



Number 17 of 2026

Health (Amendment) (Home Support Providers) Act 2026



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ACTS REFERRED TO

Child Care Act 1991 (No. 17)

Children Act 2001 (No. 24)

Companies Act 2014 (No. 38)

Employment Agency Act 1971 (No. 27)

Health (Miscellaneous Provisions) (No. 2) Act 2024 (No. 29)

Health (Nursing Homes) Act 1990 (No. 23)

Health Act 2007 (No. 23)

Health and Social Care Professionals Act 2005 (No. 27)

Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act
2024 (No. 5)

National Vetting Bureau (Children and Vulnerable Persons) Act 2012 (No. 47)



Number 17 of 2026

HEALTH (AMENDMENT) (HOME SUPPORT PROVIDERS) ACT 2026

An Act to provide for a scheme of registration and inspection of persons who provide certain support services to older persons and persons with disabilities in their private dwellings; and, for those purposes, to amend the Health Act 2007; and to provide for related matters. [1st July, 2026]

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement

1. (1) This Act may be cited as the Health (Amendment) (Home Support Providers) Act 2026.
- (2) This Act shall come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Definitions

2. In this Act—
“Minister” means the Minister for Health;
“Principal Act” means the Health Act 2007.

Review of operation of amendments effected by Act

3. (1) The Minister shall, not later than 5 years after the coming into operation of this section, carry out a review of the operation of the amendments to the Principal Act effected by this Act.
- (2) As soon as practicable after the completion of the review under *subsection (1)*, the Minister shall prepare a report, in writing, of the findings of the review and cause copies of the report to be laid before each House of the Oireachtas.

- (3) In carrying out a review under this section, the Minister may consult with the Minister for Children, Disability and Equality and such other persons as the Minister considers appropriate for the purposes of the review.

Repeal

4. Section 53(3)(e)(iii)(I) of the Human Tissue (Transplantation, Post-Mortem, Anatomical Examination and Public Display) Act 2024 is repealed.

PART 2**AMENDMENT OF PRINCIPAL ACT****Amendment of section 2 of Principal Act**

5. Section 2 of the Principal Act is amended, in subsection (1)—
- (a) in the definition of “service provider”—
 - (i) in paragraph (c), by the deletion of “or”, and
 - (ii) by the insertion of the following paragraph after paragraph (c):

“(ca) a registered home support provider that provides a home support service on behalf of the Executive, or”,
 - and
 - (b) by the insertion of the following definitions:

“ ‘business premises’ has the meaning assigned to it in section 69B;
‘home support provider’ has the meaning assigned to it in section 69B;
‘home support service’ has the meaning assigned to it in section 69B;
‘private dwelling’ has the meaning assigned to it in section 69B;
‘registered home support provider’ has the meaning assigned to it in section 69B;
‘service user’ has the meaning assigned to it in section 69B;”.

Amendment of section 8 of Principal Act

6. Section 8 of the Principal Act is amended, in subsection (1)—
- (a) in paragraph (b)—
 - (i) in subparagraph (i), by the substitution of “Children Act 2001,” for “Children Act 2001, and”,

(ii) in subparagraph (ii), by the substitution of “Health (Nursing Homes) Act 1990, and” for “Health (Nursing Homes) Act 1990,”, and

(iii) by the insertion of the following subparagraph after subparagraph (ii):

“(iii) home support services provided by registered home support providers,”,

and

(b) by the substitution of the following paragraph for paragraph (c):

“(c) to monitor compliance with the standards referred to in paragraphs (b) and (ba) (except any standards in relation to designated centres, home support providers and the performance of the Executive’s and the Agency’s functions referred to in section 41(1)(a)), and to advise the Minister, the Minister for Children, Disability and Equality, the Executive and the Agency accordingly;”.

Amendment of section 9 of Principal Act

7. Section 9 of the Principal Act is amended—

(a) in subsection (1)(b)—

(i) in subparagraph (viii), by the substitution of “provider,” for “provider, or”,

(ii) in subparagraph (ix), by the substitution of “service, or” for “service, and”,
and

(iii) by the insertion of the following subparagraph after subparagraph (ix):

“(x) a registered home support provider, and”,

(b) in subsection (2)(b), by the substitution of “(vii), (ix) or (x)” for “(vii) or (ix)”,

(c) in subsection (2A)(b), by the substitution of “(vi), (viii) or (x)” for “(vi) or (viii)”,
and

(d) in subsection (6), in the definition of “relevant person”, by the substitution of “subparagraphs (i) to (x)” for “subparagraphs (i) to (ix)”.

Amendment of section 41 of Principal Act

8. Section 41 of the Principal Act is amended, in subsection (1), by the insertion of the following paragraphs after paragraph (ca):

“(cb) establish and maintain one or more registers of home support providers,

- (cc) collect and maintain information relating to registered home support providers, in accordance with section 69X and any regulations made under section 101C,
- (cd) inspect premises at which the chief inspector has reasonable grounds to believe that a person is organising or managing the provision of a home support service as a home support provider which is not registered under this Act,
- (ce) register and inspect registered home support providers to assess whether the home support provider is in compliance with—
 - (i) any applicable regulations, and
 - (ii) standards, if any, set by the Authority under section 8(1)(b)(iii).”.

Insertion of Part 8A in Principal Act

9. The Principal Act is amended by the insertion of the following Part after Part 8:

“PART 8A**REGULATION OF HOME SUPPORT PROVIDERS****Interpretation (Part 8A)****69B. (1) In this Part—**

‘activities of daily living’ means the essential tasks involved in caring for oneself, which may include washing, dressing, eating, toileting, transferring and walking;

‘applicant’ has the meaning assigned to it by section 69E(1);

‘business premises’ means the premises from which a person referred to in paragraph (a), (b) or (c) of the definition of ‘home support provider’ organises and manages the provision of a home support service to service users, but does not include any premises in which such a home support service is provided to a service user;

‘home support provider’, subject to subsections (2) and (3), means—

- (a) the Executive, a service provider to which paragraph (a) or (b) of the definition of service provider applies or a person that is not a service provider but who receives assistance under section 39 of the Act of 2004,
- (b) a body corporate or unincorporated body of persons, or
- (c) an individual, other than an employee of a person referred to in paragraph (a) or (b),

where such person provides a home support service comprised of support in relation to at least the activities referred to in paragraph (a) or (b) of the definition of home support service;

‘home support service’, subject to subsection (3), means the provision of support to a service user, by reason of the service user’s illness, frailty or disability, in relation to any of the following:

- (a) the activities of daily living;
- (b) the instrumental activities of daily living;
- (c) activities other than those referred to in paragraphs (a) and (b),

where such support is primarily provided in the service user’s private dwelling;

‘instrumental activities of daily living’ means the tasks involved in living independently, which may include the preparation of meals, housework, the use of a telephone and the management of medications;

‘private dwelling’, in relation to a service user, means the dwelling where the service user habitually resides but does not include any part of a designated centre (including a centre where a person is carrying on the business of a designated centre which is not registered under this Act);

‘register of home support providers’ means a register of home support providers established under section 41(1)(cb);

‘registered home support provider’ means a home support provider whose name is entered in the register of home support providers;

‘service user’ means a person to whom a home support service is provided by a home support provider.

