

Number 30 of 1976.
GAS ACT, 1976.

AN ACT TO MAKE PROVISION WITH RESPECT TO GAS SUPPLY AND FOR THAT PURPOSE TO ESTABLISH A BODY TO BE KNOWN IN THE IRISH LANGUAGE AS BORD GAIS EIREANN AND IN THE ENGLISH LANGUAGE AS THE IRISH GAS BOARD AND TO DEFINE ITS FUNCTIONS, TO MAKE CERTAIN PROVISIONS TO ENABLE THAT BODY TO ACQUIRE LAND AND CERTAIN RIGHTS RELATING TO LAND, TO AMEND CERTAIN ENACTMENTS AND TO MAKE OTHER PROVISIONS CONNECTED WITH THE FOREGOING.

[19th July, 1976]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I
PRELIMINARY AND GENERAL

1 Short title and commencement.

1.-(1) This Act may be cited as the Gas Act, 1976.

(2) This Act, other than this section and sections 2, 3, 6, 34, 35, 36 and 44, shall come into force on the establishment day.

2 Interpretation.

2.-In this Act-

"the Act of 1960" means the Petroleum and Other Minerals Development Act, 1960, as extended by section 4 (2) of the Continental Shelf Act, 1968;

"the Board" means the body established by section 7;

"the Commission" means the Irish Land Commission;

"the Company" means Bord Gáis Éireann Teoranta;

"deviation limits" has the meaning assigned to it by Article 1 of the Second Schedule;

"the establishment day" means the day appointed by the Minister pursuant to section 3;

"exploration licence" has the meaning assigned to it by section 8 of the Act of 1960;

"foreshore" means the bed and shore, between the line of high water of ordinary or medium tides and the line of low water of such tides, of the sea and of every tidal river and tidal estuary and of every channel, creek and bay of the sea or of any such river or estuary;

"functions" includes powers and duties;

"harbour authority" means a harbour authority within the meaning of the Harbours Act, 1946;

"land" includes seashore, land covered with water and foreshore other than foreshore which is the property of the State;

"local authority" means a local authority for the purposes of the Local Government Act, 1941;

"the Minister" means the Minister for Transport and Power;

"natural gas" means any gas derived from natural strata (whether or not it has been subjected to liquification or any other process or treatment);

"owner", except in section 32 (7) and subject to Article 12 of the Second Schedule, in relation to land means,

(a) a person other than a mortgagee not in possession, who, whether in his own right or as trustee or agent for any other person, is entitled to receive the rack rent of the land or, where the land is not let at a rack rent, would be so entitled if it were so let,

(b) a lessee or occupier (other than a tenant for a month or a less period than a month);

"petroleum lease" has the meaning assigned to it by section 13 of the Act of 1960;

"pipeline" means a pipeline used or intended to be used for the transmission of gas and includes part of a pipeline, and, except in section 8 (3) (f), includes any apparatus, equipment or other thing which is ancillary to such a pipeline;

"prescribed" means prescribed by regulations made by the Minister under this Act;

"right over land" includes any wayleave or other easement or any profit á prendre or any right in, on or over any land;

"seashore" means every beach, bank and cliff contiguous to the foreshore and includes all sands and rocks contiguous to the foreshore.

3 Establishment day.

3.-The Minister may by order appoint a day to be the establishment day for the purposes of this Act.

4 Regulations.

4.-(1) The Minister may make regulations for prescribing any matter referred to in this Act as prescribed.

(2) Every regulation made under this Act by the Minister shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next twenty-one days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

5 Service of notices etc.

5.-(1) Where a notice is required by this Act to be served on a person, it shall be addressed to him and may be served on him in some one of the following ways:

(a) where it is addressed to him by name, by delivering it to him,

(b) by leaving it at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address,

(c) by sending it by post in a prepaid registered letter addressed to him at the address at which he ordinarily resides or, in a case in which an address for service has been furnished, at that address,

(d) where the address at which he ordinarily resides cannot be ascertained by reasonable inquiry and the notice or copy is so required to be served in respect of any land or right over land, by delivering the notice or copy to some person over sixteen years of age resident or employed on the land concerned or by affixing it in a conspicuous position on or near such land.

(2) Where a notice is required by this Act to be served on an occupier and the name of the occupier cannot be ascertained by reasonable inquiry, it may be addressed to "the occupier" without naming him.

(3) For the purposes of this section, a company within the meaning of the Companies Act, 1963, shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body shall be deemed to be ordinarily resident at its principal office or place of business.

6 Expenses.

6.-The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II BORD GÁIS ÉIREANN IRISH GAS BOARD

7 Bord Gáis Éireann. Irish Gas Board.

7.-(1) On the establishment day there shall be established a body to be known in the Irish language as Bord Gáis Éireann and in the English language as The Irish Gas Board (which body is in this Act referred to as "the Board") to perform the functions assigned to it by this Act.

(2) The provisions of the First Schedule to this Act shall have effect with respect to the Board.

8 Functions of Board.

8.-(1) It shall be the duty of the Board to develop and maintain a system for the supply of natural gas being a system which is both economical and efficient and which appears to the Board to be requisite for the time being.

(2) In discharging the duties imposed on it under this Act, the Board shall have regard to the sources of supply of natural gas which are available for the time being to the Board and such safety requirements as, in the

opinion of the Board, are necessary in relation to the transmission and distribution of such gas.

(3) Without prejudice to the generality of subsection (1) of this section or to any provision of this Act apart from this section, the Board may-

(a) transmit and distribute natural gas and, subject to subsection (7) of this section, sell and supply natural gas acquired by it (whether or not such gas has been prepared, processed or treated),

(b) purchase or otherwise acquire natural gas from any source,

(c) liquify or otherwise prepare, process or treat natural gas,

(d) fix, make and recover charges for any gas sold or any gas supply or service or facility provided or thing undertaken pursuant to this section by the Board, or fix and accept subscriptions for any service or facility so provided,

(e) attach such other terms and conditions as the Board shall think fit, to any sale of gas or as regards any gas supply or service or facility, provided by it,

(f) subject to subsections (7), (8) and (9) of this section, provide, operate or maintain, or provide, operate and maintain, whether for use by the Board or by a person other than, the Board, such pipelines, terminals, pressure-reducing stations, off-take stations, vessels, vehicles, works, services, facilities or other things as are necessary or expedient in relation to, or ancillary to, the provision, development or maintenance of a system of gas supply,

(g) for or on behalf of the owner of a pipeline used or intended to be used to supply gas to the Board, provide, operate or maintain, or provide, operate and maintain, anything which is a thing mentioned in paragraph (f) of this subsection,

(h) provide for any other person any or all of the following services and facilities relating to the development or supply of gas, namely, advice or assistance, research services or research or training facilities,

(i) subject to subsection (5) of this section, subscribe or guarantee money for charitable or benevolent objects or to or for any institution or for any public, general or useful object,

(j) draw, make, accept, endorse, discount, negotiate or issue bills of exchange, promissory notes or other negotiable or transferable instruments,

(k) subject to subsection (6) of this section, accept a gift of money, land or other property upon such trusts and conditions (if any) as may be specified by the person making the gift,

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

(4) Notwithstanding subsection (1) of this section, insofar as it may seem to the Board to be requisite, the Board may purchase or otherwise acquire, manufacture, transmit or distribute gas, other than natural gas, for the purpose of selling or supplying it in substitution for natural gas.

(5) In case the Board pursuant to subsection (3) (i) of this section,

(i) gives a subscription exceeding £1, 000 or

(ii) in any particular year gives for or to a particular object or institution two or more subscriptions the aggregate of which exceeds £1, 000.

the subscription or subscriptions, as may be appropriate, together with the object or institution to which it or they relate shall be specified in the accounts kept by the Board pursuant to this Act.

(6) The Board shall not accept any gift pursuant to subsection (3) (k) of this section if the trusts and conditions attached by the donor to its acceptance are inconsistent with the functions of the Board.

(7) The Board shall not export gas or construct a pipeline, except pursuant to and in accordance with a consent given by the Minister under this subsection and the Minister shall, if he thinks fit, when giving such a consent attach conditions to the consent, and in addition to the foregoing, where the consent relates to the export of gas, the consent shall be given by the Minister only after consultation with the Minister for Industry and Commerce.

(8) Without prejudice to the generality of subsection (7) of this section, the Minister may attach to a consent given under that subsection for the construction by the Board of a pipeline, conditions requiring to be observed, as regards the pipeline, specified codes and standards of safety or efficiency regarding all or any of the following,

- (a) the construction of pipelines,
- (b) the operation of pipelines,
- (c) the maintenance of pipelines.

