



AN BILLE SLAINTE, 1952.

HEALTH BILL, 1952.

Mar a ritheadh ag Dáil Éireann.

As passed by Dáil Éireann.

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- [No. 44b 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.—(1) 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.

35 (2) Any person who avails himself of any service provided
under this Act shall not be under any obligation to submit himself
or any person for whom he is responsible to a health examination
or treatment which is contrary to the teaching of his religion.

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hereby repealed to the extent mentioned in the third column of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

PART II.

INSTITUTIONS.

40 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
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 under section 10 of the Principal Act. 5

(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 45 or section 46 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. 10

(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. 30

(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

Direction with
respect to
institutional
services.

9.—The Minister may, by order made in respect of a specified health institution, direct—

(a) that institutional services shall be given in the institution to persons of a class specified by reference to their condition of health, or 40

(b) that institutional services shall not be given in the institution to persons of a class specified by reference to their condition of health, 45

and the health authority maintaining the institution shall comply with the direction.

Extern
institutions.

10.—(1) A health authority may, with the consent of the Minister, make and carry out an arrangement for the giving of institutional services to any person or to persons of any class, being a person or persons who is or are entitled to receive institutional services from such authority otherwise than under section 26 of this Act, in an institution not managed by such authority or another health authority. 50

(2) Payments shall be made by the health authority for institutional services provided pursuant to an arrangement under subsection (1) of this section and the payments shall be in accordance with such scale as may be approved of or directed by the Minister. 55

(3) Two health authorities may make and carry out any arrangement for the giving of institutional services by one of them on behalf of and at the cost of the other.

(4) 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.

11.—(1) Where a health institution is discontinued under subsection (1) or an order under subsection (2) of section 11 of the Principal Act and—

Transfer of officers on discontinuation of health institution.

(a) a person who held an office under a health authority in the discontinued 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, or

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

the office held by the person in the discontinued institution 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.

12.—(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.

13.—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.

14.—(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.

15.—(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 14* of this Act and to such other persons specified in *subsection (2)* of this section as may be determined by the health authority.

(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 six shillings for each day 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.

(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—

(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

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

(iii) any deceased spouse of such person,

where the son or daughter is normally 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.

(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.

(9) Where a decision taken in pursuance of *paragraph (b)* of *subsection (2)* of this section is a decision that the yearly means of the adult person are not less than six hundred pounds, an appeal shall lie from the decision to a person appointed by the Minister, and regulations may make provision with respect to the making and determination of appeals under this subsection.

(10) 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.

16.—(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. Medical care for mothers.

(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 15 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.

(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 the appropriate amount for each year (not being a year before marriage) in respect of which a contribution is payable, and

(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, and

(c) shall provide that, subject to the provisions pursuant to paragraph (d) of this subsection, the appropriate amount referred to in paragraph (a) of this subsection shall be one pound, and

(d) shall provide that the appropriate amount referred to in paragraph (a) of this subsection shall, for each successive period of five years (the first of such periods being the period of five years beginning on the day after the expiration of three years from the commencement of this section or such later day as the Minister may determine to be the earliest practicable day for the beginning of the first of such periods), be—

(i) for persons other than persons who had paid a contribution in respect of the year immediately preceding such period, either—

(I) such amount as may be fixed by the Minister for that period as the amount which will result in obtaining by contributions approximately one-half of the estimated cost, as determined by the Minister, during such period of the provision of the services for women by or on behalf of whom contributions at the rate fixed under this clause of this subparagraph are paid, or

(II) two pounds,

whichever is the less, and

(ii) for persons who had paid a contribution in respect of the year immediately preceding such period, the amount payable by that person for that year or the amount fixed by the Minister as aforesaid, whichever is the less.

(4) Regulations shall provide that any woman entitled to receive medical services under this section may receive them from such registered medical practitioner who has entered into an agreement with the health authority for the provision of those services and who is willing to accept her as a patient as she may choose.

