

**GENERAL SCHEME OF AN  
INDUSTRIAL DEVELOPMENT (MISCELLANEOUS PROVISIONS) BILL 2025**

**HEAD 1 – Long title**

To provide that the Long Title of the Bill is:

An Act to amend the Industrial Development Act 1986; to amend the Industrial Development Act 1995; to amend the Safety, Health and Welfare at Work Act 2005; to amend the Dangerous Substances Act 1972; to amend Schedule 3, Part 1, of the Freedom of Information Act 2014; and to amend the Chemicals Act 2008.

**Explanatory Note:**

It is standard to provide each Bill with a long title, giving detail as to its scope and purpose, as well as a succinct short title, providing a convenient reference thereto.

## **HEAD 2 – Short title, commencement and collective citation**

To provide that—

- (1) This Act may be cited as the Industrial Development (Miscellaneous Provisions) Act 2025.
- (2) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

### **Explanatory Note:**

It is standard to provide for a convenient short title, by which an Act may be generally referred to and a collective citation, as well as providing for a long title giving greater detail as to the scope of the Act in question.

It is standard to provide for a commencement date for the legislation.

### **HEAD 3 – Interpretation**

To provide that —

In this Act –

‘Act of 1972’ means the Dangerous Substances Act, 1972, as amended;

‘Act of 1986’ means the Industrial Development Act, 1986, as amended;

‘Act of 1995’ means the Industrial Development Act, 1995, as amended;

‘Act of 2005’ means the Safety, Health and Welfare at Work Act, 2005, as amended;

‘Act of 2008’ means the Chemicals Act, 2008, as amended;

‘Act of 2014’ means the Freedom of Information Act, 2014, as amended;

‘Minister’ means the Minister for Enterprise, Trade and Employment

#### **Explanatory Note:**

This Head provides definitions of key words/terms used in the Act.

## **HEAD 4 – Environmental Protection Grant**

The Industrial Development Act, 1986, is amended by the addition of a Section 21.A as follows:

### **21.A**

- (1) The Authority may make a grant for Environmental Protection to an undertaking, on such terms and conditions as it thinks proper, if the undertaking conforms to the criteria set out in subsections (3), (4)(c) and (4)(d) of section 21.
- (2) In this section, ‘Environmental Protection’ means any action or activity, to the satisfaction of the agency, whose objective is the protection of the environment and which exceeds mandatory EU environmental protection standards.
- (3) Environmental Protection includes, but is not limited to, actions and activities designed to reduce or prevent pollution, negative environmental impacts or other damage to physical surroundings (including to air, water and soil), ecosystems or natural resources by human activities, including to mitigate climate change, to reduce the risk of such damage, to protect and restore biodiversity or to lead to more efficient use of natural resources, including energy-saving measures and the use of renewable sources of energy and other techniques to reduce greenhouse gas emissions and other pollutants, as well as to shift to circular economy models to reduce the use of primary materials and increase efficiencies. It also covers actions that reinforce adaptive capacity and minimise vulnerability to climate impacts. [This description is aligned with the GBER definition of Environmental Protection Aid which is eligible for state aid]
- (4) The aid provided may be in a form the Authority considers appropriate.
- (5) The Authority shall not, without the prior permission of the Government, give in respect of a particular industrial undertaking, Environmental Protection Aid Grants exceeding in the aggregate the higher of—
  - (a) €15,000,000; or
  - (b) €15,000,000 in excess of the aggregate amount of Environmental Protection Aid grants for which the permission of the Government has previously been obtained by the Authority.

### **Explanatory Note:**

The purpose of Head 4 is to ensure Ireland can deliver on climate targets and increase Ireland’s value proposition by amending IDA and Enterprise Ireland’s grant making powers in the environmental protection arena, clarifying the agencies’ capacity to provide support compatible with EU state aid rules, including the General Block Exemption Regulation (GBER) framework and certain categories of operating aid.

Head 4 provides for a new Section 21.A: Environmental Protection Grants.

Subsection (1) provides that IDA and Enterprise Ireland can make Environmental Protection grants on terms and conditions they deem appropriate once a company has satisfied the

agencies regarding certain criteria, and it specifies the categories of firm which are eligible [section 21(3)]. Two relevant parts of section 21(4) also apply, section 21(4)(c) and section 21(4)(d). Section 21(4)(c) requires that IDA/Enterprise Ireland are satisfied an undertaking seeking a grant has an adequate equity base and section 21(4)(d) requires applicant undertakings to prepare a suitable company development plan. In order to allow applications to be judged specifically on environmental criteria, section 21(4)(e) has not been included, specifically the output, employment and value-added conditions. Environment protection criteria can now be used as an alternative. The purpose is to streamline the vetting process and fast-track such measures in the context of the need to decarbonise enterprise as set out in the Government's White Paper on Enterprise and the Climate Action Plan.

It should be noted that this section provides that the conditions for environmental grants are at the discretion of the agencies, meaning they can include output, employment and value-added conditions in circumstances where they deem it appropriate but it is not a requirement of the legislation.

