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Oireachtais
Houses of the
Oireachtas

An Comhchoiste um Thalmhaíocht, Bia agus Muir
Grianfhuinneamh agus an Tionscal Talmhaíochta

Márta 2023

Joint Committee on Agriculture, Food and the Marine
Solar Energy and the Agricultural Industry
March 2023

Membership

The following Deputies and Senators are members of the Joint Committee on Agriculture, Food and the Marine of the 33rd Dáil Éireann and the 26th Seanad Éireann.



Sen. Victor Boyhan
Independent



Sen. Lynn Boylan
Sinn Féin



Martin Browne T.D.
Sinn Féin



Jackie Cahill T.D.
Fianna Fáil
[Cathaoirleach]



Matt Carthy T.D.
Sinn Féin



Michael Collins T.D.
Independent



Sen. Paul Daly
Fianna Fáil



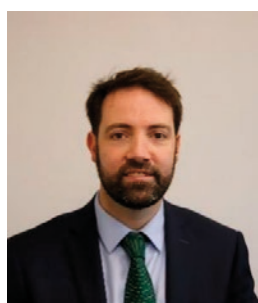
Michael Fitzmaurice
T.D. Independent



Joe Flaherty T.D.
Fianna Fáil



Paul Kehoe T.D.
Fine Gael



Brian Leddin T.D.
Green Party



Sen. Tim Lombard
Fine Gael [Leas-
Chathaoirleach]



Sen. Denis O'Donovan
Fianna Fáil



Michael Ring T.D.
Fine Gael

Cathaoirleach Foreword



The Climate Action and Low Carbon Development (Amendment) Act 2021 sets a target of reducing emissions by 51% against 2018 levels, while a sectoral ceiling of 25% has been set specifically for the agricultural sector. Though the benefits of adopting renewal energy on farm will largely be attributed to the energy sector in terms of sectoral accounting, it is an area where farmers can play a positive role and have an important impact, in line with the AgClimatise target of achieving a 20% reduction in agricultural energy use and generating at least 20% deployment of renewable energy technologies.¹

As Cathaoirleach of the Committee, I would like to thank Deputy Carthy for drafting and all Members for their input and their commitment in bringing forward this important Report. On behalf of the Committee, I would like to express my sincere gratitude to every stakeholder that came before the Committee to give evidence in person or remotely, and those who made supplementary submissions. These discussions with stakeholders were critical to the development of this Report.

A handwritten signature in black ink that reads "Jackie Cahill".

Jackie Cahill T.D.
Cathaoirleach
March 2023

¹ Houses of the Oireachtas, *Teagasc - Solar Energy and the Agriculture Industry*, Submission. [Link](#) to submission.

Rapporteur's Foreword



Family farmers across this State currently face a series of challenges each significant in of themselves: continued fallout from the Covid-19 pandemic; Brexit; soaring input costs, in particular in relation to energy, feed and fuel; as well as the climate and biodiversity crises. While each of these have the potential to place additional negative pressure on family farm incomes (FFI), the adoption of on-farm solar energy production technology presents an opportunity to both enhance FFIs and contribute positively to Ireland's emission reduction obligations.

However, the adoption of such technologies across the State to date has been notable for its lack of ambition or a coherent solar strategy as it relates to agriculture specifically. While farmers in principle have the opportunity to generate solar energy at every scale, a disjointed regulatory and support framework can make adoption seem overly burdensome and in practice limit, or even disincentivise adoption.

This report outlines the key areas where reform is required to incentivise and deliver widespread adoption, with a primary focus on ensuring that the regulatory process is as streamlined and minimalistic as possible; that farmers are able to fully take part in all micro-generation schemes and maximise their returns; and that the taxation regime be optimised to incentivise investment and adoption today.

The Committee believes that by adopting the recommendations of this report, government can best encourage widespread adoption and the production of renewable energy for generations to come, while at the same time improving FFIs and increasing the viability of our family farms.

A handwritten signature in blue ink, appearing to read 'Matt Carthy', with a stylized flourish at the end.

