



**AN BILLE SLAINTE (COMHLACHTAI CORPRAITHE), 1961.
HEALTH (CORPORATE BODIES) BILL, 1961.**

*Mar a ritheadh ag Dáil Éireann.
As passed by Dáil Éireann.*

ARRANGEMENT OF SECTIONS.

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AN BILLE SLAINTE (COMHLACHTAI CORPRAITHE), 1961.
HEALTH (CORPORATE BODIES) BILL, 1961.

BILL

entitled

AN ACT TO MAKE PROVISION FOR THE ESTABLISH- 5
MENT OF BODIES TO PERFORM FUNCTIONS IN, OR
IN RELATION TO, THE PROVISION OF HEALTH
SERVICES.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Short title.

1.—This Act may be cited as the Health (Corporate Bodies) 10
Act, 1961.

Definitions.

2.—In this Act—

“ health service ” means any service relating to the protection or
improvement of the health of the people or the care and treatment
of the sick and infirm; 15

1947, No. 28.

“ health authority ” has the meaning assigned to it by virtue of
the Health Act, 1947, and the Health Authorities Act, 1960;

1960, No. 9.

“ the Minister ” means the Minister for Health.

Establishment
of bodies to
provide health
services.

3.—(1) The Minister may from time to time by order (in this
Act referred to as an establishment order) establish a body to 20
perform functions in, or in relation to, the provision of a health
service or two or more health services.

(2) A body established under *subsection (1)* of this section shall
be called and known by such title as may be specified in the
establishment order. 25

(3) A body so established shall be a body corporate with per-
petual succession and a seal and with power to sue and be sued
in its corporate name and to hold land.

(4) All courts shall take judicial notice of the seal of a body
so established and every document purporting to be an order or 30
other instrument made by that body and to be sealed with its seal
(purporting to be authenticated in the manner provided in the
establishment order) shall be received in evidence and be deemed
to be such order or instrument without further proof unless the
contrary is shown. 35

(5) The Minister may from time to time by order amend an
establishment order or an order made under this subsection.

Membership
and staff.

4.—(1) Every establishment order shall contain such provisions
as the Minister considers appropriate in relation to—

(a) the number of members of the body established by the 40
order, the method, terms and conditions of their
appointment and their tenure of office;

(b) the number, grades, method of appointment, conditions of service, tenure of office and the remuneration of the officers and servants of the body so established.

(2) An establishment order or an order amending an establishment order may include provisions for—

(a) the application, with the consent of the Local Appointments Commissioners, of the Local Authorities (Officers and Employees) Acts, 1926 and 1940 to appointments to offices under the body established by the establishment order as if it were a local authority but subject to any modifications specified in the order, and

(b) the application of the Local Government (Superannuation) Act, 1956 to the body as if it were a local authority but subject to any modifications (including modifications relating to service reckonable as pensionable service) which may, with the consent of the Minister for Local Government, be specified in the order. 1956, No. 10.

(3) Where provision has been made in an establishment order or an order amending an establishment order for the application of the Local Government (Superannuation) Act, 1956 to a body established by an establishment order (whether with or without modifications relating to service reckonable as pensionable service) and an officer of that body becomes a pensionable officer of a local authority, subsection (1) of section 11 of that Act shall, in its application to him, be construed as if the following paragraph were added to that subsection :—

“ (i) service as a pensionable officer of a body established under the Health (Corporate Bodies) Act, 1961 to which this Act has been applied under that Act or other service which would be reckonable by such body for the purposes of his superannuation ”.

5.—An establishment order shall contain such provisions as the Minister considers appropriate defining the functions of the body established by the order in, or in relation to, the provision of the health service or health services to which the order relates, and the manner in which and the conditions under which the body so established may perform the functions so defined. Functions.

6.—An establishment order shall contain such provisions relating to the administration generally of the body established by the order as the Minister considers appropriate including provisions relating to— Administration.

(a) the meetings of the body so established and the procedure at such meetings,

(b) the use and authentication of its seal,

(c) the regulation of its finances and the keeping and auditing of its accounts, and

(d) the furnishing to the Minister by such body from time to time of information regarding the performance of its functions, and the furnishing of such information to the Minister at any time at his request.

7.—(1) The Minister may at any time by order revoke an establishment order. Revocation of establishment order.

(2) A revoking order shall contain such provisions as the Minister thinks necessary or expedient consequential on the revocation, and, in particular, may make provision for—

- (a) the dissolution of the body established by the establishment order and the transfer or distribution of the property, rights and liabilities thereof to any of the following—
 - (i) the Minister, 5
 - (ii) any one or more than one other body established by an establishment order,
 - (iii) any one or more than one health authority, or
 - (iv) any one or more than one joint board of health authorities established under section 45 of the Health Act, 1953, 10
- (b) the preservation of continuing contracts made by the dissolved body,
- (c) the continuance of pending legal proceedings,
- (d) notwithstanding any restriction in any other Act, the transfer of the holder of any office under the dissolved body to a similar office under—
 - (i) a local authority, or
 - (ii) any other body established by an establishment order. 20

1953, No. 26.

Reconstitution of certain companies for purposes of Act.

8.—(1) In this section “ company to which this section applies ” means any company under the Companies Acts, 1908 to 1959, which the Minister certifies in writing to be a company to which this section applies.

(2) Where a company to which this section applies has resolved at a meeting specially called for the purpose that the company be wound up for the purposes of this section the provisions of the Companies Acts, 1908 to 1959, in relation to the winding up of a company thereunder shall not apply to the winding up of that company. 25

(3) A company which has passed a resolution under subsection (2) of this section shall be deemed as on and from the date of the resolution, or any later date stated in the resolution, not to be a company under the Companies Acts, 1908 to 1959 but a body established by an establishment order, and such an order shall, as soon as may be after the date of the resolution, be made by the Minister in respect of that body. 30

(4) Pending the making of an establishment order in respect of a company to which this section applies which is deemed under subsection (3) of this section to be a body so established, all provisions of the memorandum and articles of association of that company which enabled it to perform its functions shall apply as if they were contained in an establishment order. 35

Expenses of the Minister.

9.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys to be provided by the Oireachtas. 40

Laying of orders before Houses of the Oireachtas and sending of copies to members of those Houses.

10.—(1) The Minister shall cause a copy of every order made by him under this Act to be sent, as soon as may be after the order is made, to each member of each House of the Oireachtas. 45

(2) Every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next seven days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder. 50

(3) Non-compliance with subsection (1) of this section in respect of any member or members of either House of the Oireachtas shall not affect the validity, or the coming into operation, of an order made by the Minister under this Act. 55

BILL

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Enacted by the House of Commons in the first session of the
thirtieth year of His Majesty King George the Fifth, in the
fourth year of the reign of His Majesty King Edward the
Eighth, in the first year of the reign of His Majesty King
George the Sixth, and in the first year of the reign of
Her Majesty Queen Elizabeth the Second, as follows:—

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BILLE

dá ngairtear

Acht do dhéanamh socrú chun comhlachtaí a bhunú chun feidhmeanna a chomhlíonadh ag soláthar seirbhísí sláinte nó maidir lena soláthar.

BILL

entitled

An Act to make provision for the establishment of bodies to perform functions in, or in relation to, the provision of health services.

An tAire Sláinte a thug isteach.

Introduced by the Minister for Health.

Rite ag Dáil Éireann, 26 Iúil, 1961.

Passed by Dáil Éireann, 26th July, 1961.

BAILE ATHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais An Stuara, Árd Oifig an Phoist, Baile Átha Cliath, nó trí aon díoltóir leabhar.

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