Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 11 *of* 2008

ELECTRICITY REGULATION (AMENDMENT) (EIRGRID) ACT 2008

REVISED

Updated to 12 July 2022

This Revised Act is an administrative consolidation of the *Electricity Regulation (Amendment) (Eirgrid) Act 2008*. 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 the *Eirgrid, Electricity and Turf (Amendment) Act 2022* (17/2022), enacted 7 July 2022, and all statutory instruments up to and including the *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), made 12 July 2022, 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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ELECTRICITY REGULATION (AMENDMENT) (EIRGRID) ACT 2008

REVISED

Updated to 12 July 2022

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Functions of EirGrid and interconnector.
3. Amendment of section 2A (position of interconnectors as respects transmission system) of Act of 1999.
4. Amendment of section 34A (terms for access to interconnector) of Act of 1999.
5. Subsidiaries of EirGrid, etc.
6. Borrowings by EirGrid.
7. Capital expenditure by EirGrid.
8. Alteration of memorandum and articles of association of EirGrid.
9. Revocations.
10. Short title.

ACTS REFERRED TO

Companies Acts	
Electricity Regulation Act 1999	1999, No. 23
Energy (Miscellaneous Provisions) Act 2006	2006, No. 40

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ELECTRICITY REGULATION (AMENDMENT) (EIRGRID) ACT 2008

REVISED

Updated to 12 July 2022

AN ACT TO ENABLE, SUBJECT TO THE GRANT OF AN AUTHORISATION BY VIRTUE OF SECTION 16(1)(*b*) OF THE ELECTRICITY REGULATION ACT 1999, THE CONSTRUCTION BY EIRGRID OF AN INTERCONNECTOR, TO ENABLE, SUBJECT TO THE GRANT OF A LICENCE UNDER SECTION 14(1)(*i*) OF THE ELECTRICITY REGULATION ACT 1999, THE TRANSPORTATION OF ELECTRICITY ACROSS AND THE MAINTENANCE OF SUCH AN INTERCONNECTOR BY EIRGRID, TO ENABLE EIRGRID TO OWN AND OPERATE SUCH AN INTERCONNECTOR, TO PROVIDE FOR SUBSIDIARIES OF EIRGRID, TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF MONEY THAT EIRGRID MAY BORROW, TO PROVIDE FOR THE TOTAL CAPITAL EXPENDITURE THAT MAY BE INCURRED BY EIRGRID AND TO PROVIDE FOR CONNECTED MATTERS.

[8*th July*, 2008]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.— In this Act—

" Act of 1999 " means the Electricity Regulation Act 1999;

"Commission" means the Commission for Energy Regulation;

"EirGrid" means the public limited company incorporated pursuant to Regulation 34 of the Principal Regulations;

"interconnector" has the same meaning as it has in the Act of 1999;

" Minister " means the Minister for Communications, Energy and Natural Resources;

"Principal Regulations" means the European Communities (Internal Market in Electricity) Regulations 2000 (S.I. No. 445 of 2000).

Functions of EirGrid and interconnector.

2.— (1) Subject to the grant by the Commission to EirGrid of an authorisation by virtue of section 16(1)(*b*) of the Act of 1999, EirGrid may construct an interconnector.

(2) Subject to the grant by the Commission to EirGrid of a licence under section 14(1)(*i*) of the Act of 1999, EirGrid may transport electricity across and maintain an interconnector.

(3) Subject to *subsection (4)* EirGrid may own an interconnector.

(4) EirGrid shall not lease, sell or otherwise dispose of, in whole or in part, an interconnector it has an interest in, including a proposed interconnector, to another person without the consent of the Minister, given with the approval of the Minister for Finance.

(5) EirGrid may carry on any activity which appears to EirGrid to be requisite, advantageous or incidental to or which appears to EirGrid to facilitate, the performance by EirGrid of any function under this Act.

(6) EirGrid shall exercise its functions under this section in a manner consistent with its functions as the transmission system operator under the Principal Regulations and accordingly—

(*a*) the functions of EirGrid under this section shall be read together with its functions provided for by Regulation 8 of the Principal Regulations as the transmission system operator, and

(*b*) the other provisions of the Principal Regulations which relate to the functions of EirGrid (including its functions as the transmission system operator under those Regulations) shall, to the extent that it is necessary or consistent to do so, apply to its functions under this section.

Annotations

Modifications (not altering text):

C1 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), art. 3, and sch. 1 part 2, in effect as per art. 1(2).

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.

...

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.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
...	...	...
No. 11 of 2008	Electricity Regulation (Amendment) (Eirgrid) Act 2008	Sections 2(4) and 5
...	...	...

Amendment of section 2A (position of interconnectors as respects transmission system) of Act of 1999.

3.— Section 2A (inserted by section 8 of the Energy (Miscellaneous Provisions) Act 2006) of the Act of 1999 is amended by substituting the following for subsection (3):

"(3) Notwithstanding subsection (2)—

(*a*) an interconnector owned by a person other than the Board—

(i) shall, where subsection (4) applies, and

(ii) may, where the Commission determines that it is in the public interest,

be considered to be part of the transmission system for the purposes of calculating charges and imposing charges for use of the transmission system, and

(*b*) an interconnector owned by the transmission system operator shall be regarded as part of the transmission system for the purposes of the functions of the transmission system operator.

