



Number 15 of 2010

HEALTH (AMENDMENT) ACT 2010

ARRANGEMENT OF SECTIONS

Section

1. Amendment of Health Act 2004.
 2. Short title and collective citation.
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[No. 15.] *Health (Amendment) Act 2010.* [2010.]

ACTS REFERRED TO

Health Act 2004
Health Acts 1947 to 2009

2004, No. 42



Number 15 of 2010

HEALTH (AMENDMENT) ACT 2010

AN ACT TO AMEND THE HEALTH ACT 2004 TO PROVIDE, IN THE PUBLIC INTEREST, FOR THE FURNISHING BY THE HEALTH SERVICE EXECUTIVE OF INFORMATION AND DOCUMENTS TO THE MINISTER FOR HEALTH AND CHILDREN AND TO PROVIDE FOR MATTERS CONNECTED THEREWITH.

[3rd July, 2010]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—The Health Act 2004 is amended by inserting the following Part after Part 7:

Amendment of
Health Act 2004.

“PART 7A

FURNISHING OF INFORMATION AND DOCUMENTS

- Definition. 40A.—In this Part ‘document’ means—
- (a) a book, record or other written or printed material,
 - (b) a photograph,
 - (c) any information stored, maintained or preserved by means of any mechanical or electronic device, whether or not stored, maintained or preserved in legible form, and
 - (d) any audio or video recording.
- Duty of Executive to furnish information. 40B.—(1) The Executive shall—
- (a) monitor and keep under review occurrences and developments concerning matters relating to its object and functions, and
 - (b) without delay, furnish the Minister with information regarding—
 - (i) any such occurrence or development that, in the opinion of the Executive, the Minister is likely to

consider significant for the performance of his or her functions (whether under this Act or otherwise), or

- (ii) any other occurrence or development that falls within a class of occurrences or developments of public interest or concern that has been specified in writing by the Minister.

(2) The Minister may issue guidelines in relation to the furnishing of information under subsection (1) and, if he or she does so, the Executive shall comply with those guidelines.

Requirement
to furnish
information
and
documents.

40C.—(1) The Minister may, where he or she considers it necessary in the public interest to do so for the performance of his or her functions (whether under this Act or otherwise), require the Executive to furnish him or her with such information or documents as he or she may specify that are in the Executive's procurement, possession or control, and the Executive shall do so within any period that the Minister may specify and, in any event, without delay.

(2) Nothing contained in an enactment, and no rule of law, which would require obtaining the consent of a person in order for the Executive to furnish the Minister with information or documents under this Part, shall operate to prohibit or render unlawful such furnishing, notwithstanding that no such consent has been obtained.

(3) Nothing contained in an enactment, and no rule of law, relating to the non-disclosure or confidentiality of information or documents, shall operate to prohibit the Executive from furnishing the Minister with information or documents under this Part, or render such furnishing unlawful.

(4) Nothing contained in an enactment, and no rule of law, relating to the hearing of proceedings otherwise than in public shall operate to—

- (a) prohibit the Executive from furnishing the Minister, under this Part, with information or documents prepared in relation to, or given in evidence in, such proceedings, whether the proceedings were brought before or after the commencement of this Part, or

- (b) render such furnishing unlawful.

Minister may share information and documents in certain circumstances.

40D.—(1) Where the Minister has appointed a person to examine or inquire into any matter, and considers that any information or document that has been furnished under section 40B or 40C may be relevant to that examination or inquiry, the Minister may furnish that information or document to the person, and that person may receive that information or document.

(2) Nothing contained in an enactment, and no rule of law, which would require obtaining the consent of another person in order for the Minister to furnish a person referred to in subsection (1) with information or documents under this Part, shall operate to prohibit or render unlawful such furnishing, notwithstanding that no such consent has been obtained.

(3) Nothing contained in an enactment, and no rule of law, relating to the non-disclosure or confidentiality of information or documents, shall operate to prohibit the Minister from furnishing a person referred to in subsection (1) with information or documents under this Part, or render such furnishing unlawful.

(4) Nothing contained in an enactment, and no rule of law, relating to the hearing of proceedings otherwise than in public shall operate to—

(a) prohibit the Minister from furnishing a person referred to in subsection (1), under this Part, with information or documents prepared in relation to, or given in evidence in, such proceedings, whether the proceedings were brought before or after the commencement of this Part, or

(b) render such furnishing unlawful.

Use of information and documents.

40E.—(1) Subject to subsection (2), the Minister may use information and documents furnished under this Part as he or she requires for the performance of his or her functions (whether under this Act or otherwise).

(2) Where information or a document has been furnished under section 40B or 40C, nothing in this Part is to be taken to permit publication, in whole or in part, of the information or document if such publication would not otherwise be lawful.

Saver.

40F.—Nothing in this Part is to be taken to limit any power of the Minister to require information from or issue directions to the Executive (whether under this Act or otherwise), or to affect, except to the extent required by this Part, the functions of the Executive or the Minister.”

[No. 15.] *Health (Amendment) Act 2010.* [2010.]

Short title and
collective citation.

2.—(1) This Act may be cited as the Health (Amendment) Act 2010.

(2) The Health Acts 1947 to 2009 and this Act may be cited together as the Health Acts 1947 to 2010.