



DÁIL ÉIREANN

AN BILLE UM MÍCHUMAS 2004 DISABILITY BILL 2004

LEASUITHE COISTE COMMITTEE AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM MÍCHUMAS 2004 —ROGHCHOISTE

DISABILITY BILL 2004 —SELECT COMMITTEE

Leasuithe Amendments

SECTION 1

1. In page 5, subsection (1), line 30, to delete “Disability” and substitute the following:

“Assessment and Services For People with Disabilities and Miscellaneous Provisions”.

—David Stanton, Gerard Murphy.

2. In page 5, subsection (1), line 30, to delete “Disability” and substitute “Rights of Persons with Disabilities”.

—Kathleen Lynch, Finian McGrath.

3. In page 5, lines 31 to 39 and in page 6, lines 1 to 5, to delete subsections (2) and (3).

—Kathleen Lynch, Finian McGrath.

4. In page 5, subsection (2), line 31, to delete “shall”.

—David Stanton, Gerard Murphy.

5. In page 5, subsection (2), line 33, to delete “come” and substitute “comes”.

—David Stanton, Gerard Murphy.

6. In page 5, subsection (3), line 37, to delete “shall come” and substitute “comes”.

—David Stanton, Gerard Murphy.

SECTION 2

7. In page 6, subsection (1), lines 10 to 14, to delete all words from and including “substantial” in line 10 down to and including “impairment;” in line 14 and substitute the following:

“restriction in the capacity of the person to carry on a profession, business or occupation in the State or to participate in social or cultural life in the State, because of a lack of service or support required, by reason of the existence of a physical, sensory, mental health or intellectual impairment;

‘impairment’ shall be construed for the purposes of this Act, as meaning:

- (a) the total or partial absence of a person’s bodily or mental functions, including the absence of a part of a person’s body;

[SECTION 2]

- (b) the presence in the body of organisms causing, or likely to cause, chronic disease or illness;
- (c) the malfunction, malformation, disfigurement of a part of a person's body;
- (d) a condition or malfunction which results in a person learning differently from a person without a condition or malfunction;
- (e) a condition, illness or disease which affects a person's thought processes, perceptions of reality, emotions or judgement or which results in disturbed behaviour;

and shall be taken to include a disability or impairment which exists at present, or which previously existed but no longer exists, or which may exist in the future or which is imputed to a person;”.

—David Stanton, Gerard Murphy.

- 8.** In page 6, subsection (1), lines 10 to 14, to delete all words from and including “substantial” in line 10 down to and including “impairment” in line 14 and substitute the following:

“restriction in the capacity of the person to participate in society, including by carrying on a profession, business, or occupation in the State or by participating in social or cultural life in the State, on account of a physical, sensory, mental health or learning disability, or any other condition”.

—Kathleen Lynch, Finian McGrath.

- 9.** In page 6, subsection (1), line 14, after “impairment” to insert the following:

“For the avoidance of doubt, a person who is deemed to have a disability shall not become disentitled as a result of a temporary absence from the State”.

—David Stanton, Gerard Murphy.

- 10.** In page 6, subsection (1), between lines 14 and 15, to insert the following:

“‘Executive’ means the Health Service Executive;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

- 11.** In page 6, subsection (1), to delete lines 22 and 23.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

- 12.** In page 6, subsection (1), line 25, to delete “2003” and substitute “2004”.

—Kathleen Lynch.

- 13.** In page 6, subsection (1), lines 28 to 31, to delete all words from and including “does” in line 28 down to and including “only” in line 31 and substitute the following:

“includes all transport infrastructure or transport service as prescribed in section 2 (b)(iv) of the Equal Status Act 2000 and includes any vehicle or equipment as referenced in sections 17(1) and 18(1) and (2) of the Equal Status Act 2000, but does not include an air service within the meaning of the Air Transport and Navigation Act 1965”.

—David Stanton, Gerard Murphy.

[SECTION 2]

14. In page 6, subsection (1), lines 29 to 31, to delete all words from and including “a” in line 29 down to and including “only” in line 31 and substitute the following:

“a service provided by a person who only operates train service or railway infrastructure of historic or touristic interest”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

15. In page 6, subsection (1), line 30, to delete “historical or touristic” and substitute “heritage”.

—Finian McGrath.

16. In page 6, subsection (1)(g), line 39, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

17. In page 7, subsection (1)(h)(i), line 2, to delete “2001” and substitute “2003”.

—Kathleen Lynch.

18. In page 7, subsection (1)(h)(ii), line 3, to delete “2001” and substitute “2003”.

—Kathleen Lynch.

19. In page 7, subsection (1), between lines 9 and 10, to insert the following:

“(i) any body, organisation or group financed wholly or partly by a Minister of the Government and standing prescribed by the Minister;”.

—Finian McGrath.

20. In page 7, subsection (1), between lines 9 and 10, to insert the following:

“(i) any private body which provides services and products to the public;”.

—David Stanton, Gerard Murphy.

21. In page 7, subsection (1), between lines 9 and 10, to insert the following:

“(i) any body which is publicly appointed, which is funded by public money or which carries out public functions designated by law;”.

—David Stanton, Gerard Murphy.

22. In page 7, subsection (1), between lines 9 and 10, to insert the following:

“ ‘resides’ in this Act shall be construed to mean ‘is currently living’; ”.

—David Stanton, Gerard Murphy.

23. In page 7, subsection (1), lines 10 and 11, to delete “provided by a public body”.

—Kathleen Lynch.

24. In page 7, subsection (1), line 10, after “by” to insert “or on behalf of”.

—Finian McGrath.

25. In page 7, subsection (1), line 11, after “body” to insert “, or on behalf of a public body”.

—David Stanton, Gerard Murphy.

[SECTION 2]

26. In page 7, between lines 21 and 22, to insert the following subsection:

“(2) The Minister shall, as soon as may be, after the passing of this Act prepare and lay before each House of the Oireachtas a report on the impact of including private bodies which offer products and services to the public, in the definition of ‘public body’ in this Act.”.

—David Stanton, Gerard Murphy.

SECTION 5

27. In page 8, subsection (1), between lines 32 and 33, to insert the following:

“ ‘service plan’, in relation to a specified body, means a service plan or other similar document approved by the Minister to whom that body is required by an enactment to submit such a plan or document;

‘specified body’ means the Executive or any other public body an officer of which is the accounting officer in relation to the appropriation accounts of that body for the purposes of the Comptroller and Auditor General Acts 1866 to 1998.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

28. In page 8, lines 33 to 50, to delete subsections (2) and (3) and substitute the following:

“(2) The Minister, or a relevant public body in relation to that Minister shall out of the moneys provided by the Oireachtas in the financial year 2005 or any subsequent year, provide to or in respect of services under this Act, such moneys and other resources as are required, as determined by him or her, for the purposes of the implementation of services required in respect of people with disabilities.

(3) A determination by the Minister in respect of matters referred to in *subsection (2)* shall be in accordance with the policies from time to time formulated by the Minister, in relation to the performance of each of his or her functions as a Minister of Government.

(4) In formulating any such policy, the Minister of the Government shall have regard to, and take due account of, the following principles—

- (a) that the provision of resources by the State in fulfilment of its duties under Article 40 of the Constitution (being the resources available to the State and allocated by it in a manner consistent with the common good) shall be such as to ensure the equitable treatment of every citizen in the State,
- (b) that the objective of the services provision made by this Act is to ensure that people with disabilities have the same right to avail of, and benefit from, appropriate services as do other persons of the State who do not have disabilities,
- (c) his or her current duties and legally enforceable rights of people with disabilities under existing equality legislation.”.

—David Stanton, Gerard Murphy.

29. In page 8, lines 36 to 50, to delete all words from and including “out” in line 36 down to and including “year” in line 50 and substitute the following:

“subject to *subsections (4)* and (5)**, allocate out of the moneys available to him or her for that year such amount as he or she considers appropriate for the provision of those services.

[SECTION 5]

(3) Where, in the financial year 2005 or any subsequent such year, a specified body provides or arranges for the provision of services under this Act, that body shall, subject to *subsections (4)* and (5)**, allocate out of the moneys available to it for that year such amount as it considers appropriate for the provision of those services”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

**[These are the appropriate references if amendment no. 33 is accepted.]*

30. In page 8, subsection (2), lines 39 and 40, to delete “as he or she considers appropriate” and substitute the following:

“as is appropriate for the performance of those functions”.

—Kathleen Lynch.

