



Number 33 of 2014

Health (Miscellaneous Provisions) Act 2014



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HEALTH (MISCELLANEOUS PROVISIONS) ACT 2014

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Number 33 of 2014

HEALTH (MISCELLANEOUS PROVISIONS) ACT 2014

An Act to amend the Health and Social Care Professionals Act 2005 to provide for the application of that Act to the health or social care professions of optometrist and dispensing optician, to divide the health or social care profession of radiographer into the two health or social care professions of radiographer and radiation therapist, to permit a registration board to be the registration board of two or more designated professions, to introduce uniformity between that Act and certain provisions of other Acts which regulate health or social care professions that are not regulated by that Act, to repeal the Opticians Act 1956, to amend sections 67A, 67C and 67D of the Health Act 1970 as amended by section 19 of the Health (Amendment) Act 2013, and to provide for related matters. [19th November, 2014]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Health (Miscellaneous Provisions) Act 2014.
(2) Subject to *subsection (3)*, this Act comes into operation on such day or days as the Minister for Health may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.
(3) *Part 3* comes into operation on the commencement of section 19 of the Health (Amendment) Act 2013.

Repeal of Opticians Act 1956

2. The Opticians Act 1956 is repealed.

Expenses

3. The expenses incurred by the Minister for Health in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of money provided by the Oireachtas.

PART 2

AMENDMENT OF HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005

Definition of “Principal Act”

4. In this Part “Principal Act” means the Health and Social Care Professionals Act 2005.

Amendment of section 3 of Principal Act

5. Section 3(1) of the Principal Act is amended by inserting the following definitions:

“ ‘Act of 1956’ means the Opticians Act 1956;

‘afocal goggles’ or ‘afocal sunglasses’ means goggles or sunglasses containing lenses with no optical power;

‘contact lenses’ includes any device, designed to be worn in contact with the ocular surface, for the correction of vision, for the provision of a decorative or cosmetic effect, for a therapeutic purpose, or for any other reason, and regardless of the optical properties or the absence of optical properties of the device;

‘new name’, in relation to a registration board referred to in section 26(1), means the most recent name (if any) that the board has been given pursuant to regulations under section 4;

‘ready-made reading spectacles’ means spectacles that have 2 single vision lenses each of which has the same positive spherical power not exceeding 4 dioptries and the purpose of which is to relieve the condition known as presbyopia;

‘relevant day’ means the day on which *section 2* of the *Health (Miscellaneous Provisions) Act 2014* is commenced;

‘relevant medical disability’, in relation to a person seeking registration as a member of a designated profession, or who is a registrant of that profession, means a physical or mental disability of the person (including addiction to alcohol or drugs) which may impair his or her ability to practise that profession or a particular aspect thereof;

‘spectacles’ includes—

- (a) contact lenses,
- (b) pince-nez, and
- (c) monocles,

but does not include—

- (i) afocal goggles or similar articles,
- (ii) afocal sunglasses or similar articles, or

(iii) ready-made reading spectacles;”.

Amendment of section 4 of Principal Act

6. Section 4 of the Principal Act is amended—

(a) in subsection (1)—

(i) by inserting the following paragraph after paragraph (b):

“(ba) dispensing optician;”,

(ii) by inserting the following paragraph after paragraph (d):

“(da) optometrist;”,

and

(iii) by inserting the following paragraph after paragraph (i):

“(ia) radiation therapist;”,

(b) by substituting the following subsections for subsection (5):

“(5) Regulations under this section shall, in relation to a profession designated in the regulations, either—

(a) (i) subject to subsection (5A), include provision for the establishment of a registration board for that profession, and

(ii) specify the name by which the registration board is to be known,

or

(b) specify—

(i) the name (or, if applicable, the new name) of the registration board referred to in section 26(1) that shall be the registration board for that profession, and

(ii) that, in order to take account of the fact referred to in subparagraph (i), from the date on which the first appointment under section 28A(4) or (5), as the case may be, takes effect, the registration board referred to in that subparagraph—

(I) is to cease to be known by the name (or, if applicable, the new name) it had immediately before that date, and

(II) shall be known by the new name specified for it in the regulations.

(5A) Regulations under this section may establish one registration board for 2 or more professions designated in the regulations.”,

and

- (c) in subsection (7), by inserting “(whether effected by virtue of an amendment to subsection (1) or by regulations under this section)” after “number of designated professions”.

Amendment of section 9 of Principal Act

7. Section 9 of the Principal Act is amended by inserting the following subsection after subsection (7):

“(8) The Council shall elect a deputy chairperson of the Council from amongst its members in accordance with Schedule 1.”.

Amendment of section 11 of Principal Act

8. Section 11 of the Principal Act is amended—

- (a) in subsection (1), by substituting the following paragraphs for paragraph (b):

“(b) act as registrar of each registration board,

(ba) perform any other functions that may be delegated by the Council or a registration board, and”,

and

- (b) by inserting the following subsection after subsection (3):

“(4) If the chief executive officer is absent or the position of chief executive officer is vacant, the functions of the chief executive officer under this Act may be performed by a member of the staff of the Council designated by the Council.”.

Amendment of section 18 of Principal Act

9. Section 18 of the Principal Act is amended—

- (a) in subsection (1), by inserting the following paragraphs after paragraph (e):

“(ea) subject to subsection (1A), the consideration by a registration board of an application under section 48 by an institution for approval of an education and training programme;

(eb) subject to subsection (1A), the annual retention of an approval under section 48 by a registration board of an institution’s education and training programme;”,

and

- (b) by inserting the following subsection after subsection (1):

“(1A) The Council shall not exercise its power under subsection (1)(ea) or (eb) except with the consent of the Minister.”.

Amendment of section 23 of Principal Act

10. Section 23(1) of the Principal Act is amended by inserting “, section 42B or 43” after “under this Part”.

Amendment of section 24 of Principal Act

11. Section 24 of the Principal Act is amended by inserting the following subsection after subsection (3):

“(4) The removal of the members of the Council from office does not revoke or otherwise affect any delegation of the Council’s functions under section 11.”.

Amendment of section 26 of Principal Act

12. Section 26 of the Principal Act is amended—

- (a) in subsection (1), by inserting the following paragraph after paragraph (d):

“(da) the Optical Registration Board;”,

and

- (b) by inserting the following subsections after subsection (1):

“(1A) The Optical Registration Board is the registration board of both the designated profession of optometrist and the designated profession of dispensing optician.

