

Number 30 of 1976.
GAS ACT, 1976.

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

[19th July, 1976]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I
PRELIMINARY AND GENERAL

1 Short title and commencement.

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

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

2 Interpretation.

2.-In this Act-

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

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

"the Commission" means the Irish Land Commission;

"the Company" means Bord Gáis Éireann Teoranta;

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

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

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

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

"functions" includes powers and duties;

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

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

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

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

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

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

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

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

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

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

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

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

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

3 Establishment day.

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

4 Regulations.

4.-(1) The Minister may make regulations for prescribing

5 Service of notices etc.

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

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

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

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

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

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

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

6 Expenses.

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

PART II BORD GÁIS ÉIREANN IRISH GAS BOARD

7 Bord Gáis Éireann. Irish Gas Board.

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

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

8 Functions of Board.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(8) Without prejudice to the generality of subsection (7) of this section, the Minister may attach to a consent given under that subsection for the construction by the Board of a pipeline, conditions requiring to be observed, as

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

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

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

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

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

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

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

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

14 Annual report and information to Minister.

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

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

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

15 Accounts and audits.

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

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

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

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

16 Staff of Board.

16.-(1) The Board shall appoint such and so many persons to be officers and servants of the Board n s to be officers and serv2.16 re f

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

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

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

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

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

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

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

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

20 Disclosure of information.

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

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

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

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

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

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

21 Board's capital commitments.

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

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

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

22 Advances to Board by Minister for Finance.

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

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

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

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

23 Borrowing by Board for capital purposes.

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

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

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

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

24 Temporary borrowing by Board.

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

25 State guarantee of borrowings by Board for capital purposes.

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

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

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

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

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

(a) particulars of the guarantee.

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

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

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

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

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

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

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

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

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

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

(iii) each of the BT 72 660lso thjt ET 1 1 1 rg 180.72 626eyshi

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

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

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

(b) that objections and represent^{429.84} 3ds sect^{8.539.52} rw () 7j BT 11 BT 136.8 542.4 TD 0.0109 TT

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

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

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

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

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

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

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

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

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



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(a) for inspecting and surveying the land and making thereon any inquiry, investigation or
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**PART VI
AMENDMENTS**

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

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

(2) This section applies to any pipeline which-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECOND SCHEDULE ACQUISITION ORDERS

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

(a) a draft of the order applied for,

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

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

(ii) in case the Board proposes to acquire any interest in land, other than a right or interest mentioned [REDACTED] be ascertained by such inquiry, and

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

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

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

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

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

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

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

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

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

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

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

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

(2) Fees payable under this Article shall be collected in money and be taken in such manner as the Minister

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

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

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

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

(e)If any person-

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

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

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

that person shall be guilty of an offence and be liable on summary conviction to a fine not exceeding 200 pounds or imprisonment for a term not exceeding 2 months or both.

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

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

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

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

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

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

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

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

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

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

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

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

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

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