

STATUTORY INSTRUMENT

S.I. No. 632 of 2006

**NATIONAL CANCER SCREENING SERVICE BOARD
(ESTABLISHMENT) ORDER, 2006**

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NATIONAL CANCER SCREENING SERVICE BOARD (ESTABLISHMENT) ORDER, 2006.

The Minister for Health and Children in exercise of the powers conferred on her by Sections 3 to 6 of the Health (Corporate Bodies) Act, 1961 (No. 27 of 1961), as amended by Section 22 of the Health (Amendment) (No. 3) Act, 1996 (No. 32 of 1996) and adapted by the Health (Alteration of Name of Department and Title of Minister) Order, 1997 (S.I. No. 308 of 1997) hereby orders as follows:

1. This Order may be cited as the National Cancer Screening Service Board (Establishment) Order, 2006.
2. This Order shall commence on the 1st day of January 2007.
3. There shall stand established on the 1st day of January 2007 a body to be known as the National Cancer Screening Service Board (An Bord Náisiúnta um Sheirbhís Scagthástála Ailse).
4. In this Order:

“Board” means the National Cancer Screening Service Board established by this Order;

“Chairperson” means the Chairperson appointed by the Minister under Article 7;

“Chief Executive Officer” means the chief officer referred to in Article 15;

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

“Minister” means the Minister for Health and Children;

“Programme” means a National Cancer Screening Programme;

“Executive” means the Health Service Executive established under Section 6 of the Health Act, 2004;

“former Board” means the Board established under the National Breast Screening Board (Establishment) Order 2004, S.I. No. 891 of 2004;

“Service Plan” means a statement of the services to be provided by the Board consistent with the financial limits determined by the Minister under Article 12 and estimates of the income and expenditure of the Board for the period to which the plan relates.

THE BOARD

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

FUNCTIONS OF THE BOARD

6. (1) The Board shall subject to such directions as the Minister may give from time to time:-
 - (a) carry out or arrange to carry out a Programme for the early diagnosis of breast cancer, and arrange for the primary treatment of breast cancer in such classes of women as may be determined by the Minister from time to time and
 - (b) carry out or arrange to carry out a Programme for the early diagnosis of cervical cancer, and arrange for the primary treatment of cervical cancer in such classes of women as may be determined by the Minister from time to time.
- (2) The Board shall, at the request of the Minister, advise the Minister on health technologies, including vaccines, relating to the prevention of cervical cancer.
- (3) The Board may, and shall, if so requested by the Minister, provide advice to the Minister on the carrying out of Programmes concerning any cancer.
- (4) The Board shall implement special measures to promote participation in its Programmes by disadvantaged persons.
- (5) The Board shall establish appropriate systems for:-
 - (a) the planning, administration and management of its Programmes and
 - (b) obtaining such information as it may require in relation to the management and administration of its Programmes.
- (6) The Board shall co-operate with, and co-ordinate its activities with those of the Executive.
- (7) In performing the functions conferred on it by this Order, the Board shall have regard to the resources, wherever originating, that are available to it for the purpose of such performance and the need to secure the most beneficial, effective and efficient use of such resources.

MEMBERSHIP OF THE BOARD

7. (1) The membership of the Board shall consist of a Chairperson and 11 other members appointed by the Minister.
- (2) The term of office of the members of the Board, including the Chairperson, shall, subject to Article 7 (3) and 7 (4), expire on the 31st day of December, 2009.
- (3) A member of the Board, including the Chairperson, may resign his or her membership by letter addressed to the Minister and the resignation shall take effect from the date specified therein or upon receipt of the letter by the Minister, whichever is the later.
- (4) A member of the Board, including the Chairperson, may at any time be removed from membership of the Board by the Minister if, in the Minister's opinion, the member has become incapable through ill-health of performing his or her functions, or has committed stated misbehaviour, or his or her removal appears to be necessary for the effective performance by the Board of its functions, or if the Minister is satisfied that the member has failed to comply with the provisions of Article 17.
- (5) In the event of a casual vacancy arising through the death, resignation or cessation of membership under this Article of a member of the Board, including the Chairperson, the vacancy may be filled by appointment by the Minister and the person so appointed shall hold office as a member of the Board for the unexpired term of office of the said member.
- (6) The Minister shall, in so far as is practicable and having regard to relevant experience, ensure an equitable balance between men and women in the composition of the Board.

