, and
 - (ii) any liability exceeding one thousand pounds incurred after the 31st day of March, 1927, and before the constitution of the Board without the consent of the Minister or incurred after the constitution of the Board without the consent of the Board.

(5) Immediately upon the service on the former undertaker of the notice of acquisition the former undertaker shall cease to be an authorised undertaker but (notwithstanding anything contained in this or any other Act or in any order) shall continue to carry on his undertaking until the date of the vesting order and shall until that date have and perform all such rights, powers duties, and obligations as were immediately before the service of the notice of acquisition conferred or imposed on him by this or any other Act or any order and are necessary for such carrying on of his undertaking.

(6) Whenever the former undertaker is a local authority the new undertaker shall as on and from the date of the vesting order become and be by virtue of this sub-section liable for and bound to indemnify and keep indemnified the former undertaker against all capital loans (including current bank overdraft) outstanding at the date of the vesting order and borrowed by the former undertaker for the purpose of the undertaking and all mortgages and charges on the undertaking or the assets thereof outstanding on the date of the vesting order (save and except loans borrowed and mortgages and charges created after the 31st day of March, 1927, and before the constitution of the Board without the consent of the Minister or after the constitution of the Board without the consent of the Board) and also the interest on such loans, mortgages, and charges from the date of the vesting order.

(7) Whenever the former undertaker is a local authority, and has before the 31st day of March, 1927, raised by means of the rates any sum in aid of the undertaking, the new undertaker shall as on and from the date of the vesting order become and be by virtue of this sub-section liable to pay such sum (less an amount equal to the portion (if any) thereof which has before the date of the vesting order been paid to the general revenue account of such local authority in relief of rates) to the former undertaker by ten equal yearly instalments, the first of which shall be payable twelve months after the date of the vesting order, and each of which shall when received by the former undertaker be paid into its general revenue account in relief of rates.

(8) Whenever the former undertaker is not a local authority the new undertaker shall within three months after the date of the vesting order pay to the Board or, if the Board is itself the new undertaker, shall put to a separate account a sum equal to the fair value on the date of the vesting order of the undertaking (with all the property, assets, and liabilities thereof transferred to or imposed on the new undertaker by the vesting order) as a going concern and interest on such fair value

from the date of the vesting order at the rate of five per cent. per annum, such fair value to be fixed, in default of agreement, by an arbitrator agreed upon by the former undertaker and the new undertaker or failing such agreement appointed by the High Court, and as soon as may be after such payment or putting to a separate account the Board shall out of the moneys so paid to it or put to a separate account by it discharge so far as such moneys are sufficient for that purpose all mortgages and charges affecting the undertaking or any of the property or assets thereof on the date of the vesting order and shall pay the residue (if any) of such moneys to the former undertaker.

In fixing for the purposes of this sub-section the fair value of an undertaking the arbitrator shall not include any sum or allowance on account of any accretion of value arising directly or indirectly from the operation of the Shannon works.

(9) Every person who, immediately before the date of the vesting order, is in the employment of the former undertaker and is employed by him in relation to the undertaking and had been so employed before the 31st day of March, 1927, shall, on the making of the vesting order, (unless such person elects with the consent of the former undertaker to remain in the service of such undertaker in another capacity) become a servant of the new undertaker upon the same terms (including increment pension and superannuation rights) as he was on the 31st day of March, 1927, employed by the former undertaker, with such increases of salary and other benefits as may before the date of the vesting order have accrued to him from those terms by effluxion of time and such further increases of salary and other benefits as may have been conferred on him by the former undertaker, after the 31st day of March, 1927, and before the constitution of the Board, with the consent of the Minister or, after the constitution of the Board, with the consent of the Board.

(10) If any dispute or question shall arise as to whether any person was, immediately before the date of the vesting order, in the employment of the former undertaker, and was employed by him in relation to the undertaking, and had been so employed before the 31st day of March, 1927, such dispute or question shall, if the Board is itself the new undertaker, be determined by the Minister, and shall, if the Board is not itself the new undertaker be determined by the Board.

(11) Every person who, immediately before the date of the vesting order, is in the employment of the former undertaker and is employed by him in relation to the undertaking and was first so employed on or after the 31st day of March, 1927, shall, on the making of the vesting order, become a servant of the new undertaker upon the same terms (including pension and superannuation rights) as he was immediately before the date of the vesting order employed by the former undertaker if, but only if, his employment by the former undertaker in relation to the undertaking and the terms on which he was so employed immediately before the date of the vesting order were approved of by the Minister before the constitution of the Board or by the Board after its constitution.

(12) For the purpose of calculating the pension and superannuation rights against the new undertaker of a person transferred by this section from the service of the former undertaker to the service of the new undertaker, the periods of service of such person with the former undertaker and the new undertaker respectively shall be reckoned as continuous service with the new undertaker.

(13) Whenever the former undertaker is a local authority and any dispute arises between the new undertaker and any person transferred by this section from the service of the former undertaker to the service of the new undertaker in relation to any right of such person which dispute, if it had arisen between such former undertaker and such person before such transfer, might at the instance of such person have been referred to the Minister for Local Government and Public Health for his decision, such dispute shall, if such person so requires, be referred to the said Minister, whose decision thereon shall be final and conclusive.

Annotations**Modifications (not altering text):**

- C40** Application of subss. (9) and (11) extended (25.03.1952) by *Electricity (Supply) (Amendment) Act 1952* (4/1952), s. 9, commenced on enactment.

9.—(1) The Board may declare any specified age to be the age limit for offices in the service of the Board held by persons who were transferred under subsection (9) or subsection (11) of section 39 of the Principal Act to the service of the Board from the service of an authorised undertaker and who had, by virtue of such transfer, a right to superannuation benefits payable by the Board, or for such of those offices as belong to a specified class, description or grade or for one or more specified such offices.

...

- C41** References to "the same terms" construed (15.12.1942) by *Electricity (Supply) (Amendment) Act 1942* (27/1972), s. 3(3), commenced on enactment.

Amendment of section 39 of the Electricity (Supply) Act, 1927.**3.— ...**

(3) It is hereby declared and enacted that where, on the acquisition (whether before or after the passing of this Act) under section 39 of the Principal Act of the undertaking of an authorised undertaker, the Board constituted or constitutes itself to be the new undertaker, the expression "the same terms" where it occurs in sub-section (9) or in sub-section (11) of the said section 39 does not and never did include any term (whether statutory or contractual) whereby the former undertaker is or was precluded from doing, without the consent of a Minister or some other person, any act to which this section applies or one or more particular such act or acts.

Control of authorised undertaking by the Board.

40.—(1) The Board may by order take control at any time of the undertaking of an authorised undertaker.

(2) The following provisions shall apply to every order (in this Act called a control order) by which the Board takes control of an undertaking under this section or under any other section of this Act, that is to say:—

(a) the Board may in the control order state the date (not being prior to nor more than three months subsequent to the date of the control order) on and from which it thereby takes control of the undertaking, and if no such date is so stated the Board shall be deemed to take such control on and from the date of the order,

(b) the Board may in the control order state the period for which it thereby takes control of the undertaking, but such period shall not be less than the minimum period (if any) applicable under this Act nor more in any case than five years,

(c) if no such period is stated in the control order the Board shall be deemed thereby to take control of the undertaking for the period of five years or until the Board sooner relinquishes such control, and in such case the Board may by order at any time, but where such minimum period as aforesaid is applicable, not before the expiration of such minimum period, relinquish such control.

(3) Whenever the Board takes control under this Act of the undertaking of an authorised undertaker the following provisions shall apply, that is to say:—

(a) so long as such control continues the Board shall maintain, work, and manage the undertaking and shall for that purpose have full possession, control, use, and occupation of all the property and assets of the authorised undertaker and the right to use the name of the authorised undertaker,

(b) upon the commencement of the control all persons in the employment of the authorised undertaker and employed by him in relation to the undertaking

shall become servants of the Board upon the same terms as they were, immediately before such commencement, employed by the authorised undertaker and with the same (if any) rights against the Board to pension and superannuation allowance as they had against the authorised undertaker immediately before such commencement and for the purpose of such pension and superannuation allowance the period of service of any such person with the authorised undertaker before such commencement and his period of service under the Board during the control shall be reckoned as continuous service under the Board: provided that no such person shall during the control be transferred from the undertaking without his consent,

- (c) the Board may during the control employ such and so many persons (whether previously employed or not employed by the authorised undertaker) in relation to the undertaking as it thinks fit,
- (d) the Board shall have all the benefits and perform all the obligations of the authorised undertaker under any contract subsisting immediately before the commencement of the control but so far only as such contract is to be performed during the control, and the Board shall during the control be entitled to sue and be liable to be sued in relation to any such contract in the name of the authorised undertaker,
- (e) all profits earned by the undertaking during the control shall, at the discretion of Board, either be paid into a reserve fund or a renewals fund or other like fund belonging to or for the benefit of the undertaking or be paid to the authorised undertaker and applied by him according to law as profits earned by him from the undertaking,
- (f) all losses incurred by the undertaking during the control shall be paid by the Board but may if the Board so thinks fit be recouped to the Board out of the reserve or other funds (if any) of the authorised undertaker to an amount not exceeding in respect of any year the amount of the average annual losses (if any) incurred by the undertaking during the period of five years immediately preceding the date of the commencement of the period of control,
- (g) the authorised undertaker may at any time during the control require the Board to acquire the undertaking and the Board upon being so required shall forthwith acquire the undertaking,
- (h) at the expiration by effluxion of time of the period of control the Board shall do by order one or other as the Board thinks fit of the following things, that is to say, either acquire the undertaking or relinquish control of the undertaking.

(4) When the Board relinquishes control of an undertaking the following provisions shall have effect, that is to say:—

- (a) the rights of the Board under the control order in respect of the undertaking and the property and assets of the authorised undertaker and of his name shall cease,
- (b) all property and assets acquired by the Board during the control out of money derived from the undertaking and held by the Board at the expiration of the control shall become the property of the authorised undertaker,
- (c) all persons who are at the expiration of the control employed by the Board in relation to the undertaking shall become servants of the authorised undertaker upon the same terms as they were, immediately before such expiration, employed by the Board and with the same (if any) rights against the authorised undertaker to pension and superannuation allowance as they had against the Board immediately before such expiration, and for the purpose of such pension and superannuation allowance the period of service of any

such person under the Board shall be reckoned as service with the authorised undertaker,

- (d) the authorised undertaker may, not later than one month after the relinquishment by the Board of the control of the undertaking of such authorised undertaker, give to any person (not being a person who was at the date of the commencement of the control employed by such authorised undertaker) who is at the expiration of the control employed by the Board in relation to such undertaking and becomes a servant of such authorised undertaker notice in writing of the termination of his employment as a servant of such authorised undertaker notice in writing of the termination of his employment as a servant of such authorised undertaker and every such notice shall be expressed and operate to terminate the employment as such servant of such person at the expiration of one month from the date thereof or, in the case of a person whose contract of service with the Board provided for the termination of such service upon notice of a less period than one month, at the expiration of such less period.

Segregation of authorised undertaking from conjoined business.

41.—(1) Whenever the undertaking of an authorised undertaker is carried on by him in conjunction with or as part of another business owned by him, the Board may, for the purpose of the acquisition or the taking control of such undertaking by it under this Act or for any other purpose arising under this Act, require such authorised undertaker to furnish to the Board within the time (not being less than one month) appointed by it in that behalf a segregation statement within the meaning of this section in relation to such undertaking.

(2) Whenever an authorised undertaker, on being required under this section to furnish to the Board a segregation statement in relation to his undertaking refuses or neglects so to do within the time appointed by the Board in that behalf or furnishes within such time to the Board a segregation statement which, in the opinion of the Board, is unsatisfactory the Board may itself prepare such segregation statement.

(3) If any question or dispute arises between an authorised undertaker and the Board upon any segregation statement prepared by the Board under this section such question or dispute shall be determined by an arbitrator appointed by the Minister on the application of such authorised undertaker or the Board (as the case may be) and such arbitrator shall have power to amend such segregation statement and such segregation statement as so amended shall for the purposes of this section be deemed to be a segregation statement prepared by the Board under this section.

(4) For the purposes of this section, a segregation statement in relation to the undertaking of an authorised undertaker is a statement, in such form as is directed by the Board, showing—

- (a) how much or which part of the capital liability of the authorised undertaker represents moneys expended on such undertaking, and
- (b) how much or which of the debts and liabilities of the authorised undertaker were incurred on account of such undertaking, and
- (c) how much or which of the book debts and other moneys owing to the authorised undertaker are so owing in respect or on account of such undertaking, and
- (d) what part or which of the lands, buildings, plant, machinery, chattels, and other property (not being money or security for money) belonging to the authorised undertaker is used for the purposes of such undertaking, and
- (e) how much or which of the moneys in hand and of the investments and other securities for money belonging to the authorised undertaker are attributable to such undertaking, and
- (f) which of the persons employed by the authorised undertaker are so employed in or for the purposes of such undertaking.

(5) Whenever a segregation statement is furnished by an authorised undertaker or is prepared by the Board under this section in relation to an undertaking, such undertaking shall for the purpose of the acquisition or taking control thereof by the Board under this Act or for any other purpose arising under this Act be deemed to consist and may be treated by the Board as consisting only of such capital liability, debts and liabilities, book debts and other moneys, property, moneys in hand and securities for money, and persons as are stated in such segregation statement to represent moneys expended, to have been incurred, to be owing, to be used, to be attributable, or to be employed (as the case may be) on, or on account of, or in respect of, or to, or for the purposes of such undertaking.

Annotations

Modifications (not altering text):

C42 Application of subs. (1) extended and references to "the making of special orders" construed (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 47(1), S.I. No. 213 of 1999.

Compulsory acquisition of land by Commission, etc.

47.—(1) Subject to subsection (2) the power to make a special order conferred on the Board by section 45(1) of the Principal Act shall be exercisable by the Commission and not by the Board on the application of the Board or a holder of an authorisation or a person who has applied for an authorisation and any references in that Act to the making of special orders shall be construed as references to the making of such orders by the Commission.

...

Alteration of
areas of supply.

42.—(1) The Board may whenever it so thinks proper by order alter the area of supply of any authorised undertaker either by way of extension or of reduction or of both extension and reduction of such area.

(2) Whenever the Board makes an order under this section altering an area of supply of an authorised undertaker such area as so altered shall for all purposes be the area of supply of such authorised undertaker and the Act, order, memorandum of association, or other document constituting such authorised undertaker and also the Act or order by virtue of which he is an authorised undertaker shall have effect accordingly.

(3) Whenever the Board makes an order under this section altering an area of supply of an authorised undertaker the Board shall by such order make such (if any) adaptations of the Act, order, memorandum of association, or other document constituting such authorised undertaker and of the Act or order by virtue of which he is an authorised undertaker as shall appear to the Board to be necessary to enable such document, Act, or order to have effect in respect of the area of supply as so altered as fully as it had in such area of supply before it was so altered.

(4) The Board shall not by an order under this section add to the area of supply of an authorised undertaker any area which at the date of such order is part of the area of supply of another authorised undertaker.

(5) This section shall apply to an area of supply of which the Board is the authorised undertaker as fully as it applies to any other area of supply.

(6) The Board shall not alter the area of supply of an authorised undertaker (other than the Board itself) under this section without previously giving such authorised undertaker an opportunity to be heard in respect of such alteration.

(7) An order made by the Board under this section may provide that such order shall come into operation on a date subsequent but not more than six months subsequent to the date of such order, and when any such order so provides such order shall come into operation accordingly.

Provisions consequential on extension of area of supply.

