Changes to Legislation: as of 11 November 2026, there are changes to this Act which have not been implemented by the Revised Acts editorial team, see highlighted entries **here**. Note that some amendments may not be in force until commenced by a commencement order or other provision.



Number 28 *of* 2022

REMEDIATION OF DWELLINGS DAMAGED BY THE USE OF DEFECTIVE CONCRETE BLOCKS ACT 2022

REVISED

Updated to 8 July 2026

This Revised Act is an administrative consolidation of the *Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022*. 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 *Criminal Justice (Terrorist Offences) (Amendment) Act 2026* (19/2026), enacted 7 July 2026, and all statutory instruments up to and including the *Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (Designation of Meath County Council) (Part of Administrative Area) Order 2026* (S.I. No. 334 of 2026), made 7 July 2026, were considered in the preparation of this Revised Act.

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

Number 28 *of* 2022

REMEDIATION OF DWELLINGS DAMAGED BY THE USE OF DEFECTIVE CONCRETE BLOCKS ACT 2022

REVISED

Updated to 8 July 2026

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Number 28 *of* 2022

REMEDIATION OF DWELLINGS DAMAGED BY THE USE OF DEFECTIVE CONCRETE BLOCKS ACT 2022

REVISED

Updated to 8 July 2026

An Act to provide for the payment of grants for the remediation of certain dwellings damaged by the use of defective concrete blocks in their construction; to designate local authorities in whose areas affected dwellings are located; to provide for the amount of grants for remediation, alternative accommodation, storage and immediate repairs that may be paid and for variation of those amounts by Government order; to provide for procedures for application to a designated local authority for a grant and for determination by the Housing Agency of the application; to provide for time limits and conditions to attach to grants; to provide for certain second grants; to provide for refund of compensation received by owners of affected dwellings from third parties; to provide for recovery of grants in certain circumstances; to provide for charging orders for certain grants and their release; to provide for a scheme to enable remediation of designated local authority and approved housing body owned dwellings; to provide for an Appeals Panel and Appeal Board and procedures for appeals; to provide for authorised officers; to provide for revocation of the Dwellings Damaged by the Use of Defective Concrete Blocks in Construction (Remediation) (Financial Assistance) Regulations 2020 and necessary transitional arrangements; and to provide for related matters.

[23*rd July*, 2022]

Be it enacted by the Oireachtas as follows:

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022.

(2) This Act shall come into operation on such day or days as the Minister 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 or provisions.

Interpretation

2. (1) In this Act—

"Act of 2000" means the Planning and Development Act 2000;

"Act of 2001" means the Local Government Act 2001;

"Act of 2004" means the Residential Tenancies Act 2004;

"administrative area" has the same meaning as it has in the Act of 2001;

"ancillary grant" has the meaning given to it by *section 10(2)*;

"Appeal Board" means an Appeal Board constituted under *section 38(1)*;

"Appeals Panel" has the meaning given to it by *section 37(1)*;

"approved remediation option" has the meaning given to it by *section 16*;

"building condition assessment" has the meaning given to it by *section 12(1)(a)*;

"building condition assessment report" has the meaning given to it by *section 12(1)(b)*;

"certificate of remediation" shall be construed in accordance with *section 20*;

"defective concrete blocks" means concrete blocks that contain excessive amounts of free or unbound muscovite mica or reactive pyrite or a combination of both, or excessive amounts of such other deleterious material or combination of materials as may be prescribed under *section 41*;

"designated local authority" means a local authority designated by order under *section 5*;

"designated local authority area" has the meaning given to it by *section 5*;

"dwelling" means a house and does not include an apartment, maisonette or duplex;

"Housing Agency" means the Housing and Sustainable Communities Agency;

F1["increased grant" has the meaning given to it by *section 17A(6)(a)*;]

"I.S. 465:2018" means Irish Standard 465:2018 Assessment, testing and categorisation of damaged buildings incorporating concrete blocks containing certain deleterious materials and Amendment 1:2020, published by the National Standards Authority of Ireland;

"landlord" means the person entitled to receive (otherwise than as agent for another person) the rent in respect of a dwelling from the tenant;

"letter of assurance" shall be construed in accordance with *section 21*;

"local authority" has the same meaning as it has in the Act of 2001;

"Minister" means the Minister for Housing, Local Government and Heritage;

"owns" means an individual who has a freehold estate or a leasehold estate, with more than 70 years remaining on the term of the lease, in the relevant dwelling;

"prescribed" means prescribed by regulations made by the Minister;

"relevant dwelling" means relevant dwelling under *section 8*;

"relevant owner", other than in *Chapter 2* of *Part 3*, means relevant owner under *section 9(1)*;

"remediation option" has the meaning given to it by *section 12(1)(c)*;

"remediation option grant" has the meaning given to it by *section 10(1)*;

"residential tenancies register" means the register established and maintained by the Residential Tenancies Board under section 127 of the Act of 2004;

"second grant" has the meaning given to it by *section 25*;

"tenancy" includes a periodic tenancy and a tenancy for a fixed term, whether oral or in writing or implied;

"tenant" means a person entitled to the occupation of a dwelling under a tenancy.

(2) A notification or notice that is required to be given or issued to a person under this Act shall be in writing.

Regulations

3. (1) The Minister may by regulations provide for any matter referred to in this Act as prescribed or to be prescribed.

(2) Regulations made under this Act may include such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations.

(3) Every regulation made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling it is passed by either House within the next 21 days on which that House sits after it is laid before the House, it shall be annulled accordingly, but without prejudice to the validity of anything previously done by or under it.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of monies provided by the Oireachtas.

Designated local authority

5. (1) The Government may by order designate a local authority to be a designated local authority for the purposes of this Act.

(2) A local authority may be designated under *subsection (1)* in respect of the whole of, or part of, its administrative area (in this Act referred to as a "designated local authority area").

(3) The following local authorities are each deemed to be a designated local authority in respect of the whole of its administrative area:

(a) Clare County Council;

(b) Donegal County Council;

(c) Limerick City and County Council;

(d) Mayo County Council.

(4) Where an order designates part only of the administrative area of the designated local authority the order shall have scheduled to it a map of that part and a copy of the map shall—

(a) be deposited and made available for inspection by the public at the offices of the local authority designated by the order, and

(b) be made available on a website maintained by or on behalf of the designated local authority.

(5) A designated local authority shall be responsible for the performance, in its designated local authority area, of the functions assigned to it by or under this Act.

(6) An order may only be made by the Government where the Housing Agency has made a recommendation under *subsection (9)*.

(7) A local authority, in respect of its administrative area, or the Minister, in respect of the administrative area of a local authority, may request the Housing Agency to assess whether there are dwellings located in the administrative area, or part of that area—

(a) in the construction of which defective concrete blocks were used, and

(b) to which damage has been caused by the use of such blocks.

(8) Where a request is made under *subsection (7)*, the Housing Agency may direct an authorised officer of the Housing Agency to carry out testing of dwellings located in the administrative area, or part of the administrative area, the subject of the request.

(9) The Housing Agency shall, as soon as practicable after the completion of any testing, and having regard to the results of any testing, report the results of its assessment under *subsection (7)* to the Minister and—

(a) make a recommendation to the Minister that an order be made designating the local authority in respect of the whole of, or part of, its administrative area, or

(b) make a recommendation to the Minister that an order not be made.

(10) A recommendation shall—

(a) include the reasons for the recommendation, and

(b) where the recommendation is that the local authority should be designated in respect of part of its administrative area, include a map of that part.

(11) For the purposes of making a recommendation, the Housing Agency may consult with—

(a) the local authority which made the request, or

(b) such other persons as it considers appropriate.

(12) For the purposes of considering a recommendation the Minister may—

(a) consult with such persons as he or she considers appropriate, or

(b) request any information he or she considers necessary from the local authority which made the request, or the Housing Agency.

(13) The Government may, where it considers it appropriate to do so and notwithstanding the recommendation made, make an order in respect of the whole of, or part of, the administrative area of the local authority, including a part different from the part in respect of which the recommendation is made.

(14) The Minister may prescribe—

(a) the form and manner in which a request by a local authority under *subsection (7)* may be made,

(b) the standards of, and procedures for carrying out, testing referred to in *subsection (8)*, or

(c) the form and manner in which a recommendation under *subsection (9)* shall be made.

(15) The Minister shall have regard to I.S. 465:2018, or any amendment or replacement of it, in making regulations referred to in *subsection (14)(b)*.

(16) Where an order is proposed to be made under *subsection (1)*, a draft of the order shall be laid before each House of the Oireachtas and it shall not be made until a resolution approving the draft has been passed by each such House.

Advances to and expenditure of designated local authority and Housing Agency

6. (1) In each financial year the Minister may advance such amount of money as he or she considers appropriate to each of the following for the purposes of the performance by them of their respective functions under this Act:

(a) a designated local authority;

(b) the Housing Agency.

(2) The advance shall be made by the Minister out of monies provided by the Oireachtas for the purpose of implementing this Act.

(3) The Minister may impose such terms and conditions on the advance as he or she considers appropriate.

(4) Each of the following shall submit a budget of its proposed expenditure in the performance of its functions under this Act in each financial year to the Minister:

(a) the Housing Agency;

(b) a designated local authority.

(5) A budget referred to in *subsection (4)* shall be submitted—

(a) before the date of the start of the financial year to which it relates, but not more than one year prior to that date, and

(b) in accordance with regulations made under *subsection (9)*.

(6) The Minister may approve the budget without modifications or approve the budget with such modifications as he or she considers appropriate.

(7) The Minister may consult with the designated local authority or the Housing Agency, as the case may be, for the purposes of *subsection (6)*.

(8) Each of the following shall submit a report of its expenditure incurred in the performance of its functions under this Act in each financial year to the Minister:

(a) the Housing Agency;

(b) a designated local authority.

(9) The Minister may prescribe:

(a) the form and content of a budget referred to in *subsection (4)* and a report referred to in *subsection (8)*;

(b) the intervals at which, and the periods in relation to which, a budget referred to in *subsection (4)* or a report referred to in *subsection (8)* shall be submitted.

PART 2

GRANTS

Definitions for *Part 2*

7. In this Part—

"additional works" has the meaning given to it by *section 10(9)*;

"company" means a company formed and registered under the Companies Act 2014 or an existing company within the meaning of that Act;

"competent architect" means a person whose name is entered in the register for architects established under Part 3 of the Building Control Act 2007, and who has completed such training in relation to damage caused to dwellings by the use of defective concrete blocks in their construction as may be prescribed;

"competent building professional" means a competent building surveyor, competent engineer or competent architect;

"competent building surveyor" means a person whose name is entered in the register for building surveyors established under Part 5 of the Building Control Act 2007, and who has completed such training in relation to damage caused to dwellings by the use of defective concrete blocks in their construction as may be prescribed;

"competent engineer" means a person whose name is entered in the register kept by The Institute of Engineers of Ireland under section 7 of The Institution of Civil Engineers of Ireland (Charter Amendment) Act 1969, and who has completed such training in relation to damage caused to dwellings by the use of defective concrete blocks in their construction as may be prescribed;

"contractor" means an individual, sole trader, partnership or company who or that carries out, or who or that it is proposed will carry out, some or all of the works to a relevant dwelling pursuant to a remedial works plan;

"immediate repairs" means works relating to the structural stability of any part of a dwelling damaged by defective concrete blocks that require necessary immediate action;

"post works remedial works plan" means the plan required to accompany an application for final payment under F3**[***section 18* or *18A*, as the case may be**]**;

"principal private residence" means a dwelling a relevant owner of which occupies it as his or her only or main residence;

F4**[**"qualifying expenditure" has the meaning given to it by *section 17A*;**]**

"remedial works plan" means the plan required to be provided to the designated local authority under *section 17*;

F4**[**"revised I.S. 465:2018" has the meaning given to it by *section 23A(1)*;**]**

"unauthorised structure" has the same meaning as it has in the Act of F3**[**2000;**]**

F4**[**"updated remediation option" has the meaning given to it by *section 23A(1)(b)*;**]**

F4**[**"updated remediation option grant" has the meaning given to it by *section 23A(1)(b)*.**]**

Relevant dwelling

8. (1) Subject to *subsection (2)*, for the purposes of this Act, a dwelling is a relevant dwelling if—

(a) it is located in a designated local authority area,

(b) the construction of the dwelling was completed before 31 January 2020,

(c) defective concrete blocks were used in its construction, and damage was caused to the dwelling as a result of the use of those blocks, and

(d) it is not an unauthorised structure.

(2) A relevant dwelling shall not include—

(a) any structure on land appurtenant to the dwelling in the construction of which defective concrete blocks were used, unless the Housing Agency is satisfied on considering the application under *section 16(4)* that damage may be caused to the dwelling, after the completion of a remediation option, by the failure to include the structure, or

(b) a building that provides multi-occupancy accommodation under conditions specified by the provider of the accommodation, including a nursing home, boarding school, hotel or hostel.

Relevant owner

9. (1) For the purposes of this Act, other than in *Chapter 2* of *Part 3*, "relevant owner" shall be construed in accordance with this section.

(2) A relevant owner is an individual who owns, whether jointly or not, a relevant dwelling and—

(a) became an owner of the dwelling prior to 31 January 2020,

(b) inherited the dwelling on or after 31 January 2020, or

(c) subject to *subsection (4)*, purchased the dwelling on or after 31 January 2020.

(3) In order to be a relevant owner under *subsection (2)*, the individual referred to in that subsection—

(a) subject to *subsections (5)* and *(6)*, uses the dwelling as his or her principal private residence, or

(b) was the landlord of a tenancy of the dwelling which stood registered in the residential tenancies register on or before 1 November 2021.

(4) An individual who purchased a relevant dwelling on or after 31 January 2020, other than a dwelling in respect of which a letter of assurance has been issued, shall not be a relevant owner where he or she knew or ought to have known that defective concrete blocks were used in the construction of the dwelling.

(5) An individual shall be deemed to use a dwelling as his or her principal private residence where he or she so used the dwelling but ceased to do so due to damage to the dwelling caused by the use of defective concrete blocks in its construction.

(6) Where more than one individual owns a relevant dwelling, and at least one of the individuals use the dwelling as his or her private residence for the purposes of *subsection (3)(a)*, any other of the individuals who do not use the dwelling as his or her principal private residence shall be deemed to have complied with *subsection (3)(a)* for the purposes of this Act.

(7) An individual deemed under *subsection (6)* to have complied with *subsection (3)(a)* in relation to a relevant dwelling shall not be precluded on that basis from being a relevant owner of a different relevant dwelling.

Grants

10. (1) A grant approved under *section 16(4)(a)(ii)* (in this Act referred to as a "remediation option grant") to enable a relevant owner of a relevant dwelling to complete an approved remediation option in respect of the relevant dwelling shall be calculated in accordance with this section.

(2) A grant approved under *section 22* (in this Act referred to as an "ancillary grant"), for any or all of the following, shall be calculated in accordance with this section:

(a) to enable, subject to *section 22(4)(a)*, a relevant owner to pay for accommodation alternative to the relevant dwelling where—

(i) the relevant dwelling is no longer habitable due to damage caused by the use of defective concrete blocks in its construction, or

(ii) the alternative accommodation is necessary during the carrying out of the remediation option;

(b) to enable a relevant owner to pay for the storage of contents of a relevant dwelling;

(c) to enable a relevant owner to complete immediate repairs to the relevant dwelling.

(3) A remediation option grant referred to in *subsection (1)* F6**[**...**]** shall not exceed the amount of €420,000.

(4) A grant—

(a) referred to in *subsection (2)(a)*, shall be of an amount not exceeding €15,000,

(b) referred to in *subsection (2)(b)*, shall be of an amount not exceeding €5,000, and

(c) referred to in *subsection (2)(c)*, shall be of an amount not exceeding €5,000.