31. In page 8, lines 41 to 50 and in page 9, lines 1 to 13, to delete subsections (3) and (4).

—Kathleen Lynch.

32. In page 9, lines 1 to 13, to delete subsection (4).

—David Stanton, Gerard Murphy.

33. In page 9, lines 1 to 13, to delete subsection (4) and substitute the following:

“(4) In determining the appropriate allocation under *subsections (2)* or (3)** in a financial year, the Minister or specified body concerned shall ensure that the amount remaining after the allocation is not less than the amount that is required, having regard, *inter alia*, to—

(a) the extent of the Minister’s or the specified body’s other obligations in that year, and

(b) in the case of a specified body, its service plan for that year,

for the performance of the functions conferred on the Minister or the specified body other than by this Act.

(5) If satisfied that the amount of the moneys allocated under *subsections (2)* or (3)** in a financial year is the maximum amount permitted by this section to be so allocated—

(a) the Minister or specified body concerned, as the case may be, shall not be required to allocate, and nothing in this Act shall be construed as requiring the allocation of, additional moneys under *subsections (2)* or (3)** for that year, and

(b) the Minister or a relevant public body in relation to the Minister or a specified body, as the case may be, shall not be required to provide, and nothing in this Act shall be construed as requiring the provision by or on behalf of the Minister, the relevant public body or the specified body of, services under this Act in that year the cost of the provision of which could not be met out of the moneys allocated under *subsections (2)* or (3)**.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

**[These are the appropriate references if amendment no. 29 is accepted.]*

[SECTION 5]

34. In page 9, between lines 13 and 14, to insert the following subsection:

“(5) *Subsection (4)* does not apply so as of itself to defeat or make non-cognisable by the courts a claim against the State, a Minister or a relevant public body seeking an order for the provision of services by a Minister or a relevant public body, or for compensation for loss or damage occasioned by the non-provision of such services, or any other claim arising from the omission to provide such services, where the non-provision of such services to a person is claimed to amount to a breach of a constitutional right of that person.”.

—Kathleen Lynch, Finian McGrath.

SECTION 6

35. In page 9, before section 6, but in Part 2, to insert the following new section:

“Review of
operation of Act.

6.—The Minister shall, not later than 5 years after the commencement of this Act, carry out a review of the operation of this Act.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

36. In page 9, subsection (1), to delete line 17.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

37. In page 9, subsection (1), between lines 19 and 20, to insert the following:

“ ‘appeals board’ means the Special Education Appeals Board established under section 36 of the Act of 2004;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

38. In page 9, subsection (1), line 22, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

39. In page 9, subsection (1), lines 24 and 25, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

40. In page 9, subsection (1), line 26, to delete “health and education”.

—Kathleen Lynch.

41. In page 9, subsection (1), lines 26 and 27, to delete all words from and including “and” in line 26 down to and including “education” in line 27 and substitute the following:

“, education, social, occupational, housing and transport needs (if any) occasioned by the disability and the health, education, social, occupational and accommodation or housing”.

—David Stanton, Gerard Murphy.

42. In page 9, subsection (1), line 26, after “any)” to insert “or other needs”.

—Finian McGrath.

43. In page 9, subsection (1), line 27, to delete “health services or education”.

—Kathleen Lynch.

44. In page 9, subsection (1), line 27, after “any)” to insert “or other needs”.

—Finian McGrath.

[SECTION 6]

45. In page 9, subsection (1), to delete lines 29 and 30 and substitute the following:

“ ‘needs officer’ shall be construed in accordance with *section 7* and *section 10*. Each subsequent reference to ‘assessment officer’ and ‘liaison officer’ in this Act shall be construed as references to ‘needs officer’;”.

—David Stanton, Gerard Murphy.

46. In page 10, subsection (1), line 1, to delete “(including a personal social service)” and substitute the following:

“, including a personal social service, such as home care, respite care, personal care, and social supports,”.

—David Stanton, Gerard Murphy.

47. In page 10, subsection (1), line 2, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

48. In page 10, subsection (1), between lines 7 and 8, to insert the following:

“ ‘urgent conditions’ includes episodic or chronic impairments.”.

—David Stanton, Gerard Murphy.

49. In page 10, lines 8 to 13, to delete subsection (2).

—Kathleen Lynch.

50. In page 10, subsection (2), lines 9 to 13, to delete all words from and including “construed,” in line 9 down to and including “continually.” in lines 12 and 13 and substitute the following:

“construed for the purposes of this Part as meaning a restriction which—

(a) is permanent or likely to be permanent, results in a significant difficulty in communication, learning or mobility or in significantly disordered cognitive processes, and

(b) gives rise to the need for services to be provided continually to the person whether or not a child or, if the person is a child, to the need for services to be provided early in life to ameliorate the disability.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

51. In page 10, subsection (3)(a), line 17, to delete “health boards” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

52. In page 10, subsection (3)(b), line 19, to delete “health boards” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

53. In page 10, subsection (3)(c), line 25, to delete “health boards” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 6]

54. In page 10, between lines 29 and 30, to insert the following subsection:

“(4) References in this Part to the appeals board shall be construed as references to the appeals board with, in addition to the functions conferred by the Act of 2004, the function of hearing and determining an appeal under *section 10(5)**.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

**[This is the appropriate reference if amendment no.118 is accepted.]*

SECTION 7

55. In page 10, subsection (1), lines 30 and 31, to delete all words from and including “chief” in line 30 down to and including “she” in line 31 and substitute the following:

“Executive shall authorise such and so many of its employees as it”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

56. In page 10, subsection (1), line 30, to delete “may” and substitute “shall”.

—Finian McGrath.

57. In page 10, subsection (1), line 31, to delete “officers of the board” and substitute “independent persons”.

—Kathleen Lynch, Finian McGrath.

58. In page 10, subsection (1), lines 35 and 36, to delete all words from and including “such” in line 35 down to and including “determine” in line 36 and substitute “a minimum of five years”.

—Finian McGrath.

59. In page 10, subsection (1), line 35, to delete “chief executive officer concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

60. In page 10, subsection (1), line 36, after “determine” to insert “but for a minimum period of 12 months”.

—David Stanton, Gerard Murphy.

61. In page 10, subsection (2), lines 38 and 39, to delete “officers of the health board concerned” and substitute “employees of the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

62. In page 10, subsection (2), line 39, after “experience” to insert the following:

“and expertise as he or she considers appropriate; those persons may include one or more of the following:

(a) a psychologist;

(b) a medical practitioner;

(c) a therapist or therapists who is/are suitably qualified to provide support services in respect of the person with a disability;

(d) an appropriately qualified social worker;

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in order to best identify the person's rehabilitation, vocational, independent living, educational, emotional and personal needs".

—David Stanton, Gerard Murphy.

63. In page 10, subsection (3), line 42, to delete "may" and substitute "shall, as soon as may be,".

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

64. In page 10, subsection (3), line 42, to delete "may" and substitute "shall".

—Finian McGrath, David Stanton, Gerard Murphy Kathleen Lynch.

65. In page 10, subsection (3), line 45, after "request" to insert "without undue delay".

—Finian McGrath.

66. In page 11, subsection (6), lines 8 and 9, to delete all words from and including "chief" in line 8 down to and including "appropriate," in line 9 and substitute the following:

"Executive, and, if appropriate, a person referred to in *section 8(2)* and".

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

67. In page 11, subsection (7)(b)(ii), line 19, to delete "health and education".

—Kathleen Lynch, Finian McGrath.

68. In page 11, subsection (7)(b)(ii), line 19, to delete "and education" and substitute the following:

" , education, social, occupational, housing and transport needs (if any) occasioned by the disability and subsequent references to 'health and education needs' in this Act shall be construed to mean 'health, education, social, occupational, housing and transport'".

—David Stanton, Gerard Murphy.

69. In page 11, subsection (7)(b)(ii), line 19, after "any)" to insert "or other needs".

—Finian McGrath.

70. In page 11, subsection (7)(b)(iii), lines 21 to 26, to delete all words from and including "considered" in line 21 down to and including "provision" in line 26 and substitute the following:

"listed in order of importance, which are considered appropriate by the person or persons referred to in *subsection (2)* to meet the needs of the applicant and the period of time required by the person or persons for the provision of each of those services and the order of such provision, giving preference to services which are most needed by the applicant".

—David Stanton, Gerard Murphy.

