

ÉIRE.

BILLE UM ARACHAS SLAINTE NAISIUNTA, 1941. NATIONAL HEALTH INSURANCE BILL, 1941.

Mar do ritheadh ag Dáil Eireann.

As passed by Dáil Eireann.

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ENACTMENTS REPEALED AS FROM THE PASSING OF THIS ACT.

ÉIRE.

BILLE UM ARACHAS SLAINTE NAISIUNTA, 1941. NATIONAL HEALTH INSURANCE BILL, 1941.

BILL

entitled

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AN ACT TO AMEND THE NATIONAL HEALTH INSURANCE ACTS, 1911 TO 1936.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Definitions.

1.—(1) In this Act—

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

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

the expression “the Act of 1918” means the National Health Insurance Act, 1918;

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the expression “the Act of 1923” means the National Health Insurance Act, 1923 (No. 20 of 1923);

the expression “the Acts” means the National Health Insurance Acts, 1911 to 1936;

the expression “the Society” means Cumann an Árachais Náisiúnta ar Shláinte;

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the word “prescribed” means prescribed by regulations made by the Minister under this Act.

(2) Each of the following periods shall be a financial period for the purposes of this Act, namely—

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(a) the quinquennial period (in this Act referred to as the first financial period) ended on the 31st day of December, 1938,

(b) the respective quinquennial periods ending on the 31st day of December, 1943, the 31st day of December, 1948, the 31st day of December, 1953, and so on,

and the expression “financial period” shall in this Act be construed accordingly.

(3) Each of the following periods shall be an additional benefit period for the purposes of this Act, namely—

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(a) the quinquennial period (in this Act referred to as the first additional benefit period) ending on the 31st day of March, 1947,

(b) the respective quinquennial periods ending on the 31st day of March, 1952, the 31st day of March, 1957, the 31st day of March, 1962, and so on,

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and the expression “additional benefit period” shall in this Act be construed accordingly.

2.—(1) As soon as may be after the expiration of each financial period (other than the first financial period), the Minister, with the consent of the Minister for Finance, shall appoint an actuary, whose duty shall include—

Quinquennial
actuarial
review of
and report
on finances
of the
National
Health Insurance
system.

5 (a) the making (having regard to (i) the amount by which the income of the Society, after deducting therefrom the amount available for administration, exceeded the amounts expended by or debited to the Society in respect of statutory benefits (other than additional benefits) and transfer values and for the purposes of the Medical Certification Fund, and (ii) terms of reference (if any) settled by the Minister after consultation with the Minister for Finance) of a comprehensive review of the finances of the National Health Insurance system as at the end of such financial period and

10 (b) the furnishing to the Minister of a report on the finances of the National Health Insurance system and the inclusion in such report of a recommendation as to the amount of such excess that may be made available towards the provision of additional benefits including the administration thereof in each year of the additional benefit period next following.

(2) A copy of each report made by an actuary under this section shall be laid before each House of the Oireachtas.

25 3.—(1) The Minister shall, as soon as may be after the passing of this Act, determine (having regard to the report of an actuary dated the 28th day of March, 1941, on the financial position of the National Health Insurance system) the amount that may be made available for additional benefits including the administration thereof in each year of the first additional benefit period.

Determination
of amount
available for
additional
benefits in
additional
benefit periods.

(2) The Minister shall, on considering the report of an actuary under the immediately preceding section in relation to any financial period, determine the amount that may be made available for additional benefits including the administration thereof in each year of the next following additional benefit period.

35 (3) In determining under sub-section (1) or sub-section (2) of this section the amount that may be made available for additional benefits including the administration thereof in any year of an additional benefit period the Minister shall have regard to the provisions of section 3 of the Act of 1911, as amended by any subsequent enactments.

(4) In this Act references to the amount made available for additional benefits in any year of an additional benefit period shall be construed as references to the amount determined by the Minister under this section in relation to such year.

45 4.—(1) The Society may prepare and submit to the Minister a scheme for expending, during each year of any additional benefit period, among insured persons who are members of the Society the amount made available for additional benefits in such year on any one or more of the additional benefits including the administration thereof and, upon any such scheme being sanctioned by the Minister, the Society may provide additional benefits in accordance with the scheme, subject however to any withdrawal of sanction by the Minister under sub-section (3) of this section.

Provision of
additional
benefits.

