



STATUTORY INSTRUMENTS

S.I. No. 27 of 2009



HEALTH ACT 2007 (SECTION 103) (COMMENCEMENT) ORDER 2009

(Prn. A9/0145)

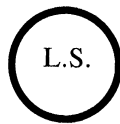
S.I. No. 27 of 2009

HEALTH ACT 2007 (SECTION 103) (COMMENCEMENT) ORDER 2009

I, MARY HARNEY, Minister for Health and Children, in exercise of the powers conferred on me by section 3 of the Health Act 2007 (No. 23 of 2007), hereby, order as follows:

1. This Order may be cited as the Health Act 2007 (Section 103) (Commencement) Order 2009.
2. In this order “Act of 2007” means the Health Act 2007 (No. 23 of 2007).
3. The 1st day of March 2009 is appointed as the day on which—
 - (a) section 103(1) of the Act of 2007 (except in so far as it relates to sections 55C and 55G(b) (inserted by section 103(1) of the Act of 2007) of the Health Act 2004 (No. 42 of 2004)),
 - (b) section 103(2)(a) of the Act of 2007, and
 - (c) section 103(2)(b) of the Act of 2007 (except in so far as it relates to “Chief Inspector” in Schedule 2A (inserted by section 103(2)(b) of the Act of 2007) of the Health Act 2004),

come into operation.



GIVEN under my Official Seal,
30 January 2009

MARY HARNEY.
Minister for Health and Children.

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 6th February, 2009.*

EXPLANATORY NOTE

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

Section 103 of the Health Act 2007 inserts Part 9A in the Health Act 2004. This Order appoints 1 March 2009 as the date on which section 103 of the Health Act 2007 comes into operation (except in so far as it relates to sections 55C and 55G(b) of the Health Act 2004 (inserted by section 103(1)) and except in so far as it relates to “Chief Inspector” in Schedule 2A of the Health Act 2004 (inserted by section 103(2)(b).)

Section 103 provides for the making of protected disclosures by health service employees. A disclosure made by a health service employee in good faith and on reasonable grounds and in accordance with the provisions of section 103 is a protected disclosure. Similarly, disclosures made by persons to a professional regulatory body and in certain circumstances to the Health Information and Quality Authority or the Inspector of Mental Health Services are also protected under the Act. A person is not liable in damages as a consequence of a protected disclosure and an employer shall not penalise an employee for making a protected disclosure.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
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