	(5) Where a woman avails of services under this section for a confinement taking place otherwise than in a hospital or maternity home, the health authority shall make available, without charge, obstetrical requisites to such extent as may be specified by regulations.	5
Infant welfare services.	<p>17.—(1) 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 <i>section 16</i> of this Act.</p> <p>(2) Regulations shall provide that medical services under this section shall be made available for a child by such registered medical practitioner who has entered into an agreement with the health authority for the provision of those services and who is willing to accept the child as a patient as the parent of the child may choose.</p>	10 15
Child welfare services.	18.—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.	20
School health examination and treatment service.	<p>19.—(1) A health authority shall, in accordance with regulations, make available, without charge, a health examination and treatment service for the pupils attending schools to which this section applies.</p> <p>(2) This section applies to every school which is—</p> <p>(a) a national school or</p> <p>(b) a school to which an order under <i>subsection (3)</i> of this section applies.</p> <p>(3) Where a health authority are not satisfied that an adequate health examination and treatment service is available for the pupils attending a school in their functional area which provides elementary education and is not a national school, the health authority may by order direct that this section shall apply to the school.</p> <p>(4) 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 <i>section 15</i> or <i>section 20</i> of this Act.</p>	25 30 35
Dental and ophthalmic services, etc., for children.	<p>20.—A health authority shall, in accordance with regulations, make available dental and ophthalmic treatment and dental, optical and aural appliances—</p> <p>(a) for pupils of national schools, in respect of defects discovered at school health examinations, and</p> <p>(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,</p> <p>and the treatment and appliances shall be made available without charge, save that where any dental, optical or aural appliance is supplied as a replacement and the health authority are not satisfied that the replacement has become necessary otherwise than as a result of negligence, such charge may be made for the appliance as may be approved of or directed by the Minister.</p>	40 45 50

21.—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 15 of this Act (exclusive of the persons specified in sections 14 and 20 of this Act).

Dental and ophthalmic services, etc., for middle income group.

22.—(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 14 to 21 of this Act and generally in relation to the administration of such services.

Regulations in relation to services.

(2) References in sections 14 to 21 of this Act to regulations are to regulations under this section.

23.—(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 14 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.

24.—(1) A health authority may, subject to the prescribed conditions, make arrangements for the supply of milk to expectant and nursing mothers who are entitled to the services made available by the health authority under section 14 of this Act and to children to whom this section applies.

Milk for mothers and children.

(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.

25.—(1) A person entitled, having regard to regulations under section 22 of this Act, to avail himself of institutional services under section 15 or section 16 of this Act, or the parent of a child entitled, having regard to regulations under section 22 of this Act, to allow the child to avail of the services under section 15 or section 17 of this Act, may, if he so desires, in lieu of accepting services made available by the health authority, arrange for the like services being made available for him or for the child (as the case may be)—

Institutional services at choice of patient, etc.

(a) in any hospital approved of by the Minister for the purposes of this section, or

(b) in any nursing home or maternity home approved of by the Minister for the purposes of this section,

and where a person so arranges, the health authority shall, on application being made to them, make, in respect of the services made available, a payment as provided for in this section. 5

(2) Where institutional services are made available in pursuance of subsection (1) of this section otherwise than in a private or semi-private ward in any institution (not being a health institution) with which the health authority have made an arrangement under section 10 of this Act, the payment to be made by the health authority to the institution in respect of the institutional services shall be equivalent to the payment which would be made to the institution pursuant to the said arrangement, less a sum of six shillings for each day during which the services are availed of. 10 15

(3) Where institutional services are made available in pursuance of subsection (1) of this section, otherwise than in a private or semi-private ward in any institution (not being a health institution) with which the health authority have not made an arrangement under section 10 of this Act, the payment to be made by the health authority to the institution in respect of the institutional services shall be equivalent to the payment normally made by the health authority for similar services made available in an institution (otherwise than in a private or semi-private ward) with which the health authority have made an arrangement under section 10 of this Act, less a sum of six shillings for each day during which the services are availed of. 20 25

(4) Where institutional services are made available in pursuance of subsection (1) of this section in a private or semi-private ward in any institution (not being a health institution) with which the health authority have made an arrangement under section 10 of this Act, the following provisions shall have effect: 30

(a) the payment to be made by the health authority to the institution in respect of the institutional services shall be equivalent to the payment which would be made to the institution in accordance with the said arrangement for services otherwise than in private or semi-private wards, less a sum of six shillings for each day during which the services are availed of, 35 40

(b) nothing in this Act or any regulations made thereunder shall be construed as restricting the amount of any charge which the institution may make on the person availing of the services.

