

Amendment of Act
of 2000

32. The Act of 2000 is amended by;

(a) the substitution for section 20 of the Act of 2000
of the following sections:

“Miscellaneous
costs and expenses.

20. (1) The Minister may, with the consent of the
Minister for Finance and after consultation with the
Commission, make a scheme providing for the payment
by the Commission to a person who, pursuant to a
request of a Committee or a direction attends before a
Committee, of a reasonable amount in respect of the
expenses incurred by the person in relation to such
attendance. 10
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(2) The Minister may, with the consent and
after consultation aforesaid, make a scheme amending or
revoking a scheme under this section. 20

(3) The Commission shall carry out a scheme
under this section in accordance with its terms.

Legal representation
and costs and
expenses.

20A (1) The Investigation Committee may allow a
person appearing before it to be represented by counsel
or solicitor or otherwise. 25

(2) Subject to subsection (3), the Commission
may pay such reasonable costs arising out of the
representation referred to in subsection (1) to the person
so represented as are agreed between the Commission
and that person or, in default of agreement, such costs as
may be taxed by a Taxing Master of the High Court. 30

(3) Where the Chairperson is of the opinion that
a person has failed to co-operate with or proved
assistance, or has knowingly given false or misleading
information, to the Investigation Committee and there
are sufficient reasons rendering it equitable to do so, the
Chairperson may, on his or her own motion or pursuant
to an application by a person appearing before the
Investigation Committee, refuse to allow the whole or
part of the costs of appearance to such person, and may
make an order directing that the whole or part of such
costs; 35
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(a) of any person appearing before the
Investigation Committee by counsel or
solicitor, as may be taxed by a Taxing Master
of the High Court in default of agreement, shall
be paid to the person by the first-mentioned
person, or 45
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5 (b) incurred by the Investigation Committee, as
may be taxed by a Taxing Master of the High
Court in default of agreement, shall be paid to
the Minister for Finance by the first-mentioned
person.

10 (4) The Commission may pay to a person (other
than a person referred to in subsection (2) who makes
discovery of documents pursuant to a direction under
section 14(1)(d) appearing before the Investigation
Committee by counsel or solicitor such reasonable costs
of appearing as may be agreed between the Commission
and that person or, in default of agreement, as may be
taxed by a Taxing Master of the High Court.

15 (5) Where, in accordance with this section,
expenses or costs are agreed or taxed, the Commission,
or, as the case may be, the Taxing Master shall have
regard to;

20 (a) any expenses and costs paid to the person
by the Residential Institutions Redress Board,
and

25 (b) any expenses and costs paid to the person
by the State in respect of any litigation
concerning the same, or substantially the same,
acts complained of to the Investigation
Committee,

30 for the purpose of ensuring that payment is not made
more than once for any matter arising out of such
expenses or costs.”,

and

(b) the insertion after section 23 of the following new section:

“Deciding officers. 23A. (1) The Commission may, with the consent
of the Minister and the Minister for Finance, appoint
35 persons (referred to in the Act as ‘deciding officers’)
to assist the Investigation Committee in carrying out
of its functions.

40 (2) A deciding officer shall have such
expertise in law, medicine, psychiatry, psychology or
social work as the Commission considers appropriate.

(3) A deciding officer shall be appointed
subject to such terms and conditions as the Minister,
with the consent of the Minister for Finance, may
determine.

45 (4) The Chairperson may, when making a
determination under section 11(6), include such
numbers of deciding officers as, in the opinion of the
Chairperson, is appropriate.

50 (5) A deciding officer shall, in respect of a
division of the Investigation Committee, exercise the
functions of a member of that division.”