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*Number 29 of 2017*

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**WATER SERVICES ACT 2017**

**REVISED**

**Updated to 28 April 2023**

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This Revised Act is an administrative consolidation of the *Water Services Act 2017*. 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 *Sex Offenders (Amendment) Act 2023 (9/2023)*, enacted 5 April 2023, and all statutory instruments up to and including the *Sectoral Employment Order (Construction Sector) 2023 (S.I. No. 207 of 2023)*, made 28 April 2023, were considered in the preparation of this Revised Act.

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CONTENTS

PART 1

PRELIMINARY AND GENERAL

1. Short title, collective citation and commencement
2. Definitions
3. Expenses
4. Orders and regulations
5. Repeals and revocations

PART 2

AMENDMENT OF WATER SERVICES ACT 2007

6. Amendment of section 2 of Act of 2007
7. Amendment of section 16 of Act of 2007
8. Review by Commission of rate of demand for water services provided to dwellings
9. Threshold amount and allowance amount
10. Provision of water services exceeding threshold amount
11. Notice of provision of water services exceeding threshold amount
12. Allowance for household size
13. Exemption where certain medical need

PART 3

AMENDMENT OF WATER SERVICES (No. 2) ACT 2013

14. Amendment of section 2 of No. 2 Act of 2013
15. Amendment of section 21 of No. 2 Act of 2013
16. Amendment of section 22 of No. 2 Act of 2013

17. Amendment of section 32 of No. 2 Act of 2013
18. Water services policy statement
19. Strategic funding plan
20. Amendment of section 36 of No. 2 Act of 2013

PART 4

AMENDMENT OF WATER SERVICES ACT 2014

21. No liability in respect of certain charges
22. Refunds
23. Customer dispute resolution: connection to, and use of, public water system

PART 5

WATER FORUM

Chapter 1

ESTABLISHMENT OF WATER FORUM

24. Establishment day for Part 5
25. Establishment of Water Forum
26. Functions of Forum
27. Membership of Forum
28. Removal or resignation of member of Forum

Chapter 2

OPERATION OF WATER FORUM

29. Chairperson of Forum
30. Chairing of meetings of Forum

Chapter 3

ADMINISTRATION AND REPORTING

31. Grants to Forum
32. Annual report of Forum

PART 6

DISSOLUTIONS AND TRANSFER OF FUNCTIONS

33. Definition
34. Dissolutions
35. Transfer of functions
36. References in enactments
37. Transfer of land and other property to Forum

- 38. Transfer of rights and liabilities, and continuation of leases, licences and permissions to Forum
- 39. Liability for loss occurring before establishment day
- 40. Provisions consequent upon transfer of functions, assets and liabilities to Forum
- 41. Records of dissolved bodies

PART 7

WATER ADVISORY BODY

- 42. Establishment day for Part 7 (*Repealed*)
- 43. Establishment of Water Advisory Body (*Repealed*)
- 44. Functions of Advisory Body (*Repealed*)
- 45. Membership of Advisory Body (*Repealed*)
- 46. Chairperson of Advisory Body (*Repealed*)
- 47. Term of office of members (*Repealed*)
- 48. Resignation of member (*Repealed*)
- 49. Membership of either House of Oireachtas, European Parliament or local authority (*Repealed*)
- 50. Meetings and procedures of Advisory Body (*Repealed*)
- 51. Declaration of interests (*Repealed*)
- 52. Grants to Advisory Body and other support (*Repealed*)
- 53. Annual report of Advisory Body (*Repealed*)

PART 8

MISCELLANEOUS AMENDMENTS RELATING TO FINANCE

- 54. Transfer of local property tax to the Local Government Fund
- 55. Amendment of section 2 of Act of 1998
- 56. Amendment of section 4 of Act of 1998
- 57. Amendment of section 5 of Act of 1998
- 58. Amendment of section 6 of Act of 1998
- 59. Amendment of section 7 of Act of 1998

PART 9

TRANSITIONAL PROVISION AND MISCELLANEOUS AMENDMENTS

- 60. Transitional matters affecting section 22 of No. 2 Act of 2013
  - 61. Amendment of Valuation Act 2001
  - 62. Amendment of section 70B of Act of 2007
-

ACTS REFERRED TO

Environmental Protection Agency Act 1992 (No. 7)  
Ethics in Public Office Act 1995 (No. 22)  
European Parliament Elections Act 1997 (No. 2)  
Finance (Local Property Tax) Act 2012 (No. 52)  
Fire Services Act 1981 (No. 30)  
Freedom of Information Act 2014 (No. 30)  
Local Government Act 1998 (No. 16)  
Local Government Act 2001 (No. 37)  
Taxes Consolidation Act 1997 (No. 39)  
Valuation Act 2001 (No. 13)  
Water Services (No. 2) Act 2013 (No. 50)  
Water Services Act 2007 (No. 30)  
Water Services Act 2013 (No. 6)  
Water Services Act 2014 (No. 44)  
Water Services Acts 2007 to 2015



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*Number 29 of 2017*

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**WATER SERVICES ACT 2017**

**REVISED**

**Updated to 28 April 2023**

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An Act to provide for discontinuing and extinguishing liabilities in respect of charges imposed by Irish Water for the provision of water services to a dwelling; for refund of certain payments made in respect of charges so imposed; for setting a threshold amount; for liability to pay for provision by Irish Water of water services exceeding the threshold amount to a dwelling; for allowances and exemptions from that liability in certain circumstances; for funding for Irish Water; for establishment of a body to be known in the Irish language as An Fóram Uisce or in the English language as the Water Forum; for establishment of a body to be known in the Irish language as An Comhlacht Comhairleach Uisce or in the English language as the Water Advisory Body; for amending arrangements in relation to the Local Government Fund; for those purposes to amend the Local Government Act 1998, the Valuation Act 2001, the Water Services Act 2007, the Water Services (No. 2) Act 2013 and the Water Services Act 2014; and to provide for matters connected therewith.

[17th November, 2017]

**Be it enacted by the Oireachtas as follows:**

**PART 1**

**PRELIMINARY AND GENERAL**

**Short title, collective citation and commencement**

1. (1) This Act may be cited as the Water Services Act 2017.
- (2) The Water Services Acts 2007 to 2015 and this Act may be cited together as the Water Services Acts 2007 to 2017.
- (3) This Act, other than the provisions referred to in *section 5(3)*, shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions and for the repeal of different Acts or provisions of them, and the revocation of different statutory instruments or provisions of them, effected by *section 5*.

