



---

*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

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

(b) on and after the register establishment day, means a medical practitioner whose name is for the time being entered in the register;”.

Amendment of section 4 of Act of 2007.

**12.**—Section 4 of the Act of 2007 is amended—

(a) by the substitution of the following subsections for subsection 1:

“(1) Notwithstanding the repeal of section 6 of the Act of 1978 by section 3, the body known as Comhairle na nDochtúirí Leighis, or in the English language as the Medical Council, established by that section of that Act shall continue in being.

(1A) Subject to subsections (5) to (7), anything commenced but not completed by the Council, or the committee established under section 13(2)(b) of the Act of 1978, before the commencement of this subsection may be carried on and completed by the Council (with its membership as constituted under this Act) or that committee (with its membership as constituted under section 13 of the Act of 1978), as the case requires, after such commencement in accordance with the Acts specified in Part 1 of Schedule 1 and the statutory instruments specified in Part 2 of that Schedule notwithstanding the repeal and revocation of those Acts and those statutory instruments or any provisions of them by section 3.”.

(b) by the substitution of the following subsections for subsection (5):

“(5) A person who is a member of the committee referred to in subsection (1A) but who ceases to be a member of the Council under section 17(9)(b) shall, notwithstanding that cesser of membership of the Council, be deemed for the purposes of subsection (1A) to satisfy the requirements of section 13 of the Act of 1978 relating to the membership of that committee.

(5A) The committee referred to in subsection (1A) shall be deemed, for the purposes of that subsection, to satisfy the requirements of paragraphs (a) and (b) of section 13(6) of the Act of 1978 relating to its membership even if it ceases to satisfy those requirements by reason of the cesser of membership of one or more of its members.”.

and

(c) in subsection (6), by the substitution of “Where pursuant to subsection (1A)” for “Where pursuant to subsection (1)(b)”.

Amendment of section 17 of Act of 2007.

**13.**—Section 17 of the Act of 2007 is amended—

(a) in subsection (8), by the substitution of “Subject to subsection (8A), the 6 registered medical practitioners” for “The 6 registered medical practitioners”,

- (b) by the insertion of the following subsection after subsection (8):

“(8A) The references in subsection (8) to the Specialist Division shall, for the purposes of the first election and appointment of medical practitioners under subsection (1)(f), be construed as references to the Register of Medical Specialists.”,

- (c) in subsection (9), by the substitution of the following paragraph for paragraph (b):

“(b) a person appointed to be a member of the Council pursuant to section 9 of the Act of 1978 shall, subject to that Act, continue to be a member of the Council until the first appointment of persons to be members of the Council pursuant to subsection (1) whereupon the person shall cease to be a member of the Council unless he or she is one of those persons so first appointed.”,

and

- (d) by the addition of the following subsection after subsection (9):

“(10) Notwithstanding the appointment of persons to be members of the Council pursuant to this section, the Council may, without prejudice to section 4, perform any function assigned to it by any provision of the Act of 1978 until such provision is repealed.”.

- 14.**—Section 36(1) of the Act of 2007 is amended by the substitution of the following paragraph for paragraph (b):

Amendment of section 36(1) of Act of 2007.

“(b) the annual retention of the registration under section 44, 46, 47, 48 or 49, of a medical practitioner.”.

- 15.**—Section 43(2) of the Act of 2007 is amended—

Amendment of section 43(2) of Act of 2007.

- (a) in paragraph (a), by the substitution of “registered in that division pursuant to section 44 or 46” for “registered in that division pursuant to section 46”,
- (b) in paragraph (b), by the substitution of “registered in that division pursuant to section 44 or 47” for “registered in that division pursuant to section 47”,
- (c) in paragraph (c), by the substitution of “registered in that division pursuant to section 44, 48 or 49” for “registered in that division pursuant to section 48 or 49”, and
- (d) in paragraph (d), by the substitution of “registered in that division pursuant to section 44 or 50” for “registered in that division pursuant to section 50”.

- 16.**—Section 44 of the Act of 2007 is amended—

Amendment of section 44 of Act of 2007.

