Title of Bill: Children's Health Ireland Bill 2026

General Scheme

Part 1
Preliminary and General

1. Short Title and Commencement
2. Interpretations
3. Expenses
4. Making of Orders

Part 2
Dissolution of Children's Health Ireland and transfer of employees, land, property, rights and liabilities of Children's Health Ireland to the Executive

5. Governance of integrated paediatric services
6. Dissolution of Children's Health Ireland
7. Indemnity for members of the Board of Children's Health Ireland
8. Committees of the Board of Children's Health Ireland
9. Transfer of Objects and Functions of Children's Health Ireland to the Health Service Executive
10. Transfer of employees from Children's Health Ireland to the Health Service Executive
11. Transfer of land from Children's Health Ireland to the Health Service Executive
12. Transfer of property of Children's Health Ireland to the Health Service Executive
13. Transfer of rights and liabilities of Children's Health Ireland to the Health Service Executive
14. Ownership of Records
15. Processing of Personal Data
16. Liability for loss occurring before the commencement of this section
17. Provisions consequent upon transfer of land, property, rights and liabilities to the Health Service Executive
18. Preservation of Contracts
19. Continuity and saving provisions
20. Repeal of sections of the Act of 2018
21. Final Accounts of Children's Health Ireland
22. Final Annual Report of Children's Health Ireland
23. Transfer of Delegation of Functions of the Chief Executive Officer of Children's Health Ireland

24. Amendment to s62 of the Act of 2018

Part 3
Amendment to the Health Act 2004

25. Amendment to s40 of the Health Act 2004

Part 4
Amendments to The National Paediatric Hospital Development Board (Establishment) Order, 2007

26. Amendment of s5 and 6 of the National Paediatric Hospital Development Board (Establishment) Order, 2007

AN ACT TO PROVIDE FOR THE INTEGRATION OF CHILDREN'S HEALTH IRELAND INTO THE HEALTH SERVICE EXECUTIVE; TO PROVIDE FOR THE TRANSFER OF FUNCTIONS, EMPLOYEES, ASSETS AND LIABILITIES FROM CHILDREN'S HEALTH IRELAND TO THE HEALTH SERVICE EXECUTIVE; TO REPEAL SECTIONS OF THE CHILDREN'S HEALTH ACT 2018 TO ALLOW FOR THIS INTEGRATION; TO MAKE CONSEQUENTIAL AMENDMENTS TO THE CHILDREN'S HEALTH ACT 2018; TO AMEND THE NATIONAL PAEDIATRIC HOSPITAL DEVELOPMENT BOARD (ESTABLISHMENT) ORDER 2007 TO REPLACE CHILDREN'S HEALTH IRELAND WITH THE HEALTH SERVICE EXECUTIVE AS THE RELEVANT STATUTORY BODY FOR THE NATIONAL PAEDIATRIC HOSPITAL DEVELOPMENT BOARD; AND TO MAKE AMENDMENTS TO THE HEALTH ACT 2004 TO TRANSFER CERTAIN FUNCTIONS OF CHILDREN'S HEALTH IRELAND TO THE HEALTH SERVICE EXECUTIVE.

Preamble:

Children's Health Ireland is responsible for the provision of paediatric services to the Greater Dublin Area and for specialised services on a national, and in some instances, All-Island basis from its current hospital sites at Temple Street, Crumlin, and Tallaght. The body is also responsible for the satellite centres located at Connolly Hospital Blanchardstown and Tallaght University Hospital.

Children's Health Ireland was established in January 2019 with the enactment of the Children's Health Act 2018. The Act incorporated Our Lady's Children's Hospital Crumlin, Temple Street Children's University Hospital and the National Children's

Hospital at Tallaght into a single body to become a single national tertiary / regional secondary acute hospital in Dublin. This decision to integrate paediatric healthcare under one corporate body was also taken in the context of the development of the National Children's Hospital Ireland.

The Act of 2018 also made amendments to the National Paediatric Hospital Development Board (Establishment) Order (SI 246 of 2007). Amendments included in the Act of 2018 placed Children's Health Ireland in a statutory role concerning the National Paediatric Hospital Development Board.

On 10 February 2026, the Government approved the policy of integrating Children's Health Ireland into the Health Service Executive. This builds on the actions of the Act of 2018 with the further consolidation of paediatric healthcare services. Integrating Children's Health Ireland into the Health Service Executive will strengthen governance by placing paediatric services within a single accountability framework. It will bring Children's Health Ireland under established Health Service Executive governance structures and statutory oversight arrangements, supporting clear lines of responsibility from front-line services to senior Health Service Executive management and the Minister for Health.

The General Scheme provides for a day to be appointed by the Minister on which the functions, staff, assets and liabilities of Children's Health Ireland will transfer to the Health Service Executive.

The General Scheme is structured as follows:

Part 1 provides for preliminary and general matters, including definitions and commencement provisions;

Part 2 provides for the dissolution of Children's Health Ireland and transfer of the employees, land, property, rights and liabilities and certain functions of Children's Health Ireland to the Executive and for the revocation of many of the provisions of the Act of 2018 consequent to that dissolution. It also amends a section of the 2018 Act to substitute the Executive as the recipient of property, rights and liabilities formerly provided for transfer to Children's Health Ireland from the National Paediatric Hospital Development Board.

Part 3 provides for amendment to s40 of the Health Act 2004 to enable the Health Service Executive to engage in fundraising and philanthropic activities.

Part 4 provides for amendments to sections of the National Paediatric Hospital Development Board (Establishment) Order, 2007 to substitute the Health Service

Executive as the relevant statutory body for consultation with the National Paediatric Hospital Development Board in matters relating to the National Children's Hospital Ireland.