### Definitions

#### 2. In this Act—

“Act of 1998” means the Local Government Act 1998;

“Act of 2001” means the Local Government Act 2001;

“Act of 2007” means the Water Services Act 2007;

“Act of 2014” means the Water Services Act 2014;

“Advisory Body” has the meaning assigned to it by [section 43](#);

“Agency” means the Environmental Protection Agency;

“Commission” means—

(a) before 2 October 2017, the Commission for Energy Regulation, and

(b) by virtue of the Change of Name of Commission for Energy Regulation to Commission for Regulation of Utilities (Appointed Day) Order 2017 (S.I. No. 397 of 2017), on and from 2 October 2017, the Commission for Regulation of Utilities;

“dissolved bodies” has the meaning assigned to it by [section 34](#);

“Forum” has the meaning assigned to it by [section 25](#);

“local authority” has the meaning assigned to it by the Act of 2001;

“Minister” means the Minister for Housing, Planning and Local Government;

“No. 2 Act of 2013” means the Water Services (No. 2) Act 2013.

### Expenses

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

### Orders and regulations

4. Every order (other than an order under [section 1\(3\)](#), [24](#) or [42](#)) and regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling such order or regulation is passed by either such House within the next 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

### Repeals and revocations

5. (1) The following are repealed:

(a) section 75 of the Act of 2007;

(b) the following provisions of the Act of 2014:

(i) subsections (3) to (15) and paragraph (a) of subsection (16) of section 3;

(ii) section 3A;

(iii) section 4;

(iv) section 7.

(2) The following are revoked:

(a) the National Rural Water Services Committee Regulations 2008 (S.I. No. 510 of 2008);

(b) the Water Services Act 2014 (Public Water Forum) Regulations 2015 (S.I. No. 234 of 2015);

(c) the Water Services Act 2014 (Public Water Forum) (Amendment) Regulations 2015 (S.I. No. 405 of 2015).

(3) *Subsections (1)(a), (2)* and this subsection shall come into operation on the establishment day referred to in *section 24*.

## PART 2

### AMENDMENT OF WATER SERVICES ACT 2007

#### Amendment of section 2 of Act of 2007

6. Section 2(1) of the Act of 2007 is amended by the insertion of the following definitions:

“ ‘allowance amount’ means the allowance specified by order under subsection (1)(b) or (4)(b) of section 53B (inserted by *section 9* of the *Water Services Act 2017*);

‘average rate’ has the meaning assigned to it by section 53A (inserted by *section 8* of the *Water Services Act 2017*);

‘Commission’ means—

(a) before 2 October 2017, the Commission for Energy Regulation, and

(b) by virtue of the Change of Name of Commission for Energy Regulation to Commission for Regulation of Utilities (Appointed Day) Order 2017 (S.I. No. 397 of 2017), on and from 2 October 2017, the Commission for Regulation of Utilities;

‘customer’ has the meaning assigned to it by the Water Services (No. 2) Act 2013;

‘dwelling’ means a premises occupied by a person as his or her place of private residence (whether or not as his or her principal private residence);

‘recommended allowance’ has the meaning assigned to it by section 53A (inserted by *section 8* of the *Water Services Act 2017*);

‘threshold amount’ means the threshold amount specified by order under subsection (1)(a) or (4)(a) of section 53B (inserted by *section 9* of the *Water Services Act 2017*);”.

#### Amendment of section 16 of Act of 2007

7. Section 16 of the Act of 2007 is amended—



(a) in paragraph (d), by the substitution of “water services,” for “water services, or”,

(b) by the insertion of the following paragraph after paragraph (d):

“(dd) in accordance with *section 31* of the *Water Services Act 2017*, the Water Forum,”

and

(c) by the insertion of the following paragraph after paragraph (dd) (inserted by *paragraph (b)*):

“(de) in accordance with *section 52* of the *Water Services Act 2017*, the Water Advisory Body, or”.

### **Review by Commission of rate of demand for water services provided to dwellings**

8. The Act of 2007 is amended by the insertion of the following section after section 53:

“53A. (1) The Commission shall carry out a review to assess the rate of demand, over a 12 month period, for water services provided by Irish Water to dwellings.

(2) In carrying out the review under subsection (1) the Commission shall consider, in relation to water services provided by Irish Water to dwellings—

(a) the estimated rate of demand by an individual for provision of water services,

(b) the estimated rate of demand for provision of water services to dwellings, and the impact on that demand where the number of individuals who ordinarily reside in the dwelling concerned exceeds 4,

(c) information relating to trends or patterns in water usage evident in the provision of water services to dwellings (in this section referred to as ‘trends or patterns’) furnished by Irish Water to the Commission on receipt of a request in that behalf from the Commission,

(d) any trends or patterns identified by the Commission,

(e) the impact on trends or patterns of the number of individuals who ordinarily reside in a dwelling,

(f) statistics published by the Central Statistics Office relating to trends or patterns, and

(g) any other available information considered relevant by the Commission, including information arising from the exercise by it of its other water regulatory functions (within the meaning of section 27 of the *Water Services Act 2013*).

(3) A review under this section shall be carried out and completed—

(a) in respect of the first review, not later than one month after the coming into operation of this section, and

(b) in respect of each subsequent review, from time to time as determined by the Commission, and in any case not less than

6 months before the expiration of the period in respect of which, under section 22(2) of the Water Services (No. 2) Act 2013, the water charges plan under that section shall apply.

- (4) As soon as may be following the completion of a review under this section, the Commission shall furnish a report of the findings of the review to the Minister and shall, in the report—
- (a) provide an assessment of the average rate of demand for water services provided by Irish Water to a dwelling over the 12 month period to which the review refers (the ‘average rate’), and
  - (b) in relation to provision of water services—
    - (i) over the 12 month period to which the review refers, and
    - (ii) to a dwelling where the number of individuals who ordinarily reside in the dwelling concerned exceeds 4,recommend an allowance (the ‘recommended allowance’) to be made in respect of the provision of water services to each individual, in excess of 4, who so resides in the dwelling.
- (5) As soon as may be after furnishing the report to the Minister under subsection (4), the Commission shall publish—
- (a) the report on a website maintained by the Commission, and
  - (b) a notice that the report has been published on the website in not fewer than 2 daily newspapers circulating throughout the State.”.