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

(a) by the substitution of the following subsection for subsection (1):

“(1) A medical practitioner whose name is, immediately before the register establishment day, entered in the General Register of Medical Practitioners shall, on that day, be deemed to be registered in the register.”,

and

(b) in subsection (2), by the substitution of “the repeal of each of those sections by section 3” for “the commencement of section 3”.

Amendment of section 52(3) of Act of 2007.

**17.**—Section 52(3) of the Act of 2007 is amended by the substitution of the following paragraph for paragraph (a);

“(a) the practitioner is the subject of—

- (i) an application for an inquiry under section 45 of the Act of 1978 which has not been considered or, if appropriate, an inquiry has not been completed under Part V of that Act, or
- (ii) a complaint which has not been disposed of or otherwise dealt with under Part 7 and, if appropriate, Parts 8 and 9, or”.

Amendment of section 59 of Act of 2007.

**18.**—Section 59 of the Act of 2007 is amended by the insertion of the following subsection after subsection (1):

“(1A) The Preliminary Proceedings Committee may, for the purposes of considering whether there is sufficient cause to warrant further action being taken in relation to a complaint, take account of such matters relating to the registered medical practitioner the subject of the complaint that arise from its investigation of the complaint as it considers appropriate and references to a complaint in this section (other than subsection (10)), in the definitions of ‘allegation’ and ‘inquiry’ in section 2 and in sections 7(2)(j), 11(2)(g), 20(2), 52(3)(a), 60 to 65, 67 to 71 and 79(2) shall be construed as including references to any such matter.”.

Amendment of Schedule 2 to Act of 2007.

**19.**—Schedule 2 to the Act of 2007 is amended by the substitution of the following paragraph for paragraph 2:

“2. No person shall hold office as a member of the Council for more than 2 consecutive terms irrespective of the period of each of those terms (for which purpose membership of the Council which occurred before the commencement of this paragraph shall be taken into account).”.

Consequential amendments of Act of 2007.

**20.**—Each section of the Act of 2007 mentioned in *column (1)* of *Schedule 2* is amended to the extent specified in *column (2)* of that *Schedule* opposite the said mention.



PART 4

AMENDMENT TO HEALTH ACT 2004

**21.**—Section 38 of the Act of 2004 is amended by—

Amendment of  
section 38 of Act of  
2004.

- (a) the substitution of the following subsection for subsection (4):

“(4) The expenses incurred in the carrying out of an audit of accounts submitted for examination in accordance with subsection (3) shall be payable by the service provider who so submitted them for examination.”,

- (b) the renumbering of subsection (4) (inserted by section 105 and Part 4 of Schedule 2 of the Health Act 2007) as subsection (4A),
- (c) the renumbering of subsection (5) (inserted by the said section 105 and the said Part 4) as subsection (4B), and
- (d) the substitution in the said subsection (4B) of “subsection (4A)” for “subsection (4)”.

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

Section 7.

SCHEDULE 1

AMENDMENT OF ORDERS UNDER HEALTH (CORPORATE BODIES) ACT  
1961

Order (1)	Extent of amendment (2)
<p>Dublin Dental Hospital (Establishment) Order 1963 (S.I. No. 129 of 1963)</p>	<p>(1) In Article 4(g), “Health Service Executive” shall be substituted for “Minister”.</p> <p>(2) Article 15 shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p>“(1) Subject to paragraph (1A), a person shall not receive any remuneration for acting as a member of the Board.”,</p> <p>(b) the insertion of the following paragraph:</p> <p>“(1A) The chairman of the Board shall be paid by the Board such remuneration (if any) as the Minister may, with the consent of the Minister for Finance, determine.”,</p> <p>and</p> <p>(c) the insertion, in paragraph (2), of “with the consent of the Minister for Finance” after “Minister”.</p> <p>(3) In Article 19, the following paragraph shall be substituted for paragraph (2):</p> <p>“(2) The Board shall submit to the Health Service Executive or the Minister for Education and Science, as may be appropriate, such information regarding the performance of its functions as the Health Service Executive or that Minister may, from time to time, require.”.</p> <p>(4) Article 20 (inserted by Article 4 of the Dublin Dental Hospital (Establishment) Order 1963 (Amendment) Order 1964 (S.I. No. 260 of 1964)), shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p>“(1) The Board may, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance, and in accordance with such directions (if any) as may be given by the Health Service Executive with the consent of each of those Ministers of the Government, appoint such and so many persons to be officers or servants of the Board as the Board may, from time to time, determine.”,</p> <p>(b) the insertion, in paragraph (5), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” after “shall”, and</p> <p>(c) the deletion of paragraph (7).</p> <p>(5) In Article 21 (amended by Article 2 of the Dublin Dental Hospital (Establishment) Order 1963 (Amendment) Order 1985 (S.I. No. 245 of 1985)) “Health Service Executive” shall be substituted for “Minister”.</p>

