



STATUTORY INSTRUMENTS.

S.I. No. 246 of 2007



THE NATIONAL PAEDIATRIC HOSPITAL DEVELOPMENT BOARD
(ESTABLISHMENT) ORDER, 2007

(Prn. A7/1019)

THE NATIONAL PAEDIATRIC HOSPITAL DEVELOPMENT BOARD
(ESTABLISHMENT) ORDER, 2007

The Minister for Health and Children, in exercise of the powers conferred on her by sections 3 to 6 of the Health (Corporate Bodies) Act, 1961 (No. 27 of 1961), as adapted by the Health (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 308 of 1997) hereby orders as follows—

Title of Order.

1. This Order may be cited as the National Paediatric Hospital Development Board (Establishment) Order 2007.

Establishment of the National Paediatric Hospital Development Board.

2. A body to be known as the National Paediatric Hospital Development Board (an Bord Forbartha don Ospidéal Náisiúnta Péidiatraiceach) is hereby established.

Definitions.

3. In this Order—

“Board” means the National Paediatric Hospital Development Board established by this Order;

“Chairperson” means the Chairperson appointed by the Minister under article 9 of this Order;

“member” means a member for the time being of the Board;

“Minister” means the Minister for Health and Children;

“the Executive” means the Health Service Executive established under the Health Act 2004;

“relevant hospitals” means Our Lady’s Children’s Hospital, Crumlin; the Children’s University Hospital, Temple Street; and the National Children’s Hospital at Tallaght.

The Board.

4. The Board shall perform the functions conferred upon it by this Order—

Functions of the Board.

5. (1) The functions of the Board shall be—

- (a) to plan, design, build, furnish and equip a national paediatric hospital (“the hospital”) in accordance with a brief approved by the Executive

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 29th May, 2007.*

with the prior consent of the Minister, and subject to any subsequent variations to this brief as may be determined by the Executive in consultation with the Board, and with the prior consent of the Minister;

- (b) in consultation with the relevant hospitals, prepare plans for the transfer of services from the relevant hospitals to the hospital;
 - (c) in consultation with the relevant hospitals, prepare a human resource strategy for the transfer to the hospital;
 - (d) explore the possibility of securing philanthropic contributions to meet all or part of the capital cost of developing the hospital, and foster the philanthropic interests that already exist in relation to the provision of paediatric services;
 - (e) do any other thing as is necessary for the performance of its functions.
- (2) Without prejudice to the generality of 5(1)(a), the Board shall—
- (i) in the planning, designing, building, furnishing and equipping of the education and training facilities at the hospital in accordance with the brief, consult with the relevant hospitals and such educational and training institutions as it considers appropriate;
 - (ii) in the planning, designing, building, furnishing and equipping of the research facilities at the hospital in accordance with the brief, consult with the relevant hospitals and such research institutions as it considers appropriate;
 - (iii) in the planning, designing, building, furnishing and equipping of the accommodation and facilities for the families of patients attending the hospital, in accordance with the brief, consult with the relevant hospitals and such charitable organisations as it considers appropriate.

Consultation.

6. For the purpose of the discharge of its functions, the Board shall arrange for consultation over the course of the development of the hospital with the relevant hospitals and any other body or person the Board considers appropriate.

Entering into contracts.

7. For the purpose of the discharge of its functions, the Board may, where it considers it appropriate, enter into arrangements or contracts with any corporation, company, local authority or person.

Providing information relating to the discharge of its functions.

8. The Board shall keep the Minister and the Executive informed of progress and provide such information relating to the discharge of its functions as may be requested by the Minister or the Executive.

Membership of the Board.