#### **Threshold amount and allowance amount**

9. The Act of 2007 is amended by the insertion of the following section after section 53A (inserted by *section 8*):

- “53B. (1) The Minister, as soon as may be after he or she has considered the first report under section 53A (inserted by *section 8* of the *Water Services Act 2017*) furnished to him or her, shall by order specify—
- (a) the threshold amount, and
  - (b) the allowance amount.
- (2) When making an order under subsection (1)(a), the Minister shall calculate the threshold amount by multiplying the average rate contained in the report furnished to him or her under section 53A by a multiplier of 1.7.
- (3) The allowance amount specified by the Minister when making an order under subsection (1)(b) shall be the sum equivalent to the recommended allowance contained in the report under section 53A.
- (4) The Minister, as soon as may be after he or she has considered a subsequent report furnished to him or her under section 53A—
- (a) may amend the order made under subsection (1)(a), and
  - (b) shall, unless there has been no change in the recommended allowance specified in the previous report, amend the order

made under subsection (1)(b) to specify the sum equivalent to the recommended allowance contained in that report.

- (5) Where the Minister after consideration of a subsequent report furnished to him or her under section 53A amends, during the period of 5 years commencing on the coming into operation of this section, an order made under subsection (1)(a) or (4)(a), he or she shall calculate the threshold amount by multiplying the average rate specified in the subsequent report concerned by a multiplier of 1.7.
- (6) Where the Minister after consideration of a subsequent report furnished to him or her under section 53A amends, at any time after the expiration of the period of 5 years commencing on the coming into operation of this section, an order made under subsection (1)(a) or (4)(a), he or she shall calculate the threshold amount by multiplying the average rate specified in the subsequent report concerned by a multiplier not exceeding 1.7.
- (7) Before making an order under subsection (5) or (6) the Minister shall have regard to—
- (a) the need to promote conservation of water and sustainable management of water resources,
  - (b) the need to prevent or abate risks to human health or the environment in the provision of water services,
  - (c) any river basin management plans for the time being in force made under Regulation 13 of the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003), and
  - (d) proper planning and sustainable development.
- (8) Where an order is proposed to be made under subsection (6) a draft of the order shall be laid before each House of the Oireachtas and the Order shall not be made until a resolution approving the draft has been passed by each such House.”.

#### **Provision of water services exceeding threshold amount**

**10.** The Act of 2007 is amended by the insertion of the following section after section 53B (inserted by *section 9*):

“53C. (1) Irish Water shall not charge a customer for water services provided by Irish Water to the customer’s dwelling over a 12 month period unless the water services so provided exceed the threshold amount.

(2) For the purposes of subsection (1), a calculation by Irish Water of water services provided to a customer’s dwelling may be made in respect of any 12 month period.”.

#### **Notice of provision of water services exceeding threshold amount**

**11.** The Act of 2007 is amended by the insertion of the following section after section 53C (inserted by *section 10*):

“53D. (1) Irish Water shall give a notice to a customer to whom, over a 12 month period, in relation to a dwelling, Irish Water provides water services exceeding the threshold amount.

(2) In the notice under subsection (1) Irish Water shall—

- (a) identify the 12 month period concerned,
  - (b) inform the customer that the threshold amount has been exceeded in that 12 month period, and
  - (c) inform the customer that subsection (3) shall apply if the threshold amount continues to be exceeded over the 6 month period beginning on the day of the giving of the notice.
- (3) A customer in relation to whose dwelling Irish Water provides water services exceeding the threshold amount over the 6 month period commencing on the day of the giving of a notice under subsection (1), shall be liable, in accordance with section 21 (amended by *section 15* of the *Water Services Act 2017*) of the No. 2 Act of 2013, to pay Irish Water for any such water services provided by Irish Water that exceed the threshold amount—
- (a) during that 6 month period, and
  - (b) during any period after the expiration of that 6 month period.”.

#### **Allowance for household size**

**12.** The Act of 2007 is amended by the insertion of the following section after section 53D (inserted by *section 11*):

- “53E. (1) A customer who receives a notice under section 53D may apply under this section to Irish Water for an allowance where the number of individuals who ordinarily reside in the dwelling concerned exceeds 4.
- (2) For the purpose of this section Irish Water shall calculate the allowance—
- (a) by reference to the 12 month period referred to in the notice under section 53D, and
  - (b) by multiplying the allowance amount by the number reached by reducing by 4 the total number of individuals ordinarily residing in the dwelling concerned over the 12 month period specified in the notice under section 53D.
- (3) An allowance under this section may operate to wholly or partly reduce the liability of a customer to pay Irish Water under section 53D for provision of water services exceeding the threshold amount.
- (4) A customer who has applied for or claimed an allowance in accordance with this section shall immediately give notice to Irish Water of any change in the number of individuals who reside in the dwelling concerned.
- (5) The Minister may, for the purpose of this section prescribe minimum periods, within a specified period, during which an individual is required to reside in a dwelling in order to be considered ordinarily resident in the dwelling.
- (6) The Minister shall for the purposes of an allowance under this section prescribe the following matters relating to an application for, and confirming continued entitlement to, an allowance under this section:
- (a) procedures to be followed by a customer applying to Irish Water for an allowance;

- (b) time limits within which, following receipt of a notice under section 53D, an application for an allowance is required to be made;
- (c) information to be furnished by the customer claiming, or who has claimed, an allowance to satisfy Irish Water regarding the number of individuals ordinarily residing in the dwelling concerned;
- (d) for the purposes of subsection (4), procedures to be followed by a customer and by Irish Water where there is a change in the number of individuals ordinarily residing in a dwelling at any time after the making of an application for, or the granting of, an allowance.”.

#### **Exemption where certain medical need**

**13.** The Act of 2007 is amended by the insertion of the following section after section 53E (inserted by *section 12*):

“53F. (1) A customer who receives a notice under section 53D may apply to Irish Water under this section for an exemption.

(2) Irish Water may grant an exemption to a customer from a liability to pay a charge under section 53D for provision of water services exceeding the threshold amount, where Irish Water is satisfied that an individual who ordinarily resides in the dwelling concerned has a medical need which requires that provision of water services exceeding the threshold amount.