(1B) The Radiographers Registration Board is the registration board of both the designated profession of radiographer and the designated profession of radiation therapist.”.

Amendment of section 27 of Principal Act

13. Section 27 of the Principal Act is amended—

- (a) in subsection (3)(a), by inserting “(which, in the case of a registration board which is the registration board of 2 or more designated professions, means a register for each of those professions)” after “of the designated profession”, and

- (b) by inserting the following subsection after subsection (4):

“(5) Without prejudice to the generality of section 11, the registrar of a registration board shall perform any functions that may be delegated by the board.”.

Amendment of section 27A of Principal Act

14. Section 27A of the Principal Act is amended by inserting the following subsections after subsection (4):

- “(5) Subject to subsection (6), a person who was, immediately before the day on which the register of a designated profession is established under section 36(1), the competent authority under Directive 2005/36/EC in relation to the designated profession concerned shall, before the expiration of the number of days after that day that has been prescribed under section 95 for the purposes of this subsection, give the registration board of that profession all the records, being records of such kind and in such format that have been prescribed under section 95 for the purposes of this subsection, that are in the person’s power or control and that the person acquired in the person’s former capacity as such competent authority, that the board requires to perform its functions—
- (a) as the competent authority under that Directive for that profession, and
 - (b) under this Act as the registration board of that profession.
- (6) If the person referred to in subsection (5) requires any records referred to in that subsection for the purposes of performing a function under subsection (3) or (4), the reference in subsection (5) to ‘after the day’ shall be construed to mean, in the case of those records, after that day on which those records are no longer required for those purposes.
- (7) Any right of access, under the Freedom of Information Acts 1997 and 2003, to records referred to in subsection (5) that existed immediately before the day on which those records were given to a registration board pursuant to that subsection is not affected by the giving of those records to that board.
- (8) For the purposes of section 18 of the Freedom of Information Act 1997, any act done by the person referred to in subsection (5) before the day on which records referred to in that subsection were given to a registration board pursuant to that subsection is deemed to have been done by that board.”.

Amendment of section 28 of Principal Act

15. Section 28 of the Principal Act is amended—

- (a) in subsection (1), by substituting “subsections (4) to (6), subsection (8) and section 36B(1), the registration board of a designated profession, other than a registration board which is the registration board of 2 or more designated professions,” for “subsections (4) to (6), the registration board of a designated profession”, and
- (b) by inserting the following subsection after subsection (7):

“(8) Paragraph (a) of subsection (1) does not apply to the registration board of a designated profession during the transitional period, within the meaning of section 90, applicable to that board.”.

Amendment of Principal Act – insertion of section 28A (membership of registration boards of 2 or more designated professions)

16. The Principal Act is amended by inserting the following section after section 28:

“Membership of registration boards of 2 or more designated professions

28A. (1) Subject to subsections (4), (5), (6), (7), (10)(a) and (11), a registration board that is the registration board of 2 or more designated professions is to consist of the following members:

- (a) 6 persons appointed by the Minister on the election of the person concerned by the registrants of that designated profession of which he or she is a member, of whom—
 - (i) 3 are to be registrants of any of those professions that are prescribed for the purposes of this subparagraph and who are engaged in the practice of any of those professions so prescribed,
 - (ii) 2 are to be registrants of any of those professions that are prescribed for the purposes of this subparagraph and who are engaged, as members of any of those professions so prescribed, in the management of services provided by any of those professions so prescribed, and
 - (iii) one is to be a registrant of any of those professions that are prescribed for the purposes of this subparagraph and who is engaged in the State in the education and training of persons with respect to the practice of any of those professions so prescribed;
 - (b) 7 persons appointed by the Minister, of whom—
 - (i) one is to be representative of the management of the public health sector, the social care sector or both sectors,
 - (ii) one is to be representative of the management of a voluntary or private sector organisation concerned with health or social care,
 - (iii) one is to be representative of third level educational establishments in the State involved in the education and training of persons with respect to the practice of one or more than one of those professions and is nominated by the Minister for Education and Skills, and
 - (iv) 4 are to be representative of the interest of the general public and are appointed with the consent of the Minister for Jobs, Enterprise and Innovation.
- (2) The election of members under subsection (1)(a) shall be conducted in accordance with the bye-laws of the registration board concerned and before the commencement of the members’ terms of office.

- (3) Before appointing a member under subsection (1)(b)(i) or (ii), (4) or (5), the Minister may consult with any organisations that he or she considers appropriate.
- (4) Subject to subsection (10)(b), when the registration board of 2 or more designated professions is first constituted, subsection (1)(a) does not apply and instead the Minister shall appoint 6 persons, of whom—
 - (a) 3 are to be persons engaged in the practice of any of those professions that are prescribed for the purposes of this paragraph,
 - (b) 2 are to be persons who are engaged, as members of any of those professions that are prescribed for the purposes of this paragraph, in the management of services provided by any of those professions so prescribed, and
 - (c) one is to be a person who is engaged in the State in the education and training of persons with respect to the practice of any of those professions that are prescribed for the purposes of this paragraph.
- (5) Subject to subsection (10)(b), when regulations under section 4, in relation to a designated profession that falls within paragraph (b) of the definition of ‘designated profession’ in section 3(1), specify the name (or, if applicable, the new name) of a registration board referred to in section 26(1), being a registration board that has already been constituted, that shall be the registration board for that profession, subsection (1)(a) does not apply and instead the Minister shall appoint 6 persons, of whom—
 - (a) 3 are to be persons engaged in the practice of any of those professions that are prescribed for the purposes of this paragraph,
 - (b) 2 are to be persons who are engaged as members of any of those professions that are prescribed for the purpose of this paragraph, in the management of services provided by any of those professions so prescribed, and
 - (c) one is to be a person who is engaged in the State in the education and training of persons with respect to the practice of any of those professions that are prescribed for the purposes of this paragraph.
- (6) (a) When the Minister appoints 6 persons under subsection (5) in respect of a registration board referred to in that subsection, the persons who were, immediately before that appointment, members of the board by virtue of—
 - (i) section 28(1)(a), (4), (5) (in so far as it relates to section 28(1)(a)(ii) or (iii)) or (6), or
 - (ii) subsection (1)(a), (4), (5) (in so far as it relates to subsection (1)(a)(ii) or (iii)) or (6),

shall cease to be members of the board from the date that that appointment takes effect.

