



STATUTORY INSTRUMENTS.

S.I. No. 234 of 2015



WATER SERVICES ACT 2014 (PUBLIC WATER FORUM)
REGULATIONS 2015

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I, ALAN KELLY, Minister for the Environment, Community and Local Government, in exercise of the powers conferred on me by section 7(4) of the Water Services Act 2014 (No. 44 of 2014) hereby make the following Regulations:—

Citation

1. These Regulations may be cited as the Water Services Act 2014 (Public Water Forum) Regulations 2015.

Interpretation

2. In these Regulations—

- (a) “the Minister” means the Minister for the Environment, Community and Local Government;
- (b) “the Forum” means the Public Water Forum;
- (c) “the Commission” means the Commission for Energy Regulation.
- (d) “the Act” means the Water Services Act 2014 (No. 44 of 2014).

Composition of Forum

3. (1) The Commission shall appoint the following to the Forum—

- (a) at least one person from an organisation representing the interests of the consumer;
- (b) at least one person from an organisation representing the interests of those persons providing or occupying social housing;
- (c) at least one person from an organisation representing the interests of those persons owning or occupying private rented housing;
- (d) at least one person from an organisation representing the interests of the member organisations of the Community and Voluntary Pillar;
- (e) at least one person from an organisation representing those with a disability;
- (f) at least one person from an organisation representing the interests of the environment;
- (g) At least one person representing the interests of industry;

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 9th June, 2015.

- (h) At least one person representing the interests of agriculture and rural affairs;
- (i) At least one person representing the interests of tourism and recreation; and
- (j) At least one person representing the interests of the education sector.

(2) For the purposes of Regulation 3(1), the Commission may request an organisation to nominate such numbers of persons as it shall specify for the purpose of selecting from those nominees a person (or persons as the case may be) to appoint to the Forum to represent that organisation. The Commission may decide not to appoint to the Forum a person (or persons) nominated by an organisation. The Commission shall give a reason for this decision and where an appointment to the Forum to represent that organisation remains outstanding as a result of that decision the Commission shall request the organisation to nominate another person or persons for consideration for selection. There shall be a limit of 2 representatives from any one organisation.

(3) The Commission shall also invite applications from registered domestic customers of Irish Water to become members of the Forum.

(4) The Commission shall select from the applications received in respect of Regulation 3(3) on the basis of the Forum being representative of Irish society generally, balanced in terms of gender, age and region and reflective of the urban and rural population and on the basis that the total number of persons representing domestic customers is equivalent to the numbers representing organisations as set out in Regulation 3(1).

(5) In respect of Regulation 3(3), the Commission may appoint registered customers to a reserve panel for the purpose of ensuring that there is sufficient representation from domestic customers on the Forum on an on-going basis.

(6) The Forum shall consist of a maximum of 30 members, excluding the Chairperson.

(7) A person is not eligible to be appointed as a member of the Forum if the person-

- (a) is a member of either House of the Oireachtas or is, with the person's consent, nominated as a candidate for election as such a member, or
- (b) is a member of the European Parliament or is, with the person's consent, nominated as a candidate for election as such a member or to fill a vacancy in the membership of that Parliament, or
- (c) is a member of a local authority or is, with the person's consent, nominated as a candidate for election as such a member.

(8) The Secretary of the Forum shall be an officer of the Commission.

Term of Office

4. Each appointment to the Forum shall be for a maximum period of 3 years, following which the Commission may re-appoint existing members, excluding the Chairperson, or appoint such other persons as may be nominated, for subsequent terms of a maximum of 3 years. No person shall be reappointed more than once.

Chairperson of the Forum

5. The Minister may appoint a person to be Chairperson of the Forum in accordance with section 7(3) of the Act. In appointing such a person, the Minister shall ensure as far as possible that the person has knowledge or experience of the water sector or of consumer issues.

Meetings and Procedures

6. (1) The Forum shall hold such and so many meetings as the Chairperson may consider necessary for the performance of its functions as set out in section 7(5) of the Act with the agreement of the Commission, and, subject to the following paragraphs, may adopt its own rules and procedures.

(2) The quorum for a meeting of the Forum shall be a simple majority of the appointed membership.

(3) The Forum may act notwithstanding any vacancies in its membership, and its proceedings shall not be invalidated by any such vacancies, subject to a quorum being present as set out in Regulation 6(2)

(4) The Chairperson may invite such person or persons as he or she considers appropriate to attend any meeting of the Forum in an advisory capacity.

(5) Where a member appointed under Regulation 3(1) is unable to attend a meeting of the Forum, the organisation that he or she represents may nominate another person to act in his or her place, and that person shall be deemed to be a member of the Forum for that meeting, unless the Chairperson, at his or her discretion, objects.

Removal from Forum

7. Any member of the Forum, excluding the Chairperson, may be removed by the Commission if he or she has become incapable through ill-health of effectively performing his or her functions, or if he or she has committed stated misbehaviour, or if his or her removal appears to the Commission to be necessary for the effective performance by the Forum of its functions, or if he or she is convicted of an offence, or in the case of a person appointed to represent an organisation under Regulation 3(1), where the person is no longer such a representative.

8. The Chairperson of the Forum may be removed by the Minister if he or she has become incapable through ill-health of effectively performing his or her functions, or if he or she has committed stated misbehaviour, or if his or her removal appears to the Minister to be necessary for the effective performance by the Forum of its functions, or if he or she is convicted of a criminal offence.

Declaration of Interests

9. (1) Except for an interest in setting and payment of water charges, where a member of the Forum has a pecuniary or other beneficial interest in, or material to, any matter which falls to be considered by the Forum, he or she shall—

- (a) disclose to the Forum the nature of the interest in advance of any consideration of the matter,
- (b) take no part in any consideration of the matter, and withdraw from any meeting of the Forum where it is being discussed, unless the Chairperson expressly consents to his or her participation, or limited participation as specified by the Chairperson.

(2) For the purposes of this paragraph, but without prejudice to the generality of Regulation 9(1), a person shall be regarded as having a beneficial interest if—

- (a) he or she, or any member of his or her household, or any of his or her nominees or a nominee of any member of his or her household, is a member of a company or any other body which has a beneficial interest in, or material to, a matter which falls to be considered by the Forum,
- (b) he or she, or any member of his or her household is in partnership with or is in the employment of a person who has a beneficial interest in, or material to, such a matter.

(3) Where a disclosure is made to the Forum pursuant to Regulation 9(1), particulars of the disclosure, and any related consent given by the Chairperson, shall be recorded in the minutes of the meeting concerned.



GIVEN under my Official Seal,
29 May 2015.

ALAN KELLY,
Minister for the Environment, Community and Local
Government.

EXPLANATORY NOTE

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

These Regulations provide for the composition of, and the conditions of membership of, the Public Water Forum to be established in accordance with section 7 of the Water Services Act 2014.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
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