



BILLE OSPIDEIL GHINEARALTA NAOMH LUCAIS, 1947.
 SAINT LUKE'S GENERAL HOSPITAL BILL, 1947.

Mar do tugadh isteach.
As introduced.

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ÉIRE.

BILLE OSPIDEIL GHINEARALTA NAOMH LUCAIS, 1947.

SAINT LUKE'S GENERAL HOSPITAL BILL, 1947.

BILL

entitled

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT, IN OR NEAR THE CITY OF DUBLIN OF A NEW GENERAL HOSPITAL, TO BE CALLED SAINT LUKE'S GENERAL HOSPITAL, IN THE PLACE OF MERCER'S HOSPITAL, SIR PATRICK DUN'S HOSPITAL AND THE ROYAL CITY OF DUBLIN HOSPITAL, AND FOR THE CLOSING OF THE SAID LAST-MENTIONED HOSPITALS, TO CONFIRM AND GIVE STATUTORY EFFECT TO AN AGREEMENT TO WHICH THE GOVERNORS OF SIR PATRICK DUN'S HOSPITAL ARE A PARTY, TO PROVIDE FOR THE AMALGAMATION WITH SAINT LUKE'S GENERAL HOSPITAL OF OTHER HOSPITALS, AND TO PROVIDE FOR CERTAIN OTHER MATTERS CONNECTED WITH THE MATTERS AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:— 20

PART I.

PRELIMINARY AND GENERAL.

- Short title. 1.—This Act may be cited as the Saint Luke's General Hospital Act, 1947.
- Definitions. 2.—In this Act— 25
- Act of 1750. the expression "the Act of 1750" means the pre-Union Irish Statute passed in the year 1750 and entitled "An Act for regulating the Hospital founded by Mary Mercer, Spinster" (23 Geo. II c. 8);
- Act of 1800. the expression "the Act of 1800" means the pre-Union Irish Statute passed in the year 1800 and entitled "An Act for repealing an Act passed in the twenty-fifth year of his present Majesty, entitled, An Act for establishing a complete School of Physic in this Kingdom; and also for repealing an Act passed in the thirty-first year of his present Majesty, entitled, an Act to explain and amend an Act for establishing a complete School of Physic in this Kingdom, and also for extending and enlarging the Powers of the President and Fellows of the King and Queen's College of Physicians, and establishing a complete School of Physic in this Kingdom." (40 Geo. III c. 84); 30 35 40
- amalgamating hospitals. the expression "the amalgamating hospitals" means Mercer's Hospital, Sir Patrick Dun's Hospital and the Royal City of Dublin Hospital;
- amalgamating order. the expression "amalgamating order" means an order made under section 56 of this Act; 45
- appointed day. the expression "the appointed day" means the day appointed, under subsection (1) of section 3 of this Act, to be the appointed day for the purposes of this Act;

- the expression " the Board of Directors of the Royal City of Dublin Hospital " means the Board established by the Deed of Co-Partnership of 1875 in whom the general management, care and superintendence of the Royal City of Dublin Hospital is vested; Board of Directors of the Royal City of Dublin Hospital.
- 5 the expression " the Deed of Co-Partnership of 1875 " means the Indenture made on the 12th day of January, 1875, between Henry Gray Croly, John Hawtrey Benson, Loftie Stoney, William Ireland Wheeler, Arthur Edward J. Barker, John Magee Finny, and Henry Fitzgibbon of the first part, Alfred Hancock Middleton of the second part, and Joseph Boyce, Joseph W. Casson, Jonathan Hogg, Edward Hudson Kinahan, Francis Low, Joseph Manning, Archibald McComas, Thomas Pim, junior, John Robinson, John J. Robertson, Robert Stanley, Alfred Clayton Thistleton, John E. Vernon, and William Watson of the third part, and the said 10 Edward Hudson Kinahan, Jonathan Hogg and Thomas Pim, junior, of the fourth part; Deed of Co-Partnership of 1875.
- the expression " the Dublin City Council " means the Council established for the City of Dublin by the Local Government (Dublin) Act, 1930 (No. 27 of 1930); Dublin City Council
- 20 the expression " the Dublin Corporation " means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin; Dublin Corporation.
- the expression " the Dublin County Council " means the council of the administrative county of Dublin; Dublin County Council.
- the expression " election year " means a year commencing after 25 the appointed day in which is held an election of all the members of the Dublin City Council; election year.
- the expression " the governing body " means— governing body.
- (a) in relation to Mercer's Hospital, the Governors of Mercer's Hospital,
- 30 (b) in relation to Sir Patrick Dun's Hospital, the Governors of Sir Patrick Dun's Hospital,
- (c) in relation to the Royal City of Dublin Hospital, the Board of Directors of the Royal City of Dublin Hospital;
- the expression " the Governors of Mercer's Hospital " means the 35 body corporate established by the Act of 1750; Governors of Mercer's Hospital.
- the expression " the Governors of Sir Patrick Dun's Hospital " means the members of the board in whom the government of Sir Patrick Dun's Hospital is vested by section 4 of the Act of 1800; Governors of Sir Patrick Dun's Hospital.
- 40 the expression " the honorary medical staff ", when used in relation to a hospital, means the persons who at the relevant time are the consulting, visiting and assistant physicians, surgeons and gynæcologists of such hospital and the persons (being registered medical practitioners and registered dentists) who at the relevant time are the medical officers of any special department of such 45 hospital; honorary medical staff.
- the expression " the hospital board " means the body corporate established by this Act; hospital board.
- the expression " the medical committee " means the medical committee of the hospital board; medical committee.
- 50 the expression " the Minister " means the Minister for Health; Minister.
- the expression " the new general hospital " means the general hospital to be erected and established by the hospital board in pursuance of this Act; new general hospital.
- the expression " transfer date " means the date appointed, under 55 subsection (2) of section 3 of this Act, to be the transfer date for the purposes of this Act. transfer date.
- 3.—(1) The Minister may by order under this subsection appoint a day to be the appointed day for the purposes of this Act. The appointed day and the transfer date.

(2) The hospital board shall, before the date on which the hospital board anticipate that the new general hospital will be completed and ready for the reception of patients therein, communicate to the Minister such date and the Minister shall thereupon by order under this subsection appoint a day (which shall not be earlier than the date so communicated to him) to be the transfer date for the purposes of this Act. 5

Expenses of the Minister.

4.—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. 10

PART II.

THE SAINT LUKE'S GENERAL HOSPITAL BOARD.

Establishment and Constitution of the Hospital Board.

Establishment of the hospital board.

5.—(1) There shall be established on the appointed day a board (in this Act referred to as the hospital board) to be styled and known as the Saint Luke's General Hospital Board to fulfil the functions assigned to it by this Act. 15

(2) The hospital board shall be a body corporate with perpetual succession and an official seal (which shall be judicially noticed) and power to sue and be sued in its corporate name and to hold land. 20

Constitution of the hospital board.

6.—The hospital board shall consist of—

(a) ordinary members of whom, subject to the provisions of any amalgamation order, there shall be twenty-one;

(b) medical members of whom, subject to the provisions of any amalgamation order, there shall be nine; 25

(c) four members (in this Act referred to as city members) elected by the Dublin Corporation; and

(d) one member (in this Act referred to as the county member) elected by the Dublin County Council. 30

Disqualification of members.

7.—(1) Subject to the provisions of this section, a person shall be disqualified from being elected or being a member of the hospital board if he—

(a) holds any office (other than that of member of the honorary medical staff of the new general hospital) under the hospital board, or 35

(b) is concerned in any bargain or contract entered into with the hospital board or participates in the profit of any such bargain or contract or of any work done under the authority of the hospital board to a greater extent than as a shareholder in a company making such bargain or contract with the hospital board or doing such work, or 40

(c) is convicted of any crime and sentenced to imprisonment or to penal servitude, or

(d) is adjudged bankrupt or makes a composition or arrangement with his creditors, or 45

(e) becomes of unsound mind, or

(f) is absent from meetings of the hospital board for more than six months consecutively except for some reason approved by the hospital board. 50

(2) A person shall not be disqualified under paragraph (b) of subsection (1) of this section from being elected as or being a member of the hospital board by reason of his being interested—

5 (a) in any loan of money to the hospital board or in any contract for the supply from land, of which he is owner or occupier, of water or materials for building or constructional work being done by or under the authority of the hospital board, or

10 (b) in any newspaper in which any advertisement relating to the affairs of the hospital board is inserted.

(3) Whenever—

15 (a) a person, who was elected to be a medical member by the honorary medical staff of an amalgamating hospital, ceases before the transfer date to be a member of such honorary medical staff, or

(b) a person elected to be a medical member ceases on or after the transfer date to be a member of the honorary medical staff of the new general hospital,

20 such person shall be disqualified for being and shall forthwith cease to be a medical member.

(4) Whenever a member of the hospital board becomes disqualified from holding office the hospital board shall forthwith declare his office to be vacant and the vacancy shall be deemed to have occurred on the making of such declaration.

25 8.—(1) At a meeting of the governing body of each amalgamating hospital to be held on such day, not being less than one month before the appointed day, as the Minister may fix for the purpose, such governing body shall elect seven ordinary members.

Election and
term of office of
ordinary mem-
bers.

(2) If—

30 (a) a person (in this subsection referred to as the former member) who was elected by the governing body of an amalgamating hospital in pursuance of subsection (1) of this section dies before the appointed day, or

35 (b) a person (in this subsection also referred to as the former member) who was an ordinary member elected by the governing body of an amalgamating hospital dies, resigns or becomes disqualified before the transfer date,

40 such governing body shall, before the transfer date, elect another person to be an ordinary member in the place of the former member and, in default of their so doing, the hospital board shall, on or after the transfer date elect another person to be an ordinary member in the place of the former member.

45 (3) Whenever on or after the transfer date a person (in this subsection referred to as the former member) who was an ordinary member dies, resigns, or becomes disqualified, the hospital board shall, subject however to the provisions of any amalgamation order, elect another person to be an ordinary member in the place of the former member.

50 (4) The term of office of every ordinary member shall commence—

(a) in case he is elected in pursuance of subsection (1) of this section, on the appointed day,

55 (b) in case he is elected in pursuance of subsection (2) of this section to fill the place of a person who died before the appointed day, on the appointed day or on the day following the date of his election, whichever is the later,

(c) in case he is elected in pursuance of *subsection (2)* of this section to fill the place of an ordinary member who dies, resigns or becomes disqualified before the transfer date, on the day following the date of his election,

(d) in case he is elected in pursuance of *subsection (3)* of this section, on the day following the date of his election. 5

(5) Every ordinary member shall hold office until his death, resignation or disqualification, whichever first happens.

Election and term of office of medical members.

