



STATUTORY INSTRUMENTS.

S.I. No. 581 of 2021



NURSING HOMES SUPPORT SCHEME (MAKING AND DISCHARGE OF
ORDERS ON PARTICULAR FAMILY ASSETS) REGULATIONS 2021

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NURSING HOMES SUPPORT SCHEME (MAKING AND DISCHARGE OF ORDERS ON PARTICULAR FAMILY ASSETS) REGULATIONS 2021

I, STEPHEN DONNELLY, Minister for Health, in exercise of the powers conferred on me by section 36 of the Nursing Homes Support Scheme Act 2009 (No. 15 of 2009) hereby make the following regulations:

1. These Regulations may be cited as the Nursing Homes Support Scheme (Making and Discharge of Orders on Particular Family Assets) Regulations 2021.

2. Form 1 in Schedule 1 of this Regulation is prescribed as the form of an order to be made under section 14B of the Nursing Homes Support Scheme Act 2009 in a case where the land concerned is registered land and Regulation 3 does not apply.

3. Form 2 in Schedule 1 of this Regulation is prescribed as the form of an order to be made under section 14B of the Nursing Homes Support Scheme Act 2009 in a case where the land concerned is registered land and the land the subject of the order does not comprise the entire of the property described in the Land Registry folio concerned.

4. Form 3 in Schedule 1 of this Regulation is prescribed as the form of an order to be made under section 14B of the Nursing Homes Support Scheme Act 2009 in a case where the land concerned is unregistered land.

5. Form 4 in Schedule 2 of this Regulation is prescribed as –

- (a) the form of a receipt in respect of the secured amount due to the Executive on foot of an increase in State support by virtue of a determination under section 14C(2)(a) in respect of a relevant person under the Nursing Homes Support Scheme Act 2009, and
- (b) the form of an application for the cancellation in the Land Registry of a charge relating to an order created under section 14B of the Nursing Homes Support Scheme Act 2009,

where the land concerned is registered land.

6. Form 5 in Schedule 2 of this Regulation is prescribed as the form of a receipt in respect of the secured amount due to the Executive on foot of an increase in State support by virtue of a determination under section 14C(2)(a) in respect of a relevant person under the Nursing Homes Support Scheme Act 2009 in a case where the land concerned is unregistered land.

Notice of the making of this Statutory Instrument was published in "Iris Oifigiúil" of 12th November, 2021.

SCHEDULE 1

Form 1

Land Registry

County Folio

Charging Order dated the day of, 20.....

The Health Service Executive, in exercise of the powers conferred on it by section 14B of the Nursing Homes Support Scheme Act 2009, hereby charges the interest of in the property comprised in Folio of the register County with payment of the secured amount payable with respect to an increase in State support by virtue of a determination under section 14C(2)(a) in respect of a relevant person advanced by the said Executive pursuant to the said Act.

The address for service of Notices and the description of the Health Service Executive are Oak House, Millennium Park, Naas, Co. Kildare, body corporate.

Signed by a person duly appointed under section 14B(2) of the Act.

Form 2

Land Registry

Part Folio

County Folio

Charging Order dated the day of, 20.....

The Health Service Executive, in exercise of the powers conferred on it by section 14B of the Nursing Homes Support Scheme Act 2009, hereby charges the interest of in the property specified in the Schedule hereunder with payment of the secured amount payable with respect to an increase in State support by virtue of a determination under section 14C(2)(a) in respect of a relevant person advanced by the said Executive pursuant to the said Act.

The address for service of Notices and the description of the Health Service Executive are Oak House, Millennium Park, Naas, Co. Kildare, body corporate.

Schedule

All that and those part of the property comprised in Folio of the register County outlined in red and marked 'B' on the map attached hereto.

Signed by a person duly appointed under section 14B(2) of the Act.

Form 3

Registry of Deeds

County

.....

Charging Order dated the day of, 20.....

The Health Service Executive, in exercise of the powers conferred on it by section 14B of the Nursing Homes Support Scheme Act 2009, hereby charges the interest of in the property specified in the Schedule hereunder with payment of the secured amount payable with respect to an increase in State support by virtue of a determination under section 14C(2)(a) in respect of a relevant person advanced by the said Executive pursuant to the said Act.

The address for service of Notices and the description of the Health Service Executive are Oak House, Millennium Park, Naas, Co. Kildare, body corporate.

Schedule

Address:

.....

Situate in ParishTown..... City

or

TownlandBarony County

Signed by a person duly appointed under section 14B(2) of the Act.

SCHEDULE 2

Form 4

Land Registry

County Folio

Application for cancellation of the registration of a charging order under the Nursing Homes Support Scheme Act 2009, as amended by the Nursing Homes Support Scheme (Amendment) Act 2021.

I, hereby apply for cancellation of the entry of the charging order registered as a burden at entry number on the above folio.

{Delete as appropriate} On behalf of the Health Service Executive I hereby acknowledge receipt of all sums advanced under said charging order.

Signed by a person duly appointed to make this application under section 27A of the Act.

Form 5

Registry of Deeds

County reference Serial No:

I,, hereby apply for the entry of a note of the satisfaction of the Nursing Homes Support Scheme Act 2009 charging order registered in the Registry of Deeds on under reference Serial No.

{Delete as appropriate} On behalf of the Health Service Executive I hereby acknowledge receipt of all sums advanced under said charging order.

Signed by a person duly appointed under section 27A of the Act.



GIVEN under my Official Seal,
8 November, 2021.

STEPHEN DONNELLY,
Minister for Health.

EXPLANATORY NOTE

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

The effect of these Regulations is to prescribe the format of Charging Orders made under the Nursing Homes Support Scheme Act 2009, as amended by the Nursing Homes Support Scheme Act (Amendment) 2021 in connection with particular family assets, and to prescribe the format of applications and receipts for the release or discharge of such Charging Orders.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN,
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