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



Number 29 *of* 2015

ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2015

REVISED

Updated to 31 July 2024

This Revised Act is an administrative consolidation of the *Environment (Miscellaneous Provisions) Act 2015*. 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 *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 Law (Sexual Offences and Human Trafficking) Act 2024 (Commencement) Order 2024* (S.I. No. 391 of 2024), made 31 July 2024, 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.

Number 29 *of* 2015

ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2015

REVISED

Updated to 31 July 2024

CONTENTS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, construction and commencement

2. Definitions

PART 2

AMENDMENT OF BOURN VINCENT MEMORIAL PARK ACT 1932

Chapter 1

INTERPRETATION FOR PART 2

3. Interpretation for Part 2

Chapter 2

TRANSFER

4. Transfer of functions to Minister for Arts, Heritage and the Gaeltacht

5. Construction of references

Chapter 3

PROVISIONS CONSEQUENT UPON TRANSFER OF FUNCTIONS UNDER SECTION 4

6. Transfer of land and other property

7. Transfer of rights and liabilities, and continuation of leases, licences and permissions

8. Liability for loss occurring before appointed day

9. Provisions consequent upon transfer of functions, assets and liabilities

Chapter 4

AMENDMENT OF ACT OF 1932

10. Amendment of section 3 of Act of 1932

11. Amendment of section 11 of Act of 1932

12. Amendment of section 12 of Act of 1932

13. Amendment of section 13 of Act of 1932

14. Amendment of section 14 of Act of 1932

15. Amendment of section 21 of Act of 1932

16. Repeal of section 20 of Act of 1932

PART 3

AMENDMENT OF FINANCE (EXCISE DUTIES) (VEHICLES) ACT 1952

17. Amendment of Finance (Excise Duties) (Vehicles) Act 1952

PART 4

AMENDMENT OF AIR POLLUTION ACT 1987

18. Amendment of section 7 of Act of 1987

19. Amendment of section 12 of Act of 1987

20. Amendment of section 12A of Act of 1987

21. Fixed payment notice for certain offences relating to paints, varnishes and vehicle refinishing products or activities *(Repealed)*

22. Fixed payment notice for offence relating to organic solvents *(Repealed)*

23. Amendment of section 14 of Act of 1987

24. Part IA of Act of 1987

25. Amendment of section 34 of Act of 1987

26. Amendment of section 53 of Act of 1987

PART 5

AMENDMENT OF ENVIRONMENTAL PROTECTION AGENCY ACT 1992

27. Amendment of section 3 of Act of 1992

28. Amendment of section 82A of Act of 1992

29. Amendment of section 99A of Act of 1992

30. Amendment of First Schedule to Act of 1992

PART 6

AMENDMENT OF FINANCE (NO. 2) ACT 1992

31. Amendment of section 20 of Finance (No. 2) Act 1992

32. Amendment of section 20B of Finance (No. 2) Act 1992

PART 7

AMENDMENT OF WASTE MANAGEMENT ACT 1996

33. Amendment of section 5 of Act of 1996

34. Amendment of section 10 of Act of 1996

35. Fixed payment notice for certain offences relating to producer responsibility

36. Fixed payment notice for certain offences relating to waste collection permit

37. Amendment of section 34 of Act of 1996

38. Review of waste collection permit

39. Insertion of sections 34B to 34D in Act of 1996

40. Amendment of section 39 of Act of 1996

41. Amendment of section 41 of Act of 1996

42. Amendment of section 50 of Act of 1996

43. Transitional and savings provisions consequent on Environment (Miscellaneous Provisions) Act 2015

PART 8

AMENDMENT OF SECTION 6 OF LOCAL GOVERNMENT ACT 1998

44. Amendment of section 6 of Local Government Act 1998

PART 9

AMENDMENT OF DOG BREEDING ESTABLISHMENTS ACT 2010 AND CONTROL OF DOGS ACT 1986

45. Amendment of Dog Breeding Establishments Act 2010

46. Amendment of Control of Dogs Act 1986

PART 10

WATER CHARGES

47. Water charges

48. Payment of charge on sale of property

49. Amendment of section 5 of Water Services Act 2014

50. Water conservation grant - database

51. Amendment of Water Services Act 2007

ACTS REFERRED TO

Air Pollution Act 1987 (No. 6)
Air Pollution Acts 1987 and 2011
Bourn Vincent Memorial Park Act 1932 (No. 31)
Communications Regulation (Postal Services) Act 2011 (No. 21)
Control of Dogs Act 1986 (No. 32)
Dog Breeding Establishments Act 2010 (No. 29)
Environmental Protection Agency Act 1992 (No. 7)
Environmental Protection Agency Acts 1992 to 2011
Finance (Excise Duties) (Vehicles) Act 1952 (No. 24)
Finance (No. 2) Act 1992 (No. 28)
Health Act 2004 (No. 42)

Housing (Miscellaneous Provisions) Act 1992 (No. 18)
Housing Acts 1966 to 2014
Local Government (Water Pollution) Acts 1977 to 2007
Local Government Act 1998 (No. 16)
Local Government Act 2001 (No. 37)
Local Government Reform Act 2014 (No. 1)
Motor Vehicle (Duties and Licences) Act 2013 (No. 9)
Residential Tenancies Act 2004 (No. 27)
Taxes Consolidation Act 1997 (No. 39)
Waste Management Act 1996 (No. 10)
Water Services (No. 2) Act 2013 (No. 50)
Water Services Act 2007 (No. 30)
Water Services Act 2014 (No. 44)
Water Services Acts 2007 to 2014

Number 29 *of* 2015

ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2015

REVISED

Updated to 31 July 2024

An Act to make provision for transfer of certain functions under the Bourn Vincent Memorial Park Act 1932 to the Minister for Arts, Heritage and the Gaeltacht; to amend and extend the Finance (Excise Duties) (Vehicles) Act 1952, the Air Pollution Act 1987, the Environmental Protection Agency Act 1992, the Waste Management Act 1996, section 6 of the Local Government Act 1998; to amend the Water Services Act 2007, the Water Services (No. 2) Act 2013 and the Water Services Act 2014; to amend other Acts and to provide for related matters.

[27*th July*, 2015]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title, construction and commencement

1. (1) This Act may be cited as the Environment (Miscellaneous Provisions) Act 2015.

(2) *Part 2* and the Bourn Vincent Memorial Park Act 1932 may be cited together as the Bourn Vincent Memorial Park Acts 1932 and 2015 and shall be construed together as one Act.

(3) *Part 10* and the Water Services Acts 2007 to 2014 may be cited together as the Water Services Acts 2007 to 2015.

(4) This Act shall come into operation on such day or days as the Minister for the Environment, Community and Local Government 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 provisions.

Definitions

2. In this Act—

"Act of 1932" means the Bourn Vincent Memorial Park Act 1932;

"Act of 1987" means the Air Pollution Act 1987;

"Act of 1992" means the Environmental Protection Agency Act 1992;

"Act of 1996" means the Waste Management Act 1996.

PART 2

Amendment of Bourn Vincent Memorial Park Act 1932

Chapter 1

Interpretation for *Part 2*

Interpretation for *Part 2*

3. In this Part—

"appointed day" has the meaning given to it by *section 4(3)*;

"enactment" means—

(a) an Act of the Oireachtas,

(b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or

(c) an instrument made under an Act of the Oireachtas or a statute referred to in *paragraph (b)*.

Chapter 2

Transfer

Transfer of functions to Minister for Arts, Heritage and the Gaeltacht

4. (1) The functions referred in sections 3(1), 4, 5, 6(4), 10, 11, 12, 13, 14, 15 and 21, and, in so far as it relates to payment into or disposal of for the benefit of the Exchequer of moneys received, section 3(2) of the Act of 1932 are transferred to the Minister for Arts, Heritage and the Gaeltacht.

(2) The administration and business in connection with the performance or exercise of any functions transferred under *subsection (1)* to the Minister for Arts, Heritage and the Gaeltacht are transferred to the Department of Arts, Heritage and the Gaeltacht.

(3) The transfer of functions under *subsection (1)* shall take place on the day on which this Part is commenced in its entirety, in this Part referred to as the "appointed day".

Construction of references

5. References to any Minister or to the Commissioners contained in any enactment (other than this Act) and relating to any functions transferred under *section 4* shall be construed as references to the Minister for Arts, Heritage and the Gaeltacht.

Chapter 3

Provisions consequent upon transfer of functions under section 4

Transfer of land and other property

6. (1) On the appointed day, all the lands and property (other than chattels personal) referred to in section 5(1) of the Act of 1932 shall, without any conveyance or assignment, stand vested in the Minister for Arts, Heritage and the Gaeltacht for the purpose referred to in that section and for all the estate or interest therein but subject to all trusts and equities affecting the lands continuing to subsist and being capable of being performed.

(2) On the appointed day, all chattels personal referred to in section 5(2) of the Act of 1932, and all other property (other than land), including choses-in-action that immediately before the appointed day were held for the purpose of performance of the functions transferred by virtue of *section 4*, shall stand vested in the Minister for Arts, Heritage and the Gaeltacht without any assignment.

(3) Every chose-in-action vested in the Minister for Arts, Heritage and the Gaeltacht by virtue of *subsection (2)* may, on and from the appointed day, be sued on, recovered or enforced by the Minister for Arts, Heritage and the Gaeltacht in his or her name, and it shall not be necessary for the Minister for Arts, Heritage and the Gaeltacht to give notice to any person bound by the chose-in-action of the vesting effected by that subsection.

Transfer of rights and liabilities, and continuation of leases, licences and permissions

7. (1) All rights and liabilities arising by virtue of any contract or commitment (expressed or implied), entered into in the performance of the functions transferred by virtue of *section 4* before the appointed day, shall on that day stand transferred to the Minister for Arts, Heritage and the Gaeltacht.

(2) Every right and liability transferred by virtue of *subsection (1)* to the Minister for Arts, Heritage and the Gaeltacht may, on and after the appointed day, be sued on, recovered or enforced by or against that Minister in his or her name, and it shall not be necessary for that Minister to give notice to a person whose right or liability is transferred by that subsection of such transfer.

(3) Every lease, licence, wayleave or permission granted in the performance of the functions transferred by virtue of *section 4* and in force immediately before the appointed day, shall continue in force as if granted by the Minister for Arts, Heritage and the Gaeltacht.

Liability for loss occurring before appointed day

8. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance, before the appointed day, of the functions transferred to the Minister for Arts, Heritage and the Gaeltacht by virtue of *section 4* shall, on and after that day, lie against that Minister and not against another person.

(2) Any legal proceedings pending immediately before the appointed day that relate to a function transferred by virtue of *section 4*, shall be continued, with the substitution, as necessary, in the proceedings of the Minister for Arts, Heritage and the Gaeltacht, in so far as they so relate.

(3) Where, before the appointed day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which agreement have not been implemented, or judgment in such a claim has been given in favour of a person but has not

been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable and relate to functions transferred by virtue of *section 4*, be enforceable against the Minister for Arts, Heritage and the Gaeltacht.

(4) Any claim made or proper to be made arising from the functions transferred by virtue of *section 4* in respect of any loss or injury arising from the act or default of any person before the appointed day, where the claim relates to functions so transferred, shall be regarded as having been made by or proper to be made by the Minister for Arts, Heritage and the Gaeltacht and may be pursued and sued for by that Minister as if the loss or injury had been suffered by that Minister.

Provisions consequent upon transfer of functions, assets and liabilities

9. (1) Anything commenced and not completed before the appointed day in so far as it relates to a function transferred to the Minister for Arts, Heritage and the Gaeltacht by virtue of *section 4*, may be carried on or completed on or after the appointed day by the Minister for Arts, Heritage and the Gaeltacht.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made, in so far as it relates to a function transferred to the Minister for Arts, Heritage and the Gaeltacht by virtue of *section 4*, shall if and in so far as it was operative immediately before the appointed day, have effect on and after that day as if it had been granted or made by that Minister.

