

SAORSTAT EIREANN.

BILLE UM ARACHAS SLAINTE NAISIUNTA, 1933. NATIONAL HEALTH INSURANCE BILL, 1933.

*Mar do ritheadh ag dhá Thigh an Oireachtais.
As passed by both Houses of the Oireachtas.*

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SAORSTÁT EIREANN.

BILLE UM ARACHAS SLAINTE NAISIUNTA, 1933. NATIONAL HEALTH INSURANCE BILL, 1933.

BILL

entitled

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AN ACT TO AMEND THE NATIONAL HEALTH
INSURANCE ACTS, 1911 TO 1929.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTAT
EIREANN AS FOLLOWS:—

Definitions.

1.—In this Act—

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the expression “ the Minister ” means the Minister for Local
Government and Public Health;

the expression “ the Acts ” means the National Health Insurance
Acts, 1911 to 1929;

the expression “ the Act of 1911 ” means the National Insurance 15
Act, 1911;

the expression “ approved society ” includes a branch of an
approved society, but does not include the Military Forces (Inter-
national Arrangements) Insurance Fund;

the expression “ health insurance business ” means business of 20
the kind which at the date of the passing of this Act is carried
on by approved societies under the Acts;

the expression “ prescribed ” means prescribed by regulations
made under section 65 of the Act of 1911 as extended by this
Act; . 25

the expression “ the appointed day ” means the day appointed
by the Minister under this Act to be the appointed day for the
purposes of this Act.

The appointed
day.

2.—The Minister may by order appoint a day, not more than
three years after the date of the passing of this Act, to be the 30
appointed day for the purposes of this Act.

Establishment
of Cumann an
Arachais
Náisiúnta ar
Shláinte.

3.—(1) On the passing of this Act there shall be established a
society (in this Act referred to as the Unified Society) which shall
be known and styled as Cumann an Arachais Náisiúnta ar
Shláinte. 35

(2) The objects of the Unified Society shall be to transact
health insurance business and to do all things required by the
Acts, so far as the same apply in respect of the Unified Society,
by this Act and by the Minister for the purpose of transacting
such business. 40

(3) The Unified Society shall not transact any business other
than health insurance business.

(4) The Unified Society shall consist of insured persons who are
transferred by this Act from approved societies to the Unified
Society and insured persons who are admitted to membership of 45
the Unified Society under the rules of the Unified Society.

(5) The Unified Society may sue and be sued in the names of
the trustees of the Unified Society.

Committee of
management
of the
Unified Society.

4.—(1) There shall be a committee of management of the
Unified Society and the said committee shall be constituted and 50
appointed in accordance with the provisions of this section.

(2) The committee of management of the Unified Society shall, subject to the rules of the Unified Society, superintend and conduct the business of the Unified Society.

(3) Until the appointed day the following provisions shall have effect in relation to the committee of management of the Unified Society, that is to say:—

- (a) the said committee shall consist of three members appointed by the Minister and the Minister shall nominate one of such members to be chairman of such Committee;
- (b) the Minister may remove from office any member of the committee;
- (c) every member of the committee shall, unless he sooner dies or resigns, or is removed from office by the Minister, hold office as such member until the appointed day;
- (d) in the event of a vacancy (in this sub-section referred to as a casual vacancy) occurring in the membership of the committee by reason of the death, resignation or removal from office of a member thereof, the Minister shall, as soon as conveniently may be, appoint a person to fill such vacancy;
- (e) a person appointed to fill a casual vacancy in the membership of the committee shall, unless he sooner dies, resigns, or is removed from office by the Minister, hold office as such member until the appointed day;
- (f) there shall be paid by the Unified Society to every member of the committee such remuneration as the Minister shall determine;
- (g) references in this Act to the provisional committee shall be construed as referring to the committee of management of the Unified Society as constituted and appointed under this sub-section.