43.—Whenever the Board, by an alteration made under this Act of the area of supply of an authorised undertaker, extends such area (whether the Board does or does not at the same or any other time in other respects reduce such area) the following provisions shall have effect, that is to say, if the extent of the area so added to such area of supply exceeds one-tenth of the extent of such area of supply before it was so altered, such authorised undertaker may within one month after the date of the order of the Board making such alteration require the Board to acquire the undertaking of such authorised undertaker and thereupon the Board shall by order do whichever of the following things it thinks proper, that is to say, either acquire such undertaking or take control of such undertaking for a period of not less than two years.

Provisions consequential on reduction of an area of supply.

44.—Whenever the Board, by an alteration made under this Act of the area of supply of an authorised undertaker, reduces such area (whether the Board does or does not at the same or any other time in other respects extend such area) the following provisions shall have effect, that is to say:—

- (a) all wires, transformers, poles, and other fixed machinery and apparatus for the transmission or distribution of electricity which at the date of the coming into operation of the order effecting the alteration of the area of supply are the property of such authorised undertaker and situate in the area (hereinafter called the severed area) taken from such area of supply by such order and all meters, stoves, lamps, wires, connections, and other electrical apparatus which on the said date are the property of such authorised undertaker and are hired to or fixed on the premises of consumers in the severed area shall on the said date vest in and become the property of the Board,
- (b) the Board shall within three months after the said date pay to such authorised undertaker the fair value as of the said date of all property of such authorised undertaker which under the foregoing paragraph becomes the property of the Board, such value, in default of agreement, to be fixed by an arbitrator appointed by the Minister,
- (c) if the Board becomes itself the authorised undertaker in the severed area, the Board may utilise all such property as aforesaid in such way as it thinks proper,
- (d) if some person other than the Board becomes within three months after the said date the authorised undertaker in the severed area, such person shall purchase all such property as aforesaid from the Board for the fair value thereof on the said date and such value shall, so far as not fixed already by an arbitrator under this Act, be fixed, in default of agreement, by an arbitrator appointed by the Minister,
- (e) the defrayal of expenses necessarily and properly incurred by such authorised undertaker in providing for the maintenance of the supply of electricity in the part of his area of supply which remains after the severance therefrom of the severed area shall be a purpose for which such authorised undertaker may borrow under this Act.

Annotations

Modifications (not altering text):

- C43** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

- 25.** (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C44** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

- C45** Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Compulsory acquisition of land, etc., by the Board.

45.—(1) If and whenever the Board thinks proper to acquire compulsorily any land or to acquire or use compulsorily any easement or other right over land or any right of impounding, diverting, or abstracting water for the purpose of the exercise of any of the powers or the performance of any of the duties or functions conferred or imposed on it by this Act, the Board may by special order declare its intention so to acquire such land or so to acquire or use such right, and every such special order shall operate to confer on the Board full power to acquire compulsorily the land or to acquire or use compulsorily the right mentioned therein under and in accordance with this section.

(2) The Board shall not make a special order under this section in relation to the compulsory acquisition of a right of impounding, diverting, or abstracting water without previous consultation with the Minister for Fisheries.

(3) The Board shall not make a special order under this section in relation to the compulsory acquisition of a right of impounding, diverting, or abstracting water in or from any canal without previous consultation with the Minister.

(4) Before making a special order under this section, the Board—

(a) shall deposit and keep open for inspection in its principal office or some other suitable place such plans, specifications, and other documents as will show fully and clearly the land or right intended to be acquired or used by virtue of the order, and

(b) shall give notice, in such manner as it may consider best adapted for informing persons likely to be affected by the order, of its intention to consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and

(c) shall, if it considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order.

(5) A special order made under this section may incorporate—

(a) the Acquisition of Land (Assessment of Compensation) Act, 1919, with the modification that the expression “public authority” shall include the Board F24[or a holder of an authorisation under section 16 of the Electricity Regulation Act 1999, as the case may be], and

(b) the Lands Clauses Acts so far as the same are not inconsistent with the said Acquisition of Land (Assessment of Compensation) Act, 1919 F25[or with this section].

(6) Nothing in this section shall authorise the Board to acquire use, or otherwise interfere with compulsorily under this section any land or water or any easement or other right over land which at the date of the first publication of notice of the intention of the Board to consider the making of a special order in that behalf belongs to a gas or water undertaker and is used or authorised to be used by such undertaker for the purpose of his undertaking.

Annotations

Amendments:

F24 Inserted (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 43, S.I. No. 213 of 1999.

F25 Inserted (13.09.1934) by *Electricity (Supply) (Amendment) (No. 2) Act 1934* (38/1934), s. 17(1), commenced on enactment.

Modifications (not altering text):

- C46** Application of subs. (1) extended and reference to the making of special orders construed (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 47(1), S.I. No. 213 of 1999.

Compulsory acquisition of land by Commission, etc.

47.—(1) Subject to subsection (2) the power to make a special order conferred on the Board by section 45(1) of the Principal Act shall be exercisable by the Commission and not by the Board on the application of the Board or a holder of an authorisation or a person who has applied for an authorisation and any references in that Act to the making of special orders shall be construed as references to the making of such orders by the Commission.

...

- C47** Functions transferred and references to Department of and Minister for Agriculture and Fisheries construed as Department of and Minister for Lands (8.02.1977) by *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1977* (S.I. No. 30 of 1977), arts. 3, 4(1)(c), subject to transitional provisions in arts. 5 to 8. Note that the name of the Minister for and Department of Lands was changed:

- to the Minister for Fisheries (9.02.1977) by *Lands (Alteration of Name of Department and Title of Minister) Order 1977* (S.I. No. 29 of 1977);
- to Minister for Fisheries and Forestry (15.07.1978) by *Fisheries (Alteration of Name of Department and Title of Minister) Order 1978* (S.I. No. 95 of 1978);
- to Minister for Tourism, Fisheries and Forestry (19.02.1986) by *Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order 1986* (S.I. No. 40 of 1986);
- to Minister for the Marine (19.03.1987) by *Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order 1987* (S.I. No. 82 of 1987);
- to Minister for the Marine and Natural Resources (12.07.1997) by *Marine (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 301 of 1997);
- to Minister for Communications, Marine and Natural Resources (19.06.2002) by *Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 307 of 2002);
- to Minister for Communications, Energy and Natural Resources (20.10.2007) by *Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007* (S.I. No. 706 of 2007);
- to Minister for Communications, Climate Action and Environment (23.07.2016) by *Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 421 of 2016);
- to Minister for Environment, Climate and Communications (24.10.2020) by *Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 373 of 2020).

...

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are hereby transferred to the Department of Lands.

(2) References to the Department of Agriculture and Fisheries contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Lands.

4. (1) The functions vested in the Minister for Agriculture and Fisheries by or under the following Acts are hereby transferred to the Minister for Lands:

...

(c) the Electricity (Supply) Acts, 1927 to 1976,

...

Editorial Notes:

- E32** Previous affecting provision: functions transferred and references to Department of and Minister for Lands construed as Department for and Minister of Agriculture (3.05.1965) by *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1965* (S.I. No. 83 of 1965), arts. 3, 4(1)(c), in effect as per art. 1(2), subject to transitional provisions in arts. 5 to 8. Note that the name of the Minister for and Department of Agriculture was changed to the Minister for and Department of Agriculture and Fisheries (6.07.1965) by *Agriculture (Alteration of Name of Department and Title of Minister) Order 1965* (S.I. No. 146 of 1965); superseded (8.02.1997) as per C-note above.
- E33** Previous affecting provision: functions transferred and references to Department of Agriculture and Minister for Agriculture construed Department of and Minister for Lands (9.04.1957) by *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1957* (S.I. No. 67 of 1957), arts. 3, 4(1)(c), in effect as per art. 1(2), subject to transitional provisions in arts. 5 to 8; superseded (3.05.1965) as per E-note above.
- E34** Previous affecting provision: functions in relation to fisheries (including deep-sea fisheries, tidal waters fisheries, coastal fisheries, inland waters fisheries, and industries connected with the same) transferred and references to Minister for Lands and Fisheries construed as Minister for Agriculture (1.04.1934) by *Fisheries (Re-Distribution of Public Services) Order 1934* (S.R. &O. 40 of 1934), art. 4, in effect as per art. 3; superseded as per E-note above.
- E35** Previous affecting provision: Minister for Fisheries construed as Minister for Lands and Fisheries (1.09.1928) by *Ministers and Secretaries (Amendment) Act 1928* (6/1928), s. 3(3), S.I. No. 49 of 1928; superseded as per E-note above.

Disposal of surplus land, etc., by the Board.

46.—The Board may at any time dispose in such manner as it thinks proper of any land or any easements or other rights in respect of land or water or any works, buildings, or other property acquired or constructed by it under this Act which appears to the Board to be no longer required by it for the performance of its duties or the exercise of its functions under this Act.

Compulsory acquisition of land, etc., by authorised undertaker.

47.—(1) The Board if it thinks proper so to do may by special order empower any authorised undertaker to acquire compulsorily any land or to acquire or use compulsorily any easement, or other right over any land, or any right of impounding, diverting, or abstracting water, which may be necessary or convenient for the establishment or extension of a generating station, the development of water-power for the generation of electricity, the transformation, transmission, or distribution of electricity, or the construction of any works authorised by the Board, and any such order may empower the authorised undertaker to exercise the powers aforesaid either within or outside the area of supply of the authorised undertaker, and in the case of an authorised undertaker which is a local authority either within or outside their district.

(2) A special order under this section authorising the compulsory acquisition of a right of impounding, diverting, or abstracting water shall not be made by the Board without previous consultation with the Minister for Fisheries.

(3) A special order under this section authorising the compulsory acquisition of a right of impounding, diverting, or abstracting water in or from any canal shall not be made by the Board without previous consultation with the Minister.

(4) Before a special order is made under this section the authorised undertaker shall deposit with the Board such plans, specifications, and other documents as shall be required by the Board and after the deposit of such documents the Board shall give notice, in such manner as it may consider best adapted for informing persons likely to be affected by the order, of its intention to consider the making thereof and of the manner in which representations and objections in respect of the order may

be made, and shall, if it shall consider it expedient so to do, cause a public inquiry to be held in regard to any matter relating to the making of such order.

(5) A special order made under this section may incorporate—

- (a) the Acquisition of Land (Assessment of Compensation) Act, 1919, with the modification that the expression “public authority” shall include the authorised undertaker to whom the order relates, and
- (b) the Lands Clauses Acts so far as the same are not inconsistent with the said Acquisition of Land (Assessment of Compensation) Act, 1919.

(6) No special order shall be made under this section—

- (a) in respect of any matter which the Board is of opinion, as a result of representations made to it or the report of the person holding a public inquiry, or otherwise, is of such a character or magnitude that it ought not to be proceeded with, or
- (b) authorising the compulsory acquisition or use of, or interference with, any land or water or any easement or other right over land which at the date of the first publication of notice of the intention of the Board to consider the making of the order belongs to a gas or water undertaker and is used or authorised to be used by such undertaker for the purpose of his undertaking.

Annotations

Modifications (not altering text):

C48 References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C49** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

- C50** Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

- C51** Functions transferred and references to Department of and Minister for Agriculture and Fisheries construed as Department of and Minister for Lands (8.02.1977) by *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1977* (S.I. No. 30 of 1977), arts. 3, 4(1)(c), subject to transitional provisions in arts. 5 to 8. Note that the name of the Minister for and Department of Lands was changed:

- to the Minister for Fisheries (9.02.1977) by *Lands (Alteration of Name of Department and Title of Minister) Order 1977* (S.I. No. 29 of 1977);
- to Minister for Fisheries and Forestry (15.07.1978) by *Fisheries (Alteration of Name of Department and Title of Minister) Order 1978* (S.I. No. 95 of 1978);
- to Minister for Tourism, Fisheries and Forestry (19.02.1986) by *Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order 1986* (S.I. No. 40 of 1986);
- to Minister for the Marine (19.03.1987) by *Tourism, Fisheries and Forestry (Alteration of Name of Department and Title of Minister) Order 1987* (S.I. No. 82 of 1987);
- to Minister for the Marine and Natural Resources (12.07.1997) by *Marine (Alteration of Name of Department and Title of Minister) Order 1997* (S.I. No. 301 of 1997);
- to Minister for Communications, Marine and Natural Resources (19.06.2002) by *Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2002* (S.I. No. 307 of 2002);
- to Minister for Communications, Energy and Natural Resources (20.10.2007) by *Communications, Marine and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2007* (S.I. No. 706 of 2007);

- to Minister for Communications, Climate Action and Environment (23.07.2016) by *Communications, Energy and Natural Resources (Alteration of Name of Department and Title of Minister) Order 2016* (S.I. No. 421 of 2016);

- to Minister for Environment, Climate and Communications (24.10.2020) by *Communications, Climate Action and Environment (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 373 of 2020).

...

3. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 4 of this Order are hereby transferred to the Department of Lands.

(2) References to the Department of Agriculture and Fisheries contained in any Act or instrument made thereunder and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Lands.

4. (1) The functions vested in the Minister for Agriculture and Fisheries by or under the following Acts are hereby transferred to the Minister for Lands:

...

(c) the Electricity (Supply) Acts, 1927 to 1976,

...

Editorial Notes:

E36 Previous affecting provision: functions transferred and references to Department of and Minister for Lands construed as Department for and Minister of Agriculture (3.05.1965) by *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1965* (S.I. No. 83 of 1965), arts. 3, 4(1)(c), in effect as per art. 1(2), subject to transitional provisions in arts. 5 to 8. Note that the name of the Minister for and Department of Agriculture was changed to the Minister for and Department of Agriculture and Fisheries (6.07.1965) by *Agriculture (Alteration of Name of Department and Title of Minister) Order 1965* (S.I. No. 146 of 1965); superseded (8.02.1997) as per C-note above.

E37 Previous affecting provision: functions transferred and references to Department of Agriculture and Minister for Agriculture construed Department of and Minister for Lands (9.04.1957) by *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1957* (S.I. No. 67 of 1957), arts. 3, 4(1)(c), in effect as per art. 1(2), subject to transitional provisions in arts. 5 to 8; superseded (3.05.1965) as per E-note above.

E38 Previous affecting provision: functions in relation to fisheries (including deep-sea fisheries, tidal waters fisheries, coastal fisheries, inland waters fisheries, and industries connected with the same) transferred and references to Minister for Lands and Fisheries construed as Minister for Agriculture (1.04.1934) by *Fisheries (Re-Distribution of Public Services) Order 1934* (S.R. &O. 40 of 1934), art. 4, in effect as per art. 3; superseded as per E-note above.

E39 Previous affecting provision: Minister for Fisheries construed as Minister for Lands and Fisheries (1.09.1928) by *Ministers and Secretaries (Amendment) Act 1928 (6/1928)*, s. 3(3), S.I. No. 49 of 1928; superseded as per E-note above.

Disposal of surplus land, etc.

48.—Any authorised undertaker may, with the consent of the Board, dispose of any land, works, or other property, which may appear to him to be no longer required for the purposes of his undertaking, subject, as respects any land which is subject to any right of pre-emption, to that right.

Sale and hire of electrical apparatus.

49.—(1) The Board may manufacture and the Board and also any authorised undertaker with the consent of the Board may provide, sell, or let on hire any electric lines, fittings, apparatus, and appliances for lighting, heating, motive power or any other purpose for which electricity can or may be used and may connect, repair,

maintain, and remove any lines, fittings, apparatus, and appliances so provided, sold, or let on hire, and may in respect of such lines, fittings, apparatus, and appliances demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed upon.

(2) In the exercise of its powers under the foregoing sub-section the Board shall have regard to the desirability of taking measures to ensure the promotion and extension of the manufacture in Saorstát Éireann of electric lines, fittings, apparatus and appliances.

(3) All charges made by the Board or by an authorised undertaker for the sale or letting on hire of electric lines, fittings, apparatus or appliances shall be fixed at such rates that the revenue derived by the Board or by such authorised undertaker (as the case may be) from such sale and such letting on hire shall not be less than the expenditure incurred in or about such sale and letting on hire including the cost of providing or (in the case of the Board) manufacturing such electric lines, fittings, apparatus or appliances.

