**Changes to Legislation:** as of 11 November 2026, this Act is up to date with all changes known to be in force.



*Number* 27 *of* 2005

# HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005

**REVISED**

**Updated to 28 May 2026**

This Revised Act is an administrative consolidation of the *Health and Social Care Professionals Act 2005*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *International Co-operation (Omagh Bombing Inquiry) Act 2026* (12/2026), enacted 3 June 2026, and all statutory instruments up to and including the *Podiatrists Registration Board Approved Qualifications Bye-Law 2026* (S.I. No. 224 of 2026), made 28 May 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

*Number* 27 *of* 2005

# HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005

**REVISED**

**Updated to 28 May 2026**

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| | |
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*Number* 27 *of* 2005

# HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005

**REVISED**

**Updated to 28 May 2026**

AN ACT TO PROVIDE FOR THE ESTABLISHMENT AND FUNCTIONS OF AN CHOMHAIRLE UM GHAIRMITHE SLÁINTE AGUS CÚRAIM SHÓISIALAIGH OR IN THE ENGLISH LANGUAGE THE HEALTH AND SOCIAL CARE PROFESSIONALS COUNCIL AND OF REGISTRATION BOARDS FOR CERTAIN DESIGNATED HEALTH AND SOCIAL CARE PROFESSIONS; TO PROVIDE FOR THE REGISTRATION OF PERSONS QUALIFYING TO USE THE TITLE OF A DESIGNATED PROFESSION AND FOR THE DETERMINATION OF COMPLAINTS RELATING TO THEIR FITNESS TO PRACTISE; AND TO PROVIDE FOR RELATED MATTERS.

[30*th November*, 2005]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

## PART 1

### Preliminary Matters

Short title.

**1.**—This Act may be cited as the Health and Social Care Professionals Act 2005.

Commencement.

**2.**—(1) This Act comes into operation on the day that the Minister may, by order, appoint.

(2) Different days may be appointed under this section, by one or more than one order, for different purposes or different provisions of this Act.

Interpretation.

**3.**—(1) In this Act, except where the context otherwise requires—

F1**[**"Act of 1956" means the Opticians Act 1956;**]**

F1**[**"afocal goggles" or "afocal sunglasses" means goggles or sunglasses containing lenses with no optical power;**]**

"bye-law" means a bye-law made by a registration board under *section 31*;

F6**[**"condition" includes a restriction;**]**

F1**[**"contact lenses" includes any device, designed to be worn in contact with the ocular surface, for the correction of vision, for the provision of a decorative or cosmetic effect, for a therapeutic purpose, or for any other reason, and regardless of the optical properties or the absence of optical properties of the device;**]**

"Council" means the Health and Social Care Professionals Council established under *section 6*;

"Court" means the High Court;

"designated profession" means a health or social care profession that—

(*a*) is designated in *section 4(1)*, or

(*b*) is designated by regulation under *section 4(2)*;

F2**[**"Directive 2005/36/EC" has the meaning assigned to "Directive" in Regulation 3(1) of the Professional Qualifications Regulations;**]**

"establishment day" means—

(*a*) in relation to the Council, the day appointed under *section 6(3)* for its establishment, and

(*b*) in relation to a registration board, the day appointed under *section 26(3)* for its establishment;

"fee" means a fee set by the Council from time to time under *section 18*;

"functions" includes duties and responsibilities;

F6**[**"health or social care", in relation to a person (howsoever described), means the health or social care that the person provides or has provided in his or her capacity or former capacity as a member of a relevant profession;**]**

"health or social care profession" has the meaning given by *section 4(3)*;

F6**[**"material matter", in relation to a person (howsoever described), means—

(*a*) any of the following taken by any regulatory body (whether in or outside the State) in relation to the provision of one or more than one kind of health or social care by the person—

(i) the imposition of conditions on any registration or licence,

(ii) the suspension, withdrawal or removal of any registration or licence, or

(iii) the refusal to grant registration or a licence,

or

(*b*) a conviction in the State for an offence triable on indictment (other than a spent conviction within the meaning of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 ) or a conviction outside the State for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment;**]**

"Minister" means the Minister for Health and Children;

F1**[**"new name", in relation to a registration board referred to in *section 26(1)*, means the most recent name (if any) that the board has been given pursuant to regulations under *section 4*;**]**

F3**[**"professional qualification", in relation to registration of a person in a designated profession, means a document, other than a document referred to in the definition of "qualification" in this section, that attests to the person's having achieved a standard of proficiency in that profession, whether or not that standard was achieved in part through practical experience in that profession; **]**

F4**[**"Professional Qualifications Regulations" means the European Union (Recognition of Professional Qualifications) Regulations 2017 (S.I. No. 8 of 2017);**]**

F3**[**"qualification", in relation to registration of a person in a designated profession, means a document that attests to the person's having achieved the standard of proficiency required for registration in that profession, and that—

(*a*) in the case of registration sought under F5**[***section 38(2)(a)***]**, has been approved by bye-law of the registration board of the profession concerned,

(*b*) in the case of registration sought under *section 91(1)*, is listed in the third column of *Schedule 3* opposite the profession concerned, or

(*c*) in the case of registration sought under *section 91(5)*, has been prescribed by regulations made by the Minister under *section 95*;**]**

F1**[**"ready-made reading spectacles" means spectacles that have 2 single vision lenses each of which has the same positive spherical power not exceeding 4 dioptres and the purpose of which is to relieve the condition known as presbyopia;**]**

"register" means a register established and maintained under *section 36*;

"registrant", in relation to a designated profession, means an individual whose name is entered in the register of members of that profession;

"registration board" means a board established under *section 26* or established by regulation under *section 4*;

F1**[**"relevant day" means the day on which section 2 of the Health (Miscellaneous Provisions) Act 2014 is commenced;**]**

F1**[**"relevant medical disability", in relation to a person seeking registration as a member of a designated profession, or who is a registrant of that profession, means a physical or mental disability of the person (including addiction to alcohol or drugs) which may impair his or her ability to practise that profession or a particular aspect thereof;**]**

F6**[**"relevant profession" means any of the following professions:

(*a*) dentist;

(*b*) a designated profession;

(*c*) medical practitioner;

(*d*) midwife;

(*e*) nurse;

(*f*) pharmacist;**]**

F6**[**"restriction" includes a condition;**]**

"rule" means a rule made by the Council under *section 22*;

F1**[**"spectacles" includes—

(*a*) contact lenses,

(*b*) pince-nez, and

(*c*) monocles,

but does not include—

(i) afocal goggles or similar articles,

(ii) afocal sunglasses or similar articles, or

(iii) ready-made reading spectacles;**]**

"superannuation benefit" means a pension, gratuity or other allowance payable on resignation, retirement or death.

(2) In this Act "material interest" is to be construed in accordance with section 2(3) of the Ethics in Public Office Act 1995.

(3) Unless the context otherwise requires, any reference in this Act to a register includes a division of the register and "registered" and "registration" are to be construed accordingly.

F6**[**(3A) Unless otherwise specified in this Act, nothing in this Act shall be construed to prejudice the performance by a registration board of its functions under the Professional Qualifications Regulations as the competent authority in respect of the regulated professions (within the meaning of Regulation 3 of those Regulations) concerned.**]**

(4) In this Act—

(*a*) a reference to a section, Part or Schedule is to a section or Part of, or a Schedule to, this Act, unless it is indicated that reference to some other enactment is intended,

(*b*) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and

(*c*) a reference to any other enactment is to that enactment as amended by or under any other enactment, including this Act, unless the context otherwise requires.

Designated professions.

**4.**—(1) For the purposes of this Act, the following health or social care professions are designated:

(*a*) clinical biochemist;

(*b*) dietitian;

F7**[**(*ba*) dispensing optician;**]**

(*c*) medical scientist;

(*d*) occupational therapist;

F7**[**(*da*) optometrist;**]**

(*e*) orthoptist;

(*f*) physiotherapist;

(*g*) podiatrist;

(*h*) psychologist;

(*i*) radiographer;

(*j*) social care worker;

(*k*) social worker;

(*l*) speech and language therapist.

(2) After consulting the Council, the Minister may, by regulation, designate for the purposes of this Act any health or social care profession not already designated under *subsection (1)*, but only if—

(*a*) the fitness of the members to practise their profession is not regulated by or under another Act of the Oireachtas,

(*b*) the Minister has given interested persons, organisations and other bodies an opportunity to make representations to him or her concerning the proposed designation,

(*c*) the Minister considers that it is appropriate and in the public interest that the profession be designated under this Act, and

(*d*) the steps in *subsection (8)* have been taken.

(3) A health or social care profession is any profession in which a person exercises skill or judgment relating to any of the following health or social care activities:

(*a*) the preservation or improvement of the health or wellbeing of others;

(*b*) the diagnosis, treatment or care of those who are injured, sick, disabled or infirm;

(*c*) the resolution, through guidance, counselling or otherwise, of personal, social or psychological problems;

(*d*) the care of those in need of protection, guidance or support.

(4) In considering for the purposes of *subsection (2)(c)* whether it is appropriate and in the public interest that a health or social care profession be designated under this Act, the Minister shall have regard to the following factors:

(*a*) the extent to which the profession has a defined scope of practice and applies a distinct body of knowledge;

(*b*) the extent to which the profession has established itself, including whether there is at least one professional body representing a significant proportion of the profession's practitioners;

(*c*) the existence of defined routes of entry into the profession and of independently assessed entry qualifications;

(*d*) the profession's commitment to continuing professional development;

(*e*) the degree of risk to the health, safety or welfare of the public from incompetent, unethical or impaired practice of the profession;

(*f*) any other factor that the Minister considers relevant.

F8**[**(5) Regulations under this section shall, in relation to a profession designated in the regulations, either—

(*a*) (*i*) subject to *subsection (5A)*, include provision for the establishment of a registration board for that profession, and

(*ii*) specify the name by which the registration board is to be known,

or

(*b*) specify—

(*i*) the name (or, if applicable, the new name) of the registration board referred to in *section 26(1)* that shall be the registration board for that profession, and

(*ii*) that, in order to take account of the fact referred to in *subparagraph (i)*, from the date on which the first appointment under *section 28A(4)* or *(5)*, as the case may be, takes effect, the registration board referred to in that subparagraph—

(I) is to cease to be known by the name (or, if applicable, the new name) it had immediately before that date, and

(II) shall be known by the new name specified for it in the regulations.

(5A) Regulations under this section may establish one registration board for 2 or more professions designated in the regulations.**]**

(6) Regulations under this section may prescribe a title to be used by registrants of each profession designated by the regulations and, for that purpose, may also prescribe one or more than one variant of the prescribed title.

(7) Regulations under this section may also vary, as the Minister considers necessary or expedient in view of the increase in the number of designated professions F7**[**(whether effected by virtue of an amendment to *subsection (1)* or by regulations under this section)**]**—

(*a*) the total number of persons to be appointed as ordinary members of the Council under *section 9(3)(b)*, and

(*b*) the number of them to be appointed to represent the management of a sector, organisation or body, or to represent an establishment or interest, referred to in any subparagraph of that section.

(8) Regulations may be made under this section only if—

(*a*) a draft of the proposed regulation has been laid before the Houses of the Oireachtas, and

(*b*) a resolution approving the draft has been passed by each House.

Expenses of administering this Act.

**5.**—Any expenses incurred by the Minister in administering this Act are, to such extent as may be sanctioned by the Minister for Finance, payable out of money provided by the Oireachtas.

## PART 2

### Health and Social Care Professionals Council

Establishment of Council.

**6.**—(1) On the establishment day, a body to be known as An Chomhairle um Ghairmithe Sláinte agus Cúraim Shóisialaigh or in the English language as the Health and Social Care Professionals Council is established to perform the functions and exercise the powers assigned to it by this Act.

(2) The Council is a body corporate with perpetual succession and a common seal and it may—

(*a*) sue and be sued in its corporate name,

(*b*) acquire, hold and dispose of land or an interest in land, and

(*c*) acquire, hold and dispose of any other property.

(3) The Minister may, by order, appoint a day as the establishment day of the Council.

(4) Subject to this Act, the Council may regulate its own procedure and the procedure of each registration board.

(5) *Schedule 1* applies to the Council.

Object of Council.

**7.**—The Object of the Council is to protect the public by promoting high standards of professional conduct and professional education, training and competence among registrants of the designated professions.

Functions and powers of Council.

**8.**—(1) The Council shall do all things necessary and reasonable to further its object and shall exercise its powers and perform its functions in the public interest.

(2) Without limiting the Council's responsibilities under *subsection (1)*, its functions are to—

(*a*) oversee and co-ordinate the activities of registration boards,

(*b*) provide administrative support and secretarial assistance to registration boards and their committees,

(*c*) receive applications and make decisions under *Part 4* concerning the refusal of registration boards to grant or restore registration,

(*d*) enforce standards of practice for registrants of the designated professions, including the codes of professional conduct and ethics adopted by their registration boards,

(*e*) establish committees of inquiry into complaints under *Part 6* against registrants of the designated professions,

(*f*) make decisions and give directions under *Part 6* relating to the imposition of disciplinary sanctions on registrants of the designated professions,

(*g*) advise the Minister, either on its own initiative or at the Minister's request, on all matters relating to the Council's functions under this Act,

(*h*) encourage registration boards to collaborate with each other, where practicable, including in the professional education and training of registrants,

(*i*) issue assessment guidelines for the purposes of *section 91*, and

(*j*) perform any function that may be assigned by the Minister to the Council and that relates to—

(i) the registrants of any designated profession, their education and training and the practice of the profession, or

(ii) the implementation of any directive or regulation of the Council of the European Union concerning the practice of, and persons engaged in, health care or social care.

(3) The Council has power to do anything that appears to it to be requisite, advantageous or incidental to, or to facilitate, the performance of its functions under this Act.

Membership of Council.

**9.**—(1) The Council is to consist of a chairperson and ordinary members, all of whom are to be appointed by the Minister in accordance with this section.

(2) A registrant is not eligible to be appointed chairperson of the Council.

(3) The following are to be appointed as ordinary members:

(*a*) for each designated profession, one person F10**[**(referred to in this Act as a "professional member")**]** who, subject to *subsections (6)* and *(7)*—

(i) is an elected member of the registration board of the designated profession concerned, and

(ii) is nominated by that board for appointment to the Council;

(*b*) 9 persons of whom—

(i) one is representative of the management of the public health sector, the public social care sector or both sectors,

(ii) one is representative of the management of a voluntary or private sector organisation concerned with health or social care,

(iii) one is representative of third level educational establishments involved in the education and training of persons with respect to the practice of the designated professions and is nominated by the Minister for Education and Science, and

(iv) 6 are representative of the interest of the general public and are appointed with the consent of the Minister for Enterprise, Trade and Employment;

(*c*) 3 persons who have such qualifications, interests and experience as, in the opinion of the Minister, would be of value to the Council in performing its functions.

(4) Before appointing a chairperson under *subsection (1)* or an ordinary member under *subsection (3)(b)(i)* or *(ii)* or *(c)* or *subsection (6)*, the Minister shall consult with any organisations that he or she considers appropriate.

(5) Persons appointed to represent the interests of the general public may include members of advocacy groups and users of services provided by the designated professions.

F11**[**(6) The Minister shall, in the circumstances described in *subsection (7)*, appoint as a professional member for a designated profession, instead of a person who meets the criteria in *subsection (3)(a)*, a person who is engaged—

(*a*) in the practice of that profession,

(*b*) in the education or training of persons with respect to the practice of that profession, or

(*c*) as a member of that profession, in the management of services provided by that profession.

(7) The circumstances in which the Minister shall make an appointment in accordance with *subsection (6)* are:

(*a*) the initial appointment of a professional member to the Council as a result of a health or social care profession F12**[**being designated in *section 4(1)* or by regulation under *section 4(2)***]**; or

(*b*) an appointment of a professional member to the Council F13**[**to fill a casual vacancy or**]** when the term of a professional member expires and the registration board of the designated profession in the practice of which those professional members are engaged—

(i) has not been established, or

(ii) has been established but has not conducted an election for members of that registration board in accordance with *section 28(2)*.**]**

F14**[**(8) The Council shall elect a deputy chairperson of the Council from amongst its members in accordance with *Schedule 1*.**]**

F15**[**(9) In this section, "casual vacancy" has the same meaning as it has in *Schedule 1*.**]**

Allowances for expenses of members.

**10.**—(1) A member of the Council or of any committee established by the Council under this Act shall be paid, out of funds at the Council's disposal, such allowances for travelling and subsistence expenses incurred in respect of the member's attendance at a meeting of the Council or committee or F17**[**otherwise**]** in connection with the affairs of the Council as the Minister, with the consent of the Minister for Finance, may determine.

(2) In addition to any allowances payable under *subsection (1)*, F16**[**a member of the Council or of any committee established by the Council under *section 51* may be paid by the Council, out of funds at its disposal, such remuneration for performing functions under this Act**]** as may be determined by the Council with the approval of the Minister given with the consent of the Minister for Finance.

Chief executive officer.

**11.**—(1) The Council shall appoint a chief executive officer to—

(*a*) carry on and manage and control generally the administration and business of the Council and the registration boards,

F18**[**(*b*) act as registrar of each registration board,

(*ba*) perform any other functions that may be delegated by the Council or a registration board, and**]**

(*c*) perform any other duties that may be determined by the Council.

(2) The chief executive officer holds office on the conditions (including those relating to remuneration and allowances) that may be determined by the Council with the approval of the Minister given with the consent of the Minister for Finance.

(3) The chief executive officer shall be paid by the Council, out of funds at its disposal, the remuneration and allowances determined under *subsection (2)*.

F19**[**(4) If the chief executive officer is absent or the position of chief executive officer is vacant, the functions of the chief executive officer under this Act may be performed by a member of the staff of the Council designated by the Council.**]**

Staff and consultants.

**12.**—(1) Subject to *subsection (2)*, the Council may appoint persons to be members of its staff and may determine their duties.

(2) The numbers and grades of staff to be appointed under this section and the conditions (including those relating to remuneration and allowances) of their appointment shall be determined by the Council with the approval of the Minister given with the consent of the Minister for Finance.

(3) Staff appointed under this section shall be paid by the Council, out of funds at its disposal, the remuneration and allowances determined under *subsection (2)*.

(4) Subject to *subsection (5)*, the Council may make and carry out arrangements with any person or body to assist any of the following in performing their functions or exercising their powers under this Act:

(*a*) the Council;

(*b*) a committee of the Council;

(*c*) a registration board;

(*d*) a committee of a registration board.

(5) The Council's power to make an arrangement to assist a registration board or a committee of a registration board may be exercised only at the request of the registration board concerned.

Superannuation.

**13.**—(1) The Council shall prepare and submit to the Minister one or more than one scheme for granting superannuation benefits to or in respect of such members of its staff (including the chief executive officer) as the Council considers appropriate.

(2) Each superannuation scheme shall fix the time and conditions of retirement for all persons to or in respect of whom superannuation benefits are payable under the scheme, and different times and conditions may be fixed in respect of different classes of persons.

(3) A superannuation scheme submitted to the Minister under this section shall, if approved by the Minister with the consent of the Minister for Finance, be carried out in accordance with its terms.

(4) A superannuation scheme may be amended or revoked by a subsequent scheme prepared, submitted and approved under this section.

(5) The Council may not grant, or enter any arrangement for the provision of, any superannuation benefit to or in respect of a member of its staff (including the chief executive officer), except in accordance with a superannuation scheme approved under this section or approved by the Minister with the consent of the Minister for Finance.

(6) Any dispute about the claim of any person to, or the amount of, a superannuation benefit payable in pursuance of a superannuation scheme approved under

this section shall be submitted to the Minister who shall refer it to the Minister for Finance for decision.

(7) The Minister shall ensure that a superannuation scheme approved under this section is laid before each House of the Oireachtas as soon as practicable after it is approved.

(8) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which the superannuation scheme is laid before it, annul the scheme.

(9) The annulment of a superannuation scheme under *subsection (8)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the scheme before the passing of the resolution.

Membership of either House of Oireachtas or European Parliament.

**14.**—(1) A member of the Council's staff (including the chief executive officer) is immediately seconded from employment by the Council if he or she is—

(*a*) nominated as a member of Seanad Éireann,

(*b*) elected as a member of either House of the Oireachtas or of the European Parliament, or

(*c*) regarded pursuant to section 19 of the European Parliament Elections Act 1997 as having been elected to the European Parliament to fill a vacancy.

(2) A person seconded from employment under *subsection (1)* shall not be paid by, or entitled to receive from, the Council any remuneration or allowances in respect of the period of secondment and that period shall not, for the purposes of any superannuation benefit, be counted as service with the Council.

(3) In relation to a person seconded from employment under *subsection (1)*, the period of secondment begins on the occurrence of the relevant event referred to in that subsection and ends when the person ceases to be a member of either House of the Oireachtas or of the European Parliament.

(4) A person who is entitled under the Standing Orders of either House of the Oireachtas to sit in that House or who is a member of the European Parliament is, while so entitled or such a member, not eligible to be employed in any capacity by the Council.

Disclosure of interests by members of Council or committee.

**15.**—(1) In this section—

"meeting" means a meeting of the Council or of a committee of the Council;

"member" means a member of the Council or of a committee of the Council;

"specified matter" means—

(*a*) an arrangement to which the Council is a party or a proposed such arrangement, or

(*b*) a contract or other agreement with the Council or a proposed such contract or other agreement.

(2) Any member present at a meeting where a specified matter arises who, otherwise than in his or her capacity as a member, has a material interest in that matter shall—

(*a*) at the meeting disclose to the Council or committee the nature of that interest,

(*b*) withdraw from the meeting for as long as the matter is being discussed or considered,

(*c*) take no part in any deliberation of the members relating to the matter, and

(*d*) refrain from voting on any decision relating to the matter.

(3) If a member discloses a material interest under this section—

(*a*) the disclosure shall be recorded in the minutes of the meeting concerned, and

(*b*) for as long as the matter to which the disclosure relates is being dealt with by the meeting, the member shall not be counted in the quorum for the meeting.

(4) If at a meeting a question arises as to whether or not a course of conduct, if pursued by a member, would be a failure by the member to comply with *subsection (2)*—

(*a*) the chairperson of the meeting may, subject to *subsection (5)*, determine the question,

(*b*) the chairperson's determination is final, and

(*c*) the particulars of the determination shall be recorded in the minutes of the meeting.

(5) If the chairperson is the member in respect of whom the question arises, the other members present at the meeting shall choose one of their number to be the chairperson of the meeting for the purposes of *subsection (4)*.

(6) A member who, otherwise than in his or her capacity as a member, has a material interest in a specified matter shall neither influence nor seek to influence any decision to be made by the Council or committee in relation to that matter.

(7) On being satisfied that a member of the Council has failed to comply with *subsection (2)* or *(6)*, the Minister may remove that member from office.

(8) A member removed from office under this section is not eligible for appointment under this Act.

Disclosure of interests by staff.

**16.**—(1) A member of the Council's staff (including the chief executive officer) who, otherwise than in his or her capacity as such a member, has a material interest in a specified matter as defined in *section 15(1)* shall—

(*a*) disclose to the Council the nature of that interest,

(*b*) take no part in the negotiation of the arrangement, contract or other agreement concerned or in any deliberation by the Council or its employees relating to that matter,

(*c*) refrain from making any recommendation relating to the matter, and

(*d*) neither influence nor seek to influence a decision to be made in relation to the matter.

(2) *Subsection (1)* does not apply to contracts or proposed contracts of employment of the members of the Council's staff with the Council.