(3) A customer who has applied for or claimed an exemption in accordance with this section shall immediately give notice to Irish Water—

(a) where any change in the medical need of the individual referred to in subsection (2) occurs, or

(b) where that individual ceases to ordinarily reside in the dwelling concerned.

(4) The Minister may, for the purpose of this section prescribe minimum periods, within a specified period, during which an individual is required to reside in a dwelling in order to be considered ordinarily resident in the dwelling.

(5) The Minister shall for the purpose of an exemption under this section prescribe any of the following matters relating to an application for, and confirming continued entitlement to, an exemption under this section:

(a) procedures to be followed by a customer applying to Irish Water for an exemption;

(b) information to be furnished by a customer on an application for an exemption including the form in which medical evidence shall be furnished;

(c) time limits within which, following receipt of a notice under section 53D, an application for an exemption is required to be made;

(d) information to be furnished explaining the increased demand for water services due to the medical need;

- (e) categories of health professional who may provide medical evidence;
- (f) any requirement that medical evidence should be provided by the health professional treating the individual the subject of the application;
- (g) information to be furnished by the customer claiming, or who has claimed, the exemption to satisfy Irish Water that the individual the subject of the application ordinarily resides in the dwelling concerned;
- (h) for the purposes of subsection (3), the procedures to be followed by a customer and by Irish Water where there is a change in the medical need of the individual the subject of the application at any time after the making of an application for, or the granting of, an exemption.”.

### PART 3

#### AMENDMENT OF WATER SERVICES (NO. 2) ACT 2013

##### **Amendment of section 2 of No. 2 Act of 2013**

14. Section 2 of the No. 2 Act of 2013 is amended by the insertion of the following definitions:

“ ‘dwelling’ means a premises occupied by a person as his or her place of private residence (whether or not as his or her principal private residence);

‘strategic funding plan’ has the meaning assigned to it by section 34A (inserted by *section 19* of the *Water Services Act 2017*);

‘threshold amount’ means the threshold amount specified by order under section 53B (inserted by *section 9* of the *Water Services Act 2017*) of the Act of 2007;

‘water services policy statement’ has the meaning assigned to it by section 32A (inserted by *section 18* of the *Water Services Act 2017*);”.

##### **Amendment of section 21 of No. 2 Act of 2013**

15. Section 21 of the No. 2 Act of 2013 is amended—

(a) by the insertion of the following subsection after subsection (2):

“(2A) The charging of customers of Irish Water for the provision of water services under this section is deemed to be part of the approved water charges plan.”.

(b) by the substitution of the following subsection for subsection (6):

“(6) Irish Water shall not charge—

(a) for the provision of water services (other than water services referred to in subsection (6A)) to a dwelling (including its curtilage), or

- (b) for water services provided to a fire authority within the meaning of the Fire Services Act 1981.”,
- (c) by the insertion of the following subsection after subsection (6) (amended by *paragraph (b)*):
- “(6A) Irish Water shall charge for the provision of the following water services to a dwelling (including its curtilage):
- (a) services that exceed the threshold amount in respect of which a customer is liable to make a payment under section 53D (inserted by *section 11* of the *Water Services Act 2017*) of the Act of 2007;
- (b) services referred to in paragraph (b) of section 3(16) of the Water Services Act 2014;
- (c) services referred to in paragraph (c) of section 3(16) of the Water Services Act 2014.”,
- (d) by the insertion of the following subsection after subsection (8):
- “(8A) The amount of a charge for provision of water services that exceed the threshold amount may be calculated by Irish Water in relation to such provision over a period of less than 12 months (in this subsection referred to as the ‘lesser period’) in such proportion as is equal to the proportion of that lesser period to a period of 12 months.”,
- and
- (e) in subsection (9), by the deletion of the definition of “dwelling”.

#### **Amendment of section 22 of No. 2 Act of 2013**

16. Section 22 of the No. 2 Act of 2013 is amended in subsection (8) by the insertion of “, the most recent strategic funding plan most recently furnished by the Minister under section 34A(5)(b) (inserted by *section 19* of the *Water Services Act 2017*)” after “section 34”.

#### **Amendment of section 32 of No. 2 Act of 2013**

17. Section 32 of the No. 2 Act of 2013 is amended in subsection (2)—
- (a) in paragraph (e), by the substitution of “services, a notice under section 53D(1) (inserted by *section 11* of the *Water Services Act 2017*) of the Act of 2007 or the contesting” for “services or the contesting”, and
- (b) by the insertion of the following paragraph after paragraph (e):
- “(ee) the making of complaints to Irish Water by persons in relation to a refund under section 3C (inserted by *section 22* of the *Water Services Act 2017*) of the Water Services Act 2014;”,
- (c) by the insertion of the following paragraph after paragraph (ee) (inserted by *paragraph (b)*):
- “(ef) the making of complaints to Irish Water by customers in relation to an allowance under section 53E (inserted by *section 12* of the *Water Services Act 2017*);”,

and

(d) by the insertion of the following paragraph after paragraph (ef) (inserted by *paragraph (c)*):

“(eg) the making of complaints to Irish Water by customers in relation to an exemption under section 53F (inserted by *section 13* of the *Water Services Act 2017*);”.

#### **Water services policy statement**

**18.** The No. 2 Act of 2013 is amended by the insertion of the following section after section 32 (amended by *section 17*):

“32A. (1) The Minister shall prepare a statement, in this Act referred to as a ‘water services policy statement’, which shall be prepared—

- (a) in respect of the first statement, not later than 6 months after the coming into operation of this section, and
- (b) in respect of each subsequent statement, from time to time as determined by the Minister.

(2) A water services policy statement shall contain information concerning the policy objectives and priorities of the Government regarding the provision of water services in the State for such period as may be specified in the statement.

(3) In preparing the water services policy statement the Minister shall have regard to—

- (a) the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003) and in particular any river basin management plans for the time being in force made under Regulation 13 of those Regulations,
- (b) for the purpose of section 5(d) of the Act of 2007, the most recent report prepared by the Agency under section 58 of the Act of 1992,
- (c) for the purpose of section 5(g) of the Act of 2007, any regulations made under section 59 of the Act of 1992,
- (d) the most recent report prepared by the Agency under section 61 of the Act of 1992,
- (e) the need to prevent or abate risks to human health or the environment in the provision of water services,
- (f) any policy of the Government relating to spatial planning objectives,
- (g) any policy of the Government relating to promotion of economic development, and
- (h) the need for efficiency and cost-effectiveness in the provision of water services.