(4) On and after the appointed day the following provisions shall have effect in relation to the committee of management of the Unified Society, that is to say:—

- (a) the said committee shall consist of fifteen members, namely:—
 - (i) the three trustees for the time being of the Unified Society,
 - (ii) nine persons (in this section referred to as members' representatives) representative of members of the Unified Society, and
 - (iii) three persons (in this section referred to as employers' representatives) representative of employers of insured persons;
- (b) the following provisions shall have effect in relation to the members' representatives, that is to say:—
 - (i) such representatives shall be elected in the prescribed manner by the members of the Unified Society,
 - (ii) the rules of the Unified Society shall provide for the terms of office and removal from office of members' representatives and the method of filling casual vacancies amongst members' representatives;
- (c) the following provisions shall have effect in relation to the employers' representatives, that is to say:—
 - (i) such representatives shall be appointed by the Minister,
 - (ii) every employers' representative shall, unless he sooner dies or resigns or is removed from office by the Minister, hold office for the prescribed period, but shall be eligible for reappointment,
 - (iii) the Minister may remove from office any employers' representative,

- (iv) in the event of a vacancy (in this sub-section referred to as a casual vacancy) occurring amongst the employers' representatives, the Minister shall, as soon as may be, appoint a person to fill such vacancy, 5
- (v) a person appointed under the immediately preceding paragraph to fill a casual vacancy in the membership of the committee of management shall, unless he sooner dies, resigns or is removed from office by the Minister, hold office as a member 10 of the committee of management of the Unified Society for the residue of the term of office for which the member whose death, resignation or removal from office occasioned the vacancy would have held office if he had not died, resigned, or 15 been removed from office;
- (d) there shall be paid by the Unified Society to every member of the committee of management of the Unified Society such allowances as the Minister shall determine. 20

Trustees of the Unified Society.

5.—(1) There shall be three trustees of the Unified Society to fulfil the functions imposed on the trustees by the rules of the Unified Society.

(2) Until the appointed day the trustees of the Unified Society shall be the persons who are the provisional committee. 25

(3) On and after the appointed day the following provisions shall have effect in relation to the trustees of the Unified Society, that is to say:—

- (a) the said trustees shall be appointed by the Minister;
- (b) each trustee shall, unless he sooner dies, resigns, or is 30 removed from office by the Minister, hold office for the prescribed period, but shall be eligible for reappointment;
- (c) the Minister may remove a trustee from office.

Powers of trustees of Unified Society in relation to land.

6.—(1) The trustees of the Unified Society may do the following things:— 35

- (a) sell or lease any land held by them on behalf of the Unified Society;
- (b) purchase or take on lease on behalf of the Unified Society land. 40

(2) The powers conferred on the trustees of the Unified Society by this section shall not be exercised except with the consent of the Minister.

Secretary and treasurer of the Unified Society.

7.—(1) There shall be a secretary and a treasurer of the Unified Society each of whom shall be a full-time officer. 45

(2) The treasurer of the Unified Society shall also be the assistant secretary of the Unified Society.

(3) The committee of management of the Unified Society shall, subject to the approval of the Minister, appoint the secretary and the treasurer. 50

(4) There shall be paid to the secretary and treasurer by the Unified Society such remuneration as the committee of management of the Unified Society with the sanction of the Minister shall appoint.

(5) Neither the secretary nor the treasurer shall be removed 55 from office by the committee of management of the Unified Society without the consent of the Minister.

Prohibition of members of committee of management, etc., engaging in other insurance business.

8.—A member of the committee of management of the Unified Society or an officer or employee of the Unified Society shall not, while he is such member, officer, or employee, be a member of the 60 committee of management or board of directors of any society

or company transacting insurance business or be employed as an officer, agent or employee of any such society or company.

9.—(1) References to approved societies in any provisions (other than excepted provisions) of the Acts shall, subject to the necessary modifications (if any), be construed as references to the Unified Society as if the Unified Society were and always had been an approved society.

Application of certain provisions of the Acts to the Unified Society.

(2) The several provisions of the enactments mentioned in the second column of the Schedule to this Act set out in the third column of the said Schedule opposite the mention of each such enactment shall be excepted provisions for the purposes of this section.

10.—It shall be the duty of the provisional committee to do the following things, that is to say:—

Duties of provisional committee.

- 15 (a) to do all such things as may be necessary for transferring to the Unified Society before the appointed day the engagements of approved societies;
- 20 (b) to take such steps as may be necessary for the election before the appointed day of the first members' representatives on the committee of management of the Unified Society;
- 25 (c) to make, subject to the provisions of the Acts, so far as the same relate to the Unified Society, and this Act, with the approval of the Minister, rules for the administration of the affairs of the Unified Society;
- 30 (d) to examine and report to the Minister before the appointed day as to the possibility of establishing a suitable superannuation scheme for officers and employees of the Unified Society having regard to the moneys available for the purpose under the financial provisions of the Acts;
- (e) to fulfil such other functions as are assigned to the provisional committee by this Act.

