



An Bille Sláinte (Leasú), 2025
Health (Amendment) Bill 2025

Mar a tionscnaíodh

As initiated



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HEALTH (AMENDMENT) BILL 2025**

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**AN BILLE SLÁINTE (LEASÚ), 2025
HEALTH (AMENDMENT) BILL 2025**

Bill

entitled

An Act to amend the Health Act 2004 to provide for revised corporate governance and
accountability arrangements of the Health Service Executive; to provide for the
conferral of certain functions with regard to those revised arrangements on the Minister
for Children, Disability and Equality; to provide for consultation in certain matters
between, and joint functions of, the Minister for Health and the Minister for Children,
Disability and Equality with regard to those revised arrangements; and to provide for
related matters. 5 10

Be it enacted by the Oireachtas as follows:

PART 1

PRELIMINARY AND GENERAL

Short title and commencement 15

1. (1) This Act may be cited as the Health (Amendment) Act 2025.
- (2) This Act shall come into operation on such day or days as the Minister for Health,
after consultation with the Minister for Children, Disability and Equality, 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. 20

Definition

2. In this Act, “Principal Act” means the Health Act 2004.

Repeals

3. The following provisions of the Principal Act are repealed: 25
 - (a) section 10A;
 - (b) section 10D.

PART 2

AMENDMENT OF PRINCIPAL ACT

Amendment of section 2(1) of Principal Act

4. Section 2(1) of the Principal Act is amended by the insertion of the following definition:

“ ‘approved performance delivery plan’ means—

(a) a performance delivery plan that is approved by the Minister and, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality under section 31, or

(b) an amended performance delivery plan that is approved, or deemed to have been approved, by the Minister and, in respect of specialist community-based disability services functions, the Minister for Children, Disability and Equality under section 32;”.

Amendment of section 7(5) of Principal Act

5. Section 7(5) of the Principal Act is amended, in paragraph (c), by the substitution of “other documents, including circulars relating to expenditure, or any combination thereof” for “other documents, or any combination thereof”.

Amendment of section 10(2) of Principal Act

6. Section 10(2) of the Principal Act is amended, in paragraph (c), by the substitution of “performance delivery plan prepared in accordance with section 31” for “service plan prepared in accordance with section 31”.

Amendment of section 10B of Principal Act

7. Section 10B of the Principal Act is amended by the substitution of “The Minister shall not give a direction under section 10, or specify a health services priority or performance target under section 30C” for “The Minister shall not give a direction under section 10, or specify a priority or performance target under section 10A”.

Amendment of section 10C(2) of Principal Act

8. Section 10C(2) of the Principal Act is amended, in paragraph (c), by the substitution of “the performance delivery plan prepared in accordance with section 31” for “the service plan prepared in accordance with section 31”.

Amendment of section 10E of Principal Act

9. Section 10E of the Principal Act is amended by the substitution of “specify a performance target in respect of a priority under section 30D” for “specify a priority or performance target under section 10D”.

Amendment of section 16P(2) of Principal Act

10. Section 16P(2) of the Principal Act is amended, in paragraph (a)—

(a) in subparagraph (ii)—

(i) in clause (II), by the substitution of “the corporate plan,” for “the corporate plan, and”, and

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(ii) by the insertion of the following clause after clause (III):

“(IV) exercise of the highest standards of prudent and effective budgetary management, including with regard to the achievement of value for money and recognition of the importance of managing within authorised financial and employee resources, and”,

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and

(b) in subparagraph (iii), by the insertion of “including circulars relating to expenditure,” after “or other documents,”.

Amendment of section 21C(1) of Principal Act

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11. Section 21C(1) of the Principal Act is amended, in paragraph (b)—

(a) in subparagraph (ii)—

(i) in clause (II), by the substitution of “the corporate plan,” for “the corporate plan, and”,

(ii) by the insertion of the following clause after clause (III):

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“(IV) exercise of the highest standards of prudent and effective budgetary management, including with regard to the achievement of value for money and recognition of the importance of managing within authorised financial and employee resources, and”,

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and

(b) in subparagraph (iii), by the insertion of “including circulars relating to expenditure,” after “or other documents,”.

Amendment of section 28(1) of Principal Act

12. Section 28(1) of the Principal Act is amended—

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(a) by the substitution of the following for the definition of “section 30B(1) determination”:

“ ‘section 30B(1) determination’ means a determination made by the Minister for Children, Disability and Equality under section 30B(1);”,

(b) by the addition of the following definitions:

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“ ‘strategic direction statement in respect of health services priorities’ has the meaning assigned to it by section 28A;

‘strategic direction statement in respect of specialist community-based disability services priorities’ has the meaning assigned to it by section 28B.”,

and

(c) by the deletion of the definition of “approved service plan”.