(4) The Board shall keep separate accounts in relation to moneys received and expended by it in or in connection with the manufacture, provision, sale, and letting on hire of electric lines, fittings, apparatus and appliances.

(5) Neither the Board nor any authorised undertaker shall attach to the supply of electricity any condition involving the provision by or purchase or hire from the Board or from such authorised undertaker of any electric lines, fittings, apparatus, or appliances, nor give any preference direct or indirect to any consumer on condition of such provision by or purchase or hire from the Board or from such authorised undertaker.

(6) All electric lines, fittings, apparatus, and appliances provided or let on hire by or on behalf of an authorised undertaker on a consumer's premises either before or after the passing of this Act, and also all lands, buildings and works held by an authorised undertaker in connection with his undertaking shall be deemed to form part of the undertaking authorised by the special Act or order relating to such authorised undertaker.

(7) For the purposes of this section, electric lines, fittings, apparatus, and appliances disposed of by the Board or by an authorised undertaker on terms of payment by instalments shall until the whole of the instalments have been paid, be deemed to be electric lines, fittings, apparatus, or appliances (as the case may be) let on hire by the Board or the undertaker and shall not be subject to distress or to the landlord's remedy for rent of the premises where the same may be nor to be taken in execution under any process of a court of law or equity or any proceedings in bankruptcy against the person in whose possession the same may be.

(8) Nothing in this section shall affect the amount of the assessment for rating of any premises upon which any electric lines, fittings, apparatus, or appliances are or shall be fixed.

Shops and
showrooms.

50.—The Board and also any authorised undertaker who is authorised under this Act to provide, sell, or let on hire electric lines, fittings, apparatus, and appliances may, subject in the case of an authorised undertaker to the consent of the Board, maintain shops and showrooms for the display, sale and hire of such lines, fittings, apparatus and appliances and conduct displays, exhibitions, and demonstrations of such lines, fittings, apparatus and appliances, and generally do all things (including advertising) incidental to the provision, sale, and letting on hire of such lines, fittings, apparatus, and appliances and the promotion and encouragement of, in the case of the Board, the use generally of such lines, fittings, apparatus and appliances and, in the case of an authorised undertaker, the use of such lines, fittings, apparatus, and appliances in the area of supply of such authorised undertaker.

Breaking-up of streets, etc.

51.—(1) The Board may whenever it thinks proper lay lines for the transmission and lines for the distribution of electricity along, across, or under any street, road, railway, or tramway and may for that or any incidental purpose or for any other purpose arising in the course of the exercise or performance of any power or duty conferred or imposed on it by this Act or any order or regulation made thereunder break up any street, road, railway, or tramway.

(2) The Board may by order confer on any authorised undertaker power, either generally or for any particular purpose or on any particular occasion and with and subject to such (if any) restrictions and conditions as the Board thinks proper, to lay electric lines along, across, or under any street, road, railway, or tramway whether within or outside the area of supply of such authorised undertaker, and for that or any incidental purpose to break up such street, road, railway, or tramway.

Annotations

Modifications (not altering text):

- C52** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C53** References to "lines" construed as "electric lines" (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 4(1), S.I. No. 286 of 2014.

Electric line

4. (1) A reference to an electric line wherever it occurs in the ESB Acts 1927 to 2014 shall be construed and have effect and be deemed always to have had effect as meaning any line which is used solely or amongst other things for carrying electricity for any purpose and as including—

- (a) any support for any such line, that is to say, any structure, pole or other thing in, on, by or from which any such line may be supported, carried or suspended,

(b) any apparatus connected to or associated with any such line for the purpose of carrying electricity or electronic communications services, whether such apparatus is owned by the Board or by any company referred to in section 2 or by a company which has been provided access or services referred to in section 3, or

(c) any wire, cable, tube, pipe or similar thing (including its casing or coating) which is used for the purpose of carrying electricity or electronic communications services and which surrounds or supports or is surrounded or supported by, or is installed in close proximity to, or is supported, carried or suspended in association with, any such line.

(2) In section 51(1) of the Principal Act a reference to lines shall be read and be deemed always to have been read as a reference to electric lines (within the meaning of subsection (1) of this section).

...

- C54** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

- C55** Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

- C56** Application of section extended (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 48, S.I. No. 213 of 1999.

Construction of sections 51 and 52(1) of Principal Act.

48.—The power to lay electric lines conferred on the Board by section 51 and section 52(1) of the Principal Act may, with the consent of the Commission, also be exercised by the holder of an authorisation or the holder of a direct line permission under section 37 and the said section 51 and 52(1) shall apply to the holder of an authorisation or the holder of a direct line permission under the said section 37 in like manner as they apply to the Board.

C57 Application of subss. (1) and (2) extended (7.07.1935) by *Electricity (Supply) (Amendment) Act 1935* (20/1935), s. 2(1), (2), commenced on enactment.

Amendment of section 51 of the Principal Act.

2.—(1) The power conferred on the Board by sub-section (1) of section 51 of the Principal Act to lay lines for the transmission and lines for the distribution of electricity along or across any street, road, railway, or tramway shall include and be deemed always to have included power to lay such lines above ground at any height and also power to erect, in or on any such street, road, railway, or tramway, such posts, poles, and other erections as the Board shall consider to be necessary or proper for carrying or supporting any such line so laid, and the power conferred on the Board by the said sub-section to break up any street, road, railway, or tramway shall include and be deemed always to have included power to break up any street, road, railway, or tramway for the purpose of erecting therein or thereon such posts, poles and other erections as aforesaid.

(2) The power conferred on the Board by sub-section (2) of section 51 of the Principal Act to confer on any authorised undertaker power to lay electric lines along or across any street, road, railway or tramway shall include and be deemed always to have included power to confer on any authorised undertaker a like power to lay such lines above ground at any height and also a like power to erect, in or on any such street, road, railway, or tramway, such posts, poles, and other erections as such authorised undertaker shall consider to be necessary or proper for carrying or supporting any such line so laid, and power to break up such street, road, railway, or tramway for the purpose of erecting any such post, pole, or other erection.

...

Editorial Notes:

E40 Previous affecting provision: references to "lines" construed as "electric lines" (31.03.1945) by *Electricity (Supply) (Amendment) Act 1945* (12/1945), s. 46(2), (3), commenced on enactment; repealed (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 4(4), S.I. No. 286 of 2014.

Exercise of power to break up roads, etc.

52.—(1) The Board shall not break up any road without previous consultation with the local authority in whose district such road is situate and shall not break up any railway or tramway without previous consultation with the Minister.

(2) No order authorising an authorised undertaker to break up any road shall be made by the Board under this Act without previous consultation with the local authority in whose district such road is situate, and no order authorising an authorised undertaker to break up any railway or tramway shall be made by the Board under this Act without previous consultation with the Minister.

Annotations

Modifications (not altering text):

C58 Application of subs. (1) extended (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 48, S.I. No. 213 of 1999.

Construction of sections 51 and 52(1) of Principal Act.

48.—The power to lay electric lines conferred on the Board by section 51 and section 52(1) of the Principal Act may, with the consent of the Commission, also be exercised by the holder of an authorisation or the holder of a direct line permission under section 37 and the said section 51 and 52(1) shall apply to the holder of an authorisation or the holder of a direct line permission under the said section 37 in like manner as they apply to the Board.

C59 References to "road" construed (7.06.1935) by *Electricity (Supply) (Amendment) Act 1935* (20/1935), s. 3, commenced on enactment.

Amendment of section 52 of the Principal Act.

3.—(1) Section 52 of the Principal Act shall be construed and have effect and be deemed always to have had effect as if the word “road” included a street.

(2) No action taken or order made by the Board under section 52 of the Principal Act before the passing of this Act which is rendered legal solely by virtue of the amendment of the said section 52 effected by this section shall be invalidated by reason merely of the omission of such previous consultation by the Board with the local authority as is required by the relevant sub-section of the said section 52 as so amended.

Way-leaves
across land.

53.—(1) The Board and also any authorised undertaker may, subject to the provisions of this section, and of regulations made by the Board under this Act place any electric line above or below ground across any land not being a street, road, railway, or tramway.

(2) The Board and also any authorised undertaker may attach to any wall, house, or other building any bracket or other fixture required for the carrying or support of an electric line or any electrical apparatus.

(3) Before placing an electric line across any land or attaching any fixture to any building under this section the Board or the authorised undertaker (as the case may be) shall serve on the owner and on the occupier of such land or building a notice in writing stating its or his intention so to place the line or attach the fixture (as the case may be) and giving a description of the nature of the line or fixture and of the position and manner in which it is intended to be placed or attached.

(4) If within fourteen days after the service of such notice the owner and the occupier of such land or building give their consent to the placing of such line or the attaching of such fixture (as the case may be) in accordance with such notice either unconditionally or with conditions acceptable to the Board, or to the authorised undertaker and approved by the Board (as the case may require), the Board or the authorised undertaker may proceed to place such line across such land or to attach such fixture to such building in the position and manner stated in such notice.

F26[(5) If the owner or occupier of such land or building fails within the seven days aforesaid to give his consent in accordance with the foregoing subsection, the Board or the authorised undertaker with the consent of the Board but not otherwise may place such line across such land or attach such fixture to such building in the position and manner stated in the said notice, subject to the entitlement of such owner or occupier to be paid compensation in respect of the exercise by the Board or authorised undertaker of the powers conferred by this subsection and of the powers conferred by subsection (9) of this section, such compensation to be assessed in default of agreement under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919, the Board for this purpose being deemed to be a public authority.]

(6) Where any authorised undertaker has under any terminable agreement or arrangement, whether made before or after the passing of this Act, placed any electric line across any land or attached any such fixture as aforesaid to any such building as aforesaid, such authorised undertaker may notwithstanding the termination of such agreement or arrangement but subject to the provisions of this section, retain the line across the land or the fixture attached to the building in the same position, on the same terms, and subject to the same conditions as during the continuance of the said agreement or arrangement.

(7) The owner or the occupier of any land or building across or on which an electric line or a fixture is or might be retained under this section after the termination of an agreement or arrangement may by notice in writing served on the authorised undertaker within two months before or at any time after such termination object to the retention of such line or fixture across or on such land or building and thereupon it shall not be lawful for the authorised undertaker to retain such line across such land or such fixture on such building without the consent of the Board.

(8) Where under this section the consent of the Board is required to the placing or retention of an electric line across any land or of a fixture on a building the Board may, if, after giving all parties concerned an opportunity of being heard, it thinks it just, give its consent either unconditionally or subject to such terms, conditions, and stipulations as it thinks just, and in deciding whether to give or withhold its consent or to impose any terms, conditions or stipulations (including the placing of any portion of the line underground) the Board shall, among other considerations, have regard to the effect, if any, on the amenities or value of the land or building of the placing of the line or the attaching of the fixture in the position and manner proposed.

(9) Where the Board or an authorised undertaker is authorised by or under this section to place or retain any electric line across any land or to attach or retain any fixture on any building the Board or such authorised undertaker (as the case may be) may at any time enter on such land or building for the purpose of placing, repairing, or altering such line or such fixture or any line or apparatus supported by such fixture.

Annotations

Amendments:

- F26** Substituted (2.04.1985) by *Electricity (Supply) (Amendment) Act 1985* (6/1985), s. 1, commenced on enactment.

Modifications (not altering text):

- C60** Application of subss. (1), (3), (4), (5), (9) extended and application of subs. (2) restricted (19.06.2014) by *ESB (Electronic Communications Networks) Act 2014* (5/2014), ss. 5(1), 6, S.I. No. 286 of 2014.

Way-leaves across land by companies accessing electricity infrastructure of Board

5. (1) Where the Board provides access to any electricity infrastructure of the Board to a company under section 3, that company may, with the consent of the Commission for Energy Regulation, for the purpose of that access, exercise the powers conferred on the Board by subsections (1), (3), (4), (5) and (9) of section 53 of the Principal Act, and that section shall be read accordingly.

...

Non-application of section 53(2) of Principal Act

6. Where the Board engages in any of the businesses referred to in section 2 either alone or with another company or provides to a company access or services referred to in section 3, subsection (2) of section 53 of the Principal Act does not apply in respect of the business, access or service, as the case may be.

- C61** Application of subss. (1) to (5) and subs. (9) extended and references to "Board" construed (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 49, S.I. No. 213 of 1999.

49.—A holder of an authorisation or the holder of a direct line permission may, with the consent of the Commission, for the purposes of such authorisation, exercise the powers conferred on the Board by subsections (1) to (5) and (9) of section 53 of the Principal Act and references to the Board in those subsections shall be construed as including references to a holder of an authorisation.

- C62** Application of subss. (3), (4) and (5) affected (31.03.1945) by *Electricity (Supply) (Amendment) Act 1945* (12/1945), s. 46(4), (5), commenced on enactment.

Electric lines and the laying thereof.

46.— ...

(4) The following provisions shall apply and have effect in relation to the notice required by subsection (3) of section 53 of the Act of 1927 to be served on the owner and the occupier of land or a building, that is to say:—

- (a) any such notice may, in lieu of being served personally on such owner or such occupier (as the case may be), be served on him by sending such notice by prepaid post in an envelope addressed to such owner or occupier (as the case may be) at his usual or last known

address; and when so sent such notice shall be deemed to be served at the time when such envelope would be delivered in the ordinary course of post;

(b) where for any reason the envelope mentioned in the next preceding paragraph of this subsection cannot be addressed in the manner provided by that paragraph, such envelope may be addressed to the person for whom it is intended in either or both of the following ways, that is to say:—

(i) by the description “the owner” or “the occupier” (as the case may be) without stating his name,

(ii) at the land or building to which the notice contained in such envelope relates.

(5) The period of fourteen days mentioned in subsections (4) and (5) of section 53 of the Act of 1927 is hereby reduced to seven days, and for that purpose the words “seven days” are hereby substituted for the words “fourteen days” wherever the latter words occur in either of the said subsections.

C63 Application of subs. (2) extended (7.06.1935 with retrospective effect) by *Electricity (Supply) (Amendment) Act 1935 (20/1935)*, s. 4, commenced on enactment.

Amendment of section 53 of the Principal Act.

4.—Sub-section (2) of section 53 of the Principal Act shall apply and be deemed always to have applied to any electric line whatsoever and to any electric apparatus whatsoever, including, in particular, any electric line laid above ground along or across any street, road, railway, or tramway and any electric apparatus forming part of or connected with any electric line so laid.

Editorial Notes:

E41 Previous affecting provision: subs. (5) declared to be invalid by Supreme Court in *Gormley v ESB* [1985] I.R. 129; subs. (5) substituted (2.04.1985) as per F-note above.

Way-leaves
across railways,
etc.

54.—No authorised undertaker may place any electric line across or along or either over or under any railway, canal, inland navigation, dock, or harbour save subject to the provisions of the regulations made by the Board under this Act.

Annotations

Modifications (not altering text):

C64 Application of section extended and references to “authorised undertaker” construed (14.07.1999) by *Electricity Regulation Act 1999 (23/1999)*, s. 50(1), S.I. No. 213 of 1999.

Construction of section 54 of Principal Act.

50.—(1) Subject to subsection (2), references in section 54 of the Principal Act to an authorised undertaker shall include references to the holder of an authorisation or the holder of a direct line permission under section 37.

...

Cables across
rivers, etc.

55.—The Board shall not without previous consultation with the Minister place or authorise any authorised undertaker to place any electric cable across any navigable river or navigable waterway, whether such cable is placed above or below water or under the ground.

Annotations

Modifications (not altering text):

C65 Minister generally construed in accordance with C-note and E-notes under s. 1. However, functions transferred and Minister for Communications construed as Minister for the Marine in relation to

this section (31.03.1987) by *Communications (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 91 of 1987), arts. 3, 4(1)(c), (2) and sch. part IV, subject to transitional provisions in arts. 5-9. Note that the name of the Minister was changed to Marine and Natural Resources (12.07.1997) by *Communications (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 301 of 1997), thereby returning s. 55 to the responsibility of the Minister as defined in s. 1.

