



STATUTORY INSTRUMENTS.

**S.I. No. 467 of 2016**



HEALTH (RESIDENTIAL SUPPORT SERVICES MAINTENANCE AND  
ACCOMMODATION CONTRIBUTIONS) REGULATIONS 2016

S.I. No. 467 of 2016

HEALTH (RESIDENTIAL SUPPORT SERVICES MAINTENANCE AND  
ACCOMMODATION CONTRIBUTIONS) REGULATIONS 2016

ARRANGEMENT OF REGULATIONS

PART 1

PRELIMINARY MATTERS

1. Citation and commencement
2. Interpretation
3. Revocation of Regulations of 2005
4. Application

PART 2

CALCULATION OF WEEKLY INCOME OF RSS RECIPIENTS AND  
RELATED MATTERS

5. Calculation of RSS recipient's weekly income
6. Information-gathering powers of RSS provider for purposes of making relevant calculation
7. RSS recipient to notify RSS provider of change of circumstances

PART 3

CONTRIBUTIONS PAYABLE BY RSS RECIPIENTS

8. Default contribution payable by RSS recipient
9. Contribution payable by RSS recipient following relevant calculation

PART 4

RELEVANT DAYS ON WHICH RSS RECIPIENT SHALL PAY NIL  
CONTRIBUTION

10. Definition of "relevant deadline"
11. Scenario 1
12. Scenario 2
13. Scenario 3
14. Scenario 4

PART 5

REIMBURSEMENTS AND UNDERPAYMENTS

15. Reimbursement following relevant calculation
16. Recovery of certain moneys

PART 6

MISCELLANEOUS

17. Payments to be made to RSS provider
18. Manner of payment
19. Limits on amounts of contributions
20. Collection and disposal of moneys
21. Transitional provisions

SCHEDULE 1

CONTRIBUTIONS (CATEGORY A ACCOMMODATION)

SCHEDULE 2

CONTRIBUTIONS (CATEGORY B ACCOMMODATION)

SCHEDULE 3

CONTRIBUTIONS (CATEGORY C ACCOMMODATION)

SCHEDULE 4

EXCLUDED INCOME FOR PURPOSES OF DEFINITION OF "WEEKLY INCOME"

HEALTH (RESIDENTIAL SUPPORT SERVICES MAINTENANCE AND  
ACCOMMODATION CONTRIBUTIONS) REGULATIONS 2016

I, SIMON HARRIS, Minister for Health, in exercise of the powers conferred on me by section 67C(2) (amended by section 43 of the Health (Miscellaneous Provisions) Act 2014 (No. 33 of 2014)) of the Health Act 1970 (No. 1 of 1970), with the consent of the Minister for Public Expenditure and Reform, hereby make the following regulations:

PART 1

PRELIMINARY MATTERS

*Citation and commencement*

1. (1) These Regulations may be cited as the Health (Residential Support Services Maintenance and Accommodation Contributions) Regulations 2016.

(2) Regulation 3 and Parts 3, 4 (other than Regulation 10), 5 and 6 come into operation on 1 January 2017.

*Interpretation*

2. (1) In these Regulations—

“Act of 1970” means the Health Act 1970 (No. 1 of 1970);

“Act of 1997” means the Taxes Consolidation Act 1997 (No. 39 of 1997);

“Act of 2005” means the Social Welfare Consolidation Act 2005 (No. 26 of 2005);

“Act of 2014” means the Health (Miscellaneous Provisions) Act 2014 (No. 33 of 2014);

“Category A accommodation” means accommodation in which medical care or nursing care is generally provided by or on behalf of the Executive on a 24 hour basis;

“Category B accommodation” means accommodation in which medical care or nursing care is generally provided by or on behalf of the Executive at least once per week and otherwise than on a 24 hour basis;

“Category C accommodation” means accommodation other than Category A accommodation or Category B accommodation;

*Notice of the making of this Statutory Instrument was published in  
“Iris Oifigiúil” of 9th September, 2016.*

“contribution” means a residential support services maintenance and accommodation contribution which is payable by virtue of section 67C(4);

“Executive” means the Health Service Executive;

“income”, in relation to an RSS recipient, means the following income (if any) received, or entitled to be received, by the recipient, whether in money or money’s worth and whether arising in the State or otherwise:

- (a) income from an employment, trade, profession or vocation;
- (b) rental income;
- (c) income from the holding of an office or directorship;
- (d) income from a pension (whether under the social welfare code or otherwise);
- (e) income whether in the nature of a benefit or allowance arising from social welfare, social insurance or other sources of a similar character;
- (f) income from fees, commissions, dividends, interest or income of a similar character;
- (g) income from payments under a settlement, covenant or estate, or income from a payment in respect of maintenance;
- (h) income from royalties and annuities;

“income deductions”, in relation to an RSS recipient, means the following deductions (if any) made from the recipient’s income:

- (a) any allowable contribution referred to in Regulation 41 of the Income Tax (Employments) (Consolidated) Regulations 2001 (S.I. No. 559 of 2001);
- (b) any income tax payable under the Income Tax Acts as defined in section 1 of the Act of 1997;
- (c) any tax payable under Part 18D of the Act of 1997 and known as universal social charge;
- (d) any contributions payable under section 13(2)(b) of the Act of 2005 or regulations under section 14 of that Act;

“in-patient services” means in-patient services as defined in section 53(8) of the Act of 1970;

“Regulations of 2005” means the Health (Charges for In-Patient Services) Regulations 2005 (S.I. No. 276 of 2005);

“relevant calculation”, in relation to an RSS recipient, means the calculation (if any) made by the RSS provider, in respect of that recipient, under Regulation 5(1);

“relevant calculation date”, in relation to an RSS recipient, means the date (if any) on which the RSS provider makes the relevant calculation concerned in respect of that recipient;

“relevant day”, in relation to an RSS recipient, means a day where—

- (a) the recipient is considered as receiving residential support services by virtue of section 67C(3)(b)(i), and
- (b) in the 12 month period ending on that day, the person has previously received residential support services on at least 30 days;

“relevant deadline” has the meaning assigned to it by Regulation 10;

“relevant Schedule” means—

- (a) in relation to an RSS recipient who resides in Category A accommodation, Schedule 1,
- (b) in relation to an RSS recipient who resides in Category B accommodation, Schedule 2, and
- (c) in relation to an RSS recipient who resides in Category C accommodation, Schedule 3;

“RSS” means residential support services;

“RSS provider”, in relation to an RSS recipient, means—

- (a) the Executive or other person referred to in Regulation 4(1)(b) who is providing residential support services to the recipient, and
- (b) in the case of residential support services provided to the recipient in the past, the Executive or other person on behalf of the Executive who provided those services;

“RSS recipient” means a person to whom these Regulations apply by virtue of Regulation 4(1);

“section 67C” means section 67C (amended by section 43 of the Act of 2014) of the Act of 1970;

“weekly income”, in relation to an RSS recipient, means the recipient’s income calculated on a weekly basis or the recipient’s yearly income divided by 52, as appropriate for that recipient, excluding—

- (a) any income deductions, and

(b) the amount (if any) of that income which falls within any of the categories of income specified in Schedule 4.

(2) Section 67A (amended by section 42 of the Act of 2014) of the Act of 1970 applies to the interpretation of these Regulations as it applies to the interpretation of sections 67A to 67D of the Act of 1970.

(3) In these Regulations, a reference to an RSS recipient includes a reference to—

(a) a former RSS recipient (other than in the case of the references to an RSS recipient in the definition of “relevant deadline”), and

(b) subject to paragraph (4), in the case of the death or incapacity of an RSS recipient or former RSS recipient (in this definition referred to as the “person concerned”)—

(i) any person having authority to administer the estate of the person concerned,

(ii) any beneficiary under a will, intestacy or trust of the person concerned, or

(iii) any other personal representative of the person concerned.

(4) Paragraph (3)(b) only applies in so far as these Regulations relate to—

(a) the provision of information by or in relation to an RSS recipient, or

(b) seeking the agreement of an RSS recipient.

#### *Revocation of Regulations of 2005*

3. The Regulations of 2005 are revoked.

#### *Application*

4. (1) These Regulations apply to persons (not being persons referred to in section 67C(7)) with full eligibility or limited eligibility to whom residential support services are, or are to be, provided either by—

(a) the Executive, or

(b) another person on behalf of the Executive.

(2) Subject to section 67C(8)(b), these Regulations are without prejudice to any other requirement to make a contribution (not being a residential support services maintenance and accommodation contribution), or to pay a charge, fee or other payment, which may be imposed on a person under any enactment or under any instrument made under any enactment.

## PART 2

CALCULATION OF WEEKLY INCOME OF RSS RECIPIENTS AND  
RELATED MATTERS*Calculation of RSS recipient's weekly income*

5. (1) Subject to paragraphs (2) to (4), if the RSS provider is in possession of information (from whatever source) that satisfies the provider that the provider is able to calculate an RSS recipient's weekly income in respect of a period which includes one or more than one relevant day, the provider shall make that calculation as soon as is practicable.

(2) If the RSS provider is in possession of information (from whatever source) that satisfies the provider, with the agreement of the RSS recipient, that the relevant calculation in respect of a period referred to in paragraph (1) will not result in the recipient being required to pay, for each relevant day that falls within that period, a contribution which is less than the maximum daily amount specified in column (3) of the relevant Schedule, the provider need not make that calculation in respect of that period.

(3) Where the RSS provider has made a relevant calculation (including a relevant calculation made under this paragraph) in respect of an RSS recipient, the calculation shall continue to have effect until—

- (a) paragraph (2) applies in respect of the provider and the recipient, or
- (b) the provider makes a new relevant calculation on the ground that the provider is satisfied that the making of the new relevant calculation in respect of a period referred to in paragraph (1) may result in the recipient being required to pay, for each relevant day that falls within that period, a contribution which is different from the contribution that the recipient is required to pay by virtue of the first-mentioned relevant calculation.