F7**[**(4A) The total amount which may be paid to a relevant owner under *sections 18*, *18A* and *22* shall not exceed the amount referred to in *subsection (3)*.**]**

F7**[**(4B) The designated local authority shall, before making a payment to a relevant owner under *section 18*, *18A* or *22*, as the case may be, review the total amount of payments made to the relevant owner under *sections 18*, *18A* and *22* and the designated local authority shall, where necessary to comply with *subsection (4A)*, reduce the amount of the remediation option grant, the increased grant or the ancillary grant, as the case may be.**]**

(5) Subject to *subsection (3)*, a remediation option grant referred to in *subsection (1)* shall—

(a) where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, be calculated by multiplying the internal floor area of the relevant dwelling, measured in square metres, by the cost per square metre, prescribed under *section 12*, of completing the remediation option, and

(b) where the approved remediation option is other than that referred to in *paragraph (a)*, be calculated by multiplying the number of square metres of defective concrete blocks in the relevant dwelling to be removed and replaced in accordance with the remediation option by the cost per square metre, prescribed under *section 12*, of completing the remediation option.

(6) Where an approved remediation option is other than that referred to in *subsection (5)(a)*, the remediation option grant shall—

(a) where the approved remediation option requires the removal and replacement of blocks in the outer and inner leaf of the external walls down to the foundation level of the relevant dwelling, be not more than 90 per cent of the maximum grant which could be given were the approved remediation option that referred to in *subsection (5)(a)*, and

(b) where the approved remediation option requires the removal and replacement of blocks in the outer and inner leaf of the external walls down to the top of the rising walls of the relevant dwelling, be not more than 85 per cent of the maximum grant which could be given were the approved remediation option that referred to in *subsection (5)(a)*.

(7) A relevant owner shall only be approved for a grant referred to in *subsection (1)* or *(2)* in respect of—

(a) one relevant dwelling of which he or she is a relevant owner by virtue of *section 9(3)(a)*, and

(b) one relevant dwelling of which he or she is a relevant owner by virtue of *section 9(3)(b)*.

(8) A relevant owner shall not be given a grant referred to in *subsection (1)* or *(2)* in respect of a relevant dwelling of which he or she is a relevant owner—

(a) by virtue of *section 9(3)(a)*, where a member of his or her household has previously, in respect of a different relevant dwelling of which that member is a relevant owner by virtue of *section 9(3)(a)*, been given such a grant, or

(b) by virtue of *section 9(3)(b)* where a member of his or her household has previously, in respect of a different relevant dwelling of which that member is a relevant owner by virtue of *section 9(3)(b)*, been given a grant.

(9) A relevant owner may undertake works to a relevant dwelling in addition to the approved remediation option (referred to in this Part as "additional works"), but a grant shall not be approved under *section 16(4)* for the purposes of completing the additional works.

(10) Subject to this section, the Minister may prescribe the methodology by which the amount of grant referred to in *subsection (1)* or *(2)* is to be calculated.

(11) In this section, "member of his or her household", in relation to a relevant owner, means an individual with whom the relevant owner lives in a relevant dwelling and the individual has, in the opinion of the designated local authority, a reasonable requirement to live with the relevant owner.

Government order to increase or decrease remediation option and ancillary grant

11. (1) Where it considers it necessary to do so, the Government may by order increase or decrease—

(a) the amount referred to in *section 10(3)*, or

(b) the amount referred to in *paragraph (a)*, *(b)* or *(c)* of *section 10(4)*.

(2) The Government shall not make an order under *paragraph (a)* or *(b)* of *subsection (1)* earlier than—

(a) in the case of the first order under that paragraph, 12 months after the date of the coming into operation of this section, and

(b) in the case of subsequent orders, 12 months after the date of the coming into operation of the previous order under that paragraph.

(3) Subject to *subsections (4)* and *(5)*, 3 orders may be made under *subsection (1)(a)* and 3 orders may be made in respect of each paragraph referred to in *subsection (1)(b)* from the date of the coming into operation of this section.

(4) The number of orders referred to in *subsection (3)* may be increased where each House of the Oireachtas passes a resolution to that effect, by such further number of orders (not exceeding 3 orders under *subsection (1)(a)* and 3 orders in respect of each paragraph referred to in *subsection (1)(b)*) as may be specified in the resolution.

(5) The Government shall not by order under *subsection (1)* —

(a) increase the amount referred to in *section 10(3)* by more than 10 per cent of that amount, or where that amount has been increased or decreased, to an amount specified by a previous order made under *subsection (1)(a)*, by more than 10 per cent of the amount specified by the last such order, or

(b) increase the amount referred to in *paragraph (a)*, *(b)* or *(c)* of *section 10(4)* by more than 10 per cent of the amount referred to in that paragraph, or where the amount in that paragraph has been increased or decreased, to an amount specified by a previous order made under *subsection (1)(b)*, by more than 10 per cent of the amount specified by the last such order.

(6) In making an order under *subsection (1)(a)*, the Government shall have regard to—

(a) the cost of construction prevailing in the designated local authority areas at the time of the making of the order, including the cost of—

(i) materials necessary to carry out remediation options, and

(ii) services and labour necessary to carry out remediation options,

and

(b) the economic circumstances of the State prevailing at the time of the making of the order, and the demands on the State's financial resources which may occur during the period the order shall remain in effect.

(7) In making an order under *subsection (1)(b)*, the Government shall have regard to the matter referred to in *subsection (6)(b)* and—

(a) in respect of an order in relation to the amount referred to in *section 10(4)(a)*, to the Rent Index,

(b) in respect of an order in relation to the amount referred to in *section 10(4)(b)*, to the Consumer Price Index, and

(c) in respect of an order in relation to the amount referred to in *section 10(4)(c)*, to the matters referred to in *subsection (6)(a)*, subject to the modification that the references in that subsection to remediation options shall be considered to be references to immediate repairs.

(8) The Minister may consult such persons or commission such research as he or she considers appropriate for the purposes of preparing a draft order for consideration by the Government under this section.

(9) Where an order is proposed to be made under *subsection (1)* a draft of the order shall be laid before each House of the Oireachtas and it shall not be made until a resolution approving the draft has been passed by each such House.

(10) In this section—

"Consumer Price Index" means the Consumer Price Index (All Items) published by the Central Statistics Office or any equivalent index published from time to time by that Office;

"Rent Index" has the same meaning as it has in the Act of 2004.

Remediation options and building condition assessments

12. (1) The Minister may prescribe—

(a) subject to *subsection (2)*, the requirements for the assessment of a dwelling to be carried out by a competent building professional to identify if the dwelling is exhibiting damage consistent with the use of defective concrete blocks in its construction, and to quantify the extent and significance of such damage (in this Act referred to as a "building condition assessment"),

(b) the form and content of a report of a building condition assessment (in this Act referred to as a "building condition assessment report"),

(c) the classes of works necessary for the remediation of damage caused to relevant dwellings by the use of defective concrete blocks in their construction (in this Act referred to as "remediation options"),

(d) subject to *section 10*, or any orders made under *section 11*, the amount of a remediation option grant which may be approved for the purposes of completing a particular remediation option, and

(e) for the purposes of *section 10(5)*, and subject to the consent of the Minister for Public Expenditure and Reform, the costs per square metre of completing remediation options, including the costs of carrying out works, materials and fees for inspections and reports required under this Act.

(2) Building condition assessments shall in particular include—

(a) a study of such information or documents as may be prescribed, and

(b) a non-invasive visual inspection of the exterior and interior of the dwelling.

(3) Without prejudice to the generality of *subsection (1)(c)*, remediation options may include the following:

(a) demolition of a relevant dwelling and the reconstruction of the dwelling in the exact position on the land on which the relevant dwelling was situated before it was demolished;

(b) removal and replacement of blocks and other material, and the carrying out of all associated works necessary to remedy the damage to the dwelling caused by the use of defective concrete blocks in its construction;

(c) where a remediation option referred to in *paragraph (a)* or *(b)* is to be carried out, removal and reinstatement of services, fixtures and fittings in the dwelling necessary for the carrying out of the remediation option;

(d) remediation techniques other than those referred to in *paragraph (a)*, *(b)* or *(c)*, as the Minister considers appropriate.

(4) In making regulations under *subsection (1)*, the Minister shall have regard to—

(a) current best engineering practice for remediation of damage to dwellings caused by the use of defective concrete blocks in their construction, and

(b) I.S. 465:2018, or any amendment or replacement of it.

(5) For the purpose of making regulations under *subsection (1)*, the Minister may—

(a) consult with a designated local authority, the Housing Agency, the National Standards Authority of Ireland, and such other persons as he or she considers appropriate, and

(b) commission such research or reports as he or she considers appropriate.

Application for remediation option grant

13. (1) An individual or, subject to *section 9(7)*, more than one individual jointly, (referred to in this section and *sections 15* and *16*, as the "applicant") may apply to a designated local authority for a remediation option grant to enable him or her, or them, to complete a remediation option in respect of a relevant dwelling located in a designated local authority area of the designated local authority.

(2) An application under *subsection (1)* —

(a) shall include—

(i) proof of the applicant's identity,

(ii) proof that the dwelling complies with *subsection (1)* of *section 8* (other than *paragraph (c)* of that subsection),

(iii) subject to *subparagraph (ii)*, proof that the applicant is a relevant owner of the dwelling, and details of any other person who has a legal or beneficial interest in the dwelling,

(iv) where a person other than the applicant has a legal or beneficial interest in the dwelling, a statement that the person consents to the making of the application under this section,

(v) a building condition assessment report in relation to the dwelling,

(vi) details of any payment which the applicant, or any other person who has a legal or beneficial interest in the dwelling, has received other than under this Act, in respect of damage to the dwelling caused by the use of defective concrete blocks in its construction,

(vii) details of every claim which the applicant, or any other person who has a legal or beneficial interest in the dwelling, has made against a person arising from damage to the dwelling caused by the use of defective concrete blocks in its construction,

(viii) such information and documents as may be required by the designated local authority concerning the builder, developer, or other person involved in the design, inspection, supervision or certification, of the construction of the dwelling, or part of the dwelling, or the previous owner of the dwelling,

(ix) proof that there are no outstanding amounts of local property tax, within the meaning of section 16 of the Finance (Local Property Tax) Act 2012, payable in respect of the dwelling,

(x) such information or documents as may be required by the designated local authority for the purposes of determining whether the dwelling is an unauthorised structure,

(xi) a statement that the applicant, and any other person who has a legal or beneficial interest in the dwelling, consents to an authorised officer of the designated local authority or Housing Agency entering the dwelling, and exercising such powers specified in *section 43* as he or she considers necessary for the purposes of performing its functions under this Act,

(xii) a statement that the applicant, and any other person who has a legal or beneficial interest in the dwelling, consents, where applicable, to the creation of a charge under *section 31* and to the registration of the charge in the Land Registry or the Registry of Deeds,

(xiii) a copy of any previous application made under this section or under the Dwellings Damaged by the Use of Defective Concrete Blocks in Construction (Remediation) (Financial Assistance) Regulations 2020 (S.I. No. 25 of 2020) by the applicant, or any other person who has a legal or beneficial interest in the dwelling, of any correspondence received from the designated local authority or Housing Agency, or relevant local authority in relation to the previous application, and of any notification in relation to the previous application under *section 16(9)* or any decision in relation to the previous application under the Regulations, which the applicant or other person has received,

(xiv) a statutory declaration made by the applicant that the information provided with the application is true, and

(xv) such other documents, information or confirmations as may be prescribed, whether for the purposes of the matters referred to in *subparagraphs (i)* to *(xiv)*, or otherwise for the purposes of the consideration of the application in accordance with this Act,

and

(b) shall be made in such form and manner as may be prescribed.

(3) For the purpose of considering whether an application is valid, the designated local authority may—

(a) require the applicant to provide in writing, within 90 days of the date of the requirement, such further information or documents relating to the application as the designated local authority may consider necessary, and

(b) require that the applicant facilitate, within 90 days of the date of the requirement, an inspection of the dwelling by an authorised officer of the designated local authority.

(4) A designated local authority may refuse to consider whether an application is valid where the applicant fails to comply with a requirement under *subsection (3)*.

(5) The designated local authority shall notify the applicant of its refusal under *subsection (4)*, and the reasons for its refusal, as soon as practicable after the refusal.

(6) Where, at any time after making an application, an applicant becomes aware of any change in circumstances that affects his or her application, he or she shall immediately notify the designated local authority of that change, and the designated local authority may, where it considers it appropriate to do so, notify the Housing Agency of the change.

(7) The designated local authority shall consider whether an application is valid and shall—

(a) where it decides that the application is valid, refer the application to the Housing Agency as soon as practicable after making that decision, or

(b) where it considers that the application is not valid, refuse to refer the application to the Housing Agency.

(8) In considering whether an application is valid, the designated local authority shall have regard to—

(a) the application,

(b) any further information, or documents provided to it, or the results of any inspections made by it under *subsection (3)*, and

(c) any change of circumstances notified to it under *subsection (6)*.

(9) An application is not valid where—

(a) the dwelling does not comply with *paragraph (a)*, *(b)* or *(d)* of *section 8(1)*, or is a building referred to in *section 8(2)(b)*.

(b) subject to *paragraph (a)* and *section 9(7)*, the applicant, or any other person who has a legal or beneficial interest in the dwelling, is not a relevant owner of the dwelling,

(c) the application is not made in accordance with *subsection (2)* or any regulations made under that subsection,

(d) the applicant does not qualify for a grant due to the operation of *subsection (7)* or *(8)* of *section 10*, or

(e) the application does not comply with any further conditions that may be prescribed.

(10) The designated local authority shall notify the applicant of the referral or refusal under *subsection (7)* as soon as practicable after it is made.

(11) A notification under *subsection (10)* shall include—

(a) the reasons for the referral or refusal and,

(b) where a notification relates to a refusal, a statement that the applicant may appeal the refusal under *Part 5* within F8**[**90 days**]** of the date of the notification.

Period for making applications for remediation option grant

14. (1) Subject to *subsection (2)*, an application for a remediation option grant under *section 13* shall not be made more than 15 years after the date of the coming into operation of this section.

(2) *Subsection (1)* shall not apply in relation to an application for a second grant.

Determination by Housing Agency of damage threshold

15. (1) The Housing Agency shall consider an application referred to it under *section 13* and determine—

(a) that the dwelling has the minimum type and amount of damage as may be prescribed for the application to be considered by the Housing Agency under this section (in this section referred to as the "damage threshold"), or

(b) that the dwelling does not meet the damage threshold.

(2) Where the Housing Agency makes a determination under *subsection (1)(a)*, the Housing Agency shall assess the level of damage to the dwelling and, in so far as is possible, prioritise the assessment and consideration of the application under *section 16* in accordance with the criteria prescribed under *section 16(10)(c)*.

(3) For the purposes of making a determination under *subsection (1)* and an assessment of the level of damage under *subsection (2)*, an authorised officer of the Housing Agency—

(a) shall consider the application, and

(b) may, where he or she considers it appropriate—

(i) conduct a non-invasive visual inspection of the interior or exterior of the dwelling, or

(ii) make enquiries of any person, including the designated local authority.

(4) The Housing Agency shall notify the designated local authority of its determination under *subsection (1)* and the reasons for it.

(5) The designated local authority shall, as soon as practicable on being notified by the Housing Agency under *subsection (4)*, notify the applicant of the determination under *subsection (1)* and the reasons for it.

(6) Where a determination is made under *subsection (1)(b)*, a notification under *subsection (5)* shall state that the applicant may appeal the determination under *Part 5* within 90 days of the date of the notification.

(7) The Minister may prescribe:

(a) the type and amount of damage which constitutes the damage threshold;

(b) the standard and procedures by which assessments and inspections under this section shall be carried out.

(8) The Minister shall have regard to I.S. 465:2018 or any amendment or replacement of it in making regulations under *subsection (7)*.