55 (2) Where a scheme in relation to any additional benefit period under sub-section (1) of this section has been sanctioned by the Minister, the Society may, with the sanction of the Minister, amend the scheme and the scheme as so amended shall have effect from such date as may be determined by the Minister.

(3) The Minister may during the additional benefit period to which a scheme under this section relates withdraw his sanction from any one or more of the provisions of the scheme and in relation to any one or more of the additional benefits thereunder, from such date as he thinks fit. 5

(4) A scheme under this section may determine the conditions to be complied with as respects the additional benefits thereunder and may provide for the reduction, suspension or deprivation of the said additional benefits as regards members of the Society who are in arrears. 10

(5) A member of the Society shall not be entitled to an additional benefit provided by a Scheme under this section unless such conditions, relating to the period of membership of the Society and the number of contributions paid during that period, as may be prescribed with respect to that additional benefit are complied with. 15

(6) Any moneys unexpended out of the amount made available for additional benefits in any year of an additional benefit period may, with the approval of the Minister, be expended

(a) during any succeeding year of that period on any additional benefit provided, by a scheme under this section, in relation to such succeeding year, or 20

(b) after the expiration of that period in discharge of liabilities incurred, during that period, under a scheme under this section.

(7) Any moneys unexpended out of the amount made available for additional benefits in any years of an additional benefit period which have not been expended under sub-section (6) of this section may, with the approval of the Minister, be expended in the next succeeding additional benefit period on any additional benefit provided, by a scheme under this section, in relation to such last-mentioned period. 25 30

Consequential adaptations of the Acts.

5.—(1) The Acts shall be construed and have effect as if, in paragraph (f) of sub-section (1) of section 8 of the Act of 1911 and in sub-section (7) of the said section 8, there were substituted, for the references to Part I of the Act of 1911, references to a scheme under the immediately preceding section. 35

(2) The word "surplus" where it occurs in sub-section (3) of section 37 of the Act of 1911 shall be construed as meaning the amount made available for additional benefits in any year of an additional benefit period. 40

The National Health Insurance Reserve Fund.

6.—(1) There shall be a fund (in this Act referred to as the Reserve Fund) to be known as the National Health Insurance Reserve Fund, and the Reserve Fund (which shall be under the control of the Minister) shall be deemed to have been established as on and from the 1st day of January, 1942. 45

(2) All moneys which immediately before the 1st day of January, 1942, were standing to the credit of the National Health Insurance Central Fund, established under section 15 of the Act of 1923, shall form part of the Reserve Fund and shall be deemed to have been transferred to the Reserve Fund on the 1st day of January, 1942. 50

(3) All sums which under section 29 of the Act of 1918 were due to be credited to the National Health Insurance Central Fund in respect of any period prior to the 1st day of January, 1942, but which had not been so credited at the date of the passing of this Act shall be credited to the Reserve Fund. 55

(4) The sums to be credited to the Reserve Fund under the immediately preceding sub-section and the sums to be carried to the Reserve Fund under the next following section shall be paid to the Minister for Finance and those sums together with all accumulations of interest on the moneys for the time being standing to the credit of the Reserve Fund shall be invested by the said Minister in the same manner as moneys to the credit of the National Health Insurance Fund are invested.

(5) The Minister for Finance shall present to each House of the Oireachtas annually a return of the securities in which moneys forming part of the Reserve Fund are for the time being invested.

7.—(1) For the purposes of this section—

Amendment of
section 29
of the Act
of 1918.

(a) the expression “ unclaimed sums ” means the sums mentioned in section 29 (which relates to the disposal of sums unclaimed in stamp sales account) of the Act of 1918, except so much thereof as is required to be dealt with in the manner set out in the proviso to the said section 29;

(b) each of the following years shall be an accounting year—

- (i) the year 1942,
- (ii) each succeeding year.

(2) Unclaimed sums in respect of any accounting year shall no longer be applied in the manner provided by section 29 of the Act of 1918.

(3) When the amount of unclaimed sums in respect of any accounting year has been finally ascertained, the said sums shall be applied as follows:—

(a) so much thereof as does not exceed fifteen thousand pounds shall be appropriated in aid of moneys provided by the Oireachtas for the expenses of administration of the Acts and this Act,

(b) so much (if any) thereof as exceeds fifteen thousand pounds shall be carried to the Reserve Fund.

