



STATUTORY INSTRUMENTS.

S.I. No. 704 of 2021

DISABILITY (ASSESSMENT OF NEEDS, SERVICE STATEMENTS AND
REDRESS) (AMENDMENT) REGULATIONS 2021

DISABILITY (ASSESSMENT OF NEEDS, SERVICE STATEMENTS AND REDRESS) (AMENDMENT) REGULATIONS 2021

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by section 21 of the Disability Act 2005, hereby make the following regulations:

1. These Regulations may be cited as the Disability (Assessment of Needs, Service Statements and Redress) (Amendment) Regulations 2021.

2. These Regulations shall come into operation on the date of the making of these Regulations.

3. In these Regulations “Principal Regulations” means the Disability (Assessment of Needs, Service Statements and Redress) Regulations 2007.

4. Regulation 3(1) of the Principal Regulations is hereby amended by the insertion of the following definition –

“‘relevant functional area’ means the functional area of the Executive within the meaning of section 67 of the Health Act 2004 in which the applicant resides;”

5. Regulation 4 of the Principal Regulations is hereby amended by the insertion of “, which form shall identify the relevant functional area to which the application form is to be sent” after “published for that purpose by the Executive”.

6. Regulation 5 of the Principal Regulations is hereby amended by the insertion of “in each relevant functional area” after “received by the Executive”.

7. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 5 –

“5A. For the purposes of Regulation 5 the processing of applications by the Executive means the receipt and recording of an application pursuant to section 9(1)(a) or (b) of the Act of 2005, together with the carrying out of all administrative steps required to be taken by the Executive pursuant to section 9 of the Act of 2005 up to the point that the Executive causes an assessment to be commenced.”

8. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 8 –

“8A. (1) Where the Executive causes an assessment of an applicant to be commenced, the Executive shall direct that the assessment is carried out within the relevant functional area.

(2) In exceptional circumstances, the Executive, in the exercise of its discretion, and where an applicant consents to that course of action, may direct that an assessment is carried out within a different functional area of the Executive.”

9. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 16 –

“Eligibility for services

16A. (1) An applicant shall be eligible to receive services under the Health Acts 1947 to 2004 in the relevant functional area.

(2) An applicant shall not be eligible to receive services under the Health Acts 1947 to 2004 outside the relevant functional area save for in exceptional circumstances, when the liaison officer may, at his or her discretion, consider whether such services should be delivered to the applicant outside the relevant functional area.”

10. The Principal Regulations are hereby amended by the insertion of the following Regulation after Regulation 19 –

“19A. (1) In arranging with the person or persons charged with delivering the services specified in the service statement, a liaison officer shall provide that services will be delivered to an applicant in the relevant functional area.

(2) In exceptional circumstances, the liaison officer in consultation with the Executive, in the exercise of their discretion, may with the consent of an applicant arrange for the delivery of services to the applicant outside the relevant functional area.”

GIVEN under my Official Seal,
13 December, 2021.

STEPHEN DONNELLY,
Minister for Health.

L.S.

EXPLANATORY NOTE

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

These regulations provide for consequential amendments to S.I. No. 263 of 2007 and will allow for the carrying out and management of applications for Assessments of Need by the HSE in chronological order based on the applicant's home address and will ensure that any assessment and interventions identified are provided as close as possible to the applicant's home address.

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