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**AN BILLE SLAINTE, 1952.****HEALTH BILL, 1952.****EXPLANATORY MEMORANDUM.****PRELIMINARY.**

1. The main object of the Health Bill, 1952, is to give local health authorities the power and the duty to provide the improved and extended health services outlined in the White Paper published by the Government in July, 1952. After the publication of the White Paper, the views of the several bodies particularly interested in the development of health services were sought on the proposals. Their suggestions for modifications have been taken into consideration in the drafting of the Bill.

ADMINISTRATION.

2. The Public Assistance Act, 1939, and the Health Act, 1947, contain the legal bases of the two branches of the present general health services (as distinct from the mental treatment service). Under the first of these Acts, public assistance authorities provide the medical assistance service (including the dispensary service and treatment in county and district hospitals) for those "unable by their own industry or other lawful means" to provide medical services for themselves or their dependants. The second, the Health Act, 1947, enables health authorities to provide an infectious disease service and certain other services for all classes.

3. In considering the form of the legislation to implement the White Paper, it became evident that it would be undesirable to maintain the distinction between these two codes of law. Important new services—in particular those for the provision of hospital and specialist treatment and the care of mothers and infants—will be made available alike for those in the lower income group and others. To retain the provisions in the Public Assistance Act relating to the medical assistance service for those now eligible under that Act and to deal in the new Health Bill only with the other groups would unnecessarily perpetuate the distinction in the administration of the services between these classes and might lead to difficulties in the development and operation of the new services. It is intended, therefore, in the present Bill to abolish medical assistance as such and to provide that the county councils and city corporations, as health authorities, will be given the responsibility to provide and operate all the general health services. This will be done by providing that those parts of the Public Assistance Act which give to the public assistance authorities the duty of providing medical assistance services will cease to have effect and by re-enacting those provisions, with some desirable modifications, in the new Bill.

4. In the case of the Dublin, South Cork and Waterford areas, an arrangement, intended to be of a temporary nature, is being made for the boards of assistance and the boards of public assistance to continue to manage their institutions, to provide the dispensary medical service and to operate certain other services as at present. In the light of proposals for the unified administration of the health services in these areas which the Minister has under discussion with the local authorities concerned, it is not considered desirable to change in this Bill the present system of administration for the services there.

PART I—PRELIMINARY AND GENERAL.

5. This Part of the Bill, in addition to the usual provisions in relation to the construction and commencement of the Act, etc., makes it clear (Section 4) that nothing in the Act itself or in any instrument thereunder shall be construed as imposing an obligation on any person to avail himself of any service provided under the Act or to submit himself or any person for whom he is responsible to health examination or treatment.

PART II—INSTITUTIONS.

6. This Part of the Bill, with Part II of the Health Act, 1947, will provide the basis for the provision in future of all local authority hospitals, apart from mental hospitals. Every district institution and dispensary provided by a county council or city corporation under the Public Assistance Act, 1939, will be regarded as having been provided by them as a health authority and the sections of that Act under which public assistance authorities provide and administer the county and district hospitals, the county homes and the dispensaries will be repealed.

PART III—HEALTH SERVICES

7. The provisions of the Public Assistance Act, 1939, under which medical assistance is provided, and Part III of the Health Act, 1947 (which relates to the provision of health services for mothers and children) will be replaced by Part III of the Bill, which also provides for the new services outlined in the White Paper.

Medical, etc., Services for Lower Income Group.

8. The power in the Public Assistance Act, 1939, to provide a general practitioner service, medicines, dental and ophthalmic treatment, etc., for persons in the lower income group will be replaced by Section 13.

Institutional and Specialist Services.

9. Under Section 14, health authorities will be obliged to make institutional and specialist services available for the following persons, with their dependants:—

(a) person insured under the Social Welfare Act, 1952;

(b) adult persons whose yearly means (including the means of certain members of the family) are less than £600;

(c) adult persons whose yearly means (including those of certain members of the family) are derived wholly or mainly from farming and the valuation of whose farms is £50 or less and,

(d) other persons 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.

No charge for institutional services will be made for those in the lower income group or for such other persons specified at (a), (b) or (c) above as may be determined by the health authority. For the others specified at (a), (b) and (c), and for some of those specified at (d), a charge not exceeding two guineas a week may be made. A higher charge may be made for the remaining persons specified at (d). The Section also provides that institutional and specialist services will be available without charge for all pupils of national schools in respect of defects discovered at school health examinations. The institutional services will include treatment in a hospital, maintenance in a convalescent home and, for mentally defective or crippled persons and similar classes, maintenance in special homes.

10. Section 24 will enable health authorities to provide institutional services for paying patients. Public assistance authorities are now authorised to do this.

Special Services for Mothers and Children.

11. Health authorities will be required to make a medical, surgical, midwifery, hospital and specialist service in respect of motherhood available without charge for women who are eligible for the hospital and specialist service under paragraph 9 above or who qualify by paying annual contributions to the health authority. The contributions will be at the rate of one pound a year and the conditions governing their payment will be set out in regulations.