71. In page 11, subsection (7)(b), to delete lines 27 and 28 and substitute the following:

"(iv) a statement of outstanding needs of the person, which can not currently be met by the services provided,

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- (v) a statement of the date by which continuous reviews of the assessment should be carried out, within a period not exceeding 12 months from the date of the previous assessment, or whenever there is a change in circumstances or condition either for the person being assessed or in available resources.”.

—David Stanton, Gerard Murphy.

72. In page 11, subsection (8)(a), line 29, to delete “may” and substitute “shall”.
—Finian McGrath, David Stanton, Gerard Murphy Kathleen Lynch .

73. In page 11, subsection (8)(a), line 31, after “appropriate” to insert “(or if the applicant so requests)”.
- David Stanton, Gerard Murphy.

74. In page 11, subsection (8)(a), line 32, to delete “attend before him or her for interview” and substitute “meet with him or her”.
- Kathleen Lynch, Finian McGrath.

75. In page 11, subsection (8)(b), lines 40 to 44, to delete all words from and including “unless” in line 40 down to and including “disability” in line 44.
- Finian McGrath.

76. In page 11, subsection (8)(b), line 40, to delete “unless” and substitute the following:
- “or, if present, the person referred to in *section 8(2)* if it is”.
- David Stanton, Gerard Murphy.

77. In page 11, subsection (8)(c)(i), line 46, to delete “endeavour to”.
- Finian McGrath, David Stanton, Gerard Murphy.

78. In page 11, subsection (8)(c)(i), line 48, before “in” to insert “and/or the person referred to in *section 8(2)*”.
- David Stanton, Gerard Murphy.

79. In page 11, subsection (8)(c)(i), lines 50 and 51, after “assessment” to insert the following:
- “and that note is taken of the views (if any) of the applicant concerning his or her needs or preferences in relation to the provision of services to meet his or her needs”.
- An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

80. In page 12, subsection (8)(c)(ii), lines 3 to 8, to delete all words from and including “unless” in line 3 down to and including “disability” in line 8.
- Finian McGrath.

81. In page 12, subsection (8)(c), between lines 8 and 9, to insert the following:
- “(iii) ensure that a person referred to in *section 8(2)* is given adequate information relating to the process of the assessment and the results of the assessment, if the applicant has not been provided with such as under *subsection (8)(c)(ii)*.”.
- David Stanton, Gerard Murphy.

[SECTION 7]

82. In page 12, between lines 16 and 17, to insert the following subsection:

“(10) The Minister shall, as soon as may be, after the passing of this Act, prepare and lay before each House of the Oireachtas, a report on the impact of including social, occupational, housing and transport needs in the assessment report.”.

—David Stanton, Gerard Murphy.

SECTION 8

83. In page 12, subsection (1)(a), line 18, after “person”)” to insert “has or”.

—Kathleen Lynch.

84. In page 12, subsection (1)(b), lines 23 and 24, to delete “form such an opinion” and substitute “make application under this section”.

—Kathleen Lynch.

85. In page 12, subsection (1), lines 25 and 26, to delete all words from and including “health” in line 25 down to and including “resides” in line 26 and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

86. In page 12, subsection (1), line 26, to delete “resides” and substitute “is currently living”.

—David Stanton, Gerard Murphy.

87. In page 12, subsection (2), between lines 36 and 37, to insert the following:

“(e) a carer or family carer”.

—David Stanton, Gerard Murphy.

88. In page 12, subsection (4), lines 39 to 44, to delete all words from and including “officer” in line 39 down to and including “board” in line 44 and substitute the following:

“employee of the Executive that a person may have a disability or where a person is in receipt of a health service provided by the Executive or both, he or she may arrange for an application under *subsection (1)* to be made by or on behalf of the person or may request the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

89. In page 12, subsection (4), line 42, to delete “may” and substitute the following:

“shall, unless an assessment has been or is being otherwise carried out”.

—Kathleen Lynch.

90. In page 12, subsection (5), line 46, to delete “or a request under *subsection (1)*” and substitute the following:

“under *subsection (1)* or a request under *subsection (4)*”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath.

91. In page 12, subsection (5), line 47, to delete “chief executive officer of the health board concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 8]

92. In page 12, subsection (5), line 48 and in page 13, line 1, to delete “within 3 months of” and substitute “forthwith after”.

—Kathleen Lynch.

93. In page 13, subsection (5), lines 1 and 2, to delete “and to be completed without undue delay.” and substitute the following:

“or, in the case of urgent conditions, to commence immediately, which should be completed without undue delay, within a maximum period of 3 months from commencement.”

—David Stanton, Gerard Murphy.

94. In page 13, lines 3 to 12, to delete subsection (6).

—Kathleen Lynch.

95. In page 13, subsection (6), to delete lines 3 to 7 and substitute the following:

“(6) Where an assessment of a child under section 4 of the Act of 2004 has been completed and the statement of findings”.

—David Stanton, Gerard Murphy.

96. In page 13, subsection (7), line 13, to delete “A health board” and substitute “The Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

97. In page 13, subsection (8)(a), line 23, to delete “of circumstances” and substitute the following:

“in the personal circumstances of the applicant or to the services available to meet the needs of the applicant”.

—Finian McGrath.

98. In page 13, between lines 29 and 30, to insert the following subsections:

“(9) In carrying out a review of an assessment report, in accordance with *section 7(7)(b)(iv)*, in respect of the person with a disability, the assessment officer shall, in addition to the criteria laid out in *section 7(7)*, cause an assessment to be made of—

(a) the extent, if any, to which the needs set out in any previous such assessment or the assessment, as the case may be, for the person were achieved, and

(b) the reasons for any failure to meet those needs and the effect any such failure has had on the development of the person,

and the assessment, shall include, where appropriate, measures to address any such effect.

(10) The assessment officer shall cause a review of all assessment reports to be carried out on a regular basis.”.

—David Stanton, Gerard Murphy.

SECTION 9

99. In page 13, lines 30 and 31, to delete “health board concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 9]

100. In page 13, line 32, to delete “may” and substitute “shall”.
—Finian McGrath.

SECTION 10

101. In page 13, subsection (1), lines 35 and 36, to delete all words from and including “chief” in line 35 down to and including “she” in line 36 and substitute the following:

“Executive shall authorise such and so many employees of the Executive as it”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

102. In page 13, subsection (1), line 35, to delete “may” and substitute “shall”.
—Finian McGrath, David Stanton, Gerard Murphy Kathleen Lynch.

103. In page 13, between lines 38 and 39, to insert the following subsection:

“(2) A liaison officer shall be independent in the performance of his or her functions.”.

—David Stanton, Gerard Murphy.

104. In page 13, subsection (2), lines 39 and 40, to delete “a chief executive officer of a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

105. In page 13, subsection (2), line 41, to delete “health services or education services or both” and substitute “services”.

—Kathleen Lynch.

106. In page 13, subsection (2), line 41, after “education” to insert “or other”.

—Finian McGrath.

107. In page 13, subsection (2), line 41, to delete “both” and substitute “a combination of these”.

—Finian McGrath.

108. In page 13, subsection (2), line 45, after “education” to insert “or other”.

—Finian McGrath.

109. In page 13, subsection (2), line 45, to delete “both” and substitute “a combination of these”.

—Finian McGrath.

110. In page 13, subsection (2), line 46, to delete “health board” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

111. In page 13, subsection (2), line 46, after “education” to insert “or other”.

—Finian McGrath.

112. In page 13, subsection (2), line 48, after “provided” to insert “without undue delay”.

—Finian McGrath.

[SECTION 10]

113. In page 13, after line 48, to insert the following subsection:

“(3) Where a chief executive officer of a health board has arranged for the preparation by a liaison officer of a service statement, the chief executive officer concerned shall cause a service statement to be commenced within 3 months of the date of the receipt of the assessment report, which should be completed without undue delay, within a maximum period of 3 months from commencement.”

—David Stanton, Gerard Murphy.

114. In page 14, subsection (4)(a), line 5, to delete “to”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath.

115. In page 14, subsection (4)(a), line 9, to delete “may” and substitute “shall”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath.

116. In page 14, subsection (4), lines 13 to 24, to delete paragraphs (c) and (d).

—David Stanton, Gerard Murphy.

117. In page 14, subsection (4)(d), line 22, after “writing” to insert “, within a specified timeframe,”.

—Finian McGrath.

118. In page 14, between lines 24 and 25, to insert the following subsection:

“(5) The liaison officer may appeal a decision of the Council under *subsection (4)* to the appeals board who may direct the Council to comply with the request or dismiss the appeal and the Council shall comply with a direction of the board.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

119. In page 14, subsection (5), line 26, after “child” to insert the following:

“if appropriate provisions relating to educational services are contained in an education plan in relation to the child prepared pursuant to the Act of 2004”.

