



An Bille um Míchumas (Leasú), 2026
Disability (Amendment) Bill 2026

Mar a tionscnaíodh

As initiated



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ACT REFERRED TO

Disability Act 2005 (No. 14)



AN BILLE UM MÍCHUMAS (LEASÚ), 2026
DISABILITY (AMENDMENT) BILL 2026

Bill

entitled

An Act to clarify certain matters relating to assessments of need under Part 2 of the Disability Act 2005 ; to enable the withdrawal, closure and reinstatement (where applicable) of applications under section 9, and requests made under section 9(4), of that Act; to make provision in respect of guidelines by the Health Service Executive in relation to an assessment of need and related matters; for those and other purposes to amend the Disability Act 2005 ; and to provide for related matters. 5 10

Be it enacted by the Oireachtas as follows:

Definition

1. In this Act, “Principal Act” means the Disability Act 2005.

Amendment of section 7 of Principal Act

2. Section 7 of the Principal Act is amended— 15

- (a) in subsection (1), by the substitution of the following definition for the definition of “assessment”:

“ ‘assessment’ means an assessment undertaken or arranged by the Executive to make, in respect of an applicant, the following determinations (where applicable): 20

- (a) whether the applicant has a disability;
- (b) where the Executive determines under paragraph (a) that that applicant has a disability, the health and education needs (if any) occasioned by the disability and the health services or education services (if any) required to meet those needs;”, 25

and

- (b) in subsection (2)(b), by the substitution of “restriction” for “disability”.

Amendment of section 8 of Principal Act

3. Section 8 of the Principal Act is amended—

- (a) by the substitution of the following subsection for subsection (3):

“(3) Where—

- (a) an assessment officer makes, in the course of carrying out an assessment of an applicant, a determination that the applicant has a disability, and 5

- (b) the assessment officer is of the opinion that there may be a need for an education service to be provided to that applicant,

he or she shall, as soon as may be, request the Council in writing to nominate a person with appropriate expertise to assist the assessment officer in the making, by the assessment officer, of the determination specified in paragraph (b) of the definition of ‘assessment’ in relation to the applicant and the Council shall comply with the request.”. 10

and

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- (b) in subsection (7)(b), by the substitution of the following subparagraph for subparagraph (i):

“(i) a statement of the substantial restriction to which the applicant is subject,”.

Amendment of section 9 of Principal Act

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4. Section 9 of the Principal Act is amended—

- (a) in subsection (2)(d), by the substitution of “the Citizens Information Board” for “Comhairle”, and

- (b) by the insertion of the following subsections after subsection (8):

“(9) An applicant or a person referred to in subsection (2) may withdraw an application by providing the Executive, at any time before a service statement is furnished to the applicant under section 11(8), with a notice in writing of such withdrawal in the prescribed form or in a form to the like effect and such withdrawal shall take effect on and from the date on which the notice is received by the Executive. 25 30

(10) Where a request is made under subsection (4), an employee of the Executive may withdraw the request where one or more of the circumstances prescribed under section 21(ba)(i) apply by providing the Executive, at any time before a service statement is furnished to the applicant under section 11(8), with a notice in writing of such withdrawal in the prescribed form or in a form to the like effect and such withdrawal shall take effect on and from the date on which the notice is received by the Executive. 35

