



Number 15 of 2017

Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017



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**PETROLEUM AND OTHER MINERALS DEVELOPMENT (PROHIBITION OF
ONSHORE HYDRAULIC FRACTURING) ACT 2017**

CONTENTS

Section

1. Amendment of Petroleum and Other Minerals Development Act 1960
2. Short title

[No. 15.] *Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017.* [2017.]

ACTS REFERRED TO

Petroleum and Other Minerals Development Act 1960 (No. 7)

Sea-Fisheries and Maritime Jurisdiction Act 2006 (No. 8)



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**PETROLEUM AND OTHER MINERALS DEVELOPMENT (PROHIBITION OF
ONSHORE HYDRAULIC FRACTURING) ACT 2017**

An Act to amend the Petroleum and Other Minerals Development Act 1960 to provide for the prohibition of exploration for and extraction of onshore petroleum by means of hydraulic fracturing; and to provide for related matters. [6th July, 2017]

Be it enacted by the Oireachtas as follows:

Amendment of Petroleum and Other Minerals Development Act 1960

1. Part II of the Petroleum and Other Minerals Development Act 1960 is amended by the insertion of the following Chapter after Chapter II:

“Chapter IIA

Hydraulic Fracturing

Definitions

5A. In this Chapter—

‘enactment’ means—

- (a) an Act of the Oireachtas,
- (b) a statute that was in force in Saorstát Éireann immediately before the date of the coming into operation of the Constitution and that continues in force by virtue of Article 50 of the Constitution, or
- (c) an instrument made under an Act of the Oireachtas or a statute referred to in paragraph (b);

‘hydraulic fracturing’ means the generation of mechanical fractures in rock below the surface by means of the physical process of pumping fluid at high pressure into the rock via a petroleum wellbore for the purpose of enhancing the flow of petroleum between the rock and petroleum wellbore;

‘internal waters’ has the same meaning as it has in Part 3 of the Sea-Fisheries and Maritime Jurisdiction Act 2006;

‘petroleum wellbore’ means a boring or other excavation in the earth’s crust made for the purpose of searching for or extracting petroleum.

Prohibition of hydraulic fracturing

- 5B.** (1) Notwithstanding anything in this Act or any other enactment or rule of law it shall not be lawful for a person to search for, get, raise, take, carry away or work petroleum by means of hydraulic fracturing.
- (2) The prohibition in subsection (1)—
- (a) shall apply in respect of petroleum that is situated in the State including the internal waters, and
 - (b) shall not apply in respect of petroleum that is offshore.

Offence and penalty

- 5C.** A person who contravenes section 5B shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine or imprisonment for a term not exceeding 6 months or both.”.

Short title

- 2.** This Act may be cited as the Petroleum and Other Minerals Development (Prohibition of Onshore Hydraulic Fracturing) Act 2017.