The Minister for Health and Children, Mary Harney TD, in exercise of the powers conferred on her by sections 42 and 78 of the Health Act 2004 (No. 42 of 2004) and after consultation with the Minister for the Environment, Heritage and Local Government in compliance with section 42(1), hereby makes the following regulations:

PART I – PRELIMINARY AND GENERAL

1. These Regulations may be cited as the Health Act 2004 (Regional Health Forums) Regulations 2005.

2. (1) In these Regulations, except where the context otherwise requires-
“Act” means the Health Act 2004 (No. 42 of 2004);
“administrative area” has the meaning assigned to it in section 2 of the Local Government Act 2001 (No. 37 of 2001);
“Executive” means the Health Service Executive established by the Health Act 2004;
“Forum” means a regional health forum established by these Regulations;
“local election” has the meaning assigned to it in section 2 of the Local Government Act 2001 (No. 37 of 2001);
“Minister” means the Minister for Health and Children.

(2) In these Regulations-
(a) a regulation which is not otherwise identified is a reference to a regulation in these Regulations;
(b) a paragraph or sub-paragraph which is not otherwise identified is a reference to a paragraph or sub-paragraph in the regulation to which the reference occurs.

Function of a Forum

3. A Forum shall carry out the function set out in section 42(2) of the Act.

PART II – CONSTITUTION, APPOINTMENTS, ETC.

Regional Health Forum, Dublin-Mid Leinster

4. (1) There shall stand established a regional health forum entitled Regional Health Forum, Dublin–Mid Leinster on the establishment day.

(2) The 1st day of January 2006 is appointed as the establishment day for the purposes of Regulation 4(1).

(3) The functional area of the Regional Health Forum, Dublin –Mid Leinster shall be (a) that part of the administrative area of Dublin City Council situated south of the River Liffey, and (b) the administrative areas of the county councils of Dun Laoghaire-Rathdown, Kildare, Laois, Longford, Offaly, South Dublin, Westmeath and Wicklow.

(4) There shall be 40 members of the Regional Health Forum, Dublin-Mid Leinster consisting of –

6 members appointed by Dublin City Council representing the electoral areas of Ballyfermot, Crumlin-Kimmage, Pembroke, Rathmines, South-East Inner City and South-West Inner City, 6 members appointed by Dun Laoghaire-Rathdown County Council, 5 members appointed by Kildare County Council, 3 members appointed by Laois County Council, 3 members appointed by Longford County Council, 3 members appointed by Offaly County Council, 7 members appointed by South Dublin County Council, 3 members appointed by Westmeath County Council and 4 members appointed by Wicklow County Council.
Regional Health Forum, Dublin and North East

5. (1) There shall stand established a regional health forum entitled Regional Health Forum, Dublin and North East on the establishment day.

(2) The 1st day of January 2006 is appointed as the establishment day for the purposes of Regulation 5(1).

(3) The functional area of the Regional Health Forum, Dublin and North East shall be that part of the administrative area of Dublin City Council situated north of the River Liffey and the administrative areas of the county councils of Cavan, Fingal, Louth, Meath and Monaghan.

(4) There shall be 29 members of the Regional Health Forum, Dublin and North East consisting of –
3 members appointed by Cavan County Council, 8 members appointed by the Dublin City Council representing electoral areas of Artane, Ballymun-Whitehall, Cabra-Glasnevin, Clontarf, Donaghmede, Finglas and North Inner City, 6 members appointed by Fingal County Council, 4 members appointed by Louth County Council, 5 members appointed by Meath County Council and 3 members appointed by Monaghan County Council.

Regional Health Forum, South

6. (1) There shall stand established a regional health forum entitled Regional Health Forum, South on the establishment day.

(2) The 1st day of January 2006 is appointed as the establishment day for the purposes of Regulation 6(1).

(3) The functional area of the Regional Health Forum, South shall be the administrative areas of the city councils of Cork and Waterford and the county councils of Carlow, Cork, Kerry, Kilkenny, South Tipperary, Waterford and Wexford.
(4) There shall be 39 members of the Regional Health Forum, South consisting of –
3 members appointed by Carlow County Council, 4 members appointed by Cork City Council, 9 members appointed by Cork County Council, 5 members appointed by Kerry County Council, 4 members appointed by Kilkenny County Council, 4 members appointed by South Tipperary County Council, 3 members appointed by Waterford City Council, 3 members appointed by Waterford County Council and 4 members appointed by Wexford County Council.

Regional Health Forum, West

7. (1) There shall stand established a regional health forum entitled Regional Health Forum, West on the establishment day.

