



STATUTORY INSTRUMENTS.

**S.I. No. 493 of 2013**



HEALTH ACT 2007 (REGISTRATION OF DESIGNATED CENTRES  
FOR OLDER PEOPLE) (AMENDMENT) REGULATIONS 2013

## HEALTH ACT 2007 (REGISTRATION OF DESIGNATED CENTRES FOR OLDER PEOPLE) (AMENDMENT) REGULATIONS 2013

I, JAMES REILLY, 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) (Amendment) Regulations 2013.

(2) These Regulations come into operation on 1 January 2014.

*Amendment*

2. In these Regulations the “Principal Regulations” means the Health Act 2007 (Registration of Designated Centres for Older People) 2009 (S.I. No. 245 of 2009) as amended by the Health Act 2007 (Registration of Designated Centres for Older People) (Amendment) Regulations 2010 (S.I. No. 593 of 2010).

3. The Principal Regulations are amended by the substitution of the following paragraph for sub-articles 3(2)(a) and (b):

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

4. The Principal Regulations are amended by the deletion of sub-article 4(3)(h).

5. Article 5 of the Principal Regulations is amended as follows:

(a) by the substitution of the following for sub-article 5(1)(e):

“5. (1) (e) The number of residents who can be accommodated at the designated centre for older people as entered in the register in accordance with Section 49(1) of the Act;”

(b) by the deletion of 5(1)(f).

6. Article 8 of the Principal Regulations is amended as follows:

*Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 17th December, 2013.*

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

(2) Subject to sub-article (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 sub-article (2) the registered provider shall, 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 sub-article (3) of this article.

(6) The first instalment of the annual fee is payable by a registered provider with effect from the date referred to in sub-article (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 sub-article (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.

7. Schedule 1 of the Principal Regulations is amended by the deletion of 4(e).

8. Schedule 2 of the Principal Regulations is amended by the deletion of 4(e).



GIVEN under my Official Seal,  
13 December 2013.

JAMES REILLY,  
Minister for Health.

EXPLANATORY NOTE

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

These Regulations remove the requirement for a registered provider to forecast the actual number of residents who will be accommodated at the designated centre for older people as provided under the Health Act 2007 (Registration of Designated Centres for Older People) 2009. The Regulations require that a registered provider declares the number of residents that are accommodated at the designated centre and the annual fee payable in respect of each resident is applied.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

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