(3) References to any person in the memorandum or articles of association of any company and relating to a function transferred by virtue of *section 4*, shall, on and after the appointed day, be construed as references to the Minister for Arts, Heritage and the Gaeltacht.

(4) Any money, stocks, shares or securities transferred by virtue of *section 6(2)* that, immediately before the appointed day, were standing in the name of another person shall, on the request of the Minister for Arts, Heritage and the Gaeltacht, be transferred into his or her name.

(5) A certificate signed by the Minister for Public Expenditure and Reform that any property, right or liability has or, as the case may be, has not vested in the Minister for Arts, Heritage and the Gaeltacht under *sections 6* or *7* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

Chapter 4

Amendment of Act of 1932

Amendment of section 3 of Act of 1932

10. Section 3 of the Act of 1932 is amended by the substitution of the following for subsection (1):

"(1) All expenses incurred by the Minister in the administration of this Act, to such extent as shall be sanctioned by the Minister for Public Expenditure and Reform, shall be paid out of moneys provided by the Oireachtas.".

Amendment of section 11 of Act of 1932

11. Section 11 of the Act of 1932 is amended by the deletion of ", but such management and control and all other duties and powers imposed on or vested in the Commissioners in relation to the Park by this Part of this Act or otherwise shall be performed and exercised by the Commissioners, subject to and in accordance with the general directions of the Minister".

Amendment of section 12 of Act of 1932

12. Section 12 of the Act of 1932 is amended by—

(a) in subsection (1), the deletion of ", subject to the sanction (either general or particular) of the Minister,", and

(b) in subsection (2), the deletion of ", with the sanction (either general or particular) of the Minister,".

Amendment of section 13 of Act of 1932

13. Section 13 of the Act of 1932 is amended by—

(a) in subsection (1), the deletion of ", with the approval of the Minister,", and

(b) in subsection (3), the deletion of ", with the sanction of the Minister,".

Amendment of section 14 of Act of 1932

14. Section 14 of the Act of 1932 is amended in subsection (1) by the deletion of ", subject to the approval of the Minister,".

Amendment of section 21 of Act of 1932

15. Section 21 of the Act of 1932 is amended by—

(a) in subsection (1), the deletion of—

(i) ", with the sanction (either general or particular) of the Minister," and

(ii) ", or for any other purposes whatsoever which shall be particularly sanctioned by the Minister",

(b) in subsection (2), the deletion of—

(i) ", with the sanction (either general or particular) of the Minister," in both places where it occurs, and

(ii) ", with the particular sanction of the Minister,".

Repeal of section 20 of Act of 1932

16. Section 20 of the Act of 1932 is repealed.

PART 3

Amendment of Finance (Excise Duties) (Vehicles) Act 1952

Amendment of Finance (Excise Duties) (Vehicles) Act 1952

17. The Finance (Excise Duties) (Vehicles) Act 1952 is amended—

(a) in section 1, by inserting after subsection (3) the following:

"(3A) For the purposes of the description of any vehicle specified in Part I of the Schedule or in respect of any vehicle specified in *subsection (4)*, the Minister may by regulations prescribe the following:

(a) the physical characteristics required of the vehicle;

(b) the dimensions or proportions of any fittings, fixtures or attachments to the vehicle—

(i) relating to the dimensions of such fittings, fixtures or attachments themselves, or

(ii) in relation to such dimensions relative to the height or width of the vehicle;

(c) the use or uses to which the vehicle may be put or limited;

(d) any documentation required to support a claim for a particular rate of duty.",

and

(b) in Part I (as amended by section 4 of the Motor Vehicle (Duties and Licences) Act 2013) of the Schedule, in paragraph 4, by substituting for clause (e) the following:

"(e) a motor caravan, being a vehicle which is designed, constructed or adapted to provide temporary living accommodation which has a minimum interior height as may be prescribed and measured in such manner as may be prescribed and, in respect of which vehicle, such design, construction or adaptation incorporates the following permanently fixed equipment and fittings—

(i) a sink unit,

(ii) cooking equipment of not less than a hob with 2 rings or such other cooking equipment as may be prescribed,

(iii) fitted storage with a maximum dimension as may be prescribed in regulations by the Minister, and

(iv) any other equipment or fittings as may be prescribed in regulations by the Minister,

and where such equipment and fittings comprise a proportion of the interior area of the vehicle as may be prescribed in regulations by the Minister,".

PART 4

Amendment of Air Pollution Act 1987

Amendment of section 7 of Act of 1987

18. Section 7 of the Act of 1987 is amended by—

(a) the insertion of the following definitions:

"'Agency' means the Environmental Protection Agency;

'fuel activity' has the meaning given to it by *section 22A*;

'fuels register' means the register established and maintained under *section 22A*;",

and

(b) in the definition of "authorised person" by the insertion of "(other than in *section 12B* or *12C* or Part IC)" after "means".

Amendment of section 12 of Act of 1987

19. Section 12 of the Act of 1987 is amended by—

(a) the insertion of "(other than an offence referred to in *subsection (1A)*)" after "under this Act", and

(b) the insertion of the following subsection after subsection (1):

"(1A) A person guilty of a relevant offence, within the meaning of *section 12A(6)*, shall be liable on summary conviction to a Class A fine or imprisonment for a term not exceeding 6 months or both.".

Amendment of section 12A of Act of 1987

20. Section 12A of the Act of 1987 is amended by—

(a) in subsection (1) —

(i) the deletion of "and is liable to summary prosecution in respect thereof", and

(ii) the substitution of "in this section" for "in this Act",

(b) in subsection (3), the deletion of "summary",

(c) the substitution of the following subsection for subsection (4):

"(4) The amount to be specified in a fixed payment notice in respect of a relevant offence is—

(a) €1,000, where the relevant offence consists of a contravention of regulation 5(1) of the Fuel Regulations,

(b) €500, where the relevant offence consists of a contravention of regulation 5(2)(a), 5(2)(b), 5(4)(b), or 7(1)(c) of the Fuel Regulations, or

(c) €250, where the relevant offence consists of a contravention of regulation 5(5) or 7(1)(d) of the Fuel Regulations.",

and

(d) the substitution of the following subsection for subsection (6):

"(6) In this section—

'Fuel Regulations' means the Air Pollution Act (Marketing, Sale, Distribution and Burning of Specified Fuels) Regulations 2012 (S.I. No. 326 of 2012);

'relevant offence' means an offence under *section 11* consisting of a contravention of regulation 5(1), 5(2)(a), 5(2)(b), 5(4)(b), 5(5), 7(1)(c) or 7(1)(d) of the Fuel Regulations.".

Fixed payment notice for certain offences relating to paints, varnishes and vehicle refinishing products or activities

21. F1**[**...**]**.

Fixed payment notice for offence relating to organic solvents

22. F2**[**...**]**

Amendment of section 14 of Act of 1987

23. Section 14 of the Act of 1987 is amended by—

(a) in subsection (1) —

(i) the insertion of "or vehicle" after "any premises", and

(ii) the substitution of "into the premises or vehicle" for "therein",

(b) the insertion of the following subsections after subsection (1):

"(1A) An authorised person may, for any purpose connected with this Act, require a person in control of a stationary vehicle to refrain from moving it.

(1B) An authorised person may, if accompanied by—

(a) a member of the Garda Síochána in uniform, or

(b) an officer of the Revenue Commissioners in uniform authorised by them to exercise powers conferred by the Customs Acts or the statutes which relate to the duties of excise,

require the person who for the time being is in control of a vehicle to bring it to a stop for any purpose connected with this Act.

(1C) Where the purpose referred to at *subsection (1A)* or *(1B)* comprises an inspection or search of the vehicle and the place at which the member or officer finds the vehicle is, in the reasonable opinion of the member or officer, unsuitable for such inspection or search, the member or officer may require such person forthwith to take the vehicle or cause it to be taken to a place which the member or officer considers suitable for such inspection or search and which is specified by that member or officer.",

(c) in subsection (4) —

(i) the insertion of "or vehicle" after "any premises",

(ii) in paragraph (a), the insertion of "or searches" after "such inspections", and

(iii) in paragraph (c), the insertion of ", or from the owner of or person who for the time being is in control of the vehicle," after "on the premises",

(d) in subsection (6), the insertion of "or vehicle" after "any premises",

(e) in subsection (6A), the substitution of "the premises or vehicle" for "the place", and

(f) the insertion of the following subsection after subsection (8):

"(9) In this section 'vehicle' means any conveyance in or by which any person or thing, or both, is or are, as the case may be, transported which is designed for use on land, in water or in the air, or in more than one of those ways, and includes—

(a) a part of a vehicle,

(b) an article designed as a vehicle but not capable of functioning as a vehicle,

(c) any container, trailer, tank or any other thing which is or may be used for the storage of goods in the course of carriage and is designed or constructed to be placed on, in, or attached to, any vehicle.".

Part IA of Act of 1987

24. (1) The Act of 1987 is amended by the insertion of the following Part after Part I:

"PART IA

Fuels Register

Registration on fuels register

22A. (1) The Agency shall—

(a) cause to be established a register (in this section referred to as the 'fuels register') of persons who produce, treat, import, place on the market, distribute, store or sell fuel of any type or description, or who carry on any combination of those activities (in this section referred to as a 'fuel activity'),

(b) enter in the fuels register the name of every person specified under *section 53(1)(ca)* (in this Part referred to as a 'specified person') granted registration by the Agency, the address at which or the area within which the fuel activity is carried on and any other information that it considers appropriate,

(c) maintain the fuels register, and

(d) if necessary divide the fuels register into divisions for different classes of person.

(2) A specified person shall apply to the Agency to be entered on the fuels register and the application shall—

(a) be made in writing or by electronic means,

(b) specify the name of the specified person and the address at which he or she ordinarily resides, and for the purposes of this paragraph, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business,

(c) specify the fuel activity to which the application relates,

(d) specify the address at which or the area within which that fuel activity is carried on,

(e) be accompanied by such other information as may be provided for under *section 53*, and

(f) be accompanied by the fee provided for in regulations under *section 53*.

(3) Where the Agency receives an application for registration under this section it shall, subject to *subsections (4)* and *(5)*, register the specified person on the fuels register, issue a registration number to that person and accordingly shall enter the following in that register:

(a) the name of the person,

(b) the registration number issued to that person,

(c) the fuel activity to which the registration relates,

(d) the address at which or the area within which that fuel activity is carried on, and

(e) any conditions specified under *section 53* attaching to the registration.

(4) The Agency shall not register a specified person on the fuels register if—

(a) the application does not comply with *subsection (2)*,

(b) the person does not possess a current tax clearance certificate issued under section 1095 of the Taxes Consolidation Act 1997, or

(c) the person fails to satisfy conditions for entry on the register.

(5) The Agency may refuse to register a specified person on the fuels register if by reason of—

(a) the commission by the person of an offence under this Act, or

(b) the contravention by the person of a provision of this Act or regulations made under this Act,

the Agency considers that such refusal is necessary to ensure the prevention or limiting of air pollution.

(6) The Agency shall not make a decision to—

(a) refuse to register a specified person, or

(b) register the specified person subject to conditions,

until it has considered any representations made by the specified person under subsection (7).

(7) Where the Agency proposes to—

(a) refuse to register a specified person, or

(b) register the specified person subject to conditions,

it shall notify the specified person 14 days before making its decision and the specified person on whom a notice is served may, not later than 14 days after receiving the notice make representations in writing to the Agency in relation to the proposal.

Tax clearance certificate

22B. (1) A person registered on the fuels register and not in possession of a current tax clearance certificate issued under section 1095 of the Taxes Consolidation Act 1997 shall, as soon as practicable, so notify the Agency in writing.

(2) If, within 28 days of a person notifying the Agency under subsection (1), the Agency is not satisfied that the person possesses a current tax clearance certificate issued under section 1095 of the Taxes Consolidation Act 1997, the Agency shall remove that person from the fuels register.

