



STATUTORY INSTRUMENTS.

S.I. No. 597 of 2023



ELECTRICITY REGULATION ACT 1999 (WATER) LEVY ORDER, 2023

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The Commission for Regulation of Utilities in exercise of the powers conferred on it by Paragraph 16A of the Schedule to the Electricity Regulation Act, 1999 (No. 23 of 1999) as amended by the Water Services (No.2) Act 2013, hereby makes the following Order:

1. (1) This Order may be cited as the Electricity Regulation Act, 1999 (Water) Levy Order, 2023

(2) This Order shall come into operation on 31 December 2023

(3) The Electricity Regulation Act, 1999 (Water) Levy order, 2022 (S.I.) No. 626 of 2022 is revoked as and from 1 January 2024

2. In this Order—

“the Act” means the Electricity Regulation Act, 1999 (No. 23 of 1999) as amended by the Water Act;

“Act of 2013” means the Water Services Act 2013;

“days” means calendar days;

“the Commission” means the Commission for Regulation of Utilities established under the Act;

“levy year” means the calendar year to 31st December 2024;

“period” means the period of 3 months ending on 31 March, 30 June, 30 September or 31 December;

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

“the Water Services Acts 2007 to 2013” means the Water Services Acts 2007 and 2012, the Act of 2013 and the Water Act;

and any cognate words shall be construed accordingly.

3. In this Order—

(a) all words and expressions defined in the Act or in the Water Services Acts 2007 to 2013 shall have the same meanings when used in this Order and where in any case a word or expression used in this Order is defined in each of the Act and the Water Services Acts 2007 to 2013, the word or expression shall have the meaning given to it by the Water Services Acts 2007 to 2013 for the purposes of this Order;

(b) a reference to legislation is a reference to that legislation as amended from time to time;

- (c) a reference to an article or schedule is to an article of, or schedule to, this Order; and
- (d) a reference to a sub-article is to the sub-article of the provision in which the reference occurs.

4. This Order shall apply to the class of water service undertaking set out in the Schedule to this Order (“relevant undertaking”).

5. (1) A levy of € 2,827,333 is hereby imposed on the relevant undertaking.

(2) The levy imposed by sub-article (1) shall be payable in respect of each period and in each case no later than the day which is 30 days after the date on which a request for payment of the levy instalment is made by the Commission.

(3) The amount of the levy imposed on a relevant undertaking in respect of any period shall be a fixed payment of € 706,833.25.

6. (1) Where any amount falling to be paid under Article 5 is not paid within the period for payment specified in Article 5, interest thereon shall accrue at the prescribed interest rate compounded monthly from the date when such payment is due until the same is made.

(2) In this Regulation, "the prescribed interest rate" means a rate 2% per annum above the Euribor rate.

7. (1) All payments shall be made in Euro on the due date by direct bank transfer or equivalent instantaneous transfer of funds to the bank account specified by the Commission.

(2) Relevant undertakings shall notify the Commission as soon as payment has been made, indicating the date on which payment was made and the name of the bank effecting payment.

(3) A request for payment by the Commission to the relevant undertakings under this Order shall be made to the relevant undertaking in accordance with Section 4 of the Act.

SCHEDULE

The relevant undertaking for the purposes of this Levy Order is a class consisting of:

Irish Water, a water service undertaking established under the Water Services Act 2013 and empowered to charge for the provision of water services under the Water Services (No. 2) Act 2013.



Sealed with the common seal of the Commission for Regulation of Utilities on 1 December, 2023.

JIM GANNON,
Chairperson of the Commission.

EXPLANATORY NOTE.

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

This order imposes a levy on a certain specified class of water service undertaking, for the purpose of meeting expenses properly incurred by the Commission for Regulation of Utilities in the discharge of its functions under the Act, the Water Act, and the Act of 2013.

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