(3) If a person fails to comply with this section, the Council may make such alterations to the person's conditions of employment as it considers appropriate or may terminate the person's contract of employment.

Expenses of Council.

**17.**—(1) The Council shall pay the following expenses out of funds at its disposal:

(*a*) all expenses incurred by the Council, including the expenses of providing administrative support and secretarial assistance to registration boards and their committees;

(*b*) all expenses incurred by registration boards and their committees as a result of arrangements made under *section 12(4)*.

(2) The Council may allocate in the manner that it may determine the surplus, if any, of funds at its disposal to—

(*a*) the development of education,

(*b*) research, or

(*c*) any other public purpose,

connected with any one or more than one of the designated professions.

Power to charge and recover fees.

**18.**—(1) The Council may charge such fees as may, from time to time, be set by the Council for any or all of the following:

(*a*) registration under this Act;

(*b*) retention of registration;

(*c*) the issue of a certificate of registration to a registrant;

(*d*) the removal of a name from a register under *section 39(1)*;

(*e*) the restoration of a name to a register under *section 39(2)*, *40(2)* or *73*;

F20**[**(*ea*) subject to *subsection (1A)*, the consideration by a registration board of an application under *section 48* by an institution for approval of an education and training programme;

(*eb*) subject to *subsection (1A)*, the annual retention of an approval under *section 48* by a registration board of an institution's education and training programme;**]**

(*f*) any other service that the Council or a registration board may provide.

F20**[**(1A) The Council shall not exercise its power under *subsection (1)(ea)* or *(eb)* except with the consent of the Minister.**]**

(2) The Council may recover as a simple contract debt in any court of competent jurisdiction, from a person by whom the fee is payable, any amount due and owing to the Council in respect of a fee charged under this section.

Power to borrow.

**19.**—(1) For the purpose of providing for current or capital expenditure, the Council may borrow money subject to any conditions that may be imposed by, or in accordance with any directions that may be given by, the Minister.

(2) Any money borrowed pursuant to this section and any interest accruing on it may be secured on the Council's revenue, funds or property.

Gifts.

**20.**—The Council may accept gifts of land, money or other property on the trusts and conditions, if any, that may be specified by the donor, provided those trusts and conditions are consistent with the Council's object and functions.

Accounts and audit.

**21.**—(1) The Council shall keep all proper and usual accounts of—

(*a*) all income received by the Council (including the sources of such income),

(*b*) all expenditure (including the subject matter of the expenditure) incurred by—

(i) the Council,

(ii) a committee of the Council,

(iii) each registration board, and

(iv) a committee of a registration board,

and

(*c*) the Council's assets and liabilities.

(2) Not later than 3 months after the end of the financial year to which the accounts relate, the Council shall submit the accounts prepared under this section to the Comptroller and Auditor General for audit.

(3) After the audit, the Council shall present to the Minister the audited accounts together with the Comptroller and Auditor General's report.

(4) The Minister shall ensure that, as soon as possible after the audited accounts and the report are presented to the Minister, copies of them are laid before each House of the Oireachtas.

(5) As soon as possible after the laying of copies before the Houses of the Oireachtas, the Council shall ensure that the audited accounts and the Comptroller and Auditor General's report are printed, published and put on sale.

Council's power to make rules.

**22.**—(1) The Council may, subject to *subsections (3)* to *(5)*, make rules providing for—

(*a*) the establishment, membership, functions and procedures of committees of the Council or a registration board,

(*b*) the form and manner in which registration boards are to maintain registers,

(*c*) the details relating to registrants that, in addition to their names, are to be entered in registers,

(*d*) the division of registers into specified divisions for different categories of registrants,

(*e*) the manner in which fees are to be paid and the time limits for payment of annual fees for retention of registration,

(*f*) the receiving and recording of evidence by committees established under *Part 6*,

(*g*) the receiving of submissions by committees established under *Part 6*, and

(*h*) any other matter relating to the Council's functions under this Act.

(2) Rules under *subsection (1)(f)* and *(g)* may, among other things, specify—

(*a*) the form in which and the means by which evidence or submissions may be received by committees established under *Part 6*, and

(*b*) the conditions subject to which evidence or submissions may be received by those committees by means of a live-video link, a video recording, a sound recording or any other mode of transmission.

(3) The Council shall ensure that—

(*a*) a draft of any rule that it proposes to make is published in such manner as the Council may determine, and

(*b*) with the draft is published an invitation to members of the public, any organisation and any other body to comment on the draft before a date specified by the Council in the invitation.

(4) After considering any comments received before the date specified in the invitation, the Council may—

(*a*) make the rule in the form of the draft as published or with such changes as the Council may determine, or

(*b*) decide not to make the rule.

(5) *Subsections (3)* and *(4)* apply also in relation to a proposed amendment or revocation of a rule.

(6) The Council shall ensure that as soon as practicable after a rule is made it—

(*a*) is published in such manner as the Council may determine, and

(*b*) is submitted to the Minister for laying before each House of the Oireachtas.

(7) Instead of exercising the power to make rules providing for the establishment, membership, functions and procedures of committees of a registration board, the Council may, by rule and subject to any limits or conditions it considers appropriate, authorise the board to make bye-laws providing for any or all of those matters.

(8) *Subsections (4)* to *(6)* of *section 95* apply with the necessary modifications to rules submitted to the Minister in accordance with this section as if they were regulations made by the Minister.

Committees of Council.

**23.**—(1) The Council may establish committees of the Council to perform any of its functions or exercise any of its powers under this PartF21**[**, *section 42B* or *43***]** or *Part 5* that, in its opinion, may be better or more conveniently performed or exercised by a committee and that are assigned by the Council to a committee.

(2) A committee established under this section is to consist of the chairperson of the committee and such other persons, whether members of the Council or not, as the Council may appoint.

(3) In making appointments under *subsection (2)* to a committee, the Council shall have regard to the necessity of including as members of the committee an appropriate number of persons representative of the interest of the general public.

(4) A person is eligible to be appointed as chairperson of a committee established under this section only if he or she is a member of the Council.

(5) The acts of a committee established under this section are subject to confirmation by the Council, unless the Council dispenses with the necessity for confirmation.

(6) The Council may regulate the procedure of a committee established under this section but, subject to any such regulation, a committee may regulate its own procedure.

(7) The Council may at any time dissolve a committee established under this section.

Removal of members of Council from office.

**24.**—(1) If the Council does not perform a function assigned to it under this Act, the Minister may, by order, direct the Council—

(*a*) to perform that function, and

(*b*) for that purpose, to do any other thing that is ancillary or incidental to the function.

(2) If the Council does not comply with a provision of an order under *subsection (1)*, the Minister may, by order, remove from office any or all of its members.

(3) An order under *subsection (2)* may contain any provisions that the Minister considers necessary to enable the Council's functions to be performed despite the removal from office of any or all of its members and may, in particular, provide for the appointment of one or more than one person to perform any or all of the Council's functions.

F22**[**(4) The removal of the members of the Council from office does not revoke or otherwise affect any delegation of the Council's functions under *section 11*.**]**

Annual report of Council.

**25.**—(1) Not later than 3 months after the end of each financial year, the Council shall submit to the Minister a report of the activities of the Council and of each registration board in the immediately preceding financial year.

(2) The Minister shall ensure that a copy of the report is laid before each House of the Oireachtas as soon as practicable after the submission of the report.

## PART 3

### REGISTRATION BOARDS

Establishment of registration boards.

**26.**—(1) The following bodies are established, on their respective establishment days, to perform the functions and exercise the powers assigned under this Act to the registration board of a designated profession:

(*a*) Clinical Biochemists Registration Board;

(*b*) Dietitians Registration Board;

(*c*) Medical Scientists Registration Board;

(*d*) Occupational Therapists Registration Board;

F23**[**(*da*) the Optical Registration Board;**]**

(*e*) Orthoptists Registration Board;

(*f*) Physiotherapists Registration Board;

(*g*) Podiatrists Registration Board;

(*h*) Psychologists Registration Board;

(*i*) Radiographers Registration Board;

(*j*) Social Care Workers Registration Board;

(*k*) Social Workers Registration Board;

(*l*) Speech and Language Therapists Registration Board.

F23**[**(1A) The Optical Registration Board is the registration board of both the designated profession of optometrist and the designated profession of dispensing optician.**]**

(2) Each registration board (whether established by this section or by regulation under *section 4*) is a body corporate with perpetual succession and a seal and may sue or be sued in its corporate name.

(3) The Minister may, by order, appoint a day to be the establishment day of a registration board (whether established by this section or by regulation under *section 4*) and may appoint different days for different registration boards.

(4) Subject to this Act, each registration board may regulate its own procedure, but only to the extent that the Council decides not to do so.

(5) *Schedule 2* applies to each registration board.

Object, functions and powers of registration boards.

**27.**—(1) The object of the registration board of a designated profession is to protect the public by fostering high standards of professional conduct and professional education, training and competence among registrants of that profession.

(2) A registration board shall do all things necessary and reasonable to further its object and shall exercise its powers and perform its functions in the public interest.

(3) Without limiting its responsibilities under *subsection (2)*, the functions of the registration board of a designated profession are to—

(*a*) establish and maintain a register of members of the designated profession F25**[**(which, in the case of a registration board which is the registration board of 2 or more designated professions, means a register for each of those professions)**]**,

(*b*) issue certificates of registration under *section 41*,

(*c*) give guidance to registrants concerning ethical conduct and give guidance and support to them concerning the practice of the designated profession and continuing professional development,

(*d*) monitor, in accordance with *section 49*, the continuing suitability of programmes approved by the board for the education and training of applicants for registration, and

(*e*) F26**[**...**]**

(4) The registration board of a designated profession has power to do anything that appears to it to be requisite, advantageous or incidental to, or to facilitate, the performance of its functions under this Act and it may, with the Council's approval—

(*a*) engage in research into education and training relating to the practice of the designated profession, including the formulation of experimental curricula and the evaluation of existing programmes and examination and assessment procedures, and

(*b*) maintain statistical records and make those records available for research and planning.

F27**[**(5) Without prejudice to the generality of *section 11*, the registrar of a registration board shall perform any functions that may be delegated by the board.**]**

F28**[**Functions of registration boards: approval of qualifications, etc.

**27A.**—(1) The registration board of a designated profession is designated, as of and from the day on which its register is established under *section 36(1)*, as the competent authority for the designated profession concerned under Directive 2005/36/EC.

(2) The registration board of a designated profession shall, on and after the day on which its register is established under section 36(1)—

(*a*) act as the competent authority for the purposes of all matters referred to in Directive 2005/36/EC which relate to the role of a competent authority for the purposes of the recognition of professional qualifications of persons engaged in the designated profession concerned, and

(*b*) assess, for the purposes of *section 38(2)(c)*, the professional qualifications of persons referred to in that section in accordance with the procedures (if any) contained in bye-laws (if any) made under *section 31(1)(e)*.

(3) A person who was, immediately before the day on which the register of a registration board of a designated profession is established under *section 36(1)*, the competent authority under Directive 2005/36/EC in relation to the designated profession concerned shall, notwithstanding *subsections (1)* and *(2)* but subject to *subsection (4)*, continue to be the competent authority in relation to every application under that Directive in relation to that designated profession if, on or before that day—

(*a*) a decision has not been made on the application concerned, and

(*b*) the application has not been withdrawn.

(4) The person referred to in *subsection (3)* shall continue to be the competent authority in relation to each application referred to in that subsection until a final decision is made on any appeal of that decision, but nothing in this section shall be construed as requiring or permitting that person, where the decision concerned is to require the applicant concerned to undertake a compensation measure, to assess that applicant's completion of that compensation measure.**]**

F29**[**(5) Subject to *subsection (6)*, a person who was, immediately before the day on which the register of a designated profession is established under *section 36(1)*, the competent authority under Directive 2005/36/EC in relation to the designated profession concerned shall, before the expiration of the number of days after that day that has been prescribed under *section 95* for the purposes of this subsection, give the registration board of that profession all the records, being records of such kind and in such format that have been prescribed under *section 95* for the purposes of this subsection, that are in the person's power or control and that the person acquired in the person's former capacity as such competent authority, that the board requires to perform its functions—

(*a*) as the competent authority under that Directive for that profession, and

(*b*) under this Act as the registration board of that profession.

(6) If the person referred to in *subsection (5)* requires any records referred to in that subsection for the purposes of performing a function under *subsection (3)* or *(4)*, the reference in *subsection (5)* to "after the day" shall be construed to mean, in the case of those records, after that day on which those records are no longer required for those purposes.

(7) Any right of access, under the Freedom of Information Acts 1997 and 2003, to records referred to in *subsection (5)* that existed immediately before the day on which those records were given to a registration board pursuant to that subsection is not affected by the giving of those records to that board.

(8) For the purposes of section 18 of the Freedom of Information Act 1997, any act done by the person referred to in *subsection (5)* before the day on which records referred to in that subsection were given to a registration board pursuant to that subsection is deemed to have been done by that board.**]**

Membership of registration boards.

**28.**—(1) Subject to F30**[***subsections (4)* to *(6)* F31**[**...**]** and *section 36B(1)*, the registration board of a designated profession, other than a registration board which is the registration board of 2 or more designated professions,**]** is to consist of the following members:

(*a*) 6 persons appointed by the Minister on their election by the registrants of that profession, of whom—

(i) 3 are to be registrants of the designated profession who are engaged in the practice of that profession,

(ii) 2 are to be registrants of the designated profession who are engaged, as members of that profession, in the management of services provided by it, and

(iii) one is to be a registrant of the designated profession who is engaged in the State in the education and training of persons with respect to the practice of the designated profession;

(*b*) 7 persons appointed by the Minister, of whom—

(i) one is to be representative of the management of the public health sector, the social care sector or both sectors,

(ii) one is to be representative of the management of a voluntary or private sector organisation concerned with health or social care,

(iii) one is to be representative of third level educational establishments in the State involved in the education and training of persons with respect to the practice of the designated profession and is nominated by the Minister for Education and Science, and

(iv) 4 are to be representative of the interest of the general public and are appointed with the consent of the Minister for Enterprise, Trade and Employment.

(2) The election of members under *subsection (1)(a)* shall be conducted in accordance with the bye-laws of the registration board concerned and before the commencement of the members' terms of office.

(3) Before appointing a member under *subsection (1)(b)(i)* or *(ii)* or *(4)*, the Minister may consult with any organisations that he or she considers appropriate.

(4) When the registration board of a designated profession is first constituted, F32**[**and until the end of the transitional period, within the meaning of *section 90*, in relation to the profession concerned**]** *subsection (1)(a)* does not apply and instead the Minister shall appoint 6 persons, of whom—

(*a*) 3 are to be persons who are engaged in the practice of the designated profession,

(*b*) 2 are to be persons who are engaged, as members of the designated profession, in the management of services provided by it, and

(*c*) one is to be a person who is engaged in the State in the education and training of persons with respect to the practice of the designated profession.

(5) If no person qualifies under *subsection (1)(a)(ii)* or *(iii)* for election or under *subsection (1)(b)(iii)* or *(4)(b)* or *(c)* for appointment to the registration board concerned—

(*a*) *subsection (1)(a)(ii)* or *(iii)* or *subsection (1)(b)(iii)* or *(4)(b)* or *(c)*, as the case may be, does not apply in relation to the board, and

(*b*) the references in *subsections (1)(a)* and *(4)* to 6 persons and in *subsection (1)(b)* to 7 persons are, in relation to the board, to be read as modified accordingly.

(6) If, for any reason other than the operation of *subsection (5)*, fewer than 6 registrants of a designated profession are elected as members of its registration board under *subsection (1)(a)*, the Minister may appoint as members of the board sufficient registrants of that profession to compensate for the deficiency in the number of elected registrants.

(7) Registrants appointed to a registration board under *subsection (6)* are, during their term of office, considered to be elected members of the board.

F33**[**(8) F34**[**...**]]**

F35**[**Membership of registration boards of 2 or more designated professions

**28A.**—(1) Subject to *subsections (4), (5), (6),* F36**[***(7)* and *(10)(a)***]**, a registration board that is the registration board of 2 or more designated professions is to consist of the following members:

(*a*) 6 persons appointed by the Minister on the election of the person concerned by the registrants of that designated profession of which he or she is a member, of whom—

(i) 3 are to be registrants of any of those professions that are prescribed for the purposes of this subparagraph and who are engaged in the practice of any of those professions so prescribed,

(ii) 2 are to be registrants of any of those professions that are prescribed for the purposes of this subparagraph and who are engaged, as members of any of those professions so prescribed, in the management of services provided by any of those professions so prescribed, and

(iii) one is to be a registrant of any of those professions that are prescribed for the purposes of this subparagraph and who is engaged in the State in the education and training of persons with respect to the practice of any of those professions so prescribed;

(*b*) 7 persons appointed by the Minister, of whom—

(i) one is to be representative of the management of the public health sector, the social care sector or both sectors,

(ii) one is to be representative of the management of a voluntary or private sector organisation concerned with health or social care,

(iii) one is to be representative of third level educational establishments in the State involved in the education and training of persons with respect to the practice of one or more than one of those professions and is nominated by the Minister for Education and Skills, and

(iv) 4 are to be representative of the interest of the general public and are appointed with the consent of the Minister for Jobs, Enterprise and Innovation.

(2) The election of members under *subsection (1)(a)* shall be conducted in accordance with the bye-laws of the registration board concerned and before the commencement of the members' terms of office.

(3) Before appointing a member under *subsection (1)(b)(i)* or *(ii), (4)* or *(5)*, the Minister may consult with any organisations that he or she considers appropriate.

(4) Subject to *subsection (10)(b)*, when the registration board of 2 or more designated professions is first constituted, F37**[**and until the end of the transitional period (if any) within the meaning of *section 90*, in relation to each of the professions concerned**]** *subsection (1)(a)* does not apply and instead the Minister shall appoint 6 persons, of whom—

(*a*) 3 are to be persons engaged in the practice of any of those professions that are prescribed for the purposes of this paragraph,

(*b*) 2 are to be persons who are engaged, as members of any of those professions that are prescribed for the purposes of this paragraph, in the management of services provided by any of those professions so prescribed, and

(*c*) one is to be a person who is engaged in the State in the education and training of persons with respect to the practice of any of those professions that are prescribed for the purposes of this paragraph.

(5) Subject to *subsection (10)(b)*, when regulations under *section 4*, in relation to a designated profession that falls within *paragraph (b)* of the definition of "designated profession" in *section 3(1)*, specify the name (or, if applicable, the new name) of a registration board referred to in *section 26(1)*, being a registration board that has already been constituted, that shall be the registration board for that profession F38**[**and until the end of the transitional period within the meaning of *section 90*, in relation to the profession concerned**]**, *subsection (1)(a)* does not apply and instead the Minister shall appoint 6 persons, of whom—

(*a*) 3 are to be persons engaged in the practice of any of those professions that are prescribed for the purposes of this paragraph,

(*b*) 2 are to be persons who are engaged as members of any of those professions that are prescribed for the purpose of this paragraph, in the management of services provided by any of those professions so prescribed, and

(*c*) one is to be a person who is engaged in the State in the education and training of persons with respect to the practice of any of those professions that are prescribed for the purposes of this paragraph.

(6) (*a*) When the Minister appoints 6 persons under *subsection (5)* in respect of a registration board referred to in that subsection, the persons who were, immediately before that appointment, members of the board by virtue of—

(i) *section 28(1)(a), (4), (5)* (in so far as it relates to *section 28(1)(a)(ii)* or *(iii)*) or *(6)*, or

(ii) *subsection (1)(a), (4), (5)* (in so far as it relates to *subsection (1)(a)(ii)* or *(iii)* ) or *(6)*,

shall cease to be members of the board from the date that that appointment takes effect.

(*b*) *Paragraph (a)* shall not of itself be construed to prevent any of the persons second-mentioned in that paragraph from being any of the 6 persons the subject of the appointment referred to in that paragraph.

(7) If no person qualifies under *subsection (1)(a)(ii)* or *(iii)* for election or under *subsection (1)(b)(iii), (4)(b)* or *(c)* or *(5) (b)* or *(c)* for appointment to the registration board concerned—

(*a*) *subsection (1)(a)(ii)* or *(iii)* or *subsection (1)(b)(iii), (4)(b)* or *(c)* or *(5)(b)* or *(c)*, as the case may be, does not apply in relation to the board, and

(*b*) the references in *subsections (1)(a), (4)* and *(5)* to 6 persons and in *subsection (1) (b)* to 7 persons are, in relation to the board, to be read as modified accordingly.

(8) If, for any reason other than the operation of *subsection (7)*, fewer than 6 registrants of the designated professions concerned are elected as members of its registration board under *subsection (1)(a)*, the Minister may appoint as members of the board sufficient registrants of those professions to compensate for the deficiency in the number of elected registrants.

(9) Registrants appointed to a registration board under *subsection (8)* are, during their term of office, considered to be elected members of the board.

(10) (*a*) The number of persons who may be elected by the registrants of a particular designated profession for the purposes of *subsection (1)(a)* shall be as prescribed but, in any case, shall never be less than one.

(*b*) The number of persons who may be appointed from a particular designated profession for the purposes of *subsection (4)* or *(5)* shall be as prescribed but, in any case, shall never be less than one.

(11) F39**[**...**]]**

Allowances for expenses of members.

**29.**—A member of a registration board or of any committee of a registration board shall be paid, out of funds at the Council's disposal, such allowances for travelling and subsistence expenses incurred in respect of the member's attendance at a meeting of the board or committee or otherwise in connection with the affairs of the board as the Minister, with the consent of the Minister for Finance, may determine.

Registrar, deputy registrars and administrative support.

**30.**—(1) The Chief executive officer of the Council is the registrar of each registration board.

(2) The registrar is responsible for performing on behalf of each registration board its functions under *Part 4*.

(3) The Council may designate one or more than one member of its staff as deputy registrar.

(4) Any function or power of the registrar that is performed or exercised by a deputy registrar is considered to have been performed or exercised by the registrar.

(5) The Council shall provide such administrative support and secretarial assistance to each registration board and its committees as the Council considers necessary.

Registration board's power to make bye-laws.

**31.**—(1) With the Council's approval and in accordance with any guidelines issued under *subsection (7)*, the registration board of a designated profession may, subject to *section 32*, make bye-laws relating to any or all of the following matters:

(*a*) the conduct of elections for the appointment of members under *section 28* F40**[**or *28A*, as appropriate,**]** to the board;

(*b*) applications for registration in the register of that profession or for restoration to the register;

(*c*) qualifications approved for the purposes of *section 38(2)(a)* as attesting to the standard of proficiency required for registration;

(*d*) requirements, for the purposes of *section 38(1)(d)*, as to knowledge of the language necessary for practising that profession in the State;

F41**[**(*e*) procedures for the assessment of professional qualifications, training, experience, aptitude tests or adaptation periods for the purposes of *sections 38(2)(c)*, *91(1)(c)(i)(II)* and *91(5)(c)(i)(II)*;**]**

(*f*) the conditions for registration in a division of the register of that profession, but only if division of the register is authorised by any rules or guidelines issued by the Council;

F42**[**(*fa*) criteria or conditions, including criteria or conditions as to further education, training or experience, for persons who wish to—

(i) commence the practice of that profession where the person concerned—

(I) holds an approved qualification (within the meaning of section 38), or

F43**[**(II) was awarded both a Bachelor of Science in Applied Health Science by the Institute of Physical Therapy and Applied Science Dublin and a Diploma in Physical Therapy by that Institute,**]**

and he or she has not practised the profession, for a period specified in the bye-laws, since obtaining the approved qualification or Bachelor of Science and Diploma concerned, or

(ii) resume the practice of that profession after not having practised the profession for a period specified in the bye-laws,

including criteria or conditions relating to—

(I) the education and training of those persons,

(II) the manner of verifying that those persons possess the relevant competencies, or

(III) any other matter where, in the opinion of the registration board concerned, the specification in bye-laws of criteria or conditions relating to that matter is necessary or desirable for the protection of the public;**]**

(*g*) criteria for restoration to the register of that profession F44**[**other than where *paragraph (fa)* applies**]**;

(*h*) the education, training and continuing professional development of registrants of that profession;

(*i*) the adoption and revision of a code of professional conduct and ethics;

F44**[**(*ia*) the practice of the designated profession, and the period that the registration board considers to be sufficient in the public interest, and that is not less than 500 hours nor more than 4,000 hours, during which that practice is to be engaged in, for persons to be registered under *section 91*;**]**

F40**[**(*ib*) if the board is the Optical Registration Board, for the purposes of *section 81C* or *81D*;**]**

(*j*) any other matter specified by the Council in its guidelines.

