

ÉIRE

AN BILLE SLAINTE, 1947. HEALTH BILL, 1947.

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

ARRANGEMENT OF SECTIONS.

PART I.

PRELIMINARY AND GENERAL.

Section.

1. Short title.
2. Definitions.
3. Commencement.
4. Repeals.
5. Regulations.
6. Continuation of existing regulations.
7. Revocation or amendment of order made by the Minister under this Act.
8. Collection and disposal of moneys payable to the Minister
9. Expenses of the Minister.

PART II.

INSTITUTIONS.

10. Provision and maintenance of health institutions.
11. Discontinuance of health institution.
12. Agreement for use of institution.
13. Joint user of certain institutions by health authority and public assistance authority.
14. Transfer of district institution.
15. Transfer of institution maintained by sanitary authority.
16. Transfer of the Hospital of Saint Margaret of Cortona to the Dublin Corporation.
17. Charges for institutional services.
18. Management of health institutions.
19. Amendment of sub-section (2) of section 6 of Tuberculosis (Establishment of Sanatoria) Act, 1945.
20. Power to provide land for an institution.

PART III.

MOTHER AND CHILD SERVICE.

21. Safeguarding of health of women as respects motherhood.
22. Attendance to health of children not pupils of schools.
23. Attendance to health of pupils of schools.
24. Notice of medical inspection of children.
25. Obligation to submit children to medical inspection.
26. Affording of facilities for medical inspection of children at schools.
27. Grant for mother and child service.
28. Regulations as to exercise by health authorities of their powers under Part III.

PART IV.

INFECTIOUS DISEASE AND INFESTATION.

CHAPTER I.

Infectious Disease.

Section.

29. Infectious diseases.
30. General duty to take precautions against infecting others with infectious disease.
31. Regulations for preventing the spread of infectious disease.
32. Exemption from requirement to submit to measures in relation to protection or immunisation against infectious disease.
33. Selling or letting dwelling after infection.
34. Cesser of occupation of dwelling after infection.
35. Question as to infection in dwelling.
36. Giving of lodging after infection.
37. Procedure on giving of infected premises notice to the district medical officer.
38. Detention and isolation of person who is probable source of infection.
39. Burial by health authority of body of person dying from infectious disease.
40. Accommodation for persons compelled to leave their homes.
41. Rehabilitation of persons suffering or recovering from infectious disease.
42. Nurses for infectious diseases.
43. Presumption in civil action as to cause of infection.
44. Maintenance of person suffering from infectious disease, etc.
45. Treatment of infectious diseases in particular institutions.

CHAPTER II.

Verminous persons and articles.

46. Precautions to be taken by verminous persons.
47. Precautions to be taken in relation to verminous articles.
48. Prohibition of verminous child attending school.
49. Regulations for preventing the spread of infestation.
50. Arrangements by health authorities for disinfection of verminous persons, buildings, etc.

CHAPTER III.

Ancillary Provisions.

51. Facilities for exercise of powers and duties of health authorities under Part IV.
52. Prosecution of offences under Part IV.

PART V.

FOOD AND DRINK.

53. Definition for Part V.
54. Regulations for prevention of danger from food and drink.

Section.

55. Licensing and registration of persons and premises.
56. Standards for food and drink.
57. Examination of samples of food and drink.
58. Giving and taking of samples, etc.
59. Enforcement of regulations under Part V, etc.
60. Charges under regulations under Part V.
61. Obstruction of execution of regulations under Part V.
62. Restrictions on sale, etc., of food by dealers in rags, etc.
63. Prosecutions for offences under Part V.
64. Food kept in certain establishments.

PART VI.

PROVISIONS IN RELATION TO MEDICAL AND TOILET PREPARATIONS AND
CERTAIN OTHER ARTICLES.

65. Control of advertisement or sale of medical and toilet preparations.
66. Restriction on importation, manufacture or sale of certain articles.
67. Regulations as to flock.

PART VII.

OFFICERS OF HEALTH AUTHORITIES.

68. Definitions for Part VII.
69. County medical officers.
70. Assistant county medical officers.
71. City medical officers.
72. Assistant city medical officers.
73. District medical officers of health.
74. Bacteriologists.
75. Health inspectors.
76. Provisions relating to holders of certain offices under sanitary authorities.

PART VIII.

ACQUISITION AND DISPOSAL OF LAND BY HEALTH AUTHORITIES.

77. Definitions for purposes of Part VIII.
78. Powers of health authority to acquire land.
79. Incorporation of Lands Clauses Acts.
80. Power of health authority to inspect land.
81. Making of compulsory acquisition order.
82. Notices, etc., of making of compulsory acquisition order.
83. Confirmation of compulsory acquisition order.
84. Notices, etc., of confirmation of compulsory acquisition order.
85. Annulment of compulsory acquisition order by the High Court.

Section.

86. Commencement of compulsory acquisition order.
87. Annuity or other payment to Irish Land Commission or Commissioners of Public Works in Ireland.
88. Appropriation of surplus land to other purposes.
89. Disposal of surplus land.
90. Giving of notices under Part VIII.

PART IX.

ENFORCEMENT OF THE ACT.

91. Authorised officers.
92. Limitations on exercise of powers of authorised officers.
93. Requirement to state name and address.
94. Entry on premises.
95. Assistance from member of Garda Síochána.
96. Enforcement by Garda Síochána.
97. Onus of proof.

PART X.

MISCELLANEOUS PROVISIONS.

98. Consultative councils.
99. Dissemination of information and advice on health.
100. Tests of the quality and nature of substances.
101. Joint action by health authorities.
102. Home nursing.
103. Borrowing by health authority.
104. Provision of ambulances.
105. Provision of residences for officers and servants.
106. Amendment of Rats and Mice (Destruction) Act, 1919.
107. Dissolution of Port Sanitary Authorities.
108. Compensation for damage to person or property.
109. Adaptation of enactments.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

SECOND SCHEDULE.

MATTERS FOR WHICH PROVISION MAY BE MADE IN REGULATIONS FOR
THE PREVENTION OF THE SPREAD OF INFECTIOUS DISEASE.

ÉIRE

AN BILLE SLAINTE, 1947.
HEALTH BILL, 1947.

BILL

5

entitled

AN ACT TO MAKE FURTHER AND BETTER PROVISION IN
RELATION TO THE HEALTH OF THE PEOPLE AND
TO PROVIDE FOR THE MAKING OF REGULATIONS BY
VIRTUE OF WHICH CERTAIN CHARGES MAY BE
10 MADE.

BE IT ENACTED BY THE OIREÁCHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

1.—This Act may be cited as the Health Act, 1947.

Short title.

15 2.—(1) In this Act—

Definitions.

the expression “adult person” means a person who is sixteen years
of age or older; *adult person.*

the word “advertisement” includes every form whatsoever of
recommendation of any thing to the public, including, in par-
20 ticular— *advertisement*

(a) the statement of the name of such thing or of any brand,
trade description or designation by reference to which
such thing is sold, where such statement may reasonably
be regarded as a recommendation of such thing to the
25 public,

(b) the statement of any properties of such thing on a label,
container or wrapper used for such thing or in a leaflet,
circular, pamphlet or brochure issued to the public or
on request or given to a purchaser of such thing,

30 and cognate words shall be construed accordingly;

the word “aircraft” has the same meaning as it has in the Air
Navigation and Transport Act, 1936 (No. 40 of 1936); *aircraft.*

the expression “chief medical officer” means a county medical
officer for a county or a city medical officer for a county borough; *chief medical officer.*

35 the word “child” means a person who is less than sixteen years of
age; *child.*

the expression “coastal waters” means waters within a distance of
three nautical miles from any point on the coast measured from
low-water mark of ordinary spring tides; *coastal waters.*

40 the word “disinfestation” means the cleansing and protection of
any person or thing from vermin; *disinfestation.*

the expression “district medical officer” means a medical officer of
health under *section 73* of this Act; *district medical officer.*

the word “dwelling” includes — *dwelling.*

45 (a) a part of a house, and

(b)* a temporary dwelling;

enactment.	the word "enactment" includes any order or regulation made under an Act;	
health authority.	the expression "health authority" means a council of a county or a corporation of a county borough;	5
health institution.	the expression "health institution" means an institution maintained by a health authority pursuant to <i>section 10</i> of this Act;	
infected premises notice.	the expression "infected premises notice" means a written notice that, within the three months immediately preceding the giving of the notice, a person has been residing in or has occupied specified premises while suffering from a specified infectious disease;	10
infectious, infection.	the word "infectious" includes contagious and the word "infection" includes contagion;	
infectious disease.	the expression "infectious disease" means primarily any disease included in regulations under <i>subsection (1)</i> of <i>section 29</i> whether absolutely or by definition of a particular stage of such disease, but in any section of <i>Part IV</i> of this Act from the application of which a disease or a stage of a disease is excluded under <i>subsection (2)</i> of the said <i>section 29</i> , the expression does not include such disease or such disease in such stage, as the case may be;	15 20
institution.	the expression "institution" means a hospital, sanatorium, maternity home, convalescent home, preventorium, laboratory, clinic, health centre, first-aid station, dispensary or any similar institution;	
institutional services.	the expression "institutional services" includes— (a) maintenance in an institution, (b) diagnosis, advice and treatment at an institution, (c) appliances and medicines and other preparations, (d) the use of special apparatus at an institution;	25
manager	the expression "the manager" means— (a) as respects a health authority which is the corporation of a county borough—the manager for the purposes of the Acts relating to the management of the borough, and (b) as respects a health authority which is the council of a county—the manager for the purposes of the County Management Acts, 1940 and 1942;	30 35
medical officer of health.	the expression "medical officer of health" means a chief medical officer, an assistant county medical officer for a county, an assistant city medical officer for a county borough or a district medical officer;	
Minister.	the expression "the Minister" means the Minister for Health;	40
parent.	the word "parent" means, in relation to a child, the person having the legal custody of the child and, where owing to the absence of such person or for any other reason the child is not living with or is not in the actual custody of such person, includes the person with whom the child is living or in whose actual custody the child is;	45
prescribed.	the word "prescribed" means prescribed by regulations made by the Minister under this Act;	
public conveyance.	the expression "public conveyance" includes a conveyance available for private hire;	
sanitary authority.	the expression "sanitary authority" has the same meaning as in the Public Health Acts, 1878 to 1931;	50
school manager.	the expression "the school manager" means in relation to a school or college, the person for the time being managing the school or college;	
temporary dwelling	the expression "temporary dwelling" means any— (a) tent, or (b) van, or other conveyance (whether on wheels or not), or (c) shed, hut or similar structure, or (d) vessel.	55

the word " vermin " means any insects, being bugs, fleas, lice or vermin, itch mites, and includes the eggs, larvæ and pupæ of such insects, verminous, and the word " verminous " shall be construed accordingly;

the word " vessel " includes any ship, boat, barge or lighter. vessel.

5 (2) (a) For the purposes of this Act, the functional area of a health authority shall include any coastal waters adjoining such functional area.

(b) Where any coastal waters adjoin the functional areas of two or more health authorities, the Minister may by order provide that for the purposes of paragraph (a) of this subsection the whole or a specified part of the coastal waters shall be regarded as adjoining the functional area of any one of such health authorities, and the said paragraph (a) shall have effect accordingly.

10 15 (3) A reference in this Act to contravention of any provision includes, where appropriate, a reference to contravention of that provision by failing or refusing to comply therewith.

3.—This Act shall come into operation on such day or days as, by order or orders made by the Minister under this section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions. Commencement.

20 25 4.—The enactments mentioned in the *First Schedule* to this Act are hereby repealed to the extent mentioned in the third column of that Schedule. Repeals.

5.—(1) The Minister may make regulations in relation to anything referred to in this Act as prescribed. Regulations.

(2) Regulations under this Act may be so framed as to apply in relation to the whole of the State or to part or parts only of the State.

(3) Where regulations under this Act require records to be kept in relation to the health of individuals, such provision shall be made therein as the Minister thinks necessary or proper for ensuring that the parts of such records containing the names of such individuals shall be treated in a confidential manner and shall not be published save with the consent of such individuals.

(4) No regulation which includes provision in respect of a payment to be made to or by the Minister shall be made by the Minister under this Act without the consent to such provision of the Minister for Finance.

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

6.—Every regulation which was made under an enactment repealed by this Act and which was in force immediately before such repeal shall, upon and after such repeal, be deemed to be a regulation made under the appropriate section of this Act and shall have effect and be capable of being amended or revoked accordingly. Continuation of existing regulations.

7.—Every power conferred by this Act on the Minister to make any order shall be construed as including a power to revoke or amend any order made under such power and to make another order in lieu of any order so revoked. Revocation or amendment of order made by the Minister under this Act.

8.—(1) All moneys payable under this Act or any regulations made under this Act to the Minister shall be collected and taken in such manner as the Minister for Finance shall from time to time Collection and disposal of moneys payable to the Minister.

direct and shall be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the said Minister.

(2) The Public Offices Fees Act, 1879, shall not apply in respect of any moneys payable under this Act or any regulations made under this Act to the Minister.

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Expenses of the Minister.

9.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

PART II.

INSTITUTIONS.

10

Provision and maintenance of health institutions.

10.—(1) A health authority may, with the consent of the Minister and in accordance with the directions (if any) given by him from time to time, provide and maintain any institution which they consider necessary and restore, enlarge or otherwise alter any institution maintained by them pursuant to this section.

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(2) The Minister, after having caused a local inquiry to be held into the desirability of so doing, may by order direct a health authority to:—

(a) provide and maintain at a specified place an institution of a specified character and size, or

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(b) restore, enlarge or otherwise alter in a specified manner any institution maintained by them pursuant to this section;

and such health authority shall comply with such order.

(3) A health authority shall, whenever the Minister by order so directs:—

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(a) provide in accordance with the order new, improved or additional drainage, ventilation, water supply, lighting, heating or any other service for any institution maintained by them pursuant to this section,

(b) provide and maintain in any institution so maintained all such fixtures, fittings, furniture, surgical and medical appliances, and other conveniences as may be directed by the order.

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(4) An institution which is at the commencement of this section maintained by a health authority under any enactment repealed by this Act shall be deemed to have been provided under this section by that authority.

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Discontinuance of health institution.

11.—(1) A health authority may, with the consent of the Minister, discontinue, as from a specified date, a health institution maintained by them or any department of such a health institution.

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(2) The Minister, after having caused a local inquiry to be held in relation to the desirability of so doing, may by order direct a health authority to discontinue, as from a specified date, a health institution maintained by them or any department of such an institution.