(3) Where, in accordance with this section a person is removed from the fuels register—

(a) the Agency shall enter a statement in the fuels register that the person has been so removed and a statement of the reasons for that removal, and

(b) the person concerned shall immediately surrender their registration number to the Agency.

(4) A person who contravenes *subsection (1)* or *(3)(b)* shall be guilty of an offence.

Appeals relating to fuels register

22C. (1) The Agency, with the consent of the Minister, may appoint a person who in the opinion of the Agency has the relevant knowledge and experience in relation to fuel activities and air pollution, and procedures relating to registration and inspections, to be an appeals officer for the purposes of this section (in this section referred to as an 'appeals officer'), who shall be independent in the performance of his or her functions under this section.

(2) Where the Agency, having considered any representations under *section 22A(7)* decides to—

(a) refuse to register a specified person, or

(b) register the specified person subject to conditions,

the Agency shall notify the specified person in writing of the decision and the reasons therefor and shall inform the person that he or she may appeal the decision to an appeals officer not later than 14 days from the date on which the notice issued to the specified person.

(3) (a) Where the specified person appeals the decision of the Agency, notified under *subsection (2)*, he or she shall do so in writing within 14 days from the date on which the notice issued to the specified person, and the appeals officer shall consider all information furnished with the original application, representations under *section 22A(7)*, and any additional information that the appeals officer considers necessary.

(b) Following consideration under *paragraph (a)*, the appeals officer shall decide to either—

(i) annul the decision of the Agency referred to in *subsection (2)(a)* and direct the Agency to register the specified person and enter the information referred to at *paragraphs (a)* to *(d)* of *section 22A(3)* on the register,

(ii) annul or amend the decision of the Agency referred to in *subsection (2)(b)* and direct the Agency to register the prescribed person without any conditions, or subject to conditions other than those imposed by the Agency, and enter the information referred to at *paragraphs (a)* to *(d)* of *section 22A(3)* on the register, or

(iii) confirm the decision of the Agency referred to in *paragraph (a)* or *(b)*, as the case may be, of *subsection (2)*.

(c) The appeals officer, as soon as may be after he or she makes a decision under *paragraph (b)*, shall notify the specified person in writing of the decision and the reason therefor.

(4) (a) A person affected by a decision of an appeals officer under *subsection (3)* may, not later than 28 days after he or she receives a copy of the decision, appeal to the Circuit Court against the decision.

(b) The jurisdiction conferred on the Circuit Court by this subsection shall be exercised by the judge for the time being assigned to the circuit where the appellant ordinarily resides, and for the purposes of this paragraph a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

(c) The appeal shall be determined by the Circuit Court—

(i) confirming the decision of the appeals officer under *subsection (3)* to which the appeal relates, or

(ii) substituting its determination for that decision.

(d) A decision of the Circuit Court under this section shall be final, save that, by leave of that Court, an appeal shall lie to the High Court on a point of law.

Removal from fuels register

22D. (1) If, upon an application by the Agency under this section, the District Court considers that the removal of a person from the fuels register is necessary by reason of the commission by the person of an offence under this Act or, the contravention by the person of a provision of this Act or regulations made under this Act such that the Agency considers that such refusal is necessary to ensure the prevention or limiting of air pollution, the court shall make an order directing the Agency to remove the person from the fuels register.

(2) If, in an application by the Agency under this section, the District Court is satisfied that the person has committed an offence under this Act or contravened a condition attached to registration on the fuels register, or a condition specified in an order under this section and is of the opinion that the prevention or limiting of air pollution can be secured by means other than the making of an order under *subsection (1)* it may, for the purposes of such prevention or limiting, make an order requiring the person to comply with such conditions as it considers appropriate.

(3) Where the Agency proposes to apply to the District Court under this section, the Agency shall notify the person registered on the fuel register concerned in writing thereof.

(4) Where in accordance with this section a person is removed from the fuels register—

(a) the Agency shall enter a statement in the fuels register that the person has been so removed and a statement of the reasons for that removal, and

(b) the person concerned shall immediately surrender the registration number issued to him or her under *section 22E* by the Agency.

(5) An application for an order under this section shall be made to a judge of the District Court sitting in the District Court district in which the specified person concerned ordinarily resides, and for the purposes of this paragraph a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of person shall be deemed to be ordinarily resident at its principal office or place of business.

(6) The Agency shall comply with a direction in an order under this section.

(7) A person who contravenes *subsection (4)(b)* or a condition specified in an order under this section shall be guilty of an offence.

Further matters relating to fuels register

22E. (1) As soon as practicable following the registration of a specified person on the fuels register, the Agency shall issue to that person a document containing a registration number relating to the registration and the information entered in the fuels register.

(2) The specified person shall comply with any conditions provided for under *section 53* relating to display or maintenance of a record of the registration number issued under this section.

(3) If a particular entered in the fuels register by the Agency is incorrect, the specified person to whom the particular relates shall, as soon as may be after becoming aware of its being incorrect, inform the Agency thereof accordingly.

(4) The Agency shall, upon becoming aware that any particular entered in the fuels register is incorrect or has ceased to be correct, make such alterations to that register as it considers necessary.

Authorised person for purpose of fuels register

22F. (1) An authorised person shall have and may exercise all the powers conferred on an authorised person under section 13 of the Environmental Protection Agency Act 1992 for any purpose connected with the functions conferred on the Agency under *sections 22A* to *22E*.

(2) A person who—

(a) refuses to allow an authorised person to enter any premises or to take any person or equipment with him in the exercise of his powers under this section,

(b) obstructs or impedes an authorised person in the exercise of any of the powers conferred on him or her by this section,

(c) gives, either to an authorised person or to the Agency, information which is false or misleading in a material respect, or

(d) fails or refuses to comply with any requirement of this section,

shall be guilty of an offence.

(3) Where an authorised person in the exercise of his or her powers under this section is prevented from entering any premises, or where he or she has reason to believe that evidence related to a suspected offence under this Act may be removed or destroyed, the authorised person or the person by whom he or she was appointed may apply to the District Court for a warrant authorising such entry.

(4) The Minister may make regulations for the purposes of this section.

(5) Without prejudice to the generality of *subsection (4)*, regulations under this section may provide for all or any of the following matters:

(a) the taking of samples and the carrying out of tests, examinations and analyses;

(b) the specification of the classes of persons to be responsible for taking such samples and for the carrying out of such tests, examinations and analyses;

(c) the specification of the certificate or other evidence to be given of the result of any such test, examination or analysis and the class or classes of person by whom such certificate or evidence is to be given.

(6) Any certificate or other evidence given or to be given in respect of any prescribed test, examination or analysis of any sample shall in relation to that sample be evidence, without further proof, of the result of the test, examination or analysis unless the contrary is shown.

(7) In this section 'authorised person' means an authorised person within the meaning of the Environmental Protection Agency Act 1992 standing appointed under that Act for the time being.".

(2) (a) A person with existing registration (in this subsection referred to as "existing registration") on a register established and maintained by the Agency in accordance with the Regulations of 2012 on the coming into operation of *subsection (1)* shall, subject to *paragraph (b)*, on that coming into operation be deemed registered on the fuels register under and in accordance with Part IA of the Act of 1987.

(b) The period of time for which a registration referred to in *paragraph (a)* shall have effect shall be for any unexpired part of the period of the existing registration but in any event shall not exceed—

(i) in the case of a bagging operator, within the meaning of the Regulations of 2012, the period of 12 months from the coming into operation of *subsection (1)*, or

(ii) in the case of a solid fuel supplier, within the meaning of the Regulations of 2012, the period of 24 months from the coming into operation of *subsection (1)*.

(c) In this subsection "Regulations of 2012" means the Environmental Protection Agency Act (Registration of Coal Bagging Operators and Solid Fuel Suppliers) Regulations 2012 (S.I. No. 454 of 2012).

Amendment of section 34 of Act of 1987

25. (1) Section 34 of the Act of 1987 is amended by—

(a) in subsection (1), the substitution of "the Agency" for "An Bord Pleanála", and

(b) in subsection (2), the substitution of "The Agency" for "An Bord Pleanála".

(2) Where an appeal is commenced under section 34 of the Act of 1987 and, on the coming into operation of *subsection (1)* —

(a) An Bord Pleanála has completed its consideration of the appeal but has not refused the appeal or given a direction to the local authority concerned, as the case may be, an Bord Pleanála shall continue to perform its functions under section 34 in relation to the appeal as if subsection (1) has not come into operation, or

(b) An Bord Pleanála has not completed its consideration of the appeal the amendments effected to section 34 by subsection (1) shall have effect in relation to the appeal.

Amendment of section 53 of Act of 1987

26. Section 53 of the Act of 1987 is amended by—

(a) in subsection (1) —

(i) the substitution of "Minister following such consultation with the Agency as he or she considers necessary," for "Minister,",

(ii) in paragraph (c), the substitution of "placing on the market, distribution, storage or sale", for "placing on the market, distribution or sale", and

(iii) the insertion of the following paragraph after paragraph (c):

"(ca) the requirement for a specified person or persons of a class carrying on a specified fuel activity or class of fuel activity to register on the fuels register;",

(b) in subsection (2)(a), the substitution of "sale, distribution, storage, use" for "sale, distribution, use",

(c) the insertion of the following subsection after subsection (2):

"(3) Without prejudice to the generality of *subsection (1)(ca)*, regulations relating to the fuels register may—

(a) prohibit the carrying on of a specified fuel activity or class of fuel activity by a specified person or person of a class unless the person is registered on the fuels register;

(b) specify conditions to be satisfied by a specified person or person falling within a class of persons carrying on a specified fuel activity before being entered on the fuels register including conditions relating to—

(i) the information to be furnished to the Agency,

(ii) the nature, scale or location of the fuel activity being carried on, and

(iii) the suitability for purpose of premises or vehicle where specified fuel activity is carried on,

(c) provide for the fee to accompany an application under *section 22A(2)* to be entered on the fuels register, and

(d) provide for conditions attaching to continued registration on the fuels register including conditions relating to—

(i) the period of time for which registration shall have effect,

(ii) the nature, scale or location of the fuel activity to which the registration relates,

(iii) the notification of the Agency of any change to the nature, scale or location of fuel activity being carried on or to the premises or vehicle concerned, and

(iv) the display of the registration number issued by the Agency under *section 22E* or other information or its production to specified persons.".

PART 5

Amendment of Environmental Protection Agency Act 1992

Amendment of section 3 of Act of 1992

27. Section 3(1) of the Act of 1992 is amended in the definition of "integrated pollution control activity" by the insertion of "8.8," after "8.6.2,".

Amendment of section 82A of Act of 1992

28. Section 82A(5) of the Act of 1992 is amended by the substitution of the following paragraph for paragraph (e):

"(e) an activity specified in *paragraph 8.3*, *8.7* or *13.6* of the First Schedule.".

Amendment of section 99A of Act of 1992

29. Section 99A of the Act of 1992 is amended by—

(a) in subsection (1) —

(i) the substitution of the following paragraph for paragraph (b):

"(b) reviews of licences or revised licences carried out under *section 90(1)(b)*,",

(ii) in paragraph (l), the substitution of "under *section 106*," for "under *section 106*, or", and

(iii) the insertion of the following paragraphs after paragraph (m):

"(n) reviews of licences or revised licences carried out under *section 90(1)(a)*,

(o) reviews of licences or revised licences carried out under *section 90(1)(aa)*,

(p) reviews of licences or revised licences carried out under *section 90(4)*,

(q) reviews of licences or revised licences carried out under *section 90(5)*, or

(r) notwithstanding *section 96(2)*, amendments of licences or revised licences under *section 96(1)*.",

(b) the substitution of the following subsection for subsection (3):

"(3) Regulations under *paragraph (a)*, *(b)*, *(c)*, *(n)*, *(o)*, *(p)*, *(q)* or *(r)* of *subsection (1)* shall not be made otherwise than with the consent of the Minister for Public Expenditure and Reform and the Minister for Jobs, Enterprise and Innovation.",

and

(c) the insertion of the following subsection after subsection (3):

"(4) The Agency may recover any amount due and owing to it under this section from the person by whom it is payable as a simple contract debt in any court of competent jurisdiction.".

