



Number 17 of 2006

HEALTH (REPAYMENT SCHEME) ACT 2006

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title, construction, collective citation and commencement.
2. Interpretation.
3. Executive may enter into arrangement with person to provide services for purposes of this Act, etc.
4. Power of scheme administrator to specify forms.

PART 2

REPAYMENT SCHEME

5. Application for prescribed repayment.
6. Determination of application.
7. Priority of living relevant persons over estates of relevant persons.
8. Operation of other enactments, etc. on prescribed repayments.
9. Payment of prescribed repayments and operation of patients' private property accounts, etc.
10. Settlements.
11. Donations of prescribed repayments, etc.
12. Records.
13. Special account.
14. Governance.
15. Notification of certain decisions.
16. Appeals against certain decisions, etc.

[No. 17.] *Health (Repayment Scheme) Act* 2006. [2006.]

17. Recovery of payment of prescribed repayment procured through fraud or misrepresentation, etc.
18. Audit by Comptroller and Auditor General.

PART 3

MISCELLANEOUS

19. Offences and penalties.
20. Regulations.
21. Power to remove difficulties.
22. Laying of Regulations.
23. Amendment of First Schedule to Ombudsman Act 1980.

ACTS REFERRED TO

Capital Acquisitions Tax Consolidation Act 2003	2003, No. 1
Central Bank and Financial Services Authority of Ireland Act 2003	2003, No. 12
Data Protection Acts 1988 and 2003	
Finance Act 1993	1993, No. 13
Health (Amendment) Act 2005	2005, No. 3
Health Act 1953	1953, No. 26
Health Act 1970	1970, No. 1
Health Acts 1947 to 2006	
National Archives Act 1986	1986, No. 11
Ombudsman Act 1980	1980, No. 26
Social Welfare Consolidation Act 2005	2005, No. 26
Taxes Consolidation Act 1997	1997, No. 39



Number 17 of 2006

HEALTH (REPAYMENT SCHEME) ACT 2006

AN ACT TO PROVIDE FOR A SCHEME TO REPAY RECOVERABLE HEALTH CHARGES AND TO REGULATE PATIENTS' PRIVATE PROPERTY ACCOUNTS, AND TO PROVIDE FOR RELATED MATTERS.

[23rd June, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Health (Repayment Scheme) Act 2006.

Short title, construction, collective citation and commencement.

(2) The Health Acts 1947 to 2006 and this Act shall be construed together as one Act and the collective citation “the Health Acts 1947 to 2006” shall include this Act.

(3) This Act shall come into operation on such day or days as the Minister for Health and Children may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

2.—In this Act, unless the context otherwise requires—

Interpretation.

“accept”, in relation to a prescribed repayment, shall be construed in accordance with *section 16(13)*;

“act” includes an omission;

“application” means an application under *section 5(1)*;

“applicant”, in relation to an application, means the relevant person or connected person who made the application;

“child” includes a step-child;

“connected person”, in relation to a relevant person, means—

- (a) a person who has been nominated in writing by the relevant person for the purposes of making an application,

- (b) the Registrar of Wards of Court if the relevant person is a ward of court,
- (c) a person with an enduring power of attorney in respect of the relevant person,
- (d) a next friend appointed by a court,
- (e) the Executive if—
 - (i) none of *paragraph (a), (b), (c) or (d)* is applicable to the relevant person, and
 - (ii) the relevant person is unable to make an application due to a physical or mental disability or ill-health,
- (f) in the case of a relevant person who died on or after 9 December 1998—
 - (i) the legal personal representative of the estate of the relevant person if a grant of representation has issued in respect of the estate,
 - (ii) a person entitled to extract such grant of representation if a grant of representation has not issued in respect of the estate, or
- (g) a living spouse or living child of the relevant person who has paid, on behalf of the relevant person, the whole or part of the amount referred to in the definition of “recoverable health charge” by virtue of which the relevant person is a relevant person;

“Executive” means the Health Service Executive;

“ex gratia scheme” means that scheme, announced by the Minister on 16 December 2004, whereby ex gratia payments were made to persons in respect of charges paid for in-patient services under—

- (a) the Health (Charges for In-Patient Services) Regulations 1976 (S.I. No. 180 of 1976) as in force at any time before, on or after they were amended by the Health (Charges for In-Patient Services) (Amendment) Regulations 1987 (S.I. No. 300 of 1987), or
- (b) the Institutional Assistance Regulations 1954 (S.I. No. 103 of 1954) as in force at any time before, on or after they were amended by the Institutional Assistance Regulations 1965 (S.I. No. 177 of 1965),

when they had full eligibility;

“Fund” has the meaning assigned to it by *section 11(1)*;

“Minister” means the Minister for Health and Children;

“patient’s private property account” means so much of the money and personal property of—

- (a) a person provided with in-patient services referred to in section 53 of the Health Act 1970 (as amended by section 4 of the Health (Amendment) Act 2005),

- (b) a person provided with institutional assistance under section 54 of the Health Act 1953,
- (c) a person in a residence used wholly or partly as a setting to provide care for persons with a physical or mental disability, or
- (d) a person otherwise being cared for by, or on behalf of, the Executive due to a physical or mental disability or ill-health,

that is managed, on behalf of that person, by the Executive or by another person under an arrangement with the Executive, whether before, on or after the commencement of *section 9*;

“prescribed cut-off date”, in relation to *section 5(3)(b)*, means the date prescribed in regulations made under *section 20(1)(a)* in respect of that section;

“prescribed repayment”, in relation to a recoverable health charge, means a payment under *section 6(1)(a)* or *(b)* in respect of the recoverable health charge;

“recoverable health charge” means that amount which has been paid of—

- (a) a charge imposed on a person with full eligibility under the Health (Charges for In-Patient Services) Regulations 1976 (S.I. No. 180 of 1976), as in force at any time before 14 July 2005, including as so in force as amended by the Health (Charges for In-Patient Services) (Amendment) Regulations 1987 (S.I. No. 300 of 1987), or
- (b) a contribution, for in-patient services only, required of a person with full eligibility under the Institutional Assistance Regulations 1954 (S.I. No. 103 of 1954), as in force at any time on or after the commencement of the Regulations referred to in *paragraph (a)*, including as so in force as amended by the Institutional Assistance Regulations 1965 (S.I. No. 177 of 1965);

“reject”, in relation to a prescribed repayment, shall be construed in accordance with *section 16(1)(b)*;

“relevant person”, in relation to a recoverable health charge, means the person referred to in *paragraph (a)* or *(b)* of the definition of “recoverable health charge” and whether or not that person was the person who paid all or any of the amount referred to in that definition;

“scheme administrator”—

- (a) means, subject to *paragraph (b)*, the Executive,
- (b) means, in relation to a provision of this Act the subject of a nomination under *section 3(2)*, the person the subject of that nomination;

“specified”, in relation to a form, means specified under *section 4*;

“spouse”, in relation to a relevant person, means a spouse within the meaning of section 3(10)(c) of the Social Welfare Consolidation Act 2005.