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(3) Where a health institution or a department of a health institution is discontinued under *subsection (1)* of this section, the Minister may by order make such provisions as appear to him to be necessary and proper in relation to matters incidental to or consequent on the discontinuance.

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(4) Where a health institution or a department of a health

institution is discontinued by an order under *subsection* (2) of this section :—

5 (a) the Minister may by order make such provisions as appear to him to be necessary and proper in relation to matters incidental to or consequent on the discontinuance,

10 (b) the Minister, if he so thinks proper, may by order direct the authority to provide and maintain at a specified place an institution of a specified character or size in substitution for the discontinued institution or department.

(5) A health authority shall comply with every order made in relation to them under this section.

12.—(1) A health authority, in lieu of or in addition to themselves providing an institution of a particular kind, may, with the consent of the Minister, make and carry out an agreement with the person having the management of an institution of the same kind for the use of that institution :—

Agreement
for use of
institution.

- 20 (a) by a particular inhabitant of the functional area of the health authority, or
- (b) by all inhabitants of that area, or
- (c) by such of those inhabitants as belong to a particular class.

(2) An agreement which was in force immediately before the commencement of this section and which could be made upon such commencement under this section shall be deemed, upon and after such commencement, to be an agreement made under this section and shall have effect accordingly.

13.—(1) A health authority and a public assistance authority may, with the consent of the Minister, make and carry out an agreement for—

Joint user of
certain institutions
by health
authority and
public assistance
authority.

- 30 (a) the use by such public assistance authority of any health institution or part of a health institution, or
- (b) the use by such health authority of any district institution or dispensary provided under the Act of 1939 or part of any such district institution or dispensary.

35 (2) Where in pursuance of an agreement made under *subsection* (1) of this section, a public assistance authority make use of a health institution or part of a health institution for the purposes of a dispensary, such dispensary shall be deemed to have been duly provided under section 42 of the Act of 1939.

40 (3) In this section—

the expression "the Act of 1939" means the Public Assistance Act, 1939 (No. 27 of 1939);

the expression "public assistance authority" means a public assistance authority under the Act of 1939.

45 14.—(1) The Minister may by order transfer a district institution maintained by a public assistance authority under section 31 of the Public Assistance Act, 1939 (No. 27 of 1939), to a health authority whose functional area includes the whole or a substantial part of the functional area of the public assistance authority.

Transfer of
district
institution.

50 (2) An order under this section shall contain such provisions as the Minister thinks necessary or expedient for enabling the district institution to which the order relates to be taken over and maintained by a health authority in accordance with the order.

(3) An order under this section transferring a district institution from a public assistance authority to a health authority shall, with-

out prejudice to the generality of *subsection (2)* of this section, contain such provisions for either or both of the following things as the Minister thinks necessary or expedient for the purposes mentioned in the said *subsection (2)*, that is to say:—

(a) adjustments of property rights and liabilities, 5

(b) transfers of the holders of offices under the public assistance authority whose duties relate to the carrying on of the institution to similar offices under the health authority.

(4) Where, by an order under this section, the holder of an office under a public assistance authority is transferred to a similar office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished. 10

(5) When a district institution is transferred to a health authority by order under this section, such order shall have effect in accordance with its terms and the institution shall be deemed to have been provided under *section 10* of this Act by the health authority. 15

Transfer of institution maintained by sanitary authority.

15.—(1) Where, on the appointed day, an institution is maintained by an urban sanitary authority (not being a corporation of a county borough) for the purpose of powers and duties imposed on them by or under an enactment which is repealed by this Act, the Minister may by order transfer such institution to a health authority whose functional area includes the functional area of the sanitary authority. 20

(2) An order under this section shall contain such provisions as the Minister thinks necessary or expedient for enabling the institution to which the order relates to be taken over and maintained by a health authority in accordance with the order. 25

(3) An order under this section transferring an institution from a sanitary authority to a health authority shall, without prejudice to the generality of *subsection (2)* of this section, contain such provisions for either or both of the following things as the Minister thinks necessary or expedient for the purposes mentioned in the said *subsection (2)*, that is to say:— 30

(a) adjustments of property rights and liabilities; 35

(b) transfers of the holders of offices under the sanitary authority whose duties relate to the carrying on of the institution to similar offices under the health authority.

(4) Where, by an order under this section, the holder of an office under a sanitary authority is transferred to an office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished. 40

(5) Where an institution is transferred to a health authority by order under this section, such order shall have effect in accordance with its terms and the institution shall be deemed to have been provided under *section 10* of this Act by the health authority. 45

(6) In this section, the expression “the appointed day” means the day fixed by an order under *section 3* of this Act for the coming into operation of the provisions of this Act which repeal the enactment by or under which the power and duty of maintaining the institution is conferred or imposed on the sanitary authority. 50

Transfer of the Hospital of Saint Margaret of Cortona to the Dublin Corporation.

16.—(1) The Minister with the consent of the Minister for Finance may by order transfer the control and management of the Hospital to the Corporation. 55

(2) An Order under this section shall contain such provisions as the Minister thinks necessary or expedient for enabling the Hospital to be taken over and maintained by the Corporation and may in particular make provision for any of the following things:—

- 5 (a) the dissolution of the Board of Governors of the Hospital,
 (b) the transfer of property whether real or personal (including choses-in-action),
 (c) the transfer of debts and liabilities,
 (d) the transfer of officers and servants.

10 (3) If the Hospital is transferred by order under this section, it shall be deemed to have been provided under *section 10* of this Act by the Corporation.

(4) In this section—

15 the expression “the Corporation” means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin;

the expression “the Hospital” means the Hospital of Saint Margaret of Cortona formerly known as the Westmoreland Lock Hospital.

17.—(1) Where a person receives institutional services from a health authority or pursuant to an agreement made by a health authority under *section 12* of this Act, the health authority may, at their discretion, but subject to the provisions of *section 24* of the National Health Insurance Act, 1929 (No. 42 of 1929) and to any relevant regulations under *section 28* or *section 31* of this Act, charge a reasonable sum for such services.

Charges for institutional services.

25 (2) Where a person is detained in an institution under *section 38* of this Act no charge shall be made under this section in respect of any institutional services which such person receives during such detention.

30 (3) In determining what sum is a reasonable sum to be charged under this section for services received by any person, regard shall be had to the financial circumstances of such person,

35 (4) A charge under *subsection (1)* of this section for institutional services received from a health authority by any person may be recovered as a simple contract debt in any court of competent jurisdiction from:—

- (a) such person or, in case such person has died, his legal personal representative, or
 (b) any other person liable to maintain such person for the purposes of the Public Assistance Act, 1939 (No. 27 of 1939), by virtue of *section 27* of that Act or, in case such other person has died, his legal personal representative.

18.—(1) A health authority may, with the approval of the Minister, make rules for the conduct and management of a health institution maintained by them, for the regulation of patients in the institution or attending there and for the admission (including admission on special terms as to payment and accommodation) of patients to the institution.

Management of health institutions.

50 (2) Every rule which was made under *subsection (4)* of *section 5* (repealed by this Act) of the Tuberculosis Prevention (Ireland) Act, 1908, which was in force immediately before the commencement of this section shall, upon and after such commencement, continue in force and be deemed to be made under this section and to be capable of being amended or revoked accordingly.

Amendment of subsection (2) of section 6 of Tuberculosis (Establishment of Sanatoria) Act, 1945.

Power to provide land for an institution.

19.—The references in subsection (2) of section 6 of the Tuberculosis (Establishment of Sanatoria), Act, 1945 (No. 4 of 1945), to the Tuberculosis Prevention (Ireland) Acts, 1908 and 1913, shall be construed as references to this Part of this Act.

20.—(1) Whenever a health authority is satisfied that useful service is being or will be rendered to persons requiring institutional services by the provision of such services in an institution in the functional area of such health authority, such health authority may, on the request of the governing body of such institution and with the consent of the Minister, provide for such institution any land which is shown by such governing body, to the satisfaction of the said health authority, to be required for the efficient performance of the functions of such institution or for the purpose of enlarging or extending it.

(2) Where a health authority determines to provide under this section any land for an institution, such health authority may acquire such land either by agreement with the consent of the Minister or compulsorily under *Part VIII* of this Act and (in either case) may convey such land to or for the benefit of such institution.

(3) Where a health authority is requested by the governing body of an institution to provide under this section any land for such institution, such health authority shall, as a condition precedent to their so providing such land, require such governing body to undertake to defray the whole of the cost of so providing such land.

PART III.

MOTHER AND CHILD SERVICE.

Safeguarding of health of women as respects motherhood.

21.—A health authority shall, in accordance with regulations made under *section 28* of this Act, make arrangements for safeguarding the health of women in respect of motherhood and for their education in that respect.

Attendance to health of children not pupils of schools.

22.—A health authority shall, in accordance with regulations made under *section 28* of this Act, do, in respect of children in their functional area who are not pupils of any school, the following things—

- (a) safeguard and improve their health and physical condition;
- (b) arrange for their medical inspection at schools or other places;
- (c) provide for their education in matters relating to health;
- (d) provide for treatment of their illnesses and defects;
- (e) ascertain cases of mental deficiency.

Attendance to health of pupils of schools.

23.—(1) A health authority shall, in accordance with regulations made under *section 28* of this Act, do, in respect of the pupils of every school in their functional area to which this section applies, the following things—

- (a) safeguard and improve their health and physical condition;
- (b) arrange for their medical inspection at the school or any other place;
- (c) provide for their education in matters relating to health;
- (d) provide for treatment of their illnesses and defects;
- (e) ascertain cases of mental deficiency.

(2) This section shall apply to every national school and also to every school to which an order under *subsection (3)* of this section relates.

(3) Whenever the Minister is not satisfied that the provision made in any school, other than a national school, for the matters mentioned in *subsection (1)* of this section is adequate he may by order apply this section to such school.

(4) An order under *subsection (3)* of this section may exempt the school to which it relates from the liability to repay expenses incurred by a health authority.

10 (5) (a) This subsection applies to—

(i) a school which is the subject of an order under *subsection (3)* of this section, and

(ii) a national school which is a certified school.

15 (b) Subject to *subsection (6)* of this section, any expenses incurred by a health authority in providing, under *subsection (1)* of this section, treatment, medicines, preparations or appliances for a pupil of a school to which this subsection applies shall be repaid to the health authority by, in case the school (whether a national school or not) 20 is a certified school, the managers thereof or, in any other case, the school manager, and shall be recoverable by the health authority from the said managers or school manager (as the case may be) as a simple contract debt in any court of competent jurisdiction.

25 (6) *Subsection (5)* of this section shall not apply in relation to—

(a) the pupils of a school the subject of an order under *subsection (3)* of this section, which exempts, in pursuance of *subsection (4)* of this section, the school from the liability to repay expenses incurred by a health authority, or 30

(b) any pupil of a certified school not sent thereto pursuant to an order made by a court under the Children Acts, or

(c) any pupil of a school for whose maintenance the health authority is liable.

35 (7) Any sum payable by virtue of *subsection (5)* of this section in respect of pupils of a certified school shall be repaid to the managers thereof by the local authority liable under the Children Acts for the maintenance of those pupils and shall be recoverable by the said managers from that local authority as a simple contract 40 debt in any court of competent jurisdiction.

(8) In this section—

the expression “the Children Acts” means the Children Acts, 1908 to 1941;

45 the expressions “certified school” and “the managers” have the same respective meanings as they have in the Children Acts.

24.—Before holding under *section 22* or *section 23* of this Act a medical inspection of the children of a particular class in an area or of the pupils of a school, a health authority shall give in the prescribed manner the prescribed notice of the time and 50 place of such inspection.

Notice of medical inspection of children.

25.—(1) This section shall apply and have effect only in any county or county borough as respects which an order made under *subsection (2)* of this section is for the time being in force.

Obligation to submit children to medical inspection.

55 (2) The Minister may by order declare this section to be in force and have effect in counties or county boroughs generally or in a particular county or county borough.

(3) Where the Minister makes an order under *subsection* (2) of this section, he shall cause to be published in one or more newspapers circulating in the county or county borough to which the order relates notice of the effect of such order and of the date on which it will come into operation.

5

(4) Whenever a medical inspection is arranged under this Act for a child, whether at his home or at any other place, and the parent of such child is made aware of the time and place at which such inspection is to be held, the parent shall submit the child to such inspection unless an exemption from the inspection has been granted under *subsection* (5) of this section and shall be entitled, on request, to be present at such inspection.

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(5) The medical officer having charge of the arrangements for a medical inspection provided under this Act shall grant an exemption in the prescribed form from the inspection in respect of any child in relation to whom there is produced to such officer a certificate in the prescribed form signed by a registered medical practitioner stating that he has examined the child within the prescribed period preceeding the inspection.

15

(6) A person who contravenes *subsection* (4) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds, or, in the case of a second or any subsequent offence, to a fine not exceeding ten pounds.

20

(7) Every person who in connection with an application for an exemption under *subsection* (5) of this section makes any statement which is to his knowledge false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

25

(8) An offence under this section may be prosecuted by the health authority who provided the medical inspection.

30

Affording of facilities for medical inspection of children at schools.

26.—(1) A health authority intending to arrange for a medical inspection or periodical medical inspections of children at a school, under this Act, may give to the school manager of the school notice in writing of such intention stating the day or days (not being earlier than seven days after the giving of the notice) on which and the time at which the inspection or inspections will be held and requiring the school manager to afford all reasonable facilities for the inspection or inspections.

35

(2) A notice under *subsection* (1) of this section may be addressed to "the school manager" and may be given by delivering it to the school manager of the school to which it relates or by sending it by post to the address at which he ordinarily resides.

40

(3) A copy of every notice under *subsection* (1) of this section in respect of a medical inspection to be held in a national school shall be either delivered to the principal teacher of such school or sent by post to such teacher at the school.

45

(4) The school manager of a school to which a notice given under *subsection* (1) of this section relates shall cause all reasonable facilities (including facilities for obtaining the names and addresses of pupils attending the school) to be given for the holding of a medical inspection or medical inspections in accordance with the notice and on the day or days and at the time mentioned therein and, if he fails to do so, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

50

55

(5) Without prejudice to the foregoing subsections of this section, a health authority shall consult the school manager of a school

before determining the day or days on which and the time at which a medical inspection or medical inspections of children in the school will be held and shall, so far as may be practicable, comply with the wishes of the school manager.

- 5 (6) An offence under this section may be prosecuted by the health authority who gave the relevant notice under this section.

