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*Number 13 of 1999*

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**HEALTH (EASTERN REGIONAL HEALTH AUTHORITY)  
ACT, 1999**

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*Number 13 of 1999*

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**HEALTH (EASTERN REGIONAL HEALTH AUTHORITY)  
ACT, 1999**

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AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF AN AUTHORITY TO BE KNOWN AS THE EASTERN REGIONAL HEALTH AUTHORITY, THREE BOARDS TO BE KNOWN RESPECTIVELY AS THE NORTHERN AREA HEALTH BOARD, THE EAST COAST AREA HEALTH BOARD AND THE SOUTH-WESTERN AREA HEALTH BOARD AND AN EXECUTIVE TO BE KNOWN AS THE HEALTH BOARDS EXECUTIVE AND TO DEFINE THEIR FUNCTIONS, TO PROVIDE FOR THE DISSOLUTION OF THE EASTERN HEALTH BOARD AND TO AMEND THE HEALTH ACT, 1970, THE HEALTH (AMENDMENT) (NO. 3) ACT, 1996, AND TO AMEND SECTION 6 OF THE HEALTH (CORPORATE BODIES) ACT, 1961, AND CERTAIN OTHER ENACTMENTS AND TO PROVIDE FOR RELATED MATTERS.  
[2nd June, 1999]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART I

Preliminary

**1.—(1)** This Act may be cited as the Health (Eastern Regional Health Authority) Act, 1999.

Short title,  
collective citation  
and construction.

(2) The Health Acts, 1947 to 1996, the Health (Provision of Information) Act, 1997, and this Act may be cited together as the Health Acts, 1947 to 1999, and shall be construed together as one.

**2.—(1)** In this Act —

Interpretation.

“the Act of 1993” means the Comptroller and Auditor General (Amendment) Act, 1993;

“the Authority” means the Eastern Regional Health Authority established under *section 7*;

“Dublin Corporation” means the Right Honourable the Lord Mayor, Aldermen and Burgesses of Dublin;

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“establishment day” means the day appointed by the Minister under *section 3* to be the establishment day;

“executive function” shall be construed in accordance with *section 4* (as amended by *section 24*) of the No. 3 Act of 1996;

“functions” includes powers and duties, and reference to the performance of functions includes, as respects powers and duties, reference to the exercise of the powers and the performance of the duties;

“local authority” means—

(a) in the case of an administrative county, the council of the county, and

(b) in the case of a county borough, the corporation of the county borough;

“local electoral area” has the meaning assigned to it by *section 13* of the Local Government Act, 1994;

“member of the staff” includes an officer and servant;

“the Minister” means the Minister for Health and Children;

“the No. 3 Act of 1996” means the Health (Amendment) (No. 3) Act, 1996;

“prescribed” means prescribed by regulations made by the Minister;

“the Principal Act” means the Health Act, 1970;

“recognised trade unions and associations” means the trade unions and staff associations recognised by the Authority for the purpose of negotiations which are concerned with the transfers of staff to the Authority as well as remuneration, conditions of employment or working conditions of officers and servants of the Authority;

“registered dentist” means a person whose name is entered in the Register of Dentists, other than a person temporarily registered under *section 28* of the Dentists Act, 1985;

“registered dispensing chemist and druggist” means a person whose name is entered in the register of dispensing chemists and druggists maintained by the Pharmaceutical Society of Ireland;

“registered medical practitioner” means a person whose name is registered in the General Register of Medical Practitioners, other than a person provisionally registered under *section 28* of the Medical Practitioners Act, 1978, or temporarily registered under *section 29* of the Medical Practitioners Act, 1978;

“registered nurse” means a person whose name is entered in the register of nurses maintained by An Bord Altranais under *section 27* of the Nurses Act, 1985;

“registered pharmaceutical chemist” means a person whose name is entered in the register of pharmaceutical chemists maintained by the Pharmaceutical Society of Ireland;

[1999.] *Health (Eastern Regional Health [No. 13.] Authority) Act, 1999.*

“registered psychiatric nurse” means a person whose name is entered in the psychiatric division of the register of nurses maintained by An Bord Altranais under section 27 of the Nurses Act, 1985; Pt.I S.2

“reserved function” has the meaning assigned to it by the No. 3 Act of 1996 (as amended by *section 24*);

“services” means health and personal social services which may be provided by a health board;

“voluntary body” means a voluntary body which provides or proposes to provide a service similar or ancillary to a service that a health board may provide;

“voluntary hospital” means a hospital which is substantially funded by means of an arrangement with the Authority or an Area Health Board under *section 10* and the governing body of which is not the Authority or an Area Health Board or any committee of those;

“voluntary intellectual disability service provider” means a provider of intellectual disability services which is substantially funded by means of an arrangement with the Authority or an Area Health Board under *section 10* and the governing body of which is not the Authority or an Area Health Board or any committee of those;

“voluntary service provider” means a voluntary body which provides a service by arrangement with the Authority or an Area Health Board in accordance with *section 10*.