11.—(1) Subject to the provisions of this section, the Unified Society shall not be entitled to reject an applicant for membership who is an insured person or a person entitled to become an insured person.

Admission to membership of Unified Society.

(2) Nothing in this section shall be construed as preventing the Unified Society from refusing to admit to membership on account of the state of his health any insured person who is either—

- (a) a person entitled to benefits out of the Military Forces (International Arrangements) Insurance Fund; or
- 45 (b) a person who having served in the Navy, Army or Air Force of Great Britain and not having been a member of an approved society in Great Britain or Northern Ireland while so serving, becomes resident in Saorstát Eireann within six months after his discharge from such Navy, Army or Air Force and applies to become
- 50 a member of the Unified Society within twelve months after the date of his said discharge.

(3) Any dispute between the Unified Society and a person who claims to become a member of the Unified Society shall be decided in like manner as if it were a dispute between the Unified Society and an insured person who is a member thereof.

12.—(1) No society shall after the passing of this Act be approved by the Minister under section 23 of the Act of 1911.

Prohibition of approval of societies and of approved societies admitting new members.

(2) After the 31st day of December, 1933, no person shall be admitted to membership of an approved society.

13.—(1) It shall not be lawful for any approved society without the consent of the Minister to pay to any person, who, on the 5th day of April, 1933, was rendering service to such society in any capacity (whether as officer, member of the committee of manage-

Restriction on increase of remuneration etc., of officers etc., of approved societies.

ment, employee or otherwise), remuneration in respect of any period subsequent to the passing of this Act at a rate greater than the rate of remuneration of such person on the 5th day of April, 1933.

(2) It shall not be lawful for any approved society without the consent of the Minister to pay to any person, who, after the 5th day of April, 1933, and before the passing of this Act, was appointed to render service to such society in any capacity (whether as an officer, member of committee of management, employee or otherwise), remuneration in respect of any period subsequent to the passing of this Act at a rate greater than the rate of remuneration of a person employed by such society in a similar capacity on the 5th day of April, 1933.

(3) It shall not be lawful for any approved society without the consent of the Minister to fix or alter the remuneration of any person appointed after the passing of this Act to render service to such society in any capacity (whether as officer, member of the committee of management, employee or otherwise).

Day of transfer.

14.—(1) The provisional committee shall, with the approval of the Minister, fix in respect of every approved society (other than the St. James's Gate Health Insurance Society and the Dublin United Tramways and Omnibus Employees' Health Insurance Society) a day, earlier than the appointed day, to be the day of transfer for the purposes of this Act and different days may be so fixed in respect of different such approved societies.

(2) For the purposes of this Act—

(a) the day of transfer in respect of every approved society (other than the St. James's Gate Health Insurance Society and the Dublin United Tramways and Omnibus Employees' Health Insurance Society) shall be the day fixed under the immediately preceding subsection to be the day of transfer in respect of such society; and

(b) the day of transfer in respect of the St. James's Gate Health Insurance Society and the Dublin United Tramways and Omnibus Employees' Health Insurance Society shall be the 1st day of January, 1934.

Transfer of engagements of approved societies, etc.

15.—On the day of transfer in respect of every approved society—

(a) the engagements of such approved society under the Acts shall be transferred to the Unified Society; and

(b) such approved society shall cease to carry on health insurance business; and

(c) the insured members of such approved society shall be transferred to and become members of the Unified Society;

(d) the services of all persons engaged in the administration of health insurance business carried on by such society shall be terminated.

Continuance of rights to additional benefits of transferred members.

16.—Members of an approved society whose engagements under the Acts are transferred to the Unified Society shall as regards additional benefits have the same rights (if any) as they had immediately before such transfer against such approved society.

Transfer of property of approved societies to the Unified Society.

17.—(1) On the day of transfer in respect of each approved society, the beneficial interest in all property, whether real or personal (including choses-in-action) which is immediately before such date vested in such society in its own name in relation to health insurance business or held by the trustees of such society for such society in relation to health insurance business shall, without any conveyance or assignment, but subject where necessary to transfer in the books of any bank, corporation or company become vested in the Unified Society.