- (2) A person who would, but for this subsection, be regarded as a home support provider shall not be a home support provider for the purposes of this Act if—
- (a) the person provides a home support service to fewer than 4 persons,
 - (b) the person is an individual who provides a home support service without commercial gain,
 - (c) the person—
 - (i) provides a home support service to specified persons in accordance with the terms and conditions referred to in subparagraph (iii),
 - (ii) provides a home support service comprised of support in relation to activities referred to in paragraph (a) or (b) of the

definition of home support service to specified persons only, in accordance with the terms and conditions referred to in subparagraph (iii), and

(iii) is a person or body who or which pursuant to—

(I) any arrangement under section 38 of the Act of 2004,

(II) any assistance given in accordance with section 39 of the Act of 2004, or

(III) any other arrangement made with the Executive,

is subject to terms and conditions therein that require that specified persons shall, in respect of home support services received, be the persons to direct the way in which such services are provided to them by that person or body, as the case may be,

(d) the person is providing a home support service in that person's capacity as a member of a relevant profession within the meaning of the Health and Social Care Professionals Act 2005,

(e) the person or body with whom or with which, as the case may be, a child in the care of the Agency has been placed under section 36(1) of the Child Care Act 1991 and is providing a home support service to the child in that capacity, or

(f) the person is—

(i) carrying on the business of an employment agency within the meaning of the Employment Agency Act 1971,

(ii) acting in the course of that business, and

(iii) not involved in organising or managing the provision of a home support service to service users.

(3) Where a home support provider—

(a) is a person or body who or which pursuant to—

(i) any arrangement under section 38 of the Act of 2004,

(ii) any assistance given in accordance with section 39 of the Act of 2004, or

(iii) any other arrangement made with the Executive,

is subject to terms and conditions therein that require that specified persons shall, in respect of home support services received, be the persons to direct the way in which such services are provided to them by that person or body, as the case may be, and

- (b) duly provides a home support service to specified persons in accordance with the terms and conditions referred to in paragraph (a),

the home support service referred in paragraph (b) provided by the person or body to specified persons in accordance with the terms and conditions referred to in paragraph (a) shall not be considered to be a home support service for the purposes of this Act.

- (4) In subsections (2) and (3), ‘specified person’ means a person who is provided with home support services and who—
 - (a) has attained the age of 18 years but has not, at the date on which he or she first applied for such services, attained the age of 65 years, and
 - (b) has a disability.

Prohibition against carrying on business of unregistered home support provider

69C. Subject to sections 69B(2) and 69ZD, a person shall not carry on the business of a home support provider unless the person is registered under this Act as a registered home support provider.

Home support providers: prohibition against false or misleading applications for registration or renewal of registration

69D. In, or in respect of, an application for registration or renewal of a registration under this Part, a person shall not knowingly make a statement which is false or misleading in a material respect.

Application for registration or renewal of registration of home support provider

69E. (1) A person seeking to register as a registered home support provider or a registered home support provider seeking to renew the provider’s registration under this Part (in this Part referred to as the ‘applicant’) shall make an application for registration or renewal of registration to the chief inspector.

- (2) The applicant shall include with the application—
 - (a) subject to subsection (3), the prescribed information about prescribed matters,
 - (b) any other information which the chief inspector reasonably requires the applicant to include for the purposes of the application, and
 - (c) the prescribed application fee.
- (3) Regulations under subsection (2)(a) may provide for information relating to—

- (a) the identity of the applicant,
- (b) where applicable, the identity of any person who will participate in the applicant's management,
- (c) in the case of an applicant that is a body corporate—
 - (i) the identity of its officers,
 - (ii) its company registration number,
 - (iii) information relating to its ownership, and
 - (iv) where the applicant is a member of a group of companies within the meaning of section 8 of the Companies Act 2014, information relating to the group,
- (d) contact details for the applicant and any persons referred to in paragraphs (b) and (c)(i),
- (e) the address of the business premises or proposed business premises of the applicant,
- (f) the address of any website maintained by or on behalf of the applicant,
- (g) whether the applicant is a fit person to be a registered home support provider and, where applicable, whether each person who will participate in the applicant's management is a fit person to so participate,
- (h) any home support service provided by the applicant during a specified period,
- (i) any service provided by the applicant or any persons participating in the applicant's management during a specified period, whether inside or outside the State, that is similar or equivalent to a home support service, and any actions that may have been taken by a regulator of such a service in respect of the applicant or any persons participating in the applicant's management, as the case may be,
- (j) a proposed statement of purpose for the applicant or, in the case of a renewal, the current statement of purpose for the applicant, in accordance with regulations made under section 101(4)(e),
- (k) the resources available to the applicant to provide the proposed home support service,
- (l) the availability to the applicant of an appropriate policy of insurance in accordance with any regulations made under section 101(4)(k),

- (m) information in relation to vetting by the National Vetting Bureau of An Garda Síochána in accordance with the National Vetting Bureau (Children and Vulnerable Persons) Act 2012,
 - (n) in the case of a renewal, the current registration, and
 - (o) such other information as the Minister considers appropriate.
- (4) The Minister may consult with the Minister for Children, Disability and Equality in relation to any regulations to be made under subsection (2), and may make different regulations for different purposes and for different categories of home support provider under that subsection.
- (5) Where an application submitted is, in the reasonable opinion of the chief inspector, incomplete, the chief inspector may request that the applicant submit such further information as the chief inspector considers necessary.
- (6) Where the chief inspector makes a request under subsection (5), the applicant shall comply with the request within 28 days from the date of such request.
- (7) An application under subsection (1) and any information to be submitted under subsection (5) shall be provided in such manner and form as the chief inspector considers appropriate.
- (8) An application under subsection (1) for the renewal of the registration of a home support provider shall be made at least 6 months, or a lesser period that the chief inspector may specify, before the expiry date of the current registration.
- (9) If an application under subsection (1) for the renewal of the registration of a home support provider—
- (a) is made within the period referred to in, or specified under, subsection (8), and
 - (b) the decision under section 69G to grant or refuse the registration is not made before the expiry date of the current registration,
- the registration remains in effect until that decision is made.
- (10) Where a person intends to organise or manage the provision of a home support service from more than one proposed business premises, the person may—
- (a) make a separate application for registration, or renewal of registration, in respect of the business to be carried out by the person from each such business premises, or

- (b) make a single application for registration, or renewal of registration, which includes all such business premises of the person.
- (11) An application under subsection (1) shall be made by the applicant or, in the case of an applicant that is a body corporate or an unincorporated body of persons, by a person who will participate in its management.

Register of home support providers

- 69F.** (1) For each registered home support provider there shall be entered in the appropriate register of home support providers established and maintained under section 41 by the chief inspector—
- (a) the name of the provider,
 - (b) where the provider trades under a different name to that referred to in paragraph (a), the trading name of the provider,
 - (c) contact details for the provider,
 - (d) where a website is maintained by or on behalf of the provider, the address of that website,
 - (e) the date on which the registration of the provider is to take effect,
 - (f) any conditions attached to the registration of the provider,
 - (g) details of any fine or other penalty imposed on the provider by a court under this Act during the period referred to in subsection (2), and
 - (h) such other particulars as the Minister may, after consultation with the Minister for Children, Disability and Equality, prescribe.
- (2) Subject to sections 69E(9) and 69H, the registration of a home support provider has effect for 3 years.
- (3) The registers of home support providers shall be—
- (a) kept at the office of the chief inspector,
 - (b) open to inspection by members of the public free of charge, during normal business hours, and
 - (c) made available on the internet and by any other means that the Minister specifies.
- (4) On request, a copy of an entry in any register of home support providers maintained by the chief inspector shall be issued by the chief inspector on payment of the fee, if any, not exceeding the reasonable cost of making the copy, as may be determined by the chief inspector.