Amendment of First Schedule to Act of 1992

30. The First Schedule to the Act of 1992 is amended by—

(a) in subparagraph (4) of the paragraph headed "Interpretation", the insertion of "8.8," after "8.6.2,",

(b) the substitution of the following paragraph for paragraph 8.1:

"8.1 The production of paper or cardboard with a production capacity exceeding 20 tonnes per day.",

(c) the insertion of the following paragraph after paragraph 8.7:

"8.8 Other than wood-based panels referred to in *paragraph 8.7*, the production of one or more of the following wood-based panels: oriented strand board, particleboard or fibreboard with a production capacity exceeding 20 tonnes per day.",

and

(d) in paragraph 11.4(a), the substitution of "following activities (other than activities to which the Urban Waste Water Treatment Regulations 2001 (S.I. No. 254 of 2001) apply)" for "following activities".

PART 6

Amendment of Finance (No. 2) Act 1992

Amendment of section 20 of Finance (No. 2) Act 1992

31. (1) Section 20 of the Finance (No. 2) Act 1992 is amended—

(a) in clause (I) of subparagraph (i) of subsection (1)(b) by substituting "21 days" for "ten days", and

(b) in clause (III) of subparagraph (i) of subsection (1)(b) by substituting "21 days" for "ten days".

(2) (a) The amendment of section 20 of the Finance (No. 2) Act 1992 effected by *subsection (1)(a)* shall apply in relation to a non-use declaration

furnished for a vehicle not previously the subject of a licence under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 where the vehicle is entered on the register, within the meaning of section 18 of the Finance (No. 2) Act 1992, after the commencement of that subsection.

(b) The amendment of section 20 of the Finance (No. 2) Act 1992 effected by *subsection (1)(b)* shall apply in relation to a non-use declaration furnished for a vehicle where a transfer of ownership of the vehicle takes place after the commencement of that subsection.

(c) In this subsection "non-use declaration" has the meaning given by section 18 of the Finance (No. 2) Act 1992.

Amendment of section 20B of Finance (No. 2) Act 1992

32. (1)Section 20B of the Finance (No. 2) Act 1992 is amended—

(a) in paragraph (i) of subsection (5)(a) by substituting "21 days" for "ten days", and

(b) in paragraph (iii) of subsection (5)(a) by substituting "21 days" for "ten days".

(2) (a) The amendment of section 20B of the Finance (No. 2) Act 1992 effected by *subsection (1)(a)* shall apply in relation to a non-use declaration furnished for a vehicle not previously the subject of a licence under section 1 of the Finance (Excise Duties) (Vehicles) Act 1952 where the vehicle is entered on the register, within the meaning of section 18 of the Finance (No. 2) Act 1992, after the commencement of that subsection.

(b) The amendment of section 20B of the Finance (No. 2) Act 1992 effected by *subsection (1)(b)* shall apply in relation to a non-use declaration furnished for a vehicle where a transfer of ownership of the vehicle takes place after the commencement of that subsection.

(c) In this subsection "non-use declaration" has the meaning given by section 18 of the Finance (No. 2) Act 1992.

PART 7

Amendment of Waste Management Act 1996

Amendment of section 5 of Act of 1996

33. Section 5 of the Act of 1996 is amended in the definition of "authorised person" by the insertion of "(other than in *section 10A*)" after "means".

Amendment of section 10 of Act of 1996

34. Section 10 of the Act of 1996 is amended by—

(a) in subsection (1)(a), the substitution of "class A fine" for "fine not exceeding €3,000", and

(b) in section 10(2) —

(i) the insertion of "*34(1)(c)*, in so far as the offence consists of contravention of a condition attached, under *section 34(7)(d)*, to a waste collection permit, *34(10A)*, *34A(13)* " after "*33(8)* ", and

(ii) the substitution of "class A fine" for "fine not exceeding €3,000".

Fixed payment notice for certain offences relating to producer responsibility

35. The Act of 1996 is amended by the insertion of the following section after section 10:

"10A. (1) Where an authorised person has reasonable grounds for believing that a person has committed a relevant offence the authorised person may give to the person a notice (in this Act referred to as a 'fixed payment notice') in writing and in the prescribed form stating that—

(a) the person is alleged to have committed that offence,

(b) the person may, during the period of 21 days beginning on the date of the notice, make to the local authority concerned or the Agency, as appropriate, at the address specified in the notice a payment of the amount specified in *subsection (4)* in respect of that offence, accompanied by the notice,

(c) the person is not obliged to make the payment specified in the notice, and

(d) a prosecution of the person to whom the notice is given in respect of the relevant offence concerned will not be instituted during the period of 21 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of that offence will be instituted.

(2) Where a fixed payment notice is given—

(a) the person to whom it applies may, during the period of 21 days beginning on the date of the notice, make to the local authority concerned or the Agency, as appropriate, at the address specified in the notice the payment specified in the notice, accompanied by the notice,

(b) the local authority concerned or the Agency, as appropriate, shall receive the payment and shall, upon receipt of the payment, issue a receipt for it and any payment so received shall not be recoverable by the person who made it and the local authority or Agency, as appropriate, shall retain the money for disposal in accordance with *subsection (5)*, and

(c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment specified in the notice is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for a relevant offence it shall be a defence for the defendant to prove that he or she has made a payment in accordance with this section, pursuant to a fixed payment notice issued in respect of that offence.

(4) The amount to be specified in a fixed payment notice in respect of a relevant offence is—

(a) €2,000, where the relevant offence consists of a contravention of Regulation 10(5)(a) of the WEEE Regulations,

(b) €1,000, where the relevant offence consists of a contravention of—

(i) Regulation 17(3) or 21(1)(b) of the Batteries and Accumulators Regulations,

(ii) Regulation 14(1)(b)(i), 14(1)(b)(iii), 20(a) or 22(1) of the End-of-Life Vehicles Regulations,

(iii) Regulation 10(1)(b), 10(1)(c) or 10(1)(d) of the Packaging Regulations, or

(iv) Regulation 10(7) or 15(1)(a)(ii) of the WEEE Regulations,

(c) €500, where the relevant offence consists of a contravention of—

(i) Regulation 21(4)(a) or 32(c) of the Batteries and Accumulators Regulations,

(ii) Regulation 10(1)(a), 15(1)(b) or 15(2)(c) of the Packaging Regulations, or

(iii) Regulation 13(5), 29(a)(i), 29(a)(ii) or 30(3) of the WEEE Regulations,

or

(d) €100, where the relevant offence consists of contravention of Regulation 33 of the End-of-Life Vehicles Regulations.

(5) (a) Moneys received by a local authority pursuant to the giving of a fixed payment notice shall be lodged to the credit of the local fund maintained by the local authority concerned pursuant to, and in accordance with, section 97 of the Local Government Act 2001 and expended in accordance with that section.

(b) Moneys received by the Agency pursuant to the giving of a fixed payment notice shall be disposed of in a manner determined by the Agency with the prior consent of the Minister and the Minister for Public Expenditure and Reform.

(6) (a) In this section—

'authorised person' means—

(i) in relation to a relevant offence referred to in *paragraph (b)(i)*, an authorised person within the meaning of the Batteries and Accumulators Regulations,

(ii) in relation to a relevant offence referred to in *paragraph (b)(ii)*, an authorised person within the meaning of the End-of-Life Vehicles Regulations,

(iii) in relation to a relevant offence referred to in *paragraph (b)(iii)*, an authorised person within the meaning of the Packaging Regulations, and

(iv) in relation to a relevant offence referred to in *paragraph (b)(iv)*, an authorised person within the meaning of the WEEE Regulations;

'Batteries and Accumulators Regulations' means the European Union (Batteries and Accumulators) Regulations 2014 (S.I. No. 283 of 2014);

'End-of-Life Vehicles Regulations' means the European Union (End-of-Life Vehicles) Regulations 2014 (S.I. No. 281 of 2014);

'Packaging Regulations' means the European Union (Packaging) Regulations 2014 (S.I. No. 282 of 2014);

'WEEE Regulations' means the European Union (Waste Electrical and Electronic Equipment) Regulations 2014 (S.I. No. 149 of 2014).

(b) In this section 'relevant offence' means—

(i) an offence under Regulation 47 of the Batteries and Accumulators Regulations consisting of a contravention of Regulation 17(3), 21(1)(b), 21(4)(a) or 32(c) of those regulations,

(ii) an offence under Regulation 34 of the End-of-Life Vehicles Regulations consisting of a contravention of Regulation 14(1)(b)(i), 14(1)(b)(iii), 20(a), 22(1) or 33 of those regulations,

(iii) an offence under Regulation 34 of the Packaging Regulations consisting of a contravention of Regulation 10(1)(a), 10(1)(b), 10(1)(c), 10(1)(d), 15(1)(b) or 15(2)(c) of those regulations, or

(iv) an offence under Regulation 39 of the WEEE Regulations consisting of a contravention of Regulation 10(5)(a), 10(7), 13(5), 15(1)(a)(ii), 29(a)(i), 29(a)(ii) or 30(3) of those regulations.".

Fixed payment notice for certain offences relating to waste collection permit

36. The Act of 1996 is amended by the insertion of the following section after section 10A:

"**10B.** (1) Where an authorised person has reasonable grounds for believing that a person has committed an offence under *section 34(1)(c)*, in so far as the offence consists of contravention of a condition attached, under *section 34(7)(d)*, to a waste collection permit, the authorised person may give to the person a notice in writing (in this Act referred to as a 'fixed payment notice') in the prescribed form stating that—

(a) the person is alleged to have committed that offence,

(b) the person may, during the period of 21 days beginning on the date of the notice make to the local authority concerned at the address specified in the notice a payment of €500 in respect of that offence, accompanied by the notice,

(c) the person is not obliged to make the payment specified in the notice, and

(d) a prosecution of the person to whom the notice is given in respect of the offence will not be instituted during the period of 21 days beginning on the date of the notice and, if the payment specified in the notice is made during that period, no prosecution in respect of that offence will be instituted.

(2) Where a fixed payment notice is given—

(a) the person to whom it applies may, during the period of 21 days beginning on the date of the notice, make to the local authority concerned, at the address specified in the notice, the payment specified in the notice accompanied by the notice,

(b) the local authority concerned shall receive the payment and shall, upon receipt of the payment, issue a receipt for it and any payment so received shall not be recoverable by the person who made it and the local authority shall retain the money for disposal in accordance with subsection (4), and

(c) a prosecution in respect of the alleged offence shall not be instituted in the period specified in the notice, and if the payment so specified in the notice is made during that period, no prosecution in respect of the alleged offence shall be instituted.

(3) In proceedings for an offence under *section 34(1)(c)*, in so far as the offence consists of contravention of a condition attached, under *section 34(7)(d)*, to a waste collection permit, it shall be a defence for the defendant to prove that he or she has made a payment, in accordance with this section, pursuant to a fixed payment notice issued in respect of that offence.

(4) Moneys received by a local authority pursuant to the giving of a fixed payment notice shall be lodged to the credit of the local fund maintained by the local authority concerned pursuant to, and in accordance with, section 97 of the Local Government Act 2001 and expended in accordance with that section.".