F45**[**(2) A code of professional conduct and ethics adopted by the registration board of a designated profession must specify—

(*a*) the standards of conduct, performance and ethics expected of registrants of that profession, and

(*b*) that registrants of that profession act within the limits of their knowledge, skills, competence and experience.**]**

(3) If authorised by the Council under *section 22(7)*, a registration board may make bye-laws providing for the establishment, membership, functions and procedures of committees of the board.

(4) Bye-laws under *subsection (1)* may establish categories of registrants and may be different for different categories of registrants.

(5) Where a proposed bye-law under *paragraph (c)* or *(h)* of *subsection (1)* might result in an additional burden being imposed on the Exchequer, the bye-law may be made only if—

(*a*) after receiving a draft of the proposed bye-law for its approval, the Council refers the draft to the Minister, and

(*b*) both the Council and the Minister approve the draft.

(6) *Subsection (5)* applies also in relation to a proposed amendment or revocation of a bye-law under *paragraph (c)* or *(h)* of *subsection (1)*.

(7) For the purposes of this section, the Council may issue guidelines applicable to all or any of the registration boards.

Publication and other requirements relating to draft and other bye-laws.

**32.**—(1) A registration board shall ensure that—

(*a*) a draft of any bye-law that it proposes to make is, before the draft is submitted to the Council for approval, published in such manner as the board may determine, and

(*b*) with the draft is published an invitation to the public, any organisation and any other body to comment on the draft before a date specified by the board in the invitation.

(2) After considering any comments received before the date specified in the invitation, the registration board may—

(*a*) subject to *subsections (3)* to *(5)*, submit to the Council for approval the draft bye-law either in the form in which it was published or with such changes as the board may determine, or

(*b*) decide not to proceed further with the draft bye-law.

(3) If a draft bye-law that a registration board proposes to submit to the Council under *subsection (2)(a)* relates to the adoption or revision of a code of professional conduct and ethics, the board shall—

(*a*) before submitting the draft bye-law to the Council, submit it to the Competition Authority for its opinion as to whether any provision of the draft bye-law would, if the bye-law were made, be likely to result in competition being prevented, restricted or distorted, and

(*b*) request that the opinion be given in writing to the board before the date specified in the request.

(4) If, before the date specified in the request, the registration board receives from the Competition Authority a written opinion that a provision of the draft bye-law would, if the bye-law were made, be likely to result in competition being prevented, restricted or distorted, the board shall—

(*a*) take that opinion into account and change the draft bye-law accordingly before submitting it to the Council for approval, or

(*b*) without making any changes to the draft bye-law, submit it to the Council for approval and supply the Council with a copy of the Authority's opinion together with the board's written reasons for not taking the opinion into account.

(5) *Subsections (2)* to *(4)* apply also in relation to a proposed amendment or revocation of a bye-law.

(6) A registration board shall ensure that as soon as practicable after a bye-law of the board is made it—

(*a*) is published in such manner as the board may determine, and

(*b*) is submitted to the Minister for laying before each House of the Oireachtas.

(7) *Subsections (4)* to *(6)* of *section 95* apply with the necessary modifications to bye-laws submitted to the Minister in accordance with this section as if they were regulations made by the Minister.

Committees of registration board.

**33.**—(1) With the Council's approval and subject to any rules under *section 22(1)* or bye-laws under *section 31(3)*, a registration board may establish committees to perform any of its functions or exercise any of its powers under this Part, *Part 4* or *Part 5* that, in the board's opinion, may be better or more conveniently performed by a committee and that are assigned by the board to a committee.

(2) A committee established under this section is to consist of the chairperson of the committee and such other persons, whether members of the registration board or not, as the board may appoint.

(3) In making appointments under *subsection (2)* to a committee, a registration board shall have regard to the necessity of including as members of the committee an appropriate number of persons representative of the interest of the general public.

(4) A person is eligible to be appointed as chairperson of a committee of a registration board only if he or she is a member of that board.

(5) The acts of a committee are subject to confirmation by the registration board, unless, in the case of a committee established under this Part or *Part 5*, the board dispenses with the necessity for confirmation.

(6) A registration board may regulate the procedure of its committees if authorised to do so under *section 22(7)*, but, subject to any such regulation, a committee may regulate its own procedure.

(7) A registration board may at any time dissolve a committee of the board.

Removal of members of registration board from office.

**34.**—(1) If a registration board does not perform a function assigned to it under this Act, the Minister may, by order, direct the board—

(*a*) to perform that function, and

(*b*) to do any other thing that is ancillary or incidental to the function.

(2) If a registration board does not comply with a provision of an order under *subsection (1)*, the Minister may, by order, remove from office any or all of its members.

(3) An order under *subsection (2)* may contain any provisions that the Minister considers necessary to enable the functions of the registration board concerned to be performed despite the removal from office of any or all of its members and may, in particular, provide for the appointment of one or more than one person to perform any or all of the board's functions.

F46**[**(4) The removal of the members of a registration board from office does not revoke or otherwise affect any delegation of the board's functions under this Act.**]**

Annual report of registration board.

**35.**—(1) Within the period specified under *subsection (2)*, each registration board shall submit to the Council a report of its activities in the immediately preceding financial year.

(2) The Council may specify the period within which a report is to be submitted by a registration board, having regard to the time needed to include the contents of the board's report in the Council's report under *section 25* for the same financial year.

## PART 4

### REGISTRATION

Establishment and maintenance of registers.

**36.**—(1) The registration board of each designated profession shall—

(*a*) as soon as practicable after the board's establishment day, establish a register of members of that profession,

(*b*) enter in the register the name of every person granted registration by the board under *section 38* or *91* F47**[**, or entitled, by virtue of *section 79(4)(b)*, to use a title referred to in *section 79(1), (2)* or *(3)*,**]** and any other details relating to that person that are required by the Council under its rules, and

(*c*) maintain the register in accordance with the rules.

(2) If authorised by any rules made or guidelines issued by the Council, a register may be divided into the divisions specified in those rules or guidelines for different categories of registrants.

F48**[**Transitional provisions applicable to registers of members of designated professions of optometrist and dispensing optician

**36A.**—(1) A person who, immediately before the relevant day, was registered in a division of the Register of Optometrists within the meaning of the Act of 1956 shall, on the relevant day, be deemed to be registered in the equivalent division of the register of optometrists, and any conditions that were, immediately before the relevant day, attached to his or her registration in that division of that Register of Optometrists shall, on the relevant day, be deemed to be attached to his or her registration in that equivalent division of the register of optometrists.

(2) A person who, immediately before the relevant day, was registered in a division of the Register of Dispensing Opticians within the meaning of the Act of 1956 shall, on the relevant day, be deemed to be registered in the equivalent division of the register of dispensing opticians, and any conditions that were, immediately before the relevant day, attached to his or her registration in that division of that Register of Dispensing Opticians shall, on the relevant day, be deemed to be attached to his or her registration in that equivalent division of the register of dispensing opticians.**]**

F49**[**Transitional provisions applicable to register of radiographers

**36B.**— ...**]**

Application for registration.

**37.**—(1) A person seeking registration as a member of a designated profession shall apply to the registration board of that profession.

(2) The application must be in the form and contain the information required by the bye-laws of the registration board concerned.

(3) The registration board may—

(*a*) verify or require the applicant to verify anything contained in the application,

(*b*) request the applicant to supply to the board, within a reasonable time specified by the board, further information relating to the application, and

(*c*) require that information requested under *paragraph (b)* be supplied by means of a statutory declaration.

Registration in register of designated profession.

**38.**—(1) The registration board of a designated profession shall grant registration to any person who—

(*a*) complies with *section 37* and with any requirement imposed on, or request made to, him or her under that section,

(*b*) F50**[**subject to *subsections (1A)* and *(2A)* to *(2D)*,**]** holds an approved qualification in that profession,

(*c*) satisfies the board that he or she is a fit and proper person F50**[**(including, subject to *section 40A*, physically and mentally a fit and proper person)**]** to engage in the practice of the profession,

F58**[**(*ca*) where the board has made a bye-law under *subparagraph (i)* or *(ii)* of *section 31(1)(fa)* in respect of persons who hold an approved qualification (within the meaning of *section 38*), satisfies the board, if the bye-law applies to him or her, that he or she has met the criteria and fulfilled the conditions specified in that bye-law,**]**

(*d*) F51**[**...**]** satisfies the board as to his or her knowledge of the language necessary for practising the profession in the State, and

(*e*) pays the required fee to the Council.

F50**[**(1A) (*a*) *Paragraph (b)* of *subsection (1)* does not apply in the case of a person seeking registration as a member of the designated profession of optometrist if he or she was at any prior time registered in the Register of Optometrists within the meaning of the Act of 1956.

(*b*) *Paragraph (b)* of *subsection (1)* does not apply in the case of a person seeking registration as a member of the designated profession of dispensing optician if he or she was at any prior time registered in the Register of Dispensing Opticians within the meaning of the Act of 1956.**]**

F52**[**(2) F53**[**Subject to *subsections (2A)* and *(2D)*, a person holds**]** an approved qualification in a designated profession if—

(*a*) the person has been awarded a qualification in the State,

(*b*) the person is a person to whom Directive 2005/36/EC applies and whose professional qualification in that profession is recognised in the State in accordance with F53**[**that Directive,**]**

(*c*) the person is a person other than a person referred to in *paragraph (a)* or *(b)*, who is eligible to practise that profession in a state other than a state in relation to which Directive 2005/36/EC applies and who—

(i) holds a professional qualification in that profession that the registration board concerned decides is one that attests to a standard of proficiency corresponding to the standard attested to by the relevant qualification referred to in *paragraph (a)*, or

F54**[**(ii) holds a professional qualification that is one that the registration board concerned decides is not a professional qualification that attests to such a standard of proficiency, but is the subject of a decision of the registration board that he or she successfully completed, in the State, the aptitude test or adaptation period that the registration board has required of the person,**]]**

F55**[**(*d*) the person is a person, other than a person referred to in *paragraph (a), (b)* or *(c)*, who—

(i) was lawfully engaged in the practice of that profession for a period of not less than 5 years, and

(ii) holds a qualification (being a qualification that has never been, or that has formerly been, a qualification within the meaning of *section 3(1)*) awarded in the State—

(I) listed opposite that profession in the third column of *Schedule 3*, or

(II) prescribed under *section 95* for F54**[**that profession, or**]]**

F56**[**(*e*) in the case of a relevant designated profession, the person is a person, other than a person referred to in *paragraph (a)*, *(b)*, *(c)* or *(d)*, who holds a relevant professional qualification in that profession.**]**

F57**[**(2A) Subject to *subsection (2B)*, a person seeking registration as a member of the designated profession of optometrist shall not be registered as such unless he or she has undergone such courses of training and passed such examinations that, immediately before the relevant day, were specified for the purposes of section 24 of the Act of 1956 in rules made under section 18 of that Act.

(2B) Subject to *subsection (2C)*, *subsection (2A)* shall cease to be in operation immediately upon the coming into operation of a bye-law (if any) made by the Optical Registration Board relating to—

(*a*) the designated profession of optometrist, and

(*b*) a matter falling within *section 31(1)(c)*.

(2C) *Subsection (2A)* shall not cease to be in operation by virtue of *subsection (2B)* in the case of a person seeking registration as a member of the designated profession of optometrist who has, before the coming into operation of the bye-law referred to in *subsection (2B)*, undergone the courses of training referred to in *subsection (2A)* and passed the examinations referred to in *subsection (2A)*.

(2D) Subject to *subsection (2E)*, a person seeking registration as a member of a designated profession (other than the profession of optometrist) in respect of which the registration board of the profession has not yet made a bye-law relating to that profession and on a matter falling within *section 31(1)(c)* (or, if the board has made such bye-law, the bye-law has not yet come into operation) shall not be registered as such unless he or she holds a qualification (not being a qualification within the meaning of *section 3(1)*) awarded in the State that renders that person eligible to be appointed as an employee of the Health Service Executive to perform, as such employee, the functions of a member of that profession.

(2E) *Subsection (2D)* shall cease to be in operation in relation to a particular designated profession immediately upon the coming into operation of a bye-law (if any) made by the registration board of that profession relating to that profession and on a matter falling within *section 31(1)(c)*.**]**

F58**[**(2F) The Physiotherapists Registration Board shall grant registration to a person who—

(*a*) subject to *subsection (2FA)*, applies on or after the date on which section 6 (b) of the Health and Social Care Professionals (Amendment) Act 2017 comes into operation and not later than 30 June 2022, to the Physiotherapists Registration Board for registration,

(*b*) meets the requirements of *paragraphs (a)*, *(c)*, *(d)* and *(e)* of *subsection (1)*,

(*c*) where the Physiotherapists Registration Board has made a bye-law under *section 31(1)(fa)* in respect of persons who were awarded both a Bachelor of Science in Applied Health Science by the Institute of Physical Therapy and Applied Science Dublin and a Diploma in Physical Therapy by that Institute, satisfies that Board, if the bye-law applies to him or her, that he or she has met the criteria and fulfilled the conditions specified in that bye-law, and

(*d*) was awarded both a Bachelor of Science in Applied Health Science by the Institute of Physical Therapy and Applied Science Dublin and a Diploma in Physical Therapy by that institute.

(2FA) (*a*) *Paragraph (b)* applies to a person who has made an application—

(i) referred to in *subsection (2F)(a)*, as in force before the relevant commencement, on or before 31 December 2019, and

(ii) which has not, before the relevant commencement, been determined by the Physiotherapists Registration Board.

(*b*) The Physiotherapists Registration Board may, on or after the relevant commencement, determine the application without the person having to make a further application referred to in *subsection (2F)(a)*.

(*c*) *Paragraph (d)* applies to a person who has made an application referred to in *subsection (2F)(a)*, as in force before the relevant commencement, on or after 1 January 2020 but before the relevant commencement.

(*d*) The Physiotherapists Registration Board may not, on or after the relevant commencement, determine that application but without prejudice to the person's right to make a further application referred to in *subsection (2F)(a)*.

(*e*) In this subsection, "relevant commencement" means the commencement of section 29(b) of the Regulated Professions (Health and Social Care) (Amendment) Act 2020.**]**

F56**[**(2G) A document that purports to be evidence of the recognition referred to in the definition of "relevant professional qualification" shall, for the purposes of this Act and in the absence of evidence to the contrary, be taken to be proof of such recognition. **]**

(3) A registration board may register a person in more than one division of a register if the person satisfies the conditions specified in the bye-laws for registration in each division.

F52**[**(4) In this section—

"adaptation period", in relation to registration of a person in a designated profession, means the practice of that profession, whether or not that practice is accompanied by other training, under the supervision—

(*a*) subject to *paragraph (b)*, of a registrant in relation to that profession, or

(*b*) in the case of an adaptation period that takes place during the transitional period, within the meaning of *section 90*, in relation to that profession, of a registrant in relation to that profession or another person who is practising that profession in the State;

"aptitude test", in relation to registration of a person in a designated profession, means a test (which may include assessment of the knowledge of the professional rules applicable to that profession in the State, and other subjects) to assess the professional knowledge of the person that—

(*a*) is essential in order for a person to practise the profession in the State, and

(*b*) in the opinion of the registration board concerned, was not required in order for the person to obtain his or her professional qualification.**]**

F56**[**"relevant designated profession" means a designated profession listed in the second column of *Schedule 4*;

"relevant person", in relation to a relevant designated profession, means the person listed opposite that profession in the third column of *Schedule 4*;

"relevant professional qualification", in relation to a relevant designated profession, means a professional qualification that was recognised by the relevant person—

(*a*) as a professional qualification that attested to a standard of proficiency that rendered the holder thereof eligible for recruitment by the Health Service Executive (or any specified body within the meaning of section 56 of the Health Act 2004) in the profession to which that qualification relates, and

(*b*) in the case of—

(i) the relevant designated profession of dispensing optician or optometrist, either—

(I) before 31 October 2015, or

(II) on or after 31 October 2015 where an assessment for the purposes of such recognition was commenced by the relevant person before that date,

and

(ii) any other relevant designated profession, either—

(I) before the date on which the register for the designated profession was established under *section 36(1)*, or

(II) on or after the date referred to in *clause (I)* where an assessment for the purposes of such recognition was commenced by the relevant person before that date.**]**

Removal of names from register at registrants' request and restoration to register.

**39.**—(1) A registration board may remove the name of a registrant from its register if the registrant—

(*a*) applies to the board for its removal,

(*b*) pays the required fee to the Council, and

(*c*) is not at the time of application the subject of a complaint or inquiry under *Part 6*.

(2) A registration board shall restore the name of a person to its register if—

(*a*) the name was removed from the register solely because of an application under *subsection (1)*,

(*b*) the person applies to the board for restoration to the register and pays to the Council the required fee, and

(*c*) the person meets the criteria established by bye-law for restoration to the register.

Removal of names from register for failure to pay annual fee and restoration to register.

**40.**—(1) The Council may decide to direct a registration board to remove from its register the name of a registrant who—

(*a*) has failed to pay within the time required by the rules the annual fee for retention of registration, and

(*b*) has been notified on more than one occasion by the Council to pay the fee.

(2) A registration board shall restore the name of a person to its register if—

(*a*) the name was removed from the register solely because of failure to pay the required fee,

(*b*) within 6 months after the date on which the required fee became due, the person applies to the board for restoration to the register, and

(*c*) the person pays to the Council both the annual fee for retention of registration and a fee for restoration to the register.

F59**[**(3) *Subsection (4)* applies where a registration board has—

(*a*) removed from its register the name of a registrant pursuant to a direction under *subsection (1)*, or

(*b*) restored the name of a person to its register pursuant to *subsection (2)*.

(4) The Council shall, as soon as practicable after the removal or restoration concerned—

(*a*) notify the Health Service Executive,

(*b*) notify the employer of the registrant or person, as the case may be, the subject of the removal or restoration if the employer's name is known to the Council,

(*c*) notify such other persons as the Council thinks fit, and

(*d*) advise the public,

of the removal or restoration (in particular, the name of the registrant or person and the date on which the removal or restoration took effect).**]**

F60**[**Conditions attached to registration

**40A.**—F61**[**(1) A person making an application for registration as a member of a designated profession shall declare in the application—

(*a*) whether he or she has a relevant medical disability, and

(*b*) whether any material matter has occurred in relation to the person.**]**

(2) Where the registration board concerned is satisfied that—

(*a*) a person making an application for registration as a member of a designated profession has a relevant medical disability F62**[**or a material matter has occurred in relation to him or her**]**, and

(*b*) in the interests of public safety, registration should only be granted to the person subject to conditions on the practising of that profession which take account of that disability F62**[**or material matter**]**,

the board shall specify the conditions (in this section referred to as the "proposed conditions") which, in the opinion of the board, are necessary to be attached to the registration of the person in those interests.

(3) Where the person the subject of a decision under *subsection (2)* agrees in writing to the attachment of the proposed conditions to the registration, the registration board concerned shall register the person and at the same time enter in the register concerned—

(*a*) a statement that the registration is subject to conditions, and

(*b*) particulars of the conditions.

(4) A registrant who, at the time of registration, did not have a relevant medical disability but develops a relevant medical disability at any time after registration shall notify the registration board concerned of that development—

(*a*) not later than 30 days after the day on which he or she becomes aware of that development, or

(*b*) where the relevant medical disability concerned renders it impracticable for the registrant to notify the board within those 30 days, as soon as is practicable in the circumstances.

(5) Where the registration board is satisfied, after receiving a notification under *subsection (4)*, that in the interests of public safety, the registration of the registrant should become subject to conditions on the practising of the designated profession concerned which take account of the relevant medical disability concerned, the board shall decide that conditions should be attached to the registration of the registrant in those interests, specify those proposed conditions and propose that the registrant accept that those conditions be attached to his or her registration.

(6) Where the registrant the subject of a decision under *subsection (5)* agrees in writing to the attachment of the proposed conditions, the registration board shall attach those conditions to the registration of the registrant and at the same time enter in the register concerned—

(*a*) a statement that the registration is subject to conditions, and

(*b*) particulars of the conditions.

(7) Where the registrant the subject of a decision under *subsection (5)* refuses, in writing, to agree to the attachment of the proposed conditions, or does not respond within 30 days after receiving the decision from the registration board, the board shall make a complaint under *section 52(1)(c)*.

(8) Nothing in this section shall be construed to prevent the registration board from exercising its power under *subsection (2)* for a second or subsequent time in respect of the same person where the board is satisfied (whether on grounds put to it by that person or on other grounds) that a previous decision made by it under that subsection in respect of that person ought to be replaced by a new decision under that subsection.**]**

Certificate of registration and notification of decision.

**41.**—(1) A registration board shall, as soon as practicable after the date of registration or after the restoration of a person's name to its register, issue to the registrant a certificate of registration stating that his or her name is entered in its register.

(2) A registration board shall, as soon as practicable after refusing to grant registration to a person or refusing to restore a person's name to a register or after complying with a direction of the Council to remove a person's name from a register, notify the person of its decision.

Content of notification of decision.

**42.**—(1) A notification of decision under this Part must include the following information:

(*a*) the decision;

(*b*) the date on which it was made;

(*c*) the reason for the decision.

(2) The notification must also include—

(*a*) if the decision relates to a registration board's refusal to grant registration or to restore a person's name to its register, F63**[**or relates to a decision made by a registration board in the performance of its functions under F64**[***section 27A(2)(b)***]]** the time allowed under *section 43* for applying to the Council for F65**[**cancellation of the decision,**]**

(*b*) if the decision relates to the Council's confirmation of a decision referred to in *paragraph (a)*, the time allowed under *section 44* for bringing an appeal to the Court for F66**[**cancellation of the decision, or**]**

F67**[**(*c*) if the decision is a decision referred to in *section 42B(2A)*, information concerning the right to apply to the Council for a direction under that paragraph.**]**

F68**[**Performance of functions under *section 27A*.

**42A**.— (1) (*a*) A registration board shall acknowledge receipt in writing of an application by a person for the assessment of his or her professional qualifications under F69**[***section 27A(2)*(*b*)**]** not later than on the expiry of the one month period that begins when the application is submitted, and include in that acknowledgement—

(i) a statement as to whether all documents required for that assessment have been submitted, or

(ii) a list of one or more than one further document required to be submitted before the assessment may be undertaken.

(*b*) If one or more than one further document is submitted in compliance with *paragraph (a)(ii)* (or otherwise), the registration board shall acknowledge receipt in writing of that further document or those further documents not later than on the expiry of the one month period that begins with that submission, and *subparagraphs (i)* and *(ii)* of *paragraph (a)* shall apply to acknowledgements under this paragraph, with all necessary modifications.