F9**[Damage threshold for attached dwellings**

15A. (1) Where a determination is made under *section 15(1)(b)* that a relevant dwelling does not meet the damage threshold, the relevant owner may make a notification under *subsection (2)* where—

(a) the relevant dwelling is—

(i) terraced or semi-detached, and

(ii) connected to another relevant dwelling,

(in this section the first-mentioned relevant dwelling is referred to as an "attached dwelling"), and

(b) the Housing Agency has approved a remediation option and remediation option grant under *section 16(4)(a)* in relation to the relevant dwelling referred to in *paragraph (a)(ii)*.

(2) The relevant owner referred to in *subsection (1)* may notify the designated local authority that he or she is seeking a determination under *section 15(1)(a)* that the attached dwelling meets the damage threshold.

(3) A notification under *subsection (2)* shall—

(a) be made in such form and manner as may be prescribed, and

(b) be accompanied by—

(i) such evidence as may be prescribed of the matters referred to in *paragraphs (a)* and *(b)* of *subsection (1)*, and

(ii) such other documents or information as may be prescribed for the purposes of the notification.

(4) The designated local authority shall, having regard to any matters prescribed under *subsection (8)*, consider the notification under *subsection (2)* and decide—

(a) where it is satisfied that the notification is made in accordance with *subsection (3)*, that the Housing Agency shall be deemed to have made a determination under *section 15(1)(a)* that the attached dwelling meets the damage threshold, or

(b) where it is not satisfied that the notification is made in accordance with *subsection (3)*, that the determination of the Housing Agency under *section 15(1)(b)* in relation to the attached dwelling remains valid.

(5) The designated local authority shall, as soon as practicable, notify the relevant owner of the attached dwelling and the Housing Agency of its decision under *subsection (4)*.

(6) Where a decision is made under *subsection (4)(b)*, a notification under *subsection (5)* shall state that the relevant owner of the attached dwelling may appeal the decision in accordance with *Part 5* within 90 days of the date of the notification.

(7) Where a decision is made under *subsection (4)(a)*, the Housing Agency shall, notwithstanding the criteria prescribed under *section 16(10)(c)*, in so far as is possible, prioritise the assessment and consideration of the application under *section 16*.

(8) The Minister may prescribe the matters to which a designated local authority is to have regard in considering the notification under *subsection (2)*.

(9) In this section, "damage threshold" has the meaning given to it by *section 15*.**]**

Consideration by Housing Agency of application for remediation option grant

16. (1) Where a determination is made under *section 15(1)(a)*, the Housing Agency shall arrange for an authorised officer who is a competent engineer to assess the dwelling and submit a report of the assessment to the Housing Agency in accordance with this section.

(2) For the purposes of preparing a report under *subsection (1)*, the authorised officer may—

(a) exercise such powers referred to in *section 43* as he or she considers necessary, and

(b) review such information or documents as he or she considers appropriate.

(3) The authorised officer shall submit a report to the Housing Agency, which—

(a) shall state whether, in his or her opinion, the damage to the dwelling is caused by the use of defective concrete blocks in its construction, and

(b) where his or her opinion is that such damage has been caused, shall recommend—

(i) the appropriate remediation option, or combination of remediation options, to remedy the damage, and

(ii) in accordance with *section 10*, or any order made under *section 11*, the remediation option grant which may be paid to the relevant owner under *section 18* for the purpose of completing that remediation option.

(4) The Housing Agency shall consider the application under *section 13* and the report of the authorised officer and shall—

(a) where it is satisfied that there is damage to the dwelling caused by the use of defective concrete blocks in its construction approve—

(i) in accordance with any regulations made under *section 12*, the appropriate remediation option, or combination of remediation options, to remedy the damage (in this Act referred to as the "approved remediation option"), and

(ii) in accordance with *section 10*, or any order made under *section 11*, the remediation option grant which may be paid to the relevant owner under *section 18* for the purpose of completing the approved remediation option,

or

(b) where it is not satisfied that there is damage to the dwelling caused by the use of defective concrete blocks in its construction, refuse to approve the grant.

(5) For the purposes of considering the application under *subsection (4)*, the Housing Agency may—

(a) require the applicant to provide to it, within such period as it may specify, such further information or documents as it may specify, or

(b) require further information from the designated local authority.

(6) Where an applicant does not comply with a requirement under *subsection (5)(a)*, the application shall be considered to have been withdrawn.

(7) The Housing Agency shall notify the designated local authority of its decision under *subsection (4)* and of the reasons for its decision, as soon as practicable after the decision is made.

(8) Where an applicant states in the application under *section 13* that he or she, or any other person who has a legal or beneficial interest in the relevant dwelling, received a payment from another person, other than under this Act, in respect of damage to the relevant dwelling caused by the use of defective concrete blocks in its construction, the designated local authority shall reduce the remediation option grant approved under *subsection (4)(a)(ii)* in respect of the dwelling by the amount of the payment.

(9) The designated local authority shall, as soon as practicable on being notified by the Housing Agency under *subsection (7)*, notify the applicant of the decision under *subsection (4)* and, where applicable, of a reduction under *subsection (8)*, and the reasons for the decision and, where applicable, reduction, and the notification shall—

(a) where it relates to a decision under *subsection (4)(a)*, state that the applicant is required to comply with *section 17*, and

(b) include a statement that the applicant may appeal the decision under *subsection (4)* in accordance with *Part 5* within 90 days of the date of the notification under this subsection.

(10) The Minister may prescribe—

(a) the standards by reference to which inspections and tests by authorised officers for the purposes of this section are to be carried out,

(b) the procedures for the selection by the Housing Agency of competent engineers to be authorised officers for the purposes of this section and the form and manner in which reports of authorised officers are to be provided,

(c) for the purposes of *section 15(2)*, the criteria in accordance with which the Housing Agency may determine the priority in which it may assess applications under this section,

(d) the matters to which the Housing Agency is to have regard in approving the remediation option and remediation option grant under *subsection (4)*.

(e) the form and manner in which a requirement may be made under *subsection (5)*.

(f) the method and procedure by which a remediation option grant may be reduced under *subsection (8)*, and

(g) the form and manner in which a notification may be given under *subsection (9)*.

(11) In making regulations under *paragraph (a)*, *(b)*, *(c)* or *(d)* of *subsection (10)* the Minister shall have regard to I.S. 465:2018 or any amendment or replacement of it.

Provisions relating to remediation option grant

17. (1) Where a relevant owner receives a notification under *section 16(9)* which relates to a decision under *section 16(4)(a)*, the relevant owner shall provide the following to the designated local authority:

(a) a remedial works plan;

(b) any application the relevant owner wishes to make under *section 22*; and

(c) such other documents or information as may be prescribed.

(2) A remedial works plan referred to in *subsection (1)(a)* shall—

(a) describe the works the relevant owner proposes to carry out to satisfy the approved remediation option,

(b) describe any additional works the relevant owner proposes to carry out, and

(c) be provided in such form and manner as may be prescribed.

(3) The designated local authority shall refuse to consider an application for a payment under F10**[***section 18* or *18A*, as the case may be,**]** where—

(a) the relevant owner fails to comply with *subsection (1)*, or any regulations made under it, or

(b) the remedial works plan indicates that the relevant owner does not propose to carry out the works necessary to satisfy the approved remediation option (whether or not he or she proposes to carry out additional works).

(4) The designated local authority shall notify the relevant owner where it considers that *subsection (3)* applies.

(5) Where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, and the remedial works plan provided under *subsection (1)* indicates that the internal floor area of the dwelling which the relevant owner proposes, subject to *subsection (8)(c)*, to reconstruct is a reduction of the internal floor area of the relevant dwelling demolished, the designated local authority shall reduce the

amount of the remediation option grant approved by the Housing Agency under *section 16(4)* proportionately.

(6) The designated local authority shall notify the relevant owner of the reduction of the remediation option grant under *subsection (5)* and of the reasons for it.

(7) Following receipt of the documents referred to in *subsection (1)* the designated local authority shall notify the relevant owner that the remediation option grant shall not be paid where the conditions referred to in *subsection (8)* are not complied with by the relevant owner.

(8) The conditions are that the relevant owner shall—

(a) comply with F11**[***section 18* or *18A*, as the case may be, and section *19***]** and any regulations made under those sections,

(b) satisfy the designated local authority that the approved remediation option and any additional works are not unauthorised development within the meaning of the Act of 2000,

(c) complete the remediation option on the relevant dwelling, or where the remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, in the exact position on the land on which the relevant dwelling is situated, and

(d) comply with such other conditions as may be prescribed.

F13**[Application for increase to remediation option grant**

17A. (1) A relevant owner may apply to the designated local authority for an increase to the remediation option grant where the relevant owner—

(a) received, before the coming into operation of the section 11 Order on 23 October 2024, a notification under *section 16(9)* which relates to a decision under *section 16(4)(a)*, and

(b) has evidence of qualifying expenditure.

(2) A relevant owner who, before the date of the coming into operation of section 9 of the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks (Amendment) Act 2025, has received the final part payment of a remediation option grant or the payment of the whole of the remediation option grant under *section 18*, may not make an application under *subsection (1)* unless the relevant owner did not receive payment under *section 18* for the total amount of qualifying expenditure.

(3) An application under *subsection (1)* shall be accompanied by—

(a) evidence of qualifying expenditure, and

(b) details of any payment which the applicant, or any other person who has a legal or beneficial interest in the dwelling, has received other than under this Act, in respect of damage to the dwelling caused by the use of defective concrete blocks in its construction.

(4) For the purposes of considering the application under *subsection (1)*, the designated local authority may require the applicant to provide further information or documents within a specified period.

(5) Where an applicant does not comply with a requirement under *subsection (4)*, the application shall be considered to have been withdrawn.

(6) The designated local authority shall consider an application under *subsection (1)* and decide—

(a) where it is satisfied that the application is made in accordance with *subsections (1)* and *(3)* and any regulations made under*subsection (12)*, to approve an increase to the remediation option grant (in this Act referred to as the "increased grant") which, subject to *subsection (11)*, may be paid to the relevant owner under *section 18A* for the purpose of qualifying expenditure, or

(b) where it is not satisfied that the application is made in accordance with *subsections (1)* and *(3)* and any regulations made under*subsection (12)*, to refuse the application.

(7) The increased grant shall be calculated by the designated local authority—

(a) in accordance with *section 10*—

(i) as amended by the section 11 Order, and

(ii) subject to the modification that each reference in *subsection (5)* to "prescribed under section 12" shall be construed as a reference to "in accordance with the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Regulations 2023 (S.I. No. 347 of 2023), as amended by the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks (Amendment) Regulations 2024 (S.I. No. 621 of 2024)",

and

(b) using the same measurements of the relevant dwelling that were used by the Housing Agency in calculating the remediation option grant.

(8) Where a relevant owner states in the application under *subsection (1)* that he or she, or any other person who has a legal or beneficial interest in the relevant dwelling, received a payment from another person, other than under this Act, in respect of damage to the relevant dwelling caused by the use of defective concrete blocks in its construction, the designated local authority shall reduce the increased grant by the amount of the payment.

(9) Where the remediation option grant approved under *section 16(4)* was reduced under *section 17(5)*, the designated local authority shall reduce the amount of the increased grant on the same basis.

(10) The designated local authority shall, as soon as practicable, notify the applicant of its decision under *subsection (6)* and, where applicable, of a reduction under *subsection (8)* or *(9)*, as the case may be, and the notification shall—

(a) include the reasons for the decision, and

(b) state that the relevant owner may appeal the decision in accordance with Part 5 within 90 days of the date of the notification.

(11) A relevant owner shall make an application for payment of a remediation option grant in respect of all expenditure incurred, other than qualifying expenditure, under section 18 before he or she makes an application for payment of an increased grant under *section 18A*.

(12) The Minister may prescribe:

(a) the form and manner in which an application under this section shall be made;

(b) the form and manner in which a requirement may be made under *subsection (4)*;

(c) the matters to which a designated local authority is to have regard in approving the increased grant;

(d) the method and procedure by which an increased grant may be reduced under *subsection (8)* or *(9)*;

(e) the form and manner in which a notification may be given under *subsection (10)*.

(13) In this section—

"section 11 Order" means the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks Act 2022 (Section 11) Order 2024 (S.I. 577 of 2024);

"qualifying expenditure" means expenditure, in carrying out works to satisfy the approved remediation option, incurred by the relevant owner after the date of the notification referred to in *subsection (1)(a)*, but not earlier than 29 March 2024.**]**

Payment of remediation option grant

18. (1) A relevant owner may apply to the designated local authority for a payment of a remediation option grant approved under *section 16(4)(a)* in whole or in parts, subject to any reduction made under F14**[***section 10(4B), 16(8), 17(5)* or *23B(9)***]**.

(2) An application for part payment (other than the final part payment) of a remediation option grant shall be accompanied by—

(a) an interim valuation certificate completed in accordance with *subsection (5)*, and

(b) evidence of the expenditure incurred by the relevant owner in carrying out the works described in the interim valuation certificate.

(3) An application for the final part payment of the remediation option grant or for payment of the whole of the grant shall be accompanied by—

(a) a post works remedial works plan completed in accordance with *subsection (6)*.

(b) a certificate of remediation completed in accordance with *section 20*, and

(c) evidence of the expenditure incurred by the relevant owner in completing the works described in the post works remedial works plan.

(4) The total amount of payments which may be made to a relevant owner under this section shall not exceed the lesser of—

(a) the amount of the remediation option grant approved under *section 16(4)*, subject to any reduction made under F14**[***section 10(4B), 16(8), 17(5)* or *23B(9)***]**, or

(b) the expenditure incurred and evidenced by the relevant owner in completing the approved remediation option (including the value added tax paid by the relevant owner for that purpose).

(5) An interim valuation certificate shall—

(a) describe the works completed since the date of commencement of the works notified to the designated local authority under *section 19*, or where a previous interim valuation certificate has been provided to the designated local authority, since the date of that previous interim valuation certificate, and

(b) be prepared by the competent engineer, or where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional, who designed and inspected the works referred to in *paragraph (a)*.

(6) A post works remedial works plan shall—

(a) describe the works completed since the date of commencement of the works notified to the designated local authority under *section 19*, and

(b) be prepared by the competent engineer, or where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional, who designed and inspected the works referred to in *paragraph (a)*.

(7) The designated local authority shall refuse to make a payment applied for under *subsection (1)* —

(a) where the conditions referred to in *section 17(8)* have not been complied with,

(b) in respect of any additional works, or

(c) where an authorised officer is refused entry to the relevant dwelling for the purposes of *subsection (10)*.

(8) Without prejudice to *subsection (7)*, the designated local authority shall refuse to make a part payment where—

(a) the relevant owner fails to comply with *subsection (2)*, or

(b) the works carried out are not in accordance with the remedial works plan.

(9) Without prejudice to *subsection (7)*, the designated local authority shall refuse to make the final part payment of the remediation option grant or the payment of the whole of the remediation option grant where—

(a) the relevant owner fails to comply with *subsection (3)*, or

(b) the works carried out by the relevant owner are not sufficient to satisfy the approved remediation option.

(10) For the purposes of determining whether or not to make a payment, or part payment, of a remediation option grant under this section, an authorised officer of the designated local authority may—

(a) inspect the works carried out or being carried out to the relevant dwelling, and

(b) make enquiries of such persons as he or she considers necessary.

(11) Where the designated local authority refuses to make a payment, it shall notify the relevant owner of the refusal and the reasons for the refusal.

(12) A notification under *subsection (11)* shall state that the relevant owner may appeal the refusal in accordance with *Part 5* within 90 days of the date of the notification.

(13) The Minister may, for the purposes of this section, prescribe:

(a) the form and manner in which an application under this section shall be made;

(b) the form and content of interim valuation certificates;

(c) the form and content of post works remedial works plans;

(d) such other documents or information as he or she may consider necessary to accompany an application for the purposes of this section.