9.—(1) At a meeting of the honorary medical staff of each amalgamating hospital to be held on such day, not being less than one month before the appointed day, as the Minister may fix for the purpose, such honorary medical staff shall out of their number elect three medical members. 10

(2) If—

(a) a person (in this subsection referred to as the former member) who was elected by the honorary medical staff of an amalgamating hospital in pursuance of *subsection (1)* of this section dies before the appointed day, or 15

(b) a person (in this subsection also referred to as the former member) who was a medical member elected by the honorary medical staff of an amalgamating hospital dies, resigns or becomes disqualified before the transfer date, 20

such honorary medical staff shall, before the transfer date, elect out of their number another person to be a medical member in the place of the former member and, in default of their so doing, the medical committee shall, on or after the transfer date, elect out of their number another person to be a medical member in the place of the former member. 25

(3) Whenever on or after the transfer date a person (in this subsection referred to as the former member) who was a medical member dies, resigns, or becomes disqualified, the medical committee shall, subject however to the provisions of any amalgamation order, elect out of their number another person to be a medical member in the place of the former member. 30

(4) The term of office of every medical member shall commence— 35

(a) in case he is elected in pursuance of *subsection (1)* of this section, on the appointed day,

(b) in case he is elected in pursuance of *subsection (2)* of this section to fill the place of a person who died before the appointed day, on the appointed day or on the day following date of his election, whichever is the later, 40

(c) in case he is elected in pursuance of *subsection (2)* of this section to fill the place of a medical member who dies, resigns or becomes disqualified before the transfer date, on the day following the date of his election, 45

(d) in case he is elected in pursuance of *subsection (3)* of this section, on the day following the date of his election.

(5) Every medical member shall hold office until his death, resignation or disqualification, whichever first happens.

Election and term of office of city members.

10.—(1) The first election of city members shall take place on such day, not being less than one month before the appointed day, as the Minister may fix for the purpose, and the Dublin Corporation shall at the said election elect four city members. 50

(2) The Dublin Corporation shall in every election year elect four city members at the quarterly meeting of the Dublin City 55

Council held next after the 22nd day of June in that year, and such election shall be included in the business to be transacted at every such quarterly meeting.

5 (3) The term of office of every city member elected at the first election of city members shall commence on the appointed day.

(4) The term of office of every city member (other than a city member elected at the first election of city members) shall commence on the day of his election.

10 (5) Every city member shall, unless he sooner dies, resigns, or becomes disqualified, hold office until the day immediately preceding the day on which the next election of city members is held in accordance with subsection (2) of this section.

15 (6) Whenever a casual vacancy occurs amongst the city members the Dublin Corporation shall, as soon as conveniently may be, elect a person to fill such vacancy.

(7) For the purposes of this section a casual vacancy amongst the city members shall be deemed to have occurred if any person elected to be a city member in pursuance of subsection (1) of this section dies before the appointed day.

20 11.—(1) The Dublin County Council shall, on such day, not being less than one month before the appointed day, as the Minister may fix for the purpose, elect the county member, and the term of office of the person so elected shall commence on the appointed day. Election and term of office of the county member.

25 (2) The Dublin County Council shall in every election year elect the county member at the annual meeting of the Dublin County Council held next after the 22nd day of June in that year and such election shall be included in the business to be transacted at every such annual meeting.

30 (3) The term of office of the county member elected at any annual meeting of the Dublin County Council in pursuance of the next preceding subsection shall commence on the day of his election.

(4) The county member shall unless he sooner dies, resigns, or becomes disqualified, hold office until his successor is elected in accordance with this section.

35 (5) Whenever a vacancy occurs amongst the members of the hospital board by reason of the death, resignation or disqualification of the county member the Dublin County Council shall, as soon as conveniently may be, elect a person to fill such vacancy.

40 (6) If the person elected to be the county member in pursuance of subsection (1) of this section dies before the appointed day, such person shall for the purposes of this section be deemed to have died on the appointed day.

45 12.—A member of the hospital board may at any time resign his office by letter sent to the hospital board and every such resignation shall take effect at the commencement of the meeting of the hospital board held next after the receipt of such letter. Resignation of members.

Proceedings of the Hospital Board.

50 13.—(1) The hospital board shall hold its first meeting on the appointed day at such time and in such place as the Minister may appoint. Meetings of the hospital board.

(2) The hospital board shall in every year commencing after the appointed day hold a meeting (in this Part of this Act referred to as an annual meeting) on such date as the hospital board may appoint.

(3) The hospital board shall after the transfer date hold at least one meeting in every month.

(4) Whenever so required by a requisition signed by the chairman of the hospital board or by not less than five members of the hospital board a special meeting of the hospital board shall be called not less than eight days after such requisition is delivered to the hospital board. 5

(5) Subject to the provisions of this section, the hospital board shall hold such and so many meetings as may be necessary for the exercise and performance of its powers and duties. 10

Chairman and vice-chairman of the hospital board.

14.—(1) The hospital board shall, at its first meeting and also at every annual meeting, elect one of its members to be chairman of the hospital board and another of its members to be vice-chairman of the hospital board.

(2) Every person elected to be chairman or vice-chairman of the hospital board shall, unless he sooner dies, resigns, or becomes disqualified, hold office as chairman or vice-chairman until his successor is elected. 15

(3) Whenever the office of chairman or vice-chairman becomes vacant through the death, resignation, or disqualification of the chairman or vice-chairman, the hospital board shall at the next meeting after such vacancy has taken place elect one of its members to be chairman or vice-chairman. 20

(4) The chairman or vice-chairman of the hospital board may at any time resign his office as chairman or vice-chairman by letter addressed to the hospital board, and every such resignation shall take effect at the commencement of the meeting of the hospital board held next after the receipt of such resignation by the hospital board. 25

(5) Whenever the chairman or the vice-chairman of the hospital board ceases during his term of office as such chairman or vice-chairman to be a member of the hospital board he shall be disqualified for being and shall forthwith cease to be such chairman or vice-chairman. 30

(6) Whenever at the election of chairman of the hospital board, there is an equality of votes for two or more persons, one of these persons shall be elected by lot. 35

Procedure at meetings of the hospital board.

15.—(1) The quorum for a meeting of the hospital board shall be ten.

(2) At a meeting of the hospital board— 40

(a) the chairman of the hospital board shall, if he is present, be chairman of the meeting;

(b) if and so long as the chairman of the hospital board is not present or if the office of chairman is vacant, the vice-chairman of the hospital board shall, if and so long as he is present, be chairman of the meeting; 45

(c) if and so long as the chairman of the hospital board is not present or if the office of chairman is vacant and the vice-chairman is not present or the office of vice-chairman is vacant, the members of the hospital board who are present shall choose one of their number to be chairman of the meeting. 50

(3) Every question at a meeting of the hospital board shall be determined by a majority of the votes of the members present and voting on the question, and in case of an equal division of votes the 55

chairman of the meeting shall have a second or casting vote save where the question is the election of the chairman of the hospital board.

(4) The hospital board may act notwithstanding one or more
5 vacancies amongst its members.

(5) Where—

(a) any body purport to elect a person a member of the hospital board, and

(b) such person acts as such member, and

10 (c) there was any informality (including want of qualification on the part of such person) in the purported election of such person,

then the acts and proceedings of such person shall, for the purposes of the proceedings of the hospital board but not further or
15 otherwise, be as valid and effectual as if there had been no such informality.

(6) Where a person duly elected as a member of the hospital board becomes disqualified for being a member of the hospital board, the acts and proceedings of such person after his becoming
20 disqualified shall, for the purposes of the proceedings of the hospital board but not further or otherwise, be as valid and effectual as if he had not become so disqualified.

(7) Subject to the provisions of this Act, the hospital board may, by standing orders or otherwise, regulate the procedure and busi-
25 ness of the hospital board.

16.—(1) The hospital board shall immediately upon its establishment provide itself with a seal.

Seal of the hospital board.

(2) The seal of the hospital board shall be authenticated by the signature of the chairman of the hospital board or some other member thereof duly authorised by the hospital board to act in that
30 behalf and the signature of an officer of the hospital board duly authorised by the hospital board to act in that behalf.

The Medical Committee of the Saint Luke's Hospital Board.

17.—(1) On the transfer date there shall be established a committee (in this Act referred to as the medical committee) of the
35 hospital board, to be called and known as the Medical Committee of the Saint Luke's General Hospital Board, to fulfil the functions assigned to them by this Act.

The medical committee of the hospital board.

(2) The constitution and proceedings of the medical committee and the tenure of office of the members of the medical committee
40 shall be regulated by the rules contained in the First Schedule to this Act.

18.—(1) The medical committee shall perform such duties, in respect of the nomination of candidates for appointment to the
45 honorary medical staff of the new general hospital, as may be prescribed by bye-laws made by the hospital board for the purpose.

The functions of the medical committee.

(2) The medical committee shall at the request of the hospital board examine and report to the hospital board upon the testimonials and qualifications of candidates for appointment as resident medical or surgical officer, house surgeon, dispenser or other
50 technical assistant or for appointment to any salaried office under the hospital board requiring medical or technical qualifications.

(3) All matters relating to the purchase or provision on or after the transfer date of surgical or technical apparatus or equipment shall be referred to the medical committee, but the medical committee shall not have power to give orders for the purchase or provision thereof without the previous sanction of 5 the hospital board.

(4) The medical committee shall have the supervision of the medical and surgical work of the new general hospital and shall with the sanction of the hospital board make such rules and regulations as they may deem necessary for the purpose. 10

(5) The control of medical education in the new general hospital shall be vested in the medical committee.

(6) Resident pupils in the new general hospital shall be appointed by the hospital board on the recommendation of the medical committee and shall be subject to such rules and regulations as the medical committee with the sanction of the hospital board may prescribe. 15

(7) The duties of honorary medical officers and resident medical officers of the new general hospital shall be defined and regulated by rules made by the medical committee and approved 20 of by the hospital board.

The Honorary Medical Staff of Saint Luke's General Hospital.

The honorary medical staff of the new general hospital.

19.—(1) The persons who, on the day immediately preceding the transfer date, were members of the honorary medical staffs of the amalgamating hospitals shall, on the transfer date, be 25 and become members of the honorary medical staff of the new general hospital and the hospital board shall on the transfer date or as soon as conveniently may be thereafter appoint such persons to positions corresponding as near as may be to those held by them respectively as members of the honorary medical 30 staffs of the amalgamating hospitals on the day immediately preceding the transfer date.

(2) When any vacancy occurs amongst the members of the honorary medical staff of the new general hospital by reason of the death or resignation of a member thereof, and the hospital board have determined to fill such vacancy, the hospital board 35 shall request the medical committee to submit to it a list of duly qualified persons who are, in the opinion of the medical committee, suitable for appointment in the place of the member so dying or resigning, and the hospital board shall appoint one of 40 the persons so nominated to fill such vacancy.

(3) The hospital board may at any time on the recommendation of the medical committee add to the numbers of the honorary medical staff of the new general hospital either by appointing additional consulting visiting or assistant physicians, surgeons, 45 gynæcologists or medical officers of any special department or by appointing a medical officer of any special department not theretofore or for the time being existing, and any such appointment shall be made in the same manner as in the case of an appoint- 50 ment to fill a vacancy.

(4) After consultation with the medical committee the hospital board may from time to time make such rules as regards advertisements and otherwise as it considers expedient in respect of the making of any appointments to the honorary medical staff of the 55 new general hospital.