- (5) If the chief inspector becomes aware that any particular in the register is incorrect or has ceased to be correct, the chief inspector may make such alteration to the register as he or she considers necessary to correct the particular and shall notify the home support provider concerned in writing of any such alteration.
- (6) A registered home support provider shall notify the chief inspector in writing of an error in any particular in the register relating to the provider, or of a change in circumstances that is likely to have a bearing on the accuracy of any particular in the register relating to the provider, as soon as practicable after becoming aware of the error or change in circumstances.

Grant or refusal of registration or renewal of registration of home support provider

69G. (1) Where an application is made under section 69E for the registration or renewal of the registration of a home support provider, the chief inspector, if satisfied that—

- (a) the applicant and, where applicable, each person who will participate in its management, is a fit person to be a registered home support provider or to participate in its management, as the case may be,
- (b) the applicant and, where applicable each person who will participate in its management, if the application is for registration, will comply with, or, if for renewal, is in compliance with—
 - (i) any applicable standards set by the Authority under section 8(1)(b),
 - (ii) any applicable regulations made under section 101, and
 - (iii) any other enactment which appears to the chief inspector to be relevant, and is cited to the applicant in writing by the chief inspector,

and

- (c) subject to subsection (5) and other than in a case where the applicant is the Executive or a person who has entered into an arrangement under section 38 of the Act of 2004 to provide a health or personal social service on behalf of the Executive, the applicant has sufficient resources to provide the proposed home support service the subject of the application,

shall grant the application or, if not so satisfied, shall refuse it.

- (2) The chief inspector in granting an application under this section may—

- (a) attach to the registration conditions that the chief inspector thinks fit in relation to the home support provider concerned, and
 - (b) attach different conditions in relation to the registration of different home support providers or of different categories of home support provider.
- (3) On granting the application, the chief inspector shall issue a certificate of registration to the applicant, having first noted on the certificate—
- (a) the enactments, if any, cited to the applicant under subsection (1)(b)(iii), and
 - (b) the conditions, if any, attached to the registration under subsection (2).
- (4) If the chief inspector becomes aware that any particular in a certificate of registration issued to a registered home support provider under subsection (3) is incorrect or has ceased to be correct, the chief inspector shall make such alteration to the certificate as he or she considers necessary to correct the particular and shall reissue the certificate of registration to the applicant as soon as practicable.
- (5) When assessing, under subsection (1)(c), whether an applicant has sufficient resources to provide the proposed home support service the subject of the application, the chief inspector may consider—
- (a) the information included in the statement of purpose maintained by the applicant in accordance with regulations made under section 101(4)(e),
 - (b) any equipment used or proposed to be used by the applicant for the provision of a home support service,
 - (c) any charges imposed or proposed to be imposed on service users by the applicant,
 - (d) the costs associated with the provision, in accordance with this Part and any applicable regulations made under section 101, of the proposed home support service,
 - (e) the cost of the provider's policy of insurance in accordance with any regulations made under section 101(4)(k), and
 - (f) such other matters as the chief inspector considers to be relevant for the purposes of such consideration.

Home support providers: cancelling registration, varying conditions of registration or imposing new conditions, for cause

69H. (1) At any time, the chief inspector, on one or more of the grounds specified in subsection (2), may—

- (a) cancel the registration of a registered home support provider,

- (b) vary or remove any condition of the registration of a registered home support provider, or
 - (c) attach an additional condition to the registration of a registered home support provider.
- (2) The following are the grounds referred to in subsection (1):
- (a) that the registered home support provider or, where applicable, any person who participates in its management, has been convicted of one or more of the following:
 - (i) an offence under this Act;
 - (ii) an offence under an enactment cited by the chief inspector in accordance with section 69G(1)(b)(iii) and noted in accordance with section 69G(3) on the provider's certificate of registration;
 - (iii) an offence in relation to a service user or the property of a service user;
 - (b) that, in the opinion of the chief inspector, the registered home support provider is not a fit person to be a registered home support provider;
 - (c) that the home support service provided by the registered home support provider is being, or has at any time been, carried on otherwise than in accordance with any requirements or conditions imposed by or under this Act.

Home support providers: removal of condition of registration

69I. Notwithstanding section 69H, the chief inspector may, at any time, remove any condition of the registration of a registered home support provider where the chief inspector is satisfied that the removal of the condition—

- (a) is appropriate in the circumstances, and
- (b) will not adversely affect a service user to whom a home support service is provided by the provider.

Home support providers: application to vary or remove condition of registration

69J. (1) A registered home support provider may apply to the chief inspector for the variation or removal of any condition of the provider's registration.

(2) The chief inspector may grant an application under subsection (1) if satisfied that the variation or removal of the condition is—

- (a) appropriate in the circumstances, and

- (b) will not adversely affect a service user to whom a home support service is provided by the provider,
and if not so satisfied shall refuse the application.
- (3) An application under subsection (1) shall be made in the prescribed manner, state the prescribed particulars and be accompanied by the prescribed application fee.
- (4) For the purposes of subsection (3)—
 - (a) different amounts may be prescribed for different circumstances or different categories of registered home support provider, and
 - (b) the regulations may provide for the chief inspector to determine which of the different amounts is payable in a particular case.

Home support providers: notice of certain proposed decisions of chief inspector

69K. If the chief inspector proposes—

- (a) under section 69G or 69J, to refuse an application,
 - (b) under section 69G or 69J, to grant an application subject to any conditions,
 - (c) under section 69H, to—
 - (i) cancel the registration of a registered home support provider,
 - (ii) vary or remove any condition of the registration of a registered home support provider, or
 - (iii) attach an additional condition to the registration of a registered home support provider,
- or
- (d) under section 69I, to remove any condition of the registration of a registered home support provider,

the chief inspector shall give the applicant or the provider, as the case may be, written notice of the proposal, stating the particulars.

Home support providers: right to respond to notice of proposed decision

- 69L.** (1) A written notice of a proposal under section 69K shall state that, within a time limit of 14 days after the notice is given, the applicant or the registered home support provider, as the case may be, may make written representations to the chief inspector concerning the matter which is the subject matter of the proposal.
- (2) Where written notice of a proposal has been given under section 69K, the chief inspector shall not decide the matter that is the subject of the proposal until—

- (a) the person to whom the notice was given has, within the time limit referred to in subsection (1)—
 - (i) made written representations to the chief inspector concerning the proposal, or
 - (ii) notified the chief inspector in writing that the person does not intend to make representations,
 or
- (b) the time limit referred to in subsection (1) has elapsed.

Home support providers: notice of decisions of chief inspector

69M. (1) The chief inspector shall give written notice to the applicant or the registered home support provider, as the case may be, of a decision—

- (a) under section 69G or 69J, to refuse an application,
 - (b) under section 69G or 69J, to grant an application subject to any conditions,
 - (c) under section 69H, to—
 - (i) cancel the registration of a registered home support provider,
 - (ii) vary or remove any condition of the registration of a registered home support provider, or
 - (iii) attach an additional condition to the registration of a registered home support provider,
 or
 - (d) under section 69I, to remove any condition of the registration of a registered home support provider.
- (2) A written notice under subsection (1)(a), (b) or (c) shall inform the applicant or the registered home support provider, as the case may be, of the right of appeal conferred by section 69P.
- (3) Subject to subsection (4), a decision referred to in subsection (1) does not take effect—
- (a) if no appeal from the decision is brought, until the expiration of 14 days, or a longer period determined by the chief inspector, after the receipt by the applicant or registered home support provider of written notice under this section, or
 - (b) if an appeal to the District Court from the decision is brought, until the determination or withdrawal of that appeal.
- (4) If the applicant or the registered home support provider—

- (a) informs the chief inspector in writing that the applicant or the provider, as the case may be, accepts the decision concerned of the chief inspector and does not intend to appeal that decision to the District Court, and
- (b) requests the chief inspector in writing that the decision concerned of the chief inspector take effect on a date that is earlier than that specified in subsection (3)(a),

that decision shall take effect on such date, that is earlier than the expiration of a period of 14 days after the receipt by the applicant or the provider, as the case may be, of written notice under this section, as may be determined by the chief inspector.