Order (1)	Extent of amendment (2)
<p>St. James's Hospital Board (Establishment) Order 1971 (S.I. No. 187 of 1971)</p>	<p>(1) In Article 4, "Health Service Executive" shall be substituted for "Minister" in each place that it occurs.</p> <p>(2) The following article shall be inserted after Article 4:</p> <p style="padding-left: 40px;">"4A. (1) The Board may, with the consent of the Health Service Executive, enter into an agreement with one or more persons for the provision by any person (in this section referred to as the 'private undertaking') specified in the agreement, on land vested in the Board, of hospital services that are not paid for primarily out of public moneys.</p> <p style="padding-left: 40px;">(2) An agreement to which paragraph (1) applies may include provision for—</p> <ul style="list-style-type: none"> <li>(a) the construction of buildings and facilities on land vested in the Board for the purpose of the provision of services referred to in that paragraph,</li> <li>(b) the disposal of land or an interest in land by the Board or the Health Service Executive for the purposes of— <ul style="list-style-type: none"> <li>(i) the said construction, and</li> <li>(ii) the provision of those services by the private undertaking,</li> </ul> </li> <li>and</li> <li>(c) the management and running of the hospital to which the agreement applies by the private undertaking in accordance with such standards, and such requirements as respects the monitoring and enforcement of compliance with the agreement, as may be specified in the agreement.</li> </ul> <p>(3) Consequent upon the making of an agreement to which paragraph (1) applies, the Board may, with the consent of the Health Service Executive, enter into such other agreements with a private undertaking as it considers appropriate providing for—</p> <ul style="list-style-type: none"> <li>(a) the supply to the Board by the private undertaking of such services provided by the private undertaking at the hospital to which the agreement concerned applies as— <ul style="list-style-type: none"> <li>(i) are specified in the agreement, or</li> <li>(ii) would assist the Board in the performance of its functions under Article 4,</li> </ul> </li> <li>(b) the supply to the private undertaking by the Board of such services as are specified in the agreement for the purpose of the provision by the private undertaking of hospital services at that hospital, and</li> <li>(c) the cooperation and participation by the Board with the private undertaking in— <ul style="list-style-type: none"> <li>(i) the education and training of members of staff of the Board and members of staff of the private undertaking, and</li> <li>(ii) the conduct of medical research.</li> </ul> </li> </ul>

Order (1)	Extent of amendment (2)
	<p>(4) An agreement to which paragraph (1) applies may include provision for the giving of such security as may be specified in the agreement by or on behalf of the private undertaking to the Board or the Health Service Executive in respect of any liability of the private undertaking or the failure by, or inability of, the private undertaking to perform any of its obligations under the agreement, and the agreement may in addition make provision in relation to the priority to be accorded to any such security.</p> <p>(5) An agreement to which paragraph (3) applies may include provision for the indemnification of the private undertaking by the Board in respect of any liability of the private undertaking to pay any sum to any person by reason of any act done or omitted to be done by the Board in the supply of a service to the private undertaking in accordance with that agreement.</p> <p>(6) The Board shall have all such powers as are necessary or expedient for—</p> <p>(a) the performance of its functions under this Article, and</p> <p>(b) the carrying out of its obligations and enforcement of its rights under an agreement to which paragraph (1) or (3) applies.</p> <p>(7) In this Article—</p> <p>(a) a reference to land vested in the Board shall be construed as including a reference to any interest in land vested in the Board, and</p> <p>(b) a reference to hospital services shall be construed as including a reference to services that are ancillary to the provision of hospital services.</p> <p>(8) In this Article—</p> <p>‘security’ includes mortgage, charge and lien;</p> <p>‘public moneys’ means moneys charged on or issued out of the Central Fund or provided by the Oireachtas;</p> <p>‘supply’ includes supply for valuable consideration.”.</p> <p>(3) In Article 17(2), the words “with the consent of the Minister for Finance” shall be inserted after the word “Minister”.</p> <p>(4) Article 21 shall be amended by—</p> <p>(a) the deletion of paragraph (6), and</p> <p>(b) the substitution of the following paragraph for paragraph (7) (inserted by Article 10 of the St. James’s Hospital Board (Establishment) Order 1971 (Amendment) Order 1984 (S.I. No. 211 of 1984)):</p> <p>“(7) The Board shall submit estimates of income and expenditure to the Health Service Executive in such form and in respect of such periods and at such times as may be required</p>