(2) In this Act—

- (a) a reference to a section or Schedule is to a section of, or Schedule to, this Act, unless it is indicated that reference to some other enactment is intended,
- (b) a reference to a subsection, paragraph or subparagraph is to the subsection, paragraph or subparagraph of the provision in which the reference occurs, unless it is indicated that reference to some other provision is intended, and
- (c) a reference to an enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any subsequent enactment including this Act.

**3.—**(1) The Minister shall by order appoint a day to be the establishment day for the purposes of this Act. Establishment day.

(2) Section 24 of the No. 3 Act of 1996 does not apply to an order made under this section.

**4.—**Every order made under *section 5* and every regulation made under *sections 11(2), 16(1)* and *21(14)* shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order or regulation is passed by either such House within the next subsequent 21 days on which that House has sat after the order or regulation is laid before it, the order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. Laying of regulations before Houses of Oireachtas.

[No. 13.] *Health (Eastern Regional Health Authority) Act, 1999.* [1999.]

Pt.I  
Amendment of *First*  
and *Second*  
*Schedules.*

5.—(1) The Minister may, after consultation with the Minister for the Environment and Local Government and the local authority concerned, by order amend the *First Schedule*.

(2) The Minister may, at the request of the Authority and subject to *subsection (3)*, by order amend the *Second Schedule* by making additions or deletions therefrom.

(3) The Minister shall, before deleting reference to a person from the *Second Schedule*, consult with that person.

Repeal and  
revocation.

6.—(1) The following are hereby repealed, with effect from the establishment day—

(a) subsections (6) and (7) of section 13 of the Principal Act,  
and

(b) section 18 of the Local Government (Dublin) Act, 1993.

(2) Regulation 4 of the Health Boards Regulations, 1970 (S.I. No. 170 of 1970), is hereby revoked, with effect from the establishment day.

PART II

The Eastern Regional Health Authority

Establishment of  
Eastern Regional  
Health Authority.

7.—(1) There shall stand established on the establishment day a body to be known as the Eastern Regional Health Authority, and in this Act referred to as “the Authority”.

(2) The Authority shall be a body corporate with perpetual succession and may sue and be sued in its own name and may acquire, hold and dispose of land and other property.

(3) The Authority shall provide itself with a seal and all courts of justice shall take judicial notice of the seal.

(4) The functional area of the Authority shall be the county borough of Dublin and the administrative counties of South Dublin, Fingal, Dún Laoghaire-Rathdown, Kildare and Wicklow.

(5) Subject to this Act, any reference to a health board, however expressed, in any Act, passed before the establishment day, or instrument made before such day under any such Act, shall be construed as including a reference to the Authority.

(6) Sections 4, 5 and 26(1) of the Principal Act and section 65 of the Health Act, 1953, shall not apply to the Authority.

Functions of  
Authority.

8.—(1) The Authority shall perform the functions conferred on it under this Act and any other functions which are performable by a health board and such other functions as may be provided for by law.

(2) The Authority shall, having regard to the resources available and as it sees fit, plan, arrange for and oversee the provision of services in its functional area.

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(3) In performing its functions under this section, the Authority shall— Pt.II S.8

- (a) make arrangements under *section 10* with persons for the provision of services,
- (b) co-ordinate the provision of services,
- (c) put in place systems, procedures and practices to enable it to monitor and evaluate services provided in accordance with arrangements made under *section 10*,
- (d) provide in its annual report an account of measures taken to monitor and evaluate services and an account of the outcomes of such measures,
- (e) have regard to the advice (if any) tendered to it by each of the three Area Health Boards, and
- (f) have regard to the right of voluntary bodies who provide services in accordance with arrangements made under *section 10* to manage their own affairs in accordance with their independent ethos and traditions.

(4) Nothing in this Act shall be construed as prejudicing the performance by the Adelaide and Meath Hospital, Dublin, incorporating the National Children's Hospital of its functions under its Charter.

**9.—**(1) The Authority shall provide in writing for such of its reserved functions in relation to the provision of services which, immediately before the establishment day, were performed by the Eastern Health Board, to be exercisable on its behalf, in relation to the functional area of an Area Health Board, by that Area Health Board.

Delegation of functions of Authority.

(2) Notwithstanding *subsection (1)*, the Authority may, from time to time, and where it considers such action would secure the most beneficial, effective and efficient use of resources, provide in writing for such of its reserved functions as it may determine to be exercisable on its behalf, in relation to the whole or part of its functional area, by a specified Area Health Board and where the Authority does so, any provision made under *subsection (1)* in relation to those functions shall cease to have effect.

(3) The performance of its functions under *subsections (1) and (2)* shall be a reserved function of the Authority.

**10.—**(1) Subject to *subsections (2) and (4)*, the Authority shall, having regard to the resources available to it, make one or more arrangements with one or more persons for the provision of services within its functional area.

Arrangements by Authority for provision of services.

- (2) (a) Subject to *section 9(2) and subsection (3)*, the Authority shall, having regard to the resources available to it, make and carry out an arrangement with each Area Health Board for the provision within the Area Health Board's functional area of services which, immediately before the establishment day, were provided by the Eastern Health Board.