(5) The hospital board may by a resolution which—

(a) is passed at a meeting of the hospital board (notice in writing of the date whereof and of the intention to propose thereat such resolution has, not less than ten 60 days before such meeting, been given to each member

of the hospital board) at which not less than three-fourths of the members of the hospital board who are present vote in favour of such resolution, and

5 (b) is confirmed at a subsequent meeting of the hospital board, held not earlier than the seventh nor later than the twenty-first day after such first-mentioned meeting, at which not less than three-fourths of the members of the hospital board who are present vote in favour of the confirmation of such resolution,

10 call for the resignation of any member of the honorary medical staff of the new general hospital on any of the following grounds—

15 (i) that such member has been absent from duties for a period of six months without good and sufficient cause made known to and accepted by the hospital board;

(ii) that such member has been suffering from mental or physical incapacity for a prolonged period;

20 (iii) that in the opinion of the hospital board the continuance in office of such member would be injurious to the welfare of the patients or the interests of the new general hospital,

and such member shall be deemed to have resigned his office as on the date of the confirmation of such resolution.

25 (6) A notice under the immediately preceding subsection to a member of the hospital board may be given

(a) by delivering it to such member, or

(b) by sending it by post to such member in a letter addressed to him at his last known place of abode.

Other Committees of the Hospital Board.

30 20.—(1) The hospital board may from time to time appoint such and so many committees as it may think fit for purposes connected with the exercise or performance of any of the powers, duties and functions of the hospital board which in the opinion of the hospital board would be better or more conveniently regulated or managed
35 by or through a committee.

Other committees of the hospital board.

(2) Every committee appointed under this section shall consist of such number of members as the hospital board may direct and may be composed either wholly of members of the hospital board or partly of such members and partly of other persons.

40 (3) Where a committee appointed under this section is composed partly of members of the hospital board and partly of other persons, the number of such other persons shall not exceed one-fourth of the total membership of such committee.

45 (4) The acts of every committee appointed under this section shall be subject to confirmation by the hospital board, save that the hospital board may empower any particular committee to do any act within the authority conferred on the committee by the hospital board which the hospital board itself could lawfully do.

50 (5) The quorum and procedure of any committee appointed under this section shall be such as may be appointed by regulations made by the hospital board.

Officers, etc., of the Hospital Board.

55 21.—The hospital board may employ such officers, nurses and servants and upon such terms and conditions as the hospital board thinks fit.

Officers, etc., of the hospital board.

Pensions and gratuities to or in respect of officers, nurses and servants of the hospital board.

22.—(1) In this section—

the word “employee” means a paid officer, nurse, or servant of the hospital board;

the expression “transferred employee” means a person who having been a paid officer, nurse or servant of the governing body of an amalgamating hospital has become an employee by virtue of this Act;

the expression “pension scheme” means a scheme for the establishment and maintenance of a fund out of which pensions and gratuities can be paid to employees and for the payment of such pensions and gratuities;

the expression “pension fund” means the fund established and maintained under a pension scheme.

(2) The hospital board may make a pension scheme and may carry such scheme into execution.

(3) A pension scheme—

(a) shall provide for the payment out of the pensions fund of pensions and gratuities to or in respect of employees to whom the scheme applies at such times and subject to such restrictions and conditions as may be prescribed by such pension scheme and for the calculation of the amount of such pensions and gratuities;

(b) shall provide that the amount of any pension or gratuity paid to or in respect of any employee shall be calculated by reference, in addition to such other matters as may be prescribed by such pension scheme, to the service of such employee;

(c) may provide for the application of such pension scheme to any transferred employee who has ceased to be an employee before the date on which such pension scheme comes into operation;

(d) shall provide that whenever any sum becomes payable under such scheme to or in respect of a transferred employee there shall be an apportionment in a manner to be provided by such scheme of such sum into two portions, one of which is referable to his non-contributory service and one of which is referable to his contributory service;

(e) shall provide for the following payment being made into the pension fund, that is to say:—

(i) periodical contributions by the said employees to whom such scheme applies of amounts sufficient, with the contributions and repayments to be made to the pension fund by the hospital board, to ensure, so far as can reasonably be foreseen, that the pension fund will at any time be of an amount sufficient to pay all pensions and gratuities payable at such time under such scheme;

(ii) contributions to the pension fund by the hospital board of an amount not exceeding in any period the total contributions by employees to the pension fund during such period;

(iii) the repayment by the hospital board to the pension fund of a sum equal to the portion of any sum paid under such scheme to or in respect of a transferred employee which is determined on an apportionment under such scheme to be referable to his non-contributory service.

(4) For the purposes of a pension scheme:—

(a) the service of an employee, other than a transferred employee, shall be his period of service under the

hospital board after the date when a pension scheme first came into operation, and

- 5 (b) the non-contributory service of a transferred employee shall be the sum of his period of service under the governing body of an amalgamating hospital and his period of service under the hospital board before the date when a pension scheme first came into operation, and
- 10 (c) the contributory service of a transferred employee shall be his period of service under the hospital board after the date when a pension scheme first came into operation, and
- 15 (d) the service of a transferred employee shall be the sum of half his non-contributory service and the whole of his contributory service.

(5) The hospital board may at any time by a subsequent pension scheme (in this and the next following subsection referred to as an amending scheme) amend a pension scheme or a previous amending scheme.

- 20 (6) An amending scheme shall not be so framed as to terminate or reduce any pension which was, immediately before the coming into force of such an amending scheme, payable under the scheme thereby amended.

Financial Provisions.

- 25 **23.**—(1) The hospital board shall cause to be kept proper accounts of all income and expenditure of the hospital board, and of the sources of such income and the subject matter of such expenditure, and of the property, assets and liabilities of the hospital board. Accounts of the hospital board.

- 30 (2) The financial year of the hospital board shall be the calendar year, and for the purposes of this provision the period commencing on the appointed day and ending on the next following 31st day of December shall be deemed to be a calendar year.

- 35 (3) The statement of accounts of the hospital board for each financial year shall as soon as may be after the end of such financial year be prepared and after such preparation be audited by and be subject to a report by a duly qualified auditor appointed annually by the hospital board.

- 40 **24.**—(1) Any funds in the hands of the hospital board may be invested by the hospital board in trustee securities. Investment of funds.

(2) Where any securities become under this Act or otherwise vested in the hospital board, such securities may be retained and held by the hospital board notwithstanding that such securities are not trustee securities.

- 45 (3) The hospital board may from time to time vary or transpose any moneys held by it in the form of investments into other investments which are trustee securities and may at any time sell and convert into money all or any investments held by it.

- 50 (4) In this section the expression "trustee securities" means securities in which trustees are by the law for the time being in force authorised to invest trust funds.

- 25.**—The hospital board may for the purposes of defraying any expenses incurred or to be incurred by it for the purposes of its powers and duties borrow by means of bank overdraft or otherwise and may secure any moneys so borrowed and interest thereon by a mortgage or charge on any property of the hospital board. Borrowing by the hospital board.
- 55

Acquisition and Disposal of Land.

Acquisition of land by the hospital board.

26.—The hospital board may for the purposes of its powers and duties acquire land by agreement.

Compulsory acquisition of land for the new hospital.

27.—(1) The Minister may, if he thinks fit, at the request of the hospital board, acquire land compulsorily in or near the city of Dublin for the purpose of providing a site for the new general hospital. 5

(2) The Minister may, if he thinks fit, at the request of the hospital board, acquire compulsorily from time to time land adjacent to the site of the new general hospital for the purpose of facilitating the extension, enlargement or the improvement of the amenities of the new general hospital. 10

(3) All land acquired by the Minister under this section shall, when acquired, be conveyed to the hospital board and, when so conveyed, shall be held by it in trust for and to the use of the new general hospital. 15

Compulsory acquisition of land by the Minister.

28.—(1) If and whenever the Minister thinks proper to acquire compulsorily any land under the immediately preceding section, the Minister may, by order, declare his intention so to acquire such land, and every such order shall operate to confer on the Minister full power to acquire compulsorily the land mentioned therein under and in accordance with this section. 20

(2) Before making an order under this section, the Minister—

(a) shall deposit and keep open for inspection at some suitable place (public notice of which shall be given) such plans, specifications, and other documents as will show fully and clearly the land intended to be acquired by virtue of the order, and 25

(b) shall give notice in such manner as he may consider best adapted for informing persons likely to be affected by the order, of his intention to consider the making thereof and of the manner in which representations and objections in respect of the order may be made, and 30

(c) shall, if he considers it expedient so to do, cause a public inquiry to be held in regard to the making of the order. 35

(3) An order made under this section may incorporate

(a) the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925), and

(b) the Lands Clauses Acts so far as the same are not inconsistent with the said Acquisition of Land (Assessment of Compensation) Act, 1919. 40

(4) Nothing in this section shall authorise the Minister to acquire compulsorily under this section any land which at the date of the first publication of notice of the intention of the Minister to consider the making of an order in that behalf belongs to any railway, electricity, gas, or water undertaker and is used or authorised to be used by such undertaker for the purpose of his undertaking. 45

(5) The following provisions shall have effect in relation to any public inquiry held under this section— 50

(a) the Minister shall appoint a fit and proper person to hold such inquiry;

(b) such person is hereby authorised to administer oaths to persons appearing as witnesses at such inquiry;

(c) any person interested in the subject matter of such inquiry shall be entitled to appear thereat personally or by counsel or solicitor and to adduce evidence.

29.—(1) The Minister may by order direct the Hospitals Trust Board to pay to him out of the Hospitals Trust Fund any moneys required by him for the purposes of defraying any expenses incurred by him under the two immediately preceding sections.

Expenses of the Minister in relation to compulsory acquisition of land.

(2) Whenever the Minister under this section directs the Hospitals Trust Board to pay to him any moneys, the Hospitals Trust Board shall pay such moneys to the Minister, and the Minister shall use such moneys for defraying expenses incurred by him under this Part of this Act.

(3) Any moneys paid to the Minister under this section which are not required for the purposes of defraying any expenses incurred by him under the two immediately preceding sections shall be repaid by the Minister to the Hospitals Trust Board for the Hospitals Trust Fund.

30.—The hospital board may sell or let any land vested in the hospital board and which is not required for the purposes of its powers and duties.

Sale of surplus lands.

Miscellaneous Provisions.

31.—The hospital board may from time to time make rules in relation to the conduct and management of any hospital or convalescent home which is for the time being controlled and managed by the hospital board and in relation to the admission of patients to, the conduct of patients while in, and the discharge of patients from, any such hospital or convalescent home.

Rules for management and control of hospitals and convalescent homes managed by the hospital board

32.—In addition to any powers conferred on it by this Act, the hospital board may—

Miscellaneous powers of the hospital board.

