Changes to Legislation: as of 3 November 2026, this Act is up to date with all changes known to be in force.

Number 27 *of* 1961

HEALTH (CORPORATE BODIES) ACT 1961

REVISED

Updated to 1 January 2026

This Revised Act is an administrative consolidation of the *Health (Corporate Bodies) Act 1961*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *National Training Fund (Amendment) Act 2025* (21/2025), enacted 23 December 2025, and all statutory instruments up to and including the *European Union (Restrictive Measures concerning Iraq) Regulations 2026* (S.I. No. 1 of 2026), made 6 January 2026, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

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ARRANGEMENT OF SECTIONS

Section

1. Short title.
2. Definitions.
3. Establishment of bodies to provide health services.
3A. Establishment of bodies to provide health services performed by specified bodies.
4. Membership and staff.
5. Functions.
6. Administration.
7. Revocation of establishment order.
8. Reconstitution of certain companies for purposes of Act.
9. Expenses of the Minister.
10. Laying of orders before Houses of the Oireachtas and sending of copies to members of those Houses.

ACTS REFERRED TO

Health Act, 1947	1947, No. 28
Health Authorities Act, 1960	1960, No. 9
Local Government (Superannuation) Act, 1956	1956, No. 10
Health Act, 1953	1953, No. 26

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HEALTH (CORPORATE BODIES) ACT 1961

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AN ACT TO MAKE PROVISION FOR THE ESTABLISHMENT OF BODIES TO PERFORM FUNCTIONS IN, OR IN RELATION TO, THE PROVISION OF HEALTH SERVICES. [3*rd August,* 1961.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Short title.

1.—This Act may be cited as the Health (Corporate Bodies) Act, 1961.

Definitions.

2.—In this Act—

F1**[**"health service" includes any service relating to the protection, promotion or improvement of the health or welfare of people;**]**

"health authority" has the meaning assigned to it by virtue of the Health Act, 1947, and the Health Authorities Act, I960;

"the Minister" means the Minister for Health.

Establishment of bodies to provide health services.

3.—(1) The Minister may from time to time by order (in this Act referred to as an establishment order) establish a body to perform functions in, or in relation to, the provision of a health service or two or more health services.

(2) A body established under subsection (1) of this section shall be called and known by such title as may be specified in the establishment order.

(3) A body so established shall be a body corporate with perpetual succession and a seal and with power to sue and be sued in its corporate name and to hold land.

(4) All courts shall take judicial notice of the seal of a body so established and every document purporting to be an order or other instrument made by that body and to be sealed with its seal (purporting to be authenticated in the manner provided in the establishment order) shall be received in evidence and be deemed to be such order or instrument without further proof unless the contrary is shown.

(5) The Minister may from time to time by order amend an establishment order or an order made under this subsection.

F2[Establishment of bodies to provide health services performed by specified bodies.

3A.—(1) The Minister may by order establish a body to perform, subject to such modifications as are specified in the order, functions that, immediately before the establishment day, were being performed by a specified body.

(2) An establishment order shall include provision for—

(*a*) the transfer, without further conveyance or assignment, of any property, rights and liabilities of the specified body to the body established under this section,

(*b*) the preservation of continuing contracts and commitments made by the specified body, and

(*c*) the continuance of pending legal proceedings.

(3) Each person who, immediately before the establishment day of a body established under this section, is an employee of the specified body is, on that day, transferred to and becomes an employee of the body established under this section.

(4) Except in accordance with a collective agreement negotiated with a recognised trade union or association of employees, a person transferred under this section is entitled, while in the employment of the body established under this section, to terms and conditions of employment no less favourable than those to which the person was entitled immediately before the establishment day of that body.

(5) Until the terms and conditions of employment to which a person transferred under this section was entitled immediately before the establishment day are varied by the body established under this section after consulting and reaching a collective agreement with the recognised trade union or association of the employees concerned, they continue to apply to that person while in the employment of that body.

(6) The previous service of a person transferred under this section is to be counted as service for the purposes of, but subject to any exceptions or exclusions in, the following Acts:

(*a*) the Redundancy Payments Acts 1967 to 2003;

(*b*) Adoptive Leave Act 1995;

(*c*) Maternity Protection Act 1994;

(*d*) Protection of Employees (Fixed-Term Work) Act 2003;

(*e*) the Protection of Employees (Part-Time Work) Act 2001;

(*f*) the Organisation of Working Time Act 1997 ;

(*g*) the Minimum Notice and Terms of Employment Acts 1973 to 2001;

(*h*) the Unfair Dismissals Acts 1977 to 2001;

(*i*) the Carer's Leave Act 2001;

(*j*) the Parental Leave Act 1998.

(7) Any superannuation benefits awarded to or in respect of a person transferred under this section and the terms relating to those benefits shall be no less favourable than those applicable to or in respect of that person immediately before the applicable transfer day.

(8) A body established under this section shall make payments in respect of remuneration and allowances to its employees out of funds at its disposal.

(9) The pension payments and other superannuation liabilities in respect of former employees of the specified body become, on the establishment day, the liability of the body established under this section.

(10) In this section—

"previous service" means service with the specified body before the establishment day of the body established under this section;

"recognised trade union or association of employees" means a trade union or association of employees recognised by the specified body for the purposes of negotiations that are concerned with the terms and conditions of employment and the working conditions of employees;

"specified body" means a body that was established under section 11 of the Health Act 1970 and that is specified by the Minister in an establishment order under this section;

"terms and conditions of employment" includes terms and conditions in respect of remuneration and tenure of office and related matters.**]**

Membership and staff.