(9) In case the Board constructs a pipeline the Board shall take all reasonable measures to protect the natural environment and to avoid injuring the amenities of the area and, in particular, and without prejudice to the generality of the foregoing, the Board shall while constructing the pipeline take all reasonable steps to prevent injury to any building, site, flora, fauna, feature or other thing which is of particular architectural, historic, archaeological, geological or natural interest, and when selecting the route for the pipeline the Board shall consult the Commission and in addition shall have regard to any representations made to the Board as regards the route of such pipeline by any local authority within whose functional area a proposed route, or any part of such a route would, if the pipeline were constructed, be situate, or any of the following on, in or over whose land such route or part would in such circumstances be situate, namely;

- (a) a harbour authority,
- (b) the Electricity Supply Board or any other electricity undertaker,
- (c) Córas Iompair Éireann or any other railway undertaker,
- (d) a gas undertaker (other than the Board).

9 Conferring of additional functions on Board.

9.-(1) The Minister may, with the consent of the Minister for Finance and of the Minister for the Public Service, and after consultation with such other Minister of State (if any) as appears to the Minister to be concerned, by order confer on the Board such function (in addition to the functions conferred on the Board by this Act), being related to the provision of a supply of gas, as the Minister thinks proper and specifies in the order, and any such order may provide for the performance of the function subject to conditions specified in the order and may contain

such incidental and supplementary provisions as the Minister thinks necessary or expedient for giving full effect to the order.

(2) The Minister may, with the consent of the Minister for Finance and of the Minister for the Public Service, revoke or amend an order under this section (including an order under this subsection), and in case the order to be amended or revoked by an order under this subsection was made by the Minister after consultation with a Minister of State, before making the order under this subsection the Minister shall in addition consult that Minister of State.

(3) When an order under this section is proposed to be made by the Minister, 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 of the draft has been passed by each such House.

10 Board to cover outgoings and earn reasonable return on capital.

10.-Subject to section II of this Act, it shall be the duty of the Board in performing its functions, as soon as may be after the establishment day to secure that taking one year with another,

(a) its operating expenditure, including all charges properly chargeable to revenue, shall not be greater than its revenue, and

(b) it earns a reasonable return on any capital it employs.

11 Directions as to profits, financial objectives and pricing policy of Board.

11.-(1) The Minister may, from time to time, with the consent of the Minister for Finance give the Board such general directives concerning the pricing policy as to the sale or supply of gas or the financial objectives of the Board as he considers appropriate.

(2) The Minister may, from time to time, with the consent of the Minister for Finance direct that the profits of the Board in a year specified in the direction shall be applied in such manner (including application for the benefit of the Exchequer) as is specified in the direction.

(3) In performing its functions the Board shall-

(a) comply with any direction under this section or any directive under this section concerning its pricing policy as to the sale or supply of gas,

(b) have regard to any directive under this section concerning its financial objectives.

(4) Nothing in this section shall be construed as enabling the Minister to exercise any power or control in relation to a price to be charged by the Board in a particular case.

12 Contracts by Board.

12.-Any contract or instrument which, if entered into or executed by a person not being a body corporate, would not require to be under seal may be entered into or executed on behalf of the Board by any person generally or specially authorised by the Board for that purpose.

13 Disclosure by member of Board of interest in proposed contract.

13.-(1) A member of the Board who is either directly or indirectly interested in any company or concern with which the Board proposes to make any contract, or in any contract which the Board proposes to make-

(a) shall disclose to the Board the fact and the nature of such interest at the meeting of the Board at which the question of entering into such contract is first considered or, if he has no such interest at that time, as soon as may be after he has acquired such interest,

(b) shall take no part in any deliberations of the Board relating to such contract save to such extent as the chairman of the Board may permit,

(c) shall not vote on a decision relating to such contract, and

(d) shall not be counted in the quorum present at the meeting dealing with such contract.

(2) A disclosure under this section shall be recorded in the minutes of the Board.

(3) Where the Minister is satisfied that a member of the Board has failed to comply with a requirement of subsection (1) of this section he may, if he thinks fit, remove that member from office, and in case a person is removed from office pursuant to this subsection he shall thenceforth be disqualified for membership of the Board.

14 Annual report and information to Minister.

14.-(1) The Board shall, as soon as may be after the end of its financial year, make a report to the Minister of its proceedings during that financial year and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.

(2) The Board shall supply the Minister with such information relating either to a report made under this section or to its activities, other than day to day administration, as he shall from time to time request.

(3) The Minister may from time to time require the Board to prepare and submit to the Minister particulars of its plans regarding the performance of its functions in the future, and any requirement made by the Minister under this subsection shall be complied with by the Board.

15 Accounts and audits.

15.-(1) The Board shall keep in such form as may be approved by the Minister, with the consent of the Minister for Finance, all proper and usual accounts of all moneys received or expended by it.

(2) Accounts kept in pursuance of this section shall be submitted for audit by the Board to an auditor appointed by the Board with the approval of the Minister given with the consent of the Minister for Finance, to audit the accounts which, when so audited, shall be presented by the Board to the Minister who shall cause copies thereof to be laid before both Houses of the Oireachtas.

(3) The fees of an auditor duly appointed by the Board under this section shall be paid by the Board out of moneys at its disposal.

(4) The Board shall, if so required by the Minister, furnish the Minister with such information as he may require regarding any account submitted by the Board under this section.

16 Staff of Board.

16.-(1) The Board shall appoint such and so many persons to be officers and servants of the Board as the Board from time to time thinks proper.

(2) An officer or servant of the Board shall hold his office or employment on such terms and conditions as the Board from time to time determines.

(3) There shall be paid by the Board to its officers and servants such remuneration and allowances for expenses as the Board thinks fit, subject to, in the case of its chief officer (whether that officer is described as the Chief Officer or otherwise), the approval of the Minister given with the consent of the Minister for the Public Service.

(4) In determining the remuneration or allowances for expenses to be paid to its officers or servants or the terms or conditions subject to which such officers or servants hold or are to hold their employment, the Board shall have regard either to Government or nationally agreed guidelines which are for the time being extant, or to Government policy concerning remuneration and conditions of employment which is so extant, and, in addition to the foregoing, the Board shall comply with any directives with regard to such remuneration, allowances, terms or conditions which the Minister may give from time to time to the Board with the consent of the Minister for the Public Service.

17 Consultants and advisers.

17.-(1) Subject to subsection (2) of this section, the Board may from time to time engage such consultants or advisers as it may consider necessary for the discharge of its functions and any fees due to a consultant or adviser engaged pursuant to this section shall be paid by the Board out of moneys at its disposal.

(2) A contract made by the Board pursuant to this section shall not be for any period which is a period exceeding three years.

18 Superannuation of officers and servants of Board.

18.-(1) As soon as conveniently may be after the establishment day, the Board shall prepare and submit to the Minister for his approval a contributory scheme or schemes for the granting of pensions, gratuities and other allowances on retirement or death to or in respect of such officers or servants of the Board as it may think fit.

(2) The Board may, at any time, prepare and submit to the Minister a scheme amending or revoking a scheme under this section.

(3) Where a scheme is submitted to the Minister pursuant to this section, the Minister may, with the concurrence of the Minister for the Public Service, approve the scheme.

(4) A scheme submitted to the Minister under this section shall, if approved of by the Minister with the concurrence of the Minister for the Public Service, be carried out by the Board in accordance with its terms.

(5) A scheme submitted and approved under this section shall fix the time and conditions of retirement for all persons to or in respect of whom pensions, gratuities, or allowances on retirement or death are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(6) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance

payable in pursuance of a scheme under this section, such dispute shall be submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

(7) No pension, gratuity or other allowance shall be granted by the Board on the resignation, retirement or death of an officer or servant of the Board otherwise than in accordance with a scheme under this section.

(8) Every scheme submitted and approved of under this section shall be laid before each House of the Oireachtas as soon as may be after it is approved of and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

19 Membership of either House of the Oireachtas of officers or servants of Board.

19.-(1) Where a person who is either an officer or servant of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas, he shall stand seconded from employment by the Board and shall not be paid by or be entitled to receive from the Board any remuneration or allowances -

(a) in case he is nominated as a member of Seanad Éireann, in respect of the period commencing on his acceptance of the nomination and ending when he ceases to be a member of that House,

(b) in case he is nominated for election to either such House, in respect of the period commencing on his nomination and ending when he ceases to be a member of that House or fails to be elected or withdraws his candidature, as may be appropriate.

(2) A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall, while so entitled, be disqualified from becoming an officer or servant of the Board.

20 Disclosure of information.

20.-(1) A person shall not, without the consent of the Board, disclose any information obtained by him while performing duties as a member, officer or servant of, or an adviser or consultant to, the Board.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £100.

(3) Nothing in subsection (1) of this section shall prevent-

(a) disclosure of information in a report made to the Board or (on behalf of the Board) to the Minister,

(b) disclosure of information by the Board for the purpose of a scheme of research or development.

(4) A member of the Board shall not be prevented from disclosing information for the purpose of a scheme of research or development.