—Kathleen Lynch, Finian McGrath.

120. In page 14, subsection (6), lines 31 and 32, to delete paragraph (b).

—Kathleen Lynch.

121. In page 14, subsection (6)(d), line 37, after “report,” to insert the following:

“and should these services not be practicable at the time of writing the service statement, to review the service statement at regular intervals, with a view to meeting the needs of the applicant over a reasonable period of time,”.

—David Stanton, Gerard Murphy.

122. In page 14, subsection (6), between lines 37 and 38, to insert the following:

“(e) the need to ensure in relation to a service statement (which shall in each case be prepared by a liaison officer based on the assessment of the person concerned) where it is not practicable to provide the required services immediately, or alternatively, where those services are not affordable in the short term, that a plan be prepared in consultation with the person, the subject of the statement, for the progressive and incremental delivery of the required services within a time frame specified in the statement.”.

—Kathleen Lynch.

[SECTION 10]

- 123.** In page 14, subsection (6), lines 38 to 46, to delete paragraph (e).
—Kathleen Lynch.
- 124.** In page 15, subsection (7), line 6, to delete “copy of a service statement” and substitute the following:
“service statement shall be prepared without undue delay and a copy thereof”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 125.** In page 15, subsection (7), line 7, to delete “chief executive officer of the health board concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 126.** In page 15, subsection (8), lines 14 and 15, to delete all words from and including “chief” in line 14 down to and including “concerned” in line 15 and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 127.** In page 15, between lines 20 and 21, to insert the following subsection:
“(10) A liaison officer shall review the provision of services specified in service statements.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 11

- 128.** In page 15, subsection (1), line 29, to delete “may” and substitute “shall”.
—Finian McGrath, David Stanton, Gerard Murphy.
- 129.** In page 15, subsection (2), line 37, after “shall” to insert “forthwith”.
—Kathleen Lynch.
- 130.** In page 15, subsection (2), line 39, to delete “or” and substitute “and”.
—Finian McGrath, David Stanton, Gerard Murphy Kathleen Lynch.
- 131.** In page 15, subsection (2), between lines 42 and 43, to insert the following:
“(b) The public body shall communicate with the persons in this subsection the information regarding services that may be provided by the public body that it considers that the applicant is entitled to, as soon as practicable after receiving the assessment report, but within a maximum period of 6 weeks after receipt of the assessment report.”.
—David Stanton, Gerard Murphy.

SECTION 12

- 132.** In page 15, subsection (1), line 47, to delete “A health board” and substitute “The Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 133.** In page 16, subsection (1), between lines 2 and 3, to insert the following:
“(c) specifying the aggregate needs identified in assessment reports which have not been included in the service statements,”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 12]

134. In page 16, subsection (1), between lines 4 and 5, to insert the following:

“(d) identifying the services which are required but which are currently unavailable, resulting in unmet needs of the persons assessed, with a view to making those services available.”.

—David Stanton, Gerard Murphy.

135. In page 16, lines 5 to 10, to delete subsection (2) and substitute the following:

“(2) The Executive shall, within 6 months after the end of each year, submit a report in writing to the Minister in relation to the aggregate needs identified in assessment reports prepared including an indication of the periods of time ideally required for the provision of the services, the sequence of such provision and an estimate of the cost of such provision.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

136. In page 16, subsection (2), line 5, to delete “as soon as may be” and substitute “not later than three months”.

—Finian McGrath.

137. In page 16, subsection (2), line 10, after “provision” to insert the following:

“and an indication of the resources required to meet unmet aggregate needs”.

—Finian McGrath.

138. In page 16, subsection (2), between lines 10 and 11, to insert the following:

“(b) A health service executive, shall include in the report, an indication of the resources required to provide the services to meet the unmet aggregate needs identified in the assessment reports.”.

—David Stanton, Gerard Murphy.

139. In page 16, subsection (3), line 11, after “include” to insert “a national register of unmet needs and any”.

—David Stanton, Gerard Murphy.

SECTION 13

140. In page 16, subsection (1), lines 19 and 20, to delete all words from and including “chief” in line 19 down to and including “concerned” in line 20 and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

141. In page 16, subsection (1), between lines 21 and 22, to insert the following:

“(a) the denial of a right to an assessment of need;”.

—David Stanton, Gerard Murphy.

142. In page 16, subsection (1), between lines 23 and 24, to insert the following:

“(b) the fact, if it be the case, that the assessment under *section 8* was not provided within the period of time specified in *section 8(5)*;”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

143. In page 16, subsection (1), between lines 23 and 24, to insert the following:

“(b) the contents of the assessment report provided to the applicant;”.

—David Stanton, Gerard Murphy.

[SECTION 13]

144. In page 16, subsection (1), lines 24 to 26, to delete paragraph (b) and substitute the following:

“(b) the contents of the assessment;”.

—Kathleen Lynch.

145. In page 16, subsection (1)(c), line 27, after “contents” to insert “and adequacy”.

—David Stanton, Gerard Murphy.

146. In page 16, subsection (1)(c), line 27, after “contents” to insert “or adequacy”.

—Kathleen Lynch.

147. In page 16, subsection (1)(d), line 29, to delete “board” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

148. In page 16, subsection (1)(d), line 29, to delete “education”.

—Kathleen Lynch.

149. In page 16, subsection (1)(d), line 30, after “provider” to insert “or other service provider”.

—Finian McGrath.

150. In page 16, subsection (1), between lines 32 and 33, to insert the following:

“(e) the adequacy of the service statement.”.

—Finian McGrath.

151. In page 16, subsection (1), between lines 32 and 33, to insert the following:

“(e) the contents of the assessment report provided to the applicant.”.

—Finian McGrath.

152. In page 16, lines 33 to 37, to delete subsection (2).

—Kathleen Lynch.

SECTION 14

153. In page 16, subsection (1), lines 38 and 39, to delete all words from and including “chief” in line 38 down to and including “she” in line 39 and substitute the following:

“Executive shall authorise such and so many employees of the Executive as it”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

154. In page 16, subsection (1), line 39, to delete “officers of the board” and substitute “independent persons”.

—Kathleen Lynch, Finian McGrath.

155. In page 16, subsection (3), lines 45 and 46, to delete “a chief executive officer of a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

156. In page 16, subsection (3), line 46, after “shall” to insert “within 7 days”.

—Kathleen Lynch.

[SECTION 14]

- 157.** In page 16, subsection (3), line 47, after “officer” to insert “within one month”.
—Finian McGrath.
- 158.** In page 16, subsection (3), line 47, after “officer” to insert the following:
“as soon as it is received, or within a maximum period of 5 working days”.
—David Stanton, Gerard Murphy.
- 159.** In page 17, subsection (4)(a)(iii), line 10, to delete “chief executive officer concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 160.** In page 17, subsection (5)(a), line 16, after “complaint” to insert “within one month”.
—Finian McGrath.
- 161.** In page 17, subsection (5)(b), lines 20 and 21, to delete “chief executive officer concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 162.** In page 17, subsection (5), between lines 23 and 24, to insert the following:
“(c) Where a complaint is not resolved under this subsection, the complaints officer shall keep a record of the matter and send a copy thereof to the Executive who shall refer the matter to another complaints officer for investigation.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 163.** In page 17, subsection (5), between lines 23 and 24, to insert the following:
“(c) Where a complaint is not resolved under this section a record shall be kept and the complaint referred to another complaints officer for investigation under *subsection (6)* within one month.”.
—Finian McGrath.
- 164.** In page 17, subsection (6), lines 25 and 26, to delete “investigate the complaint” and substitute the following:
“commence investigation of the complaint within one month”.
—Finian McGrath.
- 165.** In page 17, subsection (6), line 33, to delete “chief executive officer concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 166.** In page 17, subsection (7), line 40, after “in” to insert “*paragraphs (a), (b) and (c)* of”.
—David Stanton, Gerard Murphy.
- 167.** In page 17, subsection (8), between lines 44 and 45, to insert the following:
“(b) if the report contains a finding that the Executive failed to provide an assessment within the period of time specified in *section 8(5)*.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 168.** In page 17, subsection (8)(b), line 45, after “person” to insert “has or”.
—Kathleen Lynch.

[SECTION 14]

169. In page 17, subsection (8)(b), line 47, after “*section 8*” to insert “within a specified timeframe”.

—Finian McGrath.

