Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.



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CARBON FUND ACT 2007

REVISED

Updated to 28 May 2019

This Revised Act is an administrative consolidation of the *Carbon Fund Act 2007*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including *Greyhound Racing Act 2019* (15/2019), enacted 28 May 2019, and all statutory instruments up to and including *European Communities (Sheep Identification) (Amendment) Regulations 2019* (S.I. No. 243 of 2019), made 28 May 2019, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Carbon Fund.
3. Payments into Carbon Fund.
4. Carbon Fund not to be used for any other purpose.
5. Accounts of Carbon Fund and audit.
6. Reports and information to Minister.
7. Accountability of Agency.
8. Directions to Agency.
9. Revoking functions of Agency.
10. Short title.

ACTS REFERRED TO

Comptroller and Auditor General (Amendment) Act 1993	2001, No. 17
Finance Act 1993	1993, No. 13



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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF A FUND TO BE KNOWN AS THE CARBON FUND TO BE UTILISED FOR THE ACQUISITION OF KYOTO UNITS AND OTHER SUCH INSTRUMENTS OR ASSETS BY THE STATE TO MEET INTERNATIONAL CLIMATE CHANGE OBLIGATIONS UNDER THE UNITED NATIONS FRAMEWORK CONVENTION ON CLIMATE CHANGE DONE AT NEW YORK ON 9TH MAY 1992 AND THE KYOTO PROTOCOL TO THE CONVENTION DONE AT KYOTO ON 11TH DECEMBER 1997, TO DESIGNATE THE NATIONAL TREASURY MANAGEMENT AGENCY AS THE AGENT FOR THE ACQUISITION, INCLUDING ON FOOT OF EXISTING OR FUTURE AGREEMENTS TO WHICH THE STATE IS OR BECOMES BOUND, OF KYOTO UNITS AND SUCH OTHER INSTRUMENTS OR ASSETS ON BEHALF OF THE STATE, TO PROVIDE FOR THE MAKING AVAILABLE OF FINANCIAL RESOURCES TO AND THE USE AND MANAGEMENT OF THE CARBON FUND, TO PROVIDE FOR CONSEQUENTIAL AMENDMENTS TO EXISTING LEGISLATION AND TO PROVIDE FOR RELATED MATTERS.

[7*th April*, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.— In this Act—

"Agency" means National Treasury Management Agency;

"Carbon Fund" has the meaning assigned to it by *section 2* ;

"Convention" means United Nations Framework Convention on Climate Change done at New York on 9th May 1992;

"Minister" means Minister for the Environment, Heritage and Local Government;

"Kyoto Protocol" means Kyoto Protocol to the Convention done at Kyoto on 11th December 1997;

"Kyoto Unit" means a unit, equivalent to one metric tonne of carbon dioxide, issued pursuant to the Kyoto Protocol and the decisions adopted pursuant to the Convention and the Kyoto Protocol.

Carbon Fund.

2.— (1) The Minister shall, with the consent of the Minister for Finance, establish a fund to be known as and in this Act referred to as the Carbon Fund for the purpose, subject to *subsection (8)* , of acquiring on behalf of the State, including on foot of existing or future agreements to which the State is or becomes bound, Kyoto Units and any other such instruments or assets in accordance with the provisions of the

Convention and the Kyoto Protocol, and for any purpose associated with or incidental to the fulfilment of that function.

(2) The Minister for Finance shall, when he or she considers it appropriate, establish a bank account at the F1**[**Central Bank of Ireland**]** to be known as the Carbon Fund Euro Bank Account, and, subject to *subsection (6)* , all moneys received for credit of and disbursed from the Carbon Fund shall respectively be paid into and out of that account.

(3) The Minister shall manage and control the Carbon Fund in accordance with this Act and has all powers necessary for or incidental to the performance by him or her of such functions.

(4) Subject to *sections 8 and 9* , the management of the Carbon Fund is delegated to the Agency. The Agency has all the powers that are necessary for or incidental to the performance of its function in managing the Carbon Fund.

(5) Notwithstanding *subsection (4)* , the Minister may give directions to the Agency in relation to acquisition of Kyoto Units or any other instruments or assets acquired under *subsection (1)* , or any matter associated with or incidental to such acquisition.

