



Number 23 of 2000

**HOSPITALS' TRUST (1940) LIMITED (PAYMENTS TO
FORMER EMPLOYEES) ACT, 2000**

ARRANGEMENT OF SECTIONS

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[No. 23.] *Hospitals' Trust (1940) Limited* [2000.]
(Payments to Former Employees)
Act, 2000.

Acts Referred to

Redundancy Payments Act, 1967

1967, No. 21

Succession Act, 1965

1965, No. 27



Number 23 of 2000

**HOSPITALS' TRUST (1940) LIMITED (PAYMENTS TO
FORMER EMPLOYEES) ACT, 2000**

AN ACT TO ENABLE THE MINISTER FOR ENTERPRISE,
TRADE AND EMPLOYMENT TO PROVIDE FOR THE
MAKING OF PAYMENTS TO CERTAIN FORMER
EMPLOYEES OF HOSPITALS' TRUST (1940) LIMITED
AND TO PROVIDE FOR CONNECTED MATTERS.

[8th July, 2000]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Definitions.

“Act of 1967” means the Redundancy Payments Act, 1967;

“applicant” has the meaning assigned to it by *section 4* of this Act;

“Committee” has the meaning assigned to it by *section 3* of this Act;

“company” means the Hospitals' Trust (1940) Limited;

“former employee” means a person who was employed by the company for a period of which not less than 104 weeks was a period of continuous employment (within the meaning of Schedule 3 to the Act of 1967) and continued to be so employed until 16 March 1987 or any earlier date (but not earlier than 1 November 1986);

“lump sum” has the meaning assigned to it by *section 2* of this Act;

“Minister” means the Minister for Enterprise, Trade and Employment;

“personal representative” has the same meaning as it has in the Succession Act, 1965.

2.—Subject to the subsequent provisions of this Act, the Minister shall, on application to the Minister by or on behalf of a former employee or, if the former employee has died whether before or after the passing of this Act, by his or her personal representative, pay to the former employee or the personal representative, as the case may be, out of moneys provided by the Oireachtas, one sum of £20,000 (in this Act referred to as a “lump sum”).

Payment of lump sum to former employees of company.

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Appointment of
Committee.

3.—(1) The Minister shall, as soon as may be after the passing of this Act, appoint a committee (in this Act referred to as the “Committee”) to advise and assist the Minister in the performance of his or her functions under this Act.

(2) The members of the Committee shall be appointed from time to time by the Minister as occasion requires and shall consist of—

(a) 2 officers of the Minister,

(b) an officer of the Minister for Finance nominated by the Minister for Finance,

(c) an officer of the Minister for Health and Children nominated by that Minister of the Government.

(3) The Minister shall from time to time as occasion requires appoint a chairman of the Committee from amongst the members appointed pursuant to *subsection (2)(a)*.

(4) The quorum for a meeting of the Committee shall be 3.

(5) The Committee may act notwithstanding one or more vacancies among its members.

(6) Subject to the provisions of this Act, the Committee shall regulate its own procedure and business.

(7) Where a member of the Committee dies, resigns or is temporarily unable to act as such member, the Minister may appoint another person to be a member of the Committee to fill the casual vacancy so occasioned and the person so appointed shall be appointed in the same manner as the member of the Committee who occasioned the casual vacancy.

(8) The Minister may at any time dissolve the Committee appointed under this section.

Applications for
payment of lump
sum.

4.—(1) An application for the payment of a lump sum under this Act shall be made in writing to the Minister within 2 months after the passing of this Act.

(2) An application shall be in such form as the Minister may specify or in a form to the like effect.

(3) A person who applies to the Minister for the payment of a lump sum under this Act (in this Act referred to as the “applicant”) shall furnish to the Minister the information requested in the specified form together with such further information as the Minister may request for the purpose of his or her functions under this section and, if the applicant fails to comply with this subsection, the Minister may refuse to pay the lump sum concerned.

(4) Notwithstanding *subsection (1)* of this section, the Minister may, if he or she thinks fit, extend the period of time referred to in the said *subsection (1)*.

(5) Where the Minister proposes to refuse an application for the payment of a lump sum under this Act, he or she shall notify in writing the applicant of his or her proposal and of the reasons for it.

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(6) A person who has been notified of a proposal under *subsection (5)* may, within 21 days from the receipt of the notification, make representations in writing to the Minister and the Minister shall—

- (a) before deciding the matter, take into consideration any representations duly made to him or her under this subsection in relation to the proposal, and
- (b) notify the person in writing of his or her decision and of the reasons for it.

(7) A notification of a proposal of the Minister under *subsection (5)* shall include a statement that the person concerned may make representations to the Minister within 21 days from the receipt by him or her of the notification.

5.—(1) A person shall not give false information to the Minister in relation to an application for the payment of a lump sum under this Act. Prohibition of false information.

(2) A person who contravenes *subsection (1)* of this section shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding £1,000.

(3) It shall be a defence for a person charged with an offence under this section to show that he or she did not know and could not, with the exercise of reasonable care, have known that the information was false.

6.—(1) Every application for the grant of a lump sum under *section 2* shall be referred by the Minister to the Committee. Reference of applications for payment of lump sum to Committee.

(2) The Committee shall investigate an application referred to it for the purpose of ascertaining, as appropriate—

- (a) whether the applicant is a former employee or the personal representative of a former employee or, as the case may be, whether the application relates to a person who is a former employee,
- (b) in case the application purports to be made on behalf of a former employee by a person who is not the personal representative of the employee, the nature and extent of that person's authority to act on behalf of the former employee,

and shall, as soon as may be, prepare a report in writing on the result of the investigation and shall transmit the report to the Minister.

(3) The Committee shall furnish to the Minister such information as he or she may from time to time require regarding its activities.

(4) The Committee may, for the purposes of an investigation under this section, require an applicant to answer a question, furnish information or produce a document or thing relevant to the investigation of the application concerned.

7.—Where a person who is entitled to the payment of a lump sum under this Act dies before the making of the payment, the lump sum shall be paid to his or her personal representative. Payment of lump sum to personal representative of deceased person.

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(Payments to Former Employees)
Act, 2000.

Expenses. **8.**—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Short title. **9.**—This Act may be cited as the Hospitals' Trust (1940) Limited (Payments to Former Employees) Act, 2000.