Amendment of section 34 of Act of 1996

37. Section 34 of the Act of 1996 is amended by—

(a) in subsection (1) —

(i) in paragraph (a), the substitution of "collect or transport waste" for "collect waste",

(ii) in paragraph (aa), the substitution of "the functions under this section or *section 34A* in relation to waste collection permits or review of waste collection permits" for "the functions under this section in relation to waste collection permits", and

(iii) in paragraph (b) —

(I) the substitution of "collection or transport of waste" for "collection of any class or classes of waste", and

(II) the substitution of "collection or transport" for "collection" in the next 2 places where it occurs,

(b) the insertion of the following subsection after subsection (1):

"(1A) In this section—

'waste' means different waste, including household waste, or a class or classes of waste as may be prescribed;

'household waste' means different household waste or a class or classes of household waste as may be prescribed.",

(c) in subsection (2)(a), the substitution of "collection or transport of hazardous waste" for "collection of hazardous waste",

(d) the substitution of the following subsection for subsection (4):

"(4) A local authority shall not grant a waste collection permit unless it is satisfied that—

(a) the applicant is a fit and proper person within the meaning of *section 34D* to hold a waste collection permit, and

(b) the activity concerned would not, if carried on in accordance with such conditions as may be attached to the permit, cause environmental pollution, and that the grant of the permit is consistent with the objectives of the relevant waste management plan or the hazardous waste management plan, as the case may be, and the implementation of that plan.",

(e) in subsection (5)(a) —

(i) the substitution of "*(3)* and *(4) "* for "*(3)*, *(4)* and *(6) "*, and

(ii) the insertion of "under *section 34A*" after "may be revoked",

(f) the deletion of subsection (6),

(g) the substitution of the following subsection for subsection (7):

"(7) (a) Conditions attached to a waste collection permit shall specify the requirements to be complied with by the holder of the permit ('permit holder') in respect of the activities to which the permit relates ('activities concerned').

(b) Conditions may, or, if the Minister so prescribes under *paragraph (e)* or *subsection (11)(b)(v)*, shall be attached under *paragraph (a)* to a waste collection permit specifying requirements in relation to the following:

(i) weighing of household waste collected or transported;

(ii) reporting of the weight of household waste collected or transported to the person who presents the household waste for collection being either the original waste producer or, as the case may be, the person who arranges, on behalf of more than one original waste producer occupying apartments, duplexes, maisonettes or any combination of such dwellings for collection of their waste ('person who presents household waste for collection');

(iii) subject to *paragraph (f)(i)* and *(ii)*, charging of fees for household waste collection or transport services;

(iv) in relation to collection of household waste, preparing and publishing a customer charter and its form and content;

(v) providing information to the person who presents household waste for collection that identifies the vehicle used for that collection;

(vi) requiring that waste is segregated before it can be collected or transported;

(vii) providing separate receptacles for different household waste;

(viii) collection or transport of different household waste at specified frequencies;

(ix) with regard to persons from whom household waste is collected by an authorised waste collector, providing the following information to the local authority, when requested to do so under section 18, regarding collections of household waste from those persons—

(I) details of the collection of separate classes of household waste,

(II) details of persons who choose not to partake in the collection of separate classes of household waste,

(III) details of when household waste was last collected, and

(IV) written confirmation of the structure of the fees being charged to the person from whom the waste is collected, including, where appropriate, billing information which indicates the pay by weight charge element of the fees charged for the collection of household waste.

(c) Conditions may, or if the Minister so prescribes under *paragraph (e)* or *subsection (11)(b)(v)*, shall also be attached under *paragraph (a)* to a waste collection permit specifying requirements in relation to the following:

(i) waste which may be collected;

(ii) separate collection of waste;

(iii) prohibition of certain practices by a permit holder in order that waste which has been segregated prior to collection or transport does not become unsuitable for recycling or recovery;

(iv) the place to which waste is required to be delivered for preparation for reuse, recovery or disposal;

(v) methods, receptacles (including skips and skip bags) and vehicles to be employed by a permit holder in the collection or transport of waste, including requirements regarding dimensions of receptacles, care and disposal of the contents of the receptacles, the periods during which receptacles may be left in a public place, the locations from which different receptacles may be collected, the supervision by the permit holder of their use and the restriction to such persons as may be prescribed of the placing in or removal from any place of receptacles;

(vi) the display of identifying marks or colours on a receptacle or vehicle referred to in *subparagraph (v)*;

(vii) complying with technical, environmental, inspection or safety measures or standards (including standards regarding the presentation, segregation, weighing, packaging or labelling of waste);

(viii) keeping and preserving of records and supplying information to the local authority, or any other person as may be prescribed, in relation to the activities concerned;

(ix) effecting and maintaining a policy of insurance insuring the permit holder as respects any liability on his or her part to pay damages or costs on account of injury to a person or property arising from the activities concerned;

(x) matters consequent on measures that may be taken under *section 35*;

(xi) matters consequent on measures that may be taken under Part II;

(xii) matters consequent on giving effect to Community Acts;

(xiii) information to be furnished to customers (including providing information to customers on the presentation, segregation, packaging or labelling of waste or the charges payable for its collection or transport);

(xiv) matters consequent on the implementation and demonstration of the implementation of the waste hierarchy referred to in *section 21A*;

(xv) undergoing specified training in relation to the activities concerned;

(xvi) inspecting and acceptance of waste by a permit holder;

(xvii) effecting and maintaining an environmental management system, within the meaning of *section 27*, in respect of the activities concerned;

(xviii) the hours between which waste concerned may be collected in specified areas;

(xix) effecting and maintaining a customer complaint management system;

(xx) preventing the occurrence of littering from vehicles in the course of the activities concerned;

(xxi) having information, in such form as may be specified in a waste collection permit, to accompany and be carried in the vehicle transporting the waste;

(xxii) as respects contamination that may be caused by the incorrect separation of household waste from other waste in receptacles for segregated household waste—

(I) monitoring by a permit holder of levels of contamination,

(II) recording and maintaining specified data on levels of contamination,

(III) training to be provided for staff of a permit holder in relation to monitoring contamination, or

(IV) protocols and procedures where contamination is detected by the collector, including for informing the person who presents household waste for collection or non-collection of the receptacle.

(d) Conditions shall be attached under *paragraph (a)* to a waste collection permit specifying requirements in relation to the following:

(i) collection only of a European Waste Catalogue waste type specified on the waste collection permit;

(ii) deposit of waste only at a facility specified on the waste collection permit;

(iii) use only of a vehicle specified on the waste collection permit for the collection of waste;

(iv) carrying of a copy, in a form specified in the permit, of the waste collection permit on each vehicle;

(v) display of the permit holder name or number on promotional material, vehicles, skips, receptacles or bags of the permit holder;

(vi) submission of specified information on a periodic basis to the local authority in such form and at such frequency as may be specified on the waste collection permit;

(vii) where a weighing system is used to determine weight-based collection charges, submission of confirmation of an annual inspection of the weighing system used by the permit holder in accordance with the Legal Metrology (General) Regulations 2008 (S.I. No. 323 of 2008), in such form that may be specified on the waste collection permit.

(e) The Minister, where he or she considers that it is necessary for waste management in accordance with the principle that the costs of that management shall be borne by the original waste producer or by the current or previous waste holders, shall make regulations prescribing a requirement for attachment of a condition to a waste collection permit that a permit holder shall charge fees for the collection or transport of household waste.

(f) Regulations under *paragraph (e)* shall provide for the means by which fees for collection or transport of household waste shall be calculated by a permit holder and shall require a permit holder to—

(i) charge a fee for each kilogramme of household waste collected or transported which fee shall only be calculated by reference to weight of household waste collected and transported, and for the avoidance of doubt, methods of calculation of a fee based on pay by lift or throw, tags or a flat-rate shall not be considered to be calculated by reference to weight of waste collected,

(ii) charge a service fee, as considered appropriate by the permit holder (including a nil fee), in addition to the fee referred to in *subparagraph (i)*,

(iii) demonstrate by prescribed means if the fees charged for collection or transport of waste incentivise household waste prevention and household waste segregation, and

(iv) furnish to an authorised person, information in a prescribed form, regarding the billing system used by the permit holder in respect of fees referred to under *subparagraph (i)* or *(ii)*.

(g) (i) For the purposes of *paragraph (f)(i)*, the Minister shall prescribe the minimum amount of the fee required to be charged for each kilogramme of household waste collected or transported and that minimum fee shall be based on the approximate cost per kilogramme of managing segregated household waste, including its collection from the person who presented that waste for collection, its delivery to an authorised facility by a permit holder and its final treatment, which in any event shall not exceed an amount of 30 cent per kilogramme of household waste.

(ii) The Minister shall review the costs of managing household waste, on which the minimum charges prescribed under *subparagraph (i)* are based, at least every 12 months and may amend the amount of the fee prescribed under *subparagraph (i)*.

(iii) The Minister following a review under *subparagraph (ii)*, once and only once in each financial year beginning in the financial year that he or she first prescribes under *subparagraph (i)*, may substitute for the amount of the fee prescribed under *subparagraph (i)*, an amount which does not exceed the amount so prescribed by 5 cent.",

(h) in subsection (8)(b) —

(i) in subparagraph (i), the deletion of ", or amend any conditions that it has attached to,",

(ii) in subparagraph (ii), the deletion of ", or revoke," and

(iii) the deletion of "or its holder, as the case may be,",

(i) in subsection (9) —

(i) in paragraph (a), the deletion of ", or the holder of,", and

(ii) in paragraph (b), the deletion of—

(I)"or revocation", and

(II)"or the amendment of conditions attached to such a permit",

(j) the insertion of the following subsection after subsection (10):

"(10A) A person who, under this section furnishes information to a local authority which is to his or her knowledge false or in a material respect misleading, shall be guilty of an offence.",

and

(k) in subsection (11)(b) —

(i) the insertion of the following subparagraph after subparagraph (i):

"(ia) prescribing a class or classes of waste or household waste for purposes of a waste collection permit or conditions that may or shall be attached to that permit, including by reference to the nature or quantity of the waste, its presentation for collection or whether it is to be segregated;",

(ii) the substitution of the following subparagraph for subparagraph (v):

"(v) requiring a local authority to attach specified conditions to a permit, including a condition referred to in *subsection (7)(b)* or *(c)*;",

(iii) the insertion of the following subparagraph after subparagraph (vi):

"(via) for the purposes of *subsection (7)*, prescribing any matter referred to in that subsection as prescribed or to be prescribed;",

(iv) the deletion of subparagraph (vii),

(v) in subparagraph (x), the substitution of "application;" for "application.", and

(vi) the insertion of the following subparagraph after subparagraph (x):

"(xi) such incidental, supplementary and consequential matters as appear to the Minister to be necessary or expedient for the purposes of this section and the regulations.".

Review of waste collection permit

38. The Act of 1996 is amended by the insertion of the following section after section 34:

"34A. (1) A local authority may review a waste collection permit, or a waste collection permit amended under this section—

(a) at any time after the permit was granted or amended, or

(b) on an application in that behalf being made by the holder of the permit ('permit holder').

(2) A local authority shall review a waste collection permit or a waste collection permit amended under this section where—

(a) the permit holder has been convicted of an offence prescribed under *section 34(5)*,

(b) the local authority believes that the permit holder is contravening or has contravened a condition of a waste collection permit attached to that permit under *section 34(7)(b)* (other than a condition attached under *subparagraph (v)* of that *section 34(7)(b)*), or

(c) the local authority believes that the permit holder, during a 5 year period beginning on the date of the first such contravention, is contravening or has contravened three different conditions attached, under *subparagraph (v)* of *paragraph (b)* or *paragraph (c)* or *(d)* of *section 34(7)*, to a waste collection permit granted to that permit holder.

(3) For the purposes of a review under this section, a local authority, by notice in writing, may request information or further information from the permit holder, the local authority concerned, the Agency, or any other person who the local authority wishes to consult, and the permit holder, local authority concerned, Agency or other person shall furnish that information or further information within the period stated in the notice.

(4) A local authority having reviewed a waste collection permit under *subsection (1)(a)* or considered an application under *subsection (1)(b)* and any information or further information furnished under *subsection (3)*, and determined whether it is satisfied regarding the same matters in relation to which the authority is required to be satisfied for the purposes of a grant of an application under *section 34*, shall make a decision in relation to the review.