(2) The 1st day of January 2006 is appointed as the establishment day for the purposes of Regulation 7(1).

(3) The functional area of the Regional Health Forum, West shall be the administrative areas of the city councils of Limerick and Galway and the county councils of Clare, Donegal, Galway, Leitrim, Limerick, Mayo, North Tipperary, Roscommon and Sligo.

(4) There shall be 40 members of the Regional Health Forum, West consisting of –
4 members appointed by Clare County Council, 5 members appointed by Donegal County Council, 3 members appointed by Galway City Council, 5 members appointed by Galway County Council, 3 members appointed by Leitrim County Council, 3 members appointed by Limerick City Council, 4 members appointed by Limerick County Council, 4 members appointed by Mayo County Council, 3 members appointed by North Tipperary County Council, 3 members appointed by Roscommon County Council and 3 members appointed by Sligo County Council.
Appointments

8. (1) Where three or more members are to be appointed by a local authority to a regional health forum, then-

   (a) any group of members who are present at the meeting at the time when the business of making the appointment is reached and comprising the number of members necessary for the purposes of this paragraph may nominate a person to be a member of that body and the person shall be so appointed on that nomination without any vote being taken, and

   (b) the members of the body then remaining to be appointed shall be appointed successively by the members of the local authority who are not members of any group referred to in paragraph (a) and who were present at the meeting at the time when the business of making the appointments was reached.

(2) (a) Subject to paragraph (b) the number of members necessary to form a group for the purposes of this Regulation shall be obtained by dividing the total number of members present at the meeting of the Authority at the time when the business of making the relevant appointments is reached by the number of appointments to be so made, or, where the number so obtained is not a whole number, the whole number next above the number so obtained.

   (b) No member of a local authority shall be a member of more than one group for the purposes of this regulation.

Resignation

9. A member of a Forum may resign his or her membership by giving notice in writing signed by him or her to the chairperson of the Forum, or in the case of the chairperson to the vice-chairperson, and the resignation shall take effect from the date of receipt of the notice by the chairperson or the vice-chairperson as the case may be.
Attendance at Meetings

10. (1) Where a member of a Forum has not, for a consecutive period of three meetings, attended a meeting of the Forum, his or her membership of the Forum shall terminate, except where the non-attendance was due to the illness of the member or to a reason approved by the Forum before the expiry of that period.

(2) Where a meeting of a Forum is abandoned because of a failure to obtain a quorum, the names of the members who attended at the time and place appointed for the holding of the meeting shall be recorded and those members shall be deemed to have attended a meeting of the Forum for the purposes of this regulation.

Casual Vacancies

11. (1) A casual vacancy occurring among the members of a Forum shall, as soon as may be, be filled by the city or county council by whom the member causing the vacancy was nominated in the same manner as nominations are required to be made in accordance with section 42(3) of the Act.

(2) A person appointed under paragraph (1) holds office for the unexpired portion of his or her predecessor’s term of office.

(3) For the purposes of paragraph (1), a casual vacancy means a vacancy caused in the membership of a Forum by a member of the Forum ceasing to hold office other than so ceasing as a result of the member’s successor having been appointed.

Chairperson and Vice-Chairperson

12. (1) Each Forum shall, on an annual basis, in accordance with the procedure set out in the Schedule, elect one of its members to be chairperson of the Forum and another of its members to be vice-chairperson of the Forum.

(2) A chairperson or vice-chairperson of the Forum shall hold office for the twelve month period from the date of his or her appointment unless-

(a) he or she ceases to be, or becomes disqualified from being, a member of the Forum;
(b) he or she resigns the office of chairperson or vice-chairperson;
(c) the Forum, by a resolution, for which not less than two-thirds of the members of the Forum voted and of the intention to propose which not less than seven days’ notice was given to every person who was a member of that Forum when the notice was given, terminates such person’s appointment as chairperson or vice-chairperson.

(3) Notwithstanding the provisions of paragraph (2), the term of office of the first chairperson and first vice-chairperson of a Forum shall be for the period from his or her election at the first annual meeting held in accordance with paragraph (1) of Regulation 14 until the next annual meeting held in accordance with paragraph (2) of Regulation 14.

(4) A chairperson of a Forum may at any time resign his or her office of chairperson by giving notice in writing signed by him or her to the vice-chairperson of the Forum, but the resignation shall not become effective until the commencement of the meeting of the Forum held next after the receipt by the vice-chairperson of the resignation.

