



Number 6 of 2022

Health (Miscellaneous Provisions) Act 2022



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HEALTH (MISCELLANEOUS PROVISIONS) ACT 2022

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Number 6 of 2022

HEALTH (MISCELLANEOUS PROVISIONS) ACT 2022

An Act to amend the Health Act 2004 to provide for the conferral of certain functions on the Minister for Children, Equality, Disability, Integration and Youth; to provide for consultation in certain matters between, and joint functions of, the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth; to provide for revised corporate governance and accountability arrangements of the Health Service Executive; to amend the Disability Act 2005; to amend the Health Act 2007; and to provide for related matters. [12th April, 2022]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Health (Miscellaneous Provisions) Act 2022.
- (2) This Act shall come into operation on such day or days as the Minister for Health, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—
 - “Act of 2005” means the Disability Act 2005;
 - “Act of 2007” means the Health Act 2007;
 - “Principal Act” means the Health Act 2004.

PART 2

AMENDMENT OF PRINCIPAL ACT

Amendment of section 2 of Principal Act

3. Section 2(1) of the Principal Act is amended, by the insertion of the following definitions:

“ ‘disability’ means disability as defined in section 2 of the Disability Act 2005 and the term ‘substantial restriction’ in that definition shall be construed as meaning a restriction as described in section 7(2) of that Act;

‘specialist community-based disability services’ means any health or personal social services, provided by or on behalf of the Executive under this Act or any other enactment, in the community to a person who has a disability, and so provided in relation to that disability, other than any such services provided—

- (a) under the Mental Health Acts 1945 to 2001, or
- (b) in a hospital;

‘specialist community-based disability services functions’ means the management and delivery, or arrangement of delivery on its behalf, by the Executive, of specialist community-based disability services;”.

Amendment of section 5 of Principal Act

4. Section 5 of the Principal Act is amended by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “incurred by the Minister”.

Amendment of section 7 of Principal Act

5. Section 7(4) of the Principal Act is amended—

- (a) in paragraph (b), by the deletion of “and” at the end of that paragraph,
- (b) in paragraph (c), by the substitution of “as the Minister may request, and” for “as the Minister may request.”, and
- (c) by the insertion of the following paragraph after paragraph (c):

“(d) provide advice to the Minister for Children, Equality, Disability, Integration and Youth in relation to its specialist community-based disability services functions as that Minister may request.”.

Amendment of section 10AA of Principal Act

6. Section 10AA of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “or section 10C(2)(c)” after “section 10(2)(c)”,
 - (b) in subsection (2), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth in so far as it relates to the performance of the Executive’s specialist community-based disability services functions” after “the Minister”,
 - (c) by the insertion of the following subsection after subsection (3):
 - “(3A) (a) The Minister for Children, Equality, Disability, Integration and Youth shall consult with the Minister for Public Expenditure and Reform before issuing a direction under section 10C(2)(c).
 - (b) Paragraph (a) shall not be construed to prevent the Minister for Children, Equality, Disability, Integration and Youth from consulting with any other person (including the Executive or another Minister of the Government) before issuing a direction under section 10C(2)(c).”
 - (d) in subsection (4), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth in the direction concerned under section 10C(2)(c)” after “section 10(2)(c)”,
 - (e) by the insertion of the following subsection after subsection (5):
 - “(5A) (a) Within one month after receiving a report under subsection (4), the Minister for Children, Equality, Disability, Integration and Youth shall—
 - (i) approve the report, or
 - (ii) if the Minister for Children, Equality, Disability, Integration and Youth is not satisfied with the report, issue a supplementary direction under section 10C(2)(c) in relation to revisions to be made to the report which, when complied with by the Executive, should, in the opinion of the Minister for Children, Equality, Disability, Integration and Youth, remedy the deficiencies in the report.
 - (b) Where paragraph (a)(ii) applies, section 10C(2)(c) and the other provisions of this section (including paragraph (a)) shall be construed with all necessary modifications to take account of the supplementary direction concerned under section 10C(2)(c).”
 - (f) in subsection (6)—
 - (i) by the insertion of “or subsection (5A)(a)(i)” after “subsection (5)(a)(i)”, and
 - (ii) by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as the case may be,” after “the Minister”,
- and

(g) in subsection (7)—

- (i) by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth in so far as it relates to the performance of the Executive’s specialist community-based disability services functions” after “The Minister”, and
- (ii) by the substitution of “either Minister” for “he or she”.

Directions from Minister for Children, Equality, Disability, Integration and Youth

7. The Principal Act is amended by the insertion of the following section after section 10B:

“10C. (1) The Minister for Children, Equality, Disability, Integration and Youth may, in relation to the performance by the Executive of its specialist community-based disability services functions, issue general written directions to the Executive or the Board—

- (a) for any purpose relating to this Act or any other enactment,
- (b) concerning any matter or thing referred to in this Act as specified or to be specified, or as determined or to be determined, by the Minister for Children, Equality, Disability, Integration and Youth, or
- (c) concerning the implementation of any policy or objective of the Minister for Children, Equality, Disability, Integration and Youth or the Government which relates to a specialist community-based disability service function of the Executive, where the Minister for Children, Equality, Disability, Integration and Youth is of the opinion that the Executive or the Board, as applicable, is not having sufficient regard to such policy or objective in the performance of its specialist community-based disability services functions.

(2) In addition, the Minister for Children, Equality, Disability, Integration and Youth may issue specific written directions to the Executive concerning the submission to him or her, in such manner and within such period as he or she may specify, of—

- (a) reports on any matter relating to Part 7 in so far as those reports relate to specialist community-based disability services or relating in any other way to the performance of the Executive’s specialist community-based disability services functions, even though such reports are the subject of a direction under subsection (1),
- (b) any information or statistics relating to the performance of the Executive’s specialist community-based disability services functions, or
- (c) subject to section 10AA(1) and (3), one or more than one health needs assessment (within the meaning of section 10AA(8)), in so far as such an assessment relates to specialist community-based

disability services, to be implemented by the Executive in the service plan prepared in accordance with section 31.