(4) The RSS provider shall keep relevant calculations made by the provider under review after having regard to the matters to which the calculations relate and may, at its discretion and without prejudice to paragraph (3), again make one of those calculations as the provider thinks fit.

*Information-gathering powers of RSS provider for purposes of making relevant calculation*

6. (1) Where the RSS provider is unable, before the passing of the relevant deadline, to be satisfied as referred to in Regulation 5(1) or (2) in respect of an RSS recipient and a relevant day, the provider shall make a request in writing to the recipient, whether before, on or after that expiration, to give to the provider, within 42 days of the request having been made, the information specified in the request and within that recipient's possession which will enable the provider to be so satisfied.

(2) Where the RSS provider has received information pursuant to a request made under paragraph (1) or a prior request made under this paragraph but is still unable to be satisfied as referred to in Regulation 5(1) or (2) in respect of



an RSS recipient and a relevant day, the provider shall make a request in writing to the recipient to give to the provider, within 42 days of that last-mentioned request having been made, the information specified in the request and within that recipient's possession which will enable the provider to be so satisfied.

(3) Paragraphs (1) and (2) shall not be construed to prevent an RSS provider from requesting (whether orally or otherwise), at any time, an RSS recipient to give to the provider information within the recipient's possession which will enable, or will assist in enabling, the provider to be satisfied as referred to in Regulation 5(1) or (2) in respect of the recipient and a relevant day.

(4) The RSS recipient the subject of a request made under paragraph (1), (2) or (3) shall comply with the request within the period specified in the request.

(5) The RSS provider shall provide any necessary assistance to an RSS recipient in relation to compliance with a request made under paragraph (1), (2) or (3) if, by reason of any incapacity, the recipient requests such assistance and the provider is satisfied that there is no person referred to in Regulation 2(3)(b), in respect of the recipient, who is capable of, and willing to, provide the necessary assistance.

(6) A reference in this Regulation to information being within a person's possession includes a reference to the information being within the person's control or procurement.

*RSS recipient to notify RSS provider of change of circumstances*

7. An RSS recipient shall give notice in writing to the RSS provider of any change in circumstances that is likely to have a bearing on the accuracy of a relevant calculation made, or to be made, in respect of the recipient, as soon as may be after the person becomes aware of that change in circumstances.

### PART 3

#### CONTRIBUTIONS PAYABLE BY RSS RECIPIENTS

*Default contribution payable by RSS recipient*

8. Subject to Regulation 9, Part 4, Regulation 21 and section 67C(3)(aa), an RSS recipient shall, in respect of a relevant day, pay, as a contribution, the maximum daily amount specified in column (3) of the relevant Schedule.

*Contribution payable by RSS recipient following relevant calculation*

9. (1) Subject to paragraph (3), Part 4, Regulation 21 and section 63C(3)(aa), the contribution required, but for this Regulation, to be paid by an RSS recipient under Regulation 8 shall not apply to the recipient in respect of a relevant day—

- (a) which is included in a period the subject of a relevant calculation, and
- (b) which is the relevant calculation date or a day following the relevant calculation date.

(2) If, by virtue of paragraph (1), the contribution required to be paid by an RSS recipient under Regulation 8 does not apply in respect of a relevant day, the recipient shall, in respect of that day, pay, as a contribution, the daily amount specified in column (3) of the relevant Schedule opposite the mention of the relevant weekly income band specified in column (2) of that Schedule within which the recipient's weekly income falls.

(3) This Regulation shall not be construed to prevent an RSS recipient being required to pay, under this Regulation, the maximum daily amount specified in column (3) of the relevant Schedule in respect of a relevant day to which paragraph (1) applies.

#### PART 4

#### RELEVANT DAYS ON WHICH RSS RECIPIENT SHALL PAY NIL CONTRIBUTION

##### *Definition of "relevant deadline"*

10. In this Part, "relevant deadline" means—

- (a) in the case of a person (other than a person referred to in paragraph (c), (d) or (e)) who is an RSS recipient on 1 January 2017 in respect of an RSS provider, the last day of the period of 28 days from and including the first relevant day on which he or she is liable to pay a contribution under these Regulations to that provider,
- (b) in the case of a person (other than a person referred to in paragraph (e)) who first becomes an RSS recipient after 1 January 2017 in respect of an RSS provider, the last day of the period of 28 days from and including the first relevant day on which he or she is liable to pay a contribution under these Regulations to that provider,
- (c) in the case of a person who is an RSS recipient (other than an RSS recipient to whom Regulation 21 applies)—
  - (i) who was receiving in-patient services, or other services referred to in section 67C(5)(c), or both such services, on or before 6 November 2016,
  - (ii) whose provider (in this definition referred to as the "relevant provider") of those services becomes the recipient's first RSS provider, and
  - (iii) who did not, during the period from and including 6 November 2016, cease to receive those services from the relevant provider for a period of more than 15 consecutive days,

