



STATUTORY INSTRUMENTS.

S.I. No. 517 of 2014



SAINT PATRICK'S HOSPITAL DUBLIN (CHARTER AMENDMENT)
ORDER 2014

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I, LEO VARADKAR, Minister for Health, on the application of the Governors of Saint Patrick's Hospital Dublin and in exercise of the powers conferred on me by section 76 of the Health Act 1970 (No. 1 of 1970) (as adapted by the Health and Children (Alteration of Name of Department and Title of Minister) Order 2011 (S.I. No. 219 of 2011)) after consultation with the Commissioners of Charitable Donations and Bequests for Ireland, hereby order as follows:

1. This Order may be cited as the Saint Patrick's Hospital Dublin (Charter Amendment) Order 2014.

2. In this Order—

“Charter” means the Charter or Letters Patent bearing the date the 8th day of August 1746 by which the Governors of Saint Patrick's Hospital Dublin were incorporated, as adapted by the Saint Patrick's Hospital, Dublin (Adaptation of Charters) Order 1926;

“First Supplemental Charter” means the Supplemental Charter or Letters Patent bearing the date the 9th day of November 1888 by which the Charter was varied and amended, as adapted by the Saint Patrick's Hospital, Dublin (Adaptation of Charters) Order 1926 (S.I. No. 29 of 1926);

“Second Supplemental Charter” means the Supplemental Charter or Letters Patent bearing the date the 5th day of December 1895;

“Third Supplemental Charter” means the Supplemental Charter or Letters Patent bearing the date 12th day of July 1897 by which the Charter and First Supplemental Charter were varied and amended;

“the Supplemental Charters” means the First Supplemental Charter, the Second Supplemental Charter and the Third Supplemental Charter.

3. The Charter is amended—

(a) by the substitution of the matter set out in column (2) of Part 1 of Schedule 1 to this Order for the matter set out in Column (1) of Part 1 of that Schedule, and

(b) by the deletion of the matter specified in Part 2 of Schedule 1.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 21st November, 2014.*

4. The First Supplemental Charter is amended by the substitution of the matter set out in column (3) of Schedule 2 to this Order for the matter set out in Column (2) of that Schedule at the reference number concerned.

5. The Third Supplemental Charter is amended by the deletion of the matter in Schedule 3.

6. (1) Notwithstanding any provision to the contrary in the Charter or in any of the Supplemental Charters, the Corporation shall be comprised of the following Governors—

(a) Five *ex-officio* members (referred to as “*ex-officio* Governors”) being—

(i) the Archbishop of Armagh for the time being of the Church of Ireland,

(ii) the Archbishop of Dublin for the time being of the Church of Ireland,

(iii) the Chief Justice for the time being,

(iv) the Dean for the time being of the Cathedral Church of the Holy Trinity commonly known as Christ Church Cathedral, Dublin, and

(v) the Dean for the time being of Saint Patrick’s Cathedral, Dublin, and

(b) such other members as may be elected members in accordance with the Bye-laws and whose number shall not exceed 12.

(2) A person holding office as an elected member on the date on which this Order comes into operation shall continue to hold such office as if appointed under paragraph (1).

7. (1) Notwithstanding anything to the contrary in the Charter or in any of the Supplemental Charters, an *ex-officio* Governor may at any time retire from his or her position as a member by giving notice in writing to the Governors in accordance with the Byelaws provided that any such retirement shall not be binding on any successor to that person.

(2) Where an *ex-officio* Governor has retired from his or her position as a member, that person may provided he or she continues to hold the office by reason of which he or she was formerly an *ex-officio* Governor, give notice in writing to the Governors of his or her willingness to act as a Governor and shall with effect from the commencement of the next meeting of the Governors stand appointed as a Governor.

(3) The Governors may act notwithstanding a vacancy among the members.

8. A reference in the Charter or in any of the Supplemental Charters to a “quarterly Meeting”, “Quarterly General meeting”, “General Quarterly meeting”, “general meeting”, “general Meeting”, “Special Meeting” or “Ordinary Meeting” or any variation thereof, including where such reference designates a particular such meeting, shall mean any meeting referred to in the text set out in column (2) of Part 1 of Schedule 1.

9. (1) Notwithstanding anything to the contrary in the Charter or in any of the Supplemental Charters the name of the hospital shall be Saint Patrick's Hospital Dublin.

(2) Subject to paragraph (3) and notwithstanding paragraph (1), where the Governors so decide, the hospital may be known as Saint Patrick's University Hospital Dublin.

(3) The Governors shall not exercise the power under paragraph (2) unless the hospital has received the approval of any person which is required under any enactment to the use of the word “university” in its name.