- (5) Notwithstanding section 69P, an appeal to the District Court may not be brought from a decision of the chief inspector that takes effect under subsection (4).

Home support providers: certain proposed decisions of chief inspector where home support service organised or managed from more than one business premises

69N. Where, in relation to an applicant or a registered home support provider, as the case may be—

- (a) the home support service provided or proposed to be provided by the applicant or provider is organised or managed from more than one business premises and a single application was made for registration or renewal of registration which included all such business premises in accordance with section 69E(10)(b), and
- (b) the chief inspector proposes—
 - (i) under section 69G, to grant or refuse an application,
 - (ii) under section 69H, to—
 - (I) cancel the registration concerned,
 - (II) vary or remove any condition of the registration concerned, or
 - (III) attach an additional condition to the registration concerned,
 - (iii) under section 69I, to remove any condition of the registration concerned, or
 - (iv) under section 69J, to refuse an application,

the chief inspector may make the decision in question in relation to the applicant or registered home support provider concerned as a whole, or in relation to the business carried out or proposed to be carried out from only certain of the business premises of the applicant or registered home support provider.

Required or prohibited conduct in relation to home support provider

69O. (1) A registered home support provider shall ensure that the provider's certificate of registration is—

- (a) affixed in a conspicuous place at the provider's business premises, and
 - (b) where a website is maintained by or on behalf of the provider, displayed on the website.
- (2) A registered home support provider shall not, in an application under section 69J for the variation or removal of any condition of the registration of the home support provider, knowingly make a statement which is false or misleading in a material respect.
- (3) A person shall not, with intent to deceive another person—
- (a) hold out a person as being, or apply a name to a person that in any way describes the person as being, a registered home support provider of a particular description unless that person is a registered home support provider of that particular description, or
 - (b) hold out a premises as being, or apply a name to a premises that in any way describes it as being, the premises of a registered home support provider of a particular description unless the premises is the premises of a registered home support provider of that particular description.
- (4) A registered home support provider shall not describe or hold out the home support provider as being able to—
- (a) provide a service, the provision of which would be in contravention of a condition of the registration of the home support provider, or
 - (b) do anything else, the doing of which would be in contravention of a condition of the registration of the home support provider.

Home support providers: appeal to District Court from decision of chief inspector respecting registration

69P. (1) The applicant or the registered home support provider, as the case may be, may appeal to the District Court from a decision of the chief inspector under section 69G, 69H or 69J.

- (2) An applicant or provider who appeals to the District Court under subsection (1)—
- (a) shall bring the appeal within 14 days after the receipt by the person of written notice under section 69M of the decision, and
 - (b) at the same time as the appeal is brought, shall give to the chief inspector written notice of the appeal.

- (3) A registered home support provider who appeals to the District Court under this section may continue to provide a home support service until the determination or withdrawal of that appeal or of a further appeal under section 69U.
- (4) On an appeal under subsection (1), the District Court, as it considers appropriate, may confirm the decision of the chief inspector or direct the chief inspector to—
 - (a) register or renew the registration of the home support provider,
 - (b) restore the registration of the home support provider,
 - (c) vary or remove a condition of the registration, or
 - (d) attach an additional condition to the registration.
- (5) An appeal under subsection (1) shall be made to a District Court judge assigned to the district in which the proposed business premises of the applicant or the business premises of the home support provider, as the case may be, is located.

Home support providers: chief inspector may seek District Court order enforcing certain decisions

69Q. (1) If the chief inspector believes on reasonable grounds that any person is providing a home support service in contravention of a decision—

- (a) under section 69G or 69J, to refuse an application,
- (b) under section 69G or 69J, to grant an application subject to any conditions, or
- (c) under section 69H, to—
 - (i) cancel the registration of a registered home support provider,
 - (ii) vary or remove any condition of the registration of a registered home support provider, or
 - (iii) attach an additional condition to the registration of a registered home support provider,

the chief inspector may apply to the District Court for an order to enforce the decision.

- (2) The District Court, on hearing an application under this section, may make an order—
 - (a) in the terms sought by the chief inspector in the application, or
 - (b) in other terms as the Court considers appropriate.
- (3) An application under subsection (1) shall be made to the District Court judge assigned to the district in which the proposed business premises

of the applicant or the business premises of the home support provider, as the case may be, is located.

Home support providers: chief inspector may seek District Court order for cancellation or variation of registration

69R. (1) If the chief inspector believes on reasonable grounds that there is a risk to the life, or a serious risk to the health or welfare, of service users, because of any act, failure to act or negligence on the part of—

(a) a registered home support provider, or

(b) a person acting on behalf of a registered home support provider,

the chief inspector may apply to the District Court for an order—

(i) cancelling the registration of the registered home support provider,

(ii) varying or removing any condition attached to the registration of the registered home support provider, or

(iii) attaching an additional condition to the registration of the registered home support provider.

(2) Notice of an application for a final determination of the matters that are the subject of the application under subsection (1) shall be given by the chief inspector to the registered home support provider concerned.

(3) The District Court, on hearing an application under this section, may make an order—

(a) in the terms sought by the chief inspector in the application, or

(b) in other terms as the Court considers appropriate.

(4) An application under subsection (1) shall be made to a District Court judge assigned to the district in which the business premises of the home support provider is located.

Home support providers: *ex parte* interim order in proceedings under section 69R

69S. (1) An application under section 69R by the chief inspector may be made *ex parte* and without notice for an interim order (in this section and in section 69T referred to as an '*ex parte* interim order') and, on that application, an *ex parte* interim order may be made—

(a) in the terms sought by the chief inspector in the application, or

(b) in other terms as the District Court considers appropriate,

if, having regard to the circumstances of the particular case, the court considers it necessary or expedient to make the order immediately in the best interests of the service users to whom the registered home support provider provides a home support service.

- (2) The application for an *ex parte* interim order shall be grounded on an affidavit sworn by the chief inspector or by an individual acting on behalf of the chief inspector.
- (3) The *ex parte* interim order has effect for a period, to be specified in the order, not exceeding 28 days and ceases to have effect at the end of that period unless—
 - (a) by consent of the parties, or
 - (b) on application by the chief inspector on notice to the registered home support provider,

the District Court within that period confirms the *ex parte* interim order with effect for a specified further period.
- (4) Subsection (3) does not affect any right of a party to proceedings commenced under section 69R to apply to the District Court in the proceedings.
- (5) The chief inspector, as soon as practicable, shall serve on the registered home support provider a copy of—
 - (a) the *ex parte* interim order, and
 - (b) the affidavit referred to in subsection (2).
- (6) If an *ex parte* interim order ceases to have effect because of the operation of subsection (3) then, effective on the next day after that order ceases to have effect—
 - (a) the registration of the home support provider is reinstated, and
 - (b) the provider is restored to the same status under this Act as the provider had immediately before the date of the *ex parte* application under section 69R.