(2) The registration board shall, not later than on the expiry of the 4 month period that begins when the application (and, if applicable, the further document or documents referred to in *subsection (1)(b)*) is acknowledged, notify the applicant in writing of its decision in relation to the assessment.**]**

F70**[**Right to apply to Council in relation to performance of functions under *section 27A*.

**42B.**— (1) A person may apply to the Council for the cancellation of a decision made by a registration board in the performance of its functions under F71**[***section 27A(2)*(*b*)**]** where that decision was a decision—

(*a*) F72**[**...**]**

(*b*) that a professional qualification is not one that attests to the standard of proficiency required under *section 38(2)(c)(i)*, or

(*c*) that there has not been successful completion, in the State, of an aptitude test or adaptation period under *section 38(2)(c)(ii)*.

(2) A person may apply to the Council for a direction by the Council to a registration board—

(*a*) to acknowledge receipt of an application made by the person F73**[**for the assessment of his or her professional qualifications under *section 27A(2)*(*b*)**]**, within such period as the Council may specify, where—

(i) the board has not acknowledged receipt of that application before the expiry of the period within which it was required to do so under *section 42A(1)*, and

(ii) if applicable, the board has not acknowledged receipt of the further document or documents referred to in *section 42A(1)(b)* before the expiry of the period within which it was required to do so under that section,

or

(*b*) to notify the person of a decision F74**[**in relation to assessment of his or her professional qualifications under *section 27A(2)*(*b*)**]**, within such period as the Council may specify, where the board has not notified that person of that decision before the expiry of the period within which it was required to do so under *section 42A(2)*.

F75**[**(2A) A person may apply to the Council for a direction by the Council to a registration board where the registration board—

(*a*) decides to grant, or not to grant, an applicant partial access to a profession under *Regulation 10* of the Professional Qualifications Regulations,

(*b*) decides to revoke temporary registration or pro forma membership under *Regulation 12(6)* of the Professional Qualifications Regulations,

(*c*) decides to require an applicant to undergo compensation measures under *Regulation 22* of the Professional Qualifications Regulations,

(*d*) decides not to recognise the professional qualifications of an applicant under *Parts 5* to *14* of the Professional Qualifications Regulations,

(*e*) fails to acknowledge the receipt of an application for recognition of professional qualifications within the period provided for in *Regulation 67(2)* of the Professional Qualifications Regulations,

(*f*) fails to make a decision on an application for recognition of professional qualifications within the period provided for in *Regulation 67(3)* of the Professional Qualifications Regulations, or any extended period under *Regulation 67(4)* of those Regulations,

(*g*) decides not to issue a European Professional Card under *Regulation 76* of the Professional Qualifications Regulations,

(*h*) fails to make a decision on an application for a European Professional Card under *Regulation 76* of the Professional Qualifications Regulations within the period provided for in paragraph *(2)* of that Regulation,

(*i*) fails to verify the authenticity of the validity of the supporting documents in the IMI file for a European Professional Card within the period provided for in *Regulation 78(2)* of the Professional Qualifications Regulations,

(*j*) fails to transmit an application for a European Professional Card in accordance with *Regulation 78(4)* of the Professional Qualifications Regulations,

(*k*) decides not to issue a European Professional Card under *Regulation 79* of the Professional Qualifications Regulations,

(*l*) fails to make a decision on an application for European Professional Card under Regulation 79 of the Professional Qualifications Regulations within the applicable time period provided for in paragraph *(2)*, *(3)* or *(8)* of that Regulation,

(*m*) decides to revoke a document under *Regulation 81* of the Professional Qualifications Regulations,

(*n*) decides to reverse a decision under *Regulation 82* of the Professional Qualifications Regulations,

(*o*) decides to carry out language controls pursuant to *Regulation 85* of the Professional Qualifications Regulations, or

(*p*) decides to send an alert under *Regulation 87* of the Professional Qualifications Regulations.**]**

(3) The application must be made—

F76**[**(*a*) if the application is an application under *subsection (1)* or *(2A)*—

(i) within 30 days after the person receives notification of the decision from the registration board,

(ii) within 30 days after the expiry of the period concerned, or

(iii) in the case of an application under *subsection (2A)*(*j*), within 30 days after verification of the authenticity and validity of the supporting documents in accordance with *Regulation 78(2)*,

as appropriate, or**]**

(*b*) if the application is an application under *subsection (2)*, within 30 days after the expiry of the period concerned.

(4) On hearing the application or on receipt of appropriate submissions, the Council may—

(*a*) if the application is an application under *subsection (1)* F77**[**or *(2A)***]**—

(i) if satisfied that the registration board's decision was properly made, confirm that decision, F78**[**...**]**

(ii) if not so satisfied, cancel that decision and do one of the following:

(I) direct the registration board to recognise the professional qualifications of the person;

(II) direct the registration board to make a new decision; F79**[**or**]**

(III) give such other directions to the registration board as the Council considers appropriate, F77**[**or **]**

F80**[**(iii) in any other case, give such directions to the registration board as the Council considers appropriate,**]**

or

(*b*) if the application is an application under *subsection (2)*—

(i) if satisfied that the registration board did acknowledge receipt of the application (and, if applicable, the document or documents referred to in *section 42A(1)(b)*) before the expiry of the period within which it was required to do so under *section 42A(1)*, refuse to direct the registration board to acknowledge receipt of the application (and any such document or documents),

(ii) if satisfied that the registration board did make the decision and notify the applicant of that decision, before the expiry of the period within which it was required to do so under *section 42A(2)*, refuse to direct the registration board to make the decision and notify the applicant of that decision,

(iii) direct the registration board to acknowledge receipt of the application (and any such documents) or to make the decision and notify the applicant of that decision, as the case may be, within such period as the Council specifies,

(iv) give such other directions to the registration board as the Council considers appropriate.

(5) As soon as practicable after making a decision under this section, the Council shall notify the applicant of the decision.

(6) F81**[**...**]]**

Right to apply to Council for cancellation of decision refusing to grant or restore registration.

**43.**—(1) A person may apply to the Council for cancellation of a decision made by a registration board refusing to grant the person registration or refusing to restore the person's name to its register.

(2) The application must be made within 30 days after the person receives notification of the decision from the registration board.

(3) On hearing the application or on receipt of appropriate submissions, the Council may—

(*a*) if satisfied that the registration board's decision was properly made, confirm that decision, or

(*b*) if not so satisfied, cancel that decision and do one of the following:

(i) direct the registration board to grant registration to the applicant or to restore the applicant's name to the register, as the case may be;

(ii) direct the registration board to make a new decision;

(iii) give such other directions to the registration board as the Council considers appropriate.

(4) As soon as practicable after making a decision under this section, the Council shall notify the applicant of the decision.

Appeal to High Court from Council's decision under *section 43*.

**44.**—F82**[**(1) A person may appeal to the Court against a decision made by the Council under *section 42B(4)(a)(i), 42B(4)(b)(i) or (ii),* or *43(3)(a)*.**]**

(2) The appeal must be brought within 30 days after the person receives notification of the decision from the Council.

(3) In an appeal under this section, the Court may consider any evidence adduced or argument made, whether or not adduced or made to the Council.

(4) On the hearing of the appeal, the Court may make any order or give any direction it considers appropriate, including an order—

(*a*) confirming the decision under appeal, or

(*b*) modifying or overturning that decision.

F83**[**(5) A decision of the Court on an appeal against a direction made by the Council on an application under *section 42B(2A)* shall be final and conclusive.**]**

F84**[**Declarations by registrants in relation to certain matters in State or other jurisdictions, etc.

**44A.**—(1) Subject to *subsections (2)* to *(4)*, a registrant shall, in each year, give to the registration board of the designated profession concerned a declaration in writing providing particulars of any relevant proceedings that are pending or in progress.

(2) If, in any year, *subsection (1)* does not apply to a registrant because there are no particulars referred to in that subsection which he or she is required to give to the registration board of the designated profession concerned, the registrant shall give to the board a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a registrant gave particulars referred to in *subsection (1)* to the registration board of the designated profession concerned, there has been no material change in the matter to which the particulars relate, the registrant may, instead of again giving those particulars to the board, give to the board a declaration in writing to the effect that there has been no material change to the matter to which the particulars relate.

(4) A registrant shall, in each year, comply with *subsection (1)*, *(2)* or *(3)* —

(*a*) not earlier than 6 weeks before he or she is required to pay, in that year, the appropriate fee set by the Council under *section 18(1)(b)*, and

(*b*) not later than the last day of that 6 weeks.

(5) A registrant shall, not later than 3 months after the final determination of any relevant proceedings, give to the registration board of the designated profession concerned—

(*a*) a declaration in writing providing particulars of the sanctions (if any) imposed on the registrant in consequence of those proceedings, or

(*b*) if no such sanctions were so imposed, a declaration in writing to that effect.

(6) The registration board of the designated profession concerned may, by notice in writing given to a registrant who has made a declaration under this section, require the registrant to provide to the board, within a reasonable period specified in the notice, further information concerning any particulars provided to the board in the declaration.

(7) (*a*) A registrant shall comply with a notice under *subsection (6)* given to the registrant.

(*b*) Where the registration board of the designated profession concerned considers that a registrant has contravened *paragraph (a)*, the board shall forthwith make a complaint under *section 52(1)(f)*.

(8) In this section—

"final determination", in relation to any relevant proceedings and a registrant, means—

(*a*) the conclusion of those proceedings without any party to the proceedings making an appeal, against a decision in those proceedings to impose or to not impose a sanction on the registrant, within the ordinary time in the State or other jurisdiction concerned, as appropriate, for making such an appeal, or

(*b*) if such an appeal is made—

(i) the abandonment or withdrawal of the appeal, or

(ii) the determination of the appeal,

whichever first occurs;

"relevant proceedings", in relation to a registrant, means any disciplinary or judicial proceedings (other than any such proceedings under this Act), in respect of which the registrant is the subject—

(*a*) in the State or another jurisdiction which may directly or indirectly result in the registrant—

(i) being prohibited from providing one or more than one kind of health or social care in the State or that jurisdiction, or

(ii) having a restriction placed on his or her ability to provide one or more than one kind of health or social care in the State or that jurisdiction,

(*b*) in another jurisdiction which may result in the registrant being convicted, in that jurisdiction, for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment, or

(*c*) in the State which may result in the registrant being convicted, in the State, for an offence triable on indictment;

"sanction" includes any restriction or measure.**]**

Updating of registrant information and correction of errors.

**45.**—(1) A registrant shall, as soon as practicable, notify the registration board concerned of—

(*a*) any errors in the register of which the registrant is aware and that relate to his or her registration,

(*b*) any change in the name or address of the registrant or any change of employer,

(*c*) any grant to the registrant by a body (other than the board) in or outside the State of a licence, certificate or registration relating to the practice of a profession,

(*d*) any change in the status of such licence, certificate or registration (including the attachment of conditions to it),

(*e*) any matter F85**[**(including any material matter)**]** likely to affect the registrant's entitlement to such licence, certificate or registration, and

(*f*) any matter F85**[**(including any material matter)**]** likely to affect the registrant's entitlement to be registered under this Act.

(2) A registration board shall take the steps it considers necessary to ensure the accuracy of the information in its register.

(3) A registration board shall, for the purpose of keeping its register correct—

(*a*) correct all typographical errors in the register,

(*b*) remove from the register the names of persons convicted under *section 80(4)* of the offence of making or causing to be made a false declaration or misrepresentation for the purpose of obtaining registration under this Act,

(*c*) enter in the register every change that comes to its attention in respect of the information in the register relating to registrants, and

(*d*) remove from the register the name of any registrant whose death has been notified to, or otherwise come to the attention of, the board.

(4) As soon as practicable after taking any action under *subsection (3)*, a registration board shall notify the person concerned or his or her next of kin, as the case may be, of the action and the reason it was taken.

F86**[**Council may request certain information concerning registrant from certain bodies in State or other jurisdictions.

**45A.**—(1) Where a registrant provides, or has provided, one or more than one kind of health or social care in the State or another jurisdiction, the Council or a registration board may make a request in writing, accompanied by the relevant statement, to the body, duly authorised in the State or that jurisdiction, as appropriate, to regulate persons who provide that kind of health or social care in the State or that jurisdiction, to provide the Council or registration board, as appropriate, with any information relevant to either or both of the following:

(*a*) any material matter that has occurred in the State or that jurisdiction in relation to the registrant;

(*b*) the registrant's qualifications, or registration (or equivalent thereof in that jurisdiction), as a person who provides that kind of health or social care.

(2) In *subsection (1)* —

"registrant" includes a person who has made an application under *section 37* for registration which has not yet been determined by the registration board concerned;

"relevant statement", in relation to a request under *subsection (1)*, means a statement to the effect that any information provided to the Council or registration board, pursuant to that request, by the body to which the request is made may be used in any proceedings under this Act concerning the registrant the subject of the request.**]**

Access to, and publication of, registers.

**46.**—(1) Subject to *subsection (2)*, a registration board shall—

(*a*) make its register available for inspection by members of the public at all reasonable times, and

(*b*) publish, by electronic and not less than one other means, its register at intervals of not more than 12 months from the date of the establishment of the register or the last publication of the register.

(2) A registration board need not make available for inspection or publish the residential addresses, home telephone numbers or e-mail addresses of registrants or other similar details that, in its opinion, should, in the interests of the security of registrants, be protected from disclosure.

Evidence relating to registration, etc.

**47.**—(1) In any legal proceedings, a certificate signed by the registrar stating that a person—

(*a*) is registered in a specified register or in a specified division of a specified register,

(*b*) is not registered in a specified register or in a specified division of a specified register,

(*c*) was at a specified date or during a specified period registered in a specified register or in a specified division of a specified register,

(*d*) was not, at a specified date or during a specified period, registered in a specified register or in any register or in a specified division of a specified register, or

(*e*) has never been registered under this Act,

is, in the absence of evidence to the contrary, proof of the matters stated in the certificate.

(2) In any legal proceedings, a printed document that appears to be a copy of, or extract from, a register published under *section 46* and that is certified by the registrar to be a true copy of or extract from that register is, in the absence of evidence to the contrary, proof of the matters stated in the document.

(3) A certificate or document referred to in *subsection (1)* or *(2)* that appears to be signed by the registrar is admissible in any legal proceedings as evidence of the

matters stated in the certificate or document, as the case may be, without proof of the registrar's signature.

## PART 5

### EDUCATION AND TRAINING

Approval of education and training programmes.

**48.**—(1) On application by an institution for approval of an education and training programme, a registration board may—

F87**[**(*a*) subject to the payment of the fee (if any) set under *section 18(1)(eb)*, approve that programme annually if it is satisfied that it is suitable for the education and training of candidates for registration in its register, or**]**

(*b*) refuse to approve the programme if not so satisfied.

(2) For the purposes of *subsection (1)*, a registration board may issue guidelines concerning the requirements for its approval of education and training programmes.

(3) On making a decision concerning an application by an institution under *subsection (1)*, the registration board shall, by written notice, inform the institution of—

(*a*) the decision,

(*b*) the date on which it was made, and

(*c*) if the board refuses to approve the education and training programme, the reason for the decision.

(4) If a registration board (whether as a result of carrying out its duty under *section 49* or for any other reason) is of the opinion that an education and training programme approved by it may no longer be suitable for the education and training of candidates for registration, the board shall—

(*a*) inform the institution concerned of the opinion and the reason, and

(*b*) give that institution an opportunity to make, within 30 days after the date of being so informed, representations to the board as to why the approval should not be withdrawn.

(5) If, after considering the representations, if any, made by such institution within the time allowed under *subsection (4)* and after consulting with the Council, the registration board decides to withdraw its approval of the education and training programme, it shall, by written notice, inform the institution of—

(*a*) the decision and the date on which it was made,

(*b*) the date, not less than 3 months after the date of the notice, on which the decision will become effective, and

(*c*) the reason for the decision.

(6) If a registration board refuses to approve an education and training programme or informs an institution of its decision to withdraw such approval, the institution concerned may request the Minister to direct the board to grant or continue the approval.

(7) The request to the Minister must be made within 30 days after the institution is informed under this section of the registration board's decision to refuse approval of the education and training programme or to withdraw such approval.

(8) If, after consulting the Minister for Education and Science, the Minister is satisfied as to the suitability of the education and training programme, he or she may direct the board to grant or continue the approval.

(9) If, after consulting the Minister for Education and Science, the Minister is not satisfied as to the suitability of the education and training programme, he or she may confirm the registration board's decision.

(10) A registration board shall comply with a direction given by the Minister under *subsection (8)*.

Monitoring of continuing suitability of education and training programmes.

**49.**—(1) A registration board shall, as occasion may require but in any event not less than once in every 5 years, satisfy itself as to—

(*a*) the suitability of the education, training, assessment and examination provided by any education and training programme approved by the board, and

(*b*) the clinical training and experience provided in any education and training programme approved by the board.

(2) After complying with *subsection (1)*, a registration board shall make appropriate recommendations to the Minister and the Minister for Education and Science.

## PART 6

### Complaints, Inquiries and Discipline

Definitions (*Part 6*).

**50.**—In this Part—

"allegation" means an allegation concerning a matter that constitutes a ground for complaint under *section 52(1)*;

"committee of inquiry" means a health committee or a professional conduct committee;

"complaint" means a complaint made under *section 52*;

"disciplinary sanction" means a sanction specified in any paragraph of F88**[***section 66(1)***]**;

"health committee" means a committee established under *section 51(1)(c)*;

"poor professional performance", in relation to a registrant of a designated profession, means any failure of the registrant to meet the standards of competence that may reasonably be expected of registrants practising that profession;

"preliminary proceedings committee" means a committee established under *section 51(1)(a)*;

"professional conduct committee" means a committee established under *section 51(1)(b)*;

"professional misconduct", in relation to a registrant of a designated profession, means any act, omission or pattern of conduct of the registrant that—

(*a*) is a breach of the code of professional conduct and ethics adopted by the registration board of that profession, or

(*b*) if the registrant has been granted by a body outside the State a licence, certificate or registration relating to the practice of that profession, is a breach of a standard of conduct, performance or ethics that applies to a person holding that licence, certificate or registration and that corresponds to a standard contained in the code referred to in *paragraph (a)*.

Disciplinary committees.

**51.**—(1) The Council shall establish the following committees to perform functions and exercise powers under this Part:

(*a*) a preliminary proceedings committee;

(*b*) a professional conduct committee;

(*c*) a health committee.

(2) Each committee is to consist of the chairperson and such other members of the committee as are appointed by the Council in accordance with this section.

F89**[**(3) None of the following persons is eligible to be appointed as the chairperson or an ordinary member of a committee established under this section:

(*a*) the chairperson of the Council;

(*b*) the chairperson of a registration board;

(*c*) the deputy chairperson of the Council.**]**

(4) A majority of the members of each committee shall be registrants of the designated professions. At least one third of the members of each committee shall be persons other than registrants, at least one of whom shall be representative of the interest of the general public.

(5) For each case that comes before a committee, the majority referred to in *subsection (4)* shall include—

(*a*) at least one member who is a registrant of the same designated profession as the registrant to whom the case relates, and

(*b*) at least one member who is a registrant of another designated profession.

(6) Persons who are not members of the Council or of a registration board may be appointed to a committee under this section.

(7) A person is not eligible to be, at any one time, a member of more than one of the committees established under this section.

(8) The Council shall appoint a registered medical practitioner with relevant expertise to advise a health committee in relation to each complaint referred to the committee.

(9) The registered medical practitioner is to be present at the meetings of the health committee, but is not entitled to vote.

(10) The members of a committee established under this section have, in performing their functions and exercising their powers, the same protection and immunity as a judge of the Court performing the functions and exercising the powers of a judge.

(11) The Council may regulate the procedure of a committee established under this section, but, subject to any such regulation, the committee may regulate its own procedure.

(12) In this section, "registered medical practitioner" means a person whose name is entered in the General Register of Medical Practitioners established under the Medical Practitioners Act 1978.

Complaints about conduct or competence of registrants.

**52.**—(1) A complaint may be made to the Council concerning a registrant on the grounds of—

(*a*) professional misconduct,

(*b*) poor professional performance,

F90**[**(*c*) a relevant medical disability,**]**

(*d*) a failure to comply with a term or condition of registration imposed under F91**[**this Act**]**,

(*e*) a failure to comply with an undertaking or to take any action specified in a consent given in response to a request under *section 61*,

F92**[**(*ea*) the imposition on the registrant of—

(i) a prohibition against him or her providing one or more than one kind of health or social care in the State or another jurisdiction, or

(ii) a restriction on his or her ability to provide one or more than one kind of health or social care in the State or another jurisdiction,**]**

(*f*) a contravention of this Act, the rules or bye-laws, or

(*g*) a conviction in the State for an offence triable on indictment or a conviction outside the State for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment.

(2) A complaint may be made under *subsection (1)* on the grounds of professional misconduct or poor professional performance even though the matter to which the complaint relates occurred outside the State.

F93**[**(2A) (*a*) The chief executive officer (whether in his or her capacity as such or in his or her capacity as the registrar of a registration board) may, in relation to a complaint heard, being heard or to be heard by a committee of inquiry, whenever he or she considers it necessary to do so, request in writing the Garda Síochána to give to him or her information concerning the criminal record of the registrant the subject of the complaint that the committee may reasonably require for the performance of its functions.

(*b*) The Garda Síochána shall, subject to section 55 of the Data Protection Act 2018, comply with a request under *paragraph (a)* as soon as is practicable after receiving the request.

(*c*) The chief executive officer (whether in his or her capacity as such or in his or her capacity as the registrar of a registration board) may, whenever he or she considers it necessary to do so, request in writing that the registrar or clerk of a court which has convicted a registrant of an offence in the State to give to him or her a certificate of conviction (or, in the case of the District Court, a certified copy of the order concerned made by the Court), or a certified copy of the judgment, or both, in respect of the offence that the chief executive officer or Council (including any committee thereof), or both, may reasonably require for the performance of his or her or its functions under this Act in relation to that registrant.

(*d*) The registrar or clerk of the court concerned the subject of a request under paragraph (c) shall comply with the request as soon as is practicable after receiving the request.

(*e*) In this subsection, "criminal record", in relation to a registrant, means a record of the previous convictions (other than spent convictions within the meaning of section 5 of the Criminal Justice (Spent Convictions and Certain Disclosures) Act 2016 ) of the registrant for offences (if any).**]**

(3) The complaint must be in writing or in any other form acceptable to the Council and it may be made by or on behalf of any person or by a registration board.

(4) The Council shall make reasonable efforts to ensure that the complainant is kept informed of all decisions made under this Part by the Council or a committee in relation to a complaint and that complaints are processed in a timely manner.

Referral of complaints to preliminary proceedings committee.

**53.**—(1) F96**[**Subject to *subsection (1A)*, as soon**]** as practicable after receiving a complaint, the Council shall refer the complaint to a preliminary proceedings committee for its opinion on whether there is sufficient cause to warrant further action being taken in relation to the complaint.

F97**[**(1A) Where a complaint is made on a ground specified in *section 52(1) (g)*, the Council shall consider it and—

(*a*) if it is of the opinion that—

(i) the nature of the offence or the circumstances in which it was committed ought to disqualify the registrant from practising the designated profession concerned, and

(ii) it is in the public interest that it take action immediately under this paragraph,

the Council shall give a direction under *section 66(1)* to the registration board concerned to cancel the registration of the registrant, and

(*b*) in any other case, the Council shall comply with *subsection (1)* in respect of the complaint and direct the preliminary proceedings committee to deal with the complaint as if the Council had not considered it under this subsection.