21 Board's capital commitments.

21.-(1) The Board shall not, without the approval of the Minister given with the consent of the Minister for Finance, enter into a capital commitment the amount of which exceeds an amount specified for the time being for the purpose of this section and relating to the commitment.

(2) The Minister may from time to time, with the consent of the Minister for Finance, specify amounts for

the purposes of this section and such an amount may be so specified in relation to capital commitments generally or in relation to capital commitments of a particular class or description.

22 Advances to Board by Minister for Finance.

22.-(1) For the purpose of enabling the Board to perform its functions the Minister for Finance may, on the recommendation of the Minister, advance from time to time to the Board out of the Central Fund or the growing produce thereof such sums as the Board may from time to time request.

(2) Advances under subsection (1) of this section shall be made on such terms as to repayment, interest and other matters as may be determined by the Minister for Finance.

(3) The aggregate at any one time of sums advanced under this section and which have not been repaid shall not exceed £25, 000, 000.

(4) All sums paid by the Board in repayment of an advance under subsection (1) of this section or in pursuance of any term or condition subject to which an advance was made under this section shall be paid into or disposed of for the benefit of the Exchequer.

23 Borrowing by Board for capital purposes.

23.-(1) The Board may from time to time borrow money, including money in a currency other than the currency of the State, to defray expenditure incurred by it that is properly chargeable to capital.

(2) The aggregate at any one time either of borrowings under this section, or of such borrowings and any advances under section 22 of this Act, which have not been repaid, shall not exceed £25, 000, 000.

(3) The Board shall not borrow money under this section except with the prior consent of the Minister given with the approval of the Minister for Finance.

(4) For the purposes of calculating the amount of borrowings by reference to the limit on principal in subsection (2) of this section the equivalent in the currency of the State of borrowings in a foreign currency shall be calculated at the exchange rate prevailing at the time of the borrowing.

24 Temporary borrowing by Board.

24.-The Board may, with the consent of the Minister given with the approval of the Minister for Finance, borrow temporarily either by arrangement with bankers or otherwise such sums as it may require for the purpose of providing for current expenditure.

25 State guarantee of borrowings by Board for capital purposes.

25.-(1) The Minister for Finance may guarantee, in such form and manner and on such terms and conditions as he thinks fit, the due repayment by the Board of the principal of any moneys (including moneys in a currency other than the currency of the State) borrowed by the Board, other than from the Minister for Finance under section 22 of this Act, or the payment of interest on such moneys or both the repayment of the principal and the payment of the interest and any such guarantee may include a guarantee of payment of incidental expenses arising in connection with such borrowings.

(2) The Minister for Finance shall not so exercise the powers conferred on him by this section that the amount, or the aggregate amount, of principal which he may at any one time be liable to repay on foot of any

guarantee or guarantees under this section for the time being in force, together with the amount of principal (if any) which the said Minister has previously paid on foot of any guarantee under this section and which has not been repaid by the Board, exceeds £25, 000, 000.

(3) For the purposes of calculating the amount of borrowings guaranteed by the Minister for Finance under this section by reference to the limit on principal in subsection (2) of this section, the equivalent in the currency of the State of borrowings in a foreign currency shall be calculated at the exchange rate prevailing at the time of the giving of the guarantee.

(4) The Minister for Finance shall, as soon as may be after the expiration of every financial year, lay before each House of the Oireachtas a statement setting out with respect to each guarantee under this section given during that year or given at any time before, and in force at, the commencement of that year-

(a) particulars of the guarantee.

(b) in case any payment has been made by the Minister under the guarantee before the end of that year, the amount of the payment and the amount (if any) repaid to the Minister on foot of the payment,

(c) the amount of principal covered by the guarantee which was outstanding at the end of that year.

(5) All moneys from time to time required by the Minister for Finance to meet sums which may become payable by him under this section shall be advanced out of the Central Fund or the growing produce thereof.

(6) Moneys paid by the Minister for Finance under a guarantee under this section shall be repaid to him (with interest thereon at such rate or rates as he appoints) by the Board within two years from the date of the advance of the moneys out of the Central Fund.

(7) Where the whole or any part of moneys required by subsection (6) of this section to be repaid to the Minister for Finance has not been paid in accordance with that subsection, the amount so remaining outstanding shall be repaid to the Central Fund out of moneys provided by the Oireachtas.

(8) Notwithstanding the provision of moneys under subsection (7) of this section to repay the amount to the Central Fund, the Board shall remain liable to the Minister for Finance in respect of that amount and that amount (with interest thereon at such rate or rates as the Minister for Finance appoints) shall be repaid to the said Minister by the Board at such times and in such instalments as he appoints and, in default of repayment as aforesaid and without prejudice to any other method of recovery, shall be recoverable as a simple contract debt in any court of competent jurisdiction.

(9) Moneys paid by the Board under subsection (6) or (8) of this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister for Finance thinks fit.

(10) In relation to guarantees given by the Minister for Finance in money in a currency other than the currency of the State-

(i) each of the references to principal, each of the references to interest and the reference to incidental expenses in subsection (1) of this section shall be taken as referring to the equivalent in currency of the State of the actual principal, the actual interest and the actual incidental expenses, respectively, such equivalent being calculated according to the cost in currency of the State of the actual principal, the actual interest or the actual incidental expenses, as may be appropriate,

(ii) the reference to principal in subsection (4) of this section shall be taken as referring to the equivalent in currency of the State of the actual principal, such equivalent being calculated according to the rate of exchange for the time being for that currency and the currency of the State,

(iii) each of the references to moneys in subsections (5) to (8) of this section shall be taken as referring to the cost in the currency of the State of the actual moneys.

26 Entry on land by Board.

26.-(1) Any officer of the Board or any other person appointed in writing by the Board to be an authorised officer for the purposes of this section (which person is subsequently in this section referred to as an "authorised person") may at any reasonable time enter on any land for any one or more of the following purposes, namely;

(a) for inspecting and surveying the land and making thereon any inquiry, investigation or examination for the purpose of ascertaining whether or not the land, or a right over the land, is suitable for acquisition by the Board for a purpose of this Act,

(b) for carrying out thereon any investigation or examination preliminary or incidental to the acquisition by the Board of the land or any right over the land.

(2) An authorised person entering on land under this section may do thereon all things ancillary to or reasonably necessary for the purpose for which the entry is made, and without prejudice to the foregoing he may in particular do, or cause to be done, any of the following, namely, line sight, drill, bore, probe or excavate, or carry out soil tests and, if necessary, remove soil.

(3) Before an authorised person enters under subsection (1) of this section on any land, he shall either obtain the consent, in the case of occupied land, of the occupier, or, in the case of unoccupied land, of the owner, or shall give to the owner or occupier, as the case may be, not less than fourteen days' notice in writing of his intention to make the entry.

(4) A person to whom a notice of intention to enter on land has been given under this section by an authorised person may, not later than fourteen days after the giving of such notice, apply, on notice to such authorised person, to the Justice of the District Court having jurisdiction in the district court district in which the land is situate for an order prohibiting the entry, and, upon the hearing of the application, the Justice may, if he so thinks proper, either wholly prohibit the entry or specify conditions to be observed by the authorised person making the entry.

(5) Where a Justice of the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under subsection (1) of this section on the land, and where a Justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters land under the said subsection (1) shall observe the conditions so specified.

27 Powers of Board in relation to the construction, maintenance and repair of pipelines.

27.-(1) Subject to subsections (7), (8) and (9) of section 8 of this Act and to the following subsections of this section, for the purpose of constructing, maintaining or repairing any pipeline (whether or not the pipeline is the property of the Board) the Board may do all or any of the following, namely-

(a) alter, repair or demolish any building or part thereof,

(b)alter, repair, remove or demolish any fence, hedge, tree or wall,

(c) in case any part of a pipeline is below the surface of land, place on the land markers to indicate the presence of the pipeline beneath the surface of the land,

(d)dig, break or otherwise temporarily close, cross, extend, divert or otherwise interfere with or alter any road, railway, navigable waterway, river, stream or other watercourse, bridge, tunnel, culvert, pipe, drain or other thing,

provided that in relation to a fence, hedge, tree, wall or building which is adjacent to a public road, or the placing by the Board of a marker on or adjacent to such a road, the Board shall only exercise a power under this subsection with the consent of the road authority concerned, and in case there is a dispute as to whether a particular fence, hedge, tree, wall or building is adjacent to a public road, or as to whether a marker will when placed be in or adjacent to such a road, the matter shall be referred by the Board to the Minister to determine and his decision shall be final.