Home support providers: final determination of matters dealt with in an *ex parte* interim order under 69R

- 69T.** (1) While an *ex parte* interim order has effect, and within 42 days after the date of the order, the chief inspector may apply to the District Court for a final determination of the matters dealt with in the order.
- (2) Notice of an application under this section shall be given by the chief inspector to the registered home support provider concerned.
 - (3) On the hearing of the application for a final determination of the matters dealt with in the *ex parte* interim order, the District Court may make—
 - (a) an order confirming, varying or setting aside the *ex parte* interim order,

- (b) an order reinstating the registration of the home support provider, if the registration was cancelled under the *ex parte* interim order, or
 - (c) any other order the Court considers appropriate.
- (4) If the chief inspector does not apply, within the time period set out in subsection (1), for a final determination of the matters dealt with in the *ex parte* interim order, then, effective on the next day after expiry of the 42 days—
- (a) the *ex parte* interim order ceases to have effect,
 - (b) the registration of the home support provider is reinstated, and
 - (c) the provider is restored to the same status under this Act as the provider had immediately before the date of the *ex parte* application under section 69R.

Home support providers: appeals to Circuit Court from decisions of District Court

69U. An appeal lies to the Circuit Court from a decision of the District Court under section 69P(4), 69R(3) or 69T(3).

Home support providers: status of chief inspector in court proceedings

69V. The chief inspector is a party to any court proceedings under this Part and is entitled in any such proceedings to appear, be heard, adduce evidence and give evidence.

Home support providers: submission of information

- 69W.** (1) The chief inspector may require a registered home support provider to provide such information as the chief inspector considers necessary to enable the chief inspector to carry out the chief inspector's functions.
- (2) Where the chief inspector requires that information be provided under subsection (1), the home support provider shall provide the information to the chief inspector.
- (3) The information to be provided under this section shall be provided in such manner and form, and at such time, as the chief inspector considers appropriate.

Home support providers: submission of information to chief inspector in accordance with regulations under section 101C

- 69X.** (1) Without prejudice to the generality of section 69W, a registered home support provider shall submit to the chief inspector such information relating to the provider as may be prescribed in regulations under section 101C(1)(a).
- (2) Where the information submitted by a registered home support provider under subsection (1) is, in the reasonable opinion of the chief inspector, incomplete, the chief inspector may request that the provider

submit such further information as is necessary for the provider to be in compliance with subsection (1).

- (3) Where the chief inspector makes a request under subsection (2), the registered home support provider shall comply with the request.
- (4) The information to be submitted to the chief inspector under subsections (1) and (2) shall be submitted in accordance with any regulations made under section 101C, and in such manner and form as the chief inspector considers appropriate.
- (5) The chief inspector shall establish and maintain a record of the information submitted by registered home support providers under this section.
- (6) If the chief inspector becomes aware that any particular in the record is incorrect, the chief inspector may make such alteration to the record as he or she considers necessary to correct the particular and shall notify the registered home support provider concerned in writing of any such alteration.
- (7) The chief inspector may use information submitted by a registered home support provider under this section where necessary for the purposes of carrying out the chief inspector's functions.
- (8) Subject to subsection (9), the chief inspector shall, in accordance with any regulations made under subsection (1) of section 101C, provide such information submitted to the chief inspector under this section as is prescribed under paragraph (b) of that subsection, or data derived from that information, to—
 - (a) the Minister,
 - (b) the Minister for Children, Disability and Equality,
 - (c) the Authority,
 - (d) the Executive, and
 - (e) such public bodies as are prescribed in regulations under section 101C(1)(d).
- (9) Information or data provided by the chief inspector under subsection (8) shall exclude any information or data that may identify or could reasonably lead to the identification of an individual.
- (10) The chief inspector shall, in accordance with any regulations made under section 101C(1)(e), publish—
 - (a) aggregated information in relation to a registered home support provider for the purpose of informing service users, prospective service users, or the family members of such service users or

prospective service users, in relation to decisions that they might wish to make in connection with that provider, and

- (b) aggregated information, using any geographic, temporal or other categorisation that the chief inspector considers appropriate.

(11) In this section—

‘aggregated information’ means data derived from information submitted to the chief inspector under this section, which excludes any information that identifies or could reasonably lead to the identification of—

- (a) where subsection (10)(a) applies, an individual, or
- (b) where subsection (10)(b) applies, an individual or a particular registered home support provider;

‘public body’ has the same meaning as it has in section 65A.

Home support providers: prohibition against submission of false or misleading information

69Y. A registered home support provider shall not submit to the chief inspector information under section 69W or 69X that the provider knows or should reasonably know to be false or misleading.

Home support providers: prohibition against closure of home support provider without notice

69Z. (1) A registered home support provider—

- (a) shall not cease to carry on the provider’s business, or
- (b) in the case of a provider that organises or manages the provision of a home support service from more than one business premises in respect of which a single application was made in accordance with section 69E(10)(b), shall not cease to carry on the provider’s business from a particular business premises,

unless the provider first gives the chief inspector written notice, of such minimum period as may be prescribed, of the intention to do so as of a date specified in the notice.

- (2) Different periods may be prescribed under subsection (1) for different categories of home support provider.

Home support providers: cancellation of registration on closure of home support provider

69ZA. If a registered home support provider ceases to carry on the provider’s business or, in the case of a provider to which section 69Z(1)(b) applies, ceases to carry on the provider’s business from a particular business premises, the chief inspector shall—

- (a) make a note to that effect in the appropriate register, and

- (b) cancel the registration of the home support provider or cancel the registration of the home support provider in respect of the particular business premises, as the case may be.

Home support providers: notice of appointment by or under law to take charge of business of home support provider

- 69ZB.** (1) A person who is appointed by or under the law to take charge of any part of the business of a registered home support provider shall give notice of the appointment to the chief inspector, as soon as practicable, but not later than 48 hours after the appointment.
- (2) The chief inspector may accept a later notification where the chief inspector is of the opinion that it would be right and proper to do so.
 - (3) The notification to be provided under this section shall be provided in such manner and form as the chief inspector considers appropriate.

Notifications to be made by chief inspector in relation to certain home support providers

- 69ZC.** (1) The chief inspector shall notify the Executive forthwith where, in relation to a registered home support provider that provides a home support service on behalf of the Executive—
- (a) the chief inspector gives the provider a written notice of a proposal to cancel the provider's registration under section 69K,
 - (b) the chief inspector cancels the provider's registration under section 69H and the cancellation takes effect,
 - (c) the chief inspector varies or removes a condition, or attaches an additional condition, under section 69H and the variation, removal or attachment takes effect,
 - (d) the chief inspector removes a condition under section 69I,
 - (e) the chief inspector varies or removes a condition under section 69J and the variation or removal takes effect,
 - (f) the chief inspector makes an application to the District Court for an order under section 69R,
 - (g) the chief inspector obtains an order in relation to an application under section 69R and the order takes effect,
 - (h) the chief inspector makes an *ex parte* application to the District Court for an order under section 69S,
 - (i) the chief inspector obtains a final determination in relation to an *ex parte* application under section 69S and the determination takes effect,
 - (j) the chief inspector receives a notification from the provider under section 69Z,

- (k) the chief inspector cancels the registration of the provider under section 69ZA,
 - (l) the chief inspector receives a notice of the appointment of a person by or under the law under section 69ZB, or
 - (m) the chief inspector serves a compliance notice under section 78A.
- (2) The chief inspector shall notify the Minister and the Minister for Children, Disability and Equality forthwith where, in relation to a registered home support provider that is the Executive or that is a service provider to which paragraph (a) of the definition of ‘service provider’ in section 2(1) applies—
- (a) the chief inspector gives the provider a written notice of a proposal to cancel the registered home support provider’s registration under section 69K,
 - (b) the chief inspector cancels the registered home support provider’s registration under section 69H and the cancellation takes effect, or
 - (c) the chief inspector receives a notification from the registered home support provider under section 69Z.
- (3) The chief inspector shall include with a notification under subsection (1) or (2) such documents as may be prescribed.
- (4) For the purposes of subsection (3), different documents may be prescribed for different circumstances or different categories of notification under subsections (1) and (2).
- (5) Where the chief inspector makes a notification under subsection (1) or (2), the chief inspector shall notify the registered home support provider concerned of the notification.

