

General Scheme of Water Environment (Abstractions) Bill

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Head 1 – Citation and commencement

To provide that:

- (1) This Act may be cited as the Water Environment (Abstractions) Act 2020.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular Part or purpose, and different days may be so appointed for different Parts and purposes.

Explanatory Note:

This is a standard provision.

Head 2 – Interpretation

To provide that:

In this Act –

“abstraction” means the doing of anything whereby water is removed or diverted by mechanical means, pipe, or any engineering structure or works from any part of the water environment, including anything whereby the water is so removed or diverted for the purpose of being transferred to another part of the water environment;

“abstraction point” means the point at which any abstraction takes place and includes any borehole, well, sump or inlet pipe whose primary purpose is the supply of water for drinking or other purposes;

“Act of 1942” means the Water Supplies Act 1942 (as amended);

“Agency” means the Environmental Protection Agency;

“Board” means the Electricity Supply Board;

“environmental objectives” means those objectives established for individual water bodies in the River Basin Management Plan, in accordance with Article 4 of the Water Framework Directive and as established in the European Communities Environmental Objectives (Surface Water) Regulations 2009 (as amended) and the European Communities Environmental Objectives (Groundwater) Regulations 2010 (as amended);

“existing abstraction” means an abstraction registered in accordance with the provisions laid out at Head 7 before the date set out in an order made under Head 31;

“groundwater” means all water which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;

“licence”, unless otherwise specified, means a licence to abstract water;

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

“navigable water” means any surface water on which any person is, by virtue of any enactment, entitled to navigate;

“navigation authority” means any person who has a duty or power under any enactment to work, maintain, conserve, improve or control any navigable water;

“prescribed date” means the date prescribed by the Minister on which specified provisions come into force;

“register” means the register of abstractions established under Head 7(1);

“River Basin Management Plan” means a plan made under regulation 13 of the European Communities (Water Policy) Regulations 2003, as amended by the European Union (Water Policy) Regulations 2014;

“surface water” means inland waters (except groundwater), transitional waters and coastal waters;

“temporary abstraction” means an abstraction as defined in regulations made under Head 6;

“Transboundary Convention” means the United Nations Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context, done at Espoo (Finland) on 25 February 1991;

“water environment” means any, or any part of any, body of surface water or groundwater, where -

- (a) body of surface water means a discrete and significant element of surface water such as a lake, a reservoir, a stream, river or canal, part of a stream, river or canal, a transitional water or a stretch of coastal water, and
- (b) body of groundwater means a distinct volume of groundwater within an aquifer or aquifers;

“Water Framework Directive” means Directive 2000/60/EC of the European Parliament and of the Council of 23 October 2000 establishing a framework for Community action in the field of water policy.

Explanatory Note:

This is a standard provision defining terms used.

Head 3 – Regulations

To provide that:

- (1) The Minister may make regulations prescribing any matter or thing which is referred to in this Bill as prescribed or to be prescribed or in relation to any matter referred to in this Bill as the subject of regulations or for the purpose of giving full effect to this Bill.
- (2) Regulations made under this Bill may make different provisions in relation to different areas, different circumstances or different classes of cases.
- (3) Without prejudice to any other provision of this Bill, a regulation or order under this Bill may provide for such incidental, consequential, supplementary or transitional provisions (including provisions for the purpose of securing the continuity of any provision of this Act with any provision of any other Act or instrument repealed, revoked, amended or otherwise affected by this Bill or by any regulation or order made under it) as may appear to the Minister to be appropriate for the purposes of this Bill or any regulations or order made under it.
- (4) Every regulation made under this Bill shall be laid before each House of the Oireachtas as soon as may be practicable after it is made and if a resolution annulling the regulation is passed by either House within the next 21 days on which that House has sat after the regulation has been laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

Explanatory Note:

This is a standard regulation-making provision.

Head 4 – Repeals and revocations

To provide that:

- (1) The following are repealed:
 - (a) the Act of 1942;
 - (b) section 4 of the Local Government (Sanitary Services) Act 1964;
 - (c) subsections 9(2) and 9(8) of the Local Government (Water Pollution) Act 1977.

- (2) The European Union (Water Policy) (Abstractions Registration) Regulations 2018 (S.I. No. 261 of 2018) are revoked.

Explanatory Note:

This Head provides for the repeal of the Water Supplies Act 1942, which provides for abstraction by water services authorities for the supply of public drinking water and which is now being replaced by this Bill. Section 4 of the Local Government (Sanitary Services) Act 1964, which deals with the abstraction of water from reservoirs owned by the ESB, is also being repealed and replaced by a new Head 22 in this Scheme dealing with agreements between Irish Water and the ESB.

Parts of section 9 of the Local Government (Water Pollution) Act 1977, which provides for the registration of certain abstractions, are also being repealed and will be replaced by registration provisions under this Bill. Section 9 of that Act, providing for a register by local authorities of abstractions of 25 cubic metres or more, was never operated with any consistency across local authorities. Six local authorities at present have registrations under the 1977 Act; nine local authorities established a register but did not maintain it and it appears that 16 local authorities never had a register. Due to the inconsistency of application and the fact that local authorities cannot stand over the accuracy of any register, it has been decided not to attempt to transition any information from registers established under the 1977 Act. Such registers will fall on the repeal of subsections 9(2) and 9(8) of that Act.

The European Union (Water Policy) (Abstractions Registration) Regulations 2018 (S.I. No. 261 of 2018) are also being revoked and replaced by similar provisions in Head 7 of this Bill. These regulations were introduced as an interim measure pending preparation of the primary legislation in order to enable the EPA to establish a full picture of abstractions nationwide. The provisions of the regulations are now being re-made under this Bill. Any registration made under those provisions will be treated under Head 7 as if made under this primary legislation.

Head 5 – General binding rules

To provide that:

- (1) The Agency shall publish guidelines in the form of general binding rules, which shall be applicable to every person undertaking an abstraction.
- (2) The general binding rules published under subhead (1) shall deal with such issues as –
 - (a) a requirement for leakage to be kept to a minimum and guidelines in relation to measuring or estimating leakage;
 - (b) the specification of thresholds for various sectors above which leakage is too high, requiring active measures on the part of the abstractor to reduce the rate of leakage;
 - (c) assisting in the estimation of the rate of an abstraction where the means to measure the rate is not available to the abstractor, particularly in the context of Head 7(10);
 - (d) provisions in relation to recording the volume of an abstraction where the means to measure the rate is available to the abstractor;
 - (e) guidance in relation the avoidance of the entry of pollutants or water of a different chemical composition into the water environment during the course of an abstraction; and
 - (f) any other measure the Agency considers appropriate in order to protect the water environment.

Explanatory Note:

While the Water Framework Directive requires controls over the abstraction of surface water and groundwater, including a register of abstractions, a Member State can exempt from those controls abstractions which have no significant impact on a water body meeting its environmental objectives. Accordingly, it is proposed to exempt from registration or licensing abstractions of less than 25 cubic metres per day. This approach mirrors that taken in Scotland and Wales, where abstractions of a relatively small quantity of water (10 cubic metres in those jurisdictions) are exempted from the requirement to be either registered or licensed. Abstractions of over 25 cubic metres per day will require registration under Head 7. Larger-scale abstractions may in addition require licensing.

This Head provides for the EPA to publish general binding rules (GBRs) which will apply to all abstractions, including those that do not require either registration or licensing. By way of precedent, the Environmental Protection Agency Act 1992 (as amended) includes at section 76 a provision for the Agency to issue codes of practice, which is similar to what is envisaged by GBRs. The GBRs aim to protect the water environment from the potential negative effects of any abstraction, and will include such basic measures as ensuring that leakage is kept to a minimum and that no pollutants are permitted to enter waters.

The GBRs will be in the form of guidance. In addition to being expected to abide by the GBRs, larger-scale abstractors may also have conditions set under licensing. Such conditions will be enforceable under law.

Subhead (1) provides for the EPA to issue general binding rules to apply to every abstractions. **Subhead (2)** lays out what may be covered in those general binding rules, including the non-entry of pollutants to water, the measuring or estimating of the rate of an abstraction and the need to minimise leakage.

In relation to the measuring or estimating of a rate of abstraction, there is no obligation under this legislation to install a meter to precisely measure volume of flow. The EPA has already made guidelines available on its website to assist in estimating abstraction rates, based on abstraction volumes for different industries, and these will be periodically reviewed and updated as necessary. These guidelines will form part of the GBRs in due course.

Head 6 – Temporary abstractions

To provide that –

- (1) A temporary abstraction which is deemed to be infrequent or of very short duration is exempt from the provisions of this Bill in relation to registration and licensing.
- (2) The Minister shall make regulations defining a temporary abstraction for the purposes of this Bill and setting out conditions to the undertaking of temporary abstractions, which shall include, but are not limited to –
 - (a) a notification process for temporary abstractions;
 - (b) provisions relating to the submission of relevant details to the Agency which may be based on a sectoral approach, to include information on proposed water use, volume and equipment used;
 - (c) operational conditions, including in relation to -
 - (i) restriction of abstraction volume, duration and frequency;
 - (ii) implementation of sectoral best practice;
 - (iii) training for personnel, if appropriate, and
 - (iv) post-completion or, where appropriate, regular reporting to the Agency.
- (3) In defining the parameters of a temporary abstraction in regulations made under subhead (2), the Minister shall have regard to –
 - (a) abstraction volumes;
 - (b) abstraction duration and frequency;
 - (c) the impact of an abstraction;
 - (d) the sustainability of the water environment in different areas of the country;
 - (e) seasonality.
- (4) Different sectors abstracting water may be subject to different thresholds and conditions with regard to what is deemed a temporary abstraction.
- (5) Different thresholds and conditions may apply to different areas of the country or particular water bodies.
- (6) Where an exemption deemed temporary under regulations made under subhead (2) ceases to conform to the provisions defining that abstraction as temporary, the abstraction shall be deemed to have commenced on the date of cessation of conformity.
- (7) The Minister shall consult with the Agency before making regulations under subhead (2) and shall take account of recommendations made by the Agency in relation to appropriate thresholds.

Explanatory Note

This Head exempts temporary abstractions from registration and licensing. Such abstractions are very infrequent or of very short duration and do not have a significant effect on the environment. There may therefore be no purpose in requiring the registration or licensing of

such abstractions. The aim of this legislation is to ensure that any measures introduced are commensurate with the potential risk to the environment from abstraction and the intention is not to include measures involving an additional administrative burden unless justified by the potential risk.

Under this Head, regulations will be made defining what is to be considered a temporary abstraction for the purposes of this legislation and therefore exempt from specific obligations with regard to registration and/or licensing. A significant proportion of temporary abstractions would be in respect of de-watering in the extractive industries. However, temporary abstractions also take place in other sectors, including farming.

Subhead (1) provides that a temporary abstraction is exempt from the requirement to be registered or licensed. **Subhead (2)** provides for the Minister to make regulations that will lay out what constitutes a temporary abstraction for the purposes of this legislation and set appropriate conditions. The regulations shall include provisions relating to the notification to the Agency of a temporary abstraction, the submission of relevant details, and operational conditions to apply to the temporary abstraction.

The factors to be taken into account when making a decision what is to be considered a temporary abstraction include seasonality, the length of time an abstraction continues, the frequency of an abstraction, how much water is abstracted and the impact and particular pressures on the water environment pertaining to particular areas of the country. These are set out at **subhead (3)**.

Subhead (4) provides that different conditions and thresholds may apply to different sectors. It is also possible that different thresholds will be applicable to different parts of the country or different water bodies in terms of what is deemed a temporary abstraction, depending on the pressures on the water environment. This is set out at **subhead (5)**. Those pressures may in effect mean that in some areas the risk posed by the abstraction is such that the additional administrative burden of making it subject to licensing or registration is justified, whereas in another area of the country an abstraction at the same level would not pose the same risk.

Subhead (6) provides that where an abstraction ceases to conform with the regulations defining what constitutes a temporary abstraction, then it shall be deemed to have commenced on the date it becomes no longer in compliance with the regulations. This is to cover abstractions which, for whatever reason, can no longer be considered temporary – for example, if the quantity or duration exceeds the specified limits. This provision will in effect mean that the abstraction must be registered within a month of it no longer being deemed temporary and that the relevant licensing provisions will also then apply.

Subhead (7) provides for the Minister to consult the Agency with regard to making regulations on temporary abstractions and that any recommendations of the Agency shall be taken into account.

