



**AN BILLE SLÁINTE (LEASÚ), 1985
HEALTH (AMENDMENT) BILL, 1985**

*Mar a ritheadh ag dhá Theach an Oireachtais
As passed by both Houses of the Oireachtas*

ARRANGEMENT OF SECTIONS

Section

1. Definitions.
2. Charges by health boards for provision of in-patient services and out-patient services in respect of certain injuries caused by mechanically propelled vehicles.
3. Recovery of charges by health boards.
4. Short title, collective citation and construction.

ACTS REFERRED TO

Civil Liability Act, 1961	1961, No. 41
Health Act, 1970	1970, No. 1
Health Acts, 1947 to 1985	
Road Traffic Act, 1961	1961, No. 24
Statute of Limitations, 1957	1957, No. 6



AN BILLE SLÁINTE (LEASÚ), 1985
HEALTH (AMENDMENT) BILL, 1985

BILL

entitled

AN ACT TO ENABLE CHARGES TO BE MADE BY HEALTH 5
BOARDS FOR IN-PATIENT SERVICES AND OUT-
PATIENT SERVICES PROVIDED FOR PERSONS IN RES-
PECT OF THE TREATMENT OF CERTAIN INJURIES
CAUSED BY THE USE OF MECHANICALLY PRO-
PELLED VEHICLES IN PUBLIC PLACES. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

Definitions.

1.—In this Act—

“contributory negligence” has the meaning that it has in Part III of the Civil Liability Act, 1961;

“dependant”, in relation to a person whose death is caused by the 15
negligent use of a mechanically propelled vehicle, means any member
of the family, within the meaning of section 47 (1) of the Civil Liability
Act, 1961, of the deceased who suffers injury or mental distress within
the meaning of Part IV of that Act;

“injury” includes any disease, any impairment of a person’s physical 20
or mental condition and any injury causing death;

“in-patient services” and “out-patient services” have the meanings
assigned to them by sections 51 and 56 (1), respectively, of the Health
Act, 1970;

“mechanically propelled vehicle” and “public place” have the mean- 25
ings respectively assigned to them by section 3 (1) of the Road Traffic
Act, 1961.

Charges by health
boards for
provision of in-
patient services and
out-patient services
in respect of certain
injuries caused by
mechanically
propelled vehicles.

2.—(1) Where—

(a) injury is caused to a person by the negligent use of a mech- 30
anically propelled vehicle in a public place, and

(b) in-patient services or out-patient services have been, are
being or will be provided by or on behalf of a health board
in respect of the injury, and

5 (c) any one of the following, that is to say, the person aforesaid, his personal representative or dependant, has received, or is entitled to receive damages or compensation in respect of the negligent use aforesaid from the person liable to pay such damages or compensation in respect of that injury, or any loss, damage or expense (or mental distress in the case of a dependant) arising therefrom,

10 the health board shall, notwithstanding anything in the Health Acts, 1947 to 1985, make a charge upon the person who received or is entitled to receive such damages or compensation in respect of the said in-patient services or out-patient services.

(2) (a) A health board may waive the whole or part of a charge under *subsection (1)* of this section if it considers it proper to do so—

15 (i) having had regard to the amount of damages or compensation, and interest (if any) thereon, received by the person liable to pay the charge in respect of the injury to which the charge relates, and

20 (ii) in a case where there was contributory negligence on the part of the person to whose injury the charge relates or of one for whose acts he is responsible, having had regard to any reduction in the amount which would have been received but for the contributory negligence.

25 (b) In proceedings brought by a person to whom injury is caused by the negligent use of a mechanically propelled vehicle in a public place, or by the personal representative or dependant, of such a person in respect of such negligent use as aforesaid, claiming damages in respect of that injury, or any loss, damage or expense (or mental distress in the case of a dependant) arising therefrom, *paragraph (a)* of this subsection shall be disregarded.

35 3.—(1) Any sum due by a person to a health board under *section 2* of this Act may be recovered by the health board from the person as a simple contract debt in any court of competent jurisdiction.

Recovery of charges by health boards.

(2) Without prejudice to Part III of the Statute of Limitations, 1957, a cause of action against a person in respect of a charge under *section 2 (1)* of this Act shall be deemed to accrue on the date on which damages or compensation are paid by the person liable to pay such damages or compensation or on the date on which the services to which the charge relates are provided, whichever is the later.

4.—(1) This Act may be cited as the Health (Amendment) Act, 1986.

Short title, collective citation and construction.

45 (2) The Health Acts, 1947 to 1985, and this Act may be cited together as the Health Acts, 1947 to 1986.

(3) The Health Acts, 1947 to 1985, and this Act shall be construed together as one Act.

BILLE

dá ngairtear

Acht á chumasú do bhoird sláinte táillí a ghearradh i leith seirbhísí d'othair chónaithe agus seirbhísí d'othair sheachtracha a sholáthraítear do dhaoine maidir le cóireáil a chur ar dhíobhála-acha áirithe arb é is cúis leo feithiclí inneall-ghluaiste a úsáid in áiteanna poiblí.

*Ritheadh ag dhá Theach an Oireachtais,
30 Aibreán, 1986*

**BAILE ÁTHA CLIATH:
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR**

Le ceannach díreach ón Oifig Dhíolta Foilseachán Rialtais,
Teach Sun Alliance, Sráid Theach Laighean, Baile Átha Cliath
2, nó trí aon díoltóir leabhar.

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BILL

entitled

An Act to enable charges to be made by health boards for in-patient services and out-patient services provided for persons in respect of the treatment of certain injuries caused by the use of mechanically propelled vehicles in public places.

*Passed by both Houses of the Oireachtas,
30th April, 1986*

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