- (3) Subsections (1) and (2) are not to be taken to limit a power to issue directions conferred on the Minister for Children, Equality, Disability, Integration and Youth by any other provision of this Act.
- (4) The Minister for Children, Equality, Disability, Integration and Youth may, by written direction, amend or revoke any direction issued by him or her under this Act.
- (5) The Executive or the Board, as applicable, shall comply with a direction issued by the Minister for Children, Equality, Disability, Integration and Youth under this Act.
- (6) The Minister for Children, Equality, Disability, Integration and Youth shall ensure that, within 21 days after issuing a direction under subsection (1) or issuing a direction under subsection (4) amending or revoking a direction issued under subsection (1), a copy of the direction is laid before both Houses of the Oireachtas.
- (7) The chairperson shall inform the Minister for Children, Equality, Disability, Integration and Youth of the measures taken by the Executive or the Board, as applicable, to comply with a direction issued under this section and such information shall be furnished to the Minister for Children, Equality, Disability, Integration and Youth within such period as may be specified by him or her.”

Setting of priorities by Minister for Children, Equality, Disability, Integration and Youth

8. The Principal Act is amended by the insertion of the following section after section 10C:

- “10D.** (1) Subject to subsections (2) to (4), the Minister for Children, Equality, Disability, Integration and Youth may, in relation to the performance by the Executive of its specialist community-based disability services functions, specify—
- (a) priorities to which the Executive shall have regard in preparing its service plan under section 31 or amending its service plan under section 32, and
 - (b) specialist community-based disability services performance targets for the Executive in respect of such priorities.
- (2) The Minister for Children, Equality, Disability, Integration and Youth shall consult with the Executive before specifying priorities or performance targets under this section and, having so specified such priorities or targets, shall furnish details of these in writing to the Executive.

- (3) Before specifying priorities or performance targets under this section, the Minister for Children, Equality, Disability, Integration and Youth shall have regard to—
 - (a) best practice as respects the service the subject of the priority or performance target,
 - (b) outcomes for patients and recipients of services likely to be affected by the priority or performance target that the Minister for Children, Equality, Disability, Integration and Youth is considering specifying, and
 - (c) the effect that specifying the priority or performance target concerned would be likely to have on other services provided by or on behalf of the Executive.
- (4) In this section, ‘specialist community-based disability services performance targets’ means, as respects priorities specified under subsection (1), levels of performance by the Executive by which the effectiveness of the Executive in meeting such priorities can be measured by the Minister for Children, Equality, Disability, Integration and Youth.”.

Limitation as to exercise of powers under sections 10C and 10D

9. The Principal Act is amended by the insertion of the following section after section 10D:

- “**10E.** The Minister for Children, Equality, Disability, Integration and Youth shall not give a direction under section 10C, or specify a priority or performance target under section 10D, as respects—
- (a) any function of the Executive relating to the provision of treatment or a specialist community-based disability service to any particular person,
 - (b) any function of the Executive relating to a decision concerning—
 - (i) whether or not a particular person is eligible for a particular specialist community-based disability service (including the payment of a grant or allowance), or
 - (ii) the extent to which and the manner in which a person is eligible for any such service,
 - (c) any function of the Executive relating to a decision concerning the making or recovery of a charge for the provision of a specialist community-based disability service by or on behalf of the Executive to a particular person or concerning the amount of such charge, or
 - (d) any function of the Executive that has been specified in an enactment to be a function of the chief executive officer relating to functions referred to in paragraphs (a) to (c).”.

Amendment of section 16N of Principal Act**10.** Section 16N of the Principal Act is amended—

(a) in subsection (2)—

(i) in paragraph (a), by the substitution of “shall be appointed by the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” for “shall be appointed by the Minister”,

(ii) by the substitution of the following paragraph for paragraph (b):

“(b) At least 2 of the persons appointed under paragraph (a) shall be persons who, in the opinion of the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, have experience of, or expertise in, advocacy in relation to matters affecting patients or recipients of services from or on behalf of the Executive.”,

and

(iii) in paragraph (d), by the substitution of “in the opinion of the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” for “in the opinion of the Minister.”,

(b) in subsection (3), by the substitution of “The Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, shall” for “The Minister shall”,

(c) in subsection (4), by the substitution of “as the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, shall determine” for “as the Minister shall determine”,

(d) in subsection (5), by the substitution of “as the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, shall determine” for “as the Minister shall determine”,

(e) in subsection (6), by the substitution of “as the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, shall determine” for “as the Minister shall determine”,

(f) in subsection (10), by the substitution of “sent to the Minister and notified to the Minister for Children, Equality, Disability, Integration and Youth” for “sent to the Minister”, and

(g) in subsection (11), by the substitution of “The Minister, after notifying the Minister for Children, Equality, Disability, Integration and Youth, shall” for “The Minister shall”.

Amendment of section 16O of Principal Act**11.** Section 16O of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”, and
- (b) in subsection (2), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”.

Amendment of section 16P of Principal Act**12.** Section 16P of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (3):

“(3) The Board is accountable—

- (a) to the Minister for the performance of its functions under subsections (1) and (2), other than in so far as those functions relate to specialist community-based disability services functions under those subsections, and
- (b) to the Minister for Children, Equality, Disability, Integration and Youth for the performance of its functions under subsections (1) and (2) in so far as those functions relate to the performance by the Executive of its specialist community-based disability services functions under those subsections.”,

- (b) by the substitution of the following subsection for subsection (6):

“(6) (a) The Board shall notify the Minister in writing of any delegation made under subsection (4) and of any revocation of such delegation other than the extent to which any delegation relates to a specialist community-based disability services function of the Executive.