31 December 2016,

- (d) in the case of a person who is an RSS recipient to whom Regulation 21 applies—
- (i) who was receiving in-patient services, or other services referred to in section 67C(5)(c), or both such services, on or before 6 May 2017,
  - (ii) whose provider (in this definition referred to as the “transitional provider”) of those services is or becomes the recipient’s RSS provider on the first relevant day following 30 June 2017, and
  - (iii) who did not, during the period from and including 6 May 2017 to and including 30 June 2017, cease to receive those services from the transitional provider for a period of more than 15 consecutive days,
- 30 June 2017,

- (e) in the case of a person—
- (i) who has ceased, on or after 1 January 2017 and for a period of more than 15 consecutive days, to be an RSS recipient in relation to an RSS provider,
  - (ii) in respect of whom no relevant calculation has been made by that provider before that cesser, and
  - (iii) who again becomes an RSS recipient in relation to that provider,
- the last day of the period of 28 days from and including the first relevant day on which he or she is liable to pay a contribution under these Regulations after he or she again so becomes an RSS recipient in relation to that provider.

*Scenario 1*

11. (1) Paragraph (2) applies where—
- (a) the relevant deadline which falls within paragraph (a), (b) or (e) of the definition of “relevant deadline” has passed in respect of an RSS recipient without the RSS provider having made the relevant calculation in respect of the recipient,
  - (b) Regulation 5(2) does not apply in respect of the recipient, and
  - (c) a request has not been made under Regulation 6(1) by that provider in respect of the recipient.
- (2) The RSS recipient shall pay nil amount, as a contribution, in respect of a relevant day which falls within the period commencing on the day immediately

following the relevant deadline and ending on the day immediately preceding the day on which—

- (a) the provider makes the relevant calculation in respect of the recipient,
- (b) Regulation 5(2) applies in respect of the recipient, or
- (c) the recipient becomes the subject of a request made under Regulation 6(1) by the provider,

whichever occurs first.

*Scenario 2*

12. (1) Paragraph (2) applies where—

- (a) the relevant deadline which falls within paragraph (c) or (d) of the definition of “relevant deadline” has passed in respect of an RSS recipient without the RSS provider having made the relevant calculation in respect of the recipient,
- (b) Regulation 5(2) does not apply in respect of the recipient, and
- (c) a request has not been made under Regulation 6(1) by that provider in respect of the recipient.

(2) The RSS recipient shall pay nil amount, as a contribution, in respect of a relevant day which falls within the period commencing on the day immediately following the relevant deadline and ending on the day immediately preceding the day on which—

- (a) the provider makes the relevant calculation in respect of the recipient,
- (b) Regulation 5(2) applies in respect of the recipient, or
- (c) if the recipient becomes the subject of a request made under Regulation 6(1) by the provider—
  - (i) without prejudice to Regulation 13, the provider receives information from the recipient pursuant to the request, or
  - (ii) the 42 days referred to in that Regulation expires without the provider receiving any information pursuant to that request,

whichever occurs first.

*Scenario 3*

13. (1) Paragraph (2) applies where—

- (a) the relevant deadline has passed in respect of an RSS recipient without the RSS provider having made the relevant calculation in respect of the recipient,

- (b) Regulation 5(2) does not apply in respect of the recipient, and
  - (c) the provider has received information in response to the most recent request made under Regulation 6 by the provider in respect of the recipient.
- (2) The RSS recipient shall pay nil amount, as a contribution, in respect of a relevant day which falls within the period—
- (a) commencing on the day immediately following the expiration of 28 days after the day on which the RSS provider receives the information referred to in paragraph (1)(c) without the provider, within that 28 days, either having made the relevant calculation or having made the recipient the subject of a request or further request under Regulation 6(2), and
  - (b) ending on the day immediately preceding the day on which—
    - (i) the provider makes the relevant calculation in respect of the recipient,
    - (ii) Regulation 5(2) applies in respect of the recipient, or
    - (iii) the recipient becomes the subject of a request or further request made under Regulation 6(2) by the provider,

whichever occurs first.

*Scenario 4*

14. (1) Paragraph (2) applies where—
- (a) the relevant deadline which falls within paragraph (c) or (d) of the definition of “relevant deadline” has passed in respect of an RSS recipient without the RSS provider having made the relevant calculation in respect of the recipient,
  - (b) Regulation 5(2) does not apply in respect of the recipient, and
  - (c) the provider has not received information in response to the request made under Regulation 6(1) by the provider in respect of the recipient.
- (2) The RSS recipient shall pay nil amount, as a contribution, in respect of a relevant day which falls within the period—
- (a) commencing on—
    - (i) if the relevant deadline falls within paragraph (c) of the definition of “relevant deadline”, 1 January 2017, or
    - (ii) if the relevant deadline falls within paragraph (d) of the definition of “relevant deadline”, 1 July 2017,

and

(b) ending on—

- (i) the day immediately preceding the day on which the provider makes the relevant calculation in respect of the recipient,
- (ii) the day immediately preceding the day on which Regulation 5(2) applies in respect of the recipient,
- (iii) the day immediately preceding the day on which the provider receives information from the recipient pursuant to the request referred to in paragraph (1)(c), or
- (iv) the expiration of the period of 42 days from the day on which the request referred to in paragraph (1)(c) is made,

whichever occurs first.