(5) Where institutional services are made available in pursuance of subsection (1) of this section in a private or semi-private ward in any institution (not being a health institution) with which the health authority have not made an arrangement under section 10 of this Act, the following provisions shall have effect: 45

(a) the payment to be made by the health authority to the institution in respect of the institutional services shall be equivalent to the payment normally made by the health authority for similar services made available (otherwise than in a private or semi-private ward) in an institution with which the health authority have made an arrangement under section 10 of this Act, less a sum of six shillings for each day during which the services are availed of, 50 55

(b) nothing in this Act or any regulations made thereunder shall be construed as restricting the amount of any charge which the institution may make on the person availing of the services.

5 (6) Where institutional services are made available in pursuance of *subsection (1)* of this section in a nursing home or a maternity home, the following provisions shall have effect:

10 (a) the payment to be made by the health authority to the home in respect of the institutional services shall be equivalent to the payment normally made by the health authority for similar services made available (otherwise than in a private or semi-private ward) in a hospital with which the health authority have made an arrangement under *section 10* of this Act, less a sum of
15 six shillings for each day during which the services are availed of, and unless the health authority otherwise determine, shall be limited to payment in respect of a period of six weeks in the case of a nursing home or two weeks in the case of a maternity home,

20 (b) nothing in this Act or any regulations made thereunder shall be construed as restricting the amount of any charge which the institution may make on the person availing of the services.

(7) Where institutional services are made available under
25 *section 15*, *section 16* or *section 17* of this Act in a private or semi-private ward in a health institution on request made by or on behalf of the patient, there shall be charged therefor, in addition to any charge under *subsection (4)* of *section 15* of this Act, a sum equivalent to the difference between—

30 (a) the charge approved of or directed by the Minister under *section 26* of this Act for such services in a private or semi-private ward (as the case may be) in that institution, and

35 (b) the charge approved of or directed by the Minister under *section 26* of this Act for such services in that institution otherwise than in a private or semi-private ward.

26.—(1) A health authority may make available institutional services for such persons as are not entitled to services under *section 15* of this Act and they shall charge for any institutional services so made available the charges approved of or directed by the Minister.

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Institutional services for persons not entitled to services under *section 15*.

(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)
45 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 15* of this Act.

(3) A health authority may, with the consent of the Minister,
50 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.

(4) 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. 5

(5) 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. 10

(6) Nothing in this section shall affect the operation of section 14 or sections 16 to 21 of this Act or of section 31 of the Principal Act or any regulations under that section.

Declaration
as to means.

27.—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. 15

Notification
of change of
circumstances.

28.—(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. 20
25

(2) Where a person knowingly 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.

Determination
of doubt as
to responsible
health
authority.

29.—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. 30

Charge where
person not
entitled
obtains
service.

30.—Where—

(a) a person has availed himself of a service provided under this Part of this Act, and 35

(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. 40

Recovery of
charges.

31.—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 45

(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. 50

Affording of
facilities
for health
examination
of children
at schools.

32.—(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. 55

(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.

5 (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.

10 (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
15 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
20 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.

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

25 33.—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—
False statements, etc.

30 (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,

he shall be guilty of an offence under this section and shall be
35 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.

PART IV.

40 MISCELLANEOUS AMENDMENTS OF PRINCIPAL ACT.

34.—Section 31 of the Principal Act is hereby amended by the addition thereto of the following subsection :
Amendment of section 31 of Principal Act.

"(10) Regulations under this section may, in particular, require the vaccination against smallpox of persons engaged in
45 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

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

35.—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.
Amendment of section 38 of Principal Act.