Transitional provision for registration of existing home support providers

- 69ZD.** (1) Subject to subsection (5), a person, other than a person referred to in section 69B(2), who was providing a home support service immediately before the date on which section 69C comes into operation (in this section referred to as an ‘existing provider’) may, subject to compliance by the existing provider with subsections (2) and (3), continue to provide the home support service pending a decision by the chief inspector to grant or refuse the existing provider’s application under section 69G.
- (2) An existing provider shall, as soon as practicable but in any case no later than 3 months after the date on which section 69C comes into operation, notify the chief inspector—
- (a) that the provider is providing a home support service,

- (b) that the provider intends to apply for registration in accordance with subsection (3), and
 - (c) of such other information as the Minister may, after such consultation with the Minister for Children, Disability and Equality as may be appropriate, prescribe.
- (3) Each existing provider shall, as soon as practicable, but in any case no later than 2 years after the date on which section 69C comes into operation make an application under section 69E.
- (4) During the 2 year period referred to in subsection (3), the chief inspector shall establish and maintain a register of the existing providers—
- (a) who have made a notification under subsection (2), and
 - (b) in respect of whom a decision by the chief inspector to grant or refuse the provider’s application under section 69G has not yet been made.
- (5) The register referred to in subsection (4) shall be—
- (a) kept at the office of the chief inspector,
 - (b) open to inspection by members of the public free of charge, during normal business hours, and
 - (c) made available on the internet and by any other means that the Minister specifies.
- (6) During the period referred to in subsection (1) in which an existing provider, in accordance with that subsection, may provide a home support service—
- (a) sections 69W, 69X and 69Y, and any regulations made under section 101C, apply to the existing provider as if the provider were a registered home support provider under this Act subject to any necessary modifications, and
 - (b) the existing provider shall not be considered, under section 73A, to be organising or managing the provision of a home support service as a home support provider which is not registered under this Act.”.

Appointment by Executive of persons to examine service providers that are home support providers

10. The Principal Act is amended by the insertion of the following section after section 71:

“**71A.** (1) For the purpose of assessing compliance with the terms and conditions, regulations and standards and other statutory obligations referred to in subsection (2), the Executive may appoint persons to examine—

- (a) any business premises of a service provider which is a registered home support provider, and
 - (b) any private dwelling where a home support service is provided by a service provider referred to in paragraph (a) to a service user, with the consent of the service user concerned.
- (2) The following are the terms and conditions, regulations and standards and other statutory obligations for the purposes of subsection (1):
 - (a) the terms and conditions applicable in respect of—
 - (i) any arrangement under section 38 of the Act of 2004,
 - (ii) any assistance given in accordance with section 39 of the Act of 2004, and
 - (iii) any other arrangement under which a registered home support provider provides a home support service on behalf of the Executive;
 - (b) any regulations and any standards made in respect of the category of home support provider to which the registered home support provider referred to in subsection (1) belongs;
 - (c) any other statutory obligations in relation to a registered home support provider referred to in subsection (1).
- (3) A person appointed under subsection (1) may—
 - (a) enter any business premises of a home support provider referred to in that subsection for the purpose referred to in that subsection,
 - (b) enter any private dwelling referred to in that subsection, with the consent of the service user concerned, for the purpose referred to in that subsection, and
 - (c) examine any records in relation to a home support provider referred to in that subsection and interview—
 - (i) any employee of the provider, or
 - (ii) any service user to whom the provider provides a home support service, with such service user's consent.
- (4) The home support provider or any person in charge of the premises referred to in subsection (1)(a) shall—
 - (a) allow a person appointed under subsection (1) to enter the premises for the purpose of any examination under that subsection, and
 - (b) co-operate with that person throughout the course of the examination.”.

Amendment of section 73 of Principal Act**11.** Section 73 of the Principal Act is amended—

- (a) by the insertion of the following subsection after subsection (1):

“(1A) The premises referred to in subsection (1) includes—

- (a) any business premises of a registered home support provider, and
- (b) any private dwelling where a home support service is or was provided to a service user by a registered home support provider with the consent of the service user or former service user concerned.”,

- (b) in subsection (2)—

- (i) in paragraph (b), by the substitution of “service provider,” for “service provider, or”,
- (ii) in paragraph (c), by the substitution of “designated centre,” for “designated centre.”, and

- (iii) by the insertion of the following paragraphs after paragraph (c):

- “(d) that is the business premises of a registered home support provider,
- (e) that is used or proposed to be used for any purpose connected with the provision of a home support service by a registered home support provider (other than a private dwelling where a home support service is provided to a service user), or
- (f) that is a private dwelling where a home support service is or was provided to a service user by a registered home support provider, with the consent of the service user or former service user concerned.”,

- (c) in subsection (4)—

- (i) by the insertion of “(in each case, other than a private dwelling where a home support service is or was provided to a service user by a registered home support provider)” after “subsection (2).”,

- (ii) in paragraph (a)—

- (I) by the substitution of “the Executive or the Agency or the discharge of the functions of the coroner in so far only as it relates to monitoring compliance, under section 8(1)(p), with the relevant sections of the Act of 1962 and any regulations made by the Minister for Justice under section 33I of that Act,” for “the Executive or the Agency,” and

- (II) by the insertion of “a registered home support provider” after “service provider.”,

and

- (iii) in paragraph (e), by the insertion of “(other than a premises referred to in paragraph (d), (e) or (f) of subsection (2))” after “provided at the premises”,
- (d) by the insertion of the following subsection after subsection (4A):
 - “(4B) An authorised person or the chief inspector, in respect of a premises that is a private dwelling where a home support service is or was provided by a registered home support provider to a service user, may—
 - (a) interview in private any person who—
 - (i) provides or provided a home support service at the premises concerned,
 - (ii) at any time was or is in receipt of a home support service at the premises and who consents to be interviewed,
 - (iii) is a family member of a person referred to in subparagraph (ii) and who consents to be interviewed, or
 - (iv) is a person who has been nominated by a person referred to in subparagraph (ii), in accordance with regulations made under section 101(4)(i), and who consents to be interviewed,
 - and
 - (b) make any other examination into the standard of the home support service provided by the provider at the premises.”,
- (e) in subsection (5), by the insertion of “(in each case, other than a private dwelling where a home support service is or was provided to a service user by a registered home support provider)” after “subsection (2) or (2A).”,
- (f) in subsection (6), by the insertion of “(in each case, other than a private dwelling where a home support service is or was provided to a service user by a registered home support provider)” after “subsection (2) or (2A).”,
- (g) in subsection (7), by the insertion of “(other than a private dwelling where a home support service is or was provided to a service user by a registered home support provider)” after “subsection (1)”, and
- (h) in subsection (8), by the insertion of “(other than a private dwelling where a home support service is or was provided to a service user by a registered home support provider)” after “subsection (2) or (2A).”.

