



STATUTORY INSTRUMENTS.

S.I. No. 89 of 2024



MOTHER AND BABY INSTITUTIONS PAYMENT SCHEME ACT 2023
(APPEALS) REGULATIONS 2024

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I, RODERIC O’GORMAN, Minister for Children, Equality, Disability, Integration and Youth, in exercise of the powers conferred on me by section 44 (2)(b) of the Mother and Baby Institutions Payment Scheme Act 2023 (No. 20 of 2023), hereby make the following Regulations:

Citation and commencement

1. (1) These Regulations may be cited as the Mother and Baby Institutions Payment Scheme Act 2023 (Appeals) Regulations 2024.

(2) These Regulations shall come into operation on 20 March 2024.

Interpretation

2. In these Regulations -

“Act of 2023” means the Mother and Baby Institutions Payment Scheme Act 2023;

“appeal” means an appeal under section 29 of the Act of 2023;

“appellant” means an applicant or a person to whom section 39(3) of the Act of 2023 applies, who makes an appeal;

Requesting an appeal

3. An appeal shall be made in the form set out in Schedule 1.

Assigning an appeal

4. The Chief Deciding Officer shall acknowledge receipt of an appeal without delay and not later than 21 days following receipt of the appeal.

Request for further information

5. (1) The Appeals Officer, where he or she may under section 29(5) of the Act of 2023 require further information or documentation from the appellant, shall state, in writing,

- (a) the information or documentation required;
- (b) in what manner the information or documentation should be provided which may include by written statement, affidavit or an oral submission by way of telephone or video call or in-person meeting;
- (c) the period within which the appellant should respond;

*Notice of the making of this Statutory Instrument was published in
"Iris Oifigiúil" of 8th March, 2024.*

(d) the effect of *section 40 (4)* of the Act of 2023.

(2) The Appeals Officer, where he or she may under section 29(6) of the Act of 2023 require further information from the Chief Deciding Officer, shall state, in writing:

- (a) the information required;
- (b) in what manner the information should be provided which may include by written statement, or an oral submission by way of telephone or video call or in-person meeting;
- (c) the period within which the Chief Deciding Officer should respond.

Summary appeals

6. Where an Appeals Officer is of the opinion that an appeal is of such a nature that it can be properly determined without a hearing, he or she may determine the appeal summarily.

Oral Hearings and attendance

7. (1) Where, in the opinion of an Appeals Officer, an oral hearing is required, he or she shall, as soon as practicable, fix a date and make arrangements for the hearing, whether that be in person or by telephone or video call and give reasonable notice of the date, means, venue and time to the appellant.

(2) An appellant may request an oral hearing and this request may be granted at the Appeals Officer's discretion.

(3) An appellant may represent himself or herself, or may, with the consent of the Appeals Officer, be accompanied or represented by another person at the oral hearing of his or her appeal.

(4) Notwithstanding that an appellant may be represented by another person at the oral hearing of his or her appeal, the Appeals Officer may make enquiries directly of the appellant as he or she deems appropriate.

(5) Any other person appearing to an Appeals Officer to be directly concerned may also attend the hearing.

(6) A party to an appeal may make a request, in writing, accompanied by relevant documentation, for an adjournment of a hearing citing the reasons for such a request.

(7) Where an Appeals Officer is satisfied that exceptional circumstances exist warranting the adjournment of the hearing, he or she may grant such a request.

(8) An Appeals Officer shall determine the procedure to be followed at an oral hearing.

(9) An Appeals Officer may postpone or adjourn an oral hearing as he or she may deem fit.

Failure to attend an oral hearing

8. (1) Where an appellant fails to appear at a hearing:
- (a) after notice of a hearing of an appeal has been given under Regulation 7(1), or
 - (b) a request for an adjournment has been made under Regulation 7(6) and has been refused by the Appeals Officer, the Appeals Officer may decide to proceed with the hearing and make a decision based on the evidence before him or her.

Outcome of an appeal

9. (1) Where an Appeals Officer considers that he or she is in receipt of sufficient information to enable him or her to make a decision, he or she shall make a decision within 21 days of the receipt of that information deemed sufficient.

(2) Notwithstanding that information is not received by the date specified by the Appeals Officer under Regulation 5, an Appeals Officer may proceed to make a decision in relation to the matter under appeal.

(3) Where an oral hearing has taken place, an Appeals Officer shall make a decision within 21 days of the oral hearing, subject to the Appeals Officer deeming the information to be sufficient at that stage or subject to Regulation 9(2).



GIVEN under my Official Seal,
6 March, 2024.

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

Schedule 1

Appeal Request Form – Mother and Baby Institutions Payment Scheme

About this form

This form is to be used to request an appeal where you are dissatisfied with the decision of the Chief Deciding Officer outlined in a Review Notice of Determination issued under Section 27 of the Mother and Baby Institutions Payment Scheme Act 2023.

