

HEALTH (FLUORIDATION OF WATER SUPPLIES) ACT 1960

An act to provide for the making by health authorities of arrangements for the fluoridation of water supplied to the public by sanitary authorities through pipes and to provide for certain other matters connected with the matter aforesaid.

[28th December, 1960.]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

SECT 1

Definitions.

1.—In this Act—

"fluoridation" includes the addition of fluorine in any form;

"health authority" has the meaning assigned to it by virtue of the Health Act, 1947, and the Health Authorities Act, 1960;

"the Minister" means the Minister for Health;

"sanitary authority" has the same meaning as in the Local Government (Sanitary Services) Acts, 1878 to 1952.

SECT 2

Arrangement by health authorities for the fluoridation of water.

2.—(1) Subject to and in accordance with this Act and regulations made under subsection (3) of this section, a health authority shall arrange for the fluoridation of water supplied to the public by sanitary authorities through pipes.

(2) The Minister may, in relation to a particular health authority, fix a date before which they shall, in relation to a particular public water supply, arrange for the fluoridation of water derived therefrom.

(3) (a) The Minister may make regulations as to the manner in which and the extent to which health authorities shall perform their functions under this Act, and such regulations shall in particular provide for the specification of the amount of fluorine (which shall not exceed one part by weight of fluorine per million parts of water) which may be added to a water supply.

(b) Regulations made under this subsection may relate to one or more health authorities and different regulations may be made in relation to different health authorities.

(4) Before making regulations under this section, the Minister shall—

(a) cause to be made—

(i) a survey of the incidence of dental caries in a representative

sample of pupils attending full-time day schools in the functional area or functional areas of the health authority or health authorities to whom the regulations relate, and

(ii) an analysis or series of analyses of the quantities of fluorine and such other constituents as the Minister may determine in the water supplied by sanitary authorities through pipes to the public in the functional area or functional areas of the health authority or health authorities to whom the regulations relate, and

(b) cause to be presented to each House of the Oireachtas a report on the survey and analysis or analyses so made,

and such report, in relation to the survey, shall include particulars of the procedure adopted in making it and the numbers, classified by age and otherwise, of the pupils to whom it relates but shall not include any information in respect of any identifiable pupil.

(5) Any information in relation to dental caries in individuals which is obtained in the course of a survey under subsection (4) of this section shall be treated in a confidential manner.

(6) Nothing in subsection (4) of this section shall be construed as imposing an obligation on any person to submit himself or any person for whom he is responsible to examination or as requiring the controlling authority of any school to afford facilities for the making of a survey under that subsection, and accordingly where, in the case of any such survey, information regarding the pupils attending one or more of the full-time day schools in the area or areas concerned is for any reason not available, the survey shall be made by reference to the pupils attending the other full-time day schools in the area or areas.

SECT 3

Appropriate health authority to arrange for fluoridation.

3.—(1) Where water from a particular public water supply is supplied to the functional area of one health authority only, the fluoridation of water derived therefrom shall be arranged by that health authority.

(2) Where water from a particular public water supply is supplied to the functional areas of two or more health authorities, the fluoridation of water derived therefrom shall be arranged by such of those health authorities as the Minister may determine.

SECT 4

Duties of sanitary authorities in relation to the fluoridation of water.

4.—(1) (a) The Minister may, after consultation with the Minister for Local Government, make regulations under this subsection requiring sanitary authorities to perform, as agents for health authorities, such acts, in relation to the fluoridation of water, as the

Minister thinks fit and specifies in the regulations.

(b) Regulations under this subsection may relate to one or more sanitary authorities and different regulations may be made in relation to different sanitary authorities.

(c) Every sanitary authority shall, notwithstanding anything contained in the Local Government (Sanitary Services) Acts, 1878 to 1952, or in any local Act relating to the supply of water to the public, comply with any regulations made under this subsection which are applicable to that sanitary authority.

(d) A sanitary authority may, with the consent of the Minister for Local Government, borrow for the purpose of defraying any expenses incurred by them under regulations made under this subsection as if they were expenses under the Local Government (Sanitary Services) Acts, 1878 to 1952.

(e) The appropriate health authority shall pay, on demand, to a sanitary authority any expenses (including payment of loan charges) incurred in a local financial year by that authority under regulations made under this subsection.

(2) Where the Minister has, under subsection (2) of section 2 of this Act, fixed in relation to a particular health authority, a date before which that health authority shall, in relation to a particular public water supply, arrange for the fluoridation of water derived therefrom, a sanitary authority who are required by regulations made under subsection (1) of this section to perform, as agent for that health authority, certain acts in relation to the fluoridation of water shall before that date perform those acts in relation to that particular public water supply.

SECT 5

Contribution by one health authority to another where water derived from a public water supply serves the functional areas of both authorities.

5.—(1) Where a health authority (in this section referred to as the arranging authority) arrange for the fluoridation of water derived from a public water supply which serves any part of the functional area of another health authority, that other health authority shall pay on demand to the arranging authority, in respect of the cost of the expenses (including payment of loan charges) incurred in a local financial year by the arranging authority in respect of such fluoridation, a sum bearing to the total expenses the same ratio (estimated as closely as is reasonably practical) as the amount of water supplied in that year to the functional area of that other health authority bears to the total amount of water supplied from that public water supply.

(2) If any dispute arises as to the amount of the payment to be made under subsection (1) of this section by one health authority to another health authority, the dispute shall be referred to and decided by the Minister.

(3) Notwithstanding the provisions of subsection (1) of this section, any two health authorities may make and carry out an agreement that neither of them shall make to the other any payment which would otherwise be proper to be made pursuant to that subsection.

SECT 6

General duty of the Minister as respects health surveys.

6.—(1) It shall be the duty of the Minister to arrange from time to time for such surveys as appear to him to be desirable to be made as respects the health, or any particular aspects of the health, of persons, or of particular classes of persons, in the functional area of a health authority in relation to whom regulations under section 2 of this Act are in force.

(2) A survey under this section may be arranged through the health authority or their officers or through such other organisation or body as the Minister considers appropriate.

(3) The Minister shall cause to be presented to each House of the Oireachtas a report on a survey made under this section but such report shall not include any information in respect of any identifiable person.

(4) Any information in relation to the health of individuals which is obtained in the course of a survey under this section shall be treated in a confidential manner.

(5) Nothing in this section shall be construed as imposing an obligation on any person to submit himself or any person for whom he is responsible to examination.

SECT 7

Duty of health authority to make estimate of incidence of dental caries in their functional area.

7.—(1) It shall be the duty of each health authority, whenever and so often as the Minister so requires, to make, before such date as the Minister may specify, such estimate as may be directed by the Minister of the incidence of dental caries in their functional area or in a specified part of their functional area, either with respect to all persons therein or to a specified class of such persons, and to furnish to the Minister particulars of such estimate as soon as may be after it is made.

(2) Nothing in this section shall be construed as imposing an obligation on any person to submit himself or any person for whom he is responsible to examination.

SECT 8

Construction of Health Services (Financial Provisions) Act, 1947.

8.—In its application to a service under this Act, subsection (2) of section 2 of the Health Services (Financial Provisions) Act,

1947, shall be construed as if "the date of the declaration," were substituted for "the 1st day of April next after the making of the declaration,"

SECT 9

Laying of regulations before Houses of the Oireachtas.

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

SECT 10

Short title and collective citation.

10.—(1) This Act may be cited as the Health (Fluoridation of Water Supplies) Act, 1960.

(2) The Health Acts, 1947 to 1958, and this Act may be cited together as the Health Acts, 1947 to 1960.