(2) Where any property vested in the Unified Society by virtue of this section is land, such land shall on the day on which it is so vested, be deemed without any conveyance or assignment to have been conveyed or assigned to the persons who are for the time being trustees of the Unified Society, their heirs, executors, administrators and assigns (according to the nature and tenure of such land) as joint tenants.

(3) All moneys, stocks, shares and securities vested in the Unified Society by this section which at the date on which they are so vested are standing in the books of any bank, company or corporation in the name of an approved society or the trustees of such society shall, upon the request of the trustees of the Unified Society be transferred into the names of such last mentioned trustees.

(4) From and after the day of transfer in respect of each approved society, every bond, obligation, security or other chose-in-action made with or to such approved society and the benefit of which is by this section vested in the Unified Society may be sued upon by the trustees of the Unified Society in their own names and it shall not be necessary for the said trustees to give notice to the person bound by such bond, obligation, security or chose-in-action of the vesting effected by this section.

18.—Every debt and other liability of an approved society which was incurred in relation to health insurance business and is owing and unpaid immediately before the date which is the date of transfer in respect of such society shall on that date become and be the debt and liability of the Unified Society and shall be paid or discharged by and may be recovered from or enforced against the Unified Society accordingly.

Transfer of liabilities of approved societies.

19.—Whenever the engagements of a particular approved society are by virtue of this Act transferred to the Unified Society, the committee of management of the Unified Society shall do all such things as may be necessary for winding up the affairs of such approved society, so far as the same relate to health insurance business.

Winding up of affairs of approved societies.

20.—(1) Every person who, immediately before the date of transfer in respect of any approved society, was an officer or a member of the committee of management of such society shall do all such things as he may be reasonably required by the Minister or the provisional committee for the purpose of giving effect to the transfer of engagements of such society to the Unified Society, the transfer of the property of such society to the Unified Society and generally for enabling the provisional committee to perform the functions imposed on them by this Act in relation to such approved society.

Assistance by former officers and committees of management of transferred approved societies.

(2) If any person fails or neglects to comply with any requirement of the Minister or the provisional committee under this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

21.—(1) On the date of transfer in respect of any approved society every contribution card or other document which relates to an insured person who was not a member of such approved society and is in the custody or control of any person who was immediately before such date an officer or employee of such society shall be delivered by such last-mentioned person to the Unified Society.

Delivery of certain documents to Unified Society.

(2) If any person fails to comply with this section he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

(3) Where a person is convicted of an offence under this section the court by which he is convicted may make such order as the court may think proper for securing the delivery to the Unified Society of the contribution card or other document in respect of which the offence was committed.

Gratuities
to former
secretaries and
certain former
employees of
approved
societies.

22.—(1) Every person who—

- (a) was on the 30th day of June, 1932, the holder of a qualifying post under an approved society, and
- (b) was the holder of a qualifying post under an approved society immediately before the date of transfer in respect of such approved society, and 5
- (c) had immediately before the said date of transfer at least one completed year of qualifying service, and
- (d) was not at the said date of transfer offered permanent employment by the Unified Society at a rate of remuneration which, having regard to the remuneration previously received by him in respect of national health insurance services, is reasonable 10

shall, subject to the provisions of this section, be entitled to be paid by the Unified Society compensation under this section. 15

(2) The compensation payable to a person entitled to compensation under this section shall be a gratuity and the amount thereof shall be as follows, that is to say:—

- (a) in case such person had less than five completed years of qualifying service, a sum calculated on the basis of one-fifth of his annual remuneration for every completed year of qualifying service; 20
- (b) in case such person has five or more completed years of qualifying service, a sum calculated on the basis of one-sixth of his annual remuneration for every completed year of qualifying service together with a sum (not exceeding in any case ten-sixths of his annual remuneration) calculated on the basis of one-sixth of his annual remuneration for every two completed years of qualifying service. 25 30

(3) For the purposes of this section the following provisions shall have effect, that is to say:—