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Strategic direction statement in respect of health services priorities

13. The Principal Act is amended by the insertion of the following section after section 28:

- “28A. (1) The Minister shall, after consultation with the Minister for Children, Disability and Equality, prepare a strategic direction statement (in this section referred to as a ‘strategic direction statement in respect of health services priorities’) to guide the Executive in the preparation of its corporate plan under section 29. 10
- (2) The strategic direction statement in respect of health services priorities—
- (a) shall specify the priorities of the Minister in relation to health matters, for the period to which the corporate plan relates, and 15
- (b) may specify the related goals and outcomes for that period.
- (3) The Minister shall provide the strategic direction statement in respect of health services priorities to the Board from time to time as determined by the Minister and after consultation with the Minister for Children, Disability and Equality and, in any case, not later than 3 months before the end of the period to which the current corporate plan relates. 20
- (4) The Minister may, after consultation with the Minister for Children, Disability and Equality, amend the strategic direction statement in respect of health services priorities at any time during the period to which a corporate plan relates. 25
- (5) The Minister may, after consultation with the Minister for Children, Disability and Equality, issue guidelines in relation to the matters relating to the strategic direction statement in respect of health services priorities to be included in the corporate plan and the Executive shall comply with any such guidelines.”. 30

Strategic direction statement in respect of specialist community-based disability services priorities

14. The Principal Act is amended by the insertion of the following section after section 28A:

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- “28B. (1) The Minister for Children, Disability and Equality shall, after consultation with the Minister, prepare a strategic direction statement to guide the Executive in the preparation of its corporate plan under section 29 (in this section referred to as a ‘strategic direction statement

in respect of specialist community-based disability services priorities’).

- (2) The strategic direction statement in respect of specialist community-based disability services priorities—
 - (a) shall specify the specialist community-based disability services priorities of the Minister for Children, Disability and Equality for the period to which the corporate plan relates, and 5
 - (b) may specify the related goals and outcomes for that period.
- (3) The Minister for Children, Disability and Equality shall provide the strategic direction statement in respect of specialist community-based disability services priorities to the Board from time to time as determined by the Minister for Children, Disability and Equality after consultation with the Minister and, in any case, not later than 3 months before the end of the period to which the current corporate plan relates. 10 15
- (4) The Minister for Children, Disability and Equality may, after consultation with the Minister, amend the strategic direction statement in respect of specialist community-based disability services priorities at any time during the period to which a corporate plan relates.
- (5) The Minister for Children, Disability and Equality may, after consultation with the Minister, issue guidelines in relation to the matters relating to the strategic direction statement in respect of specialist community-based disability services priorities to be included in the corporate plan and the Executive shall comply with those guidelines.”. 20 25

Executive to prepare and submit corporate plan for Minister’s approval

15. The Principal Act is amended by the substitution of the following section for section 29:

- “29.** (1) The Executive shall, in accordance with this section, prepare, adopt and, at the times specified in subsection (2), submit to the Minister and the Minister for Children, Disability and Equality for approval a corporate plan for the 3 year period following the date of its submission. 30
- (2) The Executive shall, as soon as possible and in any event not later than 3 months after—
- (a) the Minister has provided the strategic direction statement in respect of health services priorities, and 35
 - (b) the Minister for Children, Disability and Equality has provided the strategic direction statement in respect of specialist community-based disability services priorities to the Board,
- submit a corporate plan under subsection (1). 40

- (3) The corporate plan shall be prepared in a form and manner that is in accordance with any directions issued by the Minister after consultation with the Minister for Children, Disability and Equality and shall—
- (a) be consistent with the strategic direction statement in respect of health services priorities, and any guidelines issued by the Minister under section 28A(5), 5
 - (b) be consistent with the strategic direction statement in respect of specialist community-based disability services priorities provided to the Board, and any guidelines issued by the Minister for Children, Disability and Equality under section 28B(5), 10
 - (c) specify the goals and key objectives of the Executive for the 3 year period concerned and the strategies for achieving those goals and objectives,
 - (d) specify the manner in which the Executive proposes to measure its achievement of the goals and key objectives mentioned in paragraph (c), and 15
 - (e) specify the uses for which the Executive proposes to apply its resources.
- (4) In preparing the corporate plan, the Executive shall have regard to the policies (whether set out in codes, guidelines or other documents, including circulars relating to expenditure, or any combination thereof) of the Government or any Minister of the Government to the extent to which those policies may affect or relate to the functions of the Executive. 20 25
- (5) The Executive shall not submit a corporate plan under this section unless the Board is satisfied that the plan is consistent with—
- (a) the strategic direction statement in respect of health services priorities provided by the Minister to the Board in accordance with section 28A(3), 30
 - (b) the strategic direction statement in respect of specialist community-based disability services priorities provided by the Minister for Children, Disability and Equality to the Board in accordance with section 28B(3),
 - (c) any guidelines issued by the Minister under section 28A(5), and 35
 - (d) any guidelines issued by the Minister for Children, Disability and Equality under section 28B(5).
- (6) Within 3 months after receiving a corporate plan, after consultation between the Minister and the Minister for Children, Disability and Equality— 40