F15**[Payment of increased grant**

18A. (1) Subject to *subsection (5)*, a relevant owner may apply to the designated local authority for payment of an increased grant for qualifying expenditure, in whole or in parts, subject to any reduction made under *subsection (8)*, *section 10(4B)* or *subsection (8)* or *(9)* of *section 17A*.

(2) An application under *subsection (1)* shall only be made in respect of qualifying expenditure that has not been paid in whole or in part under *section 18*.

(3) An application for part payment (other than the final part payment) of an increased grant shall be accompanied by—

(a) an interim valuation certificate completed in accordance with *subsection (9)*, and

(b) evidence of the expenditure incurred by the relevant owner on or after 29 March 2024 in carrying out the works described in the interim valuation certificate.

(4) An application for the final part payment of the increased grant or for payment of the whole of the grant shall be accompanied by—

(a) a post works remedial works plan completed in accordance with *subsection (10)*,

(b) a certificate of remediation completed in accordance with *section 20*, and

(c) evidence of the expenditure incurred by the relevant owner on or after 29 March 2024 in completing the works described in the post works remedial works plan.

(5) Where a relevant owner referred to in *section 17A(2)* receives a notification under *section 17A(10)* which relates to a decision under *section 17A(6)(a)*, the relevant owner may make one application for payment of an increased grant under *subsection (1)*.

(6) An application for payment of the increased grant by a relevant owner referred to in *subsection (5)* shall be accompanied by—

(a) a final valuation certificate completed in accordance with *subsection (11)*, and

(b) evidence of the expenditure incurred by the relevant owner on or after 29 March 2024 in completing the works described in the final valuation certificate.

(7) The total amount of payments which may be made to a relevant owner under this section shall not exceed the lesser of—

(a) the amount of the increased grant, subject to any reduction made under *subsection (8)*, *section 10(4B)* or *subsection (8)* or *(9)* of *section 17A*, or

(b) the expenditure incurred and evidenced by the relevant owner in an application under this section in completing the approved remediation option (including the value added tax paid by the relevant owner for that purpose).

(8) Where a relevant owner has received payment of a remediation option grant under *section 18*, the designated local authority shall reduce the amount of the increased grant by the total amount of payments to the relevant owner under *section 18*.

(9) An interim valuation certificate shall—

(a) describe the works completed since the date of commencement of the works notified to the designated local authority under *section 19*, or where a previous interim valuation certificate has been provided to the designated local authority under this section or *section 18*, since the date of that previous interim valuation certificate, and

(b) be prepared by the competent engineer, or where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional, who designed and inspected the works referred to in *paragraph (a)*.

(10) A post works remedial works plan shall—

(a) describe the works completed since the date of commencement of the works notified to the designated local authority under*section 19*, and

(b) be prepared by the competent engineer, or where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional, who designed and inspected the works referred to in *paragraph (a)*.

(11) A final valuation certificate shall—

(a) describe the works completed for which evidence referred to in *subsection (6)(b)* has been provided, and

(b) be prepared by the competent engineer, or where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional, who designed and inspected the works referred to in *paragraph (a)*.

(12) The designated local authority shall refuse to make a payment applied for under *subsection (1)*—

(a) where the conditions referred to in *section 17(8)* have not been complied with,

(b) in respect of any additional works, or

(c) where an authorised officer is refused entry to the relevant dwelling for the purposes of *subsection (16)*.

(13) Without prejudice to *subsection (12)*, the designated local authority shall refuse to make a part payment where—

(a) the relevant owner fails to comply with *subsection (3)*, or

(b) the works carried out are not in accordance with the remedial works plan.

(14) Without prejudice to *subsection (12)*, the designated local authority shall refuse to make the final part payment of the increased grant or the payment of the whole of the increased grant where—

(a) the relevant owner fails to comply with *subsection (4)*, or

(b) the works carried out are not sufficient to satisfy the approved remediation option.

(15) Without prejudice to *subsection (12)*, the designated local authority shall refuse to make a payment to a relevant owner referred to in *subsection (5)* where—

(a) the relevant owner fails to comply with *subsections (5)* and *(6)*, or

(b) the works carried out are not in accordance with the remedial works plan.

(16) For the purposes of determining whether or not to make a payment, or part payment, of an increased grant under this section, an authorised officer of the designated local authority may—

(a) inspect the works carried out, or being carried out, to the relevant dwelling, and

(b) make enquiries of such persons as he or she considers necessary.

(17) Where the designated local authority refuses to make a payment of the increased grant under this section, it shall notify the relevant owner of the refusal and the reasons for the refusal.

(18) A notification under *subsection (17)* shall state that the relevant owner may appeal the refusal in accordance with *Part 5* within 90 days of the date of the notification.

(19) The Minister may, for the purposes of this section, prescribe:

(a) the form and manner in which an application under this section shall be made;

(b) the evidence to be provided in an application under this section relating to prior payments for qualifying expenditure under *section 18*;

(c) the form and content of interim valuation certificates;

(d) the form and content of post works remedial works plans;

(e) the form and content of final valuation certificates;

(f) such other documents or information as the Minister may consider necessary to accompany an application for the purposes of this section.**]**

Time limits for payment of remediation option grant

19. (1) F16**[**Subject to *subsections (1A)* to *(1C)*, *(3)* and *(13)*, a payment may only be made to a relevant owner under *section 18* or *18A*, as the case may be**]**—

(a) where the works necessary to carry out the approved remediation option have commenced within 78 weeks from—

(i) the date of the notification under *section 16(9)*, or

(ii) where the relevant owner has made an appeal under *Part 5* in respect of a decision under *section 16(4)*, and the Appeal Board has under *section 39* affirmed the decision or annulled the decision and replaced the decision with such other decision as it considers appropriate, the date of the decision of the Appeal Board to affirm or annul and replace the decision,

and

(b) where an application is made F16**[**under *section 18* or *18A*, as the case may be, within 130 weeks**]** from the date of commencement of the works notified under *subsection (2)*.

F17**[**(1A) The period referred to in *subsection (1)(b)* shall not apply to an application for a payment under *section 18A* by a relevant owner referred to in *subsection (5)* of that section.

(1B) The periods referred to in *paragraphs (a)* and *(b)* of *subsection (1)* shall be suspended from the date an application is made under *section 23A(1)* until—

(a) in the case of a refusal under *section 23A(5)(b)*, the later of—

(i) the date of a notification under *section 23A(7)*, or

(ii) where the relevant owner has made an appeal under *Part 5* in respect of that refusal, the date of the decision of the Appeal Board under *section 39* to affirm that decision,

or

(b) in the case of a refusal under *section 23B(4)(b)*, the later of—

(i) the date of a notification under *section 23B(10)*, or

(ii) where the relevant owner has made an appeal under *Part 5* in respect of that refusal, the date of the decision of the Appeal Board under *section 39* to affirm that decision.

(1C) Subject to *section 23B(10)(a)(ii)*, the periods referred to in *paragraphs (a)* and *(b)* of *subsection (1)* shall not apply to an application for payment referred to in *clause (I)* or *(II)* of *section 23B(10)(a)(ii)*, following a notification under *section 23B(10)* that relates to an approval under *section 23B(4)(a)*.**]**

(2) The relevant owner shall notify the designated local authority of the date of commencement of the works necessary to carry out the approved remediation option not more than 14 days and not less than 7 days before that date.

(3) A relevant owner may request the designated local authority to extend the period referred to in *paragraph (a)* or *(b)* of *subsection (1)* by a further period where, due to exceptional circumstances beyond the control of, and the exercise of all due diligence by, the relevant owner, there is a delay—

(a) in the case of the period referred to in that *paragraph (a)*, in commencing the works within that period, or

(b) in the case of the period referred to in that *paragraph (b)*, in making an application under F16**[***section 18* or *18A*, as the case may be,**]** within that period.

(4) A request under *subsection (3)* shall—

(a) be made more than F16**[**2 weeks**]** before the expiry of the period referred to in *paragraph (a)* or *(b)* of *subsection (1)* in respect of which the request is made, and

(b) be accompanied by—

(i) a statement of the reasons for the delay, and

(ii) evidence of the exercise of due diligence by the relevant owner in seeking to avoid the delay.

(5) The designated local authority shall consider a request as soon as practicable after it is made and shall decide—

(a) where it is satisfied that exceptional circumstances beyond the control of, and the exercise of all due diligence by, the relevant owner, arise, to grant the extension, or

(b) where it is not satisfied that such circumstances arise, to refuse the extension.

(6) For the purpose of considering a request, the designated local authority may require the relevant owner to provide further information or documents within a specified period.

(7) Where the relevant owner fails to comply with a requirement under *subsection (6)*, the relevant owner shall be deemed to have withdrawn the request under *subsection (3)*.

(8) The further period referred to in *subsection (3)* shall be not more than 24 weeks from the expiry of the period referred to in *paragraph (a)* or *(b)* of *subsection (1)* in respect of which the request is made.

(9) The designated local authority shall notify the relevant owner of its decision under *subsection (5)* and the notification shall—

(a) include the reasons for the decision, and

(b) state that the relevant owner may request the designated local authority to review a decision under *subsection (5)(b)* within 14 days from the date of the decision.

(10) A relevant owner may request the designated local authority to conduct a review of a decision under *subsection (5)(b)*.

(11) The employee of the designated local authority appointed by it to conduct the review referred to in *subsection (10)* shall not be the employee of the designated local authority who made the decision under *subsection (5)(b)*, and shall be of a grade senior to the grade of that employee.

(12) The Minister may prescribe:

(a) the form and manner in which a notice shall be given under *subsection (2)*;

(b) the form and manner in which a request may be made under *subsection (3)*;

(c) the circumstances which may be considered exceptional circumstances under *subsection (3)* for the purposes of an extension of the period referred to in *paragraph (a)* or *(b)* of *subsection (1)*;

(d) the documents or information which may be considered evidence under *subsection (4)(b)(ii)*;

(e) the form and manner in which a review under *subsection (10)* may be requested and conducted.

F17**[**(13) Where, before the date of the coming into operation of section 12(a)(ii) of the Remediation of Dwellings Damaged by the Use of Defective Concrete Blocks (Amendment) Act 2025, the designated local authority refused a request to extend the period referred to in *subsection (1)(b)*, the relevant owner may, notwithstanding *subsection (1)(b)*, make an application for a payment under *section 18* or *18A*, as the case may be, not later than 65 weeks after the date of the coming into operation of the said *section 12(a)(ii)*.**]**

Certificate of remediation

20. (1) A certificate of remediation shall certify that on a date stated in the certificate, on or before the date on which the certificate is signed—

(a) the approved remediation option was completed as described in the post works remedial works plan,

(b) any additional works are completed, and

(c) the approved remediation option and any additional works are completed in compliance with the requirements of the Second Schedule to the Building Regulations 1997 (S.I. No. 497 of 1997).

(2) A certificate of remediation shall—

(a) be signed by—

(i) the contractor who carried out and supervised the works the subject of the certificate, and

(ii) where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the competent building professional who designed and inspected the works the subject of the certificate, or for any other approved remediation option, the competent engineer who designed and inspected the works the subject of the certificate,

(b) have appended to it the post works remedial works plan, and

(c) be in such form and manner as may be prescribed.

Letter of assurance

21. (1) Subject to *subsections (2)* and *(3)*, a designated local authority shall issue a letter of assurance to a relevant owner following receipt by the designated local authority of a post works remedial works plan and a certificate of remediation under F18**[***section 18* or *18A*, as the case may be**]**.

(2) A letter of assurance shall be issued where—

(a) the approved remediation option, or any additional works completed by the relevant owner, did not result in the demolition of the relevant dwelling and the reconstruction of the dwelling, and

(b) the designated local authority is satisfied that the certificate of remediation is in accordance with *section 20*.

(3) A letter of assurance shall not be issued in respect of a second grant given under and in accordance with *section 25*.

(4) A letter of assurance shall state—

(a) that a certificate of remediation has been provided under F18**[***section 18(3)* or *18A(4)*, as the case may be**]**.

(b) that the owner of the relevant dwelling may make an application under *section 25*, and

(c) such other matters as may be prescribed for the purposes of this section.

Ancillary grant applications

22. F19**[**(1) Where a remediation option grant is approved under *section 16(4)(a)*, the relevant owner concerned may apply to the designated local authority for an ancillary grant.**]**

(2) F19**[**Subject to *subsection (2A)*, an ancillary grant**]** referred to in *subsection (1)* may be approved in respect of costs incurred by a relevant owner for the purposes referred to in *paragraph (a)*, *(b)* or *(c)* of *section 10(2)* before or after the making of an application under *section 13*.

F20**[**(2A) Where an adjacent remediation option has been approved under *section 22A(6)(a)*, an ancillary grant shall only be approved in respect of costs incurred by the relevant owner for the purposes referred to in *section 10(2)(c)*.**]**

(3) An application for a grant referred to in *paragraph (a)* or *(b)* of *section 10(2)* shall be accompanied by—

(a) details of the alternative accommodation or storage in respect of which the application is made,

(b) the estimated or actual cost, as the case may be, of the alternative accommodation or storage,

(c) such other documents or information as may be prescribed.

(4) The designated local authority shall consider an application referred to in *subsection (3)* and may approve a grant, calculated in accordance with *section 10* or any order made under *section 11*, where it is satisfied that—

(a) where the application is for a grant referred to in *section 10(2)(a)*, the relevant owner is not a relevant owner by virtue of *section 9(3)(b)*.

(b) the application is made in accordance with *subsection (3)*.

(c) the matters referred to in *subsection (3)(b)* are sufficiently evidenced, and

(d) the relevant owner has complied with such further conditions as may be prescribed.

(5) Where a relevant owner makes an application for a grant referred to in *section 10(2)(c)* the application shall be accompanied by—

(a) a report from a competent building professional—

(i) stating that in his or her opinion immediate repairs to the relevant dwelling are or were necessary, and

(ii) describing the immediate repairs completed, or which the relevant owner proposes to complete,

(b) the estimated or actual cost, as the case may be, of the immediate repairs, and

(c) such other documents or information as may be prescribed.

(6) The designated local authority shall consider an application referred to in *subsection (5)* and may approve a grant, calculated in accordance with *section 10* or any order made under *section 11*, where it is satisfied that—

(a) the application is made in accordance with *subsection (5)*.

(b) the repairs in respect of which the application is made are immediate repairs,

(c) the matters referred to in *subsection (5)(b)* are sufficiently evidenced, and

(d) the relevant owner has complied with such further conditions as may be prescribed.

(7) A relevant owner approved for an ancillary grant under *subsection (4)* or *(6)* may apply to the designated local authority for a payment of the grant and any payment of the grant made by the designated local authority shall not exceed the lesser of—

(a) the actual combined cost of the alternative accommodation, storage or immediate repairs the subject of the grant, F19**[**or**]**

(b) the total amount of the grant or grants approved under *subsection (4)* or *(6)* F20**[**, subject to any reduction made under *section 10(4B)***]**.

(8) The Minister may prescribe—

(a) the form and manner in which an application may be made under this section, and

(b) the procedure for the payment of ancillary grants under *subsection (7)*.

F21**[Application for an adjacent remediation option**

22A.(1) Where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling, the relevant owner may apply to the designated local authority for approval to construct a new dwelling in the curtilage of the relevant dwelling (in this section referred to as an "adjacent remediation option") to replace the approved remediation option.

(2) A relevant owner may only make an application under *subsection (1)* where—

(a) the relevant dwelling was adapted for the accommodation of a person who has a disability, and

(b) the works necessary to carry out the approved remediation option have not commenced.

(3) An application under *subsection (1)* shall—

(a) be made in such form and manner as may be prescribed, and

(b) be accompanied by—

(i) such evidence as may be prescribed of the matters referred to in *paragraphs (a)* and *(b)* of *subsection (2)*, and

(ii) such other documents or information as may be prescribed for the purposes of the application.

