



Number 6 of 2013

WATER SERVICES ACT 2013

REVISED

Updated to 1 January 2023

This Revised Act is an administrative consolidation of the *Water Services Act 2013*. 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 *Local Government (Maternity Protection and Other Measures for Members of Local Authorities) Act 2022* (52/2022), enacted 21 December 2022, and all statutory instruments up to and including the *Planning And Development And Foreshore (Amendment) Act 2022 (Commencement) Order 2023* (S.I. No. 1 of 2023), made 9 January 2023, were considered in the preparation of this Revised Act.

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ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title and commencement.
2. Definitions.
3. Expenses.

PART 2

SUBSIDIARY COMPANY

4. Formation of company.
5. Name and share capital of subsidiary.
6. Memorandum and articles of association of subsidiary.
- 6A. Board of Uisce Éireann
- 6B. Chief Executive Officer
7. Disqualification for office of director of subsidiary.
8. Membership of either House of Oireachtas or European Parliament.
9. Disclosure of interests by directors of subsidiary.
10. Disclosure of interests by members of staff of subsidiary.
11. Disclosure of confidential information.
12. Borrowing by Board and subsidiary. *(Repealed)*
13. Guarantee of borrowings of Board and subsidiary. *(Repealed)*
14. Provision of moneys for payments out of Central Fund. *(Repealed)*
15. Grants by Minister.
16. Subsidiary's capital commitments.

17. Accounts of subsidiary. *(Repealed)*

17A. Financial year.

17B. Preparation and audit of statutory financial statements.

17C. Appointment of statutory auditor or firm.

17D. Annual report.

17E. Presentation of financial statements and reports.

18. Annual report of subsidiary. *(Repealed)*

18AA. Accountability to Committee of Public Accounts.

18A. Superannuation.

PART 3

INSTALLATION OF WATER METERS

19. Definition.

20. Performance of certain functions by metering authorities. *(Repealed)*

21. Installation of pipes.

22. Ownership of water meters.

23. Immunity.

PART 4

MISCELLANEOUS

24. Performance of functions generally.

25. Performance of functions preparatory to conferral of water services functions.

26. Provision of information to Board and subsidiary.

27. Performance of functions by Commission.

28. Amendment of section 105 of Act of 2007. *(Repealed)*

29. Amendment of Local Government (Financial Provisions) (No. 2) Act 1983.

30. Accounts of Board.

31. Annual report of Board. *(Repealed)*

32. Directions of Minister.

ACTS REFERRED TO

Companies Act 1963	1963, No. 33
Companies Act 1990	1990, No. 33
Companies Acts	
Companies (Amendment) Act 1983	1983, No. 13
Companies (Amendment) Act 2009	2009, No. 20
Electricity Regulation Act 1999	1999, No. 23

Ethics in Public Office Act 1995	1995, No. 22
European Parliament Elections Act 1997	1997, No. 2
Gas Act 1976	1976, No. 30
Gas (Interim) (Regulation) Act 2002	2002, No. 10
Local Government Act 2001	2001, No. 37
Local Government (Financial Provisions) (No. 2) Act 1983	1983, No. 21
Local Government (Financial Provisions) Act 1997	1997, No. 29
Planning and Development Act 2000	2000, No. 30
Property Services Regulation Act 2011	2011, No. 40
Residential Tenancies Act 2004	2004, No. 27
Water Services Act 2007	2007, No. 30



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AN ACT TO MAKE PROVISION IN RELATION TO THE INSTALLATION AND MAINTENANCE OF WATER METERS IN DWELLINGS; FOR THAT PURPOSE TO PROVIDE FOR THE FORMATION OF A SUBSIDIARY COMPANY BY BORD GÁIS ÉIREANN AND THE PERFORMANCE OF CERTAIN FUNCTIONS UNDER THE WATER SERVICES ACT 2007 BY BORD GÁIS ÉIREANN AND THAT SUBSIDIARY COMPANY; TO AMEND THE GAS ACT 1976 AND THE WATER SERVICES ACT 2007; TO PROVIDE FOR THE COLLECTION OF CERTAIN INFORMATION BY BORD GÁIS ÉIREANN AND THAT SUBSIDIARY COMPANY; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[20th March, 2013]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement.

1.— (1) This Act may be cited as the Water Services Act 2013.

(2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions.