- (a) (i) the Minister shall, other than in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, approve the plan, and
- (ii) the Minister for Children, Disability and Equality shall, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, approve the plan, 5
- or
- (b) if the plan is not amended in accordance with any directions that may be issued by the Minister or, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality— 10
 - (i) the Minister shall, in relation to that part of the plan referred to in paragraph (a)(i), refuse to approve the plan, and 15
 - (ii) the Minister for Children, Disability and Equality shall, in relation to that part of the plan referred to in paragraph (a)(ii), refuse to approve the plan.
- (7) An approved corporate plan may, after consultation between the Minister and the Minister for Children, Disability and Equality, be amended by the Minister or, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, by the Minister for Children, Disability and Equality at any time. 20
- (8) The Executive may amend an approved corporate plan where— 25
 - (a) the Executive submits the proposed amendment to the Minister or, in so far as the proposed amendment relates to the performance by it of specialist community-based disability services functions, to the Minister for Children, Disability and Equality for approval, and
 - (b) the amendment is approved by, as appropriate— 30
 - (i) the Minister, after consultation with the Minister for Children, Disability and Equality, or
 - (ii) the Minister for Children, Disability and Equality, after consultation with the Minister.
- (9) Subsections (3) to (6) shall apply with the necessary modifications in respect of an amendment by the Executive to an approved corporate plan as those subsections apply to the preparation by the Executive of a corporate plan. 35
- (10) Nothing in a corporate plan is to be taken to prevent the Executive from, or to limit the Executive in, performing its functions.”. 40

Amendment of section 30(1) of Principal Act

- 16.** Section 30(1) of the Principal Act is amended, in paragraph (b), by the substitution of “section 29(7)” for “section 29(6)”.

Statement of health services priorities

- 17.** The Principal Act is amended by the insertion of the following section after section 30B: 5
- “30C.** (1) The Minister shall, after consultation with the Minister for Children, Disability and Equality, prepare a statement of health services priorities to which the Executive shall have regard in preparing a performance delivery plan under section 31 or amending an approved performance delivery plan under section 32. 10
- (2) Subject to subsection (3), the statement may specify performance targets for the Executive in respect of a health services priority.
- (3) Before specifying a performance target for a health services priority, the Minister shall have regard to—
- (a) best practice as respects the health services and personal social service the subject of the health services priority, 15
- (b) outcomes for patients and recipients of health and personal social services likely to be affected by the health services priority or performance target which the Minister is considering specifying, and 20
- (c) the effect that specifying the performance target would be likely to have on other services provided by or on behalf of the Executive, having regard to the requirements in section 33(1).
- (4) The Minister shall provide the statement to the Board not later than the date on which the Minister notifies the Executive in writing of a section 30A(1) determination. 25
- (5) Subject to subsection (6), the Minister may, by notice in writing given to the Board, amend the statement after consultation with the Minister for Children, Disability and Equality.
- (6) The Minister shall, before specifying, in a notice under subsection (5), a new or amended performance target for a health services priority, have regard to— 30
- (a) best practice as respects the health services or personal social service the subject of the health services priority,
- (b) outcomes for patients and recipients of health services and personal social services likely to be affected by the health services priority or performance target which the Minister is considering specifying, and 35
- (c) the effect that specifying the performance target would be likely to have on other services provided by or on behalf of the Executive, having regard to the requirements in section 33(1). 40

- (7) The chairperson shall—
- (a) inform the Minister of the measures taken with the intention of achieving the priorities and performance targets specified in the statement and of the outcome of these measures, and
 - (b) provide the information at intervals specified by the Minister or, if no such intervals are specified, in the annual report. 5
- (8) In this section—
- ‘health services priority’, in relation to the statement, means the key health objectives or issues that are identified by the Minister which shall be delivered by the Executive within the relevant time period; 10
- ‘performance target’, in relation to a health services priority, means a level of performance by the Executive in meeting the priority such that the Minister can measure the effectiveness of the Executive in that regard;
- ‘statement’ means the statement of health services priorities prepared under subsection (1).” 15

