



---

*Number 42 of 2007*

---

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 2007**

---

ARRANGEMENT OF SECTIONS

PART 1

PRELIMINARY AND GENERAL

Section

1. Short title.
2. Definitions.
3. Expenses.
4. Repeal.

PART 2

HEALTH CORPORATE BODIES

5. Confirmation of certain orders under section 3 of Act of 1961.
6. Confirmation of certain acts done by dissolved bodies.
7. Amendment of orders under section 3 of Act of 1961.
8. Grants to certain bodies established under section 3 of Act of 1961.
9. Amendment of Comptroller and Auditor General (Amendment) Act 1993.

PART 3

AMENDMENTS TO MEDICAL PRACTITIONERS ACT 2007

10. Amendment of section 1 of Act of 2007.
11. Amendment of section 2 of Act of 2007.
12. Amendment of section 4 of Act of 2007.
13. Amendment of section 17 of Act of 2007.

[No. 42.] *Health (Miscellaneous Provisions) Act* [2007.]  
2007.

14. Amendment of section 36(1) of Act of 2007.
15. Amendment of section 43(2) of Act of 2007.
16. Amendment of section 44 of Act of 2007.
17. Amendment of section 52(3) of Act of 2007.
18. Amendment of section 59 of Act of 2007.
19. Amendment of Schedule 2 to Act of 2007.
20. Consequential amendments of Act of 2007.

PART 4

AMENDMENT TO HEALTH ACT 2004

21. Amendment of section 38 of Act of 2004.

SCHEDULE 1

AMENDMENT OF ORDERS UNDER HEALTH (CORPORATE BODIES) ACT  
1961

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS TO MEDICAL PRACTITIONERS ACT 2007

---

ACTS REFERRED TO

Comptroller and Auditor General (Amendment) Act 1993	1993, No. 8
Health (Corporate Bodies) Act 1961	1961, No. 27
Health Act 2004	2004, No. 42
Health and Social Care Professionals Act 2005	2005, No. 27
Medical Practitioners Act 2007	2007, No. 25
Public Service Superannuation (Miscellaneous Provisions) Act 2004	2004, No. 7



---

*Number 42 of 2007*

---

**HEALTH (MISCELLANEOUS PROVISIONS) ACT 2007**

---

AN ACT TO GIVE STATUTORY EFFECT TO, AND AMEND, CERTAIN ORDERS MADE UNDER THE HEALTH (CORPORATE BODIES) ACT 1961; TO AMEND THE MEDICAL PRACTITIONERS ACT 2007; TO AMEND SECTION 38 OF THE HEALTH ACT 2004; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[21st December, 2007]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

**1.**—This Act may be cited as the Health (Miscellaneous Provisions) Act 2007. Short title.

**2.**—In this Act—

Definitions.

“Act of 1961” means the Health (Corporate Bodies) Act 1961;

“Act of 2004” means the Health Act 2004;

“Act of 2007” means the Medical Practitioners Act 2007;

“Minister” means the Minister for Health and Children.

**3.**—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. Expenses.

**4.**—Section 70 of the Act of 2004 is repealed.

Repeal.

[No. 42.] *Health (Miscellaneous Provisions) Act* [2007.]  
2007.

PART 2

HEALTH CORPORATE BODIES

Confirmation of certain orders under section 3 of Act of 1961.

5.—(1) Subject to *subsection (6)*, every order under section 3 of the Act of 1961 made before the passing of this Act shall have statutory effect as if it were an Act of the Oireachtas.

(2) Every act done, or purporting to have been done, by a body established under section 3 of the Act of 1961 under and in accordance with an order made under that section shall be, and be deemed always to have been, valid and effectual for all purposes.

(3) If *subsection (1)* or *(2)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

(4) This section shall not operate to prevent the making of an order under section 83 of the Health and Social Care Professionals Act 2005.

(5) The Public Service Superannuation (Miscellaneous Provisions) Act 2004 shall, in so far as it applied to an official, servant, employee or member of the staff of a body established under section 3 of the Act of 1961 immediately before the passing of this Act, continue to so apply after the passing of this Act.

(6) This section shall not apply to an order—

(a) that, immediately before the passing of this Act, stood revoked under section 7 of the Act of 1961, or

(b) if, immediately before such passing, the body established by the order stood dissolved under any other enactment.

Confirmation of certain acts done by dissolved bodies.

6.—(1) Every act done, or purporting to have been done, by a dissolved body under and in accordance with an order made under section 3 or 3A (inserted by section 75 and Part 3 of Schedule 6 of the Act of 2004) of the Act of 1961 shall be, and be deemed always to have been, valid and effectual for all purposes.

(2) If *subsection (1)* would, but for this subsection, conflict with a constitutional right of any person, the operation of that subsection shall be subject to such limitation as is necessary to secure that it does not so conflict but shall otherwise be of full force and effect.

(3) In this section “dissolved body” means—

(a) a body established under an order that, immediately before the passing of this Act, stood revoked under section 7 of the Act of 1961, or

(b) a body that, immediately before such passing, stood dissolved under any other enactment.

7.—The orders referred to in *column (1)* of *Schedule 1* are amended to the extent specified in *column (2)* of that Schedule. Amendment of orders under section 3 of Act of 1961.

8.—(1) The Minister may, with the consent of the Minister for Finance, advance to a body established under section 3 of the Act of 1961, out of moneys provided by the Oireachtas, such sum as the Minister may determine. Grants to certain bodies established under section 3 of Act of 1961.

(2) This section shall not apply to—

(a) the body established by the National Haemophilia Council (Establishment) Order 2004 (S.I. No. 451 of 2004), or

(b) the body established by the National Paediatric Hospital Development Board (Establishment) Order 2007 (S.I. No. 246 of 2007).

9.—The First Schedule to the Comptroller and Auditor General (Amendment) Act 1993 is amended by the insertion of the following: Amendment of Comptroller and Auditor General (Amendment) Act 1993.

“Each body established by an order to which *section 5* of the *Health (Miscellaneous Provisions) Act 2007* applies”.

### PART 3

#### AMENDMENTS TO MEDICAL PRACTITIONERS ACT 2007

10.—Section 1 of the Act of 2007 is amended by the addition of the following subsection: Amendment of section 1 of Act of 2007.

“(4) An order under subsection (3) may, in respect of the repeal of the Acts specified in Part 1 of Schedule 1 and the revocation of the statutory instruments specified in Part 2 of that Schedule effected by section 3, appoint different days for the repeal of different Acts or different provisions of them and the revocation of different statutory instruments or different provisions of them.”.

11.—Section 2 of the Act of 2007 is amended by— Amendment of section 2 of Act of 2007.

(a) the substitution of the following definition for the definition of “registered”:

“ ‘registered’, in relation to a medical practitioner, means registered under section 44, 46, 47, 48, 49 or 50;”,

and

(b) the substitution of the following definition for the definition of “registered medical practitioner”:

“ ‘registered medical practitioner’—

(a) before the register establishment day, means a medical practitioner whose name is for the time being entered in the General Register of Medical Practitioners, and