- (b) The Board shall notify the Minister for Children, Equality, Disability, Integration and Youth of any delegation made under subsection (4) and of any revocation of such delegation to the extent to which the delegation relates to a specialist community-based disability services function of the Executive.”,

and

- (c) by the substitution of the following subsection for subsection (7):

“(7) The Board shall inform the Minister or the Minister for Children, Equality, Disability, Integration and Youth in writing of any matter that it considers requires the attention of the Minister concerned.”.

Amendment of section 16R of Principal Act**13.** Section 16R of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister” where it first occurs, and

- (b) in subsection (3), by the substitution of “demonstrates to the satisfaction of the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” for “demonstrates to the Minister’s satisfaction”.

Amendment of section 16S of Principal Act**14.** Section 16S of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister” where it first occurs,
 - (ii) in paragraph (c), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth in so far as (in the case of that last-mentioned Minister) such a direction relates to the performance by the Executive of its specialist community-based disability services functions” after “the Minister”, and
 - (iii) in paragraph (d), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,
- and
- (b) in subsection (2)—
 - (i) by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “The Minister”, and
 - (ii) in paragraph (b), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 16U of Principal Act

- 15.** Section 16U(1) of the Principal Act is amended by the substitution of “The Minister, may, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, and with the consent of the Minister for Public Expenditure and Reform” for “The Minister may, with the consent of the Minister for Public Expenditure and Reform”.

Amendment of section 21A of Principal Act

- 16.** Section 21A(3) of the Principal Act is amended by the substitution of “with the approval of the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, given with the consent of the Minister for Public Expenditure and Reform” for “with the approval of the Minister given with the consent of the Minister for Public Expenditure and Reform”.

Amendment of section 21C of Principal Act

- 17.** Section 21C(1) of the Principal Act is amended by the substitution of the following

paragraph for paragraph (d):

“(d) assist and provide the accounting officer of the Department of Health and, in respect of the specialist community-based disability services functions of the Executive, the accounting officer of the Department of Children, Equality, Disability, Integration and Youth (other than, in either case, for the purposes referred to in section 40G) with such information (including financial information and records) relating to the functions of the accounting officer concerned within such period as the accounting officer concerned may require.”.

Amendment of section 22 of Principal Act

18. Section 22(4) of the Principal Act is amended by the substitution of “with the approval of the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, given with the consent of” for “the Minister given with the consent of”.

Amendment of section 23 of Principal Act

19. Section 23 of the Principal Act is amended—

- (a) in subsection (4), by the substitution of “the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, with the consent of” for “the Minister with the consent of”, and
- (b) in subsection (5), by the substitution of “the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, with the consent of” for “the Minister with the consent of”.

Amendment of section 28 of Principal Act

20. Section 28(1) of the Principal Act is amended—

- (a) in the definition of “approved capital plan”, by the insertion of “and, in respect of any specialist community-based disability services, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (b) in the definition of “approved corporate plan”, by the insertion of “and, in respect of any specialist community-based disability services, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (c) by the substitution of the following definition for the definition of “approved service plan”:

“ ‘approved service plan’ means—

- (a) a service plan approved by the Minister and, in respect of any specialist community-based disability services, the Minister for Children, Equality, Disability, Integration and Youth, under section 31, or

- (b) an amended service plan that is approved or deemed to have been approved by the Minister and, in respect of any specialist community-based disability services, the Minister for Children, Equality, Disability, Integration and Youth, under section 32;”,

and

- (d) by the substitution of the following definitions for the definition of “section 30A(1) determination”:

“ ‘section 30A(1) determination’ means a determination made by the Minister under section 30A(1);

‘section 30B(1) determination’ means a determination made by the Minister for Children, Equality, Disability, Integration and Youth under section 30B(1).”.

Amendment of section 29 of Principal Act

21. Section 29 of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “, and the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,
- (b) in subsection (3), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,
- (c) by the substitution of the following subsections for subsections (5) and (6):

“(5) Within 3 months after receiving a corporate plan, after consultation between the Minister and the Minister for Children, Equality, Disability, Integration and Youth—

- (a) (i) the Minister shall, other than in so far as the plan relates to the performance by the Executive of specialist community-based disability functions, approve the plan, and
- (ii) the Minister for Children, Equality, Disability, Integration and Youth shall, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, approve the plan,

or

- (b) if the plan is not amended in accordance with any directions that may be issued by the Minister or, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth—
 - (i) the Minister shall, in relation to that part of the plan referred to in paragraph (a)(i), refuse to approve the plan, and

- (ii) the Minister for Children, Equality, Disability, Integration and Youth shall, in relation to that part of the plan referred to in paragraph (a)(ii), refuse to approve the plan.
- (6) An approved corporate plan may, after consultation between the Minister and the Minister for Children, Equality, Disability, Integration and Youth, be amended by the Minister or, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth at any time or may be amended by the Executive, but in the latter case only after—
- (a) the Executive submits for approval the proposed amendment to the Minister or, in so far as the proposed amendment relates to the performance of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, and
 - (b) the amendment is approved by, as appropriate—
 - (i) the Minister after consultation with the Minister for Children, Equality, Disability, Integration and Youth, or
 - (ii) the Minister for Children, Equality, Disability, Integration and Youth after consultation with the Minister.”.