- 27.—An amount not exceeding one-half of the expenses certified by the Minister to have been properly incurred in accordance with regulations made under *section 28* of this Act, by a health authority
10 in the execution of this Part of this Act shall be paid to the health authority out of moneys provided by the Oireachtas.
- Grant for mother and child service.

- 28.—The Minister may make regulations applicable to every health authority, every health authority of a particular class or a particular health authority as to the manner in which and the
15 extent to which they are to exercise their powers under this Part of this Act.
- Regulations as to exercise by health authorities of their powers under Part III.

PART IV.

INFECTIOUS DISEASE AND INFESTATION.

CHAPTER I.

20 *Infectious Disease.*

- 29.—(1) The Minister may by regulation specify the diseases
which are infectious diseases.
- Infectious diseases.

- (2) Regulations under *subsection (1)* of this section may exclude an infectious disease from the application of any particular section
25 of this Part of this Act.

(3) The Minister may define a disease in regulations under this section in any manner which he considers suitable including, in particular, by reference to any stage of the disease or by reference to any class of sufferers from the disease.

- 30 30.—(1) A person who knows that he is a probable source of infection with an infectious disease shall, in addition to taking the precautions specifically provided for by or under this Part of this Act, take every other reasonable precaution to prevent his infecting others with such disease by his presence or conduct or by means of
35 any article with which he has been in contact.
- General duty to take precautions against infecting others with infectious disease.

- (2) A person having the care of another person and knowing that such other person is a probable source of infection with an infectious disease shall, in addition to the precautions specifically provided for by or under this Part of this Act, take every other reasonable
40 precaution to prevent such other person from infecting others with such disease by his presence or conduct or by means of any article with which he has been in contact.

- (3) A person who contravenes *subsection (1)* or *(2)* of this section shall be guilty of an offence under this section and shall be liable
45 on summary conviction thereof to a fine not exceeding fifty pounds.

- 31.—(1) The Minister may make regulations providing for the prevention of the spread (including the spread outside the State) of an infectious disease or of infectious diseases generally and for the treatment of persons suffering therefrom and the regulations
- Regulations for preventing the spread of infectious disease.

may, in particular, provide for any of the matters mentioned in the *Second Schedule* to this Act.

(2) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also—

5

(a) with the consent of the Minister for Local Government provide for their enforcement and execution by officers of sanitary authorities,

(b) with the consent of the Minister for Finance, provide for their enforcement and execution by officers of Customs and Excise,

10

(c) with the consent of the Minister for Justice, provide for their enforcement and execution by specified officers of that Minister, and

(d) with the consent of the Minister for Industry and Commerce, provide for their enforcement and execution in any Customs-free airport by specified officers of that Minister.

15

(3) Regulations under this section may impose duties on officers concerned in the registration of births and deaths.

20

(4) Regulations under this section may provide for and authorise the making of charges for the purposes of the regulations or for services performed thereunder and may provide for the recovery of such charges.

(5) Regulations under this section may provide for the particulars to be contained in notices to be given under the regulations and for the manner in which such notices may be given.

25

(6) The Minister shall not make under this section regulations relating to large public service vehicles (as defined in section 3 of the Road Traffic Act, 1933 (No. 11 of 1933)), vehicles for the conveyance of passengers by rail, vessels or aircraft save after consultation with the Minister for Industry and Commerce.

30

(7) Where regulations under this section require adult persons to submit themselves or the parents of children to submit such children to specified measures in relation to the protection or immunisation of such adult persons or children against a particular infectious disease, such regulations shall contain provision—

35

(a) for the giving of notice of the time and place at which a person will be required to submit himself or the parent of a child will be required to submit such child to any such specified measures, and

40

(b) for the giving of information to such person or such parent of the right to exemption under *section 32* of this Act.

(8) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section or who gives false or misleading information in purported compliance with a request for information made under a regulation made under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine or fines and such imprisonment.

45

50

(9) Where a provision of this Part of this Act or any other enactment requires special precautions to be taken to prevent the spread of infectious diseases or of any particular infectious disease, such provision shall not be construed as restricting the power of making regulations conferred by this section.

55

32.—(1) (a) Where—

Exemption
from
requirement
to submit to
measures in
relation to
protection
or immunisation
against infectious
disease.

5 (i) an adult person is required pursuant to regulations made under *section 31* of this Act to submit himself to any specified measure in relation to his protection or immunisation against a particular infectious disease, and

10 (ii) such adult person sends, within the prescribed time and in the prescribed manner, to the health authority concerned, a statement that he objects to submitting himself to such specified measure,

15 then, unless an order (which relates to such infectious disease and is applicable to such adult person) under *paragraph (b)* of this subsection is in force, the health authority shall exempt such adult person from such requirement.

(b) The Minister may by order declare that—

20 (i) it is necessary, for the purpose of preventing the spread of a particular infectious disease, that all adult persons should submit themselves to a specified measure in relation to their protection or immunisation against such infectious disease, or

25 (ii) it is necessary, for the said purpose, that adult persons of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) should submit themselves to such specified measure.

(2) (a) Where—

30 (i) the parent of a child is required pursuant to regulations made under *section 31* of this Act to submit the child to any specified measure in relation to his protection or immunisation against a particular infectious disease, and

35 (ii) such parent sends, within the prescribed time and in the prescribed manner, to the health authority concerned a statement that he objects to submitting the child to such specified measure,

40 then, unless an order (which relates to such infectious disease and is applicable to the child) under *paragraph (b)* of this subsection is in force, the health authority shall exempt such parent from such requirement.

(b) The Minister may by order declare that—

45 (i) it is necessary, for the purpose of preventing the spread of a particular infectious disease, that all children should be submitted to a specified measure in relation to their protection or immunisation against that infectious disease, or

50 (ii) it is necessary, for the said purpose, that children of a particular class (defined in such manner and by reference to such things as the Minister thinks proper) should be submitted to such specified measure.

33.—Where—

55 (a) a person sells or lets a dwelling in which to his knowledge a person has been residing at any time during the preceding three months while suffering from an infectious disease, and

Selling or
letting
dwelling
after
infection.

60 (b) he did not before selling or letting the dwelling give in the prescribed manner an infected premises notice to the district medical officer for the district in which the dwelling is situated,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a

term not exceeding three months or to both such fine and such imprisonment.

Cesser of
occupation
of dwelling
after infection.

34.—Where—

- (a) the occupier of a dwelling (not being the owner thereof) ceases to occupy the dwelling, and 5
- (b) a person has, to the knowledge of the occupier, been residing in the dwelling at any time during the preceding three months while suffering from an infectious disease, and
- (c) the occupier did not either before or immediately after 10 ceasing to occupy the dwelling give in the prescribed manner an infected premises notice to the owner of the dwelling,

the occupier shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding 15 fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

Question as
to infection
in dwelling.

35.—Where—

- (a) a person either— 20
 - (i) is concerned in selling or letting a dwelling or showing a dwelling with a view to its being sold or let, or
 - (ii) has ceased during the preceding three months to occupy a dwelling, and
- (b) he is questioned by another person interested in such sale 25 or letting as to whether at any time during the preceding three months a person has resided in the dwelling while suffering from an infectious disease, and
- (c) he makes to the question an answer which is to his knowledge false or misleading in any material particular, 30

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 35

Giving of
lodging after
infection.

36.—(1) Where—

- (a) a person provides lodging in any premises for persons other than members of his own household, and
- (b) he lodges a person in a room or other place in such premises which, to his knowledge, has been occupied at any time 40 during the preceding three months by another person while suffering from an infectious disease, and
- (c) he did not before so lodging such person give in the prescribed manner an infected premises notice to the district medical officer for the district in which the premises are 45 situated,

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment. 50

(2) In this section, the word "premises" includes a temporary dwelling.

Procedure on
giving of
infected
premises
notice to the
district medical
officer.

37.—(1) At any time not more than seven days after the receipt from any person (in this section referred to as the owner) by a district medical officer of an infected premises notice the medical 55 officer may require any disinfection or disinfestation of the premises to which such notice relates and shall before the expiration of the said seven days inform the owner either that no such requirement is made or the nature and extent of such requirement.

(2) Where a district medical officer requires under *subsection (1)* 60

of this section any disinfection or disinfestation of premises he shall, if required by the owner, arrange for the carrying out with all convenient speed of such disinfection or disinfestation by an officer of the appropriate health authority.

- 5 (3) Premises in respect of which an infected premises notice has been given to a district medical officer shall not be sold nor let nor used to give lodging to any person before either—

10 (a) seven days have expired after the receipt by the medical officer of the notice and the medical officer has not informed the owner that he requires any disinfection or disinfestation of the premises, or

(b) any disinfection or disinfestation required by the medical officer under *subsection (1)* of this section has been completed.

- 15 (4) A person who contravenes *subsection (3)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

- 20 38.—(1) Where a chief medical officer is of opinion, either consequent on his own inspection of a person in the area for which such medical officer acts or consequent upon information furnished to him by a registered medical practitioner who has inspected such person, that such person is a probable source of infection with an
25 infectious disease and that his isolation is necessary as a safeguard against the spread of infection, and that such person cannot be effectively isolated in his home, such medical officer may order in writing the detention and isolation of such person in a specified hospital or other place until such medical officer gives a certificate
30 (for which no charge shall be made) that such person is no longer a probable source of infection.

Detention and isolation of person who is probable source of infection.

(2) Where an order is made under this section in relation to a person (in this subsection referred to as the patient), the following provisions shall have effect:—

- 35 (a) the medical officer who made the order (in this subsection referred to as the committing officer) shall forthwith send a copy of the order to the Minister and to the health authority for which he acts,

40 (b) the committing officer, and also any other person, to whom the duty of acting under this section has been assigned by or with the consent of the Minister and who has been authorised in writing by the committing officer to act in the particular case, may detain the patient,

45 (c) the person detaining the patient shall, on or before doing so—

- (i) produce for inspection by the appropriate person his written authorisation from the committing officer if he is not himself the committing officer, and
50 (ii) give to the appropriate person a copy of the order and a statement in writing of the right of appeal under *paragraph (h)* of this subsection,

55 (d) if the patient, when detained, is outside the area for which the committing officer acts, the committing officer may, with the consent of the chief medical officer of the area in which the patient is detained, amend the order to allow for the patient's isolation in a hospital or other place convenient to the place where he is detained and the order as so amended shall have effect accordingly,

60 (e) where the committing officer amends the order, he shall forthwith send a copy of the order as amended to the Minister and to the health authority for which he acts and to the health authority of the area in which the patient is detained and to the appropriate person,

(f) after the patient is detained, he shall be taken to the

- hospital or other place specified in the order and shall, subject to the provisions of this subsection, be there detained and isolated until the committing officer certifies that he is no longer a probable source of infection,
- (g) the person in charge of such hospital or other place shall 5
afford to the committing officer all reasonable facilities for visiting such hospital or other place and examining the patient therein,
- (h) the patient (or the parent of the patient, where the patient is a child) may at any time appeal to the Minister in 10
writing to direct the release of the patient,
- (i) the person in charge of such hospital or other place shall afford all reasonable facilities for the purposes of any appeal under *paragraph (h)* of this subsection, including where appropriate facilities for the inspection of any 15
reports and records relating to the patient and available in such hospital or other place and the provision of copies of any such reports or records,
- (j) on receipt of an appeal under *paragraph (h)* of this subsection, the Minister shall give notice in writing of the 20
date on which such appeal was received by him to the person making the appeal and to the person in charge of such hospital or other place,
- (k) if no determination of an appeal under *paragraph (h)* of this subsection is made by the Minister and communi- 25
cated to the person in charge of such hospital or other place within twenty-one clear days from the receipt by the Minister of such appeal, such person shall release the patient and notify the committing officer of such release and if necessary arrange for conveyance of 30
the patient to his usual place of residence,
- (l) if at any time the Minister directs the release of the patient, he shall be released by the person in charge of such hospital or other place in accordance with the direction, and such person shall, if necessary, arrange 35
for his conveyance to his usual place of residence,
- (m) where an appeal is made under *paragraph (h)* of this subsection the Minister shall cause one of his medical officers to examine the patient and report the result of such examination, 40
- (i) as soon as practicable after the appeal is received by the Minister, and
- (ii) at intervals thereafter not exceeding six weeks during the detention,
- (n) the person in charge of such hospital or other place shall 45
provide all reasonable facilities for an examination under *paragraph (m)* of this subsection,
- (o) force may, if necessary, be used for the purpose of carrying out any provision of this subsection.
- (3) In this section the expression "the appropriate person" 50
means in relation to a patient—
- (a) where the patient appears to be under sixteen years of age and his parent can be ascertained and reached within a time which is reasonable having regard to all the circumstances of the case—his parent, 55
- (b) where the patient appears to be under sixteen years of age and his parent cannot be ascertained and reached within a time which is reasonable having regard to all the circumstances of the case—the person for the time being in charge of the patient, 60
- (c) where the patient, being an adult person, is for any reason unable to act for himself—the person for the time being in charge of the patient,

(d) in any other case—the patient himself.

(4) A person to whom an order under this section relates who—

(a) resists being detained under this section or resists being brought under this section to the hospital or other place specified in the order, or

(b) wilfully misbehaves while detained in such hospital or other place,

(c) escapes or attempts to escape from detention under this section, or

(d) does not submit himself in a peaceful and orderly manner to the exercise of any power conferred by this section,

shall be guilty of an offence under this section.

(5) A person who—

(a) prevents or attempts to prevent the detention under this section of any person or the bringing under this section of any person to a hospital or other place for detention and isolation, or

(b) assists in an escape or an attempted escape of any person from detention and isolation under this section, or

(c) obstructs or interferes with the exercise of any power conferred by this section,

shall be guilty of an offence under this section.

(6) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(7) The cost of the maintenance and treatment of a person to whom an order under this section relates in the hospital or other place mentioned in the order (including the cost of anything done under *paragraph (f), (k) or (l) of subsection (2) of this section*) shall be paid by the health authority for which the medical officer who made the order acts.

39.—Where a person suffering from an infectious disease dies in an institution and such person was admitted to or maintained in such institution by or on the application of or at the cost of a health authority, that authority may either—

Burial by health authority of body of person dying from infectious disease.

(a) arrange and pay for the removal of the body of such person to and the burial of such body in some burial ground near a place in the functional area of such health authority where such person was resident or lodging immediately before his admission to such institution; or

(b) contribute to the cost of the removal of such body to some other burial ground a sum not greater than the amount which such authority would be permitted to expend under *paragraph (a) of this section*.

40.—(1) A health authority may provide accommodation for persons who are compelled to leave their homes on account of any steps taken under this Act or the regulations made thereunder for the prevention of the spread of infectious disease.