(a) from and after the transfer date, do all or any of the following things, that is to say:—

(i) continue at the new general hospital or elsewhere the work theretofore carried on at the amalgamating hospitals,

(ii) provide, acquire, carry on, manage or assist hospitals, convalescent homes, dispensaries and other institutions for the relief of sickness and disease and the provision of medical, surgical and nursing services;

(iii) educate and train nurses,

(iv) educate and train medical students and graduates,

(v) carry on research into the nature, causes, effects, symptoms, treatment and cure of sickness and disease,

(vi) carry out examinations, tests, analyses and experiments,

(vii) render charitable assistance to poor persons in cases of sickness, disease or convalescence,

(viii) do any act or thing ancillary to the doing of the aforesaid things or any of them, and

(b) do any of the following things, that is to say:—

(i) provide and carry on hostels, houses and other residential premises and social and recreational premises and facilities for the use of officers, nurses, servants, students, patients or other persons connected with the new general hospital,

- (ii) insure against any risks undertaken by or falling on or resting on the hospital board,
- (iii) make charges for or enter into any special arrangement in respect of any accommodation or facilities provided or services rendered by the hospital board to students or probationers or to institutions, local authorities or other bodies, 5
- (iv) construct and equip any hospital or part of a hospital for paying patients and provide medical, surgical or other treatment or maintenance for such patients and accept payment therefor upon such terms as the hospital board thinks fit, but so that the property of the hospital board does not in any way suffer from the exercise of this power, 10
- (v) accept payment from patients for medical, surgical or other treatment or maintenance provided in any hospital or part of a hospital not constructed and equipped under the immediately preceding subparagraph, 15
- (vi) grant privileges with respect to the use of beds or other accommodation facilities or property of or provided by the hospital board to subscribers, donors, officers, nurses, servants or other persons or institutions, local authorities or other bodies, 20
- (vii) arrange or contract for the absorption of or co-operation by joint working union or amalgamation with any other institution, association or body (whether incorporated or not) for the reception and treatment of patients, 25
- (viii) accept and receive legacies, bequests, gifts, grants, annuities, collections, allowances and other benefits and undertake and perform any services or conditions attached to the receipt thereof, 30
- (ix) compromise any debts owing to or claims by the hospital board, 35
- (x) make appeals, publish literature, advertise, hold bazaars, entertainments and performances, and conduct such other lawful activities as the hospital board considers desirable with a view to raising funds for the hospital board or making known its existence, purposes or work. 40

Prima facie
evidence of
meetings,
resolutions and
instruments.

33.—(1) All minutes of the proceedings at a meeting of the hospital board or of a committee of the hospital board which purport to be signed by the chairman of such meeting or by the chairman of the next subsequent meeting of the hospital board or such committee shall (without proof of the signature of the person by whom such minutes purport to be signed or that such person was in fact the chairman of the meeting at which such minutes purport to have been signed) be received in all legal proceedings as *prima facie* evidence of the proceedings at the meeting to which such minutes relate and as *prima facie* evidence that such meeting was duly convened and held and that the proceedings thereat were duly transacted according to law. 45

(2) A copy of a resolution passed or an instrument made at a meeting of the hospital board or of a committee of the hospital board which purports to be certified, by an officer of the hospital board authorised by the hospital board in that behalf, to be a true copy of such resolution or instrument shall be received in all legal proceedings as *prima facie* evidence of the passing of such resolution or the making of such instrument (as the case may be) and of the terms thereof without proof of the signature of the person by whom such copy purports to be so certified or that he was in fact an officer of the hospital board so authorised. 60

In this subsection the word "instrument" means any instrument in writing.

PART III.

ERECTION AND ESTABLISHMENT OF SAINT LUKE'S GENERAL HOSPITAL.

34.—As soon as the hospital board has held its first meeting in pursuance of this Act, the hospital board shall, with all convenient speed, prepare and submit to the Minister, a scheme for the erection and establishment of a new general hospital (including accommodation for the staff thereof), containing not less than four hundred beds in or near the city of Dublin, setting out the following matters, that is to say :—

Submission of scheme for establishment of a new general hospital.

- 10 (a) the proposed site of the hospital,
(b) the plans and specifications of the proposed hospital (including the accommodation for the staff thereof),
(c) the estimated cost of carrying out the scheme.

35.—(1) When a scheme is submitted under the next preceding section by the hospital board to the Minister for his approval, the Minister may by order either (as he shall think proper) approve of such scheme without modification or modify such scheme in such manner (whether by addition, omission or variation) as he shall think proper, and approve of such scheme as so modified, or require a new scheme to be made and submitted to him by the hospital board.

Procedure after submission of scheme.

(2) Where the Minister requires under this section a new scheme to be made and submitted to him by the hospital board it shall be the duty of the hospital board to make with all convenient speed a new scheme accordingly and to submit such new scheme to the Minister for his approval and the provisions of this Part of this Act shall have effect as if such new scheme were the first scheme made and submitted by the hospital board in pursuance of this Part of this Act.

(3) In this Act the expression "the scheme" means the scheme approved of by the Minister under this section.

(4) When the scheme has been approved of by the Minister the Minister shall by order fix a period within which a new general hospital is to be erected and established in accordance with the scheme.

(5) The Minister may by order extend the period fixed under the immediately preceding subsection.

36.—At any time after the scheme has been approved by the Minister, the Minister may by order, made on the application of the hospital board, modify the scheme in such manner (whether by addition, omission or variation) as he shall think proper, and from and after the making of an order under this section modifying the scheme the scheme shall have effect as if it had been so modified at the time of its approval by the Minister.

Modification in the scheme after approval.

37.—(1) After the scheme has been approved by the Minister the hospital board shall proceed to erect and establish within the period fixed by the Minister under this Part of this Act a general hospital (in this Act referred to as the new general hospital) to be known as Saint Luke's General Hospital and shall provide all necessary equipment for such hospital.

Erection and establishment of new general hospital.

(2) In the erection and establishment of the new general hospital the hospital board shall comply with the provisions of the scheme.

(3) The Minister shall, under section 25 of the Public Hospitals Act, 1933 (No. 18 of 1933), make from time to time to the hospital board out of the Hospitals Trust Fund, grants of a total amount

equal to the amount of any expenses which have, in the opinion of the Minister, been reasonably incurred by the hospital board in the preparation of the scheme and in the erection and equipment of the new general hospital in accordance with the scheme, after deducting the sums paid by the governing body of each of the amalgamating hospitals to the hospital board in pursuance of this Act. 5

Management and control of the new general hospital.

38.—(1) The new general hospital shall be controlled, managed and carried on by the hospital board.

(2) The hospital board may, for the purposes of controlling 10 managing and carrying on the new general hospital, do, subject to the provisions of this Act, all such things as the hospital board considers necessary or expedient.

Extension, etc., of new general hospital.

39.—The hospital board may, with the consent of the Minister, extend, alter, enlarge or otherwise improve the new general hospital. 15

PART IV.

PAYMENTS ON APPOINTED DAY BY AMALGAMATING HOSPITALS TO THE HOSPITAL BOARD, DISSOLUTION ON TRANSFER DATE OF GOVERNING BODIES OF AMALGAMATING HOSPITALS AND TRANSFER OF THEIR PROPERTY, LIABILITIES, ETC., TO THE HOSPITAL BOARD, AND CLOSING OF 20 AMALGAMATING HOSPITALS.

Payments to be made by amalgamating hospitals to the hospital board on the appointed day.

40.—(1) The governing body of each amalgamating hospital shall on the appointed day pay to the hospital board a sum equal to any moneys paid to such governing body under the Public Charitable Hospitals Acts, 1930 to 1932, together with any accumulations on such moneys, less any part thereof actually expended before the appointed day. 25

(2) Any sum payable under this section by the governing body of an amalgamating hospital to the hospital board shall be a debt due by such governing body to the hospital board and shall be recoverable by the hospital board as a simple contract debt. 30

(3) The obligation imposed by this section on the governing body of an amalgamating hospital to pay on the appointed day a particular sum to the hospital board may be discharged by such governing body in any one of the following ways, that is to say :— 35

- (a) by payment of such sum in cash,
- (b) by the transfer of securities representing such sum,
- (c) by payment of part of such sum in cash and the transfer of securities representing the balance of such sum.

(4) Any moneys paid to the hospital board under this section shall be applied by the hospital board towards defraying expenses incurred by the hospital board in the preparation of the scheme and in the erection and equipment of the new general hospital in accordance with the scheme and for no other purpose. 40

Dissolution of governing bodies, etc., of amalgamating hospitals.

41.—On the transfer date the following provisions shall by virtue of this section have effect, that is to say :— 45

- (a) the Governors of Mercer's Hospital shall be dissolved and cease to exist, and any laws, rules, orders or regulations made by the Governors of Mercer's Hospital under the Act of 1750 and in force immediately before the transfer date shall cease to be in force; 50

(b) the organisation of Sir Patrick Dun's Hospital shall be dissolved and cease to exist, the powers of the Governors of Sir Patrick Dun's Hospital shall cease to be exercisable and the trustees for the said Hospital shall be discharged from their trusteeship;

(c) the organisation of the Royal City of Dublin Hospital shall be dissolved and cease to exist, the powers of the Board of Directors of the Royal City of Dublin Hospital shall cease to be exercisable and the trustees under the Deed of Co-partnership of 1875 shall be discharged from their trusteeship.

42.—(1) Subject to the provisions of this section, all property, whether real or personal (including choses-in-action) which immediately before the transfer date was vested in or belongs to or hospital or was held in trust for any of the purposes of any amalgamating hospital and all rights, powers, and privileges relating to or connected with any such property shall, on the transfer date and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation, or company, become and be vested in or become and be the property of or be held in trust for (as the case may require) the hospital board for all the estate, term or interest for which the same immediately before the transfer date was vested in or belonged to or was held in trust for such governing body or was held in trust for the purposes of such amalgamating hospital.

Transfer of property of amalgamating hospitals, preservation of certain trusts, and disposal of lands occupied for the purposes of the amalgamating hospitals.

(2) All property transferred by this section which, immediately before the transfer date, was standing in the books of any bank or is registered in the books of any bank, corporation, or company shall, upon the request of the hospital board made on or at any time after the transfer date, be transferred in such books by such bank, corporation, or company into the name of the hospital board.

(3) On or as soon as may be after the transfer date all trust funds and the investments for the time being representing the same which immediately before the transfer date were held by the Commissioners of Charitable Donations and Bequests in Ireland in trust for the governing body of any amalgamating hospital or for any of the purposes of any amalgamating hospital shall be transferred to the hospital board.

(4) On and after the transfer date, every chose-in-action transferred by this section to the hospital board, may be sued upon, recovered, or enforced by the hospital board in its own name and it shall not be necessary for the hospital board to give notice to the person bound by such chose-in-action of the transfer effected by this section.

(5) Where any property transferred to the hospital board by this section was immediately before the transfer date held upon trust for the endowment of a bed or a medical prize or medical fund or upon other special trusts, such property shall, on and after the transfer date, be held by the hospital board upon such trusts as may be declared by the hospital board of and concerning the same, and the trusts so to be declared shall be such as, in the opinion of the hospital board, correspond as far as the circumstances allow to the trusts which immediately before the transfer date affected such property.