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(b) The Authority may make arrangements with an Area Health Board for the provision of services other than those specified in *paragraph (a)*.

(c) *Paragraph (a)* shall not be construed as preventing the Authority or an Area Health Board from discontinuing or curtailing any service.

(3) The Authority may determine an arrangement or any part thereof made under *subsection (2)(a)* in relation to the provision of a service and make and carry out an arrangement in lieu thereof with a voluntary body for the provision of the service.

(4) An arrangement made under this section shall include the following:

(a) a written agreement between the Authority and the person who proposes to provide the services, covering a period of not less than 3 years and not more than 5 years and specifying—

(i) the principles by which both parties agree to abide for the duration of the agreement, and

(ii) such standards relating to the efficiency, effectiveness and quality of the services to be provided as may be agreed between the parties,

and

(b) a written agreement, to be renewed annually, between the Authority and the person who proposes to provide the services specifying—

(i) the services to be provided, and

(ii) the funds to be made available therefor.

(5) The Authority may delegate its power to make an arrangement under *subsection (1)* to an Area Health Board, other than where:

(a) the arrangement is with any one of the persons specified in the *Second Schedule*, or

(b) the arrangement is with another Area Health Board.

(6) A person (not being an Area Health Board) who provides services in accordance with an arrangement made under this section shall keep, in such form as may be approved by the Authority, all proper and usual accounts and records of all income received or expenditure incurred by it.

(7) Accounts kept in pursuance of *subsection (6)* shall be submitted annually for audit and a copy of the accounts and the auditor's certificate and report thereon shall be presented to the Authority within such period as may be specified by the Authority.

(8) The expense of an audit carried out under *subsection (7)* shall be paid for by the person keeping the accounts.



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11.—(1) The Authority shall consist of 55 members.

Pt. II  
Membership of  
Authority.

(2) Of the members of the Authority—

(a) 30 shall be appointed by the local authorities whose functional areas are included in the functional area of the Authority, of whom—

(i) 10 members of Dublin Corporation shall be appointed by Dublin Corporation, and

(ii) 4 shall be appointed by each of the councils of the counties of Fingal, South Dublin, Dún Laoghaire-Rathdown, Kildare and Wicklow, and the members appointed by the council of a county shall be members of that council,

and the persons so appointed shall, where so prescribed, include such numbers of persons from such local electoral areas as may be prescribed,

(b) 13 shall be members of registered professions appointed by election, of whom—

(i) 9, including not less than 2 consultants in general hospitals, not less than one consultant psychiatrist, not less than 2 general medical practitioners and not less than one registered medical practitioner with special knowledge or experience in preventive medicine, shall be appointed by election by registered medical practitioners practising in the functional area of the Authority,

(ii) one shall be appointed by election by registered dentists practising in the functional area of the Authority,

(iii) one shall be appointed by election by registered nurses (other than registered psychiatric nurses) practising in the functional area of the Authority,

(iv) one shall be appointed by election by registered psychiatric nurses practising in the functional area of the Authority, and

(v) one shall be appointed by election by registered pharmaceutical chemists and registered dispensing chemists and druggists practising in the functional area of the Authority,

(c) 9 shall be representative of voluntary service providers, appointed by the Minister, of whom—

(i) 3 shall be nominated for appointment by such persons or organisations as the Minister considers to be representative of the voluntary hospitals in the functional area of the Authority,

(ii) 3 shall be nominated for appointment by such persons or organisations as the Minister considers to be representative of the voluntary intellectual disability service providers in the functional area of the Authority, and

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(iii) 3 shall be nominated for appointment by such persons or organisations as the Minister considers to be representative of other voluntary service providers in the functional area of the Authority,

and

(d) 3 shall be appointed by the Minister.

(3) The Authority shall hold at least 6 meetings in each year and such other meetings as may be necessary for the performance of its functions.

(4) Subject to *subsection (3)*, the rules set out in the Second Schedule (as amended by *section 22*) to the Principal Act, shall apply in relation to the Authority.

Regional Chief Executive.

**12.—**(1) Subject to *subsection (3)* and notwithstanding any other enactment, the Authority shall, pursuant to a recommendation from the Local Appointments Commissioners, appoint a person who shall act as the chief executive officer of the Authority and such person shall be known and in this Act referred to as the Regional Chief Executive.

(2) Subject to this Act, any reference to the chief executive officer of a health board in any Act, passed before the establishment day, or instrument made, before such day, under any such Act shall be construed as including a reference to the Regional Chief Executive.

(3) Notwithstanding section 15(1) of the Principal Act, the Minister may, before the establishment day, appoint a person who, on the establishment day, shall be deemed to have been appointed to be the Regional Chief Executive and that person shall, unless he or she otherwise dies, resigns or is removed by the Minister, hold the office for a period not exceeding 3 years.

(4) The Minister may remove a person appointed under *subsection (3)*.

(5) Section 13(1), (3) and (8) of the Principal Act shall not apply to the Regional Chief Executive.

