

Health Aut.

Hospitals Federation and Ameleum



## AN BILLE SLÁINTE (LEASÚ) (UIMH. 2), 1996 **HEALTH (AMENDMENT) (NO. 2) BILL, 1996**

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#### ARRANGEMENT OF SECTIONS

#### Section

970, No. 1

1961, No. 27

1961, No. 21

- 1. Definitions. D. BY VIRTUE OF THE EXERCISE OF
- 2. Powers of Minister under section 76 of Health Act, 1970.

ences to the exercise of the powers and the corrying out of the duffer

- 3. Provision in relation to Hospitals Federation and Amalgamation Act, 1961.
  - 4. Short title, collective citation and construction.

[No. 36 of 1996]

ACTS REFERRED TO

Health Act, 1970 Health (Corporate Bodies) Act, 1961 Hospitals Federation and Amalgamation Act, 1961 1970, No. 1 1961, No. 27 1961, No. 21

AN BILLE SLÁINTE (LEASÚ) (UIMH. 2), 1996 HEALTH (AMENDMENT) (NO. 2) BILL, 1996

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> Provision in relation to Hospita's Federation and Amalgamation Act 1961

> > Short title, collective citation and construction.

25 vision referred to in subsection (i) of this section may also provide

(a) the transfer to the body porate established by the said provision of such o inctions, property, rights, liabilities or members of

Cody in subsection (1) (b) of this (i) the first-mentione section (hereafter in this section referred to as "the original body"

hospital services in connection with which the order 10

AN BILLE SLÁINTE (LEASÚ) (UIMH. 2), 1996 HEALTH (AMENDMENT) (NO. 2) BILL, 1996

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AN ACT TO ENLARGE THE POWERS OF THE MINISTER FOR HEALTH UNDER SECTION 76 OF THE HEALTH ACT, 1970, TO CLARIFY THE EFFECT OF THE HOSPITALS FEDERATION AND AMALGAMATION ACT, 1961, IN RELATION TO ANY BODY CORPORATE ESTABLISHED BY VIRTUE OF THE EXERCISE OF THE 10 SAID POWERS AND TO PROVIDE FOR RELATED MATTERS.

### BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

(3) (a) The Minister may, on the application of the body corpor-

## ate established by an order under the rele

isation or extension of

Definitions.

- 15 "functions" includes powers and duties and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;
  - "the Minister" means the Minister for Health; and 107 (4)

"the relevant section" means section 76 of the Health Act, 1970. than one of the matters referred to in subsection (2) of this section

20 2.—(1) Where the Minister considers that any re-organisation or Powers of Minister extension of the provision of hospital services in connection with which an order under the relevant section is proposed to be made would be more effectually carried out by including a provision in such an order-

under section 76 of Health Act, 1970.

25 (a) providing for the establishment of a body corporate and the construed as prejudicing a bar at the state of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it, and a prejudicing a bar assessment of a title to it. lished by an order under the functions and, in

3.-Nothing in the Hospitals Federation as

(b) where the said order relates to the charter of a hospital, providing that the provisions of that charter shall, in lieu of applying or having effect in relation to the body incor-30 porated by that charter, be deemed to apply and have effect in relation to the body corporate established by the said provision,

collective citation and construction.

to Hospitals

Federation and

the Minister may include such a provision in that order. (2) together as the Health Ac

(2) An order under the relevant section which contains the pro-35 vision referred to in subsection (1) of this section may also provide

- (a) the transfer to the body corporate established by the said provision of such of the functions, property, rights, liabilities or members of staff of—
  - (i) the first-mentioned body in *subsection* (1) (b) of this section (hereafter in this section referred to as "the original body"),
  - (ii) any other hospital, or any body corporate established under the Health (Corporate Bodies) Act, 1961, involved in the re-organisation or extension of hospital services in connection with which the order 10 is made, or
  - (iii) the Central Council of the Federated Dublin Voluntary Hospitals,