Matt Carthy T.D.
Rapporteur
March 2023

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Introduction

In 2022 as part of its Work Programme the Joint Committee on Agriculture, Food and the Marine ('the Committee') agreed to hold a meeting to examine solar energy and the agricultural industry. Arising from this meeting the Committee agreed to seek submissions from interested parties, and that Teachta Matt Carthy would serve as this report's Rapporteur.

Stakeholders

The Committee held a hearing and engaged with various stakeholder groups with experience in the solar and agricultural sectors and policy. Table 1 below provides details of these meetings with stakeholders.

Table 1 - Joint Committee Hearings - Stakeholders / Witnesses

4 May 2022	
Irish Solar Energy Association (ISEA)	Mr. Conall Bolger, CEO Dr. Tara Reale, Head of Business Development UK and Ireland with Lightsource bp Mr. Gary Connolly, Commerical Director, Activ8 Solar Energies
Teagasc	Dr. Laurence Shalloo, Head of Programme , Animal & Grassland Research & Innovation Programme Dr. John Upton, Research Officer, Livestock Systems Department

In June 2022 the Committee announced it was inviting written submissions from interested groups or individuals on solar energy and the agricultural industry. The Committee received a number of submissions on this topic from the following stakeholders:

- Irish Farmers' Asscoation (IFA)
- Mr Tom Coughlin and Ms AnnMarie O'Hehir
- Irish Solar Energy Association (ISEA)
- Teagasc

- Micro Renewable Energy Federation
- Oireachtas Committee on Budgetary Oversight (Related correspondence from the Minister for Finance, and the Revenue Commissioners)

Transcript

The transcript of the meeting of 4 May 2022² are available online on the Committee's webpage.

Presentations and Submissions

The presentations and submissions made to the Committee for the meeting of 4 May 2022, as well as subsequent submissions, are available online on the Committee's webpage³.

² Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

³ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Webpage. [Link](#) to webpage.

Chapter 1 – Policy & Strategy

The Climate Action Plan sets a goal of increasing *‘the proportion of renewable electricity to up to 80% by 2030’*, key aspects of which relate to microgeneration. The Solar PV target alone equates to ~1.5-2.5 Gigawatts by 2030,⁴ while it sets out a target to reduce emissions in the agricultural sector from 23 Mt (2018) to 16-18 Mt by 2030. It is also recognised that the agricultural sector will have a part to play regarding the decarbonisation of the energy generation sector. The AgClimatise report further sets specific targets for energy use in agriculture in the nearer term, whereby a reduction in energy use of 20% along with an additional target of meeting 20% of agricultural energy use by renewables should be achieved by 2030.⁵

The adoption and deployment of solar technology on farms has been identified as a key element in meeting these targets given its potential to offset input costs and act as a revenue generator, enhancing family farm incomes. However, this potential has yet to be realised, with the Committee hearing that ‘less than 2% of dairy farms currently have a solar PV system installed’.⁶

The Committee notes that, in response to parliamentary question, the Minister for Agriculture has stated that though it does *‘continuously engage with DECC on all energy related matters from an agricultural perspective... it is not within the remit of my Department to set energy specific targets for the agricultural sector- renewable technology usage, such as Solar PV...’*⁷

However, the Committee further notes that the Department of the Environment, Climate and Communications are unable to provide detail as to the number of farmers availing of Solar PV grants as the Sustainable Energy Authority of Ireland, under whom the scheme is offerered, do *‘not have a specific categorisation for*

⁴ Government of Ireland, *Climate Action Plan 2021 - Securing Our Future*, Table 11.5, page 96, November 2021. [Link](#) to report.

⁵ Houses of the Oireachtas, *Teagasc - Solar Energy and the Agriculture Industry*, Submission. [Link](#) to submission.

⁶ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

⁷ Houses of the Oireachtas, *Dáil Éireann Parliamentary Question No. 766*, Debate, 5 October 2021. [Link](#) to question.

farming’ and are unable to provide a target as to adoption of solar technology among farmers.⁸

In this context, the Committee notes the recommendation of one submission that ‘*A One Stop Shop service should be developed to simplify the pathway and support farmers considering installing solar on their farm*’.