(6) The appointment of the Regional Chief Executive in accordance with *subsection (1)* shall be a reserved function.

Accountability of Regional Chief Executive.

**13.—**(1) The Regional Chief Executive shall, whenever required by the Committee of Dáil Éireann established under the Standing Orders of Dáil Éireann to examine and report to Dáil Éireann on the appropriation accounts and reports of the Comptroller and Auditor General, give evidence to that committee on—

(a) the regularity and propriety of the transactions recorded or required to be recorded in any book or other record of account subject to audit by the Comptroller and Auditor General which the Authority or the Area Health Boards are required by or under statute to prepare,

(b) the economy and efficiency of the Authority and the Area Health Boards in the use of their resources,

(c) the systems, procedures and practices employed by the Authority and the Area Health Boards for the purpose of evaluating the effectiveness of their operations, and

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- (d) any matter affecting the Authority or any Area Health Board referred to in a special report of the Comptroller and Auditor General under section 11(2) of the Comptroller and Auditor General (Amendment) Act, 1993, or in any other report of the Comptroller and Auditor General (in so far as it relates to a matter specified in paragraph (a), (b) or (c) that is laid before Dáil Éireann. Pt.II S.13

(2) In the performance of his or her duties under this section, the Regional Chief Executive shall not question or express an opinion on the merits of any policy of the Government or a Minister of the Government or on the merits of the objectives of such a policy.

### PART III

#### Area Health Boards

**14.—**(1) On the establishment day, there shall stand established 3 boards, which shall be known, respectively, as— Establishment of Area Health Boards.

- (a) the Northern Area Health Board,
- (b) the East Coast Area Health Board, and
- (c) the South-Western Area Health Board,

and referred to collectively in this Act as “the Area Health Boards”.

(2) Each Area Health Board shall be a body corporate with the power to sue and be sued in its own name and may acquire, hold and dispose of land and other property.

(3) Each Area Health Board shall provide itself with a seal and all courts of justice shall take judicial notice of the seal.

(4) The functional area of each Area Health Board shall be as described in the *First Schedule*.

**15.—**(1) An Area Health Board shall perform, with respect to its functional area and on behalf of the Authority, such functions as are specified by the Authority in accordance with *section 9(1)* and shall carry out such other functions as provided by this Act or as may from time to time be conferred on it by the Authority. Functions of Area Health Boards.

(2) An Area Health Board shall, with respect to its functional area—

- (a) provide, or arrange for the provision of, such services as may be specified in any arrangements entered into with the Authority in accordance with *section 10(2)*,
- (b) plan and co-ordinate the provision of services, in co-operation with persons providing services in the area and with such other persons as it may see fit, and
- (c) advise the Authority on the provision of services generally.

(3) An Area Health Board shall—

- (a) carry out its functions subject to any general directions which may be given by the Authority, and

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(b) co-operate with the Authority and with other Area Health Boards in the co-ordination of services in such manner as the Authority may from time to time determine.

(4) Where an Area Health Board makes an arrangement with a person for the provision of services, it shall put in place systems, procedures and practices to enable it to monitor and evaluate the services so provided.

(5) An Area Health Board shall, notwithstanding that it is exercising functions on behalf of the Authority under this section, be entitled to enforce any rights acquired and shall be liable in respect of any liabilities incurred (including liabilities in tort) in the exercise of those functions in all respects as if it were acting as a principal, and all proceedings for the enforcement of such rights or liabilities shall be brought by or against the Area Health Board in its own name.

(6) Sections 3 and 4 of the No. 3 Act of 1996 (as amended by *section 24*) shall apply to an Area Health Board as if it were a health board and references in those sections to a chief executive officer shall be construed for the purposes of this subsection as including references to an area chief executive.

Membership of  
Area Health  
Boards.

**16.—**(1) The Minister shall, in accordance with this section, specify in regulations the membership of an Area Health Board.

(2) Subject to *subsections (4), (5) and (6)*, the Authority shall appoint the members of the Area Health Boards.

(3) The Authority, when appointing a member of an Area Health Board, shall fix such member's period of membership which shall not exceed 5 years.

(4) Each member of an Area Health Board shall be a member of the Authority and where a member of an Area Health Board ceases to be a member of the Authority he or she shall also cease to be a member of the Area Health Board.

(5) Membership of an Area Health Board shall include at least one member of the Authority who has been appointed by each of the following, namely—

(a) the local authorities mentioned in *section 11(2)(a)*,

(b) the registered professions mentioned in *section 11(2)(b)*,

(c) the Minister, on the nomination of each of the voluntary service providers mentioned in *subparagraphs (i), (ii) and (iii) of section 11(2)(c)*, and

(d) the Minister under *section 11(2)(d)*.

(6) With respect to each Area Health Board, persons appointed to the Authority under *section 11(2)(a)* and subsequently appointed by the Authority to an Area Health Board shall exceed the total number of other members of that Area Health Board and be from local electoral areas within the functional area of the Area Health Board.