4. (1) The functions vested in the Minister for Communications— ...

(c) by or under any of the Statutes mentioned in the third column of Part IV of the Schedule to this Order at any reference number of any statute mentioned in the second column of that Part of that Schedule at that reference number

are hereby transferred to the Minister for the Marine.

(2) References to the Minister for Communications contained in any Act or instrument made thereunder and relating to any functions transferred by this Article shall, on and after the commencement of this Order, be construed as references to the Minister for the Marine.

SCHEDULE

PART IV

Statutes, certain functions under which are transferred from the Minister for Communications to the Minister for the Marine

Ref. No.	Statute	Provisions of the Statutes mentioned in the second column, functions under which are transferred to the Minister for the Marine
(1)	(2)	(3)
...
4.	Electricity (Supply) Act 1927	Section 55
...

Note: It appears that the effect of *Energy (Transfer of Departmental Administration and Ministerial Functions) Order 1977* (S.I. No. 295 of 1977), art. 4(3) and sch. 1 part 1 may have been overlooked by the drafter of the above S.I. No. 91 of 1987. This would have resulted in an assumption that the Minister for Transport and Power was construed as the Minister for Tourism and Transport (23.09.1977) by *Transport and Power (Alteration of Name of Department and Title of Minister) Order 1977* (S.I. No. 305 of 1977), art. 4, in effect as per art. 1(2), further construed as a reference to the Minister for Transport (25.01.1980) by *Tourism and Transport (Alteration of Name of Department and Title of Minister) Order 1980* (S.I. No. 11 of 1980), arts. 3, 4, in effect as per art. 1(2), and then construed as a reference to the Minister for Communications (2.01.1984) by *Ministers and Secretaries (Amendment) Act 1983* (40/1983), s. 5(2), commenced as per s. 1 and *Postal and Telecommunications Services Act 1983* (24/ 1983), s. 9(2), S.I. Nos. 407, 408 of 1983.

Supply of electricity in bulk by the Board.

56.—(1) Whenever the Board offers to an authorised undertaker or a statutory undertaker a supply of electricity in bulk to be supplied by the Board or by another person at a rate of charge (including provision for any expenses necessarily incurred by such undertaker in taking such supply in bulk) which is equal to or less than the cost of generation by such undertaker, such undertaker shall take such supply in bulk upon such terms and conditions as shall be determined by agreement or in default of agreement by the Board.

(2) An undertaker who takes a supply of electricity in bulk under this section shall not be required to construct outside his area of supply any works for the purpose of such supply as aforesaid, but such an undertaker if so requested by the Board and if he consents to do so may construct outside his area of supply any such works as aforesaid.

(3) If any dispute arises between any undertaker and the Board as to whether the cost of generation of electricity in the generating station of such undertaker is or is not greater than the rate of charge (including provision for any expenses necessarily

incurred by such undertaker in taking such supply in bulk) at which a supply of electricity in bulk is offered under this section to such undertaker, such dispute shall be determined by an arbitrator appointed by the Minister and the decision of such arbitrator shall be final.

(4) In this section the expression "cost of generation" means all costs incurred by an undertaker which having regard to the items of cost included in the comparative rate of charge for a supply of electricity in bulk ought properly to be allocated to those parts of his undertaking engaged in the production of electricity including (in the case of an undertaker who brings electricity from the generating station of such undertaker to a central station for distribution therefrom to consumers) the costs (if any) incurred by such undertaker in bringing such electricity to such central station but not in any case including any capital charges which remain to be borne by an undertaker after taking a supply of electricity in bulk under the foregoing provisions of this section.

Purchase and resale of electricity by the Board.

57.—(1) The Board may purchase electricity in bulk from any authorised undertaker or any other person and may re-sell such electricity either in bulk to any authorised undertaker or by distribution to individual consumers.

(2) Any authorised undertaker or statutory undertaker may sell electricity in bulk to the Board or purchase electricity in bulk from the Board.

Particular use by the Board of Shannon transmission system.

58.—The Board may, for the purpose of the transmission of electricity purchased and resold by the Board, utilize all or any of the lines for the transmission of electricity, transformer stations, and other apparatus of the transmission system of the Shannon works for the time being handed over to it by the Minister.

Annotations

Modifications (not altering text):

C66 References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

(a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.

(b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]

(c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.

[(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and

(e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C67** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

- C68** Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Scales of methods and rates of charge.

59.—(1) The Board may make scales fixing the methods of charge and the rates of charge for electricity (whether supplied in bulk or otherwise) by the Board and by authorised undertakers and permitted undertakers respectively and may at any time and from time to time as the Board thinks fit revise or revoke the scales so made or any part thereof or any particular item therein.

(2) The Board in making scales fixing the methods of charge and rates of charge for electricity supplied to consumers in a district served by a transformer station which is co-terminous with or includes an area which was previously the area of supply of an authorised undertaker whose undertaking has been acquired by the Board under this Act shall not include any charge in respect of liabilities assumed or payments made by the Board in consequence of the acquisition by the Board under this Act of an undertaking in a district served by any other transformer station.

(3) Before making, revising or revoking any scale fixing the methods of charge and the rates of charge for electricity by any authorised undertaker or any permitted undertaker the Board shall send by post to such authorised undertaker or such permitted undertaker notice in writing signifying its intention so to do, and the Board

shall not make, revise or revoke any such scale as aforesaid until the expiration of a period of one month from the date of such notice.

(4) Every authorised undertaker or permitted undertaker upon receipt by him of a notice under this section signifying the intention of the Board to make a scale fixing the methods of charge and the rates of charge for electricity by such authorised undertaker or such permitted undertaker or signifying the intention of the Board to revise or revoke any such scale may (where such notice relates to the making of any such scale as aforesaid) not later than one month from the date of such notice, submit to the Board a scale of methods of charge and rates of charge for electricity by such authorised undertaker or such permitted undertaker and may (where such notice relates to the revision or revocation of any such scale as aforesaid) not later than one month from the date of such notice, submit to the Board such revision or revocation of the scale to which such notice relates or of any part thereof or of any particular item therein as such authorised undertaker or such permitted undertaker thinks fit, and the Board shall consider every scale of methods of charge and rates of charge for electricity and every revision or revocation of any such scale or of any part thereof or of any particular item therein submitted to the Board under this section.

(5) Any scale fixing the methods of charge or the rates of charge for electricity made under this section may relate to the supply of electricity in bulk for resale and distribution or to the supply of electricity direct to consumers or to both such forms of supply, and any such scale may apply to the whole of Saorstát Eireann or to any specified part thereof or to any one or more areas of supply or to any one or more transmission systems or any one or more parts thereof or to any one or more classes of consumers.

(6) Every scale made by the Board fixing the methods of charge and the rates of charge for electricity by a local authority which is an authorised undertaker shall be made and from time to time revised by the Board so that, as far as is reasonably practicable, no contribution from any rate made by such local authority will be required for the purpose of defraying any expenses which such local authority may incur whether under this Act or otherwise in respect of the authorised undertaking of such local authority.

(7) The Board shall not make any scale fixing the methods of charge and the rates of charge for electricity by a local authority which is an authorised undertaker whereby the charge for electricity used by such local authority for lighting purposes shall be fixed at a rate which is higher than the rate fixed for consumers using electricity for lighting purposes and for the like hours of supply.

(8) So long as any such scale as aforesaid is in force it shall not be lawful for any authorised undertaker or any permitted undertaker to whom such scale applies to give any supply of electricity to which such scale applies at any other price than the price fixed by such scale, and every authorised undertaker or permitted undertaker who gives any supply of electricity in contravention of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds for every day during which such supply is so given.

(9) Notwithstanding anything contained in this section, any authorised undertaker who has contracted before the thirty-first day of March, 1927, or shall contract with the consent of the Board after the passing of this Act to give a supply of electricity at a price fixed by or under the contract may, so long as such contract continues binding on him, perform his obligations under such contract.

Annotations

Modifications (not altering text):

- C69** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted

(3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

C70 Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

C71 Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Objection to
scale of charges.

60.—Whenever the Board fixes a scale of methods of charge and rates of charge for electricity any authorised undertaker to whom such scale applies may if the charges to be borne by consumers under such scale are less than the charges borne by such consumers in respect of the same services before such scale is fixed by the Board serve on the Board a notice in writing of his objection to work his undertaking under such scale, and thereupon the Board shall by order do one or other of the following things as such undertaker may require or in the absence of such requisition as the Board thinks proper, that is to say, either acquire the undertaking of such undertaker or take control of such undertaking for a period of not less than two years.

Closing of
generating
stations.

61.—(1) Whenever—

- (a) it appears to the Board that it is expedient that any generating station should wholly or in part cease to be used as a generating station, and
- (b) a sufficient supply of electricity is available to the person owning such generating station and such person can be compelled under this Act to take such supply,

the Board may by order require such person within such time as the Board shall specify in such order (not being less than three months from the date thereof) to cease to use such generating station as a generating station either wholly or to such lesser extent as is specified in such order and shall under the powers conferred on it by this Act compel such person to take the supply of electricity so available as aforesaid.

(2) Whenever a person is required by an order under this section to cease in part only and not wholly to use a generating station as a generating station the subsequent provisions of this section and the provisions of the **First Schedule** to this Act shall apply with the modification that references to the cesser to use a generating station as a generating station shall be construed as including such partial cesser as is required by such order.

(3) When an authorised undertaker or a statutory undertaker in pursuance of an order made under this section ceases to use a generating station as a generating station, such authorised undertaker or such statutory undertaker (as the case may be)—

- (a) may, with the consent of the Board, and shall, if so required by the Board, maintain such generating station or any part thereof for the purposes of the Board and at the expense of the Board which expense shall be taken into consideration in fixing the rates of charge for electricity for all areas for the benefit of which such generating station is maintained, and
- (b) may, with the consent of the Board, do all or any of the following things, that is to say:—
 - (i) sell any machinery or plant theretofore used in such generating station,
 - (ii) sell such generating station or any part thereof,
 - (iii) utilise such generating station, with or without all or any of the plant theretofore used therein, in such manner as such undertaker thinks proper.

(4) Whenever an authorised undertaker or a statutory undertaker sells any generating station or any machinery or plant under this section the proceeds of such sale shall be applied in accordance with the Acts or Orders regulating the undertaking or, if such Acts or Orders do not contain provisions applicable to the case, in such manner as shall be approved, in the case of an authorised undertaker or a statutory undertaker who is a local authority, by the Minister for Local Government and Public Health after consultation with the Board or, in the case of any other authorised undertaker or statutory undertaker, by the Minister after consultation with the Board.

(5) Whenever an authorised undertaker or a statutory undertaker in pursuance of an order made under this section ceases to use a generating station as a generating station, the **First Schedule** to this Act shall on such cesser apply to every person who at the date of such order was employed in such generating station by such authorised undertaker or such statutory undertaker (as the case may be).

(6) In this section and in the **First Schedule** to this Act the expression "authorised undertaker" includes a permitted undertaker.

Establishment and extension of generating stations, etc.

62.—Notwithstanding anything contained in any special Act or any provisional or other order in force at the passing of this Act, it shall not be lawful for any authorised undertaker without the consent of the Minister before the constitution of the Board and after the constitution of the Board without the consent of the Board to establish a new or extend an existing generating station or transmission system or distribution system.

Annotations

Modifications (not altering text):

- C72** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

C73 Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in *Iris Oifigiúil* no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

C74 Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in *Iris Oifigiúil* no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Making of contracts by the Board for authorised undertakers.

63.—(1) The Board may after consultation with an authorised undertaker make contracts for the execution of works for or on behalf of such authorised undertaker, and the Board may after consultation with an authorised undertaker prepare plans, maps, and specifications in relation to any works to be executed by such authorised undertaker and supervise the execution of such works.

(2) The Board may by agreement with an authorised undertaker make contracts for the sale of electricity by such authorised undertaker and may by agreement with an authorised undertaker, and if so requested by such authorised undertaker, shall supervise the making of contracts for the sale of electricity by and on behalf of such authorised undertaker and the execution of contracts so made.

(3) For the purpose of effecting economy in the execution of any works (including the supply of materials therefor) the subject of a contract made by the Board for and on behalf of any authorised undertaker or in the construction of works (including the supply of materials therefor) being or to be supervised by the Board under this section the Board may form or cause to be formed such a combination of authorised undertakers as the Board may consider necessary or expedient.

(4) An authorised undertaker shall not incur any expenditure in respect of the construction, reconstruction, extension, equipment, or re-equipment of any works used by such authorised undertaker as part of or in connection with his undertaking save in accordance with such plans and specifications as are approved for the purpose by the Board.

(5) Whenever any such expenditure as is mentioned in the foregoing sub-section is incurred by an authorised undertaker after the passing of this Act and the construction, reconstruction, extension, equipment, or re-equipment in respect of which such expenditure is so incurred is executed on plans or specifications which have not been approved by the Board or otherwise than in accordance with plans and specifications so approved and the undertaking of such authorised undertaker is acquired by the Board under this Act, such expenditure or such amount thereof as remains undischarged at the date of such acquisition shall not, without the consent of the Board, be taken over by the Board as a liability of such undertaking.

Amendment of frequency.

64.—(1) The Board may require any one or more authorised undertakers to amend or alter the type of current, frequency, or pressure employed by them in their undertakings.

(2) The defrayal of expenses necessarily and properly incurred by an authorised undertaker in complying with a requisition by the Board under this section shall be a purpose for which such authorised undertaker may borrow under this Act.

Purchase, etc., of undertakings by authorised undertaker.

65.—Any authorised undertaker may by agreement and with the consent of the Board purchase, take on lease, or acquire the right to use the whole or any part of the undertaking of any person (other than the Board) engaged in the generation, supply, or distribution of electricity and such person (whether an individual, a local authority, company, or other body corporate or unincorporate) may with the consent aforesaid sell, lease, or grant the right to use the whole or any part of his undertaking to the authorised undertaker aforesaid.

Working of by-products.

66.—An authorised undertaker may, with the consent of the Board, erect, maintain, alter, improve, and renew by-product plant with all necessary machinery and apparatus, and do all such acts as may be proper for working up and converting the residual products arising directly or indirectly from the generation of electricity.

Constitution of joint committees.

67.—(1) Where it appears to the Board that the joint exercise by two or more authorised undertakers of their powers would be expedient, the Board may by special order make such provisions as appear to it to be necessary or expedient, by the constitution of a joint committee or joint board or otherwise, for the joint exercise by such authorised undertakers of all or any of their powers under this Act or any order thereunder in any area comprising the whole or any part or parts of the respective areas of supply of such authorised undertakers.

(2) Any order made under this section may contain such provisions as may appear to the Board to be necessary or proper for adapting any of the provisions of this Act or any order made thereunder to the circumstances of any joint committee or joint board constituted by such order.

Mutual assistance.

68.—(1) Any two or more authorised undertakers may, with the approval of the Board, and if so required by the Board shall, enter into and carry into effect arrangements for the mutual assistance of the one by the other with regard to all or any of the following matters, that is to say:—

- (a) the giving and taking of a supply of electricity and the distribution and, supply of the electricity so taken,
- (b) the management and working of the generating stations or other parts of the several undertakings of the authorised undertakers who are parties to the arrangement,
- (c) the provision of capital required for carrying into effect, and the appropriation and division of receipts arising under, any such arrangement,

(d) any matters or things incidental to or connected with any of the matters aforesaid.

(2) Any arrangement made under this section shall be made on such terms and conditions as may be agreed between the parties thereto with the approval of the Board, or, if the arrangement is made in pursuance of a requirement by the Board, on such terms and conditions as in default of agreement shall be settled by the Board.