(4) For the purpose of subsection (3)(*a*), an interconnector constructed pursuant to section 16A shall be deemed to be in the public interest.".

Amendment of section 34A (terms for access to interconnector) of Act of 1999.

4.— Section 34A (inserted by section 8 of the Energy (Miscellaneous Provisions) Act 2006) of the Act of 1999 is amended by inserting the following subsections after subsection (5):

"(6) A person who transports electricity across an interconnector without being duly licensed to do so under section 14(1) commits an offence and is liable—

(*a*) on summary conviction to a fine not exceeding €5,000 or a term of imprisonment not exceeding 12 months or to both, or

(*b*) on conviction on indictment to a fine not exceeding €50,000 or a term of imprisonment not exceeding3 years or to both.

(7) Summary proceedings for an offence under this section may be brought and prosecuted by the Commission.".

Subsidiaries of EirGrid, etc.

5.— (1) EirGrid may not, without the approval of the Minister given with the consent of the Minister for Finance, acquire, establish or dispose of subsidiaries or invest in other undertakings.

(2) Without prejudice to EirGrid exercising any of its functions, a subsidiary of EirGrid may exercise such and so many of EirGrid's functions as are provided for in the memorandum and articles of association of the subsidiary.

(3) An alteration in the memorandum of association or articles of association of a subsidiary of EirGrid shall not be valid or effectual unless it is made with the consent of the Minister.

Annotations

Modifications (not altering text):

C2 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), art. 3, and sch. 1 part 2, in effect as per art. 1(2).

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.

...

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.

...

Schedule 1

Enactments

...

Part 2

1922 to 2011 Enactments

Number and Year	Short Title	Provision
...	...	...
No. 11 of 2008	Electricity Regulation (Amendment) (Eirgrid) Act 2008	Sections 2(4) and 5
...	...	...

Borrowings by EirGrid.

6.— (1) Subject to the consent of the Minister and the Minister for Finance, EirGrid may borrow money (including money in a currency other than the Euro) by any means it considers appropriate and on such terms and conditions as it may determine for any purposes arising in the performance of its objects or duties.

F1**[**(2) Subject to *subsection (3)*, the aggregate at any time of borrowings (including any previous borrowing by virtue of Regulation 60 of the Principal Regulations) by EirGrid under *subsection (1)* shall not exceed €3,000,000,000.**]**

(3) For the purposes of this section moneys borrowed in a currency other than the Euro shall be deemed to be the equivalent in Euro of the actual moneys borrowed, such equivalent being calculated according to the rate of exchange at the time of such borrowing for that currency and the Euro.

Annotations

Amendments:

F1 Substituted (12.07.2022) by *EirGrid, Electricity and Turf (Amendment) Act 2022* (17/2022), s. 11, S.I. No. 352 of 2022.

Modifications (not altering text):

C3 Functions of Minister for Finance under section transferred to Minister for Public Expenditure and Reform (6.07.2011) by *Ministers and Secretaries (Amendment) Act 2011* (10/2011), s. 9(2) and sch. 2 part 1, commenced as per s. 1(2) and S.I. No. 401 of 2011, subject to s. 20(1).

Transfer of certain other functions to Minister.

9.— ...

(2) The functions conferred on the Minister for Finance by or under any of the provisions specified in Part 1 of Schedule 2 are transferred to the Minister.

...

Schedule 2

Functions Transferred To Minister

PART 1

Functions performable with consent of Minister for Finance

...		
No. 11 of 2008	Electricity Regulation (Amendment) (Eirgrid) Act 2008	Section 6
...		

Capital expenditure by EirGrid.

7.— (1) EirGrid shall not incur any expenditure for capital purposes without the approval of the Minister.

(2) The total expenditure of EirGrid for capital purposes shall not exceed such sum as may stand specified from time to time by the Minister.

Alteration of memorandum and articles of association of EirGrid.

8.— EirGrid shall take such steps under the Companies Acts as may be necessary to alter its memorandum and articles of association to make them consistent with this Act.

Revocations.

9.— Regulations 59, 60 and 61 of the Principal Regulations are revoked.

Short title.

10.— This Act may be cited as the Electricity Regulation (Amendment) (EirGrid) Act 2008.

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ELECTRICITY REGULATION (AMENDMENT) (EIRGRID) ACT 2008

REVISED

Updated to 12 July 2022

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

This Act is not collectively cited with any other Act.

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

- *Eirgrid, Electricity and Turf (Amendment) Act 2022* (17/2022)
- *Ministers and Secretaries (Amendment) Act 2011* (10/2011)

All Acts up to and including *Eirgrid, Electricity and Turf (Amendment) Act 2022* (17/2022), enacted 7 July 2022, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Finance (Transfer of Departmental Administration and Ministerial Functions) Order 2011* (S.I. No. 418 of 2011)

All statutory instruments up to and including *Social Welfare (Consolidated Claims, Payments and Control) (Amendment) (No. 10) (Income Disregard) Regulations 2022* (S.I. No. 397 of 2022), made 12 July 2022, were considered in the preparation of this revision.