Number 23 *of* 2026

Insurance (Disregard of Certain Medical History and Miscellaneous Provisions) Act 2026

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Acts Referred to

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Companies Act 2014 (No. 38)

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Number 23 *of* 2026

INSURANCE (DISREGARD OF CERTAIN MEDICAL HISTORY AND MISCELLANEOUS PROVISIONS) ACT 2026

An Act to provide for the disregard by insurers of a person's medical history, in respect of a cancer diagnosis, for the purposes of an application for mortgage protection insurance relating to the person's principal private residence; to provide for the maximum level of such insurance cover to which that disregard shall apply; to make provision in relation to the winding-up of certain insurers and reinsurers and for that purpose to amend the Insurance Act 1936; to make provision regarding certain insurance undertakings required to make contributions to a sub-fund of the Insurance Compensation Fund and payments into that sub-fund and for those purposes to amend the Insurance Act 1964; and to provide for related matters. [15*th 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 Insurance (Disregard of Certain Medical History and Miscellaneous Provisions) 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.

Definition

2. In this Act, "Minister" means the Minister for Finance.

PART 2

DISREGARD OF CERTAIN MEDICAL HISTORY

Definitions (*Part 2*)

3. In this Part—

"active cancer treatment" means the use of surgery, radiation therapy, chemotherapy, biological agents, immunotherapy, bone-marrow transplant or any other evidence-based therapies to treat cancer, but shall not include—

(a) anti-hormonal medications, or

(b) any form of preventative therapy or medicine, intended to reduce the risk of recurrence of cancer following the end of active cancer treatment;

"applicant" has the meaning given to it by *section 4*;

"application" has the meaning given to it by *section 4*;

"insurance undertaking" has the meaning given to it by the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015);

"insurer" means an insurance undertaking that provides mortgage protection insurance in the State;

"mortgage lender" means a person who carries on a business that consists of, or includes, the making of housing loans;

"mortgage protection insurance" means a policy of insurance that provides, in the event of the death of a person to whom a housing loan has been made before that loan has been repaid, for payment of a sum equal to the amount of the principal estimated by the mortgage lender concerned to be outstanding in the year in which the death occurs on the basis that payments have been made by the person in accordance with the terms of the housing loan, such sum to be employed in repayment of the principal;

"prescribed maximum amount" has the meaning given to it by *section 6(4)*;

"principal private residence" means a dwelling occupied by a person as his or her only, or main, residence.

Applications to which this Part applies

4. This Part applies to an application for mortgage protection insurance (in this Act referred to as an "application") to an insurer by a person (in this Act referred to as an "applicant") in respect of a premises which is, or is intended to be, the applicant's principal private residence.

Disregard of medical history of applicant in respect of a diagnosis of cancer

5. (1) Subject to *subsection (2)*, an insurer shall, when considering an application, disregard the medical history of the applicant concerned in respect of a diagnosis of cancer where the applicant—

(a) completed active cancer treatment at least 5 years before the date of the application, and

(b) has been in complete remission for at least 5 years before the date of the application.

(2) (a) *Subsection (1)* shall apply in respect of mortgage protection insurance cover of a maximum amount of €650,000 or the prescribed maximum amount, if any.

(b) The underwriting process of an insurer shall apply to that part of any amount of mortgage protection insurance cover that exceeds the amount specified in *paragraph (a)* or the prescribed maximum amount, if any.

(3) (a) An insurer may, by notice in writing to an applicant, request the applicant to provide to the insurer such information as may be reasonably necessary for the purpose of consideration by the insurer of an application.

(b) Without prejudice to the generality of *paragraph (a)*, the information requested under that paragraph may include the following:

(i) the date on which the applicant received confirmation of a diagnosis of cancer;

(ii) the date on which the applicant completed active cancer treatment;

(iii) confirmation that, in the opinion of an oncologist, based on the absence of signs and symptoms related to a cancer diagnosis, the applicant has been in complete remission for at least 5 years before the date of the application.

(c) The information requested under *paragraph (a)* shall be in such form and manner, and provided to the insurer within such period, as the insurer may specify in the notice under *paragraph (a)*.

(4) An insurer may, having considered an application and any information provided to the insurer under *subsection (3)*, decide to—

(a) grant the application, or

(b) refuse the application.

(5) An insurer shall notify an applicant, in writing, of its decision under *subsection (4)* and, where *paragraph (b)* of that subsection applies, the notification shall include a statement of the reasons for the decision.

(6) Nothing in this section shall prevent an insurer from considering any medical condition unrelated to the applicant's medical history in respect of a diagnosis of cancer.

Review of maximum amount of mortgage protection insurance cover and order of Minister to increase such amount

6. (1) The Minister shall carry out a review of the maximum amount of mortgage protection insurance cover specified in *section 5(2)(a)* not later than 5 years after the coming into operation of this Part.

(2) The Minister shall carry out a review of the maximum amount of mortgage protection insurance cover specified in *section 5(2)(a)*, or the prescribed maximum amount, if any, not later than 5 years after the date of the review carried out under *subsection (1)*, or any subsequent review under this subsection.

(3) In carrying out a review under this section, the Minister—

(a) shall—

(i) have regard to the most recent information on residential property prices published by the Central Statistics Office from time to time, and

(ii) consult with such bodies as the Minister considers to be representative of the insurance industry and of consumers,

and

(b) may consult with such other persons as the Minister considers appropriate.