(3) Unless the Board determines that such arrangement is necessary in the interest of the general supply of electricity in the district, the Board shall not require an authorised undertaker to enter into an arrangement under this section for taking a supply of electricity from some other specified authorised undertaker if it is proved to the satisfaction of the Board that, having regard to all the circumstances of the case, including the duration of the period during which the supply is to be taken and the estimated financial results likely to be obtained during that period, the authorised undertaker would if he obtained a supply of electricity from some other source be in a position to give a supply of electricity adequate in quantity and regularity to meet the present and prospective demands of his consumers at a cost less than that at which he could give such a supply if he obtained the supply from that specified undertaker.

(4) Where an arrangement has been duly made under this section, any authorised undertaker who is a party thereto may be authorised by the Board by order to exercise such powers (including the power to break up roads, railways, and tramways) as may be necessary for the purpose of carrying the arrangement into effect.

(5) The provision of capital required for giving effect to an arrangement made under this section and the payment of interest on such capital whilst the expenditure remains unremunerative shall be purposes for which a local authority which is an authorised undertaker may borrow under this Act.

(6) The Board may by order—

(a) authorise any authorised undertaker to supply electricity in bulk to any person either within or outside the area of supply of such authorised undertaker and whether such person is or is not himself an authorised undertaker.

(b) provide for any such supply as aforesaid being compulsory, and

(c) make such provisions as appear to the Board to be necessary for adapting this Act to the giving of such supply in bulk.

Supply of electricity to premises outside area of supply.

69.—(1) Where the occupier of any premises is desirous of obtaining a supply of electricity to those premises from an authorised undertaker in whose area of supply those premises are not situate, the Board may (subject to the provisions of this section) permit such authorised undertaker to supply electricity to those premises upon such terms and subject to such conditions as the Board shall think fit to prescribe.

(2) No permission shall be given by the Board under this section without previous consultation with the local authority in whose district the said premises are situate and with the authorised undertaker (if any) in whose area of supply the said premises are situate.

Divestiture of powers and obligations.

70.—(1) An authorised undertaker may, with the consent of the Board divest himself of any power, right or obligation conferred or imposed on him by this Act or by any special Act or by any order made under this Act or any Act repealed by this Act.

(2) Save as authorised by the foregoing sub-section, an authorised undertaker shall not divest himself, by transfer or otherwise, of any such power, right, or obligation as is mentioned in the said sub-section.

PART III.

LOCAL AUTHORITIES.

Expenses of local authorities.

71.—(1) Any expenses incurred under this Act by a local authority which is an authorised undertaker and not otherwise provided for may, with the consent of the Board given after consultation with the Minister for Local Government and Public Health, be defrayed—

(a) in the case of an urban sanitary authority out of the rate applicable to the general purposes of the Public Health (Ireland) Acts or any other fund or rate applicable to lighting under any Local Act, and

(b) in the case of a rural district council, board of public health, or board of health and public assistance as special expenses under the Public Health (Ireland) Act, 1878 and shall be deemed to be special expenses within the meaning of section 232 of the said Act.

(2) F27[...]

(3) F27[...]

Annotations**Amendments:**

F27 Repealed (2.12.1964) by *Local Government (Repeal of Enactments) Act 1964* (33/1964), s. 1 and sch., commenced on enactment.

Modifications (not altering text):

C75 Functions transferred and references to "sanitary authorities" construed (1.01.2014) by *Water Services (No. 2) Act 2013* (50/2013), s. 7(3), (4), S.I. No. 575 of 2013.

Transfer of functions from water service authorities to Irish Water**7. ...**

(3) All functions of sanitary authorities deemed to be functions of a water services authority under section 39 of the Act of 2007 shall, on the transfer day, be transferred to Irish Water.

(4) References to a sanitary authority in any enactment or instrument under any enactment shall, on and after the transfer day, in so far as they relate to any function transferred by subsection (3), be construed as references to Irish Water.

Power to local authorities to borrow for the purposes of this Act.

72.—F28[...]

Annotations**Amendments:**

F28 Repealed (2.12.1964) by *Local Government (Repeal of Enactments) Act 1964* (33/1964), s. 1 and sch., commenced on enactment.

Power to suspend annual provision for repayment of borrowed moneys.

73.—(1) Notwithstanding anything to the contrary contained in any Act, whether public general or local and personal, it shall be lawful with the approval of the Board for a local authority which is an authorised undertaker to suspend (subject to the limitations imposed by this section) the annual provision required by law to be made for the repayment of moneys borrowed under this Act.

(2) The suspension under this section of the annual provision aforesaid shall be made for such period and subject to such conditions as the Board shall determine but shall not in any case extend beyond the period during which the expenditure out of the moneys borrowed as aforesaid remains unremunerative.

Audit of Accounts.

74.—A local authority which is an authorised undertaker shall keep separate accounts in relation to its authorised undertaking and the separate accounts so kept shall be deemed to be accounts of such local authority and shall be audited in like manner as the accounts of such local authority and the enactments and orders relating to the audit of the accounts of such local authority and to the powers of the auditor thereof shall apply to such separate accounts in like manner as those enactments and orders apply to the audit and the auditor of the accounts of such local authority.

Contracts for execution of works, etc,

75.—Any local authority which is an authorised undertaker may (subject to the provisions of this Act which relate to expenditure incurred by an authorised undertaker in respect of the construction, reconstruction, extension, equipment, or re-equipment of any works used as part of or in connexion with his undertaking) contract with any person for the execution and maintenance of any works needed for the supply by such local authority of electricity in accordance with the order or special Act by which such supply is authorised.

Expenses of carrying out agreements.

76.—Where a local authority which is an authorised undertaker enters into an agreement or arrangement authorised by or under this Act with any other authorised undertaker or any other person, any expenses incurred by such local authority in carrying such agreement or arrangement into effect shall be deemed to be expenses incurred by them under this Act, and any moneys received by such local authority under such agreement or arrangement shall be deemed to be moneys received by such local authority in respect of their authorised undertaking.

F29[Payment by local authorities of expenses of certain alterations.

77.—Whenever a local authority on account of or for the purpose of an alteration to a road or bridge—

(a) requires an authorised undertaker or a holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or the holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, to alter the position or depth of underground electrical wires, mains, or other electrical works or the position of poles or other structures carrying electrical wires or mains or other above ground electrical works, or

(b) requires the Board to alter the position or depth of any such underground electrical works or the position of any such above ground electrical works as aforesaid belonging to or under the control of the Board,

the expenses incurred by such authorised undertaker or holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, or by the Board, as the case may be, in complying with such requisition shall be paid to such authorised undertaker or holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, or to the Board, as the case may require, by such local authority or, demand as part of the expenses of the maintenance of such road or bridge and the amount of such expenses so to be paid to such authorised undertaker or holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder

of a direct line permission under section 37 of the Electricity Regulation Act 1999, or to the Board shall be fixed by an arbitrator appointed by the Commission for Electricity Regulation established under section 8 of the Electricity Regulation Act 1999.]

Annotations

Amendments:

F29 Substituted (14.07.1999) by *Electricity Regulation Act 1999 (23/1999)*, s. 44, S.I. No. 213 of 1999.

Application to borrowing under this Act of the Public Health (Ireland) Acts, 1878 to 1919.

78.—F30[...]

Annotations

Amendments:

F30 Repealed (2.12.1964) by *Local Government (Repeal of Enactments) Act 1964 (33/1964)*, s. 1 and sch., commenced on enactment.

Public safety regulations.

79.—(1) Any local authority within whose district any person is authorised under any order or special Act to supply electricity may make in respect of the supply of such electricity such regulations for securing the safety of the public as such local authority thinks proper and may by such regulations impose penalties for the breach of such regulations and authorise the recovery of such penalties by summary proceedings.

(2) Regulations made under this section shall be in addition to any regulations made by the Board and shall not revoke, amend, or prejudice any such last-mentioned regulations.

(3) No regulations made by a local authority under this section shall have any force or effect unless or until they have been confirmed by the Board and have been published in such manner as the Board may direct.

Allocation of surplus funds.

80.—Whenever a local authority which is an authorised undertaker has in its hands at the end of any local financial year any surplus funds arising from the authorised undertaking after discharge of all liabilities in relation to such undertaking, such authorised undertaker shall not allocate or apply such surplus funds to any purpose save a purpose approved in that behalf by the Board.

Provision of fund as working capital.

81.—A local authority which is an authorised undertaker may provide a fund as working capital and may with the approval of the Board F31[...] allocate for such purpose any surplus funds arising from the authorised undertaking after discharge of all current liabilities in relation to such undertaking.

Annotations

Amendments:

F31 Deleted (2.12.1964) by *Local Government (Repeal of Enactments) Act 1964 (33/1964)*, s. 1 and sch., commenced on enactment.

PART IV.

AMENDMENTS OF THE SHANNON ELECTRICITY ACT, 1925.

Provision of
alternative
accommodation.

82.—(1) Whenever the Minister compulsorily acquires permanently any land under the powers in that behalf conferred on him by the *Shannon Electricity Act, 1925* (No. 26 of 1925), the Minister may, if the person who was the occupier of such land immediately before such acquisition so agrees, provide for such occupier alternative accommodation in land in lieu and stead of the price or compensation or part thereof payable by the Minister to such occupier under the said Act.

(2) The acquisition of land by the Minister for the purpose of providing alternative accommodation under this section shall, for the purposes of sub-section (1) of *section 4* of the *Shannon Electricity Act, 1925* be deemed to be authorised by that Act and accordingly land may be acquired for that purpose by the Minister under the said *section 4* and land so acquired shall be deemed to be acquired under the said Act and the said Act shall apply accordingly.

(3) Whenever the Minister provides alternative accommodation under this section for an occupier of land such alternative accommodation shall be vested in such occupier subject to the trusts, charges, liabilities, and encumbrances to which the land compulsorily acquired from such occupier was subject immediately before its acquisition by the Minister.

(4) For the purpose of the application of this section to the provision of alternative accommodation in the case of land held by a local authority for the purposes of the Labourers (Ireland) Acts, 1883 to 1919, which is compulsorily acquired permanently by the Minister under the powers in that behalf conferred on him by the *Shannon Electricity Act, 1925*, such local authority shall be deemed to be the occupier of such land, and the Minister may erect on the land provided as alternative accommodation for such local authority under this section cottages similar so far as may be practicable in structure and in all other respects to the cottages erected on the land held by such local authority for the purposes aforesaid and so compulsorily acquired as aforesaid by the Minister, and the Labourers (Ireland) Acts, 1883 to 1919, shall apply to the land so provided as alternative accommodation under this section in like manner in all respects as they applied to the land so compulsorily acquired by the Minister immediately before such acquisition.

Acquisition of
land for erection
of barracks.

83.—(1) The Minister may compulsorily acquire any land permanently for the purpose of erecting thereon or of using the same as barracks for the accommodation of members of the Defence Forces of Saorstát Eireann or of the *Gárda Síochána* engaged in the defence or protection of the Shannon works.

(2) The acquisition of any land by the Minister for the purposes aforesaid shall, for the purposes of sub-section (1) of *section 4* of the *Shannon Electricity Act, 1925* (No. 26 of 1925) be deemed to be authorised by that Act, and accordingly land may be acquired for the said purposes by the Minister under the said *section 4*, and any land so acquired shall be deemed to be acquired under the said Act and the said Act shall apply accordingly.

Vesting of pillars,
poles, etc., in
Minister.

84.—(1) No pillar, pole, stand, or other structure erected by the Minister under the provisions of the *Shannon Electricity Act, 1925* (No. 26 of 1925) or by a contractor acting under an order of the Minister under that Act on any land not acquired by the Minister under the said Act for the purpose of supporting any wire, transformer, or other machinery for or in relation to the transmission of electricity shall vest in the owner of such land, and every such pillar, pole, stand, or other structure so erected as aforesaid shall be and remain the property of the Minister.

(2) The Minister and also the Board may at all reasonable times enter upon any such land as aforesaid for the purpose of renewing, repairing, or otherwise maintaining any such pillar, pole, stand, or other structure as aforesaid and there do all such

matters or things as in the opinion of the Minister or the Board (as the case may be) are necessary for or incidental to such maintenance.

Annotations

Modifications (not altering text):

- C76** References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

- (a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.
- (b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]
- (c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.
- [(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and
- (e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

- C77** Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

- (b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

- C78** Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Provisions as to certain lands acquired under the Shannon Electricity Act, 1925.

85.—(1) Whenever the Minister in pursuance of the powers conferred on him by sub-section (2) of section 4 of the Shannon Electricity Act, 1925 (No. 26 of 1925) proposes to acquire permanently and enters upon any holding of tenanted lands to which the Land Act, 1923 (No. 42 of 1923) applies the Minister shall become liable to the Land Commission for the payment in lieu of rent payable in respect of such holding in like manner as if such holding had been assigned to the Minister by the tenant thereof on the day of the Minister's entry thereon.

(2) Whenever the Minister in pursuance of the powers aforesaid proposes to acquire permanently and enters upon part only of a holding of tenanted lands to which the Land Act, 1923 applies the rent, compounded arrears of rent, payment in lieu of rent, and the standard purchase annuity shall be apportioned in such manner as the Land Commission considers expedient, and the several parts of such holding shall be deemed to be separate holdings to which the Land Act, 1923 applies, and in the case of a judicial holding the several proportionate parts of the original judicial rent shall be deemed to be separate judicial rents, and the Minister shall become liable to the Land Commission for so much of the payment in lieu of rent payable in respect of the entire holding as has been apportioned in respect of the part thereof taken by him in like manner as if such part had been assigned to the Minister by the tenant thereof on the day of the Minister's entry thereon.

(3) Whenever the Minister in pursuance of the powers aforesaid proposes to acquire permanently and enters upon any lands which are subject, either alone or in conjunction with other lands, to any annuity payable to the Land Commission he shall become liable for the payment of the annuity or such part thereof as shall be apportioned by the Land Commission in respect of the lands taken by him in like manner as if such lands had been transferred to the Minister by the proprietor thereof on the day of the Minister's entry thereon.

(4) The Minister, if he thinks fit so to do, may purchase from the Land Commission any lands the subject of a holding or part of a holding—

(a) to which the Land Act, 1923 applies, and

(b) the tenant's interest in which has been or is acquired by the Minister whether before or after the passing of this Act in pursuance of the powers in that behalf conferred on him by the Shannon Electricity Act, 1925,

in like manner in all respects as if the Minister were the tenant thereof.

(5) For the purposes of any such purchase as aforesaid the following provisions shall, notwithstanding anything contained in the Shannon Electricity Act, 1925 (No. 26 of 1925), have effect, that is to say:—

(a) the relations existing between the Land Commission and the owner of the lowest interest in such lands constituting an interest saleable under the Land Purchase Acts shall continue,

(b) such lands shall vest in the Land Commission on the appointed day,

(c) the rights of the owner of such lands in respect of the sum equivalent to the amount to be collected as payment in lieu of rent and in respect of the purchase money shall continue.

Exemption from stamp duty.

86.—F32[...]

Annotations

Amendments:

F32 Repealed (27.03.1998) by *Finance Act 1998 (3/1998)*, s. 125 and sch. 8, commenced on enactment.

PART V.

MISCELLANEOUS AND GENERAL.

Number of arbitrators.

87.—Any matter or thing which is by this Act or any order or regulation made thereunder directed to be determined by an arbitrator appointed by the Minister shall be determined by one such arbitrator or such greater number of arbitrators as the Minister shall in regard to each such matter direct, and whenever the Minister directs that any such matter shall be determined by a greater number of arbitrators than one all references in this Act to the appointment of an arbitrator by the Minister or to the arbitrator so appointed shall in relation to such matter be construed as references to such appointment of such number of arbitrators or to such number of arbitrators so appointed.

Appointment of arbitrators by the Minister.