- (a) each of the following persons shall be the holder of a qualifying post under an approved society, that is to say:— 35
 - (i) the secretary of such society,
 - (ii) a whole-time employee of such society,
 - (iii) a part-time employee of such society who proves to the satisfaction of the provisional committee that his earnings from such society were his principal means of livelihood; 40
- (b) in ascertaining the qualifying service of a person who was the holder of a qualifying post under an approved society immediately before the date of transfer in respect of such society the whole of the period immediately before such date during which such person was the holder of a qualifying post or posts continuously in any approved society or societies and no other period or periods shall be reckoned as qualifying service; 45 50
- (c) where a person who was the holder of a qualifying post under an approved society was temporarily absent from such post and during the whole of such absence was engaged in service in any of the following organisations, that is to say, Oglagh na hEireann (Irish Republican Army), the Irish Volunteers, the Irish Citizen Army, Fianna Eireann, the Hibernian Rifles and Cumann na mBan during the Rising of April and May, 1916, or in any of the military forces serving under the authority of the First Dáil Eireann, the Second Dáil Eireann, or the Provisional Government of Ireland, or in the British Army, Navy, or Air Force, or in either of the opposing forces during the civil strife in the years 1922, 1923, 1924 or was interned or imprisoned in consequence of such service, the following provisions shall have effect for the purposes of this sub-section, that is to say:— 55 60 65
 - (i) such person shall be deemed during such temporary absence to have been the holder of a qualifying post under such approved society and the period 70

of such temporary absence shall be reckoned as qualifying service accordingly, and

5 (ii) if such person resumed his position as the holder of a qualifying post under such approved society not later than six months after the expiration of the period of such temporary absence, no interval of time shall be deemed to have elapsed between such expiration and such resumption, and

10 (iii) if such person resumed his position as the holder of a qualifying post under such approved society within a reasonable time after the expiration of the period of such temporary absence and the delay in such resumption was due to wounds or illness attributable to such service, internment,
15 or imprisonment, or to no vacancy being available in such society, no interval of time shall be deemed to have elapsed between such expiration and such resumption;

20 (d) where a person who was the holder of a qualifying post under an approved society was temporarily absent from such post during labour disputes connected with such society, such person shall for the purposes of this sub-section be deemed during such temporary absence to have been the holder of a qualifying post under
25 such society and the period of such temporary absence shall be reckoned as qualifying service accordingly;

(e) the annual remuneration of a person entitled to compensation under this section shall be taken to be—

30 (i) in case such person had at the 30th day of June, 1932, five or more completed years of qualifying service, his average annual remuneration as the holder of a qualifying post or posts under any approved society or societies during the five years ended on the 30th day of June, 1932, and

35 (ii) in any other case, his average annual remuneration as the holder of a qualifying post or posts under any approved society or societies during so much of his period of qualifying service as ended on the 30th day of June, 1932,

40 and in calculating his average annual remuneration any amount or amounts paid to such person for the provision of clerical assistance or other expenses or by way of bonus shall not be treated as part of his remuneration.

(4) Where—

45 (a) a person who though employed by some other person or body has in the course of such employment been engaged on health insurance work for an approved society, and

50 (b) such person ceases to be employed by such other person or body by reason of the transfer of the engagements of such society under this Act, and

55 (c) such person, if engaged part-time only on such work for such society, proves to the satisfaction of the provisional committee that the remuneration paid to him by such other person or body in respect of such work was his principal means of livelihood,

60 such person shall, for the purposes of this section, be deemed in respect of every period during which he was engaged on such work for such society to have been the holder of a qualifying post under such society, but in calculating under sub-section (3) of this section his average annual remuneration as the holder of a qualifying post under such society no payments, other than payments in respect of such work for such society, shall be taken into account.

(5) Where—

- (a) a person who was the holder of a qualifying post under an approved society would, but for his being offered at the date of transfer in respect of such society permanent employment by the Unified Society at a rate of remuneration which, having regard to the remuneration previously received by him in respect of national health insurance services is reasonable, be entitled to compensation under this section, and 5
- (b) such person accepts such offer, and 10
- (c) such person is dismissed (otherwise than for misconduct or illness) by the Unified Society within five years after the said date of transfer,

such person may apply to the Minister for a declaration that he is entitled to compensation under this section and thereupon the Minister may, if he thinks it reasonable in all the circumstances of the case so to do, declare such person entitled to compensation under this section and upon such declaration being made such person shall, notwithstanding paragraph (d) of sub-section (1) of this section, be entitled to be paid by the Unified Society compensation under this section. 15 20

(6) Where a person entitled to compensation under this section is offered and accepts temporary employment by the Unified Society, he shall not be entitled to be paid such compensation until he has ceased to be employed by the Unified Society. 25

(7) Where compensation has been paid under this section to a person who, immediately before the date of transfer in respect of an approved society, was the holder of a qualifying post under such society and such person within three years from the said date of transfer is offered and accepts permanent employment with the Unified Society, such person shall repay to the Unified Society, either as the Minister shall determine, the whole of such compensation or such part thereof as the Minister may fix and any amount so repayable may be paid in instalments extending over such period as the Minister may consider reasonable. 30 35

(8) Any moneys payable by a person to the Unified Society under the immediately preceding sub-section shall be a debt due by such person to the Unified Society and may be recovered as a simple contract debt in a court of competent jurisdiction.