Accommodation for persons compelled to leave their homes.

(2) A health authority may provide heating, lighting, furniture, equipment and any other necessities and amenities for any accommodation provided by them under this section and may supply food, with or without a charge therefor, to any person using such accommodation.

41.—(1) A health authority may make provision for the training and education of persons suffering or recovering from an infectious disease for employment suitable to their condition of health and for that purpose may provide and maintain such

Rehabilitation of persons suffering or recovering from infectious disease.

premises, workshops, farms, gardens, materials, equipment and similar facilities as are necessary.

(2) The Minister may by order direct a health authority as to the manner in which and the extent to which they are to exercise their powers under *subsection (1)* of this section and such health authority shall comply with such direction. 5

Nurses for infectious diseases.

42.—(1) A health authority may provide nurses for attendance on persons suffering from infectious disease.

(2) Where a person is attended by a nurse provided under this section, the health authority concerned may either:— 10

(a) at their discretion but subject to any relevant regulations under *section 31* of this Act, make a charge for the attendance, or

(b) make no charge therefor.

(3) A charge under *subsection (2)* of this section for the attendance of a nurse on any person may be recovered as a simple contract debt in any court of competent jurisdiction from— 15

(a) such person or, in case such person has died, his legal personal representative, or

(b) any other person liable to maintain such person for the purposes of the Public Assistance Act, 1939 (No. 27 of 1939), by virtue of *section 27* of that Act or, in case such other person has died, his legal personal representative. 20

Presumption in civil action as to cause of infection.

43.—Where—

(a) circumstances have arisen in which a provision of this Part of this Act or of any regulations made thereunder requires a person to take a precaution against the infection of other persons with a particular infectious disease, and 25

(b) such person has failed to take the precaution, and 30

(c) any other person has been without his knowledge exposed by such failure to the risk of infection with the disease, and after such exposure has been infected with the disease,

in any action against the first-mentioned person by such other person for damages suffered by reason of his having been infected with the disease, the Court shall presume that such infection was the direct result of the failure to take the precaution unless the Court is satisfied (and the onus of so satisfying the Court shall lie on the defendant) that by reason of the time of such infection or for any other reason it was unlikely that such failure caused such infection. 35 40

Maintenance of person suffering from infectious disease, etc.

44.—(1) This section applies to a person who:—

(a) is suffering from an infectious disease, and

(b) is undergoing treatment therefor to the satisfaction of the chief medical officer of the health authority in whose functional area such person ordinarily resides, and 45

(c) is thereby prevented from making reasonable and proper provision for his own maintenance or the maintenance of his dependants. 50

(2) This section also applies to a person:—

(a) who is a probable source of infection with an infectious disease but is not thereby rendered incapable of carrying on his ordinary occupation, and

5 (b) who, in pursuance of the written order of a chief medical officer, is compelled to take or, in pursuance of the written advice of a chief medical officer, takes a precaution, in relation to such infectious disease, required by any provision of this Part of this Act or any regulations, made thereunder, and

(c) who, as a result of taking such precaution, is unable to make reasonable and proper provisions for his own maintenance or the maintenance of his dependants.

10 (3) The health authority in whose functional area a person to whom this section applies ordinarily resides shall on application being made to them make provision in respect of the maintenance of that person and his dependants by doing either or both of the following things:—

15 (a) making a payment to or in respect of that person or his dependants,

20 (b) defraying the cost, either wholly or partly, of the employment of another person to act as a substitute for him during his absence or while he is undergoing such treatment as is mentioned in *subsection (1)* of this section or taking such precaution as is mentioned in *subsection (2)* of this section (as the case may be).

25 (4) If any question arises whether a particular person is a person to whom this section applies or as to the amount of the provision to be made or as to the health authority to make the provision under *subsection (3)* of this section, the question shall be referred to the Minister whose decision shall be final.

30 (5) The Minister may, if he thinks fit, make regulations prescribing the rates of payments or the maximum or minimum rates of payments to be made under this section either generally or in respect of any class of persons and a health authority to whom any such regulations relate shall comply therewith in making any payment under this section.

35 (6) Nothing in this section shall require a health authority to provide for the maintenance of any person, who with a view to obtaining provision under *subsection (3)* of this section has wilfully exposed himself to infection or for the maintenance of the dependants of such person.

40 (7) An amount not exceeding one-half of the expenses certified by the Minister to have been properly incurred by a health authority under this section shall be paid to the health authority out of moneys provided by the Oireachtas.

45 (8) Every person who in connection with an application for provision for maintenance under this section makes any statement which is to his knowledge false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine and such imprisonment.

50 45.—(1) The Minister may by order prohibit either absolutely or subject to specified conditions the admission of persons suffering from a specified infectious disease to, and the treatment of such persons in, any institution in the area to which the order relates other than one or more than one specified institution which the Minister considers specially fitted for the giving of such treatment.

Treatment of infectious diseases in particular institutions.

(2) An order under this section may relate to an area consisting of either the whole or part of the State.

(3) Where a person is admitted to or treated in an institution

in contravention of an order under this section, the person carrying on the institution shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for every day on which the offence is continued. 5

(4) In this section, the word "institution" includes a department of an institution.

CHAPTER II.

Verminous persons and articles.

10

Precautions to
be taken by
verminous
persons.

46.—(1) A person who knows that he is verminous shall, in addition to the precautions specifically provided for by or under this Act, take every reasonable precaution to prevent his infesting others with vermin.

(2) A person who has the care of another person and knows or has reasonable cause to believe that such other person is verminous shall, in addition to any precautions specifically provided for by or under this Act, take every other reasonable precaution to prevent such other person from infesting others with vermin. 15

(3) A person shall be deemed conclusively to have reason to believe that he or any other person is verminous if he is notified accordingly by a medical officer of health or a health inspector. 20

(4) A person who contravenes *subsection (1) or (2)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 25

Precautions to
be taken in
relation to
verminous articles.

47.—(1) A person shall, in addition to taking any precautions specifically provided for by or under this Act, take every other reasonable precaution to prevent the use or exposure of any article under his control or under the control of a person in his care which he has reasonable cause to believe to be verminous so as to expose other persons, or articles the property of other persons, to the risk of infestation with vermin. 30

(2) A person shall, in addition to taking any precautions prescribed in regulations made under *section 49* of this Act, take every other reasonable precaution to prevent anybody in his employment from using or exposing any article which such person has reasonable cause to believe to be verminous so as to expose other persons, or articles the property of other persons, to the risk of infestation with vermin. 35

(3) A person shall be deemed conclusively to have reason to believe that an article is verminous if he is notified accordingly by a medical officer of health or a health inspector. 40

(4) A person who contravenes *subsection (1) or (2)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 45

Prohibition of
verminous child
attending school.

48.—(1) Where a district medical officer becomes aware that a child residing in his district is verminous, he may serve in the prescribed manner, notice on the parent of the child prohibiting the attendance of the child at any school until such district medical 50

officer gives a certificate (for which no charge shall be made) that the child is fit to attend school.

- (2) Where a notice under *subsection (1)* of this section is served on a parent of a child and such parent sends the child to any school or permits the child to attend any school during the period between the service of the notice and the giving of the certificate referred to in the said subsection such parent shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

- 10 49.—(1) The Minister may make regulations prescribing precautions to be taken by the proprietors of and the persons working in any class of establishment from which, in the opinion of the Minister, there is an especial danger of the spread of infestation of persons and articles.

Regulations for preventing the spread of infestation.

- 15 (2) Regulations made under this section shall not include provision for the compulsory cleansing or disinfection of persons.

- (3) Regulations under this section may provide for their enforcement and execution by officers of the Minister and by health authorities and their officers and may also, with the consent of the Minister for Local Government, provide for their enforcement and execution by officers of sanitary authorities.

- (4) A person who contravenes a regulation under this section or who wilfully obstructs the execution of a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and, in the case of a continuing offence, to a further fine not exceeding one pound for each day on which the offence is continued.

50.—(1) A health authority shall make arrangements for the disinfection of—

Arrangements by health authorities for disinfection of verminous persons, buildings, etc.

- 30 (a) a verminous adult person on his application;
(b) a verminous child on the application of or with the consent of his parent;
(c) a verminous building or structure in their functional area on the application of the occupier of such building or structure, or
35 (d) a verminous vehicle, vessel, aircraft or article in their functional area on the application of the owner of such vehicle, vessel, aircraft or article or on the application of his agent.

- 40 (2) The disinfection of females under this section shall be carried out only by a registered medical practitioner, or by a woman duly authorised by the chief medical officer of the health authority.

- (3) Notwithstanding the provisions of *section 51* of this Act no charge shall be made for the disinfection of a person or of his clothing under this section.

CHAPTER III.

Ancillary Provisions.

- 51.—(1) For the purpose of the execution of their powers and duties under this Part of this Act a health authority may provide and maintain premises, apparatus, materials or any other facilities

Facilities for exercise of powers and duties of health authorities under Part IV.

or may make arrangements with any person for the provision of such facilities.

(2) The Minister may by order direct a health authority as to the manner in which and the extent to which they are to exercise their powers under *subsection (1)* of this section and such health authority shall comply with such direction. 5

(3) Where a person uses a facility provided under this section, the authority concerned may either—

- (a) at their discretion, but subject to the provisions of *section 50* of this Act and to any relevant regulation under *section 31* of this Act, make a charge for the use of the facility, or 10
- (b) make no charge therefor.

Prosecution of offences under Part IV.

52.—(1) An offence under this Part of this Act may be prosecuted by a health authority in whose functional area the offence is committed. 15

(2) Any proceedings for an offence under this Part of this Act may, notwithstanding any enactment limiting the time within which such proceedings may be brought, be brought either within the time as so limited or within three months from the date on which evidence sufficient in the opinion of the Minister to justify a prosecution for the offence comes to the knowledge of the health authority by which the offence may be prosecuted. 20

(3) For the purposes of *subsection (2)* of this section the Minister may certify the date at which the evidence mentioned in the said subsection came to the knowledge of a health authority, and such certificate shall be conclusive evidence of the said date. 25

PART V.

FOOD AND DRINK.

Definition for Part V

53.—In this Part of this Act, the word “ food ” includes every article used for food or drink by man, other than drugs or water, and 30

- (a) any article which ordinarily enters into or is used in the composition or preparation of human food,
- (b) flavouring matters, preservatives and condiments, 35
- (c) colouring matters intended for use in food, and
- (d) compounds or mixtures of two or more foods.

Regulations for prevention of danger from food and drink.

54.—(1) The Minister may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture, make regulations providing for— 40

- (a) the prevention of danger to the public health arising from the manufacture, preparation, importation, storage, distribution or exposure for sale of food intended for sale for human consumption,
- (b) the prevention of contamination of food intended for sale for human consumption, 45
- (c) the prohibition and prevention of the sale or offering or keeping for sale of
 - (i) articles of food intended for human consumption,

- (ii) living animals intended for such food,
(iii) materials or articles used or intended for use in the preparation or manufacture of such food,
which are diseased, contaminated or otherwise unfit for human consumption.

5

(2) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued, or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such fine or fines and such imprisonment.

55.—Regulations under this Part of this Act may provide for the licensing or registration of persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food for human consumption or of premises in which food is manufactured, prepared, stored, distributed or exposed for sale for human consumption and for the description of premises so licensed or registered and the prohibition of the manufacture, preparation, importation, storage, exposure for sale or sale of food otherwise than by licensed or registered persons or on licensed or registered premises (as the case may be).

Licensing and
registration
of persons
and premises.

56.—(1) Where the Minister is of opinion that the composition of any food (whether consumed by itself or as an ingredient of other food) is of special importance to the public health, he may, after consultation with the Minister for Industry and Commerce and the Minister for Agriculture and after giving the notice mentioned in subsection (2) of this section, make regulations prescribing a standard for the composition of such food.

Standards for
food and drink.

(2) Not less than one month before the Minister makes regulations under this section he shall cause notice to be published in a daily newspaper or in two or more daily newspapers of his intention to make regulations specifying the food for the composition of which a standard will thereby be prescribed.

(3) Regulations under this section may contain—

- (a) provisions in relation to the nature, quality or amount of any substance to be contained in the food to which the regulations relate,
(b) provisions specifying any substance which is not to be contained in such food,
(c) provisions limiting the amount of any substance to be contained in such food,
(d) provisions in relation to the methods used or the time taken in the manufacture, preparation or distribution of such food,
(e) provisions in relation to the labelling or description of such food.

(4) Where—

(a) a person sells for human consumption, or prepares, manufactures, offers or keeps for sale for human consumption, any food for the composition of which a standard is prescribed by regulations under this section, and

(b) the food does not conform to such standard,

such person shall be guilty of an offence under this section.

(5) Where—

- (a) a person sells for human consumption, or prepares, manufactures, offers or keeps for sale for human consumption, any food containing an ingredient for the composition of which a standard is prescribed by regulations under this section, and 5
- (b) the ingredient does not conform to such standard, such person shall be guilty of an offence under this section.

(6) Where—

- (a) a person sells for human consumption, or offers or keeps for sale for human consumption, any food for the composition of which a standard is prescribed by regulations under this section and such regulations contain provisions in relation to the labelling or description of such food, and 15
- (b) such food, or the packet or container in which such food is sold or offered or kept for sale is not labelled or described in accordance with the regulations, such person shall be guilty of an offence under this section.

(7) Whenever—

- (a) food, for the composition of which a standard has been prescribed by regulations under this section, has been advertised under a particular brand or trade description, and 20
- (b) the Minister has caused samples of the food sold under that brand or trade description to be tested, and 25
- (c) on such test any such sample has been found not to conform to the said standard,

the Minister may by order prohibit the import or sale of all food of that brand or trade description. 30

(8) A person who imports or sells for human consumption food of a brand or trade description to which a prohibition under *subsection* (7) of this section relates shall be guilty of an offence under this section.

(9) A person who is guilty of an offence under this section shall, on summary conviction thereof, be liable to a fine— 35

- (a) in the case of a first offence, not exceeding twenty pounds, and
- (b) in the case of a second or subsequent offence, not exceeding one hundred pounds, 40

or, at the discretion of the Court and provided that the Court is satisfied that the offence was committed by the personal act or culpable negligence of such person, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment. 45

(10) Notwithstanding anything contained in this section, regulations thereunder shall not, save with the consent of the Minister for Agriculture, be so framed as to apply in relation to any food in respect of which that Minister is empowered by any statutory or other enactment to prescribe standards for the composition thereof. 50

Examination of samples of food and drink.