(2) The Board shall not, in relation to a thing owned by the Commission, a road authority, a person specified or described in section 8 (9) of this Act or the Minister or any other Minister of State, exercise a power mentioned in subsection (1) of this section except with the consent of the Commission, road authority, person or Minister of State concerned and in giving such consent the Commission, authority, person or Minister may attach thereto such reasonable conditions as it or he thinks fit and in addition to the foregoing,

(a) the Board shall not enter on or take possession of any dwellinghouse in exercise of such a power without giving the occupier thereof three months' previous notice in writing of its intention so to do, and

(b) the Board shall not so enter on or take possession of any land, other than a dwellinghouse, without giving the occupier thereof one month's previous notice in writing of its intention so to do.

(3) Subject to section 33 of this Act, the Board or their servants or agents or any contractor employed by the Board or any workman employed by such contractor may, with or without vehicles, machinery or other apparatus or equipment, for the purpose of,

(a) gaining access to the site of a pipeline which is constructed or which is in the course of construction or is to be constructed by the Board,

(b) gaining access to a pipeline (whether or not the pipeline is the property of the Board) in order to inspect, repair, maintain or replace it,

enter on land at any reasonable time, or, in the case of an emergency, at any time.

(4) (a) Subject to paragraphs (b) and (c) of this subsection, to subsection (1) of this section, and to section 33 of this Act, the Board may for any purpose mentioned in subsection (3) of this section construct on or over any land a bridge, road or pathway of any description, and when constructed by the Board, use and maintain such bridge, road or pathway.

(b) Before exercising a power to construct under this subsection the Board shall obtain the consent of the local authority within whose functional area the proposed road or pathway or bridge, or any part thereof, is proposed to be situate.

(c) Where the Board proposes to construct under this subsection a bridge, road or pathway on any land

which belongs to the Commission or otherwise belongs to the State or is vested in a Minister of State, before exercising any of their powers in relation to the provision of the bridge, road or pathway, the Board shall first obtain the consent of-

- (i) in case the land belongs to the Commission, the Commission,
- (ii) in case the land otherwise belongs to the State, the Minister for Finance, and
- (iii) in case the land is vested in a Minister of State, that Minister,

and the requirements of this paragraph are in addition to and not in substitution for the requirements of paragraph (b) of this subsection.

(5) A person entering on land under this section may do thereon all things ancillary to or reasonably necessary for the purpose for which the entry is made, and without prejudice to the foregoing such person may in particular do, or cause to be done, any of the following, namely, line sight, drill, bore, probe or excavate, or carry out soil tests and, if necessary, remove soil.

(6) In this section "road authority" has the same meaning as in section 2 of the Local Government Act, 1946.

28 Restriction on compulsory acquisition etc. of land held by Board and certain rights over or in respect of land.

28.-Notwithstanding anything contained in any enactment other than this Act, a person (other than the Minister) shall not, without the previous consent of the Minister, acquire compulsorily any land held by the Board or acquire, terminate, restrict or otherwise interfere with compulsorily or alienate, without the consent of the Board, any easement, wayleave or other right whatsoever over or in respect of any such land or interfere with compulsorily any easement, wayleave or other right whatsoever of the Board over or in respect of land.

29 Disposal etc. by Board of mineral rights restricted.

29.-(1) Notwithstanding anything otherwise contained in this Act, the Board shall sell, let, lease or demise or otherwise dispose of or grant a licence or right in respect of any right of working minerals which is vested in the Board (whether exclusive of any other person or otherwise) only with the consent of the Minister given after consultation with the Minister for Industry and Commerce.

(2) In this section "working" and "minerals" have the same meanings as they have in section 2 and section 3, respectively, of the Minerals Development Act, 1940.

30 Board may make certain bye-laws.

30.-(1) The Board may make bye-laws for the protection and safety of the Board's system for the transmission and distribution of gas or any part of such system, including in particular any pipeline, pressure-reducing station, off-take station or terminal.

(2) A bye-law made by the Board under this section shall be submitted to the Minister for his approval.

(3) Whenever the Board submits a bye-law for approval by the Minister, the following provisions shall have effect:

- (a) the Board shall, as soon as conveniently may be after the submission, publish a notice of the

submission at least once in each of two successive weeks in three newspapers (of which at least one shall be a morning daily newspaper) circulating in the area in which the system or part of the system to which it is intended the bye-law will apply is situate:

(b)the notice shall include a statement of the purposes for which the bye-law is made, an intimation that a copy of the bye-law is open for public inspection at the principal office of the Board and that any person may submit to the Minister objections to the approval of the bye-law at any time during the period of sixty days commencing on the date of the first publication of the notice,.

(c) the Board shall, during the said period of sixty days, keep a copy of the bye-law open for public inspection during ordinary office hours at the principal office of the Board;

(d)any person who objects to the approval of the bye-law may submit his objections to the Minister in writing at any time during the said period of sixty days;

(e) the Minister shall, as he may think proper, refuse to approve of the bye-law or approve thereof without modifications or make such modifications therein as he may think proper and approve of the bye-law as so modified, but in case he approves of the bye-law (whether with or without modification), he shall not so approve until the expiration of the said period of sixty days and shall consider all objections to the approval of the bye-law submitted to him during that period;

(f) if approved of by the Minister, the bye-law, as so approved of, shall come into force forthwith.

(4) A document which purports to be a copy of bye-laws made under this section, and which has endorsed thereon a certificate (purporting to be signed by an officer of the Board) stating that the document is a true copy of the bye-laws and that the bye-laws were in force on a specified date, shall, without proof of the signature of such officer or that he was in fact such officer, be received as evidence in every court and in all legal proceedings of the bye-laws and of the fact that they were in force on that date.

(5) A person who contravenes a bye-law made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £50.

PART III DEVIATIONS, ACQUISITION ORDERS AND COMPENSATION

31 Deviations.

31.-(1) Where deviation limits are confirmed by the Minister pursuant to Article 9 of the Second Schedule to this Act, in providing the relevant pipeline it shall be lawful for the Board in any place situate within those deviation limits, as so confirmed, without notice,

(a)to construct the pipeline, or

(b)to do anything reasonably necessary for or ancillary or incidental to such construction (whether or not the relevant pipeline is being constructed within such deviation limits) and when constructed to maintain, repair or replace such pipeline and do anything reasonably necessary for or ancillary or incidental to such maintaining, repairing or replacing;

provided that either the owner of the land in, on or over which the pipeline is constructed or the thing is done has

been served with a notice under Article 3 (2) of the said Second Schedule, or a permission under this section has been obtained by the Board which relates to the land.

(2) In case the Board proposes to exercise its powers under subsection (1) of this section as regards land and the owner thereof has not been served with a notice under Article 3 (2) of the Second Schedule to this Act, the Board may apply in writing to the Minister for a permission under this section and in case the name and address of the person who is such owner can be ascertained by reasonable inquiry, the Board shall serve on the person a notice stating-

(a) that the Board has made an application to the Minister to exercise its powers under subsection (1) of this section as regards the land,

(b) that objections and representations can be made to the Minister regarding the proposal (which representations and objections are hereby authorised to be made),

(c) that such objections or representations may be made within the period of three weeks commencing on the date of the notice,

(d) that copies of the relevant documents deposited pursuant to the said Second Schedule with the Minister may be inspected at any reasonable hour during the said period, and

(e) the place or places at which such documents may be so inspected.

(3) Where an application for a permission is made under this section to the Minister and the Minister is of opinion, having regard to any representations and any objection duly made under this section and not withdrawn, that the application should be allowed, and in case a notice under subsection (2) of this section has not been served, that the name and address of the person who is the owner of the land concerned cannot be ascertained by the Board by reasonable inquiry, the Minister may grant a permission under this section and the permission shall operate-

(a) to permit the Board without notice-

(i) to construct a pipeline,

(ii) to do anything reasonably necessary for or ancillary or incidental to such construction (whether or not the relevant pipeline is being constructed in, on or over such land),

and when constructed to maintain, repair or replace such pipeline and to do anything reasonably necessary for or ancillary or incidental to such maintaining, repairing or replacing in, on or over the land to which the application relates, and

(b) if need be, to grant to the Board for such pipeline a wayleave in, on or over such land.

(4) As regards an application for a permission under this section, a person on whom a notice is served under this section may at any reasonable hour during the period specified in the notice inspect, or cause to be inspected on his behalf, any document which is a document referred to in subsection (2) (d) of this section.

32 Acquisition order.

32.-(1) The Board may apply to the Minister for an order under this section (which order is in this Act referred to as an "acquisition order") to acquire compulsorily any land or right over land which,

(a) is required by the Board for or in connection with the performance of any function of the Board,

(b) is required in connection with the provision by a person, other than the Board, of a pipeline by means of which it is intended to supply natural gas to the Board,

(c) is required in connection with the provision by the Board for another person of a pipeline by means of which it is intended to supply natural gas, otherwise than by the Board, only to that person,

and, subject to the following provisions of this section the Minister may make an acquisition order in relation to the land or right over land.

(2) The provisions of the Second Schedule to this Act shall have effect as regards an acquisition order and any application for such an order.

