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SCHEDULE

ACTS REFERRED TO

Children Act, 1908	1908, c. 67
Civil Liability Act, 1961	1961, No. 41
Commission to Inquire into Child Abuse Act, 2000	2000, No. 7
Data Protection Act, 1988	1988, No. 25
Freedom of Information Act, 1997	1997, No. 13
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Local Government Act, 2001	2001, No. 37
Medical Practitioners Act, 1978	1978, No. 4
National Archives Act, 1986	1986, No. 11
Protections for Persons Reporting Child Abuse Act, 1998	1998, No. 49
Statutes of Limitations	
Succession Act, 1965	1965, No. 27
Taxes Consolidation Act, 1997	1997, No. 30



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RESIDENTIAL INSTITUTIONS REDRESS ACT, 2002

AN ACT TO PROVIDE FOR THE MAKING OF FINANCIAL AWARDS TO ASSIST IN THE RECOVERY OF CERTAIN PERSONS WHO AS CHILDREN WERE RESIDENT IN CERTAIN INSTITUTIONS IN THE STATE AND WHO HAVE OR HAVE HAD INJURIES THAT ARE CONSISTENT WITH ABUSE RECEIVED WHILE SO RESIDENT AND FOR THAT PURPOSE TO ESTABLISH THE RESIDENTIAL INSTITUTIONS REDRESS BOARD TO MAKE SUCH AWARDS AND TO PROVIDE FOR THE REVIEW OF SUCH AWARDS BY THE RESIDENTIAL INSTITUTIONS REVIEW COMMITTEE AND TO PROVIDE FOR RELATED MATTERS. [10th April, 2002]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—(1) In this Act, unless the context otherwise requires— Interpretation.

“abuse”, in relation to a child, means—

- (a) the wilful, reckless or negligent infliction of physical injury on, or failure to prevent such injury to, the child,
- (b) the use of the child by a person for sexual arousal or sexual gratification of that person or another person,
- (c) failure to care for the child which results in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare, or
- (d) any other act or omission towards the child which results in serious impairment of the physical or mental health or development of the child or serious adverse effects on his or her behaviour or welfare,

and cognate words shall be construed accordingly;

“Act of 2000” means the Commission to Inquire into Child Abuse Act, 2000;

“applicant” shall be construed in accordance with *section 7(1)*;

“application” means an application for an award;

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“award” means a financial award made by the Board;

“Board” means the Board established under *section 3*;

“Chairperson” shall be construed in accordance with *section 6(1)*;

“child” means a person who has not attained the age of 18 years and cognate words shall be construed accordingly;

“establishment day” means the day appointed under *section 2* to be the establishment day;

“functions” includes powers and duties;

“injury” includes physical or psychological injury and injury that has occurred in the past or currently exists and cognate words shall be construed accordingly;

“institution” means an institution that is specified in the *Schedule*;

“medical practitioner” means a person registered in the General Register of Medical Practitioners established under *section 26* of the Medical Practitioners Act, 1978;

“Minister” means the Minister for Education and Science;

“prescribed” means prescribed by regulations made by the Minister;

“public body” means a Department of State, a Minister of the Government, a court, a health board and a local authority for the purposes of the Local Government Act, 2001;

“relevant person” means—

(a) a person who is referred to in an application as having carried out the acts complained of in the application, and

(b) in the case of an institution that is referred to in an application as being the institution in which the acts complained of in the application were carried out, the person who is concerned with the systems of management, administration, operation, supervision, inspection and regulation of such institution as the institution concerned may determine and specify in writing to the Board;

“Review Committee” has the meaning assigned to it by *section 14*;

“Review Committee Chairperson” has the meaning assigned to it by *section 14*;

“spouse”, in relation to a person, includes a person with whom the person is or was at a time cohabiting.

(2) References in this Act to abuse of children in institutions or which occurred in institutions include references to any case in which abuse of a child took place, not in an institution, but while the child was residing or being cared for in an institution and the abuse was committed or aided, abetted, counselled or procured by, or otherwise contributed to by an act or omission of, a person engaged in the management, administration, operation, supervision or regulation of the institution or a person otherwise employed in or associated with the institution.

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(3) An applicant who was resident in an institution and was transferred from that institution to another place of residence which carried on the business of a laundry and who suffered abuse while resident in that laundry shall be deemed, at the time of the abuse, to have been resident in that institution. S.1

(4) References in this Act to a person who as a child was resident in an institution include references to any case where a child was resident in an institution having been sent and detained there in accordance with the provisions of the Children Act, 1908.

(5) In this Act—

(a) a reference to a section or a Schedule is a reference to a section of or Schedule to this Act, unless it is indicated that reference to some other enactment is intended,

(b) a reference to a subsection, paragraph or subparagraph is a reference to the subsection, 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 including this Act.

2.—The Minister shall by order appoint a day to be the establishment day for the purposes of this Act. Establishment day.

3.—(1) On the establishment day there shall stand established a board to be known as the Residential Institutions Redress Board (the “Board”) to perform the functions conferred on it under this Act. Establishment of Board.

(2) The Board and its members shall be independent in the performance of their functions.

(3) When the Minister is satisfied, after consultation with the Chairperson, that the Board has completed the performance of its functions, the Minister may by order dissolve the Board and may, subject to the provisions of this Act, include in the order such incidental, ancillary or consequential provisions as the Minister considers necessary or expedient.

(4) When an order under *subsection (3)* is proposed to be made, a draft of the order shall be laid before each House of the Oireachtas and the order shall not be made until a resolution approving of the draft has been passed by each such House.

4.—(1) The Minister may, by order, provide for the insertion in the *Schedule* of any industrial school, reformatory school, orphanage, children’s home, special school which was established for the purpose of providing education services to children with a physical or intellectual disability or a hospital providing medical or psychiatric services to people with a physical or mental disability or mental illness in which children were placed and resident and in respect of which a public body had a regulatory or inspection function. Additional Institution.