



STATUTORY INSTRUMENTS.

S.I. No. 206 of 2023

ASSISTED DECISION-MAKING (CAPACITY) ACT 2015 (INSPECTION
OF REGISTERS AND RECEIPT OF COPIES OF DOCUMENTS)
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 (amended by section 28 of the Act of 2022), section 45 (amended by section 38 of the Act of 2022) and section 79 (amended 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 (Inspection of Registers and Receipt of Copies of Documents) 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);

“Act of 2014” means the Companies Act 2014 (No. 38 of 2014);

“Act of 2015” means the Legal Services Regulation Act 2015 (No. 65 of 2015);

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

“public body” means –

- (a) a Minister of the Government,
- (b) a local authority within the meaning of section 2 of the Local Government Act 2001 (No. 37 of 2001),
- (c) a body (other than a company formed and registered under the Act of 2014 or an existing company within the meaning of that Act) established by or under any enactment, or
- (d) a designated institution of higher education within the meaning of section 2(1) of the Higher Education Authority Act 2022 (No. 31 of 2022).

3. Subject to Regulation 4, the following bodies or classes of persons are prescribed for the purposes of sections 25(3)(a), 25(4)(a), 45(3)(a), 45(4)(a), 72(3)(a) and 72(4)(a) of the Principal Act:

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 2nd May, 2023.*

- (a) a public body;
- (b) dietitians, being persons whose names are for the time being entered in the register of members of the profession of dietitian, established and maintained under section 36 of the Act of 2005;
- (c) dispensing opticians, being persons whose names are for the time being entered in the register of members of the profession of dispensing optician, established and maintained under section 36 of the Act of 2005;
- (d) medical scientists, being persons whose names are for the time being entered in the register of members of the profession of medical scientist, established and maintained under section 36 of the Act of 2005;
- (e) 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;
- (f) optometrists, being persons whose names are for the time being entered in the register of members of the profession of optometrist established and maintained under section 36 of the Act of 2005;
- (g) persons who –
 - (i) have been admitted as, and are, members of a prescribed accountancy body within the meaning of section 900(1) of the Act of 2014,
 - (ii) are currently practising in the profession of accountancy, and
 - (iii) are maintaining such minimum level of professional indemnity insurance as is required by the prescribed accountancy body concerned;
- (h) physiotherapists, being persons whose names are for the time being entered in the register of members of the profession of physiotherapist, established and maintained under section 36 of the Act of 2005;
- (i) practising barristers within the meaning of section 2(1) of the Act of 2015;
- (j) practising solicitors within the meaning of section 2(1) of the Act of 2015;
- (k) pre-hospital emergency care practitioners, being persons whose names are for the time being entered in the register of pre-hospital emergency care practitioners, established and maintained under Article 4(s) of the Pre-Hospital Emergency Care Council (Establishment) Order 2000 (S.I. No. 109 of 2000);
- (l) psychologists, being persons –

- (i) who practise as such,
- (ii) who hold a qualification listed opposite the profession of psychologist in the third column of Schedule 3 to the Act of 2005 or a qualification that is a corresponding qualification, within the meaning of section 90 of that Act, to that qualification, and
- (iii) following the establishment under section 36 of the Act of 2005 of a register of members of the profession of psychologist, whose names for the time being are entered in the register;
- (m) radiographers and radiation therapists, being persons whose names are for the time being entered in the register of members of the profession of radiographer, established and maintained under section 36 of the Act of 2005;
- (n) registered dentists within the meaning of section 2 of the Dentists Act 1985 (No. 9 of 1985);
- (o) registered medical practitioners within the meaning of section 2 of the Medical Practitioners Act 2007 (No. 25 of 2007);
- (p) registered midwives within the meaning of section 2(1) of the Act of 2011;
- (q) registered nurses within the meaning of section 2(1) of the Act of 2011;
- (r) registered pharmacists, being persons whose names are for the time being entered in the register of pharmacists, established and maintained under section 13 of the Pharmacy Act 2007 (No. 20 of 2007);
- (s) registered proprietors of an approved centre within the meaning of Part 5 of the Mental Health Act 2001 (No. 25 of 2001);
- (t) registered providers of a designated centre within the meaning of section 2(1) of the Health Act 2007 (No. 23 of 2007);
- (u) regulated financial service providers within the meaning of section 2(1) of the Central Bank Act 1942 (No. 22 of 1942);
- (v) 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;
- (w) 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 body or a class of persons prescribed by Regulation 3 shall –

- (a) include nominees of the body, or of a member of the class of persons, and
- (b) not include an individual body or person, as the case may be, who does not have a legitimate interest in inspecting the details of the relevant Register (within the meaning of section 25, 45 or 72 of the Principal Act, as the case may be) that are specified by the Director.



GIVEN under my Official Seal,
26 April, 2023.

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

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8,
D08 XAO6

Tel: 046 942 3100
r-phost: publications@opw.ie

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