Head 7 – Register of abstractions

To provide that:

- (1) A person abstracting from the water environment 25 or more cubic metres of water in any 24-hour period shall, unless the abstraction in question is exempt under regulations made under Head 6, arrange to have the information specified at subhead (8) in relation to that abstraction entered onto a register of abstractions maintained by the Agency not later than one calendar month after the commencement of the abstraction, and a separate entry shall be made in respect of each abstraction.
- (2) Two or more abstraction points drawing water from the same body of surface water or groundwater and which join to form a combined abstraction shall be considered to be a single abstraction for the purposes of this Head.
- (3) In the case of an abstraction being undertaken by more than one person, each person shall be jointly and severally liable for the registration of the abstraction in question and registration by any one of the persons undertaking the abstraction shall discharge the obligation to register of each person.
- (4) The register of abstractions shall be maintained in such form, including electronic form, as the Agency may decide and shall contain details of abstractions entered onto the register in accordance with subhead (1) and such other information as may be determined by the Agency from time to time.
- (5) The Agency shall publish by electronic means, and in such abridged manner as it thinks fit, details of the abstractions registered with the Agency under the provisions of this Head and this published register shall include details of abstraction licence applications and licences issued under Heads 11 and 12, and monitoring and enforcement proceedings arising under this Act, as specified in regulations made under Head 13.
- (6) The Agency may serve on any person responsible for an abstraction which is required to be entered on the register in accordance with subhead (1) a notice requiring that person to furnish to the Agency, within a period or at times specified in the notice and in the form specified, any information which the Agency reasonably considers necessary for the purpose of maintaining the register and it shall be an offence for a person to not provide the requested information within the time frame and in the manner specified by the Agency.
- (7) Nothing in this Head shall be construed as authorising an abstraction.
- (8) A notification of information on an abstraction for entry onto the register under this Head shall—
 - (a) be made by electronic means in the manner prescribed by the Agency;
 - (b) specify the name and address of the person or persons undertaking the abstraction;
 - (c) specify the address and location, including the grid coordinates, at which the abstraction is taking place;
 - (d) specify the name and contact details of the person responsible for registering the abstraction, if different from the person undertaking the abstraction;

- (e) specify the purpose of the abstraction, any related planning permission or court orders related to the abstraction, and where appropriate provide linkages with other reporting requirements as specified by the Agency;
 - (f) specify the maximum amount of water being abstracted in a 24-hour period; and
 - (g) include any other information prescribed or requested by the Agency, including grid coordinates for each point of abstraction, whether the abstraction is of indefinite duration or temporary and whether the abstraction is from groundwater or surface water.
- (9) On completion of the notification for entry onto the register as outlined in subhead (8), a registration number shall be issued in respect of each registration and that number shall be proof of registration of the abstraction.
- (10) The Agency shall specify the procedures or methods by which the amount of water abstracted in a 24-hour period shall be calculated or estimated in the notification for entry onto the register and different methodologies may apply in the case of different types of abstractions.
- (11) The Agency shall, if it becomes aware that any particular in the register is incorrect or has ceased to be correct, make such alteration to the register as it considers necessary and shall notify any person it considers appropriate of such alteration.
- (12) If a person undertaking a registered abstraction becomes aware that any particular contained in the register in relation to that abstraction is incorrect or has ceased to be correct, that person shall notify the Agency and provide the Agency with updated information in relation to the abstraction in the format prescribed by the Agency.
- (13) The Agency may share relevant details entered onto the register in relation to an abstraction with a relevant public authority as it considers necessary for the discharge of its statutory functions, and on request from a relevant public authority, shall share such details as are requested to enable that public authority to satisfactorily discharge its statutory functions.
- (14) A person who, on or after the prescribed date, transfers the undertaking of an abstraction to another person shall furnish a registration number as assigned under the provisions of subhead (9) to the person to whom the undertaking of the abstraction is being transferred and that person shall, within a month of that transfer, notify the Agency of the transfer and arrange to have the information specified in subhead (9) updated in the register.
- (15) Where a registered abstraction ceases or is discontinued, the person to whom the registration number was issued under the provisions of subhead (9), or to whom it has transferred in accordance with subhead (14), shall notify the Agency of that fact within a month of that cessation or discontinuation and the register shall be amended accordingly.
- (16) It shall be an offence for a person abstracting 25 or more cubic metres of water in any 24-hour period to fail to notify the Agency of that abstraction, or to knowingly provide false information to the Agency in respect of any abstraction of 25 or more cubic metres

in any 24-hour period, unless the abstraction in question is exempt under regulations made under Head 6.

- (17) The Minister, after consideration of a report furnished to him or her by the Agency at any time after the Agency undertakes an assessment of the environmental impact of abstractions under the provisions of Head 10, may make an order to alter the registration threshold specified in subhead (1) to a lesser threshold, generally or to address particular circumstances, if he or she considers it necessary for the sustainable management of water resources and shall publish his or her proposals in this regard and invite submissions in advance of making any such order.
- (18) Before making an order under subhead (17) the Minister shall have regard to –
- (a) the recommendations of the report furnished by the Agency;
 - (b) the public consultation which shall be undertaken by the Agency in preparing its report;
 - (c) the cumulative impact of abstractions under the registration threshold specified in subhead (1);
 - (d) the need to prevent a risk to the environment from abstraction;
 - (e) the River Basin Management Plan in force, and
 - (f) any submissions received in response to publication of the proposal to lower the registration threshold.
- (19) Where, following the considerations outlined at subhead (18), an order is proposed to be made under subhead (17), a draft of the order shall be laid before each House of the Oireachtas and the Order shall not be made until a resolution approving the draft has been passed by each such House.
- (20) The relevant public authorities for the purposes of this Head are listed at Schedule 1.

Explanatory Note:

Article 11(e) of the Water Framework Directive obliges Member States to introduce a register of water abstractions. This was originally done in the European Union (Water Policy) (Abstractions Registration) Regulations 2018 (S.I. No. 261 of 2018) as an interim measure to allow the Agency to build up a nationwide picture of the extent and size of current abstractions in order to better manage abstractions in areas of high risk in future. Those regulations are now being replaced by this Head.

Subhead (1) provides that, unless the abstraction is exempt, a person abstracting 25 cubic metres or more of water in any 24-hour period must enter that abstraction on a register maintained by the EPA within one month of the commencement of the abstraction.

Subhead (2) provides that where water is being abstracted from the same water body at several different points and joined together to form a combined abstraction, those abstraction points should be taken together and considered to be a single abstraction. This provision is included in order, for example, that multiple abstraction points in one location cannot be treated as separate abstractions, thereby possibly circumventing the requirement to register. It is not intended that this provision would, for example, encompass Irish Water abstractions from different water bodies feeding into a single supply pipe; in such a case, each abstraction should be treated as a single abstraction.

Subhead (3) provides for each abstractor to be liable for registration if an abstraction is being undertaken by more than one person.

Subheads (4) and (5) provide that the register may be maintained in whatever form the Agency chooses and shall contain details of the abstractions as well as other information. It shall be published in electronic format, but the Agency may exclude some detail from publication.

Subhead (6) provides for the Agency to serve a notice requesting information for the register and makes it an offence for a person not to comply with such a notice.

Subhead (7) makes clear that a registration is not an authorisation. It is not intended that registration of an abstraction be an application of any kind and there is no decision-making process. Registration is simply a notification of the existence of an abstraction and the placing of an abstraction on the register does not constitute a permission.

Subhead (8) lays out the information required for a registration. **Subhead (9)** provides for a registration number to be issued on completion of a registration. **Subhead (10)** provides for the Agency to specify how the amount of water abstracted is to be estimated or calculated.

Subheads (11) and (12) provide for information on the register to be corrected if necessary. **Subhead (13)** provides for information on the register to be shared (except for personal details) with a relevant public authority in order to enable the Agency to perform its statutory functions or to enable a relevant public authority to do likewise. **Subhead (20)** provides that relevant public authorities for the purposes of this Head are those listed at Schedule 1.

Subhead (14) provides for the transfer of a registration and **subhead (15)** provides for the cessation of a registration to be notified to the Agency.

Subhead (16) provides that it shall be an offence to not register a relevant abstraction or to provide false information in relation to a registration.

Subhead (17) provides for the Minister to alter the 25 cubic metre threshold, following consideration of a report from the Agency, to a lower threshold in the interests of the sustainable management of water resources and that any such proposal must be published and submissions sought on it. **Subhead (18)** lays out what must be considered by the Minister before making any order lowering the registration threshold and **subhead (19)** provides that any such order must be approved by both Houses of the Oireachtas. Similar provisions are included at subheads 53B(7) and (8) of the Water Services Act 2007 as amended by the Water Services Act 2017.

Head 8 - Significant abstractions

To provide that:

A “significant abstraction” is an abstraction which, in the opinion of the Agency, either on its own or in combination with other abstractions:

- (a) alters or could alter (without mitigation measures) the hydrological regime of a surface water or groundwater body such as it fails or is likely to fail to meet its environmental objectives, or
- (b) causes a European site as defined in the European Communities (Birds and Natural Habitats) Regulations 2011 to fail to achieve or be likely to fail to achieve compliance with a standard or objective for which the European site has been established.

Explanatory Note:

This Head defines what is meant by the term “significant abstraction” as used in this General Scheme. An abstraction is deemed significant when it in effect alters water body to such extent that it fails to meet the environmental objectives laid out for that water body in the River Basin Management Plan, or where it causes a defined European site to fail to meet a specific standard or objective.

This General Scheme proposes a regime whereby only significant abstractions - i.e. abstractions that are having a negative impact on the water environment, as defined in this Head – and all abstractions of 2,000 cubic metres or more will require a licence. This is in order to balance necessary environmental protection with minimising the administrative burden from the point of view of both the licensing authority and the licensee. To require the licensing of abstractions that are not having an impact on the water environment would not be the best use of resources; accordingly, the Scheme provides for the Agency to deem only certain abstractions “significant”, meaning that they will require a licence. This will be done on foot of an assessment by the Agency under the provisions laid out in Head 10.

Head 9 - Requirement for a licence to abstract

To provide that:

- (1) Every abstraction registered under the provisions of Head 7, which is –
 - (a) an existing abstraction of 2,000 cubic metres or more in any 24-hour period; or
 - (b) an existing abstraction of between 250 and 1,999 cubic metres in any 24-hour period and which has been deemed to be a significant abstraction by the Agency in accordance with Head 10,shall require a licence under Head 11.

- (2) Every abstraction proposed to commence after the date prescribed in regulations made under Head 31, which is –
 - (a) a proposed abstraction of 2,000 cubic metres or more in any 24-hour period; or
 - (b) a proposed abstraction of between 250 and 1,999 cubic metres in any 24-hour period and which has been deemed to be a significant abstraction by the Agency in accordance with Head 10,shall require a licence under Head 12.

Explanatory Note:

This Head provides that a licence is required for all abstractions of 2,000 cubic metres or more per day, regardless of whether they are in existence on commencement of this legislation or are proposed to commence after the prescribed date. Abstractions of between 250 and 1,999 cubic metres per day require licensing only where the abstraction has been deemed to be significant by the Agency, or likely to be significant in the case of a proposed abstraction.

Subhead (1) deals with existing abstractions and **subhead (2)** with abstractions commencing after the prescribed date.

Head 10 - Assessment of environmental impact of abstractions

To provide that:

- (1) The Agency shall undertake a cumulative and quantitative assessment of the environmental impact of existing abstractions using the register of abstractions established under Head 7 and any other relevant supplementary information it sees fit and shall identify –
 - (a) every water body at risk of failing to achieve its environmental objectives as a result of abstraction pressure, and
 - (b) every significant abstraction in or upstream of an affected water body.
- (2) In undertaking the assessment outlined at subhead (1), the Agency shall have regard to –
 - (a) data on water flows and levels;
 - (b) water and wastewater discharges to and water transfers between the water bodies within the catchment;
 - (c) the register of abstractions established under Head 7;
 - (d) any existing or planned mitigation measures identified to negate the environmental significance of the abstraction;
 - (e) the environmental objectives for each water body ;
 - (f) disproportionate costs, as it relates to the circumstances described in Article 4 of the Water Framework Directive, whereby the Agency can accommodate the establishment of less stringent environmental objectives for those water bodies that may never achieve their environmental objectives as a consequence of abstraction pressures;
 - (g) any supporting information associated with the water abstraction regime itself; and
 - (h) any other relevant supplemental information gathered during water body characterisation under the provisions of the European Communities (Water Policy) Regulations 2003, as amended by the European Union (Water Policy) Regulations 2014.
- (3) In order to inform the assessment outlined at subhead (1), the Agency may request additional information from any abstractor, including but not limited to, future plans for the abstraction, infrastructure capacity and seasonality, and any abstractor so requested by the Agency must provide the required information within the time frame indicated by the Agency.
- (4) Following finalisation of the assessment specified at subhead (1), the Agency shall publish on its website a list of significant abstractions and shall provide the details of the assessment of abstraction pressures it used to reach the conclusion that the listed significant abstractions are putting a water body at risk of failing to achieve its environmental objectives as a result of abstraction pressure.
- (5) Following publication of the list specified at subhead (4), the Agency shall, in respect of each significant abstraction, contact the registered abstractor to indicate that a licence application is required under the provisions of Head 11 and indicate a time frame within which that licence application must be made.