(4) As soon as may be after the preparation of a water services policy statement the Minister shall cause a copy of the statement to be laid before each House of the Oireachtas.

(5) The Minister shall publish, on a website maintained by the Minister, a water services policy statement as soon as may be after it has been laid under subsection (4).



(6) In this section, 'Act of 1992' means the Environmental Protection Agency Act 1992."

### Strategic funding plan

19. The No. 2 Act of 2013 is amended by the insertion of the following section after section 34:

"34A. (1) Irish Water shall prepare and submit to the Minister a plan, in this Act referred to as a 'strategic funding plan' which shall specify the arrangements that Irish Water proposes to make and measures that it proposes to take to implement the objectives of the water services strategic plan.

(2) Irish Water shall submit a strategic funding plan to the Minister as soon as may be, and in any case, not more than 3 months after the Minister publishes a water services policy statement under section 32A(5) (inserted by *section 18* of the *Water Services Act 2017*).

(3) A strategic funding plan shall specify Irish Water's opinion as to the following matters for the duration of the water charges plan:

(a) costs likely to be incurred in the provision of water services to dwellings and in the recovery of those costs;

(b) costs likely to be incurred in the provision of water services to premises other than dwellings and in the recovery of those costs;

(c) estimated income of Irish Water;

(d) estimated operating expenditure and capital expenditure of Irish Water.

(4) The Minister shall, not later than one month after a strategic funding plan is submitted to him or her under this section—

(a) approve the plan (with or without modification), or

(b) refuse to approve the plan and require Irish Water to submit to him or her a revised strategic funding plan within such period as he or she directs.

(5) The Minister shall, as soon as practicable after he or she has approved (with or without modification) a strategic funding plan—

(a) cause a copy of it to be laid before each House of the Oireachtas,

(b) furnish a copy of it to the Commission, and

(c) publish the plan on a website maintained by the Minister.

(6) A reference in this section to the water charges plan means a reference to the water charges plan being prepared by Irish Water under section 22."

### Amendment of section 36 of No. 2 Act of 2013

20. Section 36 of the No. 2 Act of 2013 is amended—

(a) by the insertion of the following subsection after subsection (1):

“(1A) Without prejudice to the generality of subsection (1), the Minister may, subject to such conditions as he or she sees fit in each financial year, make grants to Irish Water to such extent as may be sanctioned by the Minister for Public Expenditure and Reform out of moneys provided by the Oireachtas towards the expenditure incurred by Irish Water in the provision of water services to a dwelling.”,

and

(b) by the insertion of the following subsection after subsection (2):

“(2A) Without prejudice to the generality of subsection (2), before deciding whether or not to make a grant under this section for the purposes referred to in subsection (1A), the Minister shall also consider each of the following matters:

- (a) the most recent water charges plan approved by the Commission under section 22(8);
- (b) the most recent strategic funding plan approved by the Minister under section 34A (inserted by *section 19* of the *Water Services Act 2017*);
- (c) payments required to be made by Irish Water under section 3C (inserted by *section 22* of the *Water Services Act 2017*) of the *Water Services Act 2014* and the costs incurred by Irish Water in the administration of those payments;
- (d) the need to ensure the recovery of costs incurred in the provision of water services in accordance with Article 9 of the EU Water Framework Directive;
- (e) the environmental objectives of the EU Water Framework Directive.”.

## PART 4

### AMENDMENT OF WATER SERVICES ACT 2014

#### No liability in respect of certain charges

21. The Act of 2014 is amended by the insertion of the following section after section 3A (repealed by *section 5*):

“3B. Notwithstanding section 21(1) of the No. 2 Act of 2013, a person shall not be liable to pay, in respect of the period commencing on 1 January 2015 and ending on 30 June 2016, to Irish Water—

- (a) a charge for the provision by Irish Water of water services to a dwelling, (other than a charge under paragraph (b) of section 3(16)), or
- (b) a late payment charge under section 4.”.

#### Refunds

22. The Act of 2014 is amended by the insertion of the following section after section 3B (inserted by *section 21*):

- “3C. (1) Irish Water shall make a payment to a customer of the amount which has been paid by that customer of a charge imposed by Irish Water for the provision by Irish Water of water services to a dwelling.
- (2) The payment by Irish Water under subsection (1) shall be made in relation to the charge imposed for the provision of water services (other than a charge under paragraph (b) of section 3(16)) to a dwelling in respect of the period commencing on 1 January 2015 and ending on 31 March 2016.
- (3) As soon as practicable, and in any event not later than one month after the coming into operation of this section, the Minister shall, for the purposes of this section, give a direction in writing to Irish Water.
- (4) A direction of the Minister under subsection (3) shall direct—
- (a) Irish Water to make payments to customers for the purposes of this section,
  - (b) the manner in which payments under this section shall be made,
  - (c) Irish Water to make payments, within the period specified in the direction, and
  - (d) Irish Water to inform customers of its complaints process under section 32(2)(ee) (inserted by *section 17 (b) of the Water Services Act 2017*) of the No. 2 Act of 2013.
- (5) The Minister, by direction in writing, may, for the purposes of this section, amend or revoke a direction under this section (including a direction under this subsection).
- (6) As soon as practicable after giving a direction to Irish Water under subsection (3) or (5) the Minister shall—
- (a) cause the direction to be published in *Iris Oifigiúil*, and
  - (b) lay a copy of the direction before each House of the Oireachtas.
- (7) Irish Water shall comply with a direction under this section within the time specified in the direction.”.

**Customer dispute resolution: connection to, and use of, public water system**

**23.** The Act of 2014 is amended by the insertion of the following section after section 8:

- “8A. (1) Where providing for a connection to water services provided by Irish Water or where offering terms for the carrying out of work for the purpose of connection to, or use of, water services provided by Irish Water, Irish Water shall not discriminate unfairly as between any persons or classes of persons.
- (2) Any dispute (whether as to the making of an offer, the terms offered, the proposed charges or otherwise) where an offer is made by Irish Water, or where Irish Water refuses to make an offer, in relation to the connection to, or use of, water services provided by Irish Water between—
- (a) Irish Water, and

(b) any person who is, or claims to be, a person to whom Irish Water is requested to make an offer for connection to, or use of, such water services,

may, upon the application of that person, be determined by the Commission in accordance with section 8 and Irish Water shall comply with and be bound by any such determination.