2.— In this Act—

“Act of 1963” means the [Companies Act 1963](#);

“Act of 1976” means the [Gas Act 1976](#);

“Act of 1999” means the [Electricity Regulation Act 1999](#);

“Act of 2001” means the [Local Government Act 2001](#);

“Act of 2007” means the [Water Services Act 2007](#);

F1[“Act of 2014” means the [Companies Act 2014](#);]

F1[“appointed day” means the day appointed by order under section 6 (1) of the [Water Services \(Amendment\) Act 2022](#);]

F2[“Board” has the meaning assigned to it by [section 6A\(2\)](#);]

F1[“chief executive officer” has the meaning assigned to it by *section 6B(1)*;]

“Commission” means the Commission for Energy Regulation established under section 8 of the Act of 1999;

F1[“director” means a person appointed to the Board under *section 6A(2)*;]

F1[“enactment” has the same meaning as it has in the Interpretation Act 2005;]

F1[“financial year” shall be construed in accordance with *section 17A*;]

“material interest” shall be construed in accordance with *section 2(3)* of the *Ethics in Public Office Act 1995*;

“Minister” means the Minister for the Environment, Community and Local Government;

F3[...]

“water services authority” has the same meaning as it has in the Act of 2007.

Expenses.

3.— The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

SUBSIDIARY COMPANY

Formation of company.

4.— F4[*Ervia*] shall, after consultation with the Minister, the Minister for Communications, Energy and Natural Resources and the Minister for Public Expenditure and Reform, cause a private company limited by shares F5[...] conforming to the conditions laid down in this Act to be formed and registered under the Companies Acts.

Name and share capital of subsidiary.

5.— F6[(1) The company formed and registered under the Companies Acts in accordance with *section 4*, known in the Irish language as *Uisce Éireann* and in the English language as *Irish Water*, shall be known, on and from the day immediately before the appointed day, only as its name in the Irish language, *Uisce Éireann*.]

F7[(1A) *Uisce Éireann* is the national authority for water services with responsibility for the functions assigned to it by or under the Water Services Acts 2007 to 2022.

(1B) Subsections (1) to (3) of section 969 of the Act of 2014 shall not apply to *Uisce Éireann*.]

(2) F8[...]

(3) The F9[*constitution*] of F10[*Uisce Éireann*] shall not specify an authorised share capital that differs from such amount as may be determined by the Minister, with the consent of F8[...] the Minister for Public Expenditure and Reform.

F7[(3A) On the appointed day, *Uisce Éireann* shall issue—

(a) one share to the Minister, and

(b) 99 shares to the Minister for Public Expenditure and Reform.

(3B) *Uisce Éireann* may, from time to time, with the prior consent of the Minister, issue to that Minister or to the Minister for Public Expenditure and Reform such

number of shares as may be agreed upon, and are subscribed for, by that Minister of the Government.

(3C) No consideration shall be payable by the Minister or the Minister for Public Expenditure and Reform in respect of shares issued under *subsection (3A)*.

(3D) The whole of the issued share capital of Uisce Éireann shall be held by the Minister and the Minister for Public Expenditure and Reform.

(3E) Subject to *subsection (3F)*, the Minister and the Minister for Public Expenditure and Reform, may, in respect of the shares in Uisce Éireann for the time being held by either of them, exercise all or any of the rights and powers from time to time exercisable by the holder of such shares.

(3F) The Minister or the Minister for Public Expenditure and Reform shall not alienate the shares issued to him or her under *subsections (3A) or (3B)*, as the case may be.]

(4) F8[...]

(5) F8[...]

(6) F8[...]

Memorandum and articles of association of subsidiary.

6.— F11[(1) The constitution of Uisce Éireann shall be in such form consistent with the Act of 2014 and with this Act as may be approved by the Minister and the Minister for Public Expenditure and Reform.]

(2) F12[...]

F11[(3) Notwithstanding anything contained in the Act of 2014, no alteration of the constitution of Uisce Éireann shall be valid or effectual unless made with the prior approval of the Minister and the Minister for Public Expenditure and Reform.]

F13[Board of Uisce Éireann.

6A.— (1) Subject to *section 6B(7)*, each director of Uisce Éireann standing appointed immediately before the appointed day shall cease to be a director of Uisce Éireann on the appointed day.