Amendment of
section 44 of
Principal Act.

36.—(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”.

5

(2) Section 44 of the Principal Act shall be construed as authorising the making of a payment for domestic help where a married woman is undergoing treatment for an infectious disease to the satisfaction of the chief medical officer of the health authority in whose functional area she ordinarily resides and her husband is unable to make reasonable and proper provision for the care of the family.

10

(3) Sections 28 and 33 of this Act shall apply in relation to the service made available under section 44 of the Principal Act in like manner as they apply in relation to the services made available under Part III of this Act.

15

Amendment of
section 48 of
Principal Act.

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

(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

20

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

Regulations
under Part V
of Principal
Act.

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

25

(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,

(b) the description of premises, vehicles or stalls so licensed or registered,

(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),

35

(d) the cancellation or suspension of licences or registrations,

40

(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—

(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,

50

(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,

55

5 (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.

10 (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:

- 15 (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,
- (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,
- 20 (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,
- 25 (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—

- 30 (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,
- 35 (b) before the repairs, structural alterations or additions are carried out, the person required to carry them out shall—
- 40 (i) if he is not the rated occupier of the premises, inform the rated occupier, and
- (ii) if he holds the premises under a lease or other contract of tenancy, inform the immediate landlord or his agent.

45 (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.

(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.

39.—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:

55 "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;"

Amendment of section 65 of Principal Act.

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

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

(i) by officers of the Minister, 5

(ii) by health authorities and their officers,

(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.” 10

(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.”.

Amendment of
section 66 of
Principal Act.

40.—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.”. 15

Amendment of
section 98 of
Principal Act.

41.—Section 98 of the Principal Act is hereby amended—

(a) by the deletion in subsection (1) of the words “to give to the Minister when so required by him advice on matters affecting or incidental to the health of the people” and the substitution therefor of the words “to advise the Minister on such general matters affecting or incidental to the health of the people as may be referred to them by the Minister and on such other general matters (other than conditions of employment of officers and servants and the amount or payment of grants or allowances) relating to the operation of the health services as they think fit”; 20 25

(b) by the deletion in subsection (4) of the words “the National Health Council or of”; 30

(c) by the addition of the following subsections:—

“(7) Not less than half of the persons who are appointed to be members of the National Health Council shall be appointed by the Minister on nominations of bodies which, in the opinion of the Minister, are representative of the medical and ancillary professions (including particular branches thereof) and of persons concerned with the management of voluntary hospitals. 35

(8) The members of the National Health Council holding office on the 31st day of March, 1954, shall go out of office at the end of that day and the like provision shall have effect with respect to the 31st day of March in the year 1956 and in every second year thereafter. 40 45

(9) The National Health Council shall appoint one of their members to act as chairman of the Council.

(10) The quorum for a meeting of the National Health Council shall be one-third of the members, or, if the number of members is not divisible by three, one-third of the next higher number which is divisible by three. 50

(11) The National Health Council may, by standing orders or otherwise, regulate their own procedure.

(12) The National Health Council shall meet at least once in each quarter of the year. 55

(13) The National Health Council shall meet—

(i) at such times as they may be requested by the Minister to meet,

5 (ii) subject to *subsection (14)* of this section, at such times as may be determined by the Council, and

(iii) subject to *subsection (14)* of this section, upon a requisition to call a meeting of the Council, signed by a number of members not less than the quorum of the Council being presented to the secretary to the Council.

10 (14) Where three or more meetings of the National Health Council have been held in any quarter, a further meeting shall not be held in that quarter save at the request of, or with the consent of, the Minister.

15 (15) Every meeting of the National Health Council shall be held in private.

(16) The National Health Council may present each year to the Minister an annual report and the Minister shall publish the report with such comments (if any) as he thinks fit.

20 (17) The Minister shall request the advice of the National Health Council on any regulations which he proposes to make under the Health Acts, 1947 and 1953, or under the Mental Treatment Act, 1945, except where he is satisfied that the making of the regulations is a matter of urgency and, in such a case, he shall request the advice of the Council on the regulations as soon as may be after they are made.