(6) The following provisions shall apply in respect of any lands, tenements and hereditaments which immediately before the transfer date were vested in or held by the governing body of any amalgamating hospital, and occupied by it for the purposes of such amalgamating hospital, that is to say:—

(a) subsection (1) of this section shall not apply in respect of such lands, tenements and hereditaments;

- (b) such lands, tenements or hereditaments shall on the transfer date vest in or be held by the hospital board in trust for and to the use of such amalgamating hospital;
- (c) on and after the date (in this subsection referred to as the closing date) on which such amalgamating hospital is closed under this Act, the hospital board shall hold such lands, tenements and hereditaments fixed and discharged from all trusts in favour of such amalgamating hospital;
- (d) at any time after the closing date the Minister may by order or orders direct that such lands, tenements or hereditaments or any part thereof shall be disposed of in such one of the following ways as the Minister thinks proper and specifies in such order, that is to say:—
- (i) by sale for the best price that can, in the opinion of the Minister, be obtained,
- (ii) by transfer (with or without payment) to a particular local authority for the purposes of any of the powers and duties of such local authority;
- (e) the hospital board shall and are hereby authorised to comply with any direction given by the Minister under this section;
- (f) on and after the closing date and until such lands, tenements or hereditaments or any part thereof are or is disposed of by the hospital board in accordance with this section, the hospital board shall hold such lands, tenements or hereditaments or such part in trust for the hospital board;
- (g) any moneys received by the hospital board from the disposal of such lands, tenements or hereditaments under this subsection shall, after defraying all costs and expenses incurred by the hospital board in relation to such disposal, be paid by the hospital board to the Hospitals Trust Board and shall form part of the Hospitals Trust Fund.

Transfer of liabilities of amalgamating hospitals.

43.—(1) Every debt and other liability (including unliquidated liabilities arising from torts or breaches of contract) which immediately before the transfer date is owing and unpaid or has been incurred and is undischarged by the governing body of any amalgamating hospital shall, on the transfer date, become and be the debt or liability of the hospital board and shall be paid or discharged by and may be recovered from or enforced against the hospital board accordingly.

(2) In this section the word “liability” includes any pension or allowance granted before the transfer date by the governing body of any amalgamating hospital to a person who, having been employed as an officer, nurse or servant of such governing body, was not so employed immediately before the transfer date.

Preservation of continuing contracts.

44.—Every bond, guarantee, or other security of a continuing nature made or given by the governing body of any amalgamating hospital to any person, or by any person to such governing body, and in force immediately before the transfer date, and every contract or agreement in writing made between the governing body of any amalgamating hospital and another person and not fully executed and completed before the transfer date shall, notwithstanding the dissolution or cesser of the powers of such governing body, continue in force on and after the transfer date, but shall be construed and have effect as if the name of the hospital board were substituted therein for the name of such governing body, and such security, contract, or agreement shall be enforceable by or against the hospital board accordingly.

45.—In every action, suit, or proceeding which is pending on the transfer date in any court or tribunal and to which the governing body of any amalgamating hospital is a party, the hospital board shall on the transfer date become and be a party in the place of such governing body and such proceeding shall be continued between the hospital board and the other parties thereto accordingly and no such proceeding shall abate or be discontinued or prejudicially affected by reason of the dissolution or the cesser of the powers of such governing body.

Continuance of pending legal proceedings.

46.—Every contract of service expressed or implied which is in force immediately before the transfer date between the governing body of any amalgamating hospital and any person being a salaried officer or employee of such governing body shall continue in force on and after the transfer date, but shall be construed and have effect as if the hospital board were substituted therein for such governing body, and every such contract shall be enforceable by or against the hospital board accordingly.

Preservation of contracts of service.

47.—(1) The following provisions shall apply and have effect in relation to any person who immediately before the transfer date was a salaried officer or employee of the governing body of any amalgamating hospital, that is to say :—

Provisions as regards salaried staffs of amalgamating hospitals.

(a) such person shall not in the service of the hospital board receive less remuneration or be subject to less beneficial conditions of service than the remuneration to which he was entitled and the conditions of service to which he was subject in the service of such governing body immediately before the transfer date,

(b) the hospital board may rearrange the duties to be performed by such person,

(c) where the hospital board terminates the services of such person on the ground that no suitable position is available for him under the hospital board, the hospital board shall pay to him such compensation (either by way of annuity for life or for a limited period or by way of gratuity) as the hospital board, having regard to all the circumstances of the case (including the nature of the employment, the length of service, the rate of remuneration and the prospects of such person in the position such person occupied under such governing body immediately before the transfer date), consider fair and reasonable.

(2) The determination by the hospital board of any matter arising under this section shall be final and conclusive.

48.—(1) Subject to the provisions of this section every amalgamating hospital shall be closed on the transfer date.

Closing of amalgamating hospitals on transfer date.

(2) The hospital board may, if of opinion that it is not expedient to close any amalgamating hospital on the transfer date, defer the closing of such hospital for such period (not exceeding twelve months from the transfer date) as it thinks proper, and in that case, the hospital board shall, until such hospital is closed, control and manage it and may for that purpose do all such things as may be necessary or expedient.

(3) The Minister may, if he thinks fit, authorise the hospital board to defer the closing of any amalgamating hospital for such period (being a period ending more than twelve months after the transfer date) as he thinks proper.

PART V.

GOVERNORS OF SAINT LUKE'S GENERAL HOSPITAL.

Governors of
Saint Luke's
General Hospital.

49.—(1) Each of the following persons shall be a life governor of Saint Luke's General Hospital, that is to say:—

- (a) any person who on the day immediately preceding the transfer date was—
 - (i) one of the Governors of Mercer's Hospital, or,
 - (ii) one of the Governors of Sir Patrick Dun's Hospital,
or
 - (iii) by reason of donations given or services rendered to Sir Patrick Dun's Hospital, known as a life member of that hospital, or
 - (iv) one of the Board of Directors of the Royal City of Dublin Hospital, or
 - (v) by reason of donations given or services rendered to the Royal City of Dublin Hospital, known as a life governor of that Hospital;
- (b) any person who on or after the appointed day has made a donation of twenty pounds (either in one payment or in several payments extending over a period of not more than three years) to the funds of the hospital board;
- (c) any person who shall be elected a life governor of Saint Luke's General Hospital by the hospital board.

(2) Every person who during the year in which the transfer date falls subscribes to any amalgamating hospital or during any subsequent year subscribes to Saint Luke's General Hospital the sum of two pounds or upwards as an annual subscription shall be a governor of Saint Luke's General Hospital for that year.

(3) Every person who is for the time being a member of the hospital board or of any committee thereof shall be an *ex-officio* governor of Saint Luke's General Hospital.

(4) This section shall come into operation as on and from the transfer date.

Furnishing of
audited
balance sheets,
auditors' reports
and annual
reports to
Governors.

50.—(1) Upon the completion of an audit of the accounts of the hospital board on or after the transfer date, a copy of the balance sheet and profit and loss account as certified by the auditor and a copy of the auditor's report shall be sent by the hospital board to each governor of Saint Luke's General Hospital.

(2) The hospital board shall at the end of the year in which the transfer date falls and of each subsequent year cause to be prepared a report of the work and proceedings of the hospital board during such year, and shall furnish a copy of such report to each governor of Saint Luke's General Hospital.

Annual meetings
of the Governors.

51.—(1) A meeting (in this section referred to as the annual meeting) of the governors shall be held in each year commencing after the year in which the transfer date falls on such date (not later than the 30th day of April) and at such place as the hospital board may appoint.

(2) The quorum at the annual meeting shall be ten.

(3) Every governor shall be entitled to attend and vote at the annual meeting.

(4) Ten days' notice of the annual meeting shall be given by circular or by advertisement in two local newspapers and such notice shall specify the place and the day and hour of the meeting.

(5) At the annual meeting the chairman of the hospital board or, in his absence, the vice-chairman of the hospital board shall take the chair, and if neither of these is available, the governors present shall appoint a chairman for the day from among themselves.

5 (6) Every governor present at the annual meeting shall have one vote, and the chairman shall have a second or casting vote in the case of equality in the voting. All questions shall be decided by a majority of the governors present and voting.

10 (7) Every question submitted to the annual meeting shall be decided by a show of hands or a ballot to be taken forthwith at the meeting if the chairman shall so decide; in which event the ballot shall be conducted under the supervision and in accordance with the directions of the chairman who shall have power to decide any question arising out of the ballot and shall count the votes and
15 announce the result to the meeting and a declaration by the chairman that a resolution has been carried or carried by a particular majority or lost and an entry to that effect in the minutes of the meeting shall be sufficient evidence of the fact without proof of the number or validity of the votes recorded in favour of or against
20 such resolution.

(8) After the chairman of the annual meeting shall have declared the meeting to be over and shall have left the chair no business shall be brought forward or discussed.

25 (9) The annual meeting may without notice in that behalf transact any business and generally discuss any affairs relating to the new general hospital.

(10) A governor desiring to bring forward any special business at the annual meeting shall give notice thereof to the hospital board fifteen days at least before the day appointed for the holding of the
30 meeting.

(11) In this section the word "governor" means a person who is for the time being a governor of Saint Luke's General Hospital.

PART VI.

MISCELLANEOUS PROVISIONS.

35 52.—The governing body of any amalgamating hospital shall not without the consent of the hospital board do on or after the appointed day any of the following things, that is to say:—

Restriction on powers of governing bodies of amalgamating hospitals.

(a) make any additional appointment to the medical staff of such hospital,

40 (b) make any permanent appointment to any other office under such governing body,

(c) incur any expenditure of a capital nature.

45 53.—The Agreement made on the 16th day of July, 1941, between the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin of the first part, the President and Fellows of the Royal College of Physicians of Ireland of the second Part and The Honourable Timothy Sullivan of Shamrock Hill, Stillorgan Road, in the County of Dublin, Chief Justice of Éire, The Honourable Conor A. Maguire, of Ashurst, Mount Merrion, Blackrock, in the County of
50 Dublin, President of the High Court of Justice of Éire, The Honourable James Murnaghan of 25 Fitzwilliam Street, Upper, in the County of the City of Dublin, Senior Ordinary Judge of the Supreme Court of Justice of Éire being the Visitors of the Royal

Confirmation of agreement between Trinity College, the Royal College of Physicians and Sir Patrick Dun's Hospital.