(2) Uisce Éireann shall have a board (in this Act referred to as the “Board”) which shall consist of at least 5 and not more than 10 directors (including its chairperson and the chief executive officer), each of whom shall be appointed by the Minister, with the consent of the Minister for Public Expenditure and Reform.

(3) The Minister, with the consent of the Minister for Public Expenditure and Reform, shall appoint one of the directors of Uisce Éireann to be its chairperson.

(4) Of the persons appointed to be directors of Uisce Éireann under *subsection (2)*, one shall be nominated by the Irish Congress of Trade Unions in accordance with *subsection (11)*.

(5) The Minister shall, in so far as is practicable, endeavour to ensure that among the directors of Uisce Éireann there is an equitable balance between men and women.

(6) The Board may act notwithstanding one or more vacancies among its directors subject to having a quorum of 3.

(7) An appointment to the Board and the appointment of the company secretary of that Board shall each be subject to such terms and conditions as are set out in the constitution of Uisce Éireann.

(8) There may be paid to the directors of Uisce Éireann, out of monies at the disposal of Uisce Éireann, such allowances for expenses incurred by them as the Minister, with the consent of the Minister for Public Expenditure and Reform, may determine.

(9) A director of Uisce Éireann (other than the chief executive officer) shall hold office for such period, not exceeding 5 years from the date of his or her appointment, as the Minister shall determine.

(10) A director of Uisce Éireann whose term of office expires by the passage of time shall be eligible for reappointment to the Board, provided he or she does not hold office for more than 2 terms of office, whether the terms are served consecutively or otherwise.

(11) The Irish Congress of Trade Unions shall, whenever so requested by the Minister, nominate no less than 2 candidates for appointment to the Board and shall inform the Minister, within such period as the Minister shall specify when making the request, of the names of the candidates nominated and of the reasons why, in the opinion of the Irish Congress of Trade Unions, they are suitable for such appointment.

(12) A director of Uisce Éireann may resign from office by giving notice to the Minister of his or her resignation and the resignation shall take effect on the day on which the Minister receives the notice.]

F14[Chief
Executive Officer

6B. (1) Subject to *subsection (7)*, the Board shall, with the consent of the Minister, appoint the chief executive officer of Uisce Éireann (in this Act referred to as the “chief executive officer”).

(2) The chief executive officer shall—

(a) carry on, manage and control generally, the administration of Uisce Éireann,

(b) advise the directors of Uisce Éireann in relation to the performance by Uisce Éireann of its functions.

(3) Subject to *section 6A(2)*, the chief executive officer shall be an *ex officio* director of Uisce Éireann but he or she shall not be the chairperson.

(4) The chief executive officer shall hold office under a written contract of service for such term, and subject to such terms and conditions (including terms and conditions relating to remuneration, allowances and superannuation) as are specified in the contract, as may be determined by the Board with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform.

(5) The chief executive officer may, with the consent of the Minister, be removed from office by the Board for stated reasons.

(6) The chief executive officer shall not hold any other office or occupy any other position in respect of which emoluments are payable, or carry on any business without the consent of the Board.

(7) The person who stands appointed as chief executive officer of Uisce Éireann immediately before the appointed day shall continue to—

(a) hold that office upon and subject to the same terms and conditions, and

(b) be an *ex officio* director of Uisce Éireann,

for the remainder of his or her term of office.]

Disqualification
for office of
director of
subsidiary.

7.— (1) A director of F15[Uisce Éireann] shall cease to be qualified, and cease, to be a director of F15[Uisce Éireann] if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with creditors,

(c) is sentenced by a court of competent jurisdiction to a term of imprisonment,

- (d) is convicted of any indictable offence in relation to a company,
- (e) is convicted of an offence involving fraud or dishonesty, whether in connection with a company or not, or
- (f) is the subject of an order under [section 160](#) of the [Companies Act 1990](#).

F16[(1A) The Minister may, at any time, remove a director of Uisce Éireann from office if the Minister is of the opinion that—

- (a) the director has become incapable through ill-health of performing his or her functions,
- (b) the director has committed stated misbehaviour,
- (c) the director has contravened [section 9\(1\)](#), or
- (d) the removal of the director appears to the Minister to be necessary for the effective performance by Uisce Éireann of its functions.

(1B) Where a person is removed from office pursuant to [subsection \(1A\)](#), he or she shall cease to be qualified, and cease, to be a director of Uisce Éireann.]