Order (1)	Extent of amendment (2)
	<p>by the Health Service Executive and shall furnish such further information to the Health Service Executive as it may require in relation to those estimates.”.</p> <p>(5) In Article 22(2), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(6) Article 23 (amended by Article 11 of the St. James’s Hospital Board (Establishment) Order 1971 (Amendment) Order 1984 (S.I. No. 211 of 1984)), shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p>“1) The Board may, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance, and in accordance with such directions (if any) as may be given by the Health Service Executive with the consent of each of those Ministers of the Government, appoint such and so many persons to be officers or servants of the Board as the Board may, from time to time, determine.”,</p> <p>and</p> <p>(b) the deletion of paragraph (5).</p> <p>(7) In Article 25, “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(8) In Article 27 (inserted by Article 12 of the St. James’s Hospital Board (Establishment) Order 1971 (Amendment) Order 1984 (S.I. No. 211 of 1984)), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p>
<p>Beaumont Hospital Board (Establishment) Order 1977 (S.I. No. 255 of 1977)</p>	<p>(1) Article 4 (amended by Article 2 of the Beaumont Hospital Board (Establishment) Order 1977 (Amendment) Order 1988 (S.I. No. 13 of 1988)), shall be amended by—</p> <p>(a) the substitution of “Health Service Executive” for “Minister” in each place that it occurs, and</p> <p>(b) the insertion of “and for the conduct of medical research” after “students”.</p> <p>(2) The following article shall be inserted after Article 4:</p> <p>“4A. (1) The Board may, with the consent of the Health Service Executive, enter into an agreement with one or more persons for the provision by any person (in this section referred to as the ‘private undertaking’) specified in the agreement, on land vested in the Board, of hospital services that are not paid for primarily out of public moneys.</p> <p>(2) An agreement to which paragraph (1) applies may include provision for—</p> <p>(a) the construction of buildings and facilities on land vested in the Board for the purpose of the provision of services referred to in that paragraph,</p> <p>(b) the disposal of land or an interest in land by the Board or the Health Service Executive for the purposes of—</p> <p>(i) the said construction, and</p>

Order (1)	Extent of amendment (2)
	<p>(ii) the provision of those services by the private undertaking,</p> <p>and</p> <p>(c) the management and running of the hospital to which the agreement applies by the private undertaking in accordance with such standards, and such requirements as respects the monitoring and enforcement of compliance with the agreement, as may be specified in the agreement.</p> <p>(3) Consequent upon the making of an agreement to which paragraph (1) applies, the Board may, with the consent of the Health Service Executive, enter into such other agreements with a private undertaking as it considers appropriate providing for—</p> <p>(a) the supply to the Board by the private undertaking of such services provided by the private undertaking at the hospital to which the agreement concerned applies as—</p> <p>(i) are specified in the agreement, or</p> <p>(ii) would assist the Board in the performance of its functions under Article 4,</p> <p>(b) the supply to the private undertaking by the Board of such services as are specified in the agreement for the purpose of the provision by the private undertaking of hospital services at that hospital, and</p> <p>(c) the cooperation and participation by the Board with the private undertaking in—</p> <p>(i) the education and training of members of staff of the Board and members of staff of the private undertaking, and</p> <p>(ii) the conduct of medical research.</p> <p>(4) An agreement to which paragraph (1) applies may include provision for the giving of such security as may be specified in the agreement by or on behalf of the private undertaking to the Board or the Health Service Executive in respect of any liability of the private undertaking or the failure by, or inability of, the private undertaking to perform any of its obligations under the agreement, and the agreement may in addition make provision in relation to the priority to be accorded to any such security.</p> <p>(5) An agreement to which paragraph (3) applies may include provision for the indemnification of the private undertaking by the Board in respect of any liability of the private undertaking to pay any sum to any person by reason of any act done or omitted to be done by the Board in the supply of a service to the private undertaking in accordance with that agreement.</p> <p>(6) The Board shall have all such powers as are necessary or expedient for—</p> <p>(a) the performance of its functions under this Article, and</p>