It is the firm belief of the Committee that both the Department of Agriculture, Food & the Marine and the Department of Environment, Climate & Communications should have the ambition of ensuring that every farm includes solar energy generation capacity in its framework; and that they should employ a co-ordinated strategy to achieve this goal.

⁸ Houses of the Oireachtas, *Dáil Éireann Parliamentary Question No. 81*, Debate, 29 September 2022. [Link](#) to question.

Chapter 2 – Planning and Regulation

The Committee welcomes proposed revisions to planning requirements that would exempt rooftop solar on agricultural buildings from the current necessity to secure planning.

However, the Committee agrees with the ISEA when they stated that they *‘...struggle as an organisation to understand why it has taken so long...’*⁹

The Committee heard from several stakeholders that the current requirements, as they relate to planning, act as a limiting force on the scale of solar ambition, with individuals choosing to put *‘in smaller systems than would be optimal in order to fit within the planning’*.¹⁰

The Committee heard from the ISEA that while accessing the electricity network, can be *‘a lengthy, uncertain and expensive process’* and that a potential method of negating the impact of this would be to *‘ease the restrictive legislation in respect of so-called direct lines’*.¹¹ The ISEA advised the Committee that to transmit electricity over cables a distribution licence is required, such as that held by ESB; and that this requirement prevented others such as community centres or those in the agricultural sector from transmitting electricity directly to adjacent businesses.¹²

The ISEA also outlined that the future development of the sector would require production and storage at every scale, with the direct line approach being an important facet of the overall power system, but that the current approach in this State, as opposed to others, is *‘restrictive’*.¹³

The Committee notes that the Climate Action Plan *‘includes a commitment to review the policy position on the development of private networks/direct lines’* specifically

⁹ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

¹⁰ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

¹¹ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

¹² Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

¹³ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

and that a consultation paper due for publication in Q1 in 2022 has been delayed and to date remains unpublished.¹⁴

The Committee heard concerns that the *'plan for rolling out the network is wrong'* regarding the provision of access to the national grid, with one stakeholder expressing that *'local connections are the way to get there'* and *'that highway is not currently being built or planned for appropriately to get us on the pathway towards the 80% target.'*

The Committee was further advised that in order to get grid access, and with particular regard to EirGrid, *'a project must be large-scale in nature'*.

¹⁴ Houses of the Oireachtas, *Dáil Éireann Parliamentary Question No. 83*, Debate, 29 September 2022. [Link](#) to question.

Chapter 3 – Microgeneration and Supports

The Committee heard from stakeholders as to existing government policy and supports regarding microgeneration, with particular references to aspects of the Renewable Electricity Support Scheme (RESS); Microgeneration Support Scheme (MSS); the Targeted Agriculture Modernisations Schemes (TAMS); and the manner in which these function sub-optimally with regard to the encouragement of on-farm adoption of microgeneration via solar.

The Committee heard from the ISEA regarding the MSS that ‘...*the timeline for farmers remains unclear and that should be addressed*’ while the Committee heard from the IFA that the scheme currently targets the support of installation of 380MW micro-generation capacity and that measures relating to the deployment of solar for larger non-domestic sites be accelerated.

The Committee heard that the Renewable Electricity Support Scheme (RESS) as currently constituted excludes farmers from bidding to ‘*receive support as a combined community project*’.¹⁵

The Renewable Electricity Support Scheme (RESS) is administered by the Department of Environment, Climate and Communications to support the generation of renewable electricity. While auctions are held under RESS in relation to solar which will contribute to the State’s target under the Climate Action Plan of generating 2.5GW of solar to the electricity system by 2030, the Committee heard that RESS currently excludes groups of farmers from bidding and receiving support as a combined community project and that amending the terms prohibiting such participation could contribute to ‘...[increased] *participation of farm scale projects*’.¹⁶

TAMS is a co-funded scheme by the National Exchequer and the European Union under Ireland’s Rural Development Programme. The scheme supports on-farm capital investments.

¹⁵ Houses of the Oireachtas, *The Irish Farmers’ Association (IFA) - Solar Energy and the Agricultural Industry*, Submission. [Link](#) to submission.