- (6) Where the Agency receives a notification under Head 12(1) of a proposed abstraction after the prescribed date, the Agency shall consider the potential impact of the abstraction as specified in subhead (3) to determine whether it is potentially a significant abstraction, and if deemed significant it shall be added, on the issue of a licence under Head 12 if a licence is deemed appropriate, to the list published by the Agency under subhead (4).
- (7) The Agency shall periodically review and update the assessment undertaken under subheads (1) and (2) in keeping with the six-year timeframe required for the review and update of River Basin Management Plans, and taking account of any abstractions which have commenced in the period since the last review, and following this review, if any abstraction previously deemed significant is now no longer considered so, the Agency shall inform the licensee in writing.

Explanatory Note:

It is intended to adopt a different approach in terms of licensing abstractions than has been undertaken traditionally in licensing other activities. Rather than adopting a threshold over which an application for a licence must be made, the Agency shall undertake a review of the environmental impact of existing abstractions on a water body's environmental objectives using the register of abstractions established under Head 9. Currently only 6% of water bodies are deemed to be at risk from high abstraction pressures. A licence shall only be required for very large abstractions (over 2,000 cubic metres) or for medium abstractions (250 cubic metres or over) deemed to be significant. This Head provides for the Agency to make an assessment of catchments to determine those which are subject to significant abstraction pressures, and allows for a public consultation phase prior to finalisation of that process.

Subhead (1) provides for the Agency to undertake an assessment of the impact of current abstractions, using the register of abstractions established under the provisions of Head 7 and any other information required. It provides that that assessment shall identify every water body that is at risk as a result of over-abstraction, and every abstraction that is affecting that water body shall be deemed to be a "significant abstraction". Significant abstractions will require to be licensed under the provisions of Heads 11 and 12. **Subhead (2)** outlines the factors which the Agency must take into consideration when undertaking that assessment. Mitigation measures could include, for example, leakage reduction, seasonal/diurnal flow reductions, infrastructural improvement works, technological improvements and river restoration works.

Subhead (3) provides that the Agency may seek additional information from abstractors to inform its assessment and that that information must be provided.

Subhead (4) provides for the publication of the list of significant abstractions on the Agency's website. **Subhead (5)** provides that the Agency must contact every abstractor undertaking an abstraction deemed "significant" to indicate that the abstraction requires a licence and shall indicate a time frame for that licence application to be made. **Subhead (6)** provides that where a notification is received under Head 12 regarding a proposed abstraction that is to commence after the prescribed date, the Agency shall consider its potential impact and if it deems it to be significant, it shall add that abstraction to the list made under this Head at the point that the licence for that proposed abstraction is issued, if relevant.

Subhead (7) provides for the periodic review and update of the assessment of the impact of abstraction and the water bodies deemed to be "significant". If a licensed abstractor no longer

requires a licence by virtue of the water body from which the abstraction is taking place being removed from the list of significant abstractions, he or she will be informed in writing by the Agency.

Head 11 – Licensing of existing abstractions

To provide that:

- (1) A person undertaking an existing abstraction deemed under the provisions of Head 9(1) to require a licence shall submit an application for a licence within the timeframe specified by the Agency under Head 10(5) by the Agency and, if subsequently requested by the Agency, shall furnish any additional documents, particulars or other information requested within the timeframe indicated by the Agency.
- (2) If an application for a licence under subhead (1) is not submitted to the Agency within the specified time frame, any subsequent application in respect of the same abstraction shall be treated as an application for an abstraction commencing after the prescribed date under Head 12.
- (3) An application for a licence under subhead (1) shall be advertised publicly by the person making the application in line with the provisions of regulations made under Head 13 and shall be in such form and shall include such reports and technical assessments as may be determined by the Agency, which may include electronic submission.
- (4) The Agency shall consider an application for a licence in accordance with the provisions laid out in regulations made under Head 13 and shall include in a licence any conditions it considers appropriate to ensure the water body concerned meets its environmental objectives, including conditions with regard to navigation rights as set out in Head 18.
- (5) Before issuing a licence under this Head, the Agency shall notify the applicant, and any person who made a written submission in relation to the application, indicating any conditions the Agency proposes to attach to the licence and enclosing a copy of the proposed licence.
- (6) A notification provided for under subhead (5) shall be given within eight weeks beginning on the date of receipt by the Agency of an application under this Head, or if additional documents, particulars or other information is requested by the Agency under subhead (1), within eight weeks of receipt of the additional documents, particulars or other information.
- (7) A person who receives a notification under subhead (5) may object to the proposed licence or conditions to be attached to the proposed licence and any such objection must be submitted to the Agency, including the grounds for the objection, within 28 days of receipt of the proposed notification.
- (8) The Agency shall consider any objections made under subhead (7) and shall grant the licence within eight weeks after the expiration of the 28-day period –
 - (a) in line with the proposed licence if no objection has been made or if any objection made has been withdrawn;
 - (b) having had due regard to the grounds of any objection made and having amended the proposed licence if considered appropriate by the Agency.

- (9) The Agency shall inform the applicant and any other person notified under subhead (5) of the issue of a licence and shall make available to those persons the following information:
- (a) the content of the licence and any conditions attached thereto;
 - (b) the main reasons and considerations on which the issue of the licence was based and for the attachment of any conditions, including reasons and considerations arising from objections made under subhead (6);
 - (c) an evaluation of the direct and indirect effects of the proposed abstraction on the environment;
 - (d) a description where necessary of any measures take to avoid, reduce or offset any adverse impact of the abstraction; and
 - (e) information on the procedures available to the applicant and any other person notified under subhead (5) to review the substantive and procedural legality of the decision.
- (10) Without prejudice to Head 28(4), it shall be an offence to undertake without a licence an abstraction deemed by the Agency to require a licence or to continue an abstraction contrary to the provisions of a licence granted under this Head, where a licence has been suspended or surrendered or where the Agency has determined that the application cannot be considered in the absence of any documents, particulars or other information requested within the time frame requested by the Agency under subhead (1).
- (11) A licence granted under this Head shall be of unspecified duration and shall remain valid unless or until that licence is amended, suspended or surrendered.
- (12) A licence under this Head shall not be granted if the abstraction in question is not in compliance with the General Binding Rules issued by the Agency under Head 5.
- (13) An abstractor licensed under this Head who wishes to increase the amount of water permitted to be abstracted under licence must make an application for a licence under Head 12 and the proposed abstraction shall be treated as an abstraction commencing after the prescribed date under the provisions of that Head.

Explanatory Note:

This Head sets out the process for licensing and provides for the detail of the licensing process to be set out in regulations. It is partly based on existing procedures set out in section 87(9A) of the Environmental Protection Agency Act 1992 (as amended). Significantly, this Head provides that an existing abstraction cannot be refused a licence in the first instance. The Directive provides at Article 11(1)(e) that Member States can exempt from controls abstractions that have no significant impact on water status, and furthermore, the obligation in the Directive to introduce controls over abstraction is a requirement for “prior authorisation”, which is not possible for abstractions already in existence, many of them for some considerable time. However, conditions can be set to a licence for an existing abstraction in order to protect the water environment, thus controlling the abstraction.

Should an abstractor wish to increase the volume of an existing abstraction, he or she must apply for a licence under Head 12 rather than this Head, and that application will be treated as an application for a new abstraction, and accordingly can be granted or refused.

Subhead (1) provides that a person undertaking a registered abstraction must submit an application licence and any additional documents required within a timeframe notified by the Agency, if the abstraction is deemed by the Agency to require a licence. An unregistered abstraction cannot be treated as an existing abstraction but would require an application as a new abstraction under Head 12. Similarly, under **subhead (2)**, if the application for the abstraction in question is not submitted within the time frame notified by the Agency, any subsequent application in respect of that abstraction is to be treated as an application for a new abstraction under Head 12. **Subhead (3)** provides that an application shall be advertised publicly and shall be in a form decided by the Agency. It must also include any reports or assessments required by the Agency. **Subhead (4)** provides that the Agency shall consider the application in line with regulations made under this Head and may set conditions on the licence, including in relation to the protection of navigation rights.

Subheads (5) and (6) provide for the Agency to notify an applicant of its proposed licence and timeframes for so doing. **Subhead (7)** provides for a notified person to make objections to the proposed licence. **Subhead (8)** provides for the objections to be considered and for the licence to be granted within eight weeks, having had due regard to any objections made. It should be noted that a licence under this Head can only be granted. **Subhead (9)** provides for the Agency to make available information on the licence and any conditions attached to it, and on the factors taken into consideration, as well as information on the procedures available for the legality of the decision to be reviewed.

Subhead (10) provides that it is an offence to undertake without a licence an abstraction requiring a licence or to continue an abstraction contrary to the licensing conditions attached, or to continue an abstraction where the licence application cannot progress as the required information has not been submitted.

Subhead (11) provides that a licence is open-ended and remains valid until it is amended, suspended or surrendered. **Subhead (12)** provides that a licence can only be granted if the abstraction in question is in compliance with the General Binding Rules.

Subhead (13) provides that if a licensed abstractor wishes to increase the volume of water being abstracted, he or she must apply for a licence for the increased abstraction under the provisions of Head 12. The Agency cannot refuse a licence for an existing abstraction, but can only set conditions and/or limits; a new abstraction, on the other hand, could be refused by the Agency if the Agency considers the risk it poses would be too great. It is reasonable if the volume of an existing abstraction is to increase that it be treated as a new abstraction.

Head 12 - Licensing of abstractions commencing after the prescribed date

To provide that:

- (1) Where a person wishes to -
 - (a) commence an abstraction of between 250 and 1,999 cubic metres in any 24-hour period after the prescribed date, or
 - (b) increase an existing abstraction to between 250 or 1,999 cubic metres in any 24-hour period,he or she shall notify the Agency of that intention in such form as may be determined by the Agency and, if subsequently requested by the Agency, shall furnish any additional documents, particulars or other information requested within the timeframe indicated by the Agency.
- (2) On receipt of a notification under subhead (1), the Agency shall assess the information received and determine whether or not the proposed abstraction is likely to be a significant abstraction under the provisions of Head 10.
- (3) Should the Agency consider that the proposed abstraction in respect of which it received notification under subhead (1) is likely to be a significant abstraction, it shall inform the person wishing to commence or increase the abstraction that a licence is required in respect of the proposed abstraction.
- (4) Should the Agency consider that the proposed abstraction in respect of which it received notification under subhead (1) is not a significant abstraction, it shall inform the person wishing to commence or increase the abstraction that a licence is not required in respect of the proposed abstraction.
- (5) Where a licence is required under subhead (3), the person wishing to commence an abstraction of between 250 and 1,999 cubic metres in any 24-hour period or increase an existing abstraction to between 250 and 1,999 cubic metres in any 24-hour period shall submit an application for a licence to the Agency.
- (6) A person wishing to -
 - (a) commence an abstraction of 2,000 cubic metres or more in any 24 hour period after the prescribed date, or
 - (b) increase an existing abstraction to 2,000 cubic metres or more in any 24-hour period,shall apply directly to the Agency for a licence without notification under subhead (1).
- (7) An application for a licence under subhead (5) and (6) shall be advertised publicly by the person making the application, in line with the provisions of regulations made under Head 13, and shall be in such form and shall include such reports and technical assessments as may be determined by the Agency, which may include electronic submission.
- (8) If subsequently requested by the Agency, an applicant under subheads (5) and (6) shall furnish any additional documents, particulars or other information within the timeframe indicated by the Agency.

