Number 20 *of* 2023

Mother and Baby Institutions Payment Scheme Act 2023

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MOTHER AND BABY INSTITUTIONS PAYMENT SCHEME ACT 2023

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Commissions of Investigation Act 2004 (No. 23)

Companies Act 2014 (No. 38)

Data Protection Act 2018 (No. 7)

Health (Pricing and Supply of Medical Goods) Act 2013 (No. 14)

Health Act 1970 (No. 1)

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Redress for Women Resident in Certain Institutions Act 2015 (No. 8)

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Number 20 *of* 2023

MOTHER AND BABY INSTITUTIONS PAYMENT SCHEME ACT 2023

An Act to provide, in recognition of the circumstances experienced by certain persons while resident in certain institutions in the State, for the establishment of a scheme to be known as the Mother and Baby Institutions Payment Scheme for the purpose of the making of payments and the making available without charge of health services to such persons; to provide for the making by such persons of applications for such payments and services; and to provide for related matters. [11*th July*, 2023]

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 Mother and Baby Institutions Payment Scheme Act 2023.

(2) This Act, other than *sections 41* and *42*, shall come into operation on such day or days as the Minister may appoint by order or orders generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(3) *Sections 41* and *42* shall come into operation on such day or days as the Minister for Finance may appoint by order or orders generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Interpretation

2. (1) In this Act—

"Act of 1970" means the Health Act 1970;

"Act of 2014" means the Companies Act 2014;

"Act of 2018" means the Data Protection Act 2018;

"adult" means a person who has attained the age of 18 years;

"applicant" means—

(a) subject to *paragraph (b)*, a person who makes an application in accordance with *section 19*, or

(b) in the case of an application to which *section 36* or *37(2)* applies, or proceeded with under *section 38*, the person on whose behalf or for the benefit of whose estate the application is made;

"Chief Deciding Officer" means the person appointed under *section 8(1)* to be the Chief Deciding Officer;

"child" means a person who has not attained the age of 18 years;

"concluding year" means—

(a) in respect of a relevant institution specified in *column 2* of *Part 1* of *Schedule 1* at any reference number, the year specified in *column 4* of that Part at that reference number, and

(b) in respect of a relevant institution specified in *column 2* of *Part 2* of *Schedule 1* at any reference number, the year specified in *column 3* of that Part at that reference number,

and includes a concluding year inserted by regulations under *subsection (1)*, or amended by regulations under *subsection (3)*, of *section 49*;

"Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016[1] on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation);

"dissolution day" means the day appointed under *section 13*;

"enactment" has the same meaning as it has in the Interpretation Act 2005;

"establishment day" means the day appointed under *section 5*;

"general payment" means a payment to which a relevant person is entitled under *subsection (1)* or *(2)* of *section 18*;

"health support payment" means a payment to which a relevant person is entitled under *section 18(5)*;

"information source" means—

(a) a local authority,

(b) the Health Service Executive,

(c) the Child and Family Agency,

(d) the Adoption Authority of Ireland,

(e) the National Archives, or

(f) a person prescribed under *section 51*;

1 OJ No. L 119, 4.5.2016, p.1

"local authority" means a local authority within the meaning of section 2 of the Local Government Act 2001;

"Minister" means the Minister for Children, Equality, Disability, Integration and Youth;

"Office of the Chief Deciding Officer" has the meaning assigned to it by *section 7*;

"personal data" has the same meaning as it has in the Data Protection Regulation;

"personal representative" has the meaning assigned to it by the Succession Act 1965;

"prescribed" means prescribed by regulations made by the Minister;

"processing" has the same meaning as it has in the Data Protection Regulation;

"public body" means—

(a) a Minister of the Government,

(b) a local authority, or

(c) a body (other than a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act) established by or under any enactment;

"registered medical practitioner" has the same meaning as it has in the Medical Practitioners Act 2007;

"registered nurse" has the same meaning as it has in the Nurses and Midwives Act 2011;

"relevant institution", subject to *section 49*, means an institution specified in *column 2* of *Part 1*, or *column 2* of *Part 2*, of *Schedule 1*;

"relevant person" means a person who is either or both of the following:

(a) a person who, while the person was a child, was resident in a relevant institution other than in circumstances referred to in *paragraph (b)*;

(b) a person who, while the person was a child or while the person was an adult, or both, was resident in a relevant institution—

(i) for reasons relating to the person's pregnancy, or the birth or care of the child born as a result of the pregnancy, and

(ii) where the primary purpose of the person's admission to the relevant institution was the provision to the person of shelter and maintenance;

"Scheme" means the Mother and Baby Institutions Payment Scheme established under *section 5*;

"special categories of personal data" has the same meaning as it has in the Act of 2018;

"work-related payment" means a payment to which a relevant person is entitled under *section 18(3)*.

(2) For the purposes of this Act, and without prejudice to *section 24(2)*, a person shall be considered to have been resident in a relevant institution where he or she—

(a) was born in, or admitted as a resident to, and

(b) spent not less than one night in,

the institution.

(3) A reference in *paragraph (b)* of the definition of "relevant person" in *subsection (1)* to the provision of shelter and maintenance to a person does not include a reference to the provision of such shelter and maintenance as an incidental part of the provision to the person of medical, surgical or maternity services.

Expenses

3. The expenses incurred by the Minister or the Minister for Health in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, National Development Plan Delivery and Reform, be paid out of moneys sanctioned by the Oireachtas.

Laying of regulations

4. (1) Regulations made under this Act may contain such incidental, supplementary and consequential provisions as appear to the person making the regulations to be necessary or expedient for the purposes of the regulations.

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

PART 2

Mother and Baby Institutions Payment Scheme

Establishment of Scheme

5. (1) There shall stand established on the establishment day a scheme to be known as the Mother and Baby Institutions Payment Scheme, to be operated in accordance with this Act and any regulations made under it.

(2) The Scheme is established for the purpose of the making of general payments, work-related payments and health support payments, and the making available without charge of certain health services, in accordance with this Act, to relevant persons.

(3) The Minister shall, by order, appoint a day to be the establishment day for the purposes of this Act.

Duration of Scheme

6. (1) Subject to *subsection (2)*, the Scheme shall cease to operate on the following date (in this Act referred to as the "cessation date"):

(a) the date that is the fifth anniversary of the establishment day, or

(b) such date that the Minister may by order specify that is—

(i) earlier than the date referred to in *paragraph (a)*, and

(ii) not earlier than one year after the date on which the order specifying it is made.

(2) Notwithstanding *subsection (1)*, this Act shall continue to apply in respect of an application made in accordance with *section 19* that is received by the Chief Deciding Officer before the cessation date.

Office of Chief Deciding Officer

7. On the date on which this section comes into operation, there shall stand established, within the Department of Children, Equality, Disability, Integration and Youth, an office to be known as the Office of the Chief Deciding Officer of the Mother and Baby Institutions Payment Scheme (in this Act referred to as the Office of the Chief Deciding Officer).

Chief Deciding Officer

8. (1) The Minister shall, subject to this section, appoint, from among his or her officers, a person to be the Chief Deciding Officer to perform the functions conferred on the Chief Deciding Officer by or under this Act.

(2) The Chief Deciding Officer shall hold office on such terms and conditions as may be determined by the Minister, with the approval of the Minister for Public Expenditure, National Development Plan Delivery and Reform, at the time of the appointment.

(3) The Minister may at any time remove the Chief Deciding Officer from office if, in the Minister's opinion, the Chief Deciding Officer—

(a) has become incapable through ill-health of performing his or her functions, or

(b) has committed stated misbehaviour.

(4) A person shall not be eligible for appointment as Chief Deciding Officer and shall cease to hold office as Chief Deciding Officer if he or she—

(a) is sentenced by a court of competent jurisdiction to a term of imprisonment,

(b) is convicted on indictment of an offence,

(c) is convicted of an offence involving fraud or dishonesty,

(d) has a declaration made against him or her under section 819 of the Act of 2014 or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act, or

(e) is subject to, or is deemed to be subject to, a disqualification order within the meaning of Chapter 4 of Part 14 of the Act of 2014 whether by virtue of that Chapter or of any other provision of that Act.

(5) The Minister may appoint such and so many of his or her officers as he or she may determine to be members of staff of the Office of the Chief Deciding Officer to assist the Chief Deciding Officer in the performance of his or her functions.

Functions of Chief Deciding Officer

9. (1) The functions of the Chief Deciding Officer shall include the following:

(a) examining, in accordance with this Act and any regulations made under it, applications under *section 19*;

(b) determining, in accordance with *section 25*, the entitlement of applicants to payments, and their eligibility for the provision without charge of health services to them, under *section 18*;

(c) carrying out reviews under *section 27*;

(d) assigning, under *section 29(3)*, appeals to appeals officers;

(e) notifying, in accordance with *section 34*, the Health Service Executive of an applicant's eligibility for the provision without charge of the health services specified in that section to him or her;

(f) making all reasonable efforts, including by the holding of a public information campaign, as he or she considers appropriate to promote awareness among the public and, in particular, relevant persons (including relevant persons residing outside the State), of the Scheme, the process under *Part 3* for the making and examination of applications and of the effect of *section 6*;

(g) performing any additional functions conferred on him or her by regulations under *subsection (2)*.

(2) The Minister may by regulation confer upon the Chief Deciding Officer such additional functions relating to the administration of the Scheme as the Minister considers appropriate.

(3) The Chief Deciding Officer shall be independent in the performance of the functions conferred upon him or her by or under this Act.

(4) The functions of the Chief Deciding Officer may be performed, subject to the general superintendence and control of the Chief Deciding Officer, by a member of the staff of the Office of the Chief Deciding Officer.