(3) Before making an acquisition order the Minister shall consult the Minister for Lands and the Commission and also such other Minister of State, if any, as appears to him to be concerned.

(4) Where the Minister makes an acquisition order the following provisions shall have effect:

(a) in case the order is made in relation to land to be acquired by the Board, subject to such restrictions and other terms and conditions (if any) as the Minister specifies pursuant to Article 8 of the Second Schedule to this Act, the order shall without further assurance vest in the Board the estate or interest specified in the order in such land free from all rights (including any public right other than a public right of way) charges, burdens or other incumbrances or interests and from the claims of all persons who are interested in the said estate or interest in the land, whether in respect of incumbrances or interests therein or otherwise howsoever, other than-

(i) in case the land is subject to a State annuity and is vested by the order in the Board in fee simple, that State annuity,

(ii) such burdens (if any) as are specified in the order,

(b) in case the order is made in relation to a right over land other than a public right of way, the order shall, subject to such restrictions and provisions (if any) as the Minister so specifies, operate to grant or transfer to the Board the right, or interest in such a right, specified in the order, free from all claims and all other rights of any persons who are interested in that interest,

(c) in case the order is made in relation to a public right of way, the order shall operate to extinguish the public right of way.

(5) In addition to complying with the requirements of subsection (3) of this section, the Minister shall, before making an acquisition order, comply with the following requirements, namely;

(a) in case an acquisition order is to provide for the acquisition by the Board of land held by a local authority, a railway undertaker other than C oras Iompair  ireann, a gas undertaker other than the Board, a harbour authority, or an electricity undertaker other than the Electricity Supply Board, the order shall be so made only if the Minister is satisfied that the making of the order is in the public interest,

(b) in case the order is to provide for the extinguishment of a public right of way, the order shall not be so made until the Minister has caused an oral hearing to be held concerning the proposed extinguishment and has considered any objections or representations to the proposed extinguishment duly made and not withdrawn and the

report of the person who held the hearing.

(6) Where an acquisition order vests land in the Board,

(a) the order shall operate, as on and from the date thereof, to transfer and attach to the amount paid by the Board to a person as compensation all estates, trusts and incumbrances subsisting in respect of the interest of the person in the land immediately before the date of the order, and

(b) the said amount shall as respects any rights or claims existing immediately before the date of the order, to or against the said interest, represent that interest for all purposes.

(7) Where land the ownership of which is registered under the Registration of Title Act, 1964, becomes vested in the Board in fee simple by virtue of an acquisition order, the registering authority under that Act shall, upon production of a copy of the order under the official seal of the Minister, register the Board in the appropriate register maintained under that Act as owner (within the meaning of that Act) of the land and the authority shall in addition cause such other alterations (if any) to be made in the appropriate such register as are appropriate having regard to the terms of the order.

(8) An acquisition order shall have attached thereto a map or plan showing the land to which the order relates (which map or plan, when so attached, shall form part of the order).

(9) The Minister may by order amend an acquisition order and any references to an acquisition order in this section, apart from this subsection, or in the Second Schedule to this Act shall be construed as including references to an order under this subsection.

(10) In this section "pipeline" includes a pipeline terminal.

33 Compensation.

33.-(1) Subject to subsection (3) of this section, the exercise of any power under section 26, 27, 31, 32 or 34 of this Act shall be subject to payment of compensation in respect of-

(a) any right over land or other estate or interest in land or in a right over land, acquired by virtue of an acquisition order,

(b) any diminution in the value of any right over land or other estate or interest of any person in any land, or in any right over land, by reason of the exercise of the power,

(c) any other loss incurred or damage done by reason of such exercise,

and subject to section 35 (5) of this Act, the compensation, together with any interest payable thereon by virtue of subsection (2) of this section, shall be paid by,

(d) in case the power is exercised under the said section 34, the Company, and

(e) in any other case, the Board.

(2) (a) Subject to paragraph (b) of this subsection, where compensation is payable to a person under this section in respect of the exercise of a power under section 26, 27, 31 or 34 of this Act, there shall be paid in accordance with subsection (1) of this section interest on the amount of the compensation payable to the person, at such rate as shall be determined from time to time for the purposes of this section by the Minister for Finance, from

the date on which,

(i) in case the compensation is payable in respect of the exercise of a power under paragraph (a), (b) or (d) of section 27 (1), section 27 (3), paragraph (a) of section 27 (4), or section 31 of this Act, the power is exercised, or

(ii) in any other case, the claim for compensation is made,
until the payment of such compensation.

(b)If-

(i) the Board or the Company makes an unconditional offer in writing of any sum as compensation to a person to whom compensation is payable under this section, and

(ii) the offer is not accepted by the person, and

(iii) the sum awarded as compensation by the official arbitrator to such person does not exceed the sum so offered,

no interest shall be payable on such compensation.

(3) A claim under this section for payment of compensation shall, in default of agreement, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by any subsequent enactment, in like manner in all respects as if such claim arose in relation to compulsory acquisition of land, and for this purpose the Board or the Company, as may be appropriate, shall be deemed to be a public authority within the meaning of the said Act, and the reference in section 69 (1) of the Local Government (Planning and Development) Act, 1963, to a planning authority shall be construed as including a reference to the Board or to the Company, as may be appropriate.

(4) A claim for compensation under this section shall be brought within-

(a) in case the person entitled to the compensation is a minor or a person of unsound mind, a period of six years from the date when such person ceases to be under such disability or dies, whichever event first occurs, but not more than thirty years after the exercise of the relevant power under this Act,

(b) in any other case, a period of six years from the date of the exercise of such power.

(5) Subject to paragraph (a) and (b) of subsection (4) of this section, compensation under this section may be paid to the personal representative of a person entitled thereto.

PART IV BORD GÁIS ÉIREANN TEORANTA

34 Entry on land by Company.

34.-(1) Any person appointed in writing by the Company to be an authorised person for the purposes of this section (which person is subsequently in this section referred to as an authorised person) may at any reasonable time during the period beginning on the passing of this Act and ending on the day preceding the establishment day enter on any land for any one or more of the following purposes, namely;

(a) for inspecting and surveying the land and making thereon any inquiry, investigation or examination for the purpose of ascertaining whether or not the land, or a right over the land is suitable for acquisition for an object of the Company,

(b) for inspecting and surveying the land and making thereon any investigation or examination preliminary or incidental to the acquisition for such object by the Company of the land or any right over the land,

(c) for inspecting, maintaining or repairing, or gaining access to, any pipeline or ancillary apparatus, equipment or other thing owned by the Company.

(2) An authorised person entering the land under this section shall have the powers which a person who is an authorised person for the purposes of section 26 of this Act has under subsection (2) of that section.

(3) Subsections (3), (4) and (5) of section 26 of this Act shall apply in relation to entry on land under this section in the same manner as they apply to entry on land under the said section 26 and, for the purpose of giving effect to the foregoing,-

(a) each of the references in those subsections to an authorised person shall be construed as including a reference to a person authorised for the purpose of this section, and

(b) each of those subsections shall be construed subject to such other modifications as are requisite for the said purpose.

35 Dissolution of Company and transfer of its property, etc.

35.-(1) The Company shall, on the establishment day, become dissolved by virtue of this section.

(2) All property, whether real or personal (including choses-in action), which immediately before the establishment day was vested in or belonged to or was held in trust or subject to conditions for the Company and all rights, powers and privileges relating to or connected with any such property, shall on the establishment day, without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation or company, become and be vested in or the property of or held in trust or subject to conditions for (as the case may require) the Board.

(3) All property transferred by this section which immediately before the establishment day was standing in the books of any bank or was registered in the books of any bank, corporation or company in the name of the Company shall, upon the request of the Board made at any time on or after the establishment day, be transferred in those books by the Bank, corporation or company into the name of the Board.

(4) Every chose-in-action transferred by this section may, on or after the establishment day, be sued upon, recovered, or enforced by the Board in its own name and it shall not be necessary for the Board to give notice to the person bound by any such chose-in-action of the transfer effected by this section.

(5) Every debt and other liability (including a claim against the Company for compensation under section 33 of this Act and unliquidated liabilities arising from torts or breaches of contract) which immediately before the establishment day is owing and unpaid or has been incurred and is undischarged by the Company shall, on the establishment day, become and be the debt or liability of the Board and shall be paid or discharged by and may be recovered from and enforced against the Board accordingly.

(6) Every contract which was entered into and is in force immediately before the establishment day between

the Company and any person shall continue in force on and after the establishment day, but it shall be construed and have effect as if the Board were substituted therein for the Company and shall be enforceable by or against the Board accordingly.

(7) Where, immediately before the establishment day, any legal proceedings are pending to which the Company is a party, the name of the Board shall be substituted for that of the Company and the proceedings shall not abate by reason of such substitution.