(3) Where Irish Water does not comply with a determination of the Commission under this section, the Commission may apply in a summary manner, on notice to Irish Water, to the High Court for an order requiring Irish Water to comply with the determination of the Commission made under this section within a period to be specified by the Court.

(4) On an application being made to it under subsection (3), the Court may make the order sought or such other order, including an order relating to costs, as it deems appropriate or refuse to make any order.”.

## PART 5

### WATER FORUM

#### CHAPTER 1

##### *Establishment of Water Forum*

##### **Establishment day for Part 5**

24. The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Part.

##### **Establishment of Water Forum**

25. There shall stand established on the establishment day a body, which shall be known, in the Irish language, as An Fóram Uisce or, in the English language, as the Water Forum (in this Act referred to as the “Forum”) to perform the functions conferred on it by this Act.

##### **Functions of Forum**

26. (1) The Forum shall have the following functions:

(a) to advise the Minister in relation to Government water policy having regard to, amongst other things, the following:

(i) water conservation;

(ii) rural water services;

(iii) the interests of the customers of Irish Water;

(b) to make recommendations to Irish Water—

(i) in relation to the performance by Irish Water of its functions, and

(ii) when requested in writing in that behalf by Irish Water, on any policy document prepared by Irish Water;

- (c) to advise and provide observations to the Commission—
    - (i) in relation to the performance by Irish Water of its functions, and
    - (ii) when requested in writing in that behalf by the Commission, on any consultation document prepared by the Commission in respect of water services provided by Irish Water;
  - (d) to advise the Water Policy Advisory Committee (established by Regulation 3 of the European Union (Water Policy) Regulations 2014 (S.I. No. 350 of 2014))—
    - (i) in relation to any river basin management plan (within the meaning of Regulation 13 of the European Communities (Water Policy) Regulations 2003 (S.I. No. 722 of 2003)) and implementation of that plan,
    - (ii) on matters pertaining to the objectives of the EU Water Framework Directive, and
    - (iii) on such other related matters concerning the management of the inland aquatic environment and water resources;
  - (e) to examine such other water-related matters, including the carrying out of research concerning those matters, as the Minister requests the Forum to examine and to advise the Minister accordingly.
- (2) In carrying out its functions under this section, the Forum shall have regard to the functions of the Commission and the Agency.
- (3) Subject to this Act, the Forum shall have all such powers as are necessary or expedient for the performance of its functions.
- (4) In this section—
- “EU Water Framework Directive” has the meaning assigned to it in the Act of 2007;
- “water services” has the meaning assigned to it in the Act of 2007.

#### **Membership of Forum**

- 27.** (1) The Forum shall consist of not less than 20 and not more than 40 members (including a chairperson).
- (2) The members of the Forum shall be appointed by the Minister.
- (3) The Minister shall, having regard to the functions to be performed by the Forum, make regulations prescribing—
- (a) the composition of the Forum,
  - (b) the term of office, the cessation of office and the eligibility for reappointment of members of the Forum,
  - (c) the knowledge and expertise required of members of the Forum,
  - (d) membership, by a member of the Forum, of either House of the Oireachtas, the European Parliament or a local authority,
  - (e) sectors to be represented on the Forum,
  - (f) the arrangements in respect of meetings of the Forum, and

- (g) such other matters as the Minister considers necessary for the operation and administration of the Forum.
- (4) A member of the Forum shall hold office on such terms and conditions (including terms and conditions in relation to allowances and reimbursement of expenses incurred) as may be determined by the Minister with the consent of the Minister for Public Expenditure and Reform.

#### **Removal or resignation of member of Forum**

- 28.** (1) A member ceases to be a member of the Forum if—
- (a) he or she has become incapable through ill health of effectively performing his or her functions,
  - (b) he or she has committed stated misbehaviour,
  - (c) his or her removal appears to the Minister to be necessary for the effective performance by the Forum of its functions, or
  - (d) he or she is—
    - (i) convicted on indictment of an offence,
    - (ii) convicted of an offence involving fraud or dishonesty, or
    - (iii) convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State.
- (2) Where a member of the Forum—
- (a) dies,
  - (b) ceases to be a member of the Forum,
  - (c) resigns his or her membership of the Forum, or
  - (d) is removed from membership of the Forum,
- the Minister may appoint a person to fill the vacancy for the remainder of the term of office of the member whose death, cessation of membership, resignation or removal occasioned the vacancy and that person so appointed shall, subject to this section, be eligible for reappointment as a member of the Forum on the expiry of such period.
- (3) A member may resign his or her membership of the Forum by letter addressed to the Minister.
- (4) A resignation under *subsection (3)* shall be effective on the later of—
- (a) the date (if any) specified in the letter, or
  - (b) such other date as may be agreed by the member with the Minister.

## CHAPTER 2

### *Operation of Water Forum*

**Chairperson of Forum**

29. The Minister shall appoint a member of the Forum to be the chairperson of the Forum (in this Part referred to as the “chairperson”) for a period not exceeding 3 years.

**Chairing of meetings of Forum**

30. (1) The chairperson shall chair the meetings of the Forum, and, in the event of the chairperson not being present at a meeting of the Forum, the members of the Forum who are present shall choose another member to chair the meeting.

(2) Where the office of chairperson becomes vacant, the Minister shall designate one of the members of the Forum to chair its meetings until a chairperson is appointed by the Minister.

**CHAPTER 3***Administration and reporting***Grants to Forum**

31. In each financial year, the Minister may advance to the Forum out of moneys provided by the Oireachtas such sums as the Minister may, with the consent of the Minister for Public Expenditure and Reform, determine.

**Annual report of Forum**

32. (1) The Forum shall, not later than—

(a) the 30th day of April following the first complete calendar year after the establishment day, prepare and submit to the Minister a report (in this section referred to as the “annual report of the Forum”) in relation to the performance of its functions during the period since its establishment, and

(b) the 30th day of April in each subsequent year, prepare and submit to the Minister a report (in this section also referred to as the “annual report of the Forum”) in relation to the performance of its functions during the preceding calendar year.