Subsection (2) clarifies that any investment funding by the agencies must go beyond existing EU mandatory standards to qualify, in order to incentivise additional actions.

Subsection (3) provides a non-exhaustive list of actions and activities which can be categorised as Environmental Protection. This description is aligned with the GBER definition of Environmental Protection Aid which defines the actions which are eligible for support under state aid rules.

Subsection (4) clarifies that the form the aid should take is at the discretion of the agencies, whether it be fixed assets, operating aid, price supports or other methods compatible with EU state aid rules.

Subsection (5) sets the threshold of grant aid allowable without requiring explicit government approval.

## **HEAD 5 – Consultancy grant aid**

The Industrial Development Act, 1986, is amended as follows:

(i)

The addition of a Section 21.B -

### **21.B**

- (1) The Authority may make a grant to an undertaking to engage external consultants, on such terms and conditions as it thinks proper, if the undertaking conforms to the criteria set out in subsections (3), (4)(c) and (4)(d) of section 21.
- (2) A grant to an undertaking to engage external consultants can be given for advice and/or studies in respect of – (i) technological innovation, and/or (ii) environmental protection, and/or (iii) business development.

(ii)

Section 34 (1) is amended by the substitution of:

“the total amount of money granted under sections 21 (as amended by the Industrial Development (Science Foundation Ireland) Act 2003), 22 or 25”, for

“the total amount of money granted under sections 21 (as amended by the Industrial Development (Science Foundation Ireland) Act 2003), 21.B, 22 or 25”

### **Explanatory Note:**

#### ***Amendment (i):***

The proposed Section 21.B would enable IDA and Enterprise Ireland to support their clients in accessing external consultancy services which are usually a precursor to product or process change or innovation.

The EU state aid framework continues to evolve and GBER currently allows for aid for studies and consultancy services on environmental protection and energy matters.

Outside the GBER framework, Section 21.B would enable IDA and Enterprise Ireland to provide support for their clients in accessing consultancy services related to areas such as business transformation and digitalisation under De Minimis arrangements and, where compatible, any future iterations of state aid rules. Efforts to enhance the productivity of Ireland’s enterprise base through a focus on digitalisation is a key priority of the Government’s White Paper on Enterprise.

Subsection 21.B(1) allows IDA and Enterprise Ireland to provide grant aid to hire external consultants on terms and conditions it deems appropriate once the company has satisfied the agency regarding certain criteria and specifies the categories of firm which are eligible

[section 21(3)]. Two relevant parts of section 21(4) also apply, section 21(4)(c) and section 21(4)(d). Section 21(4)(c) requires that IDA and Enterprise Ireland are satisfied an undertaking seeking a grant has an adequate equity base and section 21(4)(d) requires applicant undertakings to prepare a suitable company development plan.

Section 21(4)(e), which includes conditions relating to output employment, and value added, is not included as applicant firms may not be in a position to guarantee such outcomes prior to any consultancy advice being received.

Subsection 21.B (2) specifies the types of consultancy advice which can be granted aid.

***Amendment (ii)***

Section 34 (1) is amended to clarify that grants awarded under Section 21.B are included with the other categories of support (listed below) in the aggregate limit at which grants to an undertaking can be awarded without prior permission of the Government.

This means that total grants to an undertaking for fixed assets, fixed assets leased, employment grants, consultancy grants or in the purchase of shares shall not exceed an aggregate of €15,000,000 without Government approval.

## **HEAD 6 – Amendments to technology acquisition grant thresholds**

To provide that –

- (1) Section 30 (5) of the Act of 1986 is hereby amended–
  - (a) In paragraph (a), by the substitution of “£400,000” for “€7,500,000”.
  - (b) In paragraph (b), by the substitution of “£400,000” for “€7,500,000”.
- (2) Section 30 (6) of the Act of 1986 is hereby amended–
  - (a) In paragraph (a), by the substitution of “£800,000” for “€15,000,000”.
  - (b) In paragraph (b), by the substitution of “£800,000” for “€15,000,000”.

### **Explanatory Note:**

Head 6 updates the Act of 1986 to increase the threshold at which technology acquisition grants must be approved by the Government to align with other categories of grants in the same legislation.

Section (1) increases the threshold for individual grants in Section 30.

Section (2) aligns Section 30 with the aggregate thresholds listed in Section 34.

## **HEAD 7 – Establishment of Designated Activity Companies to develop property**

The Industrial Development Act, 1995, is amended by the addition of a Section 6.A as follows:

### **6A.**

- (1) the Industrial Development Authority may —
  - (a) with the consent of the Minister and the concurrence of the Minister for Public Expenditure, NDP Delivery and Reform, form or cause to be formed, together with third parties, Designated Activity Companies registered under the Companies Act 2014 for the specific purpose of acquiring or developing suitable land and buildings, or other infrastructure, for industrial or commercial activities.
  - (b) make loans to, or invest monies or land at its disposal in, Designated Activity Companies formed under this section.

