



**AN BILLE UM CHOSAINT OTHAR AGUS DOCHTÚIRÍ
FAOI OILIÚINT, 1999
PROTECTION OF PATIENTS AND DOCTORS IN TRAINING
BILL, 1999**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

1. Amendment of section 3 of Principal Act.
 2. Restriction of Principal Act.
 3. Working time to include call at work.
 4. Repeal of section 30 of Principal Act.
 5. Commencement.
 6. Regulations.
 7. Interpretation.
 8. Short title, collective citation and construction.
-

Act Referred to

Organisation of Working Time Act, 1997

1997, No. 20



**AN BILLE UM CHOSAINT OTHAR AGUS DOCHTÚIRÍ
FAOI OILIÚINT, 1999
PROTECTION OF PATIENTS AND DOCTORS IN TRAINING
BILL, 1999**

BILL

entitled

AN ACT TO AMEND THE ORGANISATION OF WORKING
TIME ACT, 1997.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

- 10 **1.**—Section 3(2)(a)(iii) of the Principal Act (exclusion of doctors in training) is hereby repealed. Amendment of
section 3 of
Principal Act.
- 2.**—No power under section 3 or 4 (exemptions) of the Principal Act may be exercised in relation to doctors in training. Restriction of
Principal Act.
- 15 **3.**—For the avoidance of doubt, it is hereby declared that in the application of Part II (Minimum Rest Periods and Other Matters relating to Working Time) of the Principal Act to doctors in training, the term “work” shall include periods on call at work. Working time to
include call at work.
- 4.**—Section 30 of the Principal Act is hereby repealed. Repeal of section
30 of Principal Act.
- 20 **5.**—(1) Subject to *subsection (2)*, this Act shall have effect on the day that is three months from the date of its passing. Commencement.
- (2) For the period of seven years from the passing of this Act, the Minister may by regulations prescribe such longer initial time periods than the period of 48 hours fixed in section 15 of the Principal Act as it applies to doctors in training as are necessary to enable this Act to have full effect on a progressive basis, and where any such regulations are for the time being in force, section 15 of the Principal Act as it so applies shall have effect in accordance with those regulations; provided that—
- 25 (a) no period of greater than 54 hours may be substituted for a reference to 48 hours in that section;
- 30 (b) no such regulations may be made on or after the day that is seven years from the passing of this Act;
- (c) any such regulations then in force shall cease to have effect on that day; and

- (d) no such regulations may be made save in accordance with a collective agreement between employers' and employees' representatives.

Regulations.

6.—The Minister may make regulations for the purpose of giving effect to *section 5*. 5

(2) Every regulation made under this Act shall be laid before each House of the Oireachtas as soon as practicable after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly, but without prejudice to anything previously done thereunder. 10

(3) Subject to *section 5(2)(d)*, any regulation made under this Act may contain such consequential, supplementary and ancillary provisions as the Minister considers necessary or expedient.

Interpretation.

7.—(1) In this Act— 15

“Minister” means the Minister for Health and Children;

“Principal Act” means the Organisation of Working Time Act, 1997.

(2) In this Act—

(a) a reference to a section is a reference to a section of this Act, unless it is indicated that reference to some other enactment is intended; 20

(b) a reference to a subsection is a reference to the subsection of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended; 25

(c) a reference to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

Short title,
collective citation
and construction.

8.—(1) This Act may be cited as the Protection of Patients and Doctors in Training Act, 1999. 30

(2) The Principal Act and this Act may be cited together as the Organisation of Working Time Acts, 1997 and 1999 and shall be construed together as one.