



AN BILLE SLAINTE, 1952.

HEALTH BILL, 1952.

Mar a tugadh isteach.

As introduced.

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[No. 44 of 1952.]

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AN BILLE SLAINTE, 1952.

HEALTH BILL, 1952.

BILL

entitled

5 AN ACT TO AMEND AND EXTEND THE HEALTH ACT,
1947, AND CERTAIN OTHER ENACTMENTS.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

PRELIMINARY AND GENERAL.

10 1.—(1) This Act may be cited as the Health Act, 1953.

Short title
and
collective
citation.

(2) The Principal Act and this Act may be cited together as the
Health Acts, 1947 and 1953.

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

Commencement.

20 3.—(1) In this Act “the principal Act” means the Health Act,
1947 (No. 28 of 1947).

Principal Act
and construction
of that Act and
this Act.

(2) The Principal Act and this Act shall be construed together
as one Act.

25 (3) Without prejudice to the generality of subsection (2) of this
section, a reference in the Principal Act to that Act shall, save
where the context otherwise requires, be construed as including a
reference to this Act.

30 4.—Nothing in this Act or any instrument thereunder shall be
construed as imposing an obligation on any person to avail him-
self of any service provided under this Act or to submit himself
or any person for whom he is responsible to health examination
or treatment.

General
saver.

5.—The enactments mentioned in the Schedule to this Act are
hereby repealed to the extent mentioned in the third column of
that Schedule.

Repeals.

35 PART II.

INSTITUTIONS.

6.—The definition of “institution” contained in subsection (1)
of section 2 of the Principal Act is hereby amended by the
insertion of “county home, home for persons suffering from
40 physical or mental disability,” before “maternity home”.

Extension of
meaning of
“institution.”

District
institutions
and
dispensaries.

7.—(1) Every district institution or dispensary which, immediately before the commencement of this section, was maintained by the council of a county or corporation of a county borough as a public assistance authority shall, on and after such commencement, be deemed to have been provided by such council or corporation 5
under section 10 of the Principal Act.

(2) Where section 10 of the Principal Act applies to a board of assistance or board of public assistance by virtue of an order under *section 41* or *section 42* of this Act commencing on the commencement of this section, every district institution or dispensary which, immediately before the commencement of this section, was maintained by such board shall, on and after such commencement, be deemed to have been provided by such board under section 10 of the Principal Act. 10

(3) Where a district institution or dispensary is in course of erection by a public assistance authority immediately before the commencement of this section, such institution or dispensary shall be completed in like manner as if this Act had not been passed and, when it is completed, *subsection (1)* or *subsection (2)* of this section (as may be appropriate) shall apply in relation thereto. 15 20

Conduct and
management of
health
institution.

8.—(1) The Minister may make regulations, applicable to every health institution, every health institution of a particular class or a particular health institution, for the conduct and management of such institutions or institution.

(2) A health authority may, with the consent of the Minister, make rules for the conduct and management of a health institution maintained by them, for the regulation of persons admitted to the institution or attending there and for the regulation of admissions to the institution (including admissions on special terms as to payment and accommodation). 25 30

(3) Regulations made under section 34 of the Public Assistance Act, 1939 (No. 27 of 1939), and in force immediately before the commencement of this section shall be deemed to be regulations made under this section.

(4) Rules made or deemed to be made under section 18 of the Principal Act and in force immediately before the commencement of this section shall be deemed to be rules made under this section. 35

Extern
institutions.

9.—(1) A health authority may, with the consent of the Minister, make and carry out an arrangement for the maintenance or treatment of any person or of persons of any class, being a person or persons who is or are eligible for maintenance or treatment by such authority otherwise than under *section 24* of this Act, in an institution not managed by such authority or another health authority, but the payments to be made for the maintenance or treatment shall be in accordance with such scale as may be approved of or directed by the Minister. 40 45

(2) Two health authorities may make and carry out any arrangement for the maintenance or treatment of patients by one of them on behalf of and at the cost of the other.

(3) Any arrangement which was in force immediately before the commencement of this section and which could be made upon such commencement under this section shall be deemed to be an arrangement made under this section. 50

Transfer of
officers on
discontinuation
of health
institution.

10.—(1) Where—

(a) a health institution is discontinued under *subsection (1)* or an order under *subsection (2)* of *section 11* of the Principal Act, and 55

(b) a person who held an office under a health authority in the institution is offered a similar office in another health institution managed by that health authority or by a joint board some of whose members are appointed by that health authority,

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

(2) An officer aggrieved by an offer under *subsection (1)* of this section may appeal to the Minister in writing and the Minister may either refuse the appeal or give such direction (which shall be complied with by the health authority or joint board) as he considers just.

11.—(1) A health authority shall make arrangements with the appropriate authorities for the due performance of religious services in each hospital, sanatorium, county home, home for persons suffering from physical or mental disability, maternity home, convalescent home and preventorium maintained by them.

Religious
Services.

(2) The amount of any payment made to a person by a health authority pursuant to this section shall be subject to the approval of the Minister.

12.—The holding of a local inquiry shall not be necessary in the case of an order under *subsection (2)* of section 10 or *subsection (2)* of section 11 of the Principal Act where the order relates to a dispensary, clinic, health centre, first-aid station or any similar institution.

Exemption
from local
inquiry.

PART III.

HEALTH SERVICES.

13.—(1) A health authority shall, in accordance with regulations, make available, without charge, for the persons specified in *subsection (2)* of this section, and their dependants, a general practitioner medical and surgical service, medicines, ophthalmic and dental treatment and medical, surgical and dental appliances.

General
medical
services.

(2) The persons referred to in *subsection (1)* of this section are persons who are unable to provide by their own industry or other lawful means the medical, surgical, ophthalmic or dental treatment, or medicines, or medical, surgical or dental appliances necessary for themselves or their dependants.

14.—(1) A health authority shall, in accordance with regulations, make available institutional and specialist services for the persons specified in *subsection (2)* of this section.

Institutional
and specialist
services.

(2) The persons referred to in *subsection (1)* of this section are the following persons and their dependants:

(a) persons insured under the Social Welfare Act, 1952 (No. 11 of 1952),

(b) adult persons whose yearly means are less than six hundred pounds,

(c) adult persons whose yearly means are, in the opinion of the health authority, derived wholly or mainly from farming, the rateable valuation of the farm or farms (including the buildings thereon) being fifty pounds or less,

(d) persons not specified in the foregoing paragraphs who, in the opinion of the health authority, would be unable, without undue hardship, to provide institutional and specialist services for themselves or their dependants.

(3) Institutional services under *subsection (1)* of this section shall be made available without charge for the persons specified in *subsection (2)* of *section 13* of this Act and to such other persons specified in *subsection (2)* of this section as may be determined by the health authority.

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(4) Where institutional services are made available under *subsection (1)* of this section, in cases not governed by *subsection (3)* of this section, there shall be charged such charges, not exceeding forty-two shillings for each week during which institutional services are availed of, as may be determined by the health authority, save in such cases (being cases of persons specified in *paragraph (d)* of *subsection (2)* of this section or dependants of such persons) as may be specified by regulations made by the Minister with the consent of the Minister for Finance and, in those cases, there shall be charged the charges approved of or directed by the Minister towards the cost of the services.

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(5) Specialist services under *subsection (1)* of this section shall be made available without charge.