College of Physicians of Ireland; Robert James Rowlette of 55 Fitzwilliam Square in the City of Dublin, Esquire, M.D., President of the Royal College of Physicians of Ireland; Victor Millington Syngé of 29 Fitzwilliam Place in the County of the City of Dublin, Esquire, M.D., Vice-President of the Royal College of Physicians of Ireland; the said Victor Millington Syngé; Frederick MacSorley of 217 Antrim Road in the County of the City of Belfast, Esquire, M.D.; Robert Henry Joseph Mulhall Corbet of 34 Fitzwilliam Place in the County of the City of Dublin, Esquire, M.B., M.A.O.; James Michael O'Donovan of 26 Wellington Road in the County of the City of Cork, Esquire, M.D., being the Censors of the said College; William Edward Thrift of Provost's House, Trinity College, Dublin, Esquire, Provost of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin; Thomas Gillman Moorhead of 23 Upper Fitzwilliam Street in the County of the City of Dublin, Esquire, M.D.; The Right Honourable Thomas Kennedy Laidlaw of Somerton, Castleknock in the County of Dublin, Esquire, Privy Councillor; M. Angela Boland of 36a Merrion Square in the County of the City of Dublin, Spinster; Charles Calthrop de Burgh Daly of Raford, Knocksinna Road, Blackrock in the County of Dublin, Esquire, an Officer of The Most Excellent Order of the British Empire, M.B., B.Ch.; The Right Honourable Hans Wellesley Hamilton, Baron Holmpatrick, a Companion of the Distinguished Service Order; F. Morgan Mooney of The Manor House, Raheny in the County of Dublin, Esquire; Eoghan O'Brien of Mount Eagle, Killiney in the County of Dublin, a Colonel in His Britannic Majesty's Army (Retired), a Companion of the Distinguished Service Order; Cecil M. Dobbs of 8 Ailesbury Grove, Donnybrook in the County of Dublin, Esquire, a Companion of The Most Distinguished Order of St. Michael and St. George; Richard W. Maxwell of 29 St. Mary's Road, Ballsbridge in the County of Dublin, Esquire; Alice Josephine Benson of Riversdale, Donnybrook in the County of Dublin, Widow; Thomas Byrne of 59 Derrynane Gardens, Sandymount in the County of Dublin, a Member of the Dublin Corporation; John McCabe of 27 Erris Road, Cabra in the County of Dublin, a Member of the Dublin Corporation; being the Governors of Sir Patrick Dun's Hospital of the third part (a copy whereof is set out in the Second Schedule to this Act) is hereby confirmed and for that purpose it is hereby declared and enacted as follows, that is to say:—

- (a) the said Agreement shall have statutory effect and shall be binding on the several parties thereto as fully as if it had been enacted in this Act;
- (b) each party to the said Agreement shall, notwithstanding any limitations on the power of such party to enter into the said Agreement, have and be deemed always to have had power to enter into the said Agreement;
- (c) it shall be the duty of each party to the said Agreement and such party is hereby empowered to carry out the said Agreement so far as the provisions thereof are to be performed by such party.

Provision for existing visiting medical officers of the Royal City of Dublin Hospital.

54.—On the passing of this Act there shall become payable to each visiting medical officer of the Royal City of Dublin Hospital by the trustees under the Deed of Co-Partnership of 1875 in whom the funds of that hospital are vested out of the said funds a sum equal to the sum which such medical officer (or his personal representatives) would under the Deed of Co-Partnership of 1875 have been entitled to receive from the person appointed in his place as a visiting medical officer if such visiting medical officer had died or resigned his position as such visiting medical officer on the date of the passing of this Act, and so much of the Deed of Co-Partnership of 1875 as provides for the payment of any sum to a visiting medical officer or to the representatives of a deceased medical officer by his successor shall, in relation to a visiting medical officer retiring or dying after the date of the passing of this Act, cease to have effect

55.—In any conveyance, deed, will or other instrument whether made before on or after the transfer date any reference to an amalgamating hospital shall, on and after the transfer date, be construed as a reference to the new general hospital and any reference to the governing body of any amalgamating hospital shall, on and after the transfer date, be construed as a reference to the hospital board.

References in wills, etc., to any of the amalgamating hospitals.

PART VII.

10 AMALGAMATION OF ADDITIONAL HOSPITALS WITH THE NEW GENERAL HOSPITAL.

56.—(1) Whenever the Minister is of opinion that it is expedient that any non-participating hospital should be amalgamated with the new general hospital he may, for the purpose of effecting such amalgamation, make, with the concurrence of the hospital board, in relation to such non-participating hospital an order (in this Act referred to as an amalgamation order) under this section.

Amalgamation of other hospitals with the new general hospital.

(2) Whenever the Minister makes in relation to any non-participating hospital an amalgamation order he shall in and by such order do the following things, that is to say:—

20 (a) appoint a day (which shall not be earlier than the transfer date) to be the dissolution date for the purposes of such order;

(b) declare that on the dissolution date the governing body of such non-participating hospital shall be dissolved;

25 (c) declare that, as on and from a specified date (in this section referred to as the date of increase of membership of the hospital board) which shall not be later than the dissolution date,—

30 (i) the previously existing number of ordinary members of the hospital board shall be increased by such number (in this subsection referred to as the additional number of ordinary members) as the Minister thinks proper and specifies in such order,

35 (ii) the previously existing number of medical members of the hospital board shall be increased by such number (in this subsection referred to as the additional number of medical members) as the Minister thinks proper and specifies in such order;

(d) declare—

40 (i) that at a meeting of the governing body of such non-participating hospital to be held on such day, previous to the date of increase of membership of the hospital board, as the Minister may fix for the purpose, such governing body shall elect a number of ordinary members equal to the additional number of ordinary members, and

45 (ii) that if—
50 (I) a person (in this clause referred to as the former member) who was elected by the governing body of such non-participating hospital in pursuance of the next preceding clause dies before the date of increase of membership of the hospital board, or

55 (II) a person (in this clause also referred to as the former member) who was an ordinary member elected by such governing body dies, resigns, or becomes disqualified before the dissolution date,

30 such governing body shall, before the dissolution date, elect another person to be an ordinary member

of the hospital board in the place of the former member and, in default of their so doing, the hospital board shall, on or after the dissolution date, elect another person to be an ordinary member in the place of the former member, and 5

(iii) that the term of office of every ordinary member elected under this paragraph shall commence—

(I) in case he is elected in pursuance of clause (i) of this paragraph on the date of increase of membership of the hospital board, 10

(II) in case he is elected in pursuance of clause (ii) of this paragraph to fill the place of a person who dies before the date of increase of membership of the hospital board, on the date of increase of membership of the hospital board or on the day following the date of his election, whichever is the later, 15

(III) in case he is elected in pursuance of clause (ii) of this paragraph to fill the place of an ordinary member who dies, resigns, or becomes disqualified before the dissolution date, on the day following the date of his election; 20

(e) declare—

(i) that at a meeting of the honorary medical staff of such non-participating hospital to be held on such day, previous to the date of increase of membership of the hospital board, as the Minister may fix for the purpose, such honorary medical staff shall out of their number elect a number of medical members equal to the additional number of medical members, and 25 30

(ii) that if—

(I) a person (in this clause referred to as the former member) who was elected by such honorary medical staff in pursuance of the next preceding clause dies before the date of increase of membership of the hospital board, 35
or

(II) a person (in this clause also referred to as the former member) who was a medical member elected by such honorary medical staff dies, resigns, or becomes disqualified before the dissolution date, 40

such honorary medical staff shall, before the dissolution date, elect out of their number another person to be a medical member of the hospital board in the place of the former member and, in default of their so doing, the medical committee, shall, on or after the dissolution date, elect out of their number another person to be a medical member in the place of the former member, and 45 50

(iii) that the term of office of every medical member elected under this paragraph shall commence—

(I) in case he is elected in pursuance of clause (i) of this paragraph on the date of increase of membership of the hospital board, 55

(II) in case he is elected in pursuance of clause (ii) of this paragraph to fill the place of a person who dies before the date of increase of membership of the hospital board, on the date of increase of membership of the hospital board or on the day following the date of his election, whichever is the later, 60

(III) in case he is elected in pursuance of clause (ii) of this paragraph to fill the place of a medical member who dies, resigns, or becomes disqualified before the dissolution date, on the day following the date of his election;

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(f) declare that the persons who on the day immediately preceding the dissolution date were members of the honorary medical staff of such non-participating hospital shall, on the dissolution date, be and become members of the honorary medical staff of the new general hospital and that the hospital board shall, on the dissolution date or as soon thereafter as conveniently may be, appoint such persons to positions corresponding as near as may be to those held by them as members of the honorary medical staff of such non-participating hospital on the day immediately before the dissolution date;

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(g) incorporate the provisions of this Act set out in the *Third Schedule* to this Act with and subject to the following modifications, namely:—

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(i) that for references to an amalgamating hospital and the governing body of an amalgamating hospital there shall be substituted references to such non-participating hospital and the governing body of such non-participating hospital respectively, and

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(ii) that for references to the transfer date there shall be substituted references to the dissolution date;

(h) declare that the persons who, on the day immediately preceding the dissolution date, were the governing body of such non-participating hospital and such other persons (being benefactors of such non-participating hospital) as may be specified in such order shall on the dissolution date be and become life Governors of Saint Luke's General Hospital,

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(i) prohibit the governing body of such non-participating hospital, on or after the date on which such order is made, from doing without the consent of the hospital board any of the following things, that is to say:—

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(i) the making of any additional appointment to the staff of such non-participating hospital,

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(ii) the making of any permanent appointment to any other office under such governing body,

(iii) the incurring of any expenditure of a capital nature.

(3) An amalgamation order made in relation to a non-participating hospital may provide that on a specified date (earlier than the day which is the dissolution date for the purposes of such order) the governing body of such non-participating hospital shall pay to the hospital board a specified sum (being proceeds of one or more sweepstakes held under the Public Charitable Hospitals Acts, 1930 to 1932, or the Public Hospitals Acts, 1933 to 1940, together with any accumulations on such moneys, less any part thereof actually expended before such specified date) held by or in trust for such governing body, and in that case the date to be fixed under such order as the date of increase of membership of the hospital board shall be such specified date.

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(4) An amalgamation order may contain all such incidental or ancillary provisions as shall appear to the Minister to be necessary or expedient for giving effect to any provision inserted in such order in pursuance of this section.

(5) The Minister may whenever and so often as he thinks fit by order amend (whether by addition, deletion or variation) in such manner as he thinks fit an amalgamation order, and may by any such amending order, amend an order previously made under this subsection.

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(6) Every order under this section shall have the force of law.

(7) In this section the expression "non-participating hospital" means any general hospital situate in the county borough of Dublin which is not an amalgamating hospital.

FIRST SCHEDULE.

CONSTITUTION, ETC., OF THE MEDICAL COMMITTEE OF THE SAINT LUKE'S GENERAL HOSPITAL BOARD.

Constitution of the medical committee.

1. The medical committee shall consist of:—
- (a) ex-officio members, namely the persons who are for the time being the visiting physicians, surgeons and gynaecologists of the new general hospital,
 - (b) three members (in this Schedule referred to as elected members) to be elected by the honorary medical staff of the new general hospital.

Election and term of office of elected members of medical committee.

2.—(1) At a meeting of the honorary medical staff (other than the ex-officio members of the medical committee) of the new general hospital to be held on such day (not being less than seven days after the transfer date) as the hospital board shall appoint, the honorary medical staff of the new general hospital shall elect out of their number three persons to be elected members of the medical committee.

(2) The honorary medical staff (other than the ex-officio members of the medical committee) shall in the month of December in the year in which the transfer date falls and in each subsequent year elect out of their number three persons to be elected members of the medical committee.

(3) Each first elected member of the medical committee shall, unless he sooner dies, resigns or becomes disqualified, hold office from the date of his election until the next following 31st day of December.

(4) Each elected member (other than a first elected member or an elected member elected to fill a casual vacancy) shall, unless he sooner dies, resigns or becomes disqualified, hold office for a period of one year from the 1st day of January next following the date of his election.