Deputy Chief Deciding Officer

10. (1) The Chief Deciding Officer shall designate a member of the staff of the Office of the Chief Deciding Officer to be the Deputy Chief Deciding Officer.

(2) The Deputy Chief Deciding Officer shall perform the functions of the Chief Deciding Officer when the Chief Deciding Officer is absent or is, for any other reason, unable to perform his or her functions, or when the position of Chief Deciding Officer is vacant.

(3) *Subsections (2)* to *(4)* of *section 8* shall apply to the Deputy Chief Deciding Officer as they apply to the Chief Deciding Officer.

Agreements relating to performance of certain functions of Chief Deciding Officer

11. (1) Subject to *subsection (6)*, the Minister may by an agreement entered into with any person, upon such terms and conditions as may be specified in the agreement, provide for the performance by such person, subject to such terms and conditions (if any) as may be so specified, of such functions conferred on the Chief Deciding Officer by or under this Act as may be so specified.

(2) An agreement under this section may include provision for payments (if any) to be made to and the disposal of such payments by the person concerned for the purpose of the performance of a function specified in the agreement.

(3) Where an agreement under this section provides for the performance by a person of a specified function of the Chief Deciding Officer, the function concerned shall be deemed, so long as the agreement continues in force, to be conferred by this Act on the person concerned, to the extent, and subject to the terms and conditions, specified in the agreement.

(4) A function deemed under *subsection (3)* to be conferred on a person shall—

(a) be performable by the person in his or her own name but subject to the general superintendence and control of the Chief Deciding Officer, and

(b) continue to be conferred on the Chief Deciding Officer but shall be so conferred concurrently with the person so as to be capable of being performed by either of those persons.

(5) The application of *subsection (3)* to a function of the Chief Deciding Officer shall not remove or derogate from the Chief Deciding Officer's responsibility to the Minister for the performance of the function.

(6) An agreement under this section shall not provide for the performance by the person concerned of the functions conferred upon the Chief Deciding Officer by *sections 12*, *29(3)* and *53*.

Annual report

12. (1) The Chief Deciding Officer shall, not later than 30 June in each year, prepare and furnish to the Minister a report (in this section referred to as an "annual report") in

writing on the performance of the functions of the Chief Deciding Officer in the preceding calendar year.

(2) If, under *subsection (1)*, the first annual report would relate to a period of less than 6 months, that report shall, notwithstanding that subsection, instead relate to the performance of the functions of the Chief Deciding Officer during that period and the year immediately following that period and the Chief Deciding Officer shall prepare, and submit to the Minister, that first annual report as soon as may be, but not later than 6 months, after the end of that year.

(3) An annual report shall, if the Minister so directs, include information in such form and regarding such matters as he or she may specify.

(4) Without prejudice to the generality of *subsection (3)*, the matters referred to in that subsection include the following:

(a) applications and determinations made under *Part 3*;

(b) the staff and other resources available to assist the Chief Deciding Officer in the performance of his or her functions in the period concerned;

(c) the training and other support provided to the Chief Deciding Officer and staff referred to in *paragraph (b)*.

(5) The Minister shall cause copies of an annual report to be laid before each House of the Oireachtas.

(6) An annual report shall not identify by name any applicant or other person referred to in an application.

Dissolution day

13. The Minister shall by order appoint a day, being a day that is not earlier than the cessation date, to be the dissolution day for the purposes of this Act.

Transfer of functions to relevant Minister

14. On the dissolution day, all functions that immediately before that day were vested in the Chief Deciding Officer shall stand transferred to the Minister.

Liability for loss occurring before dissolution day

15. (1) A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance, before the dissolution day, of a function of the Chief Deciding Officer transferred by *section 14* shall, on and after that day, lie against the Minister and not against the Chief Deciding Officer.

(2) Any legal proceedings pending immediately before the dissolution day to which the Chief Deciding Officer is a party, that relate to a function of the Chief Deciding Officer transferred by *section 14*, shall, on and after that day, be continued with the substitution in the proceedings of the Minister for the Chief Deciding Officer.

(3) Where, before the dissolution day, agreement has been reached between the parties concerned in settlement of a claim to which *subsection (1)* relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, on and after the dissolution day, in so far as they are enforceable against the Chief Deciding Officer, be enforceable against the Minister and not the Chief Deciding Officer.

(4) Any claim made or proper to be made by the Chief Deciding Officer in respect of any loss or injury arising from the act or default of any person before the dissolution day shall, on and after that day, where the claim relates to a function of the Chief Deciding Officer transferred by *section 14*, be regarded as having been made by or proper to be made by the Minister and may be pursued and sued for by the Minister as if the loss or injury had been suffered by the Minister.

Provisions consequent upon transfer of functions

16. (1) Anything commenced and not completed before the dissolution day by or under the authority of the Chief Deciding Officer may, in so far as it relates to a function of the Chief Deciding Officer transferred to the Minister under *section 14*, be carried on or completed on or after the dissolution day by the Minister.

(2) Every instrument made under an enactment and every document (including any certificate) granted or made by the Chief Deciding Officer shall, if and in so far as it was operative immediately before the dissolution day, have effect on and after that day as if it had been granted or made by the Minister.

(3) References to the Chief Deciding Officer in any enactment or in the constitution of any company and relating to a function transferred to the Minister under *section 14* shall, on and after the dissolution day, be construed as a reference to the Minister.

Deposit with Minister of records in possession of Chief Deciding Officer

17. All records in the possession of the Chief Deciding Officer shall, on the dissolution day or as soon as possible after that day, be deposited with the Minister and, in so far as the records comprise personal data and special categories of personal data, those records—

(a) shall be Departmental records (within the meaning of section 2(2) of the National Archives Act 1986), and

(b) may be processed, for so long as is necessary and proportionate, by or on behalf of the relevant Minister for the purposes of—

(i) the performance of functions transferred to that relevant Minister under *section 14*, and

(ii) the carrying on or completion, in accordance with *section 16(1)*, of anything commenced and not completed as referred to in that provision.

PART 3

APPLICATION FOR PAYMENT OR PROVISION OF SERVICES UNDER SCHEME

Eligibility of relevant person for certain payments and provision of services

18. (1) Subject to this Part, a relevant person who, in circumstances referred to in *paragraph (a)* of the definition of a "relevant person" in *section 2(1)*, was resident in a relevant institution for not less than 180 days, shall be entitled to a general payment in respect of the number of days, referred to in *column 2* of *Schedule 2* at any reference number, during which the person was so resident, of the amount specified in *column 3* of that Schedule at that reference number.

(2) Subject to this Part, a relevant person who, in circumstances referred to in *paragraph (b)* of the definition of "relevant person" in *section 2(1)*, was resident in a relevant institution, shall be entitled to a general payment in respect of the number of days, referred to in *column 2* of *Schedule 3* at any reference number, during which the person was so resident, of the amount specified in *column 3* of that Schedule at that reference number.

(3) Subject to this Part, a relevant person who, in circumstances referred to in *paragraph (b)* of the definition of a "relevant person" in *section 2(1)*, was resident for not less than 90 days in a relevant institution that is specified in *column 2* of *Part 1* of *Schedule 1*, shall, in addition to any entitlement under this section to a general payment, be entitled to a payment in respect of the number of days, referred to in *column 2* of *Schedule 3* at any reference number, during which the person was so resident, of the amount specified in *column 4* of that Schedule at that reference number.

(4) Subject to this Part, a relevant person who was resident, in circumstances referred to in *paragraph (a)* or *(b)*, or both, of the definition of "relevant person" in *section 2(1)*, in a relevant institution for not less than 180 days shall be eligible for the provision without charge of the health services specified in *paragraphs (a)* to *(h)* of *section 34(3)* to him or her.

(5) Subject to this Part, a relevant person to whom *subsection (4)* applies who is not ordinarily resident in the State and who applies under *section 19* for such a payment, shall be entitled to a payment of €3,000, which payment shall be—

(a) in lieu of the provision without charge of the health services referred to in that subsection to him or her, and

(b) made to him or her once only.

(6) A relevant person shall not be entitled to a general payment or work-related payment in respect of a period of residence in a relevant institution where he or she has received an award from a court or settlement in respect of an action arising out of any circumstances relating to the same period of residence in the institution.

(7) A relevant person shall not be eligible for the provision without charge of the health services referred to in *subsection (4)* to him or her, or entitled to a health support

payment, if he or she is a relevant participant, within the meaning of section 2 of the Redress for Women Resident in Certain Institutions Act 2015.

(8) Subject to *section 20*, a reference in this section to the number of days on which a relevant person was—

(a) resident in a relevant institution,

(b) resident in a relevant institution in circumstances referred to in *paragraph (a)* or *paragraph (b)*, or both, of the definition of "relevant person" in *section 2(1)*, or

(c) resident in a relevant institution specified in *column 2* of *Part 1* of *Schedule 1* in circumstances referred to in *paragraph (b)* of the definition of "relevant person" in *section 2(1)*,

is a reference to such number calculated in accordance with *section 24*.

Application for payment or provision of services under Scheme

19. (1) Subject to this Part, a person who considers that he or she is a relevant person may make an application (in this Act referred to as an "application") to the Chief Deciding Officer for any or all of the payments, and the provision without charge to him or her of the health services, specified in *section 18*.

(2) The Chief Deciding Officer shall not consider an application that is received by him or her on or after the cessation date.

(3) An application for a payment or the provision without charge of health services may be in respect of one or more than one of the following circumstances relating to the applicant:

(a) his or her being a person to whom *paragraph (a)* or *paragraph (b)*, or both, of the definition of "relevant person" in *section 2(1)* applies;

(b) a period spent by him or her as a resident in one or more than one relevant institution;

(c) one or more than one period during which he or she was a relevant person.