(4) The amount of unclaimed sums in respect of each accounting year shall be estimated during the financial year commencing on the 1st day of April in that accounting year and there shall be paid out of the proceeds of sales of stamps during the said financial year a sum (which shall be appropriated in aid of moneys provided by the Oireachtas for the expenses of administration of the Acts and this Act) equal to the amount which would, if the amount of the said unclaimed sums as so estimated were the amount as finally ascertained, have been applied under paragraph (a) of sub-section (3) of this section.

(5) If, on the final ascertainment of the amount of unclaimed sums in respect of any accounting year, it is found that the amount paid under sub-section (4) of this section is less or greater than the amount required to be paid out of the said unclaimed sums under paragraph (a) of sub-section (3) of this section, then, the sum next payable under sub-section (4) of this section shall be increased or reduced accordingly.

8.—The actuary in making a review under this Act of the finances of the National Health Insurance system in respect of any financial period shall take into account the amount standing to the credit of the Reserve Fund at the end of such period and shall recommend the amount (if any) that should be transferred therefrom to the credit of the Society in the National Health Insurance Fund, and the Minister, after considering such recommendation, may transfer from the Reserve Fund to the credit of the Society in

Transfers
from the
Reserve Fund
to the credit of
the Society in
the National
Health Insurance
Fund.

the National Health Insurance Fund such amount as he thinks fit and the amount so transferred shall be deemed, for the purposes of section 2 of this Act, to have been income of the Society during such financial period.

Disposition of moneys applicable under section 55 of the Act of 1911.

9.—Any sums mentioned in sub-section (4) of section 55 of the Act of 1911 (which said section is repealed by this Act as on and from the 1st day of January, 1939), which have not before the passing of this Act been apportioned and applied in the manner provided by the said sub-section, shall, after making provision for the liabilities of the Reserve Suspense Fund established under sub-section (1) of Section 15 of the Act of 1918, be apportioned between the Society and the Military Forces (International Arrangements) Insurance Fund in proportion to the amount of the outstanding reserve values standing to the credit of the Society and the said Fund respectively as at the 31st day of December, 1938, and the share, resulting from such apportionment, of the Society therein shall be credited to the Society and the remainder credited to the said Fund.

Transfer of amount of the Contingencies Fund of the Society to the Benefit Fund of the Society.

10.—The amount of the Contingencies Fund of the Society as at the 31st day of December, 1938, shall be transferred to the Benefit Fund of the Society.

Apportionment of interest on investments representing the National Health Insurance Fund.

11.—(1) All sums received by the Minister or the Minister for Finance in respect of interest on investments held by them on behalf of the National Health Insurance Fund shall be apportioned amongst such Accounts and Funds maintained under the Acts (including accounts of the Society and the Military Forces (International Arrangements) Insurance Fund) and in such manner as the Minister may determine.

(2) This section shall be deemed to have come into operation on and shall have effect as on and from the 1st day of January, 1939.

Provisions in relation to certain insured persons.

12.—(1) Where an insured person ceases to be a member of the Society or the Military Forces (International Arrangements) Insurance Fund (in this section referred to as the Fund) and, under the provisions of any order made in pursuance of section 17 of the Act of 1923, his insurance in another country is treated as a continuation of his former insurance as a member of the Society or the Fund, as the case may be, the appropriate transfer value shall be debited to the Society or the Fund, as the case may be.

(2) Where an insured person becomes a member of the Society or the Fund and, under the provisions of any order made in pursuance of section 17 of the Act of 1923, his insurance as a member of the Society or the Fund is treated as a continuation of a former insurance in another country, the appropriate transfer value shall be credited to the Society or the Fund, as the case may be.

(3) Where an insured person ceases to be a member of the Fund and becomes a member of the Society, the appropriate transfer value shall be debited to the Fund and credited to the Society.

(4) For the purpose of this section "appropriate transfer value" means an amount to be calculated in accordance with tables to be prepared by the Minister.

(5) This section shall be deemed to have come into operation on and shall have effect as on and from the 1st day of January, 1939.

13.—(1) After the passing of this Act no reserve value or transfer value shall be credited or debited under the Acts in respect of any entry into, or transfer of, or cessation from, insurance which occurred before the 1st day of January, 1939.

Provisions in relation to reserve values, transfer values and transfers of insurance.

5 (2) Any outstanding reserve values remaining, after the apportionment referred to in section 9 of this Act has been completed, to the credit of the Society or the Military Forces (International Arrangements) Insurance Fund shall be cancelled.