12. Medical, surgical, hospital, specialist and nursing services will be made available free of charge for children up to the age of six weeks whose mothers are entitled to avail of the maternity service. A service at child welfare clinics and similar institutions will be available without charge for children up to six years of age. The present obligation on health authorities to provide a school medical service will be continued and will extend to day pupils of all secondary or vocational schools.

Other Services.

13. Under Section 19 the present schemes for the provision of dental and ophthalmic treatment and appliances for children will be continued. Power is, however, being sought to enable charges to be made in some cases towards the cost of such items as spectacles. It is intended, however, that such charges will be made only where there are excessive replacements through breakage or where there are other special reasons. Charges will be waived if hardship would result from them.

14. Section 22 provides for the payment to women in the lower income group of a cash grant of four pounds in respect of each confinement.

15. The present power to operate free milk supply schemes will be continued under Section 23.

16. Eligibility for the services provided under this Part of the Act will be determined initially on the basis of declarations in relation to means. There is provision for penalties for false declarations. Where a person obtains a service to which he is not entitled, the health authority will have power to make an appropriate charge.

PART IV—MISCELLANEOUS AMENDMENTS OF THE
HEALTH ACT, 1947.

17. Some amendments of the Health Act, 1947, which experience in its administration has shown to be desirable, are included in Part IV of the Bill. Section 31 of the Act of 1947 is extended so that persons working at or about seaports or airports may be required to have themselves vaccinated against smallpox. In view of the special risk of this disease being contracted at the ports it is considered that this power is necessary for the protection of the general public.

18. Under Section 33 the power of a chief medical officer to require the detention and isolation of a person who is a probable source of infection with any one of a specified group of infectious diseases, may not in future be exercised unless the detention order is signed by another medical practitioner in addition to the chief medical officer.

19. Sundry amendments of various provisions of the 1947 Act are proposed in Sections 34 to 40 of the Bill. These deal with Infectious Diseases Maintenance Allowances, food hygiene and minor matters of administration by local authorities.

PART V—MISCELLANEOUS.

Joint Administration of Services, etc.

20. Section 41 of the Bill, under which joint action by two or more health authorities may be authorised by order of the Minister, will replace Section 101 of the 1947 Act which has been found in practice not to be sufficiently comprehensive. The Section, with

Section 42, will also permit the continuance, as mentioned in paragraph 4 above, of the administration by the boards of assistance and boards of public assistance of their present medical services. Under Section 43, the power of health authorities to make arrangements with other authorities for the performance of services on their behalf is made clear.

Rehabilitation and Maintenance of Disabled Persons.

21. Health authorities will be enabled under Section 45 to make available a service for training disabled persons and for making arrangements for their employment. They will also be enabled to provide for the payment of maintenance allowances to certain categories of disabled persons over 16 years of age or they may provide them with the means to earn a livelihood. This Section will replace Section 41 of the Health Act, 1947, which was limited to the rehabilitation of persons suffering, or recovering, from infectious disease.

District Medical Officers, etc.

22. Sections 46 to 48 of the Bill are consequential on the continuance of the medical assistance service as such. They provide that district medical officers will become officers under health authorities, and that any other officer under a public assistance authority whose duties relate solely to medical assistance or to the provision of general assistance in a county home or similar institution will also be transferred to the health authority.

Shelter and Maintenance in County Homes.

23. The maintenance of the aged, infirm and destitute in county homes is at present part of "general assistance" under the Public Assistance Act, 1939. Under Section 49 of the Bill, it will become the responsibility of the health authority to provide this service.

Care of Children.

24. Sections 50 and 51 of the Bill will replace Sections 44 to 49 of the Public Assistance Act, 1939, which relate to the boarding out, etc., of children. The main departures from those Sections of the 1939 Act are—

- (a) the local authority will not assume, or be empowered to transfer to itself, the rights and powers of the parents of orphans, deserted children and certain other classes, as is provided for in Sections 44 and 45 of the Act of 1939. Such a transfer of parental rights is not considered necessary for the working of the arrangements for the boarding out, etc., of children;
- (b) the power which a public assistance authority has at present to provide for the training of a child in a trade, calling or business up to the age of sixteen is extended to enable the health authority (which will replace the public assistance authority for this purpose) to exercise a similar power in appropriate cases after the child reaches sixteen years of age (Section 50 (4));
- (c) so as to remove any disincentive to adoption by persons with whom children are boarded out, it is proposed that allowances paid for boarded out children may be continued if the foster parents adopt the child.

It is also provided that health authorities will take the place of public assistance authorities for the purposes of Part I of the Children Act, 1908, which relates to infant life protection.

Control of Filling Materials, etc.

25. Section 53, under which regulations can be made to ensure the cleanliness of materials used as fillers in bedding, upholstery, etc., is intended to replace Section 67 of the Health Act, 1947. It is proposed to extend the provisions of the repealed Section so as to enable the regulations to prohibit the sale of finished articles

containing dirty filling material and to permit the control of material used to fill soft toys, etc. The provisions of Section 67 are also being extended so as to enable provision to be made in the regulations for the marking or labelling of articles containing filling material and to require the keeping of records by persons dealing in filling material or articles containing filling material.