(8) Section 12 of the Finance Act, 1895, shall not apply to the vesting in the Board of the property or rights transferred by this section

PART V MISCELLANEOUS

36 Minister for Industry and Commerce to consult Minister as regards certain applicants to him under certain licences and leases.

36.-Where pursuant to-

(a) terms and conditions upon which an exploration licence is granted by the Minister for Industry and Commerce, or

(b) conditions or a subsidiary agreement contained in a petroleum lease,

the approval of the Minister for Industry and Commerce of plans for the development or exploitation of a deposit of natural gas is applied for, the Minister for Industry and Commerce shall, before determining the application, consult the Minister.

37 Certain gas to be offered for sale to Board.

37.-(1) Subject to subsection (2) of this section, all natural gas landed in the State, or got within the jurisdiction of the State, for consumption therein, by the licensee under an exploration licence or the lessee of a petroleum lease shall be offered for sale to the Board on reasonable terms and any gas which is offered pursuant to this section and which is purchased by the Board shall, unless a consent is given by the Minister under section 8 (7) of this Act, be disposed of by the Board for consumption in the State.

(2) Subsection (1) of this section shall not apply as regards natural gas which pursuant to-

(a) terms and conditions upon which an exploration licence is granted by the Minister for Industry and Commerce, or

(b) conditions or a subsidiary agreement contained in a petroleum lease,

the Minister for Industry and Commerce, in approving a plan for the development or exploitation of a deposit of natural gas, requires to be offered for sale to a person, other than the Board, for an industrial purpose specified in the requirement.

(3) If any dispute arises as to the reasonableness of terms on which natural gas is offered for sale to the Board, pursuant to the requirements of subsection (1) of this section, such dispute shall be determined by arbitration pursuant to the Arbitration Act, 1954, and in determining such a dispute expenses, other than the

geological, geophysical, drilling or other exploration expenses which may properly be attributed to the discovery, delineation or development of the deposit from which the relevant natural gas is to be got, shall not be taken into account by the arbitrator.

38 Safety Regulations.

38.-(1) The Minister may, after consultation with the Minister for Local Government and the Board, make such regulations as he thinks fit for the purpose of securing that the public and land or other property are, as far as is practicable, protected from injury, fire, explosion or other danger arising either from the transmission of natural or other gas by the Board or from the use of any such gas supplied by the Board.

(2) Any person who, whether by act or omission, contravenes or fails to comply with regulations under this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £200.

39 Extinguishment of public right of way.

39.-(1) The Board may, with the approval of the Minister given after consultation with the Minister for Local Government, by order extinguish a public right of way, but an order made under this section shall be published in the manner specified in regulations made by the Minister and the Minister shall not approve the order unless-

(a) he has caused an oral hearing to be held and has considered any objections to the order duly made within the period prescribed for the purposes of this subsection and not withdrawn and the report of the person who held the hearing, and

(b) he is satisfied that the extinguishment is necessary for the construction, maintenance, repair, replacement or safety of a pipeline or pipeline terminal.

(2) Subsection (1) of this section shall not apply to a public right of way over land acquired compulsorily by the Board.

40 Restriction on construction and operation of pipelines by persons other than Board.

40.-(1) A person, other than the Board, shall not, without giving previous and reasonable notice to the Minister, construct or operate a pipeline on, over or under the surface of land.

(2) Where notice is received by the Minister pursuant to subsection (1) of this section, the Minister shall require the relevant pipeline to be constructed or operated, as may be appropriate, in accordance with such conditions of the kind mentioned in section 8 (8) of this Act or conditions analogous to all or any of the requirements of section 8 (9) of this Act, as he considers appropriate.

(3) Where the Minister makes a requirement under subsection (2) of this section, the person constructing or operating, as may be appropriate, the relevant pipeline shall comply with the requirement.

41 Savers.

41.-(1) Nothing in this Act shall be construed as enabling the Board to interfere in any manner without the consent of the Minister for Industry and Commerce with State minerals within the meaning of the Minerals Development Act, 1940, other than sand, gravel or clay.

(2) Nothing in this Act shall be construed as affecting the operation of the Act of 1960 or the Continental Shelf Act, 1968, or as authorising the disregard by the Board of any other enactment or of any rule of law.

**PART VI
AMENDMENTS**

42 Section 89 of Local Government (Planning and Development) Act, 1963, not to apply to certain pipelines.

42.- (1) Section 89 of the Local Government (Planning and Development) Act, 1963, shall not apply as regards either the construction or maintenance of a pipeline to which this section applies.

(2) This section applies to any pipeline which-

(a) is provided by the Board (whether for use by itself or by another person), or

(b) is a pipeline as regards which a requirement has been made by the Minister under section 40 (2) of this Act.

43 Amendment of section 72 of Registration of Title Act, 1964.

43.- Section 72 of the Registration of Title Act, 1964, is hereby amended by-

(a) the insertion after paragraph (h) of subsection (1) of the following paragraph;

"(hh) any wayleave which is a wayleave to which this section applies;" and

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

"(4) This section applies to any wayleave on, over or beneath the surface of land which-

(a) pursuant to an agreement in writing is granted to or by The Irish Gas Board, or pursuant to an acquisition order within the meaning of the Gas Act, 1976, is granted to that Board, and

(b) is intended to be used, or is used, in providing a pipeline for the transmission of gas, and

(c) in case the wayleave is granted under such an agreement, under the agreement it is to be enforceable against persons deriving title to the land under a party to the agreement."

44 Amendment of section 1 of Fuels (Control of Supplies) Act, 1971.

44.- The definition of "fuels" in section 1 of the Fuels (Control of Supplies) Act, 1971, is hereby amended by the insertion of "natural gas," before "town gas," and the said definition, as so amended, is set out in the Table to this section.

TABLE

"fuels" includes petroleum oils, coal, peat, natural gas, town gas, electricity and firewood.

**FIRST SCHEDULE
IRISH GAS BOARD**

1. The Board shall be a body corporate with perpetual succession and power to sue and be sued in its corporate name and to acquire, hold and dispose of land or rights over land.

2. The Board shall consist of a chairman and such number of other members, not being more than six, as the Minister, with the consent of the Minister for Finance may determine.

3. A person who is for the time being entitled under the Standing Orders of either House of the Oireachtas to sit therein shall be disqualified for being a member of the Board.

4. (1) The Minister shall, with the consent of the Minister for Finance, from time to time as occasion requires appoint a member of the Board to be chairman thereof.

(2) The chairman of the Board shall, unless he sooner dies, resigns the office of chairman or ceases to be chairman under paragraph (4) of this Article, hold office until the expiration of his period of office as a member of the Board.

(3) The chairman of the Board may at any time resign his office as chairman by letter sent to the Minister, and the resignation shall, unless it is previously withdrawn in writing, take effect at the commencement of the meeting of the Board held next after the Board has been informed by the Minister of the resignation.

(4) Where the chairman of the Board ceases during his term of office as chairman to be a member of the Board, he shall also then cease to be chairman of the Board.

5. Each member of the Board shall be appointed by the Minister with the consent of the Minister for Finance and the Minister when making the appointment shall fix such member's term of office which shall not exceed five years and, subject to the foregoing and to Articles 7 and 9 (2) of this Schedule, such member shall hold his office on such terms and conditions as the Minister, with the consent of the Minister for the Public Service, determines.

6. A member of the Board shall be paid by the Board out of moneys at its disposal such remuneration (if any) and allowances for expenses as the Minister, with the consent of the Minister for the Public Service, determines.

7. The Minister may, with the consent of the Minister for Finance, remove from office any member of the Board who has become incapable through ill-health of effectively performing his duties, or who has committed stated misbehaviour, or whose removal appears to the Minister to be necessary for the effective performance by the Board of its functions.

8. A member of the Board may resign his office as such member by letter addressed to the Minister and the resignation shall take effect as on and from the date of receipt of the letter by the Minister.

9. (1) Where a member of the Board is nominated as a member of Seanad Éireann or for election to either House of the Oireachtas he shall, upon accepting nomination as a member of Seanad Éireann or upon nomination for such election, as the case may be, cease to be a member of the Board.

(2) Where a member of the Board-

(a) is adjudged bankrupt or makes a composition or arrangement with his creditors, or

(b) ceases to be ordinarily resident in the State, or

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

he shall thereupon cease to be such a member.