(6) In *paragraph (b)* and *paragraph (c)* of *subsection (2)* of this section, the reference to yearly means includes, in addition to the yearly means of the person in question—

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(a) the yearly means of the spouse (if any) of such person, where the spouse is resident with such person, and

(b) the yearly means of any unmarried son or daughter of

(i) such person, or

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(ii) the spouse (if any) of such person, or

(iii) any deceased spouse of such person,

where the son or daughter is resident with such person.

(7) A health authority shall, in accordance with regulations, make available, without charge, institutional and specialist services for pupils of national schools in respect of defects discovered at school health examinations.

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(8) Yearly means shall be calculated for the purposes of this section in accordance with Rule 1 of the Rules contained in the Seventh Schedule to the Social Welfare Act, 1952.

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(9) For the purposes of this section, specialist services shall not include ophthalmic services and services provided otherwise than in a hospital, convalescent home or home for persons suffering from physical or mental disability shall not be institutional services.

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Medical care
for mothers.

15.—(1) A health authority shall, in accordance with regulations, make available, without charge, medical, surgical, midwifery, hospital and specialist services for attendance to the health of women (being women specified in *subsection (2)* of this section) in respect of motherhood.

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(2) The women referred to in *subsection (1)* of this section are :

(a) women who are in, or who are dependants of persons in, any of the classes mentioned in *subsection (2)* of *section 14* of this Act,

(b) women by or on behalf of whom such contributions as may be required by regulations have been made towards the cost of the services under this section.

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(3) The regulations referred to in *paragraph (b)* of *subsection (2)* of this section—

(a) shall provide that contributions shall be at the rate of one pound for each year (not being a year before marriage) in respect of which a contribution is payable, and

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(b) may require the making of different numbers of contributions in different circumstances, provided that advance payments of contributions (other than current contributions) shall not be required.

5 **16.**—A health authority shall, in accordance with regulations, make available, without charge, medical, surgical, hospital, specialist and nursing services for children up to the age of six weeks whose mothers are entitled to avail themselves of the services under *section 15* of this Act. Infant welfare services.

10 **17.**—A health authority shall, in accordance with regulations, make available, without charge, at clinics, health centres or similar institutions, medical, surgical and nursing services for children under the age of six years. Child welfare services.

15 **18.**—(1) A health authority shall, in accordance with regulations, make available, without charge, a health examination and treatment service for the day pupils of schools providing elementary, secondary or vocational education. School health examination and treatment service.

(2) Nothing in this section shall be construed as authorising a health authority to provide any general domiciliary service or any services such as are mentioned in *section 14* of this Act.

25 **19.**—A health authority shall, in accordance with regulations, make available, either, as may be specified by the regulations, without charge or at charges approved of or directed by the Minister, dental and ophthalmic treatment and dental, optical and aural appliances— Dental and ophthalmic services, etc., for children.

(a) for pupils of national schools, in respect of defects discovered at school health examinations, and

30 (b) for children under six years of age attending clinics, health centres or similar institutions, in respect of defects discovered at such clinics, centres or institutions.

35 **20.**—A health authority shall, in accordance with regulations, make available, either, as may be specified in the regulations, without charge or at charges approved of or directed by the Minister, dental and ophthalmic treatment and dental, optical and aural appliances for the persons (including dependants) specified in paragraphs (a), (b) and (c) of subsection (2) of *section 14* of this Act (exclusive of the persons specified in *sections 13* and *19* of this Act). Dental and ophthalmic services, etc., for middle income group.

40 **21.**—(1) The Minister may make regulations applicable to every health authority, every health authority of a particular class or a particular health authority as to the manner in which and the extent to which they are to make available the services specified in *sections 13* to *20* of this Act and generally in relation to the administration of such services. Regulations in relation to services.

45 (2) Regulations under this section may, in particular, provide for services being made available for a particular class of persons only.

(3) References in *sections 13* to *20* of this Act to regulations are to regulations under this section.

50 **22.**—(1) A health authority shall pay to a woman— Maternity cash grants.
(a) who is entitled to the services made available by the health authority under *section 13* of this Act, and

(b) whom it is not proposed to maintain after confinement (otherwise than for the purposes of medical or surgical treatment) by or at the expense of the health authority, and

(c) who fulfils the prescribed conditions,

a cash grant of four pounds in respect of each confinement.

(2) In this section "confinement" means labour resulting in the issue of a living child, or labour after twenty-eight weeks of pregnancy resulting in the issue of a child whether alive or dead.

(3) In deciding whether or not he shall make an order under the Illegitimate Children (Affiliation Orders) Act, 1930 (No. 17 of 1930), for the payment of the expenses incidental to the birth of a child, the Justice shall not take into consideration the fact that the mother of the child is entitled to a cash grant under this section.

Milk for children.

23.—(1) A health authority may, subject to the prescribed conditions, make arrangements for the supply of milk to children to whom this section applies.

(2) In this section "children to whom this section applies" means children under five years of age whose parents are unable from their own resources to provide such children with an adequate supply of milk.

Institutional services for paying patients.

24.—(1) A health authority may make available institutional services for such persons as are not entitled to services under section 14 of this Act and they shall charge for any institutional services so made available the charges approved of or directed by the Minister.

(2) Except in cases of urgent necessity, institutional services (other than institutional services in special accommodation designated by the health authority with the consent of the Minister) shall not be provided under this section for a person unless there is accommodation available which, at the time of such person's admission, is not required for a person entitled to services under section 14 of this Act.

(3) Where a health authority provide institutional services in a private or semi-private ward for a person (whether he is or is not entitled to services under section 14 of this Act) on request, they shall, notwithstanding any other provision of this Act, charge for the services the charges approved of or directed by the Minister.

(4) A health authority may, with the consent of the Minister, make rules governing the provision of institutional services under this section and such rules may, in particular, contain provisions governing the making and amounts of payments to officers of the health authority in respect of any service or treatment given by them to persons who avail themselves of the institutional services.

(5) An officer of a health authority providing institutional services shall not demand or take from any person availing himself of such services (or from any other person on behalf of such person) any payment in respect of the services given to such person, not being a payment demanded or taken on behalf of the health authority, unless the taking of the payment by the officer is expressly authorised by rules made under this section or by the terms of his appointment.

(6) Regulations made under section 37 of the Public Assistance Act, 1939, and in force immediately before the commencement of this section shall be deemed to be rules made under this section.

(7) Nothing in this section shall affect section 31 of the Principal Act or any regulations under that section.

- 25.—For the purpose of determining whether a person is or is not entitled to any service provided by them under this Part of this Act, a health authority may require that person to make a declaration in such form as they consider appropriate in relation to his means and may take such steps as they think fit to verify the declaration. Declaration as to means.
- 26.—(1) Where a person is recorded for the purposes of this section by a health authority as entitled on account of specified circumstances to a service provided by the health authority under this Part of this Act, he shall notify the health authority of any change in those circumstances such as renders him no longer entitled to the service. Notification of change of circumstances.
- (2) Where a person contravenes *subsection (1)* of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.
- 27.—The Minister shall decide, in any case of doubt or dispute with respect to a particular person or persons of a particular class, which health authority is to be responsible for the provision for such person or persons of such class (where appropriate) of any service under the Principal Act or this Act. Determination of doubt as to responsible health authority.
- 28.—Where—
 (a) a person has availed himself of a service provided under this Part of this Act, and
 (b) it is ascertained that he was not entitled to the service,
 the health authority may charge for the service the charge approved of or directed by the Minister. Charge where person not entitled obtains service.
- 29.—Any charge which may be made by a health authority pursuant to this Part of this Act or the regulations thereunder may, in default of payment, be recovered as a simple contract debt in any court of competent jurisdiction from—
 (a) the person in respect of whom the charge is made or, in case such person has died, his legal personal representative, or
 (b) any other person liable to maintain such person for the purposes of the Public Assistance Act, 1939, by virtue of section 27 of that Act or, in case such other person has died, his legal personal representative. Recovery of charges.
- 30.—(1) A health authority intending to arrange for a health examination of children at a school, under this Act, may give to the school manager of the school notice in writing of such intention stating the day or days (not being earlier than seven days after the giving of the notice) on which and the time at which the examination will be held and requiring the school manager to afford all reasonable facilities for the examination. Affording of facilities for health examination of children at schools.
- (2) A notice under *subsection (1)* of this section may be addressed to "the school manager" and may be given by delivering it to the school manager of the school to which it relates or by sending it by post to the address at which he ordinarily resides.
- (3) A copy of every notice under *subsection (1)* of this section in respect of a health examination to be held in a school of which the school manager is not the principal teacher shall be either delivered to the principal teacher of such school or sent by post to such teacher at the school.
- (4) The school manager of a school to which a notice given under *subsection (1)* of this section relates shall cause all reasonable facilities to be given for the holding of a health examination in accordance with the notice and on the day or days and at the time mentioned therein and, if he fails to do so, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