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(7) A member of the Authority who has been appointed to the Authority in accordance with *section 11(2)(b)*, other than *subparagraph (i)*, shall be entitled to attend a meeting of an Area Health Board of which he or she is not a member and to participate in the deliberations at such a meeting, but shall not be entitled to vote on any question arising at such a meeting. Pt.III S.16

(8) The Authority may make payments to a member of an Area Health Board or to a member of the Authority referred to in *subsection (7)* in respect of travelling and subsistence expenses incurred in attending a meeting of an Area Health Board or otherwise in the pursuance of the business of an Area Health Board in accordance with a scale determined by the Minister, with the consent of the Minister for Finance.

(9) The Authority may, with the consent of the Minister, pay an allowance to the chairman and the vice-chairman of an Area Health Board in respect of expenses (other than expenses referred to in *subsection (8)*) incurred by him or her in relation to the business of the Area Health Board.

(10) Rules 7, 10, 11 (as amended by *section 22*), 15 and 17 to 32 of the Second Schedule to the Principal Act, shall apply in relation to an Area Health Board and, accordingly, references therein to the board shall be construed as including references to an Area Health Board.

(11) An Area Health Board shall hold at least 9 meetings in each year and such other meetings as may be necessary for the performance of its functions.

**17.—(1)** Subject to *subsection (2)*, the Authority shall, pursuant to a recommendation from the Local Appointments Commissioners, appoint 3 persons to be chief executive officers of the Area Health Boards, and shall assign them to the 3 Area Health Boards as it sees fit and each of these persons shall be known and in this Act referred to as an area chief executive. Area chief executives.

(2) The Minister may, before the establishment day, pursuant to a recommendation from the Local Appointments Commissioners, appoint 3 persons to be area chief executives of the Area Health Boards, and shall assign them to the 3 Area Health Boards as he or she sees fit, and those persons shall be deemed to have been so appointed on the establishment day.

(3) A person appointed under *subsection (1)* or *(2)* shall hold office for a period not exceeding 7 years under a contract of service in writing with the Authority upon such terms and conditions (including terms and conditions relating to remuneration and expenses) as may be determined by the Minister, with the consent of the Minister for Finance, and specified in the contract.

(4) An area chief executive shall act as the chief executive officer of the Area Health Board.

(5) Where the Authority delegates a function to an Area Health Board in accordance with *section 9*, the corresponding executive functions of the Regional Chief Executive shall be deemed to have been delegated to the area chief executive of that Area Health Board.

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(6) The Regional Chief Executive shall delegate in writing to each area chief executive such of his or her functions in relation to the provision of services within the functional area of the relevant Area Health Board which, immediately before the establishment day, were performed by the chief executive officer of the Eastern Health Board.

(7) Notwithstanding *subsection (6)*, the Regional Chief Executive may, from time to time, and where he or she considers such action would secure the most beneficial, effective and efficient use of resources, provide in writing for such of his or her functions as he or she may determine to be exercisable in relation to the whole or part of the Authority's functional area by a specified area chief executive and where the Regional Chief Executive does so, any delegation made under *subsection (6)* in relation to those functions shall be revoked.

(8) An area chief executive shall exercise the functions delegated to him or her under this section in accordance with such general directions as may from time to time be given by the Regional Chief Executive.

(9) An area chief executive may delegate, in accordance with subsections (2) to (5) of section 16 of the Principal Act, his or her functions to another member of the staff of the Authority who has been assigned to the Area Health Board concerned and references therein to the chief executive officer of a health board shall be construed for the purposes of this subsection as references to an area chief executive.

(10) An area chief executive may be removed from office by the Authority, with the consent of the Minister, in accordance with the terms and conditions of his or her contract of service.

(11) The appointment under *subsection (1)* and the removal under *subsection (10)* of an area chief executive shall be reserved functions of the Authority.

Keeping of accounts and records.

**18.—**(1) An Area Health Board shall keep all proper and usual accounts of all moneys received or expended by it including an income and expenditure account and balance sheet and, in particular, shall keep all such special accounts as the Authority or the Minister may, from time to time, direct.

(2) An Area Health Board shall prepare annual financial statements in accordance with the accounting standards specified by the Minister for the purposes of section 11(2) of the No. 3 Act of 1996 and shall submit such financial statements to the Comptroller and Auditor General for audit on or before the 1st day of April in the year following the year to which they relate.

(3) Upon completion of the audit referred to in *subsection (2)*, the Comptroller and Auditor General shall draw up a report in writing in relation to the financial statements and shall submit a copy of the financial statements together with his or her report thereon to the Authority, which shall submit them to the Minister.

(4) The annual financial statements of an Area Health Board shall form part of the consolidated annual accounts of the Authority.

(5) The consolidated annual financial statements of the Authority shall be prepared in accordance with accounting standards specified

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by the Minister and shall be adopted by the Authority and submitted to the Comptroller and Auditor General for audit on or before the 15th day of April in the year following the financial year to which they relate. Pt.III S.18

(6) Subject to *subsection (5)*, the consolidated annual financial statements of the Authority shall be audited in accordance with section 6 of the Act of 1993.