(4) The designated local authority may require the relevant owner—

(a) to provide, in writing, within 90 days of the date of the requirement, such further information or documents relating to the application as the designated local authority may consider necessary, and

(b) to facilitate, within 90 days of the date of the requirement, an inspection of the dwelling by an authorised officer of the designated local authority.

(5) Where an applicant does not comply with a requirement under *subsection (4)*, the application under *subsection (1)* shall be considered to have been withdrawn.

(6) The designated local authority shall consider the application under *subsection (1)* and shall—

(a) approve an adjacent remediation option where it is satisfied that—

(i) the relevant dwelling was adapted for the accommodation of a person who has a disability, and

(ii) the eligibility requirements, prescribed under *subsection (11)(a)*, have been met,

or

(b) where it is not satisfied that the requirements pursuant to *paragraph (a)* have been met, refuse to approve the adjacent remediation option.

(7) Where an adjacent remediation option is approved under *subsection (6)(a)*, the remediation option grant calculated in accordance with *section 10* and approved under *section 16(4)(a)(ii)* may be paid to the relevant owner under *section 18* for the purpose of completing the adjacent remediation option.

(8) The designated local authority shall, as soon as practicable, notify the relevant owner of the decision under *subsection (6)*, and the reasons for the decision, and the notification shall—

(a) where it relates to a decision under *subsection (6)(a)*, state that the relevant owner shall—

(i) obtain permission prior to commencing works to satisfy the adjacent remediation option,

(ii) comply with *section 17*, subject to the modifications referred to in *subsection (10)*, and

(iii) provide a certificate of demolition in respect of the relevant dwelling to the designated local authority within 12 months of the date of the final payment of the remediation option grant under *section 18*,

and

(b) state that the relevant owner may appeal the decision in accordance with *Part 5* within 90 days of the date of the notification.

(9) Subject to the modifications referred to in *subsection (10)* and any other necessary modifications, an adjacent remediation option shall for the purposes of this Act, be deemed to be an approved remediation option under *section 16(4)(a)(i)* and this Act shall apply accordingly.

(10) The modifications are:

(a) in *section 17*:

(i) the reference in *subsection (1)* to "a notification under *section 16(9)* which relates to a decision under *section 16(4)(a)*" shall be construed as a reference to "a notification under *section 22A(8)* which relates to a decision under *section 22A(6)(a)*";

(ii) *subsection (5)* shall be construed as if the following subsection were substituted for that subsection:

"(5) Where an adjacent remediation option is approved under *section 22A(6)(a)* and the remedial works plan provided under *subsection (1)* indicates that the internal floor area of the new dwelling which the relevant owner proposes to construct is a reduction of the internal floor area of the relevant dwelling, the designated local authority shall reduce the amount of the remediation option grant approved by the Housing Agency under *section 16(4)* proportionately."

(iii) *subsection (8)* shall be construed as if the following paragraphs were substituted for *paragraphs (b)* and *(c)*:

"(b) satisfy the designated local authority that he or she has obtained permission for the adjacent remediation option and the demolition of the relevant dwelling and any additional works, if required,

(c) complete the adjacent remediation option, and"

(b) in *section 18*:

(i) the reference in *subsection (5)(b)* to "where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling" shall be construed as a reference to "where an adjacent remediation option has been approved under section 22A(6)(a)";

(ii) the reference in *subsection (6)(b)* to "where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling" shall be construed as a reference to "where an adjacent remediation option has been approved under *section 22A(6)(a)*";

(c) in *section 19(1)(a)*:

(i) the reference in *subparagraph (i)* to "the notification under *section 16(9)*" shall be construed as a reference to "the notification under *section 22A(8)*";

(ii) the reference in subparagraph (ii) to "a decision under *section 16(4)*" shall be construed as a reference to "a decision under *section 22A(6)*";

(d) in *section 20*:

(i) the reference in *subsection (1)(b)* to "any additional works are completed" shall be construed as a reference to "any additional works, other than the demolition of the relevant dwelling, are completed";

(ii) the reference in *subsection (2)(a)(ii)* to "where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling" shall be construed as a reference to "where the approved remediation option is the construction of a new dwelling, approved under *section 22A(6)(a)*";

(e) *section 21(2)* shall be construed as if the following paragraph were substituted for *paragraph (a)*:

"(a) the approved remediation option, or any additional works completed by the relevant owner, did not result in the construction of a new dwelling, and".

(11) The Minister may prescribe—

(a) the eligibility requirements for an adjacent remediation option, including—

(i) the class of person who qualifies under *subsection (2)(a)*,

(ii) the residence of that person in the relevant dwelling and in the new dwelling to be constructed, and

(iii) the nature of the adaptations to the relevant dwelling,

(b) the form and manner in which a requirement may be made under *subsection (4)*,

(c) the standards by reference to which inspections by authorised officers for the purposes of this section are to be carried out,

(d) matters to which a designated local authority is to have regard in making a decision under *subsection (6)*,

(e) the form and manner in which a notification may be given under *subsection (8)*,

(f) the content of a demolition certificate,

(g) the inspection of the demolition of the relevant dwelling by a competent building professional, and

(h) the form and manner in which a demolition certificate shall be provided to the designated local authority.

(12) In this section—

"curtilage" means the area immediately surrounding or adjacent to the relevant dwelling and used in conjunction with the dwelling;

"disability" has the same meaning as it has in the Disability Act 2005;

"permission" has the meaning given to it by *section 28*.**]**

Application for revised approval

23. (1) Where the Housing Agency approves an approved remediation option and remediation option grant under *section 16(4)(a)* (in this section referred to as the "first approval") and the approved remediation option is not the demolition of the relevant dwelling and the reconstruction of the dwelling, the relevant owner may, after the date of commencement of the works notified under *section 19*, apply to the designated local authority for approval of a revised remediation option and grant by the Housing Authority under *subsection (4)* (in this section referred to as a "revised approval").

(2) An application under *subsection (1)* shall be accompanied by a report from a competent engineer which states that, in the opinion of the competent engineer, there has been, since the date of the first approval, an unforeseen and material deterioration in the condition of the blocks which were to be retained in the relevant dwelling in accordance with the approved remediation option, such that a revised approval is necessary to remedy the damage caused to the dwelling by the use of defective concrete blocks in its construction.

(3) The designated local authority shall refer the application to the Housing Agency for its consideration where the designated local authority is satisfied that the application is made in accordance with *subsections (1)* and *(2)* and any regulations made under *subsection (10)*.

(4) Where the Housing Agency is satisfied that there has been an unforeseen and material deterioration in the condition of the blocks which were to be retained in the relevant dwelling in accordance with the approved remediation option, such that a revised approval is necessary to remedy the damage caused by the use of defective concrete blocks in its construction, it shall approve—

(a) in accordance with any regulations made under *section 12*, a revised remediation option, or revised combination of remediation options, to remedy the damage, and

(b) in accordance with *section 10*, or any order made under *section 11*, a revised remediation option grant which may be paid to the relevant owner under *section 18* for the purpose of completing the revised remediation option, or revised combination of remediation options.

(5) The Housing Agency shall, for the purposes of the revised approval, consider an application referred under *subsection (3)* and may—

(a) require an authorised officer to exercise such powers as are referred to in *section 43* that it considers necessary for that purpose, or

(b) consult with such persons as it considers necessary.

(6) A revised remediation option under *subsection (4)(a)* shall not include the demolition of the relevant dwelling and the reconstruction of the dwelling.

(7) A revised remediation option grant under *subsection (4)(b)* shall not exceed the amount of the remediation option grant which could have been approved under *section 16(4)(a)* in respect of the revised remediation option (were the revised remediation option the approved remediation option the subject of the first approval) at the date of the first approval.

(8) Subject to the F22**[**modifications**]** referred to in *subsection (9)* and any other necessary F22**[**modifications**]**, a revised approval shall be deemed to be an approval under *section 16(4)(a)* for the purposes of this Act.

F22**[**(9) The modifications are:

(a) the reference in *section 17A(1)(a)* to "a notification under *section 16(9)* which relates to a decision under *section 16(4)(a)*" shall be construed as a reference to "a revised approval";

(b) the period referred to in *section 19(1)(b)* shall continue to apply as if the revised approval was made on the date of the first approval.**]**

(10) The Minister may prescribe the form and manner in which an application is to be made and considered under this section.

F23**[Application for review of approved remediation option**

23A. … **]**

F24**[Consideration by Housing Agency of application for updated remediation option and grant**

23B. … **]**

Change of relevant owner

24. (1) Where a relevant owner of a dwelling dies after the making of a decision under *section 13(7)*, the legal personal representative of the relevant owner shall, as soon as practicable, notify the designated local authority of the death and may notify the designated local authority that a person who has inherited or will inherit the dwelling wishes to be considered the relevant owner of the dwelling for the purposes of this Act.

(2) Where the designated local authority receives a notification referred to in *subsection (1)* —

(a) it shall notify the legal personal representative that he or she shall be considered the relevant owner until the designated local authority is satisfied as to the matter referred to in *paragraph (b)*, and

(b) where it is satisfied that the person referred to in *subsection (1)* is entitled to own the relevant dwelling as a result of the death of the relevant owner, that person shall be considered to be a relevant owner of the relevant dwelling for the purposes of this Act and the designated local authority shall notify the person of that fact.

(3) Where a notification is made under *subsection (1)*, the making of the notification shall be considered an exceptional circumstance for the purpose of *section 19* and the designated local authority shall issue a decision under *section 19(5)(a)* granting the extension referred to in that subsection for the further period referred to in *section 19(8)*, or such other period as the designated local authority considers appropriate in the circumstances.

(4) An individual, other than the relevant owner who made the application under *section 13*, may, after the making of a decision under *section 13(7)* in respect of the application notify the designated local authority that he or she wishes to be considered a relevant owner of the dwelling for the purposes of this Act.

F25**[**(4A) Notwithstanding *section 9(2)(a)*, an individual shall be regarded as a relevant owner for the purposes of a notification under *subsection (4)* if he or she—

(a) is an individual who is—

(i) married to a relevant owner of a relevant dwelling,

(ii) a civil partner of a relevant owner of a relevant dwelling, or

(iii) a cohabitant of a relevant owner of a relevant dwelling,

and

(b) became a joint owner of the relevant dwelling on or after 31 January 2020.**]**

(5) The designated local authority shall consider a notification referred to in *subsection (4)* and where it is satisfied that the individual who made the notification has complied with any regulations made under *subsection (6)* and is a relevant owner of the dwelling, the individual shall be considered a relevant owner of the dwelling for the purposes of this Act and the designated local authority shall notify him or her of that fact.

(6) The Minister may, for the purposes of this section, make regulations providing for:

(a) the form and manner in which a notification may be made under *subsection (1)* or *(4)*;

(b) the matters which a designated local authority shall require to accompany the notification in order to satisfy itself that the person referred to in *subsection (2)* is entitled to own the dwelling or that the individual referred to in *subsection (5)* is a relevant owner of the relevant dwelling;

F25**[**(ba) the documents or information which may be considered evidence of the matters referred to in *paragraphs (a)* and *(b)* of *subsection (4A)*;**]**

(c) amendment of the periods referred to in *section 19*;

(d) the making and consideration of notifications under *subsection (1)* or *(4)*.

F25**[**(7) In this section—

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"civil partner" shall be construed in accordance with section 3 of the Act of 2010;

"cohabitant" shall be construed in accordance with section 172(1) of the Act of 2010.**]**

Application for second grant

25. (1) Where a letter of assurance has been issued in respect of a relevant dwelling, a person who owns the relevant dwelling may, subject to this section and any regulations made under *subsection (8)*, apply for a second remediation option grant and an ancillary grant (in this Act referred to as a "second grant") in respect of the dwelling in accordance with this Part.

(2) A second grant may be given where the Housing Agency is satisfied that, notwithstanding the completion of an approved remediation option (whether or not any additional works were carried out), the relevant dwelling has been damaged by defective concrete blocks retained in the relevant dwelling.

(3) A second grant shall not be given where the damage referred to in *subsection (2)* was caused by any act or omission of any person in the course of carrying out the approved remediation option, or any additional works.

(4) A person may apply for a second grant notwithstanding that he or she is not a relevant owner under *section 9*, subject to the condition that the person may only receive a second grant in relation to—

(a) one relevant dwelling which he or she uses as his or her principal private residence, and

(b) one relevant dwelling where he or she is a landlord of a tenancy in the relevant dwelling.

(5) A person shall not be given a second grant in respect of a relevant dwelling—

(a) on the ground referred to in *subsection (4)(a)*, where a member of his or her household has previously, in respect of a different relevant dwelling, been given a second grant on that ground, or

(b) on the ground referred to in *subsection (4)(b)*, where a member of his or her household has previously, in respect of a different relevant dwelling, been given a second grant on that ground.

(6) An application for a second grant may be made within the period of 40 years beginning on the date of the letter of assurance.

(7) The Minister may prescribe—

(a) procedures and conditions, additional to those under this Part that continue to apply to the making of applications for second grants, for the making of those applications, and

(b) without prejudice to the generality of *paragraph (a)*, standards by reference to which a relevant dwelling is required to be maintained following the issuing of a letter of assurance in relation to it, in order for a person who owns the dwelling to be eligible for a second grant in respect of the dwelling.

(8) In making regulations under *subsection (7)*, the Minister shall have regard to—

(a) the adequacy of remediation options to remedy damage to dwellings caused by the use of defective concrete blocks in their construction,

(b) the economic circumstances of the State prevailing at the time of the making of the regulations, and the demands on the State's financial resources which may occur during the period the regulations shall remain in effect, and

(c) such standards made by the National Standards Authority of Ireland as he or she considers appropriate.

(9) In this section, "member of his or her household", in relation to a person referred to in *subsection (5)*, means an individual with whom the person lives in a relevant dwelling and the individual has, in the opinion of the designated local authority, a reasonable requirement to live with the person.

PART 3

MATTERS CONSEQUENT ON GRANT

CHAPTER 1

Certain matters consequent on grant

Refund of compensation

26. (1) F26**[**Where a remediation option grant, an increased grant or an updated remediation option grant is not reduced under *section 16(8)*, *17A(8)* or *23B(9)*, as the case may be,**]** but a relevant owner receives monies from another person other than under this Act in respect of damage to the relevant dwelling caused by the use of defective concrete blocks in its construction, the relevant owner shall give notice to the designated local authority of the receipt of the monies and the amount of the monies within 28 days of receiving them.

(2) Where a designated local authority receives a notice referred to in *subsection (1)*, and the relevant owner has received a payment under F26**[***section 18* or *18A*, as the case may be**]**, the designated local authority shall give notice to the relevant owner stating that the amount referred to in *subsection (3)* is due and payable.

(3) On the giving of the notice under *subsection (2)* the relevant owner shall be immediately liable to pay to the designated local authority the lesser of—

(a) an amount equal to the total payments received by the relevant owner under F26**[***sections 18* and *18A***]**, and

(b) an amount equal to the monies received other than under this Act referred to in *subsection (1)*.

(4) If the relevant owner does not pay the amount specified in the notice under *subsection (2)* within 21 days of the giving of the notice, the designated local authority shall refuse to make any further payments to the relevant owner under F26**[***section 18* or *18A***]**.

(5) Any amount not paid to the designated local authority under *subsection (3)* shall be recoverable by the designated local authority as a simple contract debt in a court of competent jurisdiction.

(6) The designated local authority shall retain any monies received or recovered by it under this section and shall dispose of the monies in accordance with such directions as may be given by the Minister following consultation with the Minister for Public Expenditure and Reform.