4.—(1) Every establishment order shall contain such provisions as the Minister considers appropriate in relation to—

(*a*) the number of members of the body established by the order, the method, terms and conditions of their appointment and their tenure of office;

(*b*) the number, grades, method of appointment, conditions of service, tenure of office and the remuneration of the officers and servants of the body so established.

(2) An establishment order or an order amending an establishment order may include provisions for—

(*a*) F3**[**the application, with the consent of the Chief Executive of the Public Appointments Service, of the Local Authorities (Officers and Employees) Acts 1926 to 1983 to appointments**]** to offices under the body established by the establishment order as if it were a local authority but subject to any modifications specified in the order, and

(*b*) the application of the Local Government (Superannuation) Act, 1956 F4**[**, or any scheme or regulations under the Local Government (Superannuation) Act, 1980,**]** to the body as if it were a local authority but subject to any modifications (including modifications relating to service reckonable as pensionable service) which may, with the consent of the Minister for Local Government, be specified in the order.

(3) Where provision has been made in an establishment order or an order amending an establishment order for the application of the Local Government (Superannuation) Act, 1956 F4**[**, or any scheme or regulations under the Local Government (Superannuation) Act, 1980,**]** to a body established by an establishment order (whether with or without modifications relating to service reckonable as pensionable service) and an officer of that body becomes a pensionable officer of a local authority, subsection (1) of section 11 of that Act shall, in its application to him, be construed as if the following paragraph were added to that subsection:—

"(i) service as a pensionable officer of a body established under the Health (Corporate Bodies) Act 1961 to which this Act F4**[**, or any scheme or regulations under the Local Government (Superannuation) Act, 1980,**]** has been applied under that Act or other

service which would be reckonable by such body for the purposes of his superannuation".

F4**[**(4) Where an establishment order or any order amending an establishment order includes provisions for the application of a scheme under the Local Government (Superannuation) Act, 1980, the body concerned shall carry out the scheme in accordance with its terms but subject to such modifications as may be specified in the order.

(5) An order amending an establishment order may, in so far as it applies any scheme or regulations under the Local Government (Superannuation) Act, 1980, have retrospective effect.**]**

Functions.

5.—An establishment order shall contain such provisions as the Minister considers appropriate defining the functions of the body established by the order in, or in relation to, the provision of the health service or health services to which the order relates, and the manner in which and the conditions under which the body so established may perform the functions so defined.

Administration.

6.—An establishment order shall contain such provisions relating to the administration generally of the body established by the order as the Minister considers appropriate including provisions relating to—

(*a*) the meetings of the body so established and the procedure at such meetings,

(*b*) the use and authentication of its seal,

(*c*) the regulation of its finances and the keeping and auditing of its accounts, and

F5**[**(*d*) the furnishing from time to time by the body to the Minister, or to such other body as the Minister may specify in the order, of information regarding the performance of its functions and the furnishing of such information to the Minister or to the other body at any other time on request.**]**

Revocation of establishment order.

7.—(1) The Minister may at any time by order revoke an establishment order.

(2) A revoking order shall contain such provisions as the Minister thinks necessary or expedient consequential on the revocation, and, in particular, may make provision for—

(*a*) the dissolution of the body established by the establishment order and the transfer or distribution of the property, rights and liabilities thereof to any of the following—

(i) the Minister,

(ii) any one or more than one other body established by an establishment order,

(iii) any one or more than one health authority, or

(iv) any one or more than one joint board of health authorities established under section 45 of the Health Act, 1953,

(*b*) the preservation of continuing contracts made by the dissolved body,

(*c*) the continuance of pending legal proceedings,

(*d*) notwithstanding any restriction in any other Act, the transfer of the holder of any office under the dissolved body to a similar office under—

(i) a local authority, or

(ii) any other body established by an establishment order.

Reconstitution of certain companies for purposes of Act.

8.—(1) In this section "company to which this section applies" means any company under the Companies Acts, 1908 to 1959, which the Minister certifies in writing to be a company to which this section applies.

(2) Where a company to which this section applies has resolved at a meeting specially called for the purpose that the company be wound up for the purposes of this section the provisions of the Companies Acts, 1908 to 1959, in relation to the winding up of a company thereunder shall not apply to the winding up of that company.

(3) A company which has passed a resolution under subsection (2) of this section shall be deemed as on and from the date of the resolution, or any later date stated in the resolution, not to be a company under the Companies Acts, 1908 to 1959 but a body established by an establishment order, and such an order shall, as soon as may be after the date of the resolution, be made by the Minister in respect of that body.

(4) Pending the making of an establishment order in respect of a company to which this section applies which is deemed under subsection (3) of this section to be a body so established, all provisions of the memorandum and articles of association of that company which enabled it to perform its functions shall apply as if they were contained in an establishment order.

Expenses of the Minister.

9.—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 to be provided by the Oireachtas.

Laying of orders before Houses of the Oireachtas and sending of copies to members of those Houses.

10.—(1) The Minister shall cause a copy of every order made by him under this Act to be sent, as soon as may be after the order is made, to each member of each House of the Oireachtas.

(2) Every order made by the Minister under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the order is passed by either such House within the next seven days on which that House has sat after the order is laid before it, the order shall be annulled accordingly, but without prejudice to the validity of anything previously done thereunder.

(3) Non-compliance with subsection (1) of this section in respect of any member or members of either House of the Oireachtas shall not affect the validity, or the coming into operation, of an order made by the Minister under this Act.

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About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is not annotated and only shows textual amendments. An annotated version of this revision is also available which shows textual and non-textual amendments and their sources. It also shows editorial notes including statutory instruments made pursuant to the Act and previous affecting provisions.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available. A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at
www.irishstatutebook.ie.