Amendment of section 30 of Principal Act

22. Section 30 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) The Minister shall ensure that a copy of an approved corporate plan is laid before both Houses of the Oireachtas—

- (a) within 21 days after the plan is approved by the Minister and the Minister for Children, Equality, Disability, Integration and Youth, and
- (b) if the plan is amended under section 29(6) after being approved by the Minister and the Minister for Children, Equality, Disability, Integration and Youth, within 21 days after—
 - (i) in the case of an amendment made by the Minister or, in so far as the amendment relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, the making of the amendment, or
 - (ii) in the case of an amendment made by the Executive, the amendment is approved by the Minister or, in so far as the amendment relates to the performance by the Executive of its specialist community-based disability services functions, the

Minister for Children, Equality, Disability, Integration and Youth.”,

(b) in subsection (3)—

- (i) by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister” where it first occurs in that subsection, and
- (ii) in paragraph (b), “or, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,

and

(c) by the substitution of the following subsection for subsection (4):

- “(4) During the specified period, the Freedom of Information Acts 1997 and 2003 do not apply to a record containing—
- (a) a corporate plan, or an amendment to such plan, that has not been approved by the Minister and the Minister for Children, Equality, Disability, Integration and Youth,
 - (b) a preliminary or other draft of all or part of the contents of a corporate plan or of an amendment to a corporate plan, or
 - (c) the unamended version of a corporate plan that is approved after being amended in accordance with a direction of the Minister or the Minister for Children, Equality, Disability, Integration and Youth.”.

Amendment of section 30A of Principal Act

23. Section 30A(1) of the Principal Act is amended by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”.

Minister for Children, Equality, Disability, Integration and Youth to determine net non-capital expenditure of Executive

24. The Principal Act is amended by the insertion of the following section after section 30A:

- “30B.** (1) Subject to subsections (5) and (6), the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister, shall determine the maximum amount of net non-capital expenditure that may be incurred by the Executive in so far as it relates to the performance by the Executive of its specialist community-based disability services functions for—
- (a) a financial year of the Executive, or

- (b) if the Minister for Children, Equality, Disability, Integration and Youth considers it appropriate to do so in any particular case, such part of a financial year of the Executive as may be specified in the relevant notification under this section.
- (2) The Minister for Children, Equality, Disability, Integration and Youth shall notify the Executive in writing of a section 30B(1) determination—
 - (a) if the period to which the determination relates is a financial year of the Executive or runs from the beginning of such year, not later than 21 days after the publication by the Government of the Estimates for Public Services (within the meaning of section 17(1) (inserted by section 1 of the Ministers and Secretaries (Amendment) Act 2013) of the Ministers and Secretaries (Amendment) Act 2011) for that financial year, and
 - (b) in any other case, not later than 21 days after making the determination.
- (3)
 - (a) The Minister for Children, Equality, Disability, Integration and Youth may amend a section 30B(1) determination by varying the maximum amount of net non-capital expenditure that the Executive may incur in so far as it relates to the performance by the Executive of its specialist community-based disability services functions for the financial year or part of the financial year to which the determination relates.
 - (b) A section 30B(1) determination amended under paragraph (a) shall apply and have effect as so amended.
- (4) The Minister for Children, Equality, Disability, Integration and Youth shall notify the Executive in writing of the amendment made under subsection (3) to a section 30B(1) determination not later than 21 days after making the amendment.
- (5) The Minister for Children, Equality, Disability, Integration and Youth shall not, in making a section 30B(1) determination for a financial year, or part of a financial year, take into account the effect (if any) of section 33(3) for that financial year, or part of a financial year, as the case may be.”.

Amendment of section 31 of Principal Act

25. Section 31 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) Before the expiry of the specified period the Executive shall—

- (a) prepare, in accordance with this section, a service plan for the financial year or such other period as may be determined by the

Minister after consultation with the Minister for Children, Equality, Disability, Integration and Youth, and

- (b) adopt the plan so prepared and submit it to the Minister and the Minister for Children, Equality, Disability, Integration and Youth for approval.”,
- (b) by the substitution of the following subsection for subsection (2):
 - “(2) For the purpose of this section, the specified period is—
 - (a) the period ending 21 days after the Executive receives the section 30A(1) determination or section 30B(1) determination concerned, or
 - (b) such other period as the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, may allow.”,
 - (c) in subsection (3), by the substitution of “The Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” for “The Minister”,
 - (d) in subsection (4)—
 - (i) in paragraph (bb), by the insertion of “or the section 30B(1) determination” after “section 30A(1) determination”,
 - (ii) in paragraph (e), by the insertion of “or, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
 - (iii) in paragraph (f), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth under section 10C” after “the Minister”, and
 - (iv) in paragraph (g), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
 - (e) in subsection (5)(b), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth under section 10C” after “the Minister”,
 - (f) by the substitution of the following subsection for subsection (6):
 - “(6) If the Executive fails to submit a service plan to the Minister and the Minister for Children, Equality, Disability, Integration and Youth before the expiry of the specified period, the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, may, in writing, issue a direction, directing the Executive to prepare and submit a service plan to each such Minister not later than—

- (a) 10 days after the date on which the Minister issues the direction to the Executive, or
 - (b) such earlier date as may be specified in the direction.”,
- (g) in subsection (6A)—
- (i) in paragraph (a)—
 - (I) by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister” where it first occurs, and
 - (II) by the substitution of “each such Minister” for “him or her”,and
 - (ii) in paragraph (b), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (h) in subsection (7), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (i) by the substitution of the following subsection for subsection (8)—
- “(8) Not later than 21 days after receiving a service plan under this section, and after consultation between the Minister and the Minister for Children, Equality, Disability, Integration and Youth, the Minister and, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth shall—
- (a) approve the service plan in the form in which it was submitted,
 - (b) approve the service plan with such amendments, having consulted with the Executive, and as appropriate—
 - (i) the Minister, having consulted with the Minister for Children, Equality, Disability, Integration and Youth may determine, or
 - (ii) the Minister for Children, Equality, Disability, Integration and Youth having consulted with the Minister for Health, may determine,
- or
- (c) issue a direction to the Executive under subsection (9) to amend the plan.”,
- (j) in subsection (9)—
- (i) by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth or, in so far as the service plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children,