25 (18) The Minister shall appoint a person to act as secretary to the National Health Council."

42.—Section 103 of the Principal Act is hereby amended—

(a) by the substitution of "the Minister" for "the Minister for Local Government" in subsection (1), and

Amendment of section 103 of Principal Act.

35 (b) by the addition to the section of the following subsection:

"(4) The amount standing at any particular time borrowed by a health authority under this section shall not exceed such sum as may be fixed in respect of that time for that health authority by an order made by the Minister with the consent of the Minister for Local Government."

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

Amendment of section 104 of Principal Act.

45 44.—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.

50 45.—(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.

(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. 5

(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,

(b) the board shall have power to sue and be sued in their corporate name, 10

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

(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, 15

(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, 20 25

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

(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), 30

(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. 35

(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. 40

(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. 45

(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. 50

(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—

5 (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
10 made by the Minister.

(9) The Minister may by order revoke any order made or deemed to be made under this section, and the revoking order shall contain such provisions as the Minister thinks necessary or expedient consequential on the revocation and, in particular, where
15 the order to be revoked relates to a joint board, may make provision for—

(a) the dissolution of the joint board and the transfer of the property, rights and liabilities thereof to a health authority or to two or more health authorities or to
20 another joint board or to two or more other joint boards,

(b) the preservation of continuing contracts made by the dissolved joint board,

(c) the continuance of pending legal proceedings,

(d) the transfer of the holder of any office under the dissolved joint board to a similar office under one of the health authorities who appointed the members of the dissolved joint board or under another joint board whose functional area is coterminous with, includes or is included in that of the dissolved joint board.
25

(10) Where, under an order under *subsection (9)* of this section, the holder of an office under a joint board is transferred to another office, the first-mentioned office shall, for the purpose of any enactment relating to superannuation, be deemed not to have been abolished.

35 46.—(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
40 any regulations thereunder and may so apply such provisions with any specified modifications or limitations.

Balrothery
and Rathdown
Boards of
Assistance.

(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.

45 (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
50 at that time under the Valuation Acts in the functional area of the board.

47.—(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
55 by the urban sanitary authority of any service which the health authority are empowered by the Principal Act or this Act to provide.

Arrangements
between health
authorities
and other
authorities.

(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. 5

(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. 10

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

Consultative
health
committees.

48.—(1) The council of a county (other than Dublin, Cork or Waterford) shall by resolution appoint a consultative health committee to advise the county manager on general matters (other than conditions of employment of officers and servants, the amount or payment of grants or allowances or the making of any service available to an individual) relating to the exercise of the functions of the council in relation to the operation of the Principal Act or this Act. 15 20

(2) An appointment under *subsection (1)* of this section shall be made by the council of a county as soon as conveniently may be—

- (a) after the commencement of this section, and
- (b) after each election of the members of the council. 25

(3) A consultative health committee shall consist of ten members, including—

- (a) not less than four members of the council of the county,
- (b) the county medical officer for the county,
- (c) the county surgeon for the county or, if there is no such officer, a senior medical officer in a health institution maintained by the council of the county, 30
- (d) two other registered medical practitioners residing in the county, each of whom is nominated by a body which, in the opinion of the council of the county, is representative of registered medical practitioners practising in the county. 35

(4) A consultative health committee shall meet—

- (a) when requested to meet by resolution of the council of the county or by the county manager, 40
- (b) subject to *subsection (5)* of this section, at such other times as the committee may determine, and
- (c) subject to *subsection (5)* of this section, upon a requisition to call a meeting of the committee signed by not less than four members of the committee, being presented to the county manager. 45

(5) Where meetings of a consultative health committee have been held on six or more days in any year, no further meeting shall be held in that year save at the request by resolution of the council of the county or at the request of, or with the consent of, the county manager. 50

(6) Every meeting of a consultative health committee shall be held in private.