88.—(1) The Minister may after consultation with the Attorney-General appoint a fit and proper person to be an arbitrator to determine any matter which is by this Act or any order or regulation made thereunder directed to be determined by an arbitrator appointed by the Minister.

(2) There shall be paid to every arbitrator appointed under this Act such fee in respect of every arbitration held by him under this Act as shall be determined by the Minister with the approval of the Minister for Finance and such fee shall be paid by such party to such arbitration or by the parties to such arbitration in such proportions as the arbitrator in his award shall determine.

(3) Every arbitrator appointed under this Act shall have power by notice in writing signed by him to summon witnesses and to require the production of books and other documents, and any person so summoned who fails to attend or refuses to give evidence before such arbitrator and any person who fails or refuses to produce any book or other document the production of which is so required of him shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(4) All evidence given before an arbitrator appointed under this Act shall be given on oath which oath such arbitrator is hereby empowered to administer, and any person who gives false evidence before any such arbitrator shall be guilty of perjury and punishable accordingly.

(5) An arbitrator appointed under this Act shall have power in his discretion to award to any party to the arbitration his costs and expenses in relation to the arbitration or any part thereof to be paid to him by any other party to such arbitration, and whenever any such arbitrator so awards any such costs or expenses he shall have power to fix the amount of the costs and expenses so awarded.

(6) An arbitrator appointed under this Act shall have power to adjourn the arbitration as he thinks fit and shall also have power to inspect and examine and for that purpose to enter upon any lands and premises the subject of the arbitration or in relation to which the arbitration is held.

Annotations

Modifications (not altering text):

C79 Functions transferred and references to "Department of Finance" and "Minister for Finance" construed (29.07.2011) by *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011), arts. 2, 3, 5 and sch. 1, in effect as per art. 1(2), subject to transitional provisions in arts. 6 to 9.

2. (1) The administration and business in connection with the performance of any functions transferred by this Order are transferred to the Department of Public Expenditure and Reform.

(2) References to the Department of Finance contained in any Act or instrument made thereunder and relating to the administration and business transferred by paragraph (1) shall, on and after the commencement of this Order, be construed as references to the Department of Public Expenditure and Reform.

3. The functions conferred on the Minister for Finance by or under the provisions of –

(a) the enactments specified in Schedule 1, and

(b) the statutory instruments specified in Schedule 2,

are transferred to the Minister for Public Expenditure and Reform.

...

5. References to the Minister for Finance contained in any Act or instrument under an Act and relating to any functions transferred by this Order shall, from the commencement of this Order, be construed as references to the Minister for Public Expenditure and Reform.

SCHEDULE 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year (1)	Short Title (2)	Provision (3)
...
No. 27 of 1927	Electricity (Supply) Act 1927	Sections 7, 30 and 88
...

C80 Perjury construed (28.07.2021) by *Criminal Justice (Perjury and Related Offences) Act (13/2021)*, s. 4(1) and sch. 1, S.I. No. 378 of 2021.

References to perjury or subornation of perjury

4. (1) Where, on or after the coming into operation of this subsection, a person commits an offence referred to as perjury, howsoever described, in an enactment specified in Schedule 1, he or she shall be liable to be proceeded against and punished as if he or she were guilty of perjury under this Act.

...

SCHEDULE 1

Section 4(1)

...

9. Electricity (Supply) Act 1927, section 88(4)

...

Contributions to certain associations.

89.—(1) The Board and also any authorised undertaker with the consent of the Board may contribute such sums as (in the case of the Board) the Board and (in the case of an authorised undertaker) such authorised undertaker thinks fit to any associations of persons engaged in the generation, supply, or distribution of electricity founded for the promotion of their mutual interests and to any societies formed for the promotion and encouragement of the development and use of electricity and for the improvement of knowledge and education in respect of electricity.

(2) The Board and also any authorised undertaker with the consent of the Board may pay the reasonable expenses of the attendance at any conference or meeting of any such association as aforesaid of (in the case of the Board) any member, officer or servant of the Board and (in the case of an authorised undertaker) of any person appointed by such undertaker to be his representative at such conference or meeting.

Stand-by supplies.

90.—(1) Notwithstanding anything in this Act or in any other Act or any order made under any such Act, a person shall not be entitled to demand or continue to receive for the purposes of a stand-by supply only from the Board or an authorised undertaker a supply of electricity for any premises having a separate supply of electricity or a supply (in use or ready for use for the purposes for which the stand-by supply of electricity is required) of gas, steam or other form of energy unless he has agreed with the Board or such authorised undertaker (as the case may be) to pay such minimum annual sum to be determined (in case of any dispute or question) in the manner hereinafter mentioned as will give to the Board or the authorised undertaker (as the case may be) a reasonable return on the capital expenditure incurred in providing such stand-by supply and cover other standing charges incurred in order to meet the possible maximum demand for those premises.

(2) If any dispute or question arises between any person and an authorised undertaker as to the amount of such minimum annual sum as aforesaid such dispute or question shall be determined by the Board and if any such dispute or question arises between any person and the Board such dispute or question shall be determined by the Minister or, if the Minister so thinks fit, by an arbitrator appointed by him.

Use of electric lines, etc., in or across streets or open spaces.

91.—(1) Where in any case previous to the passing of this Act any electric line or other work shall have been constructed in, over, along, across, or under, any street or open space for electrical purposes or shall have been constructed in any other position for such purposes in such a manner as not to be entirely enclosed within any building where any electric line or work so constructed may be used for such purpose, such electric line or work shall be continued and used only in accordance with the regulations prescribed by the Board under this Act for the protection of the public safety and of other electric lines and works lawfully placed in any position.

(2) From and after the passing of this Act it shall not be lawful for any authorised undertaker or other person to commence any such work as is mentioned in the foregoing sub-section without the consent of the Minister before the constitution of the Board and after the constitution of the Board without the consent of the Board.

(3) In case of non-compliance with the provisions of this section, the Board may by notice in writing require the person owning or using or entitled to use such electric line or work to remove the electric line or work.

(4) If any authorised undertaker or other person fails to comply with a notice served upon him by the Board under this section, such authorised undertaker or other person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding twenty pounds and any court of summary jurisdiction on complaint made may make an order directing and authorising the

removal of any electric line or work specified in such notice by such person and upon such terms as such court thinks fit.

(5) Where the consent of the Board is obtained to the placing of any electric line above ground the consent of the local authority shall not be required, anything in this or any other Act or in any Provisional Order or special Act relating to the undertaking to the contrary notwithstanding, but the Board before giving its consent shall give the local authority an opportunity of being heard.

Annotations

Modifications (not altering text):

C81 Application of section extended and references to "Board" construed (14.07.1999) by *Electricity Regulation Act 1999* (23/1999), s. 51, S.I. No. 213 of 1999.

Construction of section 91 of Principal Act.

51.—Section 91 of the Principal Act shall apply to the holder of an authorisation or the holder of a direct line permission under section 37 in like manner as it applies to an authorised undertaker and references to the Board shall be construed as references to the Commission for that purpose.

Use of electricity supplied to railway company, etc.

92.—Notwithstanding anything contained in any Act or Order, electricity supplied by an authorised undertaker within his district to any company or authority being the owners or lessees of a railway, tramway, dock, harbour, or canal undertaking may be used by the company or authority receiving the supply for the purposes of haulage or traction or for lighting vehicles or vessels used on the railway, tramway, dock, harbour, or canal or any part thereof, or, subject to the consent of the Board for lighting any of the premises thereof.

Prevention of preferential treatment.

93.—Where a supply of electricity is provided in any part of an area for private purposes, then, except in so far as is otherwise provided by the terms of the order or special Act authorising such supply, every person within that part of the area shall, on application, be entitled to a supply on the same terms on which any other person in such part of the area is entitled under similar circumstances to a corresponding supply.

Notice to be given to undertakers before removing.

94.—(1) Twenty-four hours' notice in writing shall be given to the authorised undertaker by every consumer before he quits any premises supplied with electricity by the authorised undertaker, and, in default of such notice, the consumer so quitting shall be liable to pay to the authorised undertaker the money accruing due in respect of such supply up to the next usual period for ascertaining the register of the meter on such premises or the date from which any subsequent occupier of such premises may require the authorised undertaker to supply electrical energy to such premises, whichever shall first occur.

(2) Notice to the effect of this section shall be given to every consumer in one or more of the following ways, that is to say:—

- (a) by including such notice in every agreement entered into with a consumer, or
- (b) by specially serving such notice on every consumer, or
- (c) by endorsing such notice on every demand note for charges for electricity.

Exemption of agreements for the supply of electricity from stamp duty.

95.—Electricity shall be deemed to be goods, wares, or merchandise for the purpose of F33[[section 31 of the Stamp Duties Consolidation Act 1999](#)] (which makes certain contracts chargeable with stamp duty as conveyances on sale) F34[...].

Annotations**Amendments:**

- F33** Substituted (15.12.1999) by *Stamp Duties Consolidation Act 1999* (31/1999), ss. 162 and sch. 4, commenced on enactment.
- F34** Deleted (27.03.1998) by *Finance Act 1998* (3/1998), s. 125 and sch. 8, commenced on enactment.

Exemption of
Shannon works
from rates.

96.—F35[...]

Annotations**Amendments:**

- F35** Repealed (1.01.1998) by *Electricity (Supply) (Amendment) Act 1988* (17/1998), s. 9(1), S.I. No. 325 of 1988.

Editorial Notes:

- E42** Previous affecting provision: references to "local authority" construed (3.07.1930) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 8, commenced on enactment; section repealed (1.01.1998) as per F-note above.

Power to carry
out agreements.

97.—Whenever any authorised undertaker is authorised by or under this Act to enter into an agreement or arrangement with any other authorised undertaker or any other person for any purpose, it shall, subject to the provisions of this Act, be lawful for such authorised undertaker or other person to enter into and carry into effect such agreement or arrangement.

F36[Lopping of
trees by Board,
an authorised
undertaker or
holder of an
authorisation.

98.—(1) The Board, an authorised undertaker or a holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, as the case may be, may, taking due care and attention to avoid unnecessary damage, lop or cut any tree, shrub or hedge which obstructs or interferes with any electrical wires of the Board or of such authorised undertaker or holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, as the case may be, or with the erection or laying of any such electrical wires or with the survey of the proposed route of any transmission or distribution lines of the Board or of such authorised undertaker or of any electric wire of a holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999.

(2) Before lopping or cutting any tree, shrub or hedge under this section the Board or an authorised undertaker or a holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, as the case may be, shall give to the occupier of the land or in the case of a road or street to the local authority charged with the maintenance of such road or street on which such tree, shrub or hedge is standing, seven days notice of its intention to lop or cut the same and such occupier or local authority may if he or it, as the case may be, so desires and so informs the Board or such authorised undertaker or holder of an authorisation, as the case may be, within seven days himself or itself carry out such lopping or cutting.

(3) When the occupier of land cuts or lops any tree, shrub or hedge under this section the expense incurred by him in so doing shall be paid to him on demand by the Board or such authorised undertaker or holder of an authorisation under section 16 of the Electricity Regulation Act 1999, or holder of a direct line permission under section 37 of the Electricity Regulation Act 1999, as the case may be, and the amount of such expenses shall, in default of agreement, be fixed by an arbitrator appointed by the Commission for Electricity Regulation established under section 8 of the Electricity Regulation Act 1999.]

Annotations

Amendments:

F36 Substituted (14.07.1999) by *Electricity Regulation Act 1999 (23/1999)*, s. 45, S.I. No. 213 of 1999.

Editorial Notes:

E43 Previous affecting provision: subs. (1) amended (29.01.1941) by *Electricity (Supply) (Amendment) Act 1941 (1/1941)*, s. 5, commenced on enactment; section substituted (14.07.1999) as per F-note above.

Power to cut off supply.

99.—If any person neglects to pay any charge for electricity or any other sum due from him to the Board or to an authorised undertaker in respect of the supply of electricity to him, the Board or such authorised undertaker (as the case may be) may cut off such supply, and for that purpose may cut or disconnect any electric line or other work through which electricity may be supplied, and may, until such charge or other sum together with any expenses incurred by the Board or by such authorised undertaker in cutting off such supply of electricity as aforesaid are fully paid, but no longer discontinue the supply of electricity to such person.

Expenses of certain necessary alterations.

100.—If any person does any matter or thing which such person is by or under any statute authorised to do and which necessitates an alteration in any part of any transmission system or of any distribution system for the time being vested in the Board, the Board shall make such alteration, and the expenses incurred by the Board in making such alteration shall be paid to the Board by such person as aforesaid, and the amount of such expenses so to be paid shall, in default of agreement, be fixed by an arbitrator appointed by the Minister.

Annotations

Modifications (not altering text):

C82 References to "transmission system of the Board" construed by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), reg. 25(1)(d), (e) as inserted (3.12.2022) by *European Union (internal Market in Electricity) (No. 5) Regulations 2022* (S.I. No. 619 of 2022), reg. 3(d)(iii).

Grid code and distribution code.

25. (1) For the purposes of Part V of the Act of 1999—

(a) any existing duty, obligation or requirement on the Board in respect of the transmission system [owned by the Board] which relates to functions conferred on the transmission system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system operator, and not on the Board.

(b) any existing duty, obligation or requirement on the Board in relation to the operation of the distribution system which is transferred to the distribution system operator by or under these Regulations shall be regarded as a duty, obligation or requirement on the distribution system operator, licensed under section 14(1)(g) of the Act of 1999, [...]

(c) any existing duty, obligation or requirement on the Board in relation to the ownership of the transmission system which is transferred to the transmission system owner by or under these Regulations shall be regarded as a duty, obligation or requirement on the transmission system owner, licensed under section 14(1)(f) of the Act of 1999, and Part V of the Act of 1999 shall be construed accordingly.

[(d) any duty, obligation or requirement of the Board in relation to ownership of the transmission system shall be treated as a duty, obligation or requirement of the transmission system operator, licenced under section 14(1)(e) of the Act of 1999, insofar as it relates to the transmission system owned by the transmission system operator, and

(e) any reference to the transmission system of the Board shall, with the necessary modification, be construed as a reference to the transmission system of the transmission system operator,]

and Part V of the Act of 1999 shall be construed accordingly.

...

C83 Certain functions of Board regarded as functions of Distribution System Operator (1.01.2009) by *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008), reg. 24(b), in effect as per regs. 1(3), 8(1) and notice in Iris Oifigiúil no. 105 of 2008 published 30.12.2008.

Certain functions of the Board to be regarded as functions of the Distribution System Operator

24. Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927 (No. 27 of 1927),

...

which is necessary for the discharge of the Distribution System Operator's functions under the Act of 1999 or the European Communities (Internal Market in Electricity) Regulations 2000 to 2007 shall, to that extent, be regarded as a function of the Distribution System Operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as Distribution System Owner in which case that function shall be a function of both the Board and the Distribution System Operator.

C84 Certain functions of Board regarded as functions of transmission system operator (20.06.2001) by *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000), in effect as per regs. 1(2)(b), 3 and notice in Iris Oifigiúil no. 50 of 2001 published 22.06.2001.

Functions of transmission system operator.

8. ...

(2) Any function of the Board under— ...

(b) section 19, 20, 27, 28, 44, 47, 51, 58, 59, 62, 84 or 100 of the Electricity (Supply) Act 1927,

...

which is necessary for the discharge of the transmission system operator's functions under these Regulations shall, to that extent, be regarded as a function of the transmission system operator and not of the Board, other than where it is also necessary for the Board to discharge its functions as transmission system owner in which case that function shall be a function of both the Board and the transmission system operator.

Erection, etc., of
aerials.

101.—It shall not be lawful for any person to erect or have or maintain any aerial for the transmission and reception or the transmission or the reception only of messages or other communications by wireless telegraphy in any place or position prohibited by the regulations made by the Board under this Act in relation to the erection and maintenance of such aerials.

Extension of time for construction of electrical works.