(2) This section is in addition to, and not in substitution for, any provision of the Companies Acts by virtue of which a person is not qualified, or shall cease, to be a director of a company.

Membership of either House of Oireachtas or European Parliament.

8.— (1) Where a director of F17[Uisce Éireann] is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a director of F17[Uisce Éireann].

(2) Where a member of the staff of F17[Uisce Éireann] is—

- (a) nominated as a member of Seanad Éireann,
- (b) elected as a member of either House of the Oireachtas or to be a member of the European Parliament, or
- (c) regarded pursuant to Part XIII of the Second Schedule to the Act of 1997 as having been elected to that Parliament,

he or she shall thereupon cease to be a member of the staff of F17[Uisce Éireann].

(3) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein or who is a member of the European Parliament shall, while he or she is so entitled or is such a member, be disqualified from being a director of F17[Uisce Éireann] or a member of the staff of F17[Uisce Éireann].

(4) In this section “Act of 1997” means the [European Parliament Elections Act 1997](#).

Disclosure of interests by directors of subsidiary.

9.— (1) Where at a meeting of the directors of F18[Uisce Éireann] any of the following matters arises, namely—

- (a) an arrangement to which F18[Uisce Éireann] is a party or a proposed such arrangement, or

(b) a contract or other agreement with F18[Uisce Éireann] or a proposed such contract or other agreement,

then, any director of F18[Uisce Éireann] present at the meeting who otherwise than in his or her capacity as such director has a material interest in the matter shall—

(i) at the meeting disclose the fact of such interest and the nature thereof to the other directors of F18[Uisce Éireann] present,

(ii) neither influence nor seek to influence a decision to be made in relation to the matter,

(iii) absent himself or herself from the meeting or that part of the meeting during which the matter is being discussed,

(iv) take no part in any deliberation relating to the matter, and

(v) not vote on a decision relating to the matter.

(2) Where a material interest is disclosed pursuant to this section, the disclosure shall be recorded in the minutes of the meeting concerned and, for so long as the matter to which the disclosure relates is being dealt with by the meeting, the director by whom the disclosure is made shall not be counted in the quorum for the meeting.

(3) Where at a meeting of the directors of F18[Uisce Éireann] a question arises as to whether or not a course of conduct, if pursued by a director of F18[Uisce Éireann], would constitute a failure by him or her to comply with the requirements of *subsection (1)*, the question may, subject to *subsection (4)*, be determined by the chairperson of the meeting, whose decision shall be final, and where such a question is so determined, particulars of the determination shall be recorded in the minutes of the meeting.

(4) Where, at a meeting of the directors of F18[Uisce Éireann], the chairperson of the meeting is the director in respect of whom a question to which *subsection (3)* applies falls to be determined, then the other directors of F18[Uisce Éireann] attending the meeting shall choose one of their number to be chairperson of the meeting for the purpose of determining the question concerned.

(5) F19[...]

(6) Section 194 (amended by *section 2* of the *Companies (Amendment) Act 2009*) of the Act of 1963 shall not apply to a director of F18[Uisce Éireann].

Disclosure of interests by members of staff of subsidiary.

10.— (1) Where a member of the staff of F20[Uisce Éireann] has a material interest, otherwise than in his or her capacity as such a member, in any contract, agreement or arrangement to which F20[Uisce Éireann] is a party, or any proposed such contract, agreement or arrangement, that person shall—

(a) disclose to F20[Uisce Éireann] his or her interest and the nature thereof,

(b) take no part in the negotiation of the contract, agreement or arrangement or in any deliberation by F20[Uisce Éireann] or members of the staff of F20[Uisce Éireann] in relation thereto, and

(c) neither influence nor seek to influence a decision to be made in relation to the matter nor make any recommendation in relation to the contract, agreement or arrangement.

(2) *Subsection (1)* shall not apply to contracts or proposed contracts of employment of members of the staff of F20[Uisce Éireann] with the F20[Uisce Éireann]

(3) Where a person contravenes this section F20[Uisce Éireann] may make such alterations to the person's terms and conditions of employment as it considers appropriate or terminate the person's contract of employment.

Disclosure of confidential information.