- (b) Paragraph (a) shall not of itself be construed to prevent any of the persons second-mentioned in that paragraph from being any of the 6 persons the subject of the appointment referred to in that paragraph.
- (7) If no person qualifies under subsection (1)(a)(ii) or (iii) for election or under subsection (1)(b)(iii), (4)(b) or (c) or (5)(b) or (c) for appointment to the registration board concerned—
- (a) subsection (1)(a)(ii) or (iii) or subsection (1)(b)(iii), (4)(b) or (c) or (5)(b) or (c), as the case may be, does not apply in relation to the board, and
- (b) the references in subsections (1)(a), (4) and (5) to 6 persons and in subsection (1)(b) to 7 persons are, in relation to the board, to be read as modified accordingly.
- (8) If, for any reason other than the operation of subsection (7), fewer than 6 registrants of the designated professions concerned are elected as members of its registration board under subsection (1)(a), the Minister may appoint as members of the board sufficient registrants of those professions to compensate for the deficiency in the number of elected registrants.
- (9) Registrants appointed to a registration board under subsection (8) are, during their term of office, considered to be elected members of the board.
- (10) (a) The number of persons who may be elected by the registrants of a particular designated profession for the purposes of subsection (1) (a) shall be as prescribed but, in any case, shall never be less than one.
- (b) The number of persons who may be appointed from a particular designated profession for the purposes of subsection (4) or (5) shall be as prescribed but, in any case, shall never be less than one.
- (11) Paragraph (a) of subsection (1) does not apply to the registration board of a designated profession during the transitional period (if any), within the meaning of section 90, applicable to that board.”.

Amendment of section 31 of Principal Act

17. Section 31(1) of the Principal Act is amended—

- (a) in paragraph (a), by inserting “or 28A, as appropriate,” after “section 28”, and
- (b) by inserting the following paragraph after paragraph (ia):

“(ib) if the board is the Optical Registration Board, for the purposes of section 81C or 81D;”.

Amendment of section 34 of Principal Act

18. Section 34 of the Principal Act is amended by inserting the following subsection after subsection (3):

“(4) The removal of the members of a registration board from office does not revoke or otherwise affect any delegation of the board’s functions under this Act.”.

Amendment of section 36 of Principal Act

19. Section 36(1)(b) of the Principal Act is amended by inserting “, or entitled, by virtue of section 79(4)(b), to use a title referred to in section 79(1), (2) or (3),” after “or 91”.

Amendment of Principal Act – insertion of section 36A (transitional provisions applicable to registers of members of designated professions of optometrist and dispensing optician)

20. The Principal Act is amended by inserting the following section after section 36:

“Transitional provisions applicable to registers of members of designated professions of optometrist and dispensing optician

36A. (1) A person who, immediately before the relevant day, was registered in a division of the Register of Optometrists within the meaning of the Act of 1956 shall, on the relevant day, be deemed to be registered in the equivalent division of the register of optometrists, and any conditions that were, immediately before the relevant day, attached to his or her registration in that division of that Register of Optometrists shall, on the relevant day, be deemed to be attached to his or her registration in that equivalent division of the register of optometrists.

(2) A person who, immediately before the relevant day, was registered in a division of the Register of Dispensing Opticians within the meaning of the Act of 1956 shall, on the relevant day, be deemed to be registered in the equivalent division of the register of dispensing opticians, and any conditions that were, immediately before the relevant day, attached to his or her registration in that division of that Register of Dispensing Opticians shall, on the relevant day, be deemed to be attached to his or her registration in that equivalent division of the register of dispensing opticians.”.

Amendment of Principal Act – insertion of section 36B (transitional provisions applicable to register of radiographers)

21. The Principal Act is amended by inserting the following section after section 36A (inserted by *section 20*):

“Transitional provisions applicable to register of radiographers

- 36B.** (1) The division of the register of radiographers relating to radiographers, as in force immediately before the commencement of *section 21* of the *Health (Miscellaneous Provisions) Act 2014* shall, with effect from that commencement, be deemed to be the register of radiographers required by section 36 to be established and maintained by the registration board of that profession, and the other provisions of this Act shall apply to the register of radiographers accordingly.
- (2) The division of the register of radiographers relating to radiation therapists, as in force immediately before the commencement of *section 21* of the *Health (Miscellaneous Provisions) Act 2014*, shall, from that commencement, be deemed to be the register of radiation therapists required by section 36 to be established and maintained by the registration board of that profession, and the other provisions of this Act shall apply to the register of radiation therapists accordingly.”.

Amendment of section 38 of Principal Act

22. Section 38 of the Principal Act is amended—

- (a) in subsection (1)(b), by inserting “subject to subsections (1A) and (2A) to (2D),” before “holds”,
- (b) in subsection (1)(c), by inserting “(including, subject to section 40A, physically and mentally a fit and proper person)” after “fit and proper person”,
- (c) by inserting the following subsection after subsection (1):
- “(1A) (a) Paragraph (b) of subsection (1) does not apply in the case of a person seeking registration as a member of the designated profession of optometrist if he or she was at any prior time registered in the Register of Optometrists within the meaning of the Act of 1956.
- (b) Paragraph (b) of subsection (1) does not apply in the case of a person seeking registration as a member of the designated profession of dispensing optician if he or she was at any prior time registered in the Register of Dispensing Opticians within the meaning of the Act of 1956.”,
- (d) in subsection (2)—
- (i) by substituting “Subject to subsections (2A) and (2D), a person holds” for “A person holds”,
- (ii) in paragraph (b), by substituting “that Directive,” for “that Directive, or”,
- (iii) in paragraph (c)(ii), by substituting “of the person, or” for “of the person,”,
and
- (iv) by inserting the following paragraph after paragraph (c):

- “(d) the person is a person, other than a person referred to in paragraph (a), (b) or (c), who—
- (i) was lawfully engaged in the practice of that profession for a period of not less than 5 years, and
 - (ii) holds a qualification (being a qualification that has never been, or that has formerly been, a qualification within the meaning of section 3(1)) awarded in the State—
 - (I) listed opposite that profession in the third column of Schedule 3, or
 - (II) prescribed under section 95 for that profession.”,

and

- (e) by inserting the following subsections after subsection (2):