PROCEEDINGS OF THE BOARD

8. (1) The Board shall hold such and so many meetings as may be necessary for the performance of the functions of the Board but in any case shall meet not less frequently than once in every period of three months.
- (2) The first meeting of the Board shall be held within one month after 1st January 2007.
- (3) The quorum for a meeting of the Board shall be 5.
- (4) The Chairperson of the Board shall preside at all meetings of the Board at which he or she is present and in the absence of the Chairperson the members present shall elect one of their number to preside at the meeting.
- (5) Each member of the Board present at a meeting of the Board shall have a vote.

- (6) Every question at a meeting of the Board shall be determined by a majority of the votes of the members present and voting on the question and, in the case of an equal division of votes, the Chairperson or other member presiding at the meeting shall have a second or casting vote.
- (7) The Board shall have power to adopt standing orders governing the procedures to be followed at its meetings, and the performance of its functions generally.
- (8) The proceedings of the Board shall not be invalidated by any vacancy or vacancies among its members or by any defect in the appointment of the Board or any member thereof.
- (9) The Chairperson may at any reasonable time call a meeting of the Board.
- (10) If the Chairperson refuses to call a meeting of the Board after a requisition for that purpose, signed by not less than 3 members of the Board, has been presented to the Chairperson, any 3 members of the Board may call a meeting of the Board.
- (11) If the Chairperson, without refusing to do so, does not, within 7 days of the presentation of a requisition for that purpose signed by not less than 3 members of the Board, call a meeting of the Board, any 3 members of the Board may call a meeting of the Board.

SEAL OF THE BOARD

9. (1) The Board shall, as soon as may be after its establishment, provide itself with a seal.
- (2) The seal of the Board shall be authenticated by the signature of:-
 - (a) the Chairperson, or such other member of the Board duly authorised by the Board to act in that behalf, and
 - (b) an officer of the Board duly authorised by the Board to act in that behalf.

REMUNERATION

10. (1) The Chairperson, for acting as Chairperson of the Board, or a person, for acting as a member of the Board, may receive such remuneration as from time to time be determined by the Minister, with the consent of the Minister for Finance.
- (2) A member of the Board may be paid travelling and subsistence allowances in accordance with such scales as may from time to time be approved by the Minister, with the consent of the Minister for Finance.

COMMITTEES

11. (1) The Board may appoint committees, whose members may include persons who are not members of the Board, to assist and advise the Board in relation to the carrying on of the functions of the Board, or to furnish advice on particular aspects of its functions.
- (2) Any committee so appointed shall comply with any directions given to it by the Board, and any expenditure by it shall be subject to the prior consent of the Board.

FINANCIAL

12. (1) The Board shall submit estimates of income and expenditure to the Minister in such form, in respect of such periods, and at such times as may be required by the Minister, and shall furnish to the Minister any information which the Minister may require in relation to such estimates.
- (2) Subject to Section 9 of the Health (Corporate Bodies) Act 1961, the Minister may pay to the Board, in each year out of moneys provided by the Oireachtas, a grant or grants, of such amount or amounts as the Minister may decide.
- (3) Within 21 working days of having been notified in writing of its grant or grants for a financial year, the Board shall:-
 - (a) prepare a service plan for the financial year or other period as may be determined by the Minister, and
 - (b) adopt the plan so prepared and submit it to the Minister for approval.
- (4) The financial year of the Board shall be the period of 12 months ending on 31st day of December in any year.

ACCOUNTS

13. (1) The Board shall keep all proper and usual accounts of all moneys received or expended by the Board including an income and expenditure account and balance sheet and, in particular, shall keep all such special accounts as the Minister may from time to time direct.
- (2) The annual financial statement shall be prepared within 3 months of the end of the previous year for submission to the Comptroller and Auditor General and the audit of these financial statements shall be carried out by the Comptroller and Auditor General under section 5 of the Comptroller and Auditor General (Amendment) Act, 1993.

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

REPORTS

14. (1) The Board shall in each year subsequent to its establishment, make a report to the Minister of its activities during the preceding year, including an account of its performance against the service plan produced under Article 12 (3), and the Minister shall cause copies of the report to be laid before each House of the Oireachtas.
- (2) The Board shall furnish to the Minister or the Executive such information regarding the performance of its functions as the Minister or the Executive may from time to time request.