PART 1
Preliminary and General

HEAD 1 Short title and commencement

1. Provides that the Bill may be cited as the **Children's Health Ireland Bill 2026.**

2. Provides that the Bill will come into operation on such day or days as the Minister may by order or orders appoint either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or provisions.

Explanatory Note

1. Subhead 1 is a standard provision setting out the short title of the Bill.
2. Subhead 2 provides for commencement by order. This is a standard provision allowing for different commencement days to apply to different sections of the Act.

Head 2 – Interpretations

Provides that in the Act:

- "Act of 2004" means the Health Act 2004
- "Act of 2018" means the Children's Health Act 2018
- "Children's Health Ireland" means the body established under s5 of the Children's Health Act 2018
- "Executive" means the Health Service Executive established under the Health Act 2004
- "The Board" unless otherwise specifically stated, means the Board of the Health Service Executive
- "The Chief Executive'' unless otherwise specifically stated, means the Chief Executive Officer of the Health Service Executive

- ‘’The National Paediatric Hospital Development Board (Establishment) Order, 2007’’ means the National Paediatric Hospital Development Board (Establishment) Order 2007 (S.I. No. 246 of 2007), confirmed under s5 of the Health (Miscellaneous Provisions) Act 2007 .
- “General Data Protection Regulation” means Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation)
- “medical records” means records created, used and stored principally for the purposes of patient care and treatment containing data concerning health or genetic data within the meaning of the General Data Protection Regulation and any associated biological materials
- “Minister” means the Minister for Health
- “superannuation benefit” means a pension, gratuity or other allowance payable on resignation, retirement or death.

Head 3 – Expenses

Provides that the expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation, be paid out of moneys provided by the Oireachtas.

Explanatory Note:

This is a standard provision on the associated costs of the legislation,

Head 4 - Making of Orders

Provides that:

(1) the Minister may—

(a) make orders for any matter in relation to which orders are provided for in this Act, and
(b) amend or revoke any such order other than an order under Head 5.

(2) An order made under this Act by the Minister shall be laid before each House of the Oireachtas as soon as practicable after it is made and if a resolution annulling it is passed by either House within the next 21 days on which the House has sat after the order is laid before it, the order shall be annulled but without prejudice to the validity of anything previously done under the order.

Explanatory Note

This Head is a standard provision enabling the Minister to make orders as provided for in the Act.

Dissolution of Children's Health Ireland and transfer of employees, land, property, rights and liabilities of Children's Health Ireland to the Executive

Head 5 - Governance of integrated paediatric services

Provides that, upon commencement:

1. Governance, oversight and accountability for paediatric services formerly provided by Children's Health Ireland now vest in the Executive.

2. Such services are subject to the governance arrangements of the Executive, including oversight by the Board and Chief Executive Officer.

3. No separate statutory governance structure shall apply to those services following their integration into the Executive.

Explanatory Note

This Head provides for a statement of the transfer of governance, oversight and accountability for paediatric services formerly provided by Children's Health Ireland to the Health Service Executive, confirming that those services operate fully within the Health Service Executive's statutory framework.

For information purposes, the governance arrangements following integration will be as follows:

The National Children's Hospital Ireland will operate as a service within the HSE, reporting to the relevant HSE Integrated Healthcare Area manager, who in turn will report to the Regional Executive Officer for the area, in this instance HSE Dublin and Midlands. All Regional Executive Officers report to the Chief Executive Officer and the Board of the Health Service Executive.

It is not proposed that this specific Governance arrangement is included in the General Scheme, as these structures are not included in the Health Act 2004. The purpose of this section is to confirm the intended governance structure following the completion of the integration of Children's Health Ireland into the Health Service Executive.

Head 6 - Dissolution of Children's Health Ireland

Provides that, upon commencement of this Section, Children's Health Ireland, established under s5 of the Children's Health Ireland Act 2018 is dissolved and -

1. The Board of Children's Health Ireland established under Part 3 of the Act of 2018 is dissolved.

2. Members of the Board of Children's Health Ireland who hold office immediately before the commencement of this section shall on the commencement of this section cease to hold office.

3. The Office of the Chief Executive Officer of Children's Health Ireland established under Part 4 of the Act of 2018 is dissolved.

Explanatory Note:

This Head provides for Children's Health Ireland, established as a corporate body under s5 of the Act of 2018, to be dissolved upon commencement of this section.

Subhead 1 provides that, upon the commencement of this Section, the Board of Children's Health Ireland is dissolved.

Subhead 2 provides that all individuals serving as members of the Children's Health Ireland Board immediately prior to the commencement of this section are automatically removed from office upon its commencement.

Subhead 3 provides that, upon the commencement of this Section, the office of the Chief Executive Officer of Children's Health Ireland, as established in s23 of the Act of 2018, is dissolved.

Head 7- Indemnity for members of the Board of Children's Health Ireland

Provides that, upon commencement of this Section, where the Minister is satisfied that a member of the Board of Children's Health Ireland has discharged his or her duties in pursuance of the functions of the Board in good faith, the Minister may, in the manner and to the extent and subject to the terms and conditions as the Minister may determine from time to time with the consent of the Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation, indemnify that person against all actions or claims however they arise in respect of the discharge by him or her of his or her duties as a member of the Board of Children's Health Ireland.

Explanatory Note

This Head provides for the indemnification of members of the Board of Children's Health Ireland in respect of the performance of their functions. It enables the Minister, where satisfied that a Board member has acted in good faith in the discharge of his or her duties, to indemnify that person against any actions or claims arising from the exercise of those functions.