(5) A vice-chairperson of a Forum may at any time resign his or her office of vice-chairperson by giving notice in writing signed by him or her to the chairperson of the Forum, but the resignation shall not become effective until the commencement of the meeting of the Forum held next after the receipt by the chairperson of the resignation.

Disclosure of Interest

13. A member of a Forum who has any pecuniary or other beneficial interest in any matter coming before a meeting of a Forum, shall disclose to the meeting the fact of the interest and the nature thereof, and shall take no part in any deliberation or decision of the Forum relating to the said matter, and any such disclosure shall be recorded in the minutes of the proceedings of the relevant meeting of the Forum.
PART III – MEETINGS AND PROCEDURES

Meetings

14. (1) The first annual meeting of each Forum shall take place not later than four
weeks after the appointment of the final member of that Forum in accordance
with section 42(3) of the Act.

(2) Subject to paragraph (3), each annual meeting after the first annual meeting
shall take place at the first meeting of the Forum which takes place in or after
the month of June.

(3) In every year in which a local election is held, the annual meeting of each
Forum shall be held not later than four weeks after the appointment of the final
member of that Forum in accordance with section 42(3) of the Act.

(4) A Forum shall hold not more than 6 meetings (including the annual meeting)
in each year.

(5) The meetings shall be held at a venue fixed by the Executive.

(6) Subject to any conditions, restrictions or requirements specified by a Forum
under Regulation 16, representatives of the communications media and
members of the public may attend at a meeting of a Forum.

(7) Nothing in this regulation shall require a Forum to permit the taking of
photographs of any proceedings, or the use of any means to enable persons not
present to see or hear any proceedings (whether at the time or later), or the
making of any oral report on any proceedings as they take place.

15. Notwithstanding the provisions of section 42(7) of the Act, the Executive shall
make arrangements for the –

(a) issuing of notices of meetings;

(b) keeping of minutes of meetings and any other records necessary for the
    proper functioning of the Forum or a committee of the Forum; and
(c) submission, on behalf of the Forum, of any representations it makes to the Executive.

Standing Orders
16. Subject to the provisions of these Regulations, a Forum shall regulate, by standing orders or otherwise, its procedure or business and may amend or revoke standing orders.

Quorum
17. The quorum for a meeting of a Forum shall be one quarter of the membership of the Forum or, where one quarter of the membership is not a whole number, the next highest number.

Validity of Meetings
18. The proceedings of a Forum shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointments to the Forum.

Calling of Meeting
19. (1) Subject to Regulation 14(4), the Chairperson (or in his or her absence, the vice-chairperson of a Forum) shall call a meeting of the Forum.

(2) Subject to Regulation 14(1), the Executive shall arrange the first annual meeting of a Forum.

Notice of Meeting
20. (1) Three clear days at least before any meeting of a Forum, a notice to attend the meeting, specifying the business to be transacted thereat and signed by the Chairman or Vice-Chairman of the Forum, shall be left or delivered by post or by electronic means at the ordinary residence of every member of the Forum, but non-receipt of such notification by a member or some of the members of the Forum shall not affect the validity of a meeting.
(2) A Forum shall make such arrangements as it considers appropriate to give public notice of each meeting of the Forum, including the time and place of the meeting.

Chairperson at Meeting

21. (1) At a meeting of the Forum-
(a) the chairperson of the Forum shall chair the meeting,
(b) if and so long as the chairperson of the Forum is not present or the office of chairperson is vacant, the vice-chairperson shall, if he or she is present, be chairperson of the meeting,
(c) if and so long as the chairperson of the Forum is not present or the office of chairperson is vacant and the vice-chairperson is not present or the office is vacant, the members of the Forum who are present shall choose one of their number to be chairperson of the meeting.

(2) Notwithstanding the provisions of paragraph (1), the first annual meeting of a Forum shall, for the purposes of the election of the first chairperson be chaired by the Chief Executive Officer of the Executive or by an employee of the Executive designated by the Chief Executive Officer to carry out such function.

(3) Following the election of the first chairperson, that chairperson shall chair the remainder of the first annual meeting.

Minutes of Meetings

22. (1) Minutes of the proceedings at a meeting of a Forum shall be drawn up and shall be signed by the chairperson of the meeting and retained in the custody of the Executive.

(2) The names of the members of a Forum present at a meeting of a Forum shall be recorded in the minutes of the proceedings of the meeting.

(3) The names of the members of a Forum voting on any question arising at a meeting of a Forum shall be recorded in the minutes of the proceedings of the
meeting and the record shall show which members voted for and which voted against the question.