- “(2A) Subject to subsection (2B), a person seeking registration as a member of the designated profession of optometrist shall not be registered as such unless he or she has undergone such courses of training and passed such examinations that, immediately before the relevant day, were specified for the purposes of section 24 of the Act of 1956 in rules made under section 18 of that Act.
- (2B) Subject to subsection (2C), subsection (2A) shall cease to be in operation immediately upon the coming into operation of a bye-law (if any) made by the Optical Registration Board relating to—
- (a) the designated profession of optometrist, and
 - (b) a matter falling within section 31(1)(c).
- (2C) Subsection (2A) shall not cease to be in operation by virtue of subsection (2B) in the case of a person seeking registration as a member of the designated profession of optometrist who has, before the coming into operation of the bye-law referred to in subsection (2B), undergone the courses of training referred to in subsection (2A) and passed the examinations referred to in subsection (2A).
- (2D) Subject to subsection (2E), a person seeking registration as a member of a designated profession (other than the profession of optometrist) in respect of which the registration board of the profession has not yet made a bye-law relating to that profession and on a matter falling within section 31(1)(c) (or, if the board has made such bye-law, the bye-law has not yet come into operation) shall not be registered as such unless he or she holds a qualification (not being a qualification within the meaning of section 3(1)) awarded in the State that renders that person eligible to be appointed as an employee of the Health Service Executive to perform, as such employee, the functions of a member of that profession.

- (2E) Subsection (2D) shall cease to be in operation in relation to a particular designated profession immediately upon the coming into operation of a bye-law (if any) made by the registration board of that profession relating to that profession and on a matter falling within section 31(1)(c).”.

Amendment of Principal Act – insertion of section 40A (conditions attached to registration)

23. The Principal Act is amended by inserting the following section after section 40:

“Conditions attached to registration

40A. (1) A person making an application for registration as a member of a designated profession shall declare in the application whether he or she has any relevant medical disability.

(2) Where the registration board concerned is satisfied that—

(a) a person making an application for registration as a member of a designated profession has a relevant medical disability, and

(b) in the interests of public safety, registration should only be granted to the person subject to conditions on the practising of that profession which take account of that disability,

the board shall specify the conditions (in this section referred to as the ‘proposed conditions’) which, in the opinion of the board, are necessary to be attached to the registration of the person in those interests.

(3) Where the person the subject of a decision under subsection (2) agrees in writing to the attachment of the proposed conditions to the registration, the registration board concerned shall register the person and at the same time enter in the register concerned—

(a) a statement that the registration is subject to conditions, and

(b) particulars of the conditions.

(4) A registrant who, at the time of registration, did not have a relevant medical disability but develops a relevant medical disability at any time after registration shall notify the registration board concerned of that development—

(a) not later than 30 days after the day on which he or she becomes aware of that development, or

(b) where the relevant medical disability concerned renders it impracticable for the registrant to notify the board within those 30 days, as soon as is practicable in the circumstances.

(5) Where the registration board is satisfied, after receiving a notification under subsection (4), that in the interests of public safety, the

registration of the registrant should become subject to conditions on the practising of the designated profession concerned which take account of the relevant medical disability concerned, the board shall decide that conditions should be attached to the registration of the registrant in those interests, specify those proposed conditions and propose that the registrant accept that those conditions be attached to his or her registration.

- (6) Where the registrant the subject of a decision under subsection (5) agrees in writing to the attachment of the proposed conditions, the registration board shall attach those conditions to the registration of the registrant and at the same time enter in the register concerned—
 - (a) a statement that the registration is subject to conditions, and
 - (b) particulars of the conditions.
- (7) Where the registrant the subject of a decision under subsection (5) refuses, in writing, to agree to the attachment of the proposed conditions, or does not respond within 30 days after receiving the decision from the registration board, the board shall make a complaint under section 52(1)(c).
- (8) Nothing in this section shall be construed to prevent the registration board from exercising its power under subsection (2) for a second or subsequent time in respect of the same person where the board is satisfied (whether on grounds put to it by that person or on other grounds) that a previous decision made by it under that subsection in respect of that person ought to be replaced by a new decision under that subsection.”.

Amendment of section 48 of Principal Act

24. Section 48(1) of the Principal Act is amended by substituting the following paragraph for paragraph (a):

“(a) subject to the payment of the fee (if any) set under section 18(1) (eb), approve that programme annually if it is satisfied that it is suitable for the education and training of candidates for registration in its register, or”.

Amendment of section 51 of Principal Act

25. Section 51 of the Principal Act is amended by substituting the following subsection for subsection (3):

“(3) None of the following persons is eligible to be appointed as the chairperson or an ordinary member of a committee established under this section:

- (a) the chairperson of the Council;

- (b) the chairperson of a registration board;
- (c) the deputy chairperson of the Council.”.

Amendment of section 52 of Principal Act

26. Section 52(1) of the Principal Act is amended by substituting the following paragraph for paragraph (c):

“(c) a relevant medical disability.”.

Amendment of section 53 of Principal Act

27. Section 53 of the Principal Act is amended—

- (a) in subsection (1), by substituting “Subject to subsection (1A), as soon” for “As soon”, and
- (b) by inserting the following subsections after subsection (1):

“(1A) Where a complaint is made on a ground specified in section 52(1)(g), the Council shall consider it and—

- (a) if it is of the opinion that—
 - (i) the nature of the offence or the circumstances in which it was committed ought to disqualify the registrant from practising the designated profession concerned, and
 - (ii) it is in the public interest that it take action immediately under this paragraph,the Council shall give a direction under section 66(1) to the registration board concerned to cancel the registration of the registrant, and
- (b) in any other case, the Council shall comply with subsection (1) in respect of the complaint and direct the preliminary proceedings committee to deal with the complaint as if the Council had not considered it under this subsection.

(1B) Nothing in subsection (1A) shall be construed to—

- (a) prejudice the generality of section 60, or
- (b) limit the range of disciplinary sanctions which the registration board concerned may recommend to the Council under section 65(1) be imposed on the registrant concerned in any case where the Council has taken the action referred to in subsection (1A)(b).”.