¹⁶ Houses of the Oireachtas, *The Irish Farmers’ Association (IFA) - Solar Energy and the Agricultural Industry*, Submission. [Link](#) to submission.

The Committee heard from the ISEA *that ‘some anomalies may remain in place, such as the inability of farmers to avail of the export tariff if they utilise their Department of Agriculture, Food and the Marine targeted agricultural modernisation scheme, TAMS, grant to part-fund their solar PV system. These anomalies can create confusion among farmers and may inhibit mass levels of adoption.’*

The Committee notes from Ministerial responses to Parliamentary Questions that this anomaly has arisen as *‘...all grant aid for TAMS II investments must be for on farm use only as this is a requirement of the EU Regulations.’*

However, the Committee further notes that in the case of the Solar Electricity Grant offered under the Sustainable Energy Authority of Ireland (SEAI), no such prohibition on participation in the MSS exists.

The Committee heard that the ability of farms to generate solar energy does not always align with energy consumption needs of a farm enterprise – an example was cited whereby in the case of a dairy farm whereby peak consumption coincides with morning and evenings while peak generation occurs in the middle of the day.¹⁷

It was highlighted that on farm storage or use optimisation could provide further benefits to farmers through either the use of batteries or alternatives such as the building of *‘a bank of ice with electricity’* or *‘through storing hot water in a dairy water heater’* at a cost of €40 to €400 per kWh of storage dependent on approach and need.¹⁸

The Committee also note that Teagasc specifically recommended that energy storage systems be considered in future farm grant schemes.¹⁹

¹⁷ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

¹⁸ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

¹⁹ Houses of the Oireachtas, *Teagasc - Solar Energy and the Agriculture Industry*, Submission. [Link](#) to submission.

Chapter 4 – Taxation

During its meetings and through subsequent submissions, the Committee heard that that both Capital Acquisition Tax (CAT) and Value Added Tax (VAT) were of particular relevance to the uptake of solar within the agricultural sector.

The Committee heard that the current framework for CAT relief takes the form of a *‘90% reduction in the taxable value of gifted or inherited property’* and that to avail of this relief *‘at least 80%’ of the related property must relate to agriculture, with additional provisions to ensure that relief is claimed only by ‘active farmers’*.

The Committee further heard that arising from a Department of Finance review in 2016, up to 50% of total land area may be used for the installation of solar panels in the context of the relief, with a view that this would provide balance between not discouraging the take up of solar infrastructure, while also not encouraging *‘passive farming’*.²⁰

The ISEA advocated in favour of increasing the allowable amount of land leased for the purpose of solar to increase the feasibility of such projects. They pointed to international experience suggesting that *‘55% to 80% of land under lease’* potentially being available for agricultural use, such as sheep grazing.²¹

The IFA proposed that the calculations used to determine the area of land on which solar panels are installed should only include *‘the footprint of the structures mounting solar panels, ancillary equipment and service roadways and should exclude any area capable of being grazed by agricultural livestock either under, around or in between panels, ancillary equipment and roadways.’*²²

The Committee notes that for the purposes of payment under the Basic Payment Scheme, the area of a parcel of land which may be removed from agricultural use is up to 70% (attracting a pro-rata penalty on the Basic Payment) and that such

²⁰ Houses of the Oireachtas, *Committee on Budgetary Oversight - Revenue on Capital Acquisitions Tax (CAT) & Solar Energy*, Submission. [Link](#) to submission.

²¹ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

²² Houses of the Oireachtas, *The Irish Farmers’ Association (IFA) - Solar Energy and the Agricultural Industry*, Submission. [Link](#) to submission.

payments are subject to associated regulations and inspections with regard to the ‘active farmer check’.²³

The current rate for solar PV retail products is the standard rate of 23% and the rate on Solar Supply and Install is 13.5%.²⁴

The ISEA advocated in favour of reduced VAT rates to ‘*make solar more attractive for everyone in society*’ and further highlighted the EU VAT Directive, which allows for VAT on panels to be further reduced in certain circumstances²⁵ while the IFA called for a total VAT exemption on solar equipment.²⁶

The Committee also notes that the Revenue Commissioners are currently unable to provide data specific to the amount of funds raised through VAT in relation to solar panels²⁷

²³ Houses of the Oireachtas, *Dáil Éireann Parliamentary Question No. 764*, Debate, 17 May 2022. [Link](#) to question.