Order (1)	Extent of amendment (2)
	<p>(b) the carrying out of its obligations and enforcement of its rights under an agreement to which paragraph (1) or (3) applies.</p> <p>(7) In this Article—</p> <p>(a) a reference to land vested in the Board shall be construed as including a reference to any interest in land vested in the Board, and</p> <p>(b) a reference to hospital services shall be construed as including a reference to services that are ancillary to the provision of hospital services.</p> <p>(8) In this Article—</p> <p>‘security’ includes mortgage, charge and lien;</p> <p>‘public moneys’ means moneys charged on or issued out of the Central Fund or provided by the Oireachtas;</p> <p>‘supply’ includes supply for valuable consideration.”.</p> <p>(3) In Article 17(2), “with the consent of the Minister for Finance” shall be inserted after “Minister”.</p> <p>(4) In Article 21, paragraph (6) shall be deleted.</p> <p>(5) In Article 22(2), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(6) Article 23 shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p>“(1) The Board may, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance, and in accordance with such directions (if any) as may be given by the Health Service Executive with the consent of each of those Ministers of the Government, appoint such and so many persons to be officers or servants of the Board as the Board may, from time to time, determine.”.</p> <p>(b) the substitution of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the consent of the Minister” in paragraph (3), and</p> <p>(c) the deletion of paragraph (5).</p> <p>(7) In Article 25, “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p>
<p>Leopardstown Park Hospital Board (Establishment) Order 1979 (S.I. No. 98 of 1979)</p>	<p>(1) In Article 4, “Health Service Executive” shall be substituted for “Minister”.</p> <p>(2) In Article 18(2), “with the consent of the Minister for Finance” shall be inserted after “Minister”.</p> <p>(3) Article 22 shall be amended by—</p> <p>(a) the substitution, in paragraph (4), of “Health Service Executive” for “Minister”, and</p>

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

Order (1)	Extent of amendment (2)
	<p>(b) the deletion of paragraph (8).</p> <p>(4) In Article 23(3), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(5) Article 24 shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p style="padding-left: 40px;">“(1) The Board may, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance, and in accordance with such directions (if any) as may be given by the Health Service Executive with the consent of each of those Ministers of the Government, appoint such and so many persons to be officers or servants of the Board as the Board may, from time to time, determine.”,</p> <p style="text-align: center;">and</p> <p>(b) the substitution of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the consent of the Minister” in paragraph (3).</p>
<p>Drug Treatment Centre Board (Establishment) Order 1988 (S.I. No. 76 of 1988)</p>	<p>(1) In Article 4 (inserted by Article 2 of the Drug Treatment Centre Board (Establishment) Order 1988 (Amendment) Order 1992 (S.I. No. 296 of 1992)), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs, other than in subparagraph (m) of paragraph (1).</p> <p>(2) In Article 16, “with the consent of the Minister for Finance” shall be inserted after “Minister”.</p> <p>(3) In Article 20, “Health Service Executive” shall be substituted for “Minister”.</p> <p>(4) In Article 21, paragraph (6) shall be deleted.</p> <p>(5) In Article 22(2), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(6) Article 23 shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p style="padding-left: 40px;">“(1) The Board may, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance, and in accordance with such directions (if any) as may be given by the Health Service Executive with the consent of each of those Ministers of the Government, employ such and so many persons to be employees of the Board as the Board may, from time to time, determine.”,</p> <p>(b) the substitution of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the consent of the Minister” in paragraph (3), and</p> <p>(c) the deletion of paragraph (5).</p>



