



An Bille um Míchumas (Forálacha Ilghnéitheacha), 2023
Disability (Miscellaneous Provisions) Bill 2023

Mar a tionscnaíodh

As initiated



AN BILLE UM MÍCHUMAS (FORÁLACHA ILGHNÉITHEACHA), 2023
DISABILITY (MISCELLANEOUS PROVISIONS) BILL 2023

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ACTS REFERRED TO

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Credit Union Act 1997 (No. 15)
Disability Act 2005 (No. 14)
Dublin Transport Authority Act 2008 (No. 15)
Equal Status Act 2000 (No. 8)
Equal Status Acts 2000 to 2018
Irish Human Rights and Equality Commission Act 2014 (No. 25)



AN BILLE UM MÍCHUMAS (FORÁLACHA ILGHNÉITHEACHA), 2023
DISABILITY (MISCELLANEOUS PROVISIONS) BILL 2023

Bill

entitled

An Act to amend the Disability Act 2005 and the Equal Status Act 2000 and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Amendment of Part 2 of Disability Act 2005

1. (1) Section 11 of the Disability Act 2005 is amended—

(a) by inserting the following subsections after subsection (2): 10

“(2A) The Executive shall ensure that there are provided in the service statement such of the services identified in the assessment report as are necessary to meet the needs of the applicant concerned.

(2B) The provision of the services identified in the assessment report shall be made as soon as practicable after the completion of a service statement but in any event within the period of time ideally required by the person or persons for the provision of the services identified in the assessment report, whichever is the earliest.” 15

and

(b) in subsection (7), by substituting the following paragraph for paragraph (a): 20

“(a) the assessment report concerned and the obligations placed on the Executive by the provisions of subsection (2A) in relation to the services identified in the assessment report,”.

(2) The Disability Act 2005 is amended by inserting the following section after section 12: 25

“Duty of Minister to make resources available

12A. (1) The Minister shall with the consent of the Minister for Public Expenditure and Reform, out of moneys provided by the Oireachtas, provide such moneys and other resources as are determined by him or her for the purposes of the preparation and implementation of assessment reports prepared in respect of a person with a disability. 30

(2) Each of the following—

- (a) a determination by the Minister in respect of the matters referred to in subsection (1), and
 - (b) an exercise by the Minister for Public Expenditure and Reform of the power of consent under that subsection,
- shall be in accordance with the policies from time to time formulated by the Minister or the Minister for Public Expenditure and Reform, as the case may be, in relation to the performance of each of his or her functions as a Minister of the Government. 5
- (3) In formulating any policy under subsection (2), the Minister of the Government concerned shall have regard to, and take due account of, the following principles: 10
 - (a) that the provision of resources by the State in fulfilment of its duties under Article 40 of the Constitution (being the resources available to the State and allocated by it in a manner consistent with common good) shall be such as to ensure the equitable treatment of every person in the State; 15
 - (b) that the objective of the provision of services made by this Act is to ensure that any person with a disability need has the same right to avail of, and benefit from, being active and equal members of society.”. 20

Amendment of Equal Status Act 2000

- 2. Section 4 of the Equal Status Act 2000 is amended by inserting the following subsection after subsection (2):

“(2A) (a) Notwithstanding subsection (2), in so far as—

- (i) a body referred to in paragraphs (a) to (g) of the definition of ‘public body’ in section 2(1) of the Irish Human Rights and Equality Commission Act 2014 is a provider of a service, 25
- (ii) a society registered as a credit union under the Credit Union Act 1997, including a society deemed to be so registered by virtue of section 5(3) of that Act, is a provider of a service to which that Act applies, 30
- (iii) an institution or financial institution, within the meaning of the European Union (Capital Requirements) Regulations 2014 (S.I. No. 158 of 2014), is a provider of a service to which those Regulations apply, 35
- (iv) an insurance undertaking within the meaning of the European Union (Insurance and Reinsurance) Regulations 2015 (S.I. No. 485 of 2015) is a provider of a service to which those Regulations apply,
- (v) a person is a provider of a service that is the subject of regulation by the Commission for Communications Regulation pursuant to the performance of its functions under section 10(1) 40

of the Communications Regulation Act 2002, or

- (vi) a public transport operator within the meaning of the Dublin Transport Authority Act 2008 who is providing a public passenger transport service, is a provider of a service,

then, a refusal or failure to provide the special treatment or facilities to which subsection (1) refers shall not be deemed reasonable unless such provision would impose a disproportionate burden on the provider of the service in question. 5

- (b) For the purposes of this subsection, in determining whether the provision of special treatment or facilities to which subsection (1) refers would impose a disproportionate burden, account shall be taken, in particular, of— 10

- (i) the financial and other costs entailed,

- (ii) the scale and financial resources of the service provider, and

- (iii) the possibility of obtaining public funding or other assistance.”. 15

Short title, collective citation and commencement

3. (1) This Act may be cited as the Disability (Miscellaneous Provisions) Act 2023.

(2) The Equal Status Acts 2000 to 2018, this subsection and *section 2* may be cited together as the Equal Status Acts 2000 to 2023.

(3) This Act comes into operation 6 months after the date of its passing or on such earlier date than the said 6 months as the Minister for Children, Equality, Disability, Integration and Youth may by order appoint. 20

An Bille um Míchumas (Forálacha
Ilghnéitheacha), 2023

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Míchumas, 2005 agus an
Achta um Stádas Comhionann, 2000 agus do
dhéanamh socrú i dtaobh nithe gaolmhara.

*Na Seanadóirí Tomás Ó Cluanáin, Fiontán Warfield,
Lynn Boylan, Niall Ó Donnghaile, Pól Ó Gábháin,
Lynn Ní Ruáin, Ailís Máire Ní Uiginn, Victor Ó
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Proinséas Ní Dhuibh agus Eibhlín Ní Fhloinn a thug
isteach,*

6 Iúil, 2023

Disability (Miscellaneous Provisions) Bill
2023

BILL

(as initiated)

entitled

An Act to amend the Disability Act 2005 and the
Equal Status Act 2000 and to provide for related
matters.

*Introduced by Senators Tom Clonan, Fintan
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6th July, 2023

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