Statement of priorities for specialist community-based disability services

18. The Principal Act is amended by the insertion of the following section after section 30C:

- “30D.** (1) Subject to subsections (2) and (5), and after consultation with the Minister, the Minister for Children, Disability and Equality shall prepare a statement of priorities in respect of specialist community-based disability services to which the Executive shall have regard in preparing a performance delivery plan under section 31 or amending an approved performance delivery plan under section 32. 20
- (2) Subject to subsection (3), the statement may specify performance targets for the Executive in respect of a priority for specialist community-based disability services. 25
- (3) Before specifying a performance target for a priority, the Minister for Children, Disability and Equality shall have regard to—
- (a) best practice as respects the specialist community-based disability services the subject of the priority, 30
 - (b) outcomes for patients and recipients of specialist community-based disability services likely to be affected by the priority or performance target which the Minister for Children, Disability and Equality is considering specifying, and 35
 - (c) the effect that specifying the performance target would be likely to have on other services provided by or on behalf of the Executive, having regard to the requirements in section 33(1).
- (4) The Minister for Children, Disability and Equality shall provide the statement to the Board not later than the date the Minister for 40

Children, Disability and Equality gives the Executive a notice in writing of a section 30B(1) determination.

- (5) Subject to subsection (6), the Minister for Children, Disability and Equality may, after consultation with the Minister, by notice in writing given to the Board, amend the statement. 5
- (6) The Minister for Children, Disability and Equality shall, before specifying, in a notice under subsection (5), a new or amended performance target for a priority, have regard to—
- (a) best practice as respects the specialist community-based disability services the subject of the priority, 10
- (b) outcomes for patients and recipients of health and personal social services likely to be affected by the priority or performance target which the Minister for Children, Disability and Equality is considering specifying, and
- (c) the effect that specifying the performance target would be likely to have on other services provided by or on behalf of the Executive, having regard to the requirements in section 33(1). 15
- (7) The chairperson shall—
- (a) inform the Minister for Children, Disability and Equality of the measures taken to achieve the priorities and performance targets specified in the statement and of the outcome of these measures, and 20
- (b) provide the information at intervals specified by the Minister for Children, Disability and Equality or, if no such intervals are specified, in the annual report. 25
- (8) In this section—
- ‘performance target’, in relation to a priority, means a level of performance by the Executive in meeting the priority such that the Minister for Children, Disability and Equality can measure the effectiveness of the Executive in that regard; 30
- ‘priority’, in relation to the statement, means the key objectives or issues that are identified by the Minister for Children, Disability and Equality in respect of specialist community-based disability services which shall be delivered by the Executive within the relevant time period; 35
- ‘statement’ means the statement of priorities prepared under subsection (1).”.

Performance delivery plan

19. The Principal Act is amended by the substitution of the following section for section 31:

“31. (1) Before the expiry of the specified period the Executive shall— 40

- (a) prepare, in accordance with this section, a performance delivery plan for the financial year or such other period as may be determined by the Minister after consultation with the Minister for Children, Disability and Equality, and
 - (b) adopt the plan so prepared and submit it to the Minister and the Minister for Children, Disability and Equality for approval.
- (2) For the purpose of this section, the specified period is—
 - (a) the period ending 28 days after the Executive receives the section 30A(1) determination or section 30B(1) determination concerned, or
 - (b) such other period as the Minister, after consultation with the Minister for Children, Disability and Equality, may allow.
- (3) The Minister, after consultation with the Minister for Children, Disability and Equality, may issue a direction to the Executive as respects the form and manner in which the performance delivery plan is to be prepared.
- (4) A performance delivery plan shall be prepared in a form and manner which is consistent with any direction issued by the Minister under subsection (3) and shall—
 - (a) indicate the type and volume of health and personal social services to be provided by the Executive during the period to which the plan relates,
 - (b) indicate any capital plans proposed by the Executive,
 - (c) contain estimates of the income and expenditure of the Executive for the period to which the plan relates,
 - (d) be consistent with the section 30A(1) determination or the section 30B(1) determination, as may be appropriate, for the period to which the plan relates,
 - (e) contain estimates of the number of employees of the Executive engaged in the provision of services which relate to the period of the plan and the services to which the plan relates,
 - (f) contain estimates of the number of employees of service providers under section 38 engaged in the provision of health and personal social services and which relate to the period of the plan and the services to which the plan relates,
 - (g) contain particulars of the outputs and outcomes (including activity key performance indicators, performance targets and outcomes data) for the period,
 - (h) contain any other information specified by the Minister or, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality,