(9) If any question arises as to the right of any person to compensation under this section or as to the amount of such compensation, such question shall be referred to the Minister, whose decision shall be final. 40

Gratuities to certain part-time officers and employees of approved societies.

23.—(1) Every person who—

- (a) was on the 30th day of June, 1932 the holder of a qualifying post under an approved society, and 45
- (b) was the holder of a qualifying post under an approved society immediately before the date of transfer in respect of such approved society, and
- (c) had immediately before the said date of transfer at least one completed year of qualifying service, and 50
- (d) was not at the said date of transfer offered permanent employment by the Unified Society at a rate of remuneration which, having regard to the remuneration previously received by him in respect of national health insurance services, is reasonable, 55

shall, subject to the provisions of this section, be entitled to be paid by the Unified Society compensation under this section.

(2) The compensation payable to a person entitled to compensation under this section shall be a gratuity and the amount thereof shall be a sum (not exceeding in any case the amount of his annual remuneration) calculated on the basis of one-twelfth of his annual remuneration for every completed year of qualifying service. 60

(3) For the purposes of this section the following provisions shall have effect, that is to say :—

5 (a) each of the following persons shall be the holder of a qualifying post under an approved society, that is to say :—

(i) a part-time officer of such society ;

(ii) a part-time employee of such society whose earnings from such society were not his principal means of livelihood ;

10 (b) in ascertaining the qualifying service of a person who was the holder of a qualifying post under an approved society immediately before the date of transfer in respect of such society the whole of the period immediately before such date during which such person
15 was the holder of a qualifying post or posts continuously in any approved society or societies and no other period or periods shall be reckoned as qualifying service ;

20 (c) the provisions of paragraphs (c) and (d) of sub-section (3) of the immediately preceding section shall apply in respect of a person who was the holder of a qualifying post under an approved society, within the meaning of this section, in like manner as the said provisions apply in respect of a person who was the holder of a quali-
25 fying post within the meaning of the said immediately preceding section ;

(d) the annual remuneration of a person entitled to compensation under this section shall be taken to be twelve times his average monthly remuneration in respect of
30 the year 1932 as the holder of a qualifying post or posts under an approved society or societies, and in calculating his annual remuneration any amount or amounts paid to such person for the provision of clerical assistance or other expenses or by way of bonus
35 shall not be treated as part of his remuneration.

(4) Where—

(a) a person who though employed by some other person or body has in the course of such employment been engaged part-time on health insurance work for an
40 approved society, and

(b) the remuneration of such person in respect of such work was not his principal means of livelihood,

such person shall, for the purposes of this section, be deemed in respect of every period during which he was engaged on such
45 work for such society to have been the holder of a qualifying post under such society, but in calculating under sub-section (3) of this section his annual remuneration as the holder of a qualifying post under such society no payments, other than payments in respect of such work for such society, shall be taken
50 into account.

(5) Where—

(a) a person who was the holder of a qualifying post under an approved society would, but for his being offered at the date of transfer in respect of such society permanent employment by the Unified Society at a rate of remuneration which, having regard to the remuneration previously received by him in respect of national health insurance services, is reasonable, be entitled to compensation under this section, and

60 (b) such person accepts such offer, and

(c) such person is dismissed (otherwise than for misconduct or illness) by the Unified Society within five years after the said date of transfer,

such person may apply to the Minister for a declaration that he is entitled to compensation under this section and thereupon the Minister may, if he thinks it reasonable in all the circumstances of the case so to do, declare such person entitled to compensation under this section and upon such declaration being made such 5 person shall, notwithstanding paragraph (d) of sub-section (1) of this section, be entitled to be paid by the Unified Society compensation under this section.

(6) Where a person entitled to compensation under this section is offered and accepts temporary employment by the Unified 10 Society, he shall not be entitled to be paid such compensation until he has ceased to be employed by the Unified Society.