(1B) Nothing in *subsection (1A)* shall be construed to—

(*a*) prejudice the generality of *section 60*, or

(*b*) F98**[**...**]]**

(2) The preliminary proceedings committee may, by written notice, do one or more of the following:

(*a*) require the complainant to verify, by affidavit or otherwise, anything contained in the complaint;

(*b*) request the complainant to supply to the committee, within a reasonable time specified in the notice, more information relating to the matter raised by the complaint;

(*c*) require that information requested under *paragraph (b)* be supplied by the complainant by means of a statutory declaration.

(3) The preliminary proceedings committee shall notify the registrant of the complaint, its nature and the name of the complainant.

(4) The registrant may supply to the preliminary proceedings committee any information that he or she believes should be considered by the committee or a committee of inquiry.

(5) If requested by the preliminary proceedings committee to supply any information relating to the complaint, the registrant shall supply the information within such reasonable time as may be specified by that committee.

F99**[**(5A) *Subsections (1)(c)* and *(2)* (in so far as the last-mentioned subsection relates to the production of records) of *section 59* shall apply to and in relation to the preliminary proceedings committee and the chairperson of that committee as those subsections apply to and in relation to a committee of inquiry and the chairperson of the committee of inquiry and the other provisions of *section 59* (including *subsections (5)* to *(7)*) shall, with all necessary modifications, be construed accordingly.**]**

(6) Before forming an opinion on whether there is sufficient cause to warrant further action being taken in relation to the complaint, the preliminary proceedings committee shall consider—

(*a*) any information supplied under this section concerning the complaint, and

(*b*) whether the matter is trivial or vexatious or the complaint is without substance or made in bad faith.

F100**[**Persons to assist preliminary proceedings committee

**53A.**—(1) The Council—

(*a*) may appoint persons (including any members of the staff of the Council other than the chief executive officer) to assist the preliminary proceedings committee, and

(*b*) shall determine the conditions of appointment of persons so appointed.

(2) Subject to *subsection (4)*, the chairperson of the preliminary proceedings committee shall specify the functions to be performed by the persons appointed under *subsection (1)*.

(3) Without prejudice to the generality of *subsection (2)*, the functions specified under that subsection may include one or more than one of the following:

(*a*) interviewing persons for the purposes of assessing the relevance or evidential value of information or documents they wish to give to the preliminary proceedings committee;

(*b*) interviewing persons as to the evidence they propose to give to the preliminary proceedings committee;

(*c*) recording, in writing or otherwise, the statements given and answers made by persons whilst being so interviewed;

(*d*) reporting to the preliminary proceedings committee on the results of those interviews;

(*e*) requesting persons to provide the preliminary proceedings committee with statements in writing concerning any matter relevant to the committee's functions, examining statements given in response to the requests and reporting to the preliminary proceedings committee on the results of the examinations;

(*f*) providing the preliminary proceedings committee with any other advice or assistance required in relation to the preparation of its reports.

(4) A person appointed under *subsection (1)* shall not administer oaths but may, if authorised by the preliminary proceedings committee to do so, request a person interviewed as described in *subsection (3)* to sign a record of a statement made or answer given by the person during the interview.

(5) A person appointed under *subsection (1)* who makes a request referred to in *subsection (4)* shall inform the person to whom the request is made of the power under *section 59* of a committee of inquiry to give a direction in relation to the statement or answer the subject of the request.

(6) The Council shall provide each person appointed under *subsection (1)* with a warrant—

(*a*) identifying the person, and

(*b*) specifying the functions that the person has the authority to perform by virtue of *subsection (2)* and, if applicable, *subsections (4)* and *(5)*.

(7) Where a person appointed under *subsection (1)* performs a function specified in that person's warrant provided under *subsection (6)*, the person shall produce the warrant for inspection at the request of a person in respect of whom the function is performed.**]**

If, in opinion of preliminary proceedings committee, complaint does not warrant further action.

**54.**—(1) If the preliminary proceedings committee is of the opinion that there is not sufficient cause to warrant further action being taken in relation to a complaint, it shall inform the Council of that opinion.

(2) After being informed of the opinion and considering the matter, the Council may—

(*a*) decide that no further action is to be taken in relation to the complaint, or

(*b*) if it considers it necessary to do so, direct that further action be taken under *section 56*.

(3) On deciding under *subsection (2)(a)* that no further action is to be taken in relation to a complaint, the Council shall so inform—

(*a*) the registrant who is the subject of the complaint, and

(*b*) the registration board concerned.

Resolution of complaints by mediation or other informal means.

**55.**—(1) The Council may develop guidelines for resolving complaints by mediation or other informal means.

(2) The guidelines may include provision for any or all of the following:

(*a*) a determination to be made about whether a complaint can be resolved by mediation or other informal means or whether it warrants the holding of an inquiry;

(*b*) the persons who may attempt to mediate or otherwise resolve the complaint;

(*c*) the recording of the manner in which the complaint was resolved and of the agreement of the complainant and the registrant to the resolution;

(*d*) the steps to be taken (including notice to the complainant, the registrant and the preliminary proceedings committee that referred the complaint for resolution by mediation or other informal means) if the complaint cannot, in the opinion of the person attempting to do so, be resolved by mediation or other informal means;

(*e*) any other matters that the Council considers necessary or appropriate for facilitating the resolution of a complaint by mediation or other informal means.

(3) No attempt may be made to resolve a complaint by mediation or other informal means without the consent of the complainant and the registrant against whom the complaint was made.

(4) A consent given by a registrant for the purpose of this section is not to be taken as an admission of any allegation made by the complainant against the registrant.

(5) No answer or statement made, in the course of attempting to resolve a complaint pursuant to the guidelines, by the complainant or by the registrant may—

(*a*) be communicated to any person other than the persons participating in the attempt to resolve the complaint, or

(*b*) be used in any disciplinary, civil or criminal proceedings.

(6) The Council may revise any guidelines developed under this section or may withdraw those guidelines and develop new guidelines.

Referral of complaint to mediation, etc., or to committee of inquiry.

**56.**—(1) If a preliminary proceedings committee is of the opinion that there is sufficient cause to warrant further action being taken in relation to a complaint or if the Council decides that such action is necessary, the preliminary proceedings committee shall either—

(*a*) refer the complaint for resolution by mediation or other informal means, but only if it determines in accordance with the guidelines under *section 55* that the complaint is one that could be so resolved, or

(*b*) refer the complaint to whichever of the following committees of inquiry it considers appropriate:

(i) a professional conduct committee;

(ii) a health committee.

(2) On being informed pursuant to the guidelines under *section 55* that a complaint referred for resolution by mediation or other informal means cannot be so resolved (whether because of the failure of the parties to consent to any attempt to resolve the complaint or for any other reason), a preliminary proceedings committee shall refer the complaint to a committee of inquiry.

Duty to notify registrant of referral to, and hearing by, committee of inquiry.

**57.**—(1) As soon as practicable after a complaint is referred under *section 56(1)(b)* or *(2)* to a committee of inquiry, the registrar shall notify the registrant to whom the complaint relates of the following:

(*a*) the referral of the complaint to a committee of inquiry and the name of the committee;

(*b*) the nature of the matter that is to be the subject of the inquiry, including the particulars of any evidence in support of the complaint;

(*c*) the opportunity of the registrant, or his or her representative, to be present and to defend the registrant at the hearing.

(2) Not later than 30 days before the date of the hearing before the committee of inquiry, the registrar shall notify the registrant of the date, time and place of the hearing.

Conduct of hearing.

**58.**—(1) A committee of inquiry shall, subject to *subsection (6)* and *sections 61* and *62*, hear a complaint referred to it under *section 56(1)(b)* or *(2)*.

(2) A hearing before a professional conduct committee must be held in public, unless—

(*a*) the registrant or the complainant requests the committee to hold all or part of the hearing otherwise than in public, and

(*b*) the committee is satisfied that it would be appropriate in the circumstances to hold the hearing or part of the hearing otherwise than in public.

(3) A hearing before a health committee shall be held otherwise than in public, unless—

(*a*) the registrant or the complainant requests that all or part of the hearing be held in public, and

(*b*) the committee is satisfied that it would be appropriate in the circumstances to hold the hearing or part of the hearing in public.

(4) At the hearing before the committee of inquiry—

(*a*) the registrar, or any other person with leave of the committee, shall present the evidence in support of the complaint,

(*b*) the testimony of witnesses attending the hearing shall be given on oath, and

(*c*) there shall be a full right to cross-examine witnesses and call evidence in defence and reply.

(5) Any member of a committee of inquiry may administer oaths required for the purposes of an inquiry.

(6) A committee to which a complaint is referred under *section 56(1)(b)* or *(2)* may transfer the complaint to another committee of inquiry before or after hearing any evidence relating to the complaint, but only if it is satisfied that—

(*a*) in view of the nature of the complaint, it is appropriate to do so, and

(*b*) the legal rights of the registrant will not be prejudiced by doing so.

(7) A committee of inquiry to which a complaint is transferred under *subsection (6)* shall, subject to *sections 61* and *62*, hear the complaint and, for that purpose—

(*a*) may receive in evidence a transcript or part of a transcript of evidence taken before the committee that transferred the complaint and draw any conclusions of fact from the evidence that it considers appropriate, or

(*b*) if satisfied that it is necessary in the interests of fair procedures to do so, may rehear any evidence taken before the committee that transferred the complaint.

Powers and protections relating to witnesses and evidence.

**59.**—(1) For the purposes of an inquiry under this Part, a committee of inquiry has all the powers, rights and privileges that are vested in the Court or a judge of the Court on the occasion of an action and that relate to—

(*a*) enforcing the attendance of witnesses,

(*b*) examining witnesses on oath or otherwise, and

(*c*) compelling the production of records.

(2) A summons issued by the chairperson of a committee of inquiry or by such other member of that committee as may be authorised by it for the purpose of the inquiry may be substituted for and is the equivalent of any formal process capable of being issued in an action for enforcing the attendance of witnesses and compelling the production of records.

(3) *Subsection (2)* is not to be taken to limit the generality of *subsection (1)*.

(4) Subject to any rules in force under *section 22* and to the necessity of observing fair procedures, a committee of inquiry may receive evidence given—

(*a*) orally before the committee,

(*b*) by affidavit, or

(*c*) as otherwise allowed by those rules, including by means of a live-video link, a video recording, a sound recording or any other mode of transmission.

(5) A witness before a committee of inquiry is entitled to the same immunities and privileges as a witness before the Court.

(6) A person is guilty of an offence if he or she—

(*a*) having been duly summoned to attend before a committee of inquiry fails without reasonable excuse to attend at the time and place indicated on the summons,

(*b*) while attending as a witness before a committee of inquiry refuses to—

(i) take an oath lawfully required by the committee to be taken,

(ii) produce any record in the person's power or control that he or she is lawfully required by the committee to produce, or

(iii) answer any question that he or she is lawfully required by the committee to answer,

or

(*c*) while attending before a committee of inquiry does anything that, if the committee were a court of law having power to punish for contempt, would be contempt of court.

F101**[**(7) A person guilty of an offence under this section is liable on summary conviction to a class A fine.**]**

(8) If a person fails to comply with a summons to attend before a committee of inquiry or refuses, while attending as a witness before a committee of inquiry, to do any thing referred to in *subsection (6)(b)* that he or she is lawfully required by the committee to do, the Court, on application by the Council, may—

(*a*) by order require the person to attend before the committee or to do the thing that he or she refused to do, as the case may be, and

(*b*) make such interim or interlocutory orders as it considers necessary for that purpose.

(9) Neither an application for an order under *subsection (8)* nor the making of such order precludes proceedings being brought for an offence under *subsection (6)(a)* or *(b)* in relation to a person on whose failure or refusal the application or order was based.

If immediate suspension of registration is necessary to protect the public.

**60.**—(1) F102**[**The Council may make an *ex parte* application to the Court for an order directing a registration board to suspend the registration of a registrant, whether or not the registrant is the subject of a complaint, if the Council considers that the suspension is necessary to protect the public until steps or further steps are taken under this Part.

(2) An application under this section shall be heard otherwise than in public unless the Court considers it appropriate to hear the application in public.**]**

(3) After hearing the application, the Court may, in relation to the registrant—

(*a*) make any order it considers appropriate, including an order directing the registration board concerned to suspend his or her registration for a period specified in the order, and

(*b*) give to the Council or the registration board concerned any direction that the Court considers appropriate.

F103**[**(4) (*a*) *Paragraph (b)* applies where—

(i) a registrant becomes the subject of an order under *subsection (3)(a)*, and

(ii) the Council has reason to believe that—

(I) the registrant is registered in another jurisdiction in a designated profession or has made an application to be registered in a designated profession in another jurisdiction which has not yet been determined, and

(II) that order may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council.

(*b*) The Council shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Professional Qualifications Regulations, provide that body with a copy of that order and copies of other documents relevant to that order.**]**

If registrant consents to censure or remedial action, etc.

**61.**—(1) A committee of inquiry may, at any time after a complaint is referred to it, request the registrant concerned to do one or more of the following:

(*a*) undertake to not repeat the conduct to which the complaint relates;

(*b*) undertake to take such educational courses, training or other means of improving the registrant's competence to practise as may be specified by the registration board concerned;

(*c*) consent to undergo medical treatment;

(*d*) consent to being admonished or censured by the Council.

(2) If a registrant refuses to give an undertaking or consent requested under this section, the committee of inquiry may proceed as if the request had not been made.

If complaint is withdrawn.

**62.**—If a complaint is withdrawn while it is being considered by a preliminary proceedings committee or a committee of inquiry, the committee considering the complaint may, with the Council's agreement—

(*a*) decide that no further action is to be taken in relation to the matter raised by the complaint, or

(*b*) proceed as if the complaint had not been withdrawn.

Report to Council by committee of inquiry.

**63.**—(1) On completing an inquiry into a complaint, a committee of inquiry shall make a written report on its findings to the Council.

(2) The report of the committee of inquiry must specify the following:

(*a*) the nature of the complaint that resulted in the inquiry;

(*b*) the evidence presented to the committee;

(*c*) the committee's findings as to whether any allegation made by a complainant against the registrant is substantiated.

(3) In addition to the matters specified under *subsection (2)*, the report of the committee of inquiry may include such other matters relating to the registrant as the committee considers appropriate.

Steps to be taken by Council after receiving report.

F104**[64.** On receiving the report of a committee of inquiry concerning a complaint against a registrant, the Council shall do one of the following:

(*a*) if the committee finds that no allegation made by the complainant is substantiated, dismiss the complaint;

(*b*) if the committee finds that any allegation made by the complainant against the registrant is substantiated, perform its functions under *section 66* in relation to the complaint as soon as practicable.**]**

Duty of registration board to recommend appropriate disciplinary sanction.

**65.**—F105**[**...**]**

Direction by Council to impose disciplinary sanction.

F106**[66.**—(1) Subject to *section 53(1A)*, if a committee of inquiry finds that an allegation made by a complainant against a registrant is substantiated, the Council shall, after considering the committee's report, direct the board to impose on the registrant, as specified in the direction, one or more than one of the following disciplinary sanctions:

(*a*) an admonishment or a censure;

(*b*) the attachment of conditions to his or her registration, including restrictions on the practice of the designated profession by the registrant;

(*c*) the suspension of his or her registration for a specified period;

(*d*) the cancellation of his or her registration;

(*e*) a prohibition from applying for a specified period for restoration to the register.

(2) However, the Council may not direct a registration board to cancel the registration of a registrant on the grounds of a conviction for an offence referred to in *section 52(1)(g)* unless—

(*a*) in the Council's opinion, the nature of the offence or the circumstances in which it was committed ought to disqualify the registrant from practising the designated profession, or

(*b*) a conviction for such offence would render a person ineligible for registration as a registrant of the designated profession.

(3) On giving a direction to a registration board to impose on a registrant a disciplinary sanction referred to in *subsection (1)(b)*, *(c)* or *(e)*, the Council shall specify in the direction—

(*a*) in the case of a disciplinary sanction referred to in *subsection (1)(b)*, the nature of the conditions to be attached to his or her registration,

(*b*) in the case of a disciplinary sanction referred to in *subsection (1)(c)*, the period of suspension of his or her registration, and

(*c*) in the case of a disciplinary sanction referred to in *subsection (1)(e)*, the period for which he or she is prohibited from applying for restoration to the register.**]**

Duty to notify registrant of Council's directions.

**67.**—(1) As soon as practicable after directing a registration board under *section 66* to impose a disciplinary sanction on a registrant, the Council shall notify the registrant and the complainant of the following:

(*a*) the nature of the disciplinary sanction that the board has been directed to impose;

(*b*) the date on which the direction was given;

(*c*) the reasons for the imposition of the sanction.

F107**[**(2) If the registration board was directed to impose a disciplinary sanction, the notification under *subsection (1)* must also specify—

(*a*) the time allowed to the registrant for bringing an application to the Court for cancellation of the direction, and

(*b*) in the case of a disciplinary sanction other than an admonishment or a censure, the time allowed to the Council for bringing an application to the Court for confirmation of the direction.**]**

Confirmation by High Court required before certain directions become effective.

**68.**—F108**[**(1)**]** A direction under *section 66* to impose a disciplinary sanction (F109**[**not being**]** an admonishment or a censure) on a registrant does not take effect unless the direction is confirmed by the Court on application under *section 69* or *70*.

F108**[**(2) A direction under *section 66* to impose a disciplinary sanction (being an admonishment or a censure) on the registrant does not take effect unless—

(*a*) the direction is confirmed by the Court on application under *section 69*, or

(*b*) the 30 days referred to in *section 69(2)* within which the registrant may apply to the Court for an order cancelling the direction expires without the registrant making such application.**]**

Application to High Court for cancellation of Council's direction.

**69.**—(1) A registrant affected by a direction to impose a disciplinary sanction F110**[**...**]** may apply to the Court for an order cancelling the direction.

(2) An application for an order under this section must be made within 30 days after the registrant receives from the Council notification of the direction.

(3) At the hearing of the application, the Court may consider any evidence adduced or argument made, whether or not adduced or made to a committee of inquiry.

(4) After hearing the application, the Court may—

(*a*) make any order that it considers appropriate, including an order cancelling, confirming or modifying the F111**[**direction,**]**

(*b*) give to the Council or the registration board concerned any direction that the Court considers F111**[**appropriate, and**]**

F112**[**(*c*) direct how the costs of the application are to be borne.**]**

Application to High Court for confirmation of Council's direction.

**70.**—(1) If a registrant does not, within the time allowed under *section 69(2)*, apply to the Court for an order cancelling a direction by the Council to impose a disciplinary sanction (F113**[**not being**]** an admonishment or a censure) on the registrant, the Council shall apply to the Court for an order confirming the direction.

(2) An application for an order under this section must be made within 60 days after the registrant receives from the Council notification of the direction.

(3) After hearing the application, the Court shall, by order, confirm the Council's direction relating to the registrant, unless the Court sees good reason not to do so F114**[**and direct how the costs of the application are to be borne**]**.

Evidence relating to application to High Court and right of appeal from decision under *section 69* or *70*.

**71.**—(1) At the hearing of an application under *section 69* or *70*, the Court may admit and have regard to evidence of any person of good standing in the designated profession concerned as to what constitutes poor professional performance or professional misconduct in relation to the practice of that profession.

(2) The decision of the High Court on an application under *section 69* or *70* is final except that, by leave of that Court or the Supreme Court, the Council or the person to whom the decision of the High Court relates may appeal against that decision to the Supreme Court on a specified question of law.

Duty to notify registrant of compliance with directions confirmed or given by High Court.

**72.**—(1) On complying with a direction confirmed or given by the Court to attach conditions to a registration, the registration board concerned shall notify the registrant of the conditions.

(2) On complying with a direction confirmed or given by the Court to suspend for a specified period or to cancel a registration, the registration board concerned shall notify the registrant of—

(*a*) the suspension or cancellation, as the case may be, and

(*b*) in the case of a suspension, the period, beginning not earlier than 7 days after the date of the Court's decision, during which the registration is to be suspended.

Restoration to register.

**73.**—(1) The name of any person whose registration has been cancelled under this Part may not be restored to a register except in accordance with this section.

(2) The Council may at any time direct a registration board to restore to its register the name of any person whose registration has been cancelled under this Part if—

(*a*) the person has requested the Council to make the direction and has paid the fee required at the time of the request for restoration,

(*b*) the person is not prohibited under this Part from applying for restoration to the register,

(*c*) the person has been given an opportunity to make an oral or written submission to the Council,

(*d*) the Council has considered any submission made under *paragraph (c)* and the criteria established by bye-law for restoration to the register, and

(*e*) after consulting the registration board, the Council considers it appropriate to make the direction.

(3) On directing a registration board to restore a person's name to its register, the Council may also direct the board to attach to the registration any conditions that, after consulting the board, the Council considers appropriate.

(4) On complying with a direction to restore a person's name to its register or to attach conditions to a registration, the registration board concerned shall notify the registrant of the restoration and, if applicable, of the attachment of the conditions.

(5) On deciding to refuse to direct a registration board to restore a person's name to its register, the Council shall, as soon as practicable, notify the person of—

(*a*) the decision,

(*b*) the date on which it was made,

(*c*) the reasons for the decision, and

(*d*) the time allowed under *section 75* for bringing an appeal to the Court for cancellation of the decision.

Removal of conditions of registration.

**74.**—(1) The Council may at any time direct a registration board to remove all or any conditions attached under this Part to a registration if—

(*a*) the registrant has requested the Council to make the direction,

(*b*) the registrant has been given an opportunity to make an oral or written submission to the Council,

(*c*) the Council has considered any submission made under *paragraph (b)* and any other relevant information that has come to its attention, and

(*d*) after consulting the registration board, the Council considers it appropriate to make the direction.

(2) On complying with a direction to remove any or all conditions attached under this Part to a registration, the registration board concerned shall notify the registrant of their removal.

(3) On deciding to refuse to direct a registration board to remove any condition attached under this Part to a registration, the Council shall, as soon as practicable, notify the registrant of—

(*a*) the decision,

(*b*) the date on which it was made,

(*c*) the reasons for the decision, and

(*d*) the time allowed under *section 75* for bringing an appeal to the Court for cancellation of the decision.

Appeal to High Court from Council's decision under *section 73* or *74*.

**75.**—(1) A person may appeal to the Court against a decision made by the Council—

(*a*) under *section 73* refusing to direct a registration board to restore the person's name to its register or directing a registration board to attach conditions to his or her registration, or

(*b*) under *section 74* refusing to direct a registration board to remove a condition attached under this Part to his or her registration.

(2) The appeal must be brought within 30 days after the person receives from the Council notification of the decision.

(3) In an appeal under this section, the Court may consider any evidence adduced or argument made, whether or not adduced or made to the Council.

(4) On the hearing of the appeal, the Court may—

(*a*) make any order that it considers appropriate, including an order cancelling, confirming or modifying the decision, and

(*b*) give to the Council or the registration board concerned any direction that the Court considers appropriate.

(5) On complying with any direction given by the Court, the registration board concerned shall notify the person who brought the appeal of the board's compliance with the direction.

Notification to Minister and employer of certain disciplinary matters.

**76.**—(1) The Council shall F115**[**notify the Health Service Executive and such other persons as the Council thinks fit**]** as soon as practicable after any of the following measures take effect under this Part:

(*a*) the cancellation of a person's registration;

(*b*) the restoration of a person's name to a register;

(*c*) the suspension of a person's registration;

(*d*) the termination of the period during which a person's registration is suspended;

(*e*) the attachment of conditions to a person's registration;

(*f*) the removal of conditions attached under this Part to a person's registration;

(*g*) the prohibiting of a person from applying for a specified period for restoration to the register;

(*h*) the admonishment or censuring of a person.