(4) Subject to *section 20*, no more than one application may be made in respect of a person.

(5) An application shall be in such form as may be prescribed and shall—

(a) include—

(i) such contact details, personal data (including, where relevant, special categories of personal data) and information relating to the applicant (being contact details, personal data and information that are necessary for the performance by the Chief Deciding Officer of his or her functions under this Act) as may be prescribed, and

(ii) such information relating to the identity of the applicant as the Chief Deciding Officer may specify for the purposes of this section,

(b) specify the payment, or provision without charge of health services, referred to in *section 18* for which the applicant is applying,

(c) include a statement by the applicant—

(i) where the application is for a general payment or a work-related payment, that *section 18(6)* does not apply to him or her, and

(ii) where the application is for a health support payment or the provision without charge of health services, that *section 18(7)* does not apply to him or her,

(d) where the application is for a health support payment, be accompanied by such information as may be prescribed to demonstrate that the applicant is not ordinarily resident in the State, and

(e) be accompanied by such other information or documentation in support of the application as may be specified by the Chief Deciding Officer for the purposes of this section.

(6) The making of an application under this section does not involve the waiver of any other right of action by the applicant.

Further application where relevant institution added to *Schedule 1*

20. (1) This section applies where—

(a) an application has been made in accordance with *section 19*,

(b) on or after the date on which the application referred to in *paragraph (a)* is made—

(i) an institution (in this section referred to as an "additional institution") is, under *section 49(1)*, inserted in *Schedule 1*, or

(ii) the concluding year in respect of a relevant institution is, under *section 49(3)*, amended, so that an additional period (in this section referred to as an "additional period") during which a person was resident in that institution is reckonable under *section 24(2)*,

and

(c) the applicant concerned was resident, whether in circumstances referred to in *paragraph (a)* or *paragraph (b)*, or both, of the definition of "relevant person" in *section 2(1)*, in the additional institution, or in the relevant institution in the additional period, as the case may be.

(2) Where this section applies, the applicant concerned may, notwithstanding that he or she has made an application under *section 19* (in this section referred to as an "earlier application"), make a further application (in this section referred to as a "further application") under that section in respect of his or her residence in the additional institution, or in the relevant institution in the additional period, as the case may be.

(3) Subject to *subsection (4)*, this Act shall apply to a further application, and a reference in this Act to an application shall be deemed to include a reference to a further application.

(4) Where—

(a) an earlier application has been made in respect of an applicant's residence in a relevant institution, and

(b) the final determination of the earlier application is that the applicant is not entitled to a benefit under a relevant provision, on the basis that he or she was not resident in the relevant institution for the minimum number of days specified in the relevant provision concerned,

then, in the determination, for the purposes of a further application by the applicant, of his or her entitlement to a benefit under the relevant provision concerned, the number of days on which he or she was resident in the relevant institution referred to in *paragraph (a)* shall be deemed to be reckonable.

(5) In this section—

"benefit" means a payment under *subsection (1)*, *(3)* or *(5)* of *section 18*, or the provision without charge of health services under *subsection (4)* of that section;

"final determination" means, in relation to an earlier application, the determination of the application that applies after any review or appeal has concluded or where no such review has been sought or appeal made and the period for seeking such review or making such appeal has expired;

"relevant provision" means *subsection (1)*, *(3)*, *(4)* or *(5)* of *section 18*.

Examination of application: general

21. (1) On receipt of an application, the Chief Deciding Officer shall, subject to *subsections (2)* and *(3)*—

(a) not later than 28 days after such receipt, acknowledge receipt of the application, and

(b) proceed to examine the application in accordance with this section and *sections 22* to *24*, and make his or her determination of the applicant's entitlement under *section 18* to each payment or eligibility for the provision without charge of health services, for which the applicant has applied.

(2) Where—

(a) an application is not accompanied by the information referred to in *section 19(5)*, or

(b) the Chief Deciding Officer is of the view that the applicant has not provided such information as the Chief Deciding Officer may reasonably require in order to examine the application in accordance with this Part,

the Chief Deciding Officer shall inform the applicant that *paragraph (a)* or *(b)*, as the case may be, applies and the reasons for this and request the applicant to provide, within such reasonable period as the Chief Deciding Officer may specify, the information required.

(3) The Chief Deciding Officer—

(a) shall, subject to *paragraph (b)*, complete his or her examination of an application and make his or her determination, as soon as practicable, and

(b) may accord priority to the examination of an application where he or she considers that it is in the interest of fairness and efficiency to do so, having regard in particular to the personal circumstances, including the age and state of health, of the applicant.

(4) In examining an application under this section, the Chief Deciding Officer shall—

(a) establish the identity of the applicant,

(b) establish whether the applicant is a relevant person,

(c) where the applicant is a relevant person, make, in accordance with *section 24*, the calculations specified in *subsection (1)* of that section, and

(d) where the application is for a health support payment, establish whether the applicant is not ordinarily resident in the State.

(5) The Minister may issue guidelines to assist persons in establishing, for the purposes of this Part, whether an applicant is not ordinarily resident in the State.

(6) For the purposes of his or her examination under this section, the Chief Deciding Officer shall have regard to—

(a) the information provided by the applicant with his or her application, or pursuant to a request under *subsection (2)*,

(b) the information provided by—

(i) an information source in accordance with *section 22*, and

(ii) any other person, on the request of the Chief Deciding Officer, where the Chief Deciding Officer considers the information to be relevant to the application,

(c) the information (if any) accessed and processed by him or her in accordance with *section 52* or *53*, and

(d) where applicable, the information provided by affidavit by the applicant under *section 23*.

Chief Deciding Officer may request information from information source

22. (1) The Chief Deciding Officer may, to the extent necessary and proportionate for the performance of his or her functions under this Act, in particular for the purpose of

establishing or verifying an applicant's residence in a relevant institution and the length of the period of such residence, or verifying information provided in the application, request an information source that holds information (including personal data and special categories of personal data) relating to the applicant to disclose such information to him or her.

(2) A request under *subsection (1)* shall—

(a) confirm the purpose for which the information is required,

(b) where the request relates to a document, specify that a copy of a document, and not the original, be provided,

(c) confirm the safeguards in place in relation to the storage of the information and documents and the processing of personal data and special categories of personal data provided, and

(d) specify the period within which the information requested is to be provided to the Chief Deciding Officer.

(3) An information source that receives a request made in accordance with *subsection (1)* shall comply with the request within the period specified in the request or within such further time period as may be agreed in writing between the Chief Deciding Officer and the information source.

(4) The Chief Deciding Officer may share with the applicant a copy of information accessed which is relevant to determinations made in relation to his or her application.

Chief Deciding Officer may request information by affidavit

23. (1) The Chief Deciding Officer may, for the purposes of his or her examination of an application, request the applicant concerned to provide, within such reasonable period as the Chief Deciding Officer may specify, information by affidavit where the Chief Deciding Officer is of the opinion that—

(a) the information referred to in *paragraphs (b)* and *(c)* of *section 21(6)* available to him or her is incomplete or otherwise insufficient for the purposes of his or her examination of the application, or

(b) the information provided by the applicant for the purposes of his or her application that is relevant to the examination of the application is inconsistent with information referred to in *paragraphs (b)* and *(c)* of *section 21(6)*.

(2) The Chief Deciding Officer shall make a request under *subsection (1)* only where he or she considers that it is necessary to do so for the purposes of the examination of the application.

Calculation of period of residence in relevant institution

24. (1) For the purposes of *section 21(4)(c)*, the Chief Deciding Officer shall calculate, in accordance with this section—

(a) the number of days of each period of residence by the applicant in a relevant institution, and

(b) the aggregate number of days of each of the following:

(i) all periods of residence by the applicant in a relevant institution;

(ii) all periods of residence by the applicant in a relevant institution in circumstances referred to in *paragraph (a)* of the definition of "relevant person" in *section 2(1)*;

(iii) all periods of residence by the applicant in a relevant institution in circumstances referred to in *paragraph (b)* of the definition of "relevant person" in *section 2(1)*;

(iv) all periods of residence by the applicant in a relevant institution specified in *column 2* of *Part 1* of *Schedule 1* in circumstances referred to in *paragraph (b)* of the definition of "relevant person" in *section 2(1)*.

(2) For the purposes of the calculation under *subsection (1)* of the number of days of a period of residence:

(a) the date of entry and the date of discharge shall be included in the calculation;

(b) a period of residence by an applicant in a relevant institution shall be reckonable only where the admission date occurred on or before the 31st day of December in the concluding year in respect of the relevant institution;

(c) a temporary absence by the applicant from the relevant institution concerned shall not be reckonable where—

(i) the Chief Deciding Officer is satisfied, on the basis of his or her examination of the information referred to in *section 21(6)*, that the temporary absence occurred, and

(ii) the temporary absence period concerned exceeds 180 days.

(3) For the purposes of this section, a person shall be considered to have been discharged from a relevant institution where he or she ceased (other than where he or she is temporarily absent from the relevant institution) to be a resident of the relevant institution.

(4) For the purposes of this section, a person shall be considered to have been temporarily absent from a relevant institution where he or she—

(a) was absent from the relevant institution for a period (in this section referred to as a "temporary absence period") of not less than one day, beginning after the admission date and ending before the discharge date, and

(b) at the end of the temporary absence period—

(i) resumed his or her residence in the same relevant institution for the same reason as that for which he or she was admitted to the institution at the time when the period of residence began, and

(ii) spent not less than one night in the relevant institution.