(7) Where compensation has been paid under this section to a person who immediately before the date of transfer in respect of an approved society was the holder of a qualifying post under 15 such society and such person within three years from the said date of transfer is offered and accepts permanent employment with the Unified Society, such person shall repay to the Unified Society either, as the Minister shall determine, the whole of such compensation or such part thereof as the Minister may fix and 20 any amount so repayable may be paid in instalments extending over such period as the Minister may consider reasonable.

(8) Any moneys payable by a person to the Unified Society under the immediately preceding sub-section shall be a debt due by such person to the Unified Society and may be recovered as a 25 simple contract debt in a court of competent jurisdiction.

(9) If any question arises as to the right of any person to compensation under this section or as to the amount of such compensation, such question shall be referred to the Minister, whose decision shall be final. 30

Provision of
moneys for
payment of
compensation.

24.—(1) All moneys required to meet the payment of compensation under the two immediately preceding sections shall from time to time be advanced by the Minister out of the National Health Insurance Fund, and every advance shall be repaid by the Unified 35 Society to the said Fund, with interest thereon from the date on which it is made at such rate as the Minister for Finance may determine, in such manner as may be prescribed out of moneys available for the costs of administration.

(2) All moneys paid for compensation under the two immediately preceding sections shall be deemed to be expenditure on administration, but the provisions of section 3 of the Act of 1911 as amended by sub-section (4) of section 1 of the National Health Insurance Act, 1920, shall not apply to such moneys, but shall 40 apply to the moneys required by the immediately preceding sub-section to be repaid to the National Health Insurance Fund. 45

Investments
held by
Minister on
behalf of
approved
societies.

25.—Any moneys or investments held by the Minister or the Minister for Finance on behalf of an approved society whose engagements are transferred under this Act to the Unified Society shall as from the date of such transfer be held by the Minister or the Minister for Finance (as the case may be) for and on behalf of 50 the Unified Society.

Valuations
under section
36 of the
Act of 1911.

26.—(1) No valuation shall be made after the passing of this Act under section 36 of the Act of 1911 of the assets and liabilities of any approved society.

(2) The valuation of the assets and liabilities of the Unified 55 Society made next after the passing of this Act under section 36 of the Act of 1911 shall be made on the basis that the assets and liabilities of the Unified Society include the assets and liabilities of every approved society existing at the date as at which such

valuation is made and that the insured members of every such society are insured members of the Unified Society.

- (3) The provisions of the Acts relating to surpluses and deficiencies shall apply to the valuation of the assets and liabilities of the Unified Society under the immediately preceding sub-section as if the members of all approved societies were members of the Unified Society as at the date at which such valuation is made.

- 27.—For the purpose of ascertaining whether a deficiency exists as at the 31st day of December, 1933, in either the St. James's Gate Health Insurance Society or the Dublin United Tramways and Omnibus Employees' Health Insurance Society but not further or otherwise, a valuation of the assets and liabilities arising under the Acts of each of the said Societies shall be made as at the said date, and each such valuation shall be made on such basis as may be prescribed, and in the event of a deficiency being disclosed in either such society it shall be made good in accordance with the rules of such society.

Special valuations of St. James's Gate Health Insurance Society and Dublin United Tramways and Omnibus Employees' Health Insurance Society.

- 28.—The following provisions shall have effect in relation to the St. James's Gate Health Insurance Society (in this section referred to as the said Society) that is to say:—

Special provisions in relation to the St. James's Gate Health Insurance Society.

- (a) any sums standing as at the 31st day of December, 1933, to the credit of the Subsidy Account, Supplemental Fund and the Extra Benefit Fund established under the Rules of the said Society shall be transferred on the 1st day of January, 1934, to the Unified Society;

- (b) any sums due under the said rules by Messrs. Arthur Guinness Son and Co., Limited, in respect of the period ending on the 31st day of December, 1933, shall be paid to the Unified Society as soon as the amount thereof has been ascertained in accordance with the said Rules;

- (c) the Unified Society shall in relation to the following sums, that is to say, any sums standing to the credit of the said Subsidy Account, Supplemental Fund, and the Extra Benefit Fund and any sums paid under the immediately preceding paragraph, do all such things (including the making good of a deficiency (if any) out of the said Supplemental Fund) as would have been required to be done under the said Rules if the said Society had continued in existence;

- (d) after all adjustments have been made in accordance with the said Rules the moneys in the said Extra Benefit Fund shall be applied for the following and no other purposes, that is to say:—

- (i) until the 5th day of July, 1936, to meet the cost of the scheme of extra benefits existing at the passing of this Act for members of the said Society, and

- (ii) thereafter for the benefit of insured persons who were members of the said Society on the 31st day of December, 1933, under a scheme approved by the Minister.