Equality, Disability, Integration and Youth, after consultation with the Minister,” after “The Minister”,

- (ii) by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate,” after “the Minister” where it first occurs, and
- (iii) in paragraph (d), by the insertion of “, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (k) in subsection (10), by the insertion of “or, in so far as the service plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “The Minister”, and
- (l) by the substitution of the following subsection for subsection (13):

“(13) The Minister shall ensure that a copy of an approved service plan is laid before both Houses of the Oireachtas within 21 days after the plan is approved by the Minister and the Minister for Children, Equality, Disability, Integration and Youth.”.

Amendment of section 32 of Principal Act

26. Section 32 of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth or, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister,” after “the Minister”,
- (b) in subsection (1A)—
 - (i) by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth or, in so far as the service plan relates to the performance by the Executive of its specialist community-based disability services functions, after amending a section 30B(1) determination, the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister,” after “the Minister” where it first occurs, and
 - (ii) in paragraph (a), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate,” after “the Minister”,
- (c) in subsection (3), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (d) in subsection (5), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, or the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister, as appropriate,” after “the Minister”,

(e) by the substitution of the following subsection for subsection (6)—

“(6) Unless the direction or notification relating to an amended service plan is issued by the Minister or the Minister for Children, Equality, Disability, Integration and Youth within the period specified in subsection (5), the amended service plan is deemed to have been approved by the Minister and the Minister for Children, Equality, Disability, Integration and Youth, immediately before the end of that period.”,

(f) in subsection (7)—

(i) by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister” where it first occurs, and

(ii) by the insertion of “after consultation with the Minister for Children, Equality, Disability, Integration and Youth or the Minister for Children, Equality, Disability, Integration and Youth after consultation with the Minister, as appropriate” after “the Minister”,

and

(g) in subsection (8), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “approved by the Minister”.

Amendment of section 33 of Principal Act

27. Section 33 of the Principal Act is amended—

(a) in subsection (1)(b), by the insertion of “or section 30B(1) determination” after “section 30A(1) determination”,

(b) in subsection (2), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth or, in so far as the plan relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister,” after “The Minister”, and

(c) in subsection (3)—

(i) in paragraph (a), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate,” after “the Minister”,

(ii) in paragraph (b)—

(I) by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate,” after “by the Minister”, and

(II) by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate,” after “approval of the Minister”.

Amendment of section 33A of Principal Act

28. Section 33A of the Principal Act is amended—

- (a) by the designation of that section as subsection (1), and
- (b) by the insertion of the following subsection:

“(2) On and from the commencement of *section 28* of the *Health (Miscellaneous Provisions) Act 2022*, the Minister for Children, Equality, Disability, Integration and Youth shall, with the consent of the Minister for Public Expenditure and Reform and in so far as it relates to the performance by the Executive of its specialist community-based disability services functions, out of moneys provided by the Oireachtas, make grants to the Executive.”.

Amendment of section 33B of Principal Act

29. Section 33B of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “The Minister”, and
 - (ii) in paragraph (a), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth and, in so far as the funding relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister,” after “that the Minister”,
- (b) in subsection (2)—
 - (i) by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister” where it first and secondly occurs, and
 - (ii) in paragraph (a), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (c) in subsection (3)—
 - (i) by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister” where it first occurs, and
 - (ii) in paragraphs (a) and (b), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (d) by the substitution of the following subsection for subsection (5):

“(5) Notwithstanding any other provision of this section, the Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth or, in so far as the capital plan relates to the performance by the Executive of its specialist community-based

disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister, may at any time direct in writing the Executive to submit to the Minister and the Minister for Children, Equality, Disability, Integration and Youth for approval a capital plan prepared in such form, containing such information and covering such part of a financial year as may be specified by the Minister or the Minister for Children, Equality, Disability, Integration and Youth in such direction.”,

- (e) in subsection (6), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (f) in subsection (7), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth or, in so far as the amendment relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, after consultation with the Minister” after “the Minister”, and
- (g) in subsection (8), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth after consultation between such Ministers” after “the Minister”.

Amendment of section 34A of Principal Act

30. Section 34A of the Principal Act is amended—

- (a) in subsection (1)(a), by the insertion of “or section 30B(1) determination” after “section 30A(1) determination”, and
- (b) in subsection (2), by the insertion of “or, in so far as the action or proposed action relates to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 35 of Principal Act

31. Section 35 of the Principal Act is amended—

- (a) in subsection (2), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”, and
- (b) in subsection (3), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth under section 10C” after “section 10”.

Amendment of section 36 of Principal Act

32. Section 36 of the Principal Act is amended—

- (a) in subsection (2), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,

- (b) in subsection (3), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,
- (c) in subsection (5)(b), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”, and
- (d) by the substitution of the following subsection for subsection (7):

“(7) The Executive shall immediately transmit a copy of the audited annual financial statements together with the Comptroller and Auditor General’s report to the Minister and the Minister for Children, Equality, Disability, Integration and Youth and the Minister shall ensure that a copy of each is laid before both Houses of the Oireachtas as soon as practicable.”.