Order (1)	Extent of amendment (2)
	<p>(7) Article 25 shall be amended by—</p> <p>(a) the substitution, in paragraph (1), of “with the approval of the Health Service Executive” for “with the consent of the Minister and the approval of the Minister for Finance”, and</p> <p>(b) the substitution, in paragraph (2), of “Health Service Executive” for “Minister”.</p>
<p>Saint Luke’s Hospital Board (Establishment) Order 1999 (S.I. No. 253 of 1999)</p>	<p>(1) Article 5 shall be amended by—</p> <p>(a) the substitution of “Health Service Executive” for “Minister” in each place that it occurs, and</p> <p>(b) the deletion, in subparagraph (h), of “to the Minister,”.</p> <p>(2) In Article 20, “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(3) In Article 21(2), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(4) Article 22 shall be amended by—</p> <p>(a) the substitution, in paragraph (2), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the approval of the Minister”, and</p> <p>(b) the substitution, in paragraph (3), of “Board, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “Minister”.</p> <p>(5) Article 23 shall be amended by—</p> <p>(a) the substitution, in paragraph (1)—</p> <p>(i) of “subject to the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “subject to the approval of the Minister”, and</p> <p>(ii) of “given by the Health Service Executive with the consent of the Minister and the Minister for Finance” for “given by the Minister”, and</p> <p>(b) the deletion of paragraph (4).</p> <p>(6) In Article 26, “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(7) In Article 27, “Health Service Executive” shall be substituted for “Minister”.</p>
<p>National Haemophilia Council (Establishment) Order 2004 (S.I. No. 451 of 2004)</p>	<p>(1) In Article 5(2), “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p> <p>(2) Article 17 shall be amended by—</p> <p>(a) the substitution, in paragraph (1), of “Health Service Executive” for “Minister”, and</p> <p>(b) the substitution, in paragraph (2), of “Health Service Executive” for “Minister” in each place that it occurs.</p>

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

Order (1)	Extent of amendment (2)
	<p>(3) Article 18 shall be amended by—</p> <p>(a) the substitution, in paragraph (2), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the approval of the Minister”, and</p> <p>(b) the substitution, in paragraph (3), of “the Council, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “the Minister, with the consent of the Minister for Finance”.</p> <p>(4) Article 19 shall be amended by—</p> <p>(a) the substitution, in paragraph (1), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the approval of the Minister, with the consent of the Minister for Finance”, and</p> <p>(b) the substitution, in paragraph (2), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “subject to the approval of the Minister, with the consent of the Minister for Finance” in each place that it occurs.</p> <p>(5) In Article 24 “Health Service Executive” shall be substituted for “Minister” in each place that it occurs.</p>
<p>National Paediatric Hospital Development Board (Establishment) Order 2007 (S.I. No. 246 of 2007)</p>	<p>(1) The following article shall be inserted after Article 14:</p> <p>“14A. The Health Service Executive may advance to the Board out of moneys provided by the Oireachtas such sums as the Health Service Executive may determine.”.</p> <p>(2) Article 16 shall be amended by—</p> <p>(a) the substitution, in paragraph (2), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the approval of the Minister”, and</p> <p>(b) the substitution, in paragraph (4), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “with the consent of the Minister and the Minister for Finance”.</p> <p>(3) Article 17 shall be amended by—</p> <p>(a) the substitution of the following paragraph for paragraph (1):</p> <p>“(1) The Board may, with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance, and in accordance with such directions (if any) as may be given by the Health Service Executive with the consent of each of those Ministers of the Government, appoint such and so many persons to be members of the staff of the Board as the Board may, from time to time, determine.”.</p>

Order (1)	Extent of amendment (2)
	<p>(b) the substitution, in paragraph (2), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “subject to the approval of the Minister and with the consent of the Minister for Finance”, and</p> <p>(c) the substitution, in paragraph (3), of “with the approval of the Health Service Executive given with the consent of the Minister and the Minister for Finance” for “subject to the approval of the Minister and with the consent of the Minister for Finance”.</p> <p>(4) In Article 21, “Health Service Executive” shall be substituted for “Minister”.</p>

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

Section 20.