Any indemnity is subject to terms and conditions determined by the Minister, with the consent of the Minister for Public Expenditure, Infrastructure, Public Services, Reform and Digitalisation. The purpose of this provision is to support the effective functioning of the Board by providing appropriate protection to members acting bona fide in the course of their official duties.

Further Note: S36 and 45 of the Act of 2018 provide similar indemnity for Board of Directors of Crumlin and Temple Street Hospitals. This General Scheme does not propose to repeal those sections of the 2018 Act or include new indemnity clauses for those Directors. The intention is that the sections providing indemnity in the 2018 Act would remain in place.

Head 8- Committees of the Board of Children's Health Ireland

Provides that, upon commencement of this Section, any committee of the Board of Children's Health Ireland, established under s19 of the Act of 2018 shall be construed to be a committee of the Board of the Executive.

Any committee established by the Board of Children's Health Ireland, shall on commencement of this Section become a committee of the Executive subject to Section 16T and 16U of the Health Act 2004.

The Executive shall appoint a member of the Board to the committee on commencement of this Section and it shall be established under Section 16 T subsection (1) of the 2024 Act.

Explanatory Note

The purpose of this Head is that Committees that were established by the Board of Children's Health Ireland will continue to exist following the commencement of S20 of this Act.

The Board of the Executive will then determine whether to continue the work of any of the Committees that that have been established by the Board of Children's Health Ireland.

This will allow any important work on paediatric healthcare, patient safety, or other issues that are being examined by committees that were established by the Board of Children's Health Ireland to continue with the approval of the Board of the Executive.

S16(T) of the Health Act 2004 provides the Board of the Executive with the authority to establish committees and, at its discretion, determine their continuation, membership and terms of reference. Where a committee established by the Board of Children's Health Ireland is continued by the Executive, a member of the Board of the Executive will be appointed to the committee to support the continuation of its work.

S16(U) of the Health Act 2004 concerns the renumeration of members of a Committee established by the Board of the Executive, it is included for any relevant reference that may be required.

Head 9 - Transfer of Objects and Functions of Children's Health Ireland to the Health Service Executive

Provides that, upon commencement of this Section:

1: In accordance with s7(3)(b) the object and certain functions of Children's Health Ireland, as specified in this Head, shall be undertaken by the Executive.

2. In performing those functions, the Executive shall have regard to the values and principles of delivering child – centred care.

3: S6 of the Act of 2018 sets out the object and functions of Children's Health Ireland. The total list of the objects and functions that were ascribed to Children's Health Ireland under s6 are as below:

> 6. (1) The object of Children's Health Ireland is to improve, promote and protect the health, mental health and well-being of children in a manner that embodies the values of child-centred, compassionate and progressive care provided with respect, excellence and integrity and in doing so it shall have the right and responsibility to promote the culture and traditional principles of voluntarism in the conduct of its internal and external affairs.
>
> (2) Children's Health Ireland shall have the following functions:
>
> (a) to plan, conduct, maintain, manage, provide and develop paediatric services in the hospital;
>
> (b) to provide for patient safety and quality of patient care in the hospital;
>
> (c) to promote excellence in the practice and provision of paediatric services and provide leadership in the advancement, development, organisation and delivery of paediatric services in an integrated clinical network for paediatric services;
>
> (d) to facilitate, foster and promote, through educational and other programmes, the personal and professional development of its employees and to provide paediatric medical, nursing and health and social care professional training and education;
>
> (e) to facilitate, foster, promote and carry out research and innovation aimed at improving paediatric services and advancing medical and scientific knowledge

relating to paediatric services through research and scientific investigation and inquiry;

(f) to provide information, advice, advocacy, and assistance in relation to paediatric services to the Minister, the Executive, the Health Information and Quality Authority, and such other persons as have involvement in the provision of paediatric services, as may be necessary;

(g) to advocate on behalf of children and young people about healthcare issues;

(h) to engage in or support fundraising and philanthropy in relation to Children's Health Ireland and the provision of paediatric services in the hospital in pursuit of the object of Children's Health Ireland;

(i) to carry out such other functions as are necessary to provide paediatric services in the hospital.

(3) In the performance of its functions, Children's Health Ireland shall have regard to—

(a) the objectives of the public health system and the role of Children's Health Ireland within that system,

(b) the promotion of equity of access to paediatric services and of improved patient outcomes in the hospital,

(c) the need to secure the most beneficial, effective and efficient use of the resources available to it, and

(d) the views of children and young people in the development and delivery of services to them in hospital.''

In the transfer of the object and functions, in s6 (1), it is proposed to delete everything after the word ''integrity''.

In s6 (2), subsection 6(2)(h) regarding the function of fundraising and philanthropic activities is excluded and this is addressed in Head 25.

In s6(3), subsection 6(3)(c), regarding the use of resources, is excluded as it is already a function of the HSE at s7(5)(e) of the Act of 2004.

For subsection 6(2)(a), 6(2)(b), 6(2)(i), 6(3)(b) and 6(3)(d) it is proposed to exclude the words ‘’in the hospital’’.

Explanatory Note

This section provides that the object and functions of Children’s Health Ireland as outlined in s6 of the 2018 Act shall be referenced in the functions of the Health Service Executive. This inclusion of objects and functions is implemented in accordance with s7(3)(b) of the Health Act 2004, which permits that the functions of the Health Service Executive can be extended to such other functions as are assigned to it by the Health Act 2004 or any other enactment.

The object outlined in s6(1) of the 2018 Act, shall apply to the Executive up until the word ‘’integrity’’.

The functions outlined in s6 (2) of the 2018 Act shall apply to the Executive, with the exception of s6 (2)(h), which relates to the functions of philanthropy and fundraising. It is proposed to provide for this function by way of amendment to s40 of the Act of 2004 which relates to the receipt of gifts. This Amendment is included in Head 25 of the General Scheme.