(5) Without prejudice to the foregoing subsections of this section, a health authority shall consult the school manager of a school before determining the day or days on which and the time at which a health examination of children in the school will be held and shall, so far as may be practicable, comply with the wishes of the school manager. 5

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

False
statements,
etc.

31.—If any person, for the purpose of obtaining any service provided under this Part of this Act, whether for himself or some other person, or for any purpose connected with this Part of this Act— 10

(a) knowingly makes any false statement or false representation or knowingly conceals any material fact, or

(b) produces or furnishes, or causes or knowingly allows to be produced or furnished, any document or information which he knows to be false in a material particular, 15

he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for any term not exceeding three months or to both such fine and such imprisonment. 20

PART IV.

MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.

Amendment of
section 31 of
Principal Act.

32.—Section 31 of the Principal Act is hereby amended by the addition thereto of the following subsection: 25

“(10) Regulations under this section may, in particular, require the vaccination against smallpox of persons engaged in work at or about airports or seaports, and—

(a) the obligation to contain the provision referred to in paragraph (b) of subsection (7) of this section shall not apply as respects such regulations, and 30

(b) section 32 of this Act shall not apply in relation to such vaccination.”

Amendment of
section 38 of
Principal Act.

33.—An order made after the commencement of this section under subsection (1) of section 38 of the Principal Act shall have no effect unless, in addition to being signed by the chief medical officer, it is also signed by another registered medical practitioner. 35

Amendment of
section 44 of
Principal Act.

34.—(1) Section 44 of the Principal Act is hereby amended by the insertion in paragraph (a) of subsection (1) of “or a disease suspected to be an infectious disease by the chief medical officer of the health authority in whose functional area such person ordinarily resides” after “infectious disease”. 40

(2) Section 44 of the Principal Act shall be construed as authorising the payment of a domestic help allowance where a married woman is undergoing treatment for an infectious disease and her husband is unable to make proper provision for the care of the family. 45

Amendment of
section 48 of
Principal Act

35.—Subsection (1) of section 48 of the Principal Act is hereby amended— 50

(a) by the substitution of the words “medical officer of health” for the words “district medical officer” in both places where the latter words occur, and

(b) by the substitution of the words "the area or district for which he acts" for the words "his district".

36.—(1) Regulations under Part V of the Principal Act may provide for all or any of the following matters:

Regulations
under Part V
of Principal
Act.

- 5 (a) the licensing or registration of—
- (i) persons engaged in the manufacture, preparation, importation, storage, distribution or sale of food for human consumption,
 - (ii) premises, vehicles or stalls in or at which food is manufactured, prepared, stored, distributed or exposed for sale for human consumption,
- 10 (b) the description of premises, vehicles or stalls so licensed or registered,
- 15 (c) the prohibition of the manufacture, preparation, importation, storage, distribution, exposure for sale or sale of food otherwise than by licensed or registered persons or in or at licensed or registered premises, vehicles or stalls (as the case may be),
- (d) the cancellation or suspension of licences or registrations,
- 20 (e) matters ancillary to the foregoing matters.

(2) Where regulations under Part V of the Principal Act include, by virtue of subsection (1) of this section, provision for the keeping of registers by health authorities—

- 25 (a) any register kept pursuant to the regulations by a health authority shall be deemed to be in proper custody when in the custody of an officer of the health authority authorised in that behalf by the health authority and shall be admissible in evidence without further proof, on production from the proper custody,
- 30 (b) *prima facie* evidence of any entry in any register kept pursuant to the regulations by a health authority may be given in any Court or any legal proceedings by the production of a copy of such entry purporting to be certified to be a true copy by an officer of the health authority authorised in that behalf, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer or was so authorised,
- 35 (c) a certificate purporting to be under the hand of an officer of a health authority authorised in that behalf that a specified person, premises, vehicle or stall was not, during a specified period, registered in a specified register kept pursuant to the regulations by the health authority shall be accepted in any Court or any legal proceedings as *prima facie* evidence of the facts so certified, and it shall not be necessary to prove the signature of such officer, or that he was in fact such officer or was so authorised.
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- 45

(3) Regulations under Part V of the Principal Act may provide for functions to be performed for the purposes of the regulations by Justices of the District Court or Peace Commissioners, being functions relating to any of the following matters:

- 50 (a) the making of orders in relation to the destruction or other disposal of food which is diseased, contaminated or otherwise unfit for human consumption,
- 55 (b) the reviewing of orders prohibiting the importation or the removal from the place of importation of articles of food or animals or materials intended for use in the manufacture of food,
- 60 (c) the annulment or confirmation of orders relating to the cancellation or suspension of licences or registrations or the prohibition of the user of premises, stalls or vehicles for any specified purpose,

(d) the direction of health authorities to license or register persons, premises, vehicles or stalls in specified circumstances.

(4) Where any repairs, structural alterations or additions to premises are required by any authority enforcing regulations under Part V of the Principal Act to comply with those regulations— 5

(a) the repairs, structural alterations or additions may be carried out notwithstanding any covenant, agreement or condition in any lease or other contract of tenancy under which the premises are held, 10

(b) before the repairs, structural alterations or additions are carried out, the person required to carry them out shall—

(i) if he is not the rated occupier of the premises, inform the rated occupier, and 15

(ii) if he holds the premises under a lease or other contract of tenancy, inform the immediate landlord or his agent.

(5) In sections 56 and 57 of the Principal Act, the word "food" shall be construed, in addition to referring to any individual food, as referring to any class whatsoever of food. 20

(6) This section and the repeal by section 5 of this Act of section 55 of the Principal Act shall be deemed to have come into operation on the day on which Part V of the Principal Act came into operation. 25

Amendment of
section 65 of
Principal Act.

37.—Section 65 of the Principal Act is hereby amended—

(a) by the deletion of the definition of "substance" in subsection (1) and the substitution therefor of the following:

"the word 'substance' means a natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour, including a preparation or manufactured article or article which has been subjected to any artificial treatment or process;" 30

(b) by the addition at the end of subsection (3) of the following paragraph— 35

"(j) the enforcement and execution of the regulations—

(i) by officers of the Minister,

(ii) by health authorities and their officers, 40

(iii) with the consent of the Minister for Finance, by officers of Customs and Excise,

(iv) with the consent of the Minister for Industry and Commerce, by officers of that Minister."