## PART 5

### REIMBURSEMENTS AND UNDERPAYMENTS

#### *Reimbursement following relevant calculation*

15. (1) Paragraph (2) applies if—

- (a) an RSS recipient has paid a contribution required by these Regulations in respect of a relevant day (in this Regulation referred to as “contribution A”),
- (b) subsequently, that day is included in a period the subject of a relevant calculation or further relevant calculation, and
- (c) contribution A is greater than the contribution (in this Regulation referred to as “contribution B”) that the recipient would have had to pay in respect of that day under these Regulations if the relevant calculation date, in respect of the relevant calculation or further relevant calculation referred to in paragraph (b), had been that day.

(2) The RSS provider shall, as soon as is practicable after that relevant calculation date, reimburse the recipient (whether by a payment or credit or otherwise, as appropriate for that recipient) the difference between contribution A and contribution B.

#### *Recovery of certain moneys*

16. (1) Paragraph (2) applies if it comes to the knowledge of the RSS provider that—

- (a) there has (for whatever reason) been an underpayment of the contribution required to be paid under these Regulations by an RSS recipient in respect of any residential support services received by the recipient, or

- (b) there has (for whatever reason) been an overpayment of any reimbursement required to be paid under these Regulations by the Executive or other RSS provider to an RSS recipient in respect of any residential support services received by the recipient.

(2) The RSS recipient shall pay the amount of the underpayment or overpayment to the RSS provider on demand and, if that amount is not so paid, the provider may recover the amount, as a simple contract debt in any court of competent jurisdiction, from the recipient.

(3) This Regulation applies whether or not the underpayment or overpayment concerned occurred due to error or otherwise.

(4) In this Regulation, “underpayment”, in relation to a contribution, includes no payment of a contribution.

## PART 6

### MISCELLANEOUS

#### *Payments to be made to RSS provider*

17. Contributions required to be paid by an RSS recipient under these Regulations shall be paid to the RSS provider.

#### *Manner of payment*

18. (1) Subject to paragraphs (2) and (3), contributions required to be paid by an RSS recipient under these Regulations shall be paid in euro—

- (a) weekly in arrears on such day of the week as the RSS provider may determine from time to time, and
- (b) by direct debit mandate, standing order or electronic transfer of funds to a bank account specified by the RSS provider, or by cash payment, cheque, bank draft, postal order, credit card or debit card.

(2) Paragraph (3) applies if the RSS provider is of the opinion, after consultation with an RSS recipient, that the making of payments by the recipient in accordance with paragraph (1) would be inefficient, impractical or uneconomical having regard to—

- (a) the amount due to be paid by the recipient in accordance with subparagraph (a) of paragraph (1), or
- (b) the ability of the recipient to make payment in the manner provided in subparagraph (a) or (b) of paragraph (1).

(3) The RSS provider may determine that payment be made by the RSS recipient in such manner and at such other regular intervals as the provider considers appropriate and, if the provider so determines, contributions required to be paid by the recipient under these Regulations shall be paid in accordance with the determination.

*Limits on amounts of contributions*

19. (1) If the total amount of contributions required to be paid by an RSS recipient in respect of a period referred to in Regulation 18(1)(a) or (3) is greater than the weekly equivalent amount, the amount payable by that recipient in respect of that period shall be rounded down to the nearest 50 cents.

(2) If—

- (a) the daily amount of contribution required to be paid by an RSS recipient under these Regulations is reduced in accordance with section 67C(3)(aa), and
- (b) the total amount of contributions required to be paid by that recipient in respect of a period referred to in Regulation 18(1)(a) or (3) is less than €3.50,

the total amount of contributions payable by that recipient in respect of the period referred to in paragraph (b) shall be deemed to be nil.

(3) In this Regulation, “weekly equivalent amount” means—

- (a) in relation to an RSS recipient who is required to pay contributions under Regulation 8, the maximum amount specified in column (4) of the relevant Schedule, and
- (b) in relation to an RSS recipient who is required to pay contributions under Regulation 9, the amount specified in column (4) of the relevant Schedule, opposite the mention of the weekly income band specified in column (2) of that Schedule concerned within which the recipient’s weekly income falls.

*Collection and disposal of moneys*

20. (1) Moneys due and owing by an RSS recipient in respect of contributions required to be paid under these Regulations to the RSS provider shall be collected and recoverable by the provider.

(2) If the RSS provider is not the Executive—

- (a) the provider shall account to the Executive for—
  - (i) all moneys due and owing to the provider, and
  - (ii) all moneys received by the provider,

in respect of contributions required to be paid under these Regulations, and

- (b) the provider shall submit to the Executive such information regarding the collection and disposal of moneys referred to in subparagraph (a) as the Executive may from time to time request (including, and without prejudice to the generality of the foregoing, information relating



to a relevant calculation made by the provider or the grounds on which the provider is unable to make a relevant calculation).

(3) The Executive shall account for—

- (a) all moneys due and owing to RSS providers, and
- (b) all moneys received by RSS providers,

in respect of contributions required to be paid under these Regulations.