(5) In this section—

"admission date" means, in relation to a period of residence, the date on which the person concerned was admitted to the relevant institution and, in the case of a person who was born in the relevant institution, means his or her date of birth;

"discharge date" means, in relation to a period of residence, the date on which the discharge of the person concerned from the relevant institution occurred;

"period of residence" means, in relation to a person, the period, beginning on the admission date and ending on the discharge date, during which he or she was, other than during a temporary absence period, continuously resident in a particular relevant institution;

"temporary absence period" shall be construed in accordance with *subsection (4)(a)*.

Determination of application

25. (1) On completion of his or her examination under *section 21* of an application, the Chief Deciding Officer shall, on the basis of the matters established under *subsection (4)* of that section, determine the payments to which the applicant is entitled, and the provision of services for which the applicant is eligible, under *section 18*, if any.

(2) Where an application is for a health support payment, the Chief Deciding Officer, where not satisfied that the applicant is not ordinarily resident in the State, but satisfied that the applicant is eligible under *section 18(5)* for the provision without charge of health services to him or her, may make a determination to that effect.

Notification to applicant of determination

26. (1) The Chief Deciding Officer shall, as soon as practicable after making a determination under *section 25*, notify the applicant in writing of the determination.

(2) A notification under *subsection (1)* shall include—

(a) a statement of the determination concerned, which shall include the information specified in *subsection (3)*,

(b) where the determination includes a determination referred to in *subsection (3)(b)*, an offer to the applicant of a payment to him or her of the amount concerned, and of the effect of *sections 31*, *32* and *33*,

(c) where the determination includes a determination referred to in *paragraph (d)* or *(g)* of *subsection (3)*, an offer to the applicant of the provision without charge of health services to him or her,

(d) where the determination includes a determination referred to in *subsection (3)(f)*, an offer to the applicant for the payment to him or her of a health support payment, and

(e) a statement of the entitlement of the applicant under *section 27(1)* to seek a review.

(3) The information referred to in *subsection (2)(a)* is the following:

(a) where the determination includes a determination that the applicant is not a relevant person, a statement of that fact and of the reasons for it;

(b) where the determination includes a determination that the applicant is entitled to a general payment or a work-related payment, a statement of that fact and of the amount of such payment calculated in accordance with *subsection (1)*, *(2)* or *(3)*, as the case may be, of *section 18*;

(c) where the determination includes a determination that the applicant is not entitled to a general payment or work-related payment, a statement of that fact and of the reasons for the determination;

(d) where the determination includes a determination (other than a determination under *section 25(2)*) that the applicant is eligible for the provision without charge of health services to him or her, a statement of that fact;

(e) where the determination includes a determination that the applicant is not eligible for the provision without charge of health services to him or her, a statement of that fact and of the reasons for the determination;

(f) where the determination includes a determination that the applicant is entitled to a health support payment, a statement of that fact;

(g) where the determination includes a determination under *section 25(2)*, a statement of that fact and of the reasons for the determination;

(h) where the determination includes a determination (other than a determination under *section 25(2)*) that the applicant is not entitled to a health support payment, a statement of that fact and of the reasons for the determination.

Review of determination

27. (1) An applicant may, within 60 days of the date on which a notification under *section 26* is sent to him or her, request the Chief Deciding Officer to review one or more of the following:

(a) a determination that the applicant is not a relevant person;

(b) a determination that the applicant is not entitled to a general payment or a work-related payment;

(c) a determination that the applicant is entitled to a general payment or a work-related payment of a particular amount;

(d) a determination that the applicant is not eligible for the provision without charge of health services to him or her;

(e) a determination (including a determination under *section 25(2)*) that the applicant is not entitled to a health support payment.

(2) A request under *subsection (1)* shall be in such form and made in such manner as may be prescribed, and shall be accompanied by a statement of the reasons for the request, and by such documents as may be prescribed.

(3) The Chief Deciding Officer shall, on receipt of a request under *subsection (1)*, carry out a review of the determination to which the request relates.

(4) The Chief Deciding Officer, in carrying out a review under *subsection (3)*, shall do so in accordance with any regulations under *section 44* and shall—

(a) not be confined to the grounds on which the determination under review was based, but may decide the matter the subject of the review as if it were being decided for the first time,

(b) subject to procedures prescribed under *section 44*, and as he or she considers appropriate, consider written or oral submissions made by the applicant and by or on behalf of the person who made the determination the subject of the review,

(c) have regard to any information or documents furnished by the applicant under *subsection (1)* or, where applicable, *subsection (5)*, and

(d) consider, where relevant to the determination under review, any matter established under *paragraph (a)* to *(d)* of *section 21(4)* in relation to the applicant.

(5) For the purposes of a review under this section, the Chief Deciding Officer may require an applicant to provide, within such reasonable period as the Chief Deciding Officer may specify—

(a) documentation or information, or

(b) where the Chief Deciding Officer considers it necessary to do so for the purposes of the review, information by affidavit,

in relation to any matter that may be relevant to the decision by the Chief Deciding Officer in relation to the matter under review.

(6) The Chief Deciding Officer, having carried out a review under *subsection (3)*, may decide to affirm or vary the determination the subject of the review.

(7) The Chief Deciding Officer shall, not later than 20 days after the making of his or her decision under *subsection (6)*, notify the applicant in writing of the decision, which notification shall include—

(a) a statement of the decision and of the reasons for it,

(b) where the effect of the decision is that the applicant is entitled to a general payment or a work-related payment—

(i) a statement of that fact and of the amount of such payment calculated in accordance with *subsection (1)*, *(2)* or *(3)*, as the case may be, of *section 18*,

(ii) an offer to the applicant of a payment to him or her of the amount concerned, and

(iii) a statement of the effect of *sections 31*, *32* and *33*,

(c) where the effect of the decision is that the applicant is eligible for the provision without charge of health services to him or her (including on the basis that the circumstances referred to in *section 25(2)* apply in respect of the applicant), an offer to the applicant of the provision without charge of such services to him or her, and a statement of the effect of *section 34*,

(d) where the effect of the decision is that the applicant is eligible for the payment to him or her of a health support payment, an offer to the applicant of such a payment, and a statement of the effect of *section 35*, and

(e) a statement of the entitlement of the applicant under *section 29(1)* to appeal the decision.

Appeals officer

28. (1) The Minister shall appoint a panel of suitable persons (in this Act referred to as "appeals officers") to consider appeals received under *section 29(1)*.

(2) An appeals officer shall be independent in the performance of his or her functions under this Act.

(3) An appeals officer—

(a) shall be paid such remuneration and allowances as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines, and

(b) may be provided with such staff, whose terms and conditions of service and to whom payment of remuneration and allowances shall be such as the Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, determines as reasonably necessary to enable the appeals officer to perform his or her functions under this Act.

(4) The Minister may revoke an appointment under *subsection (1)* for stated reasons.

Appeals

29. (1) An applicant who is dissatisfied with a decision of the Chief Deciding Officer under *section 27(6)* may, within 60 days of the date on which the notification under *section 27(7)* is sent to him or her, appeal the decision to an appeals officer.

(2) An appeal under this section shall be in such form and made in such manner as may be prescribed and shall be accompanied by a statement of the reasons for the appeal, and by such documents as may be prescribed.

(3) Where an appeal is made under this section, the Chief Deciding Officer shall, without delay, assign the appeal to an appeals officer, who shall consider the appeal in accordance with this section.

(4) An appeals officer considering an appeal under this section shall do so in accordance with any regulations under *section 44* and shall—

(a) not be confined to the grounds on which the decision under appeal was based, but may decide the matter the subject of the appeal as if it were being decided for the first time,

(b) subject to procedures prescribed under *section 44*, and as he or she considers appropriate, consider written or oral submissions (including information or documentation provided under *subsection (5)* or in accordance with regulations under *section 44*) made by the applicant and by or on behalf of the person who made the decision under appeal, and information provided under *subsection (6)*,

(c) determine the appeal as soon as is practicable in all the circumstances of the case, and in any case within such period as may be prescribed, and

(d) prepare a report in writing, specifying the determination and the reasons for it and send a copy of the report to the Chief Deciding Officer.

(5) For the purposes of an appeal under this section, the appeals officer may require an applicant to provide, within such reasonable period as the appeals officer may specify—

(a) documentation or information, or

(b) where the appeals officer considers it necessary to do so for the purposes of the review, information by affidavit,

in relation to any matter that may be relevant to the determination of the appeal.

(6) (a) For the purposes of an appeal under this section, the appeals officer may request the Chief Deciding Officer to provide him or her with any information in relation to any matter that may be relevant to the determination of the appeal.

(b) The Chief Deciding Officer shall comply with a reasonable request under *paragraph (a)* and, for the purpose of such compliance, may—

(i) exercise such of his or her powers under this Part as he or she considers appropriate in order to obtain information, and

(ii) share such information with the appeals officer concerned.

(7) An appeals officer, having considered an appeal in accordance with *subsection (4)*, may make a determination to—

(a) affirm the decision the subject of the appeal,

(b) vary the decision the subject of the appeal and replace it with such other decision as the appeals officer considers appropriate, or

(c) refer the matter back to the Chief Deciding Officer for re-examination, with such directions as the appeals officer considers appropriate.