9. (1) The membership of the Board shall consist of thirteen persons being—
- (a) a Chairperson appointed by the Minister and
 - (b) twelve ordinary members appointed by the Minister.
- (2) Of the ordinary members of the Board—
- (a) three shall be appointed to represent the interests of the general public;
 - (b) three shall be appointed on the nomination of the Chairperson;
 - (c) two shall be appointed on the nomination of the Health Service Executive;
 - (d) one shall be appointed on the nomination of Our Lady's Children's Hospital, Crumlin;
 - (e) one shall be appointed on the nomination of the Children's University Hospital, Temple Street;
 - (f) one shall be appointed on the nomination of the National Children's Hospital at Tallaght;
 - (g) one shall be appointed on the nomination of the Faculty of Paediatrics, Royal College of Physicians of Ireland.
- (3) The term of office of a member of the Board, including the Chairperson, shall be five years, and the Chairperson or member shall hold office for the period for which he or she is appointed, unless he or she dies or resigns by letter addressed to the Minister or ceases to be a member of the Board in accordance with sub-article 5 of this article.
- (4) A member of the Board, including the Chairperson, may resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.
- (5) A member of the Board, including the Chairperson, may at any time be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to the Minister to be necessary for the effective performance by the Board of its functions, or the Minister is satisfied that the member has failed to comply with the provisions of article 19.
- (6) In the event of a casual vacancy arising through the death, resignation or cessation of membership under this article of a member of the Board, including the Chairperson, the vacancy may be filled by appointment by the Minister and

where such member was appointed on the nomination of a body referred to in article 9(2) the appointment shall be made on the nomination of that body, and the person so appointed shall hold office as a member of the Board for the unexpired term of office of the said member.

Proceedings of the Board.

10. (1) The Board shall hold such and so many meetings as may be necessary for the performance of its functions.

(2) The quorum for a meeting of the Board shall be five.

(3) The Chairperson of the Board shall preside at all meetings of the Board at which he or she is present and in the absence of the Chairperson the members present shall elect one of their number to preside at the meeting.

(4) Each member of the Board present at a meeting of the Board shall have a vote.

(5) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the Chairperson or other member presiding at the meeting shall have a second or casting vote.

(6) The Board shall have the power to adopt standing orders governing the procedures to be followed at its meetings, and the performance of its functions generally.

(7) The proceedings of the Board shall not be invalidated by any vacancy or vacancies amongst its members, or by any defect in the appointment of the Board or any member thereof.

(8) The Chairperson may at any reasonable time call a meeting of the Board.

(9) If the Chairperson refuses to call a meeting of the Board after a requisition for that purpose, signed by no fewer than three members of the Board, has been presented to the Chairperson, any three members of the Board may call a meeting of the Board.

(10) If the Chairperson, without refusing to do so, does not, within seven days of the presentation of a requisition for that purpose signed by no fewer than three members of the Board, call a meeting of the Board, any three members of the Board may call a meeting of the Board.

Seal of the Board.

11. (1) The Board shall, as soon as may be after its establishment, provide itself with a seal.

(2) The seal of the Board shall be authenticated by the signature of—

(a) the Chairperson or such other member of the Board duly authorised by the Board to act in that behalf and

- (b) an officer of the Board duly authorised by the Board to act in that behalf.

Remuneration and expenses of members of the Board.

12. (1) The Chairperson, for acting as Chairperson of the Board, or a person, for acting as a member of the Board, may receive such remuneration as may from time to time be determined by the Minister, with the consent of the Minister for Finance.

(2) A member of the Board may be paid travelling and subsistence allowances in accordance with such scales as may from time to time be approved by the Minister, with the consent of the Minister for Finance.

Committees.

13. (1) The Board may appoint committees, whose members may include persons who are not members of the Board, to assist and advise the Board in relation to the carrying on of its day-to-day functions, or to furnish advice on particular aspects of its functions.

(2) Any committee so appointed shall comply with any instructions given to it by the Board, and any expenditure by it shall be subject to the prior consent of the Board.

(3) The Board may dissolve a committee established under this article.

Financial/Accounts.

14. (1) The financial year of the Board shall be the period of 12 months ending on the 31st day of December in any year, and for the purposes of this sub-article the period commencing on the date of the coming into operation of this Order and ending on the 31st day of December 2007 shall be deemed a financial year.

(2) The Board shall keep all proper and usual accounts of all moneys received or expended by the Board including an income and expenditure account and balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time require.

(3) An annual financial statement shall be prepared within three months of the end of the previous year for submission to the Comptroller and Auditor General and the audit of these financial statements shall be carried out by the Comptroller and Auditor General in accordance with section 5 of the Comptroller and Auditor General (Amendment) Act, 1993.

(4) Submission and presentation of the annual financial statements and auditor's report(s) thereon shall be carried out in accordance with section 11 of the Comptroller and Auditor General (Amendment) Act, 1993.

Annual Report.

15. The Board shall in each year, not later than the 30th day of April, prepare and adopt a report on the performance of its functions during the preceding

year, and for the purposes of this provision, the first annual report shall be prepared and adopted no later than 30th April 2008.