(2) If it comes to the Council's attention that, under the law of a state other than the State, an action corresponding to one referred to in any of *paragraphs (a)* to *(h)* of *subsection (1)* has been taken in relation to a registrant, the Council shall F115**[**, if satisfied that it is in the public interest to do so, notify the Health Service Executive**]** of the matter.

(3) The Council shall F116**[**(if satisfied that, in the case of an action referred to in *subsection (2)*, it is in the public interest to do so)**]** notify an employer if—

(*a*) it comes to the Council's attention that any action referred to in *subsection (1)* or *(2)* has been taken in relation to a registrant employed by the employer, and

(*b*) the employer's name is known to the Council.

F116**[**(4) (*a*) *Paragraph (b)* applies where—

(i) it comes to the Council's attention that any action referred to in *subsection (1)* has been taken in relation to a registrant, and

(ii) the Council has reason to believe that—

(I) the registrant is registered in another jurisdiction in any designated profession, and

(II) that action may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council in so far as that profession is concerned.

(*b*) If the registration board concerned has not already done so, the Council shall give notice in writing to that body of that action and may, notwithstanding any provision of Directive 2005/36/EC or of the Professional Qualifications Regulations, provide that body with copies of documents relevant to that action (including a copy of the report concerned referred to in *section 63(1)*).

(5) (*a*) *Paragraph (b)* applies where—

(i) it comes to the Council's attention that any action referred to in *subsection (2)* has been taken in relation to a registrant, and

(ii) the Council has reason to believe that—

(I) the registrant is registered in another jurisdiction in any designated profession, and

(II) that action may not have come to the attention of the body duly authorised to perform functions in that jurisdiction that correspond to the functions of the Council in so far as that profession is concerned.

(*b*) The Council shall, if satisfied that it is in the public interest to do so, give notice in writing to that body of that action.**]**

Disciplinary information may be published in public interest.

**77.**—F117**[**(1)**]** The Council F118**[**shall (if satisfied that, in the case of an action referred to in *paragraph* (*h*) or (*i*), it is in the public interest to do so)**]** advise the public when any of the following measures take effect under this Part:

(*a*) the cancellation of a person's registration;

(*b*) the restoration of a person's name to a register;

(*c*) the suspension of a person's registration;

(*d*) the termination of the period during which a person's registration is suspended;

(*e*) the attachment of conditions to a person's registration;

(*f*) the removal of conditions attached to a person's registration;

(*g*) the prohibiting of a person from applying for a specified period for restoration to the register;

(*h*) the admonishment or censuring of a person;

(*i*) any action in respect of which the F118**[**Health Service Executive**]** is required to be notified under *section 76(2)*.

F117**[**(2) The Council shall not publish anything under this section which is inconsistent with a decision (if any) of the Court arising from the performance of a function under *section 69* or *70*.**]**

Privilege relating to disciplinary proceedings.

**78.**—In any action for defamation, the following proceedings, reports and communications are absolutely privileged:

(*a*) proceedings of a preliminary proceedings committee or of a committee of inquiry under this Part;

(*b*) communications by a committee of inquiry under *section 61*;

(*c*) reports of a committee of inquiry under *section 63*;

(*d*) F119**[**...**]**

(*e*) any other communication made by a committee established under this Part, the Council or a registration board in performing a function or exercising a power of the committee, Council or board, as the case may be.

F120**[**Information Council may publish in public interest

**78A.**—The Council shall, if it is satisfied that it is in the public interest to do so, publish a transcript of all or any part of the proceedings of a committee of inquiry at an inquiry or publish all or any part of a report referred to in *section 63(1)* of that committee (and, in either case, whether with or without any information which would enable all, or any one or more than one, of the parties to the proceedings concerned to be identified).**]**

## PART 7

PROFESSIONAL TITLES AND OFFENCES

Use of professional titles.

**79.**—(1) A registrant of a profession designated in *section 4(1)* is entitled to use the title specified in the applicable paragraph of that section for that profession.

(2) In addition, a registrant of a profession designated in *section 4(1)* is entitled to use any title for the time being prescribed under *section 95(3)* for that profession.

(3) A registrant of a profession designated by regulation under *section 4(2)* is entitled to use any title for the time being prescribed under *section 4(6)* for that profession.

F121**[**(4) A person shall not use a title referred to in any of *subsections (1)* to *(3)* unless—

(*a*) the person is entitled by virtue of this section to use that title, or

(*b*) the person is a service provider who is pursuing, on a temporary and occasional basis, the profession concerned F122**[**pursuant to Part 4 of the Professional Qualifications Regulations**]]**

(5) F123**[**...**]**

Offences.

**80.**—(1) A person is guilty of an offence if F124**[**...**]** he or she—

(*a*) contravenes *section 79(4)*,

(*b*) falsely represents himself or herself to be registered in a register maintained by a registration board under this Act, or

(*c*) being registered in a division of a register maintained by a registration board under this Act, falsely represents himself or herself to be registered in a division of that register other than the division in which he or she is registered.

(2) A person is guilty of an offence if he or she F124**[**...**]** causes or permits another person to make representations about the first mentioned person that, if made by himself or herself F124**[**...**]**, would be an offence under *subsection (1)*.

(3) A person is guilty of an offence if he or she, with intent to deceive, makes with regard to another person any representation that—

(*a*) he or she knows to be false, and

(*b*) if made by the other person would be an offence by the other person under *subsection (1)*.

(4) A person is guilty of an offence if he or she makes or causes to be made any false declaration or misrepresentation for the purpose of obtaining registration under this Act.

F125**[**(5) A person guilty of an offence under this section is liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months or both.**]**

F126**[**(6) It shall be a defence in proceedings for an offence under *subsection (1)(a)* or *(2)* for the person charged with the offence to prove that the person took all reasonable steps to avoid the commission of the offence.

(7) Where a person is convicted of an offence under this section, the court shall, unless it is satisfied that there are special and substantial reasons for not doing so, order the person to pay to the prosecution the costs and expenses, measured by the court, incurred by the prosecution in relation to the prosecution of the offence.**]**

Prosecution of offences.

**81.**—(1) Summary proceedings for an offence under this Act may be brought and prosecuted by the Council.

(2) Despite section 10(4) of the Petty Sessions (Ireland) Act 1851, proceedings for an offence under this Act may be instituted at any time within 2 years after the date of the alleged commission of the offence.

## F127[Part 7A

### PRESCRIPTION AND SALE OF SPECTACLES]

F128[Restriction on prescribing spectacles and dispensing prescriptions for spectacles

**81A.**—(1) A person shall not, on or after the relevant day, issue a prescription for spectacles unless he or she is a registered medical practitioner or a registrant of the designated profession of optometrist.

(2) A person shall not, on or after the relevant day, dispense prescriptions of registered medical practitioners or registrants of the designated profession of optometrist for spectacles unless he or she is a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician.

(3) A person who contravenes *subsection (1)* or *(2)* is guilty of an offence and is liable on summary conviction to a class D fine in the case of a first offence and, in the case of a second or any subsequent offence, a class B fine.**]**

F129[Restriction on selling spectacles

**81B.**—(1) Subject to *subsection (2)*, a person shall not, on or after the relevant day, sell spectacles unless—

(*a*) if the person is not a body corporate, the person is a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician or, if the sale is conducted on behalf of the person by another person, that other person is a registered medical practitioner or such a registrant, or

(*b*) if the person is a body corporate, the sale is conducted by a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician.

(2) A person, other than a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician, may assist in a sale or in the conduct of a sale of spectacles where such assistance is provided in relation to the sale by a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician of spectacles in accordance with *subsection (1)*.

(3) A person who contravenes *subsection (1)* is guilty of an offence and is liable on summary conviction to a class E fine in the case of a first offence and, in the case of a second or any subsequent offence, a class C fine.**]**

F130[Bye-laws for regulation and control of prescribing, dispensing of prescriptions or sales

**81C.**—(1) The Optical Registration Board may, by bye-laws, make provision for the regulation and control of—

(*a*) the prescribing of spectacles by registrants of the designated profession of optometrist,

(*b*) the dispensing of prescriptions of registered medical practitioners or registrants of the designated profession of optometrist for spectacles by registrants of the designated profession of optometrist or dispensing optician, or

(*c*) sales of spectacles, being sales by or conducted by registrants of the designated profession of optometrist or dispensing optician, including sales assisted by persons referred to in *section 81B(2)*.

(2) A registrant of the designated profession of optometrist or dispensing optician who contravenes a bye-law which is made for the purposes of this section and which is stated to be a penal bye-law is guilty of an offence and is liable on summary

conviction to a class E fine in the case of a first offence and, in the case of a second or any subsequent offence, a class C fine.**]**

F131**[**Bye-laws for control of advertising

**81D.**—(1) The Optical Registration Board may, by bye-laws, make provision for the control of advertising (including advertising by way of canvassing) which advertises—

(*a*) a registrant of the designated profession of optometrist or dispensing optician,

(*b*) the prescribing of spectacles or the provision of orthoptic treatment by a registrant of the designated profession of optometrist,

(*c*) the dispensing of prescriptions for spectacles by registrants of the designated profession of optometrist or dispensing optician, or

(*d*) sales of spectacles, being sales by or conducted by a registrant of the designated profession of optometrist or dispensing optician.

(2) Where, as respects any advertising to which bye-laws made for the purposes of this section relate, there is a contravention of any of the bye-laws which is stated to be a penal bye-law, the responsible person is guilty of an offence and is liable on summary conviction to a class D fine in the case of a first offence and, in the case of a second or any subsequent offence, a class B fine.

(3) In *subsection (2)* "responsible person" means—

(*a*) in the case of advertising which advertises a registrant of the designated profession of optometrist or dispensing optician, the dispensing of prescriptions for spectacles by such a registrant or sales of spectacles by such a registrant - that registrant,

(*b*) in the case of advertising which advertises the prescribing of spectacles or the provision of orthoptic treatment by a registrant of the designated profession of optometrist - that registrant, and

(*c*) in the case of advertising which advertises sales of spectacles conducted by a registrant of the designated profession of optometrist or dispensing optician - that person (including a body corporate) on whose behalf the sales are to be conducted.**]**

F132**[**Saver for manufacture of spectacles, etc.

**81E.**—Nothing in this Part shall operate to prevent or restrict—

(*a*) the manufacture of spectacles,

(*b*) the sale by wholesale of spectacles,

(*c*) the sale to hospitals of spectacles,

(*d*) the employment of persons to carry out work on spectacles under the supervision of a registered medical practitioner or a registrant of the designated profession of optometrist or dispensing optician, or

(*e*) the repair of the frames of spectacles.**]**

## PART 8

### Dissolution of National Social Work Qualifications Board

Definitions (*Part 8*).

**82.**—In this Part—

"National Social Work Qualifications Board" means the board established by the National Social Work Qualifications Board (Establishment Order) 1997 (S.I. No. 97 of 1997);

"transfer day" means the day appointed by the Minister under *section 83* as the transfer day.

Transfer day and dissolution of Board.

**83.**—(1) The Minister shall, by order, appoint a day as the transfer day for the purposes of this Part.

(2) The National Social Work Qualifications Board is, by this Act, dissolved on the transfer day.

(3) References to the National Social Work Qualifications Board in any Act of the Oireachtas passed before the transfer day or in any instrument made before the transfer day under an Act of the Oireachtas are to be read on and after that day as references to the Council.

Transfer of staff.

**84.**—(1) Every person who, immediately before the transfer day, was a member of the staff of the National Social Work Qualifications Board is transferred to, and becomes a member of, the Council's staff on the transfer day.

(2) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person transferred under this section is entitled, while in the Council's service, to be employed on conditions of employment no less favourable than those to which that person was entitled immediately before the transfer day.

(3) The previous service of a person transferred under this section with the National Social Work Qualifications Board is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

(*a*) the Redundancy Payments Acts 1967 to 2003;

(*b*) the Protection of Employees (Part-Time Work) Act 2001;

(*c*) the Organisation of Working Time Act 1997;

(*d*) the Minimum Notice and Terms of Employment Acts 1973 to 2001;

(*e*) the Unfair Dismissals Acts 1977 to 2001;

(*f*) the Carer's Leave Act 2001;

(*g*) the Parental Leave Act 1998.

(4) Any superannuation benefits awarded by the Council to or in respect of a person transferred under this section, and the conditions relating to those benefits, are to be no less favourable than those applicable to or in respect of that person immediately before the transfer day.

(5) In this section—

"conditions of employment" includes conditions in respect of remuneration and related matters;

"recognised trade union or staff association" means a trade union or staff association recognised by the Council for the purposes of negotiations that are concerned with the conditions of employment or working conditions of employees.

Transfer of property and liabilities to Council.

**85.**—(1) With effect from the transfer day, the following are transferred to the Council:

(*a*) all property (real and personal) and rights held or enjoyed immediately before that day by the National Social Work Qualifications Board;

(*b*) all liabilities incurred before that day by that Board that had not been discharged before that day.

(2) Accordingly, without any further conveyance, transfer or assignment—

(*a*) such property vests, on the transfer day, in the Council for all the estate, term or interest for which, immediately before that day, it was vested in the National Social Work Qualifications Board, but subject to all trusts and equities affecting the property and capable of being performed,

(*b*) such rights are, on and from that day, rights of the Council, and

(*c*) such liabilities are, on and from that day, liabilities of the Council.

(3) All moneys, stocks, shares and securities transferred to the Council by this section that, immediately before the transfer day, are in the name of the National Social Work Qualifications Board, shall, at the request of the Council, be transferred into its name.

(4) Every right and liability transferred to the Council by this section may, on and after the transfer day, be sued on, recovered or enforced by or against the Council in its own name and it shall not be necessary for it to give notice of the transfer to the person whose right or liability is transferred by this section.

Preservation of certain contrancts and adaptation of references.

**86.**—Every contract or agreement made between the National Social Work Qualifications Board (or any trustee or agent acting on its behalf) and any other person, and in force immediately before the transfer day—

(*a*) continues in force on and after that day,

(*b*) is to be read and have effect as if the name of the Council were substituted in the contract or agreement for that of the National Social Work Qualifications Board or, as the case may be, any trustee or agent acting on its behalf, and

(*c*) is enforceable against the Council.

Pending legal proceedings.

**87.**—If, immediately before the transfer day, any legal proceedings to which the National Social Work Qualifications Board is a party are pending, the Council's name shall be substituted in the proceedings for the name of that Board, and the proceedings shall not abate because of the substitution.

Preparation of accounts.

**88.**—(1) As soon as practicable after the transfer day, the Council shall prepare, in such form as may be approved by the Minister, all proper and usual accounts of money received or expended by the National Social Work Qualifications Board in the accounting year, or the part of an accounting year, of that Board ending immediately before the transfer day.

(2) The Council shall submit accounts prepared under this section to the Comptroller and Auditor General for audit and *subsections (3)* and *(4)* of *section 21* apply in relation to those accounts.

Revocation of order.

**89.**—The National Social Work Qualifications Board (Establishment) Order 1997 (S.I. No. 97 of 1997) is revoked on the transfer day.

## PART 9

### TRANSITIONAL PROVISIONS

Definitions (*Part 9*)

**90.**—In this Part—

"corresponding qualification" F133**[**means a professional qualification that**]**, before or after the passing of this Act, has been recognised by or on behalf of the State pursuant to a directive or other relevant measure as corresponding to—

(*a*) in the case of a designated profession listed in the second column of *Schedule 3*, a qualification listed opposite that profession in the third column of that Schedule, and

(*b*) in the case of any other designated profession, a qualification standing at the time of application for registration prescribed under *section 95* for that profession;

F134**[**...**]**

F135**[**"directive" means a directive adopted by an institution of the European Communities or the European Union for the recognition of professional education and training; **]**

F135**[**"EEA Agreement" means the Agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by the Protocol done at Brussels on 17 March 1993; **]**

"relevant date", in relation to an application under this Part to the registration board of a designated profession, means the date on which the register of the members of that profession is established;

F134**[**...**]**

F135**[**"relevant measure" means—

(*a*) a measure or decision taken by the Joint Committee under the EEA Agreement having an effect corresponding to that of a directive, and

(*b*) a measure that is in force by virtue of the Agreement between the European Community and the Swiss Confederation on the Free Movement of Persons, done at Luxembourg on 21 June 1999;**]**

"transitional period", in relation to an application under this Part to the registration board of a designated profession, means the period beginning on the relevant date and ending 2 years after that date.

Registration of existing practitioners.

**91.**—(1) F136**[**Subject to *subsections (2)* and *(4A)*, the registration board of a designated profession**]** listed in the second column of *Schedule 3* shall grant registration to a person who, F137**[**during the period of 5 years ending on the relevant date, was engaged in the State in the practice of the designated profession, within the meaning, where the registration board concerned has specified such a meaning in bye-laws, of those bye-laws, for a period (or periods which, when taken together, amount to such period) of not less than 2 years or such other period as may be specified in those bye-laws**]** and who—

(*a*) applies during the transitional period to that board for registration,

(*b*) complies with *section 37(2)* and with any requirement imposed on, or request made to, him or her under *section 37(3)* as applied by this section,

(*c*) either—

(i) holds—

(I) a qualification listed opposite that profession in the third column of that Schedule or a corresponding qualification, or

F138**[**(II) a professional qualification that, in the opinion of the board, is sufficiently relevant to that profession and attests to a standard of proficiency corresponding to a qualification listed opposite the profession in the third column of that Schedule,**]**

or

(ii) successfully completes an assessment of professional competence set by the board in accordance with any guidelines issued by the Council,

(*d*) satisfies the board that he or she is a fit and proper person to engage in the practice of that profession, and

(*e*) pays the required fee to the Council.

F136**[**(2) The Social Care Workers Registration Board shall grant registration to a person who—

(*a*) during the period of 5 years ending on the date on which he or she makes an application under *section 37*, was engaged in the State, a Member State or the United Kingdom in the practice of the profession of social care worker within the meaning, where the Social Care Workers Registration Board has specified such a meaning in bye-laws, of those bye-laws, for a period (or periods which, when taken together, amount to such period) of not less than 2 years or such other period as may be specified in those bye-laws,

(*b*) applies during the transitional period to the Social Care Workers Registration Board for registration,

(*c*) complies with *section 37(2)* and with any requirement imposed on, or request made to, the person under *section 37(3)* as applied by this section,

(*d*) meets one or more of the following requirements:

(i) the person holds a qualification listed opposite the profession of social care worker in the third column of *Schedule 3* or a corresponding qualification;

(ii) the person holds a professional qualification that, in the opinion of the Social Care Workers Registration Board, is sufficiently relevant to the profession of social care worker and attests to a standard of proficiency corresponding to a qualification listed opposite the profession in the third column of *Schedule 3*;

(iii) the person successfully completes an assessment of professional competence set by the Social Care Workers Registration Board in accordance with any guidelines issued by the Council;

(iv) subject to *subsections (2A)* and *(3)*, the person's employer or former employer attests, by written opinion, to the person's having achieved the standard of proficiency required for the practice of the profession of social care worker,

(*e*) satisfies the Social Care Workers Registration Board that the person is a fit and proper person to engage in the practice of the profession of social care worker, and

(*f*) pays the required fee to the Council.**]**

F139**[**(2A) Nothing in *subsection (2)(d)(iv)* shall be construed to prevent or restrict the Social Care Workers Registration Board from refusing to grant registration to a person where it is satisfied that it is in the public interest to do so having regard to the person's proficiency in the profession of social care worker by reference to—

(*a*) the competence of the employer or former employer concerned to form an opinion, or

(*b*) the duration of the employment relationship between the person and the employer or former employer concerned.**]**

F136**[**(3) An opinion is not valid for the purpose of *subsection (2)(d)(iv)* unless the employer or former employer concerned has, in forming the opinion, adhered to any assessment guidelines issued by the Council for that purpose, including on—

(*a*) an employer's competence to form an opinion for the purpose of *subsection (2)(d)(iv)*, and

(*b*) the minimum duration of an employment relationship between the applicant and an employer required to form an opinion for the purpose of *subsection (2)(d)(iv)*.**]**

(4) F140**[**...**]**

F141**[**(4A) The Physiotherapists Registration Board (in this subsection and *subsection (4B)* referred to as "the Board") shall grant registration to a person who—

(*a*) applies on or after the date on which section 7 of the Health and Social Care Professionals (Amendment) Act 2017 comes into operation, and not later than one year after that date, to the Board for registration,

(*b*) meets the requirements of *paragraphs (b)*, *(d)* and *(e)* of *subsection (1)*,

(*c*) demonstrates to the satisfaction of the Board engagement in the State in the assessment, treatment and management of musculoskeletal disorders, under the title of physiotherapist or physical therapist, for a period (or periods which, when taken together, amount to such period) of 2 years during the 5 year period ending on the date on which section 7 of the Health and Social Care Professionals (Amendment) Act 2017 comes into operation, and

(*d*) either—

(i) holds—

(I) a Diploma in Physical Therapy awarded after 1991 and before 2010 by the Institute of Physical Therapy and Applied Science Dublin, or a Diploma in Physical Therapy and Bachelor of Science in Applied Health Science awarded after 2009 by the Institute of Physical Therapy and Applied Science Dublin, or

(II) a professional qualification that, in the opinion of the Board, is sufficiently relevant to that profession and attests to a standard of proficiency corresponding to a qualification in *clause (I)*,

or

(ii) successfully completes an assessment of professional competence set by the Board in accordance with any guidelines issued by the Council that attests to the standard of proficiency in the assessment, treatment and management of musculoskeletal disorders required for registration in the profession.

(4B) The function of the Board under *subsection (4A)* is in addition to, and not in substitution for, its function under *subsection (1)* in relation to applicants for registration.**]**

(5) The registration board of a designated profession (other than a profession listed in the second column of *Schedule 3* F142**[**or the profession of dispensing optician, optometrist or radiation therapist**]**) shall grant registration to a person who, F138**[**during the period of 5 years ending on the relevant date, was engaged in the State in the practice of the designated profession, within the meaning, where the board has specified such a meaning in bye-laws, of those bye-laws, for a period (or periods which, when taken together, amount to such a period) of not less than 2 years or such other period as may be specified in those bye-laws**]** and who—

(*a*) applies during the transitional period to that board for registration,

(*b*) complies with *section 37(2)* and with any requirement imposed on, or request made to, him or her under *section 37(3)* as applied by this section,

(*c*) either—

(i) holds—

(I) a qualification prescribed under *section 95* for that profession or a corresponding qualification, or

F138**[**(II) a professional qualification that, in the opinion of the board, is sufficiently relevant to that profession and attests to a standard of proficiency corresponding to a qualification prescribed under *section 95* for that profession,**]**

or

(ii) successfully completes an assessment of professional competence set by the board in accordance with any guidelines issued by the Council,

(*d*) satisfies the board that he or she is a fit and proper person to engage in the practice of that profession, and

(*e*) pays the required fee to the Council.

(6) *Section 37(3)* applies in relation to an application for registration made during the transitional period under this section F143**[**or during the period referred to in *subsection (4A)(a)***]** and *sections 43* and *44* apply in relation to any decision made by a registration board or the Council concerning that application.

F139**[**(7) In this section—

"Member State" means—

(*a*) a state, other than the State, which is a member of the European Union,

(*b*) a state, other than a member of the European Union, which is a party to the agreement on the European Economic Area signed at Oporto on 2 May 1992 as adjusted by all subsequent amendments to that agreement, and

(*c*) Switzerland;

"United Kingdom" means—

(*a*) the United Kingdom of Great Britain and Northern Ireland,

(*b*) the Channel Islands, and

(*c*) the Isle of Man.**]**

F144**[**Use of professional titles.