10. A chairman or member of the Board whose term of office expires by the effluxion of time shall be eligible for reappointment.
11. Where a casual vacancy occurs among the members of the Board, the Minister shall take such steps as are necessary to fill the vacancy as soon as possible.
12. The Board shall hold such and so many meetings as may be necessary for the performance of its functions.
13. The Minister shall fix the date, time and place of the first meeting of the Board.
14. At a meeting of the Board the chairman of the Board shall, if present, be chairman of the meeting, but if the chairman of the Board is not present at a meeting or if the office of such chairman is vacant, then the members of the Board present at the meeting shall choose one of their number to be chairman of the meeting.
15. The quorum for a meeting of the Board shall be three or such other number (being not less than three) as may be determined from time to time by the Board.
16. The chairman of the Board and each ordinary member of the Board at a meeting thereof shall have a vote.
17. Every question at a meeting of the Board shall be determined by a majority of votes of the members present and, in the event that voting is equally divided, the chairman shall have a casting vote.
18. Subject to Article 15 of this Schedule, the Board may act notwithstanding a vacancy among its members.
19. Subject to the provisions of this Act, the Board shall regulate its procedure and business.
20. The Board may perform any of its functions through or by any of its members duly authorised by the Board in that behalf.
21. The Board may perform any of its functions through or by any of its officers or servants or any other person duly appointed by the Board in that behalf, but nothing in this Article shall be construed as enabling any person to execute on behalf of the Board any document under seal.
22. The Board shall, as soon as may be after its establishment, provide itself with a seal.
23. The seal of the Board shall be authenticated by the signature of the chairman of the Board, or some other member thereof authorised by the Board to act in that behalf, and by the signature of an officer of the Board authorised by the Board to act in that behalf.
24. Judicial notice shall be taken of the seal of the Board and every document purporting to be an instrument made by the Board and to be sealed with the seal (purporting to be authenticated in accordance with Article 23 of this Schedule) of the Board shall be received in evidence and be deemed to be such instrument without proof, unless the contrary is shown.
25. (1) The Minister may, with the concurrence of the Minister for the Public Service, make a scheme for the granting of pensions, gratuities or other allowances to or in respect of the chairman and other members of the Board, being members whose duties as such are wholtime, ceasing to hold office, other than persons in respect of whom an award under the Superannuation Acts, 1834 to 1963, may be made.

(2) A scheme under this Article may provide that the termination of the appointment of the chairman or of a

member of the Board during that person's term of office shall not preclude the award to him under the scheme of a pension, gratuity or other allowance.

(3) The Minister may, with the concurrence of the Minister for the Public Service, amend a scheme made by him under this Article.

(4) If any dispute arises as to the claim of any person to, or the amount of, any pension, gratuity or allowance payable in pursuance of a scheme under this Article, such dispute shall be submitted to the Minister who shall refer it to the Minister for the Public Service, whose decision shall be final.

(5) A scheme made under this Article shall be carried out by the Board in accordance with its terms.

(6) Every scheme made by the Minister under this Article shall be laid before each House of the Oireachtas as soon as may be after it is made and if either House, within the next twenty-one days on which that House has sat after the scheme is laid before it, passes a resolution annulling the scheme, the scheme shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(7) Where an established civil servant is definitively transferred to the Board as a member thereof, the superannuation benefits to be granted to him shall, if the Minister for the Public Service in his discretion so directs, be calculated in accordance with the provisions of the Superannuation Acts, 1834 to 1963, as if, during the period of his service as a whole-time member of the Board subsequent to his transfer, he had been an established civil servant and had been paid during that period out of moneys provided by the Oireachtas within the meaning of section 17 of the Superannuation Act, 1859.
Section 32.

SECOND SCHEDULE ACQUISITION ORDERS

1. Every application by the Board for an acquisition order shall be accompanied by-

(a) a draft of the order applied for,

(b) such plan or plans, specifications and other documents as will show clearly the situation and area of the land to which the order sought is to apply, whether in relation to a right over the land or in relation to any other estate or interest in the land, and in case such right over or interest in the land or in any part thereof is proposed to be acquired for the purpose of enabling a pipeline to be laid, the following additional provisions shall apply, namely;

(i) the said documents may show a strip of land (in this Article referred to as the "corridor") in, on or over which it is proposed by the Board to construct the pipeline,

(ii) the said documents may show and separately distinguish and delineate the limits (in this Act referred to as the "deviation limits") within which the Board consider it may be necessary in providing such pipeline to construct it outside the corridor or to execute works outside the corridor,

(c) a statement of the nature of the estate or interest in such land or the right over land which the Board seeks to acquire by virtue of the order, and

(d) a book of reference specifying-

(i) in case the Board propose to acquire a right over land or an interest in such a right, the person for

the time being who is entitled to enjoy the right, if that person can by reasonable inquiry by the Board be ascertained,

(ii) in case the Board proposes to acquire any interest in land, other than a right or interest mentioned in subparagraph (i) of this paragraph, the person who is the owner of the land if that person can be ascertained by such inquiry, and

(iii) in case land is separately distinguished and delineated pursuant to paragraph (b) of this Article, the person who is the owner of the land or any part of the land within the deviation limits if that person can be ascertained by such inquiry.

2. Where an application is made by the Board for an acquisition order, the Minister may give such directions as he thinks fit as to the form of the plan, specification and book of reference referred to in the application.

3. (1) Where an application is made by the Board to the Minister for an acquisition order, the Board shall do the following:

(a) deposit and keep deposited, at the place or each of the places appointed by the Minister in relation to the application for such period (being a period of not less than three weeks) as the Minister shall direct, a copy of the draft order, the plan or plans, specification and the book of reference which accompanied the application and which comply with any directions given by the Minister under Article 2 of this Schedule,

(b) publish in such newspaper or newspapers as the Minister shall direct notice of the making of the application stating the place or places at which the application and the accompanying documents may be inspected pursuant to this Schedule during a period specified in the notice (which period shall be the period so directed) and also stating that representations and objections as regards the proposed acquisition order may be made in writing to the Minister during the said period (which representations and objections are hereby authorised to be made),

(c) not later than two weeks before the expiration of the period so directed, serve a notice in writing containing the particulars mentioned in and complying with the requirements of paragraph (3) of this Article on any person whose name is specified in the relevant book of reference, other than an owner of land within the deviation limits, and whose address, being the address at which he ordinarily resides, can by reasonable inquiry be ascertained by the Board and-

(i) in case the Board proposes to acquire by virtue of the order a right over land or an interest in such a right, who is for the time being either entitled to enjoy such right or interest or the owner of the land comprising the servient tenement,

(ii) in case the Board proposes so to acquire an interest in land other than a right or interest mentioned in subparagraph (i) of this paragraph, who is the owner of the land,

(d) not later than two weeks before such expiration, send to the Commissioners of Public Works in Ireland, the Minister for Lands, the Minister for Local Government, the Commission, An Bord Pleanála and any local authority within whose functional area the land to which the application relates or any part of such land is situate, and to such other person (if any) as the Minister may, as regards the application, specify, a copy of the draft acquisition order and any plan and any other document sent to the Minister with the application.

(2) Where land is separately distinguished and delineated pursuant to Article 1 (b) of this Schedule, the Board may within the period mentioned in paragraph (1) (a) of this Article serve on any person referred to in the relevant book of reference in relation to any such land a notice in writing containing the particulars mentioned in

and complying with the requirements of paragraph (3) of this Article.

(3) A notice referred to in paragraph (1) (c) or paragraph (2) of this Article shall state-

(a) that an application has been made to the Minister for,

(i) in the case of a notice referred to in the said paragraph (1) (c), an acquisition order,

(ii) in the case of a notice referred to in the said paragraph (2), the confirmation of deviation limits,

(b) that objections and representations may be made in writing to the Minister in relation to the application (which objections and representations are hereby authorised to be made),

(c) the period within which such objections and representations may be so made, and

(d) the place or places at which and the period during which the documents accompanying the application may be inspected pursuant to Article 4 of this Schedule,

and the notice shall indicate the situation of the land to which the draft order, if made, would relate and with which the person on whom the notice is served is concerned.

4. Where an application is made by the Board to the Minister for an acquisition order, a person may during the period specified in a notice published pursuant to Article 3 (1) (b) of this Schedule inspect at any reasonable hour any document deposited pursuant to Article 3 (1) (a) of this Schedule with the application.

5. (1) There shall be paid to the Minister on every application for an acquisition order such fee (if any) as the Minister, with the consent of the Minister for Finance, may fix.

(2) Fees payable under this Article shall be collected in money and be taken in such manner as the Minister for Finance may from time to time direct, and be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of that Minister, and the Public Offices Fees Act, 1879, shall not apply in respect of such fees.

6. A dispute or difference as to the amount of compensation payable by the Board under this Act shall not be a ground for objection to the making of an acquisition order.

7. (1) (a) Where an application is made by the Board to the Minister for an acquisition order and where an objection is received, the Minister shall at the request of the objector, or may without such request, direct that an oral hearing be conducted as regards the application unless in his opinion the objection is frivolous, vexatious or otherwise of such a nature that the application can properly be considered without such a hearing.

(b) Where the Minister directs an oral hearing to be conducted into an application by the Board for a compulsory acquisition order, he shall appoint a person to conduct such hearing and report to the Minister on the hearing, and the Board, and every person by whom an objection or representation to or as regards the application is made shall be entitled to appear and be heard at the hearing.