Amendment of Principal Act – insertion of section 53A (persons to assist preliminary proceedings committee)

28. The Principal Act is amended by inserting the following section after section 53:

“Persons to assist preliminary proceedings committee**53A. (1) The Council—**

- (a) may appoint persons (including any members of the staff of the Council other than the chief executive officer) to assist the preliminary proceedings committee, and
 - (b) shall determine the conditions of appointment of persons so appointed.
- (2) Subject to subsection (4), the chairperson of the preliminary proceedings committee shall specify the functions to be performed by the persons appointed under subsection (1).
- (3) Without prejudice to the generality of subsection (2), the functions specified under that subsection may include one or more than one of the following:
- (a) interviewing persons for the purposes of assessing the relevance or evidential value of information or documents they wish to give to the preliminary proceedings committee;
 - (b) interviewing persons as to the evidence they propose to give to the preliminary proceedings committee;
 - (c) recording, in writing or otherwise, the statements given and answers made by persons whilst being so interviewed;
 - (d) reporting to the preliminary proceedings committee on the results of those interviews;
 - (e) requesting persons to provide the preliminary proceedings committee with statements in writing concerning any matter relevant to the committee’s functions, examining statements given in response to the requests and reporting to the preliminary proceedings committee on the results of the examinations;
 - (f) providing the preliminary proceedings committee with any other advice or assistance required in relation to the preparation of its reports.
- (4) A person appointed under subsection (1) shall not administer oaths but may, if authorised by the preliminary proceedings committee to do so, request a person interviewed as described in subsection (3) to sign a record of a statement made or answer given by the person during the interview.
- (5) A person appointed under subsection (1) who makes a request referred to in subsection (4) shall inform the person to whom the request is made of the power under section 59 of a committee of inquiry to give a direction in relation to the statement or answer the subject of the request.

- (6) The Council shall provide each person appointed under subsection (1) with a warrant—
 - (a) identifying the person, and
 - (b) specifying the functions that the person has the authority to perform by virtue of subsection (2) and, if applicable, subsections (4) and (5).
- (7) Where a person appointed under subsection (1) performs a function specified in that person’s warrant provided under subsection (6), the person shall produce the warrant for inspection at the request of a person in respect of whom the function is performed.”.

Amendment of section 60 of Principal Act

29. Section 60 of the Principal Act is amended by substituting the following subsections for subsections (1) and (2):

- “(1) The Council may make an *ex parte* application to the Court for an order directing a registration board to suspend the registration of a registrant, whether or not the registrant is the subject of a complaint, if the Council considers that the suspension is necessary to protect the public until steps or further steps are taken under this Part.
- (2) An application under this section shall be heard otherwise than in public unless the Court considers it appropriate to hear the application in public.”.

Amendment of section 66 of Principal Act

30. Section 66 of the Principal Act is amended—

- (a) in subsection (1), by substituting “Subject to section 53(1A), if a committee” for “If a committee”, and
- (b) in subsection (2)(a), by substituting “from practising” for “for practising”.

Amendment of Principal Act – insertion of section 78A (information Council may publish in public interest)

31. The Principal Act is amended by inserting the following section after section 78 but in Part 6:

“Information Council may publish in public interest

- 78A.** The Council shall, if it is satisfied that it is in the public interest to do so, after consultation with a committee of inquiry, publish a transcript of all or any part of the proceedings of the committee at an inquiry under this Part, whether with or without any information which would enable all, or any one or more than one, of the parties to the proceedings to be identified.”.

Amendment of section 79 of Principal Act

32. Section 79 of the Principal Act is amended by deleting subsection (5).

Amendment of section 80 of Principal Act

33. Section 80 of the Principal Act is amended—

- (a) in subsection (1), by deleting “, with intent to deceive,”,
- (b) in subsection (2),
 - (i) by deleting “, with intent that any person be deceived,”, and
 - (ii) by deleting “with intent to deceive”,
- and
- (c) by inserting the following subsections after subsection (5):
 - “(6) It shall be a defence in proceedings for an offence under subsection (1) (a) or (2) for the person charged with the offence to prove that the person took all reasonable steps to avoid the commission of the offence.
 - (7) Where a person is convicted of an offence under this section, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecution in relation to the prosecution of the offence.”.

Amendment of Principal Act – insertion of Part 7A (prescription and sale of spectacles)

34. The Principal Act is amended by inserting the following Part after section 81:

“Part 7A

PRESCRIPTION AND SALE OF SPECTACLES

Restriction on prescribing spectacles and dispensing prescriptions for spectacles

- 81A.** (1) A person shall not, on or after the relevant day, issue a prescription for spectacles unless he or she is a registered medical practitioner or a registrant of the designated profession of optometrist.
- (2) A person shall not, on or after the relevant day, dispense prescriptions of registered medical practitioners or registrants of the designated profession of optometrist for spectacles unless he or she is a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician.
- (3) A person who contravenes subsection (1) or (2) is guilty of an offence and is liable on summary conviction to a class D fine in the case of a

first offence and, in the case of a second or any subsequent offence, a class B fine.

Restriction on selling spectacles

- 81B.** (1) Subject to subsection (2), a person shall not, on or after the relevant day, sell spectacles unless—
- (a) if the person is not a body corporate, the person is a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician or, if the sale is conducted on behalf of the person by another person, that other person is a registered medical practitioner or such a registrant, or
 - (b) if the person is a body corporate, the sale is conducted by a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician.
- (2) A person, other than a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician, may assist in a sale or in the conduct of a sale of spectacles where such assistance is provided in relation to the sale by a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician of spectacles in accordance with subsection (1).
- (3) A person who contravenes subsection (1) is guilty of an offence and is liable on summary conviction to a class E fine in the case of a first offence and, in the case of a second or any subsequent offence, a class C fine.

Bye-laws for regulation and control of prescribing, dispensing of prescriptions or sales

- 81C.** (1) The Optical Registration Board may, by bye-laws, make provision for the regulation and control of—
- (a) the prescribing of spectacles by registrants of the designated profession of optometrist,
 - (b) the dispensing of prescriptions of registered medical practitioners or registrants of the designated profession of optometrist for spectacles by registrants of the designated profession of optometrist or dispensing optician, or
 - (c) sales of spectacles, being sales by or conducted by registrants of the designated profession of optometrist or dispensing optician, including sales assisted by persons referred to in section 81B(2).
- (2) A registrant of the designated profession of optometrist or dispensing optician who contravenes a bye-law which is made for the purposes of this section and which is stated to be a penal bye-law is guilty of an offence and is liable on summary conviction to a class E fine in the case of a first offence and, in the case of a second or any subsequent offence, a class C fine.