57.—(1) In this section, the word “proprietor” means, in relation to any food, a person by whom such food is manufactured, prepared or imported.

(2) The Minister may, after consultation with the Minister for 55

Industry and Commerce and the Minister for Agriculture, make, in relation to any food, regulations containing all or any of the following provisions :

- 5 (a) provisions requiring the submission to the Minister by every proprietor of the food of samples of the food for examination of their nature, substance, quality or condition,
- 10 (b) provisions authorising the issue by the Minister, to any proprietor by whom any such samples are so submitted for examination, of a certificate stating the result of the examination,
- 15 (c) provisions requiring the printing on the outside of every packet or container in which the food is to be sold for human consumption or on a label affixed in the prescribed manner to such packet or container of the name of the proprietor and a copy of the relevant certificate issued to him under a regulation made pursuant to *paragraph (b)* of this subsection,
- 20 (d) provisions prohibiting the sale for human consumption, or the offering or keeping for sale for human consumption, of the food in a packet or container which has not printed on the outside thereof or on a label affixed thereto as the regulations may provide the name of the proprietor and a copy of the relevant certificate issued to him under a
- 25 regulation made pursuant to *paragraph (b)* of this subsection,
- 30 (e) provisions prohibiting the sale for human consumption, or the offering or keeping for sale for human consumption, of any article of the food which is of a nature, substance or quality, or in a condition, inferior to the nature, substance, quality or condition (as the case may be) of the samples of the food submitted for examination by the proprietor of such article as stated in the relevant certificate issued to him under a regulation made pur-
- 35 suant to *paragraph (b)* of this subsection.

(3) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine

40 not exceeding ten pounds for each day on which the offence is continued or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine or fines and such imprisonment.

(4) Notwithstanding anything contained in this section, regulations

45 thereunder shall not, save with the consent of the Minister for Agriculture, be so framed as to apply in relation to any food in respect of which that Minister is empowered by any statutory or other enactment to prescribe standards for the composition thereof.

58.—(1) Regulations under this Part of this Act may—

- 50 (a) provide for the giving and the taking (without payment) of samples of food or materials or articles used or intended for use in the preparation or manufacture of food or of articles which are bye-products of the manufacture of food,
- 55 (b) provide for the carrying out of tests, examinations and analyses of such samples,
- (c) prescribe the classes of persons to be responsible for the carrying out of such tests, examinations and analyses of such samples,
- 60 (d) prescribe the means by and the manner in which the test, examination or analysis is to be made,

Giving and
taking of
samples, etc.

- (e) prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given,
- (f) provide that any certificate or other evidence prescribed under *paragraph (e)* of this subsection and given in respect of the test, examination or analysis of a sample shall as respects that sample be evidence for all purposes of the result of such test.

(2) Whenever regulations made under *subsection (1)* of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

Enforcement of regulations under Part V, etc.

59.—Regulations under this Part of this Act may provide for all or any of the following matters—

- (a) the enforcement and execution of the regulations by
 - (i) officers of the Minister,
 - (ii) health authorities,
 - (iii) officers of local authorities with the consent, where the Minister is not the appropriate Minister for the purposes of Part II of the Local Government Act, 1941 (No. 23 of 1941), in relation to a particular office, of the appropriate Minister for the said purposes in relation to a particular office,
 - (iv) officers of Customs and Excise with the consent of the Minister for Finance,
 - (v) officers of the Minister for Agriculture with the consent of that Minister,
- (b) the empowering of specified persons or persons of a specified class (being authorised officers for the purposes of *Part IX* of this Act or members of the Garda Síochána exercising the powers conferred by *Part IX* of this Act) to seize and remove and to detain, to destroy or to have otherwise suitably disposed of—
 - (i) articles of food intended for human consumption,
 - (ii) living animals intended for such food, or
 - (iii) materials or articles used or intended for use in the preparation or manufacture of such food, which are diseased, contaminated or otherwise unfit for human consumption or which do not comply with the regulations.
- (c) the keeping of records by persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food and the production of such records for inspection by officers concerned in the enforcement or execution of the regulations.

Charges under regulations under Part V.

60.—Regulations under this Part of this Act may authorise the imposition of charges for the purposes of the regulations, or for examinations, certifications or other services performed thereunder.

Obstruction of execution of regulations under Part V.

61.—A person who wilfully obstructs the execution of a regulation under this Part of this Act shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds and, in the case of a continuing offence, to a further fine not exceeding ten pounds for each day on which the offence is continued or, at the

discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine or fines and such imprisonment.

62.—(1) It shall not be lawful for any person, who carries on the business of dealing in rags, bones, waste paper, secondhand clothes or other similar articles, to sell, barter or offer or keep for sale or barter any food in or from any premises, place or vehicle used by him in connection with his said business.

Restrictions on sale, etc., of food by dealers in rags, etc.

(2) A person who contravenes subsection (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first offence, to a fine not exceeding five pounds or, in the case of a second or subsequent offence, to a fine not exceeding twenty pounds.

63.—The following provisions shall have effect in relation to a prosecution for an offence under this Part of this Act:—

Prosecutions for offences under Part V.

- (1) (a) any food shall be deemed, unless the contrary is proved, to have been sold or bartered or to be intended for sale or barter (as may be appropriate) for human consumption,
- (b) any material or article which is found on premises used for or in the preparation or manufacture of food to be sold for human consumption and which is capable of being intended for use in such preparation or manufacture shall be deemed, unless the contrary is proved, to be so intended,
- (c) where—
- (i) a person has caused an analysis of any food to be made under the Sale of Food and Drugs Act, 1875, and
- (ii) the analyst, having analysed such food, has given his certificate of the result of the analysis, and
- (iii) it appears from the certificate that a regulation under this Part of this Act has been contravened, such person may prosecute for the contravention and, the provisions of the Sale of Food and Drugs Acts, 1875 to 1936, relating to prosecutions shall apply as if such prosecution were a prosecution under the said Acts,
- (d) if the defendant in any prosecution for an offence relating to the nature, substance, quality or condition of any food proves—
- (i) that he purchased such food as of a nature, substance or quality or in a condition which would not have contravened such regulation and with a written warranty to that effect, and
- (ii) that he had no reason to believe at the time when he sold such food that it was of a different nature or quality or in a different condition, and
- (iii) that he sold such food in the same state as when he purchased it,
- such defendant shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he gave due notice to the prosecutor that he proposed to rely on the said defence.

(2) A statement by the manufacturer, importer, or seller of food as to its nature, substance, quality or condition in an invoice, or on

a label attached to the food, or on the packet or container in which the food is sold shall be deemed for the purposes of *subparagraph (i)* of *paragraph (d)* of *subsection (1)* of this section to be a warranty.

(3) Where it appears to the authority or officer enforcing any provision of this Part of this Act or the regulations made thereunder that an offence has been committed in respect of which proceedings might be taken against some person but that such person could establish a defence under *paragraph (d)* of *subsection (1)* of this section by proving that the offence complained of was due to an act or default of some other person, such authority or officer may take proceedings against that other person without taking proceedings against the first-mentioned person.

Food kept
in certain
establishments.

64.—(1) The Minister may by regulations specify the class or classes of establishments to which this section applies.

(2) For the purpose of this Part of this Act and of any regulations made thereunder—

(a) food kept for human consumption in an establishment of a class to which this section applies shall be deemed, unless the contrary is proved, to be kept therein for sale for human consumption,

(b) where any such food is consumed in any such establishment by any person, it shall be deemed unless the contrary is proved to have been sold for human consumption,

(c) any material or article which is found in any such establishment used for or in the preparation or manufacture of food for human consumption and which is capable of being intended for use in such preparation or manufacture shall be deemed, unless the contrary is proved, to be so intended.

(d) in any prosecution for an offence under this Part of this Act in relation to any such food, the food shall be deemed, unless the contrary is proved, to have been kept for human consumption in such establishment.

(3) In this section the word “ establishment ” means

(a) any school or college,

(b) any hospital, sanatorium, preventorium, nursing home, convalescent home or similar establishment,

(c) any hotel, restaurant, club, guest house, boarding house, holiday camp, hostel or similar establishment.

PART VI.

40

PROVISIONS IN RELATION TO MEDICAL AND TOILET PREPARATIONS AND CERTAIN OTHER ARTICLES.

Control
of advertisement
or sale of
medical and
toilet
preparations.

65.—(1) In this section—

the word “ substance ” includes a preparation;

the expression “ proprietary designation ” means a designation of a substance manufactured, selected or distributed by a particular person which is used in order to distinguish the substance from substances manufactured, selected or distributed by other persons;

the expression " medical preparation " means—

(a) a substance which is sold under a proprietary designation and which may be used for the prevention or treatment of any human ailment, infirmity, injury or defect, or

(b) any other prophylactic, diagnostic or therapeutic substance which may be used for the prevention or treatment of any human ailment, infirmity, injury or defect;

the expression " toilet preparation " means a substance which is sold under a proprietary designation to be applied for toilet or cosmetic purposes to the human body or any part thereof.

(2) The Minister may make regulations for the control of the advertisement or sale of medical preparations or toilet preparations generally or of any specified class of such preparations or of any particular medical preparation or toilet preparation.

(3) Regulations under this section may, in particular, make provision for all or any of the following matters :—

(a) the prohibition of the manufacture, preparation, importation, distribution, sale or offering or keeping for sale of the preparation or preparations to which the regulations relate either absolutely or subject to specified conditions (including the grant of a licence for the manufacture, preparation, importation, distribution or sale of such preparation or preparations);

(b) the prohibition of the advertisement of the preparation or preparations to which the regulations relate either absolutely or subject to specified conditions (including the grant of a licence for the advertisement of such preparation or preparations) and the prohibition of the sale or offering or keeping for sale of any such preparation which is advertised in contravention of such regulations;

(c) the requiring of the printing on the outside of packets or containers in which preparations are to be sold of the compositions of such preparations and the prohibition of the sale of any preparation in a packet or container which has not printed on the outside thereof the composition of the preparation;

(d) the determination of the classes of persons to whom licences under the regulations are to be granted;

(e) the prescribing of conditions governing the grant, retention or renewal of licences under the regulations;

(f) the requiring of applicants for or holders of licences under the regulations to furnish specified information in regard to the constitution, manufacture, importation, storage, distribution, sale or advertisement of the preparations to which their applications or licences relate;

(g) the refusal or revocation of licences under the regulations;

(h) the giving and the taking (without payment) of samples of medical preparations or toilet preparations;

(i) the imposition of charges (whether fixed, variable or partly fixed and partly variable) in respect of the grant, retention or renewal of licences under the regulations.

(4) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five hundred pounds.

(5) An offence under this section may be prosecuted by the Minister.

Restriction on
importation,
manufacture or
sale of certain
articles.

66.—(1) The Minister may by order provide that—

- (a) any instrument, appliance or apparatus of a class as respects which he is of opinion that the use by the general public of instruments, appliances or apparatuses of that class involves risk of serious injury to health or body, or 5
- (b) a substance as respects which he is of opinion that it is likely, when accessible to the general public, to be used for purposes involving risk of serious injury to health or body, 10

shall be a restricted article for the purposes of this section.

(2) In the subsequent subsections of this section, the expression "restricted article" means an article declared by an order under this section to be a restricted article for the purposes of this section. 15

(3) The Minister may grant to a registered medical practitioner a permit for the importation, manufacture, sale or other disposal of a restricted article and may attach to the permit such conditions (if any) as he thinks proper.

(4) Save so far as may be authorised by a permit under subsection (3) of this section, it shall not be lawful for a person to import, manufacture, sell or otherwise dispose of, or offer or keep for sale or other disposal, a restricted article. 20

(5) It shall not be lawful for a person to advertise a restricted article. 25

(6) A person who contravenes subsection (4) or (5) of this section or who, having been granted and having availed of a permit under subsection (3) of this section, does not comply with a condition attached to the permit, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment and, in every case, to forfeiture of the restricted article in relation to which the offence was committed. 30 35

(7) Any article forfeited under subsection (6) of this section shall be disposed of in such manner as the Minister may direct.

(8) Where, on an inspection under section 94 of this Act of any premises, any restricted article is found in relation to which the person making the inspection has reasonable grounds for believing that an offence under this section has been committed, such person may seize, remove and detain the article. 40

(9) An offence under this section may be prosecuted by the Minister.

Regulations
as to flock.

67.—(1) The Minister may make regulations— 45

- (a) prescribing standards of cleanliness for flock either generally or as respects a particular type of flock,
- (b) prohibiting the sale or keeping for sale, or use or keeping for use for the purpose of making bedding, cushions, articles of upholstery and similar articles of flock which does not conform with the prescribed standards. 50

(2) Regulations under this section—

- (a) may provide for the enforcement and execution of the regulations by officers of the Minister, by health authorities and their officers and, with the consent of the Minister for Local Government, by officers of sanitary authorities, 55

- (b) may provide for the empowering of specified persons (being authorised officers for the purpose of *Part IX* of this Act) to seize and remove, and to detain and destroy or have otherwise suitably disposed of flock which does not conform with the prescribed standards,
- (c) may provide for the giving and taking (without payment) of samples of flock and the carrying out of tests, examinations and analyses of such samples,
- (d) may prescribe the classes of persons to be responsible for the carrying out of tests, examinations and analyses of samples of flock and the means by and the manner in which such test, examination or analysis is to be made,
- (e) may prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given,
- (f) may provide that any certificate or other evidence prescribed under *paragraph (e)* of this subsection and given in respect of the test, examination or analysis of a sample shall as respects that sample be evidence for all purposes of the result of such test,
- (g) may provide for the registration of premises in which flock is kept for sale or for use for the purpose of making bedding, cushions, articles of upholstery and similar articles.
- (3) Wherever regulations made under *subsection (1)* of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.
- (4) Where a person is charged with having flock in his possession in contravention of regulations made under this section, any flock found in his possession shall, until the contrary is proved, be deemed to be intended for sale or for use in the manufacture of bedding, cushions, articles of upholstery or similar articles.
- (5) If the defendant in any prosecution for an offence under this section proves—
- (a) that he purchased the flock as of a standard of cleanliness which would not have contravened any regulation under this section and with a written warranty to that effect and
- (b) that he had no reason to believe at the time when he committed the offence with which he is charged that the flock did not conform with the prescribed standard of cleanliness and
- (c) that at the said time, the flock was in the same state as when he purchased it,
- such defendant shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he gave due notice to the said prosecutor that he proposed to rely on the said defence.
- (6) A statement by the manufacturer, importer or seller of flock as to its standard of cleanliness, in an invoice or on a label attached to the flock or on the container in which the flock is sold shall be deemed for the purposes of *paragraph (a)* of *subsection (5)* of this section to be a warranty.
- (7) Where it appears to the authority or officer enforcing regulations made under this section that an offence has been committed in respect of which proceedings might be taken under this section against some person but that such person could establish a defence under *subsection (5)* of this section by proving

that the offence complained of was due to an act or default of some other person, such authority or officer may take proceedings against that other person without taking proceedings against the first-mentioned person.