(7) The annual financial statements of the three Area Health Boards, together with the reports of the Comptroller and Auditor General thereon, shall be appended by the Minister to the annual financial statements of the Authority (as submitted to the Minister by the Comptroller and Auditor General in accordance with section 6 of the Act of 1993) and the consolidated annual financial statements of the Authority (as submitted to the Minister by the Comptroller and Auditor General in accordance with *subsection (6)* and section 6 of the Act of 1993) and laid before each House of the Oireachtas.

(8) An area chief executive shall assist the Regional Chief Executive in carrying out his or her duties under *section 13* in such manner and at such times as the Regional Chief Executive may from time to time direct.

#### PART IV

#### Dissolution of Eastern Health Board and transfer of its staff to Authority

**19.—(1)** On the establishment day, the Eastern Health Board shall stand dissolved.

Dissolution of Eastern Health Board.

(2) On the establishment day, all land which, immediately before that day, was vested in the Eastern Health Board and all rights, powers and privileges relating to or connected with that land shall, without any conveyance or assignment, stand vested in the Authority.

(3) On the establishment day, all property other than land, including choses-in-action, which, immediately before that day, was the property of the Eastern Health Board shall stand vested in the Authority without any assignment.

(4) All rights and liabilities of the Eastern Health Board arising by virtue of any contract or commitment (express or implied) entered into by that body before the establishment day shall on that day stand transferred to the Authority.

(5) Every right and liability transferred under *subsection (4)* may on or after its transfer be sued on, recovered or enforced by or against the Authority in its own name and it shall not be necessary for the Authority to give notice to the person whose right or liability is transferred.

(6) Final accounts of the Eastern Health Board shall be drawn up in accordance with the accounting standards specified by the Minister for the purposes of section 11(2) of the No. 3 Act of 1996 and shall be audited by the Comptroller and Auditor General in accordance with section 6 of the Act of 1993.

(7) Any legal proceedings pending on the establishment day in any court or tribunal to which the Eastern Health Board is a party

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shall continue with the substitution of the name of the Authority for that of the Eastern Health Board and shall not abate by reason of such substitution.

(8) Any reference to the Eastern Health Board in an order made by a court before the establishment day shall, on the establishment day, be construed as a reference to the Authority.

(9) Any resolution passed, order made or notice served by the Eastern Health Board before the establishment day the operation, effect or term of which had not ceased or expired immediately before the establishment day shall, on or after that day, continue in force and have effect as though it was a resolution passed, order made or notice served by the Authority.

(10) Any rule or regulation made by the Eastern Health Board which was in force immediately before the establishment day shall, on or after that day, continue in force and have effect as though it was a rule or regulation made by the Authority, and every such rule or regulation may be continued, varied or revoked, and penalties and forfeitures arising thereunder may be recovered and enforced by the Authority.

(11) The Authority may, subject to this Act, in writing transfer to an Area Health Board any land, other property, right or liability transferred to it under this section.

Transfer of staff of Eastern Health Board to Authority.

**20.**—(1) Every person who immediately before the establishment day is a member of the staff of the Eastern Health Board shall, on that day, be transferred to and become a member of the staff of the Authority.

(2) Save in accordance with a collective agreement negotiated with any recognised trade unions or staff associations concerned, a person referred to in *subsection (1)* shall not, while in the service of the Authority, receive a lesser scale of pay or be made subject to less beneficial terms and conditions of service (including those relating to tenure of office) than the scale of pay to which he or she was entitled and the terms and conditions of service (including conditions relating to tenure of office) to which he or she was subject immediately before the establishment day.

(3) Every contract of service, express or implied, which is in force immediately before the establishment day between the Eastern Health Board and any person to whom *subsection (1)* applies shall continue in force on and after the establishment day, but shall be construed and have effect as if the Authority were substituted therein for the Eastern Health Board and every such contract shall be enforceable by or against the Authority accordingly.

(4) A person transferred to the staff of the Authority under this section or appointed as an officer or servant of the Authority in accordance with section 14(1) of the Principal Act, may be assigned from time to time by the Authority to an Area Health Board.

(5) Every person assigned under *subsection (4)* shall continue to be an officer or servant of the Authority, as the case may be, but shall, while so assigned, be subject to the directions of the area chief executive of the Area Health Board to which he or she is assigned, subject to such arrangements as may be made between the Regional Chief Executive and that area chief executive.

(6) For the purposes of any enactment relating to superannuation, the office of an officer who on the establishment day was an officer



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of the Eastern Health Board shall be deemed not to have been Pt.IV S.20 abolished.

PART V

The Health Boards Executive

**21.**—(1) There shall stand established, on the appointed day, an agency to be known as the Health Boards Executive and in this section referred to as “the Executive”. Health Boards Executive.

(2) The Executive shall be a body corporate with the power to sue and be sued.

(3) The Executive shall provide itself with a seal and all courts of justice shall take judicial notice of the seal.