102.—(1) Notwithstanding anything contained in any special Act or any provisional or other order in force at the date of the passing of this Act fixing a period of time for the completion of any electrical works specified in such Act or order the Board may by an order under this section—

- (a) extend the time mentioned in such Act or order for the completion of such works for such further period as shall be specified in that behalf by the Board in such order, and
- (b) may by the same or any subsequent order direct that the works to which such order relates be carried out subject to the alterations (whether by way of variation, addition, or omission) specified in such order.

(2) The special Act or provisional or other order to which an order made by the Board under this section relates shall when such order is made by the Board have effect subject to the provisions of such order.

Authorised gas undertakers.

103.—(1) In this section the expression “authorised gas undertaker” means a person who is for the time being authorised by any local or personal Act of the United Kingdom Parliament or any private Act of the Oireachtas or any provisional or other order made under statutory authority (whether before or after the establishment of Saorstát Éireann) to supply gas to the public in any specified area and by virtue of such Act or Order has for the time being the right of so supplying gas in such area, and the expression “area of gas supply” means an area within which an authorised gas undertaker is for the time being so authorised to supply gas to the public and has for the time being the right of so supplying gas.

(2) An authorised gas undertaker may with the consent of the Minister and notwithstanding anything to the contrary contained in the Act or order constituting him to be such undertaker, become an authorised undertaker under this Act and whenever the Board constitutes an authorised gas undertaker to be an authorised undertaker the Board may with the consent of the Minister and, if so required by the Minister, shall insert in the special order effecting such constitution such special provisions, limitations, and conditions (including the keeping of separate accounts) as it thinks proper or (as the case may be) as the Minister may require and in particular may with the like consent by such special order authorise such undertaker to employ his funds and to raise capital and borrow money for the purposes of the electricity undertaking authorised by such order and, may prescribe an area of supply either co-extensive with or greater or less than the area of gas supply of such undertaker.

(3) An authorised gas undertaker may with the consent of the Minister expend his funds in applying to the Board for a special order constituting him to be an authorised undertaker in doing all such things as may be reasonably necessary for or incidental to the obtaining or endeavouring to obtain such order.

Relief of gas undertaker from obligation to supply gas.

104.—(1) Where any gas undertaker is authorised by any special Act, Provisional or other Order or licence to supply gas in any area which is included in the area of supply of an authorised undertaker, and such gas undertaker is by virtue of such Act, Order, or licence under any general or limited obligation to supply gas upon demand, the Minister may, upon the application of such gas undertaker, inquire into the circumstances of the case, and if he is satisfied that any specified part of such area is sufficiently supplied with electricity, and that the supply of gas in such specified part has ceased to be remunerative to the said gas undertaker and that it is just that the said gas undertaker should be relieved from the obligation to supply gas upon demand as aforesaid, the Minister may in his discretion make an order relieving the said gas undertaker from such obligation within such specified part of such area either wholly or in part, and upon such terms and conditions as he thinks proper.

(2) From and after the date of an order under this section, the gas undertaker to whom the order relates shall, within such area, to the extent, and upon the terms

and conditions specified in the order, be relieved from the said obligation to supply gas upon demand.

(3) All expenses incurred by the Minister in connection with the making of an order under this section, or in connection with any inquiry in relation to the making of such an order (whether an order is actually made or not) shall be borne and paid by the gas undertaker upon whose application the inquiry or order was made.

Annotations

Editorial Notes:

- E44** Power pursuant to section exercised (6.08.1968) by *Relief From Obligation To Supply Gas (Sligo Area) Order 1968* (S.I. No. 168 of 1968).
- E45** Power pursuant to subs. (1) exercised (24.10.1939) by *Electricity Supply (Relief of Gas Undertaker) (Tralee) Order 1939* (S.I. No. 319 of 1939).

Transfer to the Board of certain functions of the Commissioners of Public Works.

105.—(1) The Executive Council may by order transfer from the Minister or the Commissioners of Public Works in Ireland (in this section referred to as the Commissioners) respectively to the Board all or any of the functions, powers, and duties conferred or imposed by or under any statute on the Minister or the Commissioners (as the case may be) in relation to the care or conservancy of the navigation or the drainage of the River Shannon or any tributary thereof or of works constructed for the improvement of such navigation or drainage, and any such order may transfer all or any of such functions powers, and duties in relation either to the whole or to any particular parts or part of the said River or any tributary thereof.

(2) Where by reason of the existence of the Shannon works it is impracticable for the Commissioners to exercise the functions and powers or perform the duties conferred or imposed on them by any such statute as aforesaid in accordance with the provisions of such statute the Commissioners shall exercise such functions and powers and perform such duties as nearly as may be practicable, having regard to the existence of the said works, in accordance with the provisions of such statute, and upon an order being made by the Executive Council under this section transferring all or any of such functions, powers and duties to the Board, the Board shall exercise the functions and powers and perform the duties to which such order relates as nearly as may be practicable, having regard to the existence of the said works, in accordance with the provisions of such statute.

(3) Whenever any functions, powers, or duties are transferred to the Board by an order under this section the Executive Council may by the same or any subsequent order authorise and require the Board to exercise and perform all or any of such functions, powers, and duties in relation to all or any of the canals, locks, wharves, piers, landing places, quays, or other works constructed by the Minister under the [Shannon Electricity Act, 1925](#) (No. 26 of 1925), and upon such order being made the works to which such order relates shall be deemed to be included in the works in relation to which such functions, powers, and duties are exercisable by virtue of the statute by which the same were created and such statute (with such modifications, if any, as are specified in such order) shall be construed and have effect accordingly.

(4) Whenever any functions, powers, or duties are transferred from the Commissioners to the Board by an order under this section the Executive Council may by the same or any subsequent order transfer to and vest in the Board all or any of the locks, lock-houses, eel-weirs, or other property which immediately before the date of such order were vested in the Commissioners and were used by them either for the purpose of or in connection with the exercise or performance of the functions, powers, or duties so transferred or for the purpose of providing revenue for the exercise or performance of such functions, powers, or duties.

(5) Whenever any functions, powers, or duties are transferred from the Commissioners to the Board by an order under this section the Executive Council may by the same or any subsequent order transfer from the service of the Commissioners to the service of the Board any person employed by the Commissioners in relation to or for the purpose of the exercise or performance of such functions, powers, or duties, and every person so transferred shall thereupon become and be a servant of the Board upon the same terms as to remuneration and superannuation, pension or gratuity (if any) as those on which he was employed by the Commissioners immediately before such transfer and shall for the purpose of such superannuation, pension or gratuity (if any) be entitled to reckon his period of service with the Commissioners as service with the Board.

(6) Whenever any functions, powers, or duties are transferred from the Commissioners to the Board by an order under this section the Executive Council may by the same or any subsequent order impose on the Board the obligation to pay as from the date of such order any pension which at the date of such order is payable by the Commissioners to a person formerly employed by the Commissioners in relation to or for the purpose of the exercise or performance of such functions, powers, and duties, and thereupon the Board shall become and be liable to indemnify the Commissioners against all and every liability in respect of such pension as from the date of such order.

(7) An order made by the Executive Council under this section transferring any functions, powers or duties from the Commissioners to the Board may be expressed and if so expressed shall operate to require the Board to keep a separate account in relation to the exercise by it of the functions and powers and the performance by it of the duties to which such order relates and may be expressed and if so expressed shall operate to require that the functions, powers and duties to which such order relates be exercised and performed by officers and servants of the Board employed by it solely in relation to such functions, powers and duties.

(8) No order made under this section shall come into operation until it has been laid before each House of the Oireachtas and has been approved by resolution of each such House.

Prohibition of navigation in the River Shannon at certain periods.

106.—(1) At any time before the handing over of the Shannon works to the Board under this Act is completed, the Minister, notwithstanding any enactment declaring the River Shannon to be a public navigable river, may by order, if the Minister sees fit so to do for the purposes of the operation of the Shannon works or of the doing of any matter or thing which the Minister is authorised to do by the [Shannon Electricity Act, 1925](#) (No. 26 of 1925), prohibit navigation in or upon the River Shannon or any particular part thereof specified in such order for the period of time specified in that behalf in such order.

(2) Where as a result of an order made by the Minister under the foregoing sub-section prohibiting navigation in or upon the River Shannon or any particular part thereof any water-right, fishing right, or other right existing in respect of the River Shannon or the part thereof to which such order relates is terminated, restricted or otherwise interfered with, the termination, restriction or interference of such water-right, fishing right or other right shall for the purposes of sub-section (1) of [section 4](#) of the [Shannon Electricity Act, 1925](#) (No. 26 of 1925) be deemed to be authorised by that Act and the said Act shall apply accordingly.

(3) When the handing over of the Shannon works to the Board under this Act is completed the Board, notwithstanding any such enactment as aforesaid, may by order, for the purposes of the operation of the Shannon works or of the exercise of any of the powers or the performance of any of the duties or functions conferred and imposed on the Board by or under this Act prohibit navigation in or upon the River Shannon or any particular part thereof specified in such order for such limited period of time specified in that behalf in such order as may be required by the Board for the purposes aforesaid.

(4) Every order made under this section shall operate and be expressed to prohibit the passage of any person with any boat, barge, lighter or other vessel in or upon the waters of the River Shannon or the part thereof specified in that behalf in such order during the period of time specified in that behalf in such order.

(5) Every person who contravenes the provisions of an order made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds.

Transfer of powers, etc., under Weights and Measures Acts.

107.—F37[...]

Annotations

Amendments:

F37 Repealed (12.05.1997) by *Metrology Act 1996* (27/1996), s. 6(1) and sch. 1 part 1, S.I. No. 177 of 1997.

Inspection of apparatus.

108.—(1) Any officer appointed by the Board or an authorised undertaker may at all reasonable times do all or any of the following things on any premises to which electricity is or has been supplied by the Board or such authorised undertaker (as the case may be) that is to say:—

- (a) inspect the electric lines, meters, accumulators, fittings, works, and other apparatus for the supply of electricity belonging to the Board or such authorised undertaker, or connected directly or indirectly to any apparatus for the supply of electricity belonging to the Board or such authorised undertaker,
- (b) ascertain the quantity of electricity consumed or supplied on those premises,
- (c) when lawfully entitled so to do, cut off the supply of electricity from those premises,
- (d) when lawfully entitled so to do, remove any electric lines, accumulators, fittings, works, or apparatus belonging to the Board or such authorised undertaker.

(2) Any such officer as aforesaid may at all reasonable times enter any premises to which electricity is or has been supplied by the Board or such authorised undertaker (as the case may be) for the purpose of doing any thing which he is authorised by this section to do on those premises.

(3) Whenever an officer of the Board or of an authorised undertaker exercises any of the powers conferred by this section, the Board or such authorised undertaker (as the case may be) shall repair all damage caused by the exercise of such powers.

Annotations

Modifications (not altering text):

C85 Application of subs. (2) extended (21.12.1995) by *Energy (Miscellaneous Provisions) Act 1995* (35/1995), s. 16(8)(b), commenced on enactment, as substituted (16.04.2012) by *Energy (Miscellaneous Provisions) Act 2012* (3/2012), s. 5, S.I. No. 122 of 2012.

Entry into, and search of, premises where offence under section 15 is suspected

[16.— ...

(8) (a) The powers conferred by the preceding provisions of this section are not in substitution for any other powers standing conferred on an officer or employee of a body referred to in subsection (1), a member of the Garda Síochána or any other person by virtue of section 108 of the Electricity (Supply) Act 1927 or any other enactment in force immediately before the passing of this Act, or of any rule of law.

(b) A person who enters any premises pursuant to subsection (2) of section 108 of the Electricity (Supply) Act 1927 has the same power to seize anything referred to in subsection (3)(b)(v) which he or she finds on the premises in the course of exercising any power conferred on him or her by the said section 108 as an authorised officer has under subsection (3).

...]

Prohibition of discharge of corrosive matter into River Shannon.

109.—(1) It shall not be lawful for any person, save with the permission in writing of the Board and in accordance with the conditions as to time, place, and manner stated in such permission, to deposit, discharge, or allow to escape directly or indirectly from any premises or place or any vessel in or into the River Shannon or in or into any canal or other artificial waterway constructed under the [Shannon Electricity Act, 1925](#) (No. 26 of 1925) any chemical or other substance (whether solid or liquid) of a nature calculated to corrode, erode, entangle, stop, break, or otherwise injure the Shannon works or any part thereof.

(2) Every person who deposits, discharges, or allows to escape directly or indirectly in or into the River Shannon or any such canal or artificial waterway as aforesaid any chemical or other substance (whether solid or liquid) in contravention of this section and the owner of the premises or place or the master and also the owner of the vessel from which such substance is so deposited, discharged, or allowed to escape shall be guilty of an offence under this section, and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, together with, in the case of a continuing offence, a fine not exceeding twenty pounds for every day on which the offence continues.

(3) In this section the expression “the River Shannon” does not include any part of that river below Parteen Villa but does include every tributary of that River entering it above Parteen Villa and every lake, pond, canal, or artificial waterway on or communicating directly or indirectly with the River Shannon above Parteen Villa.

Application to electricity of section 4 of the Conspiracy and Protection of Property Act, 1875.

110.—Section 4 of the Conspiracy and Protection of Property Act, 1875 (which relates to breaches of contract by persons employed in the supply of gas or water), shall extend to persons employed by the Board or by any authorised undertaker or permitted undertaker in like manner as it applies to persons mentioned in that section, with the substitution of references to electricity for the references to gas or water.

Penalty for malicious injury.

111.—Any person who unlawfully and maliciously cuts or injures any electric line or work with intent to cut off or diminish any supply of electricity shall be guilty of felony, and be liable to be kept in penal servitude for any term not exceeding five years, or to be imprisoned with or without hard labour for any term not exceeding two years.

Saving of rights, etc., of Minister for Posts and Telegraphs.

112.—Nothing in this Act shall deprive the F38[[Bord Telecom Éireann](#)] of any rights and remedies under the existing Telegraph Acts or any statutory adaptation thereof or substitution therefor made by or under the authority of the Oireachtas.

Annotations**Amendments:**

- F38** Substituted (1.01.1984, vesting day) by *Postal and Telecommunications Services Act 1983 (24/1983)*, s. 8 and sch. 4 part 1, S.I. No. 408 of 1983.

Repeals. **113.**—The several Acts specified in the **Second Schedule** to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

Short title. **114.**—This Act may be cited as the Electricity (Supply) Act, 1927.

FIRST SCHEDULE.

1. Every person who was employed by an authorised undertaker or a statutory undertaker for a period of not less than two nor more than five years before the 31st day of March, 1927, and was so employed at the date of an order made under this Act requiring such undertaker to cease to use a generating station as a generating station, and who by reason of such generating station ceasing in pursuance of such order to be used as a generating station has suffered loss of employment shall be entitled to F39[receive from such authorised undertaker or statutory undertaker] a gratuity calculated on the basis of one-sixth of his annual remuneration and emoluments on the 31st day of March, 1927, for every completed year of his employment.

2. Every person who was employed by an authorised undertaker or a statutory undertaker for a period of not less than five years before the 31st day of March, 1927 and was so employed at the date of an order made under this Act requiring such authorised undertaker or such statutory undertaker to cease to use a generating station as a generating station and who by reason of such generating station ceasing in pursuance of such order to be used as a generating station—

(a) has suffered loss of employment, or

(b) has relinquished his employment in consequence of being required to perform duties such as were not similar or were an unreasonable addition to the duties which he was required to perform by such undertaker on the 31st day of March, 1927, or

(c) has suffered diminution of salary, wages, or emoluments, or

(d) has been placed in any worse position in respect of the conditions of his employment than he was in in that respect on the 31st day of March, 1927,

shall be entitled to receive from such authorised undertaker or statutory undertaker compensation in accordance with and subject to the provisions of this Schedule.

