



**An Bille um Chinnteoireacht Chuidithe (Cumas)
(Leasú), 2026**
**Assisted Decision-making (Capacity) (Amendment) Bill
2026**

Meabhrán Míniúcháin agus Airgeadais
Explanatory and Financial Memorandum



**AN BILLE UM CHINNTEOIREACHT CHUIDITHE (CUMAS)
(LEASÚ), 2026
ASSISTED DECISION-MAKING (CAPACITY)
(AMENDMENT) BILL 2026**

EXPLANATORY AND FINANCIAL MEMORANDUM

Purpose of the Bill

The Bill amends the Assisted Decision-Making (Capacity) Act 2015 to provide for legal certainty in individual wardship cases by enabling the wardship court to extend, in certain circumstances, the time period for making a capacity declaration under section 55(1) of the Act, in circumstances where the expiry of that time period is imminent and will not be met.

Financial Implications

The amendments to the Assisted Decision-Making (Capacity) Act 2015 may result in costs for the Courts Service because of the need to maintain the Office of the Wards of Court until all wards, including minors, are discharged in due course.

Additional cost may arise relating to the Legal Aid Certificates issued to cover the costs of meeting any additional Court attendances and service requirements.

Provisions of Bill

Amendment of Assisted Decision-Making (Capacity) Act 2015

Section 1 amends section 54 of the Assisted Decision-Making (Capacity) Act 2015 by the insertion of two new subsections to give the wardship court the discretion to extend the time period set out in section 54(2) or section 54(3) for making a capacity declaration under section 55(1) in individual wardship cases in certain circumstances.

54(2A) provides for an extension for the time period set out in section 54(2) for making a capacity declaration under section 55(1) in relation to an adult ward in certain circumstances. This subsection will allow for an extension for such period as the wardship court considers necessary and proportionate in the circumstances where the court is satisfied that good reason has been shown that the statutory deadline of 26 April 2026 will not be met, and where it is also in the interests of justice to grant the extension.

A further extension will be permitted in exceptional circumstances, provided that this is also in the interests of justice.

The wardship court may discharge or vary any order for an extension of time that it makes.

Where the ward has not participated in the making of an order, he or she will be notified of the making of any such order as soon as practicable after its making. The outer limit for any extension of time will be 18 months, or until 25 October 2027, whichever is the earlier.

54(3A) provides for an extension of the time period set out in section 54(3) for making a capacity declaration under section 55(1), in certain circumstances, in relation to ward who reaches the age of 18 after 26 October 2025. This subsection will allow for an extension for such period as the wardship court considers necessary and proportionate in the circumstances where the court is satisfied that good reason has been shown that the statutory deadline for making a capacity declaration will not be met in an individual case, and where it is also in the interests of justice to grant the extension.

A further extension will be permitted in exceptional circumstances, provided that this is also in the interests of justice.

The wardship court may discharge or vary any order for an extension of time that it makes. Where the ward has not participated in the making of an order, he or she will be notified of the making of any such order as soon as practicable after its making. The outer limit for any extension of time in respect of wards who reach the age of 18 after 26 October 2025 will be 18 months.

Short title

Section 2 provides for the short title and citation of the Bill.

*An Roinn Leanai, Michumais agus Comhionannais,
Feabhra, 2026.*