(8) A person who contravenes a regulation under this section 5 or who wilfully obstructs the execution of a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds or, at the discretion of the Court, to imprisonment for any term not exceeding six months or to both such 10 fine and such imprisonment.

(9) In this section, the word "flock" includes—

- (a) rag flock which is produced wholly or in part by tearing up woven or knitted or felted material or other like articles whether new or old, and 15
- (b) hair, fibre, down, feathers, and other similar materials, whether new or old, used for making bedding, cushions, articles of upholstery or similar articles.

PART VII.

OFFICERS OF HEALTH AUTHORITIES.

20

Definitions for
Part VII.

68.—In this Part of this Act—the expression "the Act of 1926" means the Local Authorities (Officers and Employees) Act, 1926; the expression "the Act of 1941" means the Local Government Act, 1941 (No. 23 of 1941).

County medical
officers.

69.—(1) In every county there shall be a county medical officer 25 to advise the health authority generally in relation to the health of the people and to perform such other duties as may be assigned to him in relation to the functions of the health authority or the functions of any sanitary authority in the county.

(2) The office of the county medical officer for a county shall 30 be an office under the council of the county and the salary and expenses of the office shall be paid by the said council, but the provisions of paragraph (b) of subsection (1) of section 10, and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals 35 by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the county.

(3) The county medical officer for a county shall be the chief medical officer for the county for the purposes of this Act. 40

(4) The county medical officer for a county shall be known as the _____ County Medical Officer (with the name of the county prefixed).

(5) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, 45 in a permanent capacity, the office of county medical officer of health under section 21 (repealed by this Act) of the Local Government Act, 1925 (No. 5 of 1925)—

- (a) such person shall, upon the commencement of this section, become and be the county medical officer under this 50 section for the county in which he performed his duties as such county medical officer of health;
- (b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished. 55

(6) A reference in any enactment in force at the commencement of this section to the office of county medical officer of health or the holder thereof shall be construed as a reference to the office established by this section or the holder thereof (as the case may be).

(7) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of county medical officer of health, such selection shall be completed in such manner as the said Commissioners think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the council of the county to be county medical officer as if the said selection and recommendation were made on a request, made by the council of the county after the commencement of this section under section 6 of the Act of 1926.

70.—(1) The council of a county may, with the consent of the Minister, and shall, if the Minister by order so directs, appoint one or more than one assistant county medical officer to assist the county medical officer in the performance of his duties.

Assistant county
medical officers.

(2) The office of assistant county medical officer for a county shall be an office under the council of the county and the salary and expenses of the office shall be paid by the said council but the provisions of paragraph (b) of subsection (1) of section 10 and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the county.

(3) Where the making of any order, the giving of any approval or sanction or the doing of any other act by the county medical officer for a county is required for the purposes of any enactment (including this Act) and has been assigned to an assistant county medical officer for the county, such order, approval, sanction or act when made, given or done by the assistant county medical officer shall be as valid for all purposes as if it had been made, given or done by the county medical officer.

(4) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office in a county under the title of assistant county medical officer or assistant county medical officer of health—

(a) such person shall, upon the commencement of this section, become and be an assistant county medical officer for such county under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(5) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office in a county under the title of assistant county medical officer or assistant county medical officer of health, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the council of such county to be an assistant county medical officer for such county as if the said selection and recommendation were made on a request by such council after the commencement of this section under section 6 of the Act of 1926.

71.—(1) In every county borough there shall be a city medical officer to advise the health authority generally in relation to the health of the people and to perform such other duties as may be assigned to him in relation to the functions of the corporation of the county borough.

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(2) The office of the city medical officer for a county borough shall be an office under the corporation of the county borough.

(3) The city medical officer for a county borough shall be the chief medical officer for the county borough for the purposes of this Act.

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(4) The city medical officer for a county borough shall be known as the _____ City Medical Officer (with the name of the county borough prefixed).

(5) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, the office of medical superintendent officer of health for a county borough under section 11 (repealed by this Act) of the Public Health (Ireland) Act, 1878—

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(a) such person shall, upon the commencement of this section, become and be the city medical officer for such county borough under this section,

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(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(6) A reference in any enactment in force at the commencement of this section to the office of medical superintendent officer of health for a county borough or the holder thereof shall be construed as a reference to the office of city medical officer established by this section or the holder thereof (as the case may be).

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(7) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of medical superintendent officer of health for a county borough, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the corporation of such county borough to be city medical officer for such county borough as if the said selection and recommendation were made on a request made by such corporation after the commencement of this section under section 6 of the Act of 1926.

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72.—(1) The corporation of a county borough may, with the consent of the Minister, and shall, if the Minister by order so directs, appoint one or more than one assistant city medical officer to assist the city medical officer in the performance of his duties.

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(2) The office of assistant city medical officer for a county borough shall be an office under the corporation of the county borough.

(3) Where the making of any order, the giving of any approval or sanction or the doing of any other act by the city medical officer for a county borough is required for the purposes of any enactment (including this Act) and has been assigned to an assistant city medical officer for the county borough, such order, approval, sanction or act when made, given or done by the assistant city medical officer shall be as valid for all purposes as if it had been made, given or done by the city medical officer.

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(4) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held,

in a permanent capacity, an office in a county borough under the title of assistant medical officer of health—

5 (a) such person shall, upon the commencement of this section, become and be an assistant city medical officer for such county borough under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

10 (5) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of assistant medical officer of health in a county borough such selection shall be completed in such
15 manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the said Commissioners for appointment shall be appointed by the corporation of such county borough to be an assistant city medical officer for such county borough as if the said selection and recom-
20 mendation were made on a request made by such corporation after the commencement of this section under section 6 of the Act of 1926.

73.—(1) A medical officer of a dispensary district under the Public Assistance Act, 1939 (No. 27 of 1939), shall be the medical
25 officer of health for the district consisting of such dispensary district or the portion thereof of which he is in charge. District medical officers of health.

(2) The office of a district medical officer shall be an office under the health authority for his district, but—

30 (a) where the district of a district medical officer consists of a part in a county and a part in a county borough, such district medical officer shall, as respects the part in the county, be an officer of the council of the county and, as respects the part in the county borough, be an officer of the corporation of the county borough,

35 (b) where the whole or any part of the district of a district medical officer is situated in an urban district, the office of such officer shall, as respects assignment of duties relating to the functions of the urban sanitary authority for such urban district, be deemed for the
40 purposes of sections 10 and 20 of the Act of 1941 to be an office under the urban sanitary authority for the urban district.

(3) The remuneration of a district medical officer shall be paid—

45 (a) where there is one health authority only for his district, by that authority, and

(b) where there are two health authorities for his district, by those authorities, in such proportions as the Minister directs.

50 (4) The expenses of a district medical officer shall be paid—

(a) where there is one health authority only for his district, by that authority, and

55 (b) where there are two health authorities for his district, by the health authority for the portion of his district, in respect of which the expenses were incurred.

(5) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to the office of medical officer of a dispensary district, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the Commissioners shall be appointed as medical officer of the said dispensary district and the provisions of subsections (1), (2), (3) and (4) of this section shall apply in relation to such medical officer as if he had been so appointed before the commencement of this section.

(6) A reference in any enactment in force at the commencement of this section to the office of medical officer of health of a dispensary district or the holder thereof shall be construed as a reference to the office established by this section or the holder thereof (as the case may be).

Bacteriologists.

74.—(1) A health authority may with the consent of the Minister and shall, if the Minister by order so directs, appoint a bacteriologist to perform such duties as may be assigned to him in relation to the functions of such health authority and the functions of any sanitary authority in the functional area of such health authority.

(2) The office of bacteriologist shall be an office under the health authority and the remuneration and expenses of the office shall be paid by the said authority but the provisions of paragraph (b) of subsection (1) of section 10 and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the functional area of the health authority.

(3) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office of bacteriologist under a sanitary authority—

(a) such person shall, upon the commencement of this section, become and be a bacteriologist for the health authority in whose functional area the sanitary authority is situated under an order deemed to have been made under this section.

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

Health inspectors.

75.—(1) A health authority may, with the consent of the Minister and shall if the Minister by order so directs, appoint one or more than one health inspector to perform such duties as may be assigned to him in relation to the functions of such health authority and the functions of any sanitary authority in the functional area of such health authority.

(2) The office of health inspector shall be an office under the health authority and the remuneration and expenses of the office shall be paid by the said authority but the provisions of paragraph (b) of subsection (1) of section 10, and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the functional area of such health authority.

(3) The following provisions shall apply in relation to a person who, immediately before the commencement of this section, held, in a permanent capacity, an office under the title of sanitary inspector under a sanitary authority—

5 (a) such person shall, upon the commencement of this section, become and be a health inspector for the health authority in whose functional area the district of the sanitary authority is situated under an order deemed to have been made under this section,

(b) the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

10 (4) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to an office of sanitary inspector under a sanitary authority, such selection shall be completed in such manner as the said Commissioners think proper, and the person or one of the
15 persons so selected and recommended by the said Commissioners for appointment shall be appointed by the health authority in whose functional area the district of such sanitary authority is situated to be a health inspector of such health authority as if the said selection and recommendation were made on a request
20 made by such health authority after the commencement of this section under section 6 of the Act of 1926.

76.—(1) Where an enactment repealed by this Act (in this section called “the repealed enactment”) conferred powers and duties on a sanitary authority and corresponding powers and duties
25 are conferred by this Act on a health authority, the following provisions shall have effect:—

Provisions relating to holders of certain offices under sanitary authorities.

30 (a) every person who, immediately before the repeal of the repealed enactment, is the holder in a permanent capacity of an office under a sanitary authority the duties of which relate solely to the powers and duties conferred on such sanitary authority by such repealed enactment, shall become and be the holder of the same office under the health authority in whose functional area the district of such sanitary authority is situated,

35 (b) the said office under a sanitary authority shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished,

40 (c) if any question arises as to whether the duties of a particular office under a sanitary authority relate solely to powers and duties conferred on such sanitary authority by the repealed enactment, such question shall be referred to the Minister whose decision shall be final.

(2) The following provisions shall apply in relation to every person who, immediately before the commencement of this section,
45 held, in a permanent capacity, an office under the title of sanitary sub-officer under a sanitary authority:—

50 (a) such person shall become and be the holder of an office under the same title under the health authority whose functional area includes the functional area of the sanitary authority,

(b) the said office under the sanitary authority shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished,

55 (c) the holder of the office of sanitary sub-officer under a health authority shall (in addition to performing duties in

relation to the functions of the health authority) perform such duties as may be assigned to him in relation to the functions of any sanitary authority in the functional area of such health authority and for that purpose the provisions of paragraph (b) of subsection (1) of section 10, and of section 20 of the Act of 1941 relating to the duties of officers and of subsection (2) of the said section 10 relating to appeals by officers shall apply in relation to the said office as if it were also an office under the sanitary authority of every sanitary district in the functional area of such health authority. 10

PART VIII

ACQUISITION AND DISPOSAL OF LAND BY HEALTH AUTHORITIES.

Definitions for purposes of Part VIII.

77.—In this Part of this Act—

the word “land” includes water and any estate or interest in land or water and any easement or right in, to, or over land or water, the expression “compulsory acquisition order” means an order under this Part of this Act for the acquisition compulsorily of land. 15

Powers of health authority to acquire land.

78.—(1) A health authority may, for the purposes of their powers and duties under this Act, acquire land either by agreement with the consent of the Minister or compulsorily under this Part of this Act and the Acts incorporated therewith. 20

(2) Nothing in subsection (1) of this section shall be construed as affecting the operation of section 130 of the Transport Act, 1944 (No. 21 of 1944). 25

Incorporation of Lands Clauses Acts.

79.—For the purpose of the acquisition of land under this Part of this Act by a health authority, the Lands Clauses Acts as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, shall be and are hereby incorporated with this Part of this Act, but with and subject to the following modifications, that is to say— 30

(a) the provisions relating to the sale of superfluous land and access to the special Act, and section 133 (which relates to land tax and poor's rate) of the Lands Clauses Consolidation Act, 1845, shall not be so incorporated; 35

(b) in the construction of the Lands Clauses Acts when so incorporated, this Act and the relevant compulsory acquisition order (if any) shall be deemed to be the special Act and the health authority shall be deemed to be the promoters of the undertaking; 40

(c) in the construction of the Second Schedule to the Housing of the Working Classes Act, 1890, when so incorporated—

the expression “local authority” shall mean a health authority; 45

the expression “confirming Act” shall mean this Part of this Act and the compulsory acquisition order as made and confirmed under this Part of this Act;

the expression “confirming authority” shall mean the Minister; and 50

references to the Housing of the Working Classes Act, 1890, or to Part I thereof shall be construed as references to this Act;

(d) the arbitrator when assessing compensation shall not take into account any building erected or any improvement or alteration made or any interest in land created after 55

the date on which notice of the making of the compulsory acquisition order was published in pursuance of this Part of this Act if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest was not reasonably necessary and was effected with a view to obtaining or increasing the compensation.

80.—(1) An officer or agent of a health authority who is duly authorised in that behalf by the authority may, subject to the provisions of this section, enter on any land at all reasonable times between the hours of 9 a.m. and 6 p.m. for the purpose of ascertaining whether the land is or is not suitable for acquisition by the authority.

Power of health authority to inspect land.

(2) A person entering on land under this section may do thereon all things reasonably necessary for the purpose for which the entry is made and, in particular, may survey, make plans, take levels, make excavations, and examine the depth and nature of the subsoil.

(3) Before a person enters under this section on any land the health authority on whose authority the entry is proposed to be made shall either obtain the consent (in the case of occupied land) of the occupier or (in the case of unoccupied land) the owner or shall give to the owner or occupier (as the case may be) not less than fourteen days' notice in writing of the intention to make the entry.

(4) A person to whom a notice of intention to enter on land has been given under this section by a health authority may, not later than fourteen days after the giving of such notice, apply, on notice to such health authority, to the justice of the District Court having jurisdiction in the district in which the land is situate for an order prohibiting the entry, and, upon the hearing of the application, the justice may, if he so thinks proper, either wholly prohibit the entry or specify conditions to be observed by the person making the entry.