Amendment of section 37 of Principal Act

33. Section 37 of the Principal Act is amended—

- (a) in subsection (2), by the substitution of the following paragraph for paragraph (g):

“(g) such other information as the Executive considers appropriate or as the Minister or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, may specify.”,

and

- (b) in subsection (3), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 38 of Principal Act

34. Section 38 of the Principal Act is amended—

- (a) in subsection (1), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth under section 10C” after “section 10”,
- (b) in subsection (3)(a), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (c) in subsection (5), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister” in both places where it occurs, and
- (d) by the substitution of the following subsection for subsection (9):

“(9) At the request of the Minister or the Minister for Children, Equality, Disability, Integration and Youth, the Executive shall supply the Minister or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, with any information obtained in response to a request made under subsection (7).”.

Amendment of section 39 of Principal Act

35. Section 39(1) of the Principal Act is amended, by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth under section 10C” after “section 10”.

Duty of Executive to furnish information

36. The Principal Act is amended by the substitution of the following section for section 40B:

“40B. (1) The Executive shall—

- (a) monitor and keep under review occurrences and developments concerning matters relating to its object and functions,
- (b) without delay, furnish the Minister or, in relation to its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, with information regarding—
 - (i) any such occurrence or development that, in the opinion of the Executive, either Minister is likely to consider significant for the performance of his or her functions as appropriate (whether under this Act or otherwise), or
 - (ii) any other occurrence or development that falls within a class of occurrences or developments of public interest or concern that has been specified in writing by either Minister.
- (2) The Minister or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, may issue guidelines in relation to the furnishing of information under subsection (1), and if either such Minister does so, the Executive shall comply with those guidelines.”.

Amendment of section 40C of Principal Act

37. Section 40C of the Principal Act is amended—

- (a) by the insertion of the following subsection after subsection (1):

“(1A) The Minister for Children, Equality, Disability, Integration and Youth, in relation to the performance by the Executive of its specialist community-based disability services functions, may, where he or she considers it necessary in the public interest to do so for the performance of his or her functions (whether under this Act or otherwise), require the Executive to furnish him or her with such information or documents as he or she may specify that are in the Executive’s procurement, possession or control, and the Executive shall do so within any period that that Minister may specify and, in any event, without delay.”,

- (b) in subsection (2), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”,
- (c) in subsection (3), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”, and
- (d) in subsection (4)(a), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 40D of Principal Act

- 38.** Section 40D of the Principal Act is amended by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister” in each place where it occurs.

Amendment of section 40E of Principal Act

- 39.** Section 40E(1) of the Principal Act is amended by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 40F of Principal Act

- 40.** The Principal Act is amended by the substitution of the following section for section 40F:

“**40F.** Nothing in this Part is to be taken to limit any power of the Minister or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth, to require information from or issue directions to the Executive (whether under this Act or otherwise), or to affect, except to the extent required by this Part, the functions of the Executive, the Minister or the Minister for Children, Equality, Disability, Integration and Youth.”.

Amendment of section 40H of Principal Act

- 41.** Section 40H of the Principal Act is amended by the substitution of the following subsection for subsection (4):

“(4) The Board shall designate one of the persons appointed pursuant to subsection (2) to be the chairperson of the audit committee.”.

Amendment of section 40I of Principal Act

42. Section 40I of the Principal Act is amended—

- (a) in subsection (1)(c), by the substitution of “, the Minister and the Minister for Children, Equality, Disability, Integration and Youth” for “and the Minister”, and
- (b) in subsection (2)(c), by the insertion of “and the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 41 of Principal Act

43. Section 41 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) The Minister, after consultation with the Minister for Children, Equality, Disability, Integration and Youth, may convene, at such time as the Minister may determine, a National Health Consultative Forum to advise the Minister or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate, on matters relating to the provision of health and personal social services.”,

and

- (b) in subsection (2), by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “The Minister”.

Amendment of section 44 of Principal Act

44. Section 44 of the Principal Act is amended—

- (a) in subsection (1)—

- (i) by the insertion of “or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,
- (ii) in paragraph (a), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based services functions, the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”, and
- (iii) in paragraph (b), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based services functions, the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”,

and

- (b) in subsection (2), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based services functions, the Minister for Children, Equality, Disability, Integration and Youth,” after “The Minister”.

Amendment of section 53 of Principal Act

45. Section 53(1) of the Principal Act is amended by the insertion of “, after consultation with the Minister for Children, Equality, Disability, Integration and Youth,” after “The Minister”.

Amendment of section 78 of Principal Act

46. Section 78 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(4) Subject to *section 64* of the *Health (Miscellaneous Provisions) Act 2022*, the Government may by order, on the request of the Minister or the Minister for Children, Equality, Disability, Integration and Youth, make provision in relation to the processes and procedures by which the functions of the Minister or the Minister for Children, Equality, Disability, Integration and Youth are performed under this Act or transferred (whether before or after the commencement of *section 46* of the *Health (Miscellaneous Provisions) Act 2022*) by an order under section 6(1) of the Ministers and Secretaries (Amendment) Act 1939.”.

Amendment of section 80 of Principal Act

47. Section 80 of the Principal Act is amended by the insertion of the following subsection after subsection (3):

“(4) Every order under subsection (4) of section 78 shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next 21 days on which that House sits after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.”.

Amendment of Schedule 2 to Principal Act

48. Schedule 2 to the Principal Act is amended, in paragraph 2B(1), by the substitution of “7 members” for “7 ordinary members”.

PART 3

AMENDMENT OF DISABILITY ACT 2005

Amendment of section 31 of Act of 2005

49. Section 31(1) of the Act of 2005 is amended by the insertion of the following paragraph after paragraph (f):

“(g) the Minister for Children, Equality, Disability, Integration and Youth.”.