Bye-laws for control of advertising

81D. (1) The Optical Registration Board may, by bye-laws, make provision for the control of advertising (including advertising by way of canvassing) which advertises—

- (a) a registrant of the designated profession of optometrist or dispensing optician,
 - (b) the prescribing of spectacles or the provision of orthoptic treatment by a registrant of the designated profession of optometrist,
 - (c) the dispensing of prescriptions for spectacles by registrants of the designated profession of optometrist or dispensing optician, or
 - (d) sales of spectacles, being sales by or conducted by a registrant of the designated profession of optometrist or dispensing optician.
- (2) Where, as respects any advertising to which bye-laws made for the purposes of this section relate, there is a contravention of any of the bye-laws which is stated to be a penal bye-law, the responsible person is guilty of an offence and is liable on summary conviction to a class D fine in the case of a first offence and, in the case of a second or any subsequent offence, a class B fine.
- (3) In subsection (2) ‘responsible person’ means—
- (a) in the case of advertising which advertises a registrant of the designated profession of optometrist or dispensing optician, the dispensing of prescriptions for spectacles by such a registrant or sales of spectacles by such a registrant - that registrant,
 - (b) in the case of advertising which advertises the prescribing of spectacles or the provision of orthoptic treatment by a registrant of the designated profession of optometrist - that registrant, and
 - (c) in the case of advertising which advertises sales of spectacles conducted by a registrant of the designated profession of optometrist or dispensing optician - that person (including a body corporate) on whose behalf the sales are to be conducted.

Saver for manufacture of spectacles, etc.

81E. Nothing in this Part shall operate to prevent or restrict—

- (a) the manufacture of spectacles,
- (b) the sale by wholesale of spectacles,
- (c) the sale to hospitals of spectacles,
- (d) the employment of persons to carry out work on spectacles under the supervision of a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician, or

(e) the repair of the frames of spectacles.”.

Amendment of section 91 of Principal Act

35. Section 91(5) of the Principal Act is amended by inserting “or the profession of dispensing optician, optometrist or radiation therapist” after “profession listed in the second column of Schedule 3”.

Amendment of Principal Act – insertion of Part 9A (dissolution of Opticians Board)

36. The Principal Act is amended by inserting the following Part after Part 9:

“Part 9A

DISSOLUTION OF OPTICIANS BOARD

Definition of ‘Opticians Board’

91B. In this Part ‘Opticians Board’ means Bord na Radharcmhastóirí.

Dissolution of Opticians Board

91C. (1) The Opticians Board is, by this Act, dissolved on the relevant day.

(2) References to the Opticians Board in any Act of the Oireachtas passed before the relevant day or in any instrument made before the relevant day under an Act of the Oireachtas are to be read on and after that day as references to the Council.

Transfer of staff

91D. (1) Every person who, immediately before the relevant day, was a member of the staff of the Opticians Board is, on the relevant day, transferred to, and becomes a member of, the Council’s staff.

(2) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person transferred under this section is entitled, while in the Council’s service, to be employed on conditions of employment no less favourable than those to which that person was entitled immediately before the relevant day.

(3) The previous service of a person transferred under this section with the Opticians Board is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

- (a) the Redundancy Payments Acts 1967 to 2007;
- (b) the Protection of Employees (Part-Time Work) Act 2001;
- (c) the Protection of Employees (Fixed-Term Work) Act 2003;
- (d) the Organisation of Working Time Act 1997;
- (e) the Terms of Employment (Information) Acts 1994 and 2001;

- (f) the Minimum Notice and Terms of Employment Acts 1973 to 2001;
 - (g) the Unfair Dismissals Acts 1977 to 2001;
 - (h) the Maternity Protection Acts 1994 and 2004;
 - (i) the Carer's Leave Act 2001;
 - (j) the Parental Leave Acts 1998 and 2006;
 - (k) the Adoptive Leave Acts 1995 and 2005.
- (4) Any superannuation benefits awarded by the Council to or in respect of a person transferred under this section, and the conditions relating to those benefits, are to be no less favourable than those applicable to or in respect of that person immediately before the relevant day.
- (5) In this section—
- ‘conditions of employment’ includes conditions in respect of remuneration and related matters;
- ‘recognised trade union or staff association’ means a trade union or staff association recognised by the Council for the purposes of negotiations that are concerned with the conditions of employment or working conditions of employees.

Transfer of property and liabilities to Council

- 91E.** (1) With effect from the relevant day, the following are transferred to the Council:
- (a) all property (real and personal) and rights held or enjoyed immediately before that day by the Opticians Board;
 - (b) all liabilities incurred before that day by the Opticians Board that had not been discharged before that day.
- (2) Accordingly, without any further conveyance, transfer or assignment—
- (a) such property vests, on the relevant day, in the Council for all the estate, term or interest for which, immediately before that day, it was vested in the Opticians Board, but subject to all trusts and equities affecting the property and capable of being performed,
 - (b) such rights are, on and from that day, rights of the Council, and
 - (c) such liabilities are, on and from that day, liabilities of the Council.
- (3) All moneys, stocks, shares and securities transferred to the Council by this section that, immediately before the relevant day, are in the name of the Opticians Board, shall, at the request of the Council, be transferred into its name.
- (4) Every right and liability transferred to the Council by this section may, on and after the relevant day, be sued on, recovered or enforced by or

against the Council in its own name and it shall not be necessary for it to give notice of the transfer to the person whose right or liability is transferred by this section.

Preservation of certain contracts, etc., and adaptation of references

91F. Every contract or agreement made between the Opticians Board (or any trustee or agent acting on its behalf) and any other person, and in force immediately before the relevant day—

- (a) continues in force on and after that day,
- (b) is to be read and have effect as if the name of the Council were substituted in the contract or agreement, as the case may be, for that of the Opticians Board or, as the case may be, any trustee or agent acting on its behalf, and
- (c) is enforceable against the Council.

Pending legal proceedings

91G. If, immediately before the relevant day, any legal proceedings to which the Opticians Board is a party are pending, the Council's name shall be substituted in the proceedings for the name of the Opticians Board, and the proceedings shall not abate because of the substitution.