(5) The decision of the local authority referred to in *subsection (4)* may be to—

(a) amend a permit, including amending conditions attached to the permit or removing the authorisation under the permit to collect certain classes of waste, including removing the authorisation relating to a vehicle which, the authority is satisfied, is the cause of a contravention of a condition attached to a waste collection permit under *subparagraph (i)*, *(ii)* or *(iii)* of *section 34(7)(b)*,

(b) direct measures to be taken by the permit holder within a period specified in the notice under *subsection (7)*, including to direct the permit holder to submit an application for a waste collection permit under *section 34*,

(c) terminate the review without amending the waste collection permit, or

(d) revoke the waste collection permit where the local authority decides that the permit holder—

(i) is not a fit and proper person within the meaning of *section 34D*,

(ii) has failed or neglected to take the measures required under *paragraph (b)*, or

(iii) offered to surrender the permit and such offer is acceptable to the local authority.

(6) For the purposes of *subsection (5)(a)*, *section 34* applies, with any necessary modifications, to the attaching of a condition that may be or, as the case may be, is required to be attached to a permit following a decision of a local authority under that subsection as it applies to the attaching to a permit granted under *section 34* of those conditions.

(7) The local authority, as soon as possible after its decision under *subsection (4)*, and in any event not later than 14 days after that decision, shall give notice in writing to the permit holder or, as the case may be, person whose waste collection permit has been revoked, of the decision, the reasons therefor, that the decision may be appealed and that the decision shall be suspended, until the decision becomes final under *subsection (8)*, or the disposal of an appeal under *subsection (9)*.

(8) (a) If, on the expiration of the period of 28 days beginning on the date of the notice under *subsection (7)*, no appeal under *subsection (9)* is made, the decision of the local authority under *subsection (4)* shall be final.

(b) If, following an appeal under *subsection (9)*, the District Court gives directions to the local authority under *subsection (9)(b)*, the decision of the local authority under *subsection (4)* is suspended until the local authority complies with the direction.

(9) (a) A permit holder or, as the case may be, person whose waste collection permit has been revoked, within 28 days of the date of a notice under *subsection (7)*, may appeal against the decision of the local authority to the judge of the District Court for the District Court district in which the principal office of the local authority is situate.

(b) On the hearing of an appeal under this subsection, the judge of the District Court may make an order giving such directions to the local authority as he or she thinks proper in relation to the revocation of a waste collection permit or the amendment of conditions attached to such a permit.

(10) A local authority concerned, the Agency or other body which performs a statutory function relating to waste management responsible for prosecuting an offence prescribed under *section 34(5)* shall, if applicable, inform a local authority as soon as practicable if a permit holder is convicted of the offence.

(11) A local authority concerned, the Agency or other body which performs a statutory function relating to waste management shall inform a local authority where it appears to the local authority concerned, the Agency or body that a condition of a waste collection permit under *paragraph (b)*, *(c)* or *(d)* of *section 34(7)* is being or has been contravened.

(12) The Minister may make regulations for the purposes of this section providing for any of the following matters:

(a) procedures to be followed by a local authority with regard to the initiating and conducting of reviews;

(b) specific circumstances whereby a waste collection permit holder may apply to have their permit reviewed;

(c) matters in relation to which the authority shall be satisfied before accepting the surrender of a permit;

(d) the time within which reviews shall be carried out;

(e) procedures to be followed in relation to the furnishing of information under *subsection (3)*;

(f) information to be furnished by a permit holder relating to compliance with a waste collection permit or measures directed under *subsection (5)(b)*;

(g) procedures to be followed in relation to the furnishing of information under *subsection (10)* or *(11)*;

(h) amendment of any entry in the register maintained by a local authority under *section 19* concerning a waste collection permit that may be required following a review under this section;

(i) such incidental, supplementary and consequential matters as appear to the Minister as necessary or expedient for the purposes of this section.

(13) A person who, under this section furnishes information to a local authority or to a local authority concerned which is to his or her knowledge false or in a material respect misleading, shall be guilty of an offence.

(14) In this section reference to 'local authority concerned' means a local authority (first-mentioned local authority) who has nominated another local authority under *section 34(1)(aa)* to perform functions under *section 34* and this section in relation to waste collection permits or review of waste collection permits in respect of the functional area of the first-mentioned local authority.".

Insertion of sections 34B to 34D in Act of 1996

39. The Act of 1996 is amended by the insertion of the following sections after section 34A (inserted by *section 38*):

"Transfer of a waste collection permit

34B. (1) In this section and *sections 34C* and *34D* 'nominated authority' means a local authority nominated under *section 34(1)(aa)(ii)*.

(2) A waste collection permit may be transferred to another person in accordance with this section.

(3) Where the authorised waste collector intends that the waste collection permit be transferred to another person (in this section referred to as 'the proposed transferee'), the authorised waste collector and the proposed transferee shall jointly make an application to the nominated authority requesting that such a transfer be effected by the authority.

(4) An application under *subsection (3)* shall be made in such form and include such information as may be prescribed and shall be accompanied by such fee as may be prescribed under *section 50* and the waste collection permit concerned.

(5) The nominated authority may require the provision of such further information by the authorised waste collector or the proposed transferee as it considers appropriate for the purposes of considering an application made under *subsection (3)*.

(6) If, on consideration of an application under *subsection (3)*, and any relevant information provided in respect thereof, the nominated authority is satisfied that the proposed transferee would, if he or she were an applicant for the waste collection permit, be regarded by it as a fit and proper person within the meaning of *section 34D* to be granted, under *section 34*, a like waste collection permit to the waste collection permit concerned, it shall effect a transfer of the waste collection permit to the proposed transferee in such manner as may be prescribed.

(7) A person to whom a waste collection permit is transferred under this section shall be deemed to have assumed and accepted all liabilities, requirements and obligations provided for in or arising under the waste collection permit, including all conditions attached to the permit, regardless of how and in respect of what period, including a period before the transfer of the waste collection permit, they may arise.

(8) The Minister may make regulations in relation to all or any of the following matters:

(a) the form in which an application for the transfer of a permit shall be made;

(b) information and particulars to be submitted with an application for the transfer of a permit and verification of such information and particulars;

(c) specifying the period in which an application for a transfer of a permit shall be dealt with by a nominated authority;

(d) the making available for inspection by members of the public of an application for the transfer of a permit, and the making of submissions by members of the public to a local authority, within a specified period, in relation to such an application;

(e) the manner of transfer of a waste collection permit;

(f) the publication by the nominated authority of decisions made by it in relation to the transfer of permits;

(g) requiring the proposed transferee to defray, or contribute towards, any costs incurred by the nominated authority concerned in carrying out an investigation in relation to the application.

Information required by authorised persons or nominated authority

34C. (1) A local authority or, as the case may be, a nominated authority, may, by notice in writing, for the purpose of maintaining a register referred to in *subsection (7)* request a relevant person to provide to the local authority or, as the case may be, the nominated authority, such information, referred to in subsection (3), as is specified in the notice (in this section referred to as the 'specified information').

(2) Where an authorised person or a nominated authority makes a request under *subsection (1)*, the relevant person to whom the notice is given shall provide the specified information within the period of 14 days beginning on the date of the notice.

(3) A local authority or, as the case may be, a nominated authority, may specify all or any of the following information in a notice under *subsection (1)*:

(a) details in the possession or control of the relevant person of the address (including the postcode (if any) within the meaning of section 66 of the Communications Regulation (Postal Services) Act 2011) of every person who has household waste collected by an authorised waste collector or who deposits household waste at a facility;

(b) in relation to each such person referred to in *paragraph (a)* who has household waste so collected or who deposits household waste at a facility:

(i) the name of every person availing of a household waste collection service;

(ii) any unique identification number which the authorised collector has assigned to a person availing of a household waste collection service;

(iii) details of the separate collection or deposition of separate collection of household waste;

(iv) details of when household waste or classes of household waste were last collected or deposited;

(v) details of the structure of the fees charged to the person from whom the household waste is collected or depositing the waste, including, where appropriate, billing information which indicates the pay by weight charge element of the fees charged for the collection from or deposition by that person of household waste.

(4) The specified information to be provided by a relevant person pursuant to a notice under subsection (1) shall be provided in such form and manner as may be specified by the local authority or, as the case may be, the nominated authority in the notice.

(5) Where a relevant person fails to provide the information requested in a notice given under subsection (1) by a local authority—

(a) in the form and manner requested, or

(b) within the time limit referred to in *subsection (2)*,

the local authority shall notify the nominated authority as soon as is reasonably practicable, in such form as is specified by the nominated authority, of the breach of a waste collection permit condition under *section 34(7)(b)(ix)* or of a condition of a licence under *section 41(3)(d)(va)*.

(6) In this section 'relevant person' means—

(a) an authorised waste collector, or

(b) the holder (other than a local authority) of a waste licence or such other authorisation or certificate which accepts household waste directly from a person.

(7) Each local authority or, as the case may be, a nominated authority shall maintain a register of persons availing of a household waste collection service for the purpose of establishing compliance by original producers and other waste holders with *section 32(1A)* and any regulations or bye-laws made under this Act relating to household waste.

(8) The register maintained under *subsection (7)* shall include—

(a) such information referred to in *sections 34(7)(b)(ix)*, *39(5B)(ee)* and *41(3)(d)(va)* received by a local authority or, as the case may be, nominated authority, and

(b) such information received by a local authority or, as the case may be, nominated authority pursuant to a notice under *subsection (1)*,

as relates to waste services provided by or on behalf of a local authority for the collection of household waste.

Fit and proper person

34D. (1) For the purposes of *sections 34*, *34A* and *34B* a person is a fit and proper person if—

(a) neither that person nor any person employed by him or her to direct or control the carrying on of the activity to which the waste collection permit relates or, as the case may be, may relate, has been convicted—

(i) summarily of an offence under—

(I) *subsection (6)* of *section 32* consisting of a contravention of *subsection (1)* of that section, or

(II) *section 55(8)*,

or

(ii) on indictment of an offence under this Act, the Environmental Protection Agency Acts 1992 to 2011, the Local Government (Water Pollution) Acts 1977 to 2007, or the Air Pollution Acts 1987 and 2011,

(b) in the reasonable opinion of the nominated authority, that person or, as appropriate, any person employed by him or her to direct or control the carrying on of the activity to which the waste collection permit relates or, as the case may be, may relate has the requisite technical knowledge or qualifications to carry on that activity in accordance with the waste collection permit and the other requirements of the Act,

(c) in the reasonable opinion of the nominated authority, that person is likely to be in a position to meet any financial commitments or liabilities that will be entered into or incurred by him or her in carrying on the activity to which the waste collection permit relates

in accordance with the terms thereof or in consequence of ceasing to carry on that activity,

(d) that person has not had a waste collection permit revoked under *section 34A*, other than where the permit was surrendered, and

(e) that person has not had an order made against him or her under *section 57* or *58*.

(2) The Minister may make regulations providing for requirements in relation to the requisite technical knowledge or qualifications to carry on the activity to which the waste collection permit relates in accordance with the permit and any other requirements of this Act.".