SCHEDULE 1

Amendments to Charter

Part 1

Column (1) Matter which is deleted and replaced by matter in Column (2)	Column (2) Matter substituted for matter in Column (1)
<p>“And for the better conducting the said Charity, we ordain and appoint, that the said Corporation shall have four quarterly General Meetings of the Members thereof; that is to say, upon the first Mondays in May, August, November and February in every Year in all future Times at such Places or places in the City or Suburbs of Dublin, as they or the greater Part of them shall think proper; and may have such other general Meetings at such Times and Places as the greater part of the members of the said Corporation shall from Time to Time think fit to appoint: And whatever shall be done at any general Meeting of the said Corporation by the greater Part of the Members then and there convened (such greater Part not being less than Three in Number) shall be, and shall be deemed and taken to be, the Act of the whole Corporation, and shall be as valid to all Intents and Purposes as if all the Members thereof were present and consenting thereto, (the making of Leases, and Election of Members, only excepted).”.</p>	<p>“And for the better conduct of Saint Patrick’s Hospital Dublin, the Corporation shall hold in each year at least ten meetings of its Members so that at least 1 meeting is held in ten different months and provided that there are not more than seventy five days between any two meetings including from one year to the next. Such meetings shall take place at such times and places in the city or suburbs of Dublin as the Members or the majority of them shall appoint and any decisions made or actions taken at any such meeting of the Corporation by the majority of the Members present and voting (and provided that not less than three members have voted in favour of the decision or action) shall be deemed to be an act of the whole Corporation and shall be as valid as if all the members of the Corporation were present at the meeting and consented to the action and the Corporation shall not enter into any agreement or execute any deed relating to the sale, demise or purchase of any interest in land unless approval in respect of such sale, demise or purchase has been given by the members in accordance with this paragraph.”.</p>

Part 2

“AND we do hereby further ordain and direct, that the said Corporation do, at their first general Meeting, nominate and appoint Seven of their Members to be a Committee, to meet upon the first Tuesday in every Month or oftener, as Need shall require. And the said Committee, or any Three or more of them, are hereby empowered to carry into Execution, all such Rules, Ordinances, Instructions, and Directions, as shall from Time to Time be made and confirmed in Manner abovementioned; such Committee to continue till the first Monday in November next following the said first meeting of the said Corporation; at which Time, and on every first Monday in November yearly, the said Corporation shall nominate seven of their members to be a Committee for one Year then next ensuing, for the Purposes aforesaid.”.

SCHEDULE 2

Amendments to First Supplemental Charter

Column (1) Reference Number	Column (2) Matter which is deleted and replaced by matter in Column (3)	Column (3) Matter substituted for matter in Column (2)
1.	“Provided always, and it is Our Will and Pleasure, that all such Bye-Laws be approved by the Chief Justice of the Irish Free State, the President of the High Court of Justice of the Irish Free State, and the senior ordinary Judge of the Supreme Court of Justice of Saorstát Éireann, or their successors in office, or any two of them, and so as such Bye-laws be agreeable to the laws and Statutes of Saorstát Éireann and the said Charter.”,	“Such Bye-Laws shall be approved by the Governors and shall be consistent with the laws of Ireland, the Charter and any and all Supplemental Charters granted to Saint Patrick's Hospital Dublin and the St. Patrick's Hospital Dublin (Charter Amendment) Order 2014.”.
2.	“AND that it shall be lawful for the said Corporation, or any Committee appointed, as aforesaid, for the management of the affairs of the said Corporation, from time to time as they shall think fit for the benefit of the said Charity,”	“ AND that it shall be lawful for the said Corporation from time to time as they shall think fit for the benefit of the said Charity,”
3.	“and the said Corporation or Committee shall hold the proceeds of any sale under the power hereby given”.	“and the said Corporation shall hold the proceeds of any sale under the power hereby given”.

SCHEDULE 3

Amendment of Third Supplemental Charter

“The Governors of Saint Patrick’s Hospital Dublin may from time to time at their discretion and notwithstanding any restriction in that behalf contained in the original Charter of Incorporation increase the number of the Members of the said Corporation by the election of a new member or new members PROVIDED ALWAYS that under no circumstances shall the number of elected members of the said corporation exceed ten nor the total number of the members exceed fifteen:”.



GIVEN under my Official Seal,
17 November 2014.

LEO VARADKAR,
Minister for Health.

A draft of this Order was, prior to its making, pursuant to section 76 (2) of the Health Act 1970, laid before each House of the Oireachtas and was approved by Resolution of Dáil Éireann on 21st October 2014 and by Resolution of Seanad Éireann on 16th October 2014.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

This Order updates certain governance and administrative issues, as detailed in the Order, concerning the Board of Saint Patrick's Hospital, Dublin such as the position regarding Governors, Board Meetings, Hospital Committee, Bye-Laws, and the name of the Hospital. The amendments relate to the original Hospital Charter of 1746, or to subsequent Supplemental Charters, as referred to in this Order.

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