10 (3) Any transfers of insurance, which have occurred before the 1st day of January, 1939, and which have not been dealt with under the Acts, shall be dealt with under the immediately preceding section of this Act.

14.—(1) The Minister may make regulations in relation to any matter or thing referred to in this Act as prescribed.

Regulations.

15 (2) Each regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution annulling such regulation is passed by either such House within the next subsequent twenty-one days on which such House has sat after such regulation is laid before it, such
20 regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation.

15.—(1) The enactments set out in the First Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

Repeals.

25 (2) Sub-section (1) of this section shall be deemed to have come into operation on and shall have effect as on and from the 1st day of January, 1939.

30 (3) The enactments set out in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

(4) Sub-section (3) of this section shall be deemed to have come into operation on and shall have effect as on and from the 1st day of January, 1942.

35 (5) The enactments set out in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule.

16.—(1) This Act may be cited as the National Health Insurance Act, 1942, and shall be construed as one with the National Health Insurance Acts, 1911 to 1936.

Short title, construction and collective citation.

40 (2) The National Health Insurance Acts, 1911 to 1936 and this Act, may be cited together as the National Health Insurance Acts, 1911 to 1942.

FIRST SCHEDULE.

ENACTMENTS REPEALED AS FROM THE 1ST DAY OF JANUARY, 1939.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
1 & 2 Geo. V., c. 55	National Insurance Act, 1911.	Sub-section (9) of section 8 ; sub-section (4) of section 13 ; section 33 ; sub-section (4) of section 54 ; section 55 ; all words from the words "after deducting the amounts" to the end of the paragraph in paragraph (a) of sub-section (1) of section 56 ; paragraph (c) of sub-section (1) of section 56 ; the words "in such manner as the Insurance Commissioners determine either by the reduction of the reserve values credited to the society or" in paragraph (d) of sub-section (1) of section 56 ; the words "or the crediting of a reserve value" in sub-section (1) of section 69.
3 & 4 Geo V., c. 37	National Insurance Act, 1913.	Sub-section (5) of section 16 ; paragraph (D) of the First Schedule.
7 & 8 Geo. V., c. 62	National Health Insurance Act, 1918.	Sub-section (2) of section 1 ; sub-section (1) of section 3 ; sub-section (3) of section 7 ; sub-sections (1) and (2) of section 15 ; sub-section (2) of section 24 ; sub-section (5) of section 27.
10 & 11 Geo. V., c. 10	National Health Insurance Act, 1920.	Sub-sections (1) and (2) of section 5 ; section 16 and Second Schedule.
11 & 12 Geo. V., c. 25	National Health Insurance Act, 1921.	Section 1.
No. 42 of 1929	National Health Insurance Act, 1929.	Section 13 ; sub-sections (9) and (10) of section 15.

SECOND SCHEDULE.

ENACTMENTS REPEALED AS FROM THE 1ST DAY OF JANUARY, 1942.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
7 & 8 Geo. V., c. 62	National Health Insurance Act, 1918.	Section 4.
No. 20 of 1923 ...	National Health Insurance Act, 1923.	Sub-sections (1), (2) and (3) of section 15.

THIRD SCHEDULE.

ENACTMENTS REPEALED AS FROM THE PASSING OF THIS ACT.

Session and Chapter	Short Title	Extent of Repeal
1 & 2 Geo. V., c. 55	National Insurance Act, 1911.	Paragraphs (b) and (c) of sub-section (1) of section 35; section 36; sub-sections (1) and (2) of section 37; section 38; section 41; the words "and of the Central Fund" in sub-section (3) of section 54, which words were inserted by section 5 of the National Health Insurance Act, 1918; definition of "valuer" in section 79.
7 & 8 Geo. V., c. 62	National Health Insurance Act, 1918.	Sub-sections (2) and (8) of section 3.
10 & 11 Geo. V., c. 10	National Health Insurance Act, 1920.	Sub-section (2) of section 15.

Éire

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BILLE UM ARACHAS SLAINTE
NAISIUNTA, 1941.

NATIONAL HEALTH INSURANCE BILL,
1941.

BILLE

dá ngairmtear

Acht chun na nAchtanna um Arachas Sláinte
Náisiúnta, 1911 go 1936, do leasú.

BILL

entitled

An Act to amend the National Health Insurance
Acts, 1911 to 1936.

Riithe ag Dáil Eireann, 5adn Márta, 1942.

Passed by Dáil Eireann, 5th March, 1942.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN rSOLATHAIR.

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