11.— (1) A person shall not disclose confidential information obtained by him or her while performing functions as a director or a member of the staff of, or an adviser or consultant to, F21[Uisce Éireann], or a member of the staff of such adviser or consultant unless he or she is duly authorised by F21[Uisce Éireann] to so do.

(2) *Subsection (1)* shall not operate to prohibit the disclosure of confidential information by a person referred to in that subsection to the Board.

(3) In this section “confidential information” includes—

(a) information that is expressed by F21[Uisce Éireann] to be confidential either as regards particular information or as regards information of a particular class or description, and

(b) proposals of a commercial nature or tenders submitted to F21[Uisce Éireann] by contractors, consultants or any other person.

Borrowing by Board and subsidiary.

12.— F22[...]

Guarantee of borrowings of Board and subsidiary.

13. — F23[...]

Provision of moneys for payments out of Central Fund.

14.—F24[...]

Grants by Minister.

15.— The Minister may, for the purposes of this Act and subject to such conditions as he or she may determine, make grants out of moneys provided by the Oireachtas to—

F25[(a) Uisce Éireann, or]

(b) F26[...]

(c) the Commission.

Subsidiary's capital commitments.

F27[**16. —**(1) F28[Uisce Éireann] shall not, without the consent of the Minister given with the approval of the Minister for Public Expenditure and Reform, enter into a capital commitment the amount of which exceeds an amount specified for the time being for the purpose of this section and relating to the commitment.

(2) The Minister may from time to time, with the approval of the Minister for Public Expenditure and Reform, specify amounts for the purposes of this section and such an amount may be so specified in relation to capital commitments generally or in relation to capital commitments of a particular class or description.]

F29[Final accounts and final annual report of Uisce Éireann as subsidiary of Ervia

16A.— ...]

Accounts of subsidiary.

17.— F30[...]

F31[Financial
Year

17A. —(1) Where the appointed day is 1 January 2023—

- (a) the financial year of Uisce Éireann immediately preceding the appointed day shall commence on 1 January 2022 and end on 31 December 2022,
- (b) the next financial year shall commence on the appointed day and end on 31 December 2023, and
- (c) each subsequent financial year shall be determined in accordance with section 288(2) of the Act of 2014.

(2) Where the appointed day is after 1 January 2023—

- (a) the financial year of Uisce Éireann immediately preceding the appointed day shall commence on 1 January 2023 and end on the day before the appointed day,
- (b) the next financial year of Uisce Éireann shall commence on the appointed day and end on 31 December 2023, and
- (c) each subsequent financial year shall be determined in accordance with section 288(2) of the Act of 2014.

(3) Where *subsection (2)* applies, the financial year specified in *paragraphs (a) or (b)* of that subsection may be a period shorter than a calendar year.]

F32[Preparation
and audit of
statutory
financial
statements

17B.— (1) Part 6 of the Act of 2014 shall apply to Uisce Éireann subject to the modifications specified in *subsections (2) to (7)*.

(2) The first statutory financial statements prepared under this section shall be in respect of the financial year specified in *subsections (1)(b) or (2)(b) of section 17A*, as the case may be, and subsequent financial statements shall be prepared in respect of each subsequent financial year.

(3) Uisce Éireann shall, not later than 2 months after the end of the financial year to which they relate, submit the statutory financial statements, prepared in accordance with Part 6 of the Act of 2014, to the Comptroller and Auditor General for audit.

(4) The Comptroller and Auditor General shall audit, and prepare a report in the form set out in section 336 of the Act of 2014 on, the statutory financial statements submitted to him or her under *subsection (3)*.

(5) Uisce Éireann shall pay to the Comptroller and Auditor General in respect of the audit under this section such fees as are approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.

(6) In relation to Uisce Éireann—

- (a) a reference to “statutory auditor” in the Act of 2014 shall include a reference to the Comptroller and Auditor General, and
- (b) a reference to “audit of the statutory financial statements” in the Act of 2014 shall include a reference to the audit of the statutory financial statements by the Comptroller and Auditor General under *subsection (4)*.

(7) Chapters 18, 20 and 21 of Part 6 of the Act of 2014 shall not apply to the Comptroller and Auditor General in the performance of his or her functions in relation to Uisce Éireann, nor to the audit of Uisce Éireann’s statutory financial statements by him or her.

(8) In this section, “statutory financial statements” has the same meaning as it has in Part 6 of the Act of 2014.]