Chief Officer.

16. (1) There shall be a chief officer of the Board, to be known as the Chief Officer.

(2) The Chief Officer shall be appointed by the Board and shall hold office for such period and upon such terms and conditions (other than terms and conditions relating to remuneration, superannuation and allowances for expenses) as the Board may, with the approval of the Minister, determine from time to time.

(3) The Chief Officer shall carry on, manage and control generally the administration and business of the Board and perform such other functions as may be determined by the Board.

(4) The terms and conditions relating to the remuneration, superannuation and allowances for expenses of the Chief Officer shall be such as may be determined from time to time by the Board, with the consent of the Minister and the Minister for Finance.

(5) The Chief Officer shall not be a member of the Board, but may attend at all Board meetings unless the Board otherwise decides.

Members of staff.

17. (1) The Board may, subject to the approval of the Minister and with the consent of the Minister for Finance, appoint such other members of staff as the Board may from time to time think appropriate, and in appointing any member of staff the Board shall comply with any directions given by the Minister relating to the procedure to be followed.

(2) The Board shall, subject to the approval of the Minister and with the consent of the Minister for Finance, determine the remuneration and conditions of service (including superannuation) of the members of staff.

(3) The Board shall, subject to the approval of the Minister and with the consent of the Minister for Finance, determine the grades of the staff of the Board and the numbers of staff in each grade.

(4) The Chief Officer shall from time to time assign such duties as he or she considers appropriate to each member of the staff of the Board, and each such member of the staff shall perform the duties so assigned.

Consultants and advisers.

18. (1) The Board may engage such consultants and advisers as it considers necessary for the performance of its functions.

(2) Any fees due to a consultant or an adviser engaged under this article are payable by the Board out of funds at its disposal.

Disclosure of Interests.

19. (1) Where the Chairperson, any other member of the Board, a member of a committee appointed under article 13, the Chief Officer, a consultant, adviser or other person engaged by the Board, has a beneficial interest in, or material to, any matter which falls to be considered by the Board or a committee of the Board, he or she shall comply with the following requirements—

- (a) he or she shall disclose to the Board through the Chairperson, or in the case of the Chairperson directly to the Board, the nature of his or her interest in advance of any consideration of the matter;
- (b) he or she shall neither influence nor seek to influence a decision in relation to the matter;
- (c) he or she shall take no part in any consideration of the matter by the Board or the committee, save to such extent as the Chairperson, or where the Chairperson has such an interest a majority of the Board, may permit.

(2) Where a disclosure is made under article 19(1) to the Board, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

(3) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with article 19(1), the question shall be determined by the Board and particulars of the determination shall be recorded at the meeting concerned.

Duty of Non-Disclosure of Information.

20. A person shall not, without the consent of the Board, disclose, save in accordance with law, any information obtained by him or her while performing his or her duties as Chairperson, as a member of the Board, as Chief Officer, as a member of staff, as a consultant or adviser to the Board, or as a member of a committee established pursuant to article 13 of this Order.

Purchase and Sale of Land etc.

21. The Board may, with the consent of the Minister, purchase, lease or exchange, hire or otherwise acquire, and hold, manage, develop, sell, dispose of, or lease any property, real or personal, and any interest therein.

Gifts.

22. (1) The Board may accept gifts of money, land or other property on such trusts or conditions (if any) as may be specified by the donor.

(2) The Board may not accept a gift if the trusts or conditions attaching to it would be inconsistent with the Board's object or functions or with any obligations imposed on it by this Order.



GIVEN under my Official Seal,
23 May 2007

MARY HARNEY.
MINISTER FOR HEALTH AND CHILDREN.

EXPLANATORY NOTE

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

The effect of this Order is to establish under the Health (Corporate Bodies) Act, 1961 a body known as the National Paediatric Hospital Development Board, which will design, plan, build, equip and furnish a national paediatric hospital.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ón
OIFIG DHÍOLTA FOILSEACHÁN RIALTAIS,
TEACH SUN ALLIANCE, SRÁID THEACH LAIGHEAN, BAILE ÁTHA CLIATH 2
nó tríd an bpost ó
FOILSEACHÁIN RIALTAIS, AN RANNÓG POST-TRÁCHTA,
51 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2
(Teil: 01 - 6476834/35/36/37; Fax: 01 - 6476843)
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