Preparation of accounts

91H. (1) As soon as practicable after the relevant day, the Council shall prepare, in such form as may be approved by the Minister, all proper and usual accounts of money received or expended by the Opticians Board in the accounting year, or the part of an accounting year, of that Board ending immediately before the relevant day.

- (2) The Council shall submit accounts prepared under this section to the Comptroller and Auditor General for audit and subsections (3) to (5) of section 21 apply in relation to those accounts.

Transfer of records

91I. (1) Each record held by the Opticians Board immediately before the relevant day—

- (a) shall, on that day, stand transferred to the Council, and
- (b) shall, on and from that day, be deemed to be held by the Council.

- (2) Any right of access, under the Freedom of Information Acts 1997 and 2003, to records that before the relevant day were held by the Opticians Board and that are transferred under subsection (1) is not affected by the transfer of those records.

- (3) For the purposes of section 18 of the Freedom of Information Act 1997, any act done by the Opticians Board before the relevant day is deemed to have been done by the Council.

Liability of Opticians Board for acts or omissions

- 91J.** (1) Neither the Opticians Board nor any person who is or was a member, officer or employee of the Opticians Board or a committee of the Opticians Board is liable for damages for anything done or omitted to be done by the Opticians Board or that person in good faith and without negligence under the Act of 1956.
- (2) Subject to any enactment or rule of law, the Council may indemnify any person who is or was a member of the Opticians Board or a committee of the Opticians Board in respect of anything done or omitted to be done by that person in performing his or her functions under the Act of 1956.”.

Amendment of section 95 of Principal Act

- 37.** Section 95 of the Principal Act is amended by substituting the following subsection for subsection (3):

- “(3) After consulting the registration board of a designated profession and any organisations that he or she considers appropriate, the Minister may, by regulation—
- (a) prescribe one or more than one title that is a variant of the title specified in section 4(1), or for the time being prescribed under section 4(6), for the profession and that, in addition to the title specified in section 4(1), or for the time being prescribed under section 4(6), may be used by registrants of that profession, or
- (b) if the register for the profession has been divided into divisions for different categories of registrants, prescribe one or more than one title that, in addition to the title specified in section 4(1), or for the time being prescribed under section 4(6) or paragraph (a), for that profession, may be used by registrants of that profession who fall within the category of registrants specified in the regulations as the category of registrants who may use that additional title.”.

Amendment of Principal Act – insertion of section 97 (investigations)

- 38.** The Principal Act is amended by inserting the following section after section 96:

“Investigations

- 97.** (1) The Council shall, at the request of the Minister, or may, of its own initiative or upon a complaint made by a member of the public, investigate any case of an individual who, not being a registrant of a designated profession, is suspected of being guilty of an offence under this Act.
- (2) Where the Council has carried out an investigation under subsection (1), the Council may, if it has reasonable grounds to believe that the individual the subject of the investigation is or has been guilty of an

offence under this Act, seek an injunction in the Court requiring the person to cease the activities the Council reasonably believes to be in contravention of this Act.”.

Amendment of Schedule 1 to Principal Act

39. Schedule 1 to the Principal Act is amended—

(a) in paragraph 1, by inserting the following definition:

“ ‘deputy chairperson’ means the deputy chairperson of the Council;”,

(b) by inserting the following paragraph after paragraph 4:

“Deputy chairperson

4A. (1) The Council shall, from time to time, elect one of the ordinary members to be the deputy chairperson.

(2) The deputy chairperson shall hold office as such for such term as may be specified by the Council at the time of his or her appointment unless—

(a) the deputy chairperson ceases to be, or becomes disqualified from being, an ordinary member,

(b) the deputy chairperson resigns the office and the resignation becomes effective under this paragraph, or

(c) the Council passes a resolution, for which not less than two-thirds of the members vote, that terminates the appointment of the deputy chairperson, after notice of not less than 7 days of the intention to pass the resolution is given to every member.

(3) The deputy chairperson may at any time resign from that office by giving notice in writing, signed by him or her, to the Council, but the resignation shall not become effective until the meeting of the Council next held after the receipt by the Council of the notice of resignation.

(4) Where, at an election of the deputy chairperson, there is an equality of votes for 2 or more ordinary members, it shall be determined by lot which of those members shall be deputy chairperson.”,

(c) in paragraph 9—

(i) in subparagraph (2), by inserting “, by video link or circulation of papers,” after “may hold”,

(ii) in subparagraph (3), by inserting “or, in the absence of the chairperson, the deputy chairperson” after “The chairperson”,

- (iii) in subparagraph (4), by inserting “or deputy chairperson, as the case may be,” after “the chairperson”, and
 - (iv) in subparagraph (5), by inserting “or deputy chairperson, as the case may be” after “the chairperson”,
- and
- (d) by substituting the following paragraph for paragraph 10:

“Quorum

10. (1) Subject to subparagraph (2), at least 28 per cent of the members constitute a quorum at a meeting of the Council.
- (2) At least 40 per cent of the members constitute a quorum at a meeting of the Council to the extent that the meeting relates to the performance by the Council of any of its functions under section 66.”

and

- (e) in paragraph 11, by substituting the following subparagraph for subparagraph (2):

- “(2) If the chairperson is not present or the office of the chairperson is vacant—
- (a) subject to clause (b), the deputy chairperson shall chair the meeting, or
 - (b) if the deputy chairperson is not present or the office of the deputy chairperson is vacant, the members present at the meeting shall choose one of their number to chair the meeting.”.

Amendment of Schedule 2 to Principal Act

40. Schedule 2 to the Principal Act is amended—

- (a) in paragraph 3—

- (i) by substituting the following subparagraph for subparagraph (2):

- “(2) (a) One half of the members of a registration board first constituted under this Act hold office for a term of 3 years from the date of their appointment.
- (b) The members of a registration board appointed to replace the members who hold office as referred to in clause (a) hold office for a term of 3 years from the date of their appointment.
- (c) The members of a registration board appointed to replace the members who hold office as referred to in clause (b), and any member who is subsequently appointed, hold office for a term

of not more than 4 years specified by the Minister at the time of the appointment.”,

and

- (ii) in subparagraph (3), by substituting “3 years as referred to in subparagraph (2)(a)” for “2 years”,
- (b) in paragraph 7(c), by inserting “or 28A(1)(a)” after “section 28(1)(a)”,
- (c) in paragraph 8(1) and (2), by inserting “or 28A(1)(a)” after “section 28(1)(a)”, and
- (d) in paragraph 9(2), by inserting “, by video link or circulation of papers,” after “may hold”.