²⁴ Houses of the Oireachtas, *Dáil Éireann Parliamentary Question No. 47*, Debate, 12 October 2022. [Link](#) to question.

²⁵ Houses of the Oireachtas, *Joint Committee on Agriculture, Food and the Marine*, Debate, 4 May 2022. [Link](#) to debate.

²⁶ Houses of the Oireachtas, *The Irish Farmers’ Association (IFA) - Solar Energy and the Agricultural Industry*, Submission. [Link](#) to submission.

²⁷ Houses of the Oireachtas, *Committee on Budgetary Oversight - Revenue on Capital Acquisitions Tax (CAT) & Solar Energy*, Submission. [Link](#) to submission.

Recommendations and Observations

The Committee has made the following recommendations and observations: -

1. The Committee recommends that it should be a target of government to ensure that every appropriate farm building has solar panels installed in support of our 2030 emission reduction targets. Further, the Departments of Agriculture, Food and the Marine and the Environment, Climate and Communications should be charged with developing a comprehensive strategy to meet this goal.
2. The Committee recommends that the Departments of Agriculture, Food and the Marine and the Environment, Climate and Communications should enter into dialogues with electricity companies and financial institutions with a view to identify whether a scheme can be devised whereby all upfront costs in relation to the installation of Solar PV on farm buildings can be offset and repayable either through low-interest loans or via a tariff on the excess electricity generated and sold to the national grid.
3. The Committee believes that a complex regulatory framework and disparate departmental responsibility over aspects of on-farm solar relating to regulation, microgeneration, and supports has resulted in a lack of transparency in relation to levels of adoption and the success of overall government policy in achieving such.

The Committee recommends that the Department of Agriculture, Food and the Marine establish and co-ordinate a cross-departmental One-Stop-Shop to:

- inform and encourage farmers as to opportunities to adopt solar energy technology at all scales;
- collate related data;
- adopt a solar energy target specific to the agricultural sector; and
- report to government on the progress of its work.

4. The Committee recommends that the Department of Housing, Local Government and Heritage proceed as a matter of urgency regarding proposals to exempt solar panels on farm buildings from requiring planning permission, with a view to enacting an exemption without delay.
5. The Committee recommends that the SEAI establish a dedicated scheme in support of farmers adopting solar technology.
6. The Committee is concerned that a consultation paper in relation to the development of private networks/direct lines which was due in Q1 of 2022 remains unpublished. The Committee recommends this be published as a matter of priority, and that the Department of the Environment, Climate and Communications provide the Committee with an indicative timeline of their intention to introduce reforms in this area, and provide for direct line connections.
7. The Committee recommends that the Departments of Agriculture, Food & the Marine and Environment, Climate & Communications consider the establishment of a new dedicated scheme to provide for battery or alternative storage measures in the case of Solar PV installed on agricultural buildings.
8. The Committee recommends that the Department of the Environment, Climate and Communications examine the potential of delivering a mechanism whereby farmers are able to store excess electricity generated through the national grid, receiving a comparative amount of energy or credit in return as needed.
9. The Committee recommends that the Department of Finance conduct an appraisal as to the performance of the 50% limit on total land area used for the installation of solar panels limit with regard to CAT relief.

The Committee further recommends that specific consideration is given to the manner in which land area is calculated, and that the existing framework in

relation to the Basic Payment Scheme would provide a suitable alternative cognisiant of the Department of Finance's concerns as to ensuring that the relief remains available only to active farmers.