F33[Appointment of statutory auditor or firm

17C.— (1) The Board may, after consultation with the Minister, appoint a statutory auditor or statutory audit firm to be a statutory auditor of Uisce Éireann, if the Board considers it appropriate to do so, for the purposes of, and in accordance with, the Act of 2014.

(2) Where a statutory auditor or statutory audit firm is appointed under *subsection (1)*, the first statutory auditor's report prepared in accordance with section 336 of the Act of 2014 shall be in respect of the financial year specified in *subsections (1)(b)* or *(2)(b)* of *section 17A*, as the case may be, and subsequent reports shall be prepared in respect of each subsequent financial year.

(3) The appointment of a statutory auditor or statutory audit firm under *subsection (1)* shall not affect the operation of *section 17B*.

(4) Uisce Éireann shall pay to a statutory auditor appointed under this section such fees as are approved by the Minister, with the consent of the Minister for Public Expenditure and Reform.

(5) In this section—

“statutory audit firm” has the same meaning as it has in Part 27 of the Act of 2014;

“statutory auditor” has the same meaning as it has in the Act of 2014.]

F34[Annual report

17D. —(1) Uisce Éireann shall prepare a report on the performance by it of its functions under the Water Services Acts 2007 to 2022 (in this section referred to as the “annual report”).

(2) The annual report shall include such particulars as Uisce Éireann considers appropriate or as may be directed by the Minister.

(3) The first annual report prepared under this section shall be in respect of the financial year specified in *subsections (1)(b)* or *(2)(b)* of *section 17A*, as the case may be, and subsequent annual reports shall be prepared in respect of each subsequent financial year.]

F35[Presentation of financial statements and reports

17E. (1) Uisce Éireann shall, not later than 30 June in each year, commencing in the year 2024, present to the Minister a copy of—

(a) the statutory financial statements submitted to the Comptroller and Auditor General under *section 17B(3)*,

(b) the report prepared under *section 17B(4)*,

(c) the statutory auditor's report referred to in *section 17C(2)*, if applicable, and

(d) the annual report prepared under *section 17D(1)*.

(2) The Minister shall cause a copy of the statutory financial statements and the reports presented to him or her under *subsection (1)* to be laid before each House of the Oireachtas as soon as practicable following their presentation.]

Annual report of subsidiary.

18.— F36[...]

F37[Accountability to Committee of Public Accounts

18AA. (1) The chairperson of the Board and the chief executive officer shall be nominated persons for the purposes of this section.

(2) The nominated persons shall, whenever required by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report

to Dáil Éireann on the accounts and reports of the Comptroller and Auditor General, 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 or account subject to audit by the Comptroller and Auditor General that Uisce Éireann is required by or under an enactment to prepare,
- (b) the economy and efficiency of Uisce Éireann in its use of the resources made available to it under the Water Services Acts 2007 to 2022,
- (c) the systems, procedures and practices employed by Uisce Éireann for the purposes of evaluating the effectiveness of its operations, and
- (d) any matter affecting Uisce Éireann referred to in—
 - (i) any special report of the Comptroller and Auditor General under section 11 (2) of the Comptroller and Auditor General (Amendment) Act 1993, or
 - (ii) any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in any of *paragraphs (a) to (c)*) that is laid before Dáil Éireann.

(3) In appearing before the Committee referred to in *subsection (2)*, each nominated person shall appear as a person accountable to the Committee and not as an accounting officer.

(4) The nominated persons, in giving evidence under *subsection (2)*, 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.

(5) Any evidence given under *subsection (2)* shall, subject to preserving confidentiality in relation to such commercially sensitive information as may be determined by the Board, relate to the policies of Uisce Éireann.]

F38[Superannuation **18A.** (1) As soon as may be after the coming into operation of this section, F39[Uisce Éireann] shall prepare and submit to the Minister a scheme or schemes for the granting of superannuation benefits to or in respect of members of staff of F39[Uisce Éireann].

(2) Every such scheme shall fix the time and conditions of retirement for all persons to, or in respect of whom, superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) F39[Uisce Éireann] may at any time prepare and submit to the Minister a scheme amending or revoking a scheme previously submitted and approved under this section.

(4) A scheme or amending scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Public Expenditure and Reform, be carried out by F39[Uisce Éireann] in accordance with its terms.