(8) Where the determination of the appeals officer is one referred to in *paragraph (a)* or *(b)* of *subsection (7)*, the Chief Deciding Officer shall, not later than 20 days after the making of the determination, notify the applicant in writing of the determination, which notification shall include—

(a) a statement of the determination,

(b) a copy of the report prepared under *subsection (4)(d)*,

(c) where the effect of the determination is that the applicant is entitled to a general payment or a work-related payment—

(i) a statement of that fact and of the amount of such payment calculated in accordance with *subsection (1)*, *(2)* or *(3)*, as the case may be, of *section 18*, and

(ii) subject to *section 30*—

(I) an offer to the applicant of a payment to him or her of the amount concerned, and

(II) a statement of the effect of *sections 31*, *32* and *33*,

(d) subject to *section 30*, where the effect of the determination is that the applicant is eligible for the provision without charge of health services to him or her (including on the basis that the circumstances referred to in *section 25(2)* apply in respect of the applicant), an offer to the applicant of the provision of such services to him or her, and a statement of the effect of *section 34*,

(e) subject to *section 30*, where the effect of the determination is that the applicant is eligible for the payment to him or her of a health support payment, an offer to the applicant of such a payment, and a statement of the effect of *section 35*, and

(f) a statement of the right of the applicant under *section 30* to appeal the determination to the High Court.

(9) Where the determination of the appeals officer is one referred to in *paragraph (c)* of *subsection (7)*, the Chief Deciding Officer shall—

(a) arrange for the matter to be re-examined under *section 21*, and this Part shall apply accordingly, and

(b) not later than 20 days after the making of the determination, notify the applicant in writing of the determination and of the effect of *paragraph (a)*.

Appeal to High Court

30. (1) The Chief Deciding Officer, within 28 days of the date on which the report under *section 29(4)(d)* is sent to him or her, or an applicant, within 28 days of the date on which a notification under *section 29(8)* is sent to him or her, may appeal the determination concerned to the High Court on a point of law.

(2) A decision of the High Court following an appeal under *subsection (1)* shall—

(a) where appropriate, specify the period within which effect shall be given to the decision, and

(b) be final and conclusive.

Offer of general payment or work-related payment

31. (1) Subject to this section, an applicant to whom an offer is made may, within 6 months of the date on which the notification concerned is sent to him or her, or such longer period as may be prescribed, and in accordance with this section, accept or reject the offer.

(2) An applicant—

(a) to whom an offer is made under *section 26(2)(b)*, who requests a review under *section 27* of the determination concerned, or

(b) to whom an offer is made under *section 27(7)(b)(ii)* or *29(8)(c)(ii)*, who appeals under *section 29* or *30*, as the case may be, the decision or determination concerned,

may accept, in accordance with this section, the offer concerned—

(i) only where he or she withdraws, in accordance with *section 40(1)*, the review or appeal, and

(ii) within 6 months of the date of such withdrawal.

(3) For the purposes of this section, an applicant shall accept an offer by providing to the Chief Deciding Officer a statement in writing stating that the applicant—

(a) accepts the offer, and

(b) agrees to waive any right of action which the applicant may otherwise have had against a public body and to discontinue any other proceedings instituted by the applicant against such public body, that arise out of the circumstances to which his or her application related.

(4) For the purposes of *subsection (1)* and *(2)*, an applicant shall reject an offer by communicating in writing such rejection to the Chief Deciding Officer.

(5) An applicant who does not, within the period referred to in *subsection (1)* or *(2)(b)(ii)*, as the case may be, communicate in accordance with this section his or her acceptance or rejection of the offer shall be deemed to have rejected the offer.

(6) In this section and *sections 32* and *33*, "offer" means an offer made under *section 26(2)(b)*, *27(7)(b)(ii)*, or *29(8)(c)(ii)*.

Acceptance of offer of general payment or work-related payment

32. (1) Where an applicant accepts an offer in accordance with *section 31*, the Chief Deciding Officer shall, as soon as practicable, cause the payment concerned to be made to—

(a) subject to *paragraph (b)* and *(c)*, the applicant,

(b) where *section 36* applies to the application, the person who made the application on behalf of the applicant, or

(c) where *section 37* or *38* applies to the application, the personal representatives of, as the case may be, the person to whom *section 37* applies or the deceased applicant (within the meaning of *section 38*) concerned.

(2) Where a payment is made under *subsection (1)(c)*, the personal representatives concerned shall treat such payment as if it had been paid to the person to whom *section 37* applies or deceased applicant, as the case may be, immediately prior to his or her death.

(3) A person who receives a payment under *paragraph (a)* or *(b)* of *subsection (1)*, or the personal representative of a person in respect of whom a payment is made under *paragraph (c)* of that subsection, shall not institute civil proceedings, and shall discontinue any other proceedings instituted, by or on behalf of the applicant against a public body, that arise out of the circumstances to which the application concerned related.

Statute of Limitations

33. (1) This section applies where, an application having been made under *section 19*, the applicant—

(a) withdraws, in accordance with *section 40(1)*, the application,

(b) is deemed, under *section 40(5)*, to have withdrawn his or her application,

(c) is the subject of a determination under *section 25*, a decision under *section 27* or a determination under *section 29* to the effect that he or she is not entitled to a general payment or work-related payment, and does not, within the period specified in *section 27(1)*, *29(1)* or *30(1)*, as the case may be, seek a review or appeal of the decision or determination concerned, or

(d) rejects, in accordance with *section 31(4)*, or is deemed under *section 31(5)* to have rejected, an offer.

(2) Where this section applies, in any proceedings taken by or on behalf of the applicant concerned arising out of the circumstances to which the application concerned related, a public body or any other person who is a party to the proceedings, shall not rely for the purposes of the Statute of Limitations on the period between—

(a) the date on which the application concerned is received by the Chief Deciding Officer, and

(b) the date on which, as the case may be—

(i) the applicant withdraws his or her application, is deemed under *section 40(5)* to have withdrawn his or her application or rejects, or is deemed to have rejected, the offer, or

(ii) the period referred to in *subsection (1)(c)* expires.

(3) Where consideration under this Act of an application, review or appeal is resumed pursuant to a direction under *section 40(7)*, this section shall apply in respect of the period following such resumption, subject to the following modifications and any other necessary modifications:

(a) the reference in *subsection (1)* to an application having been made under *section 19* shall be construed as a reference to the consideration of the application, review or appeal having been so resumed; and

(b) the reference in *subsection (2)(a)* to the date on which the applicant's application under *section 19* is received by the Chief Deciding Officer shall be construed as a reference to the date on which consideration of the application, review or appeal is, pursuant to the direction, resumed.

Offer of provision without charge of health services

34. (1) Subject to this section, an applicant to whom an offer under *section 26(2)(c)*, *27(7)(c)* or *29(8)(d)* is made may, within 6 months of the date on which the notification of the offer concerned is sent to him or her, or such longer period as may be prescribed, and in accordance with this section, accept or reject the offer.

(2) Where an applicant accepts, in accordance with *subsection (1)*, an offer referred to in that subsection, the Chief Deciding Officer shall, as soon as is practicable—

(a) notify the Health Service Executive of the applicant's eligibility for the provision without charge of health services to him or her, and

(b) inform the applicant concerned of the notification under *paragraph (a)*.

(3) The Health Service Executive, following receipt of a notification under *subsection (2)(a)*, shall make available without charge to the applicant concerned—

(a) a general practitioner medical and surgical service,

(b) drugs, medicines and medical and surgical appliances for the time being on the Reimbursement List within the meaning of the Health (Pricing and Supply of Medical Goods) Act 2013,

(c) the nursing service specified in section 60 of the Act of 1970,

(d) the home help service specified in section 61 of the Act of 1970, following an assessment of needs made by a registered medical practitioner or a registered nurse that the service is so required,

(e) the dental, ophthalmic and aural services specified in section 67 of the Act of 1970,

(f) a counselling service, following a referral made in that regard by a registered medical practitioner, relative to the applicant's residence in a relevant institution,

(g) a chiropody service, following a referral made in that regard by a registered medical practitioner or registered nurse, and

(h) a physiotherapy service, following a referral made in that regard by a registered medical practitioner.

Offer of health support payment

35. (1) Subject to this section, an applicant to whom an offer under *section 26(2)(d)*, *27(7)(d)* or *29(8)(e)* is made may, within 6 months of the date on which the notification of the offer concerned is sent to him or her, or such longer period as may be prescribed, and in accordance with this section, accept or reject the offer.

(2) Where an applicant, in accordance with *subsection (1)*, accepts an offer, the Chief Deciding Officer shall ensure that the health support payment is made to the applicant as soon as is practicable.

Application under *section 19* may be made on behalf of relevant person

36. Subject to *section 39*, an application under *section 19* may be made on behalf of a person by—

(a) a person who is authorised by or under an enactment or an order of a court to make such an application, or

(b) where the first-mentioned person is ordinarily resident in a place outside the State, a person who is authorised, under the law of the place, to act on behalf of the first-mentioned person in relation to the making of such an application.

Application on behalf of deceased relevant person

37. (1) This section applies to a person who—

(a) died on or after 13 January 2021,

(b) could reasonably be considered to have been a relevant person, and

(c) did not, prior to his or her death, make an application in accordance with *section 19* in respect of a period during which he or she was resident in a relevant institution.

(2) Subject to *section 39*, the personal representative of a person to whom this section applies may make an application under *section 19* for the benefit of the estate of the person, in respect of a period during which the person was resident in a relevant institution, for one or more of the following:

(a) a general payment;

(b) a work-related payment.

Application process to continue where applicant dies

38. (1) Where an applicant (in this section referred to as a "deceased applicant") dies after the making by him or her of an application—

(a) his or her personal representative may, subject to *subsection (2)* and *section 39*, proceed with the application as if he or she were the applicant, and

(b) the application, insofar as it was for the provision without charge of health services to the applicant or for a health support payment, shall be deemed to have been withdrawn.