- (9) The Agency shall consider and decide on an application for a licence in accordance with the provisions laid out in regulations made under Head 13 and may include in a licence any conditions it considers appropriate in order for the water body concerned to achieve its environmental objectives, with due regard to the consideration of navigation rights as laid out in Head 18.
- (10) The Agency shall not grant a licence under this Head if it is of the view that the granting of a licence would prevent the water body from which the water is to be abstracted, or any other hydrologically-linked water body, from achieving its environmental objectives, and that any mitigating conditions that could be set under subhead (9) would not adequately protect the water body in question from abstraction pressures.
- (11) Before making a decision on an application for a licence, the Agency shall notify the applicant and any person who made a written submission in relation to the application following the public notice specified in subhead (7), indicating the determination proposed by the Agency, and where it is proposed to grant a licence or a revised licence, enclosing a copy of the proposed licence or revised licence.
- (12) A notification provided for under subhead (11) shall be given within eight weeks beginning on the date of receipt by the Agency of an application under this Head, or if additional documents, particulars or other information is requested by the Agency under subhead (8), within eight weeks of receipt of the additional documents, particulars or other information.
- (13) A person who receives a notification under subhead (11) may object to the proposed determination or conditions to be attached to the proposed determination and any such objection must be submitted to the Agency, including the grounds for the objection, within 28 days of receipt of the proposed notification.
- (14) The Agency shall consider any objections made under subhead (13) and shall make a decision on the proposed licence within eight weeks of the expiration of the 28-day period –
 - (a) in line with the proposed determination if no objection has been made or if any objection made has been withdrawn;
 - (b) having had due regard to the grounds of any objection made and having amended the proposed determination if considered appropriate by the Agency.
- (15) The Agency shall inform the applicant and any other person notified under subhead (11) of its decision and shall make available to those persons the following information:
 - (a) the content of the decision and any conditions attached thereto;
 - (b) the main reasons and considerations on which the decision is based and for the attachment of any conditions, including reasons and considerations arising from objections made under subhead (13);
 - (c) an evaluation of the direct and indirect effects of the proposed abstraction on the environment;
 - (d) a description where necessary of any measures take to avoid, reduce or offset any adverse impact of the abstraction; and
 - (e) information on the procedures available to the applicant and any other person notified under subhead (11) to review the substantive and procedural legality of the decision.

- (16) It shall be an offence to commence an abstraction deemed under this Head to require a licence, or to increase an existing abstraction to a level for which a licence is required, unless a licence in respect of that abstraction has been issued by the Agency.
- (17) A licence granted under this Head shall be of unspecified duration and shall remain valid unless or until that licence is reviewed, amended, revoked, suspended or surrendered.
- (18) A licence under this Head shall not be granted if the abstraction in question is not in compliance with the General Binding Rules issued by the Agency under Head 5.

Explanatory Note:

This Head sets out the licensing process for proposed abstractions due to commence after the prescribed date.

Subhead (1) provides that a person wishing to commence an abstraction of between 250 and 1,999 cubic metres per day, or to increase an existing abstraction to that level must notify the Agency of that intention and provide whatever additional documentation is requested by the Agency.

Subheads (2), (3) and (4) provide for the Agency to consider whether or not the abstraction is likely to be significant, and if it deems the abstraction to be potentially significant, the Agency shall inform the proposed abstractor that a licence application is required. The applicant must also be informed if a licence is not required.

Subhead (5) provides that where a licence is required for an abstraction of between 250 and 2,000 cubic metres per day, the person concerned shall submit an application to the Agency.

Subhead (6) provides that a proposed abstraction of 2,000 cubic metres or more in any 24-hour period, or a proposal to increase an existing abstraction to that level, shall automatically require a licence without any notification process. **Subhead (7)** provides for an application for a licence under this Head to be advertised publicly and that it is to be in such form and to include such assessments and reports as required by the Agency. **Subhead (8)** provides for any additional information required by the Agency to be provided.

Subhead (9) provides that the Agency shall consider the application in line with regulations made under Head 10 and may set conditions on the licence, including conditions relating to the protection of navigation rights. **Subhead (10)** provides that the Agency shall not grant a licence if it considers that that it would be detrimental to the water body concerned or to any other hydrologically-linked water body.

Subheads (11) and (12) provide for the Agency to notify an applicant, and any other person who made a submission on the application, of its proposed decision prior to issuing a licence and timeframes for so doing. **Subhead (13)** provides for a notified person to make objections to the proposed determination. **Subhead (14)** provides for the objections to be considered and for a decision to be made on the licence. **Subhead (15)** provides for the Agency to set out its reasons for the licensing decision and considerations arising from any objections made.

Under **subhead (16)**, it is an offence to commence the abstraction of water without a licence if one is required, or to increase an abstraction to a level requiring a licence. **Subhead (17)** provides that a licence is open-ended and remains valid until it is reviewed, amended, revoked,

suspended or surrendered. Subhead (18) provides that a licence can only be granted if the abstraction in question is in compliance with the General Binding Rules.

Head 13 - Regulations on the licensing of abstractions

To provide that:

- (1) The Minister shall make regulations for the purpose of licensing under Heads 11 and 12, which may make provision for all or any of the following:
 - (a) public notification of the intention to apply for a licence to abstract and prescription of the format of a public notice and information in relation to the proposed abstraction, including -
 - (i) the source of water,
 - (ii) the place or places of abstraction,
 - (iii) the level of proposed abstraction, including any seasonal variability,
 - (iv) particulars of any ancillary operations, and
 - (v) the impact of the abstraction on the water body from which the water is to be abstracted and on any other hydrologically-linked water body that may be adversely affected;
 - (b) the licensing process, including the application process and variation of the time limits in Heads 11(6), (7) and (8) and Head 12(12), (13) and (14) for specific reasons and the process for transfer, amendment and suspension of a licence;
 - (c) revocation of a licence issued under Head 12;
 - (d) the surrender of a licence, including where an abstraction is no longer deemed significant following a review of the assessment outlined at Head 10;
 - (e) in the case of a licence issued under Head 13, consideration of the effect of the abstraction on –
 - (i) population and human health,
 - (ii) biodiversity, including species and habitats,
 - (iii) land, soil, air, climate and the water environment,
 - (iv) material assets, cultural heritage and the landscape, where appropriate,
 - (v) the interaction between (i) to (iv);
 - (f) in the case of a licence issued under Head 12, the carrying out of an environmental impact assessment;
 - (g) in the case of a licence issued under Head 12, the carrying out of consultations under the Transboundary Convention, including -
 - (i) notifications to the Minister,
 - (ii) the submission of information to the Minister,
 - (iii) the notification of the other State involved and the provision of information to that State,
 - (iv) the making of observations and submissions regarding the application from the other State involved and the entering into consultations with that State
 - (v) the extension of time limits for the making of decisions under these Heads;
 - (h) appropriate assessment under the European Communities (Birds and Natural Habitats) Regulations 2011;
 - (i) procedures for appealing to the Minister under Head 18(8), including –
 - (i) time limits for making an appeal;
 - (ii) procedures for consultation and time limits for such consultation;

- (iii) conditions, restrictions or mitigation measures that the Minister considers should be included to protect navigation in any licence that he or she directs the Agency to grant;
 - (j) the reason for the permitted level of abstraction, including variation of the level for seasonal, drought or other reasons;
 - (k) the level of fee, if any, for a licence or for the review, transfer or amendment of a licence;
 - (l) engagement with the abstractor or proposed abstractor;
 - (m) the review of conditions attached to a licence, and such a review may be instigated by either the Agency or requested by the licensee, but may not be requested by the licensee until the expiration of at least three years after the issue of the licence;
 - (n) a register of licences having regard to the provisions under Head 7 on the publication of information on registered abstractions, licence applications and licence holders and monitoring and enforcement proceedings arising under this Act;
 - (o) the setting of a limit or limits on the amount of water which may be abstracted;
 - (p) the cessation of a licence;
 - (q) the decommissioning of an abstraction;
 - (r) the setting of a time frame within which an abstraction must be undertaken, if appropriate;
 - (s) conditions, restrictions and mitigation measures which may be included in a licence, having regard to –
 - (i) the assessment of the environmental impact of abstractions carried out by the Agency under the provisions of Head 10;
 - (ii) the environmental objectives laid out in the River Basin Management Plan prepared by the Minister;
 - (iii) the need to provide for the efficient use of water resources; and
 - (iv) the need for protection of navigable water, where appropriate;
 - (t) with regard to a public water supply, conditions to be set with regard to objectives laid out in a current Water Resource Management Plan prepared by Irish Water;
 - (u) reporting and monitoring to be undertaken by the licensee; and
 - (v) conditions to be included where a water body is considered to be at risk of not achieving its environmental objectives due to an abstraction of national public interest, to include provisions regarding the scale and timescale of necessary improvements having regard to technical feasibility, cost of the alternative to the abstraction and the environmental and the socioeconomic needs served by the abstraction.
- (2) A Water Resource Management Plan means a plan relating to the management of water resources, including estimates of demand and environmentally sustainable supply, prepared by Irish Water as part of the development of, or the implementation of, a Water Services Strategic Plan required under section 33 of the Water Services (No. 2) Act 2013, where an environmentally sustainable supply is that which can be delivered by Irish Water without a risk to the water body not meeting its environmental objectives as set out in the River Basin Management Plan.

Explanatory Note:

This Head sets out what may be included in regulations dealing with licensing under Heads 11 and 12.

Subhead (1) provides that regulations may make provision for, *inter alia*, public notification, including the format of a notice; the application process; for surrender, transfer, amendment, and review of a licence; for the factors to be taken into consideration when considering an application; for environmental impact assessment, where relevant, and screening; for fees; for conditions to be attached to a licence; for reporting and monitoring; and for conditions where an abstraction is necessary in the national public interest but is affecting the achievement of the environmental objectives of the water body. Examples of circumstances where this could arise would be where there is a need to provide for a public water supply or for electricity generation, if there is no alternative in the short term, and where cessation of the abstraction would not be in the public interest.

It should be noted that the provisions at subhead (1)(e)(iii) allow the EPA, when dealing with a licence application, to consider the effect of the abstraction on land, soil, air, climate and the water environment. This is in addition to the other considerations listed i.e. population, human health, biodiversity (including species and habitats), material assets, cultural heritage and the landscape, where appropriate. The impacts arising from climate change are addressed in detail in the Water Services Infrastructure Climate Adaptation Plan prepared by the Minister's Department in 2019 under the National Adaptation Framework, which sets out Ireland's national strategy to deal with the effects of climate change. This sectoral adaptation plan is focused on managing the risks from climate change for water quality and for water services infrastructure and describes the key risks and proposes necessary adaptive measures.

Water abstraction licensing is identified as one of the key drivers to facilitate implementation of measures under the Water Services Infrastructure Climate Adaptation Plan (2019, p.69). This Plan notes that changes in the consumptive pattern of water resources arising from climate change could lead to increased competition for water resources and behavioural changes in the way people access water supplies. It is therefore important that water abstractions are licensed and that their impacts are monitored and regulated.

Specific impacts related to water abstractions that are identified in the Plan include:

- Hot weather-related changes in demand (e.g. higher daily and peak demand);
- Cold related changes in demand (e.g. higher daily and peak demand);
- More frequent water/wastewater asset flooding, asset loss and potential for environmental pollution;
- Increased stress on dam/reservoir infrastructure due to changes in water level operational parameters, potentially leading to water shortages;
- Increased drawdown in the autumn/winter for flood capacity, leading to resource issues in the following spring/summer;
- Increased stress on dam/reservoir infrastructure due to changes in water level operational parameters, potentially leading to water shortage;
- Reduced availability of water resources (surface water and groundwater sources);
- Business continuity (level of service) impacts/ interruptions; and,
- Loss of, or intermittent supply from, reservoirs. (2019, pp. 111-113)

Subhead (2) clarifies what is meant by the term “Water Resource Management Plan” as used in this Head.