(4) The Executive shall submit to the Minister for Health such information regarding the collection of moneys due and disposal of moneys received in respect of contributions required to be paid under these Regulations as the Minister for Health may from time to time request.

*Transitional provisions*

21. (1) Subject to Part 4, this Regulation applies—

- (a) only during the transitional period, and
- (b) only to an RSS recipient—

- (i) who was or is liable, for any day which falls within the period from and including 4 December 2016 to and including 31 December 2016, to pay, to the provider of in-patient services to him or her—

- (I) a charge under Regulation 3 of the Regulations of 2005 in respect of such services, or

- (II) a charge under Regulation 4 of the Regulations of 2005 in respect of such services,

- (ii) whose RSS provider was the provider referred to in subparagraph (b)(i), and

- (iii) who would, but for this Regulation, be liable, for any relevant day which falls within the period from and including 1 January 2017 to and including 28 January 2016, to pay, to that RSS provider, a contribution under Regulation 8 and Schedule 1 or 2 or Regulation 9(2) and Schedule 1 or 2 in respect of accommodation which is the same accommodation as, or which is equivalent accommodation to, the accommodation that the recipient had when provided the in-patient services referred to in subparagraph (b)(i) to which the charge referred to in that subparagraph relates.

(2) An RSS recipient shall, unless and until he or she is given a notice in writing by the RSS provider of the amount of contribution required to be paid by the recipient in respect of a relevant day which falls within the transitional period, pay the following contribution in respect of that day:

- (a) in the case of an RSS recipient to whom neither subparagraph (b) nor (c) applies, the daily equivalent amount;
- (b) in the case of an RSS recipient—
  - (i) who falls within paragraph (1)(b)(i)(I),
  - (ii) whose sole source of income, excluding any interest on savings or dividends on investments, is a social welfare allowance, pension or benefit, and
  - (iii) whose income referred to in clause (ii) has changed on or after 1 January 2017,

the daily amount specified in column (3) of Schedule 1 opposite the mention of the relevant weekly income band specified in column (2) of Schedule 1 within which the weekly amount of the recipient's income referred to in clause (ii) falls;

- (c) in the case of an RSS recipient—
  - (i) who falls within paragraph (1)(b)(i)(II),
  - (ii) whose sole source of income, excluding any interest on savings or dividends on investments, is a social welfare allowance, pension or benefit, and
  - (iii) whose income referred to in clause (ii) has changed on or after 1 January 2017,

the daily amount specified in column (3) of Schedule 2 opposite the mention of the relevant weekly income band specified in column (2) of Schedule 2 within which the weekly amount of the recipient's income referred to in clause (ii) falls.

(3) In this Regulation—

“daily equivalent amount”, in relation to the amount of contribution payable by an RSS recipient under paragraph (2)(a), means the amount of the last weekly charge—

- (a) required to be paid by the recipient under the Regulations of 2005 to the provider referred to in paragraph (1)(b)(i) in respect of relevant accommodation in the period from and including 4 December 2016 to and including 31 December 2016, and
- (b) divided by the number of days during the week concerned on which the recipient received in-patient services the subject of that weekly charge;

“equivalent accommodation” means—

- (a) in the case of the charge referred to in paragraph (1)(b)(i)(I), Category A accommodation, and

(b) in the case of the charge referred to in paragraph (1)(b)(i)(II), Category B accommodation;

“relevant accommodation”, in relation to an RSS recipient referred to in the definition of “daily equivalent amount”, means accommodation which is the same accommodation as, or is equivalent accommodation to, the accommodation provided to the recipient on a relevant day referred to in paragraph (1)(b)(iii);

“transitional period” means the period from and including 1 January 2017 to and including 30 June 2017.

**SCHEDULE 1***Part 3***Contributions (Category A accommodation)**

Reference Number (1)	Weekly Income* (2)	Daily Amount (3)	Weekly Equivalent Amount (4)
1.	€208.00 or any greater amount	€25.00	€175.00
2.	€203.00 to €207.99	€24.29	€170.00
3.	€198.00 to €202.99	€23.58	€165.00
4.	€193.00 to €197.99	€22.86	€160.00
5.	€188.00 to €192.99	€22.15	€155.00
6.	€183.00 to €187.99	€21.43	€150.00
7.	€178.00 to €182.99	€20.72	€145.00
8.	€173.00 to €177.99	€20.00	€140.00
9.	€168.00 to €172.99	€19.29	€135.00
10.	€163.00 to €167.99	€18.58	€130.00
11.	€158.00 to €162.99	€17.86	€125.00
12.	€153.00 to €157.99	€17.15	€120.00
13.	€148.00 to €152.99	€16.43	€115.00
14.	€143.00 to €147.99	€15.72	€110.00
15.	€138.00 to €142.99	€15.00	€105.00
16.	€133.00 to €137.99	€14.29	€100.00
17.	€128.00 to €132.99	€13.58	€95.00
18.	€123.00 to €127.99	€12.86	€90.00
19.	€118.00 to €122.99	€12.15	€85.00
20.	€113.00 to €117.99	€11.43	€80.00
21.	€108.00 to €112.99	€10.72	€75.00
22.	€103.00 to €107.99	€10.00	€70.00
23.	€98.00 to €102.99	€9.29	€65.00
24.	€93.00 to €97.99	€8.58	€60.00
25.	€88.00 to €92.99	€7.86	€55.00
26.	€83.00 to €87.99	€7.15	€50.00
27.	€78.00 to €82.99	€6.43	€45.00
28.	€73.00 to €77.99	€5.72	€40.00
29.	€68.00 to €72.99	€5.00	€35.00
30.	€63.00 to €67.99	€4.29	€30.00
31.	€58.00 to €62.99	€3.58	€25.00
32.	€53.00 to €57.99	€2.86	€20.00
33.	€48.00 to €52.99	€2.15	€15.00
34.	€43.00 to €47.99	€1.43	€10.00