(c) by the addition at the end of subsection (5) of the words "or by the health authority in whose functional area the offence is committed." 45

Amendment of
section 66 of
Principal Act.

38.—Section 66 of the Principal Act is hereby amended by the addition at the end of subsection (9) of the words "or by the health authority in whose functional area the offence is committed." 50

Amendment of
section 104 of
Principal Act.

39.—Subsection (2) of section 104 of the Principal Act is hereby amended by the insertion of "or other means of transport" before "provided".

40.—An offence under Part V, Part VIII or Part IX of the Principal Act may be prosecuted by the health authority in whose functional area the offence is committed.

Prosecution
of certain
offences.

PART V.

MISCELLANEOUS.

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41.—(1) The Minister may by order provide for and authorise joint action by two or more health authorities in the performance of any of their functions either as respects the whole or part of their functional area.

Joint action
by health
authorities.

10 (2) An order under this section may provide for the manner in which the expenses incurred in carrying out the joint action are to be met.

(3) An order under this section may provide for the establishment of a joint board for the purposes of the order.

15 (4) The following provisions shall have effect in relation to a joint board established by order under this section:

(a) the board shall be a body corporate with perpetual succession by the name given to them by the order,

20 (b) the board shall have power to sue and be sued in their corporate name,

(c) the board shall have power to hold and dispose of land,

25 (d) the board shall provide and have a common seal and such seal shall be authenticated by the signature of the chairman or some other member authorised to act in that behalf and the signature of an officer of the board authorised to act in that behalf,

30 (e) all courts of justice shall take judicial notice of the seal of the board and every document purporting to be an order or other instrument made by them and to be sealed with their seal (purporting to be authenticated in accordance with the foregoing paragraph) shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown,

(f) the board shall be a joint body within the meaning and for the purposes of the County Management Acts, 1940 and 1942,

40 (g) the board shall be a joint authority within the meaning and for the purposes of the Health Services (Financial Provisions) Act, 1947 (No. 47 of 1947),

(h) the Minister may by order apply to the board any provisions of the Principal Act or this Act or of any regulations thereunder and may so apply such provisions with any specified modifications or limitations.

45 (5) An order under this section may provide for joint action being carried out by the Dublin Board of Assistance, the Board of Public Assistance for the South Cork Public Assistance District or the Board of Public Assistance for the Waterford Public Assistance District and, for that purpose, may apply to such board any provisions of the Principal Act or this Act or of any regulations thereunder and may so apply such provisions with any specified modifications or limitations.

(6) An order under this section applying to a board the provisions of section 103 of the Principal Act shall not be made save with the consent of the Minister for Local Government.

(7) Where the provisions of section 103 of the Principal Act apply by virtue of an order under this section to a board, the amount standing at any particular time borrowed by the board under the Principal Act shall not exceed one-fourth of the total amount of the valuations appearing in the valuation lists in force at that time under the Valuation Acts in the functional areas of the health authorities liable to contribute to the expenses of the board.

(8) Where an order which was made under section 101 (repealed by this Act) of the Principal Act and which provided for a committee to act on behalf of two or more health authorities was in force immediately before the commencement of this section—

(a) the order shall continue in force and shall be deemed to have been made under *subsection (1)* of this section,

(b) the committee shall be deemed to be a joint board established by order under *subsection (1)* of this section by such name as may be specified by further order made by the Minister.

Balrothery
and Rathdown
Boards of
Assistance.

42.—(1) The Minister may by order authorise the Balrothery Board of Assistance or the Rathdown Board of Assistance to perform any functions of the council of the county of Dublin under the Principal Act or this Act and, for that purpose, may apply to such board any provisions of the Principal Act or this Act or of any regulations thereunder and may so apply such provisions with any specified modifications or limitations.

(2) An order under this section applying to a board the provisions of section 103 of the Principal Act shall not be made save with the consent of the Minister for Local Government.

(3) Where the provisions of section 103 of the Principal Act apply by virtue of an order under this section to a board, the amount standing at any particular time borrowed by the board under the Principal Act shall not exceed one-fourth of the total amount of the valuations appearing in the valuation lists in force at that time under the Valuation Acts in the functional area of the board.

Arrangements
between health
authorities
and other
authorities.

43.—(1) A health authority and an urban sanitary authority may, with the consent of the Minister and of the Minister for Local Government, make and carry out an arrangement for the provision by the urban sanitary authority of any service which the health authority are empowered by the Principal Act or this Act to provide.

(2) Where an arrangement is made under this section by a health authority and an urban sanitary authority, the Minister may, with the consent of the Minister for Local Government, by order apply in relation to the urban sanitary authority any provisions of the Principal Act or this Act or of any regulations thereunder which he considers necessary and may so apply such provisions with any specified modifications or limitations.

(3) A health authority and another health authority may make and carry out an arrangement for the performance of any of the functions of one of the authorities by the other.

(4) An arrangement under this section may include provisions for recoupment of expenses incurred by an authority in carrying out the arrangement.

44.—A health authority, when making an agreement with any person for the provision by such person of any service which the health authority are authorised to provide, shall comply with any requirements specified by the Minister.

Agreement for provision of service.

- 5 45.—(1) A health authority shall, in accordance with regulations under subsection (2) of this section, make available a service for—
- (a) the training of disabled persons for employment suitable to their condition of health, and
- (b) the making of arrangements with employers for placing disabled persons in suitable employment,

Rehabilitation and maintenance of disabled persons.

and for the purpose of the training aforesaid may provide and maintain such premises, workshops, farms, gardens, materials, equipment and similar facilities as are necessary.

- 15 (2) The Minister may by regulations specify the manner in which and the extent to which a health authority are to make available the service referred to in subsection (1) of this section.

(3) A health authority may provide equipment, materials or similar articles for the persons specified in subsection (5) of this section.

- 20 (4) A health authority may, in accordance with regulations made by the Minister with the consent of the Minister for Finance, provide for the payment of maintenance allowances to the persons specified in subsection (5) of this section.

- 25 (5) The persons referred to in subsections (3) and (4) of this section are disabled persons over sixteen years of age who are unable to provide for their own maintenance and whose relatives within the meaning of this subsection are unable to provide maintenance for them.

- 30 (6) Any spouse, son, daughter, parent, brother or sister of a person shall be a relative of that person for the purposes of subsection (5) of this section.

- 35 46.—(1) Every dispensary district under the Public Assistance Act, 1939, existing immediately before the commencement of this section shall be a dispensary district for the purposes of the Principal Act and this Act.

Dispensary districts.

(2) The Minister may by order vary the division of the functional area of a health authority into dispensary districts and may by such order provide for such transfers of officers as he considers necessary or expedient.

- 40 (3) The office of an officer transferred by an order under subsection (2) of this section shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished.

- 45 47.—(1) There shall be a district medical officer or two or more district medical officers for a dispensary district.

District medical officers.

(2) Save as provided by subsection (3) of this section, the office of a district medical officer shall be an office under the health authority for his district.

- 50 (3) An office of district medical officer for a dispensary district which is situated in the public assistance district of a board of assistance or a board of public assistance shall be an office under such board.

- 55 (4) An office of district medical officer to which subsection (3) of this section applies shall be deemed, for the purposes of sections 10 and 20 of the Local Government Act, 1941 (No. 23 of 1941), to be an office under a health authority whose functional area includes the whole or any part of the district of such district medical officer.