170. In page 17, subsection (8), lines 48 to 51 and in page 18, lines 1 and 2, to delete paragraph (c) and substitute the following:

“(c) if the report contains a finding that the contents of the assessment are inadequate, a recommendation that the Chief Executive of the Health Service Executive cause the assessment or a specified part of it to be amended or to be carried out as directed by the complaints officer;”.

—Kathleen Lynch.

171. In page 17, subsection (8)(c), line 48, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

172. In page 17, subsection (8)(c), line 51 and in page 18, line 1, to delete “chief executive officer of the health board concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

173. In page 18, subsection (8)(c), line 2, after “standards” to insert “within a specified timeframe”.

—Finian McGrath.

174. In page 18, subsection (8)(d), line 4, after “are” to insert “inadequate;”.

—Kathleen Lynch.

175. In page 18, subsection (8)(d), line 6, after “concerned” to insert “within a specified timeframe”.

—Finian McGrath.

176. In page 18, subsection (8)(e), line 7, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

177. In page 18, subsection (8)(e), line 8, after “provider” to insert “or other service provider”.

—Finian McGrath.

178. In page 18, subsection (8)(e), line 11, to delete “health board concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

179. In page 18, subsection (8)(e), line 12, after “appropriate” to insert “within a specified timeframe”.

—Finian McGrath.

180. In page 18, subsection (9), line 14, to delete “be conducted otherwise than in public.” and substitute the following:

“not be conducted in public unless—

(a) the applicant requests otherwise,

(b) the complaints officer believes a public hearing would be more appropriate.”.

—David Stanton, Gerard Murphy.

[SECTION 14]

- 181.** In page 18, lines 18 to 49 and in page 19, lines 1 to 5, to delete subsections (11) to (13).
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 182.** In page 18, subsection (11), lines 21 to 36, to delete all words from and including “unless” in line 21 down to and including “services” in line 36.
—Kathleen Lynch.
- 183.** In page 18, subsection (11), lines 32 to 34, to delete paragraph (b).
—David Stanton, Gerard Murphy.
- 184.** In page 18, subsection (12), lines 41 to 49, to delete all words from and including “unless” in line 41 down to and including “statement” in line 49.
—Kathleen Lynch.
- 185.** In page 18, subsection (12), lines 47 to 49, to delete paragraph (b).
—David Stanton, Gerard Murphy.
- 186.** In page 19, subsection (13), line 3, to delete “as soon as may be” and substitute the following:
“within a specified time limit as shall be prescribed by regulations made by the Minister under this Act”.
—Finian McGrath.

SECTION 15

- 187.** In page 19, subsection (1)(a), lines 6 and 7, to delete “appointed by the Minister” and substitute the following:
“an officer of the Ombudsman appointed by the Ombudsman and accountable to him or her”.
—Kathleen Lynch, Finian McGrath.
- 188.** In page 19, subsection (1)(a), line 7, after “Minister” to insert “for Finance”.
—Finian McGrath.

SECTION 17

- 189.** In page 19, subsection (1), line 24, to delete “specified in *paragraph (a), (d) or (e) of*” and substitute “or recommendation under”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 190.** In page 19, subsection (1), line 24, to delete “*paragraph (a), (d) or (e) of*”.
—Kathleen Lynch.
- 191.** In page 19, subsection (1), line 24, to delete “(d) or (e)” and substitute the following:
“or a recommendation in *paragraph (d) or (e),*”.
—Finian McGrath.
- 192.** In page 19, subsection (1), line 25, to delete “a chief executive officer of a health board” and substitute “the Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 17]

- 193.** In page 19, subsection (1), line 26, to delete “an education” and substitute “a”.
—Kathleen Lynch.
- 194.** In page 19, subsection (1), line 26, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 195.** In page 19, lines 31 to 38, to delete subsection (2) and substitute the following:
“(2) The Executive or the head of an education service provider may appeal to the appeals officer in the prescribed manner against a finding or recommendation specified in *paragraph (f)* of *section 14(8)* and, if such an appeal is brought, the appeals officer shall give the parties an opportunity to be heard by him or her and to present to him or her any evidence relevant to the appeal.
(3) An appeal under this section shall be initiated by a person referred to in *subsection (1)* or *(2)* within 6 weeks of the date on which the finding or recommendation to which it relates was communicated to the person, by furnishing a notice in writing in the prescribed form or in a form to the like effect to the appeals officer specifying the grounds of appeal.”
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 196.** In page 19, subsection (2), line 32, to delete “weeks” and substitute “months”.
—Finian McGrath, David Stanton, Gerard Murphy.
- 197.** In page 19, subsection (2), line 34, to delete “weeks” and substitute “months”.
—Finian McGrath, David Stanton, Gerard Murphy.
- 198.** In page 19, subsection (2), line 37, after “writing” to insert “or in a form to the like effect”.
—Finian McGrath.
- 199.** In page 19, subsection (2), line 38, after “appeal” to insert “or such longer period as may be allowed”.
—Kathleen Lynch.
- 200.** In page 19, subsection (3), lines 41 and 42, to delete “chief executive officer concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 201.** In page 19, subsection (3), line 42, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 202.** In page 19, subsection (3), lines 44 and 45, to delete “chief executive officer of the health board concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 203.** In page 19, subsection (3), line 46, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 204.** In page 19, subsection (4), line 50, to delete “health board concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 17]

- 205.** In page 20, subsection (10), line 45, after “appropriate,” to insert “and shall, where requested by the applicant.”
—Kathleen Lynch.
- 206.** In page 21, subsection (11)(b), lines 16 and 17, to delete “chief executive officer of the health board concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 207.** In page 21, subsection (11)(b), line 18, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 208.** In page 21, subsection (12), line 26, to delete “that” and substitute “an”.
—Kathleen Lynch.
- 209.** In page 21, subsection (15)(c), line 38, after “officer” to insert “or”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 210.** In page 22, subsection (17)(c), line 5, after “oath” to insert “or affirmation”.
—Kathleen Lynch.
- 211.** In page 22, between lines 38 and 39, to insert the following subsection:
“(22) An appeal shall lie from a decision of the appeals officer to the District Court for the district in which the applicant is ordinarily resident or carries on any trade, profession or business.”
—Kathleen Lynch.

SECTION 18

- 212.** In page 22, subsection (2), line 45, to delete “applicant” and substitute “person who initiates the appeal”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 213.** In page 23, subsection (5)(b), line 9, to delete “chief executive officer of the health board concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 214.** In page 23, subsection (5)(b), line 10, after “provider” to insert “or other service provider”.
—Finian McGrath.
- 215.** In page 23, subsection (5)(b), line 11, to delete “both” and substitute “a combination”.
—Finian McGrath.
- 216.** In page 23, subsection (5)(b), lines 13 and 14, to delete “chief executive officer of the health board concerned” and substitute “Executive”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 19

- 217.** In page 23, before section 19, to insert the following new section:

“Complaints or appeals decisions.

19.—A complaint or appeal regarding any decision or determination taken by any of the following—

[SECTION 19]

- (a) an assessment officer,
- (b) a liaison officer,
- (c) a complaints officer,
- (d) a mediation officer,
- (e) an appeals officer,
- (f) a chief executive officer concerned, or
- (g) any other head of a body which has undertaken to provide services under *Part 2* of this Act,

can be made to the Office of the Ombudsman, under the Ombudsman Act 1980, and will be dealt with in accordance with *section 38* of this Act.”.

—David Stanton, Gerard Murphy.

- 218.** In page 23, line 18, after “appeal” to insert “to the District Court or an appeal”.

—Kathleen Lynch, Finian McGrath.

Section opposed.

—David Stanton, Gerard Murphy.

SECTION 20

- 219.** In page 23, paragraph (a)(v), lines 36 to 38, to delete all words from and including “referral” in line 36 down to and including “assessment,” in line 38 and substitute the following:

“nomination by the Council of a person or persons with appropriate expertise to assist in carrying out an assessment in relation to educational services,”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

- 220.** In page 24, paragraph (b)(v), lines 4 to 6, to delete all words from and including “periodic” in line 4 down to and including “statements,” in line 6 and substitute the following:

“review by liaison officers of the provision of services specified in service statements, including the intervals at which such reviews shall be undertaken either generally or with reference to—

(I) a particular category or categories of disability, or

(II) categories of persons of a particular age,”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

- 221.** In page 24, paragraph (b)(v), line 4, after “periodic” to insert “(being at least annual)”.