- (i) be consistent with any directions issued by the Minister under section 10 or the Minister for Children, Disability and Equality under section 10C, and
 - (j) accord with the policies (whether set out in codes, guidelines or other documents, including circulars relating to expenditure, or any combination thereof) and objectives of the Government, the Minister and the Minister for Children, Disability and Equality.
- (5) In preparing the performance delivery plan, the Executive shall have regard to—
 - (a) the approved corporate plan in operation at that time,
 - (b) any direction issued by the Minister under section 10 or the Minister for Children, Disability and Equality under section 10C, and
 - (c) the statement of health services priorities provided to the Board under section 30C and statement of priorities in respect of specialist community-based disability services provided to the Board under section 30D.
- (6) The Executive shall not adopt a performance delivery plan under subsection (1)(b) unless the Board is satisfied that the performance delivery plan is consistent with the statement of health services priorities provided by the Minister under section 30C, the statement of priorities in respect of specialist community-based disability services provided by the Minister for Children, Disability and Equality under section 30D and has been prepared with sufficient regard to the matters referred to in subsections (4) and (5).
- (7) If the Executive fails to submit a performance delivery plan to the Minister and the Minister for Children, Disability and Equality before the expiry of the specified period, the Minister, after consultation with the Minister for Children, Disability and Equality, may, in writing, issue a direction to the Executive to prepare and submit a performance delivery plan to each such Minister of the Government not later than—
 - (a) 10 days after the date on which the Minister issues the direction to the Executive, or
 - (b) such earlier date as may be specified in the direction.
- (8) (a) Subject to paragraph (b), if the Executive fails to comply with a direction under subsection (7), the Minister, after consultation with the Minister for Children, Disability and Equality, may, in writing, issue a direction to the chief executive officer to prepare and submit a performance delivery plan to each such Minister of the Government not later than—
 - (i) 10 days after the date on which the Minister issues the direction to the chief executive officer, or
 - (ii) such earlier date as may be specified in the direction.

- (b) For the purposes of the chief executive officer preparing and submitting a performance delivery plan to the Minister and the Minister for Children, Disability and Equality in accordance with a direction issued under paragraph (a), references to the Executive in subsections (3), (5), (10) and (11) (other than in subsection (11)(d)) shall be read as including references to the chief executive officer. 5
- (9) A performance delivery plan submitted to the Minister and the Minister for Children, Disability and Equality by the chief executive officer pursuant to a direction under subsection (8)(a) shall be deemed to have been prepared, adopted and submitted by the Executive. 10
- (10) Not later than 21 days after receiving a performance delivery plan under this section, and after consultation between the Minister and the Minister for Children, Disability and Equality, the Minister and, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality, shall— 15
 - (a) approve the performance delivery plan in the form in which it was submitted,
 - (b) approve the performance delivery plan with such amendments, after consultation with the Executive, and as appropriate— 20
 - (i) the Minister, after consultation with the Minister for Children, Disability and Equality, may determine, or
 - (ii) the Minister for Children, Disability and Equality, after consultation with the Minister for Health, may determine,
 - or 25
 - (c) issue a direction to the Executive under subsection (11) to amend the plan.
- (11) The Minister, after consultation with the Minister for Children, Disability and Equality or, in so far as the performance delivery plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality, after consultation with the Minister, may direct the Executive to amend a performance delivery plan submitted under this section if, in the opinion of the Minister or the Minister for Children, Disability and Equality, as appropriate, the plan— 30
 - (a) does not comply with the requirements specified in subsection (4),
 - (b) has been prepared by the Executive without sufficient regard to the statement of health services priorities provided to the Board under section 30C and the statement of priorities in respect of specialist community-based disability services provided to the Board under section 30D, 40

- (c) has been prepared by the Executive without sufficient regard to the matters referred to in subsection (5), or
 - (d) does not accord with the policies (whether set out in codes, guidelines or other documents, including circulars relating to expenditure, or any combination thereof) and objectives of the Government, the Minister and the Minister for Children, Disability and Equality, to the extent to which those policies and objectives relate to the functions of the Executive and have been communicated in writing to the Executive prior to the commencement of the specified period.
- (12) The Minister or, in so far as the performance delivery plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality, may refuse to approve a performance delivery plan unless it is amended in accordance with a direction issued under subsection (11).
- (13) The chief executive officer shall comply with a direction issued to him or her under this section.
- (14) The Minister shall ensure that a copy of an approved performance delivery plan is laid before both Houses of the Oireachtas within 21 days after the plan is approved by the Minister and the Minister for Children, Disability and Equality.
- (15) The Executive shall ensure that, as soon as practicable after copies of an approved performance delivery plan are laid before the Houses of the Oireachtas, the plan is published on the internet or in accordance with such other arrangements as the Minister may specify.”.

