

**Minister's Amendments to the Electricity Regulation Bill,  
1998, resulting from discussions at Committee Stage**

## **Amendment No. 82a**

In page 15, after line 19, to insert the following subsection:

**"(6) An order under this section shall not provide for the use of nuclear fission for the generation of electricity."**

### **Reason for Amendment**

This amendment follows from a commitment that the Minister gave to Deputy Trevor Sargent during Committee Stage of the Electricity Regulation Bill, 1998, on 12 May 1999. The Minister agreed that an amendment would be prepared which would insert a provision into section 17 of the Bill that nuclear fission would be specifically excluded as an energy source for any future generating stations to be authorised under the Electricity Regulation Bill.

This amendment would add an extra subsection to section 17, which deals with orders specifying criteria for the consideration of applications for authorisations to build generating stations. The wording in this amendment would provide that no order made under section 17 may provide for a nuclear power station to be built in Ireland.

## **Amendment No.**

In page 5, in line 28, after the words "context otherwise requires" to insert the following:

" 'alternative' means any renewable, sustainable energy sources and shall include wind, hydro, biomass, waste, tidal, solar, and wave etc. but not nuclear fission."

### **Brief and Speaking Note**

This amendment would redefine the word "alternative", and would specify that it did not mean "nuclear fission".

This amendment is not necessary since the phrase "renewable or alternative" is already defined in the Bill, very much along the lines in the proposed amendment. If this amendment was taken, it would mean that all references to the phrase "renewable or alternative", used nine times in the Bill, would also have to be changed by amendment.

However, the Electricity Division considers that "nuclear fission" could be specifically excluded from the list of renewable or alternative. While this change is not strictly necessary, since the Minister could exclude nuclear fission in an order to the Commission regarding authorisation criteria, this change is not contrary to the intention of the Bill.

### **Recommendation**

The Division recommends that this amendment not be taken in full, but may be accepted in part, as outlined above.

## **Amendment No.**

In page 17, lines 12 and 13, to delete subsection (6) and substitute the following new subsection:

"(6) An order under this section shall provide that use may not be made within the State of electricity generated whether within or without the State by nuclear fission."

--- Senator Joe Costelloe, Pat Gallagher, Brendan Ryan, Kathleen O'Meara.

## **Brief and Speaking Note**

This amendment arises from the Senator Joe Costelloe's contribution to the debate at Second Stage in the Seanad yesterday on the issue of the importation of nuclear generated electricity.

This whole matter relates to Amendment No. 82a tabled by the Minister on 15 June and accepted by the Dáil Committee, which inserted a provision into the Bill that nuclear fission would be specifically excluded as an energy source for any future generating stations to be authorised under the Electricity Regulation Bill.

**Section 18(6): "An order under this section shall not provide for the use of nuclear fission for the generation of electricity."**

It followed from a commitment that the Minister gave to Deputy Trevor Sargent during Committee Stage on the Bill, on 12 May 1999.

Section 18, which deals with orders specifying criteria for the consideration of applications for authorisations to build generating stations now provides specifically that no order made under this section may provide for a nuclear power station to be built in Ireland.

As I said, this is the first time that this, and previous, Governments' clear position on nuclear energy has been enshrined in legislation, and it is a major step forward.

The current position regarding interconnection and the inportation of nuclear generated electricity is that no part of Ireland is connected to any electricity system that uses nuclear generated electricity.

While acknowledging the broad political consensus regarding nuclear electricity, I would not be prepared to introduce a measure such as this in the Bill. If Northern Ireland, to which our system is connected, was to be itself connected to Scotland, as is currently being planned, it would be impossible to identify which fuel was used to generate the electricity which is taken from the system. This being the case, it is not possible to identify "electricity generated....by nuclear fission", as is being suggested by this amendment.

A prohibition on persons here in Ireland who would voluntarily enter into contracts with undertakings in another Member States would be completely contrary to the spirit and the letter of the Electricity Directive, in particular Article 19(5), and indeed would be contrary to Community law in general, which provides for the free movement of goods and services.

### **Recommendation**

AG has recommended that this amendment is not accepted.

## DÁIL ÉIREANN

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### AN BILLE UM RIALÁIL LEICTREACHAIS, 1998 —ROGHCHOISTE

### ELECTRICITY REGULATION BILL, 1998 —SELECT COMMITTEE

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*Leasuithe Breise*  
*Additional Amendments*

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#### SECTION 12

**58a.** In page 12, after line 49, to insert the following subsection:

“(4) The Freedom of Information Act, 1997, is hereby amended in the Third Schedule thereto by the addition to Part I at the end thereof—

(a) in column (2), of ‘*Electricity Regulation Act, 1999.*’, and

(b) in column (3), of ‘*Section 12.*’.”.

—An tAire Fiontar Poiblí.

#### SECTION 17

**82a.** In page 15, between lines 19 and 20, to insert the following subsection:

“(6) An order under this section shall not provide for the use of nuclear fission for the generation of electricity.”.

—An tAire Fiontar Poiblí

#### SECTION 27

**103.** In page 20, lines 21 to 31, to delete subsections (1) and (2) and substitute the following:

“(1) The Minister, after consultation with the Commission, may, from time to time, prescribe the total amount or amounts of electricity from renewable or alternative forms of energy or from combined heat and power which may be supplied to final customers under *section 13(1)(c)* in any specified period and different amounts may be specified in respect of different types of renewable or alternative forms of energy or combined heat and power or both renewable or alternative forms of energy and combined heat and power.”.

—An tAire Fiontar Poiblí.

*Amendment to Amendment No. 103:*

2. In lines 7 and 8, to delete “or both renewable or alternative forms

*of energy and combined heat and power”.*

—An tAire Fiontar Poiblí.

#### SECTION 38

**157a** In page 30, between lines 24 and 25, to insert the following subsection:

“(11) For the purposes of orders made under this section, ‘public service obligation’ means an obligation placed on electricity undertakings which takes account of general social, economic and environmental factors.”.

—An tAire Fiontar Poiblí.