**91A.**—*Section 79(4)* shall not apply to the use of a title referred to in *section 79(1), (2)* or *(3)* for a designated profession—

(*a*) during the period that begins when *section 79(4)* is commenced and ends at the end of the transitional period in relation to the profession concerned, and

(*b*) where an application is made under *section 91*, during any period after the end of the transitional period concerned F145**[**or, where appropriate, after the end of the period specified in *subsection (4A)(a)* of that section**]** during which—

(i) the application is being determined, or

(ii) by virtue of *section 91(6)*, an application or appeal relating to the application is being determined.**]**

## F146**[**Part 9A

### Dissolution of Opticians Board**]**

F147**[**Definition of "Opticians Board"

**91B.**—In this Part "Opticians Board" means Bord na Radharcmhastóirí.**]**

F148**[**Dissolution of Opticians Board

**91C.**—(1) The Opticians Board is, by this Act, dissolved on the relevant day.

(2) References to the Opticians Board in any Act of the Oireachtas passed before the relevant day or in any instrument made before the relevant day under an Act of the Oireachtas are to be read on and after that day as references to the Council.**]**

F149**[**Transfer of staff

**91D.**—(1) Every person who, immediately before the relevant day, was a member of the staff of the Opticians Board is, on the relevant day, transferred to, and becomes a member of, the Council's staff.

(2) Except in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person transferred under this section is entitled, while in the Council's service, to be employed on conditions of employment no less favourable than those to which that person was entitled immediately before the relevant day.

(3) The previous service of a person transferred under this section with the Opticians Board is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

(*a*) the Redundancy Payments Acts 1967 to 2007;

(*b*) the Protection of Employees (Part-Time Work) Act 2001;

(*c*) the Protection of Employees (Fixed-Term Work) Act 2003;

(*d*) the Organisation of Working Time Act 1997;

(*e*) the Terms of Employment (Information) Acts 1994 and 2001;

(*f*) the Minimum Notice and Terms of Employment Acts 1973 to 2001;

(*g*) the Unfair Dismissals Acts 1977 to 2001;

(*h*) the Maternity Protection Acts 1994 and 2004;

(*i*) the Carer's Leave Act 2001;

(*j*) the Parental Leave Acts 1998 and 2006;

(*k*) the Adoptive Leave Acts 1995 and 2005.

(4) Any superannuation benefits awarded by the Council to or in respect of a person transferred under this section, and the conditions relating to those benefits, are to be no less favourable than those applicable to or in respect of that person immediately before the relevant day.

(5) In this section—

"conditions of employment" includes conditions in respect of remuneration and related matters;

"recognised trade union or staff association" means a trade union or staff association recognised by the Council for the purposes of negotiations that are concerned with the conditions of employment or working conditions of employees.**]**

F150**[**Transfer of property and liabilities to Council

**91E.**—(1) With effect from the relevant day, the following are transferred to the Council:

(*a*) all property (real and personal) and rights held or enjoyed immediately before that day by the Opticians Board;

(*b*) all liabilities incurred before that day by the Opticians Board that had not been discharged before that day.

(2) Accordingly, without any further conveyance, transfer or assignment—

(*a*) such property vests, on the relevant day, in the Council for all the estate, term or interest for which, immediately before that day, it was vested in the Opticians Board, but subject to all trusts and equities affecting the property and capable of being performed,

(*b*) such rights are, on and from that day, rights of the Council, and

(*c*) such liabilities are, on and from that day, liabilities of the Council.

(3) All moneys, stocks, shares and securities transferred to the Council by this section that, immediately before the relevant day, are in the name of the Opticians Board, shall, at the request of the Council, be transferred into its name.

(4) Every right and liability transferred to the Council by this section may, on and after the relevant day, be sued on, recovered or enforced by or against the Council in its own name and it shall not be necessary for it to give notice of the transfer to the person whose right or liability is transferred by this section.**]**

F151**[**Preservation of certain contracts, etc., and adaptation of references

**91F.**—Every contract or agreement made between the Opticians Board (or any trustee or agent acting on its behalf) and any other person, and in force immediately before the relevant day—

(a) continues in force on and after that day,

(b) is to be read and have effect as if the name of the Council were substituted in the contract or agreement, as the case may be, for that of the Opticians Board or, as the case may be, any trustee or agent acting on its behalf, and

(c) is enforceable against the Council.**]**

F152**[**Pending legal proceedings

**91G.**—If, immediately before the relevant day, any legal proceedings to which the Opticians Board is a party are pending, the Council's name shall be substituted in the proceedings for the name of the Opticians Board, and the proceedings shall not abate because of the substitution.**]**

F153**[**Preparation of accounts

**91H.**—(1) As soon as practicable after the relevant day, the Council shall prepare, in such form as may be approved by the Minister, all proper and usual accounts of money received or expended by the Opticians Board in the accounting year, or the part of an accounting year, of that Board ending immediately before the relevant day.

(2) The Council shall submit accounts prepared under this section to the Comptroller and Auditor General for audit and *subsections (3)* to *(5)* of *section 21* apply in relation to those accounts.**]**

F154**[**Transfer of records

**91I.**—(1) Each record held by the Opticians Board immediately before the relevant day—

(*a*) shall, on that day, stand transferred to the Council, and

(*b*) shall, on and from that day, be deemed to be held by the Council.

(2) Any right of access, under the Freedom of Information Acts 1997 and 2003, to records that before the relevant day were held by the Opticians Board and that are transferred under *subsection (1)* is not affected by the transfer of those records.

(3) For the purposes of section 18 of the Freedom of Information Act 1997, any act done by the Opticians Board before the relevant day is deemed to have been done by the Council.**]**

F155**[**Liability of Opticians Board for acts or omissions

**91J.**—(1) Neither the Opticians Board nor any person who is or was a member, officer or employee of the Opticians Board or a committee of the Opticians Board is liable for damages for anything done or omitted to be done by the Opticians Board or that person in good faith and without negligence under the Act of 1956.

(2) Subject to any enactment or rule of law, the Council may indemnify any person who is or was a member of the Opticians Board or a committee of the Opticians Board in respect of anything done or omitted to be done by that person in performing his or her functions under the Act of 1956.**]**

PART 10

## MISCELLANEOUS MATTERS

Liability of Council and registration boards for acts or omissions.

**92.**—(1) Neither the Council nor any person who is or was a member, officer or employee of the Council or a committee of the Council is liable for damages for anything done or omitted to be done by the Council or that person in good faith and without negligence under this Act.

(2) Neither a registration board nor any person who is or was a member of a registration board or a committee of such board is liable for damages for anything done or omitted to be done by the board or that person in good faith and without negligence under this Act.

(3) Subject to any enactment or rule of law, the Council may indemnify any person who is or was a member of—

(*a*) the Council,

(*b*) a registration board, or

(*c*) a committee of the Council or of a registration board,

in respect of anything done or omitted to be done by that person in performing their functions under this Act.

Judicial notice of seals and admissibility of sealed instruments.

**93.**—(1) Judicial notice shall be taken of the seal of the Council and the seal of each registration board.

(2) Any record that appears to be an instrument made by the Council and to be sealed with its seal apparently authenticated in accordance with *Schedule 1* is admissible in evidence and is deemed, in the absence of evidence to the contrary, to be such instrument without proof.

(3) *Subsection (2)* applies also in respect of any record that appears to be an instrument made by a registration board and to be sealed with its seal apparently authenticated in accordance with *Schedule 2*.

How registrants, former registrants and applicants are to be notified.

F156**[94.**—(1) Where the Council, a registration board, a preliminary proceedings committee, a committee of inquiry or the chief executive officer is required or authorised under this Act to notify a person (being a registrant or former registrant) of a decision or other matter concerning the person, the notification shall be sent by pre-paid post or electronically to him or her at the address stated in the register in which his or her name is or was (as the case may be) entered.

(2) Where the Council, a registration board, a preliminary proceedings committee, a committee of inquiry or the chief executive officer is required or authorised under this Act to notify a person (not being a registrant or former registrant) who has made an application under this Act of a decision or other matter concerning the application, the notification shall be sent by pre-paid post or electronically to the person at the address stated in the application.

(3) Where a notification under this Act has been sent to a person in accordance with *subsection (1)* or *(2)*, the notification shall be deemed, in the absence of evidence to the contrary, to have been duly delivered to the person on the 3rd working day after the day on which it was so sent.**]**

Minister's power to make regulations.

**95.**—(1) The Minister may—

(*a*) by regulation provide for any matter referred to in this Act as prescribed or to be prescribed, and

(*b*) in addition to any other power conferred on him or her to make regulations, make regulations generally F157**[**...**]** for the purposes of giving full effect to this Act.

(2) Regulations under this Act may contain any transitional and other supplementary and incidental provisions that appear to the Minister to be necessary or expedient for the purposes of the regulations.

F158**[**(3) After consulting the registration board of a designated profession and any organisations that he or she considers appropriate, the Minister may, by regulation—

(*a*) prescribe one or more than one title that is a variant of the title specified in *section 4(1)*, or for the time being prescribed under *section 4(6)*, for the profession and that, in addition to the title specified in *section 4(1)*, or for the time being prescribed under *section 4(6)*, may be used by registrants of that profession, or

(*b*) if the register for the profession has been divided into divisions for different categories of registrants, prescribe one or more than one title that, in addition to the title specified in *section 4(1)*, or for the time being prescribed under *section 4(6)* or *paragraph (a)*, for that profession, may be used by registrants of that profession who fall within the category of registrants specified in the regulations as the category of registrants who may use that additional title.**]**

F159**[**(3A) After consulting the registration board of a designated profession and any organisations that he or she considers appropriate, the Minister may, by regulation—

(*a*) prescribe an additional qualification for the purposes of the third column of *Schedule 3* that, in the opinion of the Minister, is sufficiently relevant to the corresponding profession listed in the second column of that Schedule and attests to a standard of proficiency corresponding to a qualification specified for that profession in the third column of that Schedule, and

(*b*) vary a reference to a qualification specified in the third column of *Schedule 3*, where, in the opinion of the Minister, the reference to the qualification concerned is no longer accurate, due to—

(i) a change in the title of the qualification concerned,

(ii) a change in the name of the institution that awarded the qualification concerned, or

(iii) a change in the period specified for the awarding of a specific qualification.**]**

(4) The Minister shall ensure that every regulation made under a provision of this Act (other than *section 4* or F160**[***subsection (3)* or *(3A)***]** of this section) is laid before each House of the Oireachtas as soon as practicable after it is made.

(5) Either House of the Oireachtas may, by a resolution passed within 21 sitting days after the day on which a regulation is laid before it under *subsection (4)*, annul the regulation.

(6) The annulment of a regulation under *subsection (5)* takes effect immediately on the passing of the resolution concerned, but does not affect the validity of anything done under the regulation before the passing of the resolution.

(7) A regulation may be made under F160**[***subsection (3)* or *(3A)***]** only if—

(*a*) a draft of the proposed regulation has been laid before the Houses of the Oireachtas, and

(*b*) a resolution approving the draft has been passed by each House.

Minister's power to amend or revoke certain orders.

**96.**—The Minister may, by order, amend or revoke an order made under *section 24* or *34* or this section.

F161[Investigations

**97.**—(1) The Council shall, at the request of the Minister, or may, of its own initiative or upon a complaint made by a member of the public, investigate any case of an individual who, not being a registrant of a designated profession, is suspected of being guilty of an offence under this Act.

(2) Where the Council has carried out an investigation under *subsection (1)*, the Council may, if it has reasonable grounds to believe that the individual the subject of the investigation is or has been guilty of an offence under this Act, seek an injunction in the Court requiring the person to cease the activities the Council reasonably believes to be in contravention of this Act.**]**

F162[Special measures registration having regard to Covid-19

**98.**—(1) (*a*) A previous registrant of a designated profession (in this section referred to as the "relevant designated profession") may make an application to the registration board of that profession (in this section referred to as the "relevant board") to again become a member of that profession.

(*b*) The *section 98* application must be in the form and contain the information required by the chief executive officer.

(2) Subject to *subsections (3)* to *(7)*, the provisions of this Act shall, with all necessary modifications, apply to—

(*a*) a *section 98* registration as they apply to registration in the relevant designated profession effected by another section of this Act, and

(*b*) a *section 98* registrant as they apply to a registrant in the relevant designated profession who is not a section 98 registrant.

(3) No fee shall be charged for, or relating to—

(*a*) a *section 98* application, or

(*b*) a *section 98* registration or the retention of such registration.

(4) Where a previous registrant's name is entered in the register for the relevant designated profession pursuant to a *section 98* registration, the chief executive officer shall enter in that register, or cause to be entered in that register, the term "(*section 98* registration)" immediately after that name to indicate that his or her registration in that register arises from the operation of this section.

(5) (*a*) Nothing in this section shall be construed to prevent a previous registrant's name from being entered in the register for the relevant designated profession pursuant to the operation of another section of this Act, whether or not his or her name is already entered in that register pursuant to a *section 98* registration.

(*b*) Where a previous registrant's name is entered in the register for the relevant designated profession pursuant to the operation of this Act (other than this section) when his or her name is already entered in that register pursuant to a *section 98* registration, the chief executive officer shall remove from that register, or cause to be removed from that register, the latter entry at the same time as the first-mentioned entry is made.

(*c*) The refusal of a *section 98* registration for a previous registrant shall not prevent that registrant from making an application under another section of this Act to be registered in the register for the relevant designated profession.

(6) (*a*) Subject to *subsection (7)*, each *section 98* registration that is still in force on the 31st day of July 2020, shall, on and after that date, cease to have effect.

(*b*) The chief executive officer shall remove from the register for the relevant designated profession, or cause to be removed from that register, on the date referred to in *paragraph (a)*, or as soon as is practicable thereafter, each name that was entered in that register pursuant to a *section 98* registration.

(7) (*a*) The Minister may, by order, specify a different date for the purposes of *subsection (6)* (including a different date for a previous different date specified in an order made under this paragraph) and, if the Minister so specifies, that subsection shall be construed, with all necessary modifications, to take account of that first-mentioned date.

(*b*) *Section 95(4)* to *(6)* shall, with all necessary modifications, apply to an order made under *paragraph (a)* as that section applies to a regulation made under a provision of this Act.

(8) In this section—

"previous registrant" means a former registrant whose name was removed from the register for the relevant designated profession pursuant to *section 39(1)* or *40(1)*;

"*section 98* application" means an application under subsection (1);

"*section 98* registrant" means a registrant who is such pursuant to—

(*a*) the chief executive officer's determination of a *section 98* application, or

(*b*) a decision (howsoever called) of the Court arising from the chief executive officer's determination of a *section 98* application;

"*section 98* registration" means a registration effected in the register for the relevant designated profession pursuant to—

(*a*) the chief executive officer's determination of a *section 98* application, or

(*b*) a decision (howsoever called) of the Court arising from the chief executive officer's determination of a *section 98* application.**]**

F163**[**Admissibility of certain documents relating to proceedings in State or other jurisdictions

**99.**—(1) In any proceedings under this Act concerning a relevant person, a document that purports to be a relevant document shall be admissible as evidence of any fact stated therein of which evidence would be admissible in those proceedings.

(2) In any proceedings under this Act concerning a relevant person, a document purporting to be a certification by a court, tribunal or other authority of a document purporting to be a relevant document (and whether or not the certification is incorporated into the document) and to be signed by or on behalf of that court, tribunal or other authority shall be deemed, for the purpose of this section, to be such a certificate and to be so signed, unless the contrary is proved.

(3) Where a document is admissible in evidence under this section, any document which purports to be a translation of that document shall be admissible as evidence of the translation if it is certified as correct by a person competent to do so and a document purporting to be a certificate under this subsection shall be deemed to be such a certificate, and to be signed by the person purporting to have signed it, unless the contrary is proved.

(4) In this section—

"final determination", in relation to any relevant proceedings and a relevant person, means—

(*a*) the conclusion of those proceedings without any party to the proceedings making an appeal, against a decision in those proceedings to impose or to not impose a sanction on the relevant person, within the ordinary time in the State or other jurisdiction concerned, as appropriate, for making such an appeal, or

(*b*) if such an appeal is made—

(i) the abandonment or withdrawal of the appeal, or

(ii) the determination of the appeal,

whichever first occurs;

"relevant document", in relation to a relevant person, means any of the following:

(*a*) a copy of a transcript of all or any part of relevant proceedings that has been certified, by or on behalf of the court, tribunal or other authority before which the proceedings were held, to be a true and accurate copy of that transcript;

(*b*) a copy of all or any part of a report arising out of such proceedings certified, by or on behalf of the court, tribunal or other authority which made the report, to be a true and accurate copy of that report;

(*c*) if, after the final determination of such proceedings, sanctions are, or continue to be, imposed on the relevant person in consequence of such proceedings, a statement in writing giving particulars of such sanctions so imposed certified, by or on behalf of the court, tribunal or other authority which imposed the sanctions, to be true and accurate particulars of the sanctions that are, or continue to be, imposed on the relevant person after the final determination of the proceedings;

(*d*) if, after the final determination of such proceedings, no sanctions are, or continue to be, imposed on the relevant person in consequence of such proceedings, a statement in writing to that effect certified by or on behalf of the court, tribunal or other authority before which the proceedings were held;

"relevant person" means—

(*a*) an applicant for registration, or

(*b*) a registrant or former registrant;

"relevant proceedings", in relation to a relevant person, means any disciplinary or judicial proceedings (other than such proceedings under this Act), in respect of which the relevant person is the subject—

(*a*) in the State or another jurisdiction which may directly or indirectly result in the relevant person—

(i) being prohibited from providing one or more than one kind of health or social care in the State or that jurisdiction, or

(ii) having a restriction placed on his or her ability to provide one or more than one kind of health or social care in the State or that jurisdiction,

(*b*) in another jurisdiction which may result in the relevant person being convicted, in that jurisdiction, for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment, or

(*c*) in the State which may result in the relevant person being convicted, in the State, for an offence triable on indictment;

"sanction" includes any restriction or measure.**]**

F164**[**Power to specify form of documents

**100.**—(1) Subject to *section 37(2)*, the relevant body may specify the form of documents required for the purposes of this Act as the relevant body thinks fit.

(2) The relevant body's power under *subsection (1)* may be exercised in such a way as to—

(*a*) include in the specified form of any document referred to in that subsection a statutory declaration—

(i) to be made by the person completing the form, and

(ii) as to whether the particulars contained in the form are true and correct to the best of that person's knowledge and belief,

and

(*b*) specify 2 or more forms of any document referred to in that subsection, whether as alternatives, or to provide for particular circumstances or particular cases, as the relevant body thinks fit.

(3) The relevant body's power under *subsection (1)* may be exercised in such a way as to include in the specified form of any document a statement requiring the person completing the form to verify any particulars contained in the form, or contained in any document accompanying the form, in such manner as is specified in the form.

(4) A form specified under this section shall be—

(*a*) completed in accordance with such directions and instructions as are specified in the form,

(*b*) accompanied by such documents as are specified in the form, and

(*c*) if the completed form is required to be provided to—

(i) the relevant body,

(ii) another person on behalf of the relevant body, or

(iii) any other person,

so provided in the manner, if any, specified in the form.

(5) Without prejudice to the generality of *subsection (1)*, the registration board of a designated profession may—

(*a*) specify a form to be completed by a registrant in connection with the payment by the registrant of any fee charged under *section 18(1)(b)*, and

(*b*) in that form, require the registrant to supply the registration board with such information that the registrant would have to supply the board if the registrant were not registered but were seeking registration.

(6) In this section, "relevant body" means—

(*a*) subject to *paragraphs (b)* to *(d)*, the Council,

(*b*) in relation to a function under this Act performed by a registration board, that board,

(*c*) in relation to a function under this Act performed by the preliminary proceedings committee, that committee, or

(*d*) in relation to a function under this Act performed by a committee of inquiry, that committee.**]**

*Section 6(5).*

## SCHEDULE 1

## The Council: Miscellaneous Provisions

*Definitions*.

1. In this Schedule, except where the context otherwise requires—

"casual vacancy" means a vacancy in the membership of the Council caused by a person ceasing under *paragraph 7* to be a member of the Council;

"chairperson" means the chairperson of the Council;

F165**[**"deputy chairperson" means the deputy chairperson of the Council;**]**

"member" means the chairperson or an ordinary member;

"ordinary member" means a member of the Council other than the chairperson.

*Seal of Council*.

2. (1) The Council shall, as soon as practicable after its establishment, provide itself with a seal and shall retain possession of its seal.

(2) The seal of the Council must be authenticated by—

(*a*) the signature of its chairperson or other member authorised by it to act in that behalf, and

(*b*) the signature of a member of the Council's staff authorised by it to act in that behalf.

*Term of office of ordinary members*.

3. (1) Subject to *subparagraph (2)*, an ordinary member holds office for a term of F166**[**not more than 4 years specified by the Minister at the time of the appointment**]**.

(2) One-half of the ordinary members of the Council first constituted under this Act hold office for a term of 2 years from the date of their appointment.

(3) The members who are to hold office for a term of 2 years shall be decided by lot to be drawn in the manner that may be determined by the Minister.

(4) No person may hold office as an ordinary member of the Council for more than 2 consecutive terms.

(5) A term of 2 years under *subparagraph (2)* is not to be counted for the purpose of *subparagraph (4)*, but a term of any duration resulting from an appointment to fill a casual vacancy is to be counted for that purpose.

*Term of office of chairperson*.

4. (1) The chairperson holds office for the term specified under *subparagraph (2)* at the time of appointment.

(2) The Minister may specify a term of not less than 3 years and not more than 6 years as the chairperson's term of office.

F165**[***Deputy chairperson*.

4A. (1) The Council shall, from time to time, elect one of the ordinary members to be the deputy chairperson.

(2) The deputy chairperson shall hold office as such for such term as may be specified by the Council at the time of his or her appointment unless—

(*a*) the deputy chairperson ceases to be, or becomes disqualified from being, an ordinary member,

(*b*) the deputy chairperson resigns the office and the resignation becomes effective under this paragraph, or

(*c*) the Council passes a resolution, for which not less than two-thirds of the members vote, that terminates the appointment of the deputy chairperson, after notice of not less than 7 days of the intention to pass the resolution is given to every member.

(3) The deputy chairperson may at any time resign from that office by giving notice in writing, signed by him or her, to the Council, but the resignation shall not become effective until the meeting of the Council next held after the receipt by the Council of the notice of resignation.

(4) Where, at an election of the deputy chairperson, there is an equality of votes for 2 or more ordinary members, it shall be determined by lot which of those members shall be deputy chairperson.**]**

*Removal from office*.

5. (1) The Minister may at any time remove a member from office if—

(*a*) in the Minister's opinion the member has become incapable through ill-health of performing his or her functions,

(*b*) the member has committed stated misbehaviour, or

(*c*) the removal of the member appears to the Minister to be necessary for the Council to perform its functions effectively.

(2) *Subparagraph (1)* is not to be taken to limit the Minister's power under *section 24* to remove any or all of the members.

*Resignations*.

6. (1) The chairperson may resign office at any time by giving to the Council written notice of resignation signed by him or her.

(2) An ordinary member may resign membership at any time by giving to the chairperson written notice of resignation signed by the member.

(3) The resignation of the chairperson or an ordinary member becomes effective on the date of the Council's meeting next held after written notice of the resignation is received by the Council or the chairperson, as the case may be.

*Termination of membership before completion of term*.