Reference Number (1)	Weekly Income* (2)	Daily Amount (3)	Weekly Equivalent Amount (4)
35.	€38.00 to €42.99	€0.72	€5.00
36.	€37.99 or any lesser amount	Nil	Nil

\*This column does not apply where the RSS recipient is required to pay a contribution under Regulation 8.

**SCHEDULE 2***Part 3***Contributions (Category B accommodation)**

Reference Number (1)	Weekly Income* (2)	Daily Amount (3)	Weekly Equivalent Amount (4)
1.	€194.00 or any greater amount	€18.58	€130.00
2.	€189.00 to €193.99	€17.86	€125.00
3.	€184.00 to €188.99	€17.15	€120.00
4.	€179.00 to €183.99	€16.43	€115.00
5.	€174.00 to €178.99	€15.72	€110.00
6.	€169.00 to €173.99	€15.00	€105.00
7.	€164.00 to €168.99	€14.29	€100.00
8.	€159.00 to €163.99	€13.58	€95.00
9.	€154.00 to €158.99	€12.86	€90.00
10.	€149.00 to €153.99	€12.15	€85.00
11.	€144.00 to €148.99	€11.43	€80.00
12.	€139.00 to €143.99	€10.72	€75.00
13.	€134.00 to €138.99	€10.00	€70.00
14.	€129.00 to €133.99	€9.29	€65.00
15.	€124.00 to €128.99	€8.58	€60.00
16.	€119.00 to €123.99	€7.86	€55.00
17.	€114.00 to €118.99	€7.15	€50.00
18.	€109.00 to €113.99	€6.43	€45.00
19.	€104.00 to €108.99	€5.72	€40.00
20.	€99.00 to €103.99	€5.00	€35.00
21.	€94.00 to €98.99	€4.29	€30.00
22.	€89.00 to €93.99	€3.58	€25.00
23.	€84.00 to €88.99	€2.86	€20.00
24.	€79.00 to €83.99	€2.15	€15.00
25.	€74.00 to €78.99	€1.43	€10.00
26.	€69.00 to €73.99	€0.72	€5.00
27.	€68.99 or any lesser amount	Nil	Nil

\*This column does not apply where the RSS recipient is required to pay a contribution under Regulation 8.

**SCHEDULE 3***Part 3***Contributions (Category C accommodation)**

Reference Number (1)	Weekly Income* (2)	Daily Amount (3)	Weekly Equivalent Amount (4)
1.	€188.00 or any greater amount	€10.00	€70.00
2.	€184.50 to €187.99	€9.50	€66.50
3.	€181.00 to €184.49	€9.00	€63.00
4.	€177.50 to €180.99	€8.50	€59.50
5.	€174.00 to €177.49	€8.00	€56.00
6.	€170.50 to €173.99	€7.50	€52.50
7.	€167.00 to €170.49	€7.00	€49.00
8.	€163.50 to €166.99	€6.50	€45.50
9.	€160.00 to €163.49	€6.00	€42.00
10.	€156.50 to €159.99	€5.50	€38.50
11.	€153.00 to €156.49	€5.00	€35.00
12.	€149.50 to €152.99	€4.50	€31.50
13.	€146.00 to €149.49	€4.00	€28.00
14.	€142.50 to €145.99	€3.50	€24.50
15.	€139.00 to €142.49	€3.00	€21.00
16.	€135.50 to €138.99	€2.50	€17.50
17.	€132.00 to €135.49	€2.00	€14.00
18.	€128.50 to €131.99	€1.50	€10.50
19.	€125.00 to €128.49	€1.00	€7.00
20.	€121.50 to €124.99	€0.50	€3.50
21.	€121.49 or any lesser amount	Nil	Nil

\*This column does not apply where the RSS recipient is required to pay a contribution under Regulation 8.