(5) Every scheme made under this section shall make provision for appeals.

(6) A superannuation benefit shall not be granted by F39[Uisce Éireann] to or in respect of any of its staff who are members of a scheme under this section and no other arrangement shall be entered into for the provision of any superannuation benefit to such persons on their ceasing to hold office, other than in accordance with such scheme or schemes submitted and approved under this section or an arrangement approved by the Minister and the Minister for Public Expenditure and Reform.

(7) The Minister shall cause every scheme submitted and approved under this section to be laid before each House of the Oireachtas as soon as may be after it is approved, and if either such House within the next 21 days on which that House sits after the

scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to anything previously done thereunder.

(8) In this section “superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.]

PART 3

INSTALLATION OF WATER METERS

F40[Definition. 19.— In this Part “metering authority” means Uisce Éireann.]

Performance of certain functions by metering authorities.

20.— (1) The functions of each water services authority under paragraph (f) of subsection (1) of section 32 of the Act of 2007 shall, in addition to being performable by a water services authority, be performable by F41[the metering authority] in so far only as they relate to premises that contain one or more dwellings, and references in any enactment or instrument under an enactment to a water services authority shall, to the extent that they relate to any such function, be construed as including references to F41[the metering authority].

(2) For the purposes of this Part and subject to *subsection (3)*, the functions (other than the functions referred to in *subsection (1)*) of a water services authority under the Act of 2007 shall, in addition to being performable by a water services authority, be performable by F41[the metering authority]—

- (a) in the like manner as they would be performable by a water services authority,
- (b) subject to the like consent and conditions (if any) as would apply if the functions were being performed by a water services authority, and
- (c) to the extent only that their performance is necessary or expedient for the performance of functions referred to in *subsection (1)*.

(3) For the avoidance of doubt, the functions to which this section applies shall be performable by—

F42[(a) a water services authority, or

(b) the metering authority.]

(c) F43[...]

Installation of pipes.

21.— (1) Section 41 of the Act of 2007 shall apply to the performance by F45[the metering authority] of functions in accordance with this Act subject to the deletion, in subsection (2), of the words “subject to the consent of the relevant road authority where the water services authority is not the road authority for that road or place intended for a road”.

(2) For the avoidance of doubt, the provisions of the Planning and Development Act 2000 shall apply to F45[the metering authority] as, by virtue of subsection (12) of section 41 of the Act of 2007, they apply to a water services authority.

Ownership of water meters.

22.— (1) All property in meters within the meaning of Part 5 of the Act of 2007 installed pursuant to functions conferred by this Act shall vest in F46[Uisce Éireann].

(2) F46[Uisce Éireann] shall not alienate any property vested in it by this section without the consent of the Minister and the Minister for Public Expenditure and Reform.

Immunity.

23.— Section 29 of the Act of 2007 shall apply to F47[the metering authority] as it applies to a water services authority, and accordingly references in that section to a water services authority shall be construed as including references to F47[the metering authority].

PART 4

MISCELLANEOUS

Performance of functions generally.

24.— (1) F48[Uisce Éireann] shall have all such powers as are necessary or expedient for the performance of its functions under this Act.

(2) F49[...]

Performance of functions preparatory to conferral of water services functions.

25.— (1) F50[...]

(2) F51[Uisce Éireann] may, upon the commencement of this section, do all such things as may be necessary or expedient for the purposes of the performance by it of water services functions under any enactment passed after the passing of this Act.

(3) F50[...]

(4) F51[Uisce Éireann] shall not perform a function under this section if the Minister gives a direction in writing to F51[Uisce Éireann] requiring it not to perform the function.

(5) In this section “water services functions” means functions that are the same as or similar to the functions of a water services authority under the Act of 2007.

Provision of information to Board and subsidiary.

26.— (1) F52[Uisce Éireann] may request a relevant person to provide F52[Uisce Éireann] with such information—

(a) as F52[Uisce Éireann] may reasonably require to enable it to perform its functions under this Act, or

(b) as F52[Uisce Éireann] could reasonably be expected to require, were functions (other than functions referred to in *paragraph (a)*) the same as or similar to those vested in a water services authority under the Act of 2007 conferred on it.

(2) F53[...]

(3) A relevant person shall comply with a request under this section.