(7) The foregoing subsections of this section shall apply to the Limerick City Council as if they were the council of a county, with the following modifications:— 55

- (a) any reference to the county manager shall be construed as a reference to the Limerick City Manager,

(b) the reference in *paragraph (b) of subsection (3)* to the county medical officer shall be construed as a reference to the Limerick City Medical Officer.

5 (8) The Minister shall by regulations provide for the establishment of a consultative health committee for each of the following areas:—

(a) the county borough of Dublin and the county of Dublin,

(b) the county borough of Cork and the county of Cork, and

10 (c) the county borough of Waterford and the county of Waterford,

and any such regulations shall provide for the application to the committee of the provisions of *subsections (4), (5) and (6)* of this section with any modifications which the Minister thinks fit.

49.—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.

50.—(1) A health authority shall, in accordance with regulations under *subsection (2)* of this section, make available a service for— Rehabilitation and maintenance of disabled persons.

20 (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,

25 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.

(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.

30 (3) In making available the service referred to in *subsection (1)* of this section so far as that service relates to the making of arrangements with employers for placing disabled persons in suitable employment, a health authority shall consult with such trade unions (if any) as appear to the health authority to be representative of persons employed in the relevant employments.

35 (4) A health authority may provide equipment, materials or similar articles for the persons specified in *subsection (6)* of this section.

40 (5) A health authority shall, 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 (6)* of this section.

45 (6) The persons referred to in *subsections (4) and (5)* 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.

50 (7) Any spouse, son, daughter or parent of a person, or any brother or sister of a person normally resident with that person, shall be a relative of that person for the purposes of *subsection (6)* of this section.

51.—(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.

(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.

District
medical
officers.

52.—(1) There shall be a district medical officer or two or more district medical officers for a dispensary district. 5

(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.

(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. 10

(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. 15

(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. 20 25

(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. 30 35

(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). 40

(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: 45

(a) such person shall, upon the commencement of this section, become and be a district medical officer for that district; 50

(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.

53.—(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. 55 60

(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.

(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.

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

(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

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

(5) The holder of any office under a public assistance authority to which subsection (1) of this section does not apply shall perform such duties as may be assigned to him in relation to the functions of the health authority for the area or district for which he acts.

54.—(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, 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 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.

(5) Every person maintained by a health authority in a county home or similar institution who behaves in a disorderly manner in such home or institution, or causes unreasonable disturbance to other persons maintained in such home or institution or to persons employed therein, shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to imprisonment for a term not exceeding twenty-one days.

(6) Where the Minister directs by order that a specified class of persons shall not be sheltered or maintained under this section by or on behalf of a health authority in a specified institution, the authority shall not (except in cases of urgent necessity) shelter or maintain, or arrange for the shelter or maintenance of, any persons of that class in that institution.

(7) (a) Where a person maintained by a health authority in a county home or similar institution does work on behalf of the authority, he shall be deemed, in relation to the doing of the work, to be for the purposes of the Workmen's Compensation Acts, 1934 and 1948, a workman in the employment of the authority, but, save as aforesaid, the doing of the work by such person shall not operate to create or imply the relation of master and servant or a contract of service between the authority and such person.

Boarding out,
etc., of
children.

- (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. 5

55.—(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. 10

(2) *Subsection* (1) of this section applies to any child who is eligible for institutional assistance under *section 54* of this Act and who is— 15

(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 20

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

(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. 25 30

(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. 35

(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. 40

(6) The Minister may make regulations for the purposes of this section. 45

(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. 50

(8) A school in respect of which, immediately before the commencement of this section, a certificate under *section 47* 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. 55

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

- 5 (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,
- 10 (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,
- 15 (c) where the child was, immediately before the adoption, boarded out by a health authority with the adopter or adopters, the health authority may, subject to such conditions as they think fit, contribute to the maintenance of the child as if he continued to be boarded out.

56.—(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, with the consent of the
20 Minister, 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.

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

- 25 (a) may at any time, with the consent of the Minister, 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
30 of by the Minister.

(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
35 terminate immediately upon the removal.

(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
40 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.

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

57.—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
50 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.