(4) The Executive shall perform, on behalf of the health boards—

(a) such executive functions of the health boards as may be specified, from time to time, by the members of the Executive, and

(b) such other executive functions in relation to improving the efficiency and effectiveness of the health and personal social services as the Minister may, from time to time, direct.

(5) The members of the Executive shall be the chief executive officers of the health boards and the area chief executives.

(6) (a) The expenses of the Executive, in so far as not met from other sources, shall be met by the health boards in such proportions as the members of the Executive may agree upon from time to time, or, failing such agreement, in such proportions as may be determined by the Minister.

(b) In default of payment by a health board of the amount payable by it under *paragraph (a)*, the amount involved may be deducted from any moneys payable to the health board by the Minister for any purpose whatsoever and shall be paid to the Executive by the Minister.

(7) The Executive shall keep all usual and proper accounts of its income and expenditure and of the sources of such income and of the subject matter of such expenditure and of the assets and liabilities of the Executive.

(8) The annual financial statements of the Executive for each year shall be prepared in accordance with accounting standards specified by the Minister and shall be submitted to the Comptroller and Auditor General for audit within 3 months of the end of the year to which they relate and an audit shall be carried out by the Comptroller and Auditor General in accordance with section 5 of the Act of 1993.

(9) Upon completion of the audit under *subsection (8)*, the Comptroller and Auditor General shall draw up a report in writing in relation to the accounts and shall submit a copy of the accounts together with his or her report thereon to the Minister, each health board and the Area Health Boards, and the Minister shall, as soon as may be, cause a copy of the report and a copy of the accounts to which the report relates to be laid before each House of the Oireachtas.

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(10) The Executive shall, not later than the 31st day of March in each year, make a report on its activities during the preceding year and shall submit a copy of the report to the Minister, each health board and the Area Health Boards.

- (11) (a) The Executive may, with the consent of the Minister and the concurrence of the Minister for Finance, appoint such and so many persons to be members of the staff of the Executive as it may determine and in appointing any such person the Executive shall comply with any directions given by the Minister relating to the procedure to be followed.
- (b) Every member of the staff of the Executive serving in a permanent capacity shall cease to be such a member on attaining the age of 65 years.
- (c) The Executive shall, with the consent of the Minister and the concurrence of the Minister for Finance, determine the remuneration and conditions of service of each member of its staff.
- (d) The Executive shall, from time to time, assign such duties as it considers appropriate to each member of the staff of the Executive and each such member shall perform the duties so assigned to him or her.
- (e) Schemes and regulations made under the Local Government (Superannuation) Act, 1980, shall apply to the members of the staff of the Executive appointed in a permanent capacity as if the Executive were a health board.

(12) For the purpose of the performance of its functions, the Executive may, subject to such terms and conditions (if any) as the Minister may specify—

- (a) purchase or take on lease any land or other property,
- (b) sell, exchange, let or otherwise dispose of any land or other property vested in it,
- (c) make arrangements with another person for the use by the Executive of premises or equipment belonging to that person or for the use by the Executive of the services of employees of that person or body,
- (d) accept gifts of money, land and other property upon such trusts and conditions, if any, as may be specified by the donor, save that the Executive shall not accept a gift where the conditions attached by the donor to its acceptance are not consistent with the functions of the Executive.
- (13) (a) The Executive shall not borrow money without the prior consent of the Minister, given with the concurrence of the Minister for Finance,
- (b) The borrowing of moneys by the Executive shall be subject to such terms and conditions (if any) as may be specified by the Minister with the concurrence of the Minister for Finance.

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(14) The Minister may make regulations in respect of all or any Pt.V S.21 of the following—

- (a) the terms and conditions of the membership of the Executive,
- (b) rules and proceedings at its meetings,
- (c) the establishment of committees of it,
- (d) the payment of expenses to its members.

(15) The Minister shall by order appoint a day to be the appointed day for the purposes of this section.

(16) Notwithstanding section 4(1) (inserted by *section 24*) of the No. 3 Act of 1996, the chief executive officer of a health board may require the Executive to carry out a function on his or her behalf and, where that officer makes such a requirement, he or she shall, as soon as may be, inform the health board concerned.

(17) In this section a reference to a health board includes a reference to the Authority and a reference to a chief executive officer of a health board includes a reference to the Regional Chief Executive.

PART VI

Amendment of Principal Act, Health (Corporate Bodies) Act, 1961, and No. 3 Act of 1996

**22.**—The Second Schedule to the Principal Act is hereby amended by—

Amendments to  
Second Schedule to  
Principal Act.

- (a) the insertion in Rule 5 after “section 4(2)(a)(ii)” of “or *section 11(2)(b)* of the *Health (Eastern Regional Health Authority) Act, 1999*,”
- (b) the insertion, after Rule 11(2) of the following:

“(2A) Where a member of the board appointed other than by the council of a county or the corporation of a county borough has not, for a consecutive period of 6 months, attended a meeting of the board, he or she shall cease to be such a member and the Minister shall, as soon as may be, appoint a person to fill the vacancy.”,

- (c) the insertion, after Rule 11(3) of the following:

“(4) This Rule shall not apply where a member of the board can demonstrate, to the satisfaction of the chairman of the board, that his or her absence has been due to illness.”,

- (d) the insertion in Rule 12 after “section 4(2)(a)(ii)” of “or *section 11(2)(b)* of the *Health (Eastern Regional Health Authority) Act, 1999*,” and
- (e) the insertion in Rule 17 after “an officer or servant of the board” of “or an employee of a voluntary hospital, voluntary intellectual disability service provider or voluntary service provider”.

