DÁIL ÉIREANN

AN BILLE SLÁINTE (FORÁLACHA ILGHNÉITHEACHA)
2009
HEALTH (MISCELLANEOUS PROVISIONS) BILL 2009

LEASUITHE TUARASCÁLA
REPORT AMENDMENTS

[No. 11a of 2009] [23 June, 2009]
DÁIL ÉIREANN

AN BILLE SLÁINTE (FORÁLACHA ILGHNÉITHEACHA) 2009
—AN TUARASCÁIL

HEALTH (MISCELLANEOUS PROVISIONS) BILL 2009
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Leasuithe
Amendments

1. In page 5, line 16, after “1997,” to insert “THE MENTAL HEALTH ACT 2001,”.
   —An tAire Sláinte agus Leanaí.

2. In page 5, to delete lines 23 to 28 and substitute the following:

   1.—(1) This Act may be cited as the Health (Miscellaneous Provisions) Act 2009.
   (2) The Mental Health Acts 2001 and 2008 and section 62* may be cited together as the Mental Health Acts 2001 to 2009 and shall be construed together as one.
   (3) The Health Acts 1947 to 2008 and section 62 may be cited together as the Health Acts 1947 to 2009 and shall be construed together as one.
   (4) This Act, other than section 62*, shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.”.
   —An tAire Sláinte agus Leanaí.

   [*Note: This is a reference to the section proposed to be inserted by amendment No. 6.]

3. In page 5, between lines 24 and 25, to insert the following:

   “(2) The Health Acts 1947 to 2008 and section 62 may be cited together as the Health Acts 1947 to 2009.”.
   —Jan O'Sullivan.

4. In page 5, between lines 28 and 29, to insert the following:

   “(3) Prior to making an order under subsection (2), the Minister shall publish and lay before both Houses of the Oireachtas proposals as to how the work carried on by any body abolished by this Act will be carried out by the Minister or the Executive.”.
   —Jan O'Sullivan.

5. In page 20, line 22, to delete “all powers so exercised” and substitute the following:

   “all acts carried out in purported exercise of such powers”.
   —Jan O'Sullivan.

6. In page 21, between lines 10 and 11, to insert the following:

   [No. 11a of 2009]

   [23 June, 2009]
62.—(1) Section 2 of the Mental Health Act 2001 is amended in subsection (1) by the insertion of the following definition after the definition of “approved centre”:

“ ‘authorised person’—

(a) in relation to the removal pursuant to section 13 of a person to an approved centre, means a person who is for the time being authorised pursuant to section 71A(2) to provide services relating to such removal,

(b) in relation to the bringing back pursuant to section 27 of a patient to an approved centre, means a person who is for the time being authorised pursuant to section 71A(2) to provide services relating to such bringing back;”.

(2) Section 9 of the Mental Health Act 2001 is amended in subsection (2) by the insertion of the following paragraph after paragraph (c):

“(cc) an authorised person (but without prejudice to any capacity that the authorised person has to make such an application by virtue of paragraph (a), (b) or (c) of subsection (1)),”.

(3) Section 13 of the Mental Health Act 2001 is amended—

(a) in subsection (2), by the insertion of “or by authorised persons” after “staff of the approved centre”, and

(b) in subsection (3), by the substitution of “in such removal” for “the members of the staff of the approved centre in the removal by the staff”.

(4) Section 27 of the Mental Health Act 2001 is amended in subsection (1)—

(a) by the insertion of “or authorised persons” after “staff of the centre”,

(b) by the substitution of “patient” for “person concerned”,

(c) by the substitution of “to other persons” for “the other persons”, and

(d) by the substitution of “in such bringing back” for “the members of the staff of the approved centre in the removal by the staff”.

(5) The Mental Health Act 2001 is amended by the insertion of the following new section after section 71:

71A.—(1) The registered proprietor of an approved centre may enter into an arrangement with a person for the purposes of arranging for persons who are members of the staff of that person to provide services relating to—

(a) the removal pursuant to section 13 of persons to that centre,

(b) the bringing back pursuant to section 27 of patients to that centre, or

(c) both such removal and bringing back.
(2) Where the registered proprietor of an approved centre has entered into an arrangement referred to in subsection (1) with a person, the clinical director of that centre may authorise, in writing and for a period not exceeding 12 months as is specified in the authorisation, such and so many persons who are members of the staff of that person to provide the services referred to in that subsection which are the subject of that arrangement.

(3) Where, before the date of commencement of this section, a person was removed to an approved centre pursuant to and in accordance with section 13 except in so far as the removal was carried out (whether in whole or in part) by a relevant person, such removal shall, to the extent that it was carried out by the relevant person, be deemed to be and to always have been carried out by a member of the staff of that centre, save for the purposes of any proceedings commenced before such date.

(4) Where, before the date of commencement of this section, a person was brought back to an approved centre pursuant to and in accordance with section 27 except in so far as the bringing back was carried out (whether in whole or in part) by a relevant person, such bringing back shall, to the extent that it was carried out by the relevant person, be deemed to be and to always have been carried out by a member of the staff of that centre, save for the purposes of any proceedings commenced before such date.

(5) In this section—

‘relevant person’—

(a) in relation to a removal referred to in subsection (3) of a person to an approved centre, means a person who carried out (whether in whole or in part) such removal pursuant to an arrangement entered into by the registered proprietor of that centre,

(b) in relation to a bringing back referred to in subsection (4) of a patient to an approved centre, means a person who carried out (whether in whole or in part) such bringing back pursuant to an arrangement entered into by the registered proprietor of that centre.”.

—An tAire Sláinte agus Leanáí.

7. In page 21, lines 11 and 12, to delete “substituting” and substitute “the substitution of”.

—An tAire Sláinte agus Leanáí.

8. In page 21, line 15, to delete “substituting” and substitute “the substitution of”.

—An tAire Sláinte agus Leanáí.