Radio-active Substances.

26. Under Section 54 it is intended to give the Minister for Health power to regulate the use, etc., of radio-active substances and irradiating apparatus. Recent developments in atomic fission have provided a means whereby adequate supplies of radio-active substances for medical, industrial and other uses can be produced comparatively cheaply. It is desirable that there should be power to make regulations for the prevention of danger to the health of persons using these materials.

Sundry Provisions.

27. The control of the use of certain dangerous substances in the destruction of rats and mice is proposed under Section 55. Restrictions on the use of certain fumigants are provided for in Section 56. Section 57 is included to enable local authorities to provide for the post-graduate medical education of medical practitioners in their employment. It will be made clear by Section 58 that schools for the training of persons to be nurses may be provided in local authorities' institutions as at present. Under Section 59 health authorities will be enabled to give assistance to voluntary bodies providing services similar or ancillary to their own services. Section 60 is consequential on the transfer of dispensary medical officers to health authorities. Section 61 is included to enable the cost of certain services financed centrally, such as the supply of vaccine lymph, to be apportioned by the Minister on the appropriate local authorities. Section 62 is designed to facilitate the administration of some provisions of the Merchant Shipping Acts which can conveniently be administered by health inspectors or other officers of health authorities.

28. It is made clear by Section 63 that the Minister cannot direct the giving by a health authority of any service or benefit to any individual person under the Act. (There is a similar provision in the Public Assistance Act, 1939.) As a corollary to this, the provision in Section 44 of the Act of 1947, which gives a right of appeal to the Minister from decisions of health authorities in connection with the grant of maintenance allowances for persons suffering from infectious disease, is to be repealed.

Extension of the Mental Health Service.

29. Under Section 19 of the Mental Treatment Act, 1945, the obligation of mental hospital authorities is limited to the provision of a mental health service for any person who (with any persons liable to maintain him) is adjudged to be "unable to provide the whole of the cost" of the service. Section 65 of the Bill extends this obligation so that mental hospital authorities will be required to provide a service for the same classes as will be eligible for the general institutional and specialist services under Section 14 of the Bill. Broadly speaking, the other provisions as regards such services will be applied in the case of the mental hospital authorities.

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

30. By Section 66 of the Bill it is proposed to amend the Health Services (Financial Provisions) Act, 1947, which provides for the payment of grants to health authorities by the Minister for Health. The amendments are self explanatory.

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containing filling material used to prevent the escape of
material used to fill voids. The provisions of Section 27
are intended to be as to enable provision to be made in the
regulations for the marking or labelling of articles containing
filling material and to require the keeping of records by persons
dealing in filling material or articles containing filling material.

Under Section 24 it is intended to give the Minister for
Health power to regulate the use of radioactive substances
and radiation apparatus. Recent developments in atomic science
have provided a means whereby adequate supplies of radioactive
substances for medical, industrial and other uses can be produced
economically. It is desirable that there should be power
to make regulations for the prevention of danger to the health of
persons using these materials.

27. The control of the use of certain dangerous substances in the
destruction of rats and mice is proposed under Section 27. Health
boards on the use of certain substances are provided for in Section
28. Section 27 is intended to enable local authorities to provide for
the pest graduate medical education or medical practitioners in
their employment. It will be necessary under Section 28 that schools
for the training of persons in the industry may be provided in local
authorities' institutions as at present. Under Section 29 health
boards will be enabled to give assistance to voluntary
bodies providing services similar or ancillary to their own services.
Section 30 is consequential on the transfer of fisheries medical
officers to health authorities. Section 31 is included to enable the
cost of certain services furnished centrally, such as the supply of
vaccines, to be apportioned by the Minister to the appropriate
local authorities. Section 32 is designed to facilitate the
administration of some provisions of the Merchant Shipping Acts
which can conveniently be administered by health inspectors
or other officers of health authorities.

28. It is proposed that the Minister should
direct the giving by a health authority of any service or benefit
to any individual person under the Act. There is a similar pro-
vision in the Public Health Act, 1936, which gives a right
of appeal to the Minister from decisions of health authorities in
connection with the transfer of certain establishments for persons
suffering from infectious diseases to be transferred.

29. Under Section 19 of the Mental Treatment Act, 1947, the
provision of medical treatment is limited to the provision
of a medical health service for any person who, with any persons
able to maintain him, is adjudged to be "unable to provide the
care of the case." Section 20 of the Bill extends
this obligation so that medical health authorities will be required
to provide a service for the same class as will be eligible for the
general institutional and specialist services under Section 14 of the
Mental Treatment Act, 1947, in the case of persons who are not
adjudged to be "unable to provide the care of the case."

30. By Section 26 of the Bill it is proposed to amend the Health
Boards (Amendment) Act, 1931, which provides for the
appointment of persons to health authorities by the Minister for Health.
The amendments are explained in the explanatory notes.

31. It is proposed to amend the Health
Boards (Amendment) Act, 1931, which provides for the
appointment of persons to health authorities by the Minister for Health.
The amendments are explained in the explanatory notes.