It is also proposed that the reference to care ‘in the hospital’ is removed from the relevant functions, as these functions will now apply to the provision of national paediatric care, not only care that is provided in the National Children’s Hospital Ireland.

S6(3) of the 2018 Act shall apply to the Executive with the exception of subsection 6(3)(c), which is excluded. The effective use of resources is already referenced in the functions of the Executive in s7 of Health Act 2004.

The purpose of the inclusion of many of the principles and functions expressed in s6 of the Act of 2018 is to ensure that the specific aims and principles that was assigned to Children’s Health Ireland upon its establishment regarding paediatric healthcare services and the treatment of young people, are expressly transferred to the Health Service Executive.

Head 10 – Transfer of employees from Children's Health Ireland to the Health Service Executive

Provides that, upon commencement of this Section:

1: The following persons shall become employees of the Executive:

a) Every person who, immediately before commencement of this Section, was an employee of Children's Health Ireland
b) The Chief Executive, immediately before commencement of this Section, of Children's Health Ireland

2: Except in accordance with a collective agreement negotiated with a recognised trade union or staff association, a person transferred under subhead 1 shall not, on the day of transfer, be subject to less beneficial terms and conditions of service, including those relating to tenure of office, or of remuneration, than those terms and conditions of service or of remuneration to which he or she was subject immediately before the day of transfer.

3: Where, immediately before the commencement of this Section, any investigation, disciplinary process, grievance or other complaints process within Children's Health Ireland, has not been completed, that process shall transfer to, and be conducted by the Executive.

Any employment, disciplinary issue or complaint that was made before the commencement of this section which has not been disposed of or otherwise dealt with shall be disposed of or otherwise dealt in accordance with the procedures and policies operated by Children's Health Ireland prior to the commencement of this section.

The Executive may determine the outcome of any such investigation or process and take such action as it considers appropriate in accordance with those procedures and policies.

4. Any superannuation benefits awarded to or in respect of a person transferred under subhead 1, and the terms and conditions relating to those benefits, shall be no less favourable than those applicable to or in respect of the person immediately before the commencement of this Section.

The pension payments and other superannuation liabilities in respect of former employees of Children's Health Ireland shall, on the commencement of this Section, become the liabilities of the Executive.

5. The previous service of a person transferred under subhead 1 shall be reckonable for the purposes of, but subject to any exceptions or exclusions in:

(a) the Redundancy Payments Acts 1967 to 2014;

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

(c) the Protection of Employees (Fixed-Term Work) Act 2003;

(d) the Organisation of Working Time Act 1997;

(e) the Terms of Employment (Information) Acts 1994 to 2014;

(f) the Minimum Notice and Terms of Employment Acts 1973 to 2005;

(g) the Unfair Dismissals Acts 1977 to 2015;

(h) the Maternity Protection Acts 1994 and 2004;

(i) the Parental Leave Acts 1998 and 2006;

(j) the Adoptive Leave Acts 1995 and 2005;

(k) the Carer's Leave Act 2001.

Explanatory Note

Subhead 1(a) provides that every person who is an employee of Children's Health Ireland immediately before the commencement of this Section transfers to and becomes an employee of the Executive upon commencement of this Section. This provision ensures continuity of employment and service delivery and avoids any interruption to the provision of paediatric health services arising from the dissolution of Children's Health Ireland.

Subhead 1(b) provides that the person holding office as Chief Executive Officer of Children's Health Ireland immediately before commencement of this Section becomes an employee of the Executive upon commencement of this Section. The inclusion of the Chief Executive Officer ensures that the transfer arrangements apply comprehensively to all Children's Health Ireland employees. The transfer of employment status is distinct

from the cessation of the statutory office of Chief Executive Officer of Children's Health Ireland and is provided for to ensure appropriate continuity of employment arrangements.

Subhead 2 provides that employees transferred from Children's Health Ireland to the Executive, upon commencement of this Section, shall not be subject to less beneficial terms and conditions of service or remuneration than those which applied to them immediately before commencement of this Section. This ensures that the integration of Children's Health Ireland into the Executive does not adversely affect individual employees' existing contractual or employment protections. This protection applies except in accordance with a collective agreement negotiated with a recognised trade union or staff association.

Subhead 3 provides for the transfer of, and continuation by, the Executive of any disciplinary, grievance or other complaints procedures that have not been concluded immediately prior to the commencement of this Section. The provision further clarifies that such ongoing processes are to be conducted in accordance with the procedures, policies, rules and requirements that applied at the time the investigation or process was initiated. This is intended to ensure fairness to all parties and avoid any retrospective alteration of applicable procedural frameworks arising from the transfer.

The Head clarifies that the Executive shall have the necessary authority to conclude the process in accordance with those procedures and policies.

Subhead 4 ensures that any superannuation benefits awarded to or in respect of a person transferred to the Executive, together with the terms and conditions governing those benefits, shall be no less favourable than those applicable to that person immediately before the commencement of this Section.

Subhead 4 also provides that, upon commencement of this Section, responsibility for pension payments and other superannuation liabilities in respect of former members of staff of Children's Health Ireland becomes the responsibility of the Executive.

Children's Health Ireland employees are covered by the Single Public Service Pension Scheme or the Voluntary Hospitals Superannuation Scheme. The 2018 Act established that any employees on the Voluntary Hospitals Superannuation Scheme or the Single Public Service Pension Scheme immediately before transfer to Children's Health Ireland could remain on these schemes after transfer. The 2018 Act also states that employees who were not members of the Voluntary Hospitals Superannuation Scheme or the Single Public Service Pension Scheme prior to transfer to Children's Health Ireland, would, on the transfer, become and be a member of the Voluntary Hospitals Superannuation

Scheme. The 2018 Act states that this does not prevent the relevant superannuation scheme from being varied in accordance with its terms and conditions.