Amendment of section 73A of Principal Act

12. Section 73A of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):
 - “(1) Subject to subsection (3), the chief inspector may enter and inspect a premises (other than the private dwelling of a service user) at any time

if the chief inspector has reasonable grounds, having regard to all the circumstances, to believe that a person is, at the premises concerned—

- (a) carrying on the business of a designated centre which is not registered under this Act, or
- (b) organising or managing the provision of a home support service as a home support provider which is not registered under this Act.”,

(b) in subsection (3)—

- (i) in paragraph (c), by the substitution of “of a designated centre or a home support provider, as the case may be,” for “of a designated centre”,
- (ii) in paragraph (d), by the substitution of the following subparagraph for subparagraph (ii):

“(ii) who consents to be interviewed and, in the case of a designated centre, at any time was or is in receipt of a service at the premises or, in the case of a home support provider, at any time was or is in receipt of a service from the provider, and”,

and

- (iii) in paragraph (e), by the substitution of “of a designated centre or a home support provider, as the case may be,” for “of a designated centre”,
- (c) in subsection (4), by the substitution of “of a designated centre or a home support provider, as the case may be,” for “of a designated centre” in each place where it occurs,
- (d) in subsection (6), by the substitution of “of a designated centre or a home support provider, as the case may be,” for “of a designated centre”, and
- (e) by the substitution of the following subsection for subsection (7):

“(7) In this section, ‘dwelling’ includes—

- (a) any part of a designated centre (including a centre where a person is carrying on the business of a designated centre which is not registered under this Act) occupied as a private residence by—
 - (i) a member of staff of the centre, or
 - (ii) a person managing or participating in the management of the centre,

and

- (b) any part of a premises to which subsection (1)(b) applies that is occupied as a private residence.”.

Amendment of section 73B of Principal Act

13. Section 73B of the Principal Act is amended—

- (a) in subsection (1), by the substitution of “of a designated centre or a home support provider, as the case may be,” for “of a designated centre”, and
- (b) in subsection (2)(a), by the substitution of “of a designated centre or a home support provider, as the case may be,” for “of a designated centre”.

Amendment of section 74 of Principal Act

14. Section 74 of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) in paragraph (a), by the deletion of “and”,
 - (ii) in paragraph (b), by the substitution of “that person,” for “that person.”, and
 - (iii) by the insertion of the following paragraphs after paragraph (b):
 - “(c) any part of the business premises of a registered home support provider occupied as a private residence, and
 - (d) any private dwelling where a home support service is or was provided to a service user by a registered home support provider.”,
- and
- (b) by the substitution of the following subsection for subsection (2):
 - “(2) Notwithstanding sections 71A and 73, a person appointed under section 71A(1), an authorised person or the chief inspector, as the case may be, in the performance of functions under those sections, may not enter a dwelling other than—
 - (a) with the consent of the occupier, or
 - (b) in accordance with a warrant from the District Court issued under section 75(2) authorising the entry.”.

Amendment of section 75 of Principal Act

15. Section 75 of the Principal Act is amended, in subsection (2)—

- (a) in paragraph (a)—
 - (i) by the substitution of “registered provider, designated centre or registered home support provider” for “registered provider or designated centre”, and
 - (ii) in subparagraph (ii), by the substitution of “section 41” for “subsection 41”,
- and
- (b) in paragraph (b)(iii), by the insertion of “or section 41(1)(ce), as the case may be” after “section 41(1)(c)”.

Amendment of section 77A of Principal Act**16.** Section 77A of the Principal Act is amended—

- (a) in subsection (2), by the insertion of the following paragraph after paragraph (a):
 - “(ab) the monitoring of compliance with standards under section 8(1)(b) (iii),”
- (b) in subsection (3), by the insertion of “a registered home support provider,” after “a person carrying on the business of providing a prescribed private health service,” and
- (c) in subsection (5), by the insertion of the following paragraph after paragraph (d):
 - “(da) a registered home support provider,”.

Amendment of section 78A of Principal Act**17.** Section 78A of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):
 - “(1) Where the chief inspector is satisfied that—
 - (a) the registered provider of a designated centre to which paragraph (a)(ii) or (iii) or (c) of the definition of ‘designated centre’ in section 2(1) applies has contravened or is contravening a relevant provision referred to in paragraph (a) of the definition of that term in subsection (10), or
 - (b) a registered home support provider has contravened or is contravening a relevant provision referred to in paragraph (b) of the definition of that term in subsection (10),the chief inspector may serve a notice (in this section referred to as a ‘compliance notice’) on the registered provider or the registered home support provider, as the case may be.”
- (b) in subsection (2)(b), by the insertion of “or registered home support provider, as the case may be,” after “the registered provider” in each place where it occurs,
- (c) in subsection (4), by the insertion of “or registered home support provider, as the case may be” after “the registered provider”,
- (d) in subsection (5), by the insertion of “or registered home support provider, as the case may be,” after “A registered provider”,
- (e) in subsection (6), by the insertion of “or registered home support provider” after “registered provider” in each place where it occurs,
- (f) in subsection (8), by the insertion of “or registered home support provider” after “A registered provider”,

- (g) in subsection (9)(a), by the insertion of “or registered home support provider, as the case may be,” after “the registered provider”, and
- (h) in subsection (10), by the substitution of the following definition for the definition of “relevant provision”:

“ ‘relevant provision’ means—

- (a) in relation to a designated centre to which paragraph (a)(ii) or (iii) or (c) of the definition of ‘designated centre’ in section 2(1) applies—
 - (i) section 65 or 65A,
 - (ii) a provision of the Health Act 2007 (Care and Support of Residents in Designated Centres for Persons (Children and Adults) with Disabilities) Regulations 2013 (S.I. No. 367 of 2013),
 - (iii) a provision of the Health Act 2007 (Care and Welfare of Residents in Designated Centres for Older People) Regulations 2013 (S.I. No. 415 of 2013),
 - (iv) a provision of regulations under section 101, made on or after the coming into operation of section 16 of the Health (Miscellaneous Provisions) (No. 2) Act 2024, that applies in relation to a designated centre to which paragraph (a)(ii) or (iii) or (c) of the definition of ‘designated centre’ in section 2(1) applies, or
 - (v) a provision of regulations under section 101B, made on or after the coming into operation of section 16 of the Health (Miscellaneous Provisions) (No. 2) Act 2024, that applies in relation to a designated centre to which paragraph (a)(iii) or (c) of the definition of ‘designated centre’ in section 2(1) applies,
- and
- (b) in relation to a registered home support provider—
 - (i) section 69W or 69X, or
 - (ii) a provision of regulations under section 101 or 101C that applies in relation to a registered home support provider.”.

Amendment of section 78B of Principal Act

18. Section 78B of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (1):

“(1) The chief inspector shall keep and maintain—

- (a) a list of registered providers, and

- (b) a list of registered home support providers,
on whom a fine or other penalty is imposed by a court under section 78A(8) (each such list being referred to in this section as a ‘non-compliance list’).”,
- (b) in subsection (2)—
 - (i) by the substitution of “each non-compliance list” for “the non-compliance list”,
 - (ii) by the insertion of “or each registered home support provider, as the case may be,” after “each registered provider”,
 - (iii) in paragraph (a), by the insertion of “or the registered home support provider, as the case may be,” after “the registered provider”,
 - (iv) in paragraph (b), by the substitution of “in the case of a registered provider, the address” for “the address”, and
 - (v) by the insertion of the following paragraph after paragraph (b):
 - “(ba) in the case of a registered home support provider, the address of the business premises of that provider,”,
- (c) in subsection (3), by the substitution of “non-compliance lists” for “non-compliance list”, and
- (d) in subsection (4), by the substitution of “a non-compliance list” for “the non-compliance list”.