### **Explanatory Note:**

The head above expands the IDA's powers, allowing the agency to partner with third parties, such as State agencies which make strategic investments, to develop property solutions.

Subsection (1) provides the IDA with powers to create Designated Activity Companies (DACs) with third parties and allows it to invest in that company or companies. A DAC has a specific purpose, a separate legal personality and limited liability.

## **HEAD 8 – Amendments to the Dangerous Substances Act 1972**

The Dangerous Substances Act 1972 is amended as follows:

- (1) Delete the definition of “petroleum-spirit” and replace with a definition of “flammable liquid”:  
“flammable liquid” and the classes thereof, means flammable liquid as defined and classified by criteria set out in Table 2.6.1 in Regulation (EC) No 1272 of 2008 of the European Parliament and of the Council of 16 December 2008 on classification, labelling and packaging of substances and mixtures, amending and repealing Directives 67/548/EEC and 1999/45/EC, and amending Regulation (EC) No 1907/2006 (OJ L 353, 31.12.2008, p. 1)
- (2) Sections 20(1), 21(1), 21(1)(c), 21(1)(d), 22(1) and 63 of the Act are amended as follows:  
Delete the term “petroleum-spirit” and replace with “flammable liquid”
- (3) Section 55 of the Act is amended as follows:  
By the substitution for subsection (2) of the following:  
“(2) A local or harbour authority empowered by this Act to issue a licence may prosecute summarily:
  - (i) any contravention of the conditions of the licence; or
  - (ii) an offence under section 21.”

### **Explanatory Note:**

Paragraphs 1 and 2. This amendment removes the definition of “petroleum-spirit” and consequential references to “petroleum-spirit” from the Act and replace this definition and references to “petroleum-spirit” with a definition of all classes of “flammable liquid” as outlined in the Classification, Labelling and Packaging Regulation (Regulation (EC) No 1272 of 2008 of the European Parliament and of the Council of 16 December 2008).

The purpose of this amendment is to extend the scope of the requirements under the Act for anyone storing certain quantities of petroleum and/or other flammable liquids to hold a licence issued by the Minister or an appropriate local or harbour authority.

Paragraph 3. This amendment enables the summary prosecution by local or harbour authorities of a person who, in contravention of the provisions at Section 21 of the Act, has in their possession or control flammable liquids or fuels without having a licence for the store issued by the appropriate local or harbour authority.

## **HEAD 9 – Amendments to the Act of 2014 or the Freedom of Information Act**

Schedule 3, Part 1, of the Freedom of Information Act 2014 is hereby amended by inserting the following at the end of that Part-

- (i) in column (1), ‘No 34 of 1998’;
- (ii) in column (2), opposite the mention in column (1) of No. 34 of 1998, ‘Industrial Development (Enterprise Ireland) Act 1998’, and
- (iii) in column (3) opposite the mention in column (2) of Industrial Development (Enterprise Ireland) Act 1998, ‘Section 16’

### **Explanatory Note:**

The purpose of Head 9 is to amend Schedule 3 of the Freedom of Information Act 2014 to address an anomaly in the Freedom of Information Act 2014. Enterprise Ireland is a prescribed body under the Act, however there is a question whether the statutory confidentiality obligations contained in the Industrial Development (Enterprise Ireland) Act 1998, to which Enterprise Ireland is subject, override the disclosure obligations of the Freedom of Information Act 2014.

## **HEAD 10 – Amendment to the Safety, Health and Welfare at Work Act 2005**

Schedule 5 of the Safety, Health and Welfare at Work Act 2005 will be amended as follows:

- (i) By the substitution of the following for Section 4:  
“A member shall be appointed by the Minister in a part-time capacity and shall hold office for 5 years and a member whose term of office expires shall be eligible for reappointment.”

### **Explanatory Note:**

Currently appointments to the Board of the Health and Safety Authority are for a period of three years in line with the Safety, Health and Welfare at Work Act 2005.

This amendment is to bring the Safety, Health and Welfare at Work Act 2005 up to date with the Code of Practice for the Governance of State Bodies – 2016, which recommends that board appointments be for a period of five years.

## **HEAD 11 – Amendment to the Chemicals Act 2008**

Section 5 of the Chemicals Act is amended—

1. After section (5)(3)(a) insert 5(3)(aa) as follows:

“(3)(aa))the Minister may provide for offences tried either summarily or on indictment and may prescribe penalties of a fine not exceeding €3,000,000.”

### **Explanatory Note:**

In the transposition of EU legislation (EU Regulation 259/2012), to ensure the Minister is not considered to be in default of obligations under EU law due to the penalties being insufficient.

## **HEAD 12 – Amendment to the Chemicals Act 2008**

The Chemicals Act 2008 is amended as follows:

1. after section 29(2) insert 29(2A) as follows:

“(2A) A person who makes available on the market a chemical in contravention of the Detergents Regulation shall be guilty of an offence.”.

### **Explanatory Note:**

In the transposition of EU legislation (EU Regulation 259/2012), to ensure the Minister is not considered to be in default of obligations under EU law due to the penalties being insufficient.