10. The Committee notes that supports under the MSS are intended to gradually reduce over time from 2024 based on reaching specific deployment milestones, with supports for new installations being phased out from 2028. The Committee recommends that the VAT on such products be reviewed in the intervening period.
11. The Committee recommends that the RESS be reformed and expanded to facilitate groups of farmers to bid and receive support as a combined community project, or that a dedicated stream within be established to facilitate group bids by farmers.
12. The Committee recognises that on-farm investment supported by TAMS may currently only be used towards generating on-farm electricity. However, in equally recognising the context of the ongoing climate and energy crises, the Committee is concerned that such an approach may be unnecessarily discouraging the adoption of solar energy on-farm, and disincentivising the production of renewable energy.

The Committee recommends that government engage with the European Commission to deliver a mechanism which allow farmers who availed of TAMS grants to participate fully in microgeneration schemes.

13. The Committee recommends that the Department of Agriculture ensure that the allocation for solar equipment under TAMS in the 2023-2027 CAP period is sufficient to meet the demand of any farmer that wishes to avail thereof.
14. The Committee notes Teagasc's commitment to research regarding on-farm solar. The Committee recommends that government ensure that such research is resourced sufficiently to ensure continued work in relation to

energy production and its impact on family farm incomes across farm systems.

Appendix 1: Terms of Reference of the Committee

Scope and context of activities of Select Committees (DSO 94 and SSO 70)

DSO 94

- (1) The Dáil may appoint a Select Committee to consider and, if so permitted, to take evidence upon any Bill, Estimate or matter, and to report its opinion for the information and assistance of the Dáil. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum, and may appoint a date upon which the Committee shall report back to the Dáil.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125(1) ¹; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice to the Business Committee by a Cathaoirleach of one of the Select Committees concerned, waives this instruction.

¹ Retained pending review of the Joint Committee on Public Petitions.

SSO 70

- (1) The Seanad may appoint a Select Committee to consider any Bill or matter and to report its opinion for the information and assistance of the Seanad and, in the case of a Bill, whether or not it has amended the Bill. Such motion shall specifically state the orders of reference of the Committee, define the powers devolved upon it, fix the number of members to serve on it, state the quorum thereof, and may appoint a date upon which the Committee shall report back to the Seanad.
- (2) It shall be an instruction to each Select Committee that—
 - (a) it may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
 - (b) such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Seanad;
 - (c) it shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 108 (1) ¹; and
 - (d) it shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a State body within the responsibility of a Government Department, or
 - (iii) the principal office-holder of a non-State body which is partly funded by the State,

Provided that the Committee may appeal any such request made to the Cathaoirleach, whose decision shall be final.

¹ Retained pending review of the Joint Committee on Public Petitions

Functions of Departmental Select Committees (DSO 95 and SSO 71)

DSO 95

- (1) The Dáil may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Dáil on any matter relating to—
 - (a) legislation, policy, governance, expenditure and administration of—
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which—
 - (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Dáil.
- (3) The principal purpose of Committee consideration of matters of policy, governance, expenditure and administration under paragraph (1) shall be—
 - (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or of a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
 - (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Seanad Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Dáil: provided that the Joint Committee shall not consider—
 - (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or

- (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.
- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Cathaoirleach of the Select Committee appointed pursuant to this Standing Order shall also be Cathaoirleach of the Joint Committee.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
 - (c) non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.²

² Retained pending review of the Joint Committee on Public Petitions.

SSO 71

- (1) The Seanad may appoint a Departmental Select Committee to consider and, unless otherwise provided for in these Standing Orders or by order, to report to the Seanad on any matter relating to—

- (a) legislation, policy, governance, expenditure and administration of-
 - (i) a Government Department, and
 - (ii) State bodies within the responsibility of such Department, and
 - (b) the performance of a non-State body in relation to an agreement for the provision of services that it has entered into with any such Government Department or State body.
- (2) A Select Committee appointed pursuant to this Standing Order shall also consider such other matters which –
- (a) stand referred to the Committee by virtue of these Standing Orders or statute law, or
 - (b) shall be referred to the Committee by order of the Seanad.
- (3) The principal purpose of Committee consideration of matters of policy, governance expenditure and administration under paragraph (1) shall be—
- (a) for the accountability of the relevant Minister or Minister of State, and
 - (b) to assess the performance of the relevant Government Department or a State body within the responsibility of the relevant Department, in delivering public services while achieving intended outcomes, including value for money.
- (4) A Select Committee appointed pursuant to this Standing Order shall not consider any matter relating to accounts audited by, or reports of, the Comptroller and Auditor General unless the Committee of Public Accounts—
- (a) consents to such consideration, or
 - (b) has reported on such accounts or reports.
- (5) A Select Committee appointed pursuant to this Standing Order may be joined with a Select Committee appointed by Dáil Éireann to be and act as a Joint Committee for the purposes of paragraph (1) and such other purposes as may be specified in these Standing Orders or by order of the Seanad: provided that the Joint Committee shall not consider-
- (a) the Committee Stage of a Bill,
 - (b) Estimates for Public Services, or
 - (c) a proposal contained in a motion for the approval of an international agreement involving a charge upon public funds referred to the Committee by order of the Dáil.