Head 14 - Amendment of Planning and Development Act 2000 to 2020

To provide that:

The Planning and Development Act 2000 to 2020 is amended as follows:

- (a) in section 2 by inserting the following definition before the definition of “acquisition of land”:
 - “‘abstraction licence’ means a licence under the Water Environment (Abstractions) Act 2019;”
- (b) in section 7(2)(c) by inserting “, an abstractions licence” after “integrated pollution control licence”;
- (c) in section 34(2) by the insertion of the following subsection after paragraph (c):
 - “(ca) Where an application under this section relates to development which comprises or is for the purposes of an activity for which an abstraction licence is required, a planning authority shall take into consideration that the control of the abstraction of water is a function of the Environmental Protection Agency.”;
- (d) in section 37F(5) by inserting the words “, an abstraction licence” after “integrated pollution control licence”;
- (e) in section 37G(4) -
 - (i) by inserting the words “, an abstraction licence” after “integrated pollution control licence”; and
 - (ii) by substituting the following for (a) and (b):
 - “(a) in the case of an integrated pollution control licence or a waste licence,
 - (i) controlling emissions from the operation of the activity ,including the prevention, limitation, elimination, abatement or reduction of those emissions,
 - (ii) controlling emissions related to or following the cessation of the operation or the activity, and
 - (b) in the case of an abstraction licence, controlling abstractions of water related to the activity;”
- (f) in section 37G(5) by inserting the words “, an abstraction licence” after “integrated pollution control licence”;
- (g) in section 173A –
 - (i) in subsection (1) by substituting the following for the definition of “application for a licence”:
 - “‘application for a licence’ means –
 - (a) in relation to an integrated pollution prevention and control licence under Part IV of the Act of 1992, an application made to the Environmental Protection Agency –
 - (i) for such a licence under section 83 of the Act of 1992, or
 - (ii) by the licensee under section 90(1)(b) of the Act of 1992 for a review of such a licence or a revised licence; and

- (b) in the case of an abstraction licence, an application made to the Environmental Protection Agency under the Water Environment (Abstractions) Act 2020.’; and
- (ii) in subsections (2), (4), (5)(c), (6) and (7) by inserting the words “or an abstraction licence under the Water Environment (Abstractions) Act 2020” after “Act of 1992” each time it occurs.
- (h) in section 173B by –
- (i) in subsection (1) by substituting the following for the definition of “application for a licence”:
- “application for a licence’ means –
- (a) in relation to a waste licence under Part V of the Act of 1996, an application made to the Environmental Protection Agency –
- (i) for such a licence under section 40 of the Act of 1996, or
- (ii) by the holder of the licence, for a review of a waste licence under section 46 of the Act of 1996; and
- (b) in the case of an abstraction licence, an application made to the Environmental Protection Agency under the Water Environment (Abstractions) Act 2020;” and
- (ii) in subsections (2), (4), (5)(c) (6) and (7) by inserting the words “or an abstraction licence under the Water Environment (Abstractions) Act 2020” after “Act of 1996” each time it occurs.
- (i) in section 175 –
- (i) by substituting the following for subsection 10(a):
- “(10)(a) Where an application under this section relates to proposed development which comprises or is for the purposes of an activity for which an integrated pollution control licence, a waste licence or an abstraction licence is required, the Board shall not, where it decides to approve the proposed development, subject that approval to conditions which are for the purposes of –
- (i) in the case of an integrated pollution control licence or a waste licence,
- (I) controlling emissions from the operation of the activity, including the prevention, limitation, elimination, abatement or reduction of those emissions, or
- (II) controlling emissions related to or following the cessation of the operation or the activity, and
- (ii) in the case of an abstraction licence, controlling abstractions of water related to the activity.”; and
- (ii) in subsection 10(b) by inserting the words “, an abstraction licence” after “integrated pollution control licence”.
- (j) in section 177AE –
- (i) by substituting the following for subsection 10(a):
- “(10)(a) Where an application under this section relates to proposed development which comprises or is for the purposes of an activity for which an integrated pollution control licence, a waste licence or an abstraction licence is required, the Board shall not, where it decides to approve the proposed development, subject that approval to conditions which are for the purposes of –
- (i) in the case of an integrated pollution control licence or a waste licence,

- (I) controlling emissions from the operation of the activity, including the prevention, limitation, elimination, abatement or reduction of those emissions, or
- (II) controlling emissions related to or following the cessation of the operation or the activity, and
- (ii) in the case of an abstraction licence, controlling abstractions of water related to the activity.”; and
- (ii) in subsection 10(b) by inserting the words “, an abstraction licence” after “integrated pollution control licence”.

(k) in the Fourth Schedule, by the insertion of the following paragraph after paragraph 6:
“6A. The proposed development would be contrary to the objectives of the River Basin Management Plan”

(l) in the Seventh Schedule, under *Environmental Infrastructure (Part 3)*, by the insertion of “,surface water abstraction” after “A groundwater abstraction” in line 18.

Explanatory Note:

This Head provides that the same provisions as apply to other EPA licensing processes with regard to planning requirements also apply to abstraction licensing. The Head provides for intersection and consultation between the planning and licensing processes by ensuring that existing procedures established in the Planning and Development Act 2000 to 2019 also apply to abstraction. This Head also amends the Seventh Schedule to the Planning and Development Acts 2000 to 2019 to ensure that a surface water abstraction of over 2 million cubic metres per annum is deemed strategic infrastructure. Under current provisions only groundwater abstractions of over that volume are considered to be strategic infrastructure.

Head 15 - Power for Irish Water to take a supply of water

To provide that:

- (1) Irish Water may abstract water from a new source or increase or extend an existing abstraction for the purposes of supplying water in accordance with its functions as defined in subhead (2) and execute on any land acquired by Irish Water or on any other land with the consent of the owner any works which are necessary for the purpose of increasing, extending or providing a supply of water, provided that –
 - (a) notice of the intention to abstract water from a new source, or extend or increase an existing abstraction, is given in accordance with the procedures set out in Head 18;
 - (b) the abstraction is registered and licensed by the Agency in accordance with this General Scheme as required; and
 - (c) where required, planning permission in accordance with Section 34 or 37A of the Planning and Development Acts, 2000 to 2007 has been obtained.

- (2) The water supply functions of Irish Water for the purpose of this Head are as set out in the -
 - (a) Water Services Acts 2007 to 2017;
 - (b) Public Health Acts 1878 to 1931; and
 - (c) Local Government (Sanitary Services) Acts 1878 to 2001.

Explanatory Note:

The purpose of this provision is to vest in Irish Water the right to abstract water in accordance with a registration or licence. The Water Supplies Act 1942 provides at section 13 for a sanitary authority to take a supply of water and that such taking of a water supply shall be lawful once a proposal under the provisions of that Act come into force. Given the repeal of that Act in this Bill, the re-statement of a power to take a supply of water is considered necessary. The granting of a licence under the provisions of this Scheme does not of itself grant a right to water; this Head is intended to put beyond doubt the power for Irish Water to take a supply for the provision of drinking water.

Subhead (1) provides that Irish Water may abstract from a new source or extend an existing abstraction in order to supply water in accordance with its functions, but that it must give notice of its intention to abstract; acquire the necessary planning permission; and have that abstraction registered or licensed in accordance with this Scheme. **Subhead (2)** lays out where in law the water supply functions of Irish Water are set out.

Head 16 - Requirement for Irish Water to give notice of intention to abstract or increase the abstraction of water

To provide that:

- (1) Irish Water shall be required to provide public notice, in accordance with the provisions of this Head, of an intention to abstract water from a new source or increase or extend an existing abstraction in accordance with its water services functions under the -
 - (a) Water Services Acts 2007 to 2017;
 - (b) Public Health Acts 1878 to 1931; or
 - (c) Local Government (Sanitary Services) Acts 1878 to 2001.

- (2) Where a proposal to abstract water by Irish Water is subject to the approval of An Bord Pleanála or a planning authority under section 34 or 37E of the Planning and Development Act 2000 to 2017, notice of Irish Water's intention to make a planning application shall be given in line with the provisions laid out in regulations made by the Minister under section 33 of that Act.

- (3) In addition to the requirement at subhead (2), and where a proposal to abstract water or increase an existing abstraction is not subject to the approval of An Bord Pleanála or a planning authority, Irish Water shall –
 - (a) give notice of the intention to make an application for a licence to abstract water in a newspaper circulating in the catchment area of the proposed abstraction or increase of abstraction, and
 - (b) give notice of the intention to make the application by the erection or fixing of a site notice,within the period of two weeks before the making of the application for a licence and in accordance with provisions laid out in regulations made by the Minister under Head 13, which shall include the format of the notice given under this subhead.

Explanatory Note:

The existing provisions in the Water Supplies Act 1942 provide a mechanism whereby the intention of the water services authority to abstract water or increase abstraction for water supply purposes is made known generally and in particular to those who may be affected, thereby giving an opportunity to object and, in certain cases, to seek compensation. The provisions provide for a proposal to be made to take a supply of water and for a book of reference to be prepared listing any persons to whom damage may be caused by the taking of water (section 4 of the 1942 Act). Every person whose name is in the book of reference must be informed in writing of the proposal and notice must also be published in a newspaper. Objections may be made within a period of at least a month and if no objections are received, the proposal is deemed to have been agreed (section 7, 1942). If objections are received, an application for a provisional order must be made to An Bord Pleanála.

The 1942 provisions, and in particular those relating to the preparation of a book of reference, are considered unwieldy and out-of-date. This Head ensures that the water services authority (Irish Water) continues to give public notice of its intention to abstract and integrates this process with the planning or licensing regime as appropriate. Interested parties will therefore be able to engage with the planning process where objections will be heard, or, in a case where no planning permission arises, be able to bring their views to the attention of the Agency if it is felt that there are potential environmental impacts. These can then be considered as part of

the Agency's risk-based approach to licensing. The specific requirement for public notification specified in this Head applicable to Irish Water, as opposed to the more general notification procedures applicable to all that will be laid out in regulations, are considered necessary due to the possibility of compensation potentially arising in respect of public drinking water abstraction. The possibility of the payment of compensation was provided for under the 1942 Act.

Subhead (1) provides that Irish Water must give public notice of its intention to abstract or increase an abstraction.

Subhead (2) clarifies that where planning permission is required for the abstraction, public notice must be given in line with the provisions set out in the Planning and Development Regulations 2001 to 2019. Abstraction permission will follow the same patterns as other licensing codes, where, if planning permission is required, the application for planning permission must be submitted before the application for a licence.

In addition to public notification of the intention to make a planning application, required under the Planning and Development Regulations 2001 to 2019, Irish Water must under **subhead (3)** also give separate public notice of its intention to apply for a licence to abstract, or to increase an existing abstraction. If no planning approval is needed, public notice of the intention to apply for a licence to abstract or increase an existing abstraction is still required.

Regulations made under Head 13 will set out the format of the required notice and the information that shall be included in any such notice, as well as the procedure for making and dealing with any objections received on foot of giving notice of an intention to apply for a licence to abstract water.

Head 17 - Compensation by Irish Water

To provide that:

- (1) When a water abstraction by Irish Water has come into force, every person whose rights to or in respect of water have been damaged or will be damaged by the taking of a supply of water shall, on making application under this Head, be entitled to be paid compensation by Irish Water for the amount of such damage.
- (2) An application for compensation under subhead (1) shall be made in writing to Irish Water within two years of the commencement of the authorised abstraction and shall include the following information -
 - (a) the applicant's legal title to the riparian lands, or evidence of an agreement with the owner of the relevant riparian lands to abstract water;
 - (b) evidence of the amount of water the applicant was abstracting prior to the coming into force of the abstraction by Irish Water;
 - (c) evidence that the abstraction by Irish Water has prevented the applicant from continuing to take the quantity of water which he or she was taking prior to the commencement of the abstraction by Irish Water; and
 - (d) evidence of financial loss or damage as a result of being unable to take water in the same quantity as the applicant was taking prior to the commencement of the abstraction by Irish Water.
- (3) On receipt of an application under subhead (2), Irish Water shall assess the evidence provided, and if of the view that the evidence submitted constitutes proof of loss or damage to the applicant as a result of Irish Water's taking of a supply of water, shall offer compensation to that applicant as Irish Water deems appropriate and shall make every effort to reach agreement with the applicant on the appropriate level of compensation.
- (4) Compensation shall not be payable to an applicant who has failed to comply with any provision of this Bill in relation to the abstraction in question, and if it considers it necessary, Irish Water may seek information from the Agency as to the applicant's compliance with any registration or licensing requirements under this legislation and the Agency must inform Irish Water if it is aware of any breach by the applicant of registration or licensing requirements.
- (5) Compensation may take the form wholly or partly of a supply of water service or other tangible benefit mutually agreed with Irish Water or determined by the arbitrator under subhead (10).
- (6) The payment of compensation by Irish Water to an applicant under this Head nullifies any subsequent claim by a third party who has acquired riparian rights in respect of the same lands or an interest in waters in respect of which the payment of compensation has been made.
- (7) Sections 69 to 74 and 78 to 80 of the Lands Clauses Consolidation Act 1845 shall apply in relation to compensation payable under this Head and for that purpose, Irish Water shall be deemed to be the promoters of the undertaking.