(5) Where the whole or any part of a dispensary district is situated in an urban district, an office of district medical officer for such district shall, as respects assignment of duties relating to the functions of the urban sanitary authority for such urban district, be deemed for the purposes of sections 10 and 20 of the Local Government Act, 1941, to be an office under the urban sanitary authority for the urban district. 5

(6) Where, immediately before the commencement of this section, the Local Appointments Commissioners were engaged in the selection of a person or persons to be recommended for appointment to the office of medical officer of a dispensary district, such selection shall be completed in such manner as the said Commissioners shall think proper, and the person or one of the persons so selected and recommended by the Commissioners shall be appointed as district medical officer for the like district and the provisions of subsections (1) to (5) of this section shall apply in relation to him as if he had been so appointed before the commencement of this section. 10 15

(7) A reference in any enactment in force at the commencement of this section to the office of medical officer of a dispensary district or district medical officer or the holder thereof shall be construed as a reference to the office established by this section or the holder thereof (as the case may be). 20

(8) The following provisions shall apply in relation to a person who, as respects any district, held immediately before the commencement of this section in a permanent capacity the office of medical officer under section 41 of the Public Assistance Act, 1939, and the office of medical officer of health under section 73 of the Principal Act: 25

(a) such person shall, upon the commencement of this section, become and be a district medical officer for that district; 30

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

Holders of
certain offices
under public
assistance
authorities.

48.—(1) Subject to subsection (4) of this section, where a person was, immediately before the commencement of this section, the holder in a permanent capacity of an office under a public assistance authority the duties of which related solely to medical assistance within the meaning of the Public Assistance Act, 1939, or to general assistance within the meaning of that Act given by way of admission to an institution, such person shall become and be the holder of the same office under the health authority whose functional area is coterminous with or includes the functional area of such public assistance authority. 35 40

(2) The said office under a public assistance authority shall, for the purposes of any enactment relating to superannuation, be deemed not to have been abolished. 45

(3) If any question arises as to whether the duties of a particular office under a public assistance authority related solely to medical assistance within the meaning of the Public Assistance Act, 1939, or to general assistance within the meaning of that Act given by way of admission to an institution, the question shall be decided by the Minister. 50

(4) This section shall not apply in relation to any person who, immediately before the commencement of this section, was the holder of— 55

(a) an office under a board of assistance or board of public assistance,

(b) an office of medical officer under section 41 of the Public Assistance Act, 1939, or 60

(c) an office of medical officer of health under section 73 of the Principal Act.

49.—(1) In this section "institutional assistance" means shelter and maintenance in a county home or similar institution.

Shelter and
maintenance
in county
home.

(2) A person who is unable to provide shelter and maintenance for himself or his dependants shall, for the purposes of this section,
5 be eligible for institutional assistance.

(3) It shall be the duty of a health authority, subject to and in accordance with the provisions of this section and the regulations thereunder, to give to every person in their functional area who is eligible for institutional assistance such institutional assistance as
10 appears to them to be necessary or proper in each particular case.

(4) The Minister may make regulations governing the giving of institutional assistance and such regulations may, in particular, provide for requiring persons to contribute in specified cases towards the cost of providing them with institutional assistance.

15 (5) A health authority may, as a condition of the granting of institutional assistance to a person, require him to perform such work as the authority consider suitable to his sex, age, strength and capacity.

(6) Every person maintained by a health authority in a county
20 home or similar institution who—

(a) wilfully does any act (whether of commission or omission) which is a contravention of a regulation in force by virtue of this Act in such home or institution,

25 (b) is by reason of the consumption of intoxicating liquor, drunk or incapable of conducting himself in such home or institution,

(c) does any act of insubordination in relation to an officer of such home or institution, or

30 (d) does any other act (whether of commission or omission) of misbehaviour in such home or institution which is prejudicial to the discipline or the good government thereof,

shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to imprisonment for a term
35 not exceeding twenty-one days.

(7) Where the Minister directs by order that a particular class of persons shall not be sheltered and maintained by or on behalf of a health authority in a specified institution, the authority shall not shelter or maintain (except in cases of urgent necessity) any
40 persons of that particular class in that institution.

(8) (a) Where a person is required in pursuance of subsection (5) of this section to perform work, he shall, if he does such work, be deemed, in relation to the doing thereof, to be for the purposes of the Workmen's Compensation Acts, 1934 and 1948, a workman in the employment of the health authority, but, save as aforesaid, neither such requisition nor the performance of the work by such person shall operate to create or imply the relation of master and servant or a contract of service between the
45 health authority and such person.
50

(b) In any proceedings under the Workmen's Compensation Acts, 1934 and 1948, brought by virtue of paragraph (a) of this subsection, the applicant shall be deemed to have worked for remuneration and the amount of the remuneration shall be estimated by the Court by reference to the value of the work.
55

50.—(1) A health authority may provide, in accordance with regulations, for the assistance of a child to whom this subsection applies in any of the following ways (whether in or outside their functional area), that is to say, by boarding the child out, or by sending him to a school approved of by the Minister, or, where the child is not less than fourteen years of age, by arranging for his employment or by placing him in any suitable trade, calling, or business. 5

(2) *Subsection (1)* of this section applies to any child who is eligible for institutional assistance under *section 49* of this Act and who is— 10

(a) a legitimate child whose father and mother are dead or who is deserted by his father and mother or (where one of them is dead) by the survivor, or

(b) an illegitimate child whose mother is dead or who is deserted by his mother. 15

(3) A health authority may, with the approval of the Minister, assist any person eligible for general assistance within the meaning of the Public Assistance Act, 1939, by doing, with the consent of such person and in accordance with regulations, any of the following things in respect of any child whom such person is liable under the Public Assistance Act, 1939, to maintain, that is to say, boarding the child out, or sending him to a school approved of by the Minister or, where the child is not less than fourteen years of age, placing him in any suitable trade, calling, or business. 20 25

(4) Where a health authority places under this section a child in a suitable trade, calling, or business, the authority may pay such fee or sum as may be requisite for that purpose and may support or contribute to the support of the child during any period (including, with the consent of the Minister, a period after attaining the age of sixteen years) during which he is engaged in learning the trade, calling, or business. 30

(5) Where a child boarded out or sent to a school pursuant to this section attains the age of sixteen years, the health authority may, with the consent of the Minister, arrange for the completion of the child's education and for his maintenance while completing his education. 35

(6) The Minister may make regulations for the purposes of this section.

(7) A child who, immediately before the commencement of this section, stood boarded out, sent to a school, placed at service or placed in a trade, calling, or business under *section 48* of the Public Assistance Act, 1939, shall be deemed (as may be appropriate) to be boarded out, sent to a school, placed in employment or placed in a trade, calling, or business by the appropriate health authority under this section. 40 45

(8) A school in respect of which, immediately before the commencement of this section, a certificate under *section 45* of the Public Assistance Act, 1939, was in force shall be deemed for the purposes of this section to be a school approved of by the Minister. 50

(9) Where a child becomes adopted under the Adoption Act, 1952 (No. 25 of 1952)—

(a) the child shall thereafter be treated for the purposes of this section as if he were the child of the adopter or adopters born to him, her or them in lawful wedlock and were not the child of any other person, 55

(b) if there is one adopter only, a reference to the father or mother shall, where appropriate, be substituted in *subsection (2)* of this section for any reference to the father and mother, 60

- (c) where the child was, immediately before the adoption, boarded out by a health authority with the adopter or adopters, the health authority may contribute to the maintenance of the child as if he continued to be boarded out.

5

51.—(1) Where a health authority have boarded out a child, arranged for the employment of a child or placed a child in a trade, calling, or business, the authority, at any time before the child has attained the age of sixteen years, may at their discretion and shall, if so required by the Minister, remove the child from the custody of the person with whom he was so boarded out, employed, or placed in a trade, calling, or business.