Amendment of approved performance delivery plan

20. The Principal Act is amended by the substitution of the following section for section 32:

- “32.** (1) After approving a performance delivery plan, the Minister, after consultation with the Minister for Children, Disability and Equality or, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality, after consultation with the Minister, may direct the Executive to submit an amended performance delivery plan and may specify in the direction the manner in which the performance delivery plan is to be amended.
- (2) After amending a section 30A(1) determination under section 30A(3), the Minister, after consultation with the Minister for Children, Disability and Equality or, after amending a section 30B(1) determination under section 30B(3), the Minister for Children, Disability and Equality, after consultation with the Minister, may—
- (a) direct the Executive to amend, in such manner as the Minister or the Minister for Children, Disability and Equality, as the case may

- be, may specify in the direction, the approved performance delivery plan to which the determination relates, or
- (b) direct the Executive to submit an amended performance delivery plan that complies with the amended determination.
- (3) Subject to subsection (6), the Executive may amend an approved performance delivery plan including for the purpose of taking account of corrective action being implemented by the Executive under section 34A. 5
- (4) Where the Minister or the Minister for Children, Disability and Equality directs the Executive under subsection (1) or (2) to submit an amended performance delivery plan, subsections (4) to (15) of section 31 shall apply, with the necessary modifications, to the amendment by the Executive of a performance delivery plan as those subsections apply to the preparation by the Executive of a performance delivery plan. 10 15
- (5) The Executive shall submit a performance delivery plan amended under subsection (3) as soon as practicable and in any event not later than 5 days after the day on which it adopts the amended performance delivery plan.
- (6) Within 21 days after receiving an amended performance delivery plan submitted in accordance with subsection (3), the Minister, after consultation with the Minister for Children, Disability and Equality or, the Minister for Children, Disability and Equality, after consultation with the Minister, as appropriate, may— 20
- (a) direct the Executive to amend the performance delivery plan specifying the manner in which the performance delivery plan is to be amended, or 25
 - (b) notify the Executive that he or she intends to amend the plan in consultation with the Executive.
- (7) Unless the direction or notification relating to an amended performance delivery plan is issued by the Minister or the Minister for Children, Disability and Equality within the period specified in subsection (6), the amended performance delivery plan is deemed to have been approved by the Minister and the Minister for Children, Disability and Equality immediately before the end of that period. 30 35
- (8) If a direction relating to an amended performance delivery plan is issued by the Minister or the Minister for Children, Disability and Equality within the period specified in subsection (6), any amendment made (either in the amended performance delivery plan or in response to the direction) by the Executive to an approved performance delivery plan has no effect until the amendment has been approved by the Minister, after consultation with the Minister for Children, Disability and Equality or, the Minister for Children, Disability and Equality, after consultation with the Minister, as may be appropriate.” 40

Implementation of approved performance delivery plan

21. The Principal Act is amended by the substitution of the following section for section 33:

“33. (1) The Executive shall manage health and personal social services set out in an approved performance delivery plan so as to ensure that—

(a) those services are delivered in accordance with the plan, and 5

(b) the net non-capital expenditure for the financial year or part of the financial year to which the plan relates does not exceed the amount specified in the section 30A(1) determination or section 30B(1) determination for that financial year or part of that financial year, as the case may be. 10

(2) The Minister, after consultation with the Minister for Children, Disability and Equality or, in so far as the plan relates to the performance by the Executive of specialist community-based disability services functions, the Minister for Children, Disability and Equality, after consultation with the Minister, may direct the Executive to take such specified measures as he or she may require in relation to the implementation of an approved performance delivery plan. 15

(3) (a) If the amount of net expenditure incurred by the Executive in a financial year is greater than the amount determined by the Minister or the Minister for Children, Disability and Equality, as may be appropriate, for that year, the Executive shall charge the amount of such excess to its income and expenditure account for the next financial year. 20

(b) If the amount of net expenditure incurred by the Executive in a financial year is less than the amount determined by the Minister or the Minister for Children, Disability and Equality, as may be appropriate, for that year, the Executive shall, subject to the approval of the Minister or the Minister for Children, Disability and Equality, as may be appropriate, given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform, credit the amount of such surplus to its income and expenditure account for the next financial year.”. 25 30

Amendment of section 33B(3) of Principal Act

22. Section 33B(3) of the Principal Act is amended, in paragraph (a), by the substitution of “28 days” for “21 days”. 35

Functions of chief executive officer and Board

23. The Principal Act is amended by the substitution of the following section for section 34A:

“34A. (1) The chief executive officer shall take steps to ensure that—

(a) the Executive’s net non-capital expenditure for a financial year does not exceed the amounts specified in the section 30A(1) 40