(4) The Minister may, following a review carried out under this section, by order specify, as the maximum amount of mortgage protection insurance cover in respect of which *section 5(1)* shall apply, an amount greater than—

(a) the amount specified in *section 5(2)(a)*, or

(b) where a maximum amount stands specified in an order under this subsection, the amount standing so specified,

in this Part referred to as the "prescribed maximum amount".

(5) Where the Minister proposes to make an order under *subsection (4)*, the Minister shall cause a draft of the proposed order to be laid before each House of the Oireachtas and shall not make the order unless and until a resolution approving the draft has been passed by each such House.

Expenses (*Part 2*)

7. The expenses incurred by the Minister in the administration of this Part shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Service Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

PART 3

AMENDMENT OF INSURANCE ACT 1936 AND INSURANCE ACT 1964

Amendment of Insurance Act 1936

8. The Insurance Act 1936 is amended—

(a) in section 3, in the definition of the expression "assurance company", by the insertion of the following after "and carries on assurance business":

“, and the said expression, unless the context otherwise requires, also includes, for the purposes of Part IV and section 109 (insofar as section 109 relates to Part IV), a reinsurer (within the meaning of the Insurance (No. 2) Act 1983) and any such assurance company whose authorisation under any of the supervisory Regulations (within the meaning of the Insurance (No. 2) Act 1983) has been withdrawn or revoked by the Bank”,

(b) in section 44, by the substitution of “sections 569 and 570 of the Companies Act 2014” for “sections 129 and 130 of the Act of 1908”, and

(c) by the substitution of the following section for section 45:

“Power of Bank to petition for winding up of assurance company

45. (1) The Bank may present a petition for the winding-up of an assurance company on any of the following grounds:

(a) the assurance company is unable to pay its debts within the meaning of sections 569 and 570 of the Companies Act 2014;

(b) in the opinion of the Bank, the winding-up of the assurance company would be in the public interest;

(c) the assurance company is, or in the opinion of the Bank may be, unable to meet its obligations to policy holders;

(d) the assurance company has failed to comply with a direction issued by the Bank in accordance with—

(i) section 18 of the Insurance Act 1989, or

(ii) section 45 of the Central Bank (Supervision and Enforcement) Act 2013;

(e) the assurance company’s authorisation under any of the supervisory Regulations (within the meaning of the Insurance (No. 2) Act 1983) has been withdrawn or revoked by the Bank;

(f) the Bank considers that it is in the interest of policy holders that the assurance company be wound-up.

(2) In this section, ‘policy holder’ has the same meaning as it has in the Insurance (No. 2) Act 1983.”.

Amendment of Insurance Act 1964

9. The Insurance Act 1964 is amended—

(a) in section 1—

(i) in the definition of “insurer”, in paragraph (b), by the deletion of “within the meaning of Article 13 of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009[1]”, and

1 OJ No. L335, 17.12.2009, p. 1

(ii) by the insertion of the following definition:

" 'captive insurance undertaking' has the meaning assigned to it by Article 13 of Directive 2009/138/EC of the European Parliament and of the Council of 25 November 2009[2];",

(b) in section 2(6)—

(i) in paragraph (fa), by the insertion of "(other than those referred to in section 2A(1)(c)(iii)(II))" after "any sums", and

(ii) in paragraph (fb), by the insertion of "(other than those referred to in section 2A(1)(c)(iii)(III))" after "sums",

and

(c) in section 2A(1)—

(i) in paragraph (a), by the insertion of "(other than insurers (domestic) that are captive insurance undertakings)" after "insurers (domestic)",

(ii) in paragraph (b), by the insertion of "and sums referred to in paragraph (c)(iii)" after "contributions referred to in paragraph (a)", and

(iii) in paragraph (c)—

(I) in subparagraph (i), by the substitution of "the sub-fund," for "the sub-fund, and",

(II) in subparagraph (ii)(VI), by the substitution of "the sub-fund, and" for "the sub-fund.", and

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

"(iii) the following sums shall be paid into the sub-fund:

(I) interest, dividends and other income and accretions of capital arising from investments of the sub-fund;

(II) any sums paid to the Compensation Body—

(A) during the course of the winding-up proceedings of an insurer (domestic) (other than an insurer (domestic) that is a captive insurance undertaking) referred to in paragraph (a), or

(B) by virtue of the exercise by the Compensation Body of the rights and remedies referred to in subsection (1) or (3) of section 11 of the Act of 2024, in so far as such rights and remedies relate to an insurer (domestic) (other than an insurer (domestic) that is a captive insurance undertaking) referred to in paragraph (a),

to the extent that such sums are paid to the Compensation

2 OJ No. L335, 17.12.2009, p. 1

Body by virtue of the Compensation Body having paid the relevant amount within the meaning of section 9 of the Act of 2024;

(III) sums transmitted to the Bank pursuant to section 14(2) of the Act of 2024 where the insurer (domestic) referred to in that section is an insurer (domestic) (other than an insurer (domestic) that is a captive insurance undertaking) referred to in paragraph (a);

(IV) the proceeds of the realisation of investments of the sub-fund;

(V) moneys borrowed for the sub-fund;

(VI) other moneys belonging to or accruing to the sub-fund or received by the Bank in respect thereof.”.