(4) The Act of 2007 is amended—

(a) in section 6, by the substitution of “water services authority, Bord Gáis Éireann, Irish Water” for “water services authority” in each place that it occurs, and

(b) in section 7, by the substitution of “water services authority, Bord Gáis Éireann, Irish Water” for “water services authority”.

(5) For the purposes of this section, each of the following is a relevant person:

(a) a local authority within the meaning of the Act of 2001;

(b) the Private Residential Tenancies Board established under [section 150 of the Residential Tenancies Act 2004](#);

- (c) the Property Services Regulatory Authority established under section 9 of the Property Services Regulation Act 2011;
- (d) the holder for the time being of a licence granted under subsection (1) of section 14 of the Act of 1999 for the purposes of paragraph (g) of that subsection;
- (e) the Local Government Management Agency established by the Local Government Management Agency (Establishment) Order 2012 (S.I. No. 290 of 2012);
- (f) the Revenue Commissioners;
- (g) the Minister for Social Protection;
- (h) any other person for the time being standing prescribed by order made by the Minister after consultation with the Data Protection Commissioner;
- (i) a customer within the meaning of the Gas (Interim) (Regulation) Act 2002, or a final customer within the meaning of the F54[Act of 1999.]

Performance of functions by Commission.

27.— (1) The Commission may, upon the commencement of this section, do all such things as may be necessary or expedient for the purposes of the performance by it of water regulatory functions under any enactment passed after the passing of this Act.

(2) The Commission may—

- (a) advise the Minister in relation to the development of policy regarding the regulation of the provision of water services, or

F55[(b) consult with F56[Uisce Éireann], members of the public or such other persons as it considers appropriate in relation to the performance of any of its functions under this Act or the Water Services (No. 2) Act 2013.]

(3) In this section—

“water regulatory functions” means, in relation to the Commission, functions, as respects the provision of water services by any person, that are the same as or similar to the functions of the Commission under the Act of 1999, and includes—

- (a) functions relating to the fixing of charges in respect of the provision of such water services,
- (b) the specification of minimum standards of service as respects the provision of such water services,
- (c) the protection of the interests of persons to whom water services are provided;

“water services” has the same meaning as it has in the Act of 2007.

Amendment of section 105 of Act of 2007.

28.— F57[...]

Amendment of Local Government (Financial Provisions) (No. 2) Act 1983.

29.— Section 4 of the Local Government (Financial Provisions) (No. 2) Act 1983 is amended by—

- (a) the deletion of paragraph (a) of subsection (1) (inserted by subsection (3) of section 12 of the Local Government (Financial Provisions) Act 1997), and
- (b) the deletion of subsection (1B) (inserted by the said subsection (3)).

Accounts of
Board.

30.— Section 15 of the Act of 1976 is amended by the insertion of the following subsection:

“(1A) The Board shall, in addition to the accounts that it is required to keep under subsection (1), keep in such form as may be approved by the Minister, with the consent of the Minister for Communications, Energy and Natural Resources and the Minister for Public Expenditure and Reform, all such proper and usual accounts of all moneys received or expended by it in respect of the performance of its functions under the *Water Services Act 2013*.”.

Annual report of
Board.

31.— F58[...]

Directions of
Minister.

32.— F59[(1) The Minister may give a direction in writing to Uisce Éireann, in relation to the performance by Uisce Éireann of its functions under this Act, requiring it to comply with such policies of the Government as are specified in the direction.]

(2) The Minister may, by direction in writing, amend or revoke a direction under this section (including a direction under this subsection).

(3) F60[...]

(4) F60[...]

(5) F61[Uisce Éireann] shall comply with a direction given to it under this section.



Number 6 of 2013

WATER SERVICES ACT 2013

REVISED

Updated to 1 January 2023

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

Water Services Acts 2007 to 2022: this Act is one of a group of Acts included in this collective citation to be construed together as one (*Water Services (Amendment) Act 2022* (39/2022), s. 1(2)). The Acts in this group are:

- *Water Services Act 2007* (30/2007)
- *Water Services (Amendment) Act 2012* (2/2012)
- *Water Services (No. 2) Act 2013* (50/2013)
- *Water Services Act 2014* (44/2014)
- *Environment (Miscellaneous Provisions) Act 2015* (29/2015), part 10
- *Water Services Act 2017* (29/2017)
- *Water Services (Amendment) Act 2022* (39/2022)

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 1985, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.