



STATUTORY INSTRUMENTS.

S.I. No. 202 of 2023

ASSISTED DECISION-MAKING (CAPACITY) ACT 2015 (FEES)
REGULATIONS 2023

S.I. No. 202 of 2023

ASSISTED DECISION-MAKING (CAPACITY) ACT 2015 (FEES)
REGULATIONS 2023

I, RODERIC O'GORMAN, Minister for Children, Equality, Disability, Integration and Youth, in exercise of the powers conferred on me by section 4A (inserted by section 6 of the Assisted Decision-Making (Capacity) (Amendment) Act 2022 (No. 46 of 2022)) (the “Act of 2022”), paragraphs (c) and (d) of section 31 (inserted by section 28 of the Act of 2022), section 45(4) (amended by section 38 of the Act of 2022) and paragraphs (d) and (e) of section 79(2) (inserted by section 68 of the Act of 2022) of the Assisted Decision-Making (Capacity) Act 2015 (No. 64 of 2015), and having had regard to the requirements of Part 4, and having taken into account the matters specified in section 79(3) (inserted by section 68 of the Act of 2022), of the said Assisted Decision-Making (Capacity) Act 2015, hereby make the following regulations:

1. These Regulations may be cited as the Assisted Decision-Making (Capacity) Act 2015 (Fees) Regulations 2023.

2. Subject to Regulations 3 and 4, there shall be paid to the Director in respect of a matter specified in column (2) of Schedule 1 at any reference number a fee of the amount specified in column (3) of that Schedule opposite that reference number.

3. The Director may waive, either in whole or in part, a fee (other than the fee specified in column (3) of Schedule 1 opposite reference number 7) that would otherwise be payable to the Director under Regulation 2, and, if applicable, remit or refund the amount of a waived fee already paid, where –

- (a) the equivalised disposable household income, calculated in accordance with Schedule 2, of the person liable to pay the fee falls below the income threshold referred to in that Schedule, or
- (b) in a case where paragraph (a) does not apply, the Director nevertheless considers that the fee would place an unreasonable financial burden on the person liable to pay that fee.

4. The Director may waive, either in whole or in part, a fee specified in column (3) of Schedule 1 opposite reference number 8 or 10 that would otherwise be payable to the Director under Regulation 2, and, if applicable, remit or refund the amount of a waived fee already paid, where –

- (a) the donor of the enduring power of attorney concerned previously created an enduring power under the Act of 1996,

- (b) the enduring power under the Act of 1996 was not registered under section 10 of the Act of 1996,
- (c) the enduring power under the Act of 1996 was revoked before the making of the application for registration of the instrument creating the enduring power of attorney concerned under section 68 of the Assisted Decision-Making (Capacity) Act 2015 (No. 64 of 2015), and
- (d) a solicitor for the donor has provided confirmation of the matters referred to in paragraphs (a) to (c) in writing to the Director.

SCHEDULE 1

Regulations 2 to 4

(1)	(2) Matters in relation to which fees payable	(3) Amount of fee
1.	Application to register a co-decision-making agreement (<i>s.31(c)(i)</i>)	€90
2.	Application to register a varied co-decision-making agreement (<i>s.31(c)(i)</i>)	€90
3.	Objection to an application to register a co-decision-making agreement (<i>s.31(c)(ii)</i>)	€12
4.	Objection to an application to register a varied co-decision-making agreement (<i>s.31(c)(ii)</i>)	€12
5.	Issue of an authenticated copy of a co-decision-making agreement or part thereof (<i>s.31(c)(iii)</i>)	€15
6.	Notification to Director of revocation or revocation in part of a co-decision-making agreement (<i>s.31(c)(iv)</i>)	€0
7.	Issue of an authenticated copy of a decision-making representation order or part thereof or of any variations to a decision-making representation order or part thereof (<i>s.45(4)</i>)	€15
8.	Application to register an enduring power of attorney (<i>s.79(2)(d)(i)</i>)	€30
9.	Objection to an application to register an enduring power of attorney (<i>s.79(2)(d)(ii)</i>)	€12
10.	Notification to Director by attorney under section 71A (<i>s.79(2)(d)(iii)</i>)	€90
11.	Notification to Director under section 71B(1) of objection (<i>s.79(2)(d)(iv)</i>)	€12
12.	Issue of an authenticated copy of an enduring power of attorney or part thereof under section 72(4) (<i>s.79(2)(d)(v)</i>)	€15
13.	Variation of an enduring power of attorney (<i>s.79(2)(d)(vi)</i>)	€30
14.	Revocation of an enduring power of attorney (<i>s.79(2)(d)(vii)</i>)	€0

SCHEDULE 2

Regulation 3

Income Threshold and Calculation of Equivalised Disposable Household Income

1. The income threshold referred to in Regulation 3(a) is the “at risk of poverty” threshold calculated by the Central Statistics Office and published in its “Survey on Income and Living Conditions” from time to time.
2. In order to calculate the equivalised disposable household income of the person liable to pay the fee, the total household income of that person is divided by the total household value.
3. Total household income includes:
 - (a) the net income of the applicant;
 - (b) the net income of the applicant’s civil partner, spouse or cohabitant.
4. Total household income does not include:
 - (a) the income of persons on whom the applicant is dependent.
5. Total household value is the sum of the following:
 - (a) 1.0 to the first adult;
 - (b) 0.66 to each subsequent person aged 14 and over;
 - (c) 0.33 to each child less than 14 years old.

GIVEN under my Official Seal,
26 April, 2023.

RODERIC O'GORMAN,
Minister for Children, Equality, Disability, Integration and
Youth.



BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach 6
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
MOUNTSHANNON ROAD,
KILMAINHAM, DUBLIN 8,
D08 XAO6

Tel: 046 942 3100
E-mail: publications@opw.ie

ISBN 978-1-3993-2353-6



9 781399 323536

€ 3.00