Removal of
child boarded
out, etc.

10

(2) Where a health authority have sent a child to a school approved of by the Minister, the authority—

15 (a) may at any time, at their discretion, remove the child from the school, and

(b) shall remove the child from the school if and when required so to do by the Minister or by the managers of the school, or upon the school ceasing to be approved of by the Minister.

20

(3) Where a child is removed by a health authority from the custody of a person with whom the child has been boarded out, employed or placed in a trade, calling, or business, any contract between the authority and such person in respect of the child shall terminate immediately upon the removal.

25

(4) Where a health authority are empowered or required by or under this section to remove a child from the custody of a person, such person shall deliver up the custody of the child to the authority on demand and, if such person wilfully refuses or neglects so to deliver up such custody, he shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding ten pounds.

30

(5) Where a person is convicted of an offence under *subsection* (4) of this section, the Court shall make an order for the removal of the child from his custody to the custody of the health authority.

35

52.—Public assistance authorities shall, on the commencement of this section, cease to be local authorities for the purposes of Part I of the Children Act, 1908, and, in lieu thereof, each health authority shall, on and after such commencement, be the local authority for those purposes in respect of their functional area.

Local authority
for purposes of
Part I of
Children Act,
1908.

40

53.—(1) The Minister may make regulations—

(a) prescribing a standard of cleanliness for filling material either generally or as respects a particular type of filling material,

45

(b) prohibiting the sale or keeping for sale, or use or keeping for use for the purpose of making bedding, cushions, articles of upholstery, toys or similar articles, of filling material which does not conform with the prescribed standard,

50

(c) prohibiting the sale or keeping for sale of any bedding, cushion, article of upholstery, toy or similar article containing filling material which does not conform with the prescribed standard.

Regulations
as to filling
materials.

(2) Regulations under this section—

- (a) may provide for the enforcement and execution of the regulations by officers of the Minister, by health authorities and their officers and, with the consent of the Minister for Local Government, by officers of sanitary authorities, 5
- (b) may provide for the empowering of specified persons (being authorised officers for the purpose of Part IX of the Principal Act) to seize and remove, and to detain and destroy or have otherwise suitably disposed of, filling material which does not conform with the prescribed standard, 10
- (c) may provide for the giving and taking (without payment) of samples and the carrying out of tests, examinations and analyses of such samples, 15
- (d) may prescribe the classes of persons to be responsible for the carrying out of tests, examinations and analyses of samples of filling material and the means by and the manner in which any such test, examination or analysis is to be made, 20
- (e) may prescribe the certificate or other evidence to be given of the result of any such test, examination or analysis and the classes of persons by and to whom any such certificate or evidence is to be given, 25
- (f) may provide that any certificate or other evidence prescribed under *paragraph (e)* of this subsection and given in respect of the test, examination or analysis of a sample shall as respects that sample be evidence for all purposes of the result of the test, examination or analysis, 30
- (g) may provide for the licensing or registration of premises in which filling material is kept for sale or for use for the purpose of making bedding, cushions, articles of upholstery, toys or similar articles and for the prohibition of the keeping for sale or for the said use of filling material in premises which are not licensed or registered, 35
- (h) may provide for conditions governing the grant, retention or renewal of licences or registrations, 40
- (i) may provide for the imposition of charges in respect of the grant, retention or renewal of licences or registrations, 45
- (j) may provide for the marking or labelling in a specified manner of bedding, cushions, articles of upholstery, toys or similar articles containing filling material, 50
- (k) may provide for the keeping of records by persons engaged in the manufacture, preparation, importation, storage, distribution or sale of filling material or bedding, cushions, articles of upholstery, toys or similar articles containing filling material and for the production of such records for inspection by officers concerned in the enforcement or execution of the regulations. 55

(3) Where regulations made under *subsection (1)* of this section provide that any particular certificate or other evidence shall be evidence for all purposes of the result of a test, examination or analysis of a sample, such certificate or other evidence shall, as respects that sample, be accepted by all Courts of Justice as evidence of the result of such test, examination or analysis and shall also be accepted by all Courts of Justice as evidence that such test, examination or analysis was carried out under and in accordance with the regulations. 60

(4) Where a person is charged with having, in contravention of regulations made under this section, kept for sale any filling material or any bedding, cushion, article of upholstery, toy or similar article and it is shown that the material or article was in the possession of such person, the material or article shall, until the contrary is proved, be deemed to have been kept by him for sale.

(5) Where a person is charged with having, in contravention of regulations made under this section, kept any filling material for use for the purpose of making bedding, cushions, articles of upholstery, toys or similar articles and it is shown that the material was in the possession of such person, the material shall, until the contrary is proved, be deemed to have been kept by him for that use.

(6) If the defendant in any prosecution for an offence under this section proves—

(a) that he purchased—

(i) filling material as of a standard of cleanliness which would not have contravened any regulation under this section, or

(ii) an article as containing only filling material of such a standard and with a written warranty to that effect, and

(b) that he had no reason to believe at the time when he committed the offence with which he is charged that the filling material did not conform with the prescribed standard of cleanliness, and

(c) that at the said time the filling material was in the same state as when he purchased it,

the defendant shall be discharged from the prosecution, but shall be liable to pay the costs incurred by the prosecutor unless he gave due notice to the prosecutor that he proposed to rely on the said defence.

(7) A statement by the manufacturer, importer or seller of any filling material or any bedding, cushion, article of upholstery, toy or similar article containing filling material which is a statement as to the standard of cleanliness of the filling material and which is in an invoice or on a label attached to the filling material or article or on the container in which the filling material is sold shall be deemed for the purposes of *paragraph (a) of subsection (6)* of this section to be a warranty.

(8) Where it appears to the authority or officer enforcing regulations made under this section that an offence has been committed in respect of which proceedings might be taken under this section against some person but that such person could establish a defence under *subsection (6)* of this section by proving that the offence complained of was due to an act or default of some other person, such authority or officer may take proceedings against that other person without taking proceedings against the first-mentioned person.

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

(10) An offence under this section may be prosecuted by the health authority in whose functional area the offence is committed.

(11) In this section, the expression "filling material" includes—

- (a) rag flock which is produced wholly or in part by tearing up woven, knitted, felted or spun material or other like articles whether new or old, and
- (b) hair, fibre, down, feathers, wood shavings, sawdust, straw, and other similar materials, whether new or old, used in the making of bedding, cushions, articles of upholstery, toys, or similar articles, and 5
- (c) linings, webbings and coverings (other than outer coverings) used in the making of bedding, cushions, articles of upholstery, toys or similar articles. 10

Control of
use, etc., of
radio-active
substances and
irradiating
apparatus.

54.—(1) In this section—

the word "substance" means a natural or artificial substance, whether in solid or liquid form or in the form of a gas or vapour, including a preparation or manufactured article or article which has been subjected to any artificial treatment or process; 15
the expression "radio-active substance" means a substance which consists of or contains any radio-active chemical element, whether natural or artificial;
the expression "medical radio-active substance" means a radio-active substance which may be used as a prophylactic, diagnostic or therapeutic agent in the prevention or treatment of any human ailment, infirmity, injury or defect; 20
the expression "medical irradiating apparatus" means irradiating apparatus which may be used as a prophylactic, diagnostic or therapeutic agent in the prevention or treatment of any human ailment, infirmity, injury or defect. 25

(2) The Minister may make regulations for the control of the storage, use, exportation or other disposal of medical radio-active substances generally or of any particular medical radio-active substance. 30

(3) The Minister may make regulations for the control of the manufacture, importation, distribution, sale, offering or keeping for sale, use, exportation or other disposal of medical irradiating apparatus generally or of any specified class of such apparatus. 35

(4) The Minister may make regulations for—

- (a) the prevention of danger to the health of persons occupied in the use of radio-active substances or irradiating apparatus and of other persons whose health may be endangered by such use, 40
- (b) ensuring the safe disposal of radio-active waste products resulting from the use of radio-active substances or irradiating apparatus.