Amendment of section 39 of Act of 1996

40. Section 39 of the Act of 1996 is amended by—

(a) in subsection (4), the insertion of "including a class or classes of household waste" after "class or classes of waste",

(b) in subsection (5) —

(i) the insertion of the following paragraphs after paragraph (a):

"(aa) the nature or quantity of the waste, who delivers it for disposal or recovery or whether it is segregated,

(ab) a specified class or classes of facility where waste shall be delivered for disposal or recovery,

(ac) a specified class or classes of activity that shall be carried out at a place where waste shall be delivered for disposal or recovery,",

(ii) in paragraph (g), the substitution of "pollution," for "pollution;",

(iii) the insertion of the following paragraph after paragraph (g):

"(h) specifying conditions in relation to such incidental, supplementary and consequential matters as appear to the Minister as necessary or expedient for the purpose of this subsection, *subsection (5A)*, *(5B)* or *(5C)*.",

and

(c) the insertion of the following subsections after subsection (5A):

"(5B) Without prejudice to the generality of *subsection (4)*, regulations under that subsection may specify conditions to be attached to a waste permit or such other authorisation of certificate referred to in *subsection (5)(c)* specifying requirements in relation to—

(a) the weighing of household waste accepted by a facility,

(b) reporting, to specified persons, the weight of household waste accepted by a facility,

(c) subject to *subsection (5C)*, charging of fees for acceptance of household waste, and services for its recovery or treatment,

(d) in relation to the acceptance of household waste, preparing and publishing a customer charter and its form and content,

(e) providing separate receptacles for different household waste or classes of household waste,

(f) providing to a local authority or nominated authority under *section 34(1)(aa)(ii)* —

(i) details of persons with regard to the deposition of separate collection of household waste,

(ii) details of persons who choose not to partake in the deposition of separate collection of household waste,

(iii) details of when household waste was last deposited, and

(iv) written confirmation of the structure of the fees being charged to persons depositing the household waste, including, where appropriate, billing information which indicates the pay by weight charge element of the fees charged for the deposition of household waste,

(g) as respects contamination that may be caused by the incorrect segregation of household waste in receptacles for segregated household waste:

(i) monitoring by a holder of levels of contamination;

(ii) recording and maintaining specified data on levels of contamination;

(iii) training to be provided for staff of a holder in relation to monitoring contamination;

(iv) protocols and procedures in the event that such contamination is detected by the holder, including informing the person who delivers the household waste to the facility being either the original waste producer or, as the case may be, the person who arranges, on behalf of more than one original waste producer occupying apartments, duplexes, maisonettes or any combination of such dwellings for delivery of their waste ('person who delivers household waste') or refusing to accept the waste,

and

(h) where a weighing system is used to determine weight-based collection charges, the submission of confirmation of an annual inspection of the weighing system used by the permit holder in accordance with the Legal Metrology (General) Regulations 2008 (S.I. No. 323 of 2008), in such form that may be specified on the waste permit or such other authorisation of certificate referred to in subsection (5)(c).

(5C) (a) The Minister, where he or she considers that it is necessary for waste management in accordance with the principle that the costs of that management shall be borne by the original waste producer shall, by regulations under *subsection (4)*, specify a condition to be attached to a waste permit or such other authorisation of certificate referred to in *subsection (5)(c)*, specifying a requirement that the holder of such waste permit or such other authorisation of certificate ('holder') shall charge fees for accepting household waste, which would otherwise fall to be collected pursuant to a waste collection permit, delivered to the holder's facility by the person who delivers household waste.

(b) Regulations under *paragraph (a)* shall provide for the means by which fees for accepting waste shall be calculated by a holder and shall—

(i) require a holder to charge a fee for each kilogramme of household waste accepted by the holder,

(ii) prohibit a holder from charging any form of fee other than that referred to at *subparagraph (i)*, and, for the avoidance of doubt, methods of calculation of a fee based on pay by throw or a flat fee shall not be considered to be calculated by reference to weight of waste accepted, and

(iii) require a holder to demonstrate by prescribed means to a local authority or the Agency, as the case may be, if the fees charged for accepting the household waste concerned incentivise waste prevention and waste segregation.

(c) (i) For the purposes of *paragraph (b)(i)*, the Minister shall prescribe the minimum amount of the fee required to be charged for each kilogramme of household waste accepted by a holder and that minimum fee shall be based on the approximate cost per kilogramme of managing segregated household waste, including its acceptance by the holder from the person who delivers household waste and its recovery, disposal or final treatment, which in any event shall not exceed an amount of 30 cent per kilogramme of household waste.

(ii) The Minister shall review the costs of managing, recovering or disposal of household waste, on which the minimum charges prescribed under *subparagraph (i)* are based, at least every 12 months and may amend the amount of the fee prescribed under *subparagraph (i)*.

(iii) The Minister following a review under *subparagraph (ii)*, once and only once in each financial year beginning in the financial year that he or she first prescribes under *paragraph (g)(i)*, may substitute for the amount of the fee prescribed under *subparagraph (i)*, an amount which does not exceed the amount so prescribed by 5 cent.".

Amendment of section 41 of Act of 1996

41. Section 41 of the Act of 1996 is amended by—

(a) in subsection (3), the insertion of the following paragraph after paragraph (c):

"(d) for the purposes of acceptance of a class of household waste at a facility, from the original waste producer or the person who arranges on behalf of more than one original waste producer occupying apartments, duplexes, maisonettes or any combination of such dwellings for delivery of their household waste ('person who delivers household waste'), require the Agency to attach conditions to a waste licence—

(i) requiring the weighing of a class of household waste accepted by a facility,

(ii) requiring the reporting of the weight of a class of household waste accepted by a facility to the person who delivers household waste,

(iii) subject to *subsection (3A)*, requiring the charging of fees for acceptance, recovery or treatment services by a facility of a class of household waste,

(iv) in relation to acceptance of a class of household waste, requiring the preparation and publishing of a customer charter and specifying its form and content,

(v) requiring the provision of separate receptacles for different household waste or classes of household waste,

(vi) requiring the provision to a local authority or a nominated authority under *section 34(1)(aa)(ii)* of—

(I) details of persons with regard to the deposition of household waste,

(II) details of persons who choose not to partake in the deposition of household waste,

(III) details of when household waste was last deposited, and

(IV) written confirmation of the structure of the fees being charged to persons depositing the household waste, including, where appropriate, billing information which indicates the pay by weight charge element of the fees charged for the deposition of household waste,

(vii) as respects contamination that may be caused by the incorrect segregation of specified household waste from other waste in receptacles for segregated household waste, requiring the holder of a waste licence:

(I) to monitor levels of contamination;

(II) to record and maintain specified data on levels of contamination;

(III) to provide training for staff in relation to monitoring contamination;

(IV) to prepare and maintain protocols and procedures in the event that such contamination is detected by the holder, including to inform the person who delivers household waste or to refuse to accept the waste,

and

(viii) where a weighing system is used to determine weight-based collection charges, requiring the submission of confirmation of an annual inspection of the weighing system used by the permit holder in accordance with the Legal Metrology (General) Regulations 2008 (S.I. No. 323 of 2008), in such form that may be specified on the waste licence.",

and

(b) the insertion of the following subsection after subsection (3):

"(3A) (a) The Minister, where he or she considers that it is necessary for waste management in accordance with the principle that the costs of that management shall be borne by the original waste producer shall, by regulations, specify a condition to be attached to a waste licence specifying a requirement that the holder of the licence shall charge fees for accepting a class of household waste, which would otherwise fall to be collected pursuant to a waste collection permit, delivered to the facility of the holder of the waste licence by the person who delivers household waste.

(b) Regulations under *paragraph (a)* shall provide for the means by which fees for accepting household waste shall be calculated by a holder of a waste licence and shall—

(i) require a holder of a waste licence to charge a fee for each kilogramme of household waste accepted by the holder,

(ii) prohibit a holder of a waste licence from charging any form of fee other than that referred to at *subparagraph (i)*, and, for the avoidance of doubt, methods of calculation of a fee based on pay by throw or a flat fee shall not be considered to be calculated by reference to weight of waste accepted,

(iii) require a holder of a waste licence to demonstrate by prescribed means to a local authority or the Agency, as the case may be, if the fees charged for accepting the household waste concerned incentivise waste prevention and waste segregation.

(c) (i) For the purposes of *paragraph (b)(i)*, the Minister shall prescribe the minimum amount of the fee required to be charged for each kilogramme of household waste accepted by a holder of a waste licence and that minimum fee shall be based on the approximate cost per kilogramme of managing segregated household waste, including its acceptance by the holder of the licence, from the person who delivers that waste and its recovery, disposal or final treatment, which in any event shall not exceed an amount of 30 cent per kilogramme of household waste.

(ii) The Minister shall review the costs of managing, recovering or disposal of household waste, on which the minimum charges prescribed under *subparagraph (i)* are based, at least every 12 months and may amend the amount of the fee prescribed under *subparagraph (i)*.

(iii) The Minister following a review under *subparagraph (ii)*, once and only once in each financial year beginning in the financial year that he or she first prescribes under *paragraph (g)(i)*, may substitute for the amount of the fee prescribed under *subparagraph (i)*, an amount which does not exceed the amount so prescribed by 5 cent.".

Amendment of section 50 of Act of 1996

42. Section 50 of the Act of 1996 is amended in subsection (1) by the substitution of the following paragraph for paragraph (a):

"(a) an application made to the local authority for—

(i) the grant of a waste collection permit under *section 34*,

(ii) a review of a waste collection permit under *section 34A(1)(b)*, or

(iii) the transfer of a waste collection permit under *section 34B*,".

Transitional and savings provisions consequent on Environment (Miscellaneous Provisions) Act 2015

43. The Act of 1996 is amended by the insertion of the following section after section 76:

"77. (1) Every application for a waste collection permit under *section 34* or for a review of a waste collection permit under *section 34A*

(inserted by section 38 of the Environment (Miscellaneous Provisions) Act 2015 made and not finally dealt with and determined or completed before the commencement of section 37 or 38 of the Environment (Miscellaneous Provisions) Act 2015 shall, on that commencement, continue to be dealt with by a local authority and be determined and completed by it as if the application were an application under this Act as it stands amended by section 37 or 38 of the Environment (Miscellaneous Provisions) Act 2015.

(2) Every application made for a waste permit or such other authorisation or certificate as may be granted under *section 39* and not finally dealt with and determined or completed before the commencement of section 40 of the Environment (Miscellaneous Provisions) Act 2015 shall, on that commencement, continue to be dealt with by a local authority or the Agency and be determined and completed by it as if the application were an application under this Act as it stands amended by section 40 of the Environment (Miscellaneous Provisions) Act 2015.

(3) Every application for a waste licence under *section 40* or for a review of a waste licence under *section 46* made and not finally dealt with and determined or completed before the commencement of section 41 of the Environment (Miscellaneous Provisions) Act 2015 shall, on that commencement, continue to be dealt with by the Agency and be determined and completed by it as if the application were an application under this Act as it stands amended by section 41 of the Environment (Miscellaneous Provisions) Act 2015.".

PART 8

Amendment of Section 6 of Local Government Act 1998

Amendment of section 6 of Local Government Act 1998

44. Section 6 of the Local Government Act 1998 is amended in subsection (2C) (inserted by section 7 of the Motor Vehicle (Duties and Licences) Act 2013)—

(a) by substituting for paragraph (a) (inserted by section 79 of the Local Government Reform Act 2014) the following:

"(a) Subject to *paragraphs (b)* and *(c)*, the Minister may, on or before 31 December 2015, pursuant to a request from the Minister for Finance, make one, or more than one, payment from the Fund in the amount requested by the Minister for Finance.",

and

(b) by substituting for paragraph (c) (inserted by the said section 79) the following:

"(c) The total amount of all payments made under *paragraph (a)* shall not exceed €540 million.".

PART 9

Amendment of Dog Breeding Establishments Act 2010 and Control of Dogs Act 1986

Amendment of Dog Breeding Establishments Act 2010

45. The Dog Breeding Establishments Act 2010 is amended by the substitution of—

(a) in section 9(5), in paragraph (c), "6 months" for "4 months",

(b) in section 18(1), "the local authority" for "he or she",

(c) in section 20(1), "authorised person" for "authorised officer", and

(d) in section 21(2), the following paragraph for paragraph (b):

"(b) if the dog breeding establishment has been registered, require the operator of the dog breeding establishment to surrender the registration certificate to the local authority issuing the notice,".

Amendment of Control of Dogs Act 1986

46. Section 8(2) of the Control of Dogs Act 1986 is amended by the substitution of the following subsection for subsection (2):

"(2) The operator of a dog breeding establishment registered under the Dog Breeding Establishments Act 2010, where that operator is required to hold a general dog licence, shall not, other than where the operator is a fee exempt applicant within the meaning of section 9 of that Act, be liable to pay a fee in respect of the issue of that licence.".