(6) The Agency, in connection with the performance of the functions delegated to it under *subsection (4)* , may—

(*a*) engage in transactions of a normal banking nature in respect of the management of the Carbon Fund and may, for such purposes, issue such funds from the Carbon Fund as are necessary,

(*b*) pay into any foreign currency clearing account created by the Minister for Finance under section 139 of the Finance Act 1993 the proceeds of any transaction denominated in a currency other than the currency of the State, and

(*c*) apply any amounts standing to the credit of any foreign currency clearing account towards the discharging of payment obligations arising under any transaction referred to in *paragraph (a)* .

(7) The expenses and other costs incurred by the Agency in connection with or arising out of any transactions engaged in by the Agency under *subsection (6) (a)* shall be charged on the Carbon Fund.

(8) The Agency may, with the consent of the Minister and the Minister for Finance and on such terms as they may specify, dispose of Kyoto Units or any other instruments or assets acquired under *subsection (1)* , and, subject to *subsection (6)* , any proceeds of any such disposal shall be paid into the Carbon Fund.

(9) Any surplus arising in the Carbon Fund shall be paid into the Central Fund from time to time as the Agency considers appropriate.

Payments into Carbon Fund.

3.— (1) The Minister for Finance may, for the purpose of *section 2* , advance moneys to the Carbon Fund from the Central Fund.

(2) Subject to *sections 8* and *9* , the function of the Minister for Finance under *subsection (1)* is delegated to the Agency.

(3) The Minister may, with the consent of the Minister for Finance, having regard to the obligations of the State under the Convention and the Kyoto Protocol, pay into the Carbon Fund in the financial year 2006 and each subsequent financial year, out of moneys provided by the Oireachtas, such amounts as he or she determines.

(4) Any advances from the Central Fund to the Carbon Fund under *subsection (1)* shall, as soon as practicable, be reimbursed by payments through the Carbon Fund under *subsection (3)* .

Carbon Fund not to be used for any other purpose.

4.— Moneys standing to the credit of the Carbon Fund shall not be used for any purposes other than those specified in this Act.

Accounts of Carbon Fund and audit.

5.— (1) The Agency shall—

(*a*) keep, in such form as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts in relation to the performance by it of the functions delegated or granted to it under this Act, and

(*b*) whenever requested to do so by the Minister, give to him or her either or both such accounts and such information in relation to such accounts as he or she may specify.

(2) Accounts kept under this section, as signed by the Chief Executive (who shall be the accountable person in relation to the accounts of the Carbon Fund), shall be submitted, as soon as may be, but not later than 4 months after the end of the financial year of the Agency to which they relate, by the Agency to the Comptroller and Auditor General for audit. A copy of the accounts as so audited, together with a copy of the report by the Comptroller and Auditor General on those accounts, shall be presented to the Minister as soon as may be thereafter. The Minister shall cause a copy of those audited accounts and that report to be laid before each House of the Oireachtas.

Reports and information to Minister.

6.— (1) As soon as may be, but not later than 6 months after the end of each financial year of the Agency, the Agency shall make a report to the Minister of its activities in relation to the performance during the year concerned of the functions delegated to it under this Act, and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) The Agency shall supply the Minister with such information as he or she may from time to time request relating to the performance by the Agency of the functions delegated to it under this Act.

(3) The Agency shall, when requested by the Minister, make recommendations to the Minister in relation to the functions performed by the Agency under this Act.

Accountability of Agency.

7.— (1) The Chief Executive of the Agency shall, in relation to the functions performed by the Agency under this Act, whenever required by the Committee of Public Accounts, give evidence to that Committee on—

(*a*) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General that the Chief Executive is required by or under statute to prepare,

(*b*) the economy and efficiency of the Agency in the use of resources,

(*c*) the systems, procedures and practices employed by the Agency for the purpose of evaluating the effectiveness of its operations under this Act, and

(*d*) any matter affecting the Agency referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act 1993 or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in *paragraph (a)* , *(b)* or *(c)*) that is laid before Dáil Éireann.

(2) When performing duties under this section, the Chief Executive of the Agency shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

(3) In this section "Committee of Public Accounts" means the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General.

Directions to Agency.

8.— The Minister may, following consultation with the Minister for Finance, give directions or guidelines to the Agency in relation to the performance by it of the functions delegated or granted to it under this Act. The Agency shall comply with any such directions and perform those functions in accordance with any such guidelines.

Revoking functions of Agency.

9.— Where the Minister feels it is appropriate in the circumstances, and following consultation with the Minister for Finance, the Minister may, by order, revoke some or all of the functions delegated to the Agency under this Act.

Short title.

10.— This Act may be cited as the Carbon Fund Act 2007.



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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 first passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

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. 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.