—Kathleen Lynch.

[SECTION 20]

222. In page 24, paragraph (c), line 11, after “complaints” to insert the following:

“provided that any regulations in relation to the time within which a complaint must be made, shall include provision for the extension of such time on the showing of cause for such an extension”.

—Kathleen Lynch, Finian McGrath.

SECTION 21

223. In page 24, subsection (1)(a), lines 20 and 21, to delete “chief executive officer of the health board concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

224. In page 24, subsection (1)(a), line 22, before “concerned” to insert “or other service provider”.

—Finian McGrath.

225. In page 24, subsection (1)(a), between lines 22 and 23, to insert the following:

“(i) to implement a service statement.”.

—Kathleen Lynch.

226. In page 24, subsection (1)(a), line 39, to delete “chief executive officer concerned” and substitute “Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

227. In page 24, subsection (1)(a), line 40, to delete “education”.

—Kathleen Lynch.

228. In page 24, subsection (1)(a), line 40, after “provider” to insert “or other service provider”.

—Finian McGrath.

SECTION 23

229. In page 25, before section 23, but in Part 3, to insert the following new section:

“Definition.

23.—In this Part ‘housing authority’ has the same meaning as it has in the Housing Act 1966 amended by section 21 of the Housing Act 1988.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

230. In page 25, subsection (1), to delete line 37 and substitute the following:

“23.—(1) In this Part—

‘access’ means physical access, access to information and access to communications;

‘public building’ means any building which is used by a public body, and any building which is used for a public service but is not owned by the State.

(2) Subject to *subsection (4)* and *section 27*, a public body”.

—David Stanton, Gerard Murphy.

[SECTION 23]

- 231.** In page 25, subsection (1), line 37, to delete “*subsection (4) and section 27*” and substitute “provisions of the Equal Status Acts 2000 and 2004”.
—David Stanton, Gerard Murphy.
- 232.** In page 25, subsection (2)(b), line 47, after “consult” to insert “the Equality Authority and”.
—David Stanton, Gerard Murphy.
- 233.** In page 26, subsection (2)(f), line 13, to delete “take account of” and substitute “comply with”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath, David Stanton, Gerard Murphy.
- 234.** In page 26, subsection (3)(a), line 25, after “shall” to insert “, subject to *section 27(1)(b)*”.
—Kathleen Lynch.
- 235.** In page 26, subsection (3), between lines 32 and 33, to insert the following:
“(c) The compliance of public buildings with Part M shall be ensured by the allocation of certificates of compliance by a building control officer who will also be charged with the periodic monitoring and inspection of such buildings.”.
—David Stanton, Gerard Murphy.
- 236.** In page 26, subsection (4), line 33, after “may,” to insert the following:
“following consultation with such other Ministers of the Government or other persons or bodies as he or she considers appropriate”.
—Finian McGrath.
- 237.** In page 26, subsection (4), line 37, to delete paragraph (a).
—David Stanton, Gerard Murphy.
- 238.** In page 26, subsection (4), lines 40 to 43, to delete paragraph (c) and substitute the following:
“(c) provisions are in place for reasonable accommodation of people with disabilities.”.
—David Stanton, Gerard Murphy.
- 239.** In page 26, subsection (4)(c), lines 42 and 43, to delete “and the frequency of use of the building by such persons”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath.
- 240.** In page 26, between lines 43 and 44, to insert the following subsection:
“(5) Before making an order under *subsection (4)*, the Minister of the Government concerned shall consult with such other Ministers of the Government or such other persons as he or she considers appropriate.”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 24

- 241.** In page 27, subsection (1)(a), line 4, to delete “where practicable and appropriate”.
—David Stanton, Gerard Murphy Kathleen Lynch.

[SECTION 24]

242. In page 27, subsection (1)(b), line 7, to delete “where practicable and appropriate,”.

—David Stanton, Gerard Murphy Kathleen Lynch.

243. In page 27, subsection (1)(c), line 12, to delete “where appropriate,”.

—David Stanton, Gerard Murphy Kathleen Lynch.

244. In page 27, between lines 20 and 21, to insert the following subsection:

“(3) Section 8(1) of the Act of 1999 is amended by the deletion of ‘the Minister’ and the substitution therefor of ‘the Government, Ministers and public bodies’, and by the deletion of ‘keep him or her’ and the substitution therefor of ‘keep them’.”.

—Kathleen Lynch.

SECTION 25

245. In page 27, lines 25 to 31, to delete subsection (2).

—David Stanton, Gerard Murphy.

246. In page 27, between lines 33 and 34, to insert the following subsection:

“(4) This section shall come into operation on 31 December 2005.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath,
David Stanton, Gerard Murphy.

247. In page 27, between lines 33 and 34, to insert the following subsection:

“(4) This section shall come into operation on 31 December 2007.”.

—David Stanton, Gerard Murphy.

SECTION 26

248. In page 27, subsection (1)(b), line 41, after “requests,” to insert the following:

“or

(c) if the communication, either written or oral, is in simple clear language and the person or persons aforesaid has an intellectual disability and so requests,”.

—David Stanton, Gerard Murphy.

249. In page 28, subsection (2), lines 4 and 5, to delete all words from and including “persons” in line 4 down to and including “available” in line 5 and substitute “people with disabilities”.

—Finian McGrath.

250. In page 28, subsection (2), line 5, after “available” to insert the following:

“and that the contents of the communication are in simple clear language for persons with an intellectual disability”.

—David Stanton, Gerard Murphy.

251. In page 28, between lines 5 and 6, to insert the following subsection:

“(3) The head of a public body, shall as far as practicable, ensure that information that is published by the body which contains information relevant to persons with intellectual disabilities is published in a form that is comprehensible to those persons.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 26]

252. In page 28, between lines 5 and 6, to insert the following subsection:

“(3) The Minister for Justice, Equality and Law Reform shall, in consultation with—

- (a) the National Disability Authority,
- (b) the Equality Authority,
- (c) consumer groups, and
- (d) any other persons or bodies which he or she considers appropriate,

produce a handbook, which will be updated annually, containing information on responsibilities, procedures and practices, involved in the provision of rights for persons with disabilities to suitable services and supports, as referred to in this Act. The Minister shall cause the handbook to be published or otherwise made available to all members of the public, including those with disabilities and give notice to the public of the publication or availability.”.

—David Stanton, Gerard Murphy.

SECTION 27

253. In page 28, subsection (1), lines 13 to 18, to delete paragraph (b) and substitute the following:

“(b) Access should be provided in accordance with the Equal Status Acts 2000 and 2004.”.

—David Stanton, Gerard Murphy.

SECTION 28

254. In page 28, subsection (2), line 43, after “with” to insert “the Equality Authority and with”.

—David Stanton, Gerard Murphy.

SECTION 29

255. In page 29, subsection (1), lines 13 to 21, to delete all words from and including “of” in line 13 down to and including “Employment,” in line 21 and substitute “Minister of the Government”.

—David Stanton, Gerard Murphy.

256. In page 29, subsection (1), between lines 21 and 22, to insert the following:

“(g) and other Ministers of the Government as shall be designated by regulations.”.

—Finian McGrath.

257. In page 29, subsection (2), line 31, after “with” to insert “the Authority, the Equality Authority, and with”.

—David Stanton, Gerard Murphy.

258. In page 30, subsection (4), between lines 12 and 13, to insert the following:

“(f) appropriate information concerning services provided to or on behalf of people with disabilities,

(g) the criteria governing eligibility for such services,

[SECTION 29]

- (h) the criteria governing entitlement to such services,
- (i) the target quantum of provision from the resources provided for the relevant year,
- (j) details of any plans to change or improve the level of services provision for coming years,
- (k) any planned changes to eligibility or entitlement to services,
- (l) appropriate information concerning resources required to implement the sectoral plans.”.

—Finian McGrath.

259. In page 30, subsection (4), between lines 12 and 13, to insert the following:

- “(f) services provided to or on behalf of people with disabilities,
- (g) criteria governing eligibility or entitlement to services, including any planned change to eligibility or entitlement,
- (h) the target quantum of provision for the relevant year,
- (i) details of any plan to change or improve services,
- (j) resources required to implement the sectoral plan.”.

—David Stanton, Gerard Murphy.