- Please complete all mandatory fields marked with an *
- Please use **BLOCK CAPITALS**

1. Your Details

*Your name:

*Your address

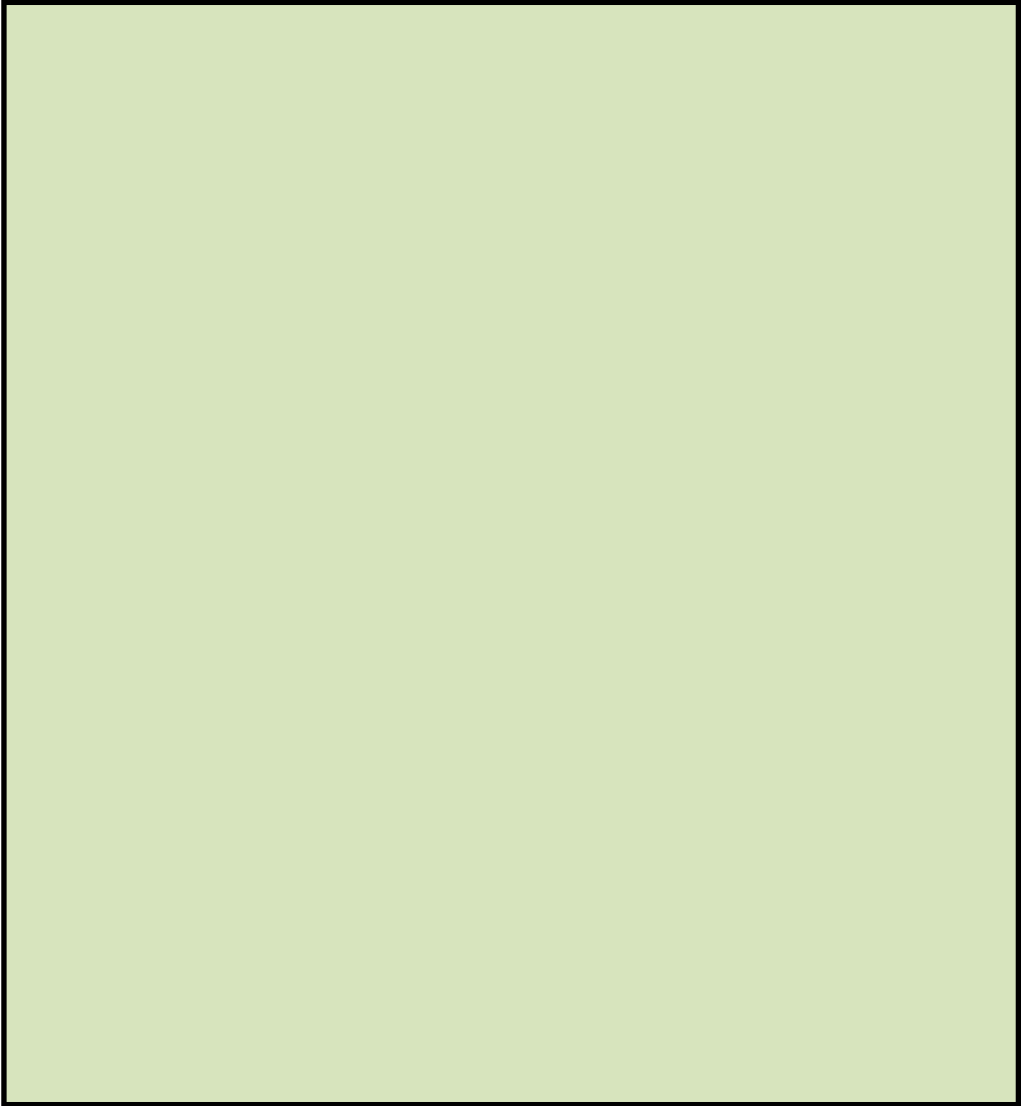
*Application Reference Number:

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

*Your Application Reference Number can be found on your Notice of Determination or the most recent correspondence from the Payment Scheme Office.

2. Reason(s) for Appeal

This section of the form should be used to explain the reasons why you would like to appeal the determination made following a review as per Section 29 of the Mother and Baby Institutions Payment Scheme Act 2023. Please note that the matter for appeal is limited to the decision of the review i.e. the appeal must be for the same reason which was the subject of the review. Please provide as much detail as you can so that the Appeals Officer can understand your reasons for appeal. If you need additional space please use page 4 of this form or add additional pages as required.



3. Supporting Documentation

You are not required to submit supporting documentation, however, where you do have documentation which would support your appeal we would ask that you attach a copy of these records. Please list the records you have attached in the space provided below (if you need to list more documents please use the space on page 4 of this form).