Recovery of payment under *section 18*

27. (1) Where any of the circumstances referred to in *subsection (2)* arise in relation to a relevant owner to whom a payment has been made under F27**[***section 18* or *18A***]**, as the case may be, a designated local authority shall issue a notice to the relevant owner stating—

(a) the circumstance or circumstances that have arisen, and

(b) that the amount of the payments made to the relevant owner under that section before the date of the notice is required to be paid to the designated local authority within 21 days of the date of the notice.

(2) The circumstances are:

(a) the relevant owner fails to provide a certificate of remediation to the designated local authority under F27**[***section 18* or *18A*, as the case may be**]**;

(b) the designated local authority determines that—

(i) the relevant owner has not complied with a condition of the remediation option grant referred to in *section 17(8)*, or

(ii) it has made a payment to the relevant owner which it would not have made but for the submission of information to the designated local authority by the relevant owner which he or she knew to be false or misleading, or in relation to which he or she was reckless as to whether it was false or misleading;

(c) the relevant owner refuses notwithstanding the consent referred to in *section 13(2)(a)(xi)* to consent to entry to the relevant dwelling by an authorised officer of the designated local authority or the Housing Agency for the purposes of this Act;

F28**[**(ca) the relevant owner fails to demolish the relevant dwelling and to provide a certificate of demolition pursuant to *section 22A(8)(a)(iii)*;**]**

(d) the relevant owner is convicted of an offence under *section 52(1)*.

(3) An amount stated to be due and owing under *subsection (1)* but not paid by a relevant owner to a designated local authority within the period specified in the notice given to the relevant owner under *subsection (1)* shall be recoverable by the designated local authority from the relevant owner as a simple contract debt in any court of competent jurisdiction.

(4) A determination shall not be made under *subsection (2)(b)* unless the relevant owner has been given the opportunity to make representations to the designated local authority in relation to the intention of the designated local authority to make the determination.

(5) The Minister may prescribe—

(a) the form and content of a notice under *subsection (1)*,

(b) the procedure by which a determination under *subsection (2)(b)* may be made, and

(c) the manner in which representations may be made under *subsection (4)*.

Exempted development

28. (1) F29**[**Subject to *subsections (2), (3)* and *(3A)***]**, and section 4(4) of the Act of 2000, development consisting of the completion of an approved remediation option shall be exempted development within the meaning of, and for the purposes of, that Act.

(2) The development referred to in *subsection (1)* shall only be exempted development where, on its completion, it is not inconsistent with, or materially different from, the appearance and character of the relevant dwelling in respect of which the approved remediation option is to be or has been completed.

(3) Where the approved remediation option is the demolition of the relevant dwelling and the reconstruction of the dwelling and any permission granted in respect of the relevant dwelling under section 34 of the Act of 2000 is subject to conditions under that section, the conditions shall continue to apply to the relevant dwelling.

F30**[**(3A) *Subsection (1)* shall not apply to development consisting of the completion of an adjacent remediation option that has been approved under *section 22A(6)(a)*.**]**

(4) In this section—

"development" has the meaning it has in the Act of 2000;

"permission" has the meaning it has in the Act of 2000.

Assignment and subrogation of claims to Minister

29. (1) Where a relevant owner receives a payment under F32**[***section 18*, *18A* or *22*, as the case may be,**]** all rights of action which the relevant owner has against any other person, or the estate of any other person, for damage to the relevant dwelling caused by the use of defective concrete blocks in its construction shall, to the amount of the payment and from the date of the making of the payment, be assigned to and vest in the Minister.

(2) Without prejudice to *subsection (1)*, the Minister shall, to the amount of the payment referred to in *subsection (1)* be subrogated to all rights or remedies to which a relevant owner is entitled in respect of damage to the relevant dwelling caused by the use of defective concrete blocks in its construction.

(3) Every right of action vested in the Minister under *subsection (1)* may, on and from the date on which it is so vested, be sued on, recovered or enforced by the Minister in his or her own name, and it shall not be necessary for the Minister, to give notice to any person bound by the right of action of the vesting effected by that subsection.

(4) The Minister may request, without prejudice to *section 13*, the relevant owner to provide the Minister with such information or documents as he or she considers necessary for the purposes of exercising any right of action which vests in him or her under *subsection (1)*, or protecting any right or remedy subrogated to him or her under *subsection (2)*.

(5) The Minister may, for the purpose of exercising any right of action vested in him or her under *subsection (1)* or protecting any right or remedy subrogated to him or her under *subsection (2)*, require the relevant owner to execute all documents (including the verification by the relevant owner of any document by affidavit) or take any other step as may, in the opinion of the Minister, be necessary for that purpose.

CHAPTER 2

Charging orders consequent on grant to landlord

Definitions for *Chapter 2*

30. In this Chapter—

"anniversary" has the meaning given to it by *section 31(3)*;

F33**[**"charged amount" means the first charged amount or, if applicable, the second charged amount;**]**

F33**[**"charging order" means the first charge or, if applicable, the second charge;**]**

F34**[**"first charge" means an order made under *section 31(1)*;**]**

F34**[**"first charged amount" means the amount referred to in *section 31(2)*;**]**

"incremental release" has the meaning given to it by *section 31(3)*;

"reduced charged amount" means the charged amount less the amount of any incremental releases applied to the charged amount under this Chapter;

F33**[**"relevant date" means 1 January in the year immediately following the year in which the designated local authority made the later of—

(a) the final part payment of a remediation option grant, or the payment of the whole of the remediation option grant, to the relevant owner under *section 18*, or

(b) the final part payment of an increased grant, or the payment of the whole of the increased grant, to the relevant owner under *section 18A*, or

(c) the final payment of an ancillary grant under *section 22*;**]**

"relevant event" means a relevant event referred to in *section 32*;

"relevant owner" has the meaning given to it by F33**[***section 31(1)*;**]**

F34**[**"retrospective payment" has the meaning given to it by *section 31(1A)*;**]**

F34**[**"second charge" means an order made under *section 31(1A)*;**]**

F34**[**"second charged amount" means the amount referred to in *section 31(2A)*.**]**

Charging orders

31. F35**[**(1) The designated local authority shall make an order charging a relevant dwelling in the terms specified in this section as soon as practicable after the designated local authority makes the later of—

(a) the final part payment of a remediation option grant, or a payment of the whole of a remediation option grant under *section 18*,

(b) the final part payment of an increased grant, or the payment of the whole of the increased grant under *section 18A*, or

(c) the final payment of an ancillary grant under *section 22*,

to a person who is a relevant owner by virtue of *section 9(3)(b)* (in this Chapter referred to as a "relevant owner").**]**

F36**[**(1A) Where the designated local authority makes a payment under *section 18A* to a relevant owner who is a person referred to in *section 18A(5)* (in this Chapter referred to as a "retrospective payment"), after the date that the first charge is deemed to have been executed under *section 34(2)*, the designated local authority shall make a second order charging the relevant dwelling in the terms specified in this section as soon as practicable after it makes the retrospective payment.**]**

F35**[**(2) Subject to *subsections (2A)* and *(3)*, a first charge shall create a charge over the relevant dwelling in favour of the designated local authority in the amount of the aggregate of all the payments made to the relevant owner in respect of the relevant dwelling under *sections 18*, *18A* and *22*.**]**

F36**[**(2A) A second charge shall create a charge over the relevant dwelling in favour of the designated local authority in the amount of the retrospective payment made to the relevant owner in respect of the relevant dwelling under *section 18A*.**]**

F36**[**(2B) For the purposes of this Chapter—

(a) subject to *paragraph (b)*, the making of a second charge under *subsection (1A)* shall not alter the relevant date,

(b) if a deed of discharge is issued under *section 35(1)* in respect of the first charge, the relevant date shall be 1 January in the year immediately following the year in which the designated local authority made the retrospective payment,

(c) subject to *paragraph (d)*, on and after the date the second charge is deemed to have been executed under *section 34(2)(b)*, the incremental release shall be applied in accordance with this Chapter, and

(d) the incremental release shall be applied separately to the first charged amount and to the second charged amount.**]**

(3) A reduction equal to 5 per cent of the charged amount (in this Chapter referred to as an "incremental release") shall be applied to the charged amount on each anniversary of the relevant date (in this Chapter referred to as the "anniversary") where a relevant event has not occurred on the anniversary in accordance with *section 32(2)*.

(4) The relevant owner shall provide the following evidence that a relevant event has not occurred on the anniversary to the designated local authority not more than 28 days after each anniversary:

(a) evidence that the relevant owner owned the relevant dwelling on the anniversary;

(b) evidence—

(i) that the relevant owner was, on the anniversary, the landlord of a tenancy of the relevant dwelling registered on the residential tenancies register, or

(ii) that one of the exceptions referred to in *section 32(3)* applied;

and

(c) an affidavit verifying the evidence referred to in *paragraphs (a)* and *(b)*.

(5) The designated local authority shall consider the evidence and affidavit provided under *subsection (4)* and may carry out, with the consent of the relevant owner given pursuant to *section 13(2)(a)(xi)*, such inspections of the relevant dwelling as it considers necessary for the purposes of determining whether an incremental release shall apply under *subsection (3)*, and shall notify the relevant owner where an incremental release applies.

(6) *Subsection (1)* shall not apply in relation to a second grant.

Relevant event

32. (1) Where a relevant event occurs or has occurred on an anniversary, F37**[**the first charged amount and the second charged amount, as reduced by *section 31(3)*, if applicable,**]** shall become due and payable to the designated local authority on the anniversary.

(2) A relevant event occurs or has occurred where—

(a) the relevant owner no longer owns the relevant dwelling, having disposed of the dwelling other than by testamentary disposition, or

(b) subject to *subsection (3)*, the relevant owner is no longer the landlord of a tenancy of the relevant dwelling which is registered on the residential tenancies register.

(3) *Subsection (2)(b)* shall not apply where the relevant owner satisfies the designated local authority that on the anniversary—

(a) he or she has made an application under section 134 of the Act of 2004 for registration of the tenancy but the registration has not yet taken place under section 135 of that Act,

(b) he or she is undertaking repairs to the relevant dwelling for the purposes of making the relevant dwelling available to be let, or

(c) he or she has made reasonable efforts to secure a tenancy of the relevant dwelling but has been unable to do so, and the relevant dwelling remains advertised and available to let under a tenancy registerable under section 134 of the Act of 2004.

(4) A relevant owner may only rely on each exception referred to in a paragraph of *subsection (3)* on 2 occasions.

Failure or cesser of incremental release

33. (1) The incremental release shall not, subject to *subsection (2)*, apply on the anniversary and no further incremental increases shall apply where—

(a) a relevant event occurs or has occurred on an anniversary in accordance with *section 32(2)*.

(b) the relevant owner fails to comply with *section 31(4)*, or

(c) the designated local authority determines that the information provided in purported compliance with *section 31(4)* is false or misleading, or the relevant owner was reckless as to whether it was false or misleading, in a material particular.

(2) Where a relevant event occurs or has occurred on an anniversary, but for a number of days during the year preceding the anniversary the relevant event had not occurred, the incremental release shall apply but the amount of the release referred to in *section 31(3)* shall be reduced in proportion to the number of days in that year after which the relevant event had occurred.

(3) For the purposes of *subsection (2)*, where the landlord was not, on a number of occasions in the year preceding the anniversary a landlord of a tenancy of the dwelling which was registered on the residential tenancies register, the number of days secondly referred to in *subsection (2)* shall be taken to be the number of days following the date in that year on which the relevant event last occurred.

(4) Where *subsection (1)* applies, the designated local authority shall notify the relevant owner of—

(a) that fact, and the reasons for it, and

(b) that F38**[**the first charged amount and the second charged amount, as reduced by *section 31(3)*, if applicable,**]** is due and payable.

(5) The designated local authority shall not make a determination that the information provided to it in purported compliance with *subsection (1)* is false or misleading in a material particular, or that the relevant owner was reckless as to whether it was false or misleading in a material particular, unless it has given reasonable notice of its intention to do so to the relevant owner and given the relevant owner the opportunity to make representations in relation to that intention.

Provisions consequential on charging order

34. (1) A charging order may be executed by—

(a) the chief executive (within the meaning of the Act of 2001) of the designated local authority, or

(b) a member of the staff of the designated local authority to whom that function has been delegated by the chief executive.

F39**[**(2) A charging order shall be deemed to be a legal mortgage under Part 10 of the Land and Conveyancing Law Reform Act 2009 and—

(a) the first charge shall be deemed to have been executed on the later of—

(i) the date of the final part payment of a remediation option grant, or the payment of the whole of the remediation option grant, to the relevant owner under section 18,

(ii) the date of the final part payment of an increased grant, or the payment of the whole of the increased grant, to the relevant owner under *section 18A*, or

(iii) the date of the final payment of an ancillary grant to the relevant owner under *section 22*,

and

(b) the second charge shall be deemed to have been executed on the date of the retrospective payment.**]**

(3) The designated local authority shall, on and from the date on which the charging order was deemed to have been executed under *subsection (2)* —

(a) be deemed to be a mortgagee of the relevant dwelling for the purposes of Part 10 of the Land and Conveyancing Law Reform Act 2009, and

(b) have, in relation to the charge, all the powers conferred by that Act on mortgagees under legal mortgages.

(4) Where a designated local authority makes a charging order, it shall, as soon as practicable thereafter, cause the order to be registered in the Registry of Deeds or the Land Registry, as appropriate, and it shall be a sufficient description of the charge in respect of which the order is being registered to state that it is the charge referred to in F39**[***section 31(2)* or *section 31(2A)*, as the case may be**]**.

(5) A charging order affecting a relevant dwelling which is registered land within the meaning of the Registration of Title Act 1964 shall be registrable as a burden affecting such land whether the person named in the order as the owner of the land is or is not registered under the said Act as the owner of the land and the Property Registration Authority shall, on application being made to it, register such order affecting the land concerned.

(6) Neither a charging order nor a charge that arises under it shall be regarded as a conveyance for the purposes of section 3 of the Family Home Protection Act 1976 or section 28 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.

(7) An amount due and payable under *section 32* or *33(4)* may, without prejudice to any other power in that behalf, be recovered by the designated local authority from the relevant owner as a simple contract debt in any court of competent jurisdiction.

(8) The designated local authority shall, where requested by the relevant owner to do so, give a statement in writing to the relevant owner of—

(a) the accumulated amount of incremental releases that have been applied to the charged amount under *section 31*, and

(b) the reduced charge amount.

(9) The relevant owner and any other person shall give such assistance to the designated local authority as it requests to facilitate the registration of the charging order in the Land Registry or Registry of Deeds.

(10) The designated local authority shall be liable for any expenses incurred in the execution and registration of a charging order in the Land Registry or Registry of Deeds.

(11) Other than expenses referred to in *subsection (10)* and *section 35(3)* a designated local authority shall not be liable for expenses incurred by any person under this Chapter.

(12) The Minister may prescribe:

(a) the form of a charging order, and the manner in which it shall be transmitted to the Property Registration Authority for registration;

(b) the documents which may be considered evidence of the matters referred to in *section 31(4)*, and the form and manner in which such evidence is to be provided;

(c) the form and content of an affidavit referred to in *section 31(4)*;

(d) the procedure by which a determination may be made under *section 33(1)(c)* and representations may be made under *section 33(5)*;

(e) the form of a deed of discharge under *section 35*.

Release of charge

35. (1) Where the charged amount or the reduced charged amount is paid to the designated local authority, or the accumulated amount of incremental releases applied to the charged amount is equal to or greater than the charged amount, the designated local authority shall, on the request of a person, and subject to the terms of the charging order having been complied with issue a deed of discharge of the charge to the person.

(2) A deed referred to in *subsection (1)* may be registered in the Land Registry or the Registry of Deeds.

(3) The designated local authority shall be liable for any expenses incurred in the execution of the deed of discharge.

PART 4

DESIGNATED LOCAL AUTHORITY OR APPROVED HOUSING BODY OWNED DWELLINGS

Designated local authority or approved housing body owned dwellings

36. (1) The Government may make a scheme for the purpose of enabling a designated local authority or an approved housing body to remedy damage caused to dwellings by the use of defective concrete blocks in their construction.