Amendment of section 32 of Act of 2005

50. Section 32(1) of the Act of 2005 is amended by the deletion of paragraphs (c) and (d).

Sectoral plan of Minister for Children, Equality, Disability, Integration and Youth

51. The Act of 2005 is amended by the insertion of the following section after section 32:

“32A. (1) A sectoral plan prepared by the Minister for Children, Equality, Disability, Integration and Youth (‘the Minister’) shall contain information concerning—

- (a) specialist community-based disability services,
- (b) the proposed arrangements for the implementation of Part 2,
- (c) arrangements for cooperation by the Executive with housing authorities in relation to the development and co-ordination of the services provided by housing authorities for persons with disabilities, and
- (d) such other matters (if any) as the Minister considers appropriate.

(2) A plan referred to in subsection (1) shall provide for appropriate co-operation by the Minister with the Minister for Health, the Minister for Social Protection and the Minister for Enterprise, Trade and Employment (‘the three Ministers’) in relation to the development and co-ordination of services provided by the three Ministers for persons with disabilities and related to the services referred to in subsection (1).

(3) In this section, ‘specialist community-based disability services’ has the same meaning as it has in the Health Act 2004.”.

PART 4

AMENDMENT OF HEALTH ACT 2007

Amendment of section 2 of Act of 2007

52. Section 2(1) of the Act of 2007 is amended by the insertion of the following definition:

“ ‘specialist community-based disability services functions’ has the same meaning as it has in the Health Act 2004;”.

Amendment of section 9 of Act of 2007

53. Section 9 of the Act of 2007 is amended by the substitution of the following subsection for subsection (2A):

“(2A) The Minister for Children, Equality, Disability, Integration and Youth may, if he or she believes on reasonable grounds that—

(a) there is a serious risk of the kind mentioned in paragraph (a)(i) of subsection (1), and

(b) (i) the risk may be the result of any act, failure or negligence mentioned in paragraph (b)(ii), (iv), (vi) or (viii) of subsection (1), or

(ii) the risk may be the result of any act, failure or negligence mentioned in paragraph (b)(i), (iii), (v) or (vii) of subsection (1) in so far as such act, failure or negligence relates to the performance by the Executive of its specialist community-based disability services functions,

require the Authority to undertake an investigation in accordance with this section.”.

Amendment of section 98 of Act of 2007

54. Section 98 of the Act of 2007 is amended—

(a) by the substitution of the following subsections for subsection (1):

“(1) The Minister, after such consultation with the Minister for Children, Equality, Disability, Integration and Youth as may be appropriate, may, subject to subsection (1A), make regulations (other than in respect of matters to which subsection (1A) relates) that the Minister considers necessary or expedient for purposes under this Act.

(1A) The Minister for Children, Equality, Disability, Integration and Youth, in relation to the performance by the Executive of its specialist community-based disability services functions, after such consultation with the Minister as may be appropriate, may make regulations that

the Minister for Children, Equality, Disability, Integration and Youth considers necessary or expedient for purposes under this Act.”,

- (b) in subsection (2), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth,” after “the Minister”, and
- (c) in subsection (3), by the insertion of “or the Minister for Children, Equality, Disability, Integration and Youth, as appropriate,” after “the Minister”.

Regulations governing registration under this Act

55. The Act of 2007 is amended by the substitution of the following section for section 99:

“99. (1) Without limiting the generality of section 98, the Minister, after such consultation with the Minister for Children, Equality, Disability, Integration and Youth as may be appropriate, may, subject to subsection (2), make regulations (other than in respect of matters to which subsection (2) relates) governing the registration of persons under this Act in respect of designated centres, including but not limited to regulations—

- (a) respecting the making of applications for registration,
- (b) prescribing the contents of certificates of registration,
- (c) respecting the giving of notice by a registered provider, in respect of a designated centre, of any intended change in the identity of the person carrying on or managing the designated centre,
- (d) respecting the giving of notice by a registered provider, in respect of a designated centre which is carried on or managed by a body corporate, of changes in the ownership of the body corporate or the identity of its officers,
- (e) prescribing an annual fee payable by a registered provider at such a time as may be prescribed, and
- (f) prescribing the notice to be given by a registered provider of a designated centre of intention to cease to carry on its business and close the designated centre.

(2) The Minister for Children, Equality, Disability, Integration and Youth, in relation to the performance by the Executive of its specialist community-based disability services functions, after such consultation with the Minister as may be appropriate, may make regulations governing the registration of persons under this Act in respect of designated centres, including but not limited to regulations—

- (a) respecting the making of applications for registration,
- (b) prescribing the contents of certificates of registration,

- (c) respecting the giving of notice by a registered provider, in respect of a designated centre, of any intended change in the identity of the person carrying on or managing the designated centre,
- (d) respecting the giving of notice by a registered provider, in respect of a designated centre which is carried on or managed by a body corporate, of changes in the ownership of the body corporate or the identity of its officers,
- (e) prescribing an annual fee payable by a registered provider at such a time as may be prescribed, and
- (f) prescribing the notice to be given by a registered provider of a designated centre of intention to cease to carry on its business and close the designated centre.”.

Amendment of section 100 of Act of 2007

56. Section 100 of the Act of 2007 is amended—

- (a) by the insertion of “or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth after such consultation with the Minister as may be appropriate” after “as may be appropriate”, and
- (b) in paragraph (d), by the insertion of “or, in relation to the performance by the Executive of its specialist community-based disability services functions, the Minister for Children, Equality, Disability, Integration and Youth” after “the Minister”.

