



STATUTORY INSTRUMENTS.

S.I. No. 204 of 2023



ASSISTED DECISION-MAKING (CAPACITY) ACT 2015 (PRESCRIBED
CLASSES OF HEALTHCARE PROFESSIONALS) REGULATIONS 2023

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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 4A (inserted by section 6 of the Assisted Decision-Making (Capacity) (Amendment) Act 2022 (No. 46 of 2022) (the “Act of 2022”)), section 31(b) (inserted by section 28 of the Act of 2022) and section 79(2)(a) (inserted by section 68 of the Act of 2022) of the Assisted Decision-Making (Capacity) Act 2015 (No. 64 of 2015), hereby make the following regulations:

1. These Regulations may be cited as the Assisted Decision-Making (Capacity) Act 2015 (Prescribed Classes of Healthcare Professionals) Regulations 2023.

2. In these Regulations –

“Act of 2005” means the Health and Social Care Professionals Act 2005 (No. 27 of 2005);

“Act of 2011” means the Nurses and Midwives Act 2011 (No. 41 of 2011);

“immediate family member” means –

- (a) a spouse, civil partner, or cohabitant,
- (b) a child, son-in-law or daughter-in-law,
- (c) a parent, step-parent, mother-in-law or father-in-law,
- (d) a brother, sister, step-brother, step-sister, brother-in-law or sister-in-law,
- (e) a grandparent or grandchild,
- (f) an aunt or uncle, or
- (g) a nephew or niece;

“Principal Act” means the Assisted Decision-Making (Capacity) Act 2015 (No. 64 of 2015).

3. Subject to Regulation 4, the following classes of healthcare professionals are prescribed for the purposes of sections 21(4)(f), 26(3)(b), 28(4)(c), 29(4)(b), 60(1)(c)(ii), 71A(2)(b)(ii) and 73A(2)(c)(ii) of the Principal Act:

- (a) occupational therapists, being persons whose names are for the time being entered in the register of members of the profession of occupational therapist established and maintained under section 36 of the Act of 2005;

- (b) registered midwives within the meaning of section 2(1) of the Act of 2011;
- (c) registered nurses within the meaning of section 2(1) of the Act of 2011;
- (d) social workers, being persons whose names are for the time being entered in the register of members of the profession of social worker established and maintained under section 36 of the Act of 2005;
- (e) speech and language therapists, being persons whose names are for the time being entered in the register of members of the profession of speech and language therapist established and maintained under section 36 of the Act of 2005.

4. A class to which Regulation 3 refers shall not include a person who would otherwise be a member of that class but who is an immediate family member of a relevant person to whom a statement under section 21(4)(f), 26(3)(b), 28(4)(c), 29(4)(b), 60(1)(c)(ii), 71A(2)(b)(ii) or 73A(2)(c)(ii) of the Principal Act would relate in a particular case.



GIVEN under my Official Seal,
26 April, 2023.

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

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