- determination or section 30B(1) determination for that financial year or part of a financial year, as the case may be, and
- (b) the Executive's capital expenditure for a financial year does not exceed the amount specified in the notification under section 33B(1)(b) received by the Executive which relates to that year. 5
- (2) The chief executive officer shall, as soon as practicable, notify the Board, the Minister and the Minister for Children, Disability and Equality in writing if he or she forms the opinion that, notwithstanding steps taken by him or her pursuant to subsection (1), and in the absence of further corrective action by the Executive— 10
- (a) the Executive's net non-capital expenditure for a financial year or part of a financial year would be likely to exceed the amount specified in the section 30A(1) determination for that financial year or part of that financial year, as the case may be, or 15
- (b) the Executive's capital expenditure for a financial year would be likely to exceed the amount specified in the notification under section 33B(1)(b) received by the Executive which relates to that year.
- (3) The chief executive officer shall, as soon as practicable, notify the Board, the Minister for Children, Disability and Equality and the Minister in writing if he or she forms the opinion that, notwithstanding steps taken by him or her pursuant to subsection (1), and in the absence of further corrective action by the Executive— 20
- (a) the Executive's net non-capital expenditure in respect of specialist community-based disability services for a financial year or part of a financial year would be likely to exceed the amount specified in the section 30B(1) determination for that financial year or part of that financial year, as the case may be, or 25
- (b) the Executive's capital expenditure in respect of specialist community-based disability services for a financial year would be likely to exceed the amount specified in the notification under section 33B(1)(b) received by the Executive which relates to that year. 30
- (4) When notifying the Board, the Minister and the Minister for Children, Disability and Equality of an opinion referred to in subsection (2) or (3), the chief executive officer shall— 35
- (a) state the reasons for the opinion,
- (b) submit proposals (in this section and section 34AA referred to as 'corrective action proposals') intended to avoid the circumstances referred to in paragraph (a) or (b) of subsection (2), as the case may be, or paragraph (a) or (b) of subsection (3), as the case may be, and 40

- (c) indicate whether, in his or her opinion an amendment is required to the performance delivery plan if the corrective action proposals are adopted.
- (5) When formulating corrective action proposals under this section, the chief executive officer shall have regard to— 5
 - (a) the statement of health services priorities provided to the Board under section 30C and the statement of priorities in respect of specialist community-based disability services provided to the Board under section 30D,
 - (b) the approved corporate plan in operation at the time, and 10
 - (c) the policies (whether set out in codes, guidelines or other documents, including circulars relating to expenditure, or any combination thereof) and objectives of the Minister and the Government.
- (6) No later than 10 days after being informed of an opinion referred to in subsection (2) or (3), the Board shall consider the opinion, the proposals and whether an amendment is required to the performance delivery plan if the corrective action proposals are adopted and shall— 15
 - (a) approve the proposals submitted, or
 - (b) following consultation with the chief executive officer, direct the chief executive officer in writing to— 20
 - (i) amend the proposals specifying the amendments to be made, and
 - (ii) submit the amended proposals to the Board within the period specified by the Board. 25
- (7) The Executive shall not adopt corrective action proposals prepared under this section unless the Board is satisfied that the actions proposed—
 - (a) are consistent with the statement of health services priorities provided to the Board under section 30C and the statement of priorities in respect of specialist community-based disability services functions provided to the Board under section 30D, 30
 - (b) have regard to the approved corporate plan in operation at the time, and
 - (c) accord with the policies (whether set out in codes, guidelines or other documents, including circulars relating to expenditure, or any combination thereof) and objectives of the Government, the Minister and the Minister for Children, Disability and Equality. 35
- (8) The Executive shall implement the corrective action proposals approved by the Board under subsection (6)(a) or amended under subsection (6)(b), as the case may be, from the day it adopts the proposals. 40

- (9) Where the Executive has adopted corrective action proposals under this section, the Executive shall, as soon as the proposals have been adopted, submit a copy of the proposals and a copy of the opinion referred to in subsection (2) or (3) to the Minister and the Minister for Children, Disability and Equality and shall indicate if the Executive proposes to amend the performance delivery plan as a result of the corrective actions. 5
- (10) Where the Board is of the view that the performance delivery plan requires amendment following the adoption of the corrective actions, the provisions of section 32 shall apply.”. 10