CHIEF EXECUTIVE OFFICER

15. (1) There shall be a chief officer of the Board who shall be known as the Chief Executive Officer.
- (2) Subject to paragraph (3) herein, the Chief Executive Officer shall be appointed by the Board and shall hold office for such period and upon such terms and conditions (other than terms and conditions relating to remuneration, superannuation and allowances for expenses) as the Board may, with the approval of the Minister, determine from time to time.
- (3) On 1st January 2007, the chief officer of the former Board shall be deemed to have been appointed as Chief Executive Officer of the Board, for the remaining term of his contract of employment with the former Board and on the same terms and conditions of contract.
- (4) The Chief Executive Officer shall carry on, manage and control generally the administration and business of the Board and perform such other functions as may be determined by the Board.
- (5) The terms and conditions, relating to the remuneration, superannuation and allowances for expenses of the Chief Executive Officer, shall be such as may be determined from time to time by the Minister, with the consent of the Minister for Finance.
- (6) The Chief Executive Officer shall not be a member of the Board, but may attend at all Board meetings unless the Board otherwise decides.

MEMBERS OF STAFF

16. (1) The Board may, subject to the approval of the Minister, with the consent of the Minister for Finance, appoint such other members of staff as the Board may, from time to time, think appropriate, and in appointing any member of staff, the Board shall comply with any directions given by the Minister relating to the procedure to be followed.
- (2) The Board shall, subject to the approval of the Minister, with the consent of the Minister for Finance, determine the remuneration and conditions of service (including superannuation) of the members of staff.
- (3) The Board shall, subject to the approval of the Minister, with the consent of the Minister for Finance, determine the grades of the staff of the Board and the numbers of staff in each grade.
- (4) The Chief Executive Officer shall, from time to time, assign such duties as he or she considers appropriate, to each member of the staff of the Board, and each such member of the staff shall perform the duties so assigned.

DISCLOSURE OF INTERESTS

17. (1) Where the Chairperson, any other member of the Board, the Chief Executive Officer, a member of staff of the Board, a consultant, adviser or other person engaged by the Board, has a beneficial interest in, or material to, any matter which falls to be considered by the Board, he or she shall comply with the following requirements:-
 - (a) he or she shall disclose to the Board through the Chief Executive Officer, or in the case of the Chief Executive Officer or a member of the Board through the Chairperson, or in the case of the Chairperson directly to the Board, the nature of his or her interest in advance of any consideration of the matter;
 - (b) he or she shall neither influence nor seek to influence a decision in relation to the matter;
 - (c) he or she shall take no part in any consideration of the matter by the Board, save to such extent as the Chairperson, or where the Chairperson has such an interest, a majority of the Board, may permit.
- (2) Where a question arises as to whether or not a course of conduct, if pursued by a person, would be a failure by him or her to comply with paragraph (1) of this Article, the question shall be determined by the Board and particulars of the determination shall be recorded in the minutes of the meeting concerned.
- (3) Where a disclosure is made under Article 17 (1) to the Board, particulars of the disclosure shall be recorded in the minutes of the meeting concerned.

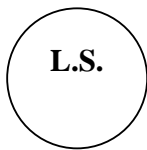
DUTY OF NON-DISCLOSURE OF INFORMATION

18. A person may not, without the consent of the Board, disclose any information obtained by him or her while performing duties as a member of the Board, as Chief Executive Officer, as a member of staff or a consultant or an adviser to the Board or a committee established pursuant to Article 11 of this Order.

LOANS, PURCHASE AND SALE OF LAND ETC

19. The Board may, subject to approval by the Minister, purchase, lease or exchange, hire or otherwise acquire, and hold, manage, develop, sell, dispose of, lease, any property, real or personal, and any interest therein.

GIVEN under the Official Seal of the
Minister for Health and Children
this 14 day of December 2006.



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 provide for the establishment of a National Cancer Screening Service Board whose functions include:

- to carry out or arrange to carry out a national breast screening service for the early diagnosis and primary treatment of breast cancer in women,
- to carry out or arrange to carry out a national cervical cancer screening service for the early diagnosis and primary treatment of cervical cancer in women and
- to advise on the carrying out of other National Cancer Screening Programmes.

This Board replaces the former Board which was established under the National Breast Screening Board (Establishment) Order 2004, S.I. No. 891 of 2004.