**SCHEDULE 4***Regulation 2(1)***Excluded income for purposes of definition of “weekly income”**

<b>Item No.</b>	<b>Category of Income</b>
1.	The first €120 of weekly income from employment of a rehabilitative nature.
2.	Any moneys received by way of training allowance from an organisation while undergoing a course of rehabilitation training provided by the organisation (being an organisation approved of by the Minister for Health for the purposes of the provision of such training).
3.	Any moneys received by way of a maintenance grant as defined in Part 1 of Schedule 3 to the Act of 2005.
4.	The amount (if any) of a rent supplement received pursuant to regulations made under section 198(3) of the Act of 2005 or similar subsidy received towards accommodation costs.
5.	The amount (if any) of a supplementary welfare allowance received under sections 198, 200, 201 and 206 of the Act of 2005, other than a rent supplement received pursuant to regulations made under section 198(3) of that Act.
6.	Family income supplement under Part 6 of the Act of 2005.
7.	Child benefit under Part 4 of the Act of 2005.
8.	Guardian’s payment (contributory) under Chapter 19 of Part 2 of the Act of 2005.
9.	Guardian’s payment (non-contributory) under section 168 of the Act of 2005.
10.	Domiciliary care allowance under Chapter 8A of Part 3 of the Act of 2005.
11.	Any allowance under Regulation 14 of the Child Care (Placement of Children in Foster Care) Regulations 1995 (S.I. No. 260 of 1995).
12.	Any allowance under Regulation 14 of the Child Care (Placement of Children with Relatives) Regulations 1995 (S.I. No. 261 of 1995).



13. Any allowance under a scheme administered by the Minister for Social Protection and known as the Fuel Allowance Scheme.
14. Any increase in the amount of benefit or assistance received under Part 2 or 3 of the Act of 2005 by virtue of being resident on an island as defined in section 2 of that Act.
15. Any increase in the amount of benefit or assistance received under Part 2 or 3 of the Act of 2005 by virtue of being a person living alone.
16. Any moneys received by way of a mobility allowance payable under section 61 of the Health Act 1970.
17. Any increase in the amount of benefit or assistance received under the Act of 2005 in respect of a qualified adult as defined in section 2(2) of that Act.
18. Any increase in the amount of benefit or assistance received under the Act of 2005 in respect of a qualified child as defined in section 2(3) of that Act.
19. Interest on the sum of all savings where that sum (or, as the case may be, that part of that sum) on which interest is earned does not exceed €15,000.
20. Any of the following payments (including any income derived therefrom):
  - (a) a relevant payment within the meaning of the definition of “relevant payment” in Part 3 of Schedule 1 (amended by section 4 of the Redress for Women Resident in Certain Institutions Act 2015 (No. 8 of 2015)) to the Nursing Homes Support Scheme Act 2009 (No. 15 of 2009);
  - (b) an ex-gratia payment approved by the Lourdes Hospital Redress Board under the terms of the Lourdes Hospital Redress Scheme 2007;
  - (c) an ex-gratia payment made under the terms of the Lourdes Hospital Payment Scheme established by the Minister for Health;
  - (d) an ex-gratia payment made under the terms of the Surgical Symphysiotomy ex-gratia Scheme established by the Minister

for Health and referred to as the Symphysiotomy Payment Scheme;

- (e) a payment referred to in section 192(1) (amended by paragraph 1(b) of Schedule 3 to the Finance Act 2011 (No. 6 of 2011)) of the Taxes Consolidation Act 1997 (No. 39 of 1997).

The Minister for Public Expenditure and Reform consents to the making of the foregoing Regulations.



GIVEN under the Official Seal of the Minister for Public Expenditure and Reform,  
1 September 2016.

PASCHAL DONOHOE,  
Minister for Public Expenditure and Reform.



GIVEN under my Official Seal,  
2 September 2016.

SIMON HARRIS,  
Minister for Health.

## EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

In keeping with section 67C(2)(a) of the Health Act 1970, these Regulations are made by the Minister for Health, with the consent of the Minister for Public Expenditure and Reform.

The main provisions of these Regulations are that:

- A recipient of “residential support services” (as defined in section 67A(1) of the Health Act 1970) is required, in respect of any day when he or she has previously received such services on at least 30 days during the preceding 12-month period, to make a contribution towards maintenance and/or accommodation costs (unless exempted from making such a contribution under section 67C(7)).
- Three different classes of persons are required to pay daily contributions at the rates, based on each individual’s weekly income, set out in three related Schedules.
- A default contribution rate (the maximum daily rate set out in the relevant Schedule) may apply in specified circumstances, including by agreement between a service provider and a service recipient.
- A service provider must take specified actions by specified deadlines, in default of which actions a nil contribution rate may apply, pending compliance by the service provider.
- Certain transitional provisions apply.

The requirement to pay a contribution under these Regulations comes into operation on 1 January 2017 and the Health (Charges for In-Patient Services) Regulations 2005 are revoked on that date.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2  
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)  
nó trí aon díoltóir leabhar.

---

DUBLIN  
PUBLISHED BY THE STATIONERY OFFICE  
To be purchased from  
GOVERNMENT PUBLICATIONS,  
52 ST. STEPHEN'S GREEN, DUBLIN 2.  
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)  
or through any bookseller.

---

€6.60



Wt. (B32306). 285. 9/16. Essentra. Gr 30-15.