(2) The Minister may, with the consent of the Minister for Public Expenditure and Reform, in accordance with the terms of a scheme under *subsection (1)*, give grants out of monies provided by the Oireachtas to designated local authorities or approved housing bodies.

(3) Dwellings referred to in *subsection (1)* shall be—

(a) owned by a designated local authority or an approved housing body, and

(b) located in a designated local authority area.

(4) A scheme may provide for—

(a) subject to *subsection (3)*, the dwellings included in the scheme,

(b) the designated local authorities or approved housing bodies included in the scheme,

(c) the procedure by which a designated local authority or approved housing body may apply for a grant to remedy dwellings under the scheme,

(d) the procedure by which applications shall be assessed,

(e) subject to *subsection (5)*, the procedure by which the amount of a grant given to the designated local authority or approved housing body for the purpose of remedying a dwelling under the scheme shall be calculated,

(f) subject to *subsection (5)*, the procedure by which the amount of a grant referred to in *section 10(2)* given to a designated local authority or an approved housing body for the purpose of providing alternative accommodation, immediate repairs or storage costs under the scheme may be calculated,

(g) the procedure by which payment of grants to remedy dwellings under the scheme shall be made, and

(h) the administration and governance of the scheme.

(5) A grant for the remediation of damage to a dwelling or for alternative accommodation, storage costs or immediate repairs provided under a scheme shall be calculated in accordance with *section 10*, any regulations made under it, and any orders made under *section 11*.

(6) Where a scheme is proposed to be made under *subsection (1)*, a draft of the scheme shall be laid before each House of the Oireachtas and it shall not be made until a resolution approving the draft has been passed by each such House.

(7) In this section, "approved housing body" has the same meaning as it has in section 2 of the Housing (Regulation of Approved Housing Bodies) Act 2019.

PART 5

APPEALS

Appeals Panel

37. (1) The Minister may appoint such number of people as he or she considers appropriate, not exceeding 10, to be members of a panel (in this Act referred to as the "Appeals Panel") established and maintained by the Minister.

(2) The Minister shall have regard to a person's experience or expertise in relation to the subject matter of decisions, the subject of appeals under this Act or in relation to the hearing of appeals generally in appointing him or her under *subsection (1)*.

(3) An appointment under *subsection (1)* shall be made for such period, not exceeding 5 years from the date of the appointment, as the Minister determines.

(4) Subject to *subsection (5)*, a member whose appointment under *subsection (1)* expires shall be eligible for reappointment under thatsubsection.

(5) A person shall not be appointed to the Appeals Panel for more than 2 terms.

(6) The Minister shall appoint a chairperson of the Appeals Panel from among its members.

(7) The Minister may pay a member such remuneration, fees or allowances for expenses as the Minister, with the consent of the Minister for Public Expenditure and Reform, determines.

(8) A member may resign from his or her appointment by giving one month's notice of his or her resignation to the Minister.

(9) The Minister may remove a member where, in the opinion of the Minister—

(a) the member has become incapable through ill-health of effectively performing his or her functions,

(b) the member has committed stated misbehaviour, or

(c) the removal of the member appears to the Minister to be necessary for the effective performance by the Appeals Panel of its functions.

(10) A person shall cease to be qualified for appointment under this section and shall cease to be a member of the Appeals Panel if he or she—

(a) is adjudicated bankrupt,

(b) makes a composition or arrangement with his or her creditors,

(c) is sentenced by a court to a term of imprisonment,

(d) is convicted on indictment of an offence, or is convicted outside the State of an offence consisting of acts or omissions which would constitute an offence triable on indictment if done or made in the State,

(e) is convicted of an offence involving fraud or dishonesty,

(f) has a declaration under section 819 of the Companies Act 2014 made against him or her or is deemed to be subject to such a declaration by virtue of Chapter 5 of Part 14 of that Act,

(g) is subject or is deemed to be subject to a disqualification order, within the meaning of Chapter 4 of Part 14 of the Companies Act 2014, whether by virtue of that Chapter or any other provision of that Act,

(h) is nominated as a member of Seanad Éireann,

(i) is elected as a member of either House of the Oireachtas or to be a member of the European Parliament,

(j) is regarded pursuant to Part XIII of the Second Schedule to the European Parliament Elections Act 1997 as having been elected to the European Parliament,

(k) is elected or co-opted as a member of a local authority, or becomes an employee of a designated local authority, or

(l) becomes a member of the Board, or employee, of the Housing Agency.

(11) If a member dies, resigns, ceases to be qualified for office or is removed from office, the Minister may appoint a person to fill the vacancy so occasioned.

(12) A person appointed to be a member of the Appeals Panel pursuant to *subsection (11)* —

(a) holds office for so much of the term of appointment of the member who occasioned the vacancy as remains unexpired at the date of the appointment, and

(b) is eligible for reappointment as a member on the expiry of that period.

(13) The Minister shall provide such support of an administrative nature to the Appeals Panel as the Minister determines is necessary to enable the Appeals Panel, and any Appeal Board, to perform its functions.

Appeal Board

38. (1) An Appeal Board of 3 persons shall be constituted by the chairperson of the Appeals Panel from among the members of the Appeals Panel to determine an appeal under this Part.

(2) Subject to *subsection (3)*, the chairperson of an Appeal Board shall be appointed by the chairperson of the Appeals Panel from among the members of the Appeal Board.

(3) Where the chairperson of the Appeals Panel is appointed to be a member of the Appeal Board, he or she shall be the chairperson of the Appeal Board.

(4) An Appeal Board shall be independent in the performance of its functions.

Determination of appeals

39. (1) An appeal may be made in respect of a decision made under *section 13(7)(b)*, *15(1)(b)*, F40**[***15A(4)(b)*, *16(4)* and *17A(6)*, *subsections (7)*, *(8)* and *(9)* of *section 18*, *subsections (12)*, *(13)*, *(14)* and *(15)* of *section 18A* and *section 22A(6)*, *23A(5)(b)* and *23B(4)***]** and shall—

(a) be lodged with the Appeals Panel F40**[**within 90 days of**]** the date of the notification of the decision,

(b) be made in writing,

(c) state all of the grounds upon which the appeal is made,

(d) subject to *subsection (2)*, be accompanied by the documents upon which the person making the appeal intends to rely in support of those grounds, and

(e) be accompanied by such written submissions as the person making the appeal intends to rely upon in support of the appeal.

(2) An appeal under *subsection (1)* may not be accompanied by documents other than documents which were considered by the designated local authority or the Housing Agency, or which were submitted to the designated local authority or the Housing Agency and ought to have been considered by the designated local authority or the Housing Agency in accordance with this Act, in making the decision the subject of the appeal.

(3) A party responding to an appeal shall—

(a) respond in writing,

(b) state all of the grounds upon which he or she responds to the appeal,

(c) subject to *subsection (4)*, provide to the Appeal Board all of the documents upon which he or she intends to rely to support those grounds, and

(d) provide to the Appeal Board such written submissions as he or she intends to rely upon in support of those grounds.

(4) A response to an appeal may not be accompanied by documents other than documents which were considered by the designated local authority or the Housing Agency, or which were submitted to the designated local authority or the Housing Agency and ought to have been considered by the designated local authority or the Housing Agency, in accordance with this Act in making the decision the subject of the appeal.

(5) Written submissions referred to in *subsection (1)(e)* or *(3)(d)*, or made by the party who made the appeal in reply to submissions referred to in *subsection (3)(d)*, shall be limited to such submissions as are related to the grounds and documents referred to in *paragraphs (c)* and *(d)* of *subsection (1)* and *paragraph (b)* and *(c)* of *subsection (3)*.

(6) Where it considers it necessary for the purposes of ensuring fair procedures in the consideration of an appeal, the Appeal Board may require a party to the appeal to provide the Appeal Board, within a period specified by it, such further information in writing as the Appeal Board considers necessary, and shall give any other party to the appeal the opportunity to make submissions in relation to that information.

(7) The Appeal Board may refuse to consider an appeal where—

(a) an appeal is not made in accordance with this section, or any regulations or rules made under *section 40*, or

(b) it is of the opinion that the appeal is not made in good faith or is frivolous or vexatious.

(8) A decision by a majority of the members of an Appeal Board shall suffice for any purpose.

(9) In considering an appeal under this Part an Appeal Board shall have regard to—

(a) the expertise of the designated local authority, or the Housing Agency, as the case may be,

(b) the grounds, documents, and submissions referred to in *subsections (1)*, *(3)* and *(5)*, and

(c) any further information provided in response to a requirement under *subsection (6)*, or submissions made in relation to such further information.

(10) Following consideration of the appeal, the Appeal Board shall—

(a) affirm the decision the subject of the appeal, or

(b) where the Appeal Board considers that a serious and significant error of law or fact, or a series of minor errors of law or fact which, when taken together, amount to a

serious or significant error, was made by the designated local authority or the Housing Agency, annul the decision and—

(i) direct the designated local authority or the Housing Agency, as the case may be, to reconsider its decision in accordance with such directions as the Appeal Board may consider appropriate, or

(ii) replace the decision with such other decision as it considers it appropriate to make in accordance with this Act.

(11) The Appeal Board shall notify the parties to the appeal of its determination under *subsection (10)* as soon as practicable after it is made.

(12) In the case of a determination under *subsection (10)(b)(i)*, the designated local authority or Housing Agency shall comply with a direction of the Appeal Board under that subsection.

(13) The Appeal Board may not award the costs or expenses of an appeal under this Part to any party.

Conduct of appeals

40. (1) The Minister may, for the purposes of the efficient conduct of appeals under this Part, prescribe:

(a) the form and manner in which an appeal may be made under *section 39*;

(b) the form and manner in which a person may respond to an appeal and reply to a response to an appeal, or make submissions in an appeal under *section 39*;

(c) the fees payable on the making of an appeal.

(2) The Appeals Panel may for the purposes of the efficient conduct of appeals under this Part, make rules providing for:

(a) processes for the prioritisation of categories of appeals;

(b) the form and manner in which requirements for further information may be made by the Appeal Board under *section 39*;

(c) the provision of notice to parties to the appeal of the making of an appeal and submissions in relation to that appeal;

(d) periods within which submissions must be made;

(e) the form and manner in which an appeal may be withdrawn;

(f) the joining of, or separation of, appeals.

(3) Subject to this Part, and any regulations and rules made under it, an appeal shall be conducted in such manner as the Appeal Board hearing the appeal considers appropriate.

PART 6

MISCELLANEOUS, TRANSITIONAL AND SAVING PROVISIONS

CHAPTER 1

Miscellaneous provisions

Minister may prescribe other deleterious materials

41. (1) Subject to *subsection (2)*, the Minister may prescribe such other materials, or combinations of materials, to be deleterious materials for the purposes of the definition of "defective concrete blocks" in *section 2* as he or she considers appropriate.

(2) Only materials, or combinations of materials, considered to be deleterious materials in I.S. 465:2018 or any amendment or replacement of it may be prescribed under *subsection (1)*.

Appointment of authorised officers

42. (1) The Housing Agency may appoint a person, including a member of its staff, to be an authorised officer, on such terms and conditions as it considers appropriate, for the purposes of this Act.

(2) A designated local authority may appoint a person, including a member of its staff, to be an authorised officer, on such terms and conditions as it considers appropriate, for the purposes of this Act.

(3) A person appointed to be an authorised officer shall be furnished with a certificate of his or her appointment and shall, when exercising a power conferred on him or her under this Act, if requested by a person affected by the exercise of the power to do so, produce the certificate, and a form of personal identification, to that person for inspection.

(4) An appointment under this section shall cease—

(a) when the appointment is revoked,

(b) if the appointment is for a fixed period, on the expiry of that period, or

(c) where the authorised officer is a member of the staff of the Housing Agency, or the designated local authority, when the person ceases to be a member of the staff.

Powers of authorised officers

43. (1) An authorised officer may exercise the powers set out in *subsection (2)* —

(a) where the authorised officer is appointed by the Housing Agency, for the purposes of the performance by the Housing Agency of its functions under this Act, or

(b) where the authorised officer is appointed by a designated local authority, for the purposes of the performance by the designated local authority of its functions under this Act.

(2) An authorised officer may—

(a) subject to *subsection (3)*, enter any dwelling at all reasonable times,

(b) inspect a dwelling and make any examination of the dwelling he or she considers necessary,

(c) bring into the dwelling, or onto the land upon which the dwelling is situated, any persons or equipment he or she considers necessary,

(d) where the authorised officer is appointed by the Housing Agency, drill holes in, and take samples from, the blocks in the dwelling, and arrange for such tests of those samples as he or she considers necessary,

(e) require any person at the dwelling to give the authorised officer such information and assistance as the authorised officer may reasonably require, and

(f) take photographs, recordings, digital images, scans, and measurements of the dwelling.

(3) An authorised officer shall not enter a dwelling other than with the consent of the occupier.

(4) Where entry is necessary for the purposes of *paragraph (a)* or *(b)* of *section 27(2)* or *section 32* and consent is refused under *subsection (3)*, an authorised officer may enter the dwelling pursuant to a warrant under *subsection (5)*.

(5) Where a judge of the District Court is satisfied on the sworn information of an authorised officer that there are reasonable grounds for suspecting that information required by a designated local authority for the purpose of performing its functions under *paragraph (a)* or *(b)* of *section 27(2)* or *section 32* is held at any place, the judge may issue a warrant authorising an authorised officer of the designated local authority, accompanied if the officer considers it necessary by such other person or a member of the Garda Síochána, at any time or times from the date of issue of the warrant, on production, if so required, of the warrant, to enter, if need be by reasonable force, the place and exercise all or any of the powers conferred on an authorised officer under *subsection (2)*.

(6) A warrant shall be valid for 28 days from its date of issue.

(7) A person who refuses to provide consent to entry of an authorised officer to his or her dwelling for the purposes of this Act, shall be deemed to have withdrawn his or her application under *section 13*.

(8) The Minister may prescribe—

(a) the standards by reference to which inspections, examinations and tests may be carried out under *subsection (2)*.

(b) the classes of persons who shall be responsible for the carrying out of tests of samples taken under *subsection (2)*, and

(c) the form and content of certificates stating the results of any tests of samples undertaken under *subsection (2)*.

(9) A certificate made in accordance with regulations made under *subsection (8)(c)* shall be conclusive evidence of the facts stated in it unless the contrary is shown.

Consultants and advisers

44. (1) The Housing Agency and a designated local authority may each engage such competent persons, including consultants and advisers, with such expertise and experience, as it considers necessary for the performance of its functions under this Act.

(2) The Housing Agency and the designated local authority shall each comply with any directions concerning the engagement of competent persons which may be given to it by the Minister with the consent of the Minister for Public Expenditure and Reform.

(3) Any fees due to a competent person engaged under this section shall be paid by the Housing Agency or the designated local authority, as the case may be, out of monies at its disposal.

Indemnity

45. (1) Where the Minister is satisfied that a relevant person has discharged his or her duties under this Act in good faith, the Minister shall indemnify the relevant person against all actions or claims howsoever arising in respect of the discharge by the relevant person of his or her duties.

(2) In this section, "relevant person" means—

(a) an employee, servant, agent or authorised officer of the designated local authority,

(b) an employee, servant, agent or authorised officer of the Housing Agency,

(c) a member of the Appeals Panel,

(d) any competent building professional as described in *section 12* and carrying out their duties under this Act.

Data processing

46. (1) Each of the following bodies may, in so far as is necessary and proportionate, process personal data for the performance by it of its functions under this Act:

(a) a designated local authority;

(b) the Housing Agency;

(c) the Appeals Panel; and

(d) an Appeal Board.

(2) The Minister may prescribe—

(a) the personal data that may be processed under *subsection (1)*.