- 29.—If any difficulty arises with respect to the constitution of the Unified Society or otherwise in bringing into operation any of the preceding provisions of this Act, the Minister may by order made before the appointed day make any appointment and do anything which appears to him necessary or expedient for bringing the said provisions into operation, and any such order may modify the provisions of this Act so far as may appear necessary or expedient for carrying the order into effect.

Removal of difficulties.

- 30.—The Minister shall make such financial adjustments in the Funds relating to National Health Insurance under his control as may be necessary consequent on the transfer of engagements of an approved society to the Unified Society.

Adjustments in funds under control of Minister.

General regulations.

31.—The purposes for which regulations may be made by the Minister under section 65 of the Act of 1911 shall include the purpose of prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed.

Appeals under section 67 of the Act of 1911.

32.—(1) The Minister may for the purpose of deciding any appeal or dispute submitted to him under section 67 of the Act of 1911 appoint either one person or two or more persons to hear, but not decide, such appeal or dispute. 5

(2) The person or persons appointed under this section to hear any such appeal or dispute shall have power by notice in writing to summon witnesses and to require production of books and documents, and any person so summoned who fails to attend or refuses to give evidence before the person or persons so appointed, and any person who fails or refuses to produce any book or other document the production of which is so required of him, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds. 10 15

(3) The person or persons appointed under this section to hear any such appeal or dispute shall have power to take evidence on oath and for that purpose such person or, where two or more persons are so appointed, any one of such persons may administer oaths to persons attending as witnesses at such hearing. 20

(4) Sub-section (3) of section 67 of the Act of 1911, and the words "or referee" now contained in sub-section (4) of the said section 67 are hereby repealed. 25

Short title, construction and citation.

33.—(1) This Act may be cited as the National Health Insurance Act, 1933, and shall be construed as one with the National Health Insurance Acts, 1911 to 1929.

(2) The National Health Insurance Acts, 1911 to 1929 and this Act, may be cited together as the National Health Insurance Acts, 1911 to 1933. 30

SCHEDULE.

ENACTMENTS NOT APPLICABLE IN RESPECT OF THE UNIFIED SOCIETY.

Session and Chapter, or Number and Year.	Short Title. (2)	Extent of non-application. (3)
1 & 2 Geo. V., c. 55.	The National Insurance Act, 1911.	Subsection (5) of section 14; sections 23, 24 and 25; subsection (2) of section 26; subsections (1) and (3) of section 27; sections 28 and 29; subsection (2) of section 30; section 34; subsections (3) and (4) of section 35; paragraph (c) of subsection (1) of section 37; section 40; proviso to subsection (5) of section 57; paragraphs (c) and (d) of subsection (1) of section 67; sections 72, 73, 75, and 76; subsection (7) of section 87.
3 & 4 Geo. V., c. 37.	The National Insurance Act, 1913.	Subsections (1), (2), (3) and (4) of section 16; all the words after "thereof" in subsection (1) of section 27; paragraphs A (i), B and C of the First Schedule.
7 & 8 Geo. V., c. 62.	The National Health Insurance Act, 1918.	Subsections (3), (4), (5), (6) and (7) of section 3; section 14; paragraphs (a), (c) and (e) of section 17; sections 21 and 43; paragraphs (1), (2) and (3) of Part I of the Fourth Schedule.
No. 42 of 1929.	The National Health Insurance Act, 1929.	Section 5; subsections (2) and (3) of section 6; paragraph 7 of the First Schedule.

Saorstát Éireann.

Saorstát Éireann.

BILLE UM ARACHAS SLAINTE
NAISUNTA 1933.

NATIONAL HEALTH INSURANCE BILL,
1933.

BILLE

BILL

dá ngairmtear

entitled

Acht chun na hAchtanna um Arachas Sláinte
Náisiúnta, 1911 go 1929, do leasú.

An Act to amend the National Health Insurance
Acts, 1911 to 1929.

*Rithe ag dhá Thigh an Oireachtais, 11adh Iúl,
1933.*

*Passed by both Houses of the Oireachtas,
11th July, 1933.*

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