(2) An annual report of the Forum shall include such particulars (including all proper and usual accounts of money received or expended by it) as the Forum may determine to be appropriate to include in the report or as may be directed by the Minister.

(3) As soon as practicable after receipt of an annual report of the Forum, the Minister shall cause a copy of the report to be laid before each House of the Oireachtas.

**PART 6****DISSOLUTIONS AND TRANSFER OF FUNCTIONS**

**Definition**

33. In this Part “establishment day” shall be construed in accordance with *section 24*.

**Dissolutions**

34. The following bodies, which in this Act are referred to as the “dissolved bodies”, are dissolved on the establishment day:

- (a) the Public Water Forum;
- (b) the National Rural Water Services Committee.

**Transfer of functions**

35. On the establishment day, all functions that, immediately before the establishment day, were vested in either of the dissolved bodies shall stand transferred to the Forum.

**References in enactments**

36. References to either of the dissolved bodies in any enactment (other than this Act) or any instrument made under such an enactment shall, on and after the establishment day, be construed as references to the Forum.

**Transfer of land and other property to Forum**

37. (1) On the establishment day, all lands that, immediately before that day, were vested in either of the dissolved bodies and all rights, powers and privileges relating to or connected with such lands shall, without any conveyance or assignment, stand vested in the Forum for all the estate or interest therein that, immediately before the establishment day, was vested in the dissolved bodies, but subject to all trusts and equities affecting the lands concerned continuing to subsist and being capable of being performed.

(2) On the establishment day, all property (other than land), including choses-in-action, that, immediately before that day, was vested in either of the dissolved bodies shall stand vested in the Forum without any assignment.

(3) Every chose-in-action vested in either of the dissolved bodies by virtue of *subsection (2)* may, on and from the establishment day, be sued on, recovered or enforced by the Forum in its own name and it shall not be necessary for the Forum, or either of those dissolved bodies, as the case may be, to give notice to any person bound by any such chose-in-action of the vesting by that subsection.

**Transfer of rights and liabilities, and continuation of leases, licences and permissions to Forum**

38. (1) All rights and liabilities of either of the dissolved bodies arising by virtue of any contract or commitment (expressed or implied) entered into by either of them before the establishment day shall on that day stand transferred to the Forum.

(2) Every right and liability transferred by *subsection (1)* to the Forum may, on and after the establishment day, be sued on, recovered or enforced by or against the Forum in its own name, and it shall not be necessary for the Forum, or either of the dissolved bodies, as the case may be, to give notice



to the person whose right or liability is transferred by that subsection of such transfer.

- (3) Every lease, licence, wayleave or permission granted by either of the dissolved bodies in relation to land or other property vested in the Forum by or under this Act, and in force immediately before the establishment day, shall continue in force as if granted by the Forum.

#### **Liability for loss occurring before establishment day**

39. (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 establishment day of a function of either of the dissolved bodies shall, on and after that day, lie against the Forum and not against the dissolved body concerned.
- (2) Any legal proceedings pending immediately before the establishment day to which either of the dissolved bodies is a party, that relate to a function of either of the dissolved bodies transferred by this Act, shall be continued on and after that day, with the substitution in the proceedings of the Forum, in so far as they so relate, and the proceedings shall not abate by reason of such substitution.
- (3) Where, before the establishment day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of the 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, shall on or after that day, in so far as they are enforceable against either of the dissolved bodies be enforceable against the Forum and not the dissolved body concerned.
- (4) Any claim made or proper to be made by either of the dissolved bodies in respect of any loss or injury arising from the act or default of any person before the establishment day shall, on and after the establishment day where the claim relates to a function of either of the dissolved bodies transferred by this Act, be regarded as having been made by or proper to be made by the Forum and may be pursued and sued for by the Forum as if the loss or injury had been suffered by the Forum.

#### **Provisions consequent upon transfer of functions, assets and liabilities to Forum**

40. (1) Anything commenced and not completed before the establishment day by or under the authority of either of the dissolved bodies may, in so far as it relates to a function of either of the dissolved bodies transferred by this Act be carried on or completed on or after that day by the Forum.
- (2) Every instrument made under an enactment and every document (including any certificate) granted or made, by either of the dissolved bodies, if and in so far as it was operative immediately before the establishment day, shall have effect on and after that day as if it had been granted or made by the Forum.
- (3) References to either of the dissolved bodies in the memorandum and articles of association or constitution of any company relating to a function conferred on the Forum by this Act shall, on and after the establishment day, be construed as references to the Forum.
- (4) All moneys, stocks, shares and securities transferred by *section 37* that, immediately before the establishment day, were standing in the name of either of the dissolved bodies shall, on the request of the Forum, be transferred to the Forum in its own name.

- (5) A certificate signed by the Minister that any property, right or liability has or has not vested in the Forum under *section 37* or *38* shall be sufficient evidence, unless the contrary is shown, of the fact so certified for all purposes.

#### **Records of dissolved bodies**

41. Each record held by either of the dissolved bodies immediately before the establishment day shall, on that day, stand transferred to the Forum and shall, on and after that day, be the property of the Forum and be regarded as being held by the Forum.

## **PART 7**

### **WATER ADVISORY BODY**

#### **Establishment day for *Part 7***

42. F1[...]

#### **Establishment of Water Advisory Body**

43. F2[...]

#### **Functions of Advisory Body**

44. (1) F3[...]  
(2) F4[...]  
(3) F4[...]  
(4) F4[...]  
(5) F4[...]  
(6) F4[...]

#### **Membership of Advisory Body**

45. F5[...]

#### **Chairperson of Advisory Body**

46. F6[...]

#### **Term of office of members**

47. F7[...]

#### **Resignation of member**

48. F8[...]

**Membership of either House of Oireachtas, European Parliament or local authority**

49. F9[...]

**Meetings and procedures of Advisory Body**

50. F10[...]

**Declaration of interests**

51. F11[...]

**Grants to Advisory Body and other support**

52. F12[...]

**Annual report of Advisory Body**

53. F13[...]

**PART 8****MISCELLANEOUS AMENDMENTS RELATING TO FINANCE****Transfer of local property tax to the Local Government Fund**

54. The Finance (Local Property Tax) Act 2012 is amended by the substitution of the following section for section 157:

“157. (1) The Minister shall pay from the Central Fund (or the growing produce thereof) into the Local Government Fund an amount equivalent to the local property tax paid into the Central Fund during the financial years 2014 to 2017.