(5) Whenever a vacancy (in this paragraph referred to as a casual vacancy) occurs in the membership of the medical committee by reason of the death, resignation or disqualification of an elected member, the honorary medical staff (other than the ex-officio members of the medical committee) of the new general hospital shall elect out of their number a person to fill such casual vacancy, and the person so elected shall hold office until the 31st day of December next following his election.

(6) Whenever a person who was an elected member ceases to be a member of the honorary medical staff of the new general hospital such person shall be disqualified for being and shall forthwith cease to be an elected member.

Meetings of medical committee.

3.—(1) The medical committee shall hold their first meeting on such day at such time and in such place as the hospital board may appoint.

(2) The medical committee shall in the month of January in every year commencing after the transfer date hold a meeting (in this Schedule referred to as an annual meeting) on such date as the medical committee may appoint.

(3) Subject to the provisions of this rule the medical committee shall hold such and so many meetings as may be necessary for the exercise and performance of their powers and duties.

Chairman and vice-chairman of the medical committee.

4.—(1) The medical committee shall at the first meeting and also at every annual meeting elect one of their members to be chairman of the medical committee and another of their members to be vice-chairman of the medical committee.

(2) Every person elected to be chairman or vice-chairman of the medical committee shall, unless he sooner dies, resigns, or becomes disqualified, hold office as chairman or vice-chairman until his successor is elected.

(3) Whenever the office of chairman or vice-chairman of the medical committee becomes vacant through the death, resignation, or disqualification of the chairman or vice-chairman, the medical committee shall at the next meeting after such vacancy has taken place elect one of their members to be chairman or vice-chairman.

(4) The chairman or vice-chairman of the medical committee may at any time resign his office as chairman or vice-chairman by letter addressed to the medical committee, and every such resignation shall take effect at the com.

mencement of the meeting of the medical committee held next after the receipt of such letter by the medical committee.

(5) Whenever the chairman or the vice-chairman of the medical committee ceases during his term of office as such chairman or vice-chairman to be a member of the medical committee he shall be disqualified for being and shall forthwith cease to be such chairman or vice-chairman.

(6) Whenever at the election of the chairman of the medical committee, there is an equality of votes for two or more persons, one of these persons shall be elected by lot.

5.—(1) The quorum for a meeting of the medical committee shall be four.

Procedure at
meetings of
the medical
committee.

(2) At a meeting of the medical committee—

- (a) the chairman of the medical committee shall, if he is present, be chairman of the meeting;
- (b) if and so long as the chairman of the medical committee is not present or if the office of chairman is vacant, the vice-chairman of the medical committee shall, if and so long as he is present, be chairman of the meeting;
- (c) if and so long as the chairman of the medical committee is not present or if the office of chairman is vacant and the vice-chairman is not present or the office of vice-chairman is vacant, the members of the medical committee who are present shall choose one of their number to be chairman of the meeting.

(3) Every question at a meeting of the medical committee shall be determined by a majority of the votes of the members present and voting on the question, and in case of an equal division of votes the chairman of the meeting shall have a second or casting vote save where the question is the election of the chairman of the medical committee.

(4) The medical committee may act, notwithstanding one or more vacancies amongst their members.

(5) Subject to the provisions of this Act, the medical committee shall, by standing orders or otherwise, regulate the procedure and business of the medical committee.

SECOND SCHEDULE.

Section 53.

AGREEMENT DATED THE SIXTEENTH DAY OF JULY, 1941, BETWEEN TRINITY COLLEGE, THE ROYAL COLLEGE OF PHYSICIANS AND SIR PATRICK DUN'S HOSPITAL.

THIS INDENTURE made the Sixteenth day of July One thousand nine hundred and forty-one BETWEEN THE PROVIST FELLOWS AND SCHOLARS OF THE COLLEGE OF THE HOLY AND UNDIVIDED TRINITY OF QUEEN ELIZABETH near DUBLIN (hereinafter called "Trinity College Dublin") of the first part THE PRESIDENT AND FELLOWS OF THE ROYAL COLLEGE OF PHYSICIANS OF IRELAND of 6 Kildare Street in the City of Dublin (hereinafter called "the College of Physicians") of the second part and THE HONOURABLE TIMOTHY SULLIVAN of Shamrock Hill, Stillorgan Road, in the County of Dublin, Chief Justice of Eire, THE HONOURABLE CONOR A. MAGUIRE, of Ashurst, Mount Merrion, Blackrock in the County of Dublin, President of the High Court of Justice of Eire, THE HONOURABLE JAMES MURNAGHAN of 25 Fitzwilliam Street, Upper, in the County of the City of Dublin, Senior Ordinary Judge of the Supreme Court of Justice of Eire BEING the Visitors of the Royal College of Physicians of Ireland; ROBERT JAMES ROWLETTE of 55 Fitzwilliam Square in the City of Dublin, Esquire, M.D., President of the Royal College of Physicians of Ireland; VICTOR MILLINGTON SYNGE of 29 Fitzwilliam Place in the County of the City of Dublin, Esquire, M.D., Vice-President of the Royal College of Physicians of Ireland; the said VICTOR MILLINGTON SYNGE; FREDERICK MACSORLEY of 217 Antrim Road in the County of the City of Belfast Esquire, M.D.; ROBERT HENRY JOSEPH MULHALL CORBET of 34 Fitzwilliam Place in the County of the City of Dublin, Esquire, M.B., M.A.O., JAMES MICHAEL O'DONOVAN of 26 Wellington Road in the County of the City of Cork, Esquire, M.D., BEING the Censors of the said College; WILLIAM EDWARD THRIFT of Provost's House, Trinity College, Dublin, Esquire, Provost of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin; THOMAS GILLMAN MOORHEAD of 23 Upper Fitzwilliam Street in the County of the City of Dublin, Esquire, M.D.; THE RIGHT HONOURABLE THOMAS KENNEDY LAIDLAW of Somerton, Castleknock in the County of Dublin, Esquire, Privy Councillor; M. ANGELA BOLAND of 36a Merrion Square in the County of the City of Dublin, Spinster; CHARLES CALTHROP DE BURGH DALY of Raford, Knocksinna Road, Blackrock in the County of Dublin, Esquire, An Officer of The Most Excellent Order of the British Empire, M.B., B.Ch.; THE RIGHT HONOURABLE HANS WELLESLEY HAMILTON, BARON HOLMPATRICK, a Companion of the Distinguished Service Order; F. MORGAN MOONEY of The Manor

House, Raheny in the County of Dublin, Esquire; EOGHAN O'BRIEN of Mount Eagle, Killiney in the County of Dublin, a Colonel of His Britannic Majesty's Army (Retired), a Companion of the Distinguished Service Order; CECIL M. DOBBS of 8 Ailesbury Grove, Donnybrook in the County of Dublin, Esquire, a Companion of The Most Distinguished Order of St. Michael and St. George; RICHARD W. MAXWELL of 29 St. Mary's Road, Ballsbridge in the County of Dublin, Esquire; ALICE JOSEPHINE BENSON of Riversdale, Donnybrook in the County of Dublin, Widow; THOMAS BYRNE of 59 Derrynane Gardens, Sandymount in the County of Dublin, a Member of the Dublin Corporation; JOHN McCABE of 27 Erris Road, Cabra, in the County of Dublin, a Member of the Dublin Corporation; BEING THE GOVERNORS OF SIR PATRICK DUN'S HOSPITAL of the third part: WHEREAS under the Will of Sir Patrick Dun dated the 16th day of November One thousand seven hundred and eleven and proved on the 24th day of June One thousand seven hundred and thirteen and by virtue of the Statute of 40 George III cap. 84 (hereinafter referred to as "The School of Physic Act") as amended by the School of Physic (Ireland) Amendment Act, 1867, 30 Vic., cap. 9 and by the Statute Law Revision Act, 1879, 42 and 43 Vic., cap. 24 and the Statute Law Revision Act, 1893, 56 and 57 Vic., cap. 14, the Trust Funds and property now representing the Estate of the said Sir Patrick Dun are vested in the College of Physicians upon Trust after payment out of the Income thereof of certain annual charges amounting in the aggregate to the sum of £499 7s., to apply the surplus Income for the support and maintenance of Sir Patrick Dun's Hospital AND WHEREAS under and by virtue of the Statutes aforesaid the College of Physicians elects four Professors known as King's Professors who lecture in the School of Physic of Trinity College, Dublin that is to say:—(1) The King's Professor of Practice of Medicine, (2) The King's Professor of Materia Medica and Pharmacy, (3) The King's Professor of the Institute of Medicine, (4) The King's Professor of Midwifery AND WHEREAS the duty of the said King's Professors includes the reading and giving of Clinical Lectures upon the Patients in Sir Patrick Dun's Hospital at the times and subject to the conditions prescribed by the Statutes aforesaid AND WHEREAS the above mentioned Statute 30 Vic., cap. 9 provided for the delivery by the Professor of Surgery in Trinity College, Dublin and the University Anatomist of the Clinical Lectures required by the School of Physic Act to be delivered by the University Professors of Chemistry and of Botany and empowered the College of Physicians and The Provost (or in his absence the Vice-Provost) and Senior Fellows of Trinity College, Dublin respectively to appoint a Physician or Surgeon to attend Sir Patrick Dun's Hospital and deliver Clinical Lectures in the place of any of the King's Professors or University Professors or the University Anatomist neglecting to attend the said Hospital or to deliver Clinical Lectures AND WHEREAS a Bill is about to be introduced before the Oireachtas providing for the amalgamation of Sir Patrick Dun's Hospital with certain other Hospitals AND WHEREAS the parties hereto having regard to such proposed amalgamation have mutually agreed that it would be expedient to sever the relations hitherto existing between the College of Physicians and Trinity College, Dublin and Sir Patrick Dun's Hospital and that on such severance the provisions of these Presents shall take effect AND WHEREAS these Presents cannot take effect without the sanction of the Oireachtas and it is intended that these Presents shall be provisional and conditional only pending the passing and enactment of the said Bill as an Act NOW THIS INDENTURE WITNESSETH AND IT IS HEREBY AGREED AND DECLARED as follows:—

1. (a) There shall be set apart out of the trust funds and property representing Sir Patrick Dun's Estate and retained by the College of Physicians a Capital sum of £14,267 2s. 10d.

(b) After such sum shall have been so set aside and retained by the College of Physicians the remainder of the said trust funds and property shall be paid and transferred by the College of Physicians to the Governors of Sir Patrick Dun's Hospital or their Legal Representatives.

(c) Out of the said sum so retained by the College of Physicians a Capital sum of £2,637 3s. 11d. shall be paid by the College of Physicians to Trinity College Dublin on the date upon which the first King's Professor holding office on the date upon which these Presents shall be given statutory effect (hereinafter called "the Operative date") vacates office and a like sum of £2,637 3s. 11d. shall be paid by the College of Physicians to Trinity College, Dublin on the date upon which the second King's Professor holding office on the operative date vacates office.