(5) Regulations under this section may, in particular, make provision for all or any of the following matters: 45

(a) the enforcement and execution of the regulations—

- (i) by officers of the Minister,
- (ii) by health authorities and their officers,
- (iii) with the consent of the Minister for Finance, by officers of Customs and Excise, 50
- (iv) with the consent of the Minister for Industry and Commerce, by officers of that Minister,
- (v) with the consent of the Minister for Agriculture, by officers of that Minister,

(b) the prohibition of the storage, use, exportation or other disposal of medical radio-active substances either absolutely or save subject to specified conditions (including the grant of a licence for such storage, use, exportation or other disposal), 55

- 5 (c) the prohibition of the manufacture, importation, distribution, sale, offering or keeping for sale, use, exportation or other disposal of irradiating apparatus either absolutely or save subject to specified conditions (including the grant of a licence for such manufacture, importation, distribution, sale, offering or keeping for sale, use, exportation or other disposal),
- (d) the determination of the classes of persons to whom licences under the regulations are to be granted,
- 10 (e) the prescribing of conditions governing the grant, retention or renewal of licences under the regulations,
- (f) the refusal or revocation of licences under the regulations,
- (g) the giving and the taking, with or without payment (as the regulations may provide), of samples of radio-active substances,
- 15 (h) the imposition of charges (whether fixed, variable or partly fixed and partly variable) in respect of the grant, retention or renewal of licences under the regulations.

(6) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five hundred pounds and to forfeiture of any substance or apparatus in relation to which the offence was committed.

(7) An offence under this section may be prosecuted by the Minister or by the health authority in whose functional area the offence is committed.

55.—(1) The Minister may make regulations for the prohibition or control of the use in the destruction of rats and mice of substances containing live cultures of organisms pathogenic to man.

Prohibition or control of use of certain verminicides.

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

- (a) the enforcement and execution of the regulations—
 - (i) by officers of the Minister,
 - (ii) by health authorities and their officers,
- 35 (b) the prohibition of the use in the destruction of rats and mice of substances containing live cultures of organisms pathogenic to man save subject to specified conditions (including the grant of a licence for such use),
- 40 (c) the determination of the classes of persons to whom licences under the regulations are to be granted,
- (d) the prescribing of conditions governing the grant, retention and renewal of licences under the regulations,
- (e) the refusal or revocation of licences under the regulations,
- 45 (f) the imposition of charges in respect of the grant, retention or renewal of licences under the regulations.

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

50 (4) An offence under this section may be prosecuted by the Minister or by the health authority in whose functional area the offence is committed.

Control of
use of
fumigants.

56.—(1) The Minister, after consultation with the Minister for Agriculture, may by order declare, as respects a specified fumigant, that—

- (a) all uses of the fumigant shall be restricted, or
- (b) the use of the fumigant for a specified purpose or in specified circumstances shall be restricted. 5

(2) Where an order under this section declares that all uses of a fumigant shall be restricted, a person shall not use the fumigant save with the permission of the chief medical officer for the area in which the fumigant is used and in accordance with any directions which the officer may give for the purpose of safeguarding public health. 10

(3) Where an order under this section declares that the use of a fumigant for a specified purpose or in specified circumstances shall be restricted, a person shall not use the fumigant for that purpose or in those circumstances (as the case may be) save with the permission of the chief medical officer for the area in which the fumigant is used and in accordance with any directions which the officer may give for the purpose of safeguarding public health. 15

(4) A person who contravenes *subsection (2)* or *subsection (3)* of this section shall be guilty of an offence under this section and shall be liable of summary conviction thereof to a fine not exceeding fifty pounds. 20

(5) An offence under this section may be prosecuted by the health authority in whose functional area the offence is committed. 25

Post-graduate
medical
education
for medical
officers.

57.—(1) In this section, the expression “ medical officer ” means an officer of a health authority whose office is an office the holder of which is required to be a registered medical practitioner.

(2) A health authority, with the approval of the Minister, may—

- (a) provide and maintain a medical school for the post-graduate medical education of medical officers (including medical officers of other authorities), 30
- (b) make arrangements for the post-graduate medical education of any of their medical officers.

Schools for
training of
nurses.

58.—(1) In this section—
the expression “ nursing school ” means a school for the training of persons to be nurses; 35
the expression “ student nurse ” means a person being trained to be a nurse.

(2) A health authority may, with the consent of the Minister, and shall, if the Minister so directs, provide and maintain a nursing school in connection with a health institution maintained by them and may, subject to such conditions as they think fit, admit persons to such school as student nurses. 40

(3) A health authority who maintain a nursing school under this section may, with the consent of the Minister, pay remuneration to a student nurse of the school. 45

Assistance for
certain bodies.

59.—(1) A health authority may, with the approval of the Minister, give assistance in any one or more of the following ways to any body which provides or proposes to provide a service similar or ancillary to a service which the health authority may provide: 50

- (a) by contributing to the expenses incurred by the body,

- (b) by supplying to the body fuel, light, food, water or other commodity,
- (c) by permitting the use by the body of premises maintained by the health authority and, where requisite, executing alterations and repairs to and supplying furniture and fittings for such premises,
- (d) by providing premises (with all requisite furniture and fittings) for use by the body.

(2) A health authority may, with the approval of the Minister, contribute to the funds of any society for the prevention of cruelty to children.

60.—(1) Every residence which, immediately before the commencement of this section, was maintained under section 43 of the Public Assistance Act, 1939, by the council of a county or corporation of a county borough as a public assistance authority shall, on and after such commencement, be deemed to have been provided by such council or corporation under section 105 of the Principal Act.

Dispensary
residences
under Public
Assistance
Act, 1939.

(2) Where section 105 of the Principal Act applies to a board of assistance or board of public assistance by virtue of an order under section 41 or section 42 of this Act commencing on the commencement of this section, every residence which, immediately before the commencement of this section, was maintained under section 43 of the Public Assistance Act, 1939, by such board shall, on and after such commencement, be deemed to have been provided by such board under section 105 of the Principal Act.

(3) Where a residence is in course of erection under section 43 of the Public Assistance Act, 1939, by a public assistance authority immediately before the commencement of this section, such residence shall be completed in like manner as if this Act had not been passed and, when it is completed, subsection (1) or subsection (2) of this section (as may be appropriate) shall apply in relation thereto.

61.—(1) In this section "central health service" means a service provided in accordance with law by a Minister of State for the benefit of two or more authorities to whom this section applies.

Apportionment
of expenditure
on central
health service.

(2) Where expenditure is incurred by the Minister or any other Minister of State on the provision of any central health service, the Minister may by order apportion the whole or part of the expenditure among the authorities concerned in such manner as he thinks reasonable.

(3) An authority to whom this section applies shall pay to the Minister any amount apportioned to them by an order under this section and such amount shall thereupon be paid into or disposed of for the benefit of the Exchequer in accordance with the directions of the Minister for Finance.