- (8) In default of agreement under this Head, compensation shall be determined by arbitration under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919, as amended by the Acquisition of Land (Reference Committee) Act 1925 in like manner as if such application were made in respect of the compulsory acquisition of land, subject to section 63 of the Lands Clauses Consolidation Act 1845 and to the subsequent provisions of this Head.
- (9) In respect of compensation to be determined under arbitration, a claim for such shall not be assessed until the applicant has proved and demonstrated the existence of a legal right and property entitlement to the abstraction of water and the quantity of water the impairment of which is relied on to ground the applicant's claim to compensation under this Head, and to the nature and extent of any other entitlement the impairment of which is being relied on by the applicant as a ground to seek compensation.
- (10) A arbitrator under the provisions of this Head shall have jurisdiction to determine whether compensation is, in the circumstances, payable at all, and if he or she determines that compensation is payable, the amount of such compensation and the time or times at which it shall be paid, whether or not it shall be paid in instalments, and if to be paid in instalments, the number, amount and times of the payment of such instalments.
- (11) If the claim to compensation is accepted by Irish Water, recourse to arbitration may not be had until the expiry of at least six months from the provision to Irish Water of the information specified in subhead (2) and during that period, Irish Water and the applicant must engage in efforts to agree the level of compensation.
- (12) A referral to arbitration absent an agreement between the applicant and Irish Water on the level of compensation payable may result in the applicant being made liable for costs incurred by Irish Water as a result of that referral.
- (13) Irish Water shall pay to every person to whom compensation is payable under this Head interest on the amount, when determined, of such compensation at the rate of inflation, applicable from the date on which the relevant abstraction by Irish Water commenced until the date of determination of such compensation.
- (14) Where Irish Water has made an unconditional offer in writing of any amount as compensation to an applicant under this Head and notwithstanding this offer the claim moves to arbitration, where the amount which the arbitrator determines to be payable as compensation is less than or equal to the amount previously offered by Irish Water, no compensation shall be payable in respect of the period from the date of that offer to the determination at arbitration.
- (15) Any application for compensation made under the provisions of the 1942 Act and not brought to conclusion before the coming into force of this Head shall continue to conclusion under the provision of that Act.

Explanatory Note:

This section provides for the continuation of a process under the Water Supplies Act 1942 which enables a person to seek compensation where he or she suffers a demonstrable loss from the

abstraction of a volume of water for drinking water purposes. It is not intended that a person who is not abstracting water, but who considers that he or she has a potential right to abstraction, may apply for compensation.

Subhead (1) provides that when a water abstraction comes into force, a person whose rights have been or will be damaged as a result may make application for compensation and shall be entitled to compensation if damage has occurred.

Subhead (2) lays out what must be included in an application for compensation, including evidence of the applicant's legal title; evidence of the amount of water the applicant was abstracting; evidence that the Irish Water abstraction has affected the amount of water that the applicant can take, and evidence of financial loss or damage to the applicant as a result.

Subhead (3) provides that Irish Water shall assess the evidence provided and shall offer compensation to the applicant if it is of the view that there has been loss or damage to the applicant as a result of Irish Water taking a supply of water.

Subhead (4) provides that an applicant must have complied with the provisions of this legislation in order to be entitled to compensation. This reflects the principle that a plaintiff who breaks the law forfeits the right to pursue a legal remedy if it arises in connection with his or her unlawful actions, and may also help to encourage compliance with this new regulatory regime. Irish Water may seek information from the Agency with regard to compliance with registration and licensing provisions in respect of the abstraction under consideration. **Subhead (5)** provides that compensation may be in the form of a water service or another tangible benefit mutually agreed. **Subhead (6)** provides that compensation can only be awarded once in respect of a claim in relation to a particular right or interest; a subsequent owner cannot later claim for the same loss.

Subsection (7) provides that sections 69 to 74 and 78 to 80 of the Lands Clauses Consolidation Act 1845 apply in relation to compensation payable under this Head. This is a re-statement of section 14(4) of the 1942 Act. **Subsection (8)** re-states section 15(1) of the 1942 Act and provides that if agreement on compensation cannot be reached, the arbitration procedures laid out in relation to a claim under the Acquisition of Land (Assessment of Compensation) Act 1919 apply to a claim under this Head in the same way as if the application was in respect of the compulsory acquisition of land. Arbitration can be triggered by means of a written application to the Land Clauses Reference Committee, which then appoints an arbitrator. Either the acquiring authority or the person whose property is being acquired can apply to have an arbitrator appointed. The reference to section 63 of the 1845 Act included here provides for damage sustained by the owner of the land as a result of the acquisition to be taken into account when deciding compensation.

Subhead (9) provides in effect that a claim for compensation shall not be considered under arbitration unless the applicant has proved and demonstrated a right or entitlement which has been affected by the Irish Water abstraction in point. **Subhead (10)** provides that the arbitrator may determine whether compensation is payable at all and if it is, the amount to be payable, whether it is to be paid in instalments and the amount and number of instalments.

Subhead (11) provides that, where Irish Water accepts the claim, a period of six months must have expired after the initial documentation is provided before a claim can move to arbitration and that the parties must have made efforts to engage within that period. This is to ensure that negotiation and engagement take place and that arbitration cannot be the first port of call for

either Irish Water or an applicant. **Subhead (12)** provides that costs incurred by Irish Water due to a referral to arbitration may be payable by the applicant.

Subheads (13) and (14) provide for interest to be payable from the commencement of the relevant Irish Water abstraction to the date compensation is decided. Where an offer is made by Irish Water but the claim still goes to arbitration, if the final amount decided by the arbitrator does not exceed that offered by Irish Water, interest is only payable up to the date the offer was made by Irish Water. These provisions are a re-statement of section 16 of the 1942 Act.

Subhead (15) provides that an application for compensation that has commenced under the provisions of the 1942 Act and has not yet been finalised will continue to be treated under the provision of that Act, notwithstanding the provisions of this Head.

Head 18 - Protection of navigable water

To provide that:

- (1) Subject to the provisions of Head 22, nothing in this Bill shall be construed as entitling a person to abstract water in such manner, or from such source of water, or of such amount as to make the navigation of any navigable water impossible or unreasonably difficult.
- (2) In granting a licence under Head 11 or Head 12, and subject to regulations made under Head 13, the Agency may set whatever conditions it considers appropriate to protect navigation rights, and shall consult with the navigation authority of the navigable water in question in relation to any conditions it proposes to attach to a licence.
- (3) Where the Agency receives an application for a licence under Head 12 for an abstraction from navigable water, it shall give to the navigation authority of the navigable water written notice of such application.
- (4) Where the navigation authority of any navigable water is given notice under subhead (3), it shall, before the expiration of twenty-eight days from the giving of such notice and if it is of the opinion that the abstraction of water in accordance with the licence application makes or will make the navigation of the navigable water impossible or unreasonably difficult, inform the Agency in writing of this opinion and include a statement of its reasons and any additional information as it considers appropriate, and the Agency shall have regard to such opinion in deciding on the licence.
- (5) If the navigation authority does not inform the Agency of its views in respect of the licence application for an abstraction from the navigable water in question within the time frame indicated in subhead (4), the Agency shall proceed on the basis that the navigation authority has no objection to the licence application in relation to the navigability of such water and in that case it shall not be open to the navigation authority to contend in any court that the abstraction of water in accordance with the licence makes or will make the navigation of the relevant navigable water impossible or unreasonably difficult.
- (6) The Agency shall consider the views of the navigation authority before it makes a determination on a licence under the provisions of Head 12 and may request any additional information from the navigation authority as it considers necessary and, if so requested, the navigation authority shall provide that information within the time frame indicated.
- (7) If the Agency is satisfied, having regard to the information provided by the navigation authority and by the applicant, and having undertaken any consultation with any other body or with the public as it sees fit –
 - (a) that the abstraction under consideration would render navigation impossible or cause it to be unreasonably impeded, and that
 - (b) no reasonable condition which the Agency could set would be sufficient to protect navigation while allowing the abstraction to take place,it shall not grant a licence under Head 12 and shall provide in writing to the applicant and to the navigation authority its reasoning for not granting the licence.

- (8) If a licence to which this Head applies is refused by the Agency, the applicant may appeal the Agency's decision to the Minister who shall, after consultation with the Agency and the navigation authority, confirm the decision or direct that that the licence be granted, and may direct, if he or she considers it necessary, that the licence be only granted with specific arrangements for, or conditions to allow, navigation.

Explanatory Note:

This 1942 Act provides for the protection of navigable rivers and canals. The provisions here are a modified and updated version, intending to provide for the consideration of the concerns of a navigation authority in the determination of a licence. Reference to an interference notice is now removed, and the process made less formal. The Head still gives a navigation authority the power to raise its concerns with the Agency. If these concerns are considered to be valid, the Agency can refuse an application for a licence. There is scope to appeal this decision to the Minister.

Subhead (1) re-states the provision at section 21(2) of the 1942 Act and provides that nothing in this legislation should be read as entitling a person to abstract water to the detriment of navigation of any navigable water. **Subhead (2)** provides that, in issuing a licence under Heads 11 or 12, the Agency may set any conditions it considers appropriate and may consult the navigation authority in relation to any such conditions.

Subhead (3) provides that, where an application under Head 12 for a licence to abstract concerns navigable water, the Agency must give the navigation authority written notification of that application. Navigation authority and navigable water are both defined in section 2.

Subhead (4) provides that the navigation authority, within a given time frame, must respond to the notification outlining its objections to the licence application if it is of the view that abstraction of water in accordance with the application would render navigation impossible or unreasonably difficult and that the Agency must have regard to any such opinion. **Subhead (5)** provides that the non-response of the navigation authority within the given time frame will lead the Agency to proceed on the basis that the authority has no objection to the issuing of the licence with respect to navigability. If this happens, the navigation authority may not subsequently claim in court that the abstraction in question makes navigation of the relevant navigable water or canal impossible or unreasonably difficult.

Subhead (6) provides that the Agency must consider the views of the navigation authority before making a decision on the licence application and may request whatever additional information it requires from the navigation authority. **Subhead (7)** provides that where the Agency is satisfied that the proposed abstraction would render navigation impossible or unreasonably difficult, and that there are no reasonable conditions that could impose that would protect navigation rights while allowing the abstraction, in respect of the impact on navigation, it shall refuse the application for a licence. It may consult any other body or the public as it sees fit. The Agency must provide its reasoning for refusing the licence application in writing to the applicant and the navigation authority. **Subhead (8)** provides for an appeal to the Minister if a licence is refused and for the Minister to consult before confirming or overturning the licence decision.

Head 19 - Abstraction for fire-fighting

To provide that:

- (1) Nothing in this Act shall be construed as interfering with any power laid out in section 28 of the Fire Services Act 1981.

Explanatory Note:

Section 28 of the Fire Services Act 1981 provides that water may be taken from any watercourse, lake, pond or other source, whether natural or artificial, for the purpose of extinguishing a fire or to protect or rescue persons or property. It is not intended that provisions in this Bill would apply to the taking of water under section 28 of that Act, or that any such abstraction would require licensing or registration. This Head expressly states that nothing in this Bill shall interfere with the power to take water for the purposes set out in section 28 of the 1981 Act.

Head 20 - Protection of public drinking water supply

To provide that:

- (1) Where Irish Water is of the opinion that –
 - (a) an immediate risk to a public drinking water supply necessitates a reduction in the abstraction of water by a third party, or
 - (b) following consultation with the HSE, that if a reduction in the volume of an abstraction undertaken by a third party is urgently necessary for the continued supply of public drinking water service or for reasons of human health or safety, it may apply to the Minister for a direction to temporarily cease or limit an abstraction of water to such rate or quantity and for such time or for the duration of such circumstances as may be specified.
- (2) In making an application to the Minister under subhead (1), Irish Water shall –
 - (a) detail the perceived risk to the public drinking water supply;
 - (b) detail why the temporary limitation or cessation of a specific abstraction is required;
 - (c) specify the location of the abstraction in question, and the name of the person responsible for the abstraction or abstraction;
 - (d) specify the quantity to which the abstraction should in the view of Irish Water be limited, if applicable;
 - (e) specify the length of time for which, in the view of Irish Water, the cessation or limitation should last.
- (3) The Minister shall assess an application made under subhead (1) within seven days of receipt and having regard to the information provided under subhead (2) and may consult on the application with the Agency or any other person or public body as he or she sees fit.
- (4) The Minister may request further specific information from Irish Water on its application and Irish Water must provide that requested information within the shortest possible delay in order for the application under subhead (1) to be further considered.
- (5) On completion of the assessment and consultation, if required, under the provisions of subhead (3) the Minister shall –
 - (a) inform Irish Water in writing of his or her decision to not accede to the application made under subhead (1); or
 - (b) direct the Agency in writing to temporarily limit or suspend a specified abstraction licence to the extent and for the duration specified by the Minister where in the Minister's view this action is proportionate and in the public interest, and such direction has effect notwithstanding any enactment declaring that water body publicly navigable.
- (6) The Agency shall inform the owner of the abstraction in question of a decision under subhead (5)(b) to temporarily halt or limit the abstraction within two days of receipt of the direction by the Minister and shall immediately suspend or amend the abstraction in question for the time period specified by the Minister.
- (7) A person whose abstraction has been temporarily suspended or amended by the Agency under subhead (6) or a person affected by the suspension or limitation of an abstraction, may appeal to the Minister in writing against that decision and the Minister must consider that appeal and may amend the direction to the Agency accordingly, but the

temporary cessation or limitation of the abstraction in question shall be undertaken pending a decision on any such appeal.