1	
2	
3	
4	

4. Confirmation of Request for Appeal

I hereby give notice that I wish to appeal the Chief Deciding Officer’s decision of ___/___/20__

My grounds for appeal are set out in Section 2 and the information provided by me is true and accurate.

Signed: _____

Print name: _____

Date: ___/___/20__

Where the applicant has a Co-Decision Making Agreement in place which covers arrangements under this Payment Scheme:

Signed: _____ (Co-Decision Maker)

Print name: _____

Date: ___/___/20__

5. Checklist

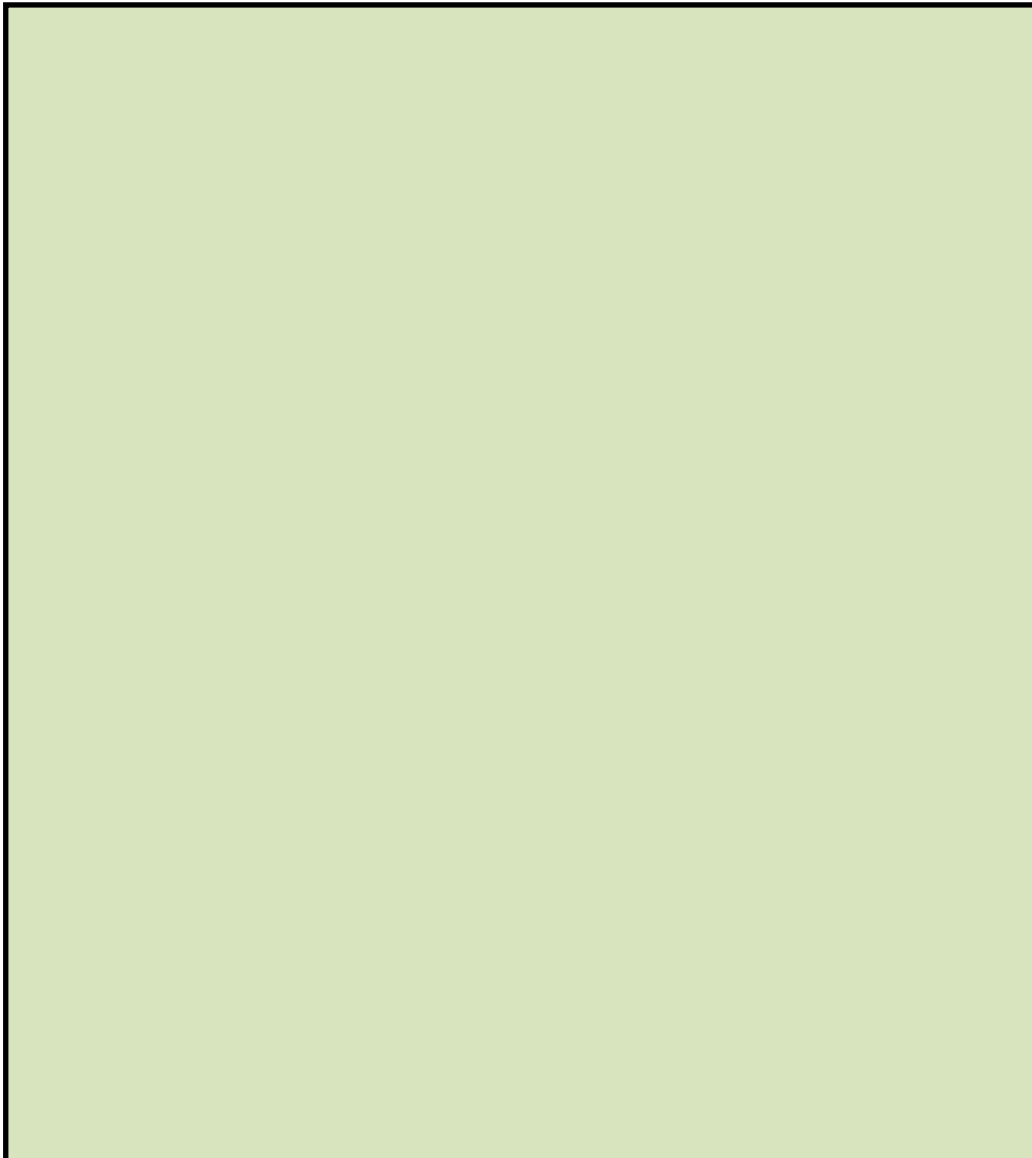
Notice of Request for Appeal is being submitted within 60 days of the date on the Review Notice of Determination issued by the Chief Deciding Officer.

All relevant sections of the Notice of request for Appeal are fully completed.

Notice of Request for Appeal is signed and dated at Part 4.

Grounds for request for Appeal are fully stated and all facts for consideration are stated.

All supplementary documentation (if available and attached) are listed at Part 3 of this form.



BAILE ÁTHA CLIATH
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FOILSEACHÁIN RIALTAIS,
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