(b) the circumstances in which the personal data may be processed, including specifying the persons to whom the data may be disclosed, and

(c) such conditions as the Minister considers appropriate to impose on such processing.

(3) In this section—

"General Data Protection Regulation" means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 [1] ;

"personal data" has the same meaning as it has in the General Data Protection Regulation;

"processing", in relation to personal data, has the same meaning as it has in the General Data Protection Regulation.

Information sharing

47. (1) A designated local authority or the Housing Agency may share information with a public body where it is necessary and proportionate:

(a) for the purpose of the performance of a function of the public body in so far as the function relates to the provision of a service to a relevant owner for the purposes of this Act, or

(b) to establish the entitlement of a relevant owner to the provision of a service by the designated local authority or the public body for the purposes of this Act.

(2) The information referred to in *subsection (1)* may include:

(a) a relevant owner's name and address;

(b) the address and Eircode of a relevant dwelling;

(c) a copy of building condition assessment reports submitted under *section 13* or reports of an authorised officer under *section 16*;

(d) the remediation option or amount of remediation option grant approved by the Housing Agency under *section 16(4)* in relation to a relevant dwelling;

(e) such other information as may be prescribed by the Minister for the purposes of *subsection (1)*.

(3) The Minister may prescribe—

(a) the purposes for which the information may be shared under *subsection (1)*, including specifying the persons with whom the information may be shared, and

(b) such conditions as the Minister considers appropriate to impose on the sharing of the information.

[1] OJ No. L 119, 4.5.2016, p.1.

F42**[**(3A) The SEAI may share information with a designated local authority where it is necessary and proportionate to establish the funding which has been provided or is to be provided by the SEAI to a person who has made an application under *section 13*, *17A* or *23A*, as the case may be.**]**

F42**[**(3B) The information referred to in *subsection (3A)* may include:

(a) a relevant owner's name and address;

(b) the address and Eircode of a relevant dwelling;

(c) the meter point reference number assigned to an electricity account in the relevant dwelling;

(d) an application for funding made by a relevant owner to the SEAI;

(e) the amount of funding provided or to be provided by the SEAI to a relevant owner;

(f) the purpose of funding provided or to be provided by the SEAI to a relevant owner.**]**

F43**[**(4) In this section, "public body" has the same meaning as it has in section 10 of the Data Sharing and Governance Act 2019 and shall also include—

(a) the SEAI,

(b) Geological Survey of Ireland, and

(c) the National Standards Authority of Ireland;

"SEAI" means the Sustainable Energy Ireland - The Sustainable Energy Authority of Ireland.**]**

Disclosure of confidential information

48. (1) Subject to *subsection (2)*, a relevant person shall not disclose confidential information obtained by him or her while performing functions under this Act.

(2) A relevant person does not contravene *subsection (1)* by disclosing confidential information if the disclosure—

(a) is made to the Minister by or on behalf of the designated local authority or Housing Agency, in compliance with this Act,

(b) is made to, or authorised by, the designated local authority or Housing Agency,

(c) is made to a member of the Garda Síochána and, in the opinion of the person making the disclosure, the information may relate to the commission of an offence, or

(d) is otherwise required by law.

(3) Where a relevant body is satisfied that a relevant person has contravened *subsection (1)*, it shall decide the appropriate action (including removal from office or termination of contract) to be taken by it in relation to the relevant person.

(4) In this section—

"confidential information" means information that is expressed by the relevant body to be confidential either as regards particular information or as regards information of a particular class or description;

"relevant body" means—

(a) in relation to a member of staff or authorised officer of a designated local authority, or a competent person referred to in *section 44* appointed by a designated local authority, the designated local authority,

(b) in relation to a member of staff or authorised officer of the Housing Agency, or a competent person referred to in *section 44* appointed by the Housing Agency, the Housing Agency, and

(c) in relation to a member of the Appeals Panel, the Minister;

"relevant person" means—

(a) a member of staff or authorised officer, of a designated local authority, or a competent person referred to in *section 44* appointed by the designated local authority,

(b) a member of staff or authorised officer, of the Housing Agency, or a competent person referred to in *section 44* appointed by the Housing Agency, and

(c) a member of the Appeals Panel.

Research and training

49. (1) The Minister may, with the consent of the Minister for Public Expenditure and Reform, make a grant or loan out of monies provided by the Oireachtas, on such terms and conditions as may be determined by the Minister, to a person or body which conducts research or provides training in relation to issues arising from the use of defective concrete blocks in construction.

(2) The Minister may request a person or body referred to in *subsection (1)* to conduct the research or provide the training referred to in that subsection.

Guidelines

50. (1) For the purpose of giving practical guidance to designated local authorities or the Housing Agency in the performance of their functions under this Act, the Minister may make guidelines concerning—

(a) the performance by a designated local authority of its functions under *sections 10(11)* and *25(9)*.

(b) the payment of remediation option grants in parts under *section 18*,

(c) the circumstances which constitute exceptional circumstances under *section 19*,

(d) the application by the designated local authority of *section 28*, and

(e) such other matters as he or she considers necessary for the effective operation of this Act.

(2) A designated local authority, or the Housing Agency, in exercising its functions shall have regard to the guidelines of the Minister under *subsection (1)* and any amendments of them under *subsection (3)*.

(3) The Minister may amend guidelines made under *subsection (1)*.

(4) The Minister shall notify designated local authorities and the Housing Agency of the making of guidelines under *subsection (1)* or amendments of them under *subsection (3)* and shall publish the guidelines or amendments on a website maintained by or on behalf of the Department of Housing, Local Government and Heritage as soon as may be after they are made.

Review of operation of Act

51. (1) The Minister shall—

(a) not later than 3 years after the date of the coming into operation of this section, commence a review of the operation of this Act, and

(b) not later than 12 months after the expiration of that 3 year period, make a report to each House of the Oireachtas of his or her findings and conclusions resulting from that review.

(2) Without prejudice to *subsection (1)*, the Minister shall commence a review of the operation of this Act within 3 months of the completion of any review of I.S. 465: 2018 by

the National Standards Authority of Ireland and not later than 3 months after the completion of the review shall make a report to each House of the Oireachtas of his or her findings and conclusions resulting from that review.

Offences and penalties

52. (1) A person who furnishes information—

(a) to a designated local authority in purported compliance with this Act,

(b) the Housing Agency in purported compliance with this Act, or

(c) an Appeal Board in purported compliance with *Part 5*,

that is false or misleading, knowing it to be false or misleading or being reckless as to whether it is false or misleading, shall be guilty of an offence.

(2) A person who is guilty of an offence under *subsection (1)* is liable—

(a) on summary conviction to a class A fine, or imprisonment for a term not exceeding 12 months or both, or

(b) on conviction on indictment to a fine not exceeding €50,000 or imprisonment for a term not exceeding 5 years or both.

(3) A person who without reasonable excuse—

(a) refuses to comply with a requirement of an authorised officer under *section 43*,or

(b) obstructs or impedes an authorised officer in the exercise of any of the powers referred to *section 43*,

shall be guilty of an offence.

(4) A person guilty of an offence under *subsection (3)* shall be liable on summary conviction to a class A fine or imprisonment for a term not exceeding 6 months, or both.

(5) Where a person is convicted of an offence under this section the court, unless it is satisfied that there are special and substantial reasons for not doing so, shall order the person to pay to the prosecutor the costs and expense, measured by the court, incurred by the prosecutor or other person in relation to the investigation, detection and prosecution of the offence, including costs incurred in respect of the remuneration and other expenses of the Housing Agency or designated local authority in the carrying out of the tests, examinations and analyses.

(6) A person shall not be eligible to apply for a remediation option grant under *section 13* where he or she is convicted of an offence under *subsection (1)*.

Disqualification for providing false or misleading information

53. (1) Where a designated local authority determines that a person has furnished information to the designated local authority for the purposes of making an application under *section 13* which he or she knows is false or misleading, or being reckless as to whether it is false or misleading—

(a) the designated local authority shall, where it has not at the time of the determination made a decision under *section 13(7)* in respect of the application, refuse to consider further the application, and

(b) subject to *section 52(6)*, the person shall be disqualified from making a further application for a period of 5 years from the date of the designated local authority's determination.

(2) The designated local authority shall not make a determination under *subsection (1)* unless it has given the person the opportunity to make representations to the designated local authority in relation to its proposal to make the determination.

(3) The Minister may prescribe—

(a) the procedure by which a designated local authority may make a determination under *subsection (1)*, and

(b) the form and manner in which representations referred to in *subsection (2)* may be made.

CHAPTER 2

Transitional and saving provisions

Interpretation for *Chapter 2* of *Part 6*

54. (1) In this Chapter—

"engineer's report" has the same meaning as it has in the Regulations;

"relevant local authority" has the same meaning as it has in the Regulations;

"the Regulations" means the Dwellings Damaged by the Use of Defective Concrete Blocks in Construction (Remediation) (Financial Assistance) Regulations 2020.

(2) A reference in this *Chapter* to a Regulation shall be construed as a reference to a Regulation of the Regulations.

(3) A reference in *section 56* or *57* to a particular modification or modifications as may be prescribed shall include a reference to all other necessary modifications.

Revocation

55. The Regulations are revoked in so far as they are not saved by *sections 56* and *57*.

Confirmation of eligibility

56. (1) Where an individual has engaged an engineer for the purposes of making an application under Regulation 8 but has not before the date of coming into operation of *section 55* made the application, the individual may on or after that date make an application under *section 13* and the application shall be considered in accordance with this Act, subject to the following modifications:

(a) the reference in *subsections (2)* and *(9)* of *section 13* to a building condition assessment report shall be construed as a reference to the engineer's report prepared by the engineer engaged by the individual;

(b) in *section 16(1)*, "may" shall be substituted for "shall";

(c) the Housing Agency may, where it considers it appropriate, consider the engineer's report to be a report referred to in *section 16(1)*.

(2) Where an individual has made an application under Regulation 8, but the relevant local authority has, before the date of coming into operation of *section 55*, either not issued a confirmation of eligibility under Regulation 8(8) or decided not to issue a confirmation under Regulation 8(9), the application shall, on and after that date, be considered to be an application under *section 13*, and shall be considered by the designated local authority in accordance with this Act, subject to the modifications referred to in *subsection (1)*.

Confirmation of grant approval

57. (1) Where an individual has been issued a confirmation of eligibility under Regulation 8(8) before the date of coming into operation of *section 55* but has not before that date been issued a confirmation of grant approval under Regulation 9(7) or received a decision not to issue a confirmation of grant approval under Regulation 9(10) —

(a) the application made under Regulation 8 shall be considered to be an application approved by the Housing Agency under *section 16(4)(a)(i)*.

(b) the relevant remedial option referred to in Regulation 8(8) in respect of which the confirmation of eligibility was issued shall, on and after that date be considered to be the approved remediation option,

(c) the relevant local authority which issued the confirmation of eligibility shall approve, in accordance with *section 10*, or any order made under *section 11*, the remediation option grant which may be paid to the relevant owner under *section 18*, and

(d) the approved remediation option and remediation option grant referred to in *paragraphs (b)* and *(c)* shall, for the purposes of this Act, be considered to be an approval under *section 16(4)(a)* and this Act shall apply accordingly to it, subject to the following modifications:

(i) *section 16(7)* shall not apply;

(ii) where payments referred to in Regulation 8(12) have been made to the individual, the individual shall not be approved for a grant under *section 22(6)*.

(2) Where an individual has been issued a confirmation of grant approval under Regulation 9(7) before the date of coming into operation of *section 55*, the relevant local authority on or after that date, in accordance with such procedure as may be prescribed—

(a) shall, subject to *subsection (3)*, revise the confirmation of grant approval in accordance with *section 10*, or any order made under *section 11*, and for that purpose shall consider that the relevant remedial option in respect of which the individual received a confirmation of eligibility under Regulation 8 shall be the remediation option in relation to which the confirmation of grant approval is revised, and

(b) shall, subject to *subsection (4)*, consider any application made by the individual for an ancillary grant referred to in *section 10(2)*.

(3) Where the amount of a remediation option grant which would result from the revision referred to in *subsection (2)(a)* would be less than the amount of the grant approved under the confirmation of grant approval under Regulation 9, the relevant local authority shall not revise the confirmation of grant approval.

(4) Where payments referred to in Regulation 9(8A) have been made to the individual, the individual shall not be approved for a grant under *section 22(6)*.

(5) Following the revision referred to in *subsection (2)*, the individual—

(a) shall, for the purposes of any further applications made by him or her under this Act, and subject to such modifications as may be prescribed, be considered to have received an approval under *section 16(4)(a)*.

(b) may be given a letter of assurance in accordance with *section 21*, subject to such modifications as may be prescribed, and

(c) where the letter of assurance is given, may apply for a second grant in accordance with *section 25*.

(6) Subject to *subsections (2)(a)* and *(3)*, and such other modification as may be prescribed, the Regulations shall continue to apply to an individual referred to in *subsection (2)* .

(7) Where an eligible applicant or individual has given notice to the relevant local authority under and in accordance with Regulation 11(1) before the date of the coming into operation of *section 55*, Regulation 11 shall continue to apply in respect of the eligible applicant or individual on and after that date.

(8) Where an individual has notified the relevant local authority under and in accordance with Regulation 12(1) before the date of coming into operation of *section 55*, Regulation 12 shall continue to apply in respect of the individual on and after that date.

(9) An appeal under Regulation 13 may be made within 28 days after the date of the coming into operation of *section 55*.

(10) Subject to *subsection (9)*, *Part 5* shall apply to an appeal under Regulation 13 as if *section 55* had not come into operation and, subject to matters of procedure or necessary modifications of *Part 5* as may be prescribed under *section 58(2)* for the purposes of this section, the appeal shall be considered and determined under *Part 5*.

(11) *Section 28* shall apply, subject to the modifications referred to in *subsection (12)* to an individual issued a confirmation of grant approval under Regulation 9 before the date of coming into operation of *section 55*.

(12) The modifications are:

(a) the reference in *section 28(1)* to "development consisting of the completion of an approved remediation option" shall be construed as a reference to "development consisting of the completion of a relevant remedial option" under the Regulations;

(b) the reference in *section 28(2)* to the "relevant dwelling in respect of which the approved remediation option is to be completed" shall be construed as a reference to the relevant dwelling the subject of the confirmation of grant approval under Regulation 9 in respect of which the relevant remedial option is completed;

(c) the reference in *section 28(3)* to "the approved remediation option" is a reference to the "relevant remedial option" under the Regulations.

Regulations for purposes of *sections 56* and *57*

58. (1) The Minister may make such further incidental, supplementary and consequential provision by regulations as he or she considers appropriate for the purposes of giving effect to *sections 56* and *57*.

(2) Without prejudice to the generality of *subsection (1)*, the Minister may prescribe—

(a) the circumstances in which an engineer is considered to be engaged for the purposes of *section 56(1)*.

(b) subject to *subsection (3)*, the amount of a payment which may be given to an individual referred to in *subsection (1)* or *(2)* of *section 56* for the purposes of reimbursing him or her for the cost of the engineer's report referred to in that section,

(c) the procedure by which the relevant local authority shall perform its functions under *subsections (1)* and *(2)* of *section 57*,

(d) the procedure by which an individual may claim payments of any grant approved, revised, or applied for, in accordance with *section 57*,

(e) subject to *subsections (9)* and *(10)* of *section 57*, the manner in which appeals under Regulation 13 are to be conducted.

(3) The amount of a payment which may be prescribed by regulations made under *subsection (2)(b)* shall not exceed the lesser of—

(a) the expenditure of the person in respect of the engineer's report, and

(b) €7,000.

Number 28 *of* 2022

REMEDIATION OF DWELLINGS DAMAGED BY THE USE OF DEFECTIVE CONCRETE BLOCKS ACT 2022

REVISED

Updated to 8 July 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.