- (8) The Minister may make regulations governing the format and process of an appeal made under subhead (7).
- (9) A person who does not comply with the suspension or amendment of an abstraction under subhead (6) commits an offence.
- (10) Notwithstanding the provisions of Head 17, no compensation shall be payable to an abstractor in respect of a temporary cessation or reduction of an abstraction in the interests of the common good.
- (11) In this Head, “temporary” means for the shortest period of time practicable and “temporarily” shall be construed accordingly.

Explanatory Note:

This Head is intended to protect public drinking water supply in times of drought or for reasons of human health or safety. The Head permits Irish Water to apply to the Minister for a direction to temporarily limit or halt an abstraction where there is a risk to public drinking water supply or for reasons of human health or safety

The need for emergency powers became particularly evident in 2018 in widespread drought conditions where risks to drinking water supply arose. While these risks were managed and ultimately, a water supply continued to be available, a need was identified to have a more structured system for dealing with exceptional circumstances where one abstraction may need to be temporarily curtailed in order to give priority to the public supply of drinking water. In an era when the impacts of climate change are becoming more prevalent, there is a need to make provision to deal with such emergency situations. This Head would enable Irish Water to apply for a direction for an abstraction to be temporarily limited in order to protect drinking water supply.

Under **subhead (1)**, where Irish Water is of the view that an abstraction by another party is posing a risk to public drinking water supply or where it is necessary for the continued supply of drinking water or for human health or safety, it may apply to the Minister for a direction to have that abstraction limited or temporarily halted. **Subhead (2)** lays out what must be included in that application. **Subhead (3)** provides for the Minister to assess the application within a given time frame and undertake consultation if required. **Subhead (4)** provides for the supply of any additional information request by the Minister. Under **subhead (5)**, the Minister shall either inform Irish Water that he or she is not going to grant the application or direct the Agency to temporarily limit or suspend permission for an abstraction where the Minister considers this to be proportionate and in the public interest.

Subhead (6) provides for the Agency to inform the abstractor in question of the Minister’s decision and for the immediate amendment or revocation of the licence. **Subhead (7)** provides for an appeal to the Minister against the decision. **Subhead (8)** provides that the Minister may make regulations dealing with appeals under this Head. **Subhead (9)** provides that non-compliance with an amended or suspended licence is an offence. **Subhead (10)** clarifies that no

compensation is payable to an abstractor whose abstraction is temporarily suspended or limited under this Head.

Subhead (11) defines “temporary” as used in this Head.

Head 21 - Emergency abstraction for public drinking water supply

To provide that:

- (1) Where it is necessary to maintain public water supply –
 - (a) during events of extreme weather,
 - (b) during a water shortage or,
 - (c) following consultation with the HSE, for emergency purposes for reasons of human health or safety,Irish Water may, notwithstanding the provisions of this legislation, undertake a new abstraction (in this Head referred to as an “emergency abstraction”), including but not limited to the sinking or re-opening of boreholes.
- (2) An emergency abstraction may only be undertaken on a temporary basis and Irish Water must –
 - (a) notify the Agency in advance of any commencement of an emergency abstraction; and
 - (b) provide public notice of its intention to commence an emergency abstraction.
- (3) A notification to the Agency under subhead (2) must include the following information –
 - (a) evidence as to the extreme conditions necessitating, in the view of Irish Water, the proposed emergency abstraction;
 - (b) the expected duration of the abstraction and the date of intended cessation of the abstraction;
 - (c) the volume to be abstracted;
 - (d) consideration of the potential environmental impacts, including in respect of fisheries;
 - (e) detail as to the monitoring by Irish Water of the extreme conditions causing the requirement for the emergency abstraction.
- (4) On receipt of a notification under subhead (2), the Agency may seek from Irish Water any additional information that it requires and Irish Water shall provide any information so requested by the Agency, but the seeking of and provision of additional information shall not delay the commencement of an emergency abstraction, which may take place at any time following Irish Water’s notification to the Agency.
- (5) Irish Water must provide a report to the Minister within two weeks of any action being taken under this Head, including the justification for any such action, and must provide the Minister with any additional information requested by him or her on receipt of such a report.
- (6) On receipt of a report under subhead (5), the Minister may seek the views of the Agency on the content of the report and the Minister shall lay any such report as soon as practicable before each House of the Oireachtas.
- (7) The Minister may make regulations under this Head, which may include but are not limited to such matters as –
 - (a) time limits with regard to notification;
 - (b) the public notice process;
 - (c) consultation between Irish Water and the Agency; and

(d) the laying of the report before each House of the Oireachtas as specified in subhead (6).

(8) In this Head, “temporary” means for the shortest period of time practicable and “temporarily” shall be construed accordingly.

Explanatory Note:

This Head provides for short-term emergency abstractions without prior authorisation to be undertaken by Irish Water in specific circumstances in order to maintain public drinking water supply.

Under **subhead (1)**, Irish Water may undertake an emergency abstraction where it is required for human health or safety, where there is a water shortage or in extreme weather conditions e.g. drought. **Subhead (2)** provides that an emergency abstraction must be temporary, that the Agency must be notified in advance of any intention to undertake an emergency abstraction and that public notice must also be given. **Subhead (3)** specifies the information to be sent to the Agency in respect of an emergency abstraction and **subhead (4)** provides for the Agency to seek additional information if required. For the removal of doubt, the subhead also makes clear this this provision is not intended to delay the emergency abstraction, which may proceed once the original notification to the Agency is made.

Subhead (5) provides that Irish Water must make a report to the Minister within two weeks if it uses any power under this Head and must provide the Minister with justification for its use of that power. The Minister may request additional information from Irish Water. **Subhead (6)** provides for the Minister to seek the views of the Agency on the report by Irish Water and for the report to be laid before the Houses of the Oireachtas. **Subhead (7)** provides for the Minister to make regulations under this Head.

Subhead (8) defines “temporary” as used in this Head.

Head 22 - Abstraction by Irish Water from reservoirs of the Electricity Supply Board

To provide that:

- (1) Irish Water and the Board may enter into an agreement (in this section referred to as a water abstraction agreement) whereby Irish Water may abstract and the Board may permit Irish Water to abstract from a reservoir, upon such terms and subject to such conditions as may be specified in the agreement, water impounded by the Electricity Supply Board in the reservoir.
- (2) The Minister may direct Irish Water and the Board, on the request of Irish Water and following consultation with the Minister for Climate Action, Communications Networks and Transport, to enter into a water abstraction agreement containing such terms and conditions as may be determined by the Minister after such consultation.
- (3) The European Communities (Birds and Natural Habitats) Regulations 2011 are amended by the insertion of the following line after “Waste Management Acts 1996 to 2003” in the Second Schedule:

“[Number]	2019	Water Environment (Abstractions) Act
2019”.		
- (4) Where a licence to abstract water is required under the provisions of this Bill and the water body from which the abstraction is proposed is a reservoir of the Board, an application from Irish Water for a licence must include a confirmation from Irish Water that it has entered into an agreement with the Board on the abstraction.
- (5) Where the Agency receives an application for a licence from Irish Water in relation to which an agreement has been entered into between the Board and Irish Water, it may require Irish Water to submit any further information, including information on conditions specified by the Board in relation to the abstraction, which the Agency considers necessary in order to enable it to deal with the application.
- (6) Compensation for damage shall not be paid by the Board if compensation for such damage has been paid by Irish Water under the provisions of Head 17.

Explanatory Note:

Section 4 of the Local Government (Sanitary Services) Act 1964 provided for a sanitary authority and the ESB to enter into an agreement for the sanitary authority to take water from an ESB reservoir. This section is being repealed and replaced by provisions in this Head.

It is considered crucial to retain a power for the ESB to enter into an agreement with Irish Water to supply water. Such an agreement is required to ensure the technical safety of ESB facilities and reservoirs and to ensure that statutory compensation flows are maintained. This provision allows the ESB to continue to specify conditions in its agreements in order to ensure the safety of dams and embankments. Accordingly, **subhead (1)** reproduces the provisions of section 4(1) of the 1964 Act and provides for the ESB and Irish Water to enter into a water agreement allowing Irish Water to abstract from an ESB reservoir on such terms and conditions as specified in the agreement. **Subhead (2)** provides for the Minister, on request by Irish Water and following consultation, to direct that the ESB and Irish Water enter into such an agreement and reproduces section 4(2) of the 1964 Act.

Subhead (3) amends the European Communities (Birds and Natural Habitats) Regulations 2011 by inserting reference to this legislation into the Second Schedule. This ensures that an abstraction requiring a licence is not considered to be an activity under the provisions of the 2011 Regulations. While it is likely that an abstraction requiring a licence would be excluded anyway under paragraph (d) of the definition of “activity” in the regulations, this insertion puts it beyond doubt, thereby making it clear that screening and/or appropriate assessment is not required at the point of the agreement between the ESB and Irish Water. Appropriate assessment and screening provisions will be included in the regulations made under Head 15. This amendment is being included for practical reasons, as Irish Water has had legal difficulties clarifying whether or not an appropriate assessment is required at the point of making an agreement with the ESB. This has been a difficulty for them in entering into any such agreements. This amendment is intended to remove any such possibility to ensure that an agreement can proceed without an appropriate assessment, which will be required to be carried out at a later stage of the permission/licensing application, and not prior to the making of the agreement.

Subhead (4) provides that an agreement under this Head must be entered into before Irish Water makes an application for an abstraction licence to the Agency and **subhead (5)** provides that Irish Water must supply the Agency with any information in relation to conditions in the agreement if the Agency considers it necessary.

Subhead (6) reproduces the provision at section 4(9) of the 1964 Act that compensation is not payable by the ESB if paid by Irish Water. The Acquisition of Land (Assessment of Compensation) Act 1919 applies to the ESB, and provisions relating to compensation payment by the ESB are also laid out in the Electricity (Supply) (Amendment) Act 1985.

Head 23 - Judicial review of decision by Agency

To provide that:

- (1) Subject to subhead (2), a person shall not, by application for judicial review or in any other legal proceedings whatsoever, question the validity of a decision of the Agency to grant or refuse a licence or revised licence (including a decision to grant or not to grant such a licence on foot of a review conducted by it of its own volition) unless the proceedings are instituted within a period of eight weeks beginning on the date on which the licence or revised licence is granted or the date on which the decision to refuse or not to grant the licence or revised licence is made.
- (2) Where, on application to the High Court, the Court considers that in the particular circumstances there is good and sufficient reason for so doing, the Court may extend the period referred to in subhead (1).

Explanatory Note:

This provision is based on that included in the Environmental Protection Agency Act (s87(10)) as inserted by the Protection of the Environment Act 2003 and provides that any judicial review or legal proceedings taken in respect of a licensing decision by the Agency must be commenced within a period of eight weeks from the granting of the licence, unless that period is extended by the High Court.

Head 24 - Canals Act 1986

To provide that:

Compliance with the Water Environment (Abstractions) Act shall apply in respect of the exercise of powers under:

- (a) section 6(a) and (g), section 7(1)(i) and section 12(1)(b) of the Canals Act 1986, and
- (b) Article 38(m) of the Canals Act 1986 (Bye-Laws) 1988.

Explanatory Note:

The Canals Act 1986 provides for the transfer of the Grand Canal and Royal Canal to the Office of Public Works and for related powers. These functions transferred to Waterways Ireland under the British-Irish Agreement Act 1999. That Act grants powers to Waterways Ireland to manage and control the canals, and in particular, to abstract water from them. Under the Canals Act 1986 (Bye-Laws) 1988, Waterways Ireland may also issue licences in respect of abstractions from canals. This Head provides that the rights enjoyed by Waterways Ireland in respect of taking water from canals and licensing abstractions are subject to the provisions of this legislation.

Head 25 - Shannon Navigation Act 1990

To provide that

Compliance with the Water Environment (Abstractions) Act shall apply in respect of the exercise of powers under:

- (a) section 2 and section 3(h) of the Shannon Navigation Act 1990, and
- (b) Articles 28(1)(g) and 28(2) of the Shannon Navigation (Bye-Laws) 1992.

Explanatory Note:

These provisions are similar to those in Head 23, but in respect of abstraction from the Shannon. Responsibility for Shannon navigation passed to Waterways Ireland under the British-Irish Agreement Act 1999. This Head provides that the rights enjoyed by Waterways Ireland in respect of taking water from the Shannon and in licensing abstractions from the Shannon under the provisions of that Act and related bye-laws are subject to the provisions of this legislation.

