



Number 23 of 1996

HEALTH (AMENDMENT) (NO. 2) ACT, 1996

AN ACT TO ENLARGE THE POWERS OF THE MINISTER FOR HEALTH UNDER SECTION 76 OF THE HEALTH ACT, 1970, TO CLARIFY THE EFFECT OF THE HOSPITALS FEDERATION AND AMALGAMATION ACT, 1961, IN RELATION TO ANY BODY CORPORATE ESTABLISHED BY VIRTUE OF THE EXERCISE OF THE SAID POWERS AND TO PROVIDE FOR RELATED MATTERS. [15th July, 1996]

BE IT ENACTED BY THE OIREACTHAS AS FOLLOWS:

1.—In this Act—

Definitions.

“functions” includes powers and duties and references to the performance of functions include, as respects powers and duties, references to the exercise of the powers and the carrying out of the duties;

“the Minister” means the Minister for Health;

“the relevant section” means section 76 of the Health Act, 1970.

2.—(1) Where the Minister considers that any re-organisation or extension of the provision of hospital services in connection with which an order under the relevant section is proposed to be made would be more effectually carried out by including a provision in such an order—

Powers of Minister under section 76 of Health Act, 1970.

- (a) providing for the establishment of a body corporate and the assignment of a title to it, and
- (b) where the said order relates to the charter of a hospital, providing that the provisions of that charter shall, in lieu of applying or having effect in relation to the body incorporated by that charter, be deemed to apply and have effect in relation to the body corporate established by the said provision,

the Minister may include such a provision in that order.

[No. 23.] *Health (Amendment) (No. 2) Act, [1996.]*
1996.

S.2

(2) An order under the relevant section which contains the provision referred to in *subsection (1)* of this section may also provide for—

- (a) the transfer to the body corporate established by the said provision of such of the functions, property, rights, liabilities or members of staff of—
 - (i) the first-mentioned body in *subsection (1) (b)* of this section (hereafter in this section referred to as “the original body”),
 - (ii) any other hospital, or any body corporate established under the Health (Corporate Bodies) Act, 1961, involved in the re-organisation or extension of hospital services in connection with which the order is made, or
 - (iii) the Central Council of the Federated Dublin Voluntary Hospitals,

as is or are specified in the order,

- (b) the conferral of such powers on the original body as, in the opinion of the Minister, are necessary, in consequence of the disapplication to it of the provisions of the charter concerned by the said provision, to enable it to wind up its affairs or otherwise deal with any property, rights or liabilities of it, and
 - (c) any matters consequential on, or incidental to, the matters referred to in *paragraph (a)* or *(b)* of this subsection.
- (3) (a) The Minister may, on the application of the body corporate established by an order under the relevant section, by order, amend that order.
- (b) Subsections (2) and (3) of the relevant section shall apply to an order under this subsection as they apply to an order under the relevant section.

(4) For the purposes of subsection (2) of the relevant section, a draft of an order under that section containing the provision referred to in *subsection (1)* of this section and providing for one or more than one of the matters referred to in *subsection (2)* of this section may be laid before each House of the Oireachtas, and a resolution approving of that draft may be passed by each such House, notwithstanding that such laying and the passing by each such House of such a resolution take place before the passing of this Act.

Provision in relation to Hospitals Federation and Amalgamation Act, 1961.

3.—Nothing in the Hospitals Federation and Amalgamation Act, 1961, and in particular the provisions of section 14 thereof, shall be construed as prejudicing the performance by a body corporate established by an order under the relevant section of its functions and, in particular, its functions in respect of matters to which the said section 14 relates.

[1996.] *Health (Amendment) (No. 2) Act, [No. 23.]*
1996.

4.—(1) This Act may be cited as the Health (Amendment) (No. 2) Act, 1996. Short title,
collective citation
and construction.

(2) The Health Acts, 1947 to 1994, the Health (Amendment) Act, 1996, and this Act may be cited together as the Health Acts, 1947 to 1996, and shall be construed together as one.

ACTS REFERRED TO

Health Act, 1970	1970, No. 1
Health (Amendment) Act, 1996	1996, No. 15
Health (Corporate Bodies) Act, 1961	1961, No. 27
Hospitals Federation and Amalgamation Act, 1961	1961, No. 21