7. Despite *paragraphs 3* and *4*, a person ceases to be a member of the Council if the person—

(*a*) is removed from office under *paragraph 5*, *section 15* or *section 24*,

(*b*) resigns or dies, or

(*c*) ceases, if appointed F166**[**as a professional member**]**, to be a registrant of the designated profession by virtue of which he or she was so appointed.

*Casual vacancies*.

F166**[**8. (1) If a casual vacancy occurs among the members (other than those appointed as professional members)—

(*a*) the Council shall notify the Minister as soon as practicable, and

(*b*) the Minister, after consulting any body or organisation that he or she considers appropriate, shall, within 8 weeks after being notified of that vacancy, appoint a person to fill the vacancy.

(2) If a casual vacancy occurs among the ordinary members appointed as professional members, the Council shall co-opt a person to fill the vacancy, and the Minister shall appoint that person, so long as the person—

(*a*) where the circumstances described in *section 9(7)* obtain, is a person who would be eligible to be appointed under *section 9(6)*, or

(*b*) in any other case, is a person who would be eligible to be elected and nominated for appointment under *section 9(3)(a)*.**]**

(3) A person appointed under this section to fill a casual vacancy holds office for the unexpired portion of his or her predecessor's term of office.

*Convening meetings and notifying members*.

9. (1) The first meeting of the Council is to be held on the day appointed by the Minister and the members shall be notified by the Minister of the date, time and place of the meeting.

(2) The Council shall hold at least 4 meetings in each year and may hold F165**[**, by video link or circulation of papers,**]** any other meetings that it considers necessary for performing its functions.

(3) The chairperson F165**[**or, in the absence of the chairperson, the deputy chairperson**]**—

(*a*) on his or her own initiative, may convene a meeting of the Council, and

(*b*) when requested to do so by a requisition signed by not fewer than 10 members, shall convene a meeting of the Council.

(4) If, after being requested under *subparagraph (3)*, the chairperson F165**[**or deputy chairperson, as the case may be,**]** refuses to convene a meeting, any 5 members may convene a meeting as soon as practicable.

(5) If the chairperson F165**[**or deputy chairperson, as the case may be**]**, without refusing, fails to convene a meeting within 7 days after being requested under *subparagraph (3)*, any 5 members may convene a meeting at the end of that period.

(6) At least 3 clear days before a meeting of the Council, other than the first meeting, notice of the date, time and place of the meeting shall be sent to each member.

F167**[***Quorum*.

10. (1) Subject to *subparagraph (2)*, at least 28 per cent of the members constitute a quorum at a meeting of the Council.

(2) At least 40 per cent of the members constitute a quorum at a meeting of the Council to the extent that the meeting relates to the performance by the Council of any of its functions under *section 66*.**]**

*Chairing of meetings*.

11. (1) While present at a meeting of the Council, the chairperson of the Council shall chair the meeting.

F167**[**(2) If the chairperson is not present or the office of the chairperson is vacant—

(*a*) subject to *clause (b)*, the deputy chairperson shall chair the meeting, or

(*b*) if the deputy chairperson is not present or the office of the deputy chairperson is vacant, the members present at the meeting shall choose one of their number to chair the meeting.**]**

*Voting at meetings*.

12. (1) Subject to *paragraph 10*, at a meeting of the Council each question shall be determined by a majority of the votes of the members present and voting on the question.

(2) If there is an equal division of votes, the question shall be determined by a second or casting vote of the person chairing the meeting.

*Power to act despite vacancy or defect in appointment*.

13. (1) The Council may act despite one or more than one vacancy among its members, provided there is a quorum.

(2) The proceedings of the Council are not invalid by reason only of any defect in the appointments to the Council or in the qualifications of any of its members.

*Minutes of meetings*.

14. (1) The Council shall ensure that minutes of each meeting of the Council are prepared and that they include the names of all persons present at the meeting.

(2) The minutes of a meeting shall be submitted for confirmation as an accurate record at the next meeting of the Council.

(3) When confirmed, with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting at which they were submitted for confirmation.

*Section 26(5)*

SCHEDULE 2

REGISTRATION BOARDS: MISCELLANEOUS PROVISIONS

*Definitions*.

1. In this Schedule, except where the context otherwise requires—

"casual vacancy" means a vacancy in the membership of a registration board caused by a person ceasing under *paragraph 7* to be a member of the board;

"member", in relation to a registration board, includes the chairperson of the board.

*Seal of registration board*.

2. (1) A registration board shall, as soon as practicable after its establishment, provide itself with a seal and shall retain possession of its seal.

(2) The seal of a registration board must be authenticated by—

(*a*) the signature of its chairperson or other member of the board authorised by it to act in that behalf, and

(*b*) the signature of another member of the board authorised by it to act in that behalf.

*Term of office*.

3. (1) Subject to *subparagraphs (2)* and *(4)*, a member of a registration board holds office for a term of F168**[**not more than 4 years specified by the Minister at the time of the appointment**]**.

F169**[**(2) (*a*) One half of the members of a registration board first constituted under this Act hold office for a term of 3 years from the date of their appointment.

(*b*) The members of a registration board appointed to replace the members who hold office as referred to in *clause (a)* hold office for a term of 3 years from the date of their appointment.

(*c*) The members of a registration board appointed to replace the members who hold office as referred to in *clause (b)*, and any member who is subsequently appointed, hold office for a term of not more than 4 years specified by the Minister at the time of the appointment.**]**

(3) The members who are to hold office for a term of F169**[**3 years as referred to in *subparagraph (2)(a)***]** shall be decided by lot to be drawn in the manner that may be determined by the Minister.

(4) If a member of a registration board is also a member of the Council whose term of office, by the operation of *paragraph 3(2)* of *Schedule 1*, expires 2 years after the date of being appointed to the Council, the member's term of office on the board is 2 years from the date of his or her appointment.

(5) No person may hold office as a member of a registration board for more than 2 consecutive terms.

(6) A term of 2 years resulting from the operation of *subparagraph (2)* or *(4)* is not to be counted for the purposes of *subparagraph (5)*, but a term of any duration resulting from an appointment to fill a casual vacancy is to be counted for that purpose.

*Election and term of office of chairperson*.

4. (1) A registration board may elect one of its members to be its chairperson.

(2) If 2 or more persons receive an equal number of votes at an election of the chairperson, it shall be determined by lot which of them is to be the chairperson.

(3) The chairperson holds office for such period as may be specified by the registration board at the time of appointment, unless he or she—

(*a*) ceases to be a member of the board,

(*b*) resigns the office of chairperson, or

(*c*) is removed from the office of chairperson by a resolution of the board.

(4) A resolution of a registration board is effective for the purpose of removing the chairperson from office only if—

(*a*) at least 7 days notice of the board's intention to propose the resolution is given to each member, and

(*b*) at least 66 per cent of the members in office vote for the resolution.

*Removal from office*.

5. (1) The Minister may at any time remove a member of a registration board from office if—

(*a*) in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions,

(*b*) the member has committed stated misbehaviour, or

(*c*) the removal of the member appears to the Minister to be necessary for the Board to perform its functions effectively.

(2) *Subparagraph (1)* is not to be taken to limit the Minister's power under *section 34* to remove from office any or all of the members of a registration board.

*Resignations*.

6. (1) A person who holds the office of chairperson of a registration board may resign the office at any time by giving to the board written notice of resignation signed by that person.

(2) Any other member of a registration board may resign membership at any time by giving to the chairperson of the board written notice of resignation signed by the member.

(3) A resignation becomes effective on the date of the registration board's meeting next held after receipt of the written notice of resignation.

(4) A member who resigns as chairperson does not for that reason only cease to be a member of the registration board.

*Termination of membership before completion of term*.

7. Despite *paragraphs 3* and *4*, a person ceases to be a member of a registration board if the person—

(*a*) is removed from office under *paragraph 5* or *section 34*,

(*b*) resigns or dies, or

(*c*) ceases, if appointed under *section 28(1)(a)* F170**[**or *28A(1)(a)***]**, to be a registrant of the designated profession concerned.

*Casual vacancies*.

8. (1) If a casual vacancy occurs among the members of a registration board (other than those appointed on election under *section 28(1)(a)* F170**[**or *28A(1)(a)***]**)—

(*a*) the board shall notify the Minister as soon as practicable, and

(*b*) the Minister, after consulting any body or organisation that he or she considers appropriate, shall, within 8 weeks of being notified of that vacancy, appoint a person to fill the vacancy.

(2) If a casual vacancy occurs among the members appointed to a registration board under *section 28(1)(a)* F170**[**or *28A(1)(a)***]**, the board shall co-opt to fill the vacancy a person who would be eligible under that section to be elected for appointment as a member of that board and the Minister shall appoint that person to fill the vacancy.

(3) A person appointed to fill a casual vacancy holds office as a member of the registration board concerned for the unexpired portion of his or her predecessor's term of office.

*Convening meetings and notifying members*.

9. (1) The first meeting of a registration board is to be held on the day appointed by the Minister for that board and the members shall be notified by the Minister of the date, time and place of the meeting.

(2) A registration board shall hold at least 4 meetings in each year and may hold F170**[**, by video link or circulation of papers,**]** any other meetings that it considers necessary for performing its functions.

(3) The chairperson of a registration board—

(*a*) on his or her own initiative, may convene a meeting of the board, and

(*b*) when requested to do so by a requisition signed by not fewer than 5 members, shall convene a meeting of the board.

(4) If, after being requested under *subparagraph (3)*, the chairperson refuses to convene a meeting, any 5 members may convene a meeting as soon as practicable.

(5) If the chairperson, without refusing, fails to convene a meeting within 7 days after being requested under *subparagraph (3)*, any 5 members may convene a meeting at the end of that period.

(6) At least 3 clear days before a meeting of a registration board, other than the first meeting, notice of the date, time and place of the meeting shall be sent to each member.

*Quorum*.

10. At least 40 per cent of the members in office constitute a quorum at a meeting of a registration board.

*Chairing of meetings*.

11. (1) While present at a meeting of a registration board, the chairperson of that board shall chair the meeting.

(2) If the chairperson of the registration board is not present or if the office of chairperson is vacant, the members present at the meeting shall choose one of their number to chair the meeting.

*Voting at meetings*.

12. (1) Subject to *paragraphs 4(4)(b)* and *10*, each question at a meeting of a registration board shall be determined by a majority of the votes of the members present and voting on the question.

(2) If there is an equal division of votes, the question shall, subject to *paragraph 4(2)*, be determined by a second or casting vote of the person chairing the meeting.

*Power to act despite vacancy or defect in appointment*.

13. (1) A registration board may act despite one or more than one vacancy among its members, provided there is a quorum.

(2) The proceedings of a registration board are not invalid by reason only of any defect in the appointments to the board or in the qualifications of any of its members.

*Minutes of meetings*.

14. (1) A registration board shall ensure that minutes of the proceedings of each meeting of the board are prepared and that they include the names of all persons present at the meeting.

(2) The minutes of a meeting shall be submitted for confirmation as an accurate record at the next meeting of the registration board.

(3) When confirmed, with or without amendment, the minutes of a meeting shall be signed by the person chairing the meeting at which they were submitted for confirmation.

*Section 91(1)*

## SCHEDULE 3

### QUALIFICATIONS REQUIRED BY EXISTING PRACTITIONERS

| | PROFESSION | QUALIFICATION |
|---|---|---|
| 1. | Clinical Biochemists | Degree in which biochemistry was taken as a subject in the final examination. |
| 2. | Dietitians | Bachelor of Science (Honours) in Human Nutrition and Dietetics from the University of Dublin and Diploma in Human Nutrition and Dietetics from the Dublin Institute of Technology, or<br><br>Diploma in Dietetics and Nutrition from the City of Dublin Vocational Education Committee awarded after 1976 and before 1987, or |

| | PROFESSION | QUALIFICATION |
|---|---|---|
| | | Diploma in Dietetics from the City of Dublin Vocational Education Committee awarded after 1951 and before 1977. |
| 3. | Medical Scientists | Bachelor of Science (Applied Sciences) (Honours) (Biomedical option) from the University of Dublin/the Dublin Institute of Technology Kevin Street, or<br><br>Bachelor of Science (Honours) in Biomedical Science from the Joint University College Cork — Cork Institute of Technology course, or<br><br>Diploma in Medical Laboratory Sciences awarded before 1994 by the Dublin Institute of Technology or the Cork Institute of Technology, or<br><br>Certificate in Medical Laboratory Sciences awarded before 1997 by the Dublin Institute of Technology Kevin Street, the Cork Institute of Technology or the Galway/Mayo Institute of Technology. |
| 4. | Occupational Therapists | Bachelor of Science (Honours) in Occupational Therapy from the University of Dublin, or<br><br>Master of Science in Occupational Therapy (Professional Qualification) from the University of Limerick, or<br><br>Diploma of the College of Occupational Therapy. |
| 5. | Orthoptists | Diploma of British Orthoptics, or<br><br>Bachelor of Medical Science in Orthoptics, or<br><br>Bachelor of Medical Science (Honours) in Orthoptics, or<br><br>Bachelor of Science (Honours) in Orthoptics. |
| 6. | Physiotherapists | Bachelor of Science (Honours) in Physiotherapy from the University of Dublin, or<br><br>Bachelor of Science in Physiotherapy from the Royal College of Surgeons in Ireland, or<br><br>Bachelor in Physiotherapy (Honours) from the National University of Ireland, or<br><br>Diploma in Physiotherapy of the National University of Ireland or of the University of Dublin. |
| 7. | Podiatrists | Bachelor of Science in Podiatry. |
| 8. | Psychologists | A recognised University degree or diploma obtained with first or second class honours in which psychology was taken as a major subject and honours obtained in that subject. |
| 9. | Radiographers | F171**[**Diploma of the College of Radiographers, London,**]** or<br><br>Bachelor of Science (Radiography) from the National University of Ireland, or<br><br>Bachelor of Science (Therapeutic Radiography) from the University of Dublin. |
| 10. | Social Care Workers | National Diploma in Child Care awarded by the Higher Education and Training Awards Council/Dublin Institute of Technology, or<br><br>National Diploma in Applied Social Care Studies awarded by the Higher Education and Training Awards Council/Dublin Institute of Technology, or<br><br>Diploma in Social Care awarded by the Higher Education and Training Awards Council/Dublin Institute of Technology, or |

| | PROFESSION | QUALIFICATION |
|---|---|---|
| | | Diploma in Applied Social Studies/Social Care from the Dublin Institute of Technology, or<br><br>Open Training College National Diploma in Applied Social Studies (Disability).<br><br>F172[(1) Bachelor of Arts (Honours) Applied Social Studies in Social Care, in Athlone Institute of Technology,<br><br>(2) National Diploma in Applied Social Studies in Social Care, in Athlone Institute of Technology,<br><br>(3) National Diploma in Applied Social Studies in Social Care, in Carlow College (awarding body National Council Education Awards),<br><br>(4) Bachelor of Arts Applied Social Studies in Social Care, in Carlow College,<br><br>(5) Bachelor of Arts (Honours) Applied Social Studies in Social Care, in Carlow College,<br><br>(6) Bachelor of Arts Applied Social Studies Professional Social Care, in Institute of Technology Carlow,<br><br>(7) Bachelor of Arts in Applied Social Studies (Social Care), in Institute of Technology Carlow,<br><br>(8) Higher Diploma in Arts in Applied Social Studies, in Institute of Technology Carlow,<br><br>(9) Higher Diploma in Arts in Applied Social Studies (Professional Social Care), in Institute of Technology Carlow,<br><br>(10) Higher Diploma in Arts in Applied Social Studies (Professional Social Care), in South East Technological University,<br><br>(11) Bachelor of Arts in Applied Social Studies, in Institute of Technology Carlow,<br><br>(12) Bachelor of Arts Applied Social Studies Professional Social Care, in Institute of Technology Carlow,<br><br>(13) Bachelor of Arts (Honours) Applied Social Studies (Professional Social Care), in Institute of Technology Carlow,<br><br>(14) Bachelor of Arts (Honours) in Social and Community Studies, in Institute of Technology Carlow,<br><br>(15) National Diploma in Applied Social Studies Social Care, in Cork Institute of Technology,<br><br>(16) National Diploma in Social Care, in Cork Institute of Technology,<br><br>(17) Bachelor of Arts in Social Care, in Cork Institute of Technology,<br><br>(18) Bachelor of Arts (Honours) in Social Care, in Cork Institute of Technology,<br><br>(19) Bachelor of Arts in Applied Social Studies, in Cork Institute of Technology,<br><br>(20) National Diploma in Applied Social Studies in Social Care, in Dublin Institute of Technology,<br><br>(21) Diploma in Social Care Practice, in Dublin Institute of Technology,<br><br>(22) Bachelor of Arts (Honours) in Social Care, in Dublin Institute of Technology, |

| | PROFESSION | QUALIFICATION |
|---|---|---|
| | | (23) Bachelor of Arts (Honours) in Social Care and Social Studies, in Dublin Institute of Technology,<br><br>(24) Social Care (Progression to Bachelor of Arts Honours), in Dublin Institute of Technology,<br><br>(25) Bachelor of Arts in Social Care Practice, in Dublin Institute of Technology,<br><br>(26) Bachelor of Arts in Social Care, in Dundalk Institute of Technology,<br><br>(27) Bachelor of Arts in Social Studies, in Dundalk Institute of Technology,<br><br>(28) Bachelor of Arts in Applied Social Studies in Social Care, in Dundalk Institute of Technology,<br><br>(29) Bachelor of Arts in Applied Social Studies, in Galway-Mayo Institute of Technology,<br><br>(30) Bachelor of Arts (Honours) in Applied Social Studies, in Galway-Mayo Institute of Technology,<br><br>(31) BTEC Higher National Diploma Caring Services (Social Care), in Inchicore Vocational School,<br><br>(32) BTEC Higher National Diploma Care Practice, in Inchicore College of Further Education,<br><br>(33) Bachelor of Arts in Applied Social Studies in Social Care (Work Based), in Institute of Technology Blanchardstown,<br><br>(34) Bachelor of Arts Applied Social Studies in Social Care, Institute of Technology Tralee,<br><br>(35) Bachelor of Arts (Honours) in Social Care, in Institute of Technology Tralee,<br><br>(36) Bachelor of Arts (Honours) in Applied Social Studies in Social Care, in Institute of Technology Tralee,<br><br>(37) Bachelor of Science in Health and Social Care, in Letterkenny Institute of Technology,<br><br>(38) Bachelor of Arts in Applied Social Studies in Social Care, in Limerick Institute of Technology,<br><br>(39) Social Care Work – Bachelor of Arts, in Limerick Institute of Technology,<br><br>(40) Bachelor of Arts (Honours) in Applied Social Studies in Social Care, in Limerick Institute of Technology,<br><br>(41) Diploma in Arts Social Care, in National University of Ireland Galway,<br><br>(42) Bachelor of Arts (Social Care), in National University of Ireland Galway,<br><br>(43) Bachelor of Arts in Professional Social Care (Disability), in Open Training College,<br><br>(44) Bachelor of Arts in Applied Social Studies (Disability), in Open Training College,<br><br>(45) Bachelor of Arts (Honours) in Professional Social Care (Disability), in Open Training College,<br><br>(46) National Diploma in Applied Social Studies in Disability, in St Michael's House, |

| | PROFESSION | QUALIFICATION |
|---|---|---|
| | | (47) National Diploma in Applied Social Studies in Social Care, in Institute of Technology Sligo,<br><br>(48) Bachelor of Arts in Social Care Practice, in Institute of Technology Sligo,<br><br>(49) Bachelor of Arts in Applied Social Studies, in Institute of Technology Sligo,<br><br>(50) Bachelor of Arts (Honours) in Applied Social Studies, in Institute of Technology Sligo,<br><br>(51) National Diploma in Applied Social Studies in Social Care, in Waterford Institute of Technology (awarding body National Council Education Awards),<br><br>(52) Bachelor of Arts in Applied Social Studies in Social Care, in Waterford Institute of Technology,<br><br>(53) Bachelor of Arts (Honours) in Applied Social Studies in Social Care, in Waterford Institute of Technology,<br><br>(54) Bachelor of Arts in Social Studies, in Dublin Business School,<br><br>(55) Bachelor of Science (Honours) in Health and Social Care, in Letterkenny Institute of Technology,<br><br>(56) National Diploma in Applied Social Studies in Social Care, in Regional Technical College, Waterford (awarding body National Council for Education Awards),<br><br>(57) Bachelor of Arts in Social Care Practice, in Technological University Dublin,<br><br>(58) Bachelor of Arts (Honours) in Social Care Practice, in Technological University Dublin,<br><br>(59) Bachelor of Arts (Honours) in Social Care and Social Studies, in Technological University Dublin,<br><br>(60) Bachelor of Arts (Honours) in Applied Social Studies in Social Care, in Technological University of the Shannon: Midlands Midwest,<br><br>(61) Bachelor of Arts (Honours) in Social Care, in Munster Technological University,<br><br>(62) National Diploma in Applied Social Studies in Social Care, in Regional Technical College Athlone (awarding body National Council Education Awards),<br><br>(63) National Diploma in Applied Social Studies in Social Care, in Regional Technical College Cork (awarding body National Council Education Awards),<br><br>(64) Bachelor of Arts In Applied Social Studies (Social Care), in Regional Technical College Sligo (awarding body National Council Education Awards),<br><br>(65) National Diploma in Child Care, in DIT/Dublin College of Catering,<br><br>(66) Diploma in Arts in Social Care, in National University of Ireland Galway,<br><br>(67) Bachelor of Arts in Social Care Practice Inservice, in Dublin Institute of Technology.] |
| 11. | Social Workers | National Qualification in Social Work awarded by the National Social Work Qualifications Board, or |

| | PROFESSION | QUALIFICATION |
|---|---|---|
| | | Certificate of Qualification in Social Work awarded by the Central Council for Education and Training in Social Work, U.K. |
| 12. | Speech and Language Therapists | Bachelor of Science (Clinical Speech and Language Studies) from the University of Dublin, or<br>Bachelor of Arts (Moderatorship) (Remedial Linguistics) from the University of Dublin, or<br>Bachelor of Arts (Remedial Linguistics) from the University of Dublin, or<br>Master of Science in Speech and Language Therapy (Professional Qualification) from the University of Limerick, or<br>Licentiateship of the College of Speech Therapists. |

F173[SCHEDULE 4

RELEVANT PROFESSIONAL QUALIFICATION: RELEVANT DESIGNATED PROFESSION AND RELEVANT PERSON

Section 38

| ITEM NO. | RELEVANT DESIGNATED PROFESSION | RELEVANT PERSON |
|---|---|---|
| (1) | (2) | (3) |
| 1. | Clinical Biochemist | Minister |
| 2. | Dietitian | Minister |
| 3. | Dispensing Optician | Opticians Board |
| 4. | Medical Scientist | Minister, Academy of Medical Laboratory Science or Academy of Clinical Science and Laboratory Medicine |
| 5. | Occupational Therapist | Minister |
| 6. | Optometrist | Opticians Board |
| 7. | Orthoptist | Minister |
| 8. | Physiotherapist | Minister or Irish Society of Chartered Physiotherapists |
| 9. | Podiatrist | Minister |
| 10. | Psychologist | Minister |
| 11. | Radiographer | Minister |
| 12. | Radiation Therapist | Minister |
| 13. | Social Worker | Minister, National Validation Body on Social Work Qualifications and Training or National Social Work Qualifications Board |
| 14. | Speech and Language Therapist | Minister] |

*Number* 27 *of* 2005

# HEALTH AND SOCIAL CARE PROFESSIONALS ACT 2005

**REVISED**

**Updated to 28 May 2026**

## About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

## Related legislation

This Act is not collectively cited with any other Act.

## Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

## Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.