PART 10

Water Charges

Water charges

47. The Water Services (No. 2) Act 2013 is amended by inserting the following section after section 23:

"Registration with Irish Water

23A. (1) Where water services are provided to a dwelling by Irish Water, the owner of the dwelling shall, subject to *subsections (2)* and *(3)* —

(a) register with Irish Water as a customer and confirm whether or not the dwelling is his or her principal private residence, or

(b) notify Irish Water, in writing or in such other form and manner as Irish Water may specify, that he or she is not the occupier of the dwelling and provide—

(i) the date of commencement of any agreement for the occupation of the dwelling, and

(ii) the name of each person with whom the owner has such an agreement for the occupation of the dwelling,

not later than—

(I) 20 working days after the coming into operation of section 47 of the Environment (Miscellaneous Provisions) Act 2015, and

(II) where there is a change in the occupation of the dwelling after the coming into operation of section 47 of the Environment (Miscellaneous Provisions) Act 2015, 20 working days after such a change.

(2) *Subsection (1)(I)* shall not apply to the owner of a dwelling where, before the coming into operation of section 47 of the Environment (Miscellaneous Provisions) Act 2015, Irish Water has been notified of the details of the occupation of the dwelling concerned.

(3) Where the Residential Tenancies Act 2004 applies to the dwelling concerned, *subsection (1)(a)* shall not apply to the owner of the dwelling but that owner shall comply with *subsection (1)(b)*.

(4) Notwithstanding *section 21(5)* and *subsection (5)* of this section, where the owner of a dwelling fails to comply with *subsection (1)(b)*, the owner shall pay to Irish Water any charge under *section 21* in respect of the dwelling for the period from the date of commencement of the agreement for the occupation of the dwelling until the date on which the owner so complies.

(5) (a) Unless such an agreement expressly provides otherwise, an agreement for the occupation of a dwelling entered into after the coming into operation of section 47 of the Environment (Miscellaneous Provisions) Act 2015 is deemed to include a provision that the occupier shall pay to Irish Water any charge under *section 21* in respect of the dwelling for the period from the date on which the agreement commences until the date on which the occupier vacates the dwelling.

(b) The exception provided for in *paragraph (a)* shall not apply to a dwelling to which the Residential Tenancies Act 2004 applies.

(6) A person who registers with, or notifies, Irish Water under *subsection (1)* and provides information which to his or her knowledge is false or misleading in a material respect commits an offence and is liable on summary conviction to a class A fine.

(7) In this section 'dwelling' means a premises occupied, or which may be occupied, by a person as his or her place of private residence (whether or not as his or her principal private residence).".

Payment of charge on sale of property

48. The Water Services Act 2014 is amended by inserting the following section after section 3:

"3A. (1) In this section—

'dwelling' means a premises occupied, or which may be occupied, by a person as his or her place of private residence (whether or not as his or her principal private residence);

'market value', in relation to a dwelling, means the price which the unencumbered fee simple of the dwelling would fetch if sold on the open market;

'sale' includes, in relation to a dwelling, the transfer of the dwelling by its owner or any trustee or personal representative of the owner to another person—

(a) in consequence of—

(i) the exercise of a power under any enactment to compulsorily acquire land, or

(ii) the giving of notice of intention to exercise such power,

or

(b) for no consideration or consideration which is significantly less than the market value of the dwelling at the time of its transfer.

(2) The owner of a dwelling (in this section referred to as the 'vendor') who proposes to sell the dwelling shall—

(a) before the completion of the sale, pay to Irish Water any charge under section 21 of the No. 2 Act of 2013 in respect of the dwelling payable by the owner to Irish Water, including any such charge payable by the owner by virtue of section 23A(4) of that Act, and

(b) provide to his or her solicitor—

(i) a certificate of discharge from Irish Water confirming that any such charge has been paid, or

(ii) a statement from Irish Water that any charge under section 21 of the No. 2 Act of 2013 payable in respect of the dwelling is not the liability of the owner.

(3) Where the vendor fails to provide the certificate referred to in *subsection (2)(b)(i)* or the statement referred to in *subsection (2)(b)(ii)* before the completion of the sale, the vendor's solicitor shall, before completing the sale, request from the vendor a statement from Irish Water setting out the amount of the charge (if any) under section 21 of the No. 2 Act of 2013 payable by the vendor to Irish Water in respect of the dwelling.

(4) Where the vendor fails to provide the statement referred to in *subsection (3)*, the vendor's solicitor shall, before completing the sale, request such a statement from Irish Water.

(5) The vendor's solicitor shall withhold from the net proceeds of sale remaining (if any), after the discharge of all mortgages and other liabilities relating to the sale, the amount (if any) set out in the statement provided to the solicitor under *subsection (3)* or *(4)*, as the case may be, and, subject to *subsection (6)*, remit that amount to Irish Water within 20 working days of the completion of the sale of the dwelling.

(6) A remittance of any amount to Irish Water under *subsection (5)* is without prejudice to any right the vendor may have under—

(a) a complaints procedure provided by Irish Water in accordance with a code of practice approved by the Commission under section 32 of the No. 2 Act of 2013,

(b) the dispute resolution service provided by the Commission under *section 8* to customers of Irish Water, or

(c) Part 6 of the Residential Tenancies Act 2004.

(7) Irish Water shall provide a receipt to the vendor's solicitor in respect of any amount remitted to it under *subsection (5)*.

(8) A receipt provided to the vendor's solicitor under *subsection (7)* shall be in full and final settlement of any obligation imposed on the vendor's solicitor under this section.

(9) A person who is a tenant of a dwelling let to him or her under the Housing Acts 1966 to 2014 and who proposes to purchase the dwelling under a scheme for its purchase shall, before the completion of the sale to him or her, provide to the local authority concerned a certificate of discharge from Irish Water confirming that any charge under section 21 of the No. 2 Act of 2013 in respect of that dwelling payable by the person to Irish Water has been paid, and the sale of the dwelling to him or her shall not be completed until the certificate has been so provided.

(10) Irish Water shall, as appropriate, provide without undue delay—

(a) to a vendor, on his or her request, a certificate referred to in *subsection (2)(b)(i)*, or a statement referred to in *subsection (2)(b)(ii)* or *(3)*,

(b) to a person referred to in *subsection (9)*, on his or her request, a certificate referred to in that subsection, and

(c) to a vendor's solicitor, on his or her request, a statement referred to in *subsection (4)* and, where any amount has been remitted to Irish Water under *subsection (5)*, a receipt referred to in *subsection (7)*.".

Amendment of section 5 of Water Services Act 2014

49. Section 5 of the Water Services Act 2014 is amended—

(a) in subsection (3), by inserting "and *section 5A* (inserted by section 50 of the Environment (Miscellaneous Provisions) Act 2015)" after "this section", and

(b) by inserting the following subsection after subsection (3):

"(3A) For the purposes of this section and *section 5A*, an approved housing body (being a body standing approved of for the purposes of section 6 of the Housing (Miscellaneous Provisions) Act 1992) that—

(a) is in receipt of funding from the Health Service Executive under—

(i) an arrangement under section 38 of the Health Act 2004, or

(ii) section 39 of the Health Act 2004,

and

(b) is liable for the payment of any charge for the provision of water services to a dwelling,

shall be regarded as the occupier of the dwelling.".

Water conservation grant - database

50. The Water Services Act 2014 is amended by inserting the following section after section 5:

"5A. (1) The Minister may, for the purposes of paying a grant under *section 5* in respect of any year after 2015, arrange for the establishment and maintenance of a database of water services provided to dwellings (in this section referred to as 'the database').

(2) The database shall include the following information in respect of each dwelling:

(a) details of the water supply to the dwelling;

(b) details of the treatment of waste water discharged from the dwelling;

(c) the address of the dwelling;

(d) the postcode (within the meaning of section 66 of the Communications Regulation (Postal Services) Act 2011), if any, of the dwelling;

(e) the name of the occupier of the dwelling;

(f) whether or not the dwelling is the principal private residence of the occupier;

(g) any unique reference number assigned in respect of the dwelling to the occupier of the dwelling.

(3) A grant under *section 5* shall not be payable to any person in respect of a dwelling in respect of any year after 2015 unless on the reckonable date—

(a) the dwelling is—

(i) included in the database, and

(ii) occupied by such person as his or her principal private residence,

or

(b) the dwelling is a dwelling to which *subsection (3)* or *(3A)* (inserted by section 49 of the Environment (Miscellaneous Provisions) Act 2015), as the case may be, of *section 5* applies.

(4) The Minister may, in any year after 2015, by order prescribe a date to be the reckonable date for that year, for the purposes of *subsection (3)*.

(5) The Minister may request Irish Water or the Local Government Management Agency (in this section referred to as 'the Agency') to establish and maintain the database on behalf of the Minister.

(6) For the purpose of the performance of the Minister's functions under this section and section 5—

(a) the Minister for Social Protection shall, on the request of the Minister or, where the Minister requests Irish Water or the Agency, pursuant to subsection (5), to establish and maintain the database, Irish Water or the Agency, provide to the Minister, Irish Water or the Agency, as the case may be, so much of the information referred to in subsection (2) provided, whether before or after the coming into operation of section 50 of the Environment (Miscellaneous Provisions) Act 2015, to the Minister for Social Protection under section 5 or regulations made under that section, as the Minister, Irish Water or the Agency, as the case may be, may reasonably require,

(b) Irish Water shall, on the request of the Minister or, where the Minister requests the Agency, pursuant to *subsection (5)*, to establish and maintain the database, the Agency, provide to the

Minister or the Agency, as the case may be, so much of the information referred to in *subsection (2)* as the Minister or the Agency, as the case may be, may reasonably require in relation to customers of Irish Water, and

(c) the Minister or, where the Minister requests Irish Water or the Agency, pursuant to *subsection (5)*, to establish and maintain the database, Irish Water or the Agency, as the case may be, may request all or any of the information referred to in *subsection (2)* from the occupier of a dwelling who is not a customer of Irish Water where—

(i) the dwelling is not included in the database, or

(ii) there is any change, after 30 June 2015, in the occupation of a dwelling included in the database,

and any such information shall be provided, by reference to the reckonable date concerned, at the time or times and in the form and manner so requested.

(7) The Minister or, where the Minister requests Irish Water or the Agency, pursuant to *subsection (5)*, to establish and maintain the database, Irish Water or the Agency, as the case may be, shall provide to the Minister for Social Protection, at the time or times and in the form and manner agreed between the Minister and the Minister for Social Protection, such information from the database as is reasonably necessary for the purposes of the Minister for Social Protection paying a grant under *section 5* on behalf of the Minister.".

Amendment of Water Services Act 2007

51. The Water Services Act 2007 is amended—

(a) in section 9, by inserting "or section 23A(6) of the Water Services (No. 2) Act 2013" after "under this Act" in each place, and

(b) in section 10, by inserting "or section 23A(6) of the Water Services (No. 2) Act 2013" after "under this Act".

Number 29 *of* 2024

ENVIRONMENT (MISCELLANEOUS PROVISIONS) ACT 2024

REVISED

Updated to 31 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

Bourn Vincent Memorial Park Acts 1932 and 2015: this Act is one of a group of Acts included in this collective citation, to be construed together as one (*Environment (Miscellaneous Provisions) Act 2015* (29/2015), s. 1(2)). The Acts in this group are:

- *Bourn Vincent Memorial Park Act 1932* (31/1932)
- *Environment (Miscellaneous Provisions) Act 2015* (29/2015), Part 2 (ss. 3-16)

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 Act 2013* (6/2013)
- *Water Services (No. 2) Act 2013* (50/2013)
- *Water Services Act 2014* (44/2014)
- *Environment (Miscellaneous Provisions) Act 2015* (29/2015), Part 10 (ss. 47-51)
- *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 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.