Head 26 - Operation and safety of hydro-electric schemes

To provide that:

- (1) Nothing in this Bill shall be construed as restricting the power to abstract water in such manner, or from such source of water, or of such amount as to compromise the operation or safety of a hydro-electric scheme provided for in the statutes in Schedule 2.
- (2) Where the Agency receives an application for a licence under Head 11 or Head 12 for an abstraction to provide water [for][in relation to] a hydro-electric scheme, -
 - (a) it shall have regard to the powers conferred in the statutes listed at Schedule 2 in making a determination to grant a licence; and
 - (b) If the Agency is satisfied, having regard to the information provided by the applicant, that the abstraction is necessary for the operation or safety of a hydro-electric scheme, it shall grant a licence under Head 11 or Head 12.
- (3) In granting a licence under Head 11 or Head 12, and subject to regulations made under Head 13, the Agency may set appropriate conditions to ensure the water body concerned meets its environmental objectives.

Explanatory Note:

This Head deals with the requirement to include the ESB within the scope of the legislation, but in a manner that does not infringe upon the ESB's statutory remit. Legal advice has been received to the effect that ESB abstractions cannot be made exempt from licensing provisions. The Head recognises that hydro-electric power schemes are subject to separate statutory provisions in respect of their operation and safety, including minimum flow rates, compensation flows and provisions relating to dams, embankments and impoundments. It is not intended that this legislation would compromise these provisions. The Agency must therefore have regard to these in making any licensing decision in relation to an ESB abstraction.

Subhead (1) provides that nothing in this Scheme shall be construed as compromising the operation or safety of a hydroelectric scheme. **Subhead (2)** provides that when an application for a licence to abstract in respect of a hydro-electric scheme is made, the Agency must have regard to the statutes listed at Schedule 2 and shall grant the licence where the abstraction is necessary for the operation or safety of that scheme. **Subhead (3)** provides that the Agency may set conditions on the licence in order to ensure the water body meets its environmental objectives, in compliance with the Water Framework Directive

This Head brings abstractions for hydro-electric power within the scope of the legislation ensuring that they must be licensed, whilst recognising that there are public interest and public safety issues in the continued operation of these schemes. The provisions of this Head are intended to ensure that any conditions set with regard to a licence issued by the EPA must have regard to existing flow volumes set out in law.

Head 27 - Offences and penalties

To provide that:

- (1) Any person, whether jointly or severally, who contravenes any provision of this Bill or of any regulation made under this Bill or of any order made under this Bill or of any notice served under this Bill shall be guilty of an offence.
- (2) Where an offence under this Bill is committed by a body corporate or by a person acting on behalf of a body corporate and is proved to have been so committed with the consent, connivance or approval of, or to have been facilitated by any neglect on the part of any director, manager, secretary or other officer of such body, such person shall also be guilty of an offence.
- (3) In this Head, a reference to the contravention of a provision includes, where appropriate, a reference to a refusal, or a failure, to comply with that provision.
- (4) A person guilty of an offence under this Bill shall be liable –
 - (a) on summary conviction to a Class A fine or to imprisonment for any term not exceeding twelve months, or, at the discretion of the court, to both such fine and such imprisonment, or
 - (b) on conviction on indictment, to a fine not exceeding €15,000,000 or to imprisonment for a term not exceeding ten years or, at the discretion of the court, to both such fine and such imprisonment.
- (5) In imposing a penalty under subhead (4), the court shall in particular have regard to the risk or extent of damage to the environment and any remediation required, arising from the act or omission constituting the offence.
- (6) Where a court imposes a fine under subhead (4) it shall, on the application of the Agency, provide for the payment of the amount of the fine to the Agency.
- (7) Where a person is convicted of an offence under this Head, the court shall, unless it is satisfied that there are special and substantial reasons for not so doing, order the person to pay the Agency the costs and expenses, measured by the court, incurred by the Agency in relation to the detection and prosecution of the offence, including costs and expenses incurred in the taking of samples, the carrying out of tests, examinations or analyses and in respect of the remuneration and other expenses of any directors, employees, consultants and advisers engaged by the Agency.
- (8) Where a person, after conviction of an offence under this Act, continues to contravene the provision, he or she shall be guilty of an offence on every day on which the contravention continues and for each such offence he or she shall be liable to a fine, on summary conviction, not exceeding €1,000 or, on conviction on indictment, not exceeding €130,000.

Explanatory Note:

This Head provides at **subhead (1)** that any person who contravenes a provision of this Bill or of regulations made thereunder is guilty of an offence. **Subhead (2)** provides for personal responsibility for an offence committed by a body corporate. **Subhead (3)** clarifies that a refusal

or failure to comply with a provision is in effect a contravention of that provision. Under **subhead (4)**, a Class A fine and/or 12 months' imprisonment shall apply to a person on summary conviction and a fine not exceeding €15,000,000 and/or imprisonment of up to ten years on conviction on indictment. **Subhead (5)** provides that when a penalty is being decided, a court is to have regard to the level of damage caused to the environment and to the remediation, if any, undertaken.

Subhead (6) provides that payment of a fine may be made to the Agency and **subhead (7)** provides that the court may order the person concerned to pay the costs of the Agency incurred in taking the prosecution. **Subhead (8)** provides for daily penalties when a person, once convicted, continues to contravene a provision of this legislation.

The provisions are similar to those included at sections 8, 9 and 10 of the Environmental Protection Agency Act 1992 (as amended).

Head 28 - Transitional arrangements

To provide that:

- (1) Where immediately before the passing of this Act, Irish Water was lawfully taking water from a source of water for the purposes of a water supply, it may, after the passing of this Act, continue to take water from such source of water at that place, by the method and in the quantity at which it was entitled to take water immediately before the passing of this Act, provided that the abstraction has been included on the register established under Head 9.
- (2) Irish Water may continue to take water in accordance with subhead (1) until a decision is made by the Agency under the provisions of this Act on a licence in respect of that abstraction.
- (3) Where a proposal to take water is in train under the provisions of the 1942 Act on the coming into force of this Act, that proposal shall continue to completion in line with the procedures laid out in that Act, and once Irish Water is empowered to take water under the provisions of the 1942 Act in respect of any such proposal, it may lawfully continue to take such water until the coming into force of a licence under this Act.
- (4) Nothing in this legislation shall be construed as prohibiting any abstractor who is abstracting water on the commencement of this Act, and who has registered that abstraction on a register established by the Agency under Head 7, from continuing that abstraction until a decision is made, if applicable, by the Agency under the provisions of this Act on a licence in respect of that abstraction.
- (5) Any agreement made under section 4 of the Local Government (Sanitary Services) Act 1964 continues notwithstanding the provisions of this legislation.
- (6) The register of abstractions established and maintained by the Agency under the European Union (Water Policy) (Abstractions Registration) Regulations 2018 shall be considered to be a register under Head 7 and any abstraction registered with the Agency under those Regulations shall continue to be registered and shall be treated as if registered under the provisions of that Head.

Explanatory Note:

Subheads (1) and (2) provide that any abstraction for drinking water purposes by Irish Water continues to be lawful, and may continue to be taken in the same quantity, provided that that abstraction was registered under regulations made before the coming into force of this new legislative regime. This is in order to ensure an uninterrupted drinking water supply during the transitional period. It is intended that Irish Water will in due course apply for a licence in respect of all relevant abstractions. While the method of abstraction and quantity of water taken will remain as prior to the commencement of the new regime, these could be varied by any future licence issued by the Agency.

Subhead (3) provides for circumstances in which a proposal to take drinking water may have already commenced but not be complete when this legislation comes into force, and provides for that proposal to continue to completion under the provisions of the 1942 Act.

Subhead (4) provides that any existing abstractor who has registered the abstraction in question with the Agency under Head 7 may continue that abstraction pending the issuing of a licence under this Act.

Subhead (5) provides for any agreements made under the 1964 Act to continue to apply and **subhead (6)** provides that the register of abstractions established under the European Union (Water Policy) (Abstractions Registration) Regulations 2018 shall transition to this new legislation and be considered a register established under Head 7.

Head 29 - Minister to issue guidance and directions

To provide that:

- (1) The Minister may, at any time, issue guidelines or policy directives to the Agency regarding its functions under this Act and the Agency shall have regard to those guidelines or policy directives in the performance of its functions.
- (2) The Minister may revoke or amend any guidelines or policy directives issued under this section.

Explanatory Note:

This Head provides for the Minister to issue guidance or policy directives to the Agency with regard to functions under this Act and to revoke or amend any such guidelines or policy directives.

Head 30 - Miscellaneous Provisions

To provide that:

The Water Services (No.2) Act 2013 is amended in section 7(3) by the insertion of the words “,other than an excluded provision,” after “Act of 2007”.

Explanatory Note:

An anomaly with regard to licensing and prosecution functions in relation to storm water sewers under section 16 of the Local Government Water Pollution Act 1977 has been identified and is corrected in this Head.

Section 2 of the Water Services Act 2007 provides that water services includes “all services . . . which provide . . . waste water collection, storage, treatment or disposal” and by virtue of the wide definition given to “waste water” in the same section, this includes the operation and maintenance of a storm water sewer. Functions previously assigned to a sanitary authority were deemed to be functions of a water services authority under section 39 of that Act, and water services authority was defined as a County Council or City Council. Functions assigned to a sanitary authority under the 1977 Act therefore became functions of a water services authority.

Section 12 of the Water Services Act (No.2) 2013 provided for the transfer to Irish Water of certain property previously vested in water services authorities. However, the definition of property at section 2 excluded storm water sewers, which remained vested in water services authorities.

Section 7(1) of the Water Services Act (No.2) 2013 provides for the transfer of all functions conferred on water services authorities under the 2007 Act to Irish Water, other than an excluded provision and section 22. Section 7(3) provides that all functions of a sanitary authority deemed by section 39 to be functions of a water services authority shall transfer to Irish Water.

An “excluded provision” is defined in section 2(a) of the 2013 Act as including “section 32(1)(b) [of the 2007 Act] (insofar as it relates to the provision, operation or maintenance of storm water sewers)”.

The purpose of the 2013 Act was to transfer to Irish Water certain functions and property previously vested in water services authorities to Irish Water. Storm water sewers and their provision, operation and maintenance were excluded and it was the intent that such functions would remain with the water services authority. There is a contradiction between section 7(3) of the 2013 Act and this intention. The inclusion of the words “other than an excluded provision” is intended to address this contradiction.

Head 31 - Commencement

To provide that:

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

Schedule 1
Relevant Public Authorities

The relevant public authorities for the purposes of Head 7 are –

The relevant local authorities

Inland Fisheries Ireland

The Office of Public Works

Geological Survey Ireland

A Department of State

Irish Water

Waterways Ireland

Schedule 2

Hydro-Electric Schemes

For the purposes of Head 28, Statutes relating to the operation of hydro-electric schemes are –

Number and Year	Short Title
No. 26 of 1925	Shannon Electricity Act 1925
No. 32 of 1925	Fisheries Act 1925
No. 27 of 1927	Electricity (Supply) Act 1927
No. 32 of 1931	Electricity (Supply) (Amendment) Act 1931
No. 6 of 1934	Electricity (Supply) (Amendment) Act 1934
No. 4 of 1935	Shannon Fisheries Act 1935
No. 54 of 1936	Liffey Reservoir Act 1936
No. 7 of 1938	Shannon Fisheries Act 1938
No. 12 of 1945	Electricity (Supply) (Amendment) Act 1945
No. 2 of 1961	Electricity (Supply) (Amendment) Act 1961
S.I. No. 86 of 1945	River Erne Hydro-Electric Scheme Approval Order 1945
S.I. No. 154 of 1945	River Liffey (Leixlip) Hydro-Electric Scheme Approval Order 1945
S.I. No. 321 of 1949	River Lee Hydro-Electric Scheme Approval Order 1949
S.I. No. 183 of 1950	River Liffey (Leixlip) Hydro-Electric Scheme Approval Order, 1945 (Amendment) Order 1950
S.I. No. 236 of 1950	River Erne Hydro-Electric Scheme Approval Order 1945 (Amendment) Order 1950
S.I. No. 245 of 1952	River Erne Hydro-Electric Scheme Approval Order 1945 (Amendment) Order 1952
S.I. No. 168 of 1953	River Lee Hydro-Electric Scheme Approval Order, 1949 (Amendment) Order. 1953
S.I. No. 320 of 1953	River Clady Hydro-Electric Scheme Approval Order 1953
S.I. No. 44 of 1955	River Lee Hydro-Electric Scheme Approval Order 1949 (Amendment) Order 1955
S.I. No. 71 of 1957	River Lee Hydro-Electric Scheme Approval Order 1949 (Amendment) Order 1957
S.I. No. 34 of 1958	River Lee Hydro-Electric Scheme Approval Order 1949 (Amendment) Order 1958
S.I. No 35 of 1958	River Lee Hydro Electric Scheme (Non-Application of Section 33(1) of Electricity (Supply) (Amendment) Act 1945) Order 1958