(d) The balance of the Capital retained by the College of Physicians remaining after payment thereof of the said sums of £2,637 3s. 11d. and £2,637 3s. 11d. to Trinity College, Dublin shall remain the property of the College of Physicians.

2. The right and obligation of the College of Physicians to appoint King's Professors shall cease as from the operative date as from which date the right to appoint all future King's Professors shall be vested solely in Trinity College, Dublin.

3. Each of the King's Professors holding office on the operative date shall retain his office for the period for which he has been elected or until (under any of the terms and conditions under which he holds the same) such appointment shall in the meantime cease or determine.

4. The salaries of each of the King's Professors holding office on the operative

date shall be paid by the College of Physicians during the remainder of their period of office and the salaries of all the King's Professors to be hereafter appointed or elected by Trinity College, Dublin under the provisions of Clause 2 hereof shall be fixed from time to time and paid by Trinity College, Dublin who hereby undertake to apply to the payment of such salaries all income which may be received by them from time to time from the said Capital sums to be handed over to them as aforesaid pursuant to the provisions of Clause 1 (c) hereof.

5. As from the operative date the King's Professors, University Professors and University Anatomist shall not by virtue of their office as such be required or entitled either in person or by substitute to attend or deliver clinical lectures at Sir Patrick Dun's Hospital. Provided always that this clause shall not in any way affect or interfere with the right of any individual person who shall on the operative date be a member of the Hospital Staff by virtue of his being a King's Professor, University Professor, University Anatomist or a Physician or Surgeon duly appointed in the place of a King's Professor, University Professor or University Anatomist to continue to hold office as a member of the hospital staff upon the terms and conditions existing on the operative date.

6. As from the operative date the right of the College of Physicians to appoint Physicians and the right of the Provost or Vice-Provost and Senior Fellows of Trinity College, Dublin to appoint surgeons to attend and deliver Clinical Lectures at Sir Patrick Dun's Hospital shall cease and determine.

7. As from the operative date the Visitors of the College of Physicians, The President, Vice-President and Censors of the same, and the Provost of Trinity College, Dublin shall cease to be Governors of Sir Patrick Dun's Hospital ex officio.

8. During such period as shall intervene between the operative date and the date upon which the intended amalgamation between Sir Patrick Dun's Hospital with other hospitals shall take place the Board of Governors of Sir Patrick Dun's Hospital shall have power and the exclusive right to appoint Physicians and Surgeons for the purpose of filling up any vacancies occurring in the Hospital Staff.

9. During the said period in the last preceding clause mentioned all the powers to appoint Governors of Sir Patrick Dun's Hospital vested on the operative date in the Visitors, President, Vice-President and Censors of the College of Physicians and the Provost of Trinity College, Dublin shall be vested in and exercisable by the Board of Governors of Sir Patrick Dun's Hospital.

IN WITNESS whereof the Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin have caused their Corporate Seal to be hereunto affixed and the President and Fellows of the Royal College of Physicians of Ireland have caused their Seal to be hereunto affixed and The Governors of Sir Patrick Dun's Hospital have hereunto signed their names (The Right Honourable Hans Wellesley Hamilton, Baron Holmpatrick having hereunto set his Title of Honour) and affixed their Seals the day and year first herein *Written*.

PRESENT when the Corporate Seal of THE COLLEGE OF THE HOLY AND UNDIVIDED TRINITY OF QUEEN ELIZABETH near DUBLIN was affixed hereto :—

H. Hanson,
Trinity College, Dublin,
Book Porter.

F. J. W. Darley,
30/31 Kildare Street, Dublin,
Solicitor.

(SEAL)

WM. E. THRIFT,
Provost.

PRESENT when the Seal of THE PRESIDENT and FELLOWS of the ROYAL COLLEGE OF PHYSICIANS OF IRELAND was affixed hereto :—

Robert Phelps,
6 Kildare Street,
Librarian R.C.P.I.

(SEAL)

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SIGNED, SEALED and DELIVERED by THE HONOURABLE TIMOTHY SULLIVAN in the presence of :—

J. K. Lloyd-Blood,
53 Dame Street,
Dublin,
Solicitor.

TIMOTHY SULLIVAN.

(L.S.)

SIGNED, SEALED and DELIVERED by THE HONOURABLE CONOR A. MAGUIRE in the presence of :—

J. K. Lloyd-Blood,
Solicitor.

CONOR A. MAGUIRE.

(L.S.)

- SIGNED, SEALED and DELIVERED by
THE HONOURABLE JAMES MURNAGHAN in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } JAMES A. MURNAGHAN. (L.S.)
- SIGNED, SEALED and DELIVERED by
ROBERT JAMES ROWLETTE in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } ROBERT J. ROWLETTE. (L.S.)
- SIGNED, SEALED and DELIVERED by
VICTOR MILLINGTON SYNGE in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } V. M. SYNGE. (L.S.)
- SIGNED, SEALED and DELIVERED by
VICTOR MILLINGTON SYNGE in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } V. M. SYNGE. (L.S.)
- SIGNED, SEALED and DELIVERED by
FREDERICK MACSORLEY in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } FREDR. MACSORLEY. (L.S.)
- SIGNED, SEALED and DELIVERED by
ROBERT HENRY JOSEPH MULHALL CORBET in the presence of :—
J. K. Lloyd-Blood,
53 Dame Street, Dublin,
Solicitor. } ROBERT H. J. M. CORBET. (L.S.)
- SIGNED, SEALED and DELIVERED by
JAMES MICHAEL O'DONOVAN in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } J. M. O'DONOVAN. (L.S.)
- SIGNED, SEALED and DELIVERED by
WILLIAM EDWARD THRIFT in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } WM. E. THRIFT,
Provost of Trinity College,
Dublin. (L.S.)
- SIGNED, SEALED and DELIVERED by
THOMAS GILLMAN MOORHEAD in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } T. G. MOORHEAD. (L.S.)
- SIGNED, SEALED and DELIVERED by
THE RIGHT HONOURABLE THOMAS KENNEDY LAIDLAW in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } T. K. LAIDLAW. (L.S.)
- SIGNED, SEALED and DELIVERED by
M. ANGELA BOLAND in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } M. ANGELA BOLAND. (L.S.)
- SIGNED, SEALED and DELIVERED by
CHARLES CALTHROP DE BURGH DALY in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } C. C. de BURGH DALY. (L.S.)
- SIGNED, SEALED and DELIVERED by
THE RIGHT HONOURABLE HANS WELLESLEY HAMILTON, BARON HOLMPATRICK in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } HOLMPATRICK. (L.S.)
- SIGNED, SEALED and DELIVERED by
F. MORGAN MOONEY in the presence of :—
J. K. Lloyd-Blood,
Solicitor. } F. MORGAN MOONEY. (L.S.)

<p>SIGNED, SEALED and DELIVERED by EOGHAN O'BRIEN in the presence of :—</p> <p style="padding-left: 40px;">J. K. Lloyd-Blood, Solicitor.</p>	}	<p>E. O'BRIEN.</p>	(L.S.)
<p>SIGNED, SEALED and DELIVERED by CECIL M. DOBBS in the presence of :—</p> <p style="padding-left: 40px;">J. K. Lloyd-Blood, Solicitor.</p>	}	<p>C. M. DOBBS.</p>	(L.S.)
<p>SIGNED, SEALED and DELIVERED by RICHARD W. MAXWELL in the pre- sence of :—</p> <p style="padding-left: 40px;">J. K. Lloyd-Blood, Solicitor.</p>	}	<p>R. W. MAXWELL.</p>	(L.S.)
<p>SIGNED, SEALED and DELIVERED by ALICE JOSEPHINE BENSON in the presence of :—</p> <p style="padding-left: 40px;">J. K. Lloyd-Blood, Solicitor.</p>	}	<p>ALICE JOSEPHINE BENSON.</p>	(L.S.)
<p>SIGNED, SEALED and DELIVERED by THOMAS BYRNE in the presence of :—</p> <p style="padding-left: 40px;">J. K. Lloyd-Blood, Solicitor.</p>	}	<p>THOMAS BYRNE, T.C.</p>	(L.S.)
<p>SIGNED, SEALED and DELIVERED by JOHN McCABE in the presence of :—</p> <p style="padding-left: 40px;">J. K. Lloyd-Blood, Solicitor.</p>	}	<p>JOHN McCABE, T.C.</p>	(L.S.)

THIRD SCHEDULE.

PROVISIONS OF THIS ACT WHICH ARE TO BE APPLIED BY AN AMALGAMATION
ORDER UNDER PART VII.

- Section 42* (which relates to transfer of property of amalgamating hospitals, preservation of certain trusts, and disposal of lands occupied for purposes of the amalgamating hospitals).
- Section 43* (which relates to transfer of liabilities of amalgamating hospitals).
- Section 44* (which relates to preservation of continuing contracts).
- Section 45* (which relates to continuance of legal proceedings).
- Section 46* (which relates to preservation of contracts of service).
- Section 47* (which relates to provisions as regards salaried staffs of amalgamating hospitals).
- Section 48* (which relates to closing of amalgamating hospitals on transfer date).
- Section 55* (which relates to references in wills, etc., to any of the amalgamating hospitals).

Éire.

BILLE OSPIDEIL GHINEARALTA NAOMH
LUCAIS, 1947.

BILLE

(*mar do tugadh isteach*)

dá ngairmtear

Acht do dhéanamh socrúithe chun Ospidéal Ginearálta nua, dá ngairmfear Ospidéal Ginearálta Naomh Lúcaís, a bhunú, i gCathair Bhaile Atha Cliath nó ina comhgar, in ionad Ospidéal Mercer, Ospidéal Sir Patrick Dun agus Ospidéal Ríoga Chathair Bhaile Atha Cliath, agus chun na hospidéal deiridh sin a luaitear a dhúnadh, chun comhaontú ar páirtí ann Gobharnóirí Ospidéal Sir Patrick Dun a dhaingniú agus éifeacht reachtúil a thabhairt dó, do dhéanamh socrúithe chun ospidéal eile a chónascadh le hOspidéal Ginearálta Naomh Lúcaís, agus do dhéanamh socrúithe i dtaobh nithe áirithe eile a bhaineas leis na nithe réamhráite.

An tAire Sláinte do thug isteach.

Do hordáiodh, ag Dáil Eireann, do chlóbhuualadh, 13ú Meitheamh, 1947.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4 Sráid an Choláiste, Baile Atha Cliath.

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Éire.

SAINT LUKE'S GENERAL HOSPITAL
BILL, 1947.

BILL

(*as introduced*)

entitled

An Act to provide for the establishment, in or near the city of Dublin of a new General Hospital, to be called Saint Luke's General Hospital, in the place of Mercer's Hospital, Sir Patrick Dun's Hospital and the Royal City of Dublin Hospital, and for the closing of the said last-mentioned hospitals, to confirm and give statutory effect to an agreement to which the Governors of Sir Patrick Dun's Hospital are a party, to provide for the amalgamation with Saint Luke's General Hospital of other hospitals, and to provide for certain other matters connected with the matters aforesaid.

Introduced by the Minister for Health.

Ordered by Dáil Eireann, to be printed, 13th June, 1947.

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[*One Shilling Net.*]