Subhead 5 lists the relevant employment legislation to be taken account of in reckoning previous service for any person transferred.

Head 11 – Transfer of land from Children's Health Ireland to the Health Service Executive

Provides that, upon commencement of this Section:

1. All land and any interest in land held by Children's Health Ireland immediately before the commencement of this Section shall stand transferred to the Executive.
2. The land transferred shall vest in the Executive for all the estate, term or interest for which such land was immediately before that day vested in Children's Health Ireland.
3. The Executive shall be deemed to be the successor in title of Children's Health Ireland in respect of all land transferred under this section.
4. All rights, privileges, obligations and liabilities attached to or arising in connection with any land transferred under this section shall, on and after the commencement day, become and be the rights, privileges, obligations and liabilities of the Executive.
5. Any contract, lease, licence or other arrangement relating to land transferred under this section and in force immediately before the commencement day shall continue in force on and after that day as if the Executive were substituted therein for Children's Health Ireland.

Explanatory Note

This Head provides for the statutory transfer of all land and interests in land held by Children's Health Ireland to the Executive on commencement of this Section. The transfer is effected automatically by operation of law, without the need for individual transfers, ensuring legal certainty and administrative efficiency.

The Head further provides that all associated rights, obligations and liabilities relating to the land will transfer to the HSE, and that any existing contracts, leases and other arrangements will continue in force as if the HSE were substituted for Children's Health Ireland.

The purpose of this provision is to support the integration of Children's Health Ireland into the Executive by ensuring that all land required for the delivery of children's health services, including key hospital infrastructure, is vested in the HSE, thereby facilitating continuity of service delivery and governance.

Head 12 – Transfer of property of Children's Health Ireland to the Health Service Executive

Provides that, upon commencement of this Section:

1. All existing property, including choses-in-action, that immediately before commencement of this Section was vested in Children's Health Ireland will be transferred to the Executive, including contractual obligations and other commitments, express or implied, existing on the day immediately before the commencement of this Section.

2. Every chose-in-action vested in the Executive by subhead 1 may, on and from the commencement of this Section, be sued on, recovered or enforced by the Executive in its own name, and it shall not be necessary to give notice to any person bound by the chose-in-action of the vesting effected by that subhead.

Explanatory Note

This Head provides for the automatic transfer of all property, including choses-in - action of Children's Health Ireland to the Executive on commencement of this Section.

Subhead 1 provides for the transfer to the Executive of all property vested in Children's Health Ireland immediately prior to commencement of this Section. This encompasses all assets, including contractual obligations and any other commitments in existence immediately prior to commencement, whether express or implied.

Subhead 2 provides that any chose-in-action transferred to the Executive under subhead 1 may, from the date of commencement, be enforced by the Executive in its own name. The Head further provides that no notice of the transfer is required to be given to any person bound by such chose-in-action, thereby ensuring that the transfer operates automatically and without procedural impediment.

Head 13 – Transfer of rights and liabilities of Children's Health Ireland to the Health Service Executive

Provides that, upon commencement of this Section:

1. All rights and liabilities of Children's Health Ireland subsisting immediately before the commencement of this Section and arising by virtue of any contract or commitment shall on that commencement stand transferred to the Executive.

2. Every right and liability transferred by subhead 1 to the Executive may, on and after the commencement of this Section, be sued on, recovered or enforced by or against the Executive in its own name, and it shall not be necessary for the Executive to give notice to the person whose right or liability is transferred by that subhead of such transfer.

Explanatory Note

This Head provides for the statutory transfer of all existing contractual rights and liabilities of Children's Health Ireland to the Executive on the commencement of this Section.

Subhead 1 ensures continuity by providing that any rights or obligations arising under contracts, agreements or commitments entered by Children's Health Ireland prior to commencement automatically transfer to the Executive.

Subhead 2 clarifies the legal effect of that transfer. Following commencement, all such rights and liabilities may be enforced by or against the Executive in its own name. It also explicitly removes any requirement to notify counterparties to those contracts of the transfer, thereby simplifying the administrative process and reducing legal and operational burden.

Taken together, these provisions ensure a legal and operational transition from Children's Health Ireland to the Executive, preserving contractual certainty and protecting the interests of all parties involved.

Head 14 – Ownership of Records

Upon commencement of this Section:

1. The ownership of each record (except a record to which subhead 3 applies) held by Children's Health Ireland immediately before the commencement of this Section shall be transferred to the Executive on commencement of this Section and thereafter shall be the property of the Executive and be deemed to be held by the Executive.

2. All records of the Board of Children's Health Ireland, or records of Committees established by the Board of Children's Health Ireland, shall be transferred to the Executive on commencement of this Section and thereafter shall be the property of the Executive and be deemed to be held by the Executive.

3. The ownership of each medical record held by Children's Health Ireland immediately before the commencement of this Section shall be transferred to the Executive on commencement of this Section and thereafter shall be the property of the Executive and be deemed to be held by the Executive. The personal information in those records may be processed by the Executive only for purposes compatible with the purposes for which the information was originally obtained.

4. For the purpose of subhead 3, "medical records" mean records created, used and stored principally for the purposes of patient care and treatment and containing personal data relating to health within the meaning of the General Data Protection Regulation.

Explanatory Note

This Head provides that the ownership of records held by Children's Health Ireland will transfer to the Health Service Executive on the commencement of this Section.

Subhead 1 sets out the general rule that the ownership of all records held by Children's Health Ireland immediately before commencement will automatically transfer to, and thereafter become the property of, the Executive. These records will be deemed in law to be held by the Executive from that point.