(2) Paragraph (1) of this Article shall not apply to an application by the Board to the Minister for an acquisition order to extinguish a public right of way.

(3) (a) The person appointed to conduct a hearing under this Article may summon witnesses to attend at

the hearing and require any such witness to produce at the hearing any document in the witness's power or control.

(b) Evidence given before a person appointed to conduct a hearing under this Article shall, if the person so requires, be given on oath (which the person is hereby empowered to administer) and any person who gives false evidence before such person shall be guilty of perjury and be punishable accordingly.

(c) A summons to a witness to attend before a hearing under this Article shall be signed by the person appointed to conduct the hearing.

(d) A witness before a hearing under this Article shall be entitled to the same immunities and privileges as if he were a witness before the High Court.

(e) If any person-

(i) on being duly summoned before a hearing under this Article makes default in attending, or

(ii) being in attendance as a witness at such a hearing refuses to take an oath legally required to be taken by him, or to produce any document in his power or control legally required to be produced by him, or to answer any question to which the person conducting the hearing may legally require an answer, or

(iii) does any thing which if the proceedings were proceedings before a court of justice having power to commit for contempt of court, would be contempt of such court,

that person shall be guilty of an offence and be liable on summary conviction to a fine not exceeding £100.

8. (1) Subject to paragraph (2) of this Article, where the Minister, having complied with such of the following requirements as are appropriate, namely, the requirements of section 32 (5) (b) of this Act and the requirements of Article 7 of this Schedule, and having considered any report made to him under the said Article 7, or in case no such report is made, any representations made or objections not withdrawn, is of the opinion that an application by the Board for an acquisition order should be granted either in whole or in part, he shall, subject to any variations or amendments to the application as he thinks proper to make, make an acquisition order as regards the right over land or any other estate or interest in land specified in the application, or in the application as so varied or amended by the Minister, and except in so far as it applies to a public right of way the acquisition order shall be made subject to-

(a) such restrictions (if any) as the Minister thinks proper and specifies in the order, and

(b) such other terms and conditions (if any) as the Minister thinks proper and so specifies.

(2) This Article shall not apply to any land within the deviation limits or to any right over such land.

9. Where the Minister, having complied with the requirements of Article 7 of this Schedule and having considered any report made to him under the said Article 7, or in case no such report is made, any representations made or objections not withdrawn, is of the opinion that the deviation limits delineated in documents deposited under this Schedule should be confirmed either in whole or in part, he shall, subject to any variations of or amendments to those limits as he thinks fit to make, so confirm the deviation limits.

10. (1) Where as regards a book of reference an owner of land (including land comprising a servient tenement) or a person entitled to enjoy a right over land who should have been included therein is omitted or the name included in such book as an owner or person so entitled is incorrect, or any land, or right over land, which should

have been referred to in such book is omitted or any land referred to in such book is incorrectly described, the Board may apply to the Minister in writing to correct or amend the book of reference.

(2) Where an application is made by the Board to the Minister under this Article, the Board shall serve on the owner of the land (or, where appropriate, the land comprising a servient tenement) or the person entitled to enjoy the right over land, to which the application relates a notice stating-

(a) that an application has been made to the Minister under this Article,

(b) the correction or amendment sought by the Board,

(c) that the person may within the period of three weeks commencing on the day on which the notice is served make in writing representations or an objection to the Minister as regards the application (which representations or objection such person is hereby authorised to make).

(3) Where the Minister, having considered any representations or objection duly made under this Article and not withdrawn, is satisfied that the omission, misdescription, or other mistake on foot of which the application is made was due to a mistake or oversight by the Board, he may correct or amend the book of reference to which the application relates either in the manner sought by the Board or in such other manner as he considers appropriate.

(4) Where the Minister corrects or amends a book of reference under this Article, the omission, misdescription or other mistake on foot of which the application under this Article was made shall not form a ground on which the validity of the relevant book of reference may be questioned in any legal proceedings.

11. The following provisions shall have effect in relation to an acquisition order, namely;

(a) the order shall contain such provisions as the Minister thinks necessary or expedient for the purpose of and for giving effect to the order,

(b) without prejudice to the generality of paragraph (a) of this Article the order may incorporate all or any of the provisions of the Land Clauses Acts, other than Articles 1, 2, 3 and 6 of the Second Schedule to the Housing of the Working Classes Act, 1890, and for the purpose of this subparagraph-

(i) the Board shall for the purposes of the Land Clauses Acts be deemed to be the Promoter and the order shall be deemed to be the Special Act, and

(ii) the Board shall for the purposes of the Second Schedule to the Housing of the Working Classes Act, 1890, be regarded as being the local authority, the Minister shall be deemed to be the confirming authority and the order shall be deemed to be the confirming Act,

(c) no action shall lie at law or in equity against the Board or any contractor or officer or servant of the Board for or on account of any act, matter or thing in respect of which compensation is payable by virtue of this Act,

(d) the order may provide that where the Board acts in contravention (whether by commission or omission) of any specified provision of the order the Board shall be guilty of an offence under the order and shall be liable on summary conviction thereof to such fine (not exceeding £100) as may be specified in the order in respect of the offence and, in the case of a continuing offence, to such further fine (not exceeding £20) as may be specified in the order in respect of the offence for each day during which the offence is continued after conviction thereof,

(e) the order may incorporate any provision (including penal provisions) contained in any enactment

relating to gas undertakers or gas undertakings with such adaptations and modifications as the Minister thinks proper,

(f) the order may contain provisions authorising the Board at any time before conveyance of, or ascertainment of price or compensation for, land or a right over land being acquired by the Board under the order to enter and take possession and to use such land or exercise such right in exercise of the powers conferred on the Board under this Act and, in case the order contains such provisions, it shall also contain provisions-

(i) requiring the Board, if it so enters and takes possession of the land or exercises such right, to pay interest on the amount of the price or compensation payable under this Act at such rate as shall be determined from time to time by the Minister for Finance from the date on which such power was exercised until payment,

(ii) requiring that, if the Board has made an unconditional offer in writing of any sum as such compensation to the person to whom the compensation is payable under this Act, and the offer is not accepted by such person, and the sum awarded as compensation by the property arbitrator to such person does not exceed the sum so offered, then no interest shall be payable on such compensation in respect of any period after the date of the offer,

(iii) requiring the Board, if it so enters and takes possession of the land or so exercises any right over land, to give to the occupier of the land at least one month's or, in the case of an occupied dwelling-house, three months' previous notice in writing of its intention so to enter on or take possession of any land or so to exercise any right,

(iv) authorising the Board to serve the notice aforesaid on a person by sending it, by prepaid post in an envelope addressed to the person at his usual or last known address and deeming the notice to have been served on the person at the time at which the envelope would be delivered in the ordinary course of post and when the address of the person cannot be ascertained by reasonable inquiry, authorising the Board to serve the notice by affixing it in a conspicuous position on or near the land to which it relates and authorising the addressing of the envelope to the person for whom it is intended in case his name cannot be ascertained by reasonable inquiry by addressing it to "the owner" or "the occupier" (as the case may require) without naming him,

(g) the order shall provide that whenever, under the order, the Board acquires or enters on and takes possession of any land which is subject, either alone or in conjunction with other land, to a land purchase annuity or a reclamation annuity, payment in lieu of rent or other sum payable periodically (not being merely rent under a contract of tenancy) payable to the Commission or to the Commissioners of Public Works in Ireland, the Board shall-

(i) as from the date on which it acquires, or enters on and takes possession of the land, whichever date is the earlier, become and be liable for payment to the Commission or the said Commissioners (as the case may be) of such periodical sum, or such portion thereof as shall be apportioned by the Commission or the said Commissioners (as the case may be) on the land, as if the land had been transferred to the Board by the owner thereof on that date,

(ii) be entitled, if the Board so thinks fit, to redeem the periodical sum or the portion thereof aforesaid, and

(iii) be obliged, if required by the Commission or the said Commissioners (as the case may be) so to do, to redeem the periodical sum or the portion thereof aforesaid,

(h) the order may provide that the Board may, for the purpose of enabling it to ascertain the ownership of any land, give any person who is the occupier of the land or who, either directly or indirectly, receives rent in respect of the land, a notice in the prescribed form requiring him to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as owner in fee simple, mortgagee, lessee or otherwise, and provide that any person who, having been required by the Board by a notice in writing given in pursuance of this provision to give to them any information, fails to give the information, or gives any information which he knows to be false in a material particular or recklessly gives information which is so false shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding £25.

(i) the order may provide for the determination by arbitration of any specified questions arising thereunder,

(j) the order may contain such provisions ancillary or incidental to any of the matters aforesaid as the Minister considers necessary and proper.

12. The definition of "owner" in section 2 of this Act shall as regards this Schedule apply subject to the following modification, namely, in relation to land which comprises a servient tenement it shall be construed and have effect as if paragraph (b) thereof were deleted.