Amendment of section 101 of Act of 2007

57. Section 101 of the Act of 2007 is amended—

- (a) by the substitution of the following subsections for subsection (1):
 - “(1) Without limiting the generality of section 98, for the purpose of ensuring proper standards in relation to designated centres, the Minister (other than in respect of matters to which subsection (1A) relates)—
 - (a) shall make regulations as the Minister, after such consultation with the Minister for Children, Equality, Disability, Integration and Youth as may be appropriate, thinks appropriate, and
 - (b) may make different regulations for different purposes and for different categories of designated centres.
- (1A) For the purpose of ensuring proper standards in relation to designated centres, the Minister for Children, Equality, Disability, Integration and Youth, in relation to the performance by the Executive of its specialist community-based disability services functions—

- (a) shall make regulations as that Minister, after such consultation with the Minister as may be appropriate, thinks appropriate, and
- (b) may make different regulations for different purposes and for different categories of designated centres.”,

and

- (b) in subsection (2), by the insertion of “or (1A)” after “subsection (1)”.

Amendment of section 102 of Act of 2007

- 58.** Section 102 of the Act of 2007 is amended by the insertion of the following subsection after subsection (1):

“(1A) The Minister for Children, Equality, Disability, Integration and Youth shall ensure that every regulation made by him or her under this Act is laid before each House of the Oireachtas.”.

PART 5

MISCELLANEOUS

Definitions (*Part 5*)

- 59.** In this Part—

“health and personal social services” has the same meaning as it has in the Principal Act;

“specialist community-based disability services” has the same meaning as it has in the Principal Act;

“specialist community-based disability services functions” has the same meaning as it has in the Principal Act.

Administrative co-operation between Minister for Health and Minister for Children, Equality, Disability, Integration and Youth

- 60.** (1) The Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth may enter into one or more than one arrangement (whether in the form of a memorandum of understanding or otherwise) for the purposes of—
- (a) facilitating administrative efficiency and co-operation between the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth in the performance of their respective functions under the Principal Act, the Act of 2005 or the Act of 2007,
 - (b) facilitating administrative efficiency and co-operation between the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth in the delivery by the Health Service Executive of health and personal social

services, other than specialist community-based disability services, to persons in receipt of specialist community-based disability services,

- (c) avoiding duplication of activities by the Health Service Executive, and
 - (d) sharing information relevant to the employment of persons.
- (2) The parties to an arrangement under this section may vary the terms of the arrangement.
 - (3) An arrangement under this section, or any variation of such an arrangement, shall be in writing.
 - (4) An arrangement under this section shall not operate to bind the Minister for Health or the Minister for Children, Equality, Disability, Integration and Youth.
 - (5) An arrangement under this section shall not operate to require the Minister for Health or the Minister for Children, Equality, Disability, Integration and Youth to provide information to each other if the disclosure of that information by either Minister is prohibited by law.

Review process

- 61. (1) The Minister for Children, Equality, Disability, Integration and Youth, with the co-operation of the Minister for Health shall, not later than 3 years after the commencement of this section, carry out a review of the operation of the amendments to the Principal Act, the Act of 2005 and the Act of 2007 effected by this Act.
- (2) The review referred to in *subsection (1)* shall include—
 - (a) a review of information sharing and co-operation between the Minister for Health and the Minister for Children, Equality, Disability, Integration and Youth under the Acts referred to in *subsection (1)*, and
 - (b) an evaluation of the delivery and integration of specialist community-based disability services.

Purported performance of certain functions by Minister for Children, Equality, Disability, Integration and Youth

- 62. (1) A function (including a function consisting of the power to make a statutory instrument) of the Minister for Health under the Principal Act performed or purportedly performed by the Minister for Children, Equality, Disability, Integration and Youth, after the commencement of this section shall be deemed to have been validly performed by the Minister for Health if, at the time of the performance or purported performance of the function, the Minister for Children, Equality, Disability, Integration and Youth believed that the function vested in him or her by virtue of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act.
- (2) Where the Minister for Children, Equality, Disability, Integration and Youth performs or purports to perform a function of the Minister for Health under the Principal Act, it

shall, in any subsequent proceedings (whether civil or criminal), be presumed, unless the contrary is proved, that at the time of the performance or purported performance of the function the Minister for Children, Equality, Disability, Integration and Youth believed that the function vested in him or her by virtue of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act.

Purported performance of certain functions by Minister for Health

- 63.** (1) A function (including a function consisting of the power to make a statutory instrument) of the Minister for Children, Equality, Disability, Integration and Youth under the Principal Act performed or purportedly performed by the Minister for Health after the commencement of this section shall be deemed to have been validly performed by the Minister for Children, Equality, Disability, Integration and Youth if, at the time of the performance or purported performance of the function, the Minister for Health believed that the function vested in him or her by virtue of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act.
- (2) Where the Minister for Health performs or purports to perform a function of the Minister for Children, Equality, Disability, Integration and Youth under the Principal Act, it shall, in any subsequent proceedings (whether civil or criminal), be presumed, unless the contrary is proved, that at the time of the performance or purported performance of the function the Minister for Health believed that the function vested in him or her by virtue of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act.

Determination of dispute

- 64.** If any doubt, question or dispute arises—
- (a) in connection with the operation of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act, or
 - (b) as to the Minister of the Government in whom any particular function is vested by virtue of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act or transferred (whether before or after the coming into operation of this section) by an order under section 6(1) of the Ministers and Secretaries (Amendment) Act 1939,

such doubt, question or dispute may be determined by the Taoiseach.

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- 65.** Where, before the commencement of this section, the functions of the Minister for Health under the Principal Act, the Act of 2005 or the Act of 2007 included a function in relation to a specialist community-based disability services function, the Minister for Health shall cease to have any such function to the extent that that function has been conferred on the Minister for Children, Equality, Disability, Integration and Youth by virtue of the amendments to the Principal Act, the Act of 2005 or the Act of 2007 effected by this Act or transferred (whether before or after the coming into operation of this section) by an order under section 6(1) of the Ministers and Secretaries (Amendment) Act 1939.