- (6) Any report that the Joint Committee proposes to make shall, on adoption by the Joint Committee, be made to both Houses of the Oireachtas.
- (7) The Cathaoirleach of a Joint Committee appointed pursuant to this Standing Order shall be a member of Dáil Éireann.
- (8) Where a Select Committee proposes to consider—
 - (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 116, including the compliance of such acts with the principle of subsidiarity,
 - (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action, non-legislative documents published by any EU institution in relation to EU policy matters, or
 - (d) matters listed for consideration on the agenda for meetings of the relevant EC Council (of Ministers) of the European Union and the outcome of such meetings,

the following may be notified accordingly and shall have the right to attend and take part in such consideration without having a right to move motions or amendments or the right to vote:

- (i) members of the European Parliament elected from constituencies in Ireland,
 - (ii) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
 - (iii) at the invitation of the Committee, other members of the European Parliament.
- (9) A Select Committee appointed pursuant to this Standing Order may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department consider—
 - (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
 - (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 113 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.²

² Retained pending review of the Joint Committee on Public Petitions.

Powers of Select Committees (DSO 96 and SSO 72)

DSO 96

Unless the Dáil shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time—
 - (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to—
 - (a) require any Government Department or other instrument-making authority concerned to—
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: Provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Dáil, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss—
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;

- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;
- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal officeholders of a—
 - (a) State body within the responsibility of a Government Department or
 - (b) non-State body which is partly funded by the State,

shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil; and

- (10) power to—
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 120(4)(a).

SSO 72

Unless the Seanad shall otherwise order, a Committee appointed pursuant to these Standing Orders shall have the following powers:

- (1) power to invite and receive oral and written evidence and to print and publish from time to time –

- (a) minutes of such evidence as was heard in public, and
 - (b) such evidence in writing as the Committee thinks fit;
- (2) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Seanad;
- (3) power to draft recommendations for legislative change and for new legislation;
- (4) in relation to any statutory instrument, including those laid or laid in draft before either or both Houses of the Oireachtas, power to –
 - (a) require any Government Department or other instrument making authority concerned to –
 - (i) submit a memorandum to the Select Committee explaining the statutory instrument, or
 - (ii) attend a meeting of the Select Committee to explain any such statutory instrument: provided that the authority concerned may decline to attend for reasons given in writing to the Select Committee, which may report thereon to the Seanad, and
 - (b) recommend, where it considers that such action is warranted, that the instrument should be annulled or amended;
- (5) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss–
 - (a) policy, or
 - (b) proposed primary or secondary legislation (prior to such legislation being published),

for which he or she is officially responsible: provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy or proposed legislation;
- (6) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the attendee, oral briefings in advance of meetings of the relevant EC Council (of Ministers) of the European Union to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

- (7) power to require that the Chairperson designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;
- (8) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 168;
- (9) subject to any constraints otherwise prescribed by law, power to require that principal office-holders of a –
 - (a) State body within the responsibility of a Government Department, or
 - (b) non-State body which is partly funded by the State,

shall attend meetings of the Select Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Seanad; and

- (10) power to-
 - (a) engage the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and
 - (b) undertake travel;

Provided that the powers under this paragraph are subject to such recommendations as may be made by the Working Group of Committee Chairmen under Standing Order 107(4)(a).

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