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*Number 19 of 2004*

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**HEALTH (AMENDMENT) ACT 2004**

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ACTS REFERRED TO

Health Act 1947	1947, No. 28
Health Act 1970	1970, No. 1
Health Acts 1947 to 2001	
Health (Amendment) (No. 3) Act 1996	1996, No. 32
Health (Eastern Regional Health Authority) Act 1999	1999, No. 13
Local Government Act 2001	2001, No. 37



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Number 19 of 2004

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**HEALTH (AMENDMENT) ACT 2004**

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AN ACT TO PROVIDE THAT THE MEMBERS OF THE HEALTH BOARDS ESTABLISHED UNDER THE HEALTH ACT 1970, THE EASTERN REGIONAL HEALTH AUTHORITY, THE NORTHERN AREA HEALTH BOARD, THE EAST COAST AREA HEALTH BOARD AND THE SOUTH-WESTERN AREA HEALTH BOARD SHALL CEASE TO HOLD OFFICE UPON THE COMMENCEMENT OF THIS ACT; TO PROVIDE THAT THE FUNCTIONS OF THOSE BODIES SHALL BE PERFORMED BY THEIR CHIEF EXECUTIVE OFFICERS AND, IN CERTAIN CIRCUMSTANCES, BY THE MINISTER FOR HEALTH AND CHILDREN; TO REMOVE THE DISTINCTION BETWEEN RESERVED AND EXECUTIVE FUNCTIONS; FOR THOSE PURPOSES TO AMEND THE HEALTH ACT 1970, THE HEALTH (AMENDMENT) (NO. 3) ACT 1996, THE HEALTH (EASTERN REGIONAL HEALTH AUTHORITY) ACT 1999 AND OTHER ENACTMENTS; AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[8th June, 2004]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

PART 1

PRELIMINARY AND GENERAL

1.—(1) This Act may be cited as the Health (Amendment) Act 2004.

Short title,  
collective citation,  
construction and  
commencement.

(2) The Health Acts 1947 to 2001 and this Act may be cited as the Health Acts 1947 to 2004 and shall be construed together as one Act.

(3) This Act shall come into operation on such day or days as the Minister 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 and for the repeal of different enactments effected by *section 3* and the *Schedule*.

2.—(1) In this Act, except where the context otherwise requires— Definitions.

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

[No. 19.] *Health (Amendment) Act* 2004. [2004.]

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“Act of 1999” means the Health (Eastern Regional Health Authority) Act 1999;

“Area Health Board” has the meaning assigned to it by the Act of 1999;

“Eastern Regional Health Authority” means the Eastern Regional Health Authority established by section 7 of the Act of 1999;

“health board” has the same meaning as it has in the Principal Act;

“Minister” means the Minister for Health and Children;

“Principal Act” means the Health Act 1970; and

“Regional Chief Executive” has the meaning assigned to it by section 12 of the Act of 1999.

(2) In this Act—

(a) a reference to a Part, section or Schedule is a reference to a Part or section of, or Schedule to, this Act unless it is indicated that a reference to some other enactment is intended,

(b) a reference to a subsection is a reference to the subsection of the section in which the reference occurs, unless it is indicated that a reference to some other provision is intended, and

(c) a reference to any enactment shall be construed as a reference to that enactment, as amended, adapted or extended, whether before or after the commencement of this subsection, by or under any subsequent enactment.

Repeals.

**3.—(1)** The enactments mentioned in *column (2)* of the *Schedule* are repealed to the extent mentioned in *column (3)* of that *Schedule*.

(2) Notwithstanding *subsection (1)*, the following provisions of the Health Board Regulations 1970 (S.I. No. 170 of 1970) shall continue in force after the commencement of *subsection (1)* (insofar as that subsection relates to section 4 of the Principal Act), that is to say:

(a) paragraphs (1) and (2) of regulation 5;

(b) paragraphs (1) and (2) of regulation 6;

(c) paragraphs (1) and (2) of regulation 7;

(d) paragraphs (1) and (2) of regulation 8;

(e) paragraphs (1) and (2) of regulation 9;

(f) paragraphs (1) and (2) of regulation 10; and

(g) paragraphs (1) and (2) of regulation 11.

PART 2

HEALTH BOARDS

4.—Section 4 of the Principal Act is amended by the deletion, in subsection (1), of the words “and, subject to subsection (2), shall specify the membership of each health board”, and the said subsection (1) as so amended is set out in the Table to this section.

Amendment of section 4 of Principal Act.

TABLE

(1) For the administration of the health services in the State, the Minister shall after consultation with the Minister for Local Government by regulations establish such number of boards (to be known and in this Act referred to as health boards) as may appear to him to be appropriate, and by such regulations shall specify the title and define the functional area of each health board so established.

5.—Section 5 of the Principal Act is amended by the insertion of the following subsection:

Amendment of section 5 of Principal Act.

“(4) The seal of the board shall be authenticated by the signature of the chief executive officer of the board, or any person for the time being performing the functions of chief executive officer of the board, and the signature of another officer of the board authorised to act in that behalf.”.

6.—(1) Section 13 of the Principal Act is amended by—

Amendment of section 13 of Principal Act.

- (a) the deletion, in paragraph (a) of subsection (2), of “, after consultation with the chairman of the health board (or, in his absence, the vice-chairman),”,
- (b) the substitution, in paragraph (b) of that subsection, of “the Minister” for “the chairman of the health board (or, in his absence, the vice-chairman)”,
- (c) the substitution, in paragraph (d) of that subsection, of “the Minister” for “the chairman of the health board with the consent of the Minister”, and
- (d) the deletion, in subsection (9), of the words “after consultation with the chairman of the board or, in his absence, the vice-chairman of the board”,

and the said subsections (2) and (9) as so amended are set out in the Table to this subsection.

TABLE

- (2) (a) Where a chief executive officer will for any reason, other than suspension from performance of his duties, be temporarily unable to act as such, he may appoint one of the other officers of that board to act as deputy chief executive officer for the duration of such inability.
- (b) Where a chief executive officer has for any reason become temporarily unable to act as such and either he has not made an appointment under this subsection or an appointment made under this subsection, whether by such chief executive officer or otherwise, has become terminated under paragraph (d), or on account of the death or resignation of the appointee, the Minister may appoint one of the other officers of that board to act as deputy chief executive officer for the remainder of the duration of such inability.