- (11) Where—
- (a) an assessment officer has not yet furnished an assessment report under section 8(6) in respect of a particular application, and
 - (b) one or more of the circumstances prescribed under section 21(ba)(ii) applies in relation to the application or request, 5
- the Executive may deem the application to have been withdrawn by providing the applicant or person referred to in subsection (2) concerned with a notice in writing to the effect that the application concerned is so deemed.
- (12) A withdrawal under subsection (11) shall take effect on and from the 10 date of the notice under the subsection.
- (13) Subject to subsections (14) to (19), where—
- (a) an applicant or person referred to in subsection (2) withdraws an application under subsection (9) or an application is deemed to have been withdrawn under subsection (11), or 15
 - (b) an employee of the Executive withdraws a request made under subsection (4),
- the application or request, as the case may be, shall be closed and sections 7 to 13 (in this subsection referred to as the ‘relevant provisions’) (other than subsections (14) to (19)) shall cease to apply 20 in respect of that application or request and any action taken under the relevant provisions in relation to the application or request shall be discontinued.
- (14) Where an application is withdrawn in accordance with subsection (9), the applicant concerned or a person referred to in subsection (2) may, 25 within a period of 12 months beginning on the date on which the withdrawal takes effect under subsection (9), request the Executive to re-instate the application concerned.
- (15) Where a request made under subsection (4) is withdrawn in accordance with subsection (10), an employee of the Executive may, 30 within a period of 12 months beginning on the date on which the withdrawal takes effect under that subsection, request the Executive to re-instate the request made under subsection (4).
- (16) Where an application is deemed to have been withdrawn in accordance with subsection (11), the applicant concerned or a person referred to in 35 subsection (2) may, within a period of 12 months beginning on the date on which the withdrawal takes effect under subsection (12), request the Executive to re-instate the application concerned.
- (17) Where the Executive receives a request made in accordance with subsection (14), (15) or (16), as the case may be, the Executive shall 40 re-instate the application or request made under subsection (4) concerned with effect from the date on which the request to re-instate was received by the Executive.

(18) Where—

(a) an application or a request made under subsection (4) is received on a particular date, and

(b) the application or request, having been the subject of a withdrawal under this section, is re-instated under subsection (17),

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the following shall apply:

(i) subject to paragraph (iii)—

(I) where, before the date on which *section 4(b)* of the *Act of 2026* comes into operation, a specified step has been taken in relation to the application or request, this Part shall apply to the application or request as if—

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(A) the Executive had received the application or request on the date of reinstatement, and

(B) this Part had not been amended by *sections 2, 3 and 5(a)* of the *Act of 2026* but had been amended by *sections 4, 5(b)* and *6* of that Act subject to the modification that subsection (6) (inserted by *section 6* of the *Act of 2026*) of section 21A shall apply only insofar as the guidelines referred to in that subsection relate to matters specified in paragraph (f) of subsection (5) of that section,

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or

(II) this Part as amended by the *Act of 2026* shall apply to the application or request as if the Executive had received it on the date of reinstatement where—

(A) before the date on which *section 4(b)* of the *Act of 2026* comes into operation, a specified step has not been taken in relation to that application or request, or

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(B) the Executive received the application or request made under subsection (4) on or after the date of the coming into operation of *section 4(b)* of the *Act of 2026*;

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(ii) without prejudice to the generality of paragraph (i), the date of reinstatement shall, for the purposes of subsection (5), be deemed to be the date of receipt of the application or request;

(iii) the Executive shall, for the purposes of administering applications and requests made under subsection (4) and notwithstanding such withdrawal, treat the application or request as if it had been received on the date referred to in paragraph (a) and had not been withdrawn.

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(19) In subsection (18)—

‘*Act of 2026*’ means the *Disability (Amendment) Act 2026*;

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‘date of reinstatement’ means the date on which an application or a request made under subsection (4) is re-instated under subsection (17);

‘specified step’, in relation to an application or a request made under subsection (4), means a step taken by the Executive in the carrying out of an assessment.”.

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Amendment of section 21 of Principal Act

5. Section 21 of the Principal Act is amended—

- (a) in paragraph (a)(v), by the substitution of “to assist an assessment officer in the making, by the assessment officer, of the determination specified in paragraph (b) of the definition of ‘assessment’ in relation to educational services” for “to assist in carrying out an assessment in relation to educational services”, and 10
- (b) by the insertion of the following paragraphs after paragraph (b):
 - “(ba) the withdrawal and closure of an application and a request made under section 9(4), including—
 - (i) the circumstances in which an employee of the Executive may, 15 under section 9(10), withdraw such a request,
 - (ii) the circumstances in which an application shall be deemed to have been withdrawn under section 9(11) where it has become impracticable to advance an application,
 - (iii) the procedure for and in relation to such withdrawal or closure, 20 and
 - (iv) matters related to the matters specified in subparagraphs (i) to (iii),
 - (bb) the reinstatement of an application (including a request to re-instate) under section 9(14), (15) or (16).”.