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

- 55 (a) prescribing a standard of cleanliness for filling material either generally or as respects a particular type of filling material,
- (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
60 standard,
- (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,
- (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, 25 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,
- (i) may provide for the imposition of charges in respect of the grant, retention or renewal of licences or registrations, 40
- (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, 45
- (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. 50
- (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. 55 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, 5 and other similar materials, whether new or old, used in the making of bedding, cushions, articles of upholstery, toys, or similar articles, and
- (c) linings, webbings and coverings (other than outer coverings) used in the making of bedding, cushions, 10 articles of upholstery, toys or similar articles.

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

59.—(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 15 has been subjected to any artificial treatment or process;

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- 20 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;

the expression "medical irradiating apparatus" means irradiating 25 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.

(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 30 substance.

(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 55 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),

- 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) Regulations under this section shall not prohibit absolutely
- 20 the use by a registered medical practitioner in medical practice or by a registered dentist in dental practice of any radio-active substance or any irradiating apparatus, or require a registered medical practitioner or registered dentist to hold a licence for the use of radio-active substances or irradiating apparatus in medical practice
- 25 or dental practice, as the case may be, or for the storage of such quantities of radio-active substances as may be reasonably required for his practice.
- (7) A person who contravenes a regulation under this section shall be guilty of an offence under this section and shall be liable
- 30 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.
- (8) An offence under this section may be prosecuted by the Minister or by the health authority in whose functional area the
- 35 offence is committed.

60.—(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.

40 (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,
- 45 (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),
- (c) the determination of the classes of persons to whom licences under the regulations are to be granted,
- 50 (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,
- (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.

(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. 5

Control of
use of
fumigants.

61.—(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 10

(b) the use of the fumigant for a specified purpose or in specified circumstances shall be restricted.

(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. 15

(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. 20 25

(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 on summary conviction thereof to a fine not exceeding fifty pounds.

(5) An offence under this section may be prosecuted by the health authority in whose functional area the offence is committed. 30

Facilities for
teaching of
clinical medicine
or conduct of
medical
research.

62.—(1) Where a college which awards any of the qualifying diplomas mentioned in the Second Schedule to the Medical Practitioners Act, 1927 (No. 25 of 1927), or a college of a university which awards any such diploma, requires facilities for the teaching of clinical medicine or for the conduct of medical research in a health institution— 35

(a) the Minister, if he so thinks proper, may by order declare the institution to be a teaching institution,

(b) on the institution being declared to be a teaching institution— 40

(i) it shall be the duty of the health authority by whom the institution is maintained to provide in the institution such facilities for the teaching of clinical medicine or for the conduct of medical research as the Minister may direct from time to time, 45

(ii) in relation to the making of any appointment to the staff of the institution which is considered by the Minister to carry with it duties involving the teaching of clinical medicine or the conduct of medical research under the direction of one or more than one such college, any board constituted by the Local Appointments Commissioners in accordance with section 9 of the Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), to interview candidates shall consist of a chairman nominated by the Minister and a number of other members, half of whom shall be nominated by such college or colleges. 50 55 60

(2) In this section "medicine" shall be construed as including surgery and midwifery, and "medical" shall be construed accordingly.

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

Courses of instruction for medical officers.

(2) A health authority, with the approval of the Minister, may do all things necessary to provide from time to time courses of instruction for medical officers (including medical officers of other
10 authorities).

(3) Nothing in this section shall be construed as imposing an obligation on a medical officer to attend at a course of instruction provided under this section.

64.—(1) In this section—
15 the expression "nursing school" means a school for the training of persons to be nurses;
the expression "student nurse" means a person being trained to be a nurse.

Schools for training of nurses.

(2) A health authority may, with the consent of the Minister,
20 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.

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

65.—(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
30 or ancillary to a service which the health authority may provide:

Assistance for certain bodies.

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

(b) by supplying to the body fuel, light, food, water or other commodity,

35 (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.

40 (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.

66.—(1) Every residence which, immediately before the commencement of this section, was maintained under section 43 of the
45 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.