Subhead 2 provides that all records held by the Board of Children's Health Ireland immediately before commencement, and all records held by committees that were established by the Board immediately before commencement, will automatically transfer to and become property of the Executive. These records will also be deemed in law to be held by the Executive from that point.

Subhead 3 makes specific provisions for medical records. While these records are also transferred to the Executive, an additional safeguard is included to ensure that any personal information contained within the records may only be processed by the Executive for purposes for which the information was originally obtained. This reflects the requirements of the General Data Protection Regulation.

Subhead 4 defines "medical records" for the purposes of this Head. It clarifies that the term refers to records created, used and stored primarily for patient care and treatment, and which contain personal data concerning health.

Head 15 – Processing of Personal Data

Provides that, upon commencement of this Section:

1. The Executive may process personal data for the purpose of the functions assigned to it by or under this Act. The Executive will be designated as the Data Controller as required under the General Data Protection Regulation.

2. Such processing may go no further than is necessary for the carrying out of those functions.

Explanatory Note

Subhead 1 provides that the Executive can collect, collate, analyse etc personal data for the purposes of its functions.

Subhead 2 provides that that the Executive may not use that data for purposes other than its functions

Head 16 – Liability for loss occurring before the commencement of this Section

This section provides that, upon commencement of this section:

1. A claim in respect of any loss or injury alleged to have been suffered by any person arising out of the performance before the commencement of this Section of any of the functions of Children's Health Ireland shall, on and after that day, lie against the Executive and not against Children's Health Ireland.
2. Any legal proceedings pending immediately before the commencement of this Section to which Children's Health Ireland is a party, shall be continued, with the substitution in the proceedings of the Executive.
3. Where, before the commencement of this Section, agreement has been reached between the parties concerned in settlement of a claim to which subhead 1 relates, the terms of which have not been implemented, or judgment in such a claim has been given in favour of a person but has not been enforced, the terms of the agreement or judgment, as the case may be, shall, in so far as they are enforceable against Children's Health Ireland, be enforceable against the Executive and not Children's Health Ireland.
4. Any claim made or proper to be made by Children's Health Ireland in respect of any loss or injury arising from the act or default of any person before the commencement of this Section shall be regarded as having been made by or proper to be made by the Executive and may be pursued and sued for by the Executive as if the loss or injury had been suffered by the Executive.

Explanatory Note

This Section provides for the transfer of all civil liabilities and legal interests of Children's Health Ireland to the Executive on commencement of the Section.

It ensures that on commencement of this Section any claims arising from acts or omissions of Children's Health Ireland prior to that date are to be taken against the Executive rather than Children's Health Ireland. Ongoing legal proceedings involving Children's Health Ireland are to continue with the Executive substituted as the party, preserving continuity in litigation.

The Section also safeguards the enforceability of settlements and court judgments reached before commencement but not yet implemented, by providing that such agreements or judgments may be enforced against the Executive.

It also provides for the transfer of Children's Health Ireland's rights to pursue claims, ensuring that any actions which could have been taken by Children's Health Ireland prior to commencement may be continued or initiated by the Executive.

Head 17 – Provisions consequent upon transfer of land, property, rights and liabilities to the Health Service Executive

Provides that, upon commencement of this Section:

1. Anything commenced and not completed before the commencement of this Section by or under the authority of Children's Health Ireland may be carried on or completed on or after the commencement of this Section by the Executive.
2. Any money, stocks, shares or securities transferred by the provisions in this Section that immediately before the commencement of this Section were standing in the name of Children's Health Ireland shall, on the request of the Executive, be transferred into its name.
3. Any gift made on or after commencement of this Section, and any reference in such a gift to Children's Health Ireland, shall be construed as a reference to the Executive.

Explanatory Note

This Head provides for the orderly transition of assets and legal arrangements from Children's Health Ireland to the Executive, ensuring continuity and legal certainty following commencement.

Subhead 1 ensures that any actions, processes, or arrangements commenced by Children's Health Ireland prior to commencement may be continued or completed by the Executive, avoiding disruption to service delivery or legal proceedings.

Subhead 2 provides for the transfer of financial assets, including monies, stocks, shares, and securities held in CHI's name, into the name of the Executive upon request, ensuring clear ownership and control of resources.

Subhead 3 provides that any gifts made after commencement which refer to CHI are to be interpreted as references to the Executive.

Head 18 – Preservation of Contracts

Provides that, upon commencement of this Section:

Every contract, agreement or arrangement to which Children's Health Ireland is a party and which is in force immediately before the commencement of this Section:

1. Shall continue in force without any change after the commencement of this Section.

2. Shall be enforceable by or against the Executive
3. Is to be read and have effect as if the name of the Executive were substituted in the contract, agreement or arrangement for that of Children's Health Ireland.

Explanatory Note

This Head provides that all contracts, agreements, and arrangements entered into by Children's Health Ireland and in force immediately prior to the commencement of this Section will remain fully valid and operative after the transfer. There is no requirement to renegotiate, novate, or otherwise amend such agreements solely as a consequence of the legislative change.

The section ensures that existing contractual rights and obligations continue without interruption. It also provides that such contracts are enforceable by or against the Health Service Executive and clarifies that all references to Children's Health Ireland in those agreements are to be read as references to the Health Service Executive from the commencement date.

Head 19 – Continuity and saving provisions

This Head provides for savings and transitional arrangements following the transfer of functions and employees from Children's Health Ireland to the Executive.

Nothing in this Act affects the validity of any act done before the commencement of this Section by or under the authority of Children's Health Ireland and every such act shall, if and in so far as it was operative immediately before that day, have effect on or after that day as if it had been done by or on behalf of the Executive.

