



STATUTORY INSTRUMENTS.

S.I. No. 61 of 2015



HEALTH ACT 2007 (REGISTRATION OF DESIGNATED CENTRES
FOR OLDER PEOPLE) REGULATIONS 2015

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I, LEO VARADKAR, Minister for Health, in exercise of the powers conferred on me by sections 98, 99 and 101 of the Health Act 2007 (No. 23 of 2007) (as adapted by the Health and Children (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 219 of 2011)), hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2015.

(2) These Regulations come into operation on 1 March 2015.

Definitions

2. In these Regulations:

“the Act” means the Health Act 2007;

“annual fee” means a fee, including any portion of a fee, payable to the Authority in respect of each 12 month period or portion thereof under Regulation (8);

“Authority” means the Health Information and Quality Authority;

“certificate of registration” means a certificate issued by the chief inspector on granting an application for the registration or renewal of registration of a designated centre for older people under section 50 of the Act or when complying with an order of the District Court under section 57 of the Act;

“chief inspector” means the person who is appointed Chief Inspector of Social Services in accordance with section 40 of the Act;

“date of registration” means the date on which registration of a designated centre for older people by the chief inspector is to take effect;

“designated centre for older people” means a designated centre to which paragraph (a)(iii) or paragraph (b) of the definition of “designated centre” in section 2 of the Act applies;

“registration fee” means the fee payable to the Authority by a person seeking to register or renew the registration of a designated centre for older people under section 48 of the Act.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 24th February, 2015.*

Register

3. (1) The chief inspector shall establish and maintain a register of designated centres for older people.

(2) In addition to the requirements set out in Section 49(1) of the Act, the chief inspector shall enter into the register the matters set out in Schedule 3 and such other particulars relating to the designated centre for older people deemed relevant by the chief inspector from time to time.

(3) The chief inspector shall amend a register-

(a) on receiving notice under Regulation 6 of any change to information supplied for registration purposes where the change is acceptable to the chief inspector,

(b) on the taking effect in accordance with section 55(3) of the Act of a decision notified to the registered provider under section 55(1) of the Act-

(i) to vary or remove a condition attached to registration of a designated centre, or

(ii) to attach an additional condition to registration of a designated centre, or

(c) when complying with an order by the District Court in accordance with section 57(4) to vary or remove a condition or attach an additional condition.

(4) The chief inspector shall make a note in the register where a person has been appointed by or under the law to take charge of a designated centre for older people in place of its registered provider.

Application for registration or renewal of registration

4. (1) A person seeking to register or renew the registration of a designated centre for older people, shall make an application for its registration to the chief inspector in the form determined by the chief inspector and shall include the information set out in Schedule 1.

(2) In addition to the requirements set out in section 48(2) of the Act, an application for the registration of a designated centre for older people shall be accompanied by full and satisfactory information in regard to the matters set out in Part A of Schedule 2 and an application for renewal shall be accompanied by full and satisfactory information in regard to the matters set out in Part B of Schedule 2 in respect of:

(a) the person who is the registered provider, or intended registered provider, and

- (b) the person in charge or intended to be in charge and any other person who participates or will participate in the management of the designated centre.

(3) The fee to accompany an application for the registration or the renewal of registration of a designated centre for older people under section 48 of the Act is €500.

(4) In accordance with section 48(2)(c) of the Act, an application under this Regulation is not complete unless accompanied by the prescribed fee.

Issuing of certificates and contents of certificates of registration

5. (1) In addition to the requirements set out in section 50(3) of the Act, the chief inspector shall note on a certificate issued in accordance with that section, the details set out in Schedule 3.

(2) The chief inspector shall amend a certificate and issue the amended certificate to the registered provider as soon as practicable after

- (a) receiving notice under Regulation 6 of any change to information supplied for registration purposes where the change is acceptable to the chief inspector,
- (b) the taking effect in accordance with section 55(3) of the Act of a decision notified to the registered provider under section 55(1) of the Act-
 - (i) to vary or remove a condition attached to registration of a designated centre, or
 - (ii) to attach an additional condition to registration of a designated centre, or
- (c) complying with an order by the District Court in accordance with section 57(4) to vary or remove a condition or attach an additional condition.

Changes to information supplied for registration purposes

6. (1) The registered provider shall as soon as practicable-

- (a) give notice in writing to the chief inspector of any intended change in the identity of the person in charge of a designated centre for older people, and
- (b) supply full and satisfactory information in regard to the matters set out in Schedule 2 in respect of the new person proposed to be in charge of the designated centre.

(2) Notwithstanding paragraph (1), the registered provider shall in any event-

- (a) notify the chief inspector in writing, within 10 days of this occurring, where the person in charge of a designated centre for older people has ceased to be in charge, and
- (b) supply full and satisfactory information, within 10 days of the appointment of a new person in charge of the designated centre, in regard to the matters set out in Schedule 2.