Amendment of corrective action proposals

24. The Principal Act is amended by the insertion of the following section after section 34A:

- “34AA.** (1) Subject to subsections (2) and (3), where the Minister and the Minister for Children, Disability and Equality have received a copy of corrective action proposals adopted under section 34A, the Minister, or the Minister for Children, Disability and Equality in so far as it relates to the performance by the Executive of specialist community-based disability services functions, may, after consultation between those two Ministers of the Government, direct the Executive in writing to submit amended corrective action proposals and may specify in the direction the manner in which the proposals are to be amended. 15 20
- (2) A direction under subsection (1) shall specify the period within which the Executive shall comply with the direction.
 - (3) The Minister, or the Minister for Children, Disability and Equality in so far as it relates to the performance by the Executive of specialist community-based disability services functions, may direct the Executive in writing to submit amended corrective action proposals where the Minister or the Minister for Children, Disability and Equality is of the opinion that the proposals— 25
 - (a) are not consistent with the statement of priorities provided to the Board under section 30C or 30D, 30
 - (b) do not have sufficient regard to the approved corporate plan in operation at the time, or
 - (c) do not accord with the policies (whether set out in codes, guidelines or other documents, including circulars relating to expenditure, or any combination thereof) and objectives of the Government, the Minister and the Minister for Children, Disability and Equality. 35
 - (4) The Executive shall comply with a direction under this section within the period specified in the direction. 40
 - (5) Section 34A(3) to (9) apply with necessary modifications to corrective action proposals prepared and submitted in compliance with a direction under this section.

- (6) In issuing a direction under this section, the Minister or the Minister for Children, Disability and Equality in so far as it relates to the performance by the Executive of specialist community-based disability services functions shall have regard to—
 - (a) the requirements placed on the Executive in section 33(1)(b), 5
 - (b) the capital expenditure determined by the Minister and the Minister for Children, Disability and Equality for that financial year of the Executive under section 33B(1)(a) and notified to the Executive under section 33B(1)(b),
 - (c) grades and numbers of employees determined by the Executive with the approval of the Minister, after consultation with the Minister for Children, Disability and Equality and given with the consent of the Minister for Public Expenditure, National Development Plan Delivery and Reform under section 22(4), and 10
 - (d) requirements placed on the chief executive officer under section 34A(1).” 15

Amendment of section 37(2) of Principal Act

- 25. Section 37(2) of the Principal Act is amended, in paragraph (c), by the substitution of “performance delivery plan” for “service plan”.

Amendment of section 43(5) of Principal Act 20

- 26. Section 43(5) of the Principal Act is amended, in paragraph (b), by the substitution of “approved performance delivery plan” for “approved service plan”.

Amendment of section 51 of Principal Act

- 27. Section 51 of the Principal Act is amended—
 - (a) in subsection (1)(a), by the substitution of “approved performance delivery plan, or” for “approved service plan, or”, and 25
 - (b) in subsection (2)(a), by the substitution of “performance delivery plan” for “service plan”.

PART 3

AMENDMENT OF NATIONAL CANCER REGISTRY BOARD (ESTABLISHMENT) ORDER 1991 30

Amendment of National Cancer Registry Board (Establishment) Order 1991

- 28. The National Cancer Registry Board (Establishment) Order 1991 (S.I. No. 19 of 1991) (amended by the National Cancer Registry Board (Establishment) Order 1991 (Amendment) Order 1996 (S.I. No. 293 of 1996) and section 65 of the Health (Miscellaneous Provisions) Act 2009) is amended— 35

(a) in article 5, by the substitution of the following for paragraph (1):

“(1) The Board shall consist of 10 members.”,

and

(b) by the substitution of the following article for article 9:

“9. A meeting of the Board shall not be quorate unless at least half of the 5
persons who for the time being are members of the Board are in
attendance at the meeting.”.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta Sláinte, 2024 chun socrú a dhéanamh maidir le socrúithe athleasaithe de chuid Fheidhmeannacht na Seirbhíse Sláinte i ndáil le rialachas corparáideach agus cuntasacht; do dhéanamh socrú maidir le feidhmeanna áirithe i ndáil leis na socrúithe athleasaithe sin a thabhairt don Aire Leanaí, Míchumais agus Comhionannais; do dhéanamh socrú maidir le comhchomhairle faoi nithe áirithe idir an tAire Sláinte agus an tAire Leanaí, Míchumais agus Comhionannais, agus maidir le comhfheidhmeanna de chuid na nAirí sin, i ndáil leis na socrúithe athleasaithe sin; agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An tAire Sláinte a thíolaic,

11 Iúil, 2025

BILL

(as initiated)

entitled

An Act to amend the Health Act 2004 to provide for revised corporate governance and accountability arrangements of the Health Service Executive; to provide for the conferral of certain functions with regard to those revised arrangements on the Minister for Children, Disability and Equality; to provide for consultation in certain matters between, and joint functions of, the Minister for Health and the Minister for Children, Disability and Equality with regard to those revised arrangements; and to provide for related matters.

Presented by the Minister for Health,

11th July, 2025

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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