(2) A personal representative of a deceased applicant shall notify the Chief Deciding Officer in writing of his or her intention to proceed, in accordance with *subsection (1)(a)*, with the application concerned.

Provision supplementary to *sections 36*, *37* and *38*

39. (1) The Chief Deciding Officer shall, where he or she receives an application to which *section 36* or *37(2)* applies or a notification under *section 38(2)*, satisfy himself or herself that the person concerned is authorised under *section 36*, *37(2)* or *38(1)*, as the case may be, to make or proceed with the application concerned.

(2) The Chief Deciding Officer may request a person referred to in *subsection (1)* to provide, within such reasonable period as the Chief Deciding Officer may specify, such contact details, personal data, information or documents as the Chief Deciding Officer may reasonably require for the purposes of that subsection.

(3) Where the Chief Deciding Officer is satisfied that a person referred to in *subsection (1)* is authorised under *section 36*, *37(2)* or *38(1)*, as the case may be, to make or proceed with the application concerned—

(a) the Chief Deciding Officer shall provide the person with confirmation of that fact,

(b) the person shall provide the Chief Deciding Officer with such contact details, personal data and information relating to the person (being contact details, personal data and information that are necessary for the performance by the Chief Deciding Officer of his or her functions under this Act) as the Chief Deciding Officer may specify for the purposes of this section, and

(c) for the purposes of this Act—

(i) any person performing a function under this Act shall be entitled to deal with the person as if the person were the applicant, and

(ii) the powers of an applicant under this Act shall be exercisable, and the duties of an applicant under this Act shall be carried out, on behalf of the applicant, by the person.

Withdrawal or deemed withdrawal of application, review or appeal

40. (1) An applicant may withdraw an application made by him or her under *section 19*, a review sought by him or her under *section 27* or an appeal made by him or her under *section 29*, by providing the Chief Deciding Officer with a notice in writing of such withdrawal.

(2) The withdrawal under *subsection (1)* of an application, review or appeal shall take effect on and from the date on which the relevant notice under that subsection is received by the Chief Deciding Officer.

(3) Where an applicant fails to comply with a request under *section 21(2)*, *23(1)* or *27(5)* within the period specified by the Chief Deciding Officer under the provision concerned, the Chief Deciding Officer shall send the applicant a notice in writing—

(a) requiring him or her, within 60 days of the date on which the notice is sent to him or her, to comply with the request, and

(b) informing him or her of the effect of *subsections (5)* and *(7)*.

(4) Where an applicant fails to comply with a request under *section 29(5)* within the period specified by the appeals officer under that provision, the appeals officer shall send the applicant a notice in writing—

(a) requiring him or her, within 60 days of the date on which the notice is sent to him or her, to comply with the request, and

(b) informing him or her of the effect of *subsections (5)* to *(7)*.

(5) Where—

(a) a notice under *subsection (3)* or *(4)* is sent to an applicant, and

(b) the applicant has not, by the date (in this section referred to as the "relevant date") that is 60 days after the date on which the notice is sent to the applicant, complied with the requirement referred to in *subsection (3)(a)* or *(4)(a)*, as the case may be,

the applicant shall be deemed, on and from the relevant date, to have withdrawn his or her application, review or appeal, as the case may be.

(6) Subject to *subsection (7)*, where an applicant—

(a) withdraws in accordance with *subsection (1)*, or

(b) is deemed under *subsection (5)* to have withdrawn,

his or her application, review or appeal, consideration under this Act of the application, review or appeal, as the case may be, shall be discontinued.

(7) (a) An applicant whose application, review or appeal is deemed under *subsection (5)* to have been withdrawn may make a request, in such form as may be prescribed, to the Chief Deciding Officer for a direction under *paragraph (b)*.

(b) Subject to *paragraph (c)*, the Chief Deciding Officer, having considered a request under *paragraph (a)* and where he or she is satisfied that the applicant concerned had good reason for his or her failure to comply with the requirement referred to in *subsection (3)(a)* or *(4)(a)*, as the case may be, to which the deemed withdrawal relates, may direct that consideration under this Act of the application, review or appeal concerned be resumed on such date as shall be specified in the direction.

(c) The Chief Deciding Officer shall not consider a request under *paragraph (a)* that is received by him or her on or after the cessation date.

PART 4

Miscellaneous

Amendment of Taxes Consolidation Act 1997

41. The Taxes Consolidation Act 1997 is amended—

(a) by the insertion of the following section after section 205A:

"Payments under *Mother and Baby Institutions Payment Scheme Act 2023*

205B. (1) In this section—

'*Act of 2023*' means the *Mother and Baby Institutions Payment Scheme Act 2023*;

'relevant payment', in relation to a relevant person, means a payment made to the relevant person under *paragraph (a)*, or in respect of the relevant person under *paragraph (c)*, of *section 32(1)* of the *Act of 2023*;

'relevant person' has the same meaning as it has in *section 2* of the *Act of 2023*.

(2) Income that—

(a) consists of a relevant payment, or

(b) arises to a relevant person from the investment in whole or in part of a relevant payment or of the income derived from such a payment, being income consisting of dividends or other income which but for this section would be chargeable to tax under

Schedule C or under Case III, IV (by virtue of section 59, 745 or 747E) or V of Schedule D or under Schedule F,

shall be exempt from income tax and shall not be reckoned in computing total income for the purposes of the Income Tax Acts.

(3) Gains that accrue to a relevant person, from the disposal of—

(a) assets acquired with a relevant payment,

(b) assets acquired with income exempted from income tax under subsection (2)(b), or

(c) assets acquired directly or indirectly with the proceeds from the disposal of assets referred to in paragraph (a) or (b),

shall not be chargeable gains for the purposes of the Capital Gains Tax Acts.

(4) For the purposes of computing whether by virtue of this section a gain is, in whole or in part, a chargeable gain, or whether income is, in whole or in part, exempt from income tax, all such apportionments shall be made as are, in the circumstances, just and reasonable.",

(b) in section 256(1), by the substitution of the following definition for the definition of "relevant amount":

" 'relevant amount' means any amount of—

(a) income referred to in section 205A(2) or income that consists of a payment made to a relevant person (within the meaning of section 205B(1)) under *section 32(1)(a)* of the *Mother and Baby Institutions Payment Scheme Act 2023*, and

(b) gains referred to in section 205A(3) or section 205B(3);",

(c) in section 267(3), by the substitution of "section 192(2), section 205A(2) or section 205B(2)" for "section 192(2) or section 205A(2)", and

(d) in section 613(1)—

(i) in paragraph (d), by the substitution of "applies;" for "applies.", and

(ii) by the insertion of the following paragraph after paragraph (d):

"(e) any payment to which section 205B applies.",

(e) in section 730GA, by the substitution of "192, 205A or 205B" for "192 or 205A", and

(f) in section 739G(2)(j) by the substitution of "192, 205A or 205B" for "192 or 205A".

Amendment of Capital Acquisitions Tax Consolidation Act 2003

42. Section 82(1) of the Capital Acquisitions Tax Consolidation Act 2003 is amended, in paragraph (ba), by the substitution of "section 205A or 205B" for "section 205A".

Legal costs and expenses

43. The Scheme may, in accordance with regulations under *section 44*, provide financial support to applicants and persons to whom *section 39(3)* applies to facilitate their—

(a) seeking the assistance of a legal practitioner in providing an affidavit for the purposes of an application, and

(b) where relevant, availing of independent legal advice for the purpose of their decision to accept or reject an offer under *Part 3*.

Regulations

44. (1) The Minister may make regulations prescribing any matter referred to in this Act as prescribed or to be prescribed.

(2) The Minister may make regulations in relation to the operation of the Scheme which may provide for:

(a) the procedures for the examining, under *sections 21* to *24*, of an application;

(b) the procedures for the conduct of reviews under *section 27* and appeals under *section 29*, which may include procedures relating to—

(i) the time limits for the deciding of reviews and the determination of appeals,

(ii) the making of submissions, whether oral or written, to the Chief Deciding Officer or appeals officer, as the case may be,

(iii) the form and manner (which may include by electronic means) in which the appeal and written submissions referred to in *subparagraph (ii)* may be made,

(iv) the making of requests for further information by the Chief Deciding Officer or appeals officer, as the case may be, and

(v) the examination by the Chief Deciding Officer or appeals officer, as the case may be, of the applicant and any other person whom the Chief Deciding Officer or appeals officer considers appropriate;

(c) the amount of financial support that may be provided under *section 43*, being such amount that the Minister considers reasonable to enable access by applicants and persons to whom *section 39(3)* applies to the legal advice and assistance referred to in that section.

Guidelines

45. The Minister may issue guidelines for the purpose of providing practical guidance to any

person in respect of the performance by him or her of his or her functions under this Act.

Amendment of Part 3 of Schedule 1 to Nursing Homes Support Scheme Act 2009

46. Part 3 of Schedule 1 to the Nursing Homes Support Scheme Act 2009 is amended in paragraph 1, in the definition of "relevant payment", by—

(a) the substitution, in paragraph (e), of "Thalidomide," for "Thalidomide, or", and

(b) the insertion of the following paragraph after paragraph (e):

"(ea) a general payment or a work-related payment made to the person, under the *Mother and Baby Institutions Payment Scheme Act 2023*, or".

Prohibition on disclosure of information

47. (1) In this section, "confidential information" means information that refers to a relevant person or that could reasonably lead to the identification of an applicant or a person to whom *section 39(3)* applies.