(5) Where a justice in the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under this section on the land, and where a justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters under this section on the land shall observe the conditions so specified.

(6) A person who suffers damage by anything done under this section on any land and, within one month after such thing is done, makes to the health authority on whose authority the land was entered under this section a claim for compensation in respect of the damage shall be entitled to be paid by the authority reasonable compensation for the damage and, in default of being paid such compensation when the amount thereof has been agreed upon or has been determined under this section, to recover it from the authority in any court of competent jurisdiction as a simple contract debt.

(7) In default of agreement, the amount of any compensation payable by a health authority under this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined by the District Court or, in any other case, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919, (as amended by subsequent enactments) as if the compensation were the price of land compulsorily acquired.

(8) Every person who, by act or omission, obstructs an officer or agent of a health authority in the lawful exercise of the

powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued. 5

Making of compulsory acquisition order.

81.—(1) Where a health authority desire to acquire compulsorily under this Part of this Act any particular land, they may make an order that such land be acquired compulsorily under this Part of this Act.

(2) A compulsory acquisition order shall be in the prescribed form 10 and shall describe the lands to which it relates by reference to a map complying with the prescribed conditions.

Notices, etc., of making of compulsory acquisition order.

82.—(1) Where a health authority make a compulsory acquisition order, they shall—

(a) publish at least once in one or more newspapers circulating 15 in their functional area an advertisement in the prescribed form stating that a compulsory acquisition order has been made by them in respect of specified land and that the order and the map referred to therein may be inspected at a specified place, and 20

(b) give to every owner or reputed owner, lessee, or reputed lessee, and occupier of the land to which the order relates a written notice in the prescribed form containing the like statements as are mentioned in *paragraph (a)* of this subsection and also stating that any person aggrieved 25 by the order may send to the Minister, in a specified manner and within a specified time, an objection to the order.

(2) A health authority who have made a compulsory acquisition order and complied in respect thereof with the foregoing provisions 30 of this section may apply to the Minister for an order confirming such compulsory acquisition order.

Confirmation of compulsory acquisition order.

83.—Where an application is made under this Part of this Act to the Minister for an order confirming a compulsory acquisition order and the Minister is satisfied that the provisions of this Part 35 of this Act relating to matters antecedent to such application have been complied with, the following provisions shall have effect—

(a) if no objection (other than an objection which, in the opinion of the Minister, relates only to compensation) 40 to the compulsory acquisition order is duly made to the Minister or every such objection so made is withdrawn, the Minister may, as he thinks proper, refuse to confirm the compulsory acquisition order, make an order confirming it without modification, or make an 45 order confirming it with such modifications as he thinks proper;

(b) in any case to which *paragraph (a)* of this section applies, the Minister may, if he so thinks fit, before dealing with the application cause an inquiry under 50 this Act to be held in respect of the compulsory acquisition order;

(c) if an objection (other than an objection which, in the opinion of the Minister, relates only to compensation) 55 to the compulsory acquisition order is duly made to the Minister and is not withdrawn, the Minister shall cause an inquiry under this Act to be held in respect of the compulsory acquisition order;

(d) where an inquiry is held in pursuance of the next preceding paragraph, the Minister, having considered the report of the person by whom the inquiry was held and the objection or all the objections which occasioned the holding of the inquiry, may, as he thinks proper, refuse to confirm the compulsory acquisition order, make an order confirming it without modification, or make an order confirming it with such modifications as he thinks proper.

10 **84.**—As soon as may be after the Minister has made an order confirming (whether with or without modification) a compulsory acquisition order, the health authority by whom the compulsory acquisition order was made shall—

Notices, etc., of confirmation of compulsory acquisition order.

15 (a) publish in one or more newspapers circulating in their functional area an advertisement in the prescribed form stating that the compulsory acquisition order has been confirmed by the Minister and that a copy thereof as so confirmed and the map referred to therein may be inspected at a specified place, and

20 (b) give to every person who appeared at the inquiry (if any) held in respect of the compulsory acquisition order to support an objection thereto made by him a written notice in the prescribed form containing the like statements as are mentioned in *paragraph (a)* of this section.

25 **85.**—(1) A person who or whose property is affected by a compulsory acquisition order may, within three weeks after the first publication by advertisement of notice of the confirmation of the order by the Minister, apply to the High Court for the complete or the partial annulment of the order, and the High Court, if it is satisfied that the order or any part thereof was made in excess of or was otherwise not authorised by the powers conferred by this Part of this Act or that the person making the application or any other person has been substantially prejudiced by any failure to comply in relation to the order with the provisions of this Part of this Act, may, as the High Court thinks proper, annul the whole of the order or annul a part thereof.

Annulment of compulsory acquisition order by the High Court.

30 (2) Where an application to the High Court under this section is pending, the High Court may, if it so thinks proper, suspend the operation of the compulsory acquisition order to which the application relates until the application has been finally determined.

35 (3) Save as is otherwise provided by this section, a compulsory acquisition order shall not be capable of being annulled, quashed, or otherwise questioned (whether before or after confirmation by the Minister) by any court.

86.—(1) Every compulsory acquisition order which is not wholly annulled by the High Court under this Part of this Act shall (subject and without prejudice to any partial such annulment) come into operation—

Commencement of compulsory acquisition order.

50 (a) if an application is made under this Part of this Act to the High Court for the annulment (whether complete or partial) of the order—on the final determination of that application, or

55 (b) if no such application is so made—on the expiration of three weeks from the first publication by advertisement of notice of the confirmation of the order by the Minister.

(2) As soon as may be after a compulsory acquisition order comes into operation, the health authority by whom the order was made shall give a copy of the order to every person to whom notice of

the making of the order was given in pursuance of this Part of this Act.

Annuity or other payment to Irish Land Commission or Commissioners of Public Works in Ireland.

87.—Where land acquired by a health authority is subject in conjunction with other land to an annuity or other annual payment payable to the Irish Land Commission, or to the Commissioners of Public Works in Ireland, the said Commission or the said Commissioners (as the case may be) may apportion the annuity or other annual payment in such manner as they consider proper between the land so acquired and such other land or may charge the whole of the annuity or other annual payment on any part of the land subject thereto in exoneration of the residue of such land.

Appropriation of surplus land to other purposes.

88.—A health authority may, with the consent of the Minister and subject to compliance with such conditions as he may think proper to impose, appropriate and use for the purpose of any of their powers and duties any land vested for any purpose in them and not required for the purpose for which it was acquired.

Disposal of surplus land.

89.—(1) A health authority may, with the consent of the Minister, sell, exchange, let, or otherwise dispose of any land vested in them.

(2) The proceeds of the sale under this section of any land by a health authority shall, so far as such proceeds are capital money, be applied with the consent of the Minister to a purpose (including the repayment of borrowed money) to which capital money may properly be applied by the authority.

(3) Where land is exchanged under this section by a health authority, the land taken in such exchange shall (subject to the provisions of this Part of this Act in relation to the appropriation and use of land not required for the purpose for which it was acquired) be applied to the purposes to which the land given in such exchange was applicable by the authority.

(4) Section 83 of the Local Government Act, 1946 (No. 24 of 1946) (which relates to the disposal of land not required by a local authority) shall apply to the disposal (not being by demise for a term not exceeding one year) of land under this section and for this purpose references to the Minister for Local Government in the said section 83 shall be construed as references to the Minister.

Giving of notices under Part VIII

90.—(1) Any written notice or other document to be given in pursuance of this Part of this Act may be given in any of the following ways:—

(a) in case it is to be given to the Minister, by sending it by post in an envelope addressed to the Minister for Health, Dublin;

(b) in case it is to be given to any other person—

(i) by handing it to such person, or

(ii) by leaving it at the usual or last-known place of abode of such person, or

(iii) by sending it by post in a prepaid registered envelope addressed to such person, in the case of an individual, at his usual or last-known place of abode, or in the case of a company registered under the Companies Acts, 1908 to 1924, at its registered office, or in the case of any other body corporate or any unincorporated association, at its principal office or place of business.

(2) Where a written notice or other document is to be given in pursuance of this Part of this Act to the owner or the occupier

of land and the name of such owner or occupier is not known, such document may be addressed to "the owner" or "the occupier" (as the case may be) of the land and may be given to such owner or occupier by leaving it at or affixing it in a prominent position on the land.

PART IX.

ENFORCEMENT OF THE ACT.

91.—Each of the following persons shall be an authorised officer for the purpose of this Part of this Act :—

Authorised officers.

- 10 (a) an officer of the Minister appointed in writing by the Minister to be an authorised officer for the purposes of this Part of this Act,
- 15 (b) an officer of the Minister for Agriculture appointed in writing by the Minister, with the consent of the Minister for Agriculture, to be an authorised officer for the purposes of this Part of this Act,
- (c) the manager of a health authority,
- (d) a chief medical officer,
- 20 (e) an officer of a health authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this Part of this Act,
- (f) an officer of a sanitary authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this Part of this Act.

25 92.—The powers conferred by this Part of this Act on an authorised officer, who is not an officer of the Minister or the Minister for Agriculture, shall be exercisable only within the area for which the authorised officer acts.

Limitations on exercise of powers of authorised officers.

30 93.—(1) Where an authorised officer has reasonable grounds for believing that a person has contravened any provision of this Act or the regulations or orders made thereunder and so informs such person, the authorised officer may, subject to subsection (2) of this section, require such person to state his name and address and, if the authorised officer thinks it necessary, to produce

35 corroborative evidence of his name and address.

Requirement to state name and address.

(2) An authorised officer (other than a manager or a chief medical officer) shall not make a requirement under this section unless either—

- 40 (a) he is in a uniform provided for use by him when performing his duties, or
- (b) he produces, for inspection by the person on whom he makes the requirement, if that person requests him so to do, the appropriate written authority given to him by the Minister or the health authority as the case may be.
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(3) Where a person fails or refuses to state his name or address in compliance with a requirement made under this section by an authorised officer or, in purported compliance with the requirement, states a name or address or produces corroborative evidence which the authorised officer has reasonable grounds for believing is false or misleading, the following provisions shall, unless the authorised officer has reasonable grounds for believing that such

person is a probable source of infection with an infectious disease, have effect—

- (a) the authorised person may detain such person and bring him to the nearest Garda Síochána station,
- (b) such person, on being brought to the nearest Garda Síochána station, shall be detained therein, subject to a maximum period of detention of twenty-four hours, until the authorised officer becomes satisfied as to his correct name and address,
- (c) force may, if necessary, be used for the purpose of carrying out any provision of this subsection.

(4) A person who—

- (a) fails or refuses to state his name or address in compliance with a requirement under this section, or
- (b) gives in purported compliance with a requirement under this section a name, an address or corroborative evidence which is false or misleading, or
- (c) resists being detained under this section or being brought under this section to a Garda Síochána station,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Entry on premises.

94.—(1) Subject to *subsection* (2) of this section, an authorised officer (either alone or accompanied by such assistants as he thinks proper) may at all reasonable times enter and inspect any premises for the purpose of ascertaining—

- (a) whether there is or has been on or in connection with the premises any contravention of any provision of this Act or of the regulations or orders made thereunder, or

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- (b) the extent and nature of any such contravention,

or

- (c) whether circumstances exist on or in connection with the premises which would require any action to be taken under this Act or the regulations made thereunder.

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(2) An authorised officer (other than a manager or a chief medical officer) shall not enter any premises under this section unless he produces for inspection by the person in occupation or in charge of the premises, if such person requests him so to do, his appointment in writing as an authorised officer.

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(3) Where an authorised officer is unable to gain admission to premises which he is empowered by this section to enter, either on account of being refused admission or of being unable, after reasonable inquiry, to find a person from whom to demand admission, he may break open the premises at any time between the hours of 9 a.m. and 6 p.m. on any day.

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(4) An authorised officer who is an officer of a health authority (other than a manager or a chief medical officer) or an officer of a sanitary authority shall not exercise the powers conferred on him by *subsection* (3) of this section without a written authorisation from the manager of such authority to do so in the particular case.

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(5) A person who wilfully obstructs or interferes with the exercise by an authorised officer of a power conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

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(6) In this section, the word "premises" includes temporary dwellings and aircraft.

95.—An authorised officer may require a member of the Garda Síochána to assist him in the exercise of any power conferred on him by this Act which involves the detention of any person, the bringing of any person to any place, the breaking open of any premises or any other action in which the use of force may be necessary and is lawful, and any member of the Garda Síochána so required shall comply with the requirement.

Assistance from member of Garda Síochána.

96.—(1) The Minister may, with the consent of the Minister for Justice, by order provide for the enforcement by the Garda Síochána of any specified provision of this Act or the regulations or orders made thereunder in the whole or a specified part of the State and either generally or in so far as such provision relates to a specified matter.

Enforcement by Garda Síochána.

(2) An order under this section may, in particular, provide for all or any of the following matters:—

- (a) the prosecution of offences by members of the Garda Síochána in lieu of a health authority,
- (b) the conferring on members of the Garda Síochána of any of the powers specified in *section 93* or *section 94* of this Act,
- (c) the making of payments to the Minister for Justice by a health authority in respect of the enforcement in their functional area of the provisions to which the order relates,
- (d) the regulation of the amounts of any such payments, or the times at which they are to become due and of the manner in which they are to be made.

(3) A member of the Garda Síochána, for the purpose of enforcing in the functional area of a health authority a provision to which an order under this section relates, may require the authority to assist him by making available the services of a medical or other officer, by furnishing an ambulance or in any other manner within the powers of the authority, and the authority shall comply with such requirement.

(4) A member of the Garda Síochána shall not, by virtue of an order under this section, exercise a power specified in *section 93* or *section 94* of this Act unless—

- (a) he is in uniform or
- (b) he produces for inspection by the person in relation to whom he exercises the power or in occupation or in charge of the premises in relation to which he exercises the power, if such person requests him so to do, his official identification card.

97.—In any prosecution for an offence under this Act, it shall not be necessary to negative by evidence any permit, licence or exemption under this Act or under any regulations under this Act, and the onus of proving any such permit, licence or exemption shall be on the person seeking to avail himself thereof.

Onus of proof.

PART X.

MISCELLANEOUS PROVISIONS.

Consultative
Councils.

98.—(1) The Minister shall by order establish a council to be called "The National Health Council" to give to the Minister when so required by him advice on matters affecting or incidental to the health of the people. 5

(2) The Minister shall cause the name of every person who is appointed to be a member of the National Health Council to be published as soon as may be in *Iris Oifigiúil*.