260. In page 30, subsection (5), lines 13 to 16, to delete all words from and including “building” in line 13 down to and including “or” in line 16 and substitute the following:

“transport service is required by a sectoral plan to be provided by a specified date (“the specified date”) and the specified date is later than the date which would otherwise apply by virtue of *sections 23 to 27*, the”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

261. In page 30, between lines 22 and 23, to insert the following subsection:

“(7) In drawing up a statement of strategy as required under the Public Service Management Act 1997, government departments shall include the provision of services to people with disabilities as a headed item.”.

—Finian McGrath.

SECTION 30

262. In page 30, subsection (1)(c), line 30, to delete “and” and substitute the following:

- “(d) arrangements for cooperation by the Executive with housing authorities in relation to the development and coordination of the services provided by housing authorities for persons with disabilities, and”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 30]

263. In page 30, subsection (1)(c), line 30, to delete “and” and substitute the following:

“(d) the introduction of National Standards for Disability Services and the statutory inspection of such services,

(e) the consideration of the primary care needs of people with disabilities when developing the new model of primary care, and”.

—David Stanton, Gerard Murphy.

SECTION 32

264. In page 31, paragraph (c), line 29, to delete “and” and substitute the following:

“(d) guidelines for best practice, in relation to facilitating access by persons with disabilities, for private companies offering public transport services, and”.

—David Stanton, Gerard Murphy.

SECTION 34

265. In page 32, paragraph (b), line 11, to delete “and”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

266. In page 32, paragraph (c), line 15, to delete “road.” and substitute the following:

“road, and

(d) housing and accommodation for persons with disabilities,

(e) proposed arrangements for cooperation by housing authorities with the Executive in relation to the development and coordination of the services provided by housing authorities for persons with disabilities, and

(f) any other matters which the Minister considers appropriate.

(2) In this section ‘public places’ includes—

(a) street furniture, pavements and pedestrian zones,

(b) signage,

(c) public parks and open spaces owned or maintained by a local authority,

(d) harbours, bus and light rail stops for which a local authority is responsible,

but does not include a public building under *section 23* or a service to which *section 24* or *25* applies.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 34]

267. In page 32, paragraph (c), line 15, after “road” to insert the following:

“, and

(d) measures to be taken to ensure the housing and accommodation needs of persons with disabilities are considered when developing or revising housing policy”.

—David Stanton, Gerard Murphy.

SECTION 37

268. In page 32, subsection (1), line 43, to delete “officers of the body” and substitute “independent persons”.

—Kathleen Lynch, Finian McGrath.

SECTION 38

269. In page 33, lines 30 and 31, to delete all words from and including “determination” in line 30 down to and including “plan” in line 31 and substitute the following:

“decision or determination of any of the following—

(a) an assessment officer,

(b) a liaison officer,

(c) a complaints officer,

(d) a mediation officer,

(e) an appeals officer,

(f) an inquiry officer,

(g) a head of a public body, or

(h) any other head of a body which has undertaken to provide services under *Part 2* or *Part 3* of this Act.”.

—David Stanton, Gerard Murphy.

270. In page 33, line 31, after “officer” to insert “of the Office of the Ombudsman”.

—David Stanton, Gerard Murphy.

271. In page 34, lines 4 to 8, to delete all words from and including “*Part*” in line 4 down to and including “*29(4)(b)*” in line 8 and substitute the following:

“*Part 2* or *Part 3* of the *Disability Act 2005*, the action adversely affected a person by or on whose behalf a complaint or appeal was made under *sections 13, 17* or *36*, or in accordance with the procedure for complaints provided for pursuant to *section 29(4)(b)* or *section 37(2)*”.

—David Stanton, Gerard Murphy.

272. In page 35, line 18, after “with” to insert “*Part 2* or”.

—David Stanton, Gerard Murphy.

[SECTION 40]

SECTION 40

273. In page 36, subsection (1)(b), line 23, after “the” where it firstly occurs to insert “express”.

—Kathleen Lynch.

274. In page 36, subsection (1)(b), line 25, after “Acts” to insert the following:

“provided that the consent is genuinely freely given and may be withdrawn at any time”.

—Kathleen Lynch.

SECTION 41

275. In page 37, subsection (1), line 11, to delete “section 2B(1)(xi)” and substitute “section 2B(1)(b)(xi)”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

276. In page 37, subsection (2)(a), line 19, to delete “2001” and substitute “2003”.

—Kathleen Lynch.

277. In page 37, subsection (2), between lines 29 and 30, to insert the following:

“(d) people with disabilities and their family members.”.

—Finian McGrath.

SECTION 42

278. In page 37, subsection (2), line 39, after “Authority” to insert “, people with disabilities, their family members”.

—Finian McGrath.

SECTION 44

279. In page 38, subsection (2)(b), line 20, to delete “a health board” and substitute “the Executive”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

280. In page 38, subsection (2)(c), line 23, to delete “2001” and substitute “2003”.

—Kathleen Lynch.

281. In page 38, subsection (2)(d), line 35, to delete “2001” and substitute “2003”.

—Kathleen Lynch.

282. In page 38, subsection (3), line 42, after “to” to insert “active members of”.

—David Stanton, Gerard Murphy.

283. In page 38, after line 43, to insert the following subsection:

“(4) Any private bodies will be deemed to be accountable to the Equality Authority for the purposes of this Part.”.

—David Stanton, Gerard Murphy.

SECTION 45

284. In page 39, subsection (1), lines 2 to 4, to delete paragraph (a).

—David Stanton, Gerard Murphy.

[SECTION 45]

- 285.** In page 39, subsection (1)(b), line 6, after “48” to insert “, section 56 of the Employment Equality Act 1998”.
- David Stanton, Gerard Murphy.
- 286.** In page 39, subsection (1)(b), line 6, to delete “1999 Act” and substitute “Act of 1999”.
- An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.
- 287.** In page 39, subsection (2), lines 8 and 9, to delete all words from and including “, unless” in line 8 down to and including “so” in line 9.
- Kathleen Lynch.
- 288.** In page 39, subsection (2), lines 8 and 9, to delete all words from and including “unless” in line 8 down to and including “so” in line 9 and substitute the following:
- “if it is reasonable in all the circumstances of the case”.
- David Stanton, Gerard Murphy.
- 289.** In page 39, subsection (3)(a), line 12, after “specify” to insert the following:
- “, provided that no compliance target is set below 3 per cent,”.
- David Stanton, Gerard Murphy.
- 290.** In page 39, subsection (3)(a), line 12, after “targets” to insert “(being not less than 3 per cent)”.
- Kathleen Lynch.
- 291.** In page 39, subsection (3)(a), line 16, after “her” to insert the following:
- “provided that no compliance target shall be set below 3 per cent”.
- Finian McGrath.
- 292.** In page 39, subsection (3)(b), line 18, after “specify” to insert the following:
- “, provided that no compliance target is set below 3 per cent,”.
- David Stanton, Gerard Murphy.
- 293.** In page 39, subsection (3)(c), line 23, after “specify” to insert the following:
- “, provided that no compliance target is set below 3 per cent,”.
- David Stanton, Gerard Murphy.
- 294.** In page 39, subsection (3)(d), line 27, after “specify” to insert the following:
- “, provided that no compliance target is set below 3 per cent,”.
- David Stanton, Gerard Murphy.
- 295.** In page 39, subsection (3)(d)(ii), line 35, to delete “or” where it secondly occurs.
- An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

[SECTION 45]

296. In page 39, subsection (3)(d)(iii), line 38, to delete “appropriate.” and substitute the following:

“appropriate,

(iv) that the public body concerned shall offer a specified number of work experience placements of specified duration to persons with disabilities each year.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

297. In page 39, subsection (4), lines 40 and 41, to delete all words from and including “, unless” in line 40 down to and including “so” in line 41.

—Kathleen Lynch.

298. In page 39, subsection (4), lines 40 and 41, to delete all words from and including “unless” in line 40 down to and including “so” in line 41 and substitute the following:

“if it is reasonable in all the circumstances of the case”.

—Finian McGrath, David Stanton, Gerard Murphy.

299. In page 39, between lines 42 and 43, to insert the following subsection:

“(5) The Minister shall, as soon as may be after the passing of this Act, prepare and lay before each House of the Oireachtas, a report on the possibility of increasing the public service employment quota for people with disabilities above 3 per cent.”.

—David Stanton, Gerard Murphy.

SECTION 46

300. In page 40, subsection (3), line 18, to delete “Authority, encourage” and substitute “Authority and the Equality Authority, ensure”.

—David Stanton, Gerard Murphy.

301. In page 40, subsection (5)(d), line 37, after “Authority” to insert “, the Equality Authority”.

—David Stanton, Gerard Murphy.