Explanatory Note

This Head provides that the transfer of functions and employees does not affect:

- The validity of anything done by Children's Health Ireland before the transfer day
- The continuity of contracts, proceedings or other matters in being immediately before the transfer day

This Head is intended to ensure no legal or operational disruption as a result of the transfer.

Similar Heads were provided for in the Act of 2018 to ensure that no legal or operational disruption was caused following the integration of the three hospitals into Children's Health Ireland**.**

Head 20 – Repeal of sections of the Act of 2018

This Head provides that, upon commencement of this section, the following sections of the Act of 2018 are repealed:

a) S4 – 11
b) S12 – 22
c) S23 – 27
d) S28 – 35
e) S38 – 44
f) S47 – 53
g) S55 – 59
h) S61

Explanatory Note

This Head provides for the repeal of specific sections of the Act of 2018 that are no longer required following the decision to dissolve Children's Health Ireland as a standalone statutory body and to integrate paediatric services within the Executive.

a) It is proposed to repeal s4 – 11 of the Act of 2019 which relate to the establishment, functions and core statutory obligations of Children's Health Ireland.
b) It is proposed to repeal s12 – 22 of the Act of 2018 2018. S12 – 21 make provision for the Board of Children's Health Ireland, including its establishment, membership, operation, meetings, conditions of office and expenses. S22 makes provision for the use of a corporate seal by Children's Health Ireland.
c) It is proposed to repeal s23 - 27 of the Act of 2018. S23 - 25 make statutory provision for the Chief Executive Officer of Children's Health Ireland and the exercise and delegation of that officer's functions. S26 and 27 make provision for the employment of staff by Children's Health Ireland, and superannuation arrangements applying to those staff.
d) It is proposed to repeal s28 - 35 of the Act of 2018 which make statutory provision for the transfer of employees, property, rights, liabilities, contracts and records of Crumlin Hospital to Children's Health Ireland, together with associated saving and transitional provisions.
e) It is proposed to repeal s38 - 44 of the Act of 2018 which make statutory provision for the transfer of employees, property, rights, liabilities, contracts and records of the Temple Street Hospital to Children's Health Ireland, together with associated saving and transitional provisions.

f) It is proposed to repeal s47 - 53 of the Act of 2018 which make statutory provision for the transfer of certain employees, property, rights, liabilities, contracts and records of Tallaght Hospital to Children's Health Ireland, together with associated transitional and saving provisions.
g) It is proposed to repeal s55 - 59 of the Act of 2018 which make statutory provision in relation to the transfer of certain employees, property, rights, liabilities, contracts and records of the Executive to Children's Health Ireland, together with associated transitional and saving provisions.
h) It is proposed to repeal s61 of the Act of 2018 which amended Establishment Order 2007, which replaced 'relevant hospital' with ''Children's Health Ireland'' in each place it occurs. The repeal of this measure will then be addressed with Head 26 of the General Scheme, placing the Health Service Executive in each relevant place.

The repeal of these provisions is a necessary element of the policy decision to integrate Children's Health Ireland fully into the Executive and to dissolve Children's Health Ireland as a statutory body.

This Head does not affect the operation of any provision of the Act of 2018 other than those expressly repealed or amended by this Section. S36, 37, 45, 46, 54 and s60 and 62– 67 of the Act of 2018 shall continue to have legal effect following the commencement of this Section.

- S36 enables the Minister for Health to indemnify former directors of Crumlin Hospital for acts carried out in good faith in the discharge of their duties.
- S37 preserves the legal validity of acts done by or on behalf of Crumlin Hospital prior to the transfer of its functions to Children's Health Ireland.
- S45 enables the Minister for Health to indemnify former directors of Temple Street Hospital for acts carried out in good faith in the discharge of their duties.
- S46 preserves the legal validity of acts done by or on behalf of Temple Street Hospital prior to the transfer of its functions to Children's Health Ireland.
- S54 preserves the legal validity of acts done by or on behalf of Tallaght Hospital, relating to paediatric services, prior to the transfer of its functions to Children's Health Ireland.
- S60 is a standard provision defining key terms used throughout Part 9 of the Act of 2018.
- S62-67 relates to the National Paediatric Hospital Development Board and provides the transfer of certain property, rights and liabilities of Board to Children's Health Ireland, the dissolution of the Board, liability for loss occurring before dissolution day, provisions consequent upon transfer of functions,

property, rights and liabilities to Executive, final accounts and final annual report of Board and the cessation of the Board.

Head 21 - Final accounts of Children's Health Ireland

Provides that, upon commencement of this Section:

1. The Executive shall, in respect of the period up to and including the date of commencement of this Section, prepare the final accounts of Children's Health Ireland.

2. The Executive shall submit the final accounts to the Minister not later than 6 months after the date of commencement of this Section.

3. For the purposes of subhead 1, the Minister may specify a period that is longer or shorter than a financial year of Children's Health Ireland.

4. The Minister shall, as soon as is practicable, after the accounts are submitted to him or her, cause a copy of the documents concerned to be laid before each House of the Oireachtas.

Explanatory Note

This Head provides for the preparation, submission and oversight of the final accounts of Children's Health Ireland following its integration into the Executive. It ensures that Children's Health Ireland's financial position is formally ended upon commencement of this Section.

The Executive is required to prepare the final accounts for the period up to and including the commencement of this Section and submit them to the Minister within a specified timeline. The Minister may specify an alternative accounting period, where necessary, to align with the commencement of this Section and ensure accurate financial reporting.

The Minister is required, as soon as practicable after receipt, to lay copies of both the final accounts before each House of the Oireachtas. This provides for transparency and appropriate parliamentary oversight of Children's Health Ireland's final financial and operational reporting.