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Guidelines

6. The Principal Act is amended by the insertion of the following section after section 21:

- “21A. (1) The Minister may request the Executive in writing to prepare and submit to him or her guidelines consistent with this Part in relation to the matters specified in subsection (5). 30
- (2) The Executive shall comply with the request within the time specified by the Minister in the request.
- (3) Where guidelines are submitted to the Minister pursuant to this section, the Minister may—
 - (a) approve the guidelines concerned, or 35
 - (b) refuse to approve the guidelines concerned.

- (4) The Executive shall publish, or cause to be published, in such manner as it considers appropriate, guidelines standing approved by the Minister pursuant to this section.
- (5) The matters referred to in subsection (1) include the following:
 - (a) the interpretation of definitions in this Act, including the definition of 'disability', and the application of those definitions in the context of an assessment; 5
 - (b) the process of determining whether an applicant has a disability in the context of an assessment;
 - (c) the requirement to carry out determinations of health and education needs in accordance with the legal framework established by this Part and informed by best practice and applicable standards; 10
 - (d) operational matters arising in the conduct of the assessment process;
 - (e) the preparation of assessment reports; 15
 - (f) the withdrawal, closure and reinstatement of applications and requests made under section 9(4);
 - (g) the preparation of service statements, the review of the provision of services specified in service statements and the amendment of service statements. 20
- (6) The Executive and its officers shall exercise the powers under Part 2 in accordance with the guidelines standing approved by the Minister in accordance with this section.”.

Transitional provisions

- 7. (1) The amendments to the Principal Act effected by *sections 2 to 6* shall apply in respect of an application under subsection (1), or a request made under subsection (4), of section 9 of that Act that is received by the Health Service Executive— 25
 - (a) before the date on which this subsection comes into operation but in relation to which a specified step has not been taken by that date, or
 - (b) on or after the date on which this subsection comes into operation. 30
- (2) Where, before the date on which this subsection comes into operation, an application under subsection (1), or a request made under subsection (4), of section 9 of the Principal Act has been received by the Health Service Executive and, by that date, a specified step has been taken in relation to the application or request—
 - (a) the amendments to the Principal Act effected by *sections 2, 3 and 5(a)* shall not apply in respect of the application or request, and 35
 - (b) the amendments to the Principal Act effected by *sections 4, 5(b) and 6* shall apply in respect of the application or request, subject to the modification that subsection (6) (inserted by *section 6*) of section 21A of the Principal Act shall

apply only insofar as the guidelines referred to in that subsection relate to matters specified in paragraph (f) of subsection (5) of that section.

- (3) In this section, “specified step”, in relation to an application made under subsection (1), or a request made under subsection (4), of section 9 of the Principal Act means a step taken by the Health Service Executive in the carrying out of an assessment within the meaning of Part 2 of the Principal Act. 5

Short title and commencement

8. (1) This Act may be cited as the Disability (Amendment) Act 2026.
- (2) This Act shall come into operation on such day or days as the Minister for Children, Disability and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 10

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do shoiléiriú nithe áirithe a bhaineann le measúnachtaí ar riachtanas faoi Chuid 2 den Acht um Míchumas, 2005; dá chumasú iarratais faoi alt 9, agus iarrataí arna ndéanamh faoi alt 9(4), den Acht sin a tharraingt siar, a scor agus a athbhunú (más infheidhme); do dhéanamh socrú i leith treoirilínte ó Fheidhmeannacht na Seirbhíse Sláinte i ndáil le measúnacht ar riachtanas agus i ndáil le nithe gaolmhara; chun na gcríoch sin agus chun críoch eile do leasú an Achta um Míchumas, 2005; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Leanaí, Míchumais agus Comhionannais a
thíolaic,
18 Meán Fómhair, 2026

BILL

(as initiated)

entitled

An Act to clarify certain matters relating to assessments of need under Part 2 of the Disability Act 2005; to enable the withdrawal, closure and reinstatement (where applicable) of applications under section 9, and requests made under section 9(4), of that Act; to make provision in respect of guidelines by the Health Service Executive in relation to an assessment of need and related matters; for those and other purposes to amend the Disability Act 2005; and to provide for related matters.

Presented by the Minister for Children, Disability
and Equality,
18th September, 2026

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
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