302. In page 40, subsection (6)(a), line 41, after “with” to insert “the Equality Authority and”.

—David Stanton, Gerard Murphy.

303. In page 41, subsection (7), line 6, to delete “each” and substitute “such”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí, Finian McGrath.

304. In page 41, between lines 7 and 8, to insert the following subsection:

“(8) Where a public body is in breach of its obligations under this Part to meet an employment target, a disabled applicant for employment is entitled to bring this issue to the Authority, and if it can be shown to the satisfaction of the Authority that it is reasonable to do so, the Authority may order that the public body hold a competition for future vacancies where the disabled person is entitled to be put on a panel. If following a period on such panel, the person concerned can show to the satisfaction of the Equality Tribunal that the non-filling of vacancies is entirely or primarily due to the non-attainment of the employment target, then the person may be entitled to such redress as the Equality Tribunal may award.”.

—Finian McGrath.

[SECTION 47]

SECTION 47

305. In page 41, subsection (1), lines 8 and 9, to delete “body, shall, at the request of the relevant Minister” and substitute “body shall, at the request of the Minister.”

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

306. In page 41, subsection (2), line 22, after “may” to insert the following:

“make a report to the Oireachtas on the matter and may”.

—Finian McGrath.

307. In page 41, between lines 24 and 25, to insert the following subsection:

“(3) The Authority shall be empowered to conduct an investigation in relation to employment of people with disabilities in any public body, and public bodies shall be obliged to produce any records relevant to such investigations.”.

—Finian McGrath.

308. In page 41, between lines 24 and 25, to insert the following subsection:

“(3) Any person or body who fails or refuses to comply with *sections 45 and 47* of this Part shall be deemed to be guilty of an offence under the Equal Status Acts 2000 and 2004.”.

—David Stanton, Gerard Murphy.

309. In page 41, subsection (3)(f), line 49, after “information” to insert the following:

“and training, in accordance with and supported by and codes of practice developed by the Authority and the Equality Authority,”.

—David Stanton, Gerard Murphy.

SECTION 48

310. In page 42, subsection (1)(a), line 2, after “Authority” to insert “in consultation with the Equality Authority”.

—David Stanton, Gerard Murphy.

311. In page 42, subsection (1)(b), line 11, after “Authority” to insert “, the Equality Authority”.

—David Stanton, Gerard Murphy.

312. In page 42, subsection (1)(c), line 15, after “Authority” to insert “, the Equality Authority”.

—David Stanton, Gerard Murphy.

313. In page 43, subsection (2)(c), line 15, to delete “The” and substitute “Subject to paragraph (c), the”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

314. In page 43, line 16, before “particulars” to insert the following:

“or if in the Authority’s opinion it is more practicable to do so, shall make a separate annual report to the Minister in relation to”.

—Finian McGrath.

[SECTION 48]

315. In page 43, line 23, to delete “A” and substitute “Subject to paragraph (d), a”.
—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

316. In page 43, between lines 34 and 35, to insert the following:

“(c) The Authority may, where it considers appropriate, prepare, and submit to the Minister not later than 30 November in each year, a report (other than a report under subsection (1)) setting out the particulars referred to in paragraph (a), and where it so does it shall be deemed to have complied with that paragraph.

(d) The Authority may, where it considers appropriate, prepare, and submit to the Minister not later than 30 November in each year, a report (other than a report under subsection (1)) containing—

(i) an assessment, and

(ii) if appropriate, a recommendation,

referred to in paragraph (b), and where it so does it shall be deemed to have complied with that paragraph.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

SECTION 50

317. In page 44, lines 27 and 28, to delete “physical or mental feature,” and substitute “physical, sensory, mental health or intellectual”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

318. In page 44, lines 27 and 28, to delete “or mental feature” and substitute “sensory, mental, intellectual disability”.

—Finian McGrath.

319. In page 44, lines 27 and 28, to delete “or mental feature,” and substitute “, sensory, mental health, intellectual”.

—David Stanton, Gerard Murphy.

320. In page 45, lines 13 and 14, to delete “by contributing to” and substitute “through”.

—David Stanton, Gerard Murphy.

321. In page 45, line 14, to delete “contributing to”.

—Finian McGrath.

322. In page 45, line 18, to delete “support and assist in the development of” and substitute “develop and promulgate”.

—Finian McGrath.

323. In page 45, line 18, to delete “support and assist in the development of” and substitute “develop”.

—David Stanton, Gerard Murphy.

324. In page 46, between lines 27 and 28, to insert the following:

“(c) recognise the achievement of excellence in universal design through the provision of an awards system for excellence in universal design.”.

—Finian McGrath.

[SECTION 50]

325. In page 46, between lines 39 and 40, to insert the following:

“19E.—The Centre may, and shall if requested by the Minister, prepare for submission to the Minister draft codes of practice in respect of any matter relating to excellence in universal design.”.

—Finian McGrath.

326. In page 46, between lines 39 and 40, to insert the following:

“19F.—(1) The Centre shall, not later than 30 September in each year, make a report to the Minister on the performance of its functions and on its activities during the preceding year.

(2) The Minister shall cause a copy of the report to be laid before each House of the Oireachtas.

(3) The Centre may from time to time make such other reports to the Minister on the performance of its functions as it thinks fit.”.

—Finian McGrath.

SECTION 51

Section opposed.

—Finian McGrath.

SECTION 56

327. In page 49, between lines 20 and 21, to insert the following subsection:

“(2) (a) Nothing in this Act, shall be taken to contravene, or constitute any alteration, to the rights and protections prescribed in the Equal Status Acts 2000 to 2004.

(b) Nothing in this Act, shall be taken to contravene, or constitute any alteration, to the rights and protections prescribed in the European Convention of Human Rights Act 2003.

(c) Nothing in this Act, shall be taken to contravene, or constitute any alteration, to the rights and protections prescribed in the Employment Equality Acts 2000 to 2004.”.

—David Stanton, Gerard Murphy.

NEW SECTIONS

328. In page 49, before the Schedule, to insert the following new section:

“Review of Act.

58.—The Minister shall—

(a) carry out a review of this Act, in particular the definition of disability, within a maximum period of 2 years of operation or 3 years of enactment, whichever is the soonest,

(b) for the purpose of assisting him or her in making such a review under this section, consult any such organisations or representatives as he or she considers appropriate,

[*NEW SECTIONS*]

- (c) where a review is carried out under *subsection (a)*, cause a copy of the review to be laid before each House of the Oireachtas and the changes proposed in the review shall not be made until a resolution approving the changes has been passed by each House.”.

—David Stanton, Gerard Murphy.

329. In page 49, before the Schedule, to insert the following new section:

“Statute law restatements.

58.—Within 3 months of the passing of this Act, the Minister shall cause to be published a statute law restatement in respect of each of the Acts or sets of Acts amended by this Act.”.

—David Stanton, Gerard Murphy.

SCHEDULE

330. In page 49, paragraph 1, lines 35 to 40, to delete all words from and including “Civil” in line 35 down to and including “position.” in line 40 and substitute the following:

“Public Service Management (Recruitment and Appointments) Act 2004, and a person shall not be appointed to be the appeals officer unless he or she has been selected for appointment to the position following a competition under that Act.”.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

331. In page 50, lines 21 to 32, to delete paragraph 7.

—An tAire Dlí agus Cirt, Comhionannais agus Athchóirithe Dlí.

332. In page 50, paragraph 7, line 23, to delete “and 1958” and substitute “to 1996.”.

—Kathleen Lynch.

TITLE

333. In page 5, lines 5 to 12, to delete all words from and including “THE” in line 5 down to and including “NEEDS,” in line 12 and substitute the following:

“CERTAIN RIGHTS FOR PEOPLE WITH DISABILITIES, INCLUDING THE RIGHT TO THE ASSESSMENT OF NEEDS OCCASIONED TO THEM BY THEIR DISABILITIES, AND TO A STATEMENT OF SERVICES COMMENSURATE WITH THOSE NEEDS, TO ENABLE MINISTERS OF THE GOVERNMENT TO MAKE PROVISION FOR THOSE SERVICES.”.

—Kathleen Lynch, Finian McGrath.

334. In page 5, lines 7 to 12, to delete all words from and including “OCCASIONED” in line 7, down to and including “-CATION,” in line 12 and substitute the following:

“OF PERSONS WITH DISABILITIES, TO ENABLE MINISTERS OF THE GOVERNMENT TO MAKE PROVISION”.

—David Stanton, Gerard Murphy.