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Pt. VI

Amendment of section 6 of Health (Corporate Bodies) Act, 1961.

**23.**—Section 6 of the Health (Corporate Bodies) Act, 1961, is hereby amended by the substitution of the following paragraph for paragraph (d):

“(d) the furnishing from time to time by the body to the Minister, or to such other body as the Minister may specify in the order, of information regarding the performance of its functions and the furnishing of such information to the Minister or to the other body at any other time on request.”.

Amendment of No. 3 Act of 1996.

**24.**—The No. 3 Act of 1996 is hereby amended—

(a) in section 1(1), by the substitution for the definition of “reserved function” of the following definition:

“ ‘reserved function’ means—

(a) a function of a health board specified in a section mentioned in column (3) of the First Schedule opposite the Act mentioned in column (2) of that Schedule, and

(b) any function of a health board which is specified as a reserved function in the *Health Acts, 1947 to 1999*, or any other enactment.”,

(b) by the substitution for section 3 of the following section:

“3. (1) A reserved function shall be performed directly by a health board.

(2) A health board shall not take any decision or give any direction in relation to any function of a health board that is not a reserved function.

(3) The chief executive officer shall assist the board in the performance of a reserved function in such manner (if any) as the board may require.”,

and

(c) the substitution for subsection (1) of section 4 of the following subsection:

“(1) A function of a health board that is not a reserved function shall be performed by the chief executive officer unless otherwise provided for and such a function shall be an executive function.”.

[1999.] *Health (Eastern Regional Health [No. 13.] Authority) Act, 1999.*

FIRST SCHEDULE

*Section 14.*

Functional Areas of Area Health Boards

1. In this Schedule—

the “county of Kildare” means the administrative county of Kildare;

the “county of Wicklow” means the administrative county of Wicklow;

the “city of Dublin” means the county borough of Dublin;

“Dún Laoghaire-Rathdown County” means the administrative county of Dún Laoghaire-Rathdown;

“Fingal County” means the administrative county of Fingal;

“South Dublin County” means the administrative county of South Dublin.

2. *Boundary of functional area of Northern Area Health Board.*

That part of the functional area of the Authority which corresponds with the following:

That part of the city of Dublin which is situated north of the River Liffey, and

Fingal County.

3. *Boundary of functional area of East Coast Area Health Board.*

That part of the functional area of the Authority which corresponds with the following:

The local electoral area of Pembroke in the city of Dublin,

Dún Laoghaire-Rathdown County, and

the county of Wicklow (except for the local electoral area of Baltinglass).

4. *Boundary of functional area of South-Western Area Health Board.*

That part of the functional area of the Authority which corresponds with the following:

That part of the city of Dublin which is situated south of the River Liffey (except for the local electoral area of Pembroke),

South Dublin County,

the county of Kildare, and

the local electoral area of Baltinglass in the county of Wicklow.

[No. 13.] *Health (Eastern Regional Health Authority) Act, 1999.* [1999.]

Section 10.

SECOND SCHEDULE

St. James's Hospital  
Beaumont Hospital  
Mater Misericordiae Hospital  
St. Vincent's Hospital, Elm Park  
The Adelaide and Meath Hospital, Dublin, incorporating the  
National Children's Hospital  
St. Michael's Hospital, Dún Laoghaire  
Royal Victoria Eye and Ear Hospital  
Coombe Women's Hospital  
National Maternity Hospital  
Rotunda Hospital  
Our Lady's Hospital for Sick Children, Crumlin  
The Children's Hospital, Temple Street  
St. Luke's and St. Anne's Hospital  
Hume Street Hospital  
Cappagh Orthopaedic Hospital  
Incorporated Orthopaedic Hospital of Ireland, Clontarf  
National Rehabilitation Hospital  
Our Lady's Hospice  
Royal Hospital, Donnybrook  
Dublin Dental Hospital  
Central Remedial Clinic  
Leopardstown Park Hospital  
Federated Dublin Voluntary Hospitals  
Drug Treatment Centre, Trinity Court, Pearse Street  
St. Vincent's Hospital, Fairview  
St. Mary's Hospital and Residential School, Baldoyle  
Stewart's Hospital  
Hospitaller Order of St. John of God Services, Stillorgan  
Children's Sunshine Home  
St. Michael's House  
Daughters of Charity of St. Vincent de Paul, Navan Road  
Sisters of Charity of Jesus and Mary, Mooreabbey, Co. Kildare  
Cheeverstown House Limited  
K.A.R.E.  
Peamount Hospital  
Sunbeam House Services