



STATUTORY INSTRUMENTS.

S.I. No. 21 of 2014



RESIDENTIAL INSTITUTIONS STATUTORY FUND (APPEALS)
REGULATIONS 2014

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I, RUAIRÍ QUINN, Minister for Education and Skills, in exercise of the powers conferred on me by sections 4(1) and 22(4) of the Residential Institutions Statutory Fund Act 2012 (No. 35 of 2012), hereby make the following regulations:

Citation

1. These Regulations may be cited as the Residential Institutions Statutory Fund (Appeals) Regulations 2014.

Commencement

2. These Regulations come into operation on 29th January, 2014.

Definitions

3. In these Regulations—

“Act” means the Residential Institutions Statutory Fund Act 2012;

“appeal” means an appeal under section 22 of the Act;

“appeals officer” means a person appointed by the Minister under section 21 of the Act;

“appellant” means a person referred to in section 22(1) of the Act who may appeal a decision of a decision maker.

Notice of appeal

4. A notice of appeal shall be in given writing and accompanied by—

- (a) a copy of the decision furnished under section 20(8) of the Act in relation to the matter the subject of the appeal,
- (b) a statement of the facts and contentions upon which the appellant intends to rely,
- (c) such other documents as the appellant wishes to submit, and
- (d) a list of all documents referred to in paragraphs (a) to (c).

Consultation with Board

5. (1) The appeals officer, as soon as may be after receiving all documents referred to in Regulation 4, shall forward those documents to the chief executive.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 31st January, 2014.*

(2) The chief executive, within the period specified by the appeals officer or such other period as agreed by the appeals officer, shall furnish to the appeals officer the observations in writing of the decision maker relating to the grounds of appeal, which may include any information, document or item in the power or control of the decision maker that the decision maker considers is relevant.

(3) A copy of observations referred to in paragraph (2) shall be furnished to the appellant by the appeals officer as soon as practicable after they are furnished to him or her.

(4) The appellant, within the period specified by the appeals officer or such other period as agreed by the appeals officer, may reply in writing to those observations and a copy of any such reply shall be furnished by the appeals officer to the chief executive as soon as practicable after they are furnished to him or her.

Person concerned

6. Where the appeals officer has been given notice of an appeal he or she shall notify any other person he or she considers to be concerned in the matter the subject of the appeal.

Further information to be furnished and amendments

7. The appeals officer may—

- (a) at any time require the appellant, the chief executive, or any other person appearing to the appeals officer to be concerned, to furnish to him or her, in writing, further particulars regarding the appeal,
- (b) allow the amendment of any notice of appeal or statement of particulars at any stage of the proceedings,
- (c) fix the time for the furnishing of any such statement of particulars as he or she may think fit.

Determination without oral hearing

8. Where the appeals officer is of the opinion that a notice of appeal is of such a nature that it can properly be determined without an oral hearing, he or she may determine the appeal without such hearing.

Oral hearing

9. (1) Where in the opinion of the appeals officer, an oral hearing is required he or she, as soon as may be, shall fix a date and place for the hearing, and give reasonable notice of the said hearing to the appellant and the chief executive and any other person appearing to the appeals officer to be concerned in the matter the subject of the appeal.

(2) An appellant—

- (a) may attend an oral hearing relating to his or her appeal and may be accompanied by any member of his or her family, or, with the consent of the appeals officer, by any other person, or

- (b) with the consent of the appeals officer, may be represented at the oral hearing by any member of his or her family or by any other person.
- (3) A decision maker concerned may attend an oral hearing or, with the consent of the appeals officer, may be represented by another person.
- (4) A person appearing to the appeals officer to be concerned in the matter the subject of the oral hearing may attend the hearing or, with the consent of the appeals officer, may be represented by another person.
- (5) The procedure at an oral hearing shall be such as the appeals officer may determine.
- (6) An appeals officer may examine the appellant, the decision maker concerned, and a person appearing to the appeals officer to be concerned in the matter the subject of the oral hearing.
- (7) An appeals officer may postpone or adjourn the hearing as he or she may think fit.
- (8) An appeals officer may determine an appeal notwithstanding the failure of—
 - (a) one or more of the parties to the appeal to attend the oral hearing, or
 - (b) one or more of the parties to the appeal to comply with these Regulations.

Withdrawal of appeal

10. The appellant may withdraw his or her appeal by giving notice in writing of the withdrawal to the appeals officer.

Notice of determination

11. An appeals officer shall inform the decision maker and the appellant concerned in writing within the period of 14 days from the date of the determination of an appeal.

Giving of notice

12. (1) A notice or other document that is required to be given to a person under these Regulations shall be addressed to the person by name, and may be so given to the person in one of the following ways:

- (a) by sending it by ordinary prepaid post 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;
 - (b) by email or electronic transmission to the person's email address where the person has furnished that email address.
- (2) For the purpose of these Regulations, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered

office, and any other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.



GIVEN under my Official Seal,
28 January 2014.

RUAIRÍ QUINN,
Minister for Education and Skills.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation.)

These Regulations, which come into effect on 29th January, 2014, set out the procedures to be followed in appeals of decisions of the Residential Institutions Statutory Fund Board.

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