(2) Notwithstanding section 960D of the Taxes Consolidation Act 1997, in each financial year commencing with the year 2018, the Revenue Commissioners shall pay into the Local Government Fund the local property tax received by them during that year.

(3) In this section ‘local property tax’ includes any interest or penalties paid thereon.”

**Amendment of section 2 of Act of 1998**

55. Section 2 of the Act of 1998 is amended—

(a) in subsection (7), by the insertion of “(other than anything mentioned in section 5(3) or 7(1))” after “Act”,

(b) by the insertion of the following subsection after subsection (7):

“(7A) The Minister for Transport, Tourism and Sport may give a direction for the purpose of anything mentioned in section 5(3) or 7(1) as being the subject of a direction.”,

and

(c) by the insertion of the following subsection after subsection (8):

“(8A) The Minister for Transport, Tourism and Sport may give a direction amending or revoking a direction given by him or her under this Act (including a direction under this subsection).”.

#### **Amendment of section 4 of Act of 1998**

**56.** (1) Section 4(6) of the Act of 1998 is amended—

(a) by the substitution of “On and from 1 January 2018, any moneys received” for “Any moneys received”,

(b) in paragraph (a), by the deletion of “or”,

(c) in paragraph (b), by the insertion of “or” after “1993”,

(d) by the insertion of the following paragraph after paragraph (b):

“(c) by the Minister for Transport, Tourism and Sport from local authorities in accordance with section 5(2),”.

and

(e) by the substitution of “shall be paid into the Central Fund by the Minister for Transport, Tourism and Sport.” for “shall be paid into the Fund by the Minister or the Minister for Transport, as the case may be, other than moneys paid out of the Fund to the Minister for Transport, Tourism and Sport or moneys provided to that Minister by the Oireachtas.”.

(2) Notwithstanding the amendment of section 4(6) of the Act of 1998 under *subsection (1)*, all motor vehicle tax or miscellaneous fees and duties collected up to and including 31 December 2017, by the Minister for Transport, Tourism and Sport and by each local authority, shall continue to be paid into the Local Government Fund.

#### **Amendment of section 5 of Act of 1998**

**57.** (1) Section 5 of the Act of 1998 is amended—

(a) by the deletion of subsection (1)(e),

(b) in subsection (2)—

(i) by the insertion of “on and from 1 January 2018” after “enactment”,  
and

(ii) by the substitution of “to the Minister for Transport, Tourism and Sport” for “into the Fund”,

and

(c) in subsection (3)—

(i) by the substitution of “to the Minister for Transport, Tourism and Sport” for “into the Fund”, and

(ii) by the insertion of “for Transport, Tourism and Sport” after “Minister”.

(2) Any direction of the Minister given under section 5 of the Act of 1998—

(a) shall remain in force notwithstanding the amendment of section 5 of that Act by *subsection (1)*, and

- (b) may be amended by the Minister for Transport, Tourism and Sport in accordance with the said section 5.

#### **Amendment of section 6 of Act of 1998**

**58.** Section 6 of the Act of 1998 is amended—

- (a) by the deletion of subsection (1A),
- (b) by the deletion of subsection (2A),
- (c) by the deletion of subsection (2AB),
- (d) by the deletion of subsection (2B),
- (e) in subsection (2C)—
  - (i) in paragraph (a), by the substitution of “31 December 2017” for “31 January 2017”,
  - (ii) in paragraph (b)—
    - (I) in subparagraph (i) by the insertion of “and” after “Fund,”,
    - (II) in subparagraph (ii) by the substitution of “generally.” for “generally, and”, and
    - (III) by the deletion of subparagraph (iii),
- and
- (iii) by the substitution of the following paragraph for paragraph (c):
  - “(c) The total amounts of all payments made under paragraph (a) shall not exceed €250 million.”,
- (f) by the deletion of subsection (2CA), and
- (g) by the deletion of subsection (9).

#### **Amendment of section 7 of Act of 1998**

- 59.** (1) Section 7(1) of the Act of 1998 is amended by the insertion of “for Transport, Tourism and Sport” after “Minister”.
- (2) Any direction of the Minister given under section 7 of the Act of 1998—
- (a) shall remain in force notwithstanding the amendment of section 7 of that Act by *subsection (1)*, and
  - (b) may be amended by the Minister for Transport, Tourism and Sport in accordance with the said section 7.

## **PART 9**

### **TRANSITIONAL PROVISION AND MISCELLANEOUS AMENDMENTS**

#### **Transitional matters affecting section 22 of No. 2 Act of 2013**

- 60.** (1) Irish Water shall make such consequential amendments to the water charges plan in force on the coming into operation of sections 53A, 53B,

53C and 53D (inserted by *sections 8, 9, 10* and *11* respectively) of the Act of 2007 as are necessary to give effect to those sections.

(2) *Subsection (1)* shall not be read as requiring, on the coming into operation of sections 53A, 53B, 53C and 53D of the Act of 2007—

(a) Irish Water to submit a water charges plan to the Commission under section 22 of the No. 2 Act of 2013, or

(b) the Commission to direct Irish Water to prepare and submit a water charges plan to the Commission under section 22(1) of the No. 2 Act of 2013.

(3) Irish Water shall when amending the water services plan under *subsection (1)* submit the plan which has been so amended to the Commission for approval under section 22(8) of the No. 2 Act of 2013.

(4) In this section “water charges plan” means the water charges plan approved by the Commission under section 22(8) of the No. 2 Act of 2013.

#### **Amendment of Valuation Act 2001**

**61.** Schedule 4 to the Valuation Act 2001 is amended by the deletion of paragraph 21.

#### **Amendment of section 70B of Act of 2007**

**62.** Section 70B of the Act of 2007 is amended—

(a) in subsection (5), by the deletion of “for a period of 5 years”, and

(b) by the deletion of subsections (6) and (7).



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*Number 29 of 2017*

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**WATER SERVICES ACT 2017**

**REVISED**

**Updated to 28 April 2023**

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**About this Revised Act**

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

**Related legislation**

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

- *Water Services Act 2007 (30/2007)*
- *Water Services (Amendment) Act 2012 (2/2012)*
- *Water Services 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](http://www.irishstatutebook.ie).