as is or are specified in the order,

- (b) the conferral of such powers on the original body as, in the opinion of the Minister, are necessary, in consequence of the disapplication to it of the provisions of the charter concerned by the said provision, to enable it to wind up its affairs or otherwise deal with any property, rights or liabilities of it, and
  - (c) any matters consequential on, or incidental to, the matters referred to in paragraph (a) or (b) of this subsection.
- (3) (a) The Minister may, on the application of the body corporate established by an order under the relevant section, by order, amend that order.
- (b) Subsections (2) and (3) of the relevant section shall apply to an order under this subsection as they apply to an order under the relevant section.
- (4) For the purposes of subsection (2) of the relevant section, a draft of an order under that section containing the provision referred to in subsection (1) of this section and providing for one or more than one of the matters referred to in subsection (2) of this section may be laid before each House of the Oireachtas, and a resolution approving of that draft may be passed by each such House, notwithstanding that such laying and the passing by each such House of such a resolution take place before the passing of this Act.

Provision in relation to Hospitals Federation and Amalgamation Act, 1961. 3.—Nothing in the Hospitals Federation and Amalgamation Act, 1961, and in particular the provisions of section 14 thereof, shall be construed as prejudicing the performance by a body corporate established by an order under the relevant section of its functions and, in particular, its functions in respect of matters to which the said section 14 relates.

Short title, collective citation and construction.

- (No. 2) Act, 1996.
- (2) The Health Acts, 1947 to 1994, and this Act may be cited 45 together as the Health Acts, 1947 to 1996, and shall be construed together as one.

vision referred to in subsection (1) of this section may also pe

AN BILLE SLÁINTE (LEASÚ) (UIMH. 2).

HEALTH (AMENDMENT) (NO. 2) BILL, 1996

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believes believes the beauth Act 1970 (which string in his believes of a hospital Charter) in circumstances of

agus Cónascadh Ospident 1961, i ndáil le haon chomhlacht corpraithe area bhund de bhua fheidhmiú na gcumhachtaí sin agus do dhéanamh socrú i dtaobh nithe gaolmhara.

Acht do mhéadú chumhachtaí an Aue Slaime de Acht to enlarge the powers of the Minister for faoi alt 76 den Acht Slaime 1970, do shoil in Figure 1970, to clarify the effect of the Hospitals eight eifeacht an Achta um Chonaidhmeadh hingsoff rederation and Amalgamation Act, 1961. in and smilretation to any body corporate established by virtue of the exercise of the said powers and to provide for related matters.

> govern a new hospital such as that being provided at Tallaght. Section 2 (1) (a) allows for this. Section 2 (1) (b) provides for the application of a Charter which is being amended to a new hospital-

An Seanadóir Muiris Ó Mainnín a thiolaigea voito yn Presented by Senator Maurice Manning, deem and the rate Bodies). Act 1951 and of the Ceideel charachism et the Federation of Dublin Voluntary Hospitals. Section 2 (2) (b) pro-

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### AN BILLE SLÁINTE (LEASÚ) (UIMH. 2), 1996

HEALTH (AMENDMENT) (NO. 2) BILL, 1996

(i) the first-mentioned body in subsection (1) (b) of this section (hereafter in this section referred to as "the

under the Health (Corporate Bodies) Act, 1961,

(c) any matters consequential on, or incidental to, the matters referred to in paragraps (a) or (b) of this subsection.

ate established by an order under the relevant section, by

(3) (a) The Minister may, on the application of the body corpor-

# BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do mhéadú chumhachtaí an Aire Sláinte faoi alt 76 den Acht Sláinte, 1970, do shoiléiriú éifeacht an Achta um Chónaidhmeadh agus Cónascadh Ospidéal, 1961, i ndáil le haon chomhlacht corpraithe arna bhunú de bhua fheidhmiú na gcumhachtaí sin agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Seanadóir Muiris Ó Mainnín a thíolaic, 19 Meitheamh, 1996 BILL

of the Federated D. (as initiated)

entitled

An Act to enlarge the powers of the Minister for Health under section 76 of the Health Act, 1970, to clarify the effect of the Hospitals Federation and Amalgamation Act, 1961, in relation to any body corporate established by virtue of the exercise of the said powers and to provide for related matters.

Presented by Senator Maurice Manning, 19th June, 1996

BAILE ÁTHA CLIATH

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