Head 22- Final Annual Report of Children's Health Ireland

Provides that, upon commencement of this Section:

1. The Executive shall, in respect of the period up to and including the date of commencement of this Section, prepare the final annual report of Children's Health Ireland.
2. The Executive shall submit the final annual report to the Minister not later than 6 months after the commencement of this Section.
3. The Minister shall, as soon as is practicable, after the final annual is submitted to him or her, cause a copy of the documents concerned to be laid before each House of the Oireachtas.

Explanatory Note

This Head provides for the preparation, submission and oversight of the annual report of Children's Health Ireland following its integration into the Executive. It ensures that Children's Health Ireland's operational position, up to the date of integration into the Executive is formally reported upon.

The Executive must also prepare and submit Children's Health Ireland's final annual report within a specified timeframe.

The Minister is required, as soon as is practicable after receipt, to lay the final annual report before each House of the Oireachtas. This provides for transparency and appropriate parliamentary oversight of Children's Health Ireland's final operational reporting.

Head 23: Transfer of Delegation of Functions of the Chief Executive Officer of Children's Health Ireland

Where, immediately before the commencement of this Section, a function has been delegated by the Chief Executive Officer of Children's Health Ireland to a specified employee pursuant to s25(1) of the Act of 2018, that delegation shall continue in force as if it were a delegation made by the Chief Executive Officer of the Executive under s19 of the Health Act 2004, subject to any directions, limitations or guidelines specified by the Chief Executive Officer of the Executive.

Nothing in this Head shall be construed as preventing the Chief Executive Officer of the Executive from varying or revoking any such delegation, or from making new delegations or authorising sub-delegations, in accordance with s19 of the Act of 2004.

Explanatory Note

This Head provides for the continuation, following the integration of Children's Health Ireland into the Executive, of any delegation of functions made by the Chief Executive Officer of CHI to an employee immediately prior to the commencement of this Section.

The purpose of the provision is to ensure operational continuity by avoiding the need to reissue existing delegations on transfer. Any such delegations are preserved and are to be treated as if made by the Chief Executive Officer of the Executive under s19 of the Act of 2004.

The Head further clarifies that the Chief Executive Officer of the Executive retains full authority, in accordance with s19 of the Act of 2004, to vary, revoke or remake such delegations and to authorise sub-delegations as appropriate. This ensures both continuity and appropriate executive control following integration.

Head 24– Amendment of s62 of the Act of 2018

Provides that, upon commencement of this Section, s62 of the Act of 2018 is amended as follows:

1. In subsection (1), line 3, by deleting " the Executive and Children's Health Ireland" and substituting "and the Executive" (thus removing Children's Health Ireland as a party to the agreement), and in line 4 by substituting "the Executive" for "Children's Health Ireland" where it appears (so that the property transfers to the Executive instead of to Children's Health Ireland)
2. In subsection (2), by substituting "the Executive" for "Children's Health Ireland" in each place where it occurs.

Explanatory Note

This Head provides for certain amendments to s62 of the Act of 2018, to reflect the integration of Children's Health Ireland into the Executive.

S.I. No. 246/2007 - The National Paediatric Hospital Development Board (Establishment) Order, 2007 order established the National Paediatric Hospital Development Board. The Act of 2018 amended the original order to clarify the functions and duties of the NPHDB, as well as establishing Children's Health Ireland as its primary statutory partner.

The amendment removes Children's Health Ireland as a party to statutory arrangements under s62 and substitutes the Executive as the recipient of property, rights and liabilities formerly provided for to transfer to Children's Health Ireland. The effect is that the Executive becomes the statutory body responsible for matters previously assigned to Children's Health Ireland in connection with the National Paediatric Hospital Development Board. No other changes to s62 are proposed under this Head.

Part 3
Amendment to the Health Act 2004

Head 25 – Amendment to S40 of the Health Act 2004

Provides that, upon the commencement of s20, s40 of the Act of 2004 is amended to include the below sub section –

The Executive may engage in or support fundraising and philanthropy.

Explanatory Note

This section would provide for the Executive to engage in and support fundraising and philanthropy activities. This provides for the function previously available to Children's Health Ireland under s6(2)(h) in the Act of 2018 in fundraising and philanthropy.

The transfer of the other functions is carried out in Head 9 of the General Scheme, using s7(3) (b) of the Health Act 2004, which permits that the functions of the Executive can be extended to such other functions as are assigned to it by the Health Act 2004 or any other enactment.

Part 4
Amendment of the National Paediatric Hospital Development Board (Establishment) Order, 2007

Head 26 – Amendment to s5 and 6 of the National Paediatric Hospital Development Board (Establishment) Order, 2007

Provides that, upon commencement of s20, S5 and 6 of the National Paediatric Hospital Development Board (Establishment) Order, 2007 are amended as follows:

1. in s5(2)(i), 5(2)(ii) and 5(2)(iii), that the text now provides for the substitution of "the Executive" for "relevant hospitals" in each place where it occurs
2. in s6, that the text now provides for the substitution of "the Executive" for "relevant hospitals" in Article 6 of the Order.

Explanatory Note

This Head provides for certain amendments to s5 and 6 of the National Paediatric Hospital Development Board (Establishment) Order, 2007, to reflect the integration of Children's Health Ireland into the Executive, and the cessation of Children's Health Ireland as a statutory body.

This Head substitutes references to "relevant hospitals" in s5 and 6 of the 2007 Order with references to "the Executive", with the effect that the Executive becomes the statutory body responsible for matters relating to the National Paediatric Hospital Development Board. No other changes to the National Paediatric Hospital Development Board (Establishment) Order, 2007 are proposed.