(2) Except in the circumstances specified in *subsection (3)*, a person shall not disclose confidential information obtained by him or her while performing, or as a result of having performed, functions as—

(a) the Chief Deciding Officer or any of the staff of the Office of the Chief Deciding Officer,

(b) a person engaged by the Chief Deciding Officer to provide consultancy, advice or other services to the Chief Deciding Officer,

(c) a person with whom the Minister enters into an agreement under *section 11*,

(d) an employee of a person referred to in *paragraph (b)* or *(c)*, or

(e) an appeals officer or any of the staff of an appeals officer.

(3) A person does not contravene *subsection (2)* by disclosing confidential information if the disclosure—

(a) is made to or authorised by the Chief Deciding Officer,

(b) is made to the Garda Síochána where the person is acting in good faith and reasonably believes that such disclosure is necessary in order to prevent an act or omission constituting a serious offence,

(c) is in compliance with this Act, or

(d) is required by law or an enactment other than this Act.

(4) Nothing in *subsection (2)* shall prevent the disclosure of confidential information relating to an applicant to the applicant or, where applicable, the person to whom, in relation to the application concerned, *section 39(3)* applies.

(5) A person who contravenes *subsection (2)* shall be guilty of an offence and shall be liable, on summary conviction, to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

Review of operation of Scheme

48. (1) The Minister shall cause a review of the operation of the Scheme to be commenced—

(a) as soon as possible after the day that is the second anniversary of the establishment day, but not later than 6 months after that day, and

(b) as soon as possible after the cessation date, but not later than 6 months after that date.

(2) A review under this section shall consider the following matters:

(a) the extent to which persons who are entitled to a payment, or eligible for the provision without charge of health services, under the Scheme have made applications under *Part 3*;

(b) in relation to each payment and service referred to in *section 18*, the proportion of applicants who—

(i) have applied for, and

(ii) are determined, after any review or appeal has concluded or where no such review has been sought or appeal made and the period for seeking such review or making such appeal has expired—

(I) to be entitled to or eligible for, or

(II) not to be entitled to or eligible for,

such payment or the provision of such service;

(c) the extent to which general payments and work-related payments have been made to relevant persons in accordance with the Scheme;

(d) the application, assessment and review processes under the Scheme, including the experience of applicants and persons to whom *section 39(3)* applies of these;

(e) details of payments;

(f) the extent to which health services have been provided without charge to persons who are eligible under the Scheme for such provision;

(g) the extent to which health support payments have been made to relevant persons in accordance with the Scheme;

(h) the training provided to the Chief Deciding Officer and the staff of the Office of the Chief Deciding Officer;

(i) whether the Scheme is achieving or, where applicable, has achieved the purpose specified in *section 5(2)*;

(j) any other matter relevant to the administration of the Scheme as may be specified by the Minister.

(3) Where a review under this section is completed, a report in writing of the findings of the review shall be prepared and submitted to the Minister.

(4) The Minister shall cause a report in writing of the findings of the review under *subsection (1)* to be prepared and submitted to him or her and, as soon as may be after it is so submitted, shall cause copies of the report to be laid before each House of the Oireachtas.

Amendment of *Schedule 1* by Minister

49. (1) The Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, may, by regulation, provide for the insertion, in *column 2* of *Part 1*, or *column 2* of *Part 2*, of *Schedule 1* of any institution which was established for the purpose of providing pregnancy related and infant care services and the placement of children for the purposes of adoption or care arrangements, and in respect of which a public body had a regulatory or inspection function.

(2) Without prejudice to the generality of *subsection (1)*, regulations under that subsection—

(a) shall provide for the insertion in *Schedule 1* of the concluding year in respect of the institution being inserted, and

(b) may, in respect of an institution being inserted in *Part 1* of *Schedule 1*, provide for the insertion of a name in *column 3* of that Part.

(3) The Minister, in considering for the purposes of *subsection (1)* whether an institution should be inserted in *Part 1* or *Part 2* of *Schedule 1*, shall have regard to the circumstances experienced by persons resident in the institution, and whether these were comparable to those experienced by persons resident in institutions specified in *Part 1* or *Part 2* of the Schedule.

(4) The Minister, with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, may, by regulation, provide for the substitution of a later year for a year specified in *Schedule 1* as the concluding year in respect of a relevant institution, where the Minister is satisfied that relevant persons were resident, in circumstances referred to in *paragraph (a)* or *(b)*, or both, of the definition of "relevant person" in *section 2(1)*, in the relevant institution concerned in that later year.

(5) In this section—

"boarded out arrangement" means an arrangement under which a child was placed by a local authority or health board in a foster home at which care of the child was provided in exchange for a fee;

"care arrangement" means—

(a) a nursed out arrangement,

(b) a boarded out arrangement,

(c) an arrangement under which a child was placed with a foster parent—

(i) subject to *subparagraph (ii)*, within the meaning of section 36(2) of the Child Care Act 1991, or

(ii) where the arrangement concerned was made before the coming into operation of the provision referred to in *subparagraph (i)*, in accordance with the law in force in the State at the time the arrangement was made,

whether or not the foster parent became the adoptive parent of the child,

(d) an arrangement made under section 36(1)(d) of the Child Care Act 1991, under which a child was placed with a relative, or

(e) an arrangement under which a child was placed with a prospective adoptive parent, whether or not the prospective adoptive parent became the adoptive parent of the child;

"nursed out arrangement" means an arrangement—

(a) under which a child was placed in a foster home at which care of the child was provided in exchange for a fee, and

(b) notice of which was required by or under the Children Act 1908 to be given to a local authority.

Service of documents

50. (1) A notice or other document that is required or authorised by or under this Act to be served on or given to a person shall be addressed to the person concerned by name and may be so served on or given to the person in one of the following ways:

(a) by delivering it in person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address;

(d) by electronic means, in a case in which the person has given notice in writing to the person serving or giving the notice or document concerned of his or her consent to the notice or document (or notices or documents of a class to which the notice or document belongs) being served on, or given to, him or her in that manner.

(2) For the purposes of this section, a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every

unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

Minister may prescribe person to be information source

51. The Minister may, where he or she considers a person may have relevant information or documents for the purpose outlined in *section 22(1)*, prescribe the person to be an information source.

Processing of personal data and special categories of personal data

52. (1) A person to whom this section applies may, to the extent necessary and proportionate for the performance of his or her functions under this Act, process personal data, including special categories of personal data, of an applicant, in accordance with the Act of 2018 and regulations under *subsection (3)*.

(2) This section applies to the following persons:

(a) the Chief Deciding Officer;

(b) an appeals officer;

(c) an information source.

(3) The Minister may prescribe suitable and specific measures for the processing of personal data and special categories of personal data under this Act.

(4) In this section, "suitable and specific measures" means measures to safeguard the fundamental rights and freedoms of data subjects in processing personal data of those data subjects and may include measures referred to in section 36(1) of the Act of 2018.

Use of database and records of Commission of Investigation into Mother and Baby Homes

53. (1) The Chief Deciding Officer may, to the extent necessary and proportionate for the performance by him or her of his or her functions under this Act, access and process personal data and special categories of personal data contained in the copy of the database and copy of the related records of the Commission deposited with the Minister under section 4(1) of the Commission of Investigation (Mother and Baby Homes and Certain Related Matters) Records, and Another Matter, Act 2020, for the purpose of the performance of his or her functions under this Act.

(2) The Chief Deciding Officer may share with an appeals officer personal data and special categories of personal data accessed from the copy of the database and copy of the related records to the extent necessary and proportionate for the performance by the appeals officer of his or her functions under this Act.

(3) The Child and Family Agency may, to the extent necessary and proportionate for the performance by it of its functions under this Act as an information source—

(a) access and process personal data and special categories of personal data contained in the database and the related records, and

(b) disclose to the Chief Deciding Officer the data referred to in *paragraph (a)*.

(4) For the avoidance of doubt, the Act of 2004 shall not operate to prevent the Chief Deciding Officer or the Child and Family Agency from accessing and processing personal data and special categories of personal data in accordance with *subsections (2)* and *(3)*.

(5) In this section—

"Act of 2004" means the Commissions of Investigation Act 2004;

"Commission" means the commission of investigation established by the Order of 2015;

"database" means the databases of residents of the institutions (specified in the Appendix to the terms of reference of the Commission set out in the Schedule to the Order of 2015) created by the Commission;

"Order of 2015" means the Commission of Investigation (Mother and Baby Homes and certain related Matters) Order 2015 (S.I. No. 57 of 2015);

"related record" means—

(a) any evidence within the meaning of the Act of 2004 received by the Commission,

(b) any document created by or for the Commission within the meaning of section 43 of the Act of 2004, or

(c) a copy of any such evidence or document,

from which information was obtained for the purpose of creating the database.

Use of certain archives

54. (1) The Chief Deciding Officer may, to the extent necessary and proportionate for the performance by him or her of his or her functions under this Act, access and process personal data and special categories of personal data contained in an archive to which this section applies, for the purpose of the performance of his or her functions under this Act.

(2) The Chief Deciding Officer may share with an appeals officer personal data and special categories of personal data accessed from an archive to which this section applies, to the extent necessary and proportionate for the performance by the appeals officer of his or her functions under this Act.

(3) The Minister may, where he or she considers the archive may contain records relevant to the performance by the Chief Deciding Officer of his or her functions under this Act, in particular that of establishing or verifying an applicant's residence in a relevant institution and the length of the period of such residence, or verifying

information provided in an application, prescribe an archive to be an archive to which this section applies.

(4) In this section—

"archive" means a collection of records, in the possession of, compiled by or maintained by an information source, relating to either or both of the following:

(a) a relevant institution;

(b) the admission to, residence in or discharge from a relevant institution of a person;

"record" includes—

(a) a book or other written or printed material in any form (including in any electronic device or in machine readable form),

(b) a map, plan or drawing,

(c) a disc, tape or other mechanical or electronic device in which data other than visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the disc, tape or other device,

(d) a film, disc, tape or other mechanical or electronic device in which visual images are embodied so as to be capable, with or without the aid of some other mechanical or electronic equipment, of being reproduced from the film, disc, tape or other device, and

(e) a copy or part of any thing which falls within *paragraph (a)*, *(b)*, *(c)* or *(d)*.