3. No such person as aforesaid shall be entitled to receive compensation under this Schedule if it is shown that suitable employment on terms and conditions (including where applicable the payment of reasonable expenses of moving to the locality of such employment) not less favourable than the terms and conditions on and under which such person was so employed as aforesaid on the 31st day of March, 1927 was available for such person at or within a reasonable time after the cesser of the last-mentioned employment.

4. The compensation to be paid under this Schedule to a person who either—

(a) has suffered loss of employment, or

(b) has relinquished his employment in consequence of being required to perform duties such as were not similar or were an unreasonable addition to the duties which he was required to perform on the 31st day of March, 1927,

shall be an annual sum not exceeding in any case two-thirds of his annual remuneration and emoluments on the 31st day of March, 1927 and, subject to that limitation, to be calculated at the rate of one-sixtieth of such annual remuneration and emoluments for every completed year of his employment with the authorised undertaker or statutory undertaker by whom the compensation is payable under this Schedule less an amount equal to the annual amount or annual value of any sum payable to him by such authorised undertaker or such statutory undertaker by way of pension, superannuation, or gratuity on discharge.

5. The compensation to be paid under this Schedule to a person who either—

(a) has suffered loss or diminution of salary, wages, or emoluments, or

(b) has been placed in any worse position in respect of the conditions of his employment than he was in on the 31st day of March, 1927,

shall be an annual sum not exceeding in any case two-thirds of his annual remuneration and emoluments on the 31st day of March, 1927, and, subject to that limitation, as nearly as possible the equivalent in money of the annual diminution in remuneration and emoluments or of the worsening of the conditions of his employment (as the case may be) suffered by him and shall be payable during the continuance of the employment in which such annual diminution in remuneration and emoluments or such worsening of the conditions of his employment (as the case may be) is so suffered by him as aforesaid.

6. For the purpose of computing the period of employment of a person who is entitled to compensation under this Schedule with the authorised undertaker or the statutory undertaker (as the case may be) by whom such compensation is payable under this Schedule, the employment of such person with any authorised undertaker or any statutory undertaker shall be deemed to be employment with the authorised undertaker or the statutory undertaker by whom such compensation is so payable.

7. In computing the period of employment of a person who is entitled to receive compensation under this Schedule there may be added to the actual period of employment of such person with any authorised undertaker or any statutory undertaker such number of years not exceeding ten years for and in respect of the special qualifications or special conditions of employment of such person as the Board may in any particular case require so to be added to the actual period of employment as aforesaid of such person as aforesaid.

8. Where any person who is entitled to receive compensation under this Schedule was temporarily absent from his employment with any authorised undertaker or any statutory undertaker and during the whole of such absence was engaged in service in the National Forces of Saorstát Eireann, or any military forces serving under the authority of the First Dáil Eireann, the Second Dáil Eireann, or the Provisional Government of Ireland, or the British Army, Navy, or Air Force, F40[or in either of the opposing forces during the civil strife in the years 1922, 1923, 1924, or was interned or imprisoned in consequence of such service] such temporary absence shall for the purposes of this Schedule be reckoned with and included in his period of employment with such authorised undertaker or such statutory undertaker.

9. The amount of the compensation to be paid to any person entitled thereto under this Schedule shall be determined by agreement between such person and the authorised undertaker or the statutory undertaker (as the case may be) by whom such compensation is payable.

10. Any person who is in receipt of an annual sum by way of compensation under this Schedule may, within one year from the date on which the amount of such annual sum is fixed, apply to the authorised undertaker or the statutory undertaker (as the case may require) by whom such annual sum is payable to commute the whole of such annual sum by payment of a capital sum of money to be fixed by agreement between such person and such authorised undertaker or such statutory undertaker (as the case may be), but no such application for commutation shall be considered by such authorised undertaker or such statutory undertaker without the consent of the Board.

11. If any dispute or question shall arise—

(a) between any person and any authorised undertaker or any statutory undertaker as to whether such person is a person entitled to compensation under this Schedule, or

(b) between any person entitled to compensation under this Schedule and the authorised undertaker or the statutory undertaker (as the case may be) by whom such compensation is payable as to the amount of the compensation so payable, or

(c) between any person who is in receipt of an annual sum by way of compensation under this Schedule and the authorised undertaker or the statutory undertaker (as the case may be) by whom such annual sum is payable as to the amount of the capital sum of money by payment of which the whole of such annual sum as aforesaid is to be commuted,

such person or such authorised undertaker or such statutory undertaker may appeal to a standing arbitrator appointed by the Minister whose decision shall be final and conclusive and not subject to appeal to or review by any court.

12. Where any person who is entitled to receive compensation under this Schedule is also, whether under statute or by the terms of his contract of employment with the authorised undertaker or the statutory undertaker by whom such compensation is payable under this Schedule, entitled to receive compensation in respect of the same circumstances as those in respect of which he is entitled to receive compensation under this Schedule then and in every such case such person shall be entitled to receive compensation as he so elects, under such statute or such contract as aforesaid or under this Schedule but not under both such statute or such contract and this Schedule.

13. References in this Schedule to the duties which a person employed by an authorised undertaker or a statutory undertaker on the 31st day of March, 1927 was on that date required by such undertaker to perform and to the terms and conditions on and under which such person was so employed and the annual remuneration and emoluments of such person on that date shall in every case in which such duties or such terms and conditions or such annual remuneration and emoluments were after the 31st day of March, 1927 altered with the approval of the Board be construed as references to such duties, or such terms and conditions, or such remuneration and emoluments as so altered and this Schedule shall have effect accordingly.

Annotations

Amendments:

F39 Inserted (28.05.1927, deemed) by *Electricity (Supply) (Amendment) Act 1930* (19/1930), s. 9(1), commenced as per s. 9(2), subject to transitional provisions in ss. 13, 14.

F40 Inserted (28.05.1927, deemed) by *Electricity (Supply) (Amendment) (No. 2) Act 1934* (38/1934), s. 18(1), commenced as per s. 18(2).

SECOND SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vic., c. 56	Electric Lighting Act, 1882.	The whole Act.
51 & 52 Vic., c. 12	Electric Lighting Act, 1888.	The whole Act.
62 & 63 Vic., c. 19	Electric Lighting (Clauses) Act, 1899.	The whole Act.

9 Edw. 7, c. 34	Electric Lighting Act, 1909.	The whole Act.
9 & 10 Geo. 5, c. 100	Electricity (Supply) Act, 1919.	The whole Act.



Number 27 of 1927

ELECTRICITY (SUPPLY) ACT 1927

REVISED

Updated to 23 July 2024

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

ESB Acts 1927 to 2014: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*ESB (Electronic Communications Networks) Act 2014* (5/2014), s. 9(2)). The Acts in this group are:

- *Electricity (Supply) Acts 1927 to 2004*
- *ESB (Electronic Communications Networks) Act 2014* (5/2014)

Electricity (Supply) Acts 1927 to 2004: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Electricity (Supply) (Amendment) Act 2004* (25/2004), s. 2(2)). The Acts in this group are:

- *Electricity (Supply) Act 1927* (27/1927)
- *Electricity (Finance) Act 1929* (26/1929)
- *Electricity (Supply) (Amendment) Act 1930* (19/1930)
- *Electricity (Supply) (Amendment) Act 1931* (32/1931)
- *Electricity (Supply) (Amendment) Act 1932* (15/1932)
- *Electricity (Supply) (Amendment) Act 1934* (6/1934)
- *Electricity (Supply) (Amendment) (No. 2) Act 1934* (38/1934)
- *Electricity (Supply) (Amendment) Act 1935* (20/1935)
- *Electricity (Supply) (Amendment) Act 1941* (1/1941)
- *Electricity Supply Board (Superannuation) Act 1942* (17/1942)
- *Electricity (Supply) (Amendment) Act 1942* (27/1942)
- *Electricity (Supply) (Amendment) Act 1945* (12/1945)
- *Electricity (Supply) (Amendment) Act 1949* (12/1949)
- *Electricity (Supply) (Amendment) Act 1952* (4/1952)
- *Electricity (Supply) (Amendment) Act 1954* (17/1954)
- *Electricity (Supply) (Amendment) Act 1955* (20/1955)
- *Electricity (Supply) (Amendment) Act 1958* (35/1958)
- *Electricity (Supply) (Amendment) Act 1961* (2/1961)
- *Electricity (Supply) (Amendment) Act 1962* (24/1962)
- *Electricity (Supply) (Amendment) Act 1963* 14/1963)
- *Electricity (Supply) (Amendment) Act 1965* 15/1965)
- *Electricity (Supply) (Amendment) Act 1968* (32/1968)
- *Electricity (Supply) (Amendment) Act 1970* (5/1970)
- *Electricity (Supply) (Amendment) Act 1971* (18/1971)

- *Electricity (Supply) (Amendment) Act 1972* (24/1972)
- *Electricity (Supply) (Amendment) Act 1974* (19/1974)
- *Electricity (Supply) (Amendment) Act 1976* (35/1976)
- *Electricity (Supply) (Amendment) Act 1979* (2/1979)
- *Electricity (Supply) (Amendment) Act 1981* (24/1981)
- *Electricity (Supply) (Amendment) Act 1982* ((22/1982)
- *Electricity (Supply) (Amendment) Act 1985* (6/1985)
- *Electricity (Supply) (Amendment) Act 1988* (17/1988)
- *Energy (Miscellaneous Provisions) Act 1995* (35/1995), in so far as it amends the Electricity Supply Acts 1927 to 1988
- *Electricity (Supply) (Amendment) Act 2001* (9/2001), other than ss. 8, 9
- *Electricity (Supply) (Amendment) Act 2004* (25/2004)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Electricity Costs (Domestic Electricity Accounts) Emergency Measures and Miscellaneous Provisions Act 2022* (32/2022)
- *Criminal Justice (Perjury and Related Offences) Act 2021* (13/2021)
- *ESB (Electronic Communications Networks) Act 2014* (5/2014)
- *Energy (Miscellaneous Provisions) Act 2012* (3/2012)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)
- *Public Service Management (Recruitment and Appointments) Act 2004* (33/2004)
- *Electricity (Supply) (Amendment) Act 2001* (9/2001)
- *Stamp Duties Consolidation Act 1999* (31/1999)
- *Electricity Regulation Act 1999* (23/1999)
- *Finance Act 1998* (3/1998)
- *Metrology Act 1996* (27/1996)
- *Energy (Miscellaneous Provisions) Act 1995* (35/1995)
- *Electricity (Supply) (Amendment) Act 1988* (17/1988)
- *Electricity (Supply) (Amendment) Act 1985* (6/1985)
- *Postal and Telecommunications Services Act 1983* (24/1983)
- *Worker Participation (State Enterprises) Act 1977* (6/1977)
- *Electricity (Supply) (Amendment) Act 1972* (24/1972)
- *Local Government (Repeal of Enactments) Act 1964* (33/1964)
- *Electricity (Supply) (Amendment) Act 1961* (2/1961)
- *Electricity (Supply) (Amendment) Act 1958* (35/1958)
- *Electricity (Supply) (Amendment) Act 1954* (17/1954)
- *Electricity (Supply) (Amendment) Act 1952* (4/1952)
- *Electricity (Supply) (Amendment) Act 1949* (12/1949)
- *Electricity (Supply) (Amendment) Act 1945* (12/1945)
- *Electricity (Supply) (Amendment) Act 1942* (27/1942)
- *Electricity (Supply) (Amendment) Act 1941* (1/1941)

- *Electricity (Supply) (Amendment) Act 1935* (20/1935)
- *Shannon Fisheries Act 1935* (4/1935)
- *Electricity (Supply) (Amendment) (No. 2) Act 1934* (38/1934)
- *Electricity (Supply) (Amendment) Act 1932* (15/1932)
- *Electricity (Supply) (Amendment) Act 1931* (32/1931)
- *Electricity (Supply) (Amendment) Act 1930* (19/1930)
- *Electricity (Finance) Act 1929* (26/1929)

All Acts up to and including *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *European Communities (Birds and Natural Habitats) Regulations 2011* (S.I. No. 477 of 2011)
- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)
- *European Communities (Internal Market in Electricity) (Electricity Supply Board) Regulations 2008* (S.I. No. 280 of 2008)
- *Communications, Energy and Geological Survey of Ireland (Transfer of Departmental Administration and Ministerial Functions) Order 2002* (S.I. No. 300 of 2002)
- *European Communities (Internal Market in Electricity) Regulations 2000* (S.I. No. 445 of 2000)
- *European Communities (Internal Market in Electricity) Regulations 1998* (S.I. No. 292 of 1998)
- *Communications (Transfer of Departmental Administration and Ministerial Functions) Order 1987* (S.I. No. 91 of 1987)
- *Energy (Transfer of Departmental Administration and Ministerial Functions) Order 1980* (S.I. No. 9 of 1980)
- *Energy (Transfer of Departmental Administration and Ministerial Functions) Order 1977* (S.I. No. 295 of 1977)
- *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1977* (S.I. No. 30 of 1977)
- *Relief From Obligation To Supply Gas (Sligo Area) Order 1968* (S.I. No. 168 of 1968)
- *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1965* (S.I. No. 83 of 1965)
- *Transport, Fuel and Power (Transfer of Departmental Administration and Ministerial Functions) Order 1959* (S.I. No. 125 of 1959)
- *Fisheries (Transfer of Departmental Administration and Ministerial Functions) Order 1957* (S.I. No. 67 of 1957)
- *Shannon Works Transfer (No. 22) Order 1944* (S.I. No. 93 of 1944)
- *Electricity Supply (Relief of Gas Undertaker) (Tralee) Order 1939* (S.I. No. 319 of 1939)
- *Shannon Works Transfer (No. 21) Order 1931* (S.I. No. 89 of 1931)
- *Shannon Works Transfer (No. 20) Order* (S.I. No. 60 of 1930)
- *Shannon Works Transfer (No. 19) Order 1930* (S.I. No. 52 of 1930)
- *Shannon Works Transfer (No. 18) Order 1930* (S.I. No. 40 of 1930)
- *Shannon Works Transfer (No. 17) Order 1930* (S.I. No. 35 of 1930)
- *Shannon Works Transfer (No. 16) Order 1930* (S.I. No. 25 of 1930)
- *Shannon Works Transfer (No. 15) Order 1930* (S.I. No. 30 of 1930)
- *Shannon Works Transfer (No. 14) Order 1930* (S.I. No. 27 of 1930)
- *Shannon Works Transfer (No. 13) Order 1930* (S.I. No. 17 of 1930)
- *Shannon Works Transfer (No. 12) Order 1929* (S.I. No. 15 of 1930)
- *Shannon Works Transfer (No. 11) Order 1929* (S.I. No. 73 of 1929)
- *Shannon Works Transfer (No. 10) Order 1929* (S.I. No. 72 of 1929)
- *Shannon Works Transfer (No. 9) Order 1929* (S.I. No. 71 of 1929)
- *Shannon Works Transfer (No. 8) Order 1929* (S.I. No. 70 of 1929)
- *Shannon Works Transfer (No. 7) Order 1929* (S.I. No. 58 of 1929)
- *Shannon Works Transfer (No. 6) Order 1929* (S.I. No. 55 of 1929)
- *Shannon Works Transfer (No. 5) Order 1929* (S.I. No. 53 of 1929)
- *Shannon Works Transfer (No. 4) Order 1929* (S.I. No. 49 of 1929)
- *Shannon Works Transfer (No. 3) Order 1929* (S.I. No. 35 of 1929)
- *Shannon Works Transfer (No. 2) Order 1929* (S.I. No. 32 of 1929)
- *Shannon Works Transfer (No. 1) Order 1929* (S.I. No. 13 of 1929)

All statutory instruments up to and including *Criminal Justice (Miscellaneous Provisions) Act 2023 (Commencement) Order 2024* (S.I. No. 378 of 2024), made 23 July 2024, were considered in the preparation of this revision.