(3) The registered provider shall notify the chief inspector in writing of any change in the identity of any person participating in the management of a designated centre (other than the person in charge of the centre) within 28 days of the change and supply full and satisfactory information in regard to the matters set out in Schedule 2 in respect of any new person participating in the management of the designated centre.

(4) The registered provider shall give not less than 8 weeks notice in writing to the chief inspector if it is proposed to change any of the details previously supplied under paragraph 3 of Schedule 1 and shall supply full and satisfactory information in regard to the matters set out in Schedule 2 in respect of any new person proposed to be registered as a person carrying on the business of the designated centre for older people.

(5) The chief inspector may accept a later notification of any of the matters referred to in this Regulation where the chief inspector is of the opinion that it would be appropriate to do so.

Applications by registered providers for the variation or removal of conditions of registration

7. (1) A registered provider who wishes to apply under section 52 of the Act for the variation or removal of any condition or conditions of registration attached by the chief inspector under section 50 of the Act must make an application in the form determined by the chief inspector.

- (2) An application under section 52 of the Act must specify the following:
 - (a) the condition to which the application refers and whether the application is for the variation or the removal of the condition or conditions,
 - (b) where the application is for the variation of a condition or conditions, the variation sought and the reason or reasons for the proposed variation,
 - (c) where the application is for the removal of a condition or conditions, the reason or reasons for the proposed removal,
 - (d) changes proposed in relation to the designated centre as a consequence of the variation or removal of a condition or conditions, including-

- (i) structural changes to the premises that are used as a designated centre,
- (ii) additional staff, facilities or equipment, and
- (iii) changes to the management of the centre that the registered provider believes are required to carry the proposed changes into effect.

(3) A registered provider must provide the chief inspector with any additional information the chief inspector reasonably requires in considering the application.

(4) The fee to accompany an application in accordance with section 52(3) of the Act for the variation of a condition or conditions of registration is €200.

(5) The fee to accompany an application for the removal of a condition or conditions of registration in accordance with section 52(3) of the Act is €100.

(6) An application under this Regulation is not properly made unless accompanied by the prescribed fee.

(7) Fees prescribed under this Regulation are payable to the Authority.

Annual fee payable by a registered provider of a designated centre for older people

8. (1) The fee payable by a registered provider is €183 in respect of each resident for a full calendar year.

(2) Subject to paragraph (3), the annual fee is payable by a registered provider in three equal instalments on 1 January, 1 May and 1 September each year in respect of each four month period immediately following those dates and each instalment is payable not later than the last day of the calendar month in which the instalment falls due.

(3) For the purposes of paragraph (2) the registered provider may, in a form determined by the chief inspector, declare to the Authority, by the 15th day of the calendar month in which the instalment falls due, the number of residents that are accommodated at the designated centre.

(4) The number of residents who are accommodated at the designated centre shall not exceed the number entered into the register under Section 49(1) of the Act.

(5) Each instalment of fee payment will be calculated on the basis of one third of the total amount for each person, declared by the registered provider, in accordance with paragraph (3) of this Regulation.

(6) The first instalment of the annual fee is payable by a registered provider with effect from the date referred to in paragraph (2) which first falls after the

date of registration and is payable not later than the last day of the calendar month in which payment falls due.

(7) Subject to paragraph (3), if the registered provider does not make a declaration, the fee payable will be in respect of each resident who can be accommodated at the designated centre in accordance with Section 49(1) of the Act.

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

9. A registered provider of a designated centre for older people shall provide the chief inspector with not less than 6 months notice of intention to cease to carry on the business of the designated centre and close the centre.

Payment of Fees

10. Fees payable in accordance with these Regulations shall be paid in the manner determined by the Authority.

Revocations

11. The following are revoked:

- (a) the Health Act 2007 (Registration of Designated Centres for Older People) Regulations 2009 (S.I. No. 245 of 2009),
- (b) the Health Act 2007 (Registration of Designated Centres for Older People) (Amendment) Regulations 2010 (S.I. No. 593 of 2010), and
- (c) the Health Act 2007 (Registration of Designated Centres for Older People) (Amendment) Regulations 2013 (S.I. No. 493 of 2013).