(4) Where a health authority fail to pay an amount apportioned to them by an order under this section, the amount may be deducted by the Minister from any sum payable to them under the Health Services (Financial Provisions) Act, 1947.

(5) Each of the following authorities shall be an authority to whom this section applies:

- (a) a health authority,
- (b) a mental hospital authority under the Mental Treatment Act, 1945 (No. 19 of 1945).

62.—(1) An authorised officer may, as respects an Irish ship, carry out any inspection under section 206 of the Merchant

Inspection of
provisions and
water for crew
of Irish ships.

Shipping Act, 1894, or section 26 of the Merchant Shipping Act, 1906, in like manner and with the like powers as if he had been duly appointed under the said section 206.

(2) Any offence which is to be prosecuted consequent on an inspection carried out in pursuance of this section by an authorised officer may be prosecuted by the health authority. 5

(3) In this section—

“Irish ship” has the same meaning as in the Merchant Shipping Act, 1947 (No. 46 of 1947);

“authorised officer” means an officer of a health authority appointed in writing by the manager therefor to be an authorised officer for the purposes of this section. 10

Restriction
as respects
directing
service or
benefit for
individual
person.

63.—Nothing in this Act or any instrument thereunder shall operate to enable the Minister to direct the giving of any service or benefit to any individual person. 15

Restriction of
application of
Public
Assistance
Act, 1939.

64.—The Public Assistance Act, 1939, shall cease to have effect as respects the provision of—

(a) medical assistance as defined therein, and

(b) general assistance as defined therein given by way of admission to an institution, 20

and the said Act shall be construed accordingly.

Amendment of
Mental
Treatment
Act, 1945.

65.—(1) In this section “the Act” means the Mental Treatment Act, 1945.

(2) Section 19 of the Act (which specifies the general duty of mental hospital authorities to provide treatment, maintenance, advice and services) is hereby amended by the substitution for paragraph (c) of the following paragraph: 25

“(c) such person is in, or is a dependant of a person in, any of the classes mentioned in paragraphs (a), (b) and (c) of subsection (2) of section 14 of the Health Act, 1953, or such person (with the persons, if any, liable to maintain him) would, in the opinion of the mental hospital authority for such mental hospital district, be unable without undue hardship to provide the whole of the cost of such treatment, maintenance, advice or service,” 30 35

(3) The following definition shall be substituted in section 3 of the Act for the definition of “chargeable patient”:

“the expression ‘chargeable patient’ means a patient who is receiving mental hospital assistance and who is in, or is a dependant of a person in, any of the classes mentioned in paragraphs (a), (b) and (c) of subsection (2) of section 14 of the Health Act, 1953, or who (with the persons, if any, liable to maintain him) is, in the opinion of the mental hospital authority, unable without undue hardship to provide the whole of the cost of such assistance;” 40 45

(4) For subsection (2) of section 170, subsection (2) of section 187 and subsection (2) of section 193 of the Act, there shall be substituted in each case the following subsection:

“(2) Expenses defrayed under this section shall be payable by the mental hospital authority and shall be regarded as part of the cost of mental hospital assistance for the person in respect of whom they have been incurred.” 50

(5) In paragraph (b) of subsection (1) of section 175 of the Act “mental hospital authority” shall be substituted for “public assistance authority” and “mental hospital district” for “public assistance district.” 55

(6) In section 224 of the Act "institutional assistance under section 49 of the Health Act, 1953," shall be substituted for "general assistance under the Public Assistance Act, 1939 (No. 27 of 1939)," and "an institution in which institutional assistance is provided by the health authority in whose functional area he ordinarily" for "the appropriate district institution of the public assistance district in which he".

(7) The following section shall be inserted in the Act after section 231 :

10 "231A.—(1) Where a person has received mental hospital assistance and it is ascertained that he was not a chargeable patient, the mental hospital authority may charge for the assistance the charge approved of or directed by the Minister. Charges in certain cases and recovery thereof.

15 (2) Mental hospital assistance shall be given without charge to the persons specified in subsection (2) of section 13 of the Health Act, 1953, and to such other persons, being chargeable patients, as may be determined by the mental hospital authority.

20 (3) Where mental hospital assistance is given to chargeable patients in cases not governed by subsection (2) of this section, there shall be charged such charges, not exceeding forty-two shillings for each week during which mental hospital assistance is given, as may be determined by the mental hospital authority, save in such cases (not being cases of persons in any of the classes mentioned in paragraphs (a), (b) and (c) of subsection (2) of section 14 of the Health Act, 1953, or dependants of such persons) as may be specified by regulations made by the Minister with the consent of the Minister for Finance and, in those cases, there shall be charged the charges approved of or directed by the Minister towards the cost of the mental hospital assistance.

(4) Any charge under this section may, in default of payment, be recovered as a simple contract debt in any court of competent jurisdiction from—

35 (a) the person in respect of whom the charge is made or, in case such person has died, his legal personal representative, or

40 (b) any other person liable to maintain such person or, in case such other person has died, his legal personal representative."

(8) In subsection (1) of section 274 of the Act "mental hospital authority" shall be substituted for "public assistance authority" and "mental hospital district" for "public assistance district".

45 (9) For subsection (2) of section 274 of the Act there shall be substituted the following subsection :

"(2) A fee paid under this section shall be regarded as part of the cost of mental hospital assistance for the person examined."

66.—(1) In this section—

50 "the Act" means the Health Services (Financial Provisions) Act, 1947;

"standard expenditure", "health service" and "net health expenditure" have the same meanings as in the Act.

Amendment of Health Services (Financial Provisions) Act, 1947.

55 (2) Where the boundary between the functional areas of two health authorities has been altered (whether before or after the commencement of this section), the Minister may adjust the sums which are the standard expenditures for the authorities—

(a) by such amounts as he considers proper in respect of the year in which the alteration has become operative, and

(b) by such amounts as he considers proper in respect of each subsequent year,

and the sums so adjusted shall, subject to any subsequent adjustment under this section or under section 3 of the Act become and be, in respect of the years to which they relate, the standard expenditures for the authorities. 5

(3) The Minister may, in respect of a particular year and for a particular body, fix a sum which shall be the maximum expenditure which may be included in respect of a health service or part of a health service in the calculation of the net health expenditure of that body in respect of that year. 10

(4) The Minister, to correct errors or omissions, may at any time amend a certificate of net health expenditure given by him under the Act.

(5) Where, with reference to the Act, any doubt, dispute or question arises, or, in the opinion of the Minister, is likely to arise as to— 15

(a) whether a particular item of expenditure or class of items of expenditure is or is not capital expenditure, or

(b) the year to which any item of expenditure or any receipt is to be attributed, 20

the doubt, dispute or question shall be decided by the Minister.

Section 5.

SCHEDULE.

ENACTMENTS REPEALED.

Number and Year (1)	Short title (2)	Extent of Repeal (3)
No. 27 of 1939	Public Assistance Act, 1939.	Sections 21, 22; 31 to 38, 40 to 51, 79, 81 and 82.
No. 19 of 1945.	Mental Treatment Act, 1945.	Sections 232, 233 and 234.
No. 28 of 1947.	Health Act, 1947.	Sections 12, 13, 14, 17, 18, 21 to 28 and 41; Subsection (4) of section 44; Sections 55, 67, 73 and 101.

BILLE

dá ngairmtear

Acht do leasú agus do leathnú an Ahta Shláinte, 1947, agus achtachán áirithe eile.

An tAire Sláinte a thug isteach.

Do hordaiódh ag Dáil Éireann do chlobhualadh 11ú Nollaig, 1952.

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