*Acting by majority vote*

23. All acts of a Forum and all questions coming or arising before a Forum may be done and decided by the majority, save as otherwise provided under these regulations, of such members of a Forum as are present and vote at a meeting of a Forum.

*Casting vote of Chairperson*

24. In the case of an equality of votes on any question arising at a meeting of a Forum, the chairperson of the meeting shall have a second or casting vote, save as otherwise provided under these regulations.

PART IV - COMMITTEES

*Committees*

25.(1) If a Forum considers it appropriate, it may establish, from among its members, committees to provide assistance and advice to it in relation to the performance of its function and may determine the membership and terms of reference of each committee.

(2) A Forum may not establish and operate more than 2 committees at any one time.

(3) A Forum shall specify in writing the purpose and terms of reference of each committee.

(4) The acts of a committee are subject to confirmation by the Forum, unless the Forum dispenses with the necessity for confirmation.

(5) A Forum may regulate the procedure of a committee but, subject to any such regulation, a committee may regulate its own procedure.
(6) Notwithstanding the provisions of paragraph (5), the quorum for a meeting of a committee shall be one quarter of the committee or where such number is not a whole number, the next highest whole number.

(7) A Forum may at any time dissolve a committee established under this regulation subject to such committee having been in place for not less than 12 months.

(8) A committee shall hold not more than 4 meetings in each 12 month period following its establishment.

(9) The meetings of a committee shall be held at a venue fixed by the Executive.

(10) A member of a Forum may be a member of only one committee at any one time.

(11) All minutes of meetings held by committees of a Forum and all reports produced by such committees should be forwarded to the Executive for circulation to Forum members and for safekeeping.

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SCHEDULE

METHOD OF ELECTION

OF CHAIRPERSON AND VICE-CHAIRPERSON OF A FORUM

The following provisions shall apply and have effect in respect of the election of a chairperson or a vice-chairperson, as the case may be, of a Forum:

(a) the proceedings shall begin by a member or members of the Forum being proposed and seconded by other members of the Forum for the office of chairperson or vice-chairperson, as the case may be, and every person so proposed and seconded, and no other person shall be a candidate;

(b) where there is only one candidate for the office of chairperson or vice-chairperson, as the case may be, such candidate shall be deemed to be elected;
(c) where there are more than two candidates for the office of chairperson or vice-chairperson, as the case may be, a poll shall be taken;

(d) if at such a poll a majority of the members of the Forum present vote for any particular candidate for the office of chairperson or vice-chairperson, as the case may be, such candidate shall be elected;

(e) if at such a poll no candidate for the office of chairperson or vice-chairperson, as the case may be, receives the votes of a majority of the members of the Forum present, the candidate receiving the least number of votes shall be excluded from the election for the office of chairperson or vice-chairperson, as the case may be, and, subject to the provisions of paragraph (g), one or more further polls (according as may be necessary) shall be taken;

(f) paragraphs (d) and (e) shall apply in relation to such further poll or polls;

(g) where there are only two candidates for the office of chairperson or vice-chairperson, as the case may be, or where, as a result of one or more polls, all the candidates except two have been eliminated, the question as to which of such candidates shall be elected for the office of chairperson or vice-chairperson, as the case may be, shall be put to the members of the Forum present and whichever of such candidates receives the greater number of votes on such question shall be elected;

(h) if because of an equality of votes given to two or more candidates for the office of chairperson or vice-chairperson, as the case may be, any question arises as to which of such candidates is to be eliminated or as to which of such candidates is to be elected, such question shall be decided by lot in accordance with paragraph (i);

(i) in deciding any such question by lot, the names of the candidates concerned, for the office of chairperson or vice-chairperson, as the case may be, shall be written on similar slips of paper, the slips shall be folded so as to prevent identification and mixed and drawn at random, and the candidate whose name
is first drawn shall, where the question concerns an elimination, be the candidate who is to be eliminated or, where the question concerns an election, be the candidate who is to be elected to the office of chairperson or vice-chairperson, as the case may be.

Given under the Official Seal of the Minister for Health and Children this 12th day of December 2005.

L.S.

Mary Harney T.D.
Minister for Health and Children.
Explanatory Note

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

These Regulations establish the Regional Health Forum, Dublin-Mid Leinster, the Regional Health Forum, Dublin and North East, the Regional Health Forum, South and the Regional Health Forum, West as provided for in section 42 of the Health Act 2004.

The Regulations also deal with the constitution, membership, meetings and procedures of the Regional Health Forums.