SCHEDULE 1

**INFORMATION TO BE SUBMITTED WHEN APPLYING FOR THE
REGISTRATION OR RENEWAL OF REGISTRATION OF A
DESIGNATED CENTRE**

1. Registration Number (if applicable).
2. Expiry date of current registration (if applicable).
3. Applicant details
 - a. If the applicant is a natural person, details of the person with responsibility for completing the application
 - i. Name.
 - ii. Business address.
 - iii. Phone number.
 - iv. Email address.
 - b. If the applicant is a partnership
 - i. Name of each partner.
 - ii. Address of the principal place of business of the partnership.
 - iii. Phone number of the principal place of business of the partnership.
 - iv. Email address.
 - c. If the applicant is a company
 - i. Name of company.
 - ii. Name of each director.
 - iii. Company registration number.
 - iv. Address of registered offices of the company.
 - v. Phone number of registered offices of the company.
 - vi. Email address.
 - d. If the applicant is a body established under the Health Acts 1947 to 2013 or the Health (Corporate Bodies) Act 1961
 - i. Name of the person responsible on behalf of the body for the application and his or her role in relation to the designated centre.

- ii. Contact telephone number and email address of person responsible on behalf of the body for the application.
- e. If the applicant is an unincorporated body
 - i. Name of each member of the committee of management or other controlling authority of the body.
 - ii. Name and contact details of manager or chairperson of the body.

4. Designated Centre Details

- a. Name of designated centre.
- b. Address.
- c. Main telephone number.
- d. Fax number (if applicable).
- e. Website (if applicable).
- f. Date the centre was established (if applicable).
- g. A statement of the maximum number of residents, who in the opinion of the applicant can be accommodated at the designated centre.

5. Management and Staff Details

- a. Name of the person in charge of the designated centre.
- b. Name of each other person participating in the management of the designated centre.
- c. Whether the intended registered provider or any staff member resides or will reside at the designated centre.

6. Facilities and Services

- a. Copy of the Statement of Purpose prepared under Regulation 3 of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013.
- b. Whether the applicant is the owner or the tenant of the premises at which the business of the designated centre is or will be carried on and, if you are a tenant, state the name and address of the owner of the premises.

SCHEDULE 2**ADDITIONAL INFORMATION AND DOCUMENTS TO BE PROVIDED****Part A: Registration**

Information required in respect of a registered provider or intended registered provider where the registered provider or intended registered provider is a natural person, a partnership, a company or an unincorporated body.

1. Proof of identity.
2. A vetting disclosure in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.
3. Details of any previous experience of carrying on the business of a designated centre in Ireland or similar residential services outside of Ireland.
4. Any other such information that the chief inspector reasonably requires for the purposes of section 50 of the Act.

Information required in respect of a registered provider or intended registered provider where the registered provider or intended registered provider is a body established under the Health Acts 1947 to 2013 or a body established under the Health (Corporate Bodies) Act 1961.

1. Proof of identity of the person responsible on behalf of the body for the application.
2. Details of any previous experience by the body of carrying on the business of a designated centre.
3. Any other such information that the chief inspector reasonably requires for the purposes of section 50 of the Act.

Information required in respect of the person in charge or proposed to be in charge and any other persons participating in or proposed to be participating in the management of a designated centre for older people.

1. Proof of the person's identity, including a recent photograph.
2. A vetting disclosure in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012.
3. Details and documentary evidence of any relevant qualifications or accredited training of the person.
4. Relevant current registration status with a professional regulatory body.
5. A full employment history, together with a satisfactory history of any gaps in employment.

6. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.

Part B: Renewal of Registration

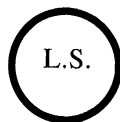
In the case of applications for renewal of registration the applicant must include

- a. A Statutory Declaration to the effect that there has been no change in the particulars supplied for the previous application for registration, or
- b. A statement of each change, where there has been a change in the particulars supplied since the applicant's previous application for registration.
- c. Such statements should be made in the form set out by the chief inspector.
- d. The applicant must provide any other such information that the chief inspector reasonably requires for the purposes of section 48 and section 50 of the Act.

SCHEDULE 3

**INFORMATION TO BE ENTERED ON THE REGISTER AND
CERTIFICATE OF REGISTRATION**

1. Registration number assigned to the designated centre.
2. Date of registration and the expiry date.
3. Designated centre
 - a. Name.
 - b. Address.
 - c. Phone number.
4. Registered provider
 - a. Name.
 - b. Address.
 - c. Phone number.
 - d. Company registration office number (if applicable).
5. Person in charge
 - a. Name.
 - b. Phone number.
6. Each person participating in management of the designated centre
 - a. Name.
 - b. Phone number.
7. The number of residents who can be accommodated at the designated centre.
8. Any conditions applying.



GIVEN under my Official Seal,
18 February 2015.

LEO VARADKAR,
Minister for Health.

EXPLANATORY NOTE

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

These Regulations, made under Part 13 of the Health Act 2007 (No. 23 of 2007), contain provisions for arrangements for the registration and renewal of registration of designated centres for older people.

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