PART 3

AMENDMENT OF HEALTH ACT 1970

Definitions

41. In this Part—

“Act of 2013” means the Health (Amendment) Act 2013;

“Principal Act” means the Health Act 1970.

Interpretation – sections 67A to 67D of Principal Act

42. The Principal Act is amended by substituting the following for section 67A (inserted by section 19 of the Act of 2013):

“Interpretation – sections 67A to 67D

67A. (1) In this section and sections 67B to 67D—

‘accommodation’, in relation to a person (‘relevant person’) being provided with a health or personal social service that falls within the definition of ‘residential support services’, means—

- (a) accommodation provided to the relevant person by or on behalf of the Health Service Executive, or
- (b) if paragraph (a) does not apply and the ongoing costs of maintenance associated with the provision of that service to the relevant person are met by the Health Service Executive or another person that provides services on behalf of the Health Service Executive, accommodation provided to the relevant person pursuant to an arrangement that has been put in place by or on behalf of the relevant person for the purpose of facilitating the provision, in that accommodation, of that service;

‘costs of maintenance’, in relation to a person (‘relevant person’) being provided with a health or personal social service that falls within the definition of ‘residential support services’, means the costs (other than excluded costs) relating to the ongoing essential daily living requirements of the relevant person and, without prejudice to the generality of the foregoing, includes the costs to the Health Service Executive or another person acting on behalf of the Health Service Executive of purchasing or paying for—

- (a) the relevant person’s food or other essential household provisions,
- (b) the relevant person’s electricity, gas, heating, refuse collection, water supply or other essential utilities, or
- (c) any combination of any such provisions and such utilities,

and ‘maintenance costs’, ‘maintenance’, ‘maintain’ and cognate terms shall be construed accordingly;

‘excluded costs’, in relation to the definition of ‘costs of maintenance’ and a relevant person referred to in that definition, means—

- (a) the relevant person’s accommodation costs (if any), and
- (b) the costs (if any), associated with the provision of a health or personal social service to the relevant person, that do not fall within that definition;

‘persons’ includes a class or classes of persons;

‘residential support services’ means any health or personal social service excluding—

- (a) acute in-patient services,
- (b) long-term residential care services, and
- (c) out-patient services provided under section 56,

provided by or on behalf of the Health Service Executive under section 7 of the Health Act 2004 or under any other enactment, to a person residing in accommodation that is a—

- (i) hospital,
- (ii) convalescent home,
- (iii) nursing home, or
- (iv) home or other category of housing accommodation for persons with a physical, sensory, mental health or intellectual disability,

or in accommodation ancillary thereto.

- (2) A reference in the definition of ‘residential support services’ in subsection (1) to long-term residential care services shall be construed

as a reference to long-term residential care services provided to a person who first began to receive those services on or after 27 October 2009.”.

Amendment of section 67C of Principal Act

43. Section 67C (inserted by section 19 of the Act of 2013) of the Principal Act is amended—

(a) in subsection (1)(a), by substituting “the costs of maintenance or accommodation, or both,” for “the cost of maintenance and accommodation”,

(b) by substituting the following for subsection (2)(a) and (b):

“(2) (a) The Minister may, with the consent of the Minister for Public Expenditure and Reform, make regulations—

(i) making it a requirement that persons to whom residential support services are provided, or persons belonging to a specified class or classes of such persons, shall pay a contribution, in specified circumstances, towards the costs of maintenance or accommodation, or both, associated with the provision of such services,

(ii) specifying the amounts of the contributions or the limits to the amounts of such contributions,

(iii) providing for any matter referred to in this section as prescribed or to be prescribed, and

(iv) providing for transitional arrangements, in specified circumstances, in respect of such contributions as the Minister considers necessary or expedient in respect of such persons, which may include such transitional arrangements relating to the reduction to the amounts of such contributions as the Minister considers necessary or expedient in respect of such persons, or that may be required to avoid undue financial hardship for such persons.

(b) (i) In specifying the amounts of the contributions required to be paid in regulations made under paragraph (a), the Minister may specify different amounts by reference to the respective incomes of the persons required to pay the contributions or by reference to the levels of dependence or independence of such persons, or by reference to both such incomes and such levels of dependence or independence.

(ii) The Minister may, for the purposes of subparagraph (i), have regard to the levels of dependence or independence of persons by taking into account the medical care or nursing care, or both, generally provided in, or to, the accommodation where the persons reside and to those levels of dependence or

independence that, in the Minister’s opinion, may be taken to give rise to a need to retain lesser or greater levels of income for personal use by such persons.”,

(c) in subsection (3), by inserting the following after paragraph (a):

“(aa) The daily amount of the contribution required from a person to whom paragraph (b) of the definition of ‘accommodation’ in section 67A(1) applies shall be reduced by one-seventh of whichever of the following 2 amounts is the greater:

(i) the amount that the person provides for his or her accommodation, as calculated pro rata on a weekly basis, less—

(I) the amount (if any) of a rent supplement, as so calculated, that he or she receives pursuant to regulations made under section 198(3) of the Social Welfare Consolidation Act 2005, and

(II) the amount (if any) of housing assistance (or similar subsidy), as so calculated, prescribed for the purposes of this clause, that he or she receives;

(ii) €30 or, if a different amount stands prescribed for the purposes of this subparagraph, that different amount.”,

and

(d) by inserting the following after subsection (7):

“(8) Subject to the other provisions of this section, nothing in this Act or in another enactment (or in an instrument made under this Act or under another enactment) shall be construed as—

(a) prohibiting the imposition upon a person to whom this section applies of a requirement to pay a residential support services maintenance and accommodation contribution, or

(b) authorising the imposition upon a person to whom this section applies of a requirement to pay any additional contribution, in respect of the costs of maintenance or accommodation, or both, associated with the provision to a person of residential support services.”.

Amendment of section 67D of Principal Act

44. Section 67D(1)(b)(iii) (inserted by section 19 of the Act of 2013) of the Principal Act is amended by inserting “or accommodation, or both” after “his or her own maintenance”.