

S.I. No. 280 of 2001

Commission to Inquire into Child Abuse Act, 2000

(Additional Functions) Order, 2001

Whereas the report compiled by the Chief Medical Officer of the Department of Health and Children entitled “Report on three clinical trials involving babies and children in institutional settings 1960/1961, 1970 and 1973”, was referred to the Commission to Inquire into Child Abuse (“the Commission”) by the Minister for Health and Children on the 13 November, 2000 and the Commission was requested by the Minister for Health and Children to inquire into the clinical trials referred to in the report:

And whereas the Chairperson of the Commission has requested the Government to define the parameters of the Inquiry:

Now the Government, in exercise of the powers conferred on them by section 4 of the Commission to Inquire into Child Abuse Act, 2000 (No. 7 of 2000), and after consultation with the Commission, hereby make the following order with respect to which pursuant to the said section 4, a draft has been laid before each House of the Oireachtas and a resolution approving of the draft has been passed by each such House:

1. (1) This Order may be cited as the Commission to Inquire into Child Abuse Act, 2000 (Additional Functions) Order, 2001.

(2) This Order shall come into operation on the 19th day of June, 2001.

2. In this Order –

“the Act” means the Commission to Inquire into Child Abuse Act, 2000 (No. 7 of 2000);

“the report” means the report compiled by the Chief Medical Officer of the Department

of Health and Children entitled “Report on three clinical trials involving babies and children in institutional settings 1960/1961, 1970 and 1973”.

3. The following additional functions are hereby conferred on the Commission, namely:

- (a) to inquire, through the Investigation Committee, into the circumstances, legality, conduct, ethical propriety and effects on the subjects thereof of –
 - i. the 3 vaccine trials referred to in the report, and
 - ii. any systematic trials of a vaccine or the mode of delivery thereof to test its efficacy or to ascertain its side effects on a person found by the Investigation Committee to have taken place during the period commencing on 1 January 1940 and ending on 31 December 1987, and to have been conducted in an institution, following an allegation by a person that he or she as a child in the institution was a subject thereof, and
- b) to prepare and publish to the general public in such manner and at such time as the Commission may determine a report in writing specifying the determinations made by the Investigation Committee in its report under Article 4 of this Order.

4. The following additional functions are hereby conferred on the Investigation Committee namely:

- a) to make determinations in relation to the matters specified in paragraph (a) of Article 3 of this Order,

- b) to prepare a report in writing of the results of the inquiry referred to in the said Article 3 specifying in it the determinations made by it pursuant to paragraph (a) of this Article, and
 - c) to furnish the report to the Commission.
5. The powers conferred on the Commission and the Investigation Committee in relation to the inquiries made by them under the Act shall apply to the inquiry aforesaid.

Bertie Ahern

L.S.

Given under the Official Seal of the Government

19 June, 2001.