SCHEDULE 2

CONSEQUENTIAL AMENDMENTS TO MEDICAL PRACTITIONERS ACT 2007

Section (1)	Extent of amendment (2)
19	<p>(1) In subsection (1), “following the first appointment of such members pursuant to section 17” shall be substituted for “after the commencement of section 17”.</p> <p>(2) In subsection (2), “following the first appointment of members of the Council pursuant to section 17” shall be substituted for “after the commencement of section 17”.</p>
24	<p>In subsection (4)—</p> <p>(a) “section 16 of” shall be inserted before “the Act of 1978”,</p> <p>(b) “immediately before that repeal” shall be substituted for “immediately before the commencement of that section”,</p> <p>(c) in paragraph (a), “on that repeal” shall be substituted for “on that commencement” and “immediately before that repeal” shall be substituted for “immediately before that commencement”, and</p> <p>(d) in paragraph (b), “immediately before that repeal” shall be substituted for “immediately before that commencement”.</p>
25	<p>In subsection (4)—</p> <p>(a) “section 17 of” shall be inserted before “the Act of 1978”,</p> <p>(b) “immediately before that repeal” shall be substituted for “immediately before the commencement of section 3”,</p> <p>(c) in paragraph (a), “on that repeal” shall be substituted for “on that commencement” and “immediately before that repeal” shall be substituted for “immediately before that commencement”, and</p> <p>(d) in paragraph (b), “immediately before that repeal” shall be substituted for “immediately before that commencement”.</p>
49	<p>In subsection (4), “the repeal of section 28 of the Act of 1978 by section 3, that section shall” shall be substituted for “the repeal of the Act of 1978 by section 3, section 28 of the Act of 1978 shall”.</p>
57	<p>In subsection (8), “the repeal of section 45 of the Act of 1978 if the matter was the subject of an application under that section” shall be substituted for “the commencement of section 3 if the matter was the subject of an application under section 45 of the Act of 1978”.</p>
88	<p>In subsection (6)—</p> <p>(a) “Without prejudice to subsection (2)(a), on the commencement of this subsection” shall be substituted for “Notwithstanding the repeal of the Act of 1978 by section 3”,</p> <p>(b) in paragraph (a), “on that commencement” shall be substituted for “on the commencement of section 3”, and</p> <p>(c) in paragraph (b), “the commencement of this subsection” shall be substituted for “the commencement of section 3”.</p>
89	<p>In subsection (7)—</p> <p>(a) “section 38 of” shall be inserted before “the Act of 1978”,</p> <p>(b) in paragraph (a)—</p> <p>(i) “immediately before that repeal” shall be substituted for “immediately before the commencement of section 3”,</p>

Section (1)	Extent of amendment (2)
	<p>(ii) in subparagraph (i), “on that repeal” shall be substituted for “on that commencement”, and</p> <p>(iii) in subparagraph (ii), “immediately before that repeal” shall be substituted for “immediately before that commencement”,</p> <p>and</p> <p>(c) in paragraph (b)—</p> <p>(i) “immediately before the repeal of section 38 of that Act, recognised under subsection (3) of that section” shall be substituted for “immediately before the commencement of section 3, recognised under section 38(3) of that Act”,</p> <p>(ii) in subparagraph (i), “on that repeal” shall be substituted for “on that commencement”, and</p> <p>(iii) in subparagraph (ii), “immediately before that repeal” shall be substituted for “immediately before that commencement”.</p>
108	<p>In subsection (2)—</p> <p>(a) “, on and after the register establishment day,” shall be inserted after “any statutory instrument shall”, and</p> <p>(b) “any division of” shall be deleted.</p>
109	<p>In subsection (1)—</p> <p>(a) “on and after the repeal of section 59 of the Act of 1978” shall be substituted for “on and after the commencement of section 3”, and</p> <p>(b) “on or after that repeal” shall be substituted for “on or after that commencement”.</p>