

RESIDENTIAL INSTITUTIONS REDRESS ACT 2002 (SECTION 33)
REGULATIONS 2002

I, Noel Dempsey, Minister for Education and Science, in exercise of the powers conferred on me under sections 33(1)(a) and 36 of the Residential Institutions Redress Act 2002 (No. 13 of 2002) hereby make the following regulations:

1. These Regulations may be cited as the Residential Institutions Redress Act 2002 (Section 33) Regulations 2002.

2. (1) In these Regulations, unless the context otherwise requires-

“Act” means the Residential Institutions Redress Act 2002 (No. 13 of 2002);

“application” has the meaning assigned to it by the Act.

(2) In these Regulations –

(a) a reference to a Regulation or a Part is a reference to a Regulation or Part of these Regulations unless it is indicated that reference to some other enactment is intended,

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

- (c) a reference to any enactment shall, unless the context otherwise requires, be construed as a reference to that enactment as amended or extended by or under any subsequent enactments.

3. (1) The payment of the expenses of an application under the Act to the Board and to the Review Committee or to either of them, as referred to in section 13(2) and section 27(1) of the Act, shall, in respect of such application, include reasonable payments as are agreed between the Board and the applicant and his or her solicitor, if any, for the preparation and presentation of the application concerned including the preparation and presentation of medical evidence for any-

- (a) fees,
- (b) charges,
- (c) outlays,
- (d) disbursements,
- (e) remuneration
- (f) costs incurred in the preparation and presentation of the application including-
 - (i) costs incurred by medical witnesses and other witnesses,
 - (ii) costs incurred for preparing medical and other evidence, and
 - (iii) costs incurred in consultations and conferences,
- (g) travelling expenses of witnesses,

that arise solely out of the application concerned.

(2) In this Regulation “fees” includes-

- (a) payments for instructions to solicitors and any other matters arising out of the preparation and presentation of an application to the Board or the Review Committee or either of them that requires the payment of a fee to a solicitor, and
- (b) payments for instructions to counsel, brief fees, refresher fees, and any other matters arising out of the preparation and presentation of an application to the Board or the Review Committee or either of them that requires the payment of a fee to counsel.

4. (1) The Board, after receipt of an application under the Act, may, where the applicant has requested it to do so, make a payment for a medical report that has been prepared for the purposes of the application to the person who prepared such medical report in an amount as shall be agreed between the Board and the applicant.

(2) In default of agreement on the amount referred to in paragraph (1) the matter shall be referred to an arbitrator appointed by the Irish Medical Organisation.

(3) Payment of the amount referred to in paragraph (1) shall be made within 30 days of the agreement or in default of agreement within 30 days of the decision of the arbitrator.

5. (1) A settlement of an application shall be deemed to be an award under the Act.

(2) Expenses to be paid in respect of an award under the Act as provided for by these Regulations shall include the expenses incurred in an application that has been settled.

6. In default of an agreement on the expenses payable, the payment of such expenses shall be determined , as provided for in section 27(1), by a Taxing Master of the High Court.

GIVEN under my Official Seal,

this _____ day of December 2002.

Noel Dempsey, T.D.,

Minister for Education and Science