50 (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 45 or section 46 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
55 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)* 5 of this section (as may be appropriate) shall apply in relation thereto.

Apportionment
of expenditure
on central
health service.

67.—(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. 10

(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. 15

(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. 20

(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: 25

(a) a health authority,

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

Inspection of
provisions and
water for crew
of Irish ships.

68.—(1) An authorised officer may, as respects an Irish ship, 30 carry out any inspection under section 206 of the Merchant 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. 35

(3) In this section—

“Irish ship” has the same meaning as in the Merchant Shipping Act, 1947 (No. 46 of 1947); 40

“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.

Restriction of
application of
Public
Assistance
Act, 1939.

69.—The Public Assistance Act, 1939, shall cease to have effect as respects the provision of— 45

(a) medical assistance as defined therein, and

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

and the said Act shall be construed accordingly.

Amendment of
Tuberculosis
(Establishment
of Sanatoria)
Act, 1945.

70.—(1) In this section “the Act” means the Tuberculosis 50 (Establishment of Sanatoria) Act, 1945 (No. 4 of 1945).

(2) Section 6 of the Act is hereby amended by the insertion after subsection (2) of the following subsection:

“(2a) Notwithstanding subsection (1) of this section, when the establishment under this Act of a sanatorium has, in the 55

5 opinion of the Minister, been completed, the Minister, if he so thinks proper, may transfer his estate or interest in the land on which the sanatorium has been established and the equipment of the sanatorium to a joint board established by an order under *section 45* of the Health Act, 1953, and, in the case of any such transfer, subsection (2) of this section shall have effect with the substitution of 'joint board' for 'county authority or county authorities'."

10 17: (3) The following section shall be added to the Act after section

Disposal of
surplus land.

" 18. (1) Where the Minister has acquired land under this Part of this Act and, as respects such land or any part thereof—

15 (a) the Minister has not transferred his estate or interest therein under subsection (2) or subsection (2a) of section 6 of this Act, and

(b) it appears to the Minister that such land or part is no longer required for the purposes of the establishment of a sanatorium,

20 the Minister may dispose of such land or part in such manner as he thinks proper.

25 (2) All moneys received by the Minister in respect of the disposal of land under this section shall be paid by the Minister to the Hospitals Trust Board and shall form part of the Hospitals Trust Fund."

71.—(1) In this section "the Act" means the Mental Treatment Act, 1945.

Amendment of
Mental
Treatment
Act, 1945.

30 (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:

35 " (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 15* 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,"

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

45 "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 15* 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;"

50 (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:

55 " (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."

(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."

(6) For subsection (2) of section 175 of the Act, there shall be substituted the following subsection :

"(2) Expenses repaid under this section by a mental hospital authority shall be regarded as part of the cost of mental hospital assistance for the person in respect of whom they have been incurred."

(7) In section 224 of the Act "institutional assistance under section 54 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".

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

Charges in
certain cases
and recovery
thereof.

"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.

(2) Mental hospital assistance shall be given without charge to the persons specified in subsection (2) of section 14 of the Health Act, 1953, and to such other persons, being chargeable patients, as may be determined by the mental hospital authority.

(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 six shillings for each day 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 15 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—

(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 or, in case such other person has died, his legal personal representative."

(9) 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".

(10) 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."

(11) The following section shall be inserted in the Act after section 279 :

Appeals
from certain
decisions.

5

10

" 279A.—Where a decision taken in pursuance of paragraph (b) of subsection (2) of section 15 of the Health Act, 1953, as applied by this Act, is a decision that the yearly means of the adult person are not less than six hundred pounds, an appeal shall lie from the decision to a person appointed by the Minister, and regulations made by the Minister may make provision with respect to the making and determination of appeals under this section."

72.—(1) In this section—

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

15

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

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

(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—

20

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

25

(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.

(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.

30

(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.

35

(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—

40

(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,

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

45

SCHEDULE.

Section 5.

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; Subsections (4) and (8) 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.

Rite ag Dáil Éireann 30ú Iúil, 1953.

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entitled

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