(3) The Minister may, if at any time he requires special advice or assistance in connection with a particular matter relating to his powers and functions, by order establish a special consultative council to give in the manner specified in the order such advice or assistance. 10

(4) The Minister may by order determine the tenure of office of the members and the procedure of the National Health Council or of any consultative council established under this section. 15

(5) The Minister may, out of moneys provided by the Oireachtas and to such extent as may be sanctioned by the Minister for Finance, pay to the members of the National Health Council or any consultative council established under this section or of any committee of such council :— 20

(a) travelling expenses,

(b) subsistence allowances,

(6) The National Health Council and every consultative council established under this section shall consist of persons having practical experience or special knowledge of the matters in respect of which they are to give advice and assistance. 25

Dissemination of
information and
advice on health.

99.—(1) Information and advice on matters relating to health may be disseminated by the Minister or by a health authority by advertisements, notices, pamphlets, lectures, radio, cinema exhibitions or any other means. 30

(2) The Minister may by order direct every health authority, every health authority of a particular class or a particular health authority as to the subjects in relation to which, the manner in which and the extent to which they are to exercise their powers under subsection (1) of this section and a health authority to which any such direction relates shall comply therewith. 35

Tests of the quality
and nature of
substances.

100.—(1) The Minister, with the consent of the Minister for Finance, may for the purposes of his powers and duties make arrangements for the carrying out of tests, examinations and analyses of the quality or nature of substances. 40

(2) The Minister may by regulation do any of the following things in relation to tests, examinations, or analyses arranged for under subsection (1) of this section, that is to say :— 45

(a) prescribe the classes of persons to be responsible for the carrying out of such tests, examinations and analyses;

(b) prescribe the means by and the manner in which the test, examination or analysis is to be made;

(c) prescribe the certificate or other evidence to be given of the result of any test, examination or analysis and the classes of persons by and to whom such certificate or evidence is to be given; 50

- (d) provide that any certificate or other evidence prescribed under *paragraph (c)* of this subsection and given in respect of the test, examination or analysis of a sample of a substance shall as respects that sample be evidence for all purposes of the result of such test.

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10 (3) Whenever regulations made under *subsection (2)* of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample of a substance, such certificate or other evidence shall, as respects those samples, be accepted by all Courts of Justice as evidence of the result of such test and shall also be accepted by all Courts of Justice as evidence that such test was carried out under and in accordance with the regulations.

15 101.—(1) The Minister may by order provide for and authorise joint action by two or more health authorities in the performance of any function given to them by or under this Act, and the order may contain, in particular, provisions specifying the manner in which the joint action is to be taken and the method of apportioning the expenses of the joint action.

Joint action by health authorities.

20 (2) Where immediately before the commencement of this section an institution was maintained by two or more health authorities jointly, the Minister may by order under *subsection (1)* of this section provide for and authorise the continuance of such joint maintenance under *Part II* of this Act.

25 (3) Where an order under *subsection (1)* of this section is in force in relation to two or more health authorities, any reference in *Part II* of this Act to a health authority shall be construed as including a reference to such health authorities jointly.

30 102.—A health authority may, with the consent of the Minister, make arrangements for the provision of a nurse or nurses to give to any person requiring the same, advice and assistance on matters relating to health and to assist sick persons.

Home nursing.

35 103.—(1) A health authority may with the consent of the Minister for Local Government borrow for the purposes of defraying any expenses incurred by them in the same manner in which a sanitary authority may borrow for the purpose of defraying expenses under the Public Health Acts, 1878 to 1931, and the provisions of those Acts in relation to borrowing by a sanitary authority shall, with the necessary modifications, apply in relation to borrowing by a health authority under this section.

Borrowing by health authority.

(2) Money borrowed by the council of a county under this section shall not, for the purposes of Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, be deemed to be part of the debt of the council.

45 (3) Money borrowed under this section may be lent by means of an issue from the local loans fund as if such loan constituted a local loan within the meaning of the Local Loans Fund Acts, 1935 to 1945, and was authorised by an Act of the Oireachtas.

50 104.—(1) A health authority may make arrangements for providing ambulances or other means of transport for the conveyance of patients from places in their functional area to places in or outside such area or from places outside their functional area to places in such area.

Provision of ambulances.

(2) Where a person makes use of an ambulance provided under

this section, a health authority may, at their discretion but subject to any relevant regulations under *section 31* of this Act:—

(a) make a charge for such use in accordance with regulations made by them, or

(b) make no charge therefor.

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(3) A charge under *subsection (2)* of this section for the use of an ambulance by any person may be recovered as a simple contract debt in any court of competent jurisdiction from:—

(a) such person, or, in case such person has died, his legal personal representative or

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(b) any other person liable to maintain such person for the purposes of the Public Assistance Act, 1939 (No. 27 of 1939), by virtue of section 27 of that Act or, in case such other person has died, his legal personal representative.

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Provision of residences for officers and servants.

105.—A health authority may, with the approval of the Minister, and shall, if the Minister so directs, provide and maintain residences for the use of officers appointed or servants employed by them.

Amendment of Rats and Mice (Destruction) Act, 1919.

106.—The definition of the expression “occupier” in section 8 of the Rats and Mice (Destruction) Act, 1919, shall be amended by the insertion at the end thereof of the words “or in any other case the person for the time being liable to pay rates on such land.”

Dissolution of Port Sanitary Authorities.

107.—(1) The Minister after consultation with the Minister for Local Government may by order dissolve a port sanitary authority.

(2) An order under this section dissolving a port sanitary authority shall contain such provisions as the Minister thinks necessary or expedient consequential on the dissolution of such port sanitary authority and may, in particular, make provision for:—

(a) the transfer of property, rights and liabilities of the port sanitary authority to a health authority,

(b) the preservation of continuing contracts made by the port sanitary authority,

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(c) the continuance of pending legal proceedings,

(d) the transfer of the holders of offices under the port sanitary authority to similar offices under a health authority, or the abolition of such offices.

(3) Where, by an order under this section, the holder of an office under a port sanitary authority is transferred to an office under a health authority, the first-mentioned office shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

(4) In this section the expression “port sanitary authority” means a port sanitary authority constituted under Section 9 of the Public Health (Ireland) Act, 1896.

Compensation for damage to person or property.

108.—(1) Subject to the provisions of *subsection (2)* of this section any person who suffers damage by reason of an injury to his property caused by a health authority or their officers or servants in the exercise of their powers or the performance of their duties under any of the provisions of this Act except *Part VIII* in a matter in which he is not in default shall be entitled to recover compensation for such damage from such health authority.

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(2) A person shall not be entitled to recover compensation from a health authority in respect of injury to his property caused by any measures taken for the cleansing, disinfection, disinfestation or destruction of such property where such property has been 5 knowingly and unnecessarily exposed to infection or infestation.

(3) Any person who suffers damage by reason of injury to his person caused by the negligence of a health authority or of any of their officers or servants in the exercise of their powers or performance of their duties under this Act shall be entitled to recover 10 compensation for such damage from such health authority.

(4) The personal representative of any person whose death is caused by the negligence of a health authority or of any of their officers or servants in the exercise of their powers or performance of their duties under this Act shall be entitled to recover damages 15 from the health authority in respect of such death in an action brought under the Fatal Accidents Acts, 1846 to 1908.

109.—(1) The Minister may by order make, in respect of any statute, order or regulation in force at the passing of this Act and relating to any matter or thing dealt with or affected by this Act, 20 any adaptations or modifications which appear to him to be necessary to enable such statute, order or regulation to have effect in conformity with this Act.

Adaptation of enactments.

(2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be 25 after it is made and, if a resolution annulling the order is passed by either such House within the next subsequent twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

FIRST SCHEDULE.
ENACTMENTS REPEALED.

Session and Chapter or Number and Year.	Short Title	Extent of Repeal
21 & 22 Vic., c. 64.	Vaccination (Ireland) Act, 1858.	The whole Act.
26 & 27 Vic., c. 52.	Vaccination (Ireland) Act, 1863.	The whole Act.
31 & 32 Vic., c. 87.	Vaccination Amendment (Ireland) Act, 1868.	The whole Act.
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	Section 11, paragraph (3) of section 91, section 95, paragraph (3) of section 97, paragraph (6) of section 100, sections 132 to 156 and sections 158 and 258.
42 & 43 Vic., c. 70.	Vaccination Amendment (Ireland) Act, 1879.	The whole Act.
46 & 47 Vic., c. 59.	Epidemic and Other Disease Prevention Act, 1883.	The whole Act.
47 & 48 Vic., c. 69.	Cholera, Etc., Protection (Ireland) Act, 1884.	The whole Act.
52 & 53 Vic., c. 72.	Infectious Disease (Notification) Act, 1889.	The whole Act.
53 & 54 Vic., c. 34.	Infectious Disease (Prevention) Act, 1890.	The whole Act.
53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890.	Sections 28 and 32.
59 & 60 Vic., c. 19.	Public Health Act, 1896.	The whole Act.
59 & 60 Vic., c. 54.	Public Health (Ireland) Act, 1896.	Sections 9 to 14 and 18.
60 & 61 Vic., c. 31.	Cleansing of Persons Act, 1897.	The whole Act.
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.	Section 32.
4 Edw. VII, c. 16.	Public Health Act, 1904.	The whole Act.
7 Edw. VII, c. 32.	Public Health (Regulations as to Food) Act, 1907.	The whole Act.
7 Edw. VII, c. 53.	Public Health Acts Amendment Act, 1907.	Section 50, Part IV.
8 Edw. VII, c. 56.	Tuberculosis Prevention (Ireland) Act, 1908.	Parts I and II; Sections 14 to 16 and 21.
1 & 2 Geo. V, c. 52.	Rag Flock Act, 1911.	The whole Act.
2 & 3 Geo. V, c. 25.	Tuberculosis Prevention (Ireland) Act, 1913.	The whole Act.
5 & 6 Geo. V, c. 64.	Notification of Births (Extension) Act, 1915.	Section 2; paragraph (b) of subsection (2) of section 3.
7 & 8 Geo. V, c. 40.	Public Health (Prevention and Treatment of Disease) (Ireland) Act, 1917.	The whole Act.
8 & 9 Geo. V, c. 29.	Maternity and Child Welfare Act, 1918.	Section 4.
9 & 10 Geo. V, c. 16.	Public Health (Medical Treatment of Children) (Ireland) Act, 1919.	The whole Act.
No. 5 of 1925.	Local Government Act, 1925.	Sections 18, 19, and 21 to 23.
No. 3. of 1927.	Local Government Act, 1927.	Section 3; the Second Schedule.
No. 23 of 1941.	Local Government Act, 1941.	Section 87.

SECOND SCHEDULE.

MATTERS FOR WHICH PROVISION MAY BE MADE IN REGULATIONS FOR THE PREVENTION OF THE SPREAD OF INFECTIOUS DISEASE.

1. The requiring of registered medical practitioners and other persons to notify a medical officer of health of cases or suspected cases of a particular infectious disease or of probable sources of infection with an infectious disease coming under their notice and the prescribing of the manner in which and the time within which the notifications are to be given.
2. The requiring of adult persons to submit themselves, or the parents of children to submit such children, to examinations by registered medical practitioners to find out whether such adult persons or children are probable sources of infection and the requiring of such adult persons or parents to afford to such practitioners all reasonable facilities for such examinations, including the permission to take blood or other specimens for examinations or tests.
3. The requiring of adult persons to submit themselves, or the parents of children to submit such children, to specified measures in relation to the protection or immunisation of such adult persons or children against a particular infectious disease.
4. The requiring of adult persons to remain in their homes or the parents of children to keep the children in their homes and the requiring of such adult persons or parents to take in such homes precautions by way of isolation or otherwise against the spread of infection.
5. The requiring of adult persons to remain away from specified places or the parents of children to keep the children away from specified places.
6. The prohibition of parents of children suffering from infectious disease from sending the children to, or permitting them to attend, school.
7. The restriction of the attendance at school of children who are probable sources of infection with infectious diseases, and the duty of parents to ensure compliance with the restrictions.
8. The furnishing by school managers of schools or colleges, at which cases of infectious diseases have occurred, of list of names and addresses of pupils or students.
9. Restrictions on the use of public conveyances by persons suffering from infectious disease.
10. The powers and duties of owners and persons in charge of public conveyances as regards persons conveyed therein who are probable sources of infection with infectious diseases.
11. The inspection of buildings and structures, vehicles, vessels and aircraft.
12. The compulsory cleansing, disinfection or disinfection of persons, buildings, structures, vehicles, vessels, aircraft or articles and the compulsory destruction of rats.
13. The safe disposal or destruction of infected or dirty articles.
14. Precautions against infected food and drink.
15. Precautions against the spread of infection from animals.
16. The burial of the bodies of persons who have died from infectious disease and the custody and transport of such bodies before burial.
17. Restrictions on the holding of wakes.
18. The requiring of health authorities to provide medical services or institutional accommodation and treatment at the cost either of themselves or of the recipients as the regulations shall provide.
19. The requiring of health authorities to pay registered medical practitioners fees for notifications of cases or suspected cases of infectious disease.
20. Precautions against the spread of infectious disease from vessels or aircraft coming into or leaving the State or from passengers or crews of such vessels or aircraft, including:—
 - (a) duties to be performed by masters, pilots and other persons on board vessels or aircraft,
 - (b) the detention of vessels or aircraft or persons on board vessels or aircraft,
 - (c) the display of signals on, and the sending of messages by wireless telegraphy or otherwise from, vessels or aircraft having on board cases or suspected cases of infectious disease,
 - (d) the questions to be answered by masters, pilots and other persons on board vessels or aircraft which have put into port or landed as to cases or suspected cases of infectious disease on board during voyage or on arrival.
21. The giving to the public of information and advice with respect to infectious disease by advertisements, notices, pamphlets, lectures, radio, cinema exhibitions or any other means.
22. The definition for the purposes of the relevant regulations of a particular infectious disease in any suitable manner including, in particular, by reference to any stage of the disease.

Éire.

AN BILLÉ SLAINTE, 1947.

BILLE

dá ngairmtear

Acht do dhéanamh socruithe bhreise agus fheabhsa i dtaobh sláinte an Phobail agus do dhéanamh socruithe chun rialacháin a dhéanamh a bhféadfadh dá mbuaidh muirir áirithe a ghearradh.

Rite ag dhá Thigh an Oireactais, 6ú Lúnasa, 1947.

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HEALTH BILL, 1947.

BILL

entitled

An Act to make further and better provision in relation to the health of the People and to provide for the making of regulations by virtue of which certain charges may be made.

Passed by both Houses of the Oireachtas, 6th August, 1947.

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