Amendment of section 79 of Principal Act

19. Section 79 of the Principal Act is amended—

- (a) in subsection (1)—
 - (i) in paragraph (a), by the insertion of “or 69ZD(2) or (3)” after “section 69(3)”, and
 - (ii) in paragraph (b), by the insertion of “69C, 69D,” after “section 46, 47,”,
- (b) by the insertion of the following subsection after subsection (2):
 - “(2A) A registered home support provider is guilty of an offence if the provider—
 - (a) fails to discharge a duty to which the registered home support provider is subject under section 69F(6), 69O(1), 69W, or 69X,
 - (b) contravenes section 69O(2), (3) or (4), 69Y or 69Z(1),
 - (c) fails to discharge a duty to which the registered home support provider is subject under a provision of regulations made under section 101,

- (d) contravenes a provision of regulations made under section 101, or
- (e) fails to comply with a condition of the registration of the home support provider.”,

and

- (c) by the insertion of the following subsection after subsection (4):

“(5) A registered home support provider guilty of an offence under subsection (2A) is liable—

- (a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, or
- (b) on conviction on indictment to a fine not exceeding €70,000 or imprisonment for a term not exceeding 2 years or both.”.

Amendment of section 99 of Principal Act

- 20.** Section 99 of the Principal Act is amended by the insertion of the following subsection after subsection (2):

“(3) Without limiting the generality of section 98, the Minister, after such consultation with the Minister for Children, Disability and Equality as may be appropriate, may make regulations governing the registration of persons under this Act as home support providers, including but not limited to regulations—

- (a) respecting the making of applications for registration,
- (b) prescribing the contents of certificates of registration,
- (c) respecting the giving of notice by a registered home support provider of any intended change in the identity of the persons participating in its management,
- (d) respecting the giving of notice by a registered home support provider which is a body corporate of changes in the ownership of the body corporate or the identity of its officers,
- (e) prescribing an annual fee payable by a registered home support provider at such a time as may be prescribed, and
- (f) prescribing the notice to be given by a registered home support provider under section 69Z.”.

Amendment of section 101 of Principal Act

- 21.** Section 101 of the Principal Act is amended—

- (a) in subsection (1)—

- (i) by the insertion of “and home support services provided by registered home support providers, as the case may be,” after “in relation to designated centres”, and
 - (ii) in paragraph (b), by the insertion of “or registered home support providers” after “of designated centres”,
- and
- (b) by the insertion of the following subsections after subsection (3):
 - “(4) Without limiting the generality of subsection (1), regulations under this section may provide as respects one or more of the following in relation to registered home support providers:
 - (a) the care, welfare and well-being of service users;
 - (b) without limiting the generality of paragraph (a), requirements in relation to—
 - (i) the assessment by a registered home support provider of the needs of service users,
 - (ii) the development by a registered home support provider of a support plan for each service user which takes into account the needs and rights of that service user, and the information to be contained therein, and
 - (iii) the provision of a home support service by a registered home support provider to service users in accordance with each service user’s needs and rights;
 - (c) the qualifications, training and availability of the registered home support provider or the numbers, qualifications, training and availability of any persons employed by the provider, as the case may be;
 - (d) the records to be kept by a registered home support provider and the period for which such records are to be retained;
 - (e) requirements in relation to the maintenance by a registered home support provider of a statement of purpose and the information to be included within it, including the provider’s aims and objectives, the nature of the home support service the provider provides or proposes to provide and where it is provided or proposed to be provided, the maximum number of service users to whom the provider provides or proposes to provide services, the number of persons employed by the provider and its organisational structure (where applicable), and such other information as the Minister considers appropriate;
 - (f) the policies to be maintained by a registered home support provider to ensure the safety and quality of the services provided by the

provider, including in relation to safeguarding, medication support, infection prevention and control, risk management and quality assurance;

- (g) requirements in relation to the information to be provided by a registered home support provider to service users and prospective service users;
 - (h) requirements in relation to the entering into of a written agreement between a registered home support provider and a service user, including in relation to the information to be contained therein;
 - (i) requirements in relation to the nomination of a person by a service user to receive information from, and to provide information to—
 - (i) the registered home support provider from whom the service user receives a home support service,
 - (ii) the chief inspector, and
 - (iii) the Executive;
 - (j) the management and control of the operations of a registered home support provider, including in relation to risk management, quality assurance and financial procedures;
 - (k) the effecting by a registered home support provider of an appropriate contract of insurance against injury to service users, and the information to be provided by the home support provider to service users in relation to the provider's insurance;
 - (l) the notification of incidents occurring during the provision of a home support service by a registered home support provider.
- (5) Without limiting the generality of subsection (1), regulations under this section—
- (a) may, subject to any regulations made under Part 9 of the Act of 2004, require registered home support providers—
 - (i) to make adequate arrangements for an accessible and effective procedure for dealing with complaints made by or on behalf of a service user, a former service user or a person who is seeking or has sought that a home support service be provided to them by a registered home support provider,
 - (ii) where applicable, to nominate a member of staff of a home support provider to be the complaints officer and another member of such staff to be the review officer to investigate and review complaints for the home support provider,
 - (iii) to ensure that the home support provider is or, where applicable, any persons employed by the home support provider are,

appropriately trained on the arrangements for dealing with complaints, and

- (iv) to publicise the arrangements for dealing with complaints,
- (b) may prescribe for specified provisions of this Act to apply with prescribed modifications, if any, in cases where a person is appointed by or under the law to take charge of the business of a registered home support provider,
- (c) may provide for the business of a home support provider referred to in paragraph (b) to be carried on for a prescribed period by a person who is not registered in respect of it, and
- (d) may include provision for the prescribed period referred to in paragraph (c) to be extended by a further period the chief inspector may allow.”.

Regulations respecting submission of information to chief inspector concerning registered home support providers

22. The Principal Act is amended by the insertion of the following section after section 101B:

“101C. (1) Without limiting the generality of section 98, the Minister, after such consultation with the Minister for Children, Disability and Equality as may be appropriate, may make regulations prescribing—

- (a) subject to subsection (3), the information to be submitted under section 69X(1) by a registered home support provider and the frequency at which that information is to be submitted,
 - (b) the information referred to in paragraph (a) to be provided by the chief inspector under subsection (8) of section 69X to the persons referred to in paragraphs (a) to (e) of that subsection and, for that purpose, different information may be prescribed for different persons or for different classes of such persons,
 - (c) the frequency at which information or data derived from that information is to be provided under section 69X(8),
 - (d) the public bodies (within the meaning of section 69X) to which information or data derived from that information is to be provided under section 69X(8)(e), and
 - (e) the information referred to in paragraph (a) which may be published under paragraph (a) or (b), or both, of section 69X(10).
- (2) The Minister may, under this section, make different regulations for different purposes and for different categories of registered home support provider.

- (3) Regulations under subsection (1)(a) may provide for the following:
- (a) information in relation to the home support provider, including:
 - (i) information relating to the home support service offered by the home support provider to service users;
 - (ii) information relating to where the home support provider provides a home support service;
 - (iii) information relating to charges imposed on service users by the home support provider;
 - (iv) where a registered home support provider is a member of a group of companies within the meaning of section 8 of the Companies Act 2014, information relating to the group;
 - (v) such other information as the Minister may prescribe;
 - (b) information in relation to any persons employed by the home support provider, including:
 - (i) the number of persons employed and the details of their employment by the home support provider;
 - (ii) staff turnover;
 - (iii) demographic information relating to the persons employed;
 - (iv) the qualifications of, and training undertaken by, the persons employed, relating to their roles;
 - (v) such other information as the Minister may prescribe;
 - (c) information in relation to the service users to whom the home support provider provides a home support service, including:
 - (i) the number of service users, and the length of time during which a home support service has been provided by the home support provider to the service users;
 - (ii) demographic information relating to service users;
 - (iii) the health status and dependency level of service users;
 - (iv) information relating to the commencement of the provision of a home support service to new service users and the ceasing of the provision of a home support service to service users, including the reasons therefor;
 - (v) such other information as the Minister may prescribe.”.