Penalties

55. (1) A person to whom this section applies who, in connection with an application under *Part 3*, knowingly gives information to the Chief Deciding Officer or to an appeals officer which is false or misleading shall be guilty of an offence and shall be liable on summary conviction to a class A fine or to imprisonment for a term not exceeding 6 months, or to both.

(2) This section applies to—

(a) a person who makes an application under *section 19*,

(b) a person who makes an application to which *section 36* or *37(2)* applies, or

(c) a person who proceeds under *section 38* with an application.

SCHEDULE 1

PART 1

(1) Reference Number	(2) Name of Institution	(3) Alternative name by which or to which Institution specified in Column 2 known or referred	(4) Concluding year
1	Carlow County Home	Sacred Heart Home, Co. Carlow	1963
2	Cavan County Home	St. Felim's County Home, Co. Cavan	1962
3	Clare (Ennis) County Home	St. Joseph's Hospital, Co. Clare	1952
4	Cork County Home	County Home section of St. Finbarr's Hospital, Co. Cork	1960
5	Cork (Midleton) County Home	Our Lady of Lourdes Home, Co. Cork	1960
6	Cork (Clonakilty) County Home	Mount Carmel Home, Co. Cork	1965
7	Cork (Fermoy) County Home	St. Patrick's Hospital Fermoy, Co. Cork	1969
8	Donegal (Stranorlar) County Home	St. Joseph's Stranorlar, Co. Donegal	1964
9	Galway (Loughrea) County Home	St. Brendan's Home, Loughrea	1964
10	Kerry (Killarney) County Home	St. Columbanus House, Killarney	1963
11	Kildare (Athy) County Home	St. Vincent's Hospital, Athy	1969
12	Kilkenny (Thomastown) County Home	St. Columba's County Home	1966
13	Laois (Mountmellick) County Home	St. Vincent's Hospital	1969
14	Leitrim (Carrick on Shannon) County Home	St. Patrick's Home	1951
15	Limerick (Newcastlewest) County Home	St. Ita's Home	1965
16	Limerick (City) County Home	St. Camillus Hospital	1970
17	Longford County Home	St. Joseph's Hospital	1952
18	Mayo (Castlebar) County Home	Sacred Heart Home	1938
19	Meath (Trim) County Home	St. Joseph's Home, Trim	1964
20	Monaghan (Castleblaney) County Home	St. Mary's Hospital	1966
21	Offaly (Tullamore) County Home	St. Vincent's Hospital	1956
22	Roscommon County Home	Sacred Heart Home	1957
23	Sligo County Home	St. John's Hospital	1973

(1) Reference Number	(2) Name of Institution	(3) Alternative name by which or to which Institution specified in Column 2 known or referred	(4) Concluding year
24	North Tipperary (Thurles) County Home	Hospital of the Assumption/ Our Lady's Community Hospital of the Assumption	1955
25	South Tipperary (Cashel) County Home	St. Patrick's Hospital	1955
26	Waterford (Dungarvan) County Home	St. Joseph's Hospital	1970
27	Westmeath (Mullingar) County Home	St. Mary's Hospital	1955
28	Wexford (Enniscorthy) County Home	St. John's Hospital	1936
29	Wicklow (Rathdrum) County Home	St. Colman's, Rathdrum	1971
30	The Tuam Children's Home		1961
31	Sean Ross Abbey, Co. Tipperary		1969

PART 2

(1) Reference Number	(2) Name of Institution	(3) Concluding year
1	St. Patrick's/Pelletstown, Navan Road, Dublin 7	1998
2	Bessborough Mother and Baby Home, Cork, County Cork	1998
3	Manor House, Castlepollard, County Westmeath	1971
4	Árd Mhuire, Dunboyne, Co. Meath	1991
5	Bethany Home, Dublin	1971
6	Denny House, Dublin	1994
7	Miss Carr's Flatlets, Dublin	1998
8	The Regina Coeli Hostel, Dublin	1998
9	The Castle, Newtowncunningham, County Donegal	1998
10	The County Clare Nursery, Kilrush, County Clare	1932
11	Belmont Flatlets, Dublin	1998
12	St. Gerard's, Dublin	1939
13	St. Kevin's Institution (initially the Dublin Union), Dublin	1935

SCHEDULE 2

Section 18(1)

(1) Reference number	(2) Number of days resident in relevant institution	(3) General Payment (in euro)
1	Between 180 – 360 days	12,500
	Over 1 Year	
2	361 – 450 days inclusive	15,000
3	451 – 540 days inclusive	16,250
4	541 – 630 days inclusive	17,500
5	631 – 720 days inclusive	18,750
	Over 2 Years	
6	721 – 810 days	20,000
7	811 – 900 days	21,250
8	901 – 990 days	22,500
9	991 – 1080 days	23,750
	Over 3 Years	
10	1081 – 1170 days	25,000
11	1171 – 1260 days	26,250
12	1261 – 1350 days	27,500
13	1351 – 1440 days	28,750
	Over 4 Years	
14	1441 – 1530 days	30,000
15	1531 – 1620 days	32,500
16	1621 – 1710 days	35,000
17	1711 – 1800 days	37,500
	Over 5 Years	
18	1801 – 1890 days	40,000
19	1891 – 1980 days	41,250
20	1981 – 2070 days	42,500
21	2071 – 2160 days	43,750
	Over 6 Years	
22	2161 – 2250 days	45,000
23	2251 – 2340 days	46,250
24	2341 – 2430 days	47,500
25	2431 – 2520 days	48,750
	Over 7 Years	
26	2521 – 2610 days	50,000
27	2611 – 2700 days	51,250
28	2701 – 2790 days	52,500
29	2791 – 2880 days	53,750
	Over 8 Years	
30	2881 – 2970 days	55,000
31	2971 – 3060 days	56,250
32	3061 – 3150 days	57,500
33	3151 – 3240 days	58,750
	Over 9 Years	
34	3241 – 3330 days	60,000
35	3331 – 3420 days	61,250
36	3421 – 3510 days	62,500
37	3511 – 3600 days	63,750

(1) Reference number	(2) Number of days resident in relevant institution	(3) General Payment (in euro)
	Over 10 Years	
38	3601 days and upwards	65,000

SCHEDULE 3

Section 18(2) and *(3)*

(1) Reference number	**(2) Number of days resident in relevant institution**	**(3) General Payment (in euro)**	**(4) Work-related Payment (in euro)**	**(5) Total amount (in euro) of payment where person eligible for general payment and work-related payment**
1	Up to and including 89 days	5,000	0	5,000
2	Between 90 – 179 days	10,000	1,500	11,500
3	Between 180 – 360 days	12,500	3,000	15,500
	Over 1 Year			
4	361 – 450 days inclusive	15,000	6,000	21,000
5	451 – 540 days inclusive	16,250	7,500	23,750
6	541 – 630 days inclusive	17,500	9,000	26,500
7	631 – 720 days inclusive	18,750	10,500	29,250
	Over 2 Years			
8	721 – 810 days	20,000	12,000	32,000
9	811 – 900 days	21,250	13,500	34,750
10	901 – 990 days	22,500	15,000	37,500
11	991 – 1080 days	23,750	16,500	40,250
	Over 3 Years			
12	1081 – 1170 days	25,000	18,000	43,000
13	1171 – 1260 days	26,250	19,500	45,750
14	1261 – 1350 days	27,500	21,000	48,500
15	1351 – 1440 days	28,750	22,500	51,250
	Over 4 Years			
16	1441 – 1530 days	30,000	24,000	54,000
17	1531 – 1620 days	32,500	25,500	58,000
18	1621 – 1710 days	35,000	27,000	62,000
19	1711 – 1800 days	37,500	28,500	66,000
	Over 5 Years			
20	1801 – 1890 days	40,000	30,000	70,000
21	1891 – 1980 days	41,250	31,500	72,750
22	1981 – 2070 days	42,500	33,000	75,500
23	2071 – 2160 days	43,750	34,500	78,250
	Over 6 Years			
24	2161 – 2250 days	45,000	36,000	81,000
25	2251 – 2340 days	46,250	37,500	83,750
26	2341 – 2430 days	47,500	39,000	86,500
27	2431 – 2520 days	48,750	40,500	89,250
	Over 7 Years			

(1) Reference number	(2) Number of days resident in relevant institution	(3) General Payment (in euro)	(4) Work-related Payment (in euro)	(5) Total amount (in euro) of payment where person eligible for general payment and work-related payment
28	2521 – 2610 days	50,000	42,000	92,000
29	2611 – 2700 days	51,250	43,500	94,750
30	2701 – 2790 days	52,500	45,000	97,500
31	2791 – 2880 days	53,750	46,500	100,250
	Over 8 Years			
32	2881 – 2970 days	55,000	48,000	103,000
33	2971 – 3060 days	56,250	49,500	105,750
34	3061 – 3150 days	57,500	51,000	108,500
35	3151 – 3240 days	58,750	52,500	111,250
	Over 9 Years			
36	3241 – 3330 days	60,000	54,000	114,000
37	3331 – 3420 days	61,250	55,500	116,750
38	3421 – 3510 days	62,500	57,000	119,500
39	3511 – 3600 days	63,750	58,500	122,250
	Over 10 Years			
40	3601 days and upwards	65,000	60,000	125,000