Changes to Legislation: as of 13 October 2026, this Act is up to date with all changes known to be in force.

Number 16 *of* 2020

REGULATED PROFESSIONS (HEALTH AND SOCIAL CARE) (AMENDMENT) ACT 2023

REVISED

Updated to 5 September 2025

This Revised Act is an administrative consolidation of the *Regulated Professions (Health and Social Care) (Amendment) Act 2023*. 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 *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025, and all statutory instruments up to and including the *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2025* (S.I. No. 420 of 2025), made 3 September 2025, 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.

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REGULATED PROFESSIONS (HEALTH AND SOCIAL CARE) (AMENDMENT) ACT 2020

REVISED

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Number 16 *of* 2020

REGULATED PROFESSIONS (HEALTH AND SOCIAL CARE) (AMENDMENT) ACT 2020

REVISED

Updated to 5 September 2025

An Act to give further effect to Directive 2005/36/EC of the European Parliament and of the Council of 7 September 2005[1] on the recognition of professional qualifications as amended by Council Directive 2006/100/EC of 20 November 2006[2], Commission Regulation (EC) No. 1430/2007 of 5 December 2007[3], Commission Regulation (EC) No. 755/2008 of 31 July 2008[4], Regulation (EC) No. 1137/2008 of the European Parliament and of the Council of 22 October 2008[5], Commission Regulation (EC) No. 279/2009 of 6 April 2009[6], Commission Regulation (EU) No. 213/2011 of 3 March 2011[7], Act concerning the accession of the Republic of Croatia[8], Commission Regulation (EU) No. 623/2012 of 11 July 2012[9], Council Directive 2013/25/EU of 13 May 2013[10], Directive 2013/55/EU of the European Parliament and of the Council of 20 November 2013[11] and Commission Delegated Decision (EU) 2016/790 of 13 January 2016[12] and, for that purpose, to amend the Dentists Act 1985, the Health and Social Care Professionals Act 2005, the Pharmacy Act 2007, the Medical Practitioners Act 2007 and the Nurses and Midwives Act 2011; to make provision for certain other amendments to those Acts; to make provision for certain amendments to the Health Act 1953, the Health Identifiers Act 2014 and the Children and Family Relationships Act 2015; and to provide for related matters.

[14*th October*, 2020]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

[1] OJ No. L 255, 30.9.2005, p. 22
[2] OJ No. L 363, 20.12.2006, p. 141
[3] OJ No. L 320, 6.12.2007, p. 3
[4] OJ No. L 205, 1.8.2008, p. 10
[5] OJ No. L 311, 21.11.2008, p. 1
[6] OJ No. L 93, 7.4.2009, p. 11
[7] OJ No. L 59, 4.3.2011, p. 4
[8] OJ No. L 112, 24.4.2012, p. 5
[9] OJ No. L 180, 12.7.2012, p. 9
[10] OJ No. L 158, 10.6.2013, p. 368
[11] OJ No. L 354, 28.12.2013, p. 132
[12] OJ No. L 134, 24.5.2016, p. 135

Short title and commencement

1. (1) This Act may be cited as the Regulated Professions (Health and Social Care)(Amendment) Act 2020.

(2) This Act shall come into operation on such day or days as the Minister for Health may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes and different provisions.

Annotations

Editorial Notes:

E1 A table of commencement information ordered by section is available at https://www.irishstatutebook.ie/eli/isbc/2020_16.html.

E2 Power pursuant to subs. (2) exercised (5.09.2025) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2025* (S.I. No. 420 of 2025).

2. The 5th day of September 2025 is appointed as the day on which section 109, in so far as it is not already in operation, of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation.

E3 Power pursuant to subs. (2) exercised (6.05.2025) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2025* (S.I. No. 151 of 2025).

2. The 6th day of May 2025 is appointed as the day on which the following provisions of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation:

(a) section 3;

(b) paragraphs (a) and (c) of section 4;

(c) paragraph (b) of section 4, insofar as that paragraph relates to the insertion of the following definitions in section 2 (1) of the Dentists Act 1985 (No. 9 of 1985):

(i) “appropriate fee”;

(ii) “condition”;

(iii) “Council website”;

(iv) “health or social care”;

(v) “relevant profession”;

(vi) “restriction”;

(d) section 6;

(e) sections 9 to 23;

(f) paragraph (b) of section 36;

(g) paragraph (a) of section 53;

(h) section 58, insofar as it relates to the insertion of section 21B of the Pharmacy Act 2007 (No. 20 of 2007);

(i) paragraph (b) of section 61;

(j) paragraph (b) of section 62;

(k) paragraph (a) of section 78;

(l) paragraph (b)(xii) of section 78, insofar as that paragraph relates to the insertion of the following definitions in section 2 (1) of the Medical Practitioners Act 2007 (No. 25 of 2007):

(i) "authorised officer";

(ii) "health or social care";

(iii) "investigation";

(iv) "investigation report";

(v) "relevant profession";

(vi) "restriction";

(m) paragraph (b) of section 79;

(n) paragraphs (a)(ii) and (c) of section 81;

(o) paragraphs (a) and (d) of section 84;

(p) sections 85 and 86;

(q) section 94;

(r) section 102;

(s) subparagraphs (i) and (ii) of section 109(a);

(t) paragraphs (b) to (f) of section 109;

(u) paragraph (g) of section 109, insofar as that paragraph is not already in operation;

(v) paragraphs (h) and (i) of section 109;

(w) sections 110 to 119;

(x) section 122;

(y) sections 131 and 132;

(z) sections 136 to 138;

(aa) section 140, insofar as that section relates to the insertion of section 105A of the Medical Practitioners Act 2007;

(ab) section 142;

(ac) section 149;

(ad) section 156;

(ae) section 158;

(af) section 159, insofar as that section is not already in operation.

E4 Power pursuant to subs. (2) exercised (1.06.2022) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 2) Order 2022* (S.I. No. 260 of 2022).

2. The 1st day of June 2022 is appointed as the day on which section 139 of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation.

E5 Power pursuant to subs. (2) exercised (31.05.2022) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2022* (S.I. No. 233 of 2022).

2. The 31st day of May 2022 is appointed as the day on which section 99 of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020), insofar as that section relates to the substitution in section 47 of the Medical Practitioners Act 2007 (No. 25 of 2007) of subsections (2) and (3), shall come into operation.

E6 Power pursuant to subs. (2) exercised (14.03.2022) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2022* (S.I. No. 115 of 2022).

2. The 14th day of March 2022 is appointed as the day on which the following provisions of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation:

(a) paragraphs (b) and (c) of section 84;

(b) paragraph (g)(i) of section 109;

(c) sections 120 and 121;

(d) sections 123 to 130.

E7 Power pursuant to subs. (2) exercised (1.08.2021) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 3) Order 2021* (S.I. No. 409 of 2021).

2. The 1st day of August 2021 is appointed as the day on which the following provisions of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation:

(a) section 60;

(b) section 74 in so far as it is not already in operation;

(c) sections 143 to 148;

(d) sections 150 to 155;

(e) section 157;

(f) section 159 other than subsection (b) insofar as that subsection inserts (2A) into section 55 of the Act of 2011;

(g) sections 160 to 185.

E8 Power pursuant to subs. (2) exercised (24.03.2021) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 2) Order 2021* (S.I. No. 120 of 2021).

2. The 24th day of March 2021 is appointed as the day on which the following provisions of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation:

(a) sections 25 and 26;

(b) sections 28 to 34;

(c) paragraph (a) of section 36;

(d) paragraph (b) of section 37;

(e) section 38;

(f) sections 41 to 50;

(g) section 186;

(h) section 188.

E9 Power pursuant to subs. (2) exercised (10.02.2021 and 13.02.2021) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2021* (S.I. No. 54 of 2021).

3. The 10th day of February 2021 is appointed as the day on which section 101 of the Act of 2020, in so far as it relates to the insertion, in section 50A of the Medical Practitioners Act 2007, of subsections (3) and (4), shall come into operation.

4. The 13th day of February 2021 is appointed as the day on which the following provisions of the Act of 2020 shall come into operation:

(a) sections 51 and 52;

(b) section 53 (other than paragraph (a));

(c) sections 54 to 57;

(d) section 59;

(e) section 61 (other than paragraph (b));

(f) section 62 other than -

(i) paragraph (a)(ii) in so far as that paragraph relates to the insertion, in subsection (1) of section 36 of the Pharmacy Act 2007, of paragraph (ba)(ii), and

(ii) paragraph (b);

(g) sections 63 to 73;

(h) section 74 (other than paragraph (d));

(i) sections 75 and 76.

E10 Power pursuant to subs. (2) exercised (1.01.2021) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) (No. 2) Order 2020* (S.I. No. 647 of 2020).

2. The 1st day of January 2021 is appointed as the day on which the following provisions of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation:

(a) section 2(2);

(b) section 24;

(c) section 27;

(d) section 35;

(e) paragraph (a) of section 37;

(f) sections 39 and 40;

(g) section 81(a)(i) insofar as that section relates to the insertion of paragraph (ce) in section 11(2) of the Act of 2007;

(h) sections 90, 91 and 92;

(i) paragraph (a) of section 93.

E11 Power pursuant to subs. (2) exercised (6.11.2020) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2020* (S.I. No. 507 of 2020).

2. The 6th day of November 2020 is appointed as the day on which the following provisions of the Regulated Professions (Health and Social Care) (Amendment) Act 2020 (No. 16 of 2020) shall come into operation:

(a) section 1;

(b) section 77;

(c) section 97;

(d) section 100.

Repeals

2. (1) Sections 27 and 30 of the Dentists Act 1985 are repealed.

(2) Section 65 of the Health and Social Care Professionals Act 2005 is repealed.

(3) Section 49 of the Medical Practitioners Act 2007 is repealed.

PART 2

Amendment of Dentists Act 1985

Definition

3. In this Part, "Act of 1985" means the Dentists Act 1985.

Amendment of section 2 of Act of 1985

4. Section 2 of the Act of 1985 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1), by the insertion of the following definitions:

" 'appropriate fee', in relation to a provision of this Act, means the fee (if any) determined under section 25 that is appropriate for the purposes of that provision;

'condition' includes a restriction;

'Council website' means an internet website of the Council (including part of such a website)—

(a) to which access is readily available by members of the public, and

(b) where anything published on the website is readily available for inspection by members of the public;

'dental practitioner qualification' shall be construed in accordance with section 26B;

'dental specialist qualification' shall be construed in accordance with section 26C;

'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;

'relevant profession' means any of the following professions:

(a) dentist;

(b) a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005;

(c) medical practitioner;

(d) midwife;

(e) nurse;

(f) pharmacist;

'restriction' includes a condition;

'rules' means rules made under section 25A or deemed by subsection (7) of that section to be made thereunder;",

and

(c) by the insertion of the following subsection after subsection (1):

"(2) Unless otherwise specified in this Act, nothing in this Act shall be construed to prejudice the performance by the Council of its functions under the Regulations of 2017 as the competent authority in respect of the regulated professions (within the meaning of Regulation 3 of those Regulations) concerned.".

Amendment of section 13 of Act of 1985

5. Section 13 of the Act of 1985 is amended, in subsection (7)(b), by the insertion of "under section 25A" after "made by the Council".

Amendment of section 25 of Act of 1985

6. Section 25 of the Act of 1985 is amended by the insertion of the following paragraphs after paragraph (a):

"(aa) the recognition of a qualification (other than a professional qualification referred to in paragraph (ab)) held by a person,

(ab) subject to Regulation 90(2) of the Regulations of 2017, the recognition under those Regulations of a professional qualification (within the meaning of Regulation 3 of those Regulations) as a dental practitioner or dental specialist,".

Council's power to make rules

7. The Act of 1985 is amended, in Part II, by the insertion of the following section after section 25:

"25A. (1) Subject to subsection (3), the Council may make rules—

(a) in accordance with which an election referred to in section 13(7)(b) shall be conducted,

(b) specifying courses of training and examinations for the purposes of section 26B, or

(c) setting criteria to be complied with by persons who wish to—

(i) resume practising dentistry after not having practised dentistry for a period specified in the rules, or

(ii) commence practising dentistry after not having practised dentistry previously where a period specified in the rules has elapsed since such persons have obtained their respective qualifications in dentistry pursuant to which they wish to practise dentistry.

(2) Criteria to be complied with by persons referred to in subsection (1)(c) may include criteria in relation to—

(a) the education or training of those persons,

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

(c) any other matter where, in the opinion of the Council, the specification in rules made under this section of criteria in relation to that matter is necessary or desirable for the protection of the public.

(3) The Council shall ensure that a draft of any rule (including a rule revoking or amending any other rule) that it proposes to make under this section is given to the Minister.

(4) Subject to subsection (5), the Council, after considering the comments (if any) on a draft of a rule made by the Minister before the expiration of 30 days after the date on which the draft was given to the Minister, may—

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

(b) decide not to make the rule.

(5) The Council shall ensure that, as soon as is practicable after a rule is made under this section, the rule—

(a) is submitted for approval by the Minister, and

(b) if approved by the Minister, is published in the prescribed manner and is submitted to the Minister for laying before each House of the Oireachtas.

(6) Every rule approved under subsection (5) shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the rule is passed by either such House within the next 21 days on which that House sits after that rule is laid before it, the rule shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(7) Rules referred to in section 13(7)(b) or 27(2)(d) and in force immediately before the commencement of *section 7* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020* shall, on the commencement of such *section 7*, be deemed to be rules made under this section and, accordingly, be liable to be amended or revoked by rules made under this section.

(8) In this section, 'published in the prescribed manner', in relation to any rule, means the rule—

(a) is published on the Council website, and

(b) is available for inspection, at the offices of the Council and at all reasonable times, by members of the public.".

Amendment of Act of 1985 - insertion of sections 26A to 26F

8. The Act of 1985 is amended by the insertion of the following sections after section 26:

"Recognition of qualification held by person

26A. (1) A person may make an application to the Council, accompanied by the appropriate fee—

(a) for the recognition of a qualification, held by that person, as a dental practitioner qualification, or

(b) for the recognition of a qualification, held by that person, as a dental specialist qualification.

(2) The Council shall recognise the qualification, the subject of an application under subsection (1)(a), as a dental practitioner qualification if the Council is satisfied that the qualification meets the requirements for recognition under section 26B.

(3) The Council shall recognise the qualification, the subject of an application under subsection (1)(b), as a dental specialist qualification if the Council is satisfied that the qualification meets the requirements for recognition under section 26C.

(4) The Council may, by notice in writing given to a person who has made an application under subsection (1), request that person to give to the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Recognition of qualification for register

26B. (1) Subject to subsection (2), a qualification (in this Act referred to as a 'dental practitioner qualification') held by a person meets the requirements for recognition as a qualification for registering the person in the register if the person—

(a) was, immediately before the establishment of the register, entitled to be registered in accordance with the Dentists Act 1928 but was not so registered,

(b) has been awarded a primary qualification in dentistry specified in the Second Schedule,

(c) has a qualification as a dental practitioner recognised under the Regulations of 2017,

(d) has a qualification in dentistry from a state other than the State and has passed an examination specified in rules made for the purposes of this paragraph, or

(e) has a qualification in dentistry from a state other than the State and is exempted from paragraph (d) by virtue of falling within a ground, specified in rules made for the purposes of this paragraph, for such exemption.

(2) Subject to Regulations 82 and 83 of the Regulations of 2017, evidence of a professional qualification as a dental practitioner recognised—

(a) in accordance with Regulation 10 or 21 of the Regulations of 2017,

(b) under Regulation 39 of the Regulations of 2017, or

(c) under Part 14 of the Regulations of 2017,

is a dental practitioner qualification for the purposes of this Act.

Recognition of qualification for Register of Dental Specialists

26C. (1) Subject to subsection (2), a qualification (in this Act referred to as a 'dental specialist qualification') held by a person meets the requirements for recognition as a qualification for registering the person in the Register of Dental Specialists if—

(a) the specialty to which the qualification relates is a specialty recognised by the Council under section 37(1), and

(b) either—

(i) the person—

(I) has, in the opinion of the Council, before the establishment of the Register of Dental Specialists, completed his or her training in that specialty,

(II) has been granted evidence of the satisfactory completion of specialist training by a body recognised by the Council under section 37(3), or

(III) satisfies the Council that he or she has completed a programme of training in specialised dentistry of a standard considered by the Council to be adequate,

or

(ii) the qualification is a professional qualification as a specialised dental practitioner recognised under the Regulations of 2017.

(2) Subject to Regulations 82 and 83 of the Regulations of 2017, evidence of a formal qualification as a specialised dental practitioner recognised—

(a) in accordance with Regulation 10 or 21 of the Regulations of 2017,

(b) under Regulation 39(2) of the Regulations of 2017, or

(c) under Part 14 of the Regulations of 2017,

is a dental specialist qualification for the purposes of this Act.

Application to be registered in register

26D. (1) A person may make an application to the Council, accompanied by the appropriate fee, to be registered in the register.

(2) The Council shall enter the name of a person who has made an application under subsection (1) in the register if—

(a) the Council is satisfied that the person holds a dental practitioner qualification,

(b) either—

(i) the person satisfies the Council that he or she has a knowledge of either the English language or the Irish

language necessary to practise as a dental practitioner in the State, or

(ii) the person passes the controls referred to in Regulation 85 of the Regulations of 2017 for controlling compliance with the languages obligation under paragraph (1) of that Regulation,

(c) the person satisfies the Council of his or her fitness to engage in the practice of dentistry, and

(d) rules made by the Council apply to the person, the person satisfies the Council that he or she complies with the rules.

(3) The Council may, by notice in writing given to a person who has made an application under subsection (1), request the person to give to the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Application to be registered in Register of Dental Specialists

26E. (1) A person may make an application to the Council, accompanied by the appropriate fee, to be registered in the Register of Dental Specialists.

(2) The Council shall enter the name of a person who has made an application under subsection (1) in the Register of Dental Specialists if—

(a) the Council is satisfied that the person holds a dental specialist qualification,

(b) either—

(i) the person satisfies the Council that he or she has a knowledge of either the English language or the Irish language necessary to practise as a dental specialist, or

(ii) the person passes the controls referred to in Regulation 85 of the Regulations of 2017 for controlling compliance with the languages obligation under paragraph (1) of that Regulation,

(c) the person satisfies the Council of his or her fitness to engage in the practice of a dental specialty, and

(d) rules made by the Council apply to the person, the person satisfies the Council that he or she complies with the rules.

(3) The Council may, by notice in writing given to a person who has made an application under subsection (1), request the person to give to the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Notification of relevant decisions under section 26A, 26D or 26E, etc.

26F. (1) In this section, 'relevant decision' means a decision of the Council to—

(a) refuse to recognise a qualification held by a person as a dental practitioner qualification under section 26A(2),

(b) refuse to recognise a qualification held by a person as a dental specialist qualification under section 26A(3),

(c) refuse to enter a person's name in the register under section 26D(2), or

(d) refuse to enter a person's name in the Register of Dental Specialists under section 26E(2).

(2) On making a relevant decision, the Council shall forthwith send to the person to whom the decision relates a notice in writing stating the decision, the date on which the decision was made and the reasons for the decision.

(3) A person to whom a relevant decision relates may, not later than 2 months after the date on which the person was given notice of the decision pursuant to subsection (2), apply to the High Court for the cancellation of the decision.

(4) The High Court, on the hearing of an application under subsection (3) made by a person in relation to a relevant decision, may—

(a) declare that it was proper for the Council to make the decision,

(b) cancel the decision and direct the Council to, as the Court thinks appropriate—

(i) recognise the qualification held by the person as a dental practitioner qualification or dental specialist qualification, or

(ii) enter the name of the person in the register or the Register of Dental Specialists,

or

(c) cancel the decision and—

(i) direct the Council to make a new decision, or

(ii) give such other directions to the Council as the Court thinks proper.

(5) The High Court may direct how the costs of an application under subsection (3) are to be borne.

(6) Following the decision of the High Court on an application under subsection (3), the Council or the person the subject of that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.".

Amendment of section 32 of Act of 1985

9. Section 32 of the Act of 1985 is amended, in subsection (5), by the deletion of "by pre-paid post".

Declarations by registered dentists in relation to certain matters in State or other jurisdictions, etc.

10. The Act of 1985 is amended by the insertion of the following section after section 32:

"32A. (1) Subject to subsections (2) to (4), a registered dentist shall, in each year, give to the Council 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 registered dentist because there are no particulars referred to in that subsection which he or she is required to give to the Council, the dentist shall give to the Council a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a registered dentist gave particulars referred to in subsection (1) to the Council, there has been no material change in the matter to which the particulars relate, the dentist may, instead of again giving those particulars to the Council, give to the Council a declaration in writing to the effect that there has been no material change to the matter to which the particulars relate.

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

(a) not earlier than 2 months before he or she is required to pay, in that year, the appropriate fee determined under section 25(b), and

(b) not later than the last day of that 2 months.

(5) A registered dentist shall, not later than 3 months after the final determination of any relevant proceedings, give to the Council—

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

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

(6) The Council may, by notice in writing given to a registered dentist who has made a declaration under this section, require the dentist to provide to the Council, within a reasonable period specified in the notice, further information concerning any particulars provided to the Council in the declaration.

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

(b) Where the Council considers that a registered dentist has failed to comply with paragraph (a), the Council shall forthwith make an application under section 38 as regards such failure.

(8) In this section—

'final determination', in relation to any relevant proceedings and a registered dentist, 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 dentist, 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 registered dentist, means any disciplinary or judicial proceedings (other than any such proceedings under this Act), in respect of which the dentist is the subject—

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

(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 dentist 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 dentist being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.".

Council may request certain information concerning registered dentists from certain bodies in State or other jurisdictions

11. The Act of 1985 is amended, in Part III, by the insertion of the following section after section 33:

"33A. (1) Where a registered dentist provides, or has provided, one or more than one kind of health or social care in the State or another jurisdiction, the Council 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 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 dentist;

(b) the dentist'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) —

'material matter', in relation to a registered dentist, means—

(a) any of the following taken by any regulatory body (whether in or outside the State), other than the Council, in relation to the provision of one or more than one kind of health or social care by such dentist:

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

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

(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;

'registered dentist' includes a person who has made an application under this Act to have his or her name entered in a register maintained under this Act which has not yet been determined by the Council;

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

Amendment of section 38 of Act of 1985

12. Section 38 of the Act of 1985 is amended—

(a) in subsection (1) —

(i) in paragraph (b), by the substitution of "disability," for "disability, or", and

(ii) by the insertion of the following paragraphs after paragraph (c):

"(d) his or her alleged failure to comply with section 32A,

(e) 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

(f) 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,",

(b) in subsection (3) —

(i) in paragraph (b) —

(I) in subparagraph (ii), by the substitution of "disability," for "disability, or", and

(II) by the insertion of the following subparagraphs after subparagraph (iii):

"(iv) the alleged failure to comply with section 32A,

(v) 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

(vi) 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,",

and

(ii) in paragraph (c) —

(I) in subparagraph (ii), by the substitution of "disability," for "disability, or", and

(II) by the insertion of the following subparagraphs after subparagraph (iii):

"(iv) the alleged failure to comply with section 32A,

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

(vi) 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,",

(c) in subsection (4), by the deletion of "sent by pre-paid post to the address of that person as stated in the register", and

(d) in subsection (5) —

(i) by the substitution of "Subject to sections 47(4) and 47A, the findings" for "The findings",

(ii) by the deletion of ", to be",

(iii) in paragraph (a), by the insertion of "to be" before "guilty",

(iv) in paragraph (b) —

(I) by the insertion of "to be" before "unfit", and

(II) by the substitution of "disability," for "disability, or",

(v) by the substitution of the following paragraph for paragraph (c):

"(c) to be guilty of a failure to comply with regulations referred to in subsection (1)(c),",

and

(vi) by the insertion of the following paragraphs after paragraph (c):

"(d) to have failed to comply with section 32A,

(e) to have 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

(f) to have 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,".

Amendment of section 39 of Act of 1985

13. Section 39 of the Act of 1985 is amended—

(a) in subsection (1) —

(i) in paragraph (a) —

(I) in subparagraph (ii), by the substitution of "disability," for "disability, or", and

(II) by the insertion of the following subparagraphs after subparagraph (iii):

"(iv) to be guilty of a failure to comply with section 32A,

(v) to have 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

(vi) to have 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,",

and

(ii) in paragraph (b), by the substitution of "to the person" for "by pre-paid post sent to the person, at his address as stated in the register,",

(b) in subsection (2), by the substitution of "to the person to whom the decision relates" for "by pre-paid post to the person to whom the decision relates, at his address as stated in the register,",

(c) by the substitution of the following subsection for subsection (5):

"(5) Following the decision of the High Court on an application under subsection (3), the Council or the person the subject of that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.",

and

(d) in subsection (6), by the substitution of "to such person" for "by pre-paid post to such person, at his address as stated in the register," in both places that it occurs.

Amendment of section 40 of Act of 1985

14. Section 40 of the Act of 1985 is amended—

(a) by the insertion of the following subsection after subsection (1):

"(1A) The powers conferred by subsection (1) may be exercised in substitution for any of the powers conferred by section 42 as if the words 'where section 42 would otherwise apply' were substituted for the words 'following an inquiry and report by the Fitness to Practise Committee under section 38 of this Act' appearing in that subsection.",

(b) in subsection (2), by the substitution of "to the person to whom the decision relates" for "by pre-paid post to the person to whom the decision relates, at his address as stated in the register,", and

(c) by the substitution of the following subsection for subsection (5):

"(5) Following the decision of the High Court on an application under subsection (3), the Council or the person the subject of

that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.".

Amendment of section 41 of Act of 1985

15. Section 41 of the Act of 1985 is amended—

(a) in subsection (1) —

(i) by the substitution of "Subject to subsection (1A), the Council" for "The Council", and

(ii) by the insertion of "decide to" after "thinks fit,",

(b) by the insertion of the following subsection after subsection (1):

"(1A) A decision under subsection (1) to advise, admonish or censure a person shall not take effect unless—

(a) the decision is confirmed by the High Court on an application under subsection (4), or

(b) the 21 days referred to in subsection (4) within which the person may apply to the High Court for the cancellation of the decision expires without the person making such application.",

and

(c) by the insertion of the following subsections after subsection (2):

"(3) On making a decision to exercise a power under subsection (1), the Council shall forthwith send to the person to whom the decision relates a notice in writing stating the decision, the date on which the decision was made and the reasons for the decision.

(4) A person to whom a decision under this section relates may, not later than 21 days after the date on which the person was given notice of the decision, apply to the High Court for the cancellation of the decision.

(5) The High Court, on the hearing of an application under subsection (4) made by a person in relation to a decision under this section, may—

(a) declare that it was proper for the Council to make the decision,

(b) cancel the decision, or

(c) cancel the decision and—

(i) direct the Council to make a new decision, or

(ii) give such other directions to the Council as the Court thinks proper.

(6) The High Court may direct how the costs of the application are to be borne.".

Amendment of section 42 of Act of 1985

16. Section 42 of the Act of 1985 is amended—

(a) in subsection (2), by the substitution of "to the person to whom the decision relates" for "by pre-paid post to the person to whom the decision relates, at his address as stated in the register,",

(b) by the substitution of the following subsection for subsection (5):

"(5) Following the decision of the High Court on an application under subsection (3), the Council or the person the subject of that decision may, by leave of that Court or the Court of Appeal, appeal from the decision to the Court of Appeal on a specified question of law.",

(c) in subsection (6), by the substitution of "to such person" for "by pre-paid post to such person, at his address as stated in the register,", and

(d) by the insertion of the following subsection after subsection (7):

"(8) (a) The Registrar may, whenever he or she considers it necessary to do so for the purposes of this section, request in writing the Garda Síochána to give to him or her information concerning the criminal record of the registered dentist the subject of the request.

(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 Registrar may, whenever he or she considers it necessary to do so for the purposes of this section, request in writing that the registrar or clerk of a court which has convicted a registered dentist 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 Registrar or Council (including any committee thereof), or both, may reasonably require for the performance of his, her or its functions under this Act in relation to that dentist.

(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 registered dentist, 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 dentist for offences (if any).".

Amendment of section 44 of Act of 1985

17. Section 44 of the Act of 1985 is amended by the insertion of the following subsection after subsection (3):

"(4) (a) Paragraph (b) applies where—

(i) a registered dentist becomes the subject of an order under subsection (3), and

(ii) the Council has reason to believe that—

(I) the dentist is registered in another jurisdiction as a dentist, or has made an application to be registered as a dentist 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 Regulations of 2017, provide that body with a copy of the order and copies of other documents relevant to that order.".

Amendment of section 47 of Act of 1985

18. Section 47 of the Act of 1985 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1) —

(i) by the substitution of "Health Service Executive and such other persons as it thinks fit" for "Minister",

(ii) in paragraph (d), by the substitution of "this Act," for "this Act, or",

(iii) in paragraph (e), by the substitution of "this Act, or" for "this Act,",

(iv) by the insertion of the following paragraph after paragraph (e):

"(f) the advisement, admonishment or censure under section 41 of a person whose name is entered in a register maintained under this Act,",

and

(v) by the substitution of ", attachment of conditions or advisement, admonishment or censure," for "or attachment of conditions,",

and

(c) by the insertion of the following subsections after subsection (1):

"(2) Where it comes to the Council's attention that, under the law of a state other than the State, a measure corresponding to one referred to in any of paragraphs (a) to (f) of subsection (1) has been taken in relation to a person whose name is entered in a register maintained under this Act, the Council shall, if satisfied that it is in the public interest to do so and as soon as is practicable, give notice in writing to the Health Service Executive of the measure.

(3) The Council shall (if satisfied that, in the case of a measure referred to in subsection (2), it is in the public interest to do so) give notice in writing to an employer (other than the Health Service Executive) where—

(a) it comes to the Council's attention that any measure referred to in subsection (1) or (2) has been taken in relation to a person whose name is entered in a register maintained under this Act employed by the employer, and

(b) the employer's name is known to the Council.

(4) (a) Paragraph (b) applies where—

(i) it comes to the Council's attention that any measure referred to in subsection (1) has been taken in relation to a person whose name is entered in a register maintained under this Act, and

(ii) the Council has reason to believe that—

(I) the person is registered in another jurisdiction, and

(II) that measure 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 measure and may, and notwithstanding any provision of the Directive (within the meaning of Regulation 3 of the Regulations of 2017) or of the Regulations of 2017, provide that body with copies of documents relevant to that measure (including a copy of the report concerned referred to in section 38(3)(c)).

(5) (a) Paragraph (b) applies where—

(i) it comes to the Council's attention that any measure referred to in subsection (2) has been taken in relation to a person whose name is entered in a register maintained under this Act, and

(ii) the Council has reason to believe that—

(I) the person is registered in another jurisdiction, and

(II) that measure 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, if satisfied that it is in the public interest to do so, give notice in writing to that body of that measure.".

Information Council may publish in public interest

19. The Act of 1985 is amended by the insertion of the following section after section 47:

"47A. (1) Subject to subsection (2), the Council shall—

(a) advise the public—

(i) when any measure referred to in section 47(1)(a) to (e) takes effect under this Part in respect of a person whose name is entered in a register maintained under this Act, and

(ii) if satisfied that it is in the public interest to do so, when any measure referred to in section 47(1)(f) takes effect under this Part in respect of a person whose name is entered in a register maintained under this Act,

(b) if satisfied that it is in the public interest to do so, advise the public when any measure referred to in section 47(2) in respect of a person whose name is entered in a register maintained under this Act comes to the knowledge of the Council, and

(c) if satisfied that it is in the public interest to do so, publish a transcript of all or any part of the proceedings of the Fitness to Practise Committee at an inquiry or, subject to section 38(5), publish all or any part of a report referred to in section 38(3)(c) of the Fitness to Practise 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 to be identified).

(2) Without prejudice to the generality of subsection (1), the Council shall, at the least, use the Council website to effect any advisement or publication referred to in that subsection.

(3) The Council shall not publish anything under this section which is inconsistent with a decision (if any) of the High Court arising from the performance of a function under section 39(3) or (4), 40(3) or (4), 41(5) or (9), or 42(3) or (4).".

Amendment of section 53 of Act of 1985

20. Section 53 of the Act of 1985 is amended, in subsection (6), by the substitution of "to the person" for "by pre-paid post to the person, at his address as stated in any register maintained by the Council under this section,".

Amendment of section 58 of Act of 1985

21. Section 58 of the Act of 1985 is amended by the insertion of the following subsection after subsection (2):

"(3) The Council may publish any register maintained by it on the Council website.".

Admissibility of certain documents relating to proceedings in State or other jurisdictions

22. The Act of 1985 is amended by the insertion of the following sections after section 67:

"67A. (1) In any proceedings under this Act concerning a registered dentist, 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 registered dentist, 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 registered dentist, 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 dentist, 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;

'registered dentist' includes a person who has made an application under this Act to have his or her name entered in a register maintained under this Act which has not yet been determined by the Council;

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

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

(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 dentist 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 dentist being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.".

Amendment of Act of 1985 - insertion of sections 70 and 71

23. The Act of 1985 is amended by the insertion of the following sections after section 69:

"Power to specify form of documents

70. (1) 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 Council may—

(a) specify a form to be completed by a registered dentist in connection with the payment by the dentist of any fee determined under section 25(b), and

(b) in that form, require the practitioner to supply the Council with such information that the dentist would have to supply the Council if the practitioner were not registered but were seeking registration.

(6) In this section, 'relevant body' means—

(a) subject to paragraph (b), the Council, and

(b) in relation to a function under this Act performed by the Fitness to Practise Committee, that Committee.

Notifications under Act

71. (1) Where the Council, the Fitness to Practise Committee or the Registrar is required or authorised under this Act to notify a registered dentist or former registered dentist, or an auxiliary dental worker or former auxiliary dental worker, 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 any register maintained under this Act in which his or her name is or was (as the case may be) entered.

(2) Where the Council or the Registrar is required or authorised under this Act to notify a person (not being a registered dentist or former registered dentist or auxiliary dental worker or former auxiliary dental worker) 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.".

PART 3

Amendment of Health and Social Care Professionals Act 2005

Definition

24. In this Part, "Act of 2005" means the Health and Social Care Professionals Act 2005.

Amendment of section 3 of Act of 2005

25. Section 3 of the Act of 2005 is amended—

(a) in subsection (1), by the insertion of the following definitions:

" 'condition' includes a restriction;

'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;

'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;

'relevant profession' means any of the following professions:

(a) dentist;

(b) a designated profession;

(c) medical practitioner;

(d) midwife;

(e) nurse;

(f) pharmacist;

'restriction' includes a condition;",

and

(b) by the insertion of the following subsection after subsection (3):

"(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.".

Amendment of section 10 of Act of 2005

26. Section 10 of the Act of 2005 is amended, in subsection (1), by the substitution of "otherwise" for "othereise".

Amendment of section 27 of Act of 2005

27. Section 27 of the Act of 2005 is amended, in subsection (3), by the deletion of paragraph (e).

Amendment of section 31 of Act of 2005

28. Section 31 of the Act of 2005 is amended, in subsection (1)(fa)(i), by the substitution of the following clause for clause (II) :

"(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,".

Amendment of section 38 of Act of 2005

29. Section 38 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (ca):

"(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,",

and

(b) by the substitution of the following subsections for subsection (2F):

"(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*.".

Amendment of section 40 of Act of 2005

30. Section 40 of the Act of 2005 is amended by the insertion of the following subsections after subsection (2):

"(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).".

Amendment of section 40A of Act of 2005

31. Section 40A of the Act of 2005 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(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.",

and

(b) in subsection (2) —

(i) in paragraph (a), by the insertion of "or a material matter has occurred in relation to him or her" after "disability", and

(ii) in paragraph (b), by the insertion of "or material matter" after "disability".

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

32. The Act of 2005 is amended by the insertion of the following section after section 44:

"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.".

Amendment of section 45 of Act of 2005

33. Section 45 of the Act of 2005 is amended, in subsection (1) —

(a) in paragraph (e), by the insertion of "(including any material matter)" after "any matter", and

(b) in paragraph (f), by the insertion of "(including any material matter)" after "any matter".

Council may request certain information concerning registrant from certain bodies in State or other jurisdictions

34. The Act of 2005 is amended by the insertion of the following section after section 45:

"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.".

Amendment of section 50 of Act of 2005

35. Section 50 of the Act of 2005 is amended, in the definition of "disciplinary sanction", by the substitution of "section 66(1)" for "section 65(1)".

Amendment of section 52 of Act of 2005

36. Section 52 of the Act of 2005 is amended—

(a) in subsection (1) —

(i) in paragraph (d), by the substitution of "this Act" for "this Part", and

(ii) by the insertion of the following paragraph after paragraph (e):

"(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,",

and

(b) by the insertion of the following subsection after subsection (2):

"(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).".

Amendment of section 53 of Act of 2005

37. Section 53 of the Act of 2005 is amended—

(a) in subsection (1B), by the deletion of paragraph (b), and

(b) by the insertion of the following subsection after subsection (5):

"(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.".

Amendment of section 60 of Act of 2005

38. Section 60 of the Act of 2005 is amended by the insertion of the following subsection after subsection (3):

"(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.".

Steps to be taken by Council after receiving report

39. The Act of 2005 is amended by the substitution of the following section for section 64:

"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.".

Direction by Council to impose disciplinary sanction

40. The Act of 2005 is amended by the substitution of the following section for section 66:

"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.".

Amendment of section 67 of Act of 2005

41. Section 67 of the Act of 2005 is amended by the substitution of the following subsection for subsection (2):

"(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.".

Amendment of section 68 of Act of 2005

42. Section 68 of the Act of 2005 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1), by the substitution of "not being" for "other than", and

(c) by the insertion of the following subsection after subsection (1):

"(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.".

Amendment of section 69 of Act of 2005

43. Section 69 of the Act of 2005 is amended—

(a) in subsection (1), by the deletion of "(other than an admonishment or a censure)", and

(b) in subsection (4) —

(i) in paragraph (a), by the substitution of "direction," for "direction, and",

(ii) in paragraph (b), by the substitution of "appropriate, and" for "appropriate.", and

(iii) by the insertion of the following paragraph after paragraph (b):

"(c) direct how the costs of the application are to be borne.".

Amendment of section 70 of Act of 2005

44. Section 70 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of "not being" for "other than", and

(b) in subsection (3), by the insertion of "and direct how the costs of the application are to be borne" after "to do so".

Amendment of section 76 of Act of 2005

45. Section 76 of the Act of 2005 is amended—

(a) in subsection (1), by the substitution of "notify the Health Service Executive and such other persons as the Council thinks fit" for "notify the Minister",

(b) in subsection (2), by the substitution of ", if satisfied that it is in the public interest to do so, notify the Health Service Executive" for "notify the Minister",

(c) in subsection (3), by the insertion of "(if satisfied that, in the case of an action referred to in subsection (2), it is in the public interest to do so)" after "The Council shall", and

(d) by the insertion of the following subsections after subsection (3):

"(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.".

Amendment of section 77 of Act of 2005

46. Section 77 of the Act of 2005 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1) —

(i) by the substitution of "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)" for "may, if satisfied that it is in the public interest to do so,", and

(ii) in paragraph (i), by the substitution of "Health Service Executive" for "Minister",

and

(c) by the insertion of the following subsection after subsection (1):

"(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.".

Amendment of section 78 of Act of 2005

47. Section 78 of the Act of 2005 is amended by the deletion of paragraph (d).

Information Council may publish in public interest

48. The Act of 2005 is amended by the substitution of the following section for section 78A:

"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).".

Notifications under Act

49. The Act of 2005 is amended by the substitution of the following section for section 94:

"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.".

Amendment of Act of 2005 - insertion of sections 99 and 100

50. The Act of 2005 is amended by the insertion of the following sections after section 98:

"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.

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.".

PART 4

Amendment of Pharmacy Act 2007

Definition

51. In this Part, "Act of 2007" means the Pharmacy Act 2007.

Amendment of section 2 of Act of 2007

52. Section 2 of the Act of 2007 is amended—

(a) in subsection (1), by the insertion of the following definitions:

" 'condition' includes a restriction;

'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;

'inspect' includes search;

'partner' shall be construed in accordance with the Partnership Act 1890;

'record' includes, in addition to a record in writing—

(a) a disc, tape, sound-track or other device in which information, sounds or signals are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in legible or audible form,

(b) a film, tape or other device in which visual images are embodied so as to be capable (with or without the aid of some other instrument) of being reproduced in visual form, and

(c) a photograph,

and any reference to a copy of a record includes—
(i) in the case of a record to which paragraph (a) applies, a transcript of the sounds or signals embodied therein,

(ii) in the case of a record to which paragraph (b) applies, a still reproduction of the images embodied therein, and

(iii) in the case of a record to which paragraphs (a) and (b) apply, such a transcript together with such a still reproduction;

'relevant profession' means any of the following professions:

(a) dentist;

(b) a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005;

(c) medical practitioner;

(d) midwife;

(e) nurse;

(f) pharmacist;

'restriction' includes a condition;

'this Act' includes a statutory instrument made under this Act;",

and

(b) by the insertion of the following subsection after subsection (5):

"(6) Unless otherwise specified in this Act, nothing in this Act shall be construed to prejudice the performance by the Council 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.".

Amendment of section 7 of Act of 2007

53. Section 7 of the Act of 2007 is amended in subsection (1) —

(a) by the insertion of "and pharmaceutical assistants" after "pharmacists" in paragraph (d), and

(b) by the substitution of the following paragraph for paragraph (e):

"(e) to—

(i) supervise compliance with this Act, and

(ii) supervise compliance by pharmacists, pharmaceutical assistants and pharmacy owners in their respective capacities as such, with—

(I) the Poisons Acts 1961 and 1977,

(II) the Misuse of Drugs Acts 1977 to 2017,

(III) the Animal Remedies Acts 1993 and 2006,

(IV) the Irish Medicines Boards Acts 1995 and 2006,

(V) the Health (Pricing and Supply of Medical Goods) Act 2013,

(VI) any statutory instrument made under any of those Acts, and

(VII) the European Communities (Animal Remedies) (No. 2) Regulations 2007 (S.I. No. 786 of 2007),

and".

Amendment of section 11 of Act of 2007

54. Section 11 of the Act of 2007 is amended—

(a) by the insertion of the following subsections after subsection (2):

"(2A) The Council may make rules in relation to the specification of grounds for the purposes of section 16(2)(c) after having regard to—

(a) the standard of education and training required to obtain recognition as a pharmacist in the State referred to in that section for persons seeking to become pharmacists,

(b) the practical experience of such persons, and

(c) the continued professional development for such pharmacists.

(2B) Subject to subsection (2C), the Council may, for the purposes of section 14(1)(a) (including that section as read with section 14(5)) make rules for the purposes of setting criteria to be complied with by persons who wish to—

(a) resume practice as a registered pharmacist after not having so practised for a period specified in the rules, or

(b) commence practice as a registered pharmacist after not having so practised previously where a period specified in the rules has elapsed since such persons have obtained their respective qualifications in pharmacy pursuant to which they wish to so practise.

(2C) Criteria to be complied with by persons referred to in subsection (2B) may include criteria in relation to—

(a) the education or training of those persons,

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

(c) any other matter where, in the opinion of the Council, the specification in rules of criteria in relation to that matter is necessary or desirable for the protection of the public.",

(b) in subsection (4), by the substitution of "subsection (2), (2A), (2B) or (3)" for "subsection (2) or (3)", and

(c) in subsection (5), by the substitution of "subsection (2), (2A), (2B) or (3)" for "subsection (2) or (3)".

Amendment of section 14 of Act of 2007

55. Section 14 of the Act of 2007 is amended, in subsection (1), by the deletion of paragraph (f).

Amendment of section 16 of Act of 2007

56. Section 16 of the Act of 2007 is amended—

(a) in subsection (2) —

(i) in paragraph (a), by the substitution of "Regulations," for "Regulations, or",

(ii) in paragraph (b), by the substitution of "the State, or" for "the State.", and

(iii) by the insertion of the following paragraph after paragraph (b):

"(c) he or she has a qualification in pharmacy from a state other than the State which—

(i) falls within a ground prescribed for the purposes of this paragraph, and

(ii) in the opinion of the Council, is of a standard not lower than the standard of that necessary for practice in the State.",

and

(b) in subsection (3)(a), by the substitution of "subsection (2)(b) or (c)" for "subsection (2)(b)".

Amendment of section 19 of Act of 2007

57. Section 19 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) by the insertion of "(within the meaning of section 66)" after "authorised officer", and

(ii) by the insertion of ", and the provisions of Part 7 shall apply accordingly for the purposes of such inspection" after "section 18",

and

(b) in subsection (2), by the insertion of "(within the meaning of section 66)" after "authorised officer".

Amendment of Act of 2007 - insertion of sections 21B and 21C

58. The Act of 2007 is amended by the insertion of the following sections before section 22:

"Declarations by registered pharmacists in relation to certain matters in State or other jurisdictions, etc.

21B. (1) Subject to subsections (2) to (4), a registered pharmacist shall, in each year, give to the Council a declaration in writing in the specified form providing particulars of any relevant proceedings that are pending or in progress.

(2) If, in any year, subsection (1) does not apply to a registered pharmacist because there are no particulars referred to in that subsection which he or she is required to give to the Council, the pharmacist shall give to the Council a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a registered pharmacist gave particulars referred to in subsection (1) to the Council, there has been no material change in the matter to which the particulars relate, the pharmacist may, instead of again giving those particulars to the Council, give to the Council a declaration in writing to the effect that there has been no material change to the matter to which the particulars relate.

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

(a) not earlier than 60 days before he or she is required to pay, in that year, the prescribed fee referred to in section 14(1)(c) that applies in the case of the continued registration referred to in section 14(5), and

(b) not later than the last day of that 60 days.

(5) A registered pharmacist shall, not later than 3 months after the final determination of any relevant proceedings, give to the Council—

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

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

(6) The Council may, by notice in writing given to a registered pharmacist who has made a declaration under this section, require the pharmacist to provide to the Council, within a reasonable period specified in the notice, further information concerning any particulars provided to the Council in the declaration.

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

(b) Where the Council considers that a registered pharmacist has contravened paragraph (a), the Council shall forthwith make a complaint under section 35.

(8) In this section—

'final determination', in relation to any relevant proceedings and a registered pharmacist, 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 pharmacist, 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 registered pharmacist, means any disciplinary or judicial proceedings (other than any such proceedings under this Act) in respect of which the pharmacist is the subject—

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

(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 pharmacist 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 pharmacist being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.

Declarations by pharmacy owner

21C. (1) Subject to subsections (2) to (4), a pharmacy owner shall, in each year, give to the Council a declaration in writing in the specified form providing particulars of any relevant proceedings that are pending or in progress.

(2) If, in any year, subsection (1) does not apply to a pharmacy owner because there are no particulars referred to in that subsection which he or she is required to give to the Council, the owner shall give to the Council a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a pharmacy owner gave particulars referred to in subsection (1) to the Council, there has been no material change in the matter to which the particulars relate, the owner may, instead of again giving those particulars to the Council, give to the Council a declaration in writing to the effect that there has been no material change to the matter to which the particulars relate.

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

(a) not earlier than 60 days before there is required to be paid, in that year, the prescribed fee referred to in section 17(1)(e) that applies in the case of the continued registration referred to in section 17(3), and

(b) not later than the last day of that 60 days.

(5) A pharmacy owner shall, not later than 3 months after the final determination of any relevant proceedings, give to the Council—

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

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

(6) The Council may, by notice in writing given to a pharmacy owner who has made a declaration under this section, require the owner to provide to the Council, within a reasonable period specified in the notice, further information concerning any particulars provided to the Council in the declaration.

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

(b) Where the Council considers that a pharmacy owner has contravened paragraph (a), the Council shall forthwith make a complaint under section 36.

(8) In this section, references to a pharmacy owner include references to a director of a corporate body which owns the retail pharmacy business concerned.

(9) In this section—

'final determination', in relation to any relevant proceedings and a pharmacy owner, 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 owner, 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 pharmacy owner, means any disciplinary or judicial proceedings (other than any such proceedings under this Act) in respect of which the owner is the subject—

(a) concerning a contravention or alleged contravention of a provision of an Act or statutory instrument referred to in section 7(1)(e)(ii),

(b) in another jurisdiction which may result in the owner 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 owner being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.".

Council may request certain information concerning registered pharmacists from certain bodies in State or other jurisdictions

59. The Act of 2007 is amended by the insertion of the following section after section 23:

"23A. (1) Where a registered pharmacist provides, or has provided, one or more than one kind of health or social care in the State or another jurisdiction, the Council 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 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 pharmacist;

(b) the pharmacist'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) —

'material matter', in relation to a registered pharmacist, means—

(a) any of the following taken by any regulatory body (whether in or outside the State), other than the Council, in relation to the provision of one or more than one kind of health or social care by such pharmacist:

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

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

(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;

'registered pharmacist' includes a person who has made an application under section 14 for registration which has not yet been determined by the Council;

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

Amendment of section 34 of Act of 2007

60. Section 34 of the Act of 2007 is amended by the insertion of the following subsection after subsection (11):

"(12) In this section, references to a pharmacy owner include references to a registered pharmacist who is a director of, or a shareholder in, a corporate body which carries on a retail pharmacy business.".

Amendment of section 35 of Act of 2007

61. Section 35 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) by the insertion of the following paragraphs after paragraph (eb):

"(ec) a failure to comply, in his or her capacity as a registered pharmacist, with a provision of an Act or statutory instrument referred to in section 7(1)(e)(ii),

(ed) the imposition on the pharmacist 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,",

and

(ii) in paragraph (f), by the deletion of "or rules made by the Council under this Act",

and

(b) by the insertion of the following subsection before subsection (4):

"(3B) (a) The registrar 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 registered pharmacist 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 registrar 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 registered pharmacist 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 registrar 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 pharmacist.

(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 registered pharmacist, 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 pharmacist for offences (if any).".

Amendment of section 36 of Act of 2007

62. Section 36 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) in paragraph (b), by the substitution of "(whether in the State or another jurisdiction) or has committed misconduct (whether in the State or another jurisdiction)" for "or has committed misconduct",

(ii) by the insertion of the following paragraph after paragraph (b):

"(ba) the pharmacy owner—

(i) has failed to comply, in his or her capacity as a pharmacy owner, with a provision of an Act or statutory instrument referred to in section 7(1)(e)(ii), or

(ii) has contravened section 21C(7)(a),",

(iii) by the deletion of "or" immediately preceding paragraph (d),

(iv) in paragraph (d), by the substitution of "under section 18, or" for "under section 18.", and

(v) by the insertion of the following paragraph after paragraph (d):

"(e) the pharmacy owner or an employee or partner of the pharmacy owner has contravened a provision of this Act not otherwise referred to in this subsection.",

and

(b) by the insertion of the following subsection after subsection (3):

"(4) Section 35(3B) shall, with all necessary modifications, apply to a pharmacy owner as that section applies to a registered pharmacist within the meaning of that section.".

Amendment of section 45 of Act of 2007

63. Section 45 of the Act of 2007 is amended by the insertion of the following subsection after subsection (5):

"(6) (a) Paragraph (b) applies where—

(i) a registered pharmacist becomes the subject of an order under subsection (1), and

(ii) the Council has reason to believe that—

(I) the pharmacist is registered in another jurisdiction as a pharmacist or has made an application to be registered

as a pharmacist 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.".

Amendment of section 46 of Act of 2007

64. Section 46 of the Act of 2007 is amended by the insertion of the following subsection after subsection (1):

"(1A) If a registered pharmacist or pharmacy owner gives an undertaking or consent the subject of a request under subsection (1) by the committee of inquiry, the inquiry into the complaint shall be considered to be completed.".

Amendment of section 48 of Act of 2007

65. Section 48 of the Act of 2007 is amended by the insertion of the following subsection after subsection (2):

"(3) If the report referred to in section 47(1) follows an undertaking or consent under section 46(1), then the measures to be taken in respect of the registered pharmacist or the pharmacy owner shall be those contained in the report.".

Amendment of section 49 of Act of 2007

66. Section 49 of the Act of 2007 is amended by the substitution of the following subsection for subsection (2):

"(2) If the Council has imposed a disciplinary sanction other than a disciplinary sanction arising out of measures referred to in section 48(3), the notification under subsection (1) must also specify—

(a) the time within which the registered pharmacist or pharmacy owner may apply to the High Court for cancellation of the decision, and

(b) in the case of a disciplinary sanction other than an admonishment or a censure, the time within which the Council may apply to the High Court for confirmation of the decision.".

Amendment of section 50 of Act of 2007

67. Section 50 of the Act of 2007 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1), by the substitution of "not being" for "other than", and

(c) by the insertion of the following subsection after subsection (1):

"(2) A decision under section 48 to impose a disciplinary sanction (being an admonishment or a censure) does not take effect unless—

(a) the decision is confirmed by the High Court on application under section 51, or

(b) the 30 days referred to in section 51(2) within which the registered pharmacist or pharmacy owner concerned may make an application to the High Court for an order cancelling the decision expires without the registered pharmacist or pharmacy owner making such application.".

Amendment of section 51 of Act of 2007

68. Section 51 of the Act of 2007 is amended—

(a) in subsection (1), by the substitution of "a disciplinary sanction arising out of measures referred to in section 48(3)" for "an admonishment or a censure", and

(b) by the substitution of the following subsection for subsection (4):

"(4) The High Court may, on an application for an order under subsection (1) —

(a) make any other order it considers just, including an order confirming or modifying the decision, and

(b) give the Council any direction,

and direct how the costs of the application are to be borne.".

Amendment of section 52 of Act of 2007

69. Section 52 of the Act of 2007 is amended—

(a) in subsection (1), by the insertion of "(not being a decision to impose the disciplinary sanction of an admonishment or a censure)" after "decision", and

(b) by the insertion of the following subsection after subsection (4):

"(5) The High Court may direct how the costs of an application under this section are to be borne.".

Amendment of section 56 of Act of 2007

70. Section 56 of the Act of 2007 is amended—

(a) in subsection (1), by the substitution of "Health Service Executive and such other persons as it thinks fit" for "Minister",

(b) in subsection (2), by the substitution of ", if satisfied that it is in the public interest to do so, notify the Health Service Executive" for "notify the Minister",

(c) in subsection (3), by the insertion of "(if satisfied that, in the case of an action referred to in subsection (2), it is in the public interest to do so)" after "shall", and

(d) by the insertion of the following subsections after subsection (3):

"(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 registered pharmacist, and

(ii) the Council has reason to believe that—

(I) the pharmacist is registered in another jurisdiction, 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.

(b) The Council shall give notice in writing to that body of that action and may, notwithstanding any provision of the Professional Qualifications Directive 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 47).

(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 registered pharmacist, and

(ii) the Council has reason to believe that—

(I) the pharmacist is registered in another jurisdiction, 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.

(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.".

Amendment of section 57 of Act of 2007

71. Section 57 of the Act of 2007 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1) —

(i) by the substitution of "(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)" for ", if satisfied that it is in the public interest to do so,", and

(ii) in paragraph (i), by the substitution of "Health Service Executive" for "Minister",

and

(c) by the insertion of the following subsections after subsection (1):

"(2) 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 47 of a committee of inquiry (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 to be identified).

(3) The Council shall not publish anything under this section which is inconsistent with a decision (if any) of the High Court arising from the performance of a function under section 51 or 52.".

Amendment of section 63 of Act of 2007

72. Section 63 of the Act of 2007 is amended, in subsection (5)(a), by the deletion of the definition of "partner".

Amendment of section 66 of Act of 2007

73. Section 66 of the Act of 2007 is amended—

(a) by the insertion of "and Schedule 3" after "In this Part",

(b) by the deletion of the definitions of "inspect", "record" and "this Act", and

(c) by the insertion of the following definition:

" 'relevant enactment' means—

(a) this Act, or

(b) any Act or statutory instrument referred to in section 7(1)(e)(ii). ".

Amendment of section 67 of Act of 2007

74. Section 67 of the Act of 2007 is amended—

(a) in subsection (1)(a), by the substitution of "this Act" for "this Part",

(b) in subsection (2), by the substitution of "this Act" for "this Part",

(c) in subsection (3) —

(i) by the substitution of "offence under a relevant enactment" for "offence under this Act",

(ii) in paragraphs (c), (d) and (e), by the substitution of "this Act" for "this Part" in each place that it occurs,

(iii) in paragraph (g), by the substitution of "a relevant enactment" for "this Act", and

(iv) in paragraphs (h), (i), (m) and (n), by the substitution of "this Act" for "this Part" in each place that it occurs,

(d) by the insertion of the following subsection after subsection (3):

"(3A) Following an investigation under this section by an authorised officer, the officer shall furnish a written report on the investigation to the Council.",

(e) in subsection (4), by the substitution of "this Act" for "this Part",

(f) in subsection (7)(a), by the substitution of "this Act" for "this Part",

(g) in subsection (8), by the substitution of "a relevant enactment" for "this Act", and

(h) in subsection (12), by the substitution of "this section" for "this paragraph".

Amendment of section 70 of Act of 2007

75. Section 70 of the Act of 2007 is amended by the substitution of "this Act" for "this Part".

Amendment of Act of 2007 - insertion of sections 78 and 79

76. The Act of 2007 is amended by the insertion of the following sections after section 77:

"Admissibility of certain documents relating to proceedings in State or other jurisdictions

78. (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) a registered pharmacist,

(b) a person who has made an application under section 14 for registration as a pharmacist which has not yet been determined by the Council,

(c) the pharmacy owner of a registered retail pharmacy business or an employee or partner of the pharmacy owner,

(d) the pharmacy owner of a retail pharmacy business who has made an application under section 17 for the registration of the business which has not yet been determined by the Council, or

(e) where a corporate body owns all or part of a registered retail pharmacy business, any person being a director (including a shadow director as construed in accordance with section 221 of the Companies Act 2014), manager, secretary or any other officer of the corporate body or a person who was purporting to act in any such capacity;

'relevant proceedings', in relation to a relevant person, means any disciplinary or judicial proceedings (other than any 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.

Power to specify form of documents

79. (1) 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 Council may—

(a) specify a form to be completed by a registered pharmacist in connection with the payment by the pharmacist of any fee for continued registration referred to in section 14(5), and

(b) in that form, require the pharmacist to supply the Council with such information that the pharmacist would have to supply the

Council if the pharmacist were not registered but were seeking registration.

(6) Without prejudice to the generality of subsection (1), the Council may—

(a) specify a form to be completed by a pharmacy owner in connection with the payment by the pharmacy owner of any fee for continued registration referred to in section 17(3) of the retail pharmacy business concerned, and

(b) in the form, require the pharmacy owner to supply the Council with such information that the pharmacy owner would have to supply the Council if that retail pharmacy business were not registered but the pharmacy owner was seeking registration of the business.

(7) In this section, 'relevant body' means the following:

(a) subject to paragraphs (b) and (c), the Council;

(b) in relation to a function under this Act performed by a preliminary proceedings committee, that committee;

(c) in relation to a function under this Act performed by a committee of inquiry, that committee.".

PART 5

Amendment of Medical Practitioners Act 2007

Definition

77. In this Part, "Act of 2007" means the Medical Practitioners Act 2007.

Amendment of section 2 of Act of 2007

78. Section 2 of the Act of 2007 is amended—

(a) by renumbering the section as subsection (1),

(b) in subsection (1) —

(i) in the definition of "appropriate fee", by the insertion of "(if any)" after "means the fee",

(ii) in the definition of "certificate of experience", by the substitution of "an intern pursuant to section 36F(2)" for "a medical practitioner pursuant to section 49(2)",

(iii) by the substitution of the following definition for the definition of "certificate of registration":

" 'certificate of registration' —

(a) in relation to an intern, means a certificate referred to in section 36B(5),

(b) in relation to an adapter, means a certificate referred to in section 36L(5), and

(c) in relation to a medical practitioner, means a certificate referred to in section 43(5);",

(iv) in the definition of "conditions", by the insertion of "and restrictions" after "terms",

(v) in the definition of "decision", by the substitution of "section 36H, 36P, 54, 75, 83, 90 or 92" for "section 54, 75, 83, 90 or 92",

(vi) by the substitution of the following definition for the definition of "medical practitioner":

" 'medical practitioner' means a person who holds a qualification recognised under section 44A(2) or who falls within section 50A(2);",

(vii) by the substitution of the following definition for the definition of "Member State":

" 'Member State' means a state, other than the State, which is a member of the European Union, and includes—

(a) a State 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

(b) Switzerland;",

(viii) by the substitution of the following definition for the definition of "registered":

" 'registered', except in Parts 5A and 5B, means registered under section 44, 46, 47, 48, 50 or 50A;",

(ix) by the substitution of the following definition for the definition of "registered medical practitioner":

" 'registered medical practitioner', subject to sections 56A and 56B, means a medical practitioner whose name is entered in the register;",

(x) by the substitution of the following definition for the definition of "relevant conditions":

" 'relevant conditions' —

(a) in relation to an intern, means any conditions attached to the registration of the intern pursuant to—

(i) section 36G(3), (7) or (8),

(ii) a decision confirmed or given under section 36H(4),

(iii) a decision referred to in section 78(1) as that section is construed in accordance with section 56B,

(iv) section 81(3) as that section is construed in accordance with section 56B, or

(v) a decision confirmed or given under section 83(3) as that section is construed in accordance with section 56B,

(b) in relation to an adapter, means any conditions attached to the registration of the adapter pursuant to—

(i) section 36O(3), (7) or (8),

(ii) a decision confirmed or given under section 36P(4),

(iii) a decision referred to in section 78(1) as that section is construed in accordance with section 56B,

(iv) section 81(3) as that section is construed in accordance with section 56B, or

(v) a decision confirmed or given under section 83(3) as that section is construed in accordance with section 56B,

or

(c) in relation to a registered medical practitioner, means any conditions attached to the registration of the practitioner pursuant to—

(i) section 53(3) or (7),

(ii) a decision confirmed or given under section 54(4),

(iii) a decision referred to in section 78(1),

(iv) section 81(3), or

(v) a decision confirmed or given under section 83(3);",

(xi) by the substitution of the following definition for the definition of "relevant medical disability":

" 'relevant medical disability', in relation to a person, means a physical or mental disability of the person (including addiction to alcohol or drugs) which may impair the person's ability to practise medicine or a particular aspect thereof;",

(xii) by the insertion of the following definitions:

" 'adapter' means a relevant person whose name is entered in the register of adapters;

'approved medical degree' means a degree awarded in consequence of the completion of a programme of medical education and training approved under section 88(2)(a)(i)(I);

'authorised officer' means a member of the staff of the Council appointed under section 58(1) to be an authorised officer to perform the functions specified under section 58(2);

'certificate of adaptation' means a certificate of adaptation granted to an adapter pursuant to section 36N(2);

'general qualification' shall be construed in accordance with section 44B;

'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 as a member or former member of a relevant profession;

'Irish formal qualification' means—

(a) an approved medical degree completed mainly in the State, and

(b) a certificate of experience;

'investigation', in relation to a complaint, means an investigation referred to in section 58A(1);

'investigation report', in relation to a complaint, means a report referred to in section 58A(3) prepared following the investigation of the complaint;

'intern' means a person whose name is entered in the register of interns;

'intern qualification' shall be construed in accordance with section 36D;

'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), other than the Council, 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;

(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;

'registered address' —

(a) in relation to a registered medical practitioner, means the address specified in the register of medical practitioners as the practitioner's address,

(b) in relation to an intern, means the address specified in the register of interns as the intern's address, and

(c) in relation to an adapter, means the address specified in the register of adapters as the adapter's address;

'register of adapters' means the register of adapters established under section 36L(1);

'register of interns' means the register of interns established under section 36B(1);

'register of medical practitioners' means the register;

'relevant person' has the meaning assigned to it by section 36K;

'relevant profession' means any of the following professions:

(a) dentist;

(b) a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005;

(c) medical practitioner;

(d) midwife;

(e) nurse;

(f) pharmacist;

'restriction' includes a condition;

'specialist qualification' shall be construed in accordance with section 44C;",

and

(xiii) by the deletion of the definitions of "basic medical qualification" and "formal qualification",

and

(c) by the insertion of the following subsection after subsection (1):

"(2) Unless otherwise specified in this Act, nothing in this Act shall be construed to prejudice the performance by the Council of its functions under the Regulations of 2017 as the competent authority in respect of the regulated professions (within the meaning of Regulation 3 of those Regulations) concerned.".

Annotations

Amendments:

F1 Substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 11(1)(a), (b), not commenced as per subss. (2), (3) as of date of revision.

F2 Deleted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 11(1)(c), not commenced as of date of revision as per subs. (2).

Modifications (not altering text):

C1 Prospective affecting provision: para. (b)(xii) amended and definition of Irish formal qualification deleted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 11(a), (b), (c), not commenced as per subs. (2) as of date of revision.

(xii) ...

F1**[**"approved medical degree" means—

(a) a degree awarded in consequence of the completion of a programme of medical education and training approved under section 88(2)(a)(i)(I),

(b) a degree, diploma or other qualification recognised in accordance with section 88(7), or

(c) a qualification that meets the requirements for recognition under section 36D(b);**]**

F1**[**"authorised officer" means a person appointed under section 58(1)(a);**]**

...

F2**[**...**]**

Amendment of section 7 of Act of 2007

79. Section 7 of the Act of 2007 is amended—

(a) in subsection (2) —

(i) in paragraph (a), by the insertion of "of medical practitioners, the register of interns and the register of adapters" after "the register",

(ii) in paragraph (c), by the insertion of "(including the granting of certificates of experience or certificates of adaptation)" after "continued registration",

(iii) in paragraph (i), by the insertion of ", interns and adapters" after "medical practitioners" in each place that it occurs, and

(iv) in paragraph (l), by the insertion of ", interns and adapters" after "medical practitioners",

and

(b) in subsection (5), by the insertion of ", including the making of arrangements with any person to assist the Council or a committee in the proper discharge of any of the Council's or committee's (as the case may be) functions" after "its functions".

Amendment of section 8 of Act of 2007

80. Section 8 of the Act of 2007 is amended, in subsection (1)(a), by the substitution of the following subparagraph for subparagraph (i):

"(i) registered medical practitioners, interns or adapters, their education and training and the practise of medicine by registered medical practitioners, interns and adapters, or".

Amendment of section 11 of Act of 2007

81. Section 11 of the Act of 2007 is amended—

(a) in subsection (2) —

(i) by the insertion of the following paragraphs after paragraph (c):

"(ca) the form and manner in which the register of interns is to be maintained,

(cb) the details relating to interns that, in addition to their names, are to be entered into the register of interns or their certificates of registration or both,

(cc) the form and manner in which the register of adapters is to be maintained,

(cd) the details relating to adapters that, in addition to their names, are to be entered in the register of adapters or their certificates of registration or both,

(ce) permits for the purposes of section 38B(3),",

(ii) by the substitution of the following paragraph for paragraph (g):

"(g) subject to subsection (3A), the establishment, membership, functions and procedures of subcommittees of committees, including—

(i) in the case of the Preliminary Proceedings Committee, subcommittees to give initial consideration to complaints on behalf of that Committee, and

(ii) in the case of the Fitness to Practise Committee, subcommittees inquiring, on behalf of that Committee, into complaints referred to that Committee,",

(iii) by the substitution of the following paragraphs for paragraph (h):

"(h) the setting of criteria for assessing applications by persons for registration in any division of the register,

(ha) the setting of criteria for assessing applications by persons for entry in the register of interns,

(hb) the setting of criteria for assessing applications by relevant persons for entry in the register of adapters,

(hc) subject to subsection (2A), the setting of criteria to be complied with by persons who wish to—

(i) resume practising medicine after not having practised medicine for a period specified in the rules, or

(ii) commence practising medicine after not having practised medicine previously where a period specified in the rules has elapsed since such persons have obtained their respective qualifications in medicine pursuant to which they wish to practise medicine,

(hd) without prejudice to the generality of paragraphs (h) to (hc), the setting of criteria, for persons referred to in any of those paragraphs, providing for the controls to be carried out to ensure that those persons have a knowledge of either the English language or the Irish language necessary for practising medicine in the State,",

(iv) by the substitution of the following paragraphs for paragraphs (i) and (j):

"(i) the specification of examinations for the purposes of section 44B(1)(b),

(j) the specification of the grounds for the purposes of section 44B(1)(c),",

(v) by the deletion of paragraphs (k) to (q), and

(vi) in paragraph (r), by the substitution of "section 36F(3)" for "subsection (3) of section 49",

(b) by the insertion of the following subsection after subsection (2):

"(2A) Criteria to be complied with by persons referred to in subsection (2)(hc) may include criteria in relation to—

(a) the education or training of those persons,

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

(c) any other matter where, in the opinion of the Council, the specification in rules made under this section of criteria in relation to that matter is necessary or desirable for the protection of the public.",

and

(c) by the insertion of the following subsection after subsection (3):

"(3A) Without prejudice to the generality of subsection (2)(g), rules made under that subsection may provide that—

(a) the chairperson of the Preliminary Proceedings Committee, or such other member of that Committee who is authorised by the rules to do so, may establish, in accordance with the rules, a subcommittee referred to in subsection (2)(g)(i), or

(b) the chairperson of the Fitness to Practise Committee, or such other member of that Committee who is authorised by the rules to do so, may establish, in accordance with the rules, a subcommittee referred to in subsection (2)(g)(ii).".

Annotations

Amendments:

F3 Substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 12(1), not commenced as per subs. (2) as of date of revision.

Modifications (not altering text):

C2 Prospective affecting provision: para. (a)(iv) substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 12(1), not commenced as per subs. (2) as of date of revision.

F3**[**(iv) by—

(I) the substitution of the following paragraphs for paragraphs (i) and (j):

'(i) specification of the examinations for the purposes of subparagraph (i) of section 44B(1)(a),

(j) the specification of the rules for the purposes of subparagraph (iv) of section 44B(1)(a),',

and

(II) the insertion of the following paragraph after paragraph (i):

'(ia) the specification of the grounds for the purposes of subparagraph (ii) of section 44B(1)(a),'**]**

Amendment of section 12 of Act of 2007

82. Section 12 of the Act of 2007 is amended, in subsection (1), by the insertion of ", interns, adapters" after "medical practitioners".

Amendment of section 17 of Act of 2007

83. Section 17 of the Act of 2007 is amended, in subsection (1)(a), by the deletion of "basic".

Amendment of section 20 of Act of 2007

84. Section 20 of the Act of 2007 is amended—

(a) in subsection (4)(b), by the substitution of "section 59A(1)(c) or 67(1)(c)" for "section 67(1)(c)",

(b) by the deletion of subsection (6),

(c) in subsection (8), by the deletion of ", including the chairperson,", and

(d) by the insertion of the following subsections after subsection (14):

"(15) (a) Where the Council establishes a subcommittee of a committee, that subcommittee may perform any of the functions of that committee as if it were that committee, and every reference in this Act to that committee shall, unless the context otherwise requires, be construed as including a reference to that subcommittee.

(b) Subject to paragraph (d), where a subcommittee of the Preliminary Proceedings Committee is established pursuant to rules made under section 11, that subcommittee may perform any of the functions of that Committee as if it were the Preliminary Proceedings Committee, and every reference in this Act to the Preliminary Proceedings Committee shall, unless the context otherwise requires, be construed as including a reference to the subcommittee.

(c) Subject to paragraph (d), where a subcommittee of the Fitness to Practise Committee is established pursuant to rules made under section 11, that subcommittee may perform any of the functions of that Committee as if it were the Fitness to Practise Committee, and every reference in this Act to the Fitness to Practise Committee shall, unless the context otherwise requires, be construed as including a reference to that subcommittee.

(d) Neither paragraph (b) nor (c) shall be construed as entitling a subcommittee referred to in that paragraph to itself establish a subcommittee.

(16) Where the term of office of one or more members of a committee ends during the consideration of a matter, including the consideration of a complaint under Part 7 or 8, the Council shall decide—

(a) that the member or members may continue in office beyond the expiration of his or her term, or their terms, for so long as is required for the committee to finish consideration of the matter,

(b) that the committee, as constituted without that member or those members, shall continue to consider that matter provided that the committee can achieve a quorum, or

(c) that the consideration of that matter be stopped and that a new constituted committee begin to consider the matter once the vacancy or vacancies created by the expiration of the term or terms has or have been filled,

and any decision of the committee on that matter following the Council's decision shall be valid as if no term of office had so expired.

(17) On the expiration of the term of office as a Council member of a person who is a member of a section 20(2) committee, that member may continue in office as a member of that committee beyond the expiration of the term so long as it is required for the committee to finish the consideration of a matter being considered by it on the date of that expiration, and the decision of the committee on that matter concerned shall be as valid as if the term of office as a member of the Council had not expired.

(18) The Council may dissolve a committee other than a section 20(2) committee.".

Amendment of section 23 of Act of 2007

85. Section 23 of the Act of 2007 is amended, in subsection (1) —

(a) by the insertion of ", in the Minister's opinion" after "from office if", and

(b) in paragraph (c), by the deletion of "the Minister is satisfied that".

Amendment of section 24 of Act of 2007

86. Section 24 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) in paragraph (a), by the substitution of "business of the Council," for "business of the Council, and", and

(ii) by the insertion of the following paragraph after paragraph (a):

"(aa) investigate complaints, and",

and

(b) by the insertion of the following subsections after subsection (4):

"(5) If the chief executive officer is absent or the position of chief executive officer is vacant, the functions of the chief executive officer may be performed, by an employee of the Council designated by the Council, for a period of not more than 6 months in any year as specified by the Council or such further period as specified by the Council with the consent of the Minister.

(6) The chief executive officer may delegate in writing any of his or her functions to a specified member of staff of the Council, and that member of staff shall be accountable to the chief executive officer for the performance of the functions so delegated.

(7) The chief executive officer may revoke in writing a delegation made in accordance with this section.".

Amendment of section 36 of Act of 2007

87. Section 36 of the Act of 2007 is amended, in subsection (1) —

(a) in paragraph (a), by the deletion of ", 49",

(b) in paragraph (b), by the deletion of ", 49",

(c) in paragraph (c), by the substitution of "or 48" for ", 48 or 49",

(d) by the insertion of the following paragraphs after paragraph (c):

"(ca) the registration under section 36E of a person,

(cb) the annual retention of the registration under section 36E of an intern,

(cc) the recognition under section 36C or 44A of a qualification (other than a professional qualification referred to in paragraph (cf)) held by a person,

(cd) the registration under section 36M of a relevant person,

(ce) the annual retention of the registration under section 36M of an adapter,

(cf) the recognition under the Regulations of 2017 of a professional qualification (within the meaning of Regulation 3 of those Regulations) as a medical practitioner or specialised doctor,",

and

(e) in paragraph (e), by the insertion of ", intern or adapter" after "medical practitioner".

Registration of interns

88. The Act of 2007 is amended by the insertion of the following Part after Part 5:

"PART 5A

Registration of Interns

Definitions

36A. In this Part—

'intern qualification' shall be construed in accordance with section 36D;

'register' means the register of interns;

'registered' means registered under section 36E.

Register of interns

36B. (1) The Council shall establish and maintain a register to be known as the register of interns.

(2) The register shall contain the names of persons registered in it pursuant to section 36E and such other identifying particulars of those persons as the Council considers appropriate.

(3) The register may be established and maintained in paper or electronic form.

(4) A certificate purporting to be signed by the chief executive officer, or another member of the staff of the Council authorised by the chief executive officer to give a certificate under this subsection, and to certify that on a specified day or days or during the whole of a specified period—

(a) a person named in the certificate—

(i) was an intern, or

(ii) was not an intern,

or

(b) the registration of an intern named in the certificate was subject to the relevant conditions specified in the certificate,

shall, without proof of the signature of the person purporting to sign the certificate or that the person was the chief executive officer or another member of the staff of the Council so authorised, as the case may be, be evidence, unless the contrary is proved, of the matters stated in the certificate.

(5) The Council shall, as soon as is practicable after a person has been registered and the appropriate fee paid, give the person a certificate stating—

(a) the person's name,

(b) the registration number attached to the person's registration, and

(c) such other identifying particulars of the person as the Council considers appropriate.

(6) Where relevant conditions have been attached to the registration of an intern, the Council shall enter in the register—

(a) a statement that the intern's registration is subject to conditions, and

(b) particulars of the conditions.

(7) An intern shall, as soon as may be after the intern has received his or her certificate of registration and if it is practicable to do so, cause the certificate to be displayed—

(a) at the principal place where the intern practises medicine, and

(b) at all times during which the intern's registration continues and at no other time.

(8) An intern shall, as soon as may be after he or she has received his or her certificate of registration, cause the registration number stated on that certificate to be included on all medical prescriptions and all other documentation and records, whether in paper or electronic form, relating to that intern's practice as an intern.

(9) (a) In this subsection—

'person concerned' means a person whose name is, immediately before the relevant commencement, entered in the Trainee Specialist Division pursuant to section 49;

'relevant commencement' means the date of commencement of *section 88* of the *Regulated Professions (Health and Social Care)(Amendment) Act 2020.*

(b) Subject to paragraph (c), this Act as in force immediately before the relevant commencement shall continue to apply and have effect in respect of a person concerned as if *section 88* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020* had not been commenced.

(c) Paragraph (b) shall cease to apply to a relevant person immediately upon—

(i) the person's name ceasing to be entered in the Trainee Specialist Division pursuant to section 49 (but without

prejudice to any entry of that person's name in that Division pursuant to section 48), or

(ii) the person being granted a certificate of experience,

whichever first occurs.

(d) The Trainee Specialist Division shall cease to have any force or effect, in so far as it relates to a person concerned whose name is entered in it pursuant to section 49 (but without prejudice to any entry of that person's name in that Division pursuant to section 48) immediately upon—

(i) there being no person concerned to whom paragraph (b) still applies, or

(ii) the 5th anniversary of the relevant commencement,

whichever first occurs.

(e) The Council shall, as soon as practicable after paragraph (d) applies to a person concerned, remove from the Trainee Specialist Division all entries therein that relate to that person and that were entered therein pursuant to section 49.

Application for recognition of qualification

36C. (1) A person may make an application to the Council, accompanied by the appropriate fee, for the recognition of a qualification, held by that person, as an intern qualification.

(2) The Council shall recognise the qualification, the subject of an application under subsection (1), as an intern qualification if the Council is satisfied that the qualification meets the requirements for recognition under section 36D.

(3) The Council may, by notice in writing given to a person who has made an application under subsection (1), request that person to give to the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Requirements to be met for recognition of qualification

36D. A qualification held by a person meets the requirements for recognition as a qualification (in this Act referred to as an 'intern qualification') for the purposes of registering that person if the person—

(a) has been awarded an approved medical degree completed mainly in the State, or

(b) has been awarded a qualification—

(i) arising from the completion of a course of study in a Member State, and

(ii) which is not recognised as a qualification under Part 7 of the Regulations of 2017 but would be so recognised under Directive 2005/36/EC by the person's home Member State (within the meaning of Regulation 3(1) of the Regulations of 2017) if the person were granted a certificate of experience.

Application for registration

36E. (1) A person may make an application to the Council, accompanied by the appropriate fee, to be registered.

(2) The Council shall determine an application under subsection (1) from a person by registering the person if—

(a) the Council is satisfied that the person holds an intern qualification,

(b) the person satisfies the Council that he or she intends to practise medicine in an individually numbered, identifiable intern post which has been approved by the Council for intern training,

(c) the person satisfies the Council that he or she has a knowledge of either the English language or the Irish language necessary for practising medicine in the State,

(d) the person satisfies the Council that he or she is a fit and proper person to practise medicine in the State, and

(e) rules made under section 11 apply to the person, the person satisfies the Council that he or she complies with the rules.

(3) The Council may, by notice in writing given to a person who has made an application under subsection (1), request the person to give the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Provisions supplementary to sections 36B and 36E

36F. (1) To the extent of enabling an intern to participate in an intern training programme but no further, every reference to a medical practitioner or a registered medical practitioner contained in any enactment (other than this Act) or any statutory instrument (other than a statutory instrument under this Act) or any other document shall, unless the context otherwise requires, be construed as including a reference to the intern.

(2) Subject to subsection (3), where an intern has completed a period of internship in the State to the satisfaction of the Council, the Council shall grant the intern a certificate of experience.

(3) The Council shall not grant a certificate of experience to an intern unless the Council is satisfied that the intern has, for the period or periods specified in rules made under section 11 for the purposes of this subsection, been employed as an intern—

(a) in a hospital, health institution, clinic, general medical practice, or other health service setting, as is specified in rules made under section 11 for the purposes of this subsection, and

(b) such hospital, health institution, clinic, general medical practice, or other health service setting, as the case may be, has been inspected and approved by the Council as acceptable for intern training standards.

(4) Without prejudice to the generality of section 56B, the Council may remove an intern's registration by deleting his or her name from the register if—

(a) the intern makes an application to the Council to have the registration removed,

(b) the intern is not, or is no longer, practising medicine in an individually numbered, identifiable intern post which has been approved by the Council for intern training, or

(c) the intern has not completed a period of internship in the State to the satisfaction of the Council.

Conditions attached to registration

36G. (1) A person making an application for registration shall declare in the application—

(a) whether the person has a relevant medical disability, and

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

(2) Where the Council is satisfied that—

(a) a person making an application for registration has a relevant medical disability 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 medicine by the person which take account of that disability or matter,

the Council shall specify the proposed conditions which, in the opinion of the Council, are necessary to be attached to the registration of the person in those interests and propose that the person accept that those conditions be attached to his or her registration.

(3) Where the person the subject of a decision under subsection (2) agrees in writing to the attachment of the proposed conditions referred to in that subsection to the person's registration, the Council shall, if the person is registered, at the same time as such registration comply with section 36B(6) in respect of the conditions.

(4) Where the person the subject of a decision under subsection (2) does not agree in writing to the attachment of the proposed conditions referred to in that subsection to the person's registration, the Council may refuse to register that person.

(5) An intern who did not, at the time of his or her registration, have a relevant medical disability but develops a medical disability at any time after registration shall notify the Council when the medical disability becomes a relevant medical disability not later than—

(a) 30 days after the medical disability becomes a relevant medical disability, or

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

(6) Where the Council is satisfied, after receiving a notification under subsection (5), that, in the interest of public safety, the registration of the intern should become subject to conditions on the practising of medicine which take account of that relevant medical disability, the Council shall decide that conditions should be attached to the registration of the intern in those interests, specify the proposed

conditions and propose that the intern accept that those conditions be attached to his or her registration.

(7) Where the intern the subject of a decision under subsection (6) agrees in writing to the attachment of the proposed conditions referred to in that subsection to the intern's registration, the Council shall attach those conditions to the registration of the intern and, at the same time, comply with section 36B(6) in respect of the conditions.

(8) Where the intern the subject of a decision under subsection (6) does not agree in writing to the attachment of the proposed conditions referred to in that subsection, the Council may, notwithstanding that refusal, attach those conditions to the registration of the intern and, at the same time, comply with section 36B(6) in respect of the conditions.

Appeal to Court against certain decisions of Council

36H. (1) In this section, 'relevant decision' means a decision of the Council to—

(a) refuse to recognise a qualification held by a person as an intern qualification under section 36C(2),

(b) refuse to register a person under section 36E(2) or 36G(4),

(c) refuse to grant a certificate of experience to an intern, or

(d) attach conditions to the registration of an intern pursuant to section 36G(8).

(2) When the Council makes a relevant decision, it shall forthwith give notice in writing to the person, the subject of the decision, of the decision, the date of the decision and the reasons for the decision.

(3) The person the subject of a relevant decision may, not later than 3 months after the date on which the person was given notice of the decision pursuant to subsection (2), appeal to the Court against the decision.

(4) The Court may, on the hearing of an appeal under subsection (3) by a person—

(a) either—

(i) confirm the relevant decision the subject of the appeal, or

(ii) cancel that decision and replace it with such other decision as the Court considers appropriate, which may be a decision to—

(I) recognise a qualification held by the person as an intern qualification,

(II) register the person and with no conditions attached to the registration,

(III) register the person with such conditions attached to the registration as the Court considers appropriate,

(IV)remove some or all, or replace some or all, of the conditions attached to the registration of the person,

(V)require the Council to issue a certificate of experience to the person, or

(VI) require the Council to reconsider the decision in accordance with such directions as are given to the Council for the purposes of that reconsideration,

and

(b) give the Council such directions or, in the case at paragraph (a)(ii)(VI), such further directions as the Court considers appropriate and direct how the costs of the appeal are to be borne.

(5) The Council shall, on complying with a direction given by the Court under subsection (4), give notice in writing to the person concerned of the Council's compliance with the direction.

Correction of register

36I. (1) For the purpose of keeping the register correct, the Council shall from time to time as occasion requires—

(a) correct all clerical errors in the register,

(b) remove from the register all entries therein procured by fraud or misrepresentation,

(c) enter in the register every change which comes to the Council's knowledge in the addresses of interns, and

(d) remove the registration of all interns whose death has been notified to, or comes to the knowledge of, the Council.

(2) Where the Council takes any action pursuant to subsection (1) for the purposes of keeping the register correct, the Council shall forthwith notify the intern concerned, or the intern's next of kin, as may be appropriate, of the action taken and of the reasons therefor.

(3) The Council shall take such steps as it considers necessary from time to time to ensure that the particulars entered in the register are accurate.

(4) Where any particulars entered in the register in respect of an intern change, the intern shall, as soon as is practicable but, in any case, not later than 30 days after the occurrence of the change, give notice in writing to the Council specifying the change.

(5) An intern shall give notice in writing to the Council of any material matter which would be likely to affect the continuation of the intern's registration not later than 30 days after that matter comes to the knowledge of the intern.

Publication of register

36J. (1) Subject to subsection (2), the Council shall ensure that the register is published in the prescribed manner.

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

Annotations

Amendments:

F4 Inserted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 13(1)(a), not commenced as of date of revision.

F5 Substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 13(1)(b), (c)(i), (ii), not commenced as per subs. (2) as of date of revision.

F6 Inserted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 13(1)(d), (e), not commenced as per subs. (2) as of date of revision.

Modifications (not altering text):

C3 Prospective affecting provision: amendments relate to insertion of Medical Practitioners Act 2007, s. 36D - s. 36D renumbered as subs. (1), paras. (a) and (b)(i) substituted, para. (b)(ii) amended and para. (c) and subs. (2) inserted by *Regulated Professions (Health and Social Care) (Amendment) Act 2020* (14/2023), s. 13(1)(a), (b), (c), (d), (e), not commenced as per subs. (2) as of date of revision.

36D. F4**[**(1)**]** A qualification held by a person meets the requirements for recognition as a qualification (in this Act referred to as an 'intern qualification') for the purposes of registering that person if the person—

F5**[**(a) has been awarded a degree in consequence of the completion, wholly or mainly in the State, of a programme of medical education and training approved under section 88(2)(a)(i)(I),**]**

(b) has been awarded a qualification—

F5**[**(i) arising from a course of study completed wholly or mainly in a Member State, and**]**

(ii) which is not recognised as a qualification under Part 7 of the Regulations of 2017 but would be so recognised under Directive 2005/36/EC by the person's home Member State (within the meaning of Regulation 3(1) of the Regulations of 2017) if the person were granted a F5**[**certificate of experience, or**]**.

F6**[**(c) has been awarded a medical degree—

(i) completed wholly or mainly in the United Kingdom, and

(ii) which meets the relevant criteria set for assessing applications by persons for entry in the register of interns specified in rules made under section 11.**]**

F6**[**(2) In this section, "United Kingdom" means—

(a) the United Kingdom of Great Britain and Northern Ireland,

(b) the Channel Islands, and

(c) the Isle of Man.**]**

Registration of adapters

89. The Act of 2007 is amended by the insertion of the following Part before Part 6:

"PART 5B

Registration of Adapters

Interpretation - Part 5B

36K. (1) In this Part—

'adaptation period' has the meaning assigned to it by Regulation 23 of the Regulations of 2017;

'register' means the register of adapters;

'registered' means registered under section 36M;

'relevant person' means a person—

(a) to whom Part 5 of the Regulations of 2017 applies who is seeking to pursue the professional activity of medical practitioner in the State, and

(b) who is required to complete a period of adaptation in consequence of the Council exercising its power under Regulation 22 of the Regulations of 2017 to require him or her to do so.

(2) A reference in this Part to an adapter's adaptation period means the adaptation period stated in his or her certificate of registration pursuant to section 36L(5)(d).

Register of adapters

36L. (1) The Council shall establish and maintain a register to be known as the register of adapters.

(2) The register shall contain the names of relevant persons registered in it pursuant to section 36M and such other identifying particulars of those persons as the Council considers appropriate.

(3) The register may be established and maintained in paper or electronic form.

(4) A certificate purporting to be signed by the chief executive officer, or another member of the staff of the Council authorised by the chief executive officer to give a certificate under this subsection, and to certify that on a specified day or days or during the whole of a specified period—

(a) a person named in the certificate—

(i) was an adapter, or

(ii) was not an adapter,

or

(b) the registration of an adapter named in the certificate was subject to the relevant conditions specified in the certificate,

shall, without proof of the signature of the person purporting to sign the certificate or that the person was the chief executive officer or another member of the staff of the Council so authorised, as the case may be, be evidence, unless the contrary is proved, of the matters stated in the certificate.

(5) The Council shall, as soon as is practicable after a relevant person has been registered and the appropriate fee paid, give the person a certificate stating—

(a) the person's name,

(b) the registration number attached to the person's registration,

(c) such other identifying particulars of the person as the Council considers appropriate,

(d) the adaptation period, not exceeding 3 years, required to be completed by the person, and

(e) particulars of the training in medical practice to which such adaptation period relates.

(6) Where relevant conditions have been attached to the registration of an adapter, the Council shall enter in the register—

(a) a statement that the adapter's registration is subject to conditions, and

(b) particulars of the conditions.

(7) An adapter shall, as soon as may be after the adapter has received his or her certificate of registration and if it is practicable to do so, cause the certificate to be displayed—

(a) at the principal place where the adapter practises medicine, and

(b) at all times during which the adapter's registration continues and at no other time.

(8) An adapter shall, as soon as may be after he or she has received his or her certificate of registration, cause the registration number stated on that certificate to be included on all medical prescriptions and all other documentation and records, whether in paper or electronic form, relating to that adapter's practice as an adapter.

(9) The Council shall, as soon as is practicable after the expiration of an adapter's adaptation period, remove from the register all entries therein relating to that adapter.

Application for registration

36M. (1) A relevant person may make an application to the Council, accompanied by the appropriate fee, to be registered in the register.

(2) The Council shall determine an application under subsection (1) from a relevant person by registering the person if—

(a) the person satisfies the Council that he or she has a knowledge of either the English language or the Irish language necessary for practising medicine in the State,

(b) the person satisfies the Council that he or she is a fit and proper person to practise medicine in the State, and

(c) rules made under section 11 apply to the person, the person satisfies the Council that he or she complies with the rules.

(3) The Council may, by notice in writing given to a relevant person who has made an application under subsection (1), request the person to give the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Provisions supplementary to sections 36L and 36M

36N. (1) To the extent of enabling an adapter to practise medicine in the State for his or her adaptation period but no further, every reference in the State to a medical practitioner or a registered medical practitioner contained in any enactment (other than this Act) or any statutory instrument (other than a statutory instrument under this Act) or any other document shall, unless the context otherwise requires, be construed as including a reference to the adapter.

(2) Subject to subsection (3), where an adapter has completed his or her adaptation period to the satisfaction of the Council, the Council shall grant the adapter a certificate of adaptation.

(3) The Council shall not grant a certificate of adaptation to an adapter unless the Council is of the opinion that the adapter has, during his or her adaptation period, satisfactorily completed the training in medical practice to which such adaptation period relates.

(4) Without prejudice to the generality of section 56B, the Council may remove an adapter's registration (that is, by deleting his or her name from the register) if—

(a) the adapter makes an application to the Council to have the registration removed,

(b) the adapter is not, or is no longer, practising medicine as an adapter, or

(c) the Council is of the opinion that the adapter has not, during his or her adaptation period, satisfactorily completed the training in medical practice (under the supervision and responsibility of a registered medical practitioner) to which such adaptation period relates.

Conditions attached to registration

36O. (1) A relevant person making an application for registration shall declare in the application—

(a) whether the person has a relevant medical disability, and

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

(2) Where the Council is satisfied that—

(a) a relevant person making an application for registration has a relevant medical disability 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 medicine by the person which take account of that disability or matter,

the Council shall specify the proposed conditions which, in the opinion of the Council, are necessary to be attached to the registration of the person in those interests and propose that the person accept that those conditions be attached to his or her registration.

(3) Where the relevant person the subject of a decision under subsection (2) agrees in writing to the attachment of the proposed conditions referred to in that subsection to the person's

registration, the Council shall, if the person is registered, at the same time as such registration comply with section 36L(6) in respect of the conditions.

(4) Where the relevant person the subject of a decision under subsection (2) does not agree in writing to the attachment of the proposed conditions referred to in that subsection to the person's registration, the Council may refuse to register that person.

(5) An adapter who did not, at the time of his or her registration, have a relevant medical disability but develops a medical disability at any time after registration shall notify the Council when the medical disability becomes a relevant medical disability not later than—

(a) 30 days after the medical disability becomes a relevant medical disability, or

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

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

(7) Where the adapter the subject of a decision under subsection (6) agrees in writing to the attachment of the proposed conditions referred to in that subsection to the adapter's registration, the Council shall attach those conditions to the registration of the adapter and, at the same time, comply with section 36L(6) in respect of the conditions.

(8) Where the adapter the subject of a decision under subsection (6) does not agree in writing to the attachment of the proposed conditions referred to in that subsection, the Council may, notwithstanding that refusal, attach those conditions to the registration of the adapter and, at the same time, comply with section 36L(6) in respect of the conditions.

Appeal to Court against certain decisions of Council

36P. (1) In this section, 'relevant decision' means a decision of the Council to—

(a) refuse to register a relevant person under section 36M(2) or 36O(4),

(b) refuse to grant a certificate of adaptation to an adapter, or

(c) attach conditions to the registration of an adapter pursuant to section 36O(8).

(2) When the Council makes a relevant decision, it shall forthwith give notice in writing to the person, the subject of the decision, of the decision, the date of the decision and the reasons for the decision.

(3) The person the subject of a relevant decision may, not later than 3 months after the date on which the person was given notice of the decision pursuant to subsection (2), appeal to the Court against the decision.

(4) The Court may, on the hearing of an appeal under subsection (3) by a person—

(a) either—

(i) confirm the relevant decision the subject of the appeal, or

(ii) cancel that decision and replace it with such other decision as the Court considers appropriate, which may be a decision to—

(I) register the person and with no conditions attached to the registration,

(II) register the person with such conditions attached to the registration as the Court considers appropriate,

(III) remove some or all, or replace some or all, of the conditions attached to the registration of the person,

(IV) require the Council to issue a certificate of adaptation to the person, or

(V) require the Council to reconsider the decision in accordance with such directions as are given to the Council for the purposes of that reconsideration,

and

(b) give the Council such directions or, in the case at paragraph (a)(ii)(V), such further directions as the Court considers appropriate and direct how the costs of the appeal are to be borne.

(5) The Council shall, on complying with a direction given by the Court under subsection (4), give notice in writing to the person concerned of the Council's compliance with the direction.

Correction of register

36Q. (1) For the purpose of keeping the register correct, the Council shall from time to time as occasion requires—

(a) correct all clerical errors in the register,

(b) remove from the register all entries therein procured by fraud or misrepresentation,

(c) enter in the register every change which comes to the Council's knowledge in the addresses of adapters, and

(d) remove the registration of all adapters whose death has been notified to, or comes to the knowledge of, the Council.

(2) Where the Council takes any action pursuant to subsection (1) for the purposes of keeping the register correct, the Council shall forthwith notify the adapter concerned, or the adapter's next of kin, as may be appropriate, of the action taken and of the reasons therefor.

(3) The Council shall take such steps as it considers necessary from time to time to ensure that the particulars entered in the register are accurate.

(4) Where any particulars entered in the register in respect of an adapter change, the adapter shall, as soon as is practicable but, in any case, not later than 30 days after the occurrence of the change, give notice in writing to the Council specifying the change.

(5) An adapter shall give notice in writing to the Council of any material matter which would be likely to affect the continuation of the adapter's registration not later than 30 days after that matter comes to the knowledge of the adapter.

Publication of register

36R. (1) Subject to subsection (2), the Council shall ensure that the register is published in the prescribed manner.

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

Prohibition against practice of medicine by persons other than registered medical practitioners, etc.

90. The Act of 2007 is amended by the substitution of the following section for section 37:

"37. (1) Subject to sections 38 and 38B, a person (including a medical practitioner) shall not practise medicine unless he or she is—

(a) a registered medical practitioner,

(b) an intern, or

(c) an adapter.

(2) Subject to section 50, a person shall not advertise his or her services as a medical practitioner unless he or she is a registered medical practitioner.".

Amendment of section 38 of Act of 2007

91. Section 38 of the Act of 2007 is amended—

(a) by the substitution of "A person does not contravene section 37(1)" for "A medical practitioner does not contravene section 37(a)",

(b) in paragraphs (a), (b), (c) and (d), by the substitution of "the person" for "the practitioner",

(c) by the deletion of paragraph (e), and

(d) in paragraph (f) —

(i) by the substitution of "the person" for "the practitioner", and

(ii) by the substitution of "paragraphs (a) to (d)" for "paragraphs (a) to (e)".

Circumstances in which persons may practise medicine

92. The Act of 2007 is amended by the insertion of the following section after section 38A:

"38B. (1) A person does not contravene section 37(1) if the person practises medicine only in the course of rendering first aid to another person.

(2) Subsection (3) applies to a person who is qualified to practise medicine under the law of a place outside the State and—

(a) who is in the State for a humanitarian purpose,

(b) who is a specialist in a medical specialty recognised under section 89(1) and in the State to provide medical treatment for the purpose of teaching or training in relation to that specialty, or

(c) who is in the State for the purpose of accompanying a sports team participating in a sporting event in the State.

(3) A person to whom this subsection applies does not contravene section 37(1) if the person practises medicine—

(a) relevant to a purpose referred to in subsection (2)(a), (b) or (c), and

(b) in accordance with a permit issued by the Council to that person and specifying the purpose referred to in subsection (2)(a), (b) or (c) concerned,

for not more than the period specified in that permit (being a period not exceeding 30 days).".

Amendment of section 41 of Act of 2007

93. Section 41 of the Act of 2007 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (a):

"(a) contravenes section 37(1) or (2) or 40(2),",

and

(b) by substitution of the following subsection for subsection (4):

"(4) A person is guilty of an offence if the person makes or causes to be made—

(a) any false declaration or misrepresentation for the purpose of obtaining registration (including registration under Part 5A or 5B), or

(b) any false declaration under section 54A.".

Amendment of section 42 of Act of 2007

94. Section 42 of the Act of 2007 is amended, in subsection (2)(b), by the insertion of "or in section 38B" after "paragraphs (a) to (g) of section 38".

Amendment of section 43 of Act of 2007

95. Section 43 of the Act of 2007 is amended—

(a) in subsection (2)(c), by the substitution of "section 44 or 48" for "section 44, 48 or 49", and

(b) in subsection (8), by the substitution of "his or her certificate of registration" for "the certificate referred to in subsection (5)".

Amendment of Act of 2007 - insertion of sections 44A to 44C

96. The Act of 2007 is amended by the insertion of the following sections after section 44:

"Application for recognition of qualification

44A. (1) A person may make an application to the Council, accompanied by the appropriate fee—

(a) for the recognition of a qualification, held by that person, as a general qualification, or

(b) for the recognition of a qualification, held by that person, as a specialist qualification.

(2) The Council shall recognise the qualification, the subject of an application under subsection (1)(a), as a general qualification if the Council is satisfied that the qualification meets the requirements for recognition under section 44B.

(3) The Council shall recognise the qualification, the subject of an application under subsection (1)(b), as a specialist qualification if the Council is satisfied that the qualification meets the requirements for recognition under section 44C.

(4) The Council may, by notice in writing given to a person who has made an application under subsection (1), request that person to give to the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.

Requirements to be met for recognition of qualification as general qualification

44B. (1) Subject to subsection (2), a qualification held by a person meets the requirements for recognition as a qualification (in this Act referred to as a 'general qualification') for the purposes of registering that person in the General Division if the person—

(a) has an Irish formal qualification,

(b) has a qualification in medicine from a state other than the State and has passed an examination specified in rules made under section 11 for the purposes of this paragraph, or

(c) has a qualification in medicine from a state other than the State and is exempted from paragraph (b) by virtue of falling within a ground, specified in rules made under section 11 for the purposes of this paragraph, for such exemption.

(2) Subject to Regulations 82 and 83 of the Regulations of 2017, evidence of a formal qualification in basic medical training recognised—

(a) in accordance with Regulation 10 or 21 of those Regulations,

(b) under Regulation 30(1) of those Regulations, or

(c) under Part 14 of those Regulations,

is a general qualification for the purposes of this Act.

Requirements to be met for recognition of qualification as specialist qualification

44C. (1) Subject to subsection (2), a qualification held by a person meets the requirements for recognition as a qualification (in this Act referred to as a 'specialist qualification') for the purposes of registering that person in the Specialist Division if—

(a) the person—

(i) has been granted evidence of the satisfactory completion of specialist training undertaken in the State by a body approved under section 89(3)(a)(ii), or

(ii) has been awarded a qualification in medicine and satisfies the Council that he or she has—

(I) completed a programme of specialist training, and

(II) acquired sufficient experience in specialised medicine,

to a standard that satisfies the Council is adequate for recognition as a specialist qualification,

and

(b) the specialist training or specialist qualification is in relation to a medical specialty recognised by the Council under section 89(1).

(2) Subject to Regulations 82 and 83 of the Regulations of 2017, evidence of a formal qualification as a specialised doctor recognised—

(a) in accordance with Regulation 10 or 21 of those Regulations,

(b) under Regulation 30(3) of those Regulations, or

(c) under Part 14 of those Regulations,

is a specialist qualification for the purposes of this Act.".

Annotations

Amendments:

F7 Substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 14(1), not commenced as per subs. (2) as of date of revision.

Modifications (not altering text):

C4 Prospective affecting provision: amendment relates to insertion of section 44B of the Medical Practitioners Act 2007, subs. (1) substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 14(1), not commenced as per subs. (2) as of date of revision.

44B. F7**[**(1) Subject to subsection (2), a qualification held by a person meets the requirements for recognition as a qualification (in this Act referred to as a "general qualification") for the purposes of registering that person in the General Division if the person—

(a) has an approved medical degree and—

(i) has passed an examination specified in rules made under section 11 for the purposes of this subparagraph,

(ii) is exempted from subparagraph (i) by virtue of falling within a ground, specified in rules made under section 11 for the purposes of this subparagraph, for such an exemption,

(iii) has been granted a certificate of experience, or

(iv) subject to rules made under section 11 for the purposes of this subparagraph, has been granted a document which, in the opinion of the Council, is at least the equivalent of a certificate of experience,

or

(b) has evidence of a formal qualification in basic medical training completed in a Member State and specified in point 5.1.1 of Annex V to Directive 2005/36/EC.**]**

...

Application for registration (other than in Supervised Division)

97. The Act of 2007 is amended by the substitution of the following section for section 45:

"45. (1) A person may make an application to the Council, accompanied by the appropriate fee, to be registered in a division of the register other than the Supervised Division.

(2) An application under subsection (1) by a person shall be accompanied by—

(a) subject to paragraph (b), evidence, in the manner specified by rules (if any) made under section 11(2)(va), that the minimum level of indemnity (if any) applicable to that person is in place, or

(b) if the person does not fall within any class of medical practitioners in so far as a minimum level of indemnity is concerned, evidence of that fact.

(3) Subsection (2) applies, with all necessary modifications, to a renewal or restoration of registration as it applies to a first registration.

(4) The Council shall determine an application under subsection (1) from a person by registering the person in that division of the register (other than the Supervised Division) which is considered by the Council to be appropriate if—

(a) the Council is satisfied that the person holds a general qualification or specialist qualification,

(b) either—

(i) the person satisfies the Council that he or she has a knowledge of either the English language or the Irish language necessary for practising medicine in the State, or

(ii) the person passes the controls referred to in Regulation 85 of the Regulations of 2017 for controlling compliance with the languages obligation under paragraph (1) of that Regulation,

(c) the person satisfies the Council that he or she is a fit and proper person to practise medicine in the State, and

(d) rules made under section 11 apply to the person, the person satisfies the Council that he or she complies with the rules.

(5) Subject to subsection (6), the Council shall not register a person in more than one division of the register.

(6) A medical practitioner who is registered in the Specialist Division may also be registered in the Trainee Specialist Division if, and only if, the practitioner is undergoing specialist training in a medical specialty other than the specialty in respect of which the practitioner is registered in the Specialist Division.

(7) Notwithstanding any other provision of this Act, the Council shall not register a person unless the Council is satisfied that the person has provided—

(a) subject to paragraph (b), evidence, in the manner specified by rules (if any) made under section 11(2)(va), that the minimum level of indemnity (if any) applicable to that person is in place, or

(b) if the person does not fall within any class of medical practitioners in so far as a minimum level of indemnity is concerned, evidence of that fact.

(8) The Council may, by notice in writing given to a person who has made an application under subsection (1), request the person to give to the Council, within the period specified in the notice, such further information as the Council may require in order to determine the application.".

Medical practitioners to be registered in General Division

98. The Act of 2007 is amended by the substitution of the following section for section 46:

"46. The Council shall register in the General Division a medical practitioner (other than a visiting EEA practitioner) who meets all the requirements of section 45 that apply to him or her but who is not able to be registered—

(a) in the Specialist Division pursuant to section 47, or

(b) in the Trainee Specialist Division pursuant to section 48.".

Medical practitioners to be registered in Specialist Division

99. The Act of 2007 is amended by the substitution of the following section for section 47:

" **47.** (1) The Council shall register in the Specialist Division a medical practitioner (other than a visiting EEA practitioner) who meets all the requirements of section 45 that apply to him or her and who holds a specialist qualification.

(2) The Council may, until the 1st anniversary of the commencement of *section 99* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020*, grant registration in any particular list of the Specialist Division to a medical practitioner who—

(a) is registered, or is able to be registered, in the General Division,

(b) on or before 31 December 2008, both met the qualifying criteria for appointment to a medical post in the State as a consultant and occupied such post, and

(c) satisfies the Council that he or she has sufficient competency such that he or she should be registered as a specialist in that list.

(3) For the purposes of subsection (2), the Council shall, until the 1st anniversary referred to in that subsection, work with the bodies approved under section 89(3)(a) to assist medical practitioners registered in the General Division to achieve the necessary standard for registration in the Specialist Division.".

Medical practitioners to be registered in Trainee Specialist Division

100. The Act of 2007 is amended by the substitution of the following section for section 48:

"48. (1) The Council shall register in the Trainee Specialist Division a medical practitioner who meets all the requirements of section 45 that apply to him or her and who—

(a) holds a general qualification or specialist qualification, and

(b) practises medicine in an individually numbered, identifiable post which has been approved by the Council for the purpose of medical specialist training.

(2) A medical practitioner who is registered in the Trainee Specialist Division but who ceases to practise medicine in an individually numbered, identifiable post which has been approved by the Council for the purpose of medical specialist training shall, as soon as is practicable after so ceasing to practise medicine but, in any case, not later than 14 days after so ceasing to practise medicine, give notice in writing to the Council of that fact.

(3) Where—

(a) the Council receives a notice under subsection (2) from a medical practitioner, or

(b) a medical practitioner fails to comply with subsection (2),

sections 45(5) and 46 shall apply to and in relation to the Council and the practitioner.".

Application for and registration of medical practitioners in Supervised Division

101. The Act of 2007 is amended by the substitution of the following section for section 50A:

"50A. (1) A medical practitioner may make an application to the Council, accompanied by the appropriate fee, to be registered in the Supervised Division.

(2) Subject to subsection (10), the Council shall register a medical practitioner in the Supervised Division who holds a qualification in medicine where that person meets—

(a) the requirements specified in this Act relating to the registration of medical practitioners in the Supervised Division, and

(b) the relevant criteria specified in rules made under section 11 relating to the registration of medical practitioners in the Supervised Division.

(3) A medical practitioner may not be registered in the Supervised Division for a period in excess of 2 years in aggregate or, with the approval in writing of the Health Service Executive, in excess of 3 years in aggregate in a particular case.

(4) The registration of a medical practitioner in the Supervised Division shall apply to that medical practitioner only in respect of an individually numbered, identifiable post which has been approved by the Council for the purposes of this section and which post is—

(a) subject to subsection (7), certified by the Health Service Executive to be a publicly funded post, or

(b) funded by a third country which is sponsoring that person.

(5) The Council shall not approve a post pursuant to subsection (4) unless it is satisfied that adequate arrangements for the supervision of the medical practitioner to whom the application for registration relates in the performance of his or her duties in the post have been established, having regard to the level of experience of the practitioner to whom the application for registration relates, the seniority of the post and the duties to be performed by that practitioner.

(6) A medical practitioner whose name is entered in the Supervised Division may not practise medicine in the State other than—

(a) in the post referred to in subsection (4) in relation to which that practitioner is registered, and

(b) in accordance with the terms and conditions of employment relating to that post.

(7) The Health Service Executive shall not certify that a post is a publicly funded post unless the remuneration and benefits in respect of the post are funded entirely, or to a substantial extent, by the Health Service Executive.

(8) Where a medical practitioner registered in the Supervised Division ceases to hold the post to which his or her registration relates, that practitioner shall cease to be so registered.

(9) Where a medical practitioner registered in the Supervised Division ceases to hold the post to which his or her registration relates, the employer of that medical practitioner shall notify the Council of that fact within 5 days of the practitioner ceasing to hold such post.

(10) Paragraphs (b)(i), (c) and (d) of section 45(4) shall apply to a medical practitioner who has made an application under subsection (1) as those paragraphs apply to a medical practitioner who has made an application under section 45(1).".

Amendment of section 52 of Act of 2007

102. Section 52 of Act of 2007 is amended—

(a) in subsection (3), by the substitution of "the Council may consider such an application if the Council is satisfied that the removal of the practitioner's registration would not be contrary to the public interest" for "then the Council shall not consider the application until such time as the Council has decided whether or not the practitioner's registration should be removed (including cancelled) pursuant to another provision of this Act",

(b) in subsection (4), by the insertion of "unless the removal of the registration was effected (whether in whole or in part) on the ground that the removal would not be contrary to the public interest as referred to in subsection (3)" after "registration restored", and

(c) by the substitution of the following subsection for subsection (5):

"(5) The Council shall determine an application under subsection (4) from a medical practitioner by restoring the practitioner's registration unless the Council has ceased to be satisfied that the practitioner is a fit and proper person to practise medicine in the State.".

Conditions attached to registration

103. The Act of 2007 is amended by the substitution of the following section for section 53:

"53. (1) A person making an application for registration shall declare in the application—

(a) whether the person has any relevant medical disability, and

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

(2) Where the Council is satisfied that—

(a) a person making an application for registration has a relevant medical disability 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 medicine by the person which take account of that disability or matter,

the Council shall specify the proposed conditions which, in the opinion of the Council, are necessary to be attached to the registration of the person in those interests and propose that the person accept that those conditions be attached to his or her registration.

(3) Where the person the subject of a decision under subsection (2) agrees in writing to the attachment of the proposed conditions referred to in that subsection to his or her registration, the Council shall, if the person is registered, at the same time as such registration comply with section 43(6) in respect of the conditions.

(4) Where the person the subject of a decision under subsection (2) does not agree in writing to the attachment of the proposed conditions referred to in that subsection to his or her registration, the Council may refuse to register that person.

(5) A registered medical practitioner who did not, at the time of his or her registration, have a relevant medical disability but develops a medical disability at any time after registration shall notify the Council when the medical disability becomes a relevant medical disability not later than—

(a) 30 days after the medical disability becomes a relevant medical disability, or

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

(6) Where the Council is satisfied, after receiving a notification under subsection (5), that, in the interest of public safety, the registration of the medical practitioner should become subject to conditions on the practising of medicine which take account of that relevant medical disability, the Council shall decide that conditions should be attached to the registration of the medical practitioner in those interests, specify the proposed conditions which, in the opinion of the Council, are necessary to be attached to the registration of the practitioner in those interests and propose that the medical practitioner accept that those conditions be attached to his or her registration.

(7) Where the medical practitioner the subject of a decision under subsection (6) agrees in writing to the attachment of the proposed conditions referred to in that subsection, the Council shall attach those conditions to the registration of the practitioner and, at the same time, comply with section 43(6) in respect of the conditions.

(8) Where the medical practitioner the subject of a decision under subsection (6) refuses, in writing, to agree to the attachment of the proposed conditions, or does not respond within 30 days, the Council shall make a complaint under section 57(1)(c).".

Appeal to Court against certain decisions of Council

104. The Act of 2007 is amended by the substitution of the following section for section 54:

"54. (1) In this section, 'relevant decision' means a decision of the Council to—

(a) refuse to recognise a qualification held by a person as a general qualification under section 44A(2),

(b) refuse to recognise a qualification held by a person as a specialist qualification under section 44A(3),

(c) refuse to register a person under section 45(4), 50A(2) or 53(4),

(d) register a person in a division of the register other than the division specified in the person's application under section 45(1) for registration, or

(e) refuse to restore the registration of a medical practitioner under section 52(5).

(2) When the Council makes a relevant decision, the Council shall forthwith give notice in writing to the person, the subject of the decision, the date of the decision and the reasons for the decision.

(3) The person the subject of a relevant decision may, not later than 3 months after the date on which the person was given notice of the decision pursuant to subsection (2), appeal to the Court against the decision.

(4) The Court may, on the hearing of an appeal under subsection (3) by a person—

(a) either—

(i) confirm the relevant decision the subject of the appeal, or

(ii) cancel that decision and replace it with such other decision as the Court considers appropriate, which may be a decision to—

(I) recognise a qualification held by the person as a general qualification or a specialist qualification,

(II) register or restore the registration of the person in such division of the register as the Court considers appropriate and with no conditions attached to that registration,

(III) register or restore the registration of the person—

(A) in such division of the register as the Court considers appropriate, and

(B) with such conditions attached to that registration as the Court considers appropriate,

(IV) remove some or all, or replace some or all, of the conditions attached to the registration of the person, or

(V) require the Council to reconsider the decision in accordance with such directions as are given to the Council for the purposes of that reconsideration,

and

(b) give the Council such directions or, in the case of paragraph (a)(ii)(V), such further directions as the Court considers appropriate and direct how the costs of the appeal are to be borne.

(5) The Council shall, on complying with a direction given by the Court under subsection (4), give notice in writing to the person concerned of the Council's compliance with the direction.".

Declarations by registered medical practitioners, etc. in relation to certain matters in State or other jurisdictions, etc.

105. The Act of 2007 is amended by the insertion of the following section after section 54:

"54A. (1) Subject to subsections (2) to (4), a registered medical practitioner, intern or adapter shall, in each year, give to the Council 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 registered medical practitioner, intern or adapter because there are no particulars referred to in that subsection which he or she is

required to give to the Council, the practitioner, intern or adapter shall give to the Council a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a registered medical practitioner, intern or adapter gave particulars referred to in subsection (1) to the Council, there has been no material change in the matter to which the particulars relate, the practitioner, intern or adapter may, instead of again giving those particulars to the Council, give to the Council a declaration in writing to the effect that there has been no material change to the matter to which the particulars relate.

(4) A registered medical practitioner, intern or adapter 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 determined under section 36(1)(b), (cb) or (ce), as appropriate, and

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

(5) A registered medical practitioner, intern or adapter shall, not later than 3 months after the final determination of any relevant proceedings, give to the Council—

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

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

(6) The Council may, by notice in writing given to a registered medical practitioner, intern or adapter who has made a declaration under this section, require the practitioner, intern or adapter to provide to the Council, within a reasonable period specified in the notice, further information concerning any particulars provided to the Council in the declaration.

(7) (a) A registered medical practitioner, intern or adapter shall comply with a notice under subsection (6) given to the practitioner, intern or adapter.

(b) Where the Council considers that a registered medical practitioner has contravened paragraph (a), the Council shall forthwith make a complaint.

(8) In this section—

'final determination', in relation to any relevant proceedings and a registered medical practitioner, intern or adapter, 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 practitioner, intern or adapter, within the ordinary time in the State or the 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 registered medical practitioner, intern or adapter, means any disciplinary or judicial proceedings (other than any such proceedings under this Act), in respect of which the practitioner, intern or adapter is the subject—

(a) in the State or another jurisdiction which may directly or indirectly result in the practitioner, intern or adapter—

(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 practitioner, intern or adapter 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 practitioner, intern or adapter being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.".

Amendment of section 55 of Act of 2007

106. Section 55 of the Act of 2007 is amended by the deletion of subsection (7).

Council may request certain information concerning medical practitioners, etc., from certain bodies in State or other jurisdictions

107. The Act of 2007 is amended by the insertion of the following section after section 55:

"55A. (1) Where a registered medical practitioner, intern or adapter provides, or has provided, one or more than one kind of health or social care in the State or another jurisdiction, the Council 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 with any information relevant to either or both of the following:

(a) any material matter that has occurred in that jurisdiction in relation to the practitioner, intern or adapter;

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

(2) In this section—

'adapter' includes a person who has made an application under section 36M for registration which has not yet been determined by the Council;

'intern' includes a person who has made an application under section 36E for registration which has not yet been determined by the Council;

'registered medical practitioner' includes a person who has made an application under section 45 or 50A for registration which has not yet been determined by the Council;

'relevant statement', in relation to a request under subsection (1), means a statement to the effect that any information provided to the Council, pursuant to that request, by the body to which the request is made may be used in any proceedings under this Act concerning the medical practitioner, intern or adapter the subject of the request.".

Application of Parts 7, 8 and 9 to interns and adapters

108. The Act of 2007 is amended by the insertion of the following section after section 56A:

"56B. In this Part and in Parts 8 and 9, and notwithstanding the definition of 'registered medical practitioner' in section 2—

(a) a reference to a registered medical practitioner shall be construed as including a reference to an intern and an adapter, and

(b) a reference to the register shall be construed as including a reference to the register of interns and the register of adapters,

and the provision of this Part and of Parts 8 and 9 shall, with all necessary modifications, be construed accordingly.".

Amendment of section 57 of Act of 2007

109. Section 57 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(ii) in paragraph (e), by the substitution of "section 59A(1) or 67(1)" for "section 67(1)", and

(iii) by the insertion of the following paragraph after paragraph (e):

"(ea) the imposition on the practitioner 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,",

(b) by the insertion of the following subsections after subsection (2):

"(2A) (a) The chief executive officer may, in relation to a complaint heard, being heard or to be heard by the Fitness to Practise Committee, 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 medical practitioner 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 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 medical practitioner 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 medical practitioner.

(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 medical practitioner, 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 practitioner for offences (if any).

(2B) Subject to subsection (2C), where the chief executive officer receives a complaint, he or she shall comply with section 58A in respect of the complaint unless—

(a) he or she is satisfied that the complaint is not made in good faith, or

(b) he or she is satisfied that the complaint is frivolous or vexatious.

(2C) Subsection (2B) shall not apply to a complaint where the Council is the complainant.

(2D) Where the chief executive officer decides that a complaint falls within subsection (2B)(a) or (b), he or she shall give notice in writing to the complainant (and, if the chief executive officer is of the opinion that it is in the interests of the complainant, or the registered medical practitioner to whom the complaint relates, or of both, to do so, to such practitioner) of the decision and the reasons for the decision.",

(c) in subsection (3) —

(i) by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(ii) in paragraph (a), by the substitution of "the chief executive officer, the Preliminary Proceedings Committee" for "the Committee", and

(iii) by the substitution of the following paragraph for paragraph (b):

"(b) the authorised officers act expeditiously, and",

(d) by the insertion of the following subsection after subsection (3):

"(3A) The chief executive officer may, in relation to the complaint concerned, inform, in addition to the complainant, other parties

to the proceedings under this Act concerning the complaint, of the decisions referred to in subsection (3)(a).",

(e) by the deletion of subsection (4),

(f) in subsection (5), by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(g) in subsection (6) —

(i) in paragraph (a) —

(I) in subparagraph (i), by the substitution of "a person who has permanently ceased to be a fit and proper person to continue to practise medicine" for "permanently unfit to continue to practise medicine", and

(II) by the substitution of "section 71(1)(f)" for "section 71(f)",

and

(ii) in paragraph(b), by the substitution of "chief executive officer and direct that officer", for "Preliminary Proceedings Committee and direct the Committee",

(h) in subsection (8), by the substitution of "chief executive officer" for "Preliminary Proceedings Committee", and

(i) by the insertion of the following subsection after subsection (8):

"(8A) A complaint made before the commencement of *section 109* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020* which has not been disposed of or otherwise dealt with under this Act before that commencement shall be disposed of or otherwise dealt with under this Act as this Act was in force immediately before that commencement.".

Amendment of section 58 of Act of 2007

110. Section 58 of the Act of 2007 is amended—

(a) by the substitution of the following subsections for subsections (1) and (2):

"(1) The chief executive officer may appoint such and so many members of staff as he or she deems appropriate to be authorised officers to investigate complaints and to assist the chief executive officer and the Preliminary Proceedings Committee in relation to complaints for such period and subject to such terms as the chief executive officer may determine.

(2) Subject to subsection (4), the chief executive officer shall specify the functions to be performed by authorised officers.",

(b) in subsection (3) —

(i) by the substitution of the following paragraphs for paragraph (a):

"(a) investigating complaints,

(aa) interviewing persons for the purposes of assessing the relevance or evidential value of information or documents they wish to give to the chief executive officer or Preliminary Proceedings Committee;",

and

(ii) by the substitution of the following paragraphs for paragraphs (d) to (f):

"(d) reporting to the chief executive officer;

(e) requesting persons to provide the chief executive officer with statements in writing concerning any matter relevant to the chief executive officer's or Preliminary Proceedings Committee's functions and examining statements given in response to the requests;

(f) providing the chief executive officer or Preliminary Proceedings Committee with any other advice or assistance required in relation to the preparation of the chief executive officer's or Preliminary Proceedings Committee's reports.",

(c) in subsection (4) —

(i) by the substitution of "An authorised officer" for "A person appointed under subsection (1)",

(ii) in paragraph (a), by the deletion of "or take affirmations", and

(iii) in paragraph (b), by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(d) in subsection (5), by the substitution of "An authorised officer" for "A person appointed under subsection (1)",

(e) by the substitution of the following subsection for subsection (6):

"(6) The chief executive officer shall provide each authorised officer with a warrant—

(a) identifying the authorised officer, and

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

and

(f) by the substitution of the following subsection for subsection (7):

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

Annotations

Amendments:

F8 Substituted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 15(1)(a), (b)(i), not commenced as per subs. (2) as of date of revision.

F9 Inserted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 15(b)(ii), not commenced as per subs. (2) as of date of revision.

Modifications (not altering text):

C5 Prospective affecting provision: paras. (a) and (b)(ii) substituted and para. (b)(iii) inserted by *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023), s. 15(1)(a), (b)(i), (ii), not commenced as per subs. (2) as of date of revision.

110. Section 58 of the Act of 2007 is amended—

F8**[**(a) by the substitution of the following subsections for subsections (1) and (2):

"(1) The chief executive officer may appoint—

(a) such and so many persons (including any members of the staff of the Council) as he or she deems appropriate to be authorised officers to investigate complaints and to assist the chief executive officer and the Preliminary Proceedings Committee in relation to complaints for such period and subject to such terms as the chief executive officer may determine, and

(b) such other persons as he or she deems appropriate to provide the chief executive officer, the authorised officers or the Preliminary Proceedings Committee with such advice, assistance or expertise as may be required in relation to the consideration or investigation of complaints for such period and subject to such terms as the chief executive officer may determine.

(2) Subject to subsection (4), the chief executive officer shall specify the functions to be performed by authorised officers.",**]**

(b) in subsection (3) —

(i) by the substitution of the following paragraphs for paragraph (a):

"(a) investigating complaints,

(aa) interviewing persons for the purposes of assessing the relevance or evidential value of information or documents they wish to give to the chief executive officer or Preliminary Proceedings Committee;",

and

F8**[**(ii) by the substitution of the following paragraphs for paragraphs (d) to (f):

"(d) reporting to the chief executive officer;

(e) requesting persons to provide the chief executive officer with statements in writing concerning any matter relevant to the chief executive officer's or Preliminary Proceedings Committee's functions and examining statements given in response to the requests;

(f) requesting suitably qualified experts to provide an authorised officer, the chief executive officer or the Preliminary Proceedings Committee with advice and assistance required to assist in the performance of their functions; and",**]**

F9**[**(iii) by the insertion of the following paragraph after paragraph (f):

"(g) providing the chief executive officer or Preliminary Proceedings Committee with any other advice or assistance required in relation to the preparation of the chief executive officer's or Preliminary Proceedings Committee's reports.",**]**

...

Investigation of complaints

111. The Act of 2007 is amended by the insertion of the following section after section 58:

"58A. (1) Subject to section 57(2B), the chief executive officer, following the receipt of a complaint, shall cause such investigation as he or she deems appropriate to be carried out and, for the purposes of

the investigation, shall appoint an authorised officer to carry out the investigation.

(2) (a) The chief executive officer and the authorised officer appointed under subsection (1) may, for the purposes of considering whether there is sufficient cause to warrant further action being taken in relation to a complaint, take account of such matters relating to the registered medical practitioner the subject of the complaint that arise from the investigation of the complaint as they consider appropriate.

(b) References to a complaint in this section (other than subsection (10)), in the definitions of 'allegation' and 'inquiry' in section 2 and in sections 7(2)(j), 11(2)(g), 20(2), 52(3)(a), 59A to 65, 67 to 71 and 79(2) shall be construed as including references to any of the matters referred to in paragraph (a).

(3) The authorised officer shall investigate the complaint and prepare a report for the chief executive officer.

(4) The authorised officer may, by notice in writing given to a complainant, 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 provide, within a reasonable period specified in the notice, further information relating to the matter the subject of the complaint;

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

(5) The chief executive officer may refuse to consider or further consider a complaint if the complainant, without reasonable excuse, does not comply with a notice under subsection (4) given to the complainant.

(6) The authorised officer shall give notice in writing to the registered medical practitioner, the subject of a complaint, of the complaint, its nature and, if known, the name of the complainant.

(7) The registered medical practitioner the subject of a complaint may provide to the authorised officer any information that the practitioner believes should be considered by the Preliminary Proceedings Committee or the Fitness to Practise Committee.

(8) The authorised officer may, by notice in writing given to a registered medical practitioner the subject of a complaint, require the practitioner to provide the authorised officer, within a reasonable period specified in the notice, with such information relating to the complaint as is specified in the notice.

(9) A registered medical practitioner shall comply with a notice under subsection (8) given to the practitioner.

(10) Where a complaint is withdrawn before it is considered by the Preliminary Proceedings Committee, the chief executive officer may—

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

(b) proceed as if the complaint had not been withdrawn.

(11) The chief executive officer shall, following the receipt of the investigation report from the authorised officer, forward the complaint and the investigation report and any other information which the chief executive officer deems appropriate to the Preliminary Proceedings Committee for consideration.

(12) Subsections (1)(c), (2) (in so far as the last-mentioned subsection relates to the production of records) and (9) of section 66 shall apply to and in relation to the chief executive officer as those subsections apply to and in relation to the Fitness to Practise Committee and the chairperson of the Fitness to Practise Committee and the other provisions of section 66 (including subsections (4) to (6)) shall, with all necessary modifications, be construed accordingly.".

Amendment of section 59 of Act of 2007

112. Section 59 of the Act of 2007 is amended—

(a) in subsection (1), by the insertion of "and investigation report and any other information from the chief executive officer" after "receiving a complaint",

(b) in subsection (1A)—

(i) by the substitution of "the investigation of the complaint and the investigation report and other information as it considers" for "its investigation of the complaint as it considers", and

(ii) by the substitution of "59A to 65" for "60 to 65",

(c) by the deletion of subsections (3) to (8),

(d) by the insertion of the following subsections after subsection (9):

"(9A) Where the Preliminary Proceedings Committee is of the opinion that additional information or an additional investigation, or both, is or are required concerning a complaint, it shall advise the chief executive officer that it is of that opinion.

(9B) Where the chief executive officer is advised under subsection (9A), he or she shall—

(a) seek to obtain the additional information required and give it to the Preliminary Proceedings Committee, or

(b) ensure that the additional investigation required is undertaken and the further investigation report arising from the additional investigation is given to the Preliminary Proceedings Committee,

or both if so required by that advisement.",

(e) in subsection (10), by the deletion of ", with the Council's agreement", and

(f) in subsection (11), by the insertion of "and the other provisions of section 66 (including subsections (4) to (6)) shall, with all necessary modifications, be construed accordingly" after "chairperson of the Fitness to Practise Committee".

Undertakings and consents

113. The Act of 2007 is amended by the insertion of the following section after section 59:

"59A. (1) The Preliminary Proceedings Committee may request the registered medical practitioner the subject of the complaint to do one or more than one of the following:

(a) if appropriate, undertake not to repeat the conduct the subject of the complaint;

(b) undertake to be referred to a professional competence scheme and to undertake any requirements relating to the improvement of the practitioner's competence and performance which may be imposed;

(c) consent to undergo medical treatment;

(d) consent to being censured by the Council.

(2) Where a registered medical practitioner gives an undertaking or consent the subject of a request under subsection (1) by the Preliminary Proceedings Committee—

(a) the investigation of the complaint shall be considered to be completed,

(b) section 63 shall not apply to the complaint, and

(c) the Committee shall submit to the Council a report in writing specifying—

(i) the nature of the complaint that resulted in the investigation, and

(ii) the measures included in the undertaking or consent.

(3) Where a registered medical practitioner refuses to give an undertaking or consent the subject of a request under subsection (1), the Preliminary Proceedings Committee may proceed as if the request had not been made.".

Amendment of section 60 of Act of 2007

114. Section 60 of the Act of 2007 is amended by the insertion of the following subsection after subsection (4):

"(5) (a) Paragraph (b) applies where—

(i) a registered medical practitioner becomes the subject of an order under subsection (3)(a) or (3A)(a), and

(ii) the Council has reason to believe that—

(I) the practitioner is registered in another jurisdiction as a medical practitioner or has made an application to be registered as a medical practitioner 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 Regulations of 2017, provide that body with a copy of that order and copies of other documents relevant to that order.".

Amendment of section 61 of Act of 2007

115. Section 61 of the Act of 2007 is amended—

(a) In subsection (1), by the substitution of the following paragraphs for paragraph (b):

"(b) the complaint should be referred to another body or authority,

(ba) the medical practitioner the subject of the complaint should be referred to a professional competence scheme, or",

and

(b) in subsection (2) —

(i) in paragraph (b), by the substitution of "complaint" for "complainant", and

(ii) in paragraph (c), by the insertion of "medical practitioner the subject of the" after "refer the".

Amendment of section 63 of Act of 2007

116. Section 63 of the Act of 2007 is amended—

(a) by the substitution of "Subject to section 59A(2)(b), where" for "Where", and

(b) by the insertion of "together with all other material (including investigation reports) that the Committee is of the opinion are relevant to the complaint and that the Fitness to Practise Committee needs to consider to dispose of or otherwise deal with the complaint" after "Fitness to Practise Committee".

Fitness to Practise Committee may order that certain information not be published

117. The Act of 2007 is amended by the insertion of the following section after section 65:

"65A. (1) Subject to subsections (2) and (3), where the Fitness to Practise Committee is satisfied that there is reasonable cause to believe that all or part of the information (in this section referred to as the 'relevant information') relating to all or part of a hearing (in this section referred to as the 'relevant hearing') before the committee being held in public should not be disclosed, it may order that the relevant information shall not be disclosed.

(2) A person may disclose all or part of any relevant information if the disclosure is in such form as to prevent particulars relating to the identity of a party to the proceedings at the relevant hearing being ascertained from it.

(3) Nothing in this section shall be construed as prohibiting a disclosure of relevant information pursuant to a court order.

(4) A person who contravenes subsection (1) shall be guilty of an offence and liable on summary conviction to a class A fine or a term of imprisonment not exceeding 6 months or both.".

Amendment of section 67 of Act of 2007

118. Section 67 of the Act of 2007 is amended by the insertion of the following subsection after subsection (1):

"(1A) Where a registered medical practitioner gives an undertaking or consent the subject of a request under subsection (1) by the Fitness to Practise Committee, the inquiry into the complaint shall be considered to be completed.".

Amendment of section 68 of Act of 2007

119. Section 68 of the Act of 2007 is amended by the deletion of ", with the Council's agreement".

Amendment of section 69 of Act of 2007

120. Section 69 of the Act of 2007 is amended, in subsection (2)(a), by the substitution of the following subparagraphs for subparagraphs (ii) and (iii):

"(ii) the evidence presented to the Committee,

(iii) the Committee's findings as to whether any allegation is proved, whether on the grounds on which the complaint was made or on any other grounds referred to in section 57, and

(iv) if there is an undertaking or consent under section 67(1), the measures included in the undertaking or consent,".

Steps to be taken by Council after receiving report

121. The Act of 2007 is amended by the substitution of the following section for section 70:

"70. The Council shall, on receiving the report referred to in section 69(1) of the Fitness to Practise Committee in relation to a complaint—

(a) if there is an undertaking or consent under section 67(1), comply with section 71(2) in respect of the measures concerned, and

(b) in any other case—

(i) if the Committee finds that no allegation against the registered medical practitioner the subject of the complaint is proved, dismiss the complaint,

(ii) if the Committee finds that any allegation against the practitioner is proved, decide under section 71(1) or 71A(1), as may be appropriate, one or more than one sanction to be imposed on the practitioner.".

Measures to be taken by Council after receiving report referred to in section 59A(2)(c)

122. The Act of 2007 is amended by the insertion of the following section after section 70A:

"70B. (1) Subsection (2) applies as soon as is practicable after the Council has received and considered the report referred to in section 59A(2)(c) of the Preliminary Proceedings Committee in relation to a complaint concerning—

(a) a registered medical practitioner, or

(b) a medical practitioner referred to in section 70A.

(2) The measures to be taken in respect of the medical practitioner shall be those contained in the report.".

Duty of Council to decide on appropriate measures to be taken

123. The Act of 2007 is amended by the substitution of the following section for section 71:

"71. (1) Subject to sections 57(6)(a) and 72 and subsection (2), the Council shall, as soon as is practicable after receiving and considering the report referred to in section 69(1) of the Fitness to Practise Committee in relation to a complaint concerning a registered medical practitioner where section 70(b)(ii) is applicable, decide that one or more than one of the following sanctions be imposed on the practitioner:

(a) an advice or admonishment, or a censure, in writing;

(b) a censure in writing and a fine not exceeding €5,000;

(c) the attachment of conditions to the practitioner's registration, including restrictions on the practice of medicine that may be engaged in by the practitioner;

(d) the transfer of the practitioner's registration to another division of the register;

(e) the suspension of the practitioner's registration for a specified period;

(f) the cancellation of the practitioner's registration;

(g) a prohibition from applying for a specified period for the restoration of the practitioner's registration.

(2) Where the report referred to in section 69(1) follows an undertaking or consent under section 67(1), then the measures to be taken in respect of the registered medical practitioner shall be those contained in the report.".

Amendment of section 71A of Act of 2007

124. Section 71A of the Act of 2007 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1) —

(i) by the substitution of "Subject to subsection (2), in the case" for "In the case", and

(ii) by the substitution of "section 70(b)(ii)" for "section 70(b)",

and

(c) by the insertion of the following subsection after subsection (1):

"(2) Where the report referred to in section 69(1) follows an undertaking or consent under section 67(1), then the measures to be taken in respect of the medical practitioner shall be those contained in the report.".

Amendment of section 72 of Act of 2007

125. Section 72 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) by the substitution of "section 71(1)(b), (c)" for "section 71(b), (c)", and

(ii) in paragraphs (a), (b), (c), (d) and (e), by the substitution of "section 71(1)" for "section 71",

and

(b) in subsection (2) —

(i) by the substitution of "section 71(1)(f)" for "section 71(f)", and

(ii) in paragraph (a), by the substitution of "a person who is not a fit and proper person to practise medicine" for "unfit to continue to practise medicine".

Amendment of section 72A of Act of 2007

126. Section 72A of the Act of 2007 is amended—

(a) by the substitution of "section 71A(1)(b), (c)" for "section 71A(b), (c)", and

(b) in paragraphs (a), (b) and (c), by the substitution of "section 71A(1)" for "section 71A".

Amendment of section 73 of Act of 2007

127. Section 73 of the Act of 2007 is amended by the substitution of the following subsection for subsection (2):

"(2) Where the Council has decided to impose a sanction on a registered medical practitioner (other than a sanction arising from measures referred to in section 71(2) or 71A(2)), the Council shall give notice in writing to the practitioner of the practitioner's entitlement, under section 75, to appeal to the Court against the decision.".

Amendment of section 74 of Act of 2007

128. Section 74 of the Act of 2007 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1), by the substitution of "(not being a sanction referred to in section 71(1)(a) or 71A(1)(a) or arising from measures referred to in section 71(2) or 71A(2))" for "(other than a sanction referred to in section 71(a) or 71A(a))", and

(c) by the insertion of the following subsection after subsection (1):

"(2) A decision under section 71(1) or 71A(1) to impose a sanction (being a sanction referred to in section 71(1)(a) or 71A(1)(a)) on a registered medical practitioner shall not take effect unless—

(a) the decision is confirmed by the Court on an application under section 75, or

(b) the 21 days referred to in section 75(1) within which the practitioner may appeal to the Court against the decision expires without the practitioner making such appeal.".

Amendment of section 75 of Act of 2007

129. Section 75 of the Act of 2007 is amended by the substitution of the following subsection for subsection (1):

"(1) A registered medical practitioner the subject of a decision under section 71(1) or 71A(1) to impose a sanction (other than a sanction arising from measures referred to in section 71(2) or 71A(2)) may, not later than 21 days after the notice under section 73(1) of the decision was given by the Council, appeal to the Court against the decision.".

Amendment of section 76 of Act of 2007

130. Section 76 of the Act of 2007 is amended—

(a) in subsection (1), by the substitution of "(other than a sanction referred to in section 71(1)(a) or 71A(1)(a) or arising from measures referred to in section 71(2) or 71A(2))" for "(other than a sanction referred to in section 71(a) or 71A(a))", and

(b) in subsection (3), by the insertion of "and direct how the costs of the application are to be borne" after "to do so".

Amendment of section 84 of Act of 2007

131. Section 84 of the Act of 2007 is amended—

(a) in subsection (1) —

(i) by the substitution of "the Health Service Executive and such other persons as it thinks fit" for "the Minister and the Health Service Executive", and

(ii) by the substitution of the following paragraphs for paragraph (k):

"(k) the censuring of a registered medical practitioner;

(l) the advisement or admonishment of a registered medical practitioner.",

(b) in subsection (2) —

(i) by the substitution of "paragraphs (a) to (l)" for "paragraphs (a) to (k)",

(ii) by the insertion of "if satisfied that it is in the public interest to do so and" after "shall,", and

(iii) by the deletion of "the Minister and",

(c) in subsection (3), by the insertion of "(if satisfied that, in the case of a measure referred to in subsection (2), it is in the public interest to do so)" after "shall", and

(d) by the substitution of the following subsections for subsection (4):

"(4) (a) Paragraph (b) applies where—

(i) it comes to the Council's attention that any measure referred to in subsection (1) has been taken in relation to a registered medical practitioner, and

(ii) the Council has reason to believe that—

(I) the practitioner is registered in another jurisdiction, and

(II) that measure 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 measure and may, and notwithstanding any provision of Directive 2005/36/EC or of the Regulations of 2017, provide that body with copies of documents relevant to that measure (including a copy of the report concerned referred to in section 69(1)).

(5) (a) Paragraph (b) applies where—

(i) it comes to the Council's attention that any measure referred to in subsection (2) has been taken in relation to a registered medical practitioner, and

(ii) the Council has reason to believe that—

(I) the practitioner is registered in another jurisdiction, and

(II) that measure 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, if satisfied that it is in the public interest to do so, give notice in writing to that body of that measure.".

Amendment of section 85 of Act of 2007

132. Section 85 of the Act of 2007 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1) —

(i) by the substitution of "(if satisfied that, in the case of a measure referred to in section 84(1)(k) or (l) or paragraph (a)(ii), it is in the

public interest to do so)" for ", if satisfied that it is in the public interest to do so", and

(ii) by the substitution of the following paragraph for paragraph (b):

"(b) if satisfied that it is in the public interest to do so, publish a transcript of all or any part of the proceedings of the Fitness to Practise Committee at an inquiry or publish all or any part of a report referred to in section 69(1) of the Fitness to Practise 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).",

and

(c) by the insertion of the following subsection after subsection (1):

"(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 75 or 76.".

Amendment of section 86 of Act of 2007

133. Section 86 of the Act of 2007 is amended—

(a) by the substitution of the following subsection for subsection (2):

"(2) The Health Service Executive, in accordance with section 7(4)(b) of the Health Act 2004, shall facilitate the medical education and training of students (including interns) seeking to be registered medical practitioners.",

(b) in subsection (3) —

(i) by the substitution of "shall, with respect to" for "shall, with respect to specialist", and

(ii) in paragraphs (b) and (e), by the deletion of "specialist",

and

(c) in subsection (6), by the substitution of "Medical" for "Specialist medical".

Amendment of section 88 of Act of 2007

134. Section 88 of the Act of 2007 is amended—

(a) in subsection (1)(a), by the substitution of "medical qualifications (including medical degrees)" for "basic and specialist medical qualifications",

(b) in subsection (2) —

(i) by the substitution of "in relation to medical degrees (other than postgraduate medical degrees that are not graduate entry degrees for medicine)" for "in relation to basic medical education",

(ii) in paragraph (a)(i) —

(I) by the insertion of "where appropriate," before "approve, approve subject to conditions", and

(II) in clause (I), by the deletion of "basic",

(iii) in paragraph (c), by the substitution of "medical degree" for "basic medical qualification",

(iv) in paragraph (f), by the deletion of "basic", and

(v) in paragraph (i), by the substitution of "medical degree" for "basic medical qualification",

(c) in subsection (6), by the deletion of "basic" in each place that it occurs,

(d) in subsection (7), by the deletion of "basic", and

(e) in subsection (8), by the deletion of "basic and specialist".

Amendment of section 89 of Act of 2007

135. Section 89 of the Act of 2007 is amended, in subsection (3), by the substitution of the following paragraph for paragraph (b):

"(b) refuse to approve—

(i) a programme of specialist training in relation to that medical specialty, or

(ii) a body as a body which may grant evidence of the satisfactory completion of specialist training in relation to that medical specialty.".

Amendment of section 91 of Act of 2007

136. Section 91 of the Act of 2007 is amended by the substitution of the following subsection for subsection (7):

"(7) Where, arising from the performance of its duty under subsection (1), the Council considers that a medical practitioner registered in the General Division, the Specialist Division, the Trainee Specialist Division or the Supervised Division has been given every reasonable opportunity by the Council to improve the practitioner's professional performance but whose professional competence is found by the Council to continue to be below the standards of competence that can reasonably be expected for continued registration in the General Division, the Specialist Division, the Trainee Specialist Division or the Supervised Division, as the case may be, then the Council may make a complaint.".

Amendment of section 94 of Act of 2007

137. Section 94 of the Act of 2007 is amended, in subsection (3), by the substitution of "section 59A(1) or 67(1)" for "section 67(1)".

Amendment of section 104 of Act of 2007

138. Section 104 of the Act of 2007 is amended by the insertion of the following subsection after subsection (1):

"(1A) In any action for defamation, the proceedings, reports and communications of the chief executive officer under any of Parts 7, 8 and 9 are absolutely privileged.".

Amendment of section 105 of Act of 2007

139. Section 105 of the Act of 2007 is amended—

(a) in subsection (1), by the substitution of "The chief executive officer shall, at the request of the Minister, or may, of his or her" for "The Council shall, at the request of the Minister, or may of its", and

(b) in subsection (2) —

(i) by the substitution of "chief executive officer has carried out an investigation under subsection (1), the chief executive officer shall, if he or she" for "Council has carried out an investigation under subsection (1), the Council shall, if it",

(ii) by the substitution of "then the chief executive officer" for "then the Council", and

(iii) by the substitution of "the chief executive officer reasonably" for "the Council reasonably".

Amendment of Act of 2007 - insertion of sections 105A and 105B

140. The Act of 2007 is amended by the insertion of the following sections after section 105:

"Admissibility of certain documents relating to proceedings in State or other jurisdictions

105A. (1) In any proceedings under this Act concerning a medical practitioner, intern or adapter, 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 medical practitioner, intern or adapter, 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—

'adapter' includes—

(a) a person who has made an application under section 36M for registration which has not yet been determined by the Council, and

(b) a former adapter;

'final determination', in relation to any relevant proceedings and a medical practitioner, intern or adapter, 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 practitioner, intern or adapter, 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;

'intern' includes—

(a) a person who has made an application under section 36E for registration which has not yet been determined by the Council, and

(b) a former intern;

'registered medical practitioner' includes—

(a) a person who has made an application under section 45 or 50A for registration which has not yet been determined by the Council, and

(b) a former registered medical practitioner;

'relevant document', in relation to a medical practitioner, intern or adapter, 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 practitioner, intern or adapter 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 practitioner, intern or adapter 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 practitioner, intern or adapter 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 proceedings', in relation to a medical practitioner, intern or adapter, means any disciplinary or judicial proceedings (other

than such proceedings under this Act), in respect of which the practitioner, intern or adapter is the subject—

(a) in the State or another jurisdiction which may directly or indirectly result in the practitioner, intern or adapter—

(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 practitioner, intern or adapter 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 practitioner, intern or adapter being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.

Prosecution of summary proceedings

105B. (1) Summary proceedings for an offence under this Act may be prosecuted by the Council.

(2) Notwithstanding section 10(4) of the Petty Sessions (Ireland) Act 1851, summary proceedings for an offence under this Act may be instituted at any time within 2 years from the date of the alleged commission of the offence.".

Amendment of section 107 of Act of 2007

141. Section 107 of the Act of 2007 is amended—

(a) by the insertion of the following subsection after subsection (2):

"(2A) 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.",

(b) in subsection (4)(b), by the insertion of "or material matter" after "medical disability", and

(c) by the insertion of the following subsections after subsection (4):

"(4A) Without prejudice to the generality of subsection (1), the Council may—

(a) specify a form to be completed by an intern in connection with the payment by the intern of any fee determined under section 36(1)(cb), and

(b) in that form, require the intern to provide the Council with such information that the intern would have to provide the Council if the intern were not registered but were seeking

registration under section 36E (including information about any relevant medical disability or material matter).

(4B) Without prejudice to the generality of subsection (1), the Council may—

(a) specify a form to be completed by an adapter in connection with the payment by the adapter of any fee determined under section 36(1)(ce), and

(b) in that form, require the adapter to provide the Council with such information that the adapter would have to provide the Council if the adapter were not registered but were seeking registration under section 36M (including information about any relevant medical disability or material matter).".

Notifications under Act

142. The Act of 2007 is amended by the insertion of the following section after section 111:

"112. (1) Where the Council, a section 20(2) committee or the chief executive officer is required or authorised under this Act to notify a registered medical practitioner, former registered medical practitioner, intern, former intern, adapter or former adapter 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 of medical practitioners, register of interns or register of adapters (as the case may be) in which his or her name is or was (as the case may be) entered.

(2) Where the Council or the chief executive officer is required or authorised under this Act to notify a person (not being a registered medical practitioner, former registered medical practitioner, intern, former intern, adapter or former adapter) 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.".

PART 6

Amendment of Nurses and Midwives Act 2011

Definition

143. In this Part, "Act of 2011" means the Nurses and Midwives Act 2011.

Amendment of section 2 of Act of 2011

144. Section 2 of the Act of 2011 is amended—

(a) in subsection (1) —

(i) in the definition of "appropriate fee", by the insertion of "(if any)" after "means the fee",

(ii) in the definition of "conditions", by the insertion of "and restrictions" after "terms",

(iii) in the definition of "decision", by the insertion of "52A," after "section 52,",

(iv) in the definition of "relevant condition", in paragraph (b), by the substitution of "section 52(4) or 52A(4)" for "section 52(4)",

(v) by the substitution of the following definition for the definition of "relevant medical disability":

" 'relevant medical disability', in relation to a person, means a physical or mental disability of the person (including addiction to alcohol or drugs) which may impair his or her ability to practise nursing or midwifery or a particular aspect thereof;",

and

(vi) by the insertion of the following definitions:

" 'allegation', in relation to a complaint, means an allegation—

(a) arising out of the complaint, and

(b) which falls within one or more than one of the grounds specified in section 55(1);

'authorised officer' means a member of the staff of the Board appointed under section 56(1) to be an authorised officer to perform the functions specified under section 56(2);

'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;

'investigation', in relation to a complaint, means an investigation referred to in section 56A(1);

'investigation report', in relation to a complaint, means a report referred to in section 56A(3) following the investigation of the complaint;

'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), other than the Board, 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 (other than relevant conditions) on any registration or licence;

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

(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;

'registered address' —

(a) in relation to a registered nurse or registered midwife, means the address specified in the register of nurses and midwives as the nurse's or midwife's address, and

(b) in relation to a registered candidate, means the address specified in the candidate register as the candidate's address;

'registered candidate' means a candidate whose name is entered in the candidate register;

'relevant profession' means any of the following professions:

(a) dentist;

(b) a designated profession within the meaning of section 3 of the Health and Social Care Professionals Act 2005;

(c) medical practitioner;

(d) midwife;

(e) nurse;

(f) pharmacist;

'restriction' includes a condition;",

and

(b) by the insertion of the following subsection after subsection (2):

"(3) Unless otherwise specified in this Act, nothing in this Act shall be construed to prejudice the performance by the Board of its functions under the Regulations of 2017 as the competent authority in respect of the regulated professions (within the meaning of Regulation 3 of those Regulations) concerned.".

Amendment of section 13 of Act of 2011

145. Section 13 of the Act of 2011 is amended—

(a) in subsection (2), by the substitution of the following paragraphs for paragraph (h):

"(h) subject to subsection (3A), the establishment, membership, functions and procedures of subcommittees of committees, including—

(i) in the case of the Preliminary Proceedings Committee, subcommittees to give initial consideration to complaints on behalf of that Committee, and

(ii) in the case of the Fitness to Practise Committee, subcommittees inquiring, on behalf of that Committee, into complaints referred to that Committee,

(ha) the recognition of a qualification held by a person,",

and

(b) by the insertion of the following subsection after subsection (3):

"(3A) Without prejudice to the generality of subsection (2)(h), rules made under that subsection may provide that—

(a) the chairperson of the Preliminary Proceedings Committee, or such other member of that Committee who is authorised by the rules to do so, may establish, in accordance with the rules, a subcommittee referred to in subsection (2)(h)(i), or

(b) the chairperson of the Fitness to Practise Committee, or such other member of that Committee who is authorised by the rules to do so, may establish, in accordance with the rules, a subcommittee referred to in subsection (2)(h)(ii).".

Amendment of section 24 of Act of 2011

146. Section 24 of the Act of 2011 is amended—

(a) in subsection (5)(b), by the substitution of "section 57A(1)(d) or 65(1)(d)" for "section 65(1)(d)",

(b) in subsection (11), by the substitution of "subsections (9), (10) and (11A)" for "subsections (9) and (10)",

(c) by the insertion of the following subsection after subsection (11):

"(11A) Paragraph (a) of subsection (11) shall not apply to the Fitness to Practise Committee except in relation to the Committee's inquiry into a complaint the hearing of which under section 63 has commenced before the date of coming into operation of *section 146* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020*.",

and

(d) by the insertion of the following subsection after subsection (19):

"(20) (a) Subject to paragraph (c), where a subcommittee of the Preliminary Proceedings Committee is established pursuant to rules made under section 13, that subcommittee may perform any of the functions of that Committee, and every reference in this Act to the Preliminary Proceedings Committee shall, unless the context otherwise requires, be construed as including a reference to that subcommittee.

(b) Subject to paragraph (c), where a subcommittee of the Fitness to Practise Committee is established pursuant to rules made under section 13, that subcommittee may perform any of the functions of that Committee, and every reference in this Act to the Fitness to Practise Committee shall, unless the context otherwise requires, be construed as including a reference to that subcommittee.

(c) Neither paragraph (a) nor (b) shall be construed as entitling a subcommittee referred to in that paragraph to itself establish a subcommittee.".

Amendment of section 28 of Act of 2011

147. Section 28 of the Act of 2011 is amended—

(a) in subsection (1) —

(i) in paragraph (a), by the substitution of "business of the Board," for "business of the Board, and", and

(ii) by the insertion of the following paragraph after paragraph (a):

"(aa) investigate complaints, and",

and

(b) by the substitution of the following subsections for subsection (7):

"(7) If the chief executive officer is absent or the position of chief executive officer is vacant, the functions of the chief executive officer may be performed, by an employee of the Board designated by the Board, for a period of not more than 6 months in any year as specified by the Board or such further period as specified by the Board with the consent of the Minister.

(8) The chief executive officer may delegate in writing any of his or her functions to a specified member of staff of the Board, and that member of staff shall be accountable to the chief executive officer for the performance of the functions so delegated.

(9) The chief executive officer may revoke in writing a delegation made in accordance with this section.".

Amendment of section 38 of Act of 2011

148. Section 38 of the Act of 2011 is amended, in subsection (1), by the insertion of the following paragraph after paragraph (a):

"(aa) the recognition of a qualification held by a person,".

Amendment of section 44 of Act of 2011

149. Section 44 of the Act of 2011 is amended by substitution of the following subsection for subsection (4):

"(4) A person is guilty of an offence if the person makes or causes to be made—

(a) any false declaration or misrepresentation for the purpose of obtaining registration, or

(b) any false declaration under section 52B.".

Amendment of section 48 of Act of 2011

150. Section 48 of the Act of 2011 is amended, in subsection (2), by the substitution of "sections 49, 51, 52, 52A and 53 " for "sections 49, 51, 52(4) and 53".

Amendment of section 50 of Act of 2011

151. Section 50 of Act of 2011 is amended—

(a) in subsection (3), by the substitution of "the Board may consider such an application if the Board is satisfied that the removal of the nurse's or midwife's registration would not be contrary to the public interest" for "then the Board shall not consider the application until such time as the Board has decided whether or not the nurse's or midwife's

registration should be removed (including cancelled) pursuant to another provision of this Act", and

(b) in subsection (4), by the insertion of ", otherwise than where the removal of the registration was effected (whether in whole or in part) on the ground that the removal would not be contrary to the public interest as referred to in subsection (3)," after "registration restored".

Conditions attached to registration

152. The Act of 2011 is amended by the substitution of the following section for section 51:

"51. (1) A person (other than a candidate) making an application for registration shall declare in the application—

(a) whether the person has any relevant medical disability, and

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

(2) Where the Board is satisfied that—

(a) a person making an application for registration has a relevant medical disability 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 nursing or midwifery by the person which take account of that disability or matter,

the Board shall specify the proposed conditions which, in the opinion of the Board, are necessary to be attached to the registration of the person in those interests and propose that the person accept that those conditions be attached to his or her registration.

(3) Where the person the subject of a decision under subsection (2) agrees in writing to the attachment of the proposed conditions referred to in that subsection to the person's registration, the Board shall, if the person is registered, at the same time as such registration comply with section 46(8) in respect of the conditions.

(4) Where the person the subject of a decision under subsection (2) does not agree in writing to the attachment of the proposed conditions referred to in that subsection to the person's registration, the Board may refuse to register that person.

(5) A registered nurse or registered midwife who did not, at the time of his or her registration, have a relevant medical disability but develops a medical disability at any time after registration shall notify the Board when the medical disability becomes a relevant medical disability not later than—

(a) 30 days after the medical disability becomes a relevant medical disability, or

(b) where the relevant medical disability renders it impracticable for the nurse or midwife to notify the Board within those 30 days, as soon as is practicable in the circumstances.

(6) Where the Board is satisfied, after receiving a notification under subsection (5), that, in the interest of public safety, the registration

of the nurse or midwife should become subject to conditions on the practising of nursing or midwifery which take account of that relevant medical disability, the Board shall decide that conditions should be attached to the registration of the nurse or midwife in those interests, specify the proposed conditions and propose that the nurse or midwife accept that those conditions be attached to his or her registration.

(7) Where the nurse or midwife the subject of a decision under subsection (6) agrees in writing to the attachment of the proposed conditions referred to in that subsection to the nurse's or midwife's registration, the Board shall attach those conditions to the registration of the nurse or midwife and, at the same time, comply with section 46(8) in respect of the conditions.

(8) Where the nurse or midwife the subject of a decision under subsection (6) does not agree in writing to the attachment of the proposed conditions referred to in that subsection, the Board may, notwithstanding that refusal, attach those conditions to the registration of the nurse or midwife and, at the same time, comply with section 46(8) in respect of the conditions.".

Board may refuse to register on ground that nurse, etc., is not fit and proper person to practise nursing, etc.

153. The Act of 2011 is amended by the insertion of the following section after section 51:

"51A. Nothing in sections 48 to 51 shall operate to prevent the Board from refusing to register or restore the registration of a nurse, midwife or candidate on the ground that he or she is not a fit and proper person to practise nursing or midwifery in the State (including where the Board is of the view that such nurse, midwife or candidate is not so fit and proper based on a relevant finding of a disciplinary body, court or tribunal, whether in the State or in another jurisdiction).".

Appeal to Court against certain decisions of Board - nurses and midwives

154. The Act of 2011 is amended by the substitution of the following section for section 52:

"52. (1) In this section, 'relevant decision' means a decision of the Board to—

(a) refuse to recognise a qualification held by a nurse or midwife as a qualification he or she is entitled to have registered under this Act,

(b) register a nurse or midwife in a division of the register of nurses and midwives other than the division specified in the application under section 48 for registration,

(c) attach conditions to the registration of a nurse or midwife pursuant to section 51, or

(d) refuse to register or restore the registration of a nurse or midwife pursuant to section 51A.

(2) Where the Board makes a relevant decision, the Board shall forthwith give notice in writing to the person, the subject of the

decision, of the decision, the date of the decision and the reasons for the decision.

(3) The person the subject of a relevant decision may, not later than 3 months after the date on which the person was given notice of the decision pursuant to that subsection, appeal to the Court against the decision.

(4) The Court may, on the hearing of an appeal under subsection (3) by a person—

(a) either—

(i) confirm the relevant decision the subject of the appeal, or

(ii) cancel that decision and substitute such other decision as the Court considers appropriate, which may be a decision to—

(I) recognise a qualification held by the person as a qualification he or she is entitled to have registered under this Act,

(II) register or restore the registration of the person in such division of the register of nurses and midwives as the Court considers appropriate and with no conditions attached to the registration,

(III) register or restore the registration of the person—

(A) in such division of the register of nurses and midwives as the Court considers appropriate, and

(B) with such conditions attached to the registration as the Court considers appropriate,

(IV) remove some or all, or replace some or all, of the conditions attached to the registration of the person, or

(V) require the Board to reconsider the decision in accordance with such directions as are given to the Board for the purposes of that reconsideration,

and

(b) give the Board such directions or, in the case of paragraph (a)(ii)(V), such further directions as the Court considers appropriate and direct how the costs of the appeal are to be borne.

(5) The Board shall, on complying with a direction given by the Court under subsection (4), give notice in writing to the nurse or midwife concerned of the Board's compliance with the direction.".

Appeal to Court against certain decisions of Board - candidates

155. The Act of 2011 is amended by the insertion of the following section after section 52:

"52A. (1) In this section, 'relevant decision' means a decision of the Board to refuse to register or restore the registration of a candidate pursuant to section 51A.

(2) Where the Board makes a relevant decision, the Board shall forthwith give notice in writing to the person, the subject of the decision, of the decision, the date of the decision and the reasons for the decision.

(3) The person the subject of a relevant decision may, not later than 3 months after the date on which the person was given notice of the decision pursuant to that subsection, appeal to the Court against the decision.

(4) The Court may, on the hearing of an appeal under subsection (3) by a person—

(a) either—

(i) confirm the relevant decision the subject of the appeal, or

(ii) cancel that decision and substitute such other decision as the Court considers appropriate, which may be a decision to—

(I) register or restore the registration of the person in such division of the candidate register as the Court considers appropriate and with no conditions attached to the registration,

(II) register or restore the registration of the person—

(A) in such division of the candidate register as the Court considers appropriate, and

(B) with such conditions attached to the registration as the Court considers appropriate,

or

(III) require the Board to reconsider the decision in accordance with such directions as are given to the Board by the Court for the purposes of that reconsideration,

and

(b) give the Board such directions or, in the case of paragraph (a)(ii)(III), such further directions as the Court considers appropriate and direct how the costs of the appeal are to be borne.

(5) The Board shall, on complying with a direction given by the Court under subsection (4), give notice in writing to the candidate concerned of the Board's compliance with the direction.".

Declarations by registered nurses, etc., in relation to certain matters in State or other jurisdictions, etc.

156. The Act of 2011 is amended by the insertion of the following section before section 53:

"52B. (1) Subject to subsections (2) to (4), a registered nurse or registered midwife shall, in each year, give to the Board 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 registered nurse or registered midwife because there are no particulars referred

to in that subsection which he or she is required to give to the Board, the nurse or midwife shall give to the Board a declaration in writing to that effect.

(3) If, in any year subsequent to a year in which a registered nurse or registered midwife gave particulars referred to in subsection (1) to the Board, there has been no material change in the matter to which the particulars relate, the nurse or midwife 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 registered nurse or registered midwife 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 determined under section 38(1)(b), and

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

(5) A registered nurse or registered midwife shall, not later than 3 months after the final determination of any relevant proceedings, give to the Board—

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

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

(6) The Board may, by notice in writing given to a registered nurse or registered midwife who has made a declaration under this section, require the nurse or midwife, as the case may be, 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 registered nurse or registered midwife shall comply with a notice under subsection (6) given to the nurse or midwife.

(b) Where the Board considers that a registered nurse or registered midwife has contravened paragraph (a), the Board shall forthwith make a complaint.

(8) In this section—

'final determination', in relation to any relevant proceedings and a registered nurse or registered midwife, 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 nurse or midwife, 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 registered nurse or registered midwife, means any disciplinary or judicial proceedings (other than any such proceedings under this Act), in respect of which the nurse or midwife is the subject—

(a) in the State or another jurisdiction which may directly or indirectly result in the nurse or midwife—

(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 nurse or midwife 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 nurse or midwife being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.".

Amendment of section 53 of Act of 2011

157. Section 53 of the Act of 2011 is amended by the deletion of subsection (7).

Board may request certain information concerning registered nurses, etc., from certain bodies in State or other jurisdictions

158. The Act of 2011 is amended by the insertion of the following section after section 53:

"53A. (1) Where a registered nurse or registered midwife provides, or has provided, one or more than one kind of health or social care in the State or another jurisdiction, the Board may make a request in writing, accompanied by the relevant statement, to the body, duly authorised in the State or that jurisdiction to regulate persons who provide that kind of health or social care in the State or that jurisdiction, to provide the Board 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 nurse or midwife;

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

(2) In this section—

'registered nurse' and 'registered midwife' includes a person who has made an application under section 48 for registration which has not yet been determined by the Board;

'relevant statement', in relation to a request under subsection (1), means a statement to the effect that any information provided to the 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 nurse or midwife the subject of the request.".

Amendment of section 55 of Act of 2011

159. Section 55 of the Act of 2011 is amended—

(a) in subsection (1) —

(i) by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(ii) by the insertion of the following paragraph after paragraph (e):

"(ea) the imposition on the nurse or midwife 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,",

and

(iii) in paragraph (f), by the substitution of "section 57A(1) or 65(1)" for "section 65(1)",

(b) by the insertion of the following subsections after subsection (2):

"(2A) (a) The chief executive officer may, in relation to a complaint heard, being heard or to be heard by the Fitness to Practise Committee, 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 nurse or midwife 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 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 nurse or midwife 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 Board (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 nurse or midwife.

(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 nurse or midwife, 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 nurse or midwife for offences (if any).

(2B) Subject to subsection (2C), where the chief executive officer receives a complaint, he or she shall comply with section 56A in respect of the complaint unless—

(a) he or she is satisfied that the complaint is not made in good faith, or

(b) he or she is satisfied that the complaint is frivolous or vexatious.

(2C) Subsection (2B) shall not apply to a complaint where the Board is the complainant.

(2D) Where the chief executive officer decides that a complaint falls within subsection (2B)(a) or (b), he or she shall give notice in writing to the complainant (and, if the chief executive officer is of the opinion that it is in the interests of the complainant, or the registered nurse or registered midwife to whom the complaint relates, or of both, to do so, to such nurse or midwife) of the decision and the reasons for the decision.",

(c) in subsection (3) —

(i) by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(ii) in paragraph (a), by the substitution of "the chief executive officer, the Preliminary Proceedings Committee" for "the Committee", and

(iii) by the substitution of the following paragraph for paragraph (b):

"(b) the authorised officers act expeditiously, and",

(d) by the insertion of the following subsection after subsection (3):

"(3A) The chief executive officer may, in relation to the complaint concerned, inform, in addition to the complainant, other parties to the proceedings under this Act concerning the complaint, of the decisions referred to in subsection (3)(a).",

(e) by the deletion of subsection (4),

(f) in subsection (5), by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(g) in subsection (6) —

(i) in paragraph (a)(i), by the substitution of "a person who has permanently ceased to be a fit and proper person to continue to practise nursing or midwifery in the State" for "permanently unfit to continue to practise nursing or midwifery", and

(ii) in paragraph(b), by the substitution of "chief executive officer and direct that officer", for "Preliminary Proceedings Committee and direct the Committee",

(h) in subsection (8), by the substitution of "chief executive officer" for "Preliminary Proceedings Committee", and

(i) by the insertion of the following subsection after subsection (8):

"(8A) A complaint made before the commencement of *section 159* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020* which has not been disposed of or otherwise dealt with under this Act before that commencement shall be disposed of or otherwise dealt with under this Act as this Act was in force immediately before that commencement.".

Amendment of section 56 of Act of 2011

160. Section 56 of the Act of 2011 is amended—

(a) by the substitution of the following subsections for subsections (1) and (2):

"(1) The chief executive officer may appoint such and so many members of staff as he or she deems appropriate to be authorised officers to investigate complaints and to assist the chief executive officer and the Preliminary Proceedings Committee in relation to complaints for such period and subject to such terms as the chief executive officer may determine.

(2) Subject to subsection (4), the chief executive officer shall specify the functions to be performed by authorised officers.",

(b) in subsection (3) —

(i) by the substitution of the following paragraphs for paragraph (a):

"(a) investigating complaints,

(aa) interviewing persons for the purposes of assessing the relevance or evidential value of information or documents they wish to give to the chief executive officer or Preliminary Proceedings Committee;",

and

(ii) by the substitution of the following paragraphs for paragraphs (d) to (f):

"(d) reporting to the chief executive officer;

(e) requesting persons to provide the chief executive officer with statements in writing concerning any matter relevant to the chief executive officer's or Preliminary Proceedings Committee's functions and examining statements given in response to the requests;

(f) providing the chief executive officer or Preliminary Proceedings Committee with any other advice or assistance required in relation to the preparation of the chief executive officer's or Preliminary Proceedings Committee's reports.",

(c) in subsection (4) —

(i) by the substitution of "An authorised officer" for "A person appointed under subsection (1)",

(ii) in paragraph (a), by the deletion of "or take affirmations", and

(iii) in paragraph (b), by the substitution of "chief executive officer" for "Preliminary Proceedings Committee",

(d) in subsection (5), by the substitution of "An authorised officer" for "A person appointed under subsection (1)",

(e) by the substitution of the following subsection for subsection (6):

"(6) The chief executive officer shall provide each authorised officer with a warrant—

(a) identifying the authorised officer, and

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

and

(f) by the substitution of the following subsection for subsection (7):

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

Investigation of complaints

161. The Act of 2011 is amended by the insertion of the following section after section 56:

"56A. (1) Subject to section 55(2B), the chief executive officer, following the receipt of a complaint, shall cause such investigation as he or she deems appropriate to be carried out and, for the purposes of the investigation, shall appoint an authorised officer to carry out the investigation.

(2) (a) The chief executive officer and the authorised officer appointed under subsection (1) may, for the purposes of considering whether there is sufficient cause to warrant further action being taken in relation to a complaint, take account of such matters relating to the registered nurse or registered midwife the subject of the complaint that arise from the investigation of the complaint as they consider appropriate.

(b) References to a complaint in this section (other than subsection (10)), in the definitions of 'allegation' and 'inquiry' in section 2 and in sections 9(2)(i), 13(2)(h), 24(2), 50(3)(a), 57A, 63, 65 to 69 and 77(2) shall be construed as including references to any of the matters referred to in paragraph (a).

(3) The authorised officer shall investigate the complaint and prepare a report for the chief executive officer.

(4) The authorised officer may, by notice in writing given to a complainant, 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 provide, within a reasonable period specified in the notice, further information relating to the matter the subject of the complaint;

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

(5) The chief executive officer may refuse to consider or further consider a complaint if the complainant, without reasonable excuse, does not comply with a notice under subsection (4) given to the complainant.

(6) The authorised officer shall give notice in writing to the registered nurse or registered midwife, the subject of a complaint, of the complaint, its nature and, if known, the name of the complainant.

(7) The registered nurse or registered midwife the subject of a complaint may provide to the authorised officer any information that the nurse or midwife believes should be considered by the

Preliminary Proceedings Committee or the Fitness to Practise Committee.

(8) The authorised officer may, by notice in writing given to a registered nurse or registered midwife the subject of a complaint, require the nurse or midwife to provide the authorised officer, within a reasonable period specified in the notice, with such information relating to the complaint as is specified in the notice.

(9) A registered nurse or registered midwife shall comply with a notice under subsection (8) given to him or her.

(10) Where a complaint is withdrawn before it is considered by the Preliminary Proceedings Committee, the chief executive officer may—

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

(b) proceed as if the complaint had not been withdrawn.

(11) The chief executive officer shall, following the receipt of the investigation report from the authorised officer, forward the complaint and the investigation report and any other information which the chief executive officer deems appropriate to the Preliminary Proceedings Committee for consideration.

(12) Subsections (1)(c), (2) (in so far as the last-mentioned subsection relates to the production of records) and (9) of section 64 shall apply to and in relation to the chief executive officer as those subsections apply to and in relation to the Fitness to Practise Committee and the chairperson of the Fitness to Practise Committee and the other provisions of section 64 (including subsections (4) to (6)) shall, with all necessary modifications, be construed accordingly.".

Amendment of section 57 of Act of 2011

162. Section 57 of the Act of 2011 is amended—

(a) in subsection (1), by the insertion of "and the investigation report and any other information from the chief executive officer" after "receiving a complaint",

(b) in subsection (2) —

(i) by the substitution of "the investigation of the complaint and the investigation report and other information as it considers" for "its investigation of the complaint as it considers", and

(ii) by the substitution of "57A to 63" for "58 to 63",

(c) by the deletion of subsections (4) to (9),

(d) by the insertion of the following subsections after subsection (10):

"(10A) Where the Preliminary Proceedings Committee is of the opinion that additional information or an additional investigation, or both, is or are required concerning a complaint, it shall advise the chief executive officer that it is of that opinion.

(10B) Where the chief executive officer is advised under subsection (10A), he or she shall—

(a) seek to obtain the additional information required and give it to the Preliminary Proceedings Committee, or

(b) ensure that the additional investigation required is undertaken and the further investigation report arising from the additional investigation is given to the Preliminary Proceedings Committee,

or both if so required by that advisement.",

(e) in subsection (11), by the deletion of ", with the Board's agreement", and

(f) in subsection (12), by the insertion of "and the other provisions of section 64 (including subsections (4) to (6)) shall, with all necessary modifications, be construed accordingly" after "chairperson of the Fitness to Practise Committee".

Undertakings and consents

163. The Act of 2011 is amended by the insertion of the following section after section 57:

"57A. (1) The Preliminary Proceedings Committee may request the registered nurse or registered midwife the subject of the complaint to do one or more than one of the following:

(a) if appropriate, undertake not to repeat the conduct the subject of the complaint;

(b) pursuant to section 87(2), demonstrate her or his relevant competencies to the satisfaction of the Board;

(c) take such steps as may be specified by the Board, which may include taking a course of education or training or gaining clinical practical experience for the express purpose of updating her or his skills and knowledge;

(d) consent to undergo medical treatment;

(e) consent to being censured by the Board.

(2) Where a registered nurse or registered midwife gives an undertaking or consent the subject of a request under subsection (1) by the Preliminary Proceedings Committee—

(a) the investigation into the complaint shall be considered to be completed,

(b) section 61 shall not apply to the complaint, and

(c) the Committee shall submit to the Board a report in writing specifying—

(i) the nature of the complaint that resulted in the investigation, and

(ii) the measures included in the undertaking or consent.

(3) Where a registered nurse or registered midwife refuses to give an undertaking or consent the subject of a request under subsection (1), the Preliminary Proceedings Committee may proceed as if the request had not been made.".

Amendment of section 58 of Act of 2011

164. Section 58 of the Act of 2011 is amended by the insertion of the following subsection after subsection (4):

"(5) (a) Paragraph (b) applies where—

(i) a registered nurse or registered midwife becomes the subject of an order under subsection (3)(a), and

(ii) the Board has reason to believe that—

(I) the nurse or midwife is registered in another jurisdiction as a nurse or midwife or has made an application to be registered as a nurse or midwife 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 Board.

(b) The Board shall give notice in writing to that body of that order and may, notwithstanding any provision of Directive 2005/36/EC or of the Regulations of 2017, provide that body with a copy of that order and copies of other documents relevant to that order.".

Amendment of section 59 of Act of 2011

165. Section 59 of the Act of 2011 is amended—

(a) in subsection (1)(b), by the deletion of "or to a professional competence scheme", and

(b) in subsection (2) —

(i) in paragraph (b), by the substitution of "complaint" for "complainant", and

(ii) in paragraph (d), by the insertion of "nurse or midwife the subject of the" after "refer the".

Amendment of section 61 of Act of 2011

166. Section 61 of the Act of 2011 is amended, in subsection (1) —

(a) by the substitution of "Subject to section 57A(2)(b), where" for "Where", and

(b) by the insertion of "together with all other material (including investigation reports) that the Committee is of the opinion are relevant to the complaint and that the Fitness to Practise Committee needs to consider to dispose of or otherwise deal with the complaint" after "Fitness to Practise Committee".

Fitness to Practise Committee may order that certain information not be published

167. The Act of 2011 is amended by the insertion of the following section after section 63:

"63A. (1) Subject to subsections (2) and (3), where the Fitness to Practise Committee is satisfied that there is reasonable cause that all or part of the information (in this section referred to as the 'relevant information') relating to all or part of a hearing (in this section referred to as the 'relevant hearing') before the committee being held in public should not be disclosed, it may request that the relevant information not be disclosed.

(2) A person may disclose all or part of any relevant information if the disclosure is in such form as to prevent particulars relating to the identity of a party to the proceedings at the relevant hearing being ascertained from it.

(3) Nothing in this section shall be construed as prohibiting a disclosure of relevant information pursuant to a court order.

(4) A person who fails to comply with a request under subsection (1) shall be guilty of an offence and liable on summary conviction to a class A fine or a term of imprisonment not exceeding 6 months or both.".

Amendment of section 65 of Act of 2011

168. Section 65 of the Act of 2011 is amended, in subsection (1), by the deletion of ", with the agreement of the Board,".

Amendment of section 66 of Act of 2011

169. Section 66 of the Act of 2011 is amended by the deletion of ", with the Board's agreement".

Measures to be taken by Board after receiving report referred to in section 57A(2)(c)

170. The Act of 2011 is amended, in Part 9, by the insertion of the following section before section 69:

"68A. (1) Subsection (2) applies as soon as is practicable after the Board has received and considered the report referred to in section 57A(2)(c) of the Preliminary Proceedings Committee in relation to a complaint concerning a registered nurse or registered midwife.

(2) The measures to be taken in respect of the registered nurse or registered midwife shall be those contained in the report.".

Amendment of section 70 of Act of 2011

171. Section 70 of the Act of 2011 is amended, in subsection (2)(a), by the substitution of "a person who is not a fit and proper person to practise nursing or midwifery" for "unfit to continue to practise nursing or midwifery".

Amendment of section 71 of Act of 2011

172. Section 71 of the Act of 2011 is amended by the substitution of the following subsection for subsection (2):

"(2) Where the Board has decided to impose a sanction on a registered nurse or registered midwife (other than a sanction arising from measures referred to in section 69(2)), the Board shall give notice

in writing to the nurse or midwife of the nurse's or midwife's entitlement, under section 73, to appeal to the Court against the decision.".

Amendment of section 72 of Act of 2011

173. Section 72 of the Act of 2011 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1), by the substitution of "not being a sanction referred to in section 69(1)(a) or arising from measures referred to in section 69(2)" for "other than a sanction referred to in section 69(1)(a) or (2)", and

(c) by the insertion of the following subsection after subsection (1):

"(2) A decision under section 69 to impose a sanction (being a sanction referred to in section 69(1)(a)) on a registered nurse or a registered midwife shall not take effect unless—

(a) the decision is confirmed by the Court on an appeal under section 73, or

(b) the 21 days referred to in section 73(1) within which the nurse or midwife may appeal to the Court against the decision expires without the nurse or midwife, as the case may be, making such appeal.".

Amendment of section 73 of Act of 2011

174. Section 73 of the Act of 2011 is amended, in subsection (1), by the substitution of "(other than a sanction arising from measures referred to in section 69(2))" for "(other than a sanction referred to in section 69(1)(a) or (2))".

Amendment of section 74 of Act of 2011

175. Section 74 of the Act of 2011 is amended—

(a) in subsection (1), by the substitution of "or arising from measures referred to in section 69(2)" for "or (2)", and

(b) in subsection (3), by the insertion of "and direct how the costs of the application are to be borne" after "to do so".

Amendment of section 77 of Act of 2011

176. Section 77 of the Act of 2011 is amended by the insertion of the following subsection after subsection (1):

"(1A) The exercise of the Board's power under subsection (1) in the case of a registered nurse or registered midwife shall be deemed to include the exercise of the Board's power under section 39(1) of the Act of 1985 to erase, on the ground specified in paragraph (b) of such section 39(1) and whether before, on or after the commencement of *section 176* of the *Regulated Professions (Health and Social Care) (Amendment) Act 2020*, the name of a person referred to in such section 39(1) from the register referred to in such section 39(1), and the other provisions of this Act (including

section 78) shall, with all necessary modifications, be construed accordingly.".

Amendment of section 82 of Act of 2011

177. Section 82 of the Act of 2011 is amended—

(a) in subsection (1) —

(i) by the substitution of "the Health Service Executive and such other persons as it thinks fit" for "the Minister and the Health Service Executive", and

(ii) by the substitution of the following paragraphs for paragraph (k):

"(k) the censuring of a registered nurse or registered midwife;

(l) the advisement or admonishment of a registered nurse or registered midwife.",

(b) in subsection (2) —

(i) by the substitution of "paragraphs (a) to (l)" for "paragraphs (a) to (k)",

(ii) by the insertion of "if satisfied that it is in the public interest to do so and" after "shall,", and

(iii) by the deletion of "the Minister and",

(c) in subsection (3), by the insertion of "(if satisfied that, in the case of a measure referred to in subsection (2), it is in the public interest to do so)" after "shall", and

(d) by the substitution of the following subsections for subsection (4):

"(4) (a) Paragraph (b) applies where—

(i) it comes to the Board's attention that any measure referred to in subsection (1) has been taken in relation to a registered nurse or registered midwife, and

(ii) the Board has reason to believe that—

(I) the nurse or midwife is registered in another jurisdiction, and

(II) that measure 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 Board.

(b) The Board shall give notice in writing to that body of that measure and may, notwithstanding any provision of Directive 2005/36/EC or of the Regulations of 2017, provide that body with copies of documents relevant to that measure (including a copy of the report concerned referred to in section 67(1)).

(5) (a) Paragraph (b) applies where—

(i) it comes to the Board's attention that any measure referred to in subsection (2) has been taken in relation to a registered nurse or registered midwife, and

(ii) the Board has reason to believe that—

(I) the nurse or midwife is registered in another jurisdiction, and

(II) that measure 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 Board.

(b) The Board shall, if satisfied that it is in the public interest to do so, give notice in writing to that body of that measure.".

Amendment of section 83 of Act of 2011

178. Section 83 of the Act of 2011 is amended—

(a) by renumbering the existing section as subsection (1),

(b) in subsection (1) —

(i) by the substitution of "(if satisfied that, in the case of a measure referred to in section 82(1)(k) or (l) or paragraph (a)(ii), it is in the public interest to do so)" for ", if satisfied that it is in the public interest to do so", and

(ii) by the substitution of the following paragraph for paragraph (b):

"(b) if satisfied that it is in the public interest to do so, publish a transcript of all or any part of the proceedings of the Fitness to Practise Committee at an inquiry or publish all or any part of a report referred to in section 67(1) of the Fitness to Practise 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).",

and

(c) by the insertion of the following subsection after subsection (1):

"(2) The Board 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 73 or 74.".

Amendment of section 85 of Act of 2011

179. Section 85 of the Act of 2011 is amended, in subsection (2)(a)(i), by the insertion of "where appropriate," before "approve, approve subject to conditions".

Amendment of section 87 of Act of 2011

180. Section 87 of the Act of 2011 is amended, in subsection (4), by the substitution of "section 57A(1) or 65(1)" for "section 65(1)".

Amendment of section 102 of Act of 2011

181. Section 102 of the Act of 2011 is amended by the insertion of the following subsection after subsection (1):

"(1A) In any action for defamation, the proceedings, reports and communications of the chief executive officer under any of Parts 7, 8 and 9 are absolutely privileged.".

Amendment of section 103 of Act of 2011

182. Section 103 of the Act of 2011 is amended—

(a) in subsection (1), by the substitution of "The chief executive officer shall, at the request of the Minister, or may, of his or her" for "The Board shall, at the request of the Minister, or may of its", and

(b) in subsection (2) —

(i) by the substitution of "chief executive officer has carried out an investigation under subsection (1), the chief executive officer shall, if he or she" for "Board has carried out an investigation under subsection (1), the Board shall, if it", and

(ii) by the substitution of "the chief executive officer reasonably" for "the Board reasonably".

Admissibility of certain documents relating to proceedings in other jurisdictions

183. The Act of 2011 is amended by the insertion of the following section after section 103:

"103A. (1) In any proceedings under this Act concerning a nurse or midwife, 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 nurse or midwife, 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 nurse or midwife, 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 nurse or midwife, 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 nurse or midwife, 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 nurse or midwife 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 nurse or midwife 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 nurse or midwife 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 proceedings', in relation to a nurse or midwife, means any disciplinary or judicial proceedings (other than proceedings under this Act), in respect of which the nurse or midwife is the subject—

(a) in the State or another jurisdiction which may directly or indirectly result in the nurse or midwife—

(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 nurse or midwife 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 nurse or midwife being convicted, in the State, for an offence triable on indictment;

'sanction' includes any restriction or measure.".

Amendment of section 105 of Act of 2011

184. Section 105 of the Act of 2011 is amended—

(a) by the insertion of the following subsection after subsection (2):

"(2A) 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.",

and

(b) in subsection (4)(b), by the insertion of "or material matter" after "medical disability".

Notifications under Act

185. The Act of 2011 is amended by the insertion of the following section after section 106:

"106A. (1) Where the Board, the Preliminary Proceedings Committee, the Fitness to Practise Committee or the chief executive officer is required or authorised under this Act to notify a registered nurse, former registered nurse, registered midwife, former registered midwife, registered candidate or former registered candidate 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 of nurses or midwives or candidate register (as the case may be) in which his or her name is or was (as the case may be) entered.

(2) Where the Board or the chief executive officer is required or authorised under this Act to notify a person (not being a registered nurse, former registered nurse, registered midwife, former registered midwife, registered candidate or former registered candidate) 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.".

PART 7

Miscellaneous Amendments

Amendment of section 62 of Health Act 1953

186. Section 62 of the Health Act 1953 is amended, in subsection (1)(b), by the deletion of subparagraph (ii).

Amendment of section 35 of Health Identifiers Act 2014

187. Section 35 of the Health Identifiers Act 2014 is amended, in paragraph (e), by the insertion of "to be" before "guilty".

Amendment of Children and Family Relationships Act 2015

188. The Children and Family Relationships Act 2015 is amended—

(a) in section 4, by the insertion of the following definition:

" 'registered midwife' means a person whose name is entered for the time being in the midwives division of the register of nurses and midwives established under section 46 of the Nurses and Midwives Act 2011;",

and

(b) in section 25, in subsection (1)(b), by the insertion of "or registered midwife" after "registered nurse".

Number 16 *of* 2020

REGULATED PROFESSIONS (HEALTH AND SOCIAL CARE) (AMENDMENT) ACT 2023

REVISED

Updated to 5 September 2025

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.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

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.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to 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.

Acts which affect or previously affected this revision

• *Regulated Professions (Health and Social Care) (Amendment) Act 2023* (14/2023)

All Acts up to and including *Statute Law Revision Act 2025* (10/2025), enacted 23 July 2025 were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

• *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2025* (S.I. No. 420 of 2025)

- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2025* (S.I. No. 151 of 2025)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 2) Order 2022* (S.I. No. 260 of 2022)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2022* (S.I. No. 233 of 2022)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2022* (S.I. No. 115 of 2022)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 3) Order 2021* (S.I. No. 409 of 2021)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) (No. 2) Order 2021* (S.I. No. 120 of 2021)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2021* (S.I. No. 54 of 2021)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) (No. 2) Order 2020* (S.I. No. 647 of 2020)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement of Certain Provisions) Order 2020* (S.I. No. 507 of 2020)

All statutory instruments up to and including *Regulated Professions (Health and Social Care) (Amendment) Act 2020 (Commencement) Order